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*Speech of the Ombudsman in RK  
by Shakirov A.O.  
on Review Conference of OSCE:  
Session 2. Fundamental Freedoms II.  
National human rights institutions  
And role of civil society in  
human rights protection  
(October 4<sup>th</sup>, 2010,  
Warsaw, Poland)*

## **Dear Members of Conference!**

As a national human rights institution the Ombudsman's office provides supervision over of the observance of human rights and carries out the role of a mediator in the mentioned field between the governmental bodies and the civil society.

The Independence status of the Ombudsman allows him to address any governmental bodies at any level to restore violated civil rights. Thus, in the current year based on complains and appeals of individuals and legal entities, including NGOs, the recommendations were directed by the Ombudsman's office to the Prime Minister on the facts of:

- extrajudicial selling of the loan debtor's only housing mortgaged in the bank,
- refusal by some banks in refunding of their borrowers' mortgage loans,
- modernization of criminal-support system objects;

### Attorney General:

- on restoration of rights of the exonerate citizens,
- satisfying complaints of visionless invalids, interestholders of mortgage housing;

### The Head of the of Prime Minister's Department:

- on prohibition of wearing hijab in educational institutions;

### The Minister of Agriculture:

- on provision of rural population with portable water.

One of the main directions of the Ombudsman's activities is the contribution to improvement of the legislation on the human rights and freedoms and its

harmonization with the generally accepted principles and norms of the international law. Being the Member of the Council on legal policy under the President of the Republic of Kazakhstan, the Ombudsman has the opportunity not only to carry out this work but also in general to participate in development of strategic issues in the legal sphere.

In this context it is worth noticing the recent adoption of the set of laws in Kazakhstan in the sphere of human rights and freedoms protection: on preventive measures of domestic violence, gender equality, refugees, improvement of judicial and criminal-executive systems. Not only the governmental bodies but also the non-governmental organizations participated in their preparation.

The role of these organizations shall be significantly strengthened in accordance with the Conception of the legal politics of the Republic of Kazakhstan for the period from 2010 till 2020 approved by the President of the country. The present program document provides for the significant humanization of the criminal legislation and legal procedure, as well as accretion of power of the Ombudsman.

Advisory and analytical help to the Ombudsman's office is provided by the Expert and Advisory Council under the Ombudsman that comprise all well-known representatives of NGOs, government bodies and scientific institutions. This interaction plays extremely positive role in accepting the agreed decisions in the sphere of legislative provisions of the human rights.

In the present scope it is also worth mentioning that representatives of the civilian sector comprise a similar expert council operating under the Commission on Human Rights under the President of the Republic of Kazakhstan. The National plan of actions in the sphere of human rights for the years 2009-2012 based was developed on their recommendations last year.

With reference to the partnership relations of the governmental bodies with the civilian sector it is necessary to mention their interaction in the sphere of human rights protection within the framework of preparation and solution implementation of Civil Forums of Kazakhstan.

The concrete example of cooperation of the Ombudsman with the civil society is the Working Group operating under him, that considers the facts of uses of tortures and other types of brutal treatments and punishments. The representatives of high level of law-enforcement and other governmental bodies were included in this group as well as the known human rights activists like Ye. Zhovtis, Zh. Turmagambetova, R. Akylbekova, V. Dobichina.

The members of the Working Group perform monitoring visits to the institutions of the criminal-support system.

They also took part in the development of the draft law on national preventive mechanism of public monitoring of detention facilities of limited in freedom or confined individuals.

The activity of the Working Group was positively valued in the March report given in the UN Council on human rights by the special rapporteur of UN on the problems of tortures, Novak M, based on results of his inspection visit to Kazakhstan.

The mediatory role of the Ombudsman is also worth noticing in strengthening of the human rights cooperation between the governmental authorities and the civil society. This in turn enabled:

- to successfully pass the procedure of the universal periodical review in Kazakhstan under UN Council on the human rights, and also to present for consideration the national reports in the UN Committees against tortures, racial discrimination and on the Pact on economic, social and cultural rights,

- to accomplish quality visits to our country of UN experts on the issues of minorities, G. Mak-Dugal, and R. Rolnik on the matter of sufficient provision of accommodation spaces, several delegations of high level representing EU, OSCE and other international organizations.

Therefore, during the meetings with the foreign delegations the Ombudsman's institution more often acts as the main expert on the issues of the human right protection in our country.

Despite of restricted time allowed for my speech, the above mentioned affords ground to confirm to state that the role of the national body of human rights protection is significantly increasing in the society.

Thank you for attention.