

Statement

by H.E. Mr. Usen Suleimen, Ambassador-at-Large of the Ministry of Foreign Affairs of Kazakhstan at the Supplementary Human Dimension Meeting on: "The rule of law in the promotion and protection of human rights"

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The theme chosen for the meeting is certainly actual for the whole of humanity. In any democracy the issues of human rights and freedoms are in the forefront of the modern attitude that is a testament to the tremendous change in the spiritual culture and morality of the members of the international community.

Respect for human rights, human values and fundamental freedoms are the key factors to the progress and secure future for all countries, including Kazakhstan.

To ensure the implementation of the framework laid down in the Constitution, Kazakhstan undertakes serious steps to consolidate the international standards in the national legislation, including in the field of human rights.

Confirmation of this sequence is the specific steps to improve Kazakhstan's legislation. In particular, we joined a fundamental document in this field - the Universal Declaration of Human Rights, which is the first international instrument that provides a systematic form of specific provisions in the area of respect for and protection of basic human rights, in which there is laid the foundation for the practical realization of human rights in the world.

In fact, the Declaration was the beginning of the movement for universal human rights. In many countries, its principles and rules were included in the content of the Constitution and national legislation. This applies to Kazakhstan, which from the first days of independence, pursues a policy of active integration into global processes, one of which is human rights and freedoms.

At the same time we would like to note that the implementation of the principle of universality of human rights must be combined with the actual specific conditions of each country. Because of the large differences in social systems, levels of economic development, historical conditions and cultural traditions of various countries, their understanding of human rights issues and approaches to practical implementation also differ much. Good examples for Kazakhstan is the economic reforms carried out in accordance with the requirements of the market economy, political stability and ethnic harmony, the emergence and development of civil society.

The Constitution of the Republic of Kazakhstan incorporates into the national legal system an overwhelming majority of the provisions of the Universal Declaration of Human Rights, other major sources of international human rights and freedoms, but at the same time maintaining its positive national experience in the issues of protection of human rights through the promotion of tolerance and peaceful relations with each other.

That is, despite the universality of basic documents, while implementing certain international norms and while holding discussions on human rights it is important to consider that they are based on fundamental human values, cultural and civilizational diversity, which must surely be respected. Especially the difference between these values is observed between the cultures of East and West. Therefore, the formation of the legal framework should also take into account national peculiarities of that or another country.

Supporting the ongoing cooperation with international legal mechanisms of control in the field of human rights, periodically submitting its reports to UN treaty bodies, Kazakhstan has made efforts to implement their recommendations, and bring national legislation in line with these agreements. Kazakhstan's legislation has largely implemented international legal standards in the field of human rights.

In addition, Kazakhstan has supported the establishment of the UN Council on Human Rights, which has become the most important institution for the establishment of global standards in the field of human rights and the coordination of international human rights mechanisms, as well as recognized the competence of the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial discrimination and the Committee on Civil and political Rights to receive individual complaints of human rights violations under the relevant treaties.

As you know, one of the recent achievements of the country was its election to the UN Council on Human Rights for the period 2013-2015, which is the indication of Kazakhstan's intention to continue effective promotion of international standards in the human dimension.

Since independence, democratization and the building of a state not only been declared, but became the priorities of our state.

Contemporary Kazakh society is developing in the direction of understanding of the value of each individual, the recognition and protection of its dignity, affirmation of the idea of inherent and inalienable human rights and freedoms. The Constitution of the Republic of Kazakhstan contains the system of guarantees of realization of this difficult but important task.

In general, the process of democratic development of Kazakhstan is carried out both by improving legislation and practice, and through activities aimed at improving the legal awareness of the population and motivation of its active participation in the political life of the country.

The government has undertaken serious steps to consolidate the international standards in the national legislation, especially in the field of human rights. Kazakhstan is implementing the Concept of Legal Policy for 2010-2020. As you know, the country has also adopted a national action plan on human rights for 2009-2012, some provisions of which are still relevant. Currently there is being considered the preparation of National Human Rights Action Plan till 2020.

For example, to strengthen the national human rights protection system are aimed the laws of Kazakhstan on equal rights and opportunities for women and men, prevention of domestic violence, improvement of the judicial system, forensic activities, strengthening the fight against corruption, social support for certain categories of citizens, refugees, and also on further improvement of the system of penal and penitentiary system, etc.

These documents are aimed at strengthening the national system of protection of human rights through special events and focus on improvement of legislation and law enforcement practice. Given their provisions, there were adopted the corresponding amendments to the existing legislation.

In addition, currently there is being evolved a new Criminal Code and Criminal Procedure Code of the Republic of Kazakhstan. I would like to point out that, compared to the current Criminal Code project there was thoroughly redesigned the system of penalties and criminal sanctions, with an emphasis on greater use of measures that are alternatives to incarceration.

One of the main ways to improve the criminal procedure, the concept of legal policy defines simplification and enhancement of the effectiveness of the criminal process. In this regard, the new draft Code of Criminal Procedure the law enforcement powers do not increase. On the contrary, the reform of the investigation and improvement of pre-trial proceedings is aimed at enhancing the role and responsibility of the prosecutor.

The draft law also provides for the provisions of enhancement of the role of the lawyer in criminal proceedings. There are expanded the powers of the defense on legal aid, including to the accused, convicted, whereas in the current Code of Criminal Procedure the defender has the right to protect the rights and interests of suspects and accused persons only.

It should be noted that the provisions of the draft Code of Criminal Procedure were discussed in detail with the experts of the Venice Commission of the Council of Europe.

Adoption of various laws and regulations that ensure the rights and freedoms of citizens on the legislative level, is one of the proofs of the open policy of the Republic of Kazakhstan in relation to their civil society.

It is known that the interaction of the non-governmental sector and the government is the defining factor in the development of society, its level of democratization, including legal literacy and implementation of his civil rights and liberties.

In this sense, civil society at the same time acts as a partner of the government in all its endeavors, and its constructive opponent, defending the liberties and interests of every citizen and various groups in society.

The representatives of the authorities on their part understand and encourage the development of modern civil institutions and initiatives that are a catalyst for sustainable development of the country and are designed to guarantee the creation of economic, political rights and freedoms of citizens of Kazakhstan.

In addition, in recent years the state has structured the relationship with human rights and civil society organizations, formed up a platform for a dialogue, which, of course, should be expanded.

For example, currently in Kazakhstan on the initiative of the MFA there functions a regular consultative and advisory body called the "Platform for dialogue on human dimension." Every month the authorities and government agencies discuss the most pressing issues in the field of promotion of human rights. The recommendations worked out by the Body are submitted to the competent authorities, which are the developers of some legislative acts on issues of interest.

In addition, the cooperation of government agencies and NGOs are also carried out in the framework of a national dialogue platform - the Civic Forum, which is held every two years. The next meeting will be held in November this year. At this forum, the two sides openly discuss various national issues and set goals together to address them.

I would also like to draw your attention to the fact that in the country there also appear non-governmental organizations which in their activities deviate from their civil aims towards commercial benefits. There are also organizations that deliberately and purposefully do not pass the registration procedure in the judiciary, using his "illegal" position for their own benefits and allegat government officials, who allegedly refused to register them.

In conclusion, let me say that as a State party to a number of influential international and regional organizations and mechanisms of inter-state dialogue and cooperation, Kazakhstan is vibrantly developing relations with the leading countries and associations throughout the world, consistently integrating into the world economy and politics, and is determined to further develop legislative framework in the field of human rights and bringing them consistently into accordance with international standards.