



Warsaw, 2 June, 2016

**To protect civil society in Kazakhstan: the Foundation's recommendations within the framework of the UN High Commissioner for Human Rights report**

In April 2015, the UN High Commissioner for Human Rights initiated consultations on the development of recommendations, aimed at creating of a favourable environment for civil society's activities. Based on the materials from the human rights organisations and the UN countries<sup>1</sup>, a report of the High Commissioner was published in April 2016.<sup>2</sup>

For the past 5 years, the critical narrowing of space for the development of civil society in post-Soviet non-democratic states has been observed. Therefore, the Open Dialog Foundation stressed the importance of the initiative on the part of the UN High Commissioner, and presented a report, based on the experience of communication with representatives of civil society in Kazakhstan. Here, the Foundation would like to express its gratefulness for reviewing and publishing the report, as well as for including some of the ideas from the report in the final document, issued by the High Commissioner.

In the report<sup>3</sup>, the Foundation noted that in Kazakhstan, legislation and the political environment are unfavourable for the development of civil society. Civil society activists are subjected to many restrictions, including arrest, criminal prosecution, bans on carrying out actions, etc. The authorities impede the development of independent media, thereby limiting the information channels, necessary for the activities of civil society.

The Kazakh authorities support organisations which are engaged in public services and social projects, but, at the same time, do not allocate grants for projects in the spheres of human rights protection, political education, rule of law, reform of the government etc. Also, Kazakhstan fears the influence of independent NGOs, financed by foreign donors.

Within the framework of the consultation with the UN High Commissioner, the Open Dialog Foundation suggested recommendations for Kazakhstan, which pertain to the protection of civil society, in particular:

- Reduce the number of bureaucratic requirements for registration and with regards to the activities of civic associations, political parties and religious communities.
- Eliminate from the Law 'On Public Associations', the ban on informal civic associations.
- Remove from the Criminal Code the article on the intervention of civic associations in the activity of state bodies and abolish the concept of 'leader of a civic association', which serves as a confounding factor.
- Decriminalise articles on defamation and the dissemination of false information.

<sup>1</sup> <http://www.ohchr.org/EN/AboutUs/Pages/ReportHConCivilSociety.aspx>

<sup>2</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/32/20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/20)

<sup>3</sup> [http://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/6\\_OpenDialogue.pdf](http://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/6_OpenDialogue.pdf)

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- Discontinue the practice of exerting pressure on civil society activists and journalists, subjecting them to harassment, arrest and intimidation.
  - Deny requests for the extradition of opposition politicians, who financed and supported the opposition movement and civil society activists in Kazakhstan.
  - Heed the calls of the international community and release political prisoners.
  - Create priorities for nation-wide grant projects in real open debate, taking into consideration the actual needs of the society.

In addition, the Foundation's report specifies general recommendations for the development of civil society in post-Soviet countries with low levels of democracy, in particular:

- Contribute towards the development of the public sector, as this opens up opportunities for social and political criticism.
- Public criticism of the current political regime or government bodies cannot constitute the basis for the prosecution of representatives of civil society. The development of civil society is impossible without guarantees in terms of freedom of assembly and freedom of speech.
- Encourage participation and the taking into account of views of representatives of civil society at all stages of the decision-making process in government. Implement initiatives and comments of civil society in the discussion on draft laws.
- The UN, EU, OSCE, PACE, and the governments and parliaments of democratic states should support the human rights NGOs whose members often risk their lives defending the values of human rights and democracy. Constant communication with civil society will contribute to the transfer of unbiased information to diplomats and politicians about situations in non-democratic countries, and will also allow proactivity, thus preventing violent conflicts.

*The entire text of the report and the full list of recommendations, prepared by the Open Dialog Foundation, can be found on the website of the Office of the UN High Commissioner for Human Rights at the following link:*

[http://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/6\\_OpenDialogue.pdf](http://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/6_OpenDialogue.pdf)

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