

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
KAZ 4/2015:

15 October 2015

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the imminent adoption of a draft law on non-governmental organizations that may result in violations to the right to freedom of association and freedom of expression**. Concerns on the aforementioned draft law were the subject of a previous communication on 6 October 2015, however we regret that to date no response has been received.

According to the information we continued to received, the draft "Law on the introduction of amendments and addenda to several legislative acts of the Republic of Kazakhstan relating to activities of non-governmental organizations" was approved by the Kazakh Senate on 8 October 2015. The draft law would now be with the Lower House of the National Parliament for its consideration. The draft law is supposed to be formally adopted any time from now.

We reiterate our serious concerns that numerous provisions of the draft law may compromise the independence and the existence of civil society organizations, as expressed in our letter dated 6 October 2015. We are also concerned that several provisions of the draft law contravene international human rights standards related to freedom of association and freedom of expression as outlined in the 6 October letter.

While we remain available to provide advice on legislation to regulate associations which comply with international human rights law and standards, it is also our intention to publicly highlight the identified shortcomings in this draft law as, in our view, these are matters warranting immediate public attention. The attached press release will be issued later today in the afternoon.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders