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Erlan Idrissov  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
D.Kunaev St., ap. 31  
010000 Astana  
Kazakhstan

18 October 2012

Dear Minister,

**OPEN LETTER: KAZAKHSTAN'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 6 June 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the President of the General Assembly.<sup>1</sup>

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.<sup>2</sup> On the occasion of Kazakhstan's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.<sup>3</sup>

**Commitments at the international level**

*Ratification of international human rights instruments*

We wish to take this opportunity to encourage you to ratify the international human rights instruments that are still outstanding, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

*Cooperation with the Special Procedures*

We note your intention to promote the effective implementation of the mandates of the Special Procedures. In that spirit, we urge you to facilitate without delay the visit requested by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. We also take this opportunity to remind you of the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and by the Independent Expert on minority issues, following their visits to Kazakhstan in 2009, and by the Special Rapporteur on

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<sup>1</sup> A/67/122.

<sup>2</sup> A/RES/60/251, para 9.

<sup>3</sup> Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, following his visit in 2010.

#### *Cooperation with the treaty monitoring bodies*

We urge you to implement the 2011 recommendations by the Human Rights Committee, in particular to ensure that law enforcement officials do not target vulnerable groups in their activities to combat terrorism, and to ensure that any measures to combat terrorism are in line with international human rights standards.<sup>4</sup> We also urge you to implement the 2008 recommendations by the Committee against Torture, in particular to promptly implement effective legal safeguards for detention.<sup>5</sup>

#### *Engagement with the Universal Periodic Review*

We note your intention to follow the highest standards of interaction during the Universal Periodic Review (UPR). During the UPR of Kazakhstan in 2010,<sup>6</sup> your government accepted recommendations to strengthen safeguards against torture, including ensuring that no statement obtained through torture can be used in court and establishing an independent monitoring mechanism to visit places of detention.<sup>7</sup> We also welcome your government's support of recommendations to fully abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>8</sup> We urge you to use the occasion of your candidacy for the Human Rights Council to ensure the full implementation of these recommendations and to provide an update to the Council on their progress.

#### *Participation in the deliberations of the Human Rights Council*

We note your pledge that, if elected, you will enhance the credibility and effectiveness of the Human Rights Council.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

#### **Commitments at the national level**

We note your commitments to work towards gradual abolition of the death penalty and to draft a bill to establish a torture prevention system. We also note your statement that you are enacting measures to strengthen women's role and status in social and political life.

We call on you to ensure that Kazakhstan's human rights institutions fully comply with the Paris Principles, that there is broad and effective public consultation on and participation in your government's decision-making processes, and that national and regional security concerns and counter-terrorism measures do not take precedence over Kazakhstan's human rights obligations.

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<sup>4</sup> Concluding observations of the Human Rights Committee, Kazakhstan, 19 August 2010 (CCPR/C/KAZ/CO/1), recommendation 8.

<sup>5</sup> Concluding observations of the Committee against Torture, Kazakhstan, 12 December 2008 (CAT/C/KAZ/CO/2), para 9.

<sup>6</sup> Report of the Working Group on the Universal Periodic Review, Kazakhstan, 23 March 2010 (A/HRC/14/10).

<sup>7</sup> A/HRC/14/10, recommendations 95.42 (Australia), 95.43 (Algeria), 95.44 (Germany), 95.45 (Germany), 95.61 (Czech Republic), 95.64 (Czech Republic), 95.65 (France), 95.66 (Ireland), 95.67 (United Kingdom), 95.68 (Sri Lanka), and 95.102 (Morocco).

<sup>8</sup> A/HRC/14/10, recommendations 95.41 (Philippines); Report of the Working Group on the Universal Periodic Review, Kazakhstan, Addendum, 1 June 2010 (A/HRC/14/10/Add.1), referring to recommendations 97.16 (France), 97.17 (Belgium), and 97.18 (Spain).

We welcome the pledges and commitments already made by Kazakhstan, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

David Diaz-Jogeix  
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Amnesty International