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## Country Report on Human Rights Practices 2017 - Kazakhstan

### EXECUTIVE SUMMARY

The Republic of Kazakhstan’s government system and constitution concentrate power in the presidency. The presidential administration controls the government, the legislature, and judiciary as well as regional and local governments. Changes or amendments to the constitution require presidential consent. The April 2015 presidential election, in which President Nazarbayev received 97.5 percent of the vote, was marked by irregularities and lacked genuine political competition. The president’s Nur Otan Party won 82 percent of the vote in the March 2016 election for the Mazhilis (lower house of parliament). The Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR) observation mission noted some progress but judged the country continued to require considerable progress to meet its OSCE commitments for democratic elections. On June 26, Kazakhstan selected 16 of 47 senators, members of the parliament’s upper house, in an indirect election tightly controlled by local governors working in concurrence with the presidential administration.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included arbitrary or unlawful killings; detainee and prisoner torture and other abuse; arbitrary arrest and detention; harsh and sometimes life-threatening prison conditions; infringements on citizens’ privacy rights; and pervasive corruption and abuses by law enforcement and judicial officials. There were selective restrictions on freedoms of expression, press, assembly, religion, and association, including restrictions on the activities of nongovernmental organizations (NGOs). There were limits on citizens’ ability to choose their government in free and fair elections and prohibitive political party registration requirements. Additional problems included forced labor; and restrictive independent trade union registration requirements.

The government selectively prosecuted officials who committed abuses, especially in high-profile corruption cases; nevertheless, corruption remained widespread, and impunity existed for those in positions of authority as well as for those connected to government or law enforcement officials.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports the government or its agents committed arbitrary or unlawful killings or beatings that led to deaths.

On March 15, police detained a 29-year-old resident of Astana, Nikolay Krivenko, for disorderly behavior and vandalism. Police took him to a local center for medical and social rehabilitation where he was beaten to death. Police officer Berik Murzabekov was charged with abuse of power and intentional infliction of harm to health resulting in death by negligence. Three employees of the center, Sayat Satyn, Farkhat Kambetov, and Sumgat Temirgaliev, were charged with intentional infliction of harm to health resulting in death by negligence. On November 3, a district court in Astana sentenced Murzabekov to 10 years, and Satyn, Kambetov, and Temirgaliev to eight years of imprisonment.

There were no official reports of military hazing resulting in death; however, there were instances of several deaths that the official investigations subsequently presented as suicides. Family members made allegations that the soldiers died as a result of hazing.

On January 6, after two months in military service in an elite detachment of the army, 18-year-old Aset Zhusupov died as a result of a gun-shot injury to the head. Investigators were looking into the possibility of forced suicide. The case was under the principal military prosecutor’s special control.

Military hazing led to deaths, suicides, and serious injuries. On September 28, Private Urazgaliyev of Army Unit 32363 in Kapshagay died in the local hospital after a disagreement with the detachment commander, Sergeant Ramadin, who allegedly hit the conscript in the head. Urazgaliyev lost consciousness and was taken to the hospital, where he later died. Military prosecutors began an investigation of the incident, and Sergeant Ramadin was arrested. Due to the sensitivity of such cases, the Ministry of Defense rarely discloses additional information to the general public.

### b. Disappearance

There were no reports of politically motivated disappearances.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; nevertheless, police and prison officials allegedly tortured and abused detainees. Human rights activists asserted the domestic legal definition of torture was noncompliant with the definition of torture in the UN Convention against Torture.

The National Preventive Mechanism (NPM) against Torture came into force in 2014 when the prime minister signed rules permitting the monitoring of institutions. Some observers commented that NPM staff lacked sufficient knowledge and training to recognize instances of torture. The NPM is part of the Office of the Human Rights Ombudsman and thus is not independent of the government. The human rights ombudsman reported during the year receiving 106 complaints alleging torture, violence, and other cruel and degrading treatment and punishment in 2016. In its March report covering activities in 2016, the NPM reported that despite some progress, problems with human rights violations in temporary detention centers remained serious. Concerns included poor health and sanitary conditions at detention facilities, high risk of torture by investigators to extract confessions, and a lack of secure channels for submission of complaints. The Public Monitoring Commission (PMC) corroborated that report and elaborated that torture typically occurred during the initial period of detention. There were reports suspects often were beaten during transit or in police stations.

The NGO Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) recorded 115 complaints of torture in the first six months of 2016. In a separate report, the prosecutor general indicated 89 cases of torture in the first six months of the year. Not all cases led to prosecution or conviction. The NGO Penal Reform International (PRI) indicated that in 2016, 75 percent of the officially registered 1,460 complaints of torture occurred during the investigation stage. Four of the 350 officially registered criminal investigations of torture went to court trial during the first 10 months of the year.

In October 2016 the Zhezkazgan city court ruled that civil society activist and blogger Natalya Ulasik, known for her critical antigovernment posts in social media, would be placed in a high-security mental hospital, asserting she was insane and represented a danger to society. KIBHR experts reported inconsistencies in her psychiatric check-ups and court procedures, while the hospital’s psychiatric commission examined Ulasik and concluded that she presented no danger to society and could be treated in an outpatient clinic. On June 2, the Talgar district court in Almaty region declined the hospital’s petition for release of Ulasik, who remained in a mental hospital.

## Prison and Detention Center Conditions

Prison conditions were generally harsh and sometimes life threatening, and facilities did not meet international health standards. Health problems among prisoners went untreated in many cases, or prison conditions exacerbated them. Prisons still faced serious shortage of medical staff. The minister of internal affairs reported that tuberculosis incidence declined 37 percent compared with 2016.

Physical Conditions: According to PRI, although men and women were held separately and pretrial detainees were held separately from convicted prisoners, during transitions between temporary detention centers, pretrial detention, and prisons, youth often were held with adults.

Abuse occurred in police cells, pretrial detention facilities, and prisons. Observers cited the primary cause of mistreatment as the lack of professional training programs for administrators.

To address infrastructural problems in prisons, the authorities closed eight prisons with the worst conditions during the recent years. The NPM reported continuing infrastructure problems in prisons, such as unsatisfactory sanitary and hygiene conditions, including poor plumbing and sewerage systems and unsanitary bedding. It also reported shortages of medical staff and insufficient medicine, as well as problems of mobility for prisoners with disabilities. In many places the NPM noted restricted connectivity with the outside world and limited access to information about prisoners’ rights. PRI reported there was a widespread lack of heating and adequate ventilation in prisons, noting that in some cases extreme temperatures threatened the health of the inmates.

The minister of internal affairs claimed that the number of deaths in prisons declined 17 percent compared with 2016. The government did not publish statistics on the number of suicides or attempted suicides in pretrial detention centers or prisons during the year.

According to the Prosecutor General’s Office, 42 cases of disobedience by prisoners including group actions of disobedience were registered in the first six months.

Administration: The law does not allow unapproved religious services, rites, ceremonies, meetings, or missionary activity in prisons. By law a prisoner in need of “religious rituals” or his relatives may ask to invite a representative of a registered religious organization to carry out religious rites, ceremonies, or meetings, provided they do not obstruct prison activity or violate the rights and legal interests of other individuals. Radio Azattyk reported that Muslim prisoners were not allowed to fast during Ramadan and were punished for violations of the prison internal rules during bedtime.

Independent Monitoring: There were no independent international monitors of prisons. The local independent monitoring group PMC visited approximately 340,340 facilities during the first six months of 2016.

Improvements: The 2015 criminal code introduced alternative sentences, including fines and public service, but human rights activists noted they were not implemented effectively.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the practice occurred. The government did not provide statistics on the number of individuals unlawfully detained during the year. The prosecutor general reported that during the first six months of the year the number of individuals illegally detained and brought to police decreased by 54.3 percent compared with the same period in 2016. Prosecutors released 37 individuals who were unlawfully held in police cells and offices. According to the prosecutor general, bail was used extensively and 27.2 percent of all suspects in custody were released on bail.

#### Role of the Police and Security Apparatus

The Ministry of Internal Affairs supervises the national police force, which has primary responsibility for internal security, including investigation and prevention of crimes and administrative offenses, and maintenance of public order and security. The Agency of Civil Service Affairs and Anticorruption has administrative and criminal investigative powers. The Committee for National Security (KNB) plays a role in border security, internal and national security, antiterrorism efforts, and the investigation and interdiction of illegal or unregistered groups, such as extremist groups, military groups, political parties, religious groups, and trade unions. On July 4, President Nazarbayev signed legislative amendments on a reform of the law enforcement agencies, including one giving power to the KNB to investigate corruption by officers of the secret services, anticorruption bureau, and military. The KNB, Syrbar (the foreign intelligence service), and the Agency of Civil Service Affairs and Anticorruption all report directly to the president. Many government ministries maintained blogs where citizens could register complaints.

Although the government took some steps to prosecute officials who committed abuses, impunity existed, especially where corruption was involved or personal relationships with government officials were established.

#### Arrest Procedures and Treatment of Detainees

A person apprehended as a suspect in a crime is taken to a police office for interrogation. Prior to interrogation, the accused should have the opportunity to meet with an attorney. Upon arrest the investigator may do an immediate body search if there is a reason to believe the detainee has a gun or may try to discard or destroy evidence. Within three hours of arrest, the investigator is required to write a statement declaring the reason for the arrest, the place and time of the arrest, the results of the body search, and the time of writing the statement, which is then signed by the investigator and the detained suspect. The investigator should also submit a written report to the prosecutor's office within 12 hours of the signature of the statement.

The arrest must be approved by the court. It is a three-step procedure: (1) the investigator collects all evidence to justify the arrest and takes all materials of the case to the prosecutor; (2) the prosecutor studies the evidence and takes it to court within 12 hours; and (3) the court proceeding is held with the participation of the criminal suspect, his/her lawyer, and the prosecutor. If within 72 hours of the arrest the administration of the detention facility has not received a court decision approving the arrest, the administration should immediately release him/her and notify the officer who handles the case and the prosecutor. The court may choose other forms of restraint: house arrest, restriction of movement, or a written requirement not to leave the city/place of residence.

According to human rights activists, these procedures were frequently ignored.

Authorized bail procedures exist but were not used in many cases. Instead, prolonged pretrial detentions were commonplace.

Detainees may be held in pretrial detention for up to two months. The term may be extended up to 18 months if the investigation continues. Upon the completion of the investigation, the investigator puts together an official indictment. The materials of the case are shared with the defendant and then sent to the prosecutor, who has five days to check the materials and forward them to the court.

Although the judiciary has the authority to deny or grant arrest warrants, judges authorized prosecutor warrant requests in the vast majority of cases. Prosecutors continued to have the power to authorize investigative actions, such as search and seizure.

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. The 2015 criminal procedure code obliges police to inform detainees about their rights, including the right to an attorney. Human rights observers alleged that prisoners were constrained in their ability to communicate with their attorneys, that penitentiary staff secretly recorded conversations, and that staff often remained present during the meetings between defendants and attorneys. In August Almaty attorney Johar Utebekov reported he found a wiretapping device in the conference room in the KNB pretrial investigation detention facility in Almaty where he met with his client, Muratkhan Tokmadi. The attorney filed an official complaint with the Prosecutor General's Office but had not received a response.

The human rights ombudsman reported that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before a detainee's attorney arrived, and in some cases used defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges, but public defenders often lacked the

necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the cases against them involve state secrets. The law allows only lawyers who have special clearance to work on such cases.

Arbitrary Arrest: Prosecutors reported five incidents of arbitrary arrest and detention in the first six months of the year.

The government frequently arrested and detained political opponents and critics, sometimes for minor infractions, such as unsanctioned assembly, that led to fines or up to 10 days’ administrative arrest. By law detainees may remain in pretrial detention for up to two months. Depending on the complexity and severity of the alleged offense, authorities may extend the term for up to 18 months while the investigation takes place. The pretrial detention term may not be longer than the potential sentence for the offense.

Pretrial Detention: The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers criticized this period as too lengthy and alleged that authorities often used this phase of detention to torture, beat, and abuse inmates to extract confessions.

The 2015 criminal code introduced the concept of conditional release on bail. The bail system is designed for persons who commit a criminal offense for the first time or for a crime of minor or moderate severity not associated with causing death or grievous bodily harm to the victim, provided that the penalties for committing such a crime contain a fine as an alternative penalty.

The law grants prisoners prompt access to family members, although authorities occasionally sent prisoners to facilities located far from their homes and relatives, thus preventing access for those unable to travel.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The code of criminal procedure spells out a detainee’s right to submit a complaint, challenge the justification for detention, or to seek a pretrial probation as an alternative to arrest. Detainees have 15 days to submit complaints to the administration of the pretrial detention facility or to local court. An investigative judge has three to 10 days to overturn or uphold the challenged decision.

#### e. Denial of Fair Public Trial

The law does not provide for an independent judiciary. The executive branch sharply limited judicial independence. Prosecutors enjoyed a quasi-judicial role and have the authority to suspend court decisions.

Corruption was evident at every stage of the judicial process. Although judges were among the most highly paid government employees, lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicited bribes in exchange for favorable rulings in many criminal and civil cases.

Corruption in the judicial system was widespread. Bribes and irregular payments were regularly exchanged in order to obtain favorable court decisions. In many cases the courts were controlled by the interests of the ruling elite, according to Freedom House’s *Nations in Transit* report for 2017. Accordingly, public trust in the impartiality of the judicial system was low, and citizens held little expectation that justice would be dispensed professionally in court proceedings, as noted in the *Nations in Transit* report for 2016. Recruitment of judges was plagued by corruption, and becoming a judge often required bribing various officials, according to the Bertelsmann Stiftung’s *Transformation Index* report for the year.

Business entities were reluctant to approach courts because foreign businesses have a historically poor record when challenging government regulations and contractual disputes within the local judicial system. Judicial outcomes were perceived as subject to political influence and interference due to a lack of independence. A dedicated investment dispute panel was established in 2016, yet investor concerns over the panel’s independence and strong bias in favor of government officials remained. Companies expressed reluctance to seek foreign arbitration because anecdotal evidence suggested the government looks unfavorably on cases involving foreign judicial entities.

Moriak Shegenov, the chair of the Supreme Court judicial ethics panel, said at a July 24 extended conference meeting of the Supreme Court that two judges had been held liable for serious crimes: one for taking a bribe and another for knowingly issuing an illegal ruling. During the first six months of the year, 32 judges were punished for violations of judicial ethics: 12 judges were warned, 14 reprimanded, and six were dismissed.

Military courts have jurisdiction over civilian criminal defendants in cases allegedly connected to military personnel. Military courts use the same criminal code as civilian courts.

## Trial Procedures

All defendants enjoy a presumption of innocence and are protected from self-incrimination under the law. Trials are public except in instances that could compromise state secrets or when necessary to protect the private life or personal family concerns of a citizen.



Jury trials are held by a panel of 10 jurors and one judge and have jurisdiction over crimes punishable by death or life imprisonment, as well as grave crimes such as trafficking and engagement of minors in criminal activity. Activists criticized juries for a bias towards the prosecution as a result of the pressure that judges applied on jurors, experts, and witnesses.

Observers noted the juror selection process was inconsistent. Judges exerted pressure on jurors and could easily dissolve a panel of jurors for perceived disobedience of their orders. The law has no mechanism for holding judges liable for such actions.

Indigent defendants in criminal cases have the right to counsel and a government-provided attorney. By law a defendant must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. Defense attorneys, however, reportedly participated in only one half of criminal cases, in part because the government failed to pay them properly or on time. The law also provides defendants the rights to be present at their trials, to be heard in court, to confront witnesses against them, and to call witnesses for the defense. They have the right to appeal a decision to a higher court. According to observers, prosecutors dominated trials, and defense attorneys played a minor role.

Domestic and international human rights organizations reported numerous problems in the judicial system, including lack of access to court proceedings, lack of access to government-held evidence, frequent procedural violations, denial of defense counsel motions, and failure of judges to investigate allegations that authorities extracted confessions through torture or duress.

Lack of due process remained a problem, particularly in a handful of politically motivated trials involving opposition activists and in cases in which there were allegations of improper political or financial influence. In its *Nations in Transit* 2016 report, Freedom House noted that the courts were subservient to the executive branch and “convicted public figures brought to trial on politically motivated charges, often without credible evidence or proper procedures.”

Human rights and international observers noted investigative and prosecutorial practices that emphasized a confession of guilt over collection of other evidence in building a criminal case against a defendant. Courts generally ignored allegations by defendants that officials obtained confessions by torture or duress.

### Political Prisoners and Detainees

A group of civil society activists maintained a list of individuals they considered detained or imprisoned based on politically motivated charges, including land code activists Maks Bokayev and Talgat Ayan, labor union leader Larissa Kharkova, and *Independent Tribuna* newspaper’s chief editor, Zhanbolat Mamay.

Land code activists Maks Bokayev and Talgat Ayan were sentenced in November 2016 to five years in prison for organizing peaceful land reform protests. Despite the requirement of the law that prisoners should be referred to a penitentiary facility close to their homes, the two activists were sent to a northern prison 1,240 miles from their hometown, spending several weeks in transit in difficult conditions.

On April 7, Aktau labor movement activist Nurbek Kushakbayev was sentenced to two-and-one-half years in prison for calls to continue a labor strike after the court ruled the strike to be illegal. On May 5, labor movement activist Amin Yeleusinov was sentenced to two years in prison for alleged embezzlement of the labor union’s funds. Human rights activists and international organizations condemned the trials as politically motivated.

On July 25, a Shymkent district court found the leader of the Confederation of Independent Trade Unions of Kazakhstan, Larissa Kharkova, guilty of abuse of power, placing her on probation for four years with limitations on her freedom of movement, confiscating her property, and preventing her from leading any public and non-commercial organizations for five years. Initially, Kharkova was accused of embezzlement, but during the trial the charge was replaced with abuse of power.

On September 7, *Independent Tribuna* newspaper chief editor Zhanbolat Mamay was convicted of money laundering, sentenced to three years of probation, and banned from journalistic activity for three years. He was arrested on February 10 and charged with money laundering related to the fugitive ex-banker Mukhtar Ablyazov’s case.

### Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts. Economic and administrative court judges handle civil cases under a court structure that largely mirrors the criminal court structure. Although the law and constitution provide for judicial resolution of civil disputes, observers viewed civil courts as corrupt and unreliable.

#### f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit violations of privacy, but the government at times infringed on these rights.

The law provides prosecutors with extensive authority to limit citizens’ constitutional rights. The KNB, the Ministry of Internal Affairs, and other agencies, with the concurrence of the Prosecutor General’s Office, may infringe on the secrecy of private communications and financial records, as well as on the inviolability of the home. Human rights activists reported incidents of alleged surveillance, including KNB officers’

visits to activists and their families’ homes for “unofficial” conversations about suspect activities, wiretapping and recording of phone conversations, and videos of private meetings posted on social media.

Courts may hear an appeal of a prosecutor’s decision but may not issue an immediate injunction to cease an infringement. The law allows wiretapping in medium, urgent, and grave cases.

Government opponents, human rights defenders, and their family members continued to report the government occasionally monitored their movements.

On July 27, the prime minister transferred the State Technical Service for centralized management of telecommunication networks, for the internet access single gateway, and for monitoring of information systems from the Ministry of Information and Communication to the KNB.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Expression, Including for the Press

While the constitution provides for freedom of speech and of the press, the government limited freedom of expression and exerted influence on media through a variety of means, including laws, harassment, licensing regulations, internet restrictions, and criminal and administrative charges. Judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials encouraged self-censorship. The law provides for additional measures and restrictions during “social emergencies,” defined as “an emergency on a certain territory caused by contradictions and conflicts in social relations that may cause or have caused loss of life, personal injury, significant property damage, or violation of conditions of the population.” In these situations the government may censor media sources by requiring them to provide their print, audio, and video information to authorities 24 hours before issuance or broadcasting for approval. Political parties and public associations may be suspended or closed should they obstruct the efforts of security forces. Regulations also allow the government to restrict or ban copying equipment, broadcasting equipment, and audio and video recording devices and to seize temporarily sound-enhancing equipment.

During a September altercation between foreign workers, mostly Indian construction workers, and local security at a major construction site in Astana, which resulted in dozens of foreign workers being deported, citizens reported that access to social media, including Facebook, YouTube, Instagram, and WhatsApp, was partially or fully blocked in multiple instances. The government denied responsibility and said that technical difficulties were to blame.

Freedom of Expression: The government limited individual ability to criticize the country’s leadership, and regional leaders attempted to limit criticism of their actions in local media. The law prohibits insulting the president or the president’s family, and penalizes “intentionally spreading false information” with fines of up to 12.96 million tenge (\$40,000) and imprisonment for up to 10 years.

On January 24, the Astana city court found the chief editor of *Central Asia Monitor* newspaper and Radiotochka.kz web portal Bigeldy Gabdullin guilty of extortion in return for nonpublication of negative information about wrongdoing. According to several media outlets, including Zakon.kz, Kazinform, Tengrinews.kz, and Ratel.kz, Gabdullin admitted his guilt in full, repented, and restituted the injured parties’ material losses. The court sentenced Gabdullin to five years of probation.

On February 17, police stopped the Aktau reporter of Radio Azattyk, Sania Toiken, under the pretext she did not have a seat belt fastened. Police took her to a station for interrogation in regards to the oil workers’ hunger strike she witnessed in her reporting work. Police held her in the station for two hours, causing her to miss the regional governor’s press conference.

The *Independent Tribuna* newspaper’s chief editor, Zhanbolat Mamay, was arrested on February 10 and charged with money laundering. The *Tribuna* newspaper has been a target of investigation and litigation since its founding in 2012. The newspaper closed in June after Mamay’s arrest. On September 7, the Medeu district court in Almaty found him guilty of money laundering and sentenced him to three years of restriction of freedom, confiscation of property, and a three-year ban on journalistic activity.

Press and Media Freedom: Many privately owned newspapers and television stations received government subsidies. The lack of transparency in media ownership and the dependence of many outlets on government contracts for media coverage are significant problems. Companies allegedly controlled by members of the president’s family or associates owned many of the broadcast media outlets that the government did not control outright. According to media observers, the government wholly or partly owned most of the nationwide television broadcasters. Regional governments owned several frequencies, and the Ministry of Information and Communication distributed those frequencies to independent broadcasters via a tender system.

All media are required to register with the Ministry of Information and Communication, although websites are exempt from this requirement. The law limits the simultaneous broadcast of foreign-produced programming to 20 percent of a locally based station’s weekly broadcast time. This provision burdened smaller, less-developed regional television stations that lacked resources to create programs, although the government did not sanction any media outlet under this provision. Foreign media broadcasting does not have to meet this requirement.

Violence and Harassment: According to the NGO Adil Soz, through October authorities prevented reporters from carrying out their duties in 30 instances. Adil Soz found that authorities denied or significantly restricted journalists’ access to public information 138 times.

Journalists working in opposition media and covering stories related to corruption reported harassment and intimidation by government officials and private actors. According to media watchdog organization Adil Soz, the internet portal Zhumyrtka.kz News closed on January 24 as a result of threats of criminal persecution and prison sentences for their publications.

On March 2, the Kapshagay city court ruled that, pursuant to the amnesty law, the prison term for the president of the Kazakhstan Union of Journalists, Seitkazy Matayev, should be cut in half. On November 16, the Kapshagay city court ruled to release Matayev, and he was released from prison on December 4.

Censorship or Content Restrictions: The law enables the government to restrict media content through amendments that prohibit undermining state security or advocating class, social, race, national, or religious discord. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content unless it came from an official source. The government used this provision to restrict media freedom.

The law allows the prosecutor general to suspend access to the internet and other means of communication without a court order. The prosecutor general may suspend communication services in cases where communication networks are used “for criminal purposes to harm the interests of an individual, society, or the state, or to disseminate information violating the Election Law... or containing calls for extremist or terrorist activities, riots, or participation in large-scale (public) activities carried out in violation of the established order.”

By law internet resources, including social media, are classified as forms of mass media and governed by the same rules and regulations. Authorities continued to charge bloggers and social media users with inciting social discord through their online posts.

In July Uralsk police opened a criminal investigation against blogger Aibolat Bukenov for allegedly disseminating false information presenting a danger to the public order or the rights and legal interests of citizens or organizations. On Facebook, Bukenov posted his criticism of the Uralsk government spending 25 million tenge (approximately \$77,000) for a pyramid of flowers. He opined that that money should have been spent on road repairs instead. On January 10, a court in Almaty found activist Zhanar Akhmet guilty of illegally organizing a rally. She posted a call to her followers to attend an appeal hearing on the case of movie director Talgad Zhanybekov to support him during his trial. Zhanar Akhmet was found guilty and punished by an administrative fine of 113,450 tenge (\$350).

Libel/Slander Laws: The law provides enhanced penalties for libel against senior government officials. Private parties may initiate criminal libel suits without independent action by the government, and an individual filing such a suit may also file a civil suit based on the same allegations. Officials used the law’s libel and defamation provisions to restrict media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad liability for libel, with no statute of limitation or maximum amount of compensation. The requirement that owners, editors, distributors, publishing houses, and journalists prove the veracity of published information, regardless of its source, encouraged self-censorship at each level.

The law includes penalties for defamatory remarks made in mass media or “information-communication networks,” including heavy fines and prison terms. Journalists and human rights activists feared these provisions would strengthen the government’s ability to restrict investigative journalism.

NGOs reported libel cases against journalists and media outlets remained a problem. Media freedom NGO Adil Soz reported 13 criminal libel charges and 73 civil libel lawsuits filed against journalists and media.

On April 4, a district court in Almaty ruled in favor of ex-minister Zeinulla Kakimzhanov’s lawsuit claims against *Forbes Kazakhstan* magazine and news site Ratel.kz, assigning 50.2 million tenge (\$155,000) in damages as compensation for a story “harming Kakimzhanov’s honor and dignity.” Media and civil society activists criticized the court proceedings for a number of procedural violations.

National Security: The law criminalizes the release of information regarding the health, finances, or private life of the president, as well as economic information, such as data about mineral reserves or government debts to foreign creditors. To avoid possible legal problems, media outlets often practiced self-censorship regarding the president and his family.

The law prohibits “influencing public and individual consciousness to the detriment of national security through deliberate distortion and spreading of unreliable information.” Legal experts noted the term “unreliable information” is overly broad. The law also requires owners of communication networks and service providers to obey the orders of authorities in case of terrorist attacks or to suppress mass riots.

The law prohibits publication of any statement that promotes or glorifies “extremism” or “incites social discord,” terms that international legal experts noted the government did not clearly define. The government subjected to intimidation media outlets that criticized the president; such intimidation included law enforcement actions and civil suits. Although these actions continued to have a chilling effect on media outlets, some criticism of government policies continued. Incidents of local government pressure on media continued.

## Internet Freedom

Observers reported the government blocked or slowed access to opposition websites. Many observers believed the government added progovernment postings and opinions in internet chat rooms. The government regulated the country's internet providers, including majority state-owned Kazakhtelecom. Nevertheless, websites carried a wide variety of views, including viewpoints critical of the government. Official statistics reported more than 70 percent of the population had internet access in 2016.

The Ministry of Information and Communication controlled the registration of “.kz” internet domains. Authorities may suspend or revoke registration for locating servers outside the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

The government implemented regulations on internet access that mandated surveillance cameras in all internet cafes, required visitors to present identification to use the internet, demanded internet cafes keep a log of visited websites, and authorized law enforcement officials to access the names and internet histories of users.

NGO Adil Soz reported that during the first nine months of 2016, courts blocked 55 websites for “propaganda of religious extremism and terrorism.”

In several cases the government denied it was behind the blocking of websites. Bloggers reported anecdotally their sites were periodically blocked, as did the publishers of independent news sites. On June 15, James Palmer, a reporter for *Foreign Policy* magazine, published an article critical of government expenditure for Expo 2017. Two days later, the magazine's website was blocked in Kazakhstan and an Expo spokesperson made a statement asserting Palmer never visited the country and fabricated the story. The Minister of Information published a statement denying the government blocked the website.

Government surveillance was also prevalent. According to the *Freedom on the Net 2017* report, “the government centralized internet infrastructure in a way that facilitated control of content and surveillance.” Authorities, both national and local, monitored the internet traffic and online communications. The *Freedom on the Net* report stated that “activists using social media were occasionally intercepted or punished, sometimes preemptively, by authorities who had prior knowledge of their planned activities.”

*Freedom on the Net* reported during the year that the country maintained a system of operative investigative measures that allowed the government to use surveillance methods called Deep Packet Inspection (DPI). While Kazakhtelecom maintained that it used its DPI system for traffic management, there were reports that Check Point Software Technologies installed the system on its backbone infrastructure in 2010. The report added that a regulator adopted a new internet monitoring technology, the Automated System of Monitoring the National Information Space.

## Academic Freedom and Cultural Events

The government generally did not restrict academic freedom, although general restrictions, such as the prohibition on infringing on the dignity and honor of the president and his family, also applied to academics. Many academics practiced self-censorship.

### b. Freedoms of Peaceful Assembly and Association

#### Freedom of Peaceful Assembly

The law provides for limited freedom of assembly, but there were significant restrictions on this right. The law defines unsanctioned gatherings, public meetings, demonstrations, marches, picketing, and strikes that upset social and political stability as national security threats.

The law includes penalties for organizing or participating in illegal gatherings and for providing organizational support in the form of property, means of communication, equipment, and transportation, if the enumerated actions cause significant damage to the rights and legal interests of citizens, entities, or legally protected interests of the society or the government.

By law organizations must apply to local authorities at least 10 days in advance for a permit to hold a demonstration or public meeting. Opposition figures and human rights monitors complained that complicated and vague procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations and noted local authorities turned down many applications for demonstrations or only allowed them to take place outside the city center.

Authorities often briefly detained and fined organizers of unsanctioned gatherings. The NGO KIBHR, which monitored demonstrations in nine cities, recorded 19 peaceful demonstrations during 2016, none of which were sanctioned by the government.

On July 30, a group of civil society activists in Almaty gathered in Gandhi Park and marched to the central post office to send letters to Western leaders to draw attention to political prisoners in the country. The next day, an Almaty court sentenced two organizers of the march to three and five days' administrative arrest for violation of the law on organization of peaceful rallies, gatherings, and demonstrations.

On February 23, the leader of the Young Professionals Society NGO, Olesya Halabuzar, was charged for disseminating leaflets criticizing proposed constitutional amendments during the public discussion period on the amendments, specifically an amendment that could potentially allow land sales to foreign investors. Halabuzar cooperated with the investigators, and at their order she publicly acknowledged guilt and announced she



would cease public activity. On August 1, the Almaty court found her guilty of incitement of interethnic discord and sentenced her to two years of probation. Human rights defenders noted numerous procedural violations in her case, but Halabuzar decided not to appeal the ruling.

## Freedom of Association

The law provides for limited freedom of association, but there were significant restrictions on this right. Any public organization set up by citizens, including religious groups, must be registered with the Ministry of Justice, as well as with the local departments of justice in every region in which the organization conducts activities. The law requires public or religious associations to define their specific activities, and any association that acts outside the scope of its charter may be warned, fined, suspended, or ultimately banned. Participation in unregistered public organizations may result in administrative or criminal penalties, such as fines, imprisonment, the closure of an organization, or suspension of its activities.

NGOs reported some difficulty in registering public associations. According to government information, there were discrepancies in the submitted documents. The special rapporteur encouraged authorities to facilitate the formation of public associations proactively, since they could play a crucial role in advancing human rights and development.

Membership organizations other than religious groups, covered under separate legislation, must have at least 10 members to register at the local level and must have branches in more than one-half the country's regions for national registration. The government considered political parties and labor unions to be membership organizations but required political parties to have 40,000 signatures for registration. If authorities challenge the application by alleging irregular signatures, the registration process may continue only if the total number of eligible signatures exceeds the minimum number required. The law prohibits parties established on an ethnic, gender, or religious basis. The law also prohibits members of the armed forces, employees of law enforcement and other national security organizations, and judges from participating in trade unions or political parties.

According to Maina Kiai, the UN special rapporteur who visited Kazakhstan in 2015, the law regulating the establishment of political parties is problematic as it imposes onerous obligations prior to registration, including high initial membership requirements that prevent small parties from forming and extensive documentation that requires time and significant expense to collect. He also expressed concern regarding the broad discretion granted to officials in charge of registering proposed parties, noting that the process lacked transparency and the law allows for perpetual extensions of time for the government to review a party's application.

Under the 2015 NGO financing law, all “nongovernment organizations, subsidiaries, and representative offices of foreign and international noncommercial organizations” are required to provide information on “their activities, including information about the founders, assets, sources of their funds and what they are spent on...” An “authorized body” may initiate a “verification” of the information submitted based on information received in mass media reports, complaints from individuals and entities, or other subjective sources. Untimely or inaccurate information contained in the report, discovered during verification, is an administrative offense and may carry fines up to 53,025 tenge (\$159) or suspension for three months in case the violation is not rectified or is repeated within one year. In extreme cases criminal penalties are possible, which may lead to a large fine, suspension, or closure of the organization.

The law prohibits illegal interference by members of public associations in the activities of the government, with a fine of up to 636,300 tenge (\$1,910) or imprisonment for up to 75 days. If committed by the leader of the organization, the fine may be up to 1.06 million tenge (\$3,180) or imprisonment for no more than 90 days. The law does not clearly define “illegal interference.”

Under the law a public association, along with its leaders and members, may face fines for performing activities outside its charter. The delineation between actions an NGO member takes in his or her private capacity versus as part of an organization is not clear in the law.

The law establishes broad reporting requirements concerning the receipt and expenditure of foreign funds or assets; it also requires labeling all publications produced with support from foreign funds. The law also sets out administrative and criminal penalties for noncompliance with these requirements and potential restrictions on the conduct of meetings, protests, and similar activities organized with foreign funds.

### c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/) (<http://www.state.gov/religiousfreedomreport/>).

### d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Despite some regulatory restrictions, the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Human rights activists noted numerous violations of labor migrants' rights, particularly those of unregulated migrants. The UN International Organization for Migration (IOM) noted a growing number of migrants who were banned re-entry to Russia and chose to stay in Kazakhstan. The government does not have a mechanism for integration of migrants, with the exception of ethnic Kazakh repatriates (oralmans). Labor migrants from neighboring Central Asian countries are often low skilled and seek manual labor. They were exposed to dangerous work and often faced abusive practices. The migrants are in vulnerable positions because of their unregulated legal status; the laborers do not know their rights, national labor and migration legislation, local culture, or the language. Among major violations of these migrants' rights, activists mentioned the lack of employment contracts, poor working conditions, long working hours, low salaries, nonpayment or delayed payment of salaries, and lack of decent housing. Migrant workers faced the risk of falling victim to human trafficking and forced labor, and the International Labor Organization indicated migrants had very limited or no access to the justice system, social support, or basic health services.

In-country Movement: The government required foreigners who remained in the country for more than five days to register with migration police. Foreigners entering the country had to register at certain border posts or airports where they entered. Some foreigners experienced problems traveling in regions outside their registration area. The government's *Concept on Improving Migration Policy* covers internal migration, repatriation of ethnic Kazakh returnees (oralmans), and external labor migration. In April the government amended the rules for migrants entering the country so that migrants from Eurasian Economic Union countries may stay up to 90 days. There is a registration exemption for families of legal migrant workers for a 30-day period after the worker starts employment. The government has broad authority to deport those who violate the regulations.

Since 2011 the government has not reported the number of foreigners deported for gross violation of visitor rules. Individuals facing deportation may request asylum if they fear persecution in their home country. The government required persons who were suspects in criminal investigations to sign statements they would not leave their city of residence.

Authorities required foreigners to obtain prior permission to travel to certain border areas adjoining China and cities in close proximity to military installations. The government continued to declare particular areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur.

Foreign Travel: The government did not require exit visas for temporary travel of citizens, yet there were certain instances in which the government could deny exit from the country, including in the case of travelers subject to pending criminal or civil proceedings or having unfulfilled prison sentences, unpaid taxes, fines, alimony or utility bills, or compulsory military duty. Travelers who present false documentation during the exit process could be denied the right to exit, and authorities controlled

travel by active-duty military personnel. The law requires persons who had access to state secrets to obtain permission from their employing government agency for temporary exit from the country.

Exile: The law does not prohibit forced exile if authorized by an appropriate government agency or through a court ruling.

## Protection of Refugees

The government cooperated with UNHCR and other organizations to provide protection and assistance to refugees from countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government recognized 18 persons as refugees during the first six months of the year.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR legally may appeal to the government and intervene on behalf of individuals facing deportation. The law and several implementing regulations and bylaws regulate the granting of asylum and refugee status.

The Refugee Status Determination outlines procedures and access to government services, including the right to be legally registered and issued official documents. The Department of Migration Police in the Ministry of Internal Affairs conducts status determination procedures. Any individual seeking asylum in the country has access to the asylum procedure. According to UNHCR, the staff assigned for asylum processing lacked knowledge and qualifications, and decisions often contradicted existing national legislation and provisions of the 1951 convention or applicable international standards. UNHCR also noted the application of refugee criteria was not consistent throughout the country, and the recognition rate remained low. Reports indicated that regional authorities also discouraged some asylum seekers from applying for asylum.

A legislative framework does not exist to manage the movement of asylum seekers between the country's borders and authorities in other areas. There are no reception facilities for asylum seekers. The government does not provide accommodation, allowances, or any social benefits to asylum seekers. The law does not provide for differentiated procedures for persons with specific needs, such as separated children and persons with disabilities. Asylum seekers and refugees with specific needs are not entitled to financial or medical assistance. There are no guidelines for handling sensitive cases, including LGBTI cases.

The law envisages refugees as individuals fleeing persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. It does not envisage providing protection to persons fleeing wars or situation of generalized violence. Authorities appeared to use this scenario in the asylum applications of persons fleeing Syria and Ukraine.

Employment: Refugees faced difficulties in gaining employment and social assistance from the government. By law refugees have the right to work, with the exception of engaging in individual entrepreneurship. Refugees faced difficulties in accessing the labor market due to local employers’ lack of awareness of refugee rights.

Access to Basic Services: All refugees recognized by the government receive a refugee certificate that allows them to stay in the country legally. The majority of refugees have been residing in the country for many years. Their status as “temporarily residing aliens” hinders their access to the full range of rights stipulated in the 1951 convention and the law. Refugee status lasts for one year and is subject to annual renewal. In view of their temporary status, refugees do not have the right to apply for nationality, including after permanently residing in the country for more than five years. Children of refugees born in the country are also not recognized as citizens and would be stateless or at risk of statelessness if their nationality in the country of origin of their parents may not be conferred. The law also lacks provisions on treatment of asylum seekers and refugees with specific needs. Refugees have no access to social benefits or allowances.

UNHCR reported cordial relations with the government in assisting refugees and asylum seekers. The government usually allowed UNHCR access to detained foreigners to ensure proper treatment and fair determination of status.

The government was generally tolerant in its treatment of local refugee populations.

Consistent with the Minsk Convention on Migration within the Commonwealth of Independent States (CIS), the government did not recognize Chechens as refugees. Chechens are eligible for temporary legal resident status for up to 180 days, as are any other CIS citizens. This temporary registration is renewable, but local migration officials have discretion over the renewal process.

The government has an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. UNHCR reported no new cases of Uighur refugees during the year.

### Stateless Persons

The constitution and law provide avenues to deal with those considered stateless, and the government generally took seriously its obligation to ease the burden of statelessness within the country. As of June 30, approximately 6,000 persons were officially registered by the government as stateless. The majority of individuals residing in the country with undetermined nationality, with de facto statelessness, or at heightened risk of statelessness are primarily those who have no identity documents, have invalid identity documents from a neighboring CIS country, or are holders of Soviet-era passports. These individuals typically resided in remote areas without obtaining official documentation.

On July 11, the president signed a law that allows the government to deprive individuals convicted for a range of grave terrorism and extremism-related crimes, including for “harming the interest of the state,” of Kazakhstani citizenship.

According to UNHCR the law provides a range of rights to persons recognized by the government as stateless. The legal status of officially registered stateless persons is documented and considered as having permanent residency, which is granted for 10 years in the form of a stateless person certificate. According to the law, after five years of residence in the country, stateless persons are eligible to apply for citizenship. Children born in the country to officially recognized stateless persons who have a permanent place of residence are recognized as nationals. A legal procedure exists for ethnic Kazakhs; those with immediate relatives in the country; and citizens of Ukraine, Belarus, Russia, and Kyrgyzstan, with which the country has agreements. The law gives the government six months to consider an application for citizenship. Some applicants complained that, due to the lengthy bureaucratic process, obtaining citizenship often took years. In summary the law does not provide a simplified naturalization procedure for stateless persons. Existing legislation prevents children of parents without identity documents from obtaining birth certificates, which hindered their access to education, free health care, and freedom of movement.

Persons rejected or whose status of stateless persons has been revoked may appeal the decision, but such appeals involved a lengthy process.

Officially recognized stateless persons have access to free medical assistance on the level provided to other foreigners, but it is limited to emergency medical care and to treatment of 21 contagious diseases on a list approved by the Ministry of Healthcare and Social Development. Officially recognized stateless persons have a right to employment, with the exception of government positions. They may face challenges when concluding labor contracts, since potential employers may not understand or be aware of this legal right.

UNHCR reported that stateless persons without identity documents may not legally work, which led to the growth of illegal labor migration, corruption, and abuse of authority among employers. Children accompanying stateless parents were also considered stateless.

### Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government severely limited exercise of this right.

Although the 2007 constitutional amendments increased legislative authority in some spheres, the constitution continues to concentrate power in the presidency. The president appoints and dismisses most high-level government officials, including the

prime minister, cabinet, prosecutor general, KNB chief, Supreme Court and lower-level judges, and regional governors. The Mazhilis must confirm the president’s choice of prime minister, and the Senate must confirm the president’s choices of prosecutor general, KNB chief, Supreme Court judges, and National Bank head. Parliament has never failed to confirm a presidential nomination. Modifying or amending the constitution effectively requires the president’s consent. Constitutional amendments exempt President Nazarbayev from the two-term presidential term limit and protect him from prosecution.

Two laws, termed “Leader-of-the-Nation laws,” establish President Nazarbayev as chair of the Kazakhstan People’s Assembly, grant him lifetime membership on the Constitutional and Security Councils, allow him “to address the people of Kazakhstan at any time,” and stipulate that all “initiatives on the country’s development” must be coordinated through him.

## Elections and Political Participation

Recent Elections: An early presidential election in April 2015 gave President Nazarbayev 97.5 percent of the vote. According to the *New York Times*, his two opponents, who supported the Nazarbayev government, were seen as playing a perfunctory role as opposition candidates. The OSCE stated that the election process generally was managed effectively, although the OSCE/ODIHR election observation mission stated voters were not given a choice of political alternatives and noted that both “opposition” candidates had openly praised Nazarbayev’s achievements and that some voters reportedly had been pressured to vote for the incumbent.

On June 28, of the 47 members of the Senate, 16 were selected by members of maslikhats--local representative bodies--acting as electors to represent each oblast--administrative region--and the cities of Astana and Almaty. Four incumbent senators were re-elected, and the majority of the newly elected senators were affiliated with the ruling Nur Otan Party.

As a result of early Mazhilis elections on March 20, 2016, the ruling Nur Otan Party won 84 seats, Ak Zhol won seven seats, and the Communist People’s Party of Kazakhstan won seven seats. ODIHR reported widespread ballot stuffing and inflated vote totals. ODIHR criticized the election for falling short of the country’s democratic commitments. The legal framework imposed substantial restrictions on fundamental civil and political rights. On election day serious procedural errors and irregularities were noted during voting, counting, and tabulation.

Political Parties and Political Participation: Political parties must register members’ personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties.

There were seven political parties registered, including Ak Zhol, Birlik, and the People’s Patriotic Party “Auyl” (merged from the Party of Patriots of Kazakhstan and the Kazakhstan Social Democratic Party). One party remained registered although it was defunct, leaving six functioning parties. The parties generally did not oppose President Nazarbayev’s policies.

To register, a political party must hold a founding congress with a minimum attendance of 1,000 delegates, including representatives from two-thirds of the oblasts and the cities of Astana and Almaty. Parties must obtain at least 600 signatures from each oblast and the cities of Astana and Almaty, registration from the Central Election Commission (CEC), and registration from each oblast-level election commission.

Participation of Women and Minorities: Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life, although there were no legal restrictions on the participation of women or minorities in politics.

## Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption was widespread in the executive branch, law enforcement agencies, local government administrations, the education system, and the judiciary, according to opposition leaders and human rights NGOs. The Ministry of Internal Affairs, the Agency on Civil Service Affairs and Combatting Corruption, the KNB, and the Disciplinary State Service Commission are responsible for combating corruption. On July 4, the president signed a law empowering the KNB to investigate corruption crimes committed by officers of the special agencies, anticorruption bureau, and military. According to official statistics, 2,132 corruption-related offenses were registered during the first seven months of the year, and 1,019 cases were submitted to courts.

On January 9, the chairman of the State Single Pension Fund, Ruslan Yerdenayev, was arrested for alleged embezzlement of property. The KNB began investigation based on a complaint from the National Bank regarding illegal transactions on purchase of corporate bonds. The court trial began on November 15 and continued at year’s end.

On June 13, two deputies in the presidential administration, Baglan Mailybayev and Nikolay Galikhin, were convicted of divulging and disseminating state secrets. Mailybayev was sentenced to five years’ imprisonment, confiscation of property, and a lifetime ban on holding government office. Galikhin was sentenced to four years’ probation with a three-year ban on any government service.



The new criminal code toughened criminal liability and punishment for crimes related to corruption. It does not allow probation for corruption crimes. There is also an additional penalty of a lifetime ban on employment in the civil service, as well as mandatory forfeiture of titles, ranks, grades, and state awards. The statute of limitation does not apply to persons charged with corruption.

Financial Disclosure: The law requires government officials, applicants for government positions, and those recently released from government service to declare their income and assets in the country and abroad to tax authorities annually. The same requirement applies to their spouses, dependents, and adult children. Similar regulations exist for members of parliament and judges. Tax declarations are not available to the public. The law imposes administrative penalties for noncompliance with the requirements.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups operated with some freedom to investigate and publish their findings on human rights cases, although some restrictions on human rights NGO activities remained. International and local human rights groups reported the government monitored NGO activities on sensitive issues and practiced harassment, including police visits to and surveillance of NGO offices, personnel, and family members. Government officials often were uncooperative or nonresponsive to their views.

The Ministry of Foreign Affairs-led Consultative Advisory Body (CAB) for dialogue on democracy, human rights, rule of law, and legislative work continued to operate during the year. The CAB includes government ministries and prominent international and domestic NGOs, as well as international organizations as observers. The NGO community generally was positive regarding the work of the CAB, saying the platform enabled greater communication with the government about issues of concern. The government and NGOs, however, did not agree on recommendations on issues the government considered sensitive, and some human rights concerns were barred from discussion. NGOs reported that government bodies accepted some recommendations, although, according to the NGOs, the accepted recommendations were technical rather than substantive.

KIBHR, Kadyr Kassiyet, the Legal Media Center, and PRI were among the most visibly active human rights NGOs. Some NGOs faced occasional difficulties in acquiring office space and technical facilities. Government leaders participated in--and regularly included--NGOs in roundtables and other public events on democracy and human rights.

The United Nations or Other International Bodies: The government invited UN special rapporteurs to visit the country and meet with NGOs dealing with human rights. The government generally did not prevent other international NGOs and multilateral

institutions dealing with human rights from visiting the country and meeting with local human rights groups and government officials. National security laws prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities. The government prohibited international organizations from funding unregistered entities.

Government Human Rights Bodies: The Presidential Commission on Human Rights is a consultative and advisory body that includes members of the public appointed by the president. The commission reviews and investigates complaints, issues recommendations, monitors fulfillment of international human rights conventions, and publishes reports on some human rights issues in close cooperation with several international organizations, such as UNHCR, the OSCE, IOM, and UNICEF. The commission does not have legal authority to remedy human rights violations or implement its recommendations in the reports.

A recent constitutional change stipulated that the human rights ombudsman be selected by the Senate, however, the current ombudsman was appointed by the president. He also serves as the chair of the Coordinating Council of the National Preventive Mechanism (NPM) against Torture.

The ombudsman did not have the authority to investigate complaints concerning decisions of the president, heads of government agencies, parliament, cabinet, Constitutional Council, Prosecutor General’s Office, CEC, or courts, although he may investigate complaints against individuals. The ombudsman’s office has the authority to appeal to the president, cabinet, or parliament to resolve citizens’ complaints; cooperate with international human rights organizations and NGOs; meet with government officials concerning human rights violations; visit certain facilities, such as military units and prisons; and publicize in media the results of investigations. The ombudsman’s office also published an annual human rights report. During the year the ombudsman’s office occasionally briefed media and issued reports on complaints it had investigated.

Domestic human rights observers indicated that the ombudsman’s office and the Human Rights Commission were unable to stop human rights abuses or punish perpetrators. The commission and ombudsman avoided addressing underlying structural problems that led to human rights violations, although they advanced human rights by publicizing statistics and individual cases and aided citizens with less controversial social problems and issues involving lower-level elements of the bureaucracy.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: The law criminalizes rape. The punishment for rape, including spousal rape, ranges from three to 15 years’ imprisonment. There were reports of police and judicial reluctance to act on reports of rape, particularly in spousal rape cases.

Legislation identifies various types of domestic violence, such as physical, psychological, sexual, and economic, and outlines the responsibilities of local and national governments and NGOs in providing support to domestic violence victims. The law also outlines mechanisms for the issuance of restraining orders and provides for the 24-hour administrative detention of abusers. The law sets the maximum sentence for spousal assault and battery at 10 years in prison, the same as for any assault. The law also permits prohibiting offenders from living with the victim if the perpetrator has somewhere else to live, allows victims of domestic violence to receive appropriate care regardless of the place of residence, and replaces financial penalties with administrative arrest if paying fines was hurting victims as well as perpetrators.

NGOs estimated that more than 400 women died annually as a result of violence sustained from their spouses. Prosecutors reported a significantly smaller number, stating that 36 women died in 2016 as a result of domestic violence.

Police intervened in family disputes only when they believed the abuse was life threatening. Police often encouraged the two parties to reconcile.

The government opened domestic violence shelters in each region.

According to the Ministry of Internal Affairs, there were 28 crisis centers in 2016. They received 20 percent of their funding from the government and 80 percent through international grants from NGOs.

Other Harmful Traditional Practices: Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued in some remote areas. The law prescribes a prison sentence of eight to 10 years for kidnapping. A person who voluntarily releases an abductee is absolved of criminal responsibility; because of this law, a typical bride kidnapper is not necessarily held criminally responsible. Law enforcement agencies often advised abductees to sort out their situation themselves. According to civil society organizations, making a complaint to police could be a very bureaucratic process and often subjected families and victims to humiliation.

Sexual Harassment: Sexual harassment remained a problem. No law protects women from sexual harassment, and only force or taking advantage of a victim’s physical helplessness carries criminal liability in terms of sexual assault. In no instance was the law used to protect the victim, nor were there reports of any prosecutions.

On July 25, a court in Astana declined to hear Anna Belousova’s lawsuit for moral and material damages against the Finance Ministry for sexual harassment and attempted extortion in her workplace. Belousova appealed unsuccessfully to courts in Kostanay and Astana. She had filed her lawsuit pursuant to the 2015 decision of the UN Committee on the Elimination of Discrimination against Women that Kazakhstan should fulfill its obligations under the UN convention and provide appropriate recompense to Belousova.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/) (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: The constitution and law provide for equal rights and freedoms for men and women. The law prohibits discrimination based on gender. Significant salary gaps between men and women (67 percent) remained a serious problem. According to observers, women in rural areas faced greater discrimination than women in urban areas and suffered from a greater incidence of domestic violence, limited education and employment opportunities, limited access to information, and discrimination in their land and other property rights.

## Children

In 2016 the president issued a decree to establish the Office of the Commissioner for Child Rights (Children’s Ombudsman) to improve the national system of child rights protection.

Birth Registration: Citizenship is derived both by birth within the country’s territory and from one’s parents. The government registers all births upon receipt of the proper paperwork, which can come from the parents, other interested persons, or the medical facility where the birth occurred. Children born to undocumented mothers were denied birth certificates.

Child Abuse: School violence was a problem, and experts estimated two out of three schoolchildren suffered or witnessed violence. Violence and abuse were particularly serious in boarding schools and orphanages. An estimated 17,000 to 18,000 children suffered from either psychological or physical abuse by their parents.

According to UNICEF, 65 percent of respondents applied psychological pressure and 40 percent used corporal punishment to discipline their children. Family abuse occurred for 62 percent of children.

There were reports of selling newborn babies.

Early and Forced Marriage: The legal minimum age for marriage is 18, but it may be reduced to 16 in the case of pregnancy or mutual agreement. According to the NGO League of Women of Creative Initiative, 2,000-3,000 early and forced marriages occurred annually. Many couples first married in mosques and then registered officially when the bride reached the legal age. The government did not take any action to address the issue.

Sexual Exploitation of Children: The law does not specify the minimum age for consensual sex, but it provides for eight to 15 years in prison as punishment for individuals who force boys or girls under age 18 to have sexual intercourse. The children’s ombudsman noted that the number of sexual violence incidents reported increased 38 percent compared with the previous year.

The law criminalizes the production and distribution of child pornography and provides administrative penalties to cover the sale of pornographic materials to minors. The country retains administrative penalties for child pornography. Perpetrators convicted of sexual offenses against minors receive a lifetime ban on working with children.

Displaced Children: According to the Children’s Rights Protection Committee, more than 5,000 street children were referred to temporary housing centers for delinquent minors, and from there, 4,993 were sent back to families, 432 to orphanages, and 79 to foster and adoptive families in 2015.

Institutionalized Children: Incidents of child abuse in state-run institutions, such as orphanages, boarding schools, and detention facilities for delinquent children, were “not rare,” according to government sources. NGOs alleged one-half the children in orphanages or closed institutions suffered from abuse by teachers or other children. According to the Children’s Rights Protection Committee, the number of orphans who lived in orphanages decreased from 8,000 to 7,000 in 2016. The rest of the 30,000 orphan children were in foster or other home care.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) (<http://travel.state.gov/content/childabduction/en/legal/compliance.html>).

## Anti-Semitism

Approximately 30,000 to 40,000 Jews live in the country. Almaty has the largest Jewish community at about 10,000. Leaders of the Jewish community reported no incidents of anti-Semitism by the government or in society.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt/> (<http://www.state.gov/j/tip/rls/tiprpt/>).

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care, and in the provision of other government services, but significant discrimination existed. The government took steps to remedy some barriers to persons with disabilities, including providing access to information. NGOs stated implementation of the law on disability was lacking.

The law requires companies to set aside 3 percent of their jobs for persons with disabilities, and the government enacted high level enforcement measures to enhance economic opportunities as part of the president's strategy 2050; nevertheless, there were reports persons with disabilities faced difficulty integrating into society and finding employment. The government identified the two biggest barriers facing persons with disabilities as poor infrastructure and lack of access to education, while persons with disabilities expressed difficulty accessing public transportation. The government did not legally restrict the right of persons with disabilities to vote and arranged home voting for individuals who could not travel to accessible polling places.

There are no regulations regarding the rights of patients in mental hospitals. Human rights observers believed this led to widespread abuse of patients' rights. NGOs reported that patients often experienced poor conditions and a complete lack of privacy. Citizens with mental disabilities may be committed to state-run institutions without their consent or judicial review, and the government committed young persons under age 18 with the permission of their families. According to an NPM report, most of the hospitals required extensive maintenance. Other problems observed included shortage of personnel, unsatisfactory sanitary-hygienic conditions, poor food supply, overcrowding, and lack of light and air.

Members of the NPM may visit mental hospitals to monitor conditions and signs of possible torture of patients, but any institutions holding children, including orphanages, were not on the list of institutions NPM members may visit.

## National/Racial/Ethnic Minorities

Kazakh is the official state language, although Russian has equal status as the language of interethnic communication. The law requires presidential candidates to be fluent in Kazakh. The law does not require the ability to speak Kazakh for entry into the civil service and prohibits discrimination based on language.

## Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

According to the constitution, no one shall be subject to any discrimination for reasons of origin; occupational, social, or property status; sex; race; nationality; language; religion or belief; place of residence; or any other circumstances. The country does not criminalize consensual same-sex sexual activity.

Although gender reassignment documentation exists, the law requires a transgender person to fulfill psychiatric and physical requirements before being able to receive identity documents that align with the person’s outward gender. Many individuals lived with nonconforming documents for years and reported problems with securing employment, housing, and health care.

According to a 2015 survey, one-half of transgender persons indicated that they experienced physical abuse due to prejudice against transgender individuals.

There were no prosecutions of anti-LGBTI violence. Although there were no government statistics on discrimination or violence based on sexual orientation or gender identity, there were reports of such actions. According to an NGO survey within the LGBTI community, 48 percent of respondents experienced violence or hate because of their sexual orientation, and 56 percent responded they knew someone who suffered from violence. The most frequent forms of abuse were verbal insults, harassment, interference in private life, and physical assaults.

NGOs reported members of the LGBTI community seldom turned to law enforcement agencies to report violence against them because they feared hostility, ridicule, and violence. They were reluctant to use mechanisms such as the national commissioner for human rights to seek remedies for harms inflicted, because they did not trust these mechanisms to safeguard their identities, especially with regard to employment.

### HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV and AIDS, but stigma resulted in societal discrimination that continued to affect access to information, services, treatment, and care. The National Center for AIDS provides free diagnosis and treatment to all citizens.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law protects workers’ right to unionize but jeopardizes workers’ freedom of association.

A trade union law passed and entered into force in 2014 restricts worker freedom of association by requiring existing independent labor unions to affiliate with larger unions at the industry, sector, or regional level and by erecting significant barriers to the creation of new independent unions. On January 4, a southern regional court cancelled the registration of the Confederation of the Independent Trade Unions of Kazakhstan (CITUK), ordering its liquidation and removal from the national register. The Federation of Trade Unions of the Republic of Kazakhstan (FPRK) is the successor to state-sponsored Soviet-era labor organizations and the largest national trade union association, with approximately 90 percent of union workers on its rolls. The government exercised considerable influence on organized labor and favored state-affiliated unions over independent ones. Critics charged that the federation was too close to the government to advocate for workers effectively and that the new law helped the federation in its unfair competition against independent labor unions.

The 2014 law requires independent labor unions to affiliate with larger, progovernment ones, violating the country’s obligations under international labor standards on freedom of association. Labor officials argued that requiring smaller and independent unions to affiliate with larger ones would make them more effective and improve their ability to bargain collectively, thus preventing labor disputes and social unrest. As of March, one-third of the country’s working population was unionized.

On January 5, workers at the Oil Construction Company (OCC) initiated a hunger strike in response to the January 4 decision of a Shymkent regional court to abolish CITUK. Later, the workers of two more oil service companies in Mangystau Region joined the strike. With the number of striking workers reportedly growing to 400, the government fined 11 striking workers 46,000 tenge (\$137) each. The government sentenced the chair of the OCC Trade Union, Amin Yeleussinov, to two years’ imprisonment for allegedly embezzling approximately 14.2 million tenge (\$44,000) in trade union funds.

The law protects the right of workers to bargain collectively. It provides that an individual contract between an employer and an employee sets the employee’s wage and outlines the rights and responsibilities of the employee and the employer. The law protects workers against antiunion discrimination, and a court may order reinstatement of a worker fired for union activity. According to FPRK data, 98 percent of unionized enterprises have collective agreements, which is approximately 34 percent of all working enterprises.

The law protects the right to strike in principle but imposes onerous restrictions that make strikes less effective, impose severe penalties, or deny the right to strike to a variety of workers.

A blanket legal restriction bars certain occupations from striking. Military and other security service members, emergency medical, fire, and rescue crews, as well as those who operate “dangerous” production facilities are forbidden to strike. Under the law such strikes are illegal.



Workers employed in the railway, transport and communications, civil aviation, health-care, and public utilities sectors may strike, but only if they maintain minimum services, do not interrupt nonstop production processes (such as metallurgy), and leave key equipment unaffected.

Numerous legal limitations restrict workers’ right to strike in other industries as well. Generally, workers may not strike unless a labor dispute cannot be resolved through compulsory arbitration procedures. Decisions to strike must be taken in a meeting where at least one-half of an enterprise’s workers are present. A written notice announcing a strike must be submitted to the employer at least five days in advance. Employers may fire striking workers after a court declares a strike illegal. The law enables the government to target labor organizers whose strikes are deemed illegal. The legal changes set stiff penalties for those who participate in strikes deemed illegal, a point that aroused special concern because judges responsible for determining whether a strike is illegal lacked independence. Thus, observers were concerned the provisions were more likely to be used to target labor organizers unfairly.

The labor code limits worker rights to make claims on their employers. For example, its Article 11 requires employers to negotiate any labor-related act with official employee representatives. If there are multiple official representatives, they have three days in which to form a unified body to discuss the proposed act. If the group cannot come to consensus, any one representative may accept the act without the consent of the others. Article 49 includes 27 new reasons an employer may fire a worker.

Disagreements between unions and their employers may be presented to a tripartite commission composed of representatives of the government, labor unions, and employer associations. State-affiliated and independent labor unions participate in tripartite commissions. The tripartite commission is responsible for developing and signing annual agreements governing most aspects of labor relations.

Foreign workers have the right to join unions, but the law prohibits the operation of foreign unions and the financing of unions by foreign entities, such as foreign citizens, governments, and international organizations. Irregular migrants and self-employed individuals resided in the country were not per se exempt from the law. Approximately 2.2 million of the nine million economically active citizens were self-employed in the second quarter of the year.

In response to International Labor Organization (ILO) concern regarding noncompliance with ILO Convention 87, the Ministry of Labor and Social Protection established a working group to discuss possible amendments to labor union legislation.

## b. Prohibition of Forced or Compulsory Labor

The labor code establishes labor norms and regulates labor relations and practices. The law prohibits all forms of forced or compulsory labor, except when it is a consequence of a court sentencing or a condition of a state of emergency or martial law.

The penal code provides for criminal punishment of traffickers and those who facilitate forced exploitation and trafficking, including labor recruiters who hire workers through deliberately fraudulent or deceptive offers with the intent to subject them to forced labor, or employers or labor agents who confiscate passports or travel documents to keep workers in a state of involuntary servitude or those who violate legislation on employment of labor including foreign labor. Kidnapping, illegal deprivation of freedom with the purpose of labor and sexual exploitation is punishable by up to 10 years in prison with confiscation of assets, and recruitment of an individual into forced prostitution is also punishable by penalties sufficient to deter violations.

The Ministry of Labor and Social Protection is responsible for conducting checks of employers to reveal labor violations, including foreign labor. The entrepreneur code codifies the right of labor inspectors to conduct announced and unannounced inspections of workplaces to detect violations. In practice the resources of labor inspectors are limited, as there are not a sufficient number of inspectors to deter violations, and they may only conduct inspections of businesses upon receipt of an anonymous complaint. The Ministry of Internal Affairs is responsible for identifying victims of forced labor and sexual exploitation and initiating criminal proceedings. Police conducted interagency operations to find victims of forced labor and trafficking. In 2016 police investigated 147 criminal cases on human trafficking, and courts convicted 46 traffickers, including 40 for sexual exploitation and six for labor exploitation.

Migrant workers were considered most at risk for forced or compulsory labor. According to the IOM *Regional Field Assessment in Central Asia for 2016: Migrant Vulnerabilities and Integration Needs in Central Asia*, there were an estimated 950,000 migrants in the country, with the majority of migrant workers coming from Uzbekistan, but there were also lesser numbers from Tajikistan and Kyrgyzstan. Migrant workers found employment primarily in agriculture and construction. The Ministry of Labor and Social Protection is responsible for handling issues related to migrant labor. In 2016 the International Federation for Human Rights released a report, *Migrant Workers in Kazakhstan: No Status, No Right*, describing the driving factors, gaps, and challenges of migrant workers.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

### c. Prohibition of Child Labor and Minimum Age for Employment

According to the labor code, the general minimum age for employment is 16. With parental permission, however, children ages 14 through 16 may perform light work that does not interfere with their health or education. The law prohibits minors from engaging in hazardous work and restricts the length of the workday for employees younger than 18.

Noncriminal punishments include written warnings, suspensions, terminations, the withdrawal of licenses for specific types of activities, administrative penalties or fines, and administrative arrests (only by court decision and up to 15 days) for violations of legislation, including in relation to minors.

Under the administrative code, employment of a minor without an employment agreement is punishable by up to 425,000 tenge (\$1,250) with suspension of the employer's license. Untimely or incorrectly paid salaries are also punishable by fines of up to 316,200 tenge (\$930); nonprovision of vacations, up to 210,800 tenge (\$620); illegal excessive work hours, up to 251,600 tenge (\$740); and discrimination at the workplace, up to 425,000 tenge (\$1,250). In 2016 at least 10 employers were fined for violation of labor legislation, including for offering jobs without signing employment contracts with minors.

Prohibitions against the worst forms of child labor include criminal punishment under the penal code. Violation of minimal age for employment in hazardous work is punishable up to five years in prison with or without a three-year ban on specific types of employment and activities. Engaging minors in pornographic shows or production of materials containing pornographic images of minors is punishable up to 10 years in prison; coercion of minors into prostitution is punishable up to 12 years in prison; kidnapping or illegal deprivation of freedom of a minor for the purpose of exploitation and trafficking in minors is punishable up to 15 years in prison with a lifetime ban on activities and work with children. In 2016 police investigated 13 cases of the worst forms of child labor.

NGOs reported child labor in domestic servitude, markets, construction sites, and activities such as car washes, cultivation of vegetables, and begging. Media reported some instances of underage minors employed in cotton farming in the southern part of the country and reported that at least 17 underage minors were working as waitresses in cafes and restaurants and as bus conductors in Mangystau oblast. The government worked to raise awareness with trade unions, employers, and NGOs and promote interagency cooperation in eliminating child labor.

The Ministry of Labor and Social Protection is responsible for enforcement of child labor laws and for administrative offenses punishable by fines. The Ministry of Internal Affairs is responsible for investigating criminal offenses and training criminal police in investigating the worst forms of child labor.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

#### d. Discrimination with Respect to Employment and Occupation

Law and regulations prohibit discrimination with respect to employment and occupation based on gender, age, disability, race, ethnicity, language, place of residence, religion, political opinion, affiliation with tribe or class, public associations, or property, social, or official status. The law does not specifically prohibit discrimination with respect to employment and occupation based on disability, sexual orientation, gender identity, age, HIV-positive status, or having other communicable diseases. The government effectively enforced the law and regulations. Discrimination is an administrative offense punishable by a fine up to 453,800 tenge (\$1,360). Some cases like illegal termination of labor contracts due to pregnancy, disability, or minority are considered a criminal offense and are punishable by amounts generally sufficient to deter violations.

Discrimination, however, occurred with respect to employment and occupation for persons with disabilities, orphans, and former convicts. Disability NGOs reported that despite government efforts, obtaining employment was difficult for persons with disabilities. The law does not require equal pay for equal work for women and men. NGOs reported no government body assumed responsibility for implementing antidiscrimination legislation and asserted the law’s definition of gender discrimination does not comply with international standards. More women than men were self-employed or underemployed relative to their education level.

#### e. Acceptable Conditions of Work

During the year the national monthly minimum wage was equal to the monthly subsistence income level. In 2015, 23 percent of the working population worked in the informal economy.

The law stipulates the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours per week. The law limits overtime to two hours per day, or one hour per day for heavy manual labor, and requires overtime to be paid at least at a 50-percent premium. The law prohibits compulsory overtime and overtime for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, holidays, and paid annual leave for each worker. The government sets occupational health and safety standards. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful or dangerous work conditions or the possibility of any occupational disease. The law specifically grants workers the right to remove themselves from situations that endanger their health or safety without suffering adverse employment action.

The new labor code reduced overtime pay for holiday and after-hours work to 1.25 times regular salary, compared with previous rates of two and 1.5 times, respectively. The new code also removed provisions requiring a minimum wage for work in hazardous conditions. Under the previous law, a tripartite commission was charged with negotiating and determining a minimum wage for miners, metallurgists, and others working in hazardous industries.

On February 2, the prosecutor’s office of Mangystau region reported that it ensured delinquent employers paid more than 238 million tenge (\$700,000) in wage arrears to workers of 11 companies. The office noted it continued to monitor the situation with six companies in Aktau, which owed approximately 43.86 million tenge (\$129,000) to 119 workers.

The Ministry of Healthcare and Social Development enforces the minimum wage, work-hour restrictions, overtime, and occupational safety and health standards. The law codifies the right of government labor inspectors to conduct unannounced inspections of workplaces to detect safety and other violations. Ministry inspectors conducted random inspections of employers. The ministry had 258 labor inspectors. The Human Rights Commission reported that the number of inspectors was insufficient. Moreover, a new labor code introduced so-called employer’s declarations. Under the new system, labor inspectors may extend a certificate of trust to enterprises that complied with labor legislation requirements. Certified enterprises are exempt from labor inspections for the three-year period. In the opinion of labor rights activists, such a practice may worsen labor conditions and conceal problems. The new labor code introduced a new body for addressing labor safety issues, to be called a production council. Any enterprise or company may form such a council that would be composed of representatives of an employer and employees. Councils are eligible to conduct their own inspections of the employees’ work conditions. As of January 1, there were 12,406 production councils operating in the country. For example, the production council at one enterprise at the leading mining corporation had 68 volunteer labor inspectors with formal training. The FPRK stated the production council reduced the accident rate to one incident that resulted in only a minor injury.

There were reports some employers ignored regulations concerning occupational health and safety. Occupational safety and health conditions in the construction, industrial, and agricultural sectors often were substandard. Workers in factories sometimes lacked quality protective clothing and sometimes worked in conditions of poor visibility and ventilation. Some companies tried to avoid payments to injured workers. Mining and mineral processing firm KazakhMys established a special division, the main goal of which is to investigate every case of industrial injury. A minimal noncompliance with labor safety requirements may result in a company’s refusal to pay workers industrial injury compensations.

At a trade union meeting on August 2, approximately 400 workers of Arcelor Mittal Temirtau (AMT) threatened to initiate strikes unless the company raised their wages by 30 percent. The management suggested making their wages dependent on a graded

pay scale system, but workers refused. On August 15, AMT management announced the investment of 51 billion tenge (\$150 million) into the construction and modernization of some technical equipment to increase safety and improve working conditions.

In the first half of the year, the government reported 840 individuals injured at their workplaces and 112 workplace deaths. The government attributed many labor-related deaths to antiquated equipment, insufficient detection and prevention of occupational diseases in workers engaged in harmful labor, and disregard for safety regulations. The most dangerous jobs were in mining, construction, and oil and gas, according to an expert analysis of occupations with the highest fatalities.

Workers in the informal economy constituted approximately 25 percent of the working population. The informal economy is mostly concentrated in the retail trade, transport services, agriculture, real estate, beauty and hair dressing salons, and laundry and dry cleaning businesses. Small entrepreneurs and their employees for the most part worked without health, social, or pension benefits.

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