



Private, political, social and economical  
rights and freedoms of a man and a  
citizen of the RK

# Outline

- Constitutional Law
- Constitutional Rights and Freedoms
  - Private rights
  - Political rights
  - Social and Cultural rights
  - Economical rights
- Constitutional Obligations
- Conclusion

# Constitutional Law

Constitutional Law of RK is a body norms of law which regulates:

- Legal Status of Individuals;
- Form of State (form of governance, of state structure, of political regime);
- Legal Status of the Supreme State Organs;
- Basics of Political Structure;
- Basics of Economic Structure.



# Constitution

Constitution is the basic law of the state which has the supreme juridical force and regulates the most important social relations.

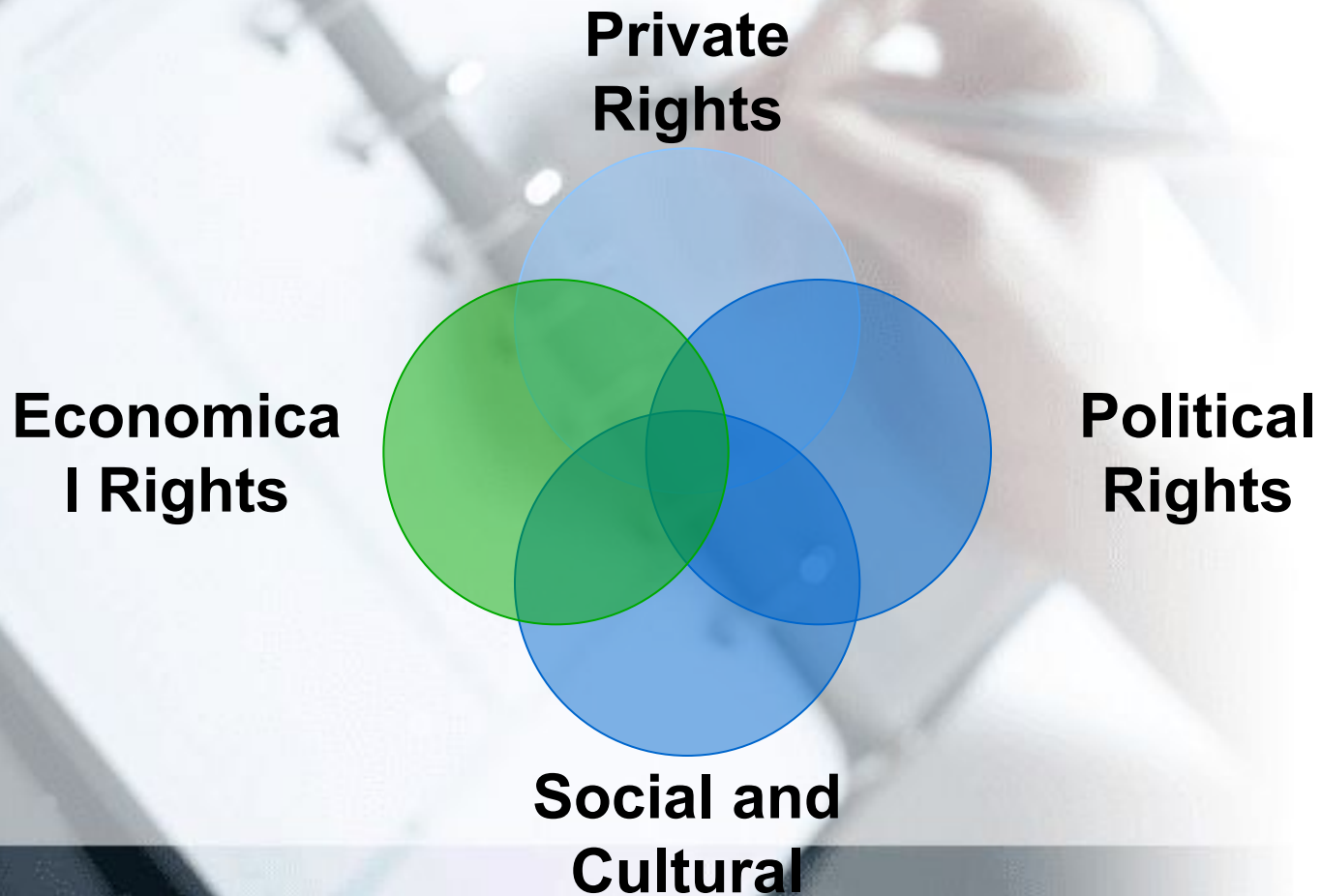
## Functions:

- State and legal structure
- Human rights
- Legislature procedure

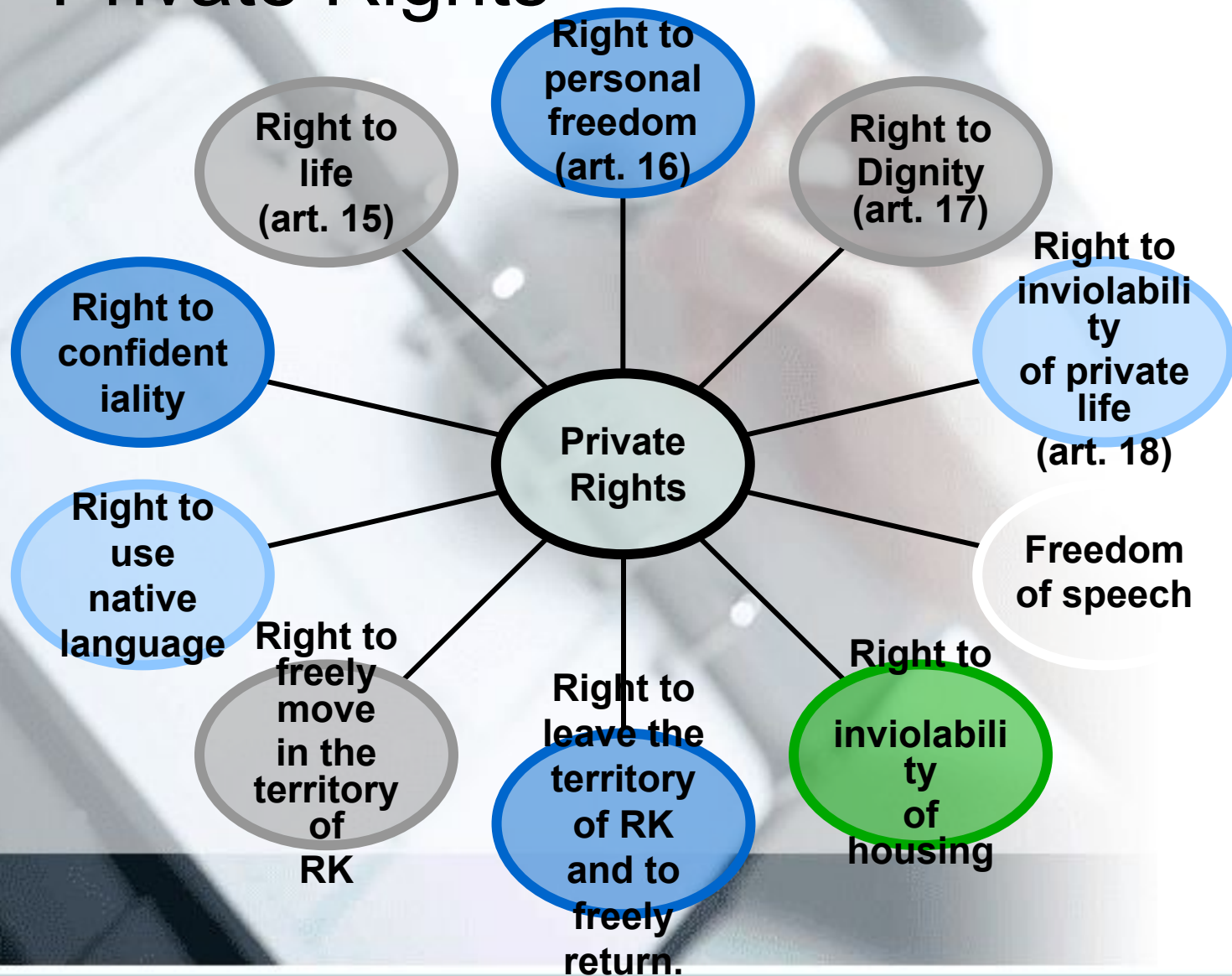
## Features:

- Main law of state
- Fundamental Character
- Stability
- Supreme Juridical Force

# Legal Status of Individuals



# Private Rights





# Private Rights

- Right to freely move in the territory of RK and freely choose a place of residence, (Article 21.1)
- Right to confidentiality. Everyone shall have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. (Article 18/2)
- Right to life. No one shall have the right to arbitrarily deprive a person of life. (article 15.2.)
- The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited. (art.20)

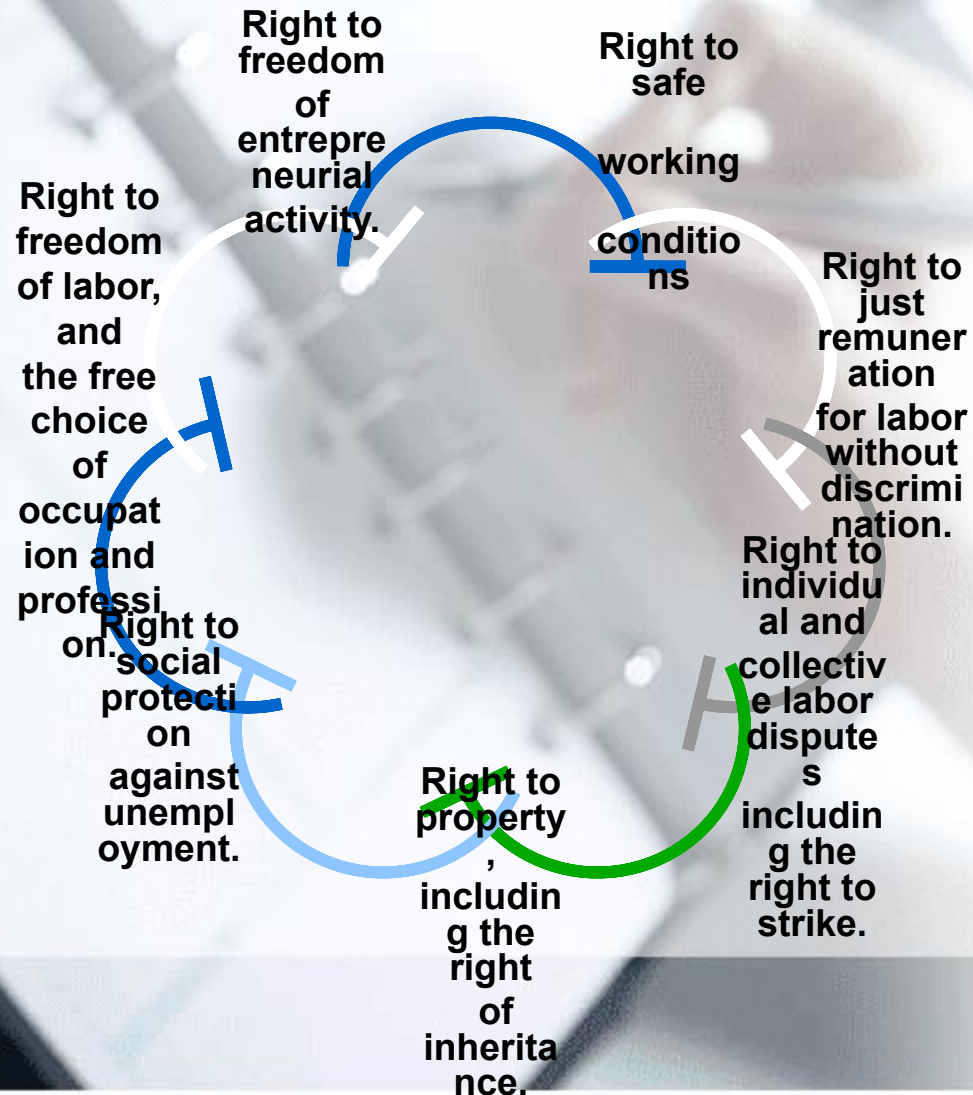
# Juridical defense of individual

- Right to protect rights and freedoms with all means not contradicting the law including self-defense (Art. 13.1)
- Right to judicial defense of rights and freedoms (Art. 13.2)
- Right to qualified legal assistance (Art. 13.3)
- Right to equality before the law and court (Art. 14.1)
- Right to non-discrimination for reasons of Art 14.2:
  - origin
  - social and property status
  - occupation
  - sex
  - race
  - nationality and language
  - attitude towards religion
  - convictions
  - place of residence or any other circumstances





# Economic Rights

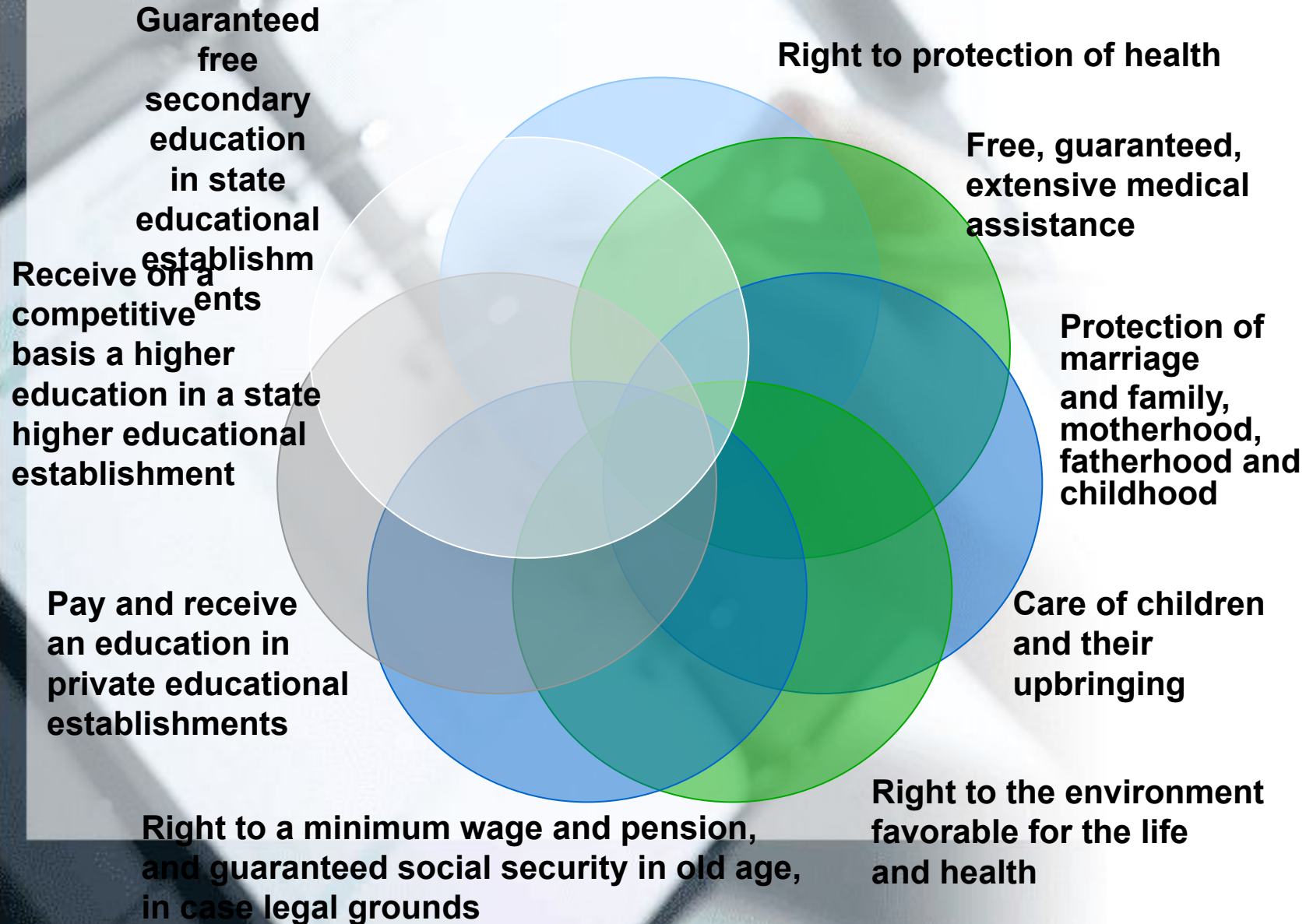


## Ownership and Freedom of entrepreneurial activity (Art. 26)

- ✓ Ownership, including the right of inheritance, shall be guaranteed by law
- ✓ No one may be deprived of his property unless otherwise stipulated by a court decision
- ✓ Everyone shall have the right to freedom of entrepreneurial activity, and free use of his property for any legal entrepreneurial activity. Monopolistic activity shall be regulated and limited by law



# Social and Cultural Rights



## Right to protection of health (Art.29)

- Citizens of the Republic of Kazakhstan shall have the right to protection of health.
- Citizens of the Republic shall be entitled to free, guaranteed, extensive medical assistance established by law.
- Paid medical treatment shall be provided by state and private medical institutions as well as by persons engaged in private medical practice on the terms and according to the procedures stipulated by law.





## Right to have an education (Art.30)

- The citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory.
- A citizen shall have the right to receive on a competitive basis a higher education in a state higher educational establishment.
- The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law.
- The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards.







The diagram features a central green box at the top labeled "Political Rights". Below it, five light blue boxes are arranged horizontally, each containing a specific political right. The background is a blurred image of a hand writing on a document with a pen. Vertical lines separate the boxes, and a light blue vertical bar is on the far left.

## **Political Rights**

**Right to  
freedom  
of forming  
associations**

**Right to  
peacefully  
and without  
arms  
assemble  
and hold  
meetings**

**Participate in  
the Government  
of the state's  
affairs  
directly  
and through  
their  
representatives**

**Right to  
address  
appeals  
to state  
bodies**

**Right to elect  
and be elected  
Into state  
bodies**

# Political Rights (art.33)

- Citizens of the Republic of Kazakhstan shall have the right to participate in the government of the state's affairs
- Citizens of the Republic shall have the right to elect and be elected into public and local self-administrations
- The right to elect and be elected, to participate in the all-nation referendum shall not extend
- Citizens of the Republic shall have the equal right to serve in a public office

*Freedom of Speech  
and Press*



*Freedom of Assembly  
and Petition*



*Trial by Jury*



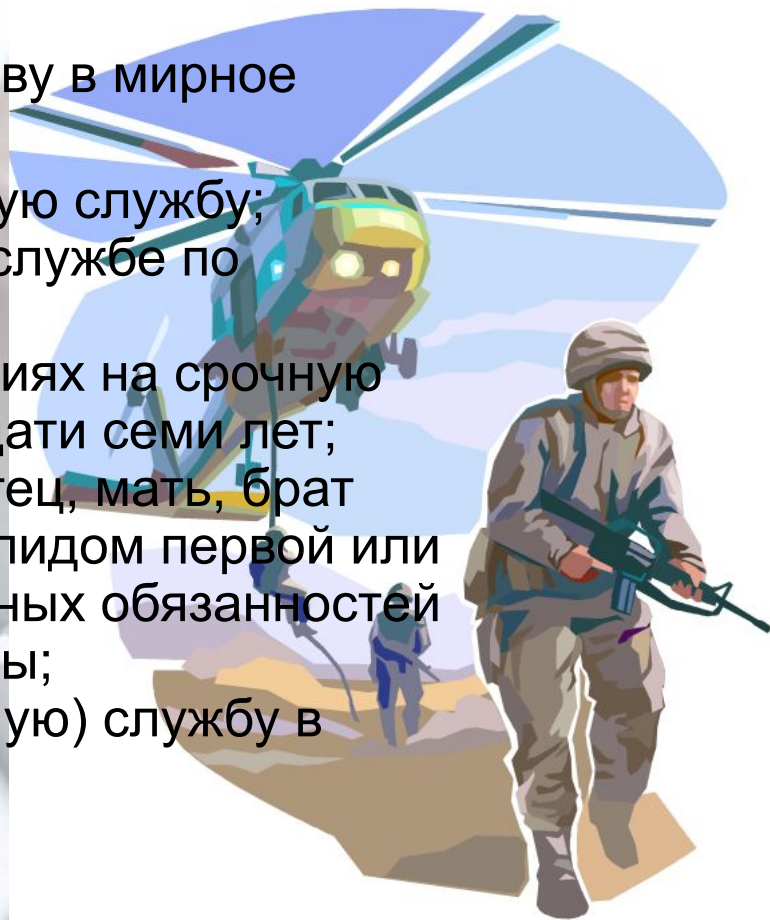
# Constitutional Obligations

- **Everyone must observe the Constitution, legislation of the RK and respect the rights and freedoms of other persons (art. 34)**
- **Everyone must respect the state symbols of the Republic (art. 35)**
- **Everyone must pay legally established taxes, fees and other obligatory payments (art. 36)**
- **Citizens have a sacred duty to defend the Republic.**
- **Citizens of the RK must care for the protection of historical and cultural heritage, and preserve monuments of history and culture.**
- **Citizens of the RK must preserve nature and protect natural resources.**
- **Able-bodied children of age must take care of their disabled parents.**

## Статья 28. Освобождение от призыва на воинскую службу (О воинской обязанности и воинской службе от 08.07.2005 г.)

От призыва на воинскую службу по призыву в мирное время освобождаются граждане:

- 1) проходящие или прошедшие воинскую службу;
- 2) признанные не годными к воинской службе по состоянию здоровья;
- 3) не призванные на законных основаниях на срочную воинскую службу по достижении двадцати семи лет;
- 4) у которых один из родственников (отец, мать, брат или сестра) погиб, умер или стал инвалидом первой или второй группы при исполнении служебных обязанностей в период прохождения воинской службы;
- 5) прошедшие воинскую (альтернативную) службу в другом государстве;
- 6) имеющие ученую степень.





# Conclusion

International Law created international legal norms on man's rights:

- International declaration on man's rights
- Pact on civil and political rights
- Pact on economic, social and cultural rights

Constitution of the RK respects principles and norms of the International Law. Moreover international treaties and other international obligations of the RK have priorities before its laws.



# Questions for you:

1. You graduate KIMEP in May 2009. Next day a police inspector brings you a notification from military commissariat telling you have to report in 3 days. Suppose the service in army is not scheduled in your plan. Your actions?
2. Suppose you lent \$5,000 to your friend. He couldn't repay his debt when it is due. You required his car as a payment. He refused. What would you do if you need money urgently?



# Questions for you:

- 3) You start your career ladder as an accountant in prosperous company. Your boss doesn't like you due to some personal reasons and fired you at some favorable occasion for him. You would like to maintain your position, based on what rights you can appeal?
- 4) Do you consider as violation of your private rights recording of your telephone conversations by law enforcements when you use key words like surname of President, name of an political party, terrorism and etc.?



Thank you for attention!

