ABSTRACT
The article is devoted to the referendum of 2011, on the agenda of which was the question of extending the powers of the incumbent president of the Republic of Kazakhstan until 2020. Despite the fact that the referendum has not been held, it is an informative object for research, which gives an idea of the development of democratic institutions in the Republic of Kazakhstan, the state of the political system and the distribution of political forces. The article reconstructs the process of organizing a referendum, analyzes the internal and international reaction, the reasons for its initiation and abolition.

Keywords: Kazakhstan, Referendum, Democracy, Elections, Constitution

INTRODUCTION
In democratic countries, an important institution of direct democracy is a referendum. The etymology of the term goes back to the Latin "referendum" ("what should be reported") ← «refero» ("I inform", "I answer").

The object of research in this article is the failed referendum in 2011, whose goal was to extend the powers of the incumbent president of the Republic of Kazakhstan without elections until 2020.

For a relatively short period of existence of such an institute as a referendum, Kazakhstan already has some experience in the legal regulation of actions to prepare and conduct such events. Thus, we consider the issues of the further development of the theory of referendum in Kazakhstan, areas of its application to be quite urgent. In addition, the referendum seems to us a kind of marker that allows us to reveal the political situation both inside the country and in terms of international relations, to receive information on the development of democratic institutions of the young state.

Despite the importance and prospects of the 2011 referendum as an object of study, in the process of analyzing sources, it became clear that this topic has not been practically disclosed by the researchers. At best, this event is only mentioned by political scientists and lawyers, while neither the mechanisms of the process nor the reasons that led to the organization of this event are disclosed.

Thus, A.A. Musinova (2013) considers the referendum only as a basis for the 2011 presidential electoral campaign. V.V. Yevseev (2013), reviewing the political situation in Kazakhstan, also only mentions the fact of the failed referendum, without resorting to an analysis of this phenomenon. Even less attention to this event was given in Western historiography.

When reviewing the object, we briefly touched upon the history of the referendum institute in Kazakhstan, followed the chronology of the organization and future fate of the referendum in 2011, the reaction to this event at home and at the international level, and tried to identify the reasons for its organization.

MATERIALS
The main method of work in writing this article was the analysis of sources, such as articles in the media, as well as official documents.
A Brief History of the Referendum Institute in Kazakhstan

The referendum as an instrument of direct democracy is a relatively infrequent phenomenon in the modern history of Kazakhstan. Even rarer this form of expression of the will of citizens can be called in Soviet times. Formally, on December 1, 1991, the country elected the president of the Kazakh SSR and a few days after the election the republic received its new official name.

In the elections that were supposed to be the first alternative in the history of Kazakhstan, three candidates planned to participate: the incumbent head of the republic Nursultan Nazarbayev, poet and leader of the Nevada-Semipalatinsk movement Olzhas Suleimenov and dissident, public figure Hasen Kozhakhmet. However, in the end, the elections were uncontested: Suleimenov refused to nominate himself, and Kozhakhmet was not allowed to the election by the Central Election Commission since he did not pass the required number of signatures in his support. The voter turnout was 88.2% of voters. Nursultan Nazarbayev was supported by 98.78% of those who voted, and 1.22% spoke out against his candidacy.

In 1991, the question of preserving the USSR was decided at a referendum. This was the first and last referendum in the history of this country and its results are rather ambiguous. As is known, more than 76% of citizens voted to preserve the USSR (in Kazakhstan this indicator was 94.1%) (On the results, 1991). The result was positive for the fate of the state, however, it did not play any significant role in the political processes that led to the rapid collapse of the USSR.

The republican referendum for resolving the most significant issues of the life of the country was also envisaged by the first Constitution of independent Kazakhstan. This was stated in Article 74 of Chapter 12 of the 1993 Constitution. Powers for the decision to hold a referendum were imposed on the Supreme Council and the President (Constitution, 1993).

In 1994 elections of the Supreme Council of the republic were held in Kazakhstan, and in early 1995 a complaint to the Constitutional Court, made by Tatyana Kvyatkovskaya, one of the candidates for deputy, was considered regarding the results of the election. Eventually, the results of the elections were declared invalid, and the parliament was dissolved.

In 1995 two republican referendums were held in the Republic of Kazakhstan. The subject of the first one, held on April 29, was the extension of the powers of the President of the Republic of Kazakhstan until December 1, 2000. Similarly, the powers of the presidents of Kyrgyzstan and Uzbekistan were extended. The actualization of this issue was related to the crisis of the early 1990s. In 1993 there was a self-dissolution of the Supreme Council. In 1995, this process was duplicated due to the illegitimacy of this body. The unfavorable political and economic situation required a solution of the problem, the stable development of the country was at stake. The turnout for the referendum was 91.2% of citizens, 95.4% of the participants voted for the extension of the president's powers, which, in our opinion, removes questions about the legitimacy of the head of state.

The second referendum was held on August 30 and was devoted to the adoption of the current Constitution. According to N.A. Nazarbayev, the independence of Kazakhstan was threatened by the beginning of 1995, the problems of transition from old, obsolete forms of the economy to new, more viable forms, were still relevant, and the scenarios offered by them were misunderstood among some of the political elite. In the crisis, the president voluntarily issued a decree of July 28, 1995 "On holding the republican referendum on August 30, 1995". The decree was preceded by 147 other decrees having the force of law aimed at overcoming the crisis.

The new Constitution also enshrined the possibility of holding a referendum. In addition to the basic law itself, in November 1995 the Constitutional Law "On the Republican Referendum" was published, which regulated the basic principles of holding a referendum in the country, the possible reasons (drafts of the Constitution, constitutional laws, amendments and additions to the legislation), and issues that cannot become the subject of a referendum have also been announced (The Law, 1995; Constitution, 1995).
Such issues include:
1) entailing a violation of constitutional rights and freedoms of man and citizen;
2) changes in the unitarity and territorial integrity of the state, the form of government of the Republic;
3) the administrative and territorial structure and borders of the Republic;
4) the justice, the defense, the national security and the protection of public order;
5) the budgetary and fiscal policy;
6) the amnesty and the pardon;
7) the appointment and the election to office, the dismissal of persons related to the authority of the President, Chambers of the Parliament and the Government of the Republic;
8) fulfillment of obligations arising from international treaties of the Republic.

In October 1998, the Constitution of Kazakhstan adopted three years earlier, introduced a number of changes, which increased the term of office of the president from 5 to 7 years, removed the age limit for the head of state and others. After that, a group of deputies appealed to Nursultan Nazarbayev with an appeal to hold early presidential elections. The President agreed with this proposal, the elections were scheduled for January 10, 1999.

The 1999 elections were, in fact, the first alternative presidential elections in Kazakhstan - the leader of the Communist Party Serikbolsyn Abdildin, the chairman of the Customs Committee of the Republic Gani Kasymov and the senator Engels Gabbasov took part besides the incumbent president. For the first time in the country, the election campaign was diverse - the TV channels invited candidates to their air, they conducted active agitation through the media and met with voters.

In the January 10, 87.05% of voters, according to official figures, took part in the 1999 elections.

For the first time, the elections were distinguished by a large number of candidates - 18 people claimed their claims to participate - five of them (Meiramkul Kozhagulova, Maya Karamayeva, Slushash Nukenova, Tilepady Zhambulov and Orazaly Sakayev) failed to pass the examination for knowledge of the state language, 13 candidates (Yerasyl Abylkasymov, Karishal Asan-ata, Amantai Kazhi Asylbek, Zhaksybay Bazilbaev, Alikhan Baimenov, Mels Eleusizov, Ualikhan Kaisarov, Nursultan Nazarbayev, Salim Oten, Baltabai Rakhimzhanov, Zharmakhan Tuyakbai) were allowed to collect signatures in their support. As a result, only five people were registered as candidates, the rest could not collect signatures in their support.

At the December 4 elections, the voter turnout, according to official figures, was 76.78%. Nursultan Nazarbayev received over 90% of the votes in 12 of 16 regions of the country, most voted for him in the North-Kazakhstan region (95.83%), the least - in the Mangistau region (77.20%). Zharmakhan Tuyakbai was able to receive more than 10% of the votes in three regions, most voted for him was in Mangistau oblast (20.40%), least of all in the North-Kazakhstan region (2.08%). Alikhan Baimenov was able to get the most votes in the Karaganda region (3.54%), the lowest in the Zhambyl region (0.86%). Eleusizov and Abylkasymov could not get even 1 percent of the vote in any region.

A Brief Chronology of the Process
At the end of 2010, a number of public figures initiated a movement to extend the powers of the incumbent President until 2020. The next presidential election at that time was scheduled for 2012.
The main reason was the lack of an alternative to the incumbent president, and as a consequence, the absence of the need for elections. O. Suleimenov noted in his speech that the president should not distract "from the solution of important tasks" by holding elections: "The result of the election would still be known, but for this purpose, it is hardly worth spending hundreds of millions on preparing the elections" (Musiçova, 2013:95).

We give a brief chronology of the process. In the future, the mechanism for organizing a referendum is developing rapidly. If the original idea was voiced on December 23, 2010, already in 3 days, on December 27, the Central Election Commission registered an initiative group of 320 people (the CEC registered). Three days later, on December 30, the head of the initiative group Ye.B. Sydykov reports that 314.6 thousand signatures have been collected in support of the referendum (The necessary number has been collected). The day before, the lower house of parliament unanimously voted in support of the referendum, approving the relevant appeal to the President (Mazhilis). Subsequently, the country's parliament approved an amendment to Article 42, paragraph 5, of the Constitution, which reads: "This restriction does not apply to the First President of the Republic of Kazakhstan - Yelbasy, whose presidential term may be extended in a republican referendum" (Mandryka, 2013). This was preceded by unconditional support for the appeal of deputies of the lower house from the upper house of the Parliament. On January 13, 2011, the Central Election Committee registered 5.016 million signatures in support of the referendum (the CEC of the RK revealed).

The Central Election Commission of Kazakhstan approved the final protocol on the verification reports of the authenticity of signatures made by citizens that applied for an initiative to hold a referendum.

In accordance with the law, to initiate the issue of referendum appointment, the members of the initiative group needed to collect at least 200,000 signatures of citizens equally representing all the regions, the cities of Astana and Alma-Ata.

Turgankulov said that this rule of law was implemented and the reliability of the required number of signatures was confirmed by the territorial election commissions that conducted their verification jointly with the territorial bodies of justice.

According to him, on January 13, 2011, the Central Election Commission received the protocols of election commissions on the results of verifying the signatures of all regional cities, Astana and Alma-Ata. The initiative group also submitted to the Central Election Commission consolidated information on the results of the collection of signatures and completed subscription lists.

"In total, more than 5 million 16 thousand signatures or 55.2% of the total number of Kazakhstan’s citizens who have the right to participate in the republican referendum have been collected in support of the initiative to hold a republican referendum," the CEC head said.

At the same time, "as a result of checking by territorial election commissions, more than 194 thousand invalid signatures of citizens were revealed."

Thus the main reasons for the recognition of signatures as invalid were: inconsistency in the registration of the residence of the citizen who signed, with the region in which the signature was collected; Technical mistakes in filling the data on citizens; Duplicate signatures, it means signatures of one and the same person in more than one subscription sheet; Signatures of citizens who do not have the right to participate in the referendum (mostly signatures of persons under the age of 18); Signing for family members.

Also, the subscription lists filled in with violation of the requirements of the Constitutional Law "On the Republican Referendum" had been considered invalid.

"Despite some shortcomings in the organization of work to collect signatures, the initiative to hold a referendum was supported by a much larger number of citizens than prescribed by law," stated Turgankulov, noting that "the Central Election Commission did not receive any complaints and
petitions related to violations of the rules of the law on referendum during the collection of signatures”.

Nevertheless, the initiative on the referendum was rejected by the President on January 6, 2011, by the Decree "On rejection of the proposal made by the Parliament of the Republic of Kazakhstan to submit amendments and additions to the Constitution of the Republic of Kazakhstan for the republican referendum" (Decree, 2011). On January 17, 2011, the decision to hold a referendum was delegated to the Constitutional Council of the Republic of Kazakhstan. The point was set on January 31, 2011, when the law on the referendum was found to be incorrect on a number of points, which could lead to an imbalance of state and public institutions of the country.

The huge by the standards of the country scale of the campaign in support of the referendum is striking in the eyes. For twenty days, more than 5 million signatures were collected, an average of 250,000 per day. Given that the country's population at the beginning of 2011 was about 16.5 million people, of whom about 27% were minors, in a twenty-day period 41.5% of the country’s voting population voted in support of the referendum. We also note that on December 30, only 314.6 thousand signatures were collected. Thus, in the remaining 14 days until January 13, 4701400 signatures were collected “(The demographic forecast, 2014).

FINDINGS

The Reaction of the Public in Kazakhstan and Other States

The idea of the referendum was supported by the population. In addition to a large number of collected signatures, this was also shown by the data of opinion polls. So, according to the poll conducted by the InfoSystem fund, 91.2% of the population supported the referendum (91.2% of the citizens, 2016). However, even with the support of the population, the organization of the gathering on this scale allows us to conclude that the administrative resource was actively used in the process of preparation (91.2%).

The referendum was supported by the country's political parties. As early as on January 12, 2011, Nurlan Nigmatullin, the deputy chairman of the People's Democratic Party "NurOtan" proposed to create a coalition in support of the referendum. The coalition was to include representatives of various parties and non-governmental organizations (The Regulatory Resolution, 2011). A day later, on January 13, the president of the Civil Alliance, uniting more than 500 non-governmental organizations, Aigul Solovyova spoke in support of the referendum (Civil Alliance, 2011). The leader of the Adilet party, Maksut Narikbayev, also supported the initiative.

At the same time, some non-governmental organizations supported the elections and opposed the referendum. In particular, this view was shared by the members of the Kazakhstan-OSCE 2010 Coalition, which included such organizations as the Almaty Helsinki Committee, the Kazakhstan International Bureau for Human Rights and Rule of Law, the International Foundation for the Protection of Freedom of Speech “AdilSoz”, the International Center for Journalism “MediaNet”, the Public Foundation "Charter for Human Rights", the Republican Network of Independent Observers, the Center for Legal Policy Research, the establishment NGO “Internews Kazakhstan”. The statement of the coalition said, in particular, the following: "We call on the incumbent president of Kazakhstan to once again demonstrate adherence to the democratic values repeatedly proclaimed by our country during the OSCE chairmanship and holding the OSCE summit in Astana and to hold the next presidential election on the scheduled date in 2012" (Kazakhstani NGOs, 2011).

Of particular interest is the attitude to the referendum of official representatives of the clergy. More than 90% of the population of Kazakhstan formally belong to the sphere of influence of the Islam (the Hanafi school) and the Russian Orthodox Church. Accordingly, these two religious movements enjoy the greatest support of the authorities, which is partly reflected in the preamble of the Law “On Religious Activities and Religious Associations of 2011”. The press secretary of the Spiritual Board of Kazakh Muslims Ongar-kazhi Omirbek reported that on January 14, 2011, in Mosques of Kazakhstan
were held sermons, during which appeals were voiced in support of the referendum (Toguzbayev, 2016). Metropolitan Alexander of Astana and Kazakhstan, the head of the Russian Orthodox Church in Kazakhstan, also spoke in support of the referendum (Metropolitan, 2011; The Law, 2016).

Against the backdrop of broad support within the country, the attitude towards a possible referendum from the Western countries was sharply highlighted. Thus, the US Embassy published its government's official position on the issue, which stated, in particular, that "a national referendum, if it replaces the presidential elections guaranteed by the Constitution of the RK, will be a departure from democracy in Kazakhstan" (the position of the US government). The same position was personally voiced by US Secretary of State Hillary Clinton during the talks with Kazakhstan's Foreign Minister Kanat Saudabayev (Clinton called). After the referendum was replaced by early elections, the following was announced: "The United States of America welcomes President Nazarbayev's decision not to hold a national referendum that would extend his powers until 2020. We are looking forward to further details on the government's plans to hold early elections" (Statement, 2011).

The EU High Representative for the Common Foreign and Security Policy Catherine Ashton also issued a statement stating that "the EU reaffirms its serious doubts about this initiative. The EU urges President Nazarbayev and the Kazakh authorities to ensure that free and fair elections will be held in accordance with the current Constitution and international commitments, and that replacing the presidential elections in 2012 and 2017 will serve as a basis "for serious doubts about Kazakhstan's commitments to promote Democracy and political pluralism" (The European Union, 2011; Zakir & Baymuratova, 2014).

The reaction to a possible referendum on the part of the OSCE was also quite negative. Issues related to the extension of the powers of the President of Kazakhstan and the referendum were discussed at two meetings of the OSCE Permanent Council. At the 846th meeting of this Council on January 13, 2011, and the 847th on January 20, the EU statements on this issue were voiced, which generally expressed the point of view set out in the previous paragraph. This statement was also supported by non-EU countries, namely Croatia, Macedonia, Iceland, Montenegro, Albania, Norway, Moldova, Bosnia and Herzegovina, and San Marino (EU statement on the term, 2011; EU statement on the possible, 2011). The official position of his country was also voiced by the Ambassador of the US Mission to the OSCE, Ian Kelly. In two speeches the ambassador stressed that "the referendum issue has deep international consequences, especially against the backdrop of Kazakhstan's recent successful chairmanship in the OSCE" (Statement, 2011; Statement of the US, 2011).

Canada took a similar position with some delay. In an official statement on January 26, 2011, Canada's Ambassador Frederick Gregory urged the Kazakh authorities to prevent this initiative, stressing that the referendum would be a step backward for the development of democracy in the country (Delegation, 2011).

Kazakhstan's Ambassador KairatAbdrakhmanov, in turn, objected to the alleged "undemocratization" of a possible referendum declared by the US, Canada, and the EU countries, rightly stressing that a referendum is a form of the people's will and an instrument of direct democracy (Sintsov, 2010). At the same time, holding a referendum does not mean non-compliance with the requirements contained in the electoral sphere of international agreements, such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the OSCE Copenhagen Document (1990), the Convention on the Standards of Democratic Elections, electoral rights and freedoms in the CIS countries (Statement by the Permanent Representative, 2011).

**Reasons and Consequences of a Referendum**

Some geopolitical processes, against which the phenomena which we are considering occurred, could be regarded as rather disturbing. First of all, this is a political crisis in neighboring Kyrgyzstan, which began in spring 2010 and led to a change of power. At the end of the same year, presidential elections in Belarus took place with suppressed mass protests organized by the dissatisfied results of the opposition (Tolstik, 2014). The end of 2010 was also marked by the beginning of the Arab Spring, a
wave of unrest in the Arab countries, which resulted in the overthrow of the government in several countries (Tunisia, Algeria, Egypt) and the civil war (Libya, Syria). Without going into the conspiracy interpretations of this phenomenon, we state only a deep systemic crisis in a vast region, in which, in addition to the Arab world, the neighboring territories were also drawn in one way or another, and the traditional players of the geopolitical front.

It can be assumed that the above-mentioned geopolitical factor also played a role in the actualization of the referendum issue. The experience of Ukraine (2004), Belarus (2006, 2010), Kyrgyzstan (2005), Georgia (2003) shows that the election time is one of the most favorable for the destabilization of the situation in the country. Turning off the elections for a ten-year term would allow the authorities to further legitimize the leader, avoiding such a threat (Sukharev, Krutskikh, & Sukhareva, 2003).

In light of this, it is possible to presumably explain both the tough position of the US and the “insufficiently approving” position of Russia on this matter. If Russia chose not to officially react to the possibility of a referendum at all, the US formulated its disapproval quite clearly. This was announced in the publication of the US embassy in Kazakhstan, and in personal communication between the state secretaries of the two countries, was twice voiced during the meetings of the OSCE Permanent Council. Obviously, the proposed referendum was unprofitable for both the United States and Russia, because the twice-missed elections deprived them of certain, even if not the main, trump cards in the political game with Kazakhstan. It was especially relevant, in our opinion, for Russia, since a large part of the population of Kazakhstan is in the sphere of the Russian mass media influence.

In any case, the main result of the referendum was to stabilize the situation in the country, preserve the status quo with the leader, who suited the overwhelming majority of the population, if not all, and most of the elite. Changing the leader, and even the possibility of changing the leader - this is an unconditional destabilizing factor. This, and not the reluctance to "spend hundreds of millions on organizing elections", is the obvious main reason for the campaign in favor of the referendum.

This campaign can also be regarded as a kind of test ball aimed at monitoring the public and international reaction. However, in our opinion, such a resource-consuming trial would be superfluous, since the reaction both inside the country and other states was obvious and easily subjected to forecasting.

Nevertheless, the campaign for the support of the referendum fulfilled the function of the "test ball" quite successfully, allowing to draw certain conclusions about the population's support for the incumbent President and about those who opposed the referendum inside and outside the country.

The campaign in support of the referendum allowed creating a certain reserve for the subsequent presidential elections. As N.A. Nazarbayev said: "I feel the support of five million Kazakhstani who signed in December and January when a referendum was initiated" (Today in Akorda, 2011). The campaign in support of the referendum was taken as a basis for the principle of organizing the election campaign. On the basis of the coalition of democratic forces "Kazakhstan-2020", the Republican public headquarters was established in support of Nursultan Nazarbayev (Musinova, 2013:95).

The fact that President N.A. Nazarbayev easily and quickly refused to hold a referendum, can be explained, first of all, by the fact that the refusal of the referendum and the announcement of early elections, in fact, did not affect his image or his status in any way. Rather, on the contrary, demonstrative observance of the law, refusal to amend the current Constitution allowed him to reinforce his positions once again. Confirmed by sociological polls and the results of the campaign in support of the referendum, the support of the broad masses of the population allowed the incumbent leader not to fear unexpected results.

Certainly, the positions of the international community representatives, published and possibly not freely available, definitely had a certain significance in the abolition of the referendum. In fact, at the
same time, attention was shown on the one hand to the opinion of the international community, on the other hand, the goals for further legitimizing the leader of the country were successfully achieved.

Another issue that is actualized by the failed referendum in 2011 is a fundamental issue: it is a question of democracy in general, of democracy as a phenomenon. Quite sharply the question of the principles of democracy arises in the light of the frankly rigid, unilateral reaction of the EU and the US. It is obvious that democracy is the power of the majority, because in no society there can be an absolute consensus in the political sphere. Thus, taking into account the support of N.A. Nazarbayev's overwhelming majority of the population, the referendum in question is presented to the author as a phenomenon that fully meets the principles of democracy. The arguments put forward by the EU representatives, stating that if the referendum succeeds, the political minority, the opposition is deprived of the right to take part in the elections, seem to us an example of some casuistry. The political minority, by definition, cannot be a marker in a democracy. After six years, and following the results of the last elections (2015), we can state that the preferences of the overwhelming majority of the people have not changed. It is characteristic that the current powers of President N.A. Nazarbayev expires in 2020.

CONCLUSION
Currently, the development of such a phenomenon as a referendum in Kazakhstan can be characterized in such a way that the current Constitution clearly and unequivocally provides for the inalienable right of citizens to initiate, organize a referendum and participate in such a referendum. This fact needs theoretical comprehension and it is possible to expand the practice of using this institution.

On the one hand, a referendum in Kazakhstan is difficult to call an established institution. Two referendums held in one year (1995) and one referendum which was not held, are not any extensive base. This is not much, for example, compared with the same Switzerland, where hundreds of similar events have taken place over the past 150 years.

The 2011 referendum we are considering can be called one of the steps to strengthen the vertical of power in Kazakhstan. The main reason for its organization, apparently, was a complex geopolitical situation, including in a number of countries in the post-Soviet space. The exclusion of elections from the political scheme for a certain period allowed, to some extent, to minimize the risk of destabilization of the situation. However, despite the statements of representatives of the EU and OSCE, this phenomenon cannot be called inconsistent with the principles of democracy, since there was the broadest support for the population and most of the political structures inside the country, and it is highly unlikely that the population's support for the incumbent would significantly decrease until 2020.

The reaction to the referendum in Kazakhstan itself can be characterized as generally positive. The reaction of other states ranged from a neutral (Russia, post-Soviet countries) to a frankly negative (USA, Canada, EU countries).

The reason for the cancellation of the referendum, apparently, was the tough position of a part of the international community. The incumbent president, relying on the broad masses of the population, practically lost nothing from the introduction of early elections, which was confirmed even later, in the elections of 2015, where they received 97.7% of the popular vote.

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