

On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Establishment of the National Preventive Mechanism to Prevent Torture and Other Cruel, Inhumane or Degrading Types of Treatment and Punishment

Article 1. To amend and change the following legislative acts of the Republic of Kazakhstan:

1. Criminal Procedure Code of the Republic of Kazakhstan of December 13, 1997 (Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*) 1997, No. 23, art. 335; 1998, No. 23, art. 416; 2000, No. 3-4, art. 66; No. 6, art. 141; 2001, No. 8, art. 53; No. 15-16, art. 239; No. 17-18, art. 245; No. 21-22, art. 281; 2002, No. 4, art. 32, 33; No. 17, art. 155; No. 23-24, art. 192; 2003, No. 18, art. 142; 2004, No. 5, art. 22; No. 23, art. 139; No. 24, art. 153, 154, 156; 2005, No. 13, art. 53; No. 21-22, art. 87; No. 24, art. 123; 2006, No. 2, art. 19; No. 5-6, art. 31; No. 12, art. 72; 2007, No. 1, art. 2; No. 5-6, art. 40; No. 10, art. 69; No. 13, art. 99; 2008, No. 12, art. 48; No. 15-16, art. 62, 63; No. 23, art. 114; 2009, No. 6-7, art. 32; No. 15-16, art. 71, 73; No. 17, art. 81, 83; No. 23, art. 113, 115; No. 24, art. 121, 122, 125, 127, 128, 130; 2010, No. 1-2, art. 4; No. 11, art. 59; No. 17-18, art. 111; No. 20-21, art. 119; No. 22, art. 130; No. 24, art. 149; 2011, No. 1, art. 9; No. 2, art. 19, 28; No. 19, art. 145; No. 20, art. 158; No. 24, art. 196; 2012, No. 1, art. 5; No. 3, art. 26; No. 4, art. 32; No. 5, art. 35; No. 6, art. 44; No. 10, art. 77; No. 14, art. 93; 2013, No. 2, art. 10, 13; the Law of the Republic of Kazakhstan as of May 21, 2013 "On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Personal Data and Personal Data Protection", published in "Yegemendi Kazakhstan" and "Kazakhstanskaya Pravda" newspapers on May 25, 2013. d.); to add subpara 6 of the following content to article 82: "(6) member of the national preventive mechanism – about circumstances that became known to him/her in relation to his/her activity, except instances which represent a threat to national security".

2. Penal Code of the Republic of Kazakhstan of December 13, 1997 (Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*), 1997, No. 24, art. 337; 2000, No. 6, art. 141; No. 8, art. 189; No. 18, art. 339; 2001, No. 8, art. 53; No. 17-18, art. 245; No. 24, art. 338; 2002, No. 23-24, art. 192; 2004, No. 5, art. 22; No. 23, art. 139, 142; No. 24, art. 154; 2005, No. 13, art. 53; 2006, No. 11, art. 55; 2007, No. 2, art. 18; No. 5-6, art. 40; No. 9, art. 67; No. 10, art. 69; No. 17, art. 140; No. 20, art. 152; 2008, No. 23, art. 114; 2009, No. 15-16, art. 73; No. 24, art. 128, 130; 2010, No. 7, art. 28; 2011, No. 2, art. 19; No. 19, art. 145; No. 20, art. 158; 2012, No. 3, art. 26; No. 4, art. 32; No. 5, art. 35; 2013, No. 1, art. 2): 1) to amend Tables of Contents by adding Chapter 3-1 and articles 21-1, 21-2, 21-3, 21-4, 21-5, 21-6, 21-7, 21-8, 21-9, 21-10 and 21-11 of the following content:

“Chapter 3-1. National Preventive Mechanism

Article 21-1. National Preventive Mechanism

Article 21-2. Coordinating Council

Article 21-3. Requirements for the member of the National Preventive Mechanism

Article 21-4. Rights of a National Preventive Mechanism member

Article 21-5. Duties of the National Preventive Mechanism member

Article 21-6. Termination of competencies of a National Preventive Mechanism member

Article 21-7. Types and frequency of preventive visits

Article 21-8. Order of preventive visits

Article 21-9. Annual consolidated report of the National Preventive Mechanism members

Article 21-10. Confidentiality

Article 21-11. Interaction of the competence state bodies with the national preventive mechanism members”;

2) to add chapter 3-1 of the following content:

«Chapter 3-1. National Preventive Mechanism

Article 21-1. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.
2. Within the limits of their activities the NPM members visit institutions responsible for penalization (correctional institutions, pre-trial detention centers, garrison military detention facilities) and other organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).
3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.
4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.
5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 21-2. Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.
2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.
3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 21-3. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:
 - 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
 - 2) suspects or accused of committing a crime;
 - 3) individuals recognized by court as legally incapable or as having limited capability;

- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitled to become NPM member.

Article 21-4. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right:
 - 1) to receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;
 - 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
 - 3) to carry out preventive visits in the established order as a member of a formed group;
 - 4) to conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter if necessary, and with any other person, who, according to NPM member can provide relevant information.;
 - 5) choose and visit institutions subject to preventive visit freely and without hindrance;
 - 6) receive torture and ill-treatment.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 21-5. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.
2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.
3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.
4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights

All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.

Information on received and passed over allegations and complaints shall be included in the preventive visit report.

5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 21-6. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 21-7. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:

- 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
- 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;
- 3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.

2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 21-8. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.
2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietorial status, gender, race, nationality, language, religion, belief or other grounds and circumstances.
3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.
4. Following the results of each preventive visit the preventive visit group drafts as report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 21-9. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.

2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 21-10. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.

2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 21-11. Interaction of the competent state bodies with the national preventive mechanism members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against the official who has violated individual's rights and freedoms".

3. Code of the Republic of Kazakhstan on Administrative Offences, as of January 30, 2011 (Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*), 2001, No. 5-6, art. 24; No. 17-18, art. 241; No. 21-22, art. 281; 2002, No. 4, art. 33; No. 17, art. 155; 2003, No. 1-2, art. 3; No. 4, art. 25; No. 5, art. 30; No. 11, art. 56, 64, 68; No. 14, art. 109; No. 15, art. 122, 139; No. 18, art. 142; No. 21-22, art. 160; No. 23, art. 171; 2004, No. 6, art. 42; No. 10, art. 55; No. 15, art. 86; No. 17, art. 97; No. 23, art. 139, 140; No. 24, art. 153; 2005, No. 5, art. 5; No. 7-8, art. 19; No. 9, art. 26; No. 13, art. 53; No. 14, art. 58; No. 17-18, art. 72; No. 21-22, art. 86, 87; No. 23, art. 104; 2006, No. 1, art. 5; No. 2, art. 19, 20; No. 3, art. 22; No. 5-6, art. 31; No. 8, art. 45; No. 10, art. 52; No. 11, art. 55; No. 12, art. 72, 77; No. 13, art. 85, 86; No. 15, art. 92, 95; No. 16, art. 98, 102; No. 23, art. 141; 2007, No. 1, art. 4; No. 2, art. 16, 18; No. 3, art. 20,

23; No. 4, art. 28, 33; No. 5-6, art. 40; No. 9, art. 67; No. 10, art. 69; No. 12, art. 88; No. 13, art. 99; No. 15, art. 106; No. 16, art. 131; No. 17, art. 136, 139, 140; No. 18, art. 143, 144; No. 19, art. 146, 147; No. 20, art. 152; No. 24, art. 180; 2008, No. 6-7, art. 27; No. 12, art. 48, 51; No. 13-14, art. 54, 57, 58; No. 15-16, art. 62; No. 20, art. 88; No. 21, art. 97; No. 23, art. 114; No. 24, art. 126, 128, 129; 2009, No. 2-3, art. 7, 21; No. 9-10, art. 47, 48; No. 13-14, art. 62, 63; No. 15-16, art. 70, 72, 73, 74, 75, 76; No. 17, art. 79, 80, 82; No. 18, art. 84, 86; No. 19, art. 88; No. 23, art. 97, 115, 117; No. 24; art. 121, 122, 125, 129, 130, 133, 134; 2010, No. 1-2, art. 1, 4, 5; No. 5, art. 23; No. 7, art. 28, 32; No. 8, art. 41; No. 9, art. 44; No. 11, art. 58; No. 13, art. 67; No. 15, art. 71; No. 17-18, art. 112, 114; No. 20-21, art. 119; No. 22, art. 128, 130; No. 24, art. 146, 149; 2011, No. 1, art. 2, 3, 7, 9; No. 2, art. 19, 25, 26, 28; No. 3, art. 32; No. 6, art. 50; No. 8, art. 64; No. 11, art. 102; No. 12, art. 111; No. 13, art. 115, 116; No. 14, art. 117; No. 16, art. 128, 129; No. 17, art. 136; No. 19, art. 145; No. 21, art. 161; No. 24, art. 196; 2012, No. 1, art. 5; No. 2, art. 9, 11, 13, 14, 16; No. 3, art. 21, 22, 25, 26, 27; No. 4, art. 32; No. 5, art. 35, 36; No. 8, art. 64; No. 10, art. 77; No. 12, art. 84, 85; No. 13, art. 91; No. 14, art. 92, 93, 94; No. 15, art. 97; No. 20, art. 121; No. 23-24, art. 125; 2013, No. 1, art. 2, 3; No. 2, art. 10, 11, 13; No. 4, art. 21; Law of the Republic of Kazakhstan of May 21, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Personal Data and their Protection”, published in Yegemendi Kazakhstan and Kazakhstanskaya Pravda newspapers on May 25, 2013; Law of the Republic of Kazakhstan of June 13, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Development of Local Administration”, published in Yegemendi Kazakhstan and Kazakhstanskaya Pravda newspapers on June 14, 2013; Law of the Republic of Kazakhstan of June 13, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Delineation of Powers between the Bodies of Public Administration”, published in Yegemendi Kazakhstan and Kazakhstanskaya Pravda newspapers on June 14, 2013): shall be changed as follows:

1) to amend Table of Contents by adding titles of articles 86-2 and 388-1 of the following content:
“Article 86-2. Disclosing by an NPM member of personal information that has become known to him/her in the course of a preventive visit”;
“Article 388-1”. Obstructing the actions of an NPM member”;

2) to amend by adding articles 86-2 and 388-1 of the following content:

“Article 86-2. Disclosing by a NPM member of personal information that has become known to him/her in the course of a preventive visit

Disclosing by a NPM member of personal information that became known to him/her in the course of a preventive visit without prior consent of the person in question, unless such action does not have any material elements of a criminally punishable act, entails penalty in the amount of twenty MCIs (monthly calculation index).

Article 388-1. Obstructing the actions of the NPM members”;

Obstructing lawful actions of the NPM members by an official while using his/her position and, to an equal extent, intervention of an official in such actions on the side of an official while using his/her position that entailed material violation of their rights and legal interests entail penalty in the amount from twenty to forty MCIs.”

3) to amend part one of article 541:
by adding 86-2 after number 86-1;
by adding 388-1 after number 388;

4) to amend article 637 part by adding 388-1 to follow after number 381-1.

4. Code of the Republic of Kazakhstan as of September 18, 2009 “On Public Health and Healthcare System”, (Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament’s Bulletin*) 2009, No. 20-21, art. 89; 2010, No. 5, art. 23; No. 7, art. 32; No. 15, art. 71; No. 24, art. 149, 152; 2011, No. 1, art. 2, 3; No. 2, art. 21; No. 11, art. 102; No. 12, art. 111; No. 17, art. 136; No. 21, art. 161; 2012, No. 1, art. 5; No. 3, art. 26; No. 4, art. 32; No. 8, art. 64; No. 12, art. 83; No. 14, art. 92, 95; No. 15, art. 97; No. 21-22, art. 124; 2013, No. 1, art. 3; No. 5-6, art. 30; ; the Law of the Republic of Kazakhstan as of May 21, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Personal Data and Personal Data Protection”, published in Yegemendi Kazakhstan and Kazakhstanskaya Pravda newspapers on May 25, 2013; the Law of the Republic of Kazakhstan as of June 13, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Delineation of Powers between the Bodies of Public Administration”, published in Yegemendi Kazakhstan and Kazakhstanskaya Pravda newspapers on June 14, 2013); shall be changed as follows:

1) Table of Contents to be amended by adding titles of Chapter 9-1, titles of article 31-2- and articles 184-1, 184-2, 184-3, 184-4, 184-5, 184-6, 184-7, 184-8, 184-9, 184-10 and 184-11 of the following content:

“Chapter 9-1. General Provisions of the National Preventive Mechanism

Article 184-1. National Preventive Mechanism

Article 184-2. Coordinating Council

Article 184-3. Requirements for the member of the National Preventive Mechanism

Article 184-4. Rights of a National Preventive Mechanism member

Article 184-5. Duties of the National Preventive Mechanism member

Article 184-6. Termination of competencies of a National Preventive Mechanism member

Article 184-7. Types and frequency of preventive visits

Article 184-8. Order of preventive visits

Article 184-9. Annual consolidated report of the National Preventive Mechanism members

Article 184-10. Confidentiality

Article 184-11. Interaction of the competent state bodies with the national preventive mechanism members”;

2) to add chapter 9-1 of the following content:

Chapter 9-1. General Provisions of the National Preventive Mechanism

Chapter 31-1. National Preventive Mechanism

Article 184-1. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.

2. Within the limits of their activities the NPM members visit institutions responsible for compulsory treatment (specialized anti-tuberculosis institutions, drug and alcohol abuse rehabilitation organizations for compulsory treatment, psychiatric in-patient facilities for enforcement of coercive medical measures (general psychiatric inpatient facility for compulsory treatment, specialized psychiatric inpatient facility for compulsory treatment, high security inpatient psychiatric facility for compulsory treatment) and other

organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).

3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.

4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.

5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 184-2. Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.

2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.

3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 184-3. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:

- 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
- 2) suspects or accused of committing a crime;
- 3) individuals recognized by court as legally incapable or as having limited capability;
- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitled to become NPM member.

Article 184-4. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right:

- 1) to receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;

- 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
- 3) to carry out preventive visits in the established order as a member of a formed group;
- 4) to conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter if necessary, and with any other person, who, according to NPM member can provide relevant information.;
- 5) choose and visit institutions subject to preventive visit freely and without hindrance;
- 6) receive torture and ill-treatment allegations and complaints.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 184-5. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.
2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.
3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.
4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights

All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.

Information on received and passed over allegations and complaints shall be included in the preventive visit report.

5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 184-6. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 184-7. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:

- 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
- 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;
- 3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.

2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 184-8. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.

2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietorial status, gender, race, nationality, language, religion, belief, place of residence or other grounds and circumstances.

3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.

4. Following the results of each preventive visit the preventive visit group drafts a report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 184-9. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.

2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 184-10. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.

2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 184-11. Interaction of competent state bodies with the NPM members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against the official who has violated individual's rights and freedoms".

5. The Law of the Republic of Kazakhstan as of April 7, 1995 "On Compulsory Treatment of Drug Addiction and Toxic Substances Addiction (Vedomosti Verkhovnogo Soveta Respubliki Kazakhstan (*RK's Supreme Council's Bulletin*) 1995, No. 3-4, art. 32; Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*), 2004, No. 23, art. 142; 2010, No. 24, art. 152; 2012, No. 8, art. 64):

to be amended by adding articles 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10 and 10-11 of the following content:

"Article 10-1. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.

2. Within the limits of their activities the NPM members visit drug and alcohol rehabilitation institutions for compulsory treatment and other organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).

3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.

4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.

5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 10-2. Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.

2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.

3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 10-3. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:

- 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
- 2) suspects or accused of committing a crime;
- 3) individuals recognized by court as legally incapable or as having limited capability;
- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitled to become NPM member.

Article 10-4. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right to:

- 1) receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;
- 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
- 3) carry out preventive visits in the established order as a member of a formed group;
- 4) conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter if necessary, and with any other person, who, according to NPM member can provide relevant information.;

- 5) choose and visit institutions subject to preventive visit freely and without hindrance;
- 6) receive torture and ill-treatment allegations and complaints.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 10-5. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.

2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.

3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.

4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights.

All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.

Information on received and passed over allegations and complaints shall be included in the preventive visit report.

5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 10-6. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 10-7. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:

- 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
- 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;

3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.

2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 10-8. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.

2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietary status, gender, race, nationality, language, religion, belief, place of residence or other grounds and circumstances.

3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.

4. Following the results of each preventive visit the preventive visit group drafts a report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 10-9. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.

2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 10-10. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.

2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 10-11. Interaction of competent state bodies with the NPM members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against the official who has violated individual's rights and freedoms.”.

6. The Law of the Republic Kazakhstan as of March 30, 1999 “On Order and Conditions of Detention of Persons in Specialized Institutions Ensuring Temporary Isolation from the Society” (*Vedomosti Parlamenta Respubliki Kazakhstan (RK Parliament's Bulletin)* 1999 , No. 6, art. 190; 2001, No. 17-18, art. 245; 2002, No. 15, art. 147; 2004, No. 23, art. 142; No. 24, art. 154; 2007, No. 9, art. 67; 2008, No. 15-16, art. 63; 2009, No. 24, art. 128, 130; 2010, No. 24, art. 152; 2011, No. 19, art. 145; 2012, No. 3, art. 26; No. 4, art. 32):

to be amended by adding Chapter 3-3 as follows:

“Chapter 3-3. National Preventive Mechanism

Article 46-10. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.

2. Within the limits of their activities the NPM members visit specialized institutions and premises ensuring temporary isolation from the society and other organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).

3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.

4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.

5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 46-11. Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.

2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.

3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 46-12. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:

- 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
- 2) suspects or accused of committing a crime;
- 3) individuals recognized by court as legally incapable or as having limited capability;
- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitle to become NPM member.

Article 46-13. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right:

- 1) to receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;
- 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
- 3) to carry out preventive visits in the established order as a member of a formed group;
- 4) to conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter should that be needed, and with any other person, who, according to NPM member can provide relevant information.;
- 5) choose and visit institutions subject to preventive visit freely and without hindrance;
- 6) receive torture and ill-treatment allegations and complaints.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 46-14. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.

2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.

3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.

4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights.

All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.

Information on received and passed over allegations and complaints shall be included in the preventive visit report.

5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 46-15. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 46-16. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:

- 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
- 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;
- 3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.

2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 46-17. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.
2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietorial status, gender, race, nationality, language, religion, belief, place of residence or other grounds and circumstances.
3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.
4. Following the results of each preventive visit the preventive visit group drafts as report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 46-18. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.
2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of to the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 46-19. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.
2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 46-20. Interaction of competent state bodies with the NPM members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against the official who has violated individual's rights and freedoms.”.

7. The Law of the Republic of Kazakhstan as of August 8, 2002 “On the Rights of the Child in the Republic of Kazakhstan” (Vedomosti Parlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*) 2002, No. 17, art. 154; 2004, No. 23, art. 142; 2005, No. 7-8, art. 19; 2006, No. 3, art. 22; 2007, No. 9, art. 67; No. 20, art. 152; 2009, No. 15-16, art. 72; No. 17, art. 81; No. 18, art. 84; 2010, No. 5, art. 23; No. 22, art. 130; No. 24, art. 149; 2011, No. 1, art. 2; No. 11 art. 102; No. 17, art. 136; No. 21, art. 173; 2012, No. 15, art. 97; the Law of the Republic of Kazakhstan as of June 13, 2013 “On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Delineation of Powers between the Bodies of Public Administration”, published in Yegemen Kazakstan and Kazakhstanskaya Pravda newspapers on June 14, 2013):

To amend by adding Articles 47-1, 47-2, 47-3, 47-4, 47-5, 47-6, 47-7, 47-8, 47-9, 47-10 and 47-11 of the following content:

“Article 47-1. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.

2. Within the limits of their activities the NPM members visit adaptation centers for the minors, specialized educational facilities, special custody mode educational facilities and other organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).

3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.

4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.

5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 47-2. Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.

2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.

3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 47-3. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:

- 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
- 2) suspects or accused of committing a crime;
- 3) individuals recognized by court as legally incapable or as having limited capability;
- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitled to become NPM member.

Article 47-4. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right:

- 1) to receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;
- 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
- 3) to carry out preventive visits in the established order as a member of a formed group;
- 4) to conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter should that be needed, and with any other person, who, according to NPM member can provide relevant information;
- 5) choose and visit institutions subject to preventive visit freely and without hindrance;
- 6) receive torture and ill-treatment allegations and complaints.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 47-5. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.
2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.
3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.
4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights.
All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.
Information on received and passed over allegations and complaints shall be included in the preventive visit report.
5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 47-6. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 47-7. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:
 - 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
 - 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;
 - 3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.
2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 47-8. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.
2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietary status, gender, race, nationality, language, religion, belief, place of residence or other grounds and circumstances.
3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.
4. Following results of each preventive visit the preventive visit group drafts a report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 47-9. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.
2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 47-10. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.
2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 47-11. Interaction of competent state bodies with the NPM members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against an official who has violated individual's rights and freedoms".

8. The Law of the Republic of Kazakhstan as of July 9, 2004 "On Juvenile Crime Prevention and Prevention of Child Neglect and Child Homelessness (Vedomosti Prlamenta Respubliki Kazakhstan (*RK Parliament's Bulletin*), 2004, No. 18, art. 105; 2007, No. 9, art. 67; No. 20, art. 152; 2009, No. 15-16, art. 72; 2010, No. 8, art. 41; No. 22, art. 130; No. 24, art. 149, 152; 2011, No. 11, art. 102; 2012, No. 3, art. 26; the Law of the Republic of Kazakhstan as of June 13, 2013 "On Introduction of Changes and Addendae to Certain Legislative Acts of the Republic of Kazakhstan on Delineation of Powers between the Bodies of Public Administration", published in Yegemen Kazakhstan and Kazakhstanskaya Pravda newspapers on June 14, 2013):

to amend by adding Chapter 4 of the following content:

"Chapter 4. National Preventive Mechanism

Article 26. National Preventive Mechanism

1. National preventive mechanism acts as a system to prevent torture and other cruel, inhumane or degrading treatment and punishment that functions through the activities carried out by the NPM members.

2. Within the limits of their activities the NPM members visit specialized institutions and organizations for detention of the minors (adaptation centers for the minors, specialized educational facilities, special custody mode educational facilities) and other organizations determined by the laws of the Republic of Kazakhstan to be visited by these members (hereinafter – preventive visits).

3. NPM members are the Commissioner for Human Rights and selected by Coordinating Council members of Public Monitoring Commissions and public associations involved in human rights activities, protection of citizens' legal interests, lawyers, social workers, medical experts.

4. Commissioner for Human Rights coordinates the activity of the NPM members, takes measures compliant with the laws of the Republic of Kazakhstan to ensure that NPM members have required capacity and professional knowledge.

5. Reimbursement to NPM members in relation to preventive visits is done from the state budget in order prescribed by the Government of the Republic of Kazakhstan.

Article 27 Coordinating Council

1. A Coordinating Council shall be established under the Commissioner for Human Rights in order to ensure effective coordination of the NPM work. Coordinating Council Members, except the Commissioner for Human Rights, are elected by the Commission established by the Commissioner for Human Rights from the citizens of the Republic of Kazakhstan.

2. Commissioner for Human rights endorses: the Statute of the Coordinating Council under the Commissioner for Human Rights; the order of selection of NPM members; the order of forming groups out of NPM members for preventive visits; methodological recommendations for preventive visits; the order of preparing annual consolidated report on the results of preventive visits.

3. Coordinating Council collaborates with the Subcommittee on prevention of torture and other cruel, inhumane or degrading types of treatment and punishment of the United National Committee against Torture.

Article 28. Requirements for the member of the National Preventive Mechanism

1. Following individuals do not have the right to be a member of the national preventive mechanism:

- 1) individuals who have convictions not removed from the official records or conviction which have not been expunged lawfully;
- 2) suspects or accused of committing a crime;
- 3) individuals recognized by court as legally incapable or as having limited capability;
- 4) judges, defense attorneys, civil servants, military servicemen, as well as staff of law enforcement agencies and specialized state bodies;
- 5) registered with psychiatric or alcohol or drug rehabilitation institutions.

2. Individuals released from criminal liability under non-rehabilitating grounds convicted for premeditated crime, dismissed from public or military service, discharged from law enforcement and special state bodies, judiciary or expelled from the Bar under negative grounds; deprived of an attorney license are not entitled to become NPM member.

Article 29. Rights of a national preventive mechanism member

1. Member of the national preventive mechanism has the right:

- 1) to receive information about number of persons detained in an institutions subject to preventive visit, number of such institution and their location;
- 2) have access to information on treatment of persons detained in an institution subject to preventive visit, and detention conditions thereof;
- 3) to carry out preventive visits in the established order as a member of a formed group;
- 4) to conduct interviews with persons detained in an institution subject to preventive visits, and (or) their legal representatives without witnesses, personally or through an interpreter should that be needed, and with any other person, who, according to NPM member can provide relevant information;
- 5) choose and visit institutions subject to preventive visit freely and without hindrance;
- 6) receive torture and ill-treatment allegations and complaints.

2. In the course of carrying out lawful activities the National Preventive Mechanism member does so independently.

Article 30. Duties of the National Preventive Mechanism member

1. When performing their duties member of the National Preventive Mechanism must abide by the laws of the Republic of Kazakhstan.

2. Interference by the NPM members in the work of an institution subject to preventive visit is impermissible.

3. Should there be circumstances raising concerns regarding impartiality of an NPM member, who is a part of a preventive visit group, such member shall abstain from carrying out a preventive visit.

4. NPM members must register torture and ill-treatment allegations and complaints in the order determined by the Commissioner for Human Rights.

All received allegations and complaints shall be passed over to the Commissioner for Human Rights in order foreseen under the laws of the Republic of Kazakhstan.

Information on received and passed over allegations and complaints shall be included in the preventive visit report.

5. NPM member who broke the provisions of the present Code shall bear responsibility foreseen by the laws of the Republic of Kazakhstan.

Article 31. Termination of competencies of a National Preventive Mechanism member

Competencies of a NPM member shall be terminated in the following cases:

- 1) provision of the Code have been violated;
- 2) written request to lay down NPM member competencies;
- 3) death of a NPM member or coming into legal force of court's resolution to announce NPM member deceased;
- 4) immigration from the Republic of Kazakhstan;
- 5) loss of the Republic of Kazakhstan citizenship;
- 6) entering into legal force of a convictive ruling;
- 7) occurrence of other circumstances foreseen by the laws of the Republic of Kazakhstan.

Article 32. Types and frequency of preventive visits

1. Preventive visits by NPM members are subdivided as follows:

- 1) periodic preventive visits, carried out on a regular basis, not less than four times a year;
- 2) interim preventive visits carried out between periodic preventive visits to monitor implementation of recommendations that followed previous periodic preventive visit, as well as to ensure non-prosecution of persons whom NPM member interviewed by administration of an institution subject to preventive visit.;
- 3) special preventive visits carried out as follow-up of received torture and ill-treatment allegations and complaints.

2. Coordinating Council determines timeframes and list of institutions subject to preventive visit within the limits of allocated budget.

Article 33. Order of preventive visits

1. Preventive visits shall be carried out in groups, formed by the Coordinating Council from NPM members in accordance with the rules approved by the Government of the Republic of Kazakhstan upon endorsement by the Commissioner for Human Rights.
2. When forming a preventive visit group nobody shall be discriminated against on the grounds of origin, social, official and proprietary status, gender, race, nationality, language, religion, belief, place of residence or other grounds and circumstances.
3. The administration of an institution subject to preventive visit is responsible for ensuring safety of NPM members. Should NPM member act lawlessly, head of the visited institution shall notify in writing the Commissioner for Human Rights.
4. Following results of each preventive visit the preventive visit group drafts a report based on the template approved by the Coordinating Council which shall be signed by all group members who carried out a preventive visit. Minority report shall be drafted separately and attached to the preventive visit report.

Article 34. Annual consolidated report of the national preventive mechanism members

1. Coordinating Council prepares annual consolidated report of the national preventive mechanism members incorporating individual preventive visit reports.
2. Annual Consolidated Report of NPM members shall also include: recommendations to the competent authorities concerning improvement of detention conditions and treatment of detainees in custody of the institutions subject to preventive visits and prevention of torture and ill-treatment; proposals to improve legislation of the Republic of Kazakhstan.

Financial report covering preventive visits of the previous year shall be attached to the Annual Consolidated Report of NPM members.

3. Annual Consolidated Report of the NPM members shall be forwarded for consideration of the competent state bodies and will be uploaded to the website of the Commissioner for Human Rights not later than one month following its approval by the Coordinating Council.

Article 35. Confidentiality

1. It is prohibited for the NPM member to disclose private information that became known in the course of preventive visit without prior consent of the person in question.
2. Disclosing by NPM members of private information that became known in the course of preventive visit without prior consent of the person in question entails liability foreseen by the laws of the Republic of Kazakhstan.

Article 36. Interaction of competent state bodies with the NPM members

1. State bodies and their officials shall assist NPM members in carrying out their lawful activity.

No state body or official shall have the right to restrict the rights and freedoms of a person for reporting to NPM members of facts of torture and ill-treatment.

Officials who obstruct lawful actions of the NPM members shall be made accountable as set forth by the laws of the Republic of Kazakhstan.

2. Competent state bodies shall within three months of the receipt of the Annual Consolidated Report of NPM members inform in writing the Commissioner for Human Rights of measures taken in response to the report.

3. Based on the reports of the NPM members on completion of preventive visits the Commissioner for Human Rights shall, in order set forth by the laws of the Republic of Kazakhstan, have the right to file a motion to initiate a disciplinary or administrative proceedings or to open a criminal case against an official who has violated individual's rights and freedoms".

Article 2. This Law becomes effective upon expiration of 10 calendar days of its first official publication.

President of the Republic of Kazakhstan
N.NAZARBAYEV