

KAZAKHSTAN 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Kazakhstan's government and constitution concentrate power in the presidency. The law grants former president Nursultan Nazarbayev broad, lifetime authority over a range of government functions. The executive branch controls the legislature and the judiciary, as well as regional and local governments. Changes or amendments to the constitution require presidential consent. The Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR) observation mission judged that the June 9 presidential election, in which President Kassym-Jomart Tokayev received 71 percent of the vote, was marked by election day violations, including ballot stuffing and falsification of vote counts; restrictions on the freedoms of assembly, expression, and association; and overall showed "scant respect for democratic standards." In 2017 the country selected 16 of 47 senators and members of the parliament's upper house in an indirect election tightly controlled by local governors working in concurrence with the presidential administration.

The Ministry of Internal Affairs supervises the national police force, which has primary responsibility for internal security. The Committee for National Security (KNB) oversees 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. The KNB reports directly to the president, and its chairman sits on the Security Council, led by former president Nazarbayev. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killing by or on behalf of the government; torture by and on behalf of the government; political prisoners; significant problems with the independence of the judiciary; restrictions on free expression, the press, and the internet; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; significant acts of corruption; trafficking in persons; and the outlawing of independent trade unions.

The government selectively prosecuted officials who committed abuses, especially in high-profile corruption cases. Nonetheless, 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. Activists noted that deadly abuse in prisons, particularly abuse carried out by so-called voluntary assistants--prisoners who receive special privileges in exchange for carrying out orders of prison staff--remained frequent.

On September 10, the Kapshagay City Court sentenced four prisoners to additional prison terms of nine to 13 years on charges of intentional infliction of serious harm by prior conspiracy, which resulted in the death of another prisoner, Kairat Egimbayev, in August 2018. Egimbayev was severely beaten on his first day in prison by the four inmates, believed to be voluntary assistants, and taken to the hospital only two days later. Lifesaving efforts including four surgeries were not successful and Egimbayev died. Both the sentenced prisoners and the family of Egimbayev insisted that the prison authorities themselves should also be held accountable for the death.

There was one reported killing of a human rights defender. On May 29, the body of activist Galy Baktybayev, who was shot with a rifle, was found in Karaganda region's Atasu village. A special investigation group, created at the order of the minister of the interior, detained four suspects, including one former police officer. The investigation was continued at year's end. Baktybayev was a civil activist who raised issues of corruption, embezzlement, and other violations by local government.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits torture; nevertheless, there were reports that police and prison officials 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 2014 law on the National Preventive Mechanism (NPM) against Torture established the NPM as a part of the Office of the Human Rights Ombudsman, and thus it is not independent of the government. According to the Human Rights Ombudsman's most recent report, the ombudsman received 148 complaints alleging torture, violence, and other cruel and degrading treatment and punishment in 2018. In April the Human Rights Ombudsman expressed concern about increasing reports of abuse in prisons, which he said requires a serious response. He also publicized a letter he wrote to the prosecutor general criticizing ineffective investigation of torture cases in prisons.

In its report covering activities in 2018, the latest available, the NPM reported that despite some progress, problems with human rights abuses in prisons and temporary detention centers remained serious. Some observers commented that the NPM staff lacked sufficient knowledge and training to recognize instances of torture.

As of August 6, the prosecutor general indicated 135 complaints of torture in the first six months of the year, of which 13 cases were investigated and forwarded to courts.

In July a video posted on YouTube reportedly showed officials at Zarechniy detention facility in Almaty region physically abusing prisoners. In one part of the video, officials beat a man who was suspended in the air, hanging by his arms, which were twisted behind his back. President Tokayev sent a tweet publicly ordering an investigation. In August media reported that authorities had detained seven prison officials and dismissed eight others, including the head of the prison. Minister of Internal Affairs Yerlan Turgumbayev, who oversees the penitentiary system, also visited the prison. He commented that "torture in prison is a disgrace to our penitentiary system" and stressed the importance of respecting the rights of prisoners.

On September 4, a court in Pavlodar sentenced 13 former prison officials for committing torture. The former deputy head of the prison received 12 years' imprisonment, and the other former officials received five to six years. The case opened in 2016 after the vice president of the Pavlodar judo federation was

discovered deceased in the prison with more than 130 knife wounds on his body. During the three-year investigation, investigators discovered evidence of another death and 26 cases of torture.

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 faced serious shortage of medical staff.

Physical Conditions: The NPM reported concerns included poor health and sanitary conditions; poor medical services, including for prisoners suffering from HIV/AIDS, tuberculosis, and diabetes; high risk of torture during search, investigation, and transit to other facilities; lack of feedback from prosecutors on investigation of torture complaints; lack of communication with families; discrimination against prisoners in vulnerable groups, including prisoners with disabilities and prisoners with HIV/AIDS; censorship and a lack of secure channels for submission of complaints.

According to Prison Reform International (PRI), although men and women were held separately and pretrial detainees were held separately from convicted prisoners, during transitions from 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 lack of professional training programs for administrators as the primary cause of mistreatment.

To address infrastructural problems in prisons, authorities closed four prisons with the worst conditions in the first nine months of the year and eight prisons in 2018. The NPM and members of Public Monitoring Commissions (PMCs), quasi-independent bodies that also carry out monitoring, reported continuing infrastructure problems in prisons, such as unsatisfactory hygiene conditions, including poor plumbing and sewage systems and unsanitary bedding. PMC members reported that some disabled prisoners did not have access to showers for months. 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 regarding prisoners' rights. PRI and the NPM reported that there was

widespread concern about food and nutrition quality in prisons. Prisoners and former prisoners have complained about their provisions and reported that they were served food past its shelf life.

The government did not publish statistics on the number of deaths, suicides, or attempted suicides in pretrial detention centers or prisons during the year. PMC members reported that suicide and deaths occurred in prisons. For example, on September 17, Yevgeniy Belov, a prisoner at Pavlodar prison No. AP162/4, attempted suicide by hanging, and a week later he used a shard of glass to scratch wounds, which appeared to be a list of names, on his chest. A Penitentiary Committee spokesman said that Belov's actions resulted from a conflict with other inmates. Belov's mother told media that her son often complained about pressure from prison employees and that the names scratched into his chest were the employees who had harassed him and drove him to attempt suicide.

Administration: Authorities typically did not conduct proper investigations into allegations of mistreatment. Human rights observers noted that in many cases authorities did not investigate prisoners' allegations of torture or did not hold prison administrators or staff accountable. The NPM's report emphasized the problem of voluntary assistants who are used to control other prisoners. 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" may ask 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. PMC members reported that some prisons prohibited Muslim prisoners from fasting during Ramadan. According to the NPM, prayer is permitted so long as it does not interfere with internal rules. Prayers are not allowed at nighttime or during inspections.

Independent Monitoring: There were no independent international monitors of prisons. PMCs, which include members of civil society, can undertake monitoring visits to prisons. Human rights advocates noted that some prisons created administrative barriers to prevent the PMCs from successfully carrying out their mandate, including creating bureaucratic delays, forcing the PMCs to wait for hours to gain access to the facilities, or allowing the PMCs to visit for only a short time. Some advocates said that the PMCs are not effective because PMCs do not have any enforcement powers and law enforcement agencies, including prisons, are not truly interested in reform.

In 2018 authorities began investigating the chair of the Public Monitoring Commission in Pavlodar, Elena Semyonova, on charges of dissemination of false information after she raised the issue of torture and mistreatment of prisoners to EU parliamentarians in early July. In December 2018 the case against Semyonova was dropped.

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 from January 1, 2018 through June 30 of this year, prosecutors released 615 individuals who were unlawfully detained.

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, the suspect's lawyer, and the prosecutor. If within 48 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 or her and notify the officer who handles the case and the prosecutor. The duration of preliminary detention may be extended to 72 hours in a variety of cases, including grave or terrorist crimes, crimes committed by criminal groups, drug trafficking, sexual crimes against a minor, and others. The court may choose other forms of restraint: house arrest, restriction of movement, or a written requirement not to

leave the city and place of residence. According to human rights activists, these procedures were frequently ignored.

Although the judiciary has the authority to deny or grant arrest warrants, judges authorized prosecutor warrant requests in the vast majority of cases.

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 concerning their rights, including the right to an attorney. Human rights observers stated 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.

Human rights defenders reported that authorities 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: 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. During the year authorities detained thousands who participated in unsanctioned antigovernment rallies, including some who happened to be passing by.

Pretrial Detention: The law allows police to hold a detainee for 48 hours before bringing charges.

Once charged, detainees may be held 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. 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.

On July 4, civil activist Oksana Shevchuk was arrested and placed in pretrial detention in Almaty on charges of participating in the activities of the Democratic Choice of Kazakhstan (DCK) opposition organization, which was banned as extremist in 2018. Shevchuk, a mother of four whose youngest child was less than one year old, told media in May, “I am not a DCK activist, but I support their platform. I don’t like the situation in the country now, and I want to change everything. But here they think that if you go to a protest, you must be some sort of extremist.” In addition to participating in protests, Shevchuk spoke out in online videos as an advocate for mothers with many children and on the right to peaceful assembly. Her trial began November 6. She faced up to two years in prison.

The criminal code allows conditional release on bail, although use of bail procedures is limited. Prolonged pretrial detentions remain commonplace. 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 conviction of committing such a crime contain a fine as an alternative penalty. Bail is not available to suspects of grave crimes, crimes that led to death or were committed by a criminal group, terrorist or extremist crimes, or if there is a justified reason to believe that the suspect would hinder investigation of the case or would escape, or if the suspect violated the terms of bail in the past.

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.

Human rights observers stated that authorities occasionally used this pretrial detention to torture, beat, and abuse inmates to extract confessions.

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.

President Nazarbayev dismissed Aktau judge Malik Kenzhaliyev on February 20, Radio Azattyq reported, at Kenzhaliyev's "own request." Kenzhaliyev had served as the chairman of the court that on February 6 acquitted Aigul Akberdiyeva, who participated in a Telegram chat group affiliated with the banned DCK. Subsequently, the Aktau judicial ethics commission on February 7 suspended Kenzhaliyev for an ethics violation connected to a personal matter from several years prior. Kenzhaliyev responded with a public statement February 8 asserting that the real reason for his suspension was his refusal to follow his supervisor's order to convict Akberdiyeva.

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 stated 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 2018. According to the same report, the process is not public and open as "all participants in criminal processes sign a pledge of secrecy of investigation." 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 2018.

Judges were punished for violations of judicial ethics. According to official statistics, during the first six months of the year authorities convicted five judges for corruption crimes.

On July 12, the City Court of Aktobe convicted a judge of the Aktobe Regional Court, Zhumanali Tulenov, for corruption and sentenced him to four years' imprisonment and a life ban on working in government offices. In 2017 he took 2.8 million tenge (\$7,270) from a businessman, promising to resolve a civil case in his favor.

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

The law provides for the right to a fair trial.

All defendants enjoy a presumption of innocence and by law are protected from self-incrimination. 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. 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. Defense attorneys in human rights-related cases said that they experienced harassment from authorities.

In October lawyer Tolegen Shaikov told media the government put pressure on him as a result of his advocacy on behalf of civil rights activists. Shaikov represented an individual detained for allegedly participating in an unsanctioned rally in Nur-Sultan at a hearing on October 26. He said that on October 27, he was then detained himself. According to Shaikov, police detained him for over three

hours without explanation. Authorities later told Shaikov that they had designated him as a witness in a criminal case involving a car theft, which imposed limitations on his professional activities. Shaikov stated to media he believed the case against him was fabricated to put pressure on him for defending civil activists.

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 for cases arising from civil activists protesting the 2019 presidential election. Many defendants were tried and sentenced the same day as their detention in late night hearings without lawyers present.

Human rights and international observers noted investigative and prosecutorial practices that emphasized a confession of guilt regarding 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

The civil society alliance Tirek maintained a list of approximately 20 individuals it considered detained or imprisoned based on politically motivated charges. These include activist Aron Atabek, land code activist Maks Bokayev, and individuals connected to the opposition group DCK, led by fugitive banker Mukhtar Ablyazov and other individuals connected to Ablyazov. Convicted labor union leader Larisa Kharkova remained under restricted movement, unable to leave her home city without permission of authorities. Human rights organizations have access to prisoners through the framework of the National Preventative Mechanism against Torture.

Bokayev was sentenced in 2016 to five years in prison for organizing peaceful land reform protests. Although the UN Working Group on Arbitrary Detention concluded that his imprisonment was arbitrary, he remained in jail.

Politically Motivated Reprisal Against Individuals Located Outside the Country

Activists and media regularly note the government targets political opponents, in particular those with business or family connections to Mukhtar Ablyazov, using INTERPOL red notices. In February a German court rejected the Kazakhstani extradition request of Murat Bakrayev after he had spent five months in detention. German authorities detained Bakrayev based upon an INTERPOL red notice when he crossed from the Czech Republic, where he resides since leaving Kazakhstan in 2005. Kazakhstani authorities accused him of inciting religious hatred.

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. Consistent with previous years, human rights activists reported incidents of alleged surveillance, including KNB officers visiting activists and their families' homes for "unofficial" conversations regarding suspect activities, wiretapping and recording of telephone 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.

Human rights defenders, activists, and their family members continued to report the government occasionally monitored their movements.

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 detention, imprisonment, criminal and administrative charges, laws, harassment, licensing regulations, and internet restrictions.

After her May visit to the country, UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism Fionualla Ni Aolain expressed deep concern at the use of counterterrorism and extremism laws to target, marginalize, and criminalize the work of civil society. “Nonviolent criticism of State policies can effectively constitute a criminal offense,” she wrote, “as the provisions on extremism and terrorism have been applied to criminalize the peaceful exercise of freedom of expression and of thought, which is incompatible with a society governed by rule of law and abiding by human rights principles and obligations.”

Journalists and media outlets exercised self-censorship to avoid pressure by the government. 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.

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 12.63 million tenge (\$32,793) and imprisonment for up to seven years.

In May the Almaty City Court rejected the appeal of Almat Zhumagulov and Kenzhebek Abishev, who were sentenced to eight and seven years’ imprisonment respectively in December 2018 on charges of advocating for terrorism. Supporters

and human rights advocates called the case against them politically motivated and asserted that the video of masked figures calling for jihad that served as the primary evidence for their conviction was fabricated by the government. Zhumagulov was a supporter of the banned DCK opposition organization. Abishev, who denied any connection to DCK, was an advocate for land reform and other political issues.

On April 21, authorities arrested activists Asya Tulesova and Beibarys Tolymbekov for displaying a banner with slogans urging free and fair elections during the Almaty marathon. Both were convicted of violating the law on organizing a rally and sentenced to 15 days in jail. Amnesty International recognized the activists as prisoners of conscience.

Press and Media, Including Online Media: Independent media was severely limited. 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 former president Nazarbayev'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 Social Development distributed those frequencies to independent broadcasters via a tender system.

All media are required to register with the Ministry of Information and Social Development, 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: Independent journalists and those working in opposition media or covering stories related to corruption and rallies or demonstrations reported harassment and intimidation by government officials and private actors. On July 22, a group of 20 women interfered with the work of and attacked journalists who were covering a news conference at the Kazakhstan

International Bureau for Human Rights and Rule of Law in Almaty. They entered the building before a press conference regarding three women arrested on charges of participation in the DCK banned opposition movement, including Oksana Shevchuk. Five of the women punched and attacked a journalist and others destroyed or attempted to destroy the journalists' equipment. Police determined the incident was "arbitrary behavior" and did not press charges.

Radio Free Europe/Radio Liberty reporters Saniya Toiken and Svetlana Glushkova were separately taken to court in cases that human rights defenders called politically motivated. Toiken had been covering protests by unemployed workers in Zhanaozen in February, and Glushkova had reported on unsanctioned rallies following the transition of presidential power in March. Glushkova was found guilty of assault for allegedly pushing a 17-year-old girl during a protest in what observers called a fabricated charge.

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.

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 criminal violations due to their online posts.

On October 15, Saryarka District Court No. 2 in Nur-Sultan sentenced civil activist Serik Zhakhin to one year of restricted movement and a two-year ban on using social media or participating in rallies for using social media to support DCK, which is banned as an extremist organization. Restricted movement is a probation-like penalty, with a curfew and other limitations. According to the court, Zhakhin posted information about DCK on his Facebook page. The court also ordered that he pay a fine of 20,250 tenge (\$53) and perform community service. Zhakhin denied the allegations and said he was not an extremist. Zhakhin had been under pretrial detention from June 7 until his release on restricted movement.

In September 2018 Ablovas Jumayev received a three-year prison sentence on conviction of charges of inciting social discord because he posted messages critical of the government to a 10,000-member *Telegram* messenger group and allegedly distributed antigovernment leaflets. Jumayev denied the leafleting charges, stating

that the leaflets were planted in his car. On *Telegram*, he had criticized the president's appointment of a regional police chief. On July 29, a court ruled to change Jumayev's sentence to restricted movement and a restriction on political activism, and released him.

Libel/Slander Laws: The law provides enhanced penalties for libel and slander 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 and slander, 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 conviction of 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.

On September 24, the Saryagash City Court sentenced journalist Amangeldy Batyrbekov to two years and 10 months imprisonment on charges of libel. Batyrbekov published a post on his personal social media page with the title "Idiocy in Kelesi," criticizing the head of the local department of education. The court determined that the Batyrbekov's post insulted the honor of the official. Domestic NGO Adil Soz called Batyrbekov a "prisoner of freedom of speech," and international NGO Reporters Without Borders included him on its 2019 list of imprisoned journalists.

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 on 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 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.

In March authorities brought charges against Serikzhan Bilash, who led the Chinese ethnic Kazakh advocacy organization Atajurt, for inciting interethnic hatred. The basis for the charge was a video clip in which Bilash called for “jihad” against the Chinese. Bilash and his supporters said that in the full speech he immediately clarified that he meant not a violent jihad, but an informational campaign--a “jihad of words.” Faced with the likelihood of a long prison sentence, Bilash pled guilty to the offense August 16 and agreed to cease his activism, in exchange for his freedom.

Internet Freedom

The government exercised comprehensive control over online content. 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.

In January 2018 amendments to the media law entered into force. The amended law prohibits citizens from leaving anonymous comments on media outlet websites, which must register all online commenters and make the registration information available to law enforcement agencies on request. As a result most online media outlets chose to shut down public comment platforms.

The Ministry of Digital Development, Innovations, and Aerospace Industry 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.

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.

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.”

According to Freedom House’s *Freedom on the Net 2019* report, where the country is listed as “not free,” “internet freedom in Kazakhstan deteriorated markedly” in the period from June 2018 to May 31, 2019, primarily in connection with unrest triggered by the presidential transition. The report noted that the government disrupted mobile internet connections, throttled access to social media, and temporarily blocked independent news websites.

During demonstrations in May and on election day, June 9, some users reported that access to the internet was intermittently, and at times completely, blocked, including access to VPN services. These outages coincided with protests in Nur-Sultan, Almaty, Shymkent, and elsewhere, eliminating the potential to livestream and share live updates from protest scenes on social media and internet news platforms. International cybersecurity NGO NetBlocks reported that these outages were consistent with in-country internet providers blocking the internet. International NGO Reporters Without Borders expressed concerns about censorship related to coverage of peaceful demonstrations. The government denied responsibility.

Government surveillance was also prevalent. According to Freedom House’s report, “the government centralizes internet infrastructure in a way that facilitates control of content and surveillance.” Authorities, both national and local, monitored internet traffic and online communications. The report stated that

“activists using social media were occasionally intercepted or punished, sometimes preemptively, by authorities who had prior knowledge of their planned activities.”

On February 13, the Almaty City Court rejected the appeal of Aset Abishev, who was sentenced in November 2018 to four years’ imprisonment for supporting an extremist organization on the basis of Facebook posts he wrote or shared in support of the banned DCK opposition movement. Media reported that Abishev told the court he did not believe it was a crime to express opinions critical of the government. “If the desire for teachers to receive a decent salary or for children to study and be fed for free in schools is extremism, then I am guilty. But I have not committed any illegal or violent actions,” he said.

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. In September the Anti-Corruption Agency started an investigation into Karaganda Buketov State University, where the head of the university was suspected of offering a \$5,000 (almost two million tenge) bribe to the chairman of the Board of Scientific Fund of the Ministry of Science and Education to get support for the university’s scientific projects and other undefined favors. The investigation was ongoing at year’s end.

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.

During and just after the presidential election from June 9-13, police detained thousands of citizens across the country, and in particular in Nur-Sultan, Almaty, and Shymkent, for taking part in peaceful, although unsanctioned opposition rallies and demonstrations critiquing the presidential election. The Interior Ministry reported detention of about 4,000 citizens, 3,000 of whom were released within three hours; 677 citizens were sentenced to short-term imprisonments (five to 15 days) and 305 were fined. According to human rights activists and media, police and special forces indiscriminately detained those in the protest areas, sometimes with bodily force, including passers-by, senior citizens, and journalists. An Interior Ministry official called the protesters “radically-minded elements trying to destabilize public order.”

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, these difficulties were due to discrepancies in the submitted documents. (See section 5 regarding government restrictions on the registration of human rights organizations.)

Membership organizations other than religious groups, which are 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. (See section 3 and section 7.a. for more information about political parties and labor unions, respectively.)

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 regarding 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 63,125 tenge (\$164) or suspension for three months if 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 404,000 tenge (\$1,049) or imprisonment for up to 40 days. If committed by the leader of the organization, the fine may be up to 505,000 tenge (\$1,311) or imprisonment for no more than 50 days. The law does not clearly define “illegal interference.”

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

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 <https://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.

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* report covers internal migration, repatriation of ethnic Kazakh returnees, and external labor migration. In 2017 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.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

There were 561 recognized refugees in the country as of July, but there were no persons recognized as refugees during the first nine months of the year. Both the number of refugee applications and the approval rate by the government declined considerably during the last two years compared with prior years.

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 legal partners 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 Service of the Ministry of Internal Affairs conducts status determination procedures. Any individual located within the country who seeks asylum in the country has access to the asylum procedure. According to UNHCR, the refugee system falls short of the international standard regarding access to asylum procedures and access to the territory of Kazakhstan. Authorities remain reluctant to accept asylum applications at the border from persons who lack valid identity documents, citing security concerns. A person, however, who crosses the border illegally may be prosecuted in criminal court, and subsequently may be viewed as a person with criminal potential, a negative factor in the asylum decision.

In October 2018 migration authorities rejected the asylum claim of Sayragul Sauytbay, an ethnic Kazakh Chinese national, because she had not shown that she was persecuted while living in Xinjiang, China. Sauytbay subsequently appealed

the rejection of her asylum through the courts, which had not made a final decision when she left Kazakhstan to seek asylum in Sweden in June.

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 assistance. There are no guidelines for handling sensitive cases, including lesbian, gay, bisexual, transgender, and intersex (LGBTI) cases.

Employment: Refugees faced difficulties in gaining employment and social assistance from the government. By law refugees have the right to work but cannot engage in individual entrepreneurship. Refugees faced difficulties in accessing the labor market due to local employers' lack of awareness of refugee rights, with the result that most refugees work on the informal economy.

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 2018 it became possible for refugees to apply for permanent residency if they have a valid passport. Some refugees have already received permanent residency in 2018 and 2019, and they are to be eligible to become Kazakhstani citizens after five years. The law also lacks provisions on treatment of asylum seekers and refugees with specific needs. Refugees have access to education and health care on the same basis as citizens, but they have no access to social benefits or allowances.

UNHCR reported cordial relations with the government in assisting refugees and asylum seekers.

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 may exercise 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.

g. 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. The country contributes to statelessness because application for Kazakhstani citizenship requires renunciation of citizenship of the country of origin, with no guarantee that Kazakhstani citizenship will be granted. As of July 1, 7,476 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.

A 2017 law allows the government to deprive Kazakhstani citizenship to individuals convicted of a range of grave terrorism and extremism-related crimes, including for “harming the interest of the state.” According to UNHCR and the government, no one has yet been deprived of citizenship under this law. Instead, during the year the government repatriated hundreds of Kazakhstanis who joined international terrorist organizations and their families, prosecuting the fighters in criminal court and providing social services to family members.

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 Health Care and Social Development. Officially recognized stateless persons have a right to employment, although not with the government. 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 2017 constitutional amendments increased legislative and executive branch authority in some spheres, the constitution concentrates power in the presidency itself. The president appoints and dismisses most high-level government officials, including the prime minister, cabinet, prosecutor general, the KNB chief, Supreme Court and lower-level judges, and regional governors. A presidential decree signed October 9 requires most of these appointments to be made in consultation with the chairman of the Security Council, a position that was granted in 2018 to then president Nazarbayev for his lifetime.

The 2018 law on the first president--the "Leader of the Nation" law--established then president Nazarbayev as chair of the Kazakhstan People's Assembly and of

the Security Council for life, granted him lifetime membership on the Constitutional Council, allows him “to address the people of Kazakhstan at any time,” and stipulates that all “initiatives on the country’s development” must be coordinated through him.

The Mazhilis (the lower house of parliament) must confirm the president’s choice of prime minister, and the Senate must confirm the president’s choices of prosecutor general, the 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.

Elections and Political Participation

Recent Elections: President Nursultan Nazarbayev stepped down on March 20 and, under the constitution, the presidency immediately passed to the chairman of the Senate, Kassym-Jomart Tokayev. Thereafter, the government conducted presidential elections on June 9. Out of seven presidential candidates, Tokayev won with 70.96 percent of the vote. Amirzhan Kossanov, an opposition candidate, got 16.23 percent. According to ODIHR’s report, the election “offered an important moment for potential political reforms, but it was tarnished by clear violations of fundamental freedoms as well as pressure on critical voices.” ODIHR noted in its report a number of violations, such as ballot-box stuffing and problems with vote counting, including cases of deliberate falsification. Other issues included lack of transparency, such as by not releasing election results by polling station, and violations of the rights of assembly, expression, and association. Another issue ODIHR raised was the widespread detentions of peaceful protesters on election day in major cities. Overall, the conduct of the election showed “scant respect for democratic standards.”

ODIHR further observed that the problems went beyond election day itself. According to the final report, in recent years some opposition parties have either been banned or marginalized through restrictive legislation or criminal prosecution, and the ability of new political parties to register is significantly restricted by the Law on Political Parties. Moreover, the legal framework for candidate eligibility was highly restrictive. ODIHR also noted that 2017 constitutional and legislative amendments abolished self-nomination and introduced further eligibility requirements that significantly reduced the candidate pool, with requirements for education, residency, and experience in the civil service or elected government office.

The most recent elections to the Mazhilis, the lower house of parliament, took place in 2016. Ruling Nur Otan party won 84 seats, Ak Zhol won seven seats, and the Communist People's Party won seven seats. ODIHR noted irregularities and limitations on civil and political rights.

Of the 47 members of the Senate, 16 were selected by members of maslikhats--local representative bodies--acting as electors to represent each administrative region and the cities of national significance, Astana (now Nur-Sultan) and Almaty. Four incumbent senators were re-elected, and the majority of the newly elected senators were affiliated with the ruling Nur Otan Party.

In June 2018 the government amended the election law. One change reduced the independence of local representative bodies (maslikhats). Previously, citizens could nominate and vote for candidates running in elections for the maslikhats. Under the amended law, citizens vote for parties and parties choose who sits on the maslikhats.

Another change affected public opinion surveys. According to the amendments, only legal entities can conduct public opinion surveys about elections after notifying Central Election Commission (CEC). Such entities must be registered and have at least five years' experience in conducting public opinion surveys. Violation of the law leads to a fine of 37,875 tenge (\$98) for an individual and 75,750 tenge (\$197) for an organization. The law also prohibits publishing election forecasts and other research related to elections and support for particular candidates or political parties online from five days before through the day of elections.

On June 7, the deputy prosecutor general reported that three individuals and four organizations had been fined for conducting unauthorized public opinion surveys on the internet and social media during the election campaign period. On May 30, the publishing house "Exclusive" was fined 75,750 tenge (\$197) after conducting a poll on its YouTube channel and publishing the results on its Exclusive.kz website.

Political Parties and Political Participation: The government required political parties to have 40,000 signatures for registration, with a minimum of 600 from each region. 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 political parties.

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 Nur-Sultan, Shymkent, and Almaty. Parties must obtain 40,000 signatures, with at least 600 signatures from each region and the cities of Nur-Sultan, Shymkent, and Almaty, registration from the CEC, and registration from each regional election commission. 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). The parties generally did not oppose Nur Otan policies.

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, but the government did not implement the law effectively. 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.

Corruption: Corruption was widespread in the executive branch, law enforcement agencies, local government administrations, the education system, and the judiciary, according to human rights NGOs. In 2018 the president signed into law a set of amendments to the criminal legislation mitigating punishment for a variety of acts of corruption by officials, including decriminalizing official inaction, hindrance to business activities, and falsification of documents; significantly reducing the amounts of fines for taking bribes; and reinstating a statute of limitation for corruption crimes.

The Ministry of Internal Affairs, the Agency on Combatting Corruption, the KNB, and the Disciplinary State Service Commission are responsible for combating corruption. The KNB investigates corruption crimes committed by officers of the special agencies, anticorruption bureau, and military. According to official statistics, 1,682 corruption-related offenses were registered during the first seven months of the year. The most frequent crimes were bribery (50 percent) and abuse of power (30 percent). The government charged 374 civil servants with corruption, and 873 cases were submitted to courts.

On August 22, the Mangystau Criminal Court convicted former deputy governor of Mangystau region Serik Amangaliyev of taking a bribe on a large scale and sentenced him to 10 years of imprisonment and a lifetime ban on government service. According to the court, in November 2018 Amangaliyev was detained at the Aktau airport with 115,000 euros, part of a 400,000 euros bribe from a representative of a Czech construction company who had asked Amangaliyev to select his company for a project.

Financial Disclosure: The law requires government officials, applicants for government positions, and those 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.

In recent years the government refused three applications from Atajurt, an advocacy organization for the rights of ethnic Kazakhs in China, to register. Each time, the stated basis for refusal was errors in Atajurt's paperwork. In February the government fined Serikzhan Bilash 252,000 tenge (\$654) for leading an

unregistered organization. In September, Atajurt filed a claim in the Medeu district court of Almaty against the Ministry of Justice for its refusal to register the group. On September 25, the Ministry approved Atajurt's registration under different leadership. As reported above, Bilash signed a plea agreement in connection with his criminal case for incitement of discord that banned him from political activism.

Feminita, an LGBTI initiative, submitted three applications to the Ministry of Justice to register as a legal entity after its establishment in 2017. Each application was refused, most recently in January, on the basis that the organization's charter does not comply with the law on noncommercial organizations. After the third refusal, Feminita's founders filed suit against the ministry, arguing that its failure to allow them registration violated their right to freedom of association and was discriminatory. On May 27, Medeu District Court in Almaty upheld the ministry's refusals, concluding that the objectives in Feminita's charter do not strengthen "spiritual and moral values" and "the role of the family" in society. On September 3, an Almaty appeals court affirmed this decision.

The International Legal Initiative, Kazakhstan International Bureau for Human Rights and Rule of Law, 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--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 top officials and 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,

the International Organization for Migration, and UNICEF. The commission does not have legal authority to remedy human rights violations or implement its recommendations in the reports.

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 organization observers. The NGO community generally was positive regarding the work of the CAB, saying the platform enabled greater communication with the government regarding issues of concern, even if the CAB did not always produce results.

The Human Rights Ombudsman is nominated by the president and approved by the senate. He also serves as the chair of the Coordinating Council of the National Preventive Mechanism 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 abuses; 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 abuses, 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 as a medium-gravity crime. The punishment for conviction of 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.

On July 26, a Kostanay city court sentenced two train conductors, Zhatas Umbetaliyev and Kolkanat Kurmaniyazov, to 2.5 years in jail for raping a female passenger in September 2018. The victim had been travelling alone in a high-speed rail train compartment. The incident and light penalty sparked outrage among citizens on social networks and prompted a #MeTooTalgo movement among other victims. As a result, the railway company leadership sent a letter to the prosecutor general condemning the actions of the train conductors and requesting punishment appropriate to the gravity of the crime, and members of parliament called for amendments to harshen the penalties for sexual violence.

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 on average 12 women each day were subjected to domestic violence and more than 400 women died annually as a result of violence sustained from their spouses. Due in part to social stigma, research conducted by the Ministry of National Economy indicated that a majority of victims of partner abuse never told anyone of their abuse. Police intervened in family disputes only when they believed the abuse was life-threatening. Police often encouraged the two parties to reconcile. NGOs also noted that the lenient penalty for domestic violence--an administrative offense with a maximum penalty of 15 days imprisonment--does not deter even convicted offenders.

On August 2, the Almaty City Court placed Baurzhan Ashigaliyev under pretrial arrest for two months on charges of deprivation of freedom and assault against his wife, well known singer Kseniya Ashigaliyeva. According to Ashigaliyeva, her

husband of seven years regularly beat her, but previous reports to police had resulted in no change in his behavior and no penalty to him. On July 28, he abducted Ashigaliyeva off the street, tied her up in the basement of a building, and beat her severely. Ashigaliyeva turned to police and also the “NeMolchi” (“Speak Out”) movement for help, asking the organization to raise awareness of her case and share photographs of her injuries on the internet in order to reduce stigma against speaking out about domestic violence. The investigation was ongoing at year’s end.

The government opened domestic violence shelters in each region. According to the NGO Union of Crisis Centers, there are 31 crisis centers throughout the country providing reliable services to women and children who are victims of domestic violence, including 10 government-funded shelters.

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 conviction of 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.

In October the Dzhetyssu District Court of Almaty convicted three men of kidnapping an underage girl and sentenced each to seven years of restricted movement. According to the court, in August, a young man with the help of two friends organized the girl’s kidnapping. Earlier, the girl rejected his advances. He decided to track her down, kidnap her, and marry her. The three men grabbed her near her home as she was walking with her niece and forced her into their car. The victim managed to escape while they were driving on a busy road. All three defendants pleaded guilty. The victim told the court she forgave the culprits and asked that they not be put in prison.

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. Victims of sexual harassment in the workplace were hesitant to lodge complaints out of shame or fear of job loss.

In March 2018 a group of NGOs and media activists set up Korgau123, an organization to support victims of harassment, and launched a hotline.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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 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

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 may 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 of three schoolchildren suffered or witnessed violence. Violence and abuse were particularly serious in boarding schools, foster homes and orphanages, and detention centers. An estimated 17,000 to 18,000 children suffered from either psychological or physical abuse by their parents. According to UNICEF, more than 75 percent of the public supported the use of corporal punishment for disciplining children, and children faced violence at home, schools, children's group homes, and on the street. Children who were victims of such violence did not have easy access to adequate complaint mechanisms.

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, including by parents or legal guardians. According to the United Nations Population Fund, about 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 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 for individuals convicted of forcing boys or girls younger than age 18 to have sexual intercourse. UNICEF reported that data on sexual abuse of children, child prostitution, child pornography, child trafficking, and bride kidnapping and forced marriage of girls remains scarce, making it difficult to assess the scale of rights violations.

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: Human rights observers noted that the number of street children, mainly in large cities, was high. According to the Children's Ombudsman, the number of street children was increasing. The Children's Rights Protection Committee reports that 1,805 street children, 219 orphans, 45 delinquent children and 19 children from problematic families were referred to Centers for Delinquent Children in the first half of the year. Of the total, 1,810 were returned to their families. The remaining children were sent to orphanages (199), foster families (28), or correctional boarding schools (seven).

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 stated 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 6,223 in 2017 to 5,006 in 2019. The rest of the 19,867 orphan children were in foster or other home care. Since 2019, NPM members may conduct monitoring at all children's institutions. NGOs and government representatives alike condemned the conditions in detention facilities for delinquent children and commented that the primary solution to problems like truancy and minor delinquency should not be removal of the child from the home.

In August media reported about gross neglect of orphans with disabilities at the Rudny Infant Home in Kostanay region. According to reports, the children were

identified numerically rather than by name and held in poor sanitary conditions. The children had bedsores, in some cases had no clothes, and were rarely taken outside. After the reports the director of the Infant Home was removed from his post and the Kostanay region governor ordered that the children be moved to another orphanage.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Leaders of the Jewish community estimated that the country's Jewish population was approximately 10,000. They 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 <https://www.state.gov/trafficking-in-persons-report/>.

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.

In a 2018 report, Human Rights Watch determined that a majority of children with disabilities were not receiving quality inclusive education as required by the country's commitments under the Convention on Persons with Disabilities. According to the report, the education system segregates and isolates children with disabilities. Most children are taught in separate classrooms with other children with disabilities. Thousands are in special schools for children with disabilities, often far from their homes. Others are educated at home, with a teacher visiting for a few hours per week. Children in closed psychiatric institutions receive very little or no education. Local NGOs similarly reported a very low rate of children with special needs attending school.

Some children with Down syndrome were able to attend privately funded specialized education centers, but they had limited capacity, which resulted in long waiting periods of up to 1.5 years.

Human rights observers noted multiple types of discrimination against persons with disabilities; some airlines refused to sell tickets to persons with disabilities seeking to travel alone and insisted that they should be escorted by assistants; doctors discouraged women who use wheelchairs from having children; and treatment of prisoners with disabilities in detention facilities remained a serious problem.

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. Election monitoring NGO Yerkindik Kannaty reported positive cooperation with the CEC on implementing requirements for access to polling stations for people with special needs. The NGO observed that more polling stations were accessible during the year compared with the 2016 elections.

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 the age of 18 with the permission of their families.

According to an NPM report, most of the hospitals required extensive renovations. Other problems observed included shortage of personnel, unsatisfactory sanitary 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 constitution prohibits discrimination based on language, but all prospective civil servants are required to pass a Kazakh language exam.

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.

There were no prosecutions of anti-LGBTI violence, although one investigation was ongoing in September. There were reports of anti-LGBTI violence, but there were no government statistics on discrimination or violence based on sexual orientation or gender identity. According to a 2017 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.

On September 25, the Nur-Sultan police reported that two men were under pretrial detention for the investigation of sexual assault, beating, and extortion of a 21-year-old gay man in July. A medical examination showed that the young man sustained a head injury, broken bones, and numerous wounds and bruises, including burns. The investigation was ongoing at year's end. According to the media, in July, two men locked the young man in an apartment and raped and assaulted him. The perpetrators then called his parents and relatives extorting money for his life. He managed to escape from the apartment and called police. Activists told media that beating, extortion, and harassment of LGBTI individuals was not uncommon, although typically unreported.

On July 30, the Supreme Court ruled in favor of a lesbian couple, finding an Almaty man guilty of violating their right to privacy. In January 2018 Eldar Mamedov posted on Facebook a video of two women kissing at a movie theater. The video soon went viral, with many negative remarks and threats to the women. Under local law, video cannot be publicized without the consent of the subjects. The women filed a case against Mamedov with the Almaty district court, which ruled in their favor. On appeal, however, the court overturned the decision, describing the behavior of the women as "immoral" and stating that local society "is not ready for open sexual relations between same-sex couples." On further appeal, the Supreme Court reversed the appeals court decision and determined that the lower court violated the constitutional rights of the women.

In July, Victoria Berkkhodjayeva, a transgender woman serving a sentence in Zhaugashty, Almaty region, told authorities that in July she had been raped three times by a KNB officer. Berkkhodjayeva reported the incident to the Prosecutor General's Office and to the Anti-Corruption Agency. Almaty region police launched an investigation into the case. In August media reported that a key witness in the case was engaged in a hunger strike to protest pressure put on her by prison authorities in connection with the case. In October media further reported that authorities had placed the KNB officer suspected of rape under arrest based on the results of forensic tests. The investigation was ongoing at year's end.

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 provides for workers' right to unionize, but limits workers' freedom of association. The trade union law amended in 2017 restricts workers' freedom of association by requiring existing independent labor unions to affiliate with larger, progovernment unions at the industry, sector, or regional level and by erecting significant barriers to the creation of independent unions.

In 2017 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 (FTUK) is the successor to state-sponsored Soviet-era labor organizations and the largest national trade union association, with approximately 90 percent of union members on its rolls. The government exercised considerable influence on organized labor and favored state-affiliated unions over independent ones. Critics charged that the FTUK was too close to the government to advocate for workers effectively, was biased in favor of large employers and oligarchs, and that the law helped the FTUK in its unfair competition against independent labor unions.

In May 2018 the former chair of the Oil Construction Company (OCC) Trade Union, Amin Yeleussinov, who was sentenced to two years in prison in January 2017, was released on parole. Nurbek Kushakbaev, vice-chairperson of CITUK who was sentenced to two and a half years in April 2017, was also released on parole in May 2018. Civil society organizations called for their convictions--as well as that of former chairman of CITUK, Larisa Kharkova--to be vacated.

On July 17, a court in Shymkent sentenced Yerlan Baltabay, the leader of an independent union of petrochemical workers, to seven years' imprisonment on charges of embezzlement of union dues. Human rights observers noted the parallels between Baltabay's case and the investigation and ultimate conviction of Larisa Kharkova in 2017 and asserted that Baltabay was also targeted for his independent labor union activism. Baltabay appealed to the president for pardon, admitting his guilt and promising to compensate inflicted damages, and President Tokayev granted pardon on August 10. On September 23, Baltabay published an

open letter on the website of the Human Rights Bureau, reasserting his innocence in the case and stating that he had only asked for pardon at the urging of the KNB. Baltabay did not repay the claimed damages and authorities returned him to prison on October 16.

The law provides for the right of workers to bargain collectively. The law prohibits antiunion discrimination, and a court may order reinstatement of a worker fired for union activity. Penalties for violations of these provisions included fines and imprisonment of up to 75 days, but these penalties did not deter violations. According to the Ministry of Labor and Social Protection, as of March, 94.2 percent of large and medium enterprises had collective agreements. Earlier statistics showed that 33.4 percent of all working enterprises had collective agreements. FTUK reported in February that 31.2 percent, or two million out of 6.4 million employees, were members of trade unions in 2018.

The law provides for the right to strike in principle but imposes onerous restrictions that make strikes unlikely. For example, the right to strike may be granted only after the dispute is brought to a reconciliatory commission for consideration. In addition, by law there are a variety of circumstances in which strikes are illegal. A blanket legal restriction bars certain occupations from conducting a strike. 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. By law such strikes are illegal.

Workers employed in the railway, transport and communications, civil aviation, healthcare, 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 also enables the government to target labor organizers whose strikes are deemed illegal, including by imposing criminal charges and up to three years in prison for conviction of participation in strikes declared illegal by the court.

The labor code limits worker rights to make claims on their employers. For example, its Article 12 requires employers to negotiate any labor-related act with official employee representatives. If there are multiple official representatives, they have five days in which to form a unified body to discuss the proposed act. If the group cannot come to consensus, the employer may accept the act without the consent of the employees. Article 52 lists 25 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 two million of the nine million economically active citizens were self-employed in the second quarter of the year.

b. Prohibition of Forced or Compulsory Labor

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 punishment of convicted 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. Conviction of trafficking in persons for the purpose of labor and sexual exploitation is punishable by penalties that are sufficient to deter violations. Conviction of kidnapping and illegal deprivation of freedom with the purpose of labor or sexual exploitation is also punishable by penalties that were considered sufficient to deter violations.

The Ministry of Labor and Social Protection is responsible for conducting checks of employers to reveal labor law violations, including exploitation of foreign

workers. The Ministry of Internal Affairs is responsible for identifying victims of forced labor and sexual exploitation and initiating criminal proceedings. The government effectively enforced the laws to identify domestic victims of sexual exploitation, but it did not effectively enforce the laws to identify foreign victims and domestic victims of labor trafficking. The statistics on identification of foreign victims remained low; only two foreign victims were identified in 2018--one victim of sexual exploitation, and another victim of labor exploitation. Police conducted interagency operations to find victims of forced labor. Identification of forced labor victims, however, remained low and even decreased compared with 2018. Of 83 victims identified in 2018, 79 were victims of sexual exploitation, three victims of labor exploitation, and one victim of forced begging. In 2018 police investigated 106 criminal cases on human trafficking, and courts convicted 17 traffickers, all for sexual exploitation. The low number of foreign and labor victims identified in 2018 was among several reasons for the country's downgrade to Tier 2 Watch List in the Department of State's Annual *Trafficking in Persons Report* for 2019.

Migrant workers were considered most at risk for forced or compulsory labor. In 2018 according to the Ministry of Interior Affairs, 1.8 million people were registered as migrants in the country. The majority of migrant workers came 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 2017 the government adopted a new Concept of Migration policy for 2017-2021 and an accompanying implementation plan. Together, these changes addressed both internal and external modern challenges, such as the excess of low-skilled labor due to increased inflow of labor migrants from other Central Asian countries and the deficiency of high-skilled labor in some sectors of the economy due to a low-level of education.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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.

The law prohibits all the worst forms of child labor; however, gaps exist in the legal framework to protect children adequately from worst forms of child labor. Prohibitions against the worst forms of child labor include criminal punishment under the penal code. Conviction of violation of minimum age employment in hazardous work, engaging minors in pornographic shows or production of materials containing pornographic images of minors, coercion of minors into prostitution, kidnapping or illegal deprivation of freedom of a minor for the purpose of exploitation, and trafficking in minors are punishable by penalties that were sufficient to deter violations. The Ministry of Internal Affairs is responsible for investigating criminal offenses and training criminal police in investigating the worst forms of child labor.

The law provides for noncriminal punishments for violations of the law, including written warnings, suspensions, terminations, the withdrawal of licenses for specific types of activities, administrative penalties or fines, and administrative arrest (only by court decision and only up to 15 days for violation of legislation in relation to minors). Such violations include employment of minors without an employment agreement, which is punishable by fine with suspension of the employer's license. Untimely or incorrect payment of salaries, nonprovision of vacation or time off, excessive work hours, and discrimination in the workplace were also punishable by fines. The Ministry of Labor and Social Protection is responsible for enforcement of child labor laws and for administrative offenses punishable by fines.

The government has established institutional mechanisms for the enforcement of child labor laws and regulations, but the government did not always effectively enforce the law. The government does not have a policy to address relevant forms of child labor. The complaint mechanism does not allow for anonymous individuals to report labor violations and, in the first nine months of the year, no case of child labor was reported to government hotlines.

In recent years, sporadic instances of children working below the country's minimum age of employment were reported in agriculture, including producing vegetables, weeding, collecting worms, and harvesting cotton; in construction; in the markets and streets, including transporting and selling items; in domestic work; in gas stations, car washing, and working as bus conductors; or as waiters in restaurants. These forms of labor were determined by local legislation to be potentially hazardous and categorized as the worst forms of child labor. The majority of such situations, however, occur on family farms or in family businesses.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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 sexual orientation, gender identity, 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 that is not sufficient to deter violations. Some cases like illegal termination of labor contracts due to pregnancy, disability, or minority are considered a criminal offense and are punishable by penalties which are 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.

In June a fight occurred at Chevron-operated Tengiz oilfield between local and foreign workers, resulting in 45 injuries. One reason for the trouble was discontent among local workers who had complained of a wage discrepancy between local and foreign workers with similar qualifications. The Ministry of Labor and Social Protection launched a series of inspections at companies employing foreign workers. The ministry reported the following violations: 1) foreign workers were paid 30-50 percent more than local workers; 2) local workers were paid in local currency, while foreign workers were paid in U.S. dollars; and 3) some foreign workers occupied positions that differed from that described on the work permits. These violations are punishable by fines, annulment of work permits, or deportation of a company's foreign workforce.

In the first seven months of the year, the Labor and Social Protection Ministry fined companies with foreign ownership for over 300 violations in the cumulative amount of around 1 million tenge (\$2,596).

e. Acceptable Conditions of Work

During the year the national monthly minimum wage was above the poverty line. As of August 2018, the government reported that 1.3 million citizens of a nine-million-person workforce were not registered as either employed or unemployed, meaning that they likely work in the informal economy. A Ministry of Finance spokesperson separately reported during the year that up to one third of workers were engaged in the informal economy, referencing 2015 government and international organization statistics. These workers were 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 work without health, social, or pension benefits.

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.

Overtime pay for holiday and after-hours work is equal to 1.5 times regular salary. The decision on pay is made by the employer or in compliance with a collective agreement, and the amount of pay is based on so-called industry-specific wage multipliers, stipulated by the industrial agreements.

In July 2018 the Supreme Court ruled in favor of China National Petroleum Corporation-AktobeMunayGas, owned by China National Petroleum Corporation,

which in 2017 reduced the environmental allowance for 403 workers who reside in the ecologically challenging Aral Sea area from 50 percent to 20 percent. The company, supported by the Ministry of Labor and Social Protection, argued that only workers who both reside and work in the Aral Sea area are entitled to a 50 percent allowance. Those who resided in the Aral Sea area, but worked elsewhere, may claim only the 20 percent allowance.

The Ministry of Labor and Social Protection enforces the minimum wage, work-hour restrictions, overtime, and occupational safety and health standards. Under the entrepreneur code, labor inspectors have the right to conduct announced and unannounced inspections of workplaces to detect violations. Both types of inspections take place only after written notification. The government did not effectively enforce the law.

Inspections based on risk assessment reports are announced in writing not less than 30 days prior the beginning of the inspection. There has been a presidential moratorium on announced inspections since 2014. Unplanned inspections are announced not less than one day prior the beginning of the inspection. The number of labor inspectors was insufficient. Ministry inspectors conducted random inspections of employers. In 2018 inspectors conducted 8,774 inspections and detected 11,976 violations of labor law. Wage arrears accounted for 20 percent of violations, unsafe work conditions 20 percent, and illegal employment or dismissal made up 14 percent of cases. In 2018 both the Ministry of Education and Science and the Ministry of Internal Affairs, each in cooperation with other agencies, carried out additional inspection operations (raids) in areas where children were likely to engage in child labor.

The Human Rights Commission reported that the number of inspectors was insufficient. Moreover, the 2015 labor code introduced so-called employer's declarations. Under this 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. By law any enterprise or company may form a production council to address labor safety issues from representatives of an employer and employees. These councils are eligible to conduct their own inspections of the employees' work conditions. As of January there were 12,855 production councils and 17,751 volunteer labor inspectors.

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. In 2018 the government reported 1,568 workplace injuries, of which 216 resulted in death. 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.

The Ministry of Labor and Social Protection reported that in 2018, 23 percent of workers labored in hazardous conditions. Approximately 39,000 work health and safety violations were reported in 2018. The government suspended operation of 827 facilities and three enterprises due to flagrant violations. Approximately 2,000 fines totaling over 147 million tenge (over \$380,000) were imposed.

Some companies tried to avoid payments to injured workers. Critics reported that employers, the FTUK, and the Ministry of Labor and Social Protection were more concerned with bureaucracy and filling out reports on work-related accidents, than with taking measures to reduce their number. A minimal noncompliance with labor safety requirements may result in a company's refusal to compensate workers for industrial injuries. In 30 percent of cases, workers themselves were blamed for violating occupational health and safety regulations.

In January the Ekibastuz city court awarded a former janitor of the Ekibastuz Combined Heat and Power Plant 3 million tenge (around \$7,800) in damages after she developed bronchial asthma as a result of her work at the plant from 2000 to 2015. Bronchial asthma was recognized as an occupational disease in 2011 due to the high concentration of dust and gas in the air at the workplace.