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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

Initial report

KAZAKHSTAN

[27 July 2009]

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Introduction

1. This report was prepared in accordance with article 40 of the International Covenant on Civil and Political Rights (hereinafter referred to as the "Covenant"). All appropriate governmental bodies participated in the preparation of this report, including the Commission on Human Rights attached to the Office of the President, the National Centre for Human Rights led by the Commissioner for Human Rights, the National Commission for Women's Affairs and Family-Demographic Policy attached to the Office of the President, the Central Election Commission, the Supreme Court, the Office of the Procurator-General, the Ministry of Interior Affairs, the Ministry of Justice, the Ministry of Foreign Relations, the Ministry of Labour and Social Protection of the Population, the Ministry of Culture and Information and the Ministry of Education and Science.
2. The Charter for Human Rights Foundation, the Kazakhstan International Bureau for Human Rights and Rule of Law and the Freedom House observer group were among the non-governmental organizations involved in preparing this report. Among international organizations, the OSCE Centre in Astana also participated.
3. This report reflects measures taken or being taken by the government for implementing the rights recognized in the Covenant. Kazakhstan ratified the International Covenant on Civil and Political Rights by law of 28 November 2005.
4. This report was drafted on the basis of legislation, material and information from government bodies and non-governmental organizations, a basic report on the status of human rights in Kazakhstan, the work of a preparatory working group formed in accordance with a resolution of an international round table on 17 April 2006 organized by the Commission on Human Rights under the President, a preliminary report of non-governmental human rights organizations in Kazakhstan concerning compliance by Kazakhstan with the International Covenant on Civil and Political Rights and the results of sociological research by the Association of Independent Sociologists of Kazakhstan entitled "Human Rights in Kazakhstan: Public Opinion", which was sponsored by the United Nations Development Programme.

General Information

A. Basic information

5. Kazakhstan has an area of 2,724,900 square kilometres. As of 1 January 2007, the administrative and territorial units were divided into 14 oblasts, two cities of national importance, 160 districts, 39 cities of provincial importance, 45 cities of district importance, eight urban districts, 161 settlements, 2,336 rural administrations, 167 settlements and 7,262 villages/rural settlements.
6. As of 1 April 2007, the total population of Kazakhstan was 15,437,607 persons, of which 8,148,566 persons (52.8 per cent) were living in urban areas and 7,289,041 persons (47.2 per cent) were living in rural areas. The population had increased by 40,700 persons since 1 January 2007.
7. Population growth was recorded in all regions of the country, except Kostanay, East Kazakhstan and North Kazakhstan provinces. The highest population growth figure for January–March 2007 was 34,772 persons. A total of 314,631 births were registered in 2007. The number of deaths recorded during 2008 was 155,172 persons. The economically active population 15 years of age or older reached 8,421,350 persons, 7,862,099 of which were employed, and 559,251 of which were unemployed. The level of total unemployment was 6.6 per cent. The number of wage-earners among the active population reached 5,229,918 persons (66.5 per cent out of all active persons), and 2,632,181 persons (33.5 per cent) were self-employed.
8. The real growth rate of the gross domestic product was 8.5 per cent in 2007 compared to 2006. The consumer price index (inflation) in January 2008 compared to December 2007 rose by 1.1 per cent. Between January 2007 and January 2008, the consumer price index rose by 18.7 per cent, but wholesale prices in the industrial manufacturing sector decreased by 0.1 per cent in January 2008 compared to December 2007. Between January 2007 and January

2008, wholesale prices increased by 31.7 per cent. According to data provided by the State Statistics Agency, the average nominal monetary income in 2007 was 310,153 tenge.

B. Political and legal systems

The Constitution

9. The current Constitution is the second to be adopted during the 15-year existence of independent Kazakhstan. The first Constitution was in force from 28 January 1993 until 30 August 1995. The Constitution of the Kazakh Soviet Socialist Republic was in force until 1993. The current Constitution was adopted by referendum of 30 August 1995. In accordance with the law on the introduction of amendments and addenda to the Constitution of 21 May 2007, a number of changes have been made to the Constitution (hereinafter referred to as the “Constitution”), namely:

- Authorization for State financing of civil society organizations, including political parties (this was previously subject to a constitutional prohibition);
- Transfer to the courts of the power to order arrest (previously a function of the procuratorial authorities);
- A reduction in the term of office of the President from seven to five years;
- Removal of the provision that during his term of office the President must suspend his or her membership in his political party, unless otherwise provided for in a specific constitutional proposal;
- An increase in the number of seats in the lower (the Majilis) and upper (the Senate) chambers of Parliament;
- An increase of the number of members of the Senate appointed by the President;
- Strengthening of the powers of political parties by depriving members of the Majilis of their seats in the event they are expelled from their party or if that party ceases activities;
- An increase of the term of office of members of local representative bodies (*maslikhats*).

10. The Constitution guarantees fundamental human rights and freedoms (section II of the Constitution). The Constitution may be amended by Parliament on the proposal of the President. Likewise, amendments to the Constitution may be adopted by national referendum held by decision of the President, acting on his own initiative or on the proposal of Parliament or the Government. A draft change to the Constitution is not submitted to a national referendum, if the President decides to submit it to Parliament for consideration. In such cases, the parliamentary decision is taken in accordance with the procedure set out in the Constitution. If the President rejects a parliamentary proposal to submit an amendment to a national referendum, Parliament is entitled, by a majority of at least four fifths of the total membership of each chamber, to pass an act incorporating that amendment in the Constitution. In that case, the President must either sign the act or submit it to a national referendum, which is deemed to have been held if votes are cast by more than one half of the citizens of the Republic entitled to take part in national referendums. An amendment submitted to a national referendum is deemed adopted if it is supported by more than one half of the citizens participating in the vote in at least two thirds of the administrative districts, the cities of national significance and the capital.¹

¹In accordance with amendments introduced in the Constitution according to the law on the introduction of changes and amendments to the Constitution of 21 May 2007.

The President

11. Kazakhstan has a presidential form of government. The President is elected for a term of five years by the adult citizens on the basis of universal, equal and direct suffrage in a secret ballot in accordance with the Elections Act of 28 September 1995. The same person may not be elected president more than twice in succession. However, this provision does not apply to the first president of the Republic.

12. The President determines the government's general domestic and foreign policies, calls parliamentary elections, takes decisions concerning the holding of referendums and signs laws, international agreements and

instruments of ratification. The President is empowered to propose legislation. Following consultations with the political parties represented in the, he may submit to the Majilis for approval his candidate for the post of Prime Minister. Having obtained such approval, he appoints the Prime Minister, whom he may also remove from his post. On the Prime Minister's proposal, he determines the structure of the Government and constitutes, dissolves and reorganizes the central executive organs of the Republic which do not form part of the Government and appoints the members of the Government. He appoints the ministers of foreign affairs, defence, internal affairs and justice, and he may remove members of the Government from office. He swears in the members of the Government. He presides over meetings of the Government on especially important issues. He may instruct the Government to table draft legislation in the Majilis and may revoke or suspend fully or partially acts of the Government or the Prime Minister or the *akims* (governors) of the districts, the cities of national significance and the capital.

13. With the consent of the Senate, the President appoints the governor of the National Bank, the Procurator-General and the chairman of the National Security Committee. He may also dismiss them from office. The President appoints the chairman and two members of the Constitutional Council. The President also appoints for a term of office of five years the chairman and two members of the Central Electoral Commission, the chairman and two of the members of the National Budget Performance Monitoring Committee. After consulting the presidents of the two chambers of Parliament and the Prime Minister, the President may dissolve Parliament or its lower chamber. The President is the commander-in-chief of the armed forces and presides over meetings of the Government on especially important issues. The President appoints the Security Council and other consultative and advisory bodies, the People's Assembly of Kazakhstan and the Higher Council of the Judiciary. The President takes decisions on questions of citizenship and the granting of political asylum, pardons citizens and confers State decorations, honours and higher military and other ranks, service grades, diplomatic ranks and higher qualifications, as well as performing the other duties specified in the Constitution.

14. The President has the right to veto acts adopted by Parliament and to revoke or suspend any regulatory measures taken by the Government or executive authorities. He may issue decrees and orders of binding force in the national territory, and, in the cases specified in the 1995 Constitution, he may issue decrees having the force of laws. The President's other powers are set out in the Presidency Act of 26 December 1995.

15. The President may be removed from office by Parliament only if he commits treason. A final decision to remove the President requires the support of a majority of at least three quarters of the total membership of each of the two chambers of Parliament, following a decision by the Supreme Court that the charge of treason is justified and a decision by the Constitutional Council that the established constitutional procedures have been observed. The President may be dismissed from office before the end of his term of office in the event of a persistent incapacity to perform his duties owing to ill health.

The Parliament

16. Parliament consists of two chambers: the Senate and the Majilis. The Senate is elected on the basis of two members from each oblast, city of national significance and the capital. Senators are elected by the members of the representative local authorities, the *maslikhats*. Fifteen senators are appointed by the President on the basis of the composition of the country's nationalities and cultures and other important interests of society. The Majilis has 107 deputies. Ninety-eight of those deputies are elected by universal, equal and direct suffrage in a secret ballot. The other

nine members are elected by the People's Assembly. Seats in the Majilis are distributed on the basis of party lists to the political parties obtaining at least seven per cent of the votes cast in that election. Senators are elected for a term of seven years, and members of the Majilis for five years.

17. The mandate of a member of Parliament is terminated in the event of retirement or death, the declaration in a final court decision that the member lacks legal capacity, is dead or is missing with whereabouts unknown and in the other cases specified in the Constitution and other legislation. The mandate of a member of Parliament is terminated if he or she takes up permanent residence outside Kazakhstan, is convicted of a criminal offence or loses Kazakh nationality. A mandate is also terminated if the member leaves or is expelled from the political party from whose list he or she was elected in accordance with the Constitution or if that political party is wound up in accordance with the Constitutional.

18. The mandates of appointed senators may be terminated before the end of their term of office by decision of the President. The mandates of members of either chamber of Parliament are terminated in the event of the dissolution of the chamber in question. Parliament enacts, amends and supplements legislation and ratifies and denounces Kazakhstan's international agreements.

19. In joint sessions of both chambers, Parliament may:

- Adopt amendments and additions to the Constitution on the proposal of the President;
- Approve the reports of the Government and the National Budget Performance Monitoring Committee. Failure by Parliament to approve the Government's budget performance reports constitutes a vote of no confidence in the Government;
- On the President's proposal, Parliament may delegate to him by a two-thirds majority of the total membership of the two chambers legislative powers for a maximum period of one year;
- Parliament takes decisions on matters of war and peace;
- On the President's proposal it takes decisions on the use of the armed forces in order to fulfil international obligations with respect to the maintenance of peace and security;
- Parliament exercises other powers assigned to it by the Constitution.

20. Authority to make legislative proposals is held by the President, the members of Parliament and the Government and those proposals are acted on exclusively by the Majilis. If an act or an article of an act prompts an objection by the President, Parliament conducts a detailed examination of the issues in two readings, one in the Majilis, the other in the Senate, followed by a vote within one month of the notification of the objection. Failure to comply with this time limit constitutes acceptance of the President's objection. If the Majilis and the Senate, by a two-thirds majority of the total members of each chamber, confirm a decision taken earlier, the President must sign the act in question into law within one month. If either of the two chambers fails to vote down the President's objections, the act may be deemed either rejected or adopted in the wording proposed by the President. The President's objections to constitutional acts may be rejected by a vote of at least three quarters of the total membership of each chamber.

21. The Senate elects and dismisses, on the proposal of the President, the President of the Supreme Court and its judges, approves the President's nominees for Governor of the National Bank, Procurator-General and chairman of the National Security Committee. The Senate performs the functions of Parliament with regard to the adoption of constitutional and other acts when the Majilis is not in session owing to its suspension before the end of its term. The acceptance for consideration of draft legislation and other acts submitted to Parliament and their consideration lie within the exclusive province of the Majilis, which also approves by a majority vote of its total membership the President's candidate for the post of Prime Minister.

22. On the proposal of at least one fifth of its total membership the Majilis is empowered to adopt by a simple majority of its total membership a vote of no confidence in the Government. The President may dissolve Parliament or the Majilis following consultation with the chairmen of the two chambers and the Prime Minister. The organization and activities of Parliament are set out in the Parliament (Members' Status) Constitutional Act of 16 December 1995.

The Government

23. The Government is formed by the President, and it is responsible to the President and subordinate to Parliament. The Prime Minister is appointed by the President with the approval of the Majilis. Parliament considers the Government's programme and approves or rejects it. Each house of Parliament is independent without participation in the other house of Parliament. Parliament has the right to be informed of reports and by a simple majority of votes of both houses has the right to appeal to the President to dismiss a member of the government in the event of a failure to obey the laws of the Republic. If the President rejects such a request, the members of the chamber in question have the

right by a majority vote six months after the date of the original submission once again to put to him a request for removal of the member of the Government. The President must then dismiss that member.

24. The President is entitled on his own initiative to decide to dissolve the Government or to remove any of its members from office. The removal of the Prime Minister signifies dissolution of the Government. The powers of the Government and the procedure for its organization and functions are set out in the Government Constitutional Act of 18 December 1995.

The Constitutional Council

25. The Constitutional Council is formed in accordance with the 1995 Constitution. It reviews the legislation enacted by Parliament before signature by the President to ensure that it is compatible with the Constitution. It examines the country's international agreements before ratification for the same purpose, and it issues official interpretations of the provisions of the Constitution. In the event of a dispute, it rules on the correctness of the conduct of the election of the President, members of Parliament and the conduct of national referendums, and it reviews the orders adopted by Parliament and its chambers to ensure their compatibility with the Constitution. It also exercises other powers specified in the Constitution.

26. The Constitutional Council performs these functions only at the request of the President, the Prime Minister, the President of the Senate, the President of the Majilis or a majority of at least one fifth of the total membership of Parliament. Laws or regulations that infringe on consolidation of the Constitution and individual civic rights and liberties are abrogated and their application is cancelled by the Constitutional Council. The Constitutional Council is composed of seven members serving a term of office of six years. Two members of the Council are appointed each by the Senate and the Majilis, and two members and the chairman are appointed by the President.

The Courts and Justice

27. The courts consist of permanent judges, whose independence is protected by the Constitution and the law. The system consists of the Supreme Court and local courts. All judges except for the members of the Supreme Court are appointed by the President. The Supreme Court is Kazakhstan's highest judicial organ. The President and judges of the Supreme Court are elected by the Senate on the proposal of the President. The courts are not entitled to apply laws and other legislation that restrict the human rights and freedoms or the rights of citizens enshrined in the Constitution.

28. The status of the courts and the Higher Council of the Judiciary and the procedures for their formation and the organization of their work are set out in the Courts and Status of Judges Constitutional Act of 20 December 2000. Jury trials were introduced in Kazakhstan on 1 January 2007. In accordance with the presidential decree on the formation of specialized inter-district courts for trying minors of 23 August 2007, specialized courts for trying cases involving minors were first created in the cities of Astana and Almaty, which were authorized to hold penal trials of cases concerning administrative violations in relation to minors and civil cases affecting their interests in accordance with

legislative acts. Subsequently, a decision will be taken about their creation in other regions of Kazakhstan in light of their work.

The Office of the Procurator-General

29. The Office of the Procurator-General is responsible for the overall supervision of the accurate and uniform application of laws, presidential decrees and other legislation. It represents the interests of the State in the courts and conducts criminal investigations in accordance with the limitations prescribed by law. That Office constitutes a single centralised system staffed by junior procurators subordinate to senior procurators and to the Procurator-General, who is appointed by the President for a term of five years. The Office is answerable solely to the President. The powers, organization and activities of the Office are set out in the Office of the Procurator-General Act of 21 December 1995.

Local authorities

30. State government at the local level is in the hands of local representative and executive bodies, which are responsible for their respective areas. The local representative bodies (*maslikhats*) are elected by the people by universal, equal and direct suffrage for a term of five years. The *maslikhats* are responsible for the following matters: approval of plans, economic and social programmes for the development of the local area, local budgets and budget performance reports, decisions on questions of local administration and development, examination of the reports of the chief local executive bodies on matters falling within the jurisdiction of the *mashlikat* and the exercise of other powers to protect the rights and legitimate interests of citizens. The local executive bodies are part of a unitary national system of executive bodies. They are responsible for carrying out country-wide policies of the central executive in their respective areas. Local executive bodies are responsible for the following matters: the formulation of economic and social development plans and local budgets; the management of community property and the exercise of the other powers set out in the Constitution and legislation.

31. The governors (*akims*) of the districts, cities of national significance and the capital are appointed by the President with the approval of the *maslikhats* of oblasts, the cities of national significance and the capital. A vote of no confidence in an *akim* may be called for on the initiative of at least one fifth of the total membership of a *maslikhat*. In such cases the *maslikhat* is entitled, by a simple majority of its total membership, to express its lack of confidence in the *akim* and to submit a request for his removal from office to the President or to a more senior *akim*, as appropriate. The mandates of *akims* of oblasts, the cities of national importance and the capital are terminated when a newly elected President takes up his post.

The Commission on Human Rights attached to the Office of the President

32. By presidential decree of 12 February 1994, the Commission on Human Rights was established as a consultative-advisory body under the President. As of 18 January 2007, there were 22 persons on that Commission, representing various social and economic strata, ethnic identities and political, professional and departmental groups reflecting the specific characteristics of Kazakh society. The Commission's principal task is to assist the President in the exercise of his constitutional mandate to safeguard human rights and freedoms. The Commission prepares proposals to improve the government's human rights policies and boost the effectiveness of the human rights machinery. The Commission advises on approaches to the study of the status of human rights, identifies gaps in legislation and enforces the practice of government bodies.

33. The Commission cooperates with government bodies, the courts, the Office of the Procurator-General and the police as well as with non-governmental organizations in joint activities aimed at protecting the legal rights and interests of Kazakhstan.

The Commissioner for Human Rights

34. The position of Commissioner for Human Rights was established by presidential decree of 19 September 2002. The Commissioner for Human Rights presides over multi-dimensional work for the promotion of awareness about that institution and for the study and promotion of influence of the institution of Ombudsman for improving government administration. The National Centre for Human Rights operates under the Commissioner for Human Rights.

The National Commission on Family Affairs and Gender Policy under the Office of the President

35. By presidential decree of 1 February 2006, the National Commission on Family Affairs and Gender Policy under the Office of the President was established. This consultative-advisory body deals with issues of the defence of the family, children's rights, women and men, as well as development of gender policy.

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

36. The constitutional law of 16 December 1991 on national independence proclaimed the national independence of Kazakhstan. In accordance with article 2 of the Constitution, Kazakhstan is a unitary government with a presidential form of government. The sovereignty of the Republic extends throughout its territory. According to article 3 of the Constitution, the sole source of governmental authority is the people. The people delegate power directly through national referendum and free elections and delegate implementation of their authority to government bodies. No one may appropriate power in the Republic of Kazakhstan. Appropriation of power is punishable by law. The right to represent the people and the government belongs to the President as well as to Parliament within its constitutional powers. The Government and other government bodies act on behalf of the government within the powers delegated to them.

37. Governmental authority is unitary and is based on the Constitution and laws in accordance with the principle of a division into legislative, executive and judicial branches and cooperation among all, using a system of checks and balances.

38. The Constitution guarantees fundamental rights and individual freedoms. According to article 8 of the Constitution, the Republic respects the principles and norms of international law, pursues a policy of cooperation and good-neighbourly relations with other governments based on equality and non-interference in each other's domestic

affairs, encourages the peaceful resolution of international conflicts and renounces the first use of armed force. Ensuring inter-ethnic harmony is an important task of the government and is pursued at all levels, including by Parliament. More than 130 ethnic groups reside in Kazakhstan. The People's Assembly of Kazakhstan has been created in order to ensure the participation of all ethnic groups in civic life. All ethnic groups and peoples living in this multi-ethnic society are represented in that Assembly. The legal basis for the creation and functioning of the Assembly is set forth in the Constitution. Nine deputies are elected by the Assembly from among the 107 deputies of the Majilis. Measures are taken at the legislative level to strengthen the legal status of the People's Assembly. A law establishing the People's Assembly and its legal status was adopted, providing for the organization of activities aimed at strengthening its constitutional role in promoting effective interaction in the field of inter-ethnic relations between the government and civil society institutions.

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

39. According to article 4 of the Constitution, the basis for all law in the Republic stems from the provisions of the Constitution, appropriate laws, other regulatory acts, international agreements and other obligations of the Republic, as well as regulatory resolutions of the Constitutional Council and the Supreme Court. The Constitution is the highest legal authority and is directly applicable throughout the country. Penal legislation is based on the Constitution, legislation and general principles and norms of international law. According to article 1 of the Code of Penal Procedure, criminal legal proceedings in Kazakhstan are governed by the Constitution, constitutional laws and general principles and norms of international law. International agreements and other obligations of Kazakhstan together with decisions of the Constitutional Council and the Supreme Court regulate criminal legal proceedings and are a component of the law.

40. All laws and international agreements to which the Republic is a party are published. Official publication of regulatory acts concerning civic rights, freedoms and obligations is a prerequisite for their application. According to article 20 of the law of 30 May 2005 on international agreements to which Kazakhstan is a party,

"1. Every active international agreement to which the Republic of Kazakhstan is a party is subject to obligatory and conscientious implementation by the Republic of Kazakhstan. ...

3. The President and the Government of Kazakhstan take steps to ensure implementation of international agreements by Kazakhstan.

4. The central government ensures compliance within its jurisdiction with the obligations of international agreements adopted by Kazakhstan, monitors implementation of rights resulting from those international agreements and monitors implementation of the obligations of other participants in international agreements.

5. General observation and monitoring of the implementation of international agreements are carried out by the Ministry of Foreign Affairs."

41. Kazakhstan is a party to the Vienna Convention on the Law of Treaties of 1969, which does not determine the domestic procedure that State parties must follow at the national level in order to bring international agreements into force. According to article 26 of that Convention, State parties to international agreements may not use aspects of domestic law to justify non-implementation of their agreements. In other words, governments must observe the principle of *pacta sunt servanda*, which means "agreements must be kept".

42. According to article 4 of the Constitution, all international agreements ratified by the Republic have priority over laws and are directly implemented, except in cases when international agreements require implementation of a law. The International Covenant on Civil and Political Rights was ratified by Kazakhstan without reservations and, therefore, has priority over domestic laws. Accordingly, norms of the Covenant may be applied directly in the territory of the Republic. International agreements to which Kazakhstan has become a party through other means of adhesion (through approval, accession or signing) become constitutional norms under current law along with other international obligations. There are no limitations on their direct application, but in the event that they are in conflict with domestic laws, the later have priority. But that does not mean that those treaties are automatically deprived of their legal force. For those international agreements, the law on international agreements provides a compulsory procedure for their ratification (article 11). In adopting internal procedures, the government reserves the right to adopt any measures required for addressing specific conditions, such as additional procedures or negotiations with other parties.

43. Ratification of international agreements in which the Republic participates is obligatory. That includes:

- Issues that involve individual civic rights and liberties;
- Implementation that requires changes in activities or adoption of new laws;
- Treaties concerning territorial delineation of Kazakhstan with other countries, including international agreements concerning delimitation of Kazakhstan's national boundaries and delimitation of Kazakhstan's exclusive economic zones and continental shelf;
- General intergovernmental relations involving questions of disarmament and international arms control, international peace and security and international peace treaties and international agreements concerning collective security;
- Participation of Kazakhstan in intergovernmental associations and international organizations, if those international agreements involve transfer of part of the sovereign rights of the Republic or create legally binding decisions for Kazakhstan;
- Government loans;

- Provision by Kazakhstan of economic and other assistance, except humanitarian, under agreements negotiated by parties agreeing on their later ratification and if international agreements provide that those agreements be confirmed by ratification.

44. The current Constitution was adopted in 1995. Therefore, compliance and implementation of international agreements to which Kazakhstan became a signatory before adoption of that Constitution have been official interpreted by the Constitutional Council. According to resolution No. 18/2 of the Constitutional Council of 11 October 2000 on official interpretation of paragraph 3 of article 4, international agreements to which Kazakhstan became a participant before 1995 have priority over laws of the Republic, if they are confirmed directly by law. According to the resolution of the Constitutional Council of 18 May 2006 on the official interpretation of subparagraph 7 of article 54 of the Constitution, in the event that recognition required of an international agreement by Kazakhstan or a portion of its provisions contradicts the Constitution, that agreement is recognized as fully or partially inappropriate under the Constitution and is not enforceable. In that case, all necessary measures must be adopted, including negotiations with other parties, to address the identified contradictions, because in accordance with the Vienna Convention on the Law of Treaties of 1969 States parties must not deprive agreements of their meaning.

45. Litigation in Kazakhstan shows that courts do not yet base their decisions on widely cited norms of international agreements on human rights ratified by Kazakhstan. To address that gap, the Supreme Court drafted and adopted a resolution on application by the courts of norms for ratification of international agreements in the field of human rights. That body is currently conducting ongoing refresher courses for judges, including in the field of international law. At the level of legislation, the question of broad application of norms of international agreements with the participation of the Republic and their implementation in domestic legislation is currently insufficiently settled. In that connection, the government supported a proposal to develop draft legislation for the introduction of changes in the law on international agreements, in which it was planned to close the existing gap and to provide clear details about questions of monitoring implementation of obligations contained in international agreements to which Kazakhstan is a party.

46. That step corresponds to recommendations of the Committee on the Rights of the Child, resulting from the review of the initial report of Kazakhstan on implementation of the Convention on the Rights of the Child. Questions about monitoring implementation of existing obligations is regulated by presidential decree No. 2940 of 9 April 1996 on questions of implementation of international agreements and arrangements reached during meetings and summit negotiations at the intergovernmental level, as well as decisions of international organizations of which Kazakhstan is a member.

47. The Inter-agency Commission on International Humanitarian Law and Human Rights ensures participation in the coordination of this work by all governmental bodies concerned. It reviews and makes proposals to the government for participation in international agreements in the field of humanitarian law, fulfilment of existing international obligations and improvement of ethnic legislation in accordance with norms of international humanitarian law. The Commission was created by resolution No. 1251 of 9 December 2003 on the creation of the Inter-agency Commission on International Humanitarian Law and international agreements on human rights". In addition, that government Commission acts as an expert advisor in cooperation with international organizations for which the whole question of the participation of the Republic in international organizations and universal conventions enters into consideration.

48. In order to pass legislation and identify promising areas for improving domestic legislation, including reports on the successful experience of other countries, international organizations and recognized international standards as well as international obligations assumed and national interests, the government has drafted a legal policy that it plans to submit to a review by the President. The domestic authority responsible for the provision of mandatory review by the effective legal remedies is, first of all, the courts. Appeal to administrative bodies may also suffice as long as it is effective. The jurisdiction of the bodies referred to above in the section on general provisions is strictly regulated by the laws of Kazakhstan, including partial procedures and periods for review of appeals by citizens and legal entities involved in compliance and protection of human rights.

49. The law on the procedure for considering appeals of physical persons and legal entities was adopted in January 2007. It established the procedure for physical persons and legal entities to file, monitor and appeal to governmental bodies for the full use and protection of their rights, liberties and legal interests. The procedure established for

reviewing complaints, enquiries and declarations by citizens as well as the procedure for replying to those appeals is sufficiently clear. In addition to the courts and government bodies, there are specialized human rights institutions, namely, the Commission for Human Rights under the President and the Commissioner for Human Rights. The Office of the Commissioner has existed since 2002. In accordance with paragraph 17 of the provisions concerning the Commissioner approved by Presidential decree No. 947 of 19 September 2002, in carrying out his activities, the

Commissioner considers the appeals of citizens as well as foreign citizens and persons without citizenship concerning complaints about actions and decisions of officials and organizations, the violation of their rights and freedoms guaranteed by the Constitution, legislative acts and international agreements. The Commissioner verifies the facts surrounding purported violation of human and civic rights and freedoms, both on the basis of appeals received and on his own initiative, if he becomes aware of those violations from official sources or the mass media.

50. When checking facts stated in the appeals, the Commissioner has the right under existing legislation to:

- Request information required for reviewing information in the complaints from officials and organizations ;
- Meet with the leaders and other officials of government bodies and other organizations;
- Submit a proposal to Parliament to hold parliamentary hearings on matters resulting from the review of complaints of citizens, aliens and persons without citizenship, as well as in obtaining others by means of information about violation of their rights and liberties;
- Involve organizations and professionals with expertise and constitutional experience in the preparation of conclusions concerning circumstances related to the violation of human and civic rights;
- Take steps to protect against the violation of human and civil rights and liberties;
- Visit governmental bodies and organizations, including military bases and units as well as places of detention to meet and talk with people confined there upon presentation of proper identification;
- Have access to authorized governmental bodies and officials in order to promote disciplinary or administrative steps or a criminal case against an official for violation of human and civil rights and liberties;
- Publish official reports on the results of checks carried out in the mass media.

51. Since these activities were established, 8,758 written and oral appeals have been received. In accordance with the Paris Principles concerning the status of national institutions, national institutions for human rights are endowed with possible broader powers clearly set out in constitutional or legislative acts defining their composition and terms of reference. The question of the institutionalization of the status of the Commissioner will be reviewed during the next two years. With regard to access to funds for legal protection, in accordance with the Constitution and other normative legal acts, citizens have the right to seek the protection of their rights and liberties on a wide range of subjects from domestic governmental bodies and specialized agencies of international organizations.

52. During the sixty-second session of the General Assembly, the President signed the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment. Those protocols have now been ratified and have priority over domestic laws. By presidential decree No. 493, recognition of the jurisdiction of the Committee against Torture provided for in articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Kazakhstan was approved on 19 December 2007.

53. According to article 1 of the amended Code of Criminal Procedure of 13 December 1997, criminal legal proceedings in Kazakhstan are regulated by the Constitution, constitutional laws and generally accepted principles and norms of international law. International agreements and other obligations, as well as regulatory resolutions of the

Constitutional Council and decisions of the Supreme Court governing penal legal proceedings, are part of penal procedure law.

54. Paragraph 8 of article 3 of the Civil Code of 27 December 1994 provides that when international agreements to which Kazakhstan is a signatory establish rules that are different than those contained in domestic legislation, the rules of those treaties shall apply. The international agreements to which Kazakhstan is a signatory shall apply directly to civil relations, except in cases where it ensues from a treaty that its application requires promulgation of domestic legislation. In accordance with article 2 of the amended Code of Civil Procedure of 13 July 1999, legal proceedings in civil cases are governed in Kazakhstan by constitutional laws and the Code of Civil Procedure, namely the Constitution and recognized principles and norms of international law. International agreements and other obligations of Kazakhstan are part of civil procedure law. Likewise, article 2 of the Code on Administrative Violations of 30 January 2001 provides that international agreements and other obligations governing delicate administrative relationships are part of the legislation on administrative violations. Norms of international agreements and other obligations are part of the current law in Kazakhstan. International agreements ratified by Kazakhstan have priority over domestic laws and are applied directly, except in cases where international agreements require adoption of a law for their implementation.

55. According to the law on the judicial system and the status of judges, judicial authority belongs only to courts represented by permanent judges and jurors involved in criminal legal proceedings in cases and procedures provided for by law. Justice is carried out only by courts. Publication of legislative acts involving the transfer of the exclusive jurisdiction of the court to other bodies is prohibited. No other body or person has the right to usurp the powers of the courts or the function of judicial authority. Statements, affidavits and complaints used in reviews in legal proceedings may not be examined or reviewed by other bodies, officials or persons.

56. Guarantees are provided for in the Constitution and laws for judicial protection from any misconduct in the decisions and actions of government bodies, organizations, officials and other persons, infringing or limiting rights, freedoms and legal interests. No one shall be deprived of the right of review of his case in compliance with all requirements of the law and legal jurisdiction by an independent and impartial court. Judicial authority is to be carried out by civil, criminal and other established legal forms of legal proceedings. In the event of the violation of constitutional and other individual and civic rights and freedoms, national legislation provides for criminal responsibility in a whole series of articles of the Criminal Code (Chapter 3 of the Criminal Code): article 141 on violation of the equality of citizens, article 142 on infringement upon privacy, article 143 on illegal violation of private correspondence, telephone calls, mail, telegraphic messages and other messages, article 144 on divulging of a medical secret, article 145 on infringement of the inviolability of housing, article 146 on interference with electoral rights or the work of electoral commissions, article 147 on falsification of electoral documents, documents for a referendum or fraudulent calculation of ballots, article 148 on violation of labour legislation, article 149 on infringement upon the exercise of the right of free conscience and religion, article 150 on impediments to the activity of public associations, article 151 on infringement upon the right to hold a rally, meeting, demonstration, march, picketing or participation in them, article 152 on violation of the rules of labour safety, article 153 on coercion into participation in a strike or into refusal to participate in a strike, article 154 on refusal to provide information to a citizen and article 155 on interference in the legal professional activity of a journalist. The amended Civil Code of 27 December 1994 provides protection of individual non-property and property rights. Articles 144–146 of that Code provide for the right to protect the secrecy of private life, one's own image and the inviolability of the home.

57. Protection of civil rights is ensured by the recognition of rights, the restoration of the situation that existed before the violation of rights, suppression of activities that violate a right or threaten its violation, taking decisions on the performance of duties in kind, recovery of damages through penalties, recognition that a transaction is invalid, compensation for moral harm, strengthening or changing relationships, adoption of void or non-application of inappropriate legislative acts of governmental bodies or of local government or executive bodies, imposing fines on governmental bodies or an official for obstruction of legal entities in the acquisition or implementation of a right as well as other ways provided for by legislative acts.

58. The amended Code on Administrative Violations of 30 January 2001 provides for administrative responsibility for violation of human rights in the field of health protection, the health and epidemiological welfare of the population, the environment, ethics, property, social order and security of administrative responsibility; namely article 89 which deals with violation by employers or officials of legislation concerning the defence of labour or rules protecting labour,

article 221 which deals with the violation of rules on safety in the workplace, article 241 which deals with evasion of measures to eliminate the effects of ecological pollution and article 323 which deals with violations of health and hygiene and anti-epidemic rules and norms.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

59. The Constitution establishes the equality of all before the law and courts. No one may be subjected to any discrimination for reasons of origin, social status, profession, property relationship, gender, race, ethnicity, religious beliefs, opinions, place of residence or for any other circumstances.

60. The law on marriage and the family established a single minimum marriage age for men and women. Article 10 of that law establishes that age at 18 years. That legislation provides that in the event of the existence of valid reasons there is a possibility to reduce that age by not more than two years. Such reasons are considered to be pregnancy, the birth of a child, illness, threats to life and others. Reduction of the marriageable age is allowed only with the agreement of the partners in that marriage, and that marriage is allowed only with the agreement of parents or guardians. According to article 9 of the law on marriage and the family, contraction of marriage requires free mutual consent of the man and woman entering into that marriage and reaching the minimum marriageable age. In accordance with article 29 of that law, the spouses in a marriage possess equal rights and have equal obligations. Each spouse is free to choose a type of activity, profession and place of residence. Questions of motherhood, fatherhood and the raising and education of children and other questions are decided jointly by the spouses. Their relations to the family of the spouses must be based on mutual respect and mutual assistance, promotion of the welfare and strengthening of the family and concern for the health and development of their children and their welfare.

61. Women predominate in Kazakhstan, but they are not involved in taking important decisions. The typical gender pyramid of power exists, where women are present at the lower and middle levels, but few are found at the higher offices at the decision-making level. Out of all the employees holding office in bodies of governmental authority, women make up 59 per cent and men 41 per cent. There is one woman in the national government. For the first time, the Prime Minister has named a woman as a deputy in his office. There has been an increase in the number of women heading departments of the chancellery, and there are vice ministers and permanent secretaries of ministries and other governmental bodies, but there is not one single female provincial or urban *akim*. There are four female vice provincial *akims*, and two women are district *akims*, which adds up to one per cent. Among the district vice *akims*, 16.6 per cent are women, and among the *akims* of rural and small town districts, women represent 11.6 per cent of the total number of *akims*. It is estimated that 19.9 per cent of regional government bodies and 28.3 per cent of companies and organizations are headed by women.

62. Representation of women among the deputies of the fourth Majilis, in comparison to the previous Majilis, increased twofold from 8 to 17 and women are now 15.9 per cent of the deputies. There are only two women out of 37 senators in the Senate, namely 5.4 per cent. Some 599 women were elected to local assemblies, representing 17 per cent of the total, and 11 per cent of them are in provincial and local assemblies in cities of national importance. Women are unevenly represented in the assemblies in Kostanay province (29.6 per cent), in Akmolna province (23.2 per cent) and

in North Kazakhstan province (22.3 per cent), while in South Kazakhstan province they make up 4.8 per cent and in Almaty 11 per cent of the total number of assembly members.

63. In order to achieve equality not only of rights but also of opportunities for women and men, the presidential decree of 29 November 2005 approved the "Strategy for Gender Equality in the Republic of Kazakhstan for 2006–2016", which established the goal of achieving 30 per cent representation of women at the decision-making level. The Government approved measures for implementing the "Strategy for Gender Equality in the Republic of Kazakhstan for 2006–2016" by resolution. That strategy contains 55 major steps for the political and economic promotion of women,

the improvement of the reproductive health of women, men and children, the achievement of gender equality in family relations and prevention of violence in relations with women and children.

64. Parliament initiated and is currently discussing draft legislation on equal rights and equal opportunities for men and women. Draft legislation on counteracting domestic violence has been proposed and is now being reviewed by the Government. A compilation of gender statistics entitled "Women and Men of Kazakhstan" has been produced based on the past seven years, which shows how Kazakhstan is moving towards implementation of the Millennium Development Goals concerning gender equality. The National Commission on Family Affairs and Gender Policy under the President, together with the political parties, has made a substantial effort towards achieving gender balance in forming party lists for nominating candidates to leadership positions and elected bodies. In anticipation of elections in the Majilis and regular elections to local assemblies, members of the National Commission published an open letter to the leaders and members of the political parties and the People's Assembly of Kazakhstan. A national network of schools for women's leadership has been created, involving 35 non-governmental organizations from all regions of the country. It should be noted that as a result of the efforts to include women in party lists their numbers have increased compared to their numbers in the third Majilis, but the threshold of 30 per cent was reached only in the Rukhaniyat Party, which is led by a woman.

65. The Criminal Code limits protection from gender discrimination and unreasonable dismissal to women having children up to three years of age and pregnant women (part 2 of article 148 of the Criminal Code). Discrimination because of gender involving all other women is not punished and is not prosecuted. Several articles of the Criminal Code contain positive discrimination in punishment for women unrelated to the needs, physiological considerations or the maternal functions of women. Specifically, life imprisonment (article 48 of the Criminal Code) and capital punishment (article 49 of the Criminal Code) do not apply to women. Such positive discrimination is unnecessary and contradicts the principle of gender equality. A study of criminal law leads to the conclusion that positive discrimination towards women is aimed primarily at protecting their maternal functions but in practice does not protect their social functions.

66. The Criminal Code in force until 1 January 1998 provided for punishment by incarceration for a period of up to one year (article 106 of the Criminal Code in the former version) for forced marriage or continuation of cohabitation, as well as for obstructing the entry of women into a marriage of their choice. That article provided for imprisonment of up to three years for rape of a woman against her will. In the new Criminal Code, which entered into force on 1 January 1998, those offences are not included.

67. Forcing a woman to commit abortion is punished by forced labour of up to one year (article 109 of the Criminal Code in the older version). In the event an abortion leads to serious consequences, there is provision for imprisonment of up to two years. In the new Criminal Code that came into force on 1 January 1998, the provisions concerning those crimes were not approved. Those provisions included protection from traditional practices that discriminate against women. The law on marriage and the family provides for the right of spouses to the division of joint property acquired during the period of marriage and after its break-up. Article 32 of that law refers to the common property of spouses, including the income of both spouses, securities, shares, investments and capital deposited with credit institutions or other commercial organizations.

68. The right to joint property belongs to a spouse who during the period of marriage acted as a housewife caring for children or for other valid reasons did not have an independent income. There is a lack of judicial practice for reviewing cases concerning discrimination on the basis of gender. In practice, those complaints come primarily from women's and human rights organizations. In 2004, the lack of anti-discrimination legislation in Kazakhstan was described in the concluding observations of the Committee on the Elimination of Racial Discrimination as a result of the initial review for the third periodical report of Kazakhstan concerning compliance with the United Nations Convention on the Elimination of All Forms of Racial Discrimination (paragraph 8). In that connection, the following legal steps aimed at ensuring gender equality were taken during the past two years:

- Presidential decree of 29 January 2005 approving the Strategy for Gender Equality in the Republic of Kazakhstan for 2006–2016;

- Presidential decree of 1 February 2006 on the National Commission on Family Affairs and Gender Policy under the President;
- Resolution No. 600 of 29 June 2006 on the 2006–2008 Plan of Measures for Implementing the Strategy for Gender Equality in the Republic of Kazakhstan for 2006–2016.

In order to ensure equal opportunities for women and men, gender analysis was introduced into regulatory legal acts, including draft legislation. Improvement of current legislation and the drafting of new regulatory legal acts aimed at eliminating discrimination because of gender and observance of gender equality will continue.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

69. No public emergency was declared during the period under review in Kazakhstan. In accordance with the Constitution, in the event that democratic institutions, independence, territorial integrity, political stability of the Republic or the safety of its citizens are under serious and immediate threat and the normal functioning of the constitutional bodies of the State are disrupted, the President, after official consultations with the Prime Minister and the heads of the houses of Parliament, takes steps dictated by the circumstances, including declaration of an emergency throughout Kazakhstan and specific areas, use of the armed forces, and immediately informs Parliament. In accordance with the law on emergencies of 8 February 2003, measures taken under emergency conditions and restriction of rights and liberties of physical persons as well as rights of legal entities assigning them additional responsibilities should be caused by the circumstances that served as the basis for declaring the emergency. Measures and restrictions adopted in connection with emergencies must not contravene international agreements in the field of human rights ratified by Kazakhstan. There was no emergency in Kazakhstan during the period under review.

70. Temporary restrictions on rights and freedoms in connection with the declaration of an emergency are established in chapter 4 of that law (Measures and temporary limitations, adopted in connection with emergencies). Those measures and limitations are in conformity with the provisions of the Covenant. Article 39 of the Constitution contains a provision concerning those rights and freedoms, which may not be limited under any condition, namely:

- Citizens may not be deprived of their nationality, their right to change their nationality and may not be exiled from Kazakhstan under any condition;
- Citizens may not be handed over to a foreign government unless so required by international agreements to which Kazakhstan is a party;

- Everyone has the right to recognition of their legality and has the right to defend their rights and liberties by all means not contravening legal means, including self-defence;
- Everyone has the right to the legal protection of their rights and liberties;
- All are equal before the law and courts;
- No one may be subjected to any discrimination for reasons of origin, social status, occupation, property status, gender, race, ethnic affiliation, language, religious affiliation, opinions, place of residence or for any other circumstance;
- Everyone has the right to life;
- No one has the right to deprive a person of life arbitrarily. The death penalty is established by law as an exceptional measure of punishment for especially serious crimes and grants the accused the right to request clemency;
- Everyone has the right to individual liberty;
- Human dignity is inviolable;
- No one shall be subjected to torture, violence or other cruel or degrading treatment or punishment;
- Everyone has the right to determine and specify or not specify their ethnic, political and religious affiliations;
- Everyone has the right to use his native language and culture and to the free choice of language of communication, upbringing, education and creative activity;
- Everyone has the right to a free conscience;
- Property, including the right of inheritance, is guaranteed by law.

The Constitution is a legislative act having supreme legal force. Therefore, the use of special legislative acts, including the law on emergencies, must be in accordance with constitutional norms.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

71. According to article 16 of the Constitution, everyone has the right to personal freedom. Human and civic rights and liberties may be limited only by laws and only to the extent that that limitation is required for the full protection of the constitutional system, defence of social order, human rights and freedoms and the health and morals of the population. Any activity capable of disrupting inter-ethnic understanding is considered unconstitutional. No form of

restriction on civic rights and freedoms for political reasons is allowed. In no case, may the rights and liberties provided for in articles 10, 11, 13-15, paragraph 1 of article 16, article 17, article 19, article 22 and paragraph 2 of article 26 of the Constitution be restricted.

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

72. According to paragraphs 1 and 2 of article 15 of the Constitution, everyone has the right to life. No one has the right to be arbitrarily deprived by anyone of life. The Constitution establishes that no one has the right to deprive a person of life arbitrarily. Capital punishment is established by law as an exceptional measure of punishment for especially serious crimes. The sentenced person has the right to seek pardon. Norms covering capital punishment should be considered restrictive, since they apply only to the most serious crimes. Specific types of particularly serious crimes to which capital punishment may be applied are determined by the Criminal Code. At the same time, the law may prescribe punishment other than the death penalty for serious crimes. The Criminal Code outlaws the imposition of the death penalty on women and persons younger than 18 years who have committed a crime, as well as those who at the time were older than 65 years of age. At the same time, an alternative to the death penalty is life in prison.

73. According to article 165 of the Penal Enforcement Code, the basis for applying capital punishment stems from the legal force of a court's verdict, the conclusion of the Procurator-General concerning the absence of a basis for challenging the sentence of the court, the opinion of the President of the Supreme Court establishing a lack of a basis for review of a case and notification of the rejection of a petition for pardon or the refusal of the convicted person to

apply for clemency. Petitions for clemency are reviewed by the Commission on Clemency under President created by presidential decree of 5 July 2006. Decisions concerning pardons are taken by the President. According to paragraph 14 of the regulations of the Commission on Clemency under the President, the following considerations are studied and taken into account when reviewing questions concerning pardons:

- The nature and degree of the social danger of the crime, the character of the convicted person, his behaviour, relationship to work, participation in the work of independent organizations in place of imprisonment, the period of unspent punishment, his family situation and other circumstances relevant to the review of the request for pardon;
- The conclusions of the President of the Supreme Court and Procurator-General concerning the appropriateness of an act to pardon the convicted person;
- The opinions of administrative justice agencies, civil associations and labour collectives;
- A personal appeal to the victim to pardon the convicted person.

74. A petition for pardon is reviewed after the court's decision enters into force. A pardon replaces the death penalty with life imprisonment or imprisonment for a period of 25 years, releases a prisoner from serving further a punishment, reduces a period of punishment, replaces punishment decided by a court with more lenient punishment or withdraws the conviction. While a convicted person's petition for clemency is being considered, the execution verdict is suspended until a decision is taken by the President. If a convicted person refuses to lodge a petition for clemency, the administration of a detention facility prepares a corresponding act with the participation of the Procurator.

75. Verdicts involving capital punishment are enforced no earlier than one year from the time of their entry into force, as well as no earlier than one year after cancellation of the moratorium on application of capital punishment. By presidential decree of 17 December 2003, a moratorium on capital punishment was introduced on 1 January 2004. That moratorium continues in force until a decision is taken concerning full abolishment of capital punishment confirmed by a decree. Adhering to generally recognized international trends, the Government is pursuing a policy of gradual abolition of capital punishment. In that regard, resolution no. 687 of 19 July 2006 created the Inter-agency Commission for the Study of Questions concerning Abolishment of the Death Penalty in Kazakhstan for coordination of that issue. As a result of the 2007 constitutional reforms, the death penalty is now applied only for crimes of terrorism resulting in death and especially serious crimes committed during wartime, granting the sentenced person the right to seek pardon. As of December 2007, 31 persons had been sentenced to death in Kazakhstan under the provisions of paragraph 161/12 of the Criminal Code. Punishment of those prisoners was commuted to life imprisonment by presidential decree of 6 December 2007. In the future, those persons will serve the punishment established under paragraph 161/3 of the Criminal Code in the city of Jitikara.

76. In implementation of a constitutional amendment, Parliament is currently discussing draft legislation significantly reducing the offences for which that punishment applies (from 18 to 8 cases).

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

77. According to article 17 of the Constitution, no one shall be tortured or subjected to violence or other cruel or degrading treatment or punishment. Human dignity is inviolable. The Penal Enforcement Code provides that persons serving punishment have the right to courteous treatment by prison staff. They must not be subjected to cruel or degrading treatment. Coercive measures may be used on a prisoner only as permitted under general law. On the basis of the law of 29 June 1998, Kazakhstan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly Resolution 39/46 of 10 December 1984). Fulfilment by

Kazakhstan of its obligations under that Convention are described in the detailed report submitted to the Committee against Torture in 2006.

78. Article 347-1 of the Criminal Code provides for criminal responsibility for torture. An amendment was introduced in article 116 of the Code of Criminal Procedure, according to which information obtained by torture is inadmissible as evidence (paragraph 9(d) of the conclusions and recommendations of the Committee against Torture). On the issue of the exclusion of testimony obtained from torture or other types of coercion, paragraph 24 of the decision of the Supreme Court on several questions of evaluating evidence in criminal cases recommends that courts adopt all measures for verifying statements of the parties on the use of illegal methods of interrogation (investigation) during the collection and consolidation of evidence. Upon confirmation of the use of illegal methods of interrogation (investigation) courts must recognize that the evidence so obtained is unacceptable. According to paragraph 9 of the charter of the armed forces and other military units approved by presidential decree of 5 July 2007 and in accordance with the Constitution, every citizen serving in the military, independently of the status of his military service, has the right to the inviolability of his personal dignity. Persons committing violence, torture, cruel or degradation treatment against honour and dignity or punishment to military personnel have a responsibility in accordance with the laws of the Republic.

79. As shown by practice, unlawful methods of investigation usually involve prisoners. In order to avoid unnecessary arrests and unreasonable extension of arrests, the right to order arrests has been transferred to the courts. Details of questions or ordering arrests are regulated by the law on the introduction of amendments and changes in several legislative acts for questions of application of preventive measures in types of arrest. According to statistical data presented by the Committee for Legal Statistics and special reports of the Procurator-General under article 347-1 of the Constitution, two persons were convicted in 2005, and seven persons were convicted in 2006. In all of 2006, courts tried 47 penal cases involving 67 members of criminal gangs charged with violation of constitutional rights and freedoms. Out of those cases, a conviction was obtained in 45 cases involving 63 persons. Violations of constitutional rights and civil liberties during preliminary investigations and inquiry, including torture and other unlawful methods of investigation, were found in eight criminal cases involving 15 persons.

80. In January 2004, all detention facilities under the jurisdiction of the Ministry of Internal Affairs were transferred to the jurisdiction of the Ministry of Justice. Despite that representatives of public organizations currently do not have a legal basis for visiting places of incarceration in order to monitor publicly, governmental authorities react positively to the possibility of visits by representatives of public organizations to places of detention. By the law on introduction of changes and amendments in several legislative acts concerning bodies of justice of 29 December 2004, amendments were made to the Penal Enforcement Code. Those laws provided for public monitoring of compliance with legal rights and civil liberties of prisoners in penal institutions.

81. Regional public monitoring commissions carry out public monitoring and are given the following rights:

- With a staff of no fewer than two persons, public monitoring commissions may freely visit prisons and detention facilities as authorized by the penal authorities;
- To talk with convicts with their agreement, as well as to receive petitions and complaints about issues of the violation of their rights and legal interests;
- To address statements to the administration of correctional institutions and detention facilities and the Office of the Procurator concerning issues connected with ensuring the rights and legal interests of persons held in correctional facilities and detention centres.

82. The law on ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been adopted. According to article 21 of the Penal Enforcement Code, representatives of the media and other persons, including independent international and domestic bodies, have the right to visit institutions in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Legislation was passed that laid the basis for implementing norms of the Protocol concerning the Creation of Independent National Preventative Mechanisms for the Prevention of Torture. In 2007, Kazakhstan signed the

Declaration on Recognition of the Jurisdiction of the Committee Against Torture provided for in articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

83. In accordance with the Constitution, everyone has the right to freedom to work and freedom to choose a type of activity and profession. Forced or compulsory labour is allowed only by decision of the courts or in connection with an emergency or military service (24). One of the principles of labour legislation—the prohibition of discrimination, forced labour and the worst forms of child labour (paragraph 3 of article 4 of the Labour Code)—is provided for in the Labour Code. In accordance with article 8 of the Labour Code, forced or compulsory labour is prohibited.

84. The Inter-agency Commission for Questions of Combating Illegal Entry and Exit and Trafficking in Persons has been active since 2003 in developing proposals to prevent and suppress the illegal entry and exit of persons and their trafficking in Kazakhstan involving the violation of human rights. Its main tasks are to analyse the current situation in the area of illegal entry and exit and trafficking in persons; to make suggestions and recommendations on informing the population concerning the question of combating illegal entry and exit and trafficking in persons; to improve legislation in accordance with ratified international legal documents in the field of illegal entry and exit and trafficking in persons and existing practices; to increase the effectiveness of stakeholder interaction with governmental bodies in the field of combating illegal entry and exit and trafficking in persons; and to protect and assist victims of illegal entry and exit and trafficking in persons.

85. All measures taken for combating, suppress and preventing crimes of trafficking in persons have been implemented by the government under the action plans adopted every three years. An order of the Ministry of Education and Science of 23 December 2005 approved compulsory governmental standards of education for B.A. and M.A degrees, including for specialization in law, economics and jurisprudence, which include the study of ways to combat and prevent crimes connected with trafficking in persons. Issues of preventing violence among children and adolescents in general schools are reflected in the subjects included in educational programmes: foundations of the State and the law, man and society, ethics and the psychology of family life.

86. By law of 2 March 2006 on the introduction of changes and amendments in several legislative acts on questions concerning countering trafficking in persons, changes were made to the Criminal Code, the Code on Administrative Violations, the Code of Criminal Procedure and the law of 19 June 1995 on the legal status of foreigners. Specifically, a definition of the term "exploitation of people" was introduced in the Criminal Code. Article 128 of the Criminal Code (Trafficking in persons) in order to align it with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and punishment foreseen in it, supplementing the United Nations Convention against Transnational Organized Crime. For the first time, criminal responsibility was provided for illegal confiscation of human bodies and organs (article 275-1). Other changes were introduced that increase the criminal responsibility for crimes connected with trafficking in persons (articles 113, 125, 128, 133 of the Constitution) and expanded aggravating circumstances of the crimes of that category.

87. On 4 July 2006, the law on amnesty related to legalization of illegal labour immigrants was adopted. Under that act, 164,586 foreign citizens were legalized who had entered the Republic 16 calendar days before that law was enacted and since then were illegally engaged in employment. As a result of that legalization and in addition to streamlining the registration of citizens who had entered, they were released from administrative responsibility provided for under the rules of the host, involvement and use in Kazakhstan of foreign workers, as well as from criminal responsibility for tax evasion.

88. Assistance to citizens of Kazakhstan abroad who are victims of trafficking is provided by diplomatic representations under a programme to provide financial assistance to Kazakh citizens illegally imported into foreign countries and that have been trafficked, as well as affected abroad by other crimes and stranded by force-majeur circumstances. In 2007, around US\$ 97,000 were allocated to that programme. Measures were taken to protect victims of crime, who volunteer to assist criminal investigations. Under the law on the protection of persons participating in the criminal activities in the period from January to October 2007, 31 victims were assisted in seven criminal cases for trafficking in persons. In 2007, the Government allocated approximately US\$ 240,000 to that programme.

89. For the purpose of methodically ensuring prevention, identification, disclosure and investigation of crimes involving illegal migration, trafficking in persons and the use of slave labour, a specialized department in the Ministry of Internal Affairs was created. Statistical data on crimes involving trafficking in persons reveals the following: 20 crimes were tried in Kazakhstan in 2006, 77.8 per cent more than were recorded in 2005 (nine criminal cases). Four cases were tried in court in 2007 and six criminal cases were terminated on grounds of non-rehabilitation (in connection with an application by the accused under the law on amnesty). Six penal cases according to article 527 of the Criminal Code and the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of 1993 were sent by the Procurator-General of Kazakhstan to the Procurator-General of the Russian Federation to prosecute a citizen of the Russian Federation, E. Gorsky. Two criminal cases were suspended and resumed in 2007. A verdict of imprisonment was reached in two criminal cases.

90. Studies show that those crimes may be divided into two types: crimes committed for purposes of sexual exploitation and crimes committed for purposes of labour exploitation. In the first group, the greatest number of victims of crimes are women between 16 and 25 years of age. In the second group, the victims are men between the ages of 20 and 35, who, in a majority of the cases, are citizens of the Central Asian members of the Commonwealth of Independent States. In 2005, Kazakhstan ratified the Convention on the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others and its Final Protocol. In 2008, Kazakhstan ratified the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Slavery Convention of 25 September 1926 and Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956. All these

international agreements have been ratified in accordance with article 4 of the Constitution and have priority over domestic law.

91. Kazakhstan has ratified ILO Convention No. 29 concerning Forced or Compulsory Labour of 1930, ILO Convention No. 105 concerning the Abolition of Forced Labour of 1957 and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of 1999. In addition, Kazakhstan adhered to the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), which prohibits slavery and the slave trade of any form.

92. Joint activities were conducted with countries in the Commonwealth of Independent States within the framework of its Programme of Cooperation among Member States to Combat Human Trafficking (2007–2010), approved by the CIS Council of Heads of State on 26 November 2006. Those joint operations involved law enforcement bodies, the exchange of experiences, improvement of legislation and the drafting of common recommendations. Five years ago, the Ministry of Interior Affairs created a national database concerning the organized criminal group “Ter-Trafik”, in which information concerning the organizers, leaders and participants in the trafficking in persons and measures adopted for identification and investigation of criminals are systematically stored. The government finances socially significant projects implemented by non-governmental organizations combating trafficking in persons. In 2008, the Ministry of Culture and Information funded three projects to raise awareness among the population. Four years of study are based at the Karaganda Beysenova Institute of Justice of the Ministry of the Interior. The Beysenova Educational Centre is preparing specialists in combating illegal migration and the trafficking of persons. Employees of law enforcement bodies study special skills for investigating such crimes even abroad.

93. On 29 December 2008, a law on social services was adopted that provides for provision of free social services to citizens living in a difficult situation, including as a result of violence against them.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a Penal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

94. In accordance with the Constitution, everyone has the right to liberty. According to article 17 of the Constitution, human dignity is inviolable. No one shall be subjected to torture, violence or other torture or degrading treatment or punishment. According to article 14 of the Code of Criminal Procedure, no one may be arrested on

suspicion of committing a crime, arrested or imprisoned in any way other than on the grounds and in the manner established in that Code. Arrest and detention are allowed only as provided for in the current Code and only with the approval of a court or the Procurator with provision for an arrested person's right to appeal. A person may be detained for a period of not more than 72 hours without the agreement of the Procurator. Forced removal of a person in custody from a medical institution for forensic psychiatric examination is permitted only by a court's decision. Forced placement of a detainee in a medical facility for obtaining a medical evaluation is not allowed except by decision of a court or with the agreement of the Procurator. The grounds for detention and the legal charges for the suspected or accused offence are immediately communicated to every detainee.

95. In addition, courts holding criminal trials must explain their rights and obligations to the accused suspect, opening the possibility of defence by all means not prohibited by law and to take steps to protect the accused's individual and property rights. Also, according to article 27 of the Code of Criminal Procedure: "No one may be forced to give self-incriminating evidence or evidence incriminating a spouse or close relatives, a range that is defined by law" (article 26 of the Code of Criminal Procedure).

96. These norms of Kazakhstan legislation are in line with the norms and principles of international standards. The effectiveness of ensuring and protecting those norms is confirmed by existing practices. According to the Procurator-General, cases of unjustified arrest and detention continued to take place in 2006. In 2005, the Procurator released 571 persons from detention by the police and fiscal authorities, while 743 were released in 2006, of which 740 had been detained by the Ministry of Internal Affairs. There were also acts of illegal imprisonment of witnesses, including minors. It is possible that such measures were used as a way of putting pressure on them in order to obtain favourable testimony for the prosecution. In 2006, prosecutors acknowledged the illegal detention of a total of 62 citizens.

97. According to statistics, a total of 756 complaints were awaiting review in 2006 by the Office of the Procurator concerning arrest and the extension of arrests, out of which 129 complaints were found to be justified (17 per cent). As a result of constitutional amendments, limitations on judicial monitoring of the prosecution of the activities of criminal gangs were expanded in order to limit constitutional civic rights. Since 1 September 2008, arrest may be ordered only by courts that fully meet international standards. The arrest of women and minors is permitted in exceptional cases, when it is impossible to use other means of suppression. Two years ago, almost one out of every five persons arrested by the Prosecutor was subsequently released on bail. The Office of the Procurator issued an average of 1,900 arrest orders per month. After the introduction of judicial authorization of arrest, the number of arrests made dropped by 40 per cent, namely 1,350 persons were arrested.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

98. Over the past decade, a series of programmes have been carried out as part of the effort to improve the penal correction system with a view to radically resolving a series of urgent issues and achieve positive results. The rights of

convicted persons were significantly expanded, providing more effective social and legal protection, legislation that established a progressive system of serving sentences, strengthening the material and technical basis of the criminal and civil procedures and reducing the density of the prison population. From the time of the transfer of the penal system to the authority of the Ministry of Justice, unreasonable restrictions were removed, correspondence was protected and the hours for wearing sport clothes during leisure time were extended. Cell windows were increased in size, metallic blinds removed in order to allow in daylight and fresh air and wooden floors were laid. Improvements were made in prisoners' food and in the treatment of tuberculosis patients, pregnant women and ill convicts in in-patient and ambulatory care. The variety of products used in prisoners' meals increased from 22 to 29 items.

99. Medical services for prisoners in the penal system are organized in treatment and prevention centres (hospitals, specialized psychiatric and tuberculosis sanatoriums and medical units) and for in-patient and ambulatory care of prisoners, patients with an active form of tuberculosis, providing information on the right to treatment and compulsory treatment. The administration of a correctional facility is responsible for meeting sanitary, hygienic and anti-epidemic requirements and for ensuring prisoners' health. In 2002, institutions stopped isolating HIV-positive prisoners in prisons and began to intensify work on preventing the spread of that infection under a programme conducted jointly with regional centres for preventing and combating AIDS and international organizations.

100. Prisoners are informed about their rights and obligations upon entering the penal system. The most common form of information about rights and duties is through leaflets distributed to prisoners plus visual information explaining the requirements of legislation and human values. Accused and convicted suspects have the possibility of attending religious ceremonies at specially equipped premises in accordance with religious traditions. They are allowed to carry and use religious literature and objects for individual religious use. Clergy are allowed to hold religious services in order to provide spiritual help. Currently, 34 mosques and churches and 145 prayer rooms of various confessions function throughout the penal system.

101. In order to resolve the legal aspects of ensuring compliance of the activities of the penal system with individual rights in correctional facilities and interrogation cells, efforts have been made to expand the participation of civil society in activities of the penal system. Specifically, a law introducing changes and amendments to several legislative acts on issues of judicial bodies was signed on 29 December 2004, which set forth the organization of public monitoring of the enforcement of individual rights, freedoms and the legal interests of persons held in institutions and bodies applying criminal punishment. Public monitoring commissions have been created in order to implement public control in 15 provinces of Kazakhstan. Their activity is carried out in close cooperation with units of the penal administration by means of various activities, including seminars on issues of compliance with human rights. In addition, in order to implement public monitoring to ensure compliance with the human rights and legal interests of convicts, visits to penal institutions are made regularly and provide appropriate recommendations. The Commissioner for Human Rights is also monitoring prisoners' rights in agencies of the penal administration system, making a distinction depending on gender, age, humane treatment and respect for dignity, keeping them within a certain regime aimed at correcting them and ensuring their social adaptation. Work is continuing on the submission, review and positive treatment of complaints of violation of the above rights.

102. The Kostanai Law Institute, the Pavlodar Law College and an educational centre in the city of Taraz provide training on aspects of the Code of Criminal Procedure within the structure of the penal administration system for the preparation of specialists in the field of penal systems, specializing in international standards of protection of human rights and treatment of prisoners. As part of the reform of the criminal procedure system, measures will be taken to bring the penal system up to international norms and standards. In March 2007, a law on the introduction of changes and amendments in several legislative acts concerning questions of criminal procedure was adopted. In accordance with that law, changes were introduced in several articles of the Penal Enforcement Code in order to create a legal framework for introducing cells for prisoners. Those changes will make it possible to hold convicts in locked rooms, bringing the conditions of detention of prisoners up to international norms and standards (articles 117, 119, 121 and 129).

103. There is an additional condition, implying the placement of prisoners in solitary confinement in cells following medical examination for possible punishment, which is an additional guarantee of the rights and legitimate interests of prisoners (article 113 of the Penal Enforcement Code). In order to ensure the constitutional rights and liberties of prisoners, changes have been made, in accordance with which application for submission or refusal of submission to the

Parole Board or to replace the remaining part of a punishment with more lenient punishment in accordance with the law sent to the prosecutor for subsequent introduction in court (article 169 of the Penal Enforcement Code).

104. Other changes were adopted in order to remove existing discriminatory restrictions and improve the social security of prisoners. These include the following.

- Elimination of the withholding of the cost of food and household services from the prisoner's income;
- Confidentiality for prisoners with HIV/AIDS;
- Removal of restrictions on the right to purchase food and necessities at cost from funds available in personal accounts for pregnant women and women who have children with them as well as handicapped in groups I and II and prisoners in penal medical facilities;
- Specified grounds for the release of convicts from serving further punishment;
- Improvement of the conditions of detention of suspects, defendants and prisoners are being taken to improve the management of penal institutions and improve the conditions of detention in a penal system by means of reconstruction and construction of a correctional institution.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

105. Penal legislation contains norms on the penal responsibility of persons unable to fulfil contractual obligations and their possible incarceration; for example article 195 of the Criminal Code (Malicious evasion from payment of accounts payable). Malicious evasion by the head of an organization or a citizen from repayment of large amounts payable after the entry into force of a court order shall be punished by a fine of 200 to 500 monthly minimum wages, or in the form of wages or other income of the prisoner for a period of two to five months, or arrest for four to six months or correctional labour for a period of up to two years, or incarceration for that same period. For individuals, large debts are amounts exceeding 500 monthly minimum wages, and for an organization a large debt is an amount exceeding 2500 monthly minimum salaries.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

106. According to article 21 of the Constitution, everyone lawfully within the territory of Kazakhstan has the right to freedom of movement within that territory and free choice of residence, except in cases specified by law. Everyone

has the right to leave Kazakhstan. Citizens have the right to return home from abroad unimpeded. In accordance with article 16 of the law of 19 June 1995 on the legal status of aliens, foreigners may travel freely in Kazakhstan, which is open to visiting foreigners, and elect a place of residence in accordance with the procedure established by legislation. The organization of movement and choice of place of residence are established by acts of commissioners in government bodies, when necessary for ensuring national security, maintenance of social order and the morals of the population and protection of the rights and legal interests of citizens and other persons.

107. According to article 3 of the law of 13 December 1997 on population migration, regulation of population migration is based on the principles contained in the Constitution and the human right to choose freely a place of residence, freedom to work, freedom to choose an activity and profession, freedom to leave and freedom of movement. In 2001, Kazakhstan changed the practice of requiring an exit visa, which is a positive step toward ensuring rights to leave any country, including one's own. However, citizens and foreigners must register their place of temporary or permanent residence, which is necessary, for example, for ensuring them their electoral rights. In the event a person learns no later than 30 days before an election that he will not be able to be present at the polling station on the day of an election in order to vote at the place of his registration, he has the right to contact local officials at the place of his presence with a written declaration asking for his inclusion on the corresponding list of voters. Local administrations remove that voter from the electoral list at his place of registration and include him on the electoral list at the place where that citizen will vote. The lists of voters of each voting precinct signed by the relevant *akims* are submitted to the appropriate electoral commission 20 days before the voting.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

108. According to article 28 of the law of 19 June 1995 on the legal status of aliens, aliens may be expelled from Kazakhstan:

- (a) If their activities conflict with the interests of ensuring public security or defence of public order;
- (b) If that is required for protecting the health and morals of the population or for protecting the rights and legal civic interests of Kazakhstan and other persons;
- (c) If they violated legislation on the legal status of foreigners, currency or other legislation;

In the event that marriage is contracted by minors in a manner inconsistent with legislation or if marriage with a citizen of Kazakhstan was the basis for establishing their permanent place of residence in Kazakhstan".

Decisions concerning expulsion are taken by government commissioners.

109. In accordance with subparagraph 10 of part 1 of article 45 of the Code on Administrative Violations of 30 January 2005 administrative penalties may be applied to physical persons for committing administrative violations: penalties such as administrative expulsion from Kazakhstan of foreigners or persons without citizenship. According to article 56 of that Code, the administrative expulsion of aliens or persons without citizenship from Kazakhstan is decided by courts as administrative penalties in the manner and on the grounds provided for in that Code. In the event that during administrative proceedings the person against whom administrative penalties may be taken in the form of administrative expulsion from Kazakhstan, the commission of an act that constitutes a serious or particularly serious crime according to the Criminal Code, the administrative case against that person is deferred until a decision is taken through communications or statements in the manner provided for in article 185 of the Code of Criminal Procedure.

110. Aliens and persons without citizenship entering Kazakhstan and working without the authorization of local administrations are subject to expulsion from Kazakhstan in accordance with domestic laws unless intergovernmental agreements establish a different provision. Aliens and persons without citizenship previously expelled from Kazakhstan are prohibited entry to Kazakhstan during the five years from the date of the decision of expulsion (articles 7 and 22 of the law of 13 December 1997 on population migration). At the same time, in exercise of the obligations adopted by the Protocol concerning Punishment and Suppression of Trafficking of Persons, especially Women and Children and punishment for that, supplementing the United Nations Convention against Transnational Organized Crime, Kazakhstan took steps to permit victims of trafficking to remain in its territory during the period of investigation with a temporary residence status.

111. During the past five years, the annual number of foreigners entering Kazakhstan increased fivefold and in 2007 reached 2,300,000 foreigners, 93 per cent of whom are citizens of countries in the Commonwealth of Independent States. However, increasing immigration increases the threat of entry into the country of members of terrorist and extremist organizations and contraband in narcotics, arms and trafficking in persons. In 2007, approximately 20 aliens from Afghanistan, Bangladesh, Sri Lanka and Turkey and over 500 aliens from Tajikistan and Uzbekistan were detained for violation of immigration rules while trying to pass through Kazakhstan to Russia and farther in Europe. Criminal responsibility for violation of migration legislation involved 953 foreigners and 344 criminal cases were brought, including 80 for organization of illegal migration. The concept of a migration policy for 2007–2015, which reflects the main directions in the field of immigration, was approved on 28 August 2007.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any Penal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a Penal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a Penal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any Penal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a Penal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

112. The Constitution and the Criminal Code provide for norms and declarations and assurance for all of equality before the courts and other guarantees of criminal trials, including the right to legal protection of rights and freedoms, the principle of the presumption of innocence and the right to competent legal assistance that fully meet the norms of the Convention. Equality of all before the law and courts is ensured by the principles governing penal (Code of Criminal Procedure, article 21) and civil trials (Code of Civil Procedure, article 13). Access to justice, recognition of an identity and the right to protect one's rights and freedoms by all means not contradicting the law, including self-defence, the right to the judicial protection of one's rights and freedoms are assured in article 13 of the Constitution, the Code of Civil Procedure and the Code of Criminal Procedure.

113. A right to recourse is denied only to persons who are recognized as incompetent by the court. But their guardians and trustees or government officials (an attorney or the Office of the Procurator) may apply to the court on their behalf. The right to petition a court is also denied to minors who are not fully legally competent, but a legal representative of that minor or the Office of the Procurator may apply to the court on the minor's behalf. In accordance with that legislation, a person legally becomes an adult at the age of 18. In civil matters, an adult is fully competent as is a person at least 16 years of age, if that person works under a labour contract or, with the agreement of parents, adopted parents or a guardian, is engaged in a business activity. Emancipation of a minor is a question of civil law and implies

responsibilities (including obligations resulting from harm), except for those rights and responsibilities for which legislation establishes an age requirement.

114. Reform of the judicial system is successfully continuing in Kazakhstan. A fundamentally new legal basis for the public status and social purpose of courts is being created. Among the first-priority steps in 2000, was the transfer of organizational support of activities of the courts from the executive branch to other government bodies—the Committee on Judicial Administration under the Supreme Court. The constitutional basis of justice defines the principles of inviolability, tenure, independence and appointment of judges on a permanent basis. Currently, Kazakhstan operates a single judicial system, which consists of the Supreme Court and local and other courts established by law. Among the local courts, there are provincial, district and related courts. Experience with the creation of inter-district economic and administrative courts has demonstrated the effectiveness of the specialization of the courts.

115. A specialized financial court and specialized inter-district courts for cases outside the cities of Astana and Almaty were created in Almaty on 23 August 2007 by presidential decrees in 2006. Important steps in reforming the judicial system were the improvement of procedural legislation aimed at regulating procedures for trying cases at various stages of trials, clarifying the jurisdiction over cases between courts, introduction of appellate courts and simplification of supervisory review. The course pursued by Kazakhstan towards liberalization and humanizing penal punishment has allowed the courts to apply more nuanced decisions with regard to juveniles and persons that have committed minor or more serious crimes. That has led to a significant reduction in the number of convicts sent to prison.

116. Access to civil justice in cases involving the protection of rights and legal interests and the possibility of appealing court decisions and the decisions of officials has been expanded. For example, during nine months in 2007 the courts considered the following cases:

- (a) Cases challenging decisions of administrative bodies and officials: 3,603 led to rulings, of which 2,431 of those (67.5 per cent) were in favour of the complainants;
- (b) Cases challenging decisions and actions (or omission) of government bodies authority and local government, public associations organizations, officials and governmental officials: 3,908 dealt with the imposition of decisions and 2,328 of those (59.6 per cent) were recognized as valid;
- (c) Cases challenging regulatory acts: 11 dealt with the imposition of decisions and 7 (63.6 per cent) of them were recognized as valid.

117. Practically more than half the statements and claims received by courts are for special proceedings. The courts were satisfied with the evidence given on the effectiveness of the work of the mechanism of judicial monitoring of decisions and actions of government bodies. Improvement of procedure for penal proceedings is also aimed at fully implementing the principle of the performance in courts of their inherent advocacy functions. In this work, international experience and the results of research were widely used. In order to ensure maximum transparency and access to judicial information for the public on the official Web site of the Supreme Court, a single database with electronic texts of judicial acts and regulatory legal acts concerning the activities of courts as well as reference literature was created and regularly updated. This unique resource contains approximately 200,000 decisions of the Supreme Court and local courts on complicated questions of material and procedural rights, to which not only courts but also any user of the Internet have access.

118. On 1 January 2007, the participation of juries in courts was introduced, following approval of laws on juries and through the introduction of amendments to legislation concerning questions related to criminal legal proceedings using jurors. After nine months, courts had taken verdicts in 25 criminal cases concerning 50 persons, making two acquittals involving four persons and in three cases three defendants were acquitted. Court-ordered arrests were introduced. An effort is being made to develop a system of juvenile justice in Kazakhstan in 2009–2011. Urgency is dictated by the need to adopt a concept of change in working methods with adolescents in the system of criminal justice, allowing greater respect in the practice of rights and legal interests of minors within the framework of penal and civil trials. The concepts set forth for the phased introduction and development in Kazakhstan of elements of juvenile justice

will improve the effectiveness and quality of the administration of juvenile justice in all its stages. This includes improving the operations of the specialized units working with minors in justice bodies, interior affairs, education and culture, in courts, procurators and the bar. An important component will be specialized juvenile courts and special social services that carry out specific tasks in the interests of minors.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

119. Article 77 of the Constitution stipulates that the laws establishing or intensifying liability, imposing new responsibilities on citizens or deteriorating their conditions shall have no retroactive force. If after an offence, the responsibility for that law is repealed or weakened, the new law prevails. The law on legislation stipulates that the effects of legislation do not apply retroactively to an established relationship. Exceptions to this rule are cases where a retroactive regulatory act or part of an act by itself or through other acts cancels or mitigates the responsibility for a crime committed previously. Legislation establishing or increasing liability, imposing new obligations on the citizens or changing their conditions shall have no retroactive force.

120. Changes to the Constitution were introduced on 21 May 2007, radically changing part of the legislation in order to protect the rights of citizens involved in criminal proceedings. The limits of judicial monitoring were significantly expanded over the activities of bodies of criminal prosecution to limit the constitutional rights of citizens, while arrest is authorized only by courts, fully meeting international standards. On 1 September 2008, arrest was authorized only by a court. The arrest of women and minors is authorized exceptionally when other preventive measures are not available. The same applies to juveniles, as required by law, but only for serious and especially serious crimes. The question of strengthening the office of the Ombudsman during all stages of criminal proceedings was also solved. Parliament is currently discussing draft legislation to introduce changes and amendments to a few laws on questions of provision of competent legal assistance.

121. Those changes are aimed at implementing article 13 of the Constitution, proclaiming the right of all citizens to qualified legal assistance, empowerment of attorneys and increasing competition in trials. One of the most important elements for improvement of the political and social system of Kazakhstan is judicial reform, the aim of which is to provide better access to the judicial system for all citizens. The recent advances in introducing criminal legal proceedings by jury were based on a law adopted on 16 January 2006. That form of legal proceedings expanding the possibilities of implementing public monitoring and access of citizens to justice came into effect on 1 January 2007.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

122. The legal recognition of citizens in Kazakhstan is guaranteed by the Constitution (section II, "The Individual and Citizen") and the Civil Code. According to article 13 of the Constitution, everyone has the right to recognition as a person before the law and has the right to protect his rights and freedoms by all means not contradicting the law, including self-defence. The norms contained in this paragraph are being included in civil legislation. According to article 13 of the Civil Code, the capacity to enjoy civil rights and bear obligations (civil rights capacity) shall be

recognised as equal in all citizens. The legal status of a citizen shall arise at the time of his birth and end with his death. Article 14 of that Code provides that:

"A citizen may have, under his right of ownership, properties including foreign currency, both within the boundaries of Kazakhstan and beyond its boundaries; inherit and bequest property; move freely in the territory of the Republic and select a place of residence; freely leave the boundaries of the Republic and return to its territory; engage in any activities that are not prohibited by legislative acts; create legal entities independently or with other citizens and legal entities, enter into any transactions which are not prohibited by legislative acts and participate in obligations; have the right to intellectual property with regard to inventions, works of science, literature and art and any other results of intellectual activity; claim compensation for financial and moral damage; and have other property rights and personal rights."

That means that the ability of citizens by their actions to acquire and exercise civil rights, create for themselves civic duties and perform them (civil capacity) occurs in full at the age of adulthood, namely upon reaching the age of 18. In the event that legislation allowed contracting marriage before 18 years of age, citizens, who have not yet reached the age of 18, acquire full legal capacity upon marriage. All citizens have that legal status unless otherwise stipulated in legislation (article 17 of that Code).

123. Among other things, the enjoyment of human rights before the law is linked to the existence of documents, identity document, as well as how easy, simply and without any difficulty a person may petition a governmental body to issue such a document. Currently, countries are taking measures to simplify those procedures for the public by introducing the principle of one window in order to avoid lengthy bureaucratic procedures in various governmental bodies. To this end, government institutions have created and operate service centres, providing governmental services for registration by legal entities and physical persons of property transactions. For efficient delivery of services, new modern technology has been introduced for the production and issuance of documents and steps are being taken to improve government standards related to services.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

124. Article 18 of the Constitution provides that everyone has the right to the inviolability of private life, personal or family secrets and protection of honour and dignity. Everyone has the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, mail, telegrams and other messages. Limitations on that right is permitted only in cases and as directly established by law. Governmental bodies, public associations, officials and mass media must provide every citizen with the possibility of providing access to documents, decisions and sources of information affecting their rights and interests. The Constitution recognizes that the home is inviolable. A person may not be deprived of shelter, except by court order. The entering of homes and their inspection and search shall be permitted only in cases and in the manner prescribed by law. Respect for privacy is protected by procedural legislation. According to article 16 of the Code of Criminal Procedure:

"The private life of citizens and their personal and family secrets are protected by law. Everyone has the right to privacy of their personal deposits and savings, correspondence, telephone conversations, mail, telegrams and other messages. Limitations on these rights during criminal trials is permitted only in cases and as directly established by law."

125. Grounds and procedure for intercepting correspondence and listening to and recording of conversations are provided for in articles 235 to 237 of the Code of Criminal Procedure. The grounds and procedure for entering a

dwelling for inspection and search are regulated in chapters 27 and 29 of that Code. Civil procedural legislation also regulates the protection of the privacy of citizens and their personal and family privacy. Limitations on these rights during civil trials is permitted only in cases expressly provided for by law.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

126. The Constitution states that everyone has the right to freedom of conscience (article 22, paragraph 1). According to article 3 of the law on freedom of religion and religious associations, citizens of other countries and persons without citizenship have the right to practice freely, alone and with others, any religion or to profess no religion. Any coercion in determining attitudes towards religions, in participating or not in religious services, religious rites and ceremonies, and in learning religions is prohibited. The Constitution and law on the freedom of religion and religious associations allows for legislation to establish limitations on freedom of religion or the spread of religious belief in order to protect public order and security, life, health, morals and the rights and freedoms of other citizens. The legislative basis for questions of religious freedom, in addition to the Constitution, are:

- The amended Civil Code of 27 December 1994;
- The Code on taxes and other mandatory fees in the budget of 10 December 2008;
- The Code on Administrative Violations of 30 January 2001;
- The amended Criminal Code of 16 July 1997;
- The law on freedom of religious and religious associations of 15 January 1992;
- The law on governmental registration of legal entities and registration of affiliates and representatives of 17 April 1994;
- The law on public associations of 31 May 1996;
- The law on non-profit organizations of 16 January 2001;
- The law on education of 7 July 1999;

- The law on combating extremism of 18 February 2005.

More than 130 ethnic groups are currently represented in Kazakhstan. The number of religious associations has increased sixfold since independence. Overall, the number of religious associations has increased from 671 to 4,173; more than sixfold. Religious associations own more than 3,034 places of worship.

127. There has been a simplified mechanism for registering religious associations since 2004, and the Government's tax policy is aimed at exempting religious associations from the payment of taxes for the benefit of church taxes, contributing to the growth of registered religious associations. Kazakhstan is a leader among the countries of the former Soviet Union in advancing the idea of religious tolerance and respect for the human rights of religious minorities. The experience of inter-faith dialogue in Kazakh in Kazakhstan received recognition and support from leaders of world religions, including during two congresses of leaders of world and traditional religions. General governmental policy in the field of religions is based on the following principles:

- (a) All religions and religious associations are equal before the law. No religion or religious association may enjoy any advantage over others;
- (b) Religious associations do not have any governmental functions, and the government does not interfere in the activities of religious associations if they do not contravene legislation;
- (c) Religious associations do not participate in the choice of sources of governmental power and control. They are not allowed to form political parties or groups of a religious character, participate in the activities of political parties or provide them with financial support. Followers of religious associations may participate in politics along with all citizens, but only on their own behalf;
- (d) Religious associations must comply with the law and the rule of law;
- (e) The government promotes relations of mutual tolerance and respect among citizens, regardless of whether they profess a religion or not, and between different religious associations;
- (f) The creation and activities of religious associations aimed at seeking approval by the State of the rule of one religion and incitement of religious hatred or diversity, including associated with violence or calls to violence, are prohibited. Extremist religious propaganda is prohibited as well as activities aimed at the use of inter-religious differences for political purposes.

128. The main priority of the government's policy towards government-religious relations is to ensure the right of every person and citizen to religious freedom guaranteed by the Constitution and implied in Kazakhstan's international obligations. In 2005 for the first time in the history of Kazakhstan, an authorized governmental body—the Committee for Religious Affairs in the Ministry of Justice—was formed with the main task of ensuring civic rights to religious freedom and promoting a climate of understanding and tolerance between representatives of different faiths.

Article 19

- 1. Everyone shall have the right to hold opinions without interference.**
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.**

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

129. According to the Constitution, governmental bodies, civic associations, officials and the mass media must ensure that every citizen has the possibility of being read his rights and interests based on documents, decisions and sources of information. The Constitution guarantees freedom of expression and creativity. Censorship is prohibited. Everyone has the right to receive freely and to distribute any information not prohibited by law. The list of information constituting government secrets of Kazakhstan is determined by law. Propaganda or agitation for violent overthrow of the constitutional system, division of the Republic, the undermining of the security of the State, military, social, racial, ethnic, religious, caste and tribal superiority, as well as a cult of cruelty and violence are not allowed.

130. Other basis for introducing limitations and conditions of restrictions embodied in article 39 of the Constitution, which provides that:

- "1. Rights and freedoms of an individual and citizen may be limited only by laws and only to the extent necessary for protection of the constitutional system, defence of public order, human rights and freedoms, health and morals of the population;
2. Any actions capable of upsetting inter-ethnic concord shall be deemed unconstitutional;
3. Any form of restriction of civil rights and liberties on political grounds...."

According to paragraph 3 of article 18 of the Constitution, governmental bodies, civil associations, officials and the mass media must provide every citizen with the possibility to obtain access to documents, decisions and other sources of information concerning their rights and interests.

131. The Kazakhstan Criminal Code includes six articles on the protection of the honour and dignity of ordinary citizens: article 129 on libel and slander, article 130 on insult, article 318 on infringement upon the honour and dignity of the President and impeding his activity; article 319 on infringement upon the honour and dignity of a deputy and impeding his activity; article 320 on insulting a representative of the State; article 343 on slander with regard to a judge, prosecutor, investigator, a person carrying out an investigation, bailiff or executor.

132. Individual non-property rights, such as honour, dignity, business reputation and the right to an image, are protected by the Civil Code. A number of non-property rights are provided for in the provisions of the law of 23 July 1999 on the mass media. A citizen or a legal entity about whom information discrediting his honour or dignity has been

disseminated has the right to refute such information and to require indemnification and moral damage. The on Administrative Violations in its special part includes 10 articles providing for responsibility in the press and information. Among them are article 346 establishing responsibility for the impact of mass media in the courts by means of prejudging its decision in publications, article 348 on violations of the order of control and legal deposit, article 349 on violation of the order of the airing of television programmes and commercials promoting tobacco and alcoholic products, and article 350 on violation of the order of messages output. Three recent articles provide for sanctions in the form of fines and in the form of confiscation of circulation of mass media and suspension of their release for up to six months.

133. In 2006, the President of Kazakhstan approved the concept of the development of civil society. Efforts are continuing to move towards ensuring the fundamental rights of citizens to information, the drafting of a bill on

regulating the activities of printing and Kazakhstan's segment of the Internet has been stopped. Specific legal arrangements are currently being developed for demonopolization of the mass media.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

134. According to the Constitution, propaganda or agitation of violent change of constitutional system, breaking up the Republic, undermining security of the government, military, social, racial, ethnic, religious, birth and gender superiority, as well as the culture of cruelty and violence are not permitted. According to the Constitution, no one shall be subjected to any form of discrimination for reasons of origin, social status, occupation, property relationship, gender, race, nationality, language, religious beliefs, opinions, place of residence or for any other circumstance. According to article 13, paragraph 3, of the Mass Media Act of 23 July 1999, grounds for suspension of broadcasts of mass media in the manner prescribed by law are: disclosure of information, aspects of government secrets or any secrets protected by law, the spreading of information, disclosure of technical aspects and tactics of anti-terrorist operations while they are being carried out, propaganda for narcotics, psychotropic and related substances, propaganda or agitation for the cult of cruelty and violence, of social, racial, nationality, religious, social and tribal superiority, the spread of radio, telegrams, as well as the showing of films and videos of a pornographic or special erotic nature.

135. The owner and the editor-in-chief of mass media have the responsibility established by legislation for distributing messages and material containing propaganda or agitation for violent change of the constitutional system, violations of the integrity of the Republic, undermining the security of the government, war, social, racial, ethnic, religious, birth and gender superiority, the cult of cruelty, violence and pornography, independent of their source (paragraph 2-1 of article 25 of the Mass Media Act). The Criminal Code establishes criminal responsibility for planning, preparing, initiating or waging aggressive war, as well as for propaganda and public calls for the pursuit of wars of aggression (articles 156–157 of the Code).

136. The principle of avoiding any kind of discrimination is to prohibit any discrimination, exclusion, restriction or preference based on sex, race, colour, language, ethnic identity, religion or for any other reason that nullifies or undermines the recognition, enjoyment or exercise by all persons on an equal footing of human rights and fundamental freedoms. The government assumes the obligation to prevent any discrimination by legislation and in practice, whether by the government or private individuals.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

137. According to article 32 of the Constitution, citizens of the Republic have the right peacefully and without arms to assemble and hold meetings, rallies and demonstrations, marches and picketing. An amendment to article 39 of the Constitution establishes:

"1. Human rights and liberties and citizenship may be limited only by laws and only to the extent that it is necessary for full protection of the constitutional system, defence of social order, individual rights and freedoms, health and equality of the population...."

Use of these rights may be limited by laws on the functioning of organizations and the holding peaceful meetings, rallies, demonstrations, picketing and demonstrations of 17 March 1995 in the interest of governmental security, social order, protection of health, protection of rights and freedoms of other persons. Certain rules governing the legal regulation of freedom of peaceful assembly are contained in the Internal Affairs Act of 21 December 1995 and the National Security Act of 26 June 1998.

138. Acts regulating freedom of peaceful assembly in Kazakhstan are established by the following: a decree of the Ministry of Internal Affairs of 31 December 1993 on the organization of working bodies under that ministry in connection with public associations; a decree of the Ministry of Internal Affairs of 6 December 2000 on approval of rules concerning restrictions on units of that ministry to ensure protection of public order and the security of people at public events in the streets and other public places; a decree of the Ministry of Internal Affairs of 5 July 2002 on approval of the rules for patrol services of that ministry to ensure protection of public order and security; decisions of the local assembly (*maslikhat*) of the city of Astana of 2 May 2002 on additional regulations affecting the manner and place for holding peaceful assemblies, rallies and picketing; and decisions of the XVII session of the local assembly (*maslikhat*) of the city of Almaty of 29 July 2005 on several questions concerning the rational use of urban infrastructure. The Code on Administrative Violations (article 373) and the Criminal Code (article 334) contain penalties for the violation of laws governing the organization and conduct of peaceful assemblies, rallies, demonstrations, picketing and demonstrations with fines and administrative arrest for a period of up to 15 days and imprisonment for a period of up to one year.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

139. In accordance with paragraph 1 of article 23 of the Constitution, citizens have the right to freedom of association. In accordance with legislation, entrepreneurs and workers have the right to unite in order to coordinate their business activities, ideas and protection of common property interests, representation and protection of labour interests and improvement of their working conditions as well as the pursuit of social, cultural, scientific, educational and charitable goals. They may protect rights, legal civil interests and organizations, solve disputes and conflicts, meet spiritual and other civil needs; public health bodies, environmental protection, development of physical culture and sport and provision of legal assistance as well as other goals aimed at providing public goods and benefits for their members.

140. In accordance with paragraph 2 of article 5 of the Constitution all public associations are equal before the law. Illegal interference by the government in public associations and by public associations in the affairs of the government is prohibited. According to article 22 of the Labour Code, a worker has the right of association, including the right to form trade labour unions or other associations as well as membership in them in order to provide and protect their labour rights, if otherwise not provided for by law.

141. The Trade Union Act of 9 April 1993 on trade unions guarantees all trade unions equal legal possibilities. Obstruction of the creation of trade unions and preventing their activities is punishable by law. Membership in a trade union does not entail any restriction of labour, social, economic, political or individual civil rights and freedoms guaranteed by legislation. The recruitment, promotion and dismissal of workers because of membership, entry or exit in a particular trade union is prohibited (article 7 of that Act). The status of trade unions as a legal entity exists from the time of their registration. According to paragraph 2 of article 23 of the Constitution, members of the military and employees of domestic security agencies, law bodies and courts must not occupy positions in political parties and trade unions or participate in supporting any political party. Their special legal status in the system of government, specific functions and types of activities justify those constitutional limitations. At the same time, civilians working in human rights bodies enjoy the rights specified in ILO Convention No. 87 on the freedom of association and protection of the right to organize (1948).

142. ILO Convention No. 87 on the freedom of association and protection of the right to organize, ratified by Kazakhstan, establishes the right of all workers and entrepreneurs to create their choice organizations or become a member of those organizations without prior authorization. That Convention also defines a series of guarantees of the freedom to organize without any interference on the part of governmental authorities. In accordance with article 110 of the Civil Code, legal entities may voluntarily form associations (unions). Trade union associations, including the Federation of Trade Unions of the Republic of Kazakhstan, the Labour Confederation of Kazakhstan, the Confederation of Independent Trade Unions, have the basic purpose of ensuring protection of the interests of workers. The Federation of Trade Unions of the Republic of Kazakhstan, the Labour Confederation of Kazakhstan and the Confederation of Independent Trade Unions have an organizational structure and sufficient authority for protecting the rights of workers, carrying out representation in government, public and other organizations, including foreign, in the interests of workers and for providing practical and consultative assistance to members of their union.

143. According to article 1, subparagraph 8, of the Labour Code, the general, sectoral (tariff) and regional agreements (hereinafter referred to as the “agreements”), legal acts concluded between social partners, establishes the content and obligations of the parties to establish working conditions, employment and social guarantees for workers at the national, sectoral and regional levels. At the national level, there is a general agreement between the government and national associations of employers and national associations of workers. At a lower level, there are other agreements between the respective executive bodies and representatives of employers and employees. At the regional level, there are regional (provincial, city, districts) agreements between local executive bodies and representatives of employers and employees (article 275 of the Labour Code).

144. By law of 30 December 1999, Kazakhstan ratified the 1948 Convention on Freedom of Association and Protection of the Right to Organize, and according to the provisions of that Convention workers and entrepreneurs have the right to establish their choice of organization without prior authorization, as well as right to join those organizations subject only to the statutes. One of the expressions of democratic change in Kazakhstan is the mobilization of citizens as expressed in the dynamic growth of non-governmental organizations (NGOs)—numerous voluntary associations of citizens with self-defined goals and tasks independently engaged in finding ways to implement them. The concept of non-governmental organization was recognized by the law on government social decree of 12 April 2005. As a result, stable groups of NGOs clearly formed in various fields:

- Military-patriotic organizations – 4 per cent;
- Children and youth organizations – 14 per cent;
- Women and gender-oriented organizations – 8 per cent;
- Organizations for health improvement and preventive direction – 7 per cent;
- Scientific and educational organizations – 8 per cent;
- Cultural and artistic organizations – 8 per cent;

- Organizations for support of disabled – 7 per cent;
- Organizations for support of public initiatives – 10 per cent;
- Organizations for developing mass media – 2 per cent;
- Organizations for social security – 9 per cent;
- Human rights organizations – 7 per cent;
- Sport organizations – 10 per cent;
- Ecological organizations – 6 per cent.

At the beginning of 2007, there were 5,820 registered NGOs in Kazakhstan and a total of about 200,000 persons were involved in the non-governmental sector. Roughly 40,000 persons worked on a permanent basis, and up to 50,000 persons temporarily and more than 100,000 persons as volunteers. The government specifically addresses problems of NGOs. First priority is given to questions of legislation covering NGO activities. In 2001, the law on non-profit organizations was adopted, which was a real step in recognizing the role and place of non-profit organizations in society. It should be noted that a series of regulations have been adopted aimed at effectively supporting NGOs. The Tax Code provides tax incentives for non-profit organizations.

145. In 2006, the Programme for Development of Civil Society in Kazakhstan 2006–2011 was adopted, aimed at developing civil initiatives in general and NGOs.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

146. According to the Constitution, marriage, the family, motherhood, fatherhood and childhood are protected by the Government. Concern for children and their education is a natural right and obligation of parents. Able-bodied adult children must care for disabled parents. According to the law on marriage and the family of 17 December 1998, marriage and family legislation is based on the following principles: the voluntary nature of marriage between men and women, equality of rights of the spouses in the family, non-arbitrary interference by whomever in family affairs, solution within the family of questions by mutual understanding, priority for the family-based upbringing of children, care for their development and welfare, priority protection of the rights and interests of minors and disabled members of

the family, assurance of smooth implementation of the rights of family members, the possibility of legal protecting those rights and promotion of the healthy development of the life of all members of the family.

147. Marriage is recognized only by government bodies that record acts of civil status. Any limitation on civil rights at the time of marriage and in family relations because of reasons of social, racial, ethnic, language or religious considerations is prohibited. Civic rights in the marriage-family relationships may be limited only by special law and only to the extent to which that is required for the protection of health, morals, rights and legal interests of family members and other citizens. Presidential decree No. 56 of 1 February 2006 created the National Commission for Family Affairs and Gender Policy as a consultative-advisory body under the President. One of the tasks of the Commission is to promote gender equality in the work place, further develop women entrepreneurship, increase the competitiveness of women in the labour market, create conditions for members of the family to reconcile work with domestic responsibilities and the raising of children, strengthening the institution of the family, achievement of gender equality in family relations, development of measures for protecting and promoting health, including reproductive, of men, women and children, raise the quality of life, eliminate domestic violence and violence in the work place, build on international experience in combating violence in the relationships between men, women and children, promote gender awareness, carry out scientific research, create a basis for information aimed at the study of the real situation of the family and gender equality in the economic, social, political and cultural life of society.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

148. According to the Constitution, a child, like every other citizen, must not suffer discrimination because of race, colour, gender, language, religion, ethnic identity, social origin, property relationship or birth. National legislation provides for the protection of the child both in the family and in society by the government. In accordance with the law on marriage and the family, the birth of a child is registered by place of birth and by place of residence of both parents or one of them. Any child born after the death of the father or breakup of a marriage of the parents, abandoned and found and whose parents were refused in health facilities for the birth must be registered. Registration of civil status is also mandatory for miscarriages and deaths during the first week of the child's life. Parents or other authorized persons must register a child's birth with the government not later than two months after birth and in the case of the birth of a still-born child within five days.

149. Article 55 of the law on marriage and the family and article 9 of the law on rights of the child in Kazakhstan establish the right of the child to a given name, a patronymic, a surname and an identity. A child's given name is agreed upon by its parents, the patronymic is assigned in accordance with the given name of the father and the surname is determined by the surname of the parents. In the event the parents have different surnames, the child is assigned the surname of the father or mother as agreed on between them. In accordance with article 11 of the law on nationality of 20 December 1991, the nationality of the child is determined by the nationality of the parents of the same nationality independently of the place of birth of the child or according to article 12 by nationality of one of the parents if at the time of the birth of the child the nationality is Kazakh. The nationality of a child in Kazakhstan, born to unknown parents, as well as that of the child born in Kazakhstan to persons without nationality having permanent place of residence in Kazakhstan, is considered to be Kazakh. In cases of the establishment of a guardianship over the child or the establishment of his Kazakhstan nationality or until reaching adulthood. The right of the child and protection of its family, society and nationality are reflected in the laws on the rights of the child, marriage and the family, education, protection of the health of citizens and the health system. In accordance with the Constitution, concern for children and their education is a natural right and duty of their parents. The responsibilities of appropriate bodies and organizations

to ensure the rights of children deprived of their family environment are reflected in the Civil Code and domestic laws on marriage and the family, family-type children's villages and juvenile homes, the rights of the child, nationality and housing arrangements.

150. The right of a child to a name, ethnic affiliation and nationality are also reflected in the law on the rights of the child. In accordance with current legislation, every child has the right to live and be brought up in a family. In the event of an absence of parents, deprivation of parental rights and in other cases of loss of parental care, the right of the child to education in a family is provided by tutorship and guardianship in the existing legislative order. There are currently 159 governmental and non-governmental educational organizations in Kazakhstan, creating housing conditions and providing for 14,799 children. However, numerous studies of psychologists and paediatricians have shown that placement of children in boarding institutions does not ensure the satisfaction of basic needs, which in turn leads to disruption of the individual characteristics of the child. In the conditions of boarding establishments social development of the child, as a rule, limited due to the lack of a family, relatives and friends. Orphans deprived from early childhood of the possibility of correcting their behaviour, focusing on their parents' actions. So remaining in a homogeneous environment in children's homes and boarding institutions shaping these children has been understated in living standards.

151. In order to create conditions as close as possible to those of the family for orphans and children left without parents to care for them, work is being carried out to de-institutionalize and break children's homes and boarding institutions into smaller units. Today, children live in groups of 8 to 10 persons in children's homes operated on the basis of a family, forming relationships, attachments and friendships among themselves. Out of the 159 organizations, there are six family-type children's villages, three SOS children's villages, 23 family-type children's homes, characterized by the basic features of a family structure. One of the main tasks of social-demographic policies is to decrease the number of children brought up in boarding institutions. Alternative care for children needing support of the government, carried by foster families on general guardianship, patronage and adoption. Their main purpose is the welfare of the children, deprived of parental care, living conditions in their own family. Active development of those forms of education will make it possible to solve problem of the socialization of the children and of the natural integration of them into contemporary society, which positively affects forever the life of these children.

152. Studies show that the majority of orphans and children without parents to care for them have been placed with guardians or trustees. Currently, 31,305 children have been placed with guardians. In order to develop new forms of family education for young orphans and children without parents to care for them, the Government adopted resolution No. 306 of 11 March 2004 on approval of rules for payment of monetary support for the child (children) transferred to foster parents. Currently, 1,791 children live in foster families. The main advantage of sponsorship is that the child lives in a family environment, receives full care and attention, acquires a certain experience in a family and develops skills for an independent life. In that way, it is quite feasible to plan the future of many children deprived of parental care, who may later be adopted by foster parents. Adoption is one of the alternative forms for raising children without parents to care for them. The general aim of adoption is to provide care for children deprived of their parents' care under the living conditions of their own family.

153. Since approval of the law on marriage and the family legitimizing adoption, 28,038 young orphans and children without parents to care for them have been transferred. Protection and encouragement of the child is an important priority among the activities of the Commissioner for Human Rights, because children form a special group of the population. Their importance is stressed among the norms of the Universal Declaration of Human Rights of 1948 concerning the rights of motherhood and childhood, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the Convention on the Rights of the Child of 1989, as well as statutes of documents and the relevant specialized agencies of international organizations dealing with the protection of human rights and the interests of the child. A more detailed report of Kazakhstan on implementation of the provisions of this articles is presented in the second and third consolidated periodical report of Kazakhstan on implementation of the Convention on the Rights of the Child. Deputies of Parliament are currently discussing a new draft code on marriage (wedlock) and the family.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

154. That principle is included in the Constitution and constitutional laws on elections. In general, universal, equal and direct elections by secret ballots are held for the election of the President, deputies of the Majilis, local assemblies (*maslikhats*) and members of local administration bodies. Elections of senators are held under the basic indirect electoral law by secret ballot. The participation of voters of the Republic in elections is voluntary. No one has the right to compel participation or non-participation of citizens in elections or to limit the expression of one's will. Elections of senators are considered valid if more than 50 per cent of electors participate in that election. The Majilis is composed of 107 deputies, elected under existing constitutional laws. A total of 98 deputies of the Majilis are elected from party lists presented by political parties based on a single national constituency in general, universal, equal and direct voting by secret ballot. Nine deputies of the Majilis form the Peoples' Assembly of Kazakhstan.

155. The most recent elections to the Majilis were characterized by unprecedented openness, procedural transparency and fairness. That is the case of all aspects of the electoral process: registration in party lists, ensuring priority on electoral ballots, equal access of parties to governmental mass media, compliance of working structures with transparency, such as the Council for Information Dispute, the Electoral Committee and others. The constitutional law of 19 June 2007 introduced clarification regulating the status of observers of political parties, non-profit organizations and observers from foreign government and international organizations and representatives of the media. In accordance with the law of 23 July 1999 on national service, no kind of direct or indirect limitations are allowed on application for employment in government service because of gender, race, ethnic origin, language, social origin, possession of property, place of residence, religious beliefs, opinions, membership in social associations or for any other circumstance (article 12).

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

156. Article 14 of the Constitution ensures that no one may be subjected to any kind of discrimination on the basis of origin, social status, job-related status, property-related status, sex, race, language, religion, belief, place of residence or any other circumstance. That constitutional principle is incorporated into civil and penal proceedings. Article 13 of the Code of Civil Procedure ensures equality of all before the law and the courts. Before that, legal proceedings could be carried out in the national as well as in other languages, as provided for in article 14 of the Code. The Code of Criminal Procedure also consolidates prohibition in criminal proceedings of any discrimination for reasons of national or social origin, position, property relationship, gender, race, language, religion, opinions, place of residence or for any other circumstances. Article 141 of the Criminal Code provides for criminal responsibility for direct or indirect

limitation of rights and liberties for the above reasons, including the use of an official status or position in a social association.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

157. From the time it acquired national independence and sovereignty, Kazakhstan has unhesitatingly striven for democratic governance, ensuring social partnership and civic understanding and political and inter-ethnic stability. Concern for development of languages of the people of Kazakhstan is an integral part of the Government's policies and is an integral part of ethnic policy. The Government has carried out a programme for the functioning and development of languages since 2001. Of especial importance for its development, are articles 7 and 93 of the Constitution, the law on languages of 11 July 1997, the Constitution language policy approved by presidential decree No. 3186 of 4 November 1996, as well as the government programme for the functioning and development of languages established by presidential decree No. 4106 of 5 October 1998.

158. Development of the present programme is due to a need for the common purposeful and consistent activity all branches of government and society with the goal of creating an optimal functional linguistic space in Kazakhstan. In accordance with the government's programme for the functioning and development of languages, educational organizations implemented in 2001–2010 one of the guidelines: realization of the rights of ethnic groups to study their native languages. Approximately 2,980,100 school students in the 2003–2004 academic year study in their native language: in Uyghur—20,300 (0.7 per cent), Uzbek—86,400 (2.9 per cent), Tajik—2,900 (0.09 per cent), Ukrainian—165 students. In the 2005–2006 academic year, out of 2,778,077 students studying in Kazakh (1,594,019 students) there were 10,7971 students studying Russian, 17,525 Uyghur, 82,974 Uzbek, 3,225 Tajik, 178 Ukrainian and 485 students studying German. In the 2003–2004 academic year in 129 general schools in Kazakhstan, 17,533 students were studying 12 native languages as independent subjects: German—400, Polish—1,895, Ukrainian—165, Korean—463, Dungan—6,673, Tatar—357, Turkish—6,012, Chechen—145, Azerbaijan—212, Kurdish—815, Uyghur—336 and Greek—60.

159. In the 2005–2006 academic year in 119 general schools, 17,150 students were studying 16 native languages as an independent subject: German—277, Polish—1,830, Korean—444, Dungan—7 154, Tartar—503, Turkish—4,936, Azerbaijan—430, Kurdish—962, Uyghur—257, Chechen—199, Greek—60, Armenian—25, Hebrew—40, Belorussian—10, Tajik—15 and Ukrainian—8. In 59 Sunday schools for native languages optionally or in courses study, there were 2,597 students: German—644, Korean—322, Hebrew—173, Tatar—244, Polish—327, Ukrainian—169, Armenian—92, Greek—45, Azerbaijan—99, Chechen—85, Belorussian—63, Kazakh dialects—46, Uyghur—28, Bulgarian—25, Kazakh—120, Russian—53, Persian (Iranian)—20, Dungan—15, Tajik—14 and Czech—13. Religious and ethnic tolerance in the Republic has traditionally been high. Inter-ethnic relations in the Republic are rather stable, and any issues are resolved in a civil manner. There has been a trend towards a clearer understanding that not lobbying for the interests of one's own ethnicity but a strengthening of morals and a legal framework for inter-ethnic interdependence is the way to achieve greater welfare.

160. In the constant interactions of a democratic society, basic education has changed relations between the Government and religious associations. In accordance with the Constitution and the 1992 law on religious freedom and religious associations, believers have obtained the possibility to freely practice religion and are not subject to limits on their individual and civil rights and obligations. After 15 years of independence in Kazakhstan, there has been considerable qualitative and quantitative growth of religious institutions. Thus, the number of Catholics parishes increased twofold (from 42 to 86), Protestants three times (from 457 to 1272) and new for Kazakhstan confessions increased threefold (from 14 to 49). On the whole, the number of religious associations increased from 671 to 4,173, namely more than sixfold. Important steps for developing the institution of inter-ethnic relations in the Republic were taken with the activity of the People's Assembly of Kazakhstan to address the task of creating and spreading ideas of

spiritual unity, strengthening and protecting other peoples and inter-ethnic agreement, prevention of the negative trends in the field of inter-ethnic relations.
