

**United Nations Human Rights Council**  
**20<sup>th</sup> Session of the Working Group of the Universal Periodic Review**  
**Review of Kazakhstan**

**Geneva, 30 October 2014**

**Statement by AUSTRIA**

Austria welcomes H.E. .... and the delegation of Kazakhstan to the UPR and thanks for the submission and presentation of the national report.

We commend Kazakhstan for the introduction of a National Torture Prevention Mechanism in 2013, thereby implementing one of the accepted UPR recommendations of the first cycle. We remain however concerned over continued reports of torture and other ill-treatment in prisons and that no strict safeguards have been adopted to make statements obtained through torture inadmissible in courts.

Austria is also deeply worried that the situation for freedom of expression and media freedom has suffered serious setbacks since the last review. We particularly deplore the high number of cases of media closures and suspensions in recent years in Kazakhstan causing a negative impact on media pluralism in the country including through the misuse of overbroad and vague provisions under the criminal code.

We also express deep distress about reports of forced psychiatric detention, in particular in the case of the Kazakh lawyer Zinaida Mukhortova who has repeatedly been subject to forced psychiatric confinement since 2011.

**Austria therefore offers the following recommendations:**

- to ensure that allegations of torture and ill-treatment are promptly and impartially investigated, and that perpetrators are held accountable;
- to put in place measures to guarantee the exclusion by the judiciary of evidence obtained under torture;
- to amend provisions under the criminal code to comply with the country's international human rights obligations with regard to the right to freedom of expression
- to immediately release Zinaida Mukhortova from forced psychiatric detention and to ensure that involuntary detention on mental health grounds should only be possible in exceptional circumstances clearly defined in law, and based on a determination by qualified health care professionals that a person poses a serious and imminent risk to themselves or to a third party;
- to ratify the Rome Statute of the ICC;

I thank you.