

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL KAZ 1/2026

(Please use this reference in your reply)

12 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged pressure on independent media outlet *Orda*, its journalists, and its former head, Ms. Gulshat (Gulnar) Bazhkenova, as well as the ongoing criminal case against her, her current detention, and the disbarment of her lawyer, Mr. Murat Adam, reportedly in retaliation for representing her and exercising the freedom of expression.**

Ms. **Gulshat Bazhkenova** (known as **Gulnar Bazhkenova**) is a well-known Kazakhstani journalist, shareholder and former head of the independent media outlet *Orda*, which specialises in socio-political topics, including corruption and human rights. Ms. Bazhkenova has also reportedly participated in public initiatives aimed at protecting freedom of expression.

Mr. **Murat Adam** is a lawyer and member of the Almaty City Bar Association. He has represented Ms. Bazhkenova in criminal proceedings.

According to the information received:

Alleged involuntary transfer of a 70 per cent share in *Orda*

According to the information received, Ms. Bazhkenova founded *Orda* (OrdaMedia.kz LLP) in 2020. It is further alleged that in early 2023 Ms. Bazhkenova was compelled, under threats, to sell a 70 per cent share in *Orda* to [REDACTED], who had previously been unknown to her and who allegedly acted in the interests of another influential individual. It is also alleged that historical records concerning the media outlet's founders in the database of the registering authority were falsified.

According to publicly available information, the position of the opposing side is as follows: that [REDACTED] was the sole founder of *Orda* in 2020 as an investment, that in 2022 Ms. Bazhkenova acquired a 100 per cent share from him, and that in 2023 Ms. Bazhkenova herself requested that he purchase a 70 per cent share from her in order to resolve financial difficulties.

According to the information received, on 28 November 2025 a criminal case was opened by the Department of Economic Investigations for the City of

Almaty upon Ms. Bazhkenova's complaint under article 249 part 1-1 of the Criminal Code of Kazakhstan ("criminal corporate takeover").

### Events of December 2025

On the morning of 1 December 2025, the day on which investigative actions in the corporate takeover case were reportedly due to commence at 10 a.m., Ms. Bazhkenova was arrested by officers of the Almaty City Police Department at the entrance of her residential building. The detention was allegedly carried out without a formal record of detention, without explanation of procedural rights, and without access to lawyer. It is further alleged that the officers refused to identify themselves or present official identification.

At the same time, parallel searches were conducted at Ms. Bazhkenova's residence and at the office of *Orda* in Almaty. The searches were reportedly conducted with serious procedural violations, including the denial of access to lawyers, refusal to present search warrants, and failure to specify which authority was conducting the investigative actions, what actions were being undertaken, and on what grounds. Following the searches, neither Ms. Bazhkenova nor her lawyer were reportedly provided with copies of the relevant records.

During the searches, cash belonging to the editorial office and intended for salary payments; equipment; documents; and the official seals of the media outlet were seized. These actions reportedly paralysed the editorial operations for a period of time.

Ms. Bazhkenova is suspected of "disseminating knowingly false information using mass media, telecommunications networks, and online platforms" (article 274, part 2 paragraph 3 of the Criminal Code) and has been under house arrest since 1 December 2025.

According to the Almaty City Police Department's media comment, the reason is the "repeated and deliberate dissemination of knowingly false information", namely allegedly false information published in 2024 concerning the detention of a law enforcement officer while receiving a bribe, and allegedly inaccurate information in another publication regarding the amount and causes of damage in a property dispute.

According to the information received, the criminal prosecution constituted a retaliation for *Orda*'s reporting and was allegedly aimed at isolating Ms. Bazhkenova and preventing her from defending the media outlet against the alleged takeover.

On 15 December 2025, following Ms. Bazhkenova's placement under house arrest, ██████████ convened a shareholder meeting and unilaterally removed Ms. Bazhkenova from her position as media outlet's head, appointing himself in her place.

On 24 December 2025, the investigation into the alleged takeover was discontinued.

It is reported that, despite a court authorisation, Ms. Bazhkenova was denied medical care and also refused permission to hire a domestic helper, despite alleged medical contraindications preventing her from preparing meals independently. Ms. Bazhkenova resides with her minor child. As a result of her house arrest and the restrictions imposed, the child is reportedly deprived of adequate nutrition and the opportunity to attend sport and extracurricular activities.

According to the information received, the actions of law enforcement were challenged by Mr. Adam before the Specialised Interdistrict Investigative Court of Almaty, however, all complaints were dismissed, and this ruling was subsequently upheld on appeal by the Almaty City Court.

It is further alleged that Mr. Adam was refused the initiation of criminal proceedings under article 435 of the Criminal Code (“obstruction of lawful legal practice”) in connection with denial of access to Ms. Bazhkenova on 1 December 2025 during the searches and seizures conducted at her residence and at the office of *Orda*.

#### Disbarment of Mr. Adam

On 29 December 2025, the Ministry of Justice filed a claim with the Bostandyk District Court of Almaty seeking revocation of Mr. Adam’s licence to practise law. It was based on a submission by the Ministry of Internal Affairs, which is responsible for investigating the case against Ms. Bazhkenova.

The sole stated ground for initiating the disbarment proceedings – the most severe form of professional liability – was the content of Mr. Adam’s public statements made in connection with his defence of Ms. Bazhkenova. He was accused of “multiple violations of legislation in the performance of his professional duties”, in particular publishing 16 social media posts about alleged violations by investigative bodies and judges in Ms. Bazhkenova’s case, thereby “publicly discrediting” them.

Given the public importance of the matter, dozens of lawyers reportedly volunteered to support Mr. Adam. However, the court refused to conduct the proceedings online and rescheduled the hearing from 14 to 12 January 2026, allegedly in order to prevent some supporters from attending. Although the hearing was formally open to the public, it is reported that the court prohibited live broadcasting and placed journalists in a separate room where the sound was barely audible and the documents under consideration were not visible.

On 16 January 2026, the court issued a decision revoking Mr. Adam’s licence to practise law. The decision is currently under appeal.

### Other forms of pressure

Since early 2025, *Orda* and Ms. Bazhkenova have reportedly been subjected to repeated blocking of their social media accounts following waves of complaints, as well as to cyberattacks and disinformation and discreditation campaigns.

Reported incidents include the creation of fake accounts in journalists' names disseminating fabricated information, such as announcements of Ms. Bazhkenova's alleged death. Another reported example was the publication of advertisements containing personal data, including advertisements falsely offering intimate services, resulting in continuous calls and messages. They also reportedly received death threats and threats of violence.

Some of the above incidents were reportedly brought to the attention of the police, however the status of any resulting investigations remains unclear.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our concern regarding the alleged pressure on the independent media outlet *Orda*, its journalists, and its former head, Ms. Gulshat (Gulnar) Bazhkenova. We urge your Excellency's Government to promptly, impartially, and effectively investigate all reported death threats and threats of violence. We note that the alleged dissemination of journalists' personal data, if confirmed, would not only constitute a serious violation of the right to privacy and an obstruction of media work, but may also place them at a physical risk.

We are further concerned about the arrest of Ms. Bazhkenova, her current detention, and the ongoing criminal case against her. As allegations indicate that this case may be related to the alleged takeover, we note with concern allegations that the investigation into it and her arrest coincided in time, that the seizure of items from the office of *Orda* obstructed editorial operations, and that this was followed by Ms. Bazhkenova's removal as head of the outlet. We are accordingly concerned that this may constitute an attempt to interfere with legitimate journalistic work and to capture an independent media to control its reporting. We also note reports of procedural violations during the arrest and the searches conducted at Ms. Bazhkenova's residence and at the office of *Orda*, which raise serious concerns regarding the fairness of the ongoing investigation.

We are concerned about Ms. Bazhkenova's situation under house arrest, in particular allegations that she has been denied medical care, refused permission to engage a domestic helper despite medical need, and that the house arrest adversely affects the needs of her minor child.

Finally, we are concerned about the disbarment of her lawyer, Mr. Murat Adam, reportedly in connection with his exercise of his role as lawyer; as well as for the exercise of their right to freedom of expression and opinion all of which are guaranteed by international human rights law. We are especially concerned that this may be a retaliation for representing Ms. Bazhkenova, especially in view of the allegations that other lawyers have also been barred from representing her.

International standards provide that accused persons must have access to counsel of their own choice, as well as adequate time and facilities for the preparation of their defense. The Human Rights Committee stresses in its general comment No. 32 that the availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way. Furthermore, the Committee clarifies that adequate facilities include access to documents and evidence, including all materials the prosecution plans to offer against the accused or that are exculpatory (CCPR/C/GC/32).

Further, we recall that States must ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference; and shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognised professional duties, standards, and ethics.

Disbarment in this case appears to be a disproportionate measure in response for social media posts. We wish to recall that lawyers are, like other individuals, entitled to freedom of expression. International standards provide that lawyers “shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional restrictions” (see annex). The imposition of restrictions to lawyers’ freedom of expression, and the possibility that these restrictions may translate into criminal accusations, is incompatible with human rights standards. Recognizing that journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Human Rights Committee stresses in its general comment No. 34 that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted” and asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (CCPR/C/GC/34).

We also note allegations that, in proceedings that were reportedly intended to be open, opportunities to observe and report were restricted.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details, and where available, the outcomes of any investigations carried out in relation to the allegations of pressure, and particularly physical and death threats and privacy violations, against Ms. Bazhkenova and other Orda media workers. Kindly indicate the

results of such investigations and identify any individuals held accountable. If no investigation has been conducted, or if the findings were inconclusive, please explain why this is the case and how it aligns with your Excellency's Government's international human rights obligations.

3. Please provide information regarding the specific criminal accusations against Ms. Bazhkenova, including its legal and factual basis, and explain how the criminal case against her aligns with your Excellency's Government's obligations under article 19 of the ICCPR, including the necessity, proportionality, and 'least intrusive instrument' criteria required for restrictions to her right to freedom of expression.
4. Please provide information on the grounds for Mr. Adam's disbarment and explain how his disbarment aligns with your Excellency's Government's obligations under articles 19 and 14 of the ICCPR and UN Basic Principles on the Role of Lawyers.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations, including threats and harassment, and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

First of all, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), which Kazakhstan ratified on 24 January 2006.

Article 19 of the ICCPR guarantees the right to hold opinions without interference and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. In this regard, the Committee highlighted that a free, uncensored, and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other ICCPR rights and is the cornerstone of a democratic society (paragraph 13). This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion (Id.). The public also has a corresponding right to receive media output (Id.).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to

demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

Article 19(3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 (para. 23). The Human Rights Committee also explicitly noted that the penalization of a media outlet or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (para. 42).

With regard to alleged threats, we draw the attention of your Excellency’s Government to article 6 of the ICCPR, which guarantees the right to life. As interpreted by the Human Rights Committee in general comment No. 36 (CCPR/C/GC/36), deprivation of life involves an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission; and it goes beyond injury to bodily or mental integrity or threat thereto (paragraph 6).

States parties must ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State (paragraph 7). The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life (Id.). States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (Id.). The duty to protect the right to life also includes an obligation for States parties to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities (paragraph 18). States parties must enact a protective legal framework which includes effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in a deprivation of life, such as death threats, among others (paragraph 20).

Importantly, the duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence (paragraph 23). These include journalists, among others (Id.). States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody (Id.).

Investigations into allegations of violation of article 6 must always be independent, impartial, prompt, thorough, effective, credible, and transparent, and in the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation, and satisfaction (paragraph 28). States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future (Id.).

Similarly, we would also like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to security of person. It is highlighted in general comment No. 35 (CCPR/C/GC/35) that this obliges States parties to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors (paragraph 9). States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of journalists (Id.).

With regard to the allegations of dissemination of journalists' personal data, we would like to remind your Excellency's Government of its obligations under article 17 of the ICCPR, according to which everyone has the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, as well as to unlawful attacks on their honour and reputation, and the right to the protection of the law against such interference or attacks. As emphasised by the Human Rights Committee in general comment No. 16 (HRI/GEN/1/Rev.9 (Vol. I) p. 191), this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons (paragraph 1).

We would also like to draw attention to article 17 in relation to alleged violations during the search of Ms. Bazhkenova's residence. In this regard, we would like to highlight paragraph 12 of the same general comment stating that article 17 deals with protection against both unlawful and arbitrary interference. In the Human Rights Committee's view, the expression "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4). Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment (paragraph 8).

With regard to Ms. Bazhkenova's arrest and detention, we would like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to liberty of person and no one shall be subjected to arbitrary arrest or detention, or deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of expression, is arbitrary. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). The Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual

orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

Article 9 requires that procedures for carrying out legally authorised deprivation of liberty should be established by law and States parties should ensure compliance with their legally prescribed procedures (paragraph 23). It requires compliance with domestic rules providing important safeguards for detained persons, such as making a record of an arrest and permitting access to counsel (Id.).

Article 9(2) of the ICCPR states that 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. The Human Rights Committee reiterates in general comment No. 35 that the information about reasons for arrest must be provided immediately upon arrest (paragraph 27).

Concerning the investigation against Ms. Bazhkenova and the disbarment of Mr. Adam, we would like to refer your Excellency's Government to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law.

Article 14(3) provides that, in the determination of any criminal charge against him, everyone shall be entitled to the minimum guarantees, in full equality, including: (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; and (d) to defend himself in person or through legal assistance of his own choosing.

Concerning the disbarment proceedings, we would like to underline that all trials related to a suit at law must in principle be conducted orally and publicly (paragraph 28). The publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large (Id.). Courts must make information regarding the time and venue of the oral hearings available to the public and provide for adequate facilities for the attendance of interested members of the public, within reasonable limits, taking into account, *inter alia*, the potential interest in the case (Id.).

Article 14(1) acknowledges that courts have the power to exclude all or part of the public 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 be prejudicial to the interests of justice (paragraph 29). However, apart from such exceptional circumstances, a hearing must be open to the general public, including members of the media, and must not, for instance, be limited to a particular category of persons (Id.).

We would also like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Principles 1, 2, 7, and 8, in particular, contain Member States' obligations to ensure prompt and effective access to lawyers, as well as adequate opportunities, time, and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception, or censorship and in full confidentiality. According to principle 21, it is the duty of the competent authorities to ensure lawyers access to appropriate information, files, and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

Principle 16 requires Governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference; and shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognised professional duties, standards, and ethics. Principle 18 states that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. Principle 23 reiterates that lawyers like other citizens are entitled to freedom of expression. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights without suffering professional restrictions by reason of their lawful action. We would also like to draw your attention to principles 26-29 concerning the fairness and impartiality of any disciplinary proceedings against lawyers.

Concerning Ms. Bazhkenova's situation in detention, we would like to refer your Excellency's Government to article 6 of the ICCPR, which protects the supreme and non-derogable right to life. The Human Rights Committee in its general comment No. 36 (CCPR/C/GC/36) states that this right concerns the entitlement to be free from acts and omissions that are intended or may be expected to cause unnatural or premature death, as well as to enjoy a life with dignity (paragraph 3). This applies to all without any distinction, including persons suspected or convicted of crimes (Id.). States parties have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, including providing them with the necessary medical care and appropriately regular monitoring of their health, since by arresting, detaining, imprisoning, or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity (paragraph 25). States parties may not rely on lack of financial resources or other logistical problems to reduce this responsibility (Id.).

In this connection, we would also like to recall your Excellency's Government's obligations under article 12 of the International Covenant on Economic, Social, and Cultural Rights, which Kazakhstan ratified on 24 January 2006, establishing the right to the enjoyment of the highest attainable standard of physical and mental health. As interpreted by the Committee on Economic, Social, and Cultural Rights in general comment No. 14 (E/C.12/2000/4), States must ensure provision of healthcare (paragraph 36) and refrain from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative, and palliative health services (paragraph 34). The denial of access to health facilities, goods, and services to particular

individuals or groups as a result of de jure or de facto discrimination is specifically mentioned among violations of the right to health (paragraph 50).

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6(a)-(c), which reiterates the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial, or administrative systems; to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.
- Article 11, which states that everyone has the right to the lawful exercise of his or her occupation or profession.
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.