

EUROPEAN EXTERNAL ACTION SERVICE



Head of Division

MD.III. Europe and Central Asia
III.B. Russia, Eastern Partnership, Central Asia, Regional
cooperation & OSCE
III.B.4. Central Asia

Brussels, 25 February 2015
ARES(2015)

Dear Ms. Koj,

Thank you for your letter of 2 February 2015, regarding the National Preventative Mechanism (NPM) against Torture, as well as conditions of detention more generally in Kazakhstan.

As you will be aware, the prevention and eradication of all forms of torture and ill-treatment in detention, world-wide, is a core aim of the European Union's human rights policy and, as such, we are committed to using all available tools of diplomacy and cooperation assistance to this end. Further to this, EEAS officials, both at Headquarters in Brussels and at the Delegation of the European Union to Kazakhstan in Astana, closely monitor the situation in Kazakhstan in this regard, particularly following the significant step of the creation of a National Preventive Mechanism (NPM) against torture, established in July 2013.

NPM implementation continues. An NPM Steering Committee, consisting of 18 NGO representatives, including several respected experts, and the Ombudsman, was elected by a commission of experts. Actual monitoring visits began in March 2014 and, according to our information, some 276 visits were carried out last year by some 112 monitors, all of whom are NGO representatives. The NPM functional budget amounted to some €1 million. A new NPM monitoring team has been selected for 2015, many of whom were also NPM monitors last year.

Officials at the Delegation of the European Union to Kazakhstan have liaised closely with NGO representatives working on the NPM, including current monitors, consistently inquiring as to their concerns regarding the mechanism and how it is functioning. Feedback from these sources has been largely positive.

In our experience, NGO representatives have expressed concerns with regard to follow-up investigations, where instances of torture or ill-treatment have been reported, and, as you mention, that the mechanism is overly centralised. This has led, *inter alia*, to a lack of information-sharing between NPM monitors in the regions. These issues are clearly very important and are something that the EU is addressing, both through dialogue with the Kazakh government, as well as through cooperation assistance.

Service Européen pour l'Action Extérieure, B-1046 Bruxelles / Europese dienst voor extern optreden, B-1046 Brussel - Belgium.
Telephone: (32-2) 584 11 11.
Office: EEAS 05/589. Telephone: direct line (32-2) 584 94 99.

E-mail: Toivo.KLAAR@eeas.europa.eu

In this regard, the EU recently started a project, to be implemented by Penal Reform International (PRI), on "Support of the National Preventive Mechanism (NPM) in Kazakhstan: Implementing Stage". The EU's total contribution is €76,000 and the main aims of the project are as follows:

1. To promote effective reporting on results of monitoring the prisons by CSOs within NPM;
2. To strengthen the capacity of civil society in prison monitoring;
3. To help in establishing effective mechanisms of cooperation between CSOs and the Ombudsman.

The latest information we have with regard to the case of Mr. Maksat Dosmagambetov is that he was released on parole in early February. We welcome this development, which follows an earlier decision to allow him to remain at home, under house arrest, due to his serious health condition.

We will continue to monitor the case closely, as well as the ongoing implementation of the NPM and situation with regard to conditions in detention in Kazakhstan more broadly.

Yours sincerely,



Toivo Klaar

Head of Central Asia Division