

**LAW**  
**REPUBLIC OF KAZAKHSTAN**

On human rights activities and the introduction of amendments and additions to certain legislative acts of the Republic of Kazakhstan

**SECTION 1. General provisions**

**Article 1: Scope of application of this law**

1. The present Law shall regulate relations related to the implementation of human rights activities by human rights defenders, the realisation of guarantees of the rights and freedoms of human rights defenders, as well as the creation, functioning and monitoring of the mechanism for the protection of persons carrying out human rights activities.

2. The effect of this Law shall extend to citizens of the Republic of Kazakhstan, foreign citizens and stateless persons located in the territory of the Republic of Kazakhstan or under its jurisdiction or effective control.

**Article 2: Legislation of the Republic of Kazakhstan on human rights activities**

1. The legislation of the Republic of Kazakhstan regulating the implementation of human rights activities shall consist of international treaties, the Constitution of the Republic of Kazakhstan, this Law and other normative legal acts of the Republic of Kazakhstan regulating the procedure for the implementation of human rights activities, as well as human and civil rights and freedoms.

2. The Republic of Kazakhstan guarantees the fulfilment of its international obligations in the field of human rights and fundamental freedoms, including the obligation to effectively implement the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Public Bodies to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by resolution 53/144 of the General Assembly of the United Nations on 9 December 1998.

### **Article 3: Basic concepts used in this Law**

The following basic concepts are used in this Law:

1) Human rights activities - activities to promote, implement and protect human rights and fundamental freedoms, carried out on a **voluntary and (or) professional basis**, realised by peaceful means and methods not prohibited by the current legislation of the Republic of Kazakhstan.

2) a person carrying out human rights activities (human rights defender) - a natural or legal person who implements the activities provided for in paragraph 1) of Article 2 of this Law. Persons carrying out human rights activities shall also include assistants, employees and other persons affiliated with a human rights defender;

3) The Committee on the Rights of Human Rights Defenders is an authorised person who protects the rights of persons carrying out human rights activities. The Committee on the Rights of Human Rights Defenders is a mechanism for the protection of human rights defenders;

4) The Fund of the Committee on the Rights of Human Rights Defenders - a non-profit organisation established by the Committee on the Rights of Human Rights Defenders to provide funding for a mechanism for the protection of human rights defenders;

5) peaceful means - any means of defence of human and civil rights and freedoms provided for by law.

6) international and regional bodies for the protection of human rights and freedoms - institutions established under international and regional organisations of which the Republic of Kazakhstan is a member;

7) intimidation or retaliation - any form of violence, threat, retaliation, discrimination, pressure or other arbitrary or malicious action or threat against a person's status, work or activities as a human rights defender, including planned, intended or implied work or activities as,

#### **Article 4: Special features of human rights activities**

1. Human rights activities shall be carried out in accordance with the following principles:

- 1) the non-violent nature of the activity;
- 2) Legitimacy;
- 3) ensuring the protection of human and civil rights and freedoms.

2. Human rights activities may be carried out both on a reimbursable and non-reimbursable basis.

3. Human rights activities may be carried out both on a professional and non-professional basis. The existence of professional guarantees provided for by the current legislation of the Republic of Kazakhstan shall not prevent the use of guarantees provided for by this Law.

4. It is not allowed to establish a ban on the implementation of human rights activities by state bodies, local self-government bodies on the grounds of origin, social, official and property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances, including in the case of violation by a person of the legislation of the Republic of Kazakhstan regulating human rights activities.

5. Human rights activities may be carried out individually and (or) collectively.

6. State registration is not required to carry out human rights activities.

### **SECTION 2: Rights and duties of human rights defenders and guarantees of their observance**

#### **Article 5: General provisions on the rights and freedoms of human rights defenders**

1. Human rights defenders shall have all human and civil rights and freedoms provided for by international treaties and the legislation of the Republic of Kazakhstan.

2. The rights and freedoms of human rights defenders may be restricted by law only to the extent necessary to protect the health, rights and legitimate interests of others. The burden of proof to establish the lawfulness of a restriction lies with the person or state or local government body that seeks to impose it.

3 The rights and freedoms of human rights defenders shall not be restricted by state bodies, local self-government bodies without legal grounds, as well as without recourse to the courts of the Republic of Kazakhstan.

If a human rights defender is detained by authorised bodies of the Republic of Kazakhstan, an official of the said body must inform the human rights defender

of his/her right to legal assistance and protection by the Committee on the Rights of Human Rights Defenders. If the defender consents to this, the authorities are obliged to notify the Committee of the detention.

In the absence of the notification provided for in paragraph 2 of part 3 of this article, the official who carried out the detention shall bear the responsibility provided for by the legislation of the Republic of Kazakhstan.

4. When judicial bodies of the Republic of Kazakhstan consider cases related to the restriction of the rights and freedoms of human rights defenders, the participation of a representative of the Committee on the Rights of Human Rights Defenders shall be mandatory.

5. In order to protect the rights and freedoms of human rights defenders, the security guarantees provided for by this Law shall also apply to their relatives, representatives of the human rights defender, other affiliated individuals and legal entities.

6. Interference or obstruction of lawful human rights activities shall entail liability provided for by the legislation of the Republic of Kazakhstan.

7. A human rights defender has the right to receive funding for human rights activities from any source. Interference or obstruction of lawful human rights activities by state bodies or local self-government bodies on the basis of the receipt of funding by a human rights defender shall not be allowed.

## **Article 6: The right of access to information and freedom of access to and co-operation with international and regional bodies for the protection of human rights and freedoms**

1. Human rights defenders have the right to seek, receive and disseminate information , including:

1) information related to the protection of human and civil rights and freedoms, including information received from state bodies, local self-government bodies, individuals and legal entities;

(2) To study, discuss, form and maintain views on the observance, both in law and in practice, of all human rights and fundamental freedoms, and, by these and other means, to draw public attention to these issues.

2. The right referred to in Article 5, paragraph 1 of this Law includes the possibility to publish, inter alia, personal data of natural persons, if it is necessary to ensure the protection of human and civil rights and freedoms.

3. Human rights defenders have the right to apply to and co-operate with international and regional bodies for the protection of human rights and freedoms. These appeals should not be interpreted by state bodies and local self-government bodies as a violation of the legislation of the Republic of Kazakhstan.

The Republic of Kazakhstan guarantees the implementation of decisions and recommendations of international and regional bodies for the protection of human and civil rights and freedoms.

4. The rights referred to in this article may be exercised orally, in writing, in

print, in art or through any media, including the Internet.

Human rights defenders shall have the right to use in court and other state bodies, local self-government bodies of the Republic of Kazakhstan and other non-governmental organisations computers, smartphones and other technical means necessary for carrying out human rights activities, subject to the restrictions provided for by the legislation of the Republic of Kazakhstan.

5. State bodies, local self-government bodies and legal entities are obliged to provide written answers to requests of a human rights defender within ten working days. The provision of requested information may be refused if the information is classified as information with limited access.

In the event of failure to provide a human rights defender with a written reply provided for in article 5, paragraph 5, of the present Act, the official authorised to provide such a reply in accordance with the legislation of the Republic of Kazakhstan shall bear the responsibility provided for in the legislation of the Republic of Kazakhstan.

### **Article 7: The right to freedom of expression**

1. Human rights defenders have the right to freely express opinions related to the protection of human rights and freedoms.

2. Human rights defenders may freely send in any form the opinion specified in paragraph 1 of article 6 to state bodies, local self-government bodies and their officials, individuals and legal entities.

3. It is prohibited to prosecute a human rights defender for disseminating in a lawful manner the opinion specified in paragraph 1 of Article 6 of this Law. This prohibition shall also apply to the persons specified in paragraph 5 of Article 4 of this Law.

### **Article 8: Right to privacy**

1. A human rights defender, in order to protect his/her rights and freedoms, shall have the right to use encryption tools and to request any person to delete any information on the Internet without a court decision in order to preserve confidentiality. The guarantees referred to in this paragraph shall also apply to the persons referred to in Article 4, paragraph 5 of this Law.

2. Documents related to human rights activities, as well as the property of a human rights defender, including mobile phones, audio equipment, computer equipment, shall not be subject to search, inspection, seizure, withdrawal and verification, except in cases provided for by the legislation of the Republic of Kazakhstan.

3. State bodies, local self-government bodies should not disclose or require disclosure of information about the sources of information used by human rights defenders.

## **Article 9: The right to security**

(1) A person carrying out human rights activities shall be guaranteed the right to security in carrying out human rights activities in accordance with the procedure established by law.

2. Intimidation of a human rights defender, retaliation against a human rights defender is prohibited.

**A human rights defender may notify the Committee on the Rights of Human Rights Defenders of any acts of intimidation or retaliation**

The Committee on the Rights of Human Rights Defenders is obliged to initiate an enquiry into the facts of intimidation or reprisals and send a corresponding appeal to the General Prosecutor's Office of the Republic of Kazakhstan.

The Prosecutor General is obliged to ensure a prompt, thorough, effective, independent, impartial investigation. The investigation, in addition to examining the merits of the application, should take into account, inter alia:

1) whether the motive for the violation of the rights of a human rights defender is his/her status, activities or work as a human rights defender;

2) whether there have been previous violations of the rights of human rights defenders and whether they are systematic;

(3) whether the offence was aided, abetted or supported by more than one offender.

During the investigation, representatives of the Prosecutor General of the Republic of Kazakhstan shall consult with the Committee on the Rights of Human Rights Defenders and inform the human rights defender, as well as the persons specified in paragraph 5 of Article 4 of this Law, of the progress of the investigation.

The Committee on the Rights of Human Rights Defenders shall notify the relevant international and regional bodies for the protection of human rights and freedoms about the identified violation of the rights of a human rights defender in case the Prosecutor General refuses to consider the appeal of the Committee on the Rights of Human Rights Defenders or the consideration is carried out in violation of the principles of investigation established in paragraph 3, point 2 of this Article.

The investigation procedure established in paragraph 2 of this article shall not deprive human rights defenders and persons specified in paragraph 5 of article 4 of this Law of the right to independently apply to the authorised authorities of the Republic of Kazakhstan, to the relevant international and regional bodies for the protection of human rights and freedoms to defend their rights and freedoms.

3. The guarantees specified in this Article shall also apply to the persons specified in Article 4(5) of this Law.

## **Article 10. Obligations of the Republic of Kazakhstan to respect the established rights of human rights defenders**

1. The Republic of Kazakhstan shall guarantee the observance of the rights

and freedoms of human rights defenders established in this Law.

2. The Republic of Kazakhstan shall take all necessary measures to ensure full and adequate reparation in case of violation of the rights and freedoms set forth in this Law. The procedure for such reparation shall be determined by the regulations of the Committee on the Rights of Human Rights Defenders.

3. The rights and freedoms of human rights defenders established by the present Law shall also apply to human rights defenders who are abroad, but who carry out human rights activities in the territory of the Republic of Kazakhstan.

## **SECTION 3: Mechanism for the protection of human rights defenders**

### **Article 11. Establishment of a mechanism for the protection of human rights defenders**

1. The Commissioner for Human Rights of the Republic of Kazakhstan shall establish a mechanism for the protection of human rights defenders - the Committee on the Rights of Human Rights Defenders.

2. The Committee on the Rights of Human Rights Defenders is composed of nine members:

(1) Six representatives from the expert community engaged in the protection of human rights and freedoms, human rights non-profit organisations, three of whom should be women;

2) one representative from the National Centre for Human Rights under the Commissioner for Human Rights of the Republic of Kazakhstan;

3) one representative from the General Prosecutor's Office of the Republic of Kazakhstan;

4) one representative from the Association of Journalists of the Republic of Kazakhstan .

The procedure for the election of the persons referred to in paragraph 1) of part 2 shall be determined by the Rules of Procedure of the Committee on Human Rights Defenders.

Members of the Committee on the Rights of Human Rights Defenders are obliged to undergo training on the protection of human rights and freedoms at least once a year for at least 72 academic hours.

3. The Committee on the Rights of Human Rights Defenders shall appoint from among its members a chairperson, a deputy chairperson and a secretary in accordance with the procedure established by the Rules of Procedure of the Committee on the Rights of Human Rights Defenders.

4. Membership of the Committee on the Rights of Human Rights Defenders shall be voluntary and shall be for a period of two years and no more than 2 consecutive terms.

5. The Committee on the Rights of Human Rights Defenders shall develop its regulations and provisions, shall have the authority to give recommendations, opinions, send appeals to state bodies, local self-government bodies, individuals and legal entities for the implementation of the provisions of this law.

6. The Committee on the Rights of Human Rights Defenders shall have its own information resource for publication of materials stipulated by this Law.

## **Article 12. Objectives of the Committee on the Rights of Human Rights Defenders**

Committee on the Rights of Human Rights Defenders:

1) protect the rights and freedoms of human rights defenders in accordance with the procedure established by this Law, the current legislation of the Republic of Kazakhstan and acts of the Committee on the Rights of Human Rights Defenders;

2) works to counter acts of intimidation and retaliation against human rights defenders;

3) assist in the investigation of violations of the rights and freedoms of human rights defenders and in bringing to justice those responsible for committing the said offences;

4) promotes the development of inter-agency coordination of activities to prevent violations of the rights of human rights defenders;

5) promotes and publicly recognises the legitimate and important role of human rights defenders in the protection and defence of human and civil rights and freedoms.

## **Article 13. Terms of reference of the Committee on the Rights of Human Rights Defenders**

1. Committee on the Rights of Human Rights Defenders:

1) develops regulations and other acts of the Committee on the Rights of Human Rights Defenders;

2) facilitate, in accordance with the regulations, the restoration of violated rights and freedoms of human rights defenders;

3) initiate, in accordance with the regulations, an internal review of reported cases of bullying or retaliation;

4) sends relevant appeals to the General Prosecutor's Office of the Republic of Kazakhstan and other state bodies, local self-government bodies, as well as to international and regional bodies for the protection of human rights and freedoms;

5) in cases prescribed by this Law, participate in court hearings in which cases of restriction of the rights and freedoms of human rights defenders are considered;



6) consult and closely co-operate with human rights defenders for the implementation of this Law;

7) monitor violations of the rights of human rights defenders, based on the results of which it annually publishes an official report on the Internet on its information resource;

8) at least once a year prepares methodological recommendations to state bodies, local self-government bodies aimed at effective implementation of this Law and publishes them on the Internet on its information resource;

9) Assist in the pre-trial settlement of conflicts arising with the participation of human rights defenders;

10) develop preventive measures aimed at preventing human rights violations, including organising at least once a year training for human rights defenders and officials of state bodies and local self-government bodies on the implementation of the provisions of this Law in the amount of at least 72 academic hours;

11) develops and sends practical recommendations to state bodies, local self-government bodies on the improvement of the legislation of the Republic of Kazakhstan and law enforcement practice in terms of the protection of the rights of human rights defenders, and publishes them on the Internet on its information resource;

12) publishes information on the ways of protecting the rights and freedoms of human rights defenders and opportunities for their realisation, as well as on the work of the Committee on the Rights of Human Rights Defenders on its information resource on the Internet;

13) organise and conduct once a year monitoring of the effectiveness of the activities of the Committee on Human Rights Defenders with the participation of representatives of the expert community, the results of which shall be published on the Internet on its information resource;

14) holds consultations at least twice a year with representatives of the civil and expert community on the protection of the rights of human rights defenders;

15) realise other powers not contradicting the purposes of this Law, stipulated by the legislation of the Republic of Kazakhstan and acts of the Committee on the Rights of Human Rights Defenders.

#### **Article 14. Taking protective measures on the basis of a specific risk assessment**

1. In order to ensure effective protection of human rights defenders carrying out activities in the territory of the Republic of Kazakhstan, state authorities shall be obliged to ensure their safety and protection of their rights in accordance with this law and international standards. The activities of human rights defenders shall be considered vital for strengthening democratic institutions of society and the protection of human rights in the Republic of Kazakhstan.

2 A specific risk assessment is a process of identifying and analysing the threats that a human rights defender may face in connection with his or her professional activities. This assessment is carried out by the state authorities in co-operation with the Committee for the Protection of Human Rights Defenders,

independent experts, as well as with the participation of the human rights defender himself/herself, at his/her initiative or when a justified threat arises. The assessment takes into account such factors as the nature and scope of work of the human rights defender, geographical location and local working conditions, history of incidents of threats or attacks, and publicly expressed hostility to human rights work.

3 Based on a specific risk assessment, an individualised plan of protective measures is developed to ensure adequate security for the human rights defender. These measures may include professional security and physical protection, changing travel routes and ensuring safe transport, installing necessary technical protection equipment, ensuring anonymity in public activities at the request of the human rights defender, as well as legal support and counselling. State authorities may coordinate with the Committee for the Protection of Human Rights Defenders, non-governmental organisations and international human rights institutions to achieve the best possible results in ensuring protection.

4. Adopted protective measures shall be regularly monitored for their effective implementation and adjusted when the level or nature of the threat changes. At the initiative of the human rights defender or when new data indicating a change in the level of risk emerges, previously adopted protective measures shall be reviewed.

5. State authorities of the Republic of Kazakhstan shall be responsible for the timeliness and completeness of the adoption of protective measures, as well as for the prevention of actions that could negatively affect the activities of human rights defenders. In the case of unjustified refusal to take protective measures, a human rights defender has the right to appeal against the actions of a public authority in court.

6. This Article shall be applied in conjunction with other normative acts of the Republic of Kazakhstan regulating the protection of human rights and the activities of non-governmental organisations. The provisions of this article shall be enacted throughout the territory of the Republic of Kazakhstan as soon as possible to support the safe and independent activities of human rights defenders.

### **Article 15. Review and appeal of decisions of the Committee on the Rights of Human Rights Defenders in courts or authorities of the Republic of Kazakhstan**

Decisions of the Committee on the Rights of Human Rights Defenders may be appealed by interested persons in court or through independent authorities within one year from the date of its adoption

### **Article 16. Financing of the Committee on the Rights of Human Rights Defenders**

1. The Republic of Kazakhstan should provide sufficient funding to the Committee on the Rights of Human Rights Defenders to enable the Committee on the Rights of Human Rights Defenders to fulfil its functions and exercise its powers fully and effectively.

2. To fulfil the provisions of this Law, the Human Rights Committee shall establish the Fund of the Committee on the Rights of Human Rights Defenders, which shall be financed from the budget of the Republic of Kazakhstan.

3. The resources of the Fund of the Committee on the Rights of Human Rights Defenders shall be used exclusively for the fulfilment of the powers provided for by this Law.

4. Provided there is no actual or apparent conflict of interest, the Committee may receive grants and loans, any contributions, including from foreign individuals, groups, associations, organisations and institutions.

5. The Fund of the Committee on the Rights of Human Rights Defenders should publish an annual report on the use of the Fund's resources on the information resource of the Committee on the Rights of Human Rights Defenders.

## **SECTION 4. Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan**

### **Article 17. To introduce amendments and additions to the following legislative acts of the Republic of Kazakhstan**

1. To supplement the Criminal Code of the Republic of Kazakhstan dated 3 July 2014 with article 435.1 in the following wording:

"Article 435.1 Obstruction of the lawful activities of persons carrying out human rights activities

1. Obstruction of the lawful activities of persons carrying out human rights activities, or other violation of the autonomy and independence of such activities, failure to notify the Committee on the Rights of Human Rights Defenders of the detention of a human rights defender, if these acts caused substantial harm to the rights, freedoms or legitimate interests of a person and a citizen, the rights or legitimate interests of legal entities, the legally protected interests of society or the state, -

is punished by the penalty at a rate up to two thousand monthly calculation indices or corrective works in the same amount, or attraction to public works for the term up to eight hundred hours, or restriction of freedom for the term up to three years, or imprisonment for the same term.

2. Acts envisaged by part one of this article, committed by a person using his official position, shall be -

is punished by the penalty at a rate up to three thousand monthly calculation indices or corrective works in the same amount, or attraction to public works for the term up to one thousand hours, or restriction of freedom for the term up to five years,

or imprisonment for the same term, with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to five years or without it".

2. To introduce the following amendments to the Code of the Republic of Kazakhstan "On Administrative Offences" dated 5 July 2014, Article 668.2:

1) to supplement Article 668.2 as follows:

"Article 668.2 Obstruction of the lawful activities of a human rights defender

Obstruction of the lawful activities of persons carrying out human rights activities, expressed in the failure or refusal to provide or refusal to provide within the time limits established by law, upon written request, the necessary documents, materials or information required to carry out human rights activities, failure to notify the Committee on the Rights of Human Rights Defenders of the detention of a human rights defender, if these actions do not have signs of a criminally punishable offence - the following acts

shall entail a penalty in the amount of fifteen monthly calculation indices for officials and twenty monthly calculation indices for legal entities".

2) Supplement Article 48 with Part 5 in the following wording:

"5. It shall be prohibited to apply a measure of administrative influence provided for in this Article in case a person carries out human rights activities.";

3) Supplement Article 50 with Part 5 in the following wording:

"5. Administrative arrest against a person carrying out human rights activities, his relatives, representatives of the human rights defender, other individuals and legal entities affiliated with the human rights defender may be ordered by a judge only with the participation of a representative of the Committee on the Rights of Human Rights Defenders.";

4) Supplement Article 744 with Part 6 in the following wording:

"6. When considering a case on an administrative offence committed by a person carrying out human rights activities, his/her relative, a representative of a human rights defender, or another individual or legal entity affiliated with him/her, the presence of the person brought to administrative responsibility, as well as a representative of the Committee on the Rights of Human Rights Defenders shall be mandatory."".

5) to supplement Article 757.1 in the following wording:

"Article 757.1. Representative of the Committee on the Rights of Human Rights Defenders

1. Participation of a representative of the Committee on the Rights of Human Rights Defenders shall be obligatory in cases stipulated by the legislation of the Republic of Kazakhstan.

2. A representative of the Committee on the Rights of Human Rights Defenders shall have the right to: familiarise himself/herself with the materials of the case; request the submission of additional materials necessary for his/her participation in the proceedings, give an opinion, participate in the proceedings and ask questions to the persons participating in them; familiarise himself/herself with the minutes of the proceedings in which he/she participated and make comments to be entered into the minutes regarding the completeness and correctness of the

recording of his/her actions and testimony; give, within his/her competence, an opinion in the proceedings of the Committee on the Rights of the Child.

3. A representative of the Committee on the Rights of Human Rights Defenders shall be obliged to: appear upon summons of the judge, body (official) in whose proceedings a case on an administrative offence is pending; not to disclose information about the circumstances of the case and other information that has become known to him/her;

6) to supplement Article 785 with Part 1.1 as follows:

"1.1 The application of measures to ensure the proceedings on a case of an administrative offence against a person carrying out human rights activities, his relatives, representatives of a human rights defender, other individuals and legal entities affiliated with a human rights defender shall be carried out only with the participation of a representative of the Committee on the Rights of Human Rights Defenders. An authorised official shall immediately notify a representative of the Committee on the Rights of Human Rights Defenders of the need to apply measures to ensure the proceedings on a case of an administrative offence in respect of these persons.";

7) Supplement Article 818 with Part 5 in the following wording:

"5. When considering cases on administrative offences committed by a person carrying out human rights activities, his/her relative, representative of a human rights defender, other natural or legal person affiliated with him/her, the participation of a representative of the Committee on the Rights of Human Rights Defenders shall be mandatory.".

3. To introduce the following amendments to paragraph 2) of part 1 of article 29 of the Constitutional Law of the Republic of Kazakhstan dated 5 November 2022 No. 155-VII "On Prosecutor's Office":

1) after the words "in the Republic of Kazakhstan" add the words "and the Committee on the Rights of Human Rights Defenders";

2) the word "his" shall be replaced by "their".

4. To introduce the following amendments to the Code of Criminal Procedure of the Republic of Kazakhstan dated 04 July 2014:

1) to supplement Article 135.1 in the following wording:

"Article 135.1 Notification to the Committee on the Rights of Human Rights Defenders of the detention of a person carrying out human rights activities

The person conducting the pre-trial investigation shall immediately notify the Committee on the Rights of Human Rights Defenders of the detention of a person carrying out human rights activities and the place of his/her location, or provide the possibility of such notification to the suspect himself/herself in accordance with the procedure established by the regulations of the Committee on the Rights of Human Rights Defenders".

2) to supplement Article 79.1 in the following wording:

"Article 79.1: Representative of the Committee on the Rights of Human Rights Defenders

1. The participation of a representative of the Committee on the Rights of Human Rights Defenders shall be mandatory if the victim, suspect, accused or civil defendant is a person carrying out human rights activities.

If the victim, suspect, accused, civil defendant are relatives, representatives of the human rights defender, other individuals and legal entities affiliated with the human rights defender, the participation of a representative of the Committee on the Rights of Human Rights Defenders is possible in case of a petition from this participant in the process.

2. A representative of the Committee on the Rights of the Human Rights Defender shall have the right to:

1) to familiarise oneself with the materials (case files) in order to give one's own opinion;

2) to apply for additional materials necessary for giving an opinion, as well as for security measures;

3) to participate in the proceedings and court hearings and to ask the persons involved questions necessary for the defence of the suspect, accused or civil defendant;

4) to familiarise himself with the record of the procedural action in which he participated, as well as, in the relevant part, with the record of the court session, and to make comments to be entered in the record regarding the completeness and correctness of the recording of his actions and testimony;

5) to present an opinion and give evidence in his/her native language or a language he/she speaks; to have the free assistance of an interpreter; to challenge the interpreter;

6) to appeal against decisions and actions of the body conducting the criminal proceedings and other persons involved in the proceedings that infringe his/her rights in the proceedings.

3. A representative of the Committee on the Rights of the Human Rights Defender shall:

1) to appear at the summons of the body conducting the criminal proceedings;

2) give a reasoned and objective written opinion on the issues raised;

3) refuse to give an opinion and draw up a motivated written report on the inability to give an opinion and send it to the body conducting the criminal proceedings;

4) to testify on issues related to the protection of the rights of a human rights defender and this opinion.";

3) to supplement part 4 of Article 66 in the following wording:

"6. An advocate shall have the right to involve a representative of the Committee on the Rights of Human Rights Defenders in the process of defence if he/she defends the rights and legitimate interests of a person carrying out human rights activities" ;

4) in paragraph 2 of Article 140, after the words "shall issue" add the words ", except for cases provided for by this law,";

5) Article 140, paragraph 2 shall be supplemented with paragraph 2 in the following wording: "The issue of applying a preventive measure against a person

carrying out human rights activities, as well as on their relatives, representatives of the human rights defender, other affiliated individuals and legal entities, may be considered only with the court, with the mandatory participation of a representative of the Committee on the Rights of Human Rights Defenders." ;

6) Article 232 shall be supplemented with paragraph 8.1 as follows:

"8.1 It is prohibited to conduct covert investigative actions against persons carrying out human rights activities, except when there are grounds to believe that they are preparing or committing a grave or especially grave offence.";

7) Supplement Article 254 with paragraph 3 in the following wording: "The search and seizure of a person carrying out human rights activities, their relatives, representatives of a human rights defender, other individuals and legal entities affiliated with human rights defenders shall be carried out subject to the restrictions provided for by the legislation on human rights activities of the Republic of Kazakhstan."

## **SECTION 5. Final provisions**

### **Article 18. Procedure for enactment of this law**

1. The present Law shall be enacted upon expiration of ten calendar days after the day of its first official publication.

2. The measures provided for in Section 3 of this Law shall be implemented no later than three months from the date of enactment of this Law.

President  
of the Republic of Kazakhstan

K. TOKAEV