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AMNESTY INTERNATIONAL REPORT 2017/18 - THE STATE OF THE WORLD'S HUMAN RIGHTS - KAZAKHSTAN

Leading or participating in an unregistered organization continued to be an offence. Trade unions and NGOs faced undue restrictions. Torture and other ill-treatment in detention facilities persisted. Journalists were subjected to politically motivated prosecutions and attacks. Women and people with disabilities continued to face discrimination.

WORKERS' RIGHTS

Independent trade unions faced restrictive laws and closure. Trade unionists were prosecuted on fabricated charges of inciting illegal strikes or embezzlement.

On 4 January, a court ordered the dissolution of the Confederation of Independent Trade Unions of Kazakhstan (KNPRK), and two affiliates, the National Healthcare Workers' Union and National Domestic Workers' Union, on the grounds that they failed to meet a registration deadline. On 5 January, hundreds of oil workers began a hunger strike to protest against the dissolution, and three union leaders were arrested. On 7 April, Nurbek Kushakbaev was sentenced to two and a half years' imprisonment. On 16 May, Amin Yeleusinov was charged with misappropriation or embezzlement of property and sentenced to two years' imprisonment, and on 25 July, Larisa Kharkova was sentenced for abuse of power and given a sentence of four years of restricted freedom by a court in Shymkent. In the period 19-24 January, 63 oil workers were prosecuted and fined for their participation in the hunger strike. In June, the Committee on the Application of Standards of the ILO expressed concern about the "grave issue" of the dissolution of the KNPRK and called on the authorities to ensure that the KNPRK and its affiliates "are able to fully exercise their trade union rights".

PRISONERS OF CONSCIENCE

On 20 January, the Atyrau Regional Court in western Kazakhstan upheld the sentence of human rights defenders and prisoners of conscience Maks Bokaev and Talgat Ayan to five years' imprisonment for their involvement in organizing peaceful demonstrations and for their posts on social media against the Land Code. At the end of January, they were transferred to a penal colony in Petropavlovsk, northern Kazakhstan, 1,500km from their home city. Maks Bokaev and Talgat Ayan were not informed in advance of their transfer and did not have adequate clothing for the winter weather conditions in northern Kazakhstan. On 13 April, the Supreme Court rejected Maks Bokaev's and Talgat Ayan's appeals. On 22 August, following his lawyer's successful petition, Talgat Ayan was transferred to a penal colony in Aktobe, in northwestern Kazakhstan, closer to his young children.

TORTURE AND OTHER ILL-TREATMENT

Following its second periodic report to the UN Human Rights Committee, in April Kazakhstan reported that the Prosecutor General's office received 700 allegations of torture in detention facilities in 2016, and that over the past five years 158 officials had been convicted of torture.

In June, the UN Committee against Torture found that Aleksei Ushenin had been subjected to torture and other ill-treatment and that the authorities failed to conduct a prompt, impartial and effective investigation into his complaint. Aleksei Ushenin claimed that he was beaten for two days in August 2011 to force him to confess to a robbery. Police officers put a plastic bag over his head until he lost consciousness, stubbed out cigarettes on his body, and repeatedly inserted a rubber baton into his anus.

IMPUNITY

The authorities had not fully and effectively investigated allegations of human rights violations committed in connection with the violent clashes between police and demonstrating oil workers in Zhanaozen in December 2011, during which at least 15 people were killed and over 100 were seriously injured when the police reportedly used excessive force against demonstrators.

FREEDOM OF ASSOCIATION

NGOs faced undue restrictions, stringent reporting requirements under legislation introduced at the end of 2015, and frequent tax inspections. Failure to regularly supply accurate information for the central database of NGOs led to fines or a temporary ban on activities.

The NGOs International Legal Initiative (ILI) and Liberty Foundation faced punitive fines for allegedly failing to pay tax. On 6 April, the Special Inter-District Economic Court of Almaty upheld the decision of the Tax Directorate that ILI should pay corporate income tax on grants received from foreign donors, although not-for-profit organizations were exempt from paying tax. On 31 May, the Special Inter-District Economic Court of Almaty rejected Liberty Foundation's appeal against the Tax Directorate's decision. The organizations paid fines of 1,300,000 tenge and 3,000,000 tenge (EUR4,000 and 8,300) respectively.

FREEDOM OF EXPRESSION

Independent journalists critical of the authorities were subjected to politically motivated prosecutions and attacks.

In September, Zhanbolat Mamai, editor of the independent newspaper *Sayasi Kalam Tribuna*, which is critical of the authorities, was sentenced to three years of restricted freedom for money laundering. He claimed that the charges were politically motivated. Zhanbolat Mamai had been detained since February. On 14 May, Ramazan Yesergepov, journalist and chairman of the NGO Journalists in Trouble, was stabbed while travelling by train to the capital Astana to discuss Zhanbolat Mamai's case with foreign diplomats and international experts. He believed that the attack was linked to his critical reporting and interest in Zhanbolat Mamai's case.

FREEDOM OF ASSEMBLY

Organizing or participating in a peaceful demonstration without the authorities' prior authorization remained an offence under both the Administrative Offences Code and the Criminal Code, punishable by heavy fines or up to 75 days' detention.

On 13 July, the UN Human Rights Committee found that Andrei Sviridov's right to freedom of peaceful assembly had been violated in 2009 when he was prosecuted for holding a one-man picket to protest against the prosecution

of human rights defender Yevgeny Zhovtis. He was found guilty of conducting a demonstration without prior authorization and fined 12,960 tenge (EUR33).

On 1 August, peaceful protesters Askhat Bersalimov and Khalilkhan Ybrahamuly were detained and sentenced to five and three days' administrative detention respectively for taking part in an unauthorized demonstration. They were part of a group of a dozen people who gathered in Mahatma Ghandi Park in the city of Almaty on 29 July, walked to the main post office and sent appeals to foreign governments and international organizations on behalf of Zhanbolat Mamai and other prisoners.

WOMEN'S RIGHTS

The Ministry of Internal Affairs said that during the first half of the year, 35,253 protection orders were applied in cases of domestic violence. However, NGOs reported that violence against women was under-reported and that there was a low rate of prosecution of cases of violence against women as well as in sexual harassment cases.

The authorities continued to refuse to acknowledge that Anna Belousova had been a victim of sexual harassment despite the CEDAW Committee ruling in 2015 that recommended that Kazakhstan provide her with adequate compensation. In March, the Supreme Court upheld a ruling by a court in Kostanai that she was not due compensation. In July, the Saryarkinsk District Court refused a claim for compensation against the Ministry of Finance. Anna Belousova had been employed at a primary school in Pertsevka since 1999. In January 2011, the school's new director threatened to dismiss her unless she engaged in sexual relations with him. She refused and her employment was terminated in March 2011.

INTERNATIONAL SCRUTINY

In April, the NGO Coalition for the Defence of Human Rights Defenders and Activists sent a petition to the President. It called for the adoption of legislation to allow for the implementation of decisions by UN treaty bodies relating to Kazakhstan. The Coalition stated that of 25 decisions taken in favour of applicants from Kazakhstan since 2011, none had been implemented due to the absence of necessary legislation.

In September, the UN Special Rapporteur on the rights of persons with disabilities visited the country. The Special Rapporteur called on Kazakhstan to bring its national legislation on legal capacity and mental health in line with international human rights law and standards. She highlighted the fact that under current legislation people with disabilities may be institutionalized and subjected to medical interventions without their free and informed consent.

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