

# KAZAKHSTAN 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The government and constitution concentrate power in the presidency. Kassym-Jomart Tokayev became president after June 2019 elections that were marked by election-day irregularities including ballot stuffing and falsification of vote counts, according to an observation mission by the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights. Former president Nursultan Nazarbayev enjoys broad, lifetime, legal authority over a range of government functions in his constitutional role as the First President. 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. On January 10, the country held elections for its lower house of parliament, the Mazhilis. Independent observers, including the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights, stated that the elections lacked genuine competition and transparency.

The Ministry of Internal Affairs supervises the national police force, which has primary responsibility for internal security. The Committee for National Security oversees internal and border security, as well as 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 committee reports directly to the president, and its chairman sits on the Security Council, chaired by First President Nazarbayev. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killing by or on behalf of the government; torture by and on behalf of the government; arbitrary detention; political prisoners; serious problems with the independence of the judiciary; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists; serious

restrictions on internet freedom; substantial interference with the rights of peaceful assembly and freedom of association; serious and unreasonable restrictions on political participation; serious government corruption; and significant restrictions on workers' freedom of association.

The government selectively prosecuted officials who committed abuses, especially in high-profile corruption cases. Nonetheless, corruption remained widespread, and impunity existed for many in positions of authority as well as for members of law enforcement agencies.

## **Section 1. Respect for the Integrity of the Person**

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

There were several reports that 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 received special privileges in exchange for carrying out orders of prison staff – remained frequent.

On March 15, a court in Kyzylorda sentenced four police officers to prison terms of six to nine years after convicting them of murdering 43-year-old Baurzhan Azhibayev in 2019 during a traffic stop for failing to use his turn signal. The police officers reportedly beat, tased, and choked Azhibayev after he argued with them and refused to obey their instructions, resulting in his death.

On December 8, 30-year-old Nurbolat Zhumabayev died in police custody in Shymkent after police arrested him for suspected carjacking. Zhumabayev's family said that his body was covered in bruises when they viewed it on December 9. The Shymkent mayor announced on December 9 that the Ministry of Internal Affairs would investigate and conduct an autopsy. The investigation continued as of the end of the year.

On June 2, a jury in Karaganda acquitted four defendants, including a former police officer and a local businessman, accused of ordering and organizing the 2019 killing of Galy Baktybayev. Baktybayev was a civil activist who raised

problems of corruption, embezzlement, and other abuses 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, but human rights activists asserted the domestic legal definition of torture does not meet the definition in the UN Convention against Torture. The National Preventive Mechanism against Torture (NPM) was established by law and is part of the government's Office of the Human Rights Ombudsman.

The domestic nongovernmental organization (NGO) Coalition Against Torture reported more than 200 incidents of abuse during the year. Cases of prison officers being brought to justice for abuse were rare, and officers often received light punishment. Human rights observers commented that only in rare incidents, such as when information regarding the abuse was publicized and caused a strong public reaction, were perpetrators held accountable. Abuse occurred in police cells, pretrial detention facilities, and prisons. Human rights observers stated that authorities occasionally used pretrial detention to beat and abuse detainees to extract confessions. Observers cited the lack of professional training programs for administrators as the primary cause of mistreatment.

On June 8, the Turksib District Court in Almaty found an inspector at a pretrial detention facility guilty of torture and sentenced him to six years' imprisonment.

In July, Karim Babayev, a prisoner at Almaty detention facility CI18, was hospitalized after he attempted self-mutilation as a protest against abuse. Babayev had been transferred to multiple prisons and stated that he was beaten in every prison. Babayev frequently protested abuse and filed complaints. Human rights observers stated Babayev was regularly punished for his activities.

In August the president pardoned Natalya Slekishina, who was raped in prison in 2016 by prison guard Ruslan Khakimov. Khakimov was convicted for

Slekishina's rape and sentenced to nine years' imprisonment.

The government made some efforts to increase accountability, but members of the security forces still abused detainees and prisoners with significant impunity. Observers reported there were often limited consequences for such abuses with police and security forces. The Office of the Human Rights Ombudsman was empowered to receive complaints and investigate abuses in prisons through oversight of the NPM.

### **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 shortages of medical staff.

**Physical Conditions:** The NPM reported poor health and sanitary conditions and poor medical services, including for prisoners suffering from HIV, AIDS, tuberculosis, and diabetes. The NPM also reported discrimination against prisoners in vulnerable groups, including prisoners with disabilities and prisoners with HIV or AIDS.

On July 19, a part of the barracks of prison GM-172/6 in Mangistau Region, built in the 1960s, collapsed. Three prisoners inside the building died, and eight were taken to a hospital with injuries. The government formed a commission to investigate the incident. During past monitoring visits to the prison, NPM members and human rights observers told the prison authorities that the building required a major overhaul, but their statements were ignored.

During the COVID-19 pandemic lockdown, activists raised alarms concerning health conditions in prisons and detention facilities. The COVID-19 pandemic compounded prisons' poor health and sanitary conditions, particularly in cases where individual prisoners were already vulnerable to infection.

Prisoner rights activists expressed concern that authorities used COVID-19 pandemic restrictions to block access to information concerning medical treatment in prisons. Following an order from the Ministry of Internal Affairs, prison

administrators banned in-person meetings between prisoners and relatives. To compensate for the lack of visits, however, administrators of some prisons increased the number of prisoners' telephone calls and allowed prisoners to have online meetings with relatives.

According to Prison Reform International (PRI), although men and women were held separately, and pretrial detainees were held separately from convicted prisoners, youth often were held with adults during transitions among temporary detention centers, pretrial detention, and prisons. There was a high risk for abuse during searches, investigations, and transfer to other facilities.

The NPM and members of public monitoring commissions (PMCs, quasi-independent bodies that carried out monitoring) reported infrastructure problems in prisons, including poor plumbing, poor sewage systems, and unsanitary bedding. PMC members reported that some prisoners with disabilities did not have access to showers for months. They also reported shortages of medical staff and insufficient medicine, as well as access problems for prisoners with disabilities. The NPM noted that many facilities had restricted internet connectivity with the outside world and limited access to information on prisoner rights. The PRI and the NPM reported there was widespread concern regarding food and nutrition quality in prisons. Prisoners and former prisoners complained their food was served past its expiration date.

The government did not publish statistics on the number of deaths, suicides, or attempted suicides in pretrial detention centers or prisons during the year. PRI and PMC members reported that many suicides and deaths occurred in prisons.

**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, did not respond to complaints of abuse, or did not hold prison administrators or staff accountable. Prison officials reportedly censored all prisoners' communications; consequently, there was a reported lack of secure channels for submission of complaints. The NPM's 2018 report emphasized problems with voluntary assistants, prisoners who are used to control other prisoners and who carry out additional duties.

The law does not allow unapproved religious services, rites, ceremonies, meetings, or missionary activities in prisons. By law a prisoner in need of “religious rituals” may ask his relatives to invite a representative of a registered religious organization to carry them out, provided the ceremonies 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 was permitted so long as it did not interfere with internal rules. Prayers were not allowed at nighttime or during inspections.

**Independent Monitoring:** There were no independent international monitors of prisons. The PMCs, which include members of civil society, may undertake monitoring visits to prisons. Human rights advocates stated 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 stated PMCs were not effective because they did not have enforcement powers, and that justice-sector institutions, including prisons, were not truly interested in reform.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but such incidents occurred.

On January 10, during and immediately following parliamentary elections, riot police in Almaty surrounded groups of activists protesting the election for up to seven hours in a procedure known as “kettling,” which prevented activists from leaving the site of the protest. During the kettling, mobile internet was blocked, police played loud music, and organized groups of aggressive men intimidated and shouted insults at the protesters. Human rights defenders condemned the use of kettling as a form of illegal detention and an abuse of individuals’ right to free movement. Some activists filed complaints with the Almaty Prosecutor General’s Office, but prosecutors found no abuses in the police’s actions.

In August the Auezov District Court in Almaty found former police lieutenant colonel Dzhandos Dzhangazin guilty of negligence and sentenced him to one year

of probation for illegally detaining and remanding a suspect into police custody. Dzhangazin detained the suspect even though a court had denied Dzhangazin's request for an arrest warrant. The suspect was in police custody for four days before an officer at the detention facility noticed the court's previous denial and reported the violation to supervisors, after which Dzhangazin was charged.

### **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, by law the accused should have the opportunity to meet with an attorney. Upon arrest the investigator may do an immediate body search if there is reason to believe the detainee has a gun or may try to discard or destroy evidence. Within three hours of the arrest, the investigator is required to write an arrest 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 on the arrest statement.

By law an 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 case materials 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 the suspect and notify the prosecutor and the police officer who handled the case. 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, including house arrest or restricted movement. According to human rights activists, these procedures were frequently ignored.

Although the judiciary has authority to deny or grant arrest warrants, judges authorized arrest warrant requests in most cases.

The law allows conditional release on bail, although use of bail procedures was limited. Prolonged pretrial detention remained commonplace. The bail system was designed for persons charged with committing a criminal offense for the first time or a crime of minor or moderate severity. Thus, the bail system requires that the penalties for conviction include a fine as an alternative penalty. Bail is not available to suspects of grave crimes, crimes that led to death, organized crime, terrorist or extremist crimes, or in situations where there is reason to believe the suspect, if released, would hinder the investigation of the case or would escape.

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 law obliges police to inform detainees of 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 when the suspect is indigent, is a minor, has physical or mental disabilities, or faces serious criminal charges. Public defenders often lacked the necessary experience and training to assist defendants. Defendants are barred from freely choosing their defense counsel if the case against them involves state secrets. The law allows only lawyers who have special clearances 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 15 days' administrative arrest. During the year authorities detained many persons who participated in unsanctioned antigovernment rallies, including some pedestrians walking near rally sites.

**Pretrial Detention:** The law allows police to hold a detainee for 48 hours before submitting 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 completion of the investigation, the investigator makes 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.

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 relatives unable to travel.

### **e. Denial of Fair Public Trial**

The law does not provide for an independent judiciary. The executive branch sharply limited judicial independence. According to the NGO Freedom House's *Nations in Transit 2020* report, the country's judiciary remained heavily dependent upon the executive branch, judges were subject to political influence, and corruption was a problem throughout the judicial system. Prosecutors enjoyed a quasi-judicial role and had the authority to suspend court decisions.

According to Freedom House, 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.

On March 20, the law on the court system was amended to exempt presidential nominees to the Supreme Court from several requirements mandatory for other candidates, such as requirements covering judicial experience, mandatory internships, testing, and endorsement by the Supreme Court.

On April 9, Supreme Court Judge Meiram Zhangutdinov was arrested for taking a bribe from his colleague, Judge Liza Turgumbayeva, in Shymkent. The bribe was allegedly to help Turgumbayeva get a post in another court. Turgumbayeva was also arrested. At year's end the investigation continued. The president described

the crime as “outrageous” and noted that the case was an example of “active cleaning of the judges’ corps, and that process should not stop because we have to change the negative image of judges in the eyes of people.”

Military courts have jurisdiction over civilian criminal defendants in cases allegedly connected to military personnel. Military courts use the same criminal law 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 have a panel of 10 jurors and one judge. They have jurisdiction over crimes punishable, if convicted, 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 because 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. The law has no mechanism for holding judges liable for such actions.

Defendants in criminal cases have the right to counsel and, if needed, 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 if convicted. The law also provides defendants the right to be present at their trials, to be heard in court, to have an interpreter if needed, to confront witnesses against them, and to call witnesses for the defense. Defendants 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 cases stated they experienced harassment from authorities. Attorneys also sometimes complained they and the defendants did not always have adequate time

or facilities to prepare.

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, unfair denial of defense counsel motions, and failure of judges to investigate allegations that authorities extracted confessions through torture or duress.

Due to COVID-19 pandemic quarantine restrictions, courts continued to work remotely. Attorneys and activists complained that during this time, courts made more mistakes and more arbitrary decisions than usual and failed to follow procedures and deadlines, including procedures related to observing court proceedings.

Lack of due process remained a problem, particularly for cases arising from civil protests.

Human rights activists and international observers noted investigative and prosecutorial practices that made a confession of guilt more important than evidence when building a criminal case against defendants. Courts generally ignored allegations by defendants that officials obtained confessions through torture or duress.

Beginning July 1, the Code of Administrative Procedure entered into force and specialized administrative courts opened in all 14 regions and cities of national significance (Nur-Sultan, Almaty, and Shymkent Regions). The code provides for these courts to consider lawsuits submitted by citizens against government authorities or officers for violating administrative processes and procedures.

## **Political Prisoners and Detainees**

The civil society alliance Tirek maintained a list of between 12 and 22 individuals it considered detained or imprisoned based on politically motivated charges. The government paroled five internationally recognized political prisoners from the Tirek list. One of the five, poet and dissident Aron Atabek, was released after the court commuted the remainder of his sentence due to a terminal illness. Atabek subsequently died on November 24. Individuals on the Tirek list who remained

incarcerated included persons connected to the banned political party Democratic Choice of Kazakhstan or its alleged successor organization the Koshe Party. The government banned both parties as extremist organizations. Both organizations were led by or closely associated with fugitive banker and opposition leader Mukhtar Ablyazov. Convicted labor union leader Larisa Kharkova remained subject to restricted movement, unable to leave her home city without permission of authorities.

On October 11, an Almaty court found 13 Koshe Party activists guilty of organizing or participating in the activities of a banned extremist or terrorist organization. Askhat Zheksebayev, Kayrat Kylyshev, Abai Begimbetov, and Noyan Rakhimzhanov received five-year prison sentences. Diana Baymagambetova and Dametkan Aspandiyarova received two-year restricted freedom sentences (a form of parole). The remaining activists received one-year restricted freedom sentences. Human rights observers criticized the trial as unfair. The judge denied journalists and observers access to the online court proceedings, which were conducted on the Zoom platform. Human rights observers commented that the restriction was an attempt to minimize public reaction to the trial.

Human rights organizations have access to prisoners through the NPM framework.

### **Politically Motivated Reprisal against Individuals Located Outside the Country**

Human rights defenders alleged that authorities selectively prosecuted family members and former colleagues of outspoken opposition supporter and activist Barlyk Mendygazyev, who lived in the United States, to force Mendygazyev to stop his political activities.

On June 5, authorities placed Bekizhan Mendygazyev, Barlyk Mendygazyev's brother, in pretrial detention for suspected involvement in an organized criminal group and money laundering. On July 26, three managers of Barlyk Mendygazyev's prior business, Karachaganak Support Services, an oil services company, were convicted of participation in an organized criminal group and tax evasion and were sentenced to five-and-a-half to seven years' imprisonment. Other Mendygazyev relatives with alleged politically motivated prosecutions

against them include: Kalyk and Erik Mendygazyev and Rasim Almukhanov for alleged livestock theft; Abai Mendygazyev for alleged drug possession; and Arman Mendygazyev for alleged participation in an organized criminal group.

### **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. Due to COVID-19 pandemic restrictions, these courts worked remotely, leading to complaints of increased disregard for procedures and deadlines.

### **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, in violation of internationally accepted norms. The law allows wiretapping in medium, urgent, and grave cases. The National Security Committee (KNB), the Ministry of Internal Affairs, and other agencies, with the concurrence of the Prosecutor General's Office, may infringe on the privacy of communications and financial records, as well as on the inviolability of the home. Human rights activists reported incidents of alleged surveillance, including wiretapping and recording telephone conversations, posting on social media videos of private meetings, and KNB officers visiting activists' and their families' homes for "unofficial" conversations regarding suspect activities.

Courts hear appeals of prosecutors' decisions for a wiretap or surveillance but cannot issue an immediate injunction to cease an infringement.

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

In July international and local media reported that government officials, journalists, activists, and businesspersons were included on the leaked list of individuals who had been monitored since 2016 using the Israeli cybersecurity firm NSO's Pegasus software program, which the firm reportedly sold only to military, law enforcement, and intelligence agencies. Two journalists named in the leak and other international human rights defenders called the monitoring an abuse of human rights. First Deputy Head of the Presidential Administration Dauren Abayev described the news reports as "intriguing information without any proof."

In February activist Lukpan Akhmediyarov in Uralsk complained that police used special software to track his movements and unfairly detain him so that he could not travel to Atyrau to greet political prisoner Maks Bokayev upon Bokayev's release from prison. According to Akhmediyarov, police used the special software to track the movement of activists and to intercept conversations and messages from the activists' mobile phones.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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 unfair means, including detention, imprisonment, criminal and administrative charges, restrictive laws, harassment, licensing regulations, and internet restrictions.

**Freedom of Expression:** The government limited individuals' ability to criticize the country's leadership, and regional leaders attempted to limit criticism of their own actions. The law expressly prohibits insulting the first president, the sitting president, or their families, and imposes penalties of up to five years' imprisonment for conviction. The law penalizes "intentionally spreading false information" with large fines and imprisonment for up to five years if convicted.

The media watchdog NGO Adil Soz and the Committee to Protect Journalists noted that police and authorities hindered journalists' coverage of the January 10

parliamentary elections. Election officials allegedly denied journalists access to polling stations, expelled them from polling stations, and tried to confiscate their cell phones.

On May 28, the Ministry of Information and Social Development demanded that the independent online outlet *The Village* delete a news story regarding a mural in Almaty featuring a portrait of First President Nazarbayev that had been defaced with the word “cancel” spray-painted across Nazarbayev’s forehead. The ministry stated that the article dishonored Nazarbayev, which is a criminal offense. *The Village* disagreed with the accusation but nonetheless blurred the image of the mural on its website.

On June 15, the Auezov District Court in Almaty issued a ruling in favor of former Almaty mayor and sitting Nur Otan Party Deputy Chairman Baurzhan Baibek’s lawsuit against activist Zhanbolat Mamay and his wife Inga Imanbay. The lawsuit contended that videos Mamay posted online, allegedly detailing Baibek’s corrupt activities while serving as Almaty’s mayor, wrongly harmed Baibek’s honor, dignity, and business reputation. The court ordered that Mamay and Imanbay post public refutations of their allegations against Baibek, delete all videos containing their allegations of Baibek’s corruption, and pay court and contracted experts’ service fees.

In October unknown persons blocked the website of the independent online news outlet *Hola News* for 10 days until the outlet’s management removed content critical of First President Nazarbayev. The removed content reportedly was an article regarding information uncovered in the Pandora Papers regarding corruption and offshore business dealings involving members of the first president’s family and inner circle. Subsequently the owners and editor in chief of *Hola News* sold and resigned from the organization to protest media censorship. Government officials publicly denied blocking the site.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were 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 paid media coverage and advertising were significant

problems.

Companies allegedly controlled by members of First 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 television 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 broadcast of foreign-produced programming to 50 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-based media broadcasting companies did not have to meet this requirement.

**Violence and Harassment:** Independent journalists and those working in opposition media or covering stories related to corruption, rallies, or demonstrations reported harassment and intimidation by government officials and private actors.

On March 2, police in Shymkent assaulted Astana TV reporter Bahrambek Talibzhanov and Channel 31 reporter Bahrom Abdullayev who came to cover a fire at the Tulpar market. On April 5, in response to this incident, journalists and their supporters protested in front of the Shymkent police station, demanding that police stop pressure and violence against journalists. The chief of police apologized for his officers' misconduct and promised to hold them liable for abuses.

In September police in Taraz began an investigation into alleged dissemination of disinformation by two journalists and one blogger who covered the August 26 explosion at a military depot near Taraz that killed 17 service members. Video circulated online from one of the journalists showed the extent of the blast, including ordnance reportedly found in Sarykemer village, nine miles from the



blast site. Police subsequently dropped the investigation and filed no charges against the journalists.

**Censorship or Content Restrictions:** Journalists and media outlets exercised self-censorship to avoid pressure by the government.

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

The 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 media to provide, for government approval, its print, audio, and video information 24 hours before publication or broadcasting.

Political parties and public associations may be suspended or closed if 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 loudspeakers.

By law internet resources, including social media, are classified as forms of mass media and are governed by the same rules and regulations as mass media.

Authorities sometimes charged bloggers and social media users with criminal law violations based on their online posts.

**Libel/Slander Laws:** A change in 2020 removed criminal liability for libel and slander from the law. Human rights activists and observers welcomed the decriminalization of libel but remained concerned that the law continues to impose serious punishment for conviction of libel. Several articles in the law remain that may also be applied against individuals insulting government officials, particularly First President Nazarbayev and the sitting president. Media activists raised concerns regarding the wide use of the legal provision imposing liability for dissemination of false information. The activists highlighted its use to pressure or

silence journalists and civil society activists, including during the COVID-19 pandemic.

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 believed these provisions strengthened the government’s ability to restrict investigative journalism.

In February, three bloggers in Mangistau Region – Sholpan Utekeyeva, Ulbosyn Turdiyeva, and Aigul Akberdy – were found guilty of libel against the head of the local police, Colonel Boken Zhumagali. The libel cases were in response to the bloggers’ social media reposts that alleged Zhumagali unlawfully repressed Merey Korbakov, a civic activist from the village of Beineu. Two bloggers received 20-day administrative arrests and two received small fines (see section 2.a., Freedom of Expression).

**National Security:** The law criminalizes the release of information regarding the health, finances, or private life of the first president, as well as specific 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 first president, the president, and their families.

The government intimidated media outlets that criticized the president, the first president, and their families; such intimidation included law enforcement actions and civil suits. Although these actions had a chilling effect on media outlets, some criticism of government policies continued. Incidents of local government pressure on media continued.

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” was overly broad. The law requires owners of communication networks and other 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.” International legal experts noted these terms are

not clearly defined.

## **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 Kazakh Telecom, in which the state owned a majority interest. Websites carried a wide variety of views, including viewpoints critical of the government.

Media law prohibits citizens from leaving anonymous comments on media outlet websites. Websites 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 the country's (.kz) internet domains. Authorities may suspend or revoke registration as punishment for placing computer databases or servers outside the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

The government implemented regulations on internet access that mandate surveillance cameras in all internet cafes, require visitors to present identification to use the internet, demand internet cafes keep a log of visited websites, and authorize 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. Some bloggers reported anecdotally that their sites were periodically blocked, as did the publishers of independent news sites.

The cabinet has the power to suspend access to the internet and other means of communication without a court order. By law and a cabinet decree, the Prosecutor General's Office, the KNB, and the ministries of Defense, Internal Affairs, and Emergency Situations are authorized to suspend communication networks in emergency situations or when there is a risk of an emergency.

Observers continued to rate the country's internet as "not free" and as a country that practices disruption of mobile internet connections and restricts access to social media. During protests, access to internet was often blocked to eliminate the ability to livestream and share live updates. Authorities also blocked access to some independent websites.

In February the NGO Coalition for Security and Protection of Human Rights Defenders reported that its website was blocked. Authorities reportedly demanded that the NGO delete information concerning a court decision from its website, despite public access to information regarding the case on the court's own official website. Officials referred to the NGO's potential liability for dissemination of false information.

In July the country blocked the LinkedIn social networking website for three days after Ministry of Information and Social Development officials reportedly detected a number of violations of law on the site, including advertisements for online casinos and fake accounts using real person's names. The ministry sent a notification demanding that LinkedIn correct the violations and delete the illegal content. Following negotiations between the ministry and LinkedIn, LinkedIn removed at least some of the content the government deemed objectionable.

### **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 first president, president, and their families, also applied to academics. Many academics practiced self-censorship.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for limited freedom of assembly, but there were significant restrictions on this right.

### **Freedom of Peaceful Assembly**

Opponents criticized laws on freedom of peaceful assembly as restrictive and falling short of international standards. Serious restrictions remained. Organizers

must submit advance notification to the local government and await a response. The law states all gatherings except single-person pickets may only be held in areas designated by authorities. Spontaneous gatherings are banned, and foreigners and stateless persons are denied the right to peaceful assembly.

On February 8, a small group of individuals began a series of daily protests in front of the Consulate of the People's Republic of China (PRC) in Almaty to demand information regarding their family members in China. Several protesters were arrested, some repeatedly, and fined. In September protesters temporarily moved their protest to outside the PRC embassy in Nur-Sultan where, on September 23, authorities arrested and fined 10 protesters for holding an unauthorized protest. On October 1, authorities detained and again fined the same group of protesters as they left their rented apartment in Nur-Sultan. The daily protests and police response, including occasional fines and detentions of participants, continued in Almaty at year's end.

### **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 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.

On April 8, parliament amended the law on legal assistance and the professional activities of advocates. Independent lawyers criticized the amendments as infringing on their rights and imposing more restrictions on their activity and on their professional bar associations. Following strong public reaction and protests, the president submitted the law to the Constitutional Council to review whether the amendments complied with the constitution. On June 6, the Constitutional Council recommended limited changes but ruled that the amendments were constitutional. On June 10, President Tokayev signed the amendments into law.

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).

Authorities continued to refuse registration as a political party to the social movement Halyqqa Adal Qyzmet led by Togzhan Kozhaly. Authorities cited administrative errors or missed deadlines as justification for their denials. Kozhaly had attempted to register the organization six times as of the end of the year.

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 sections 3 and 7.a.).

By 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 submitted information 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 moderate fines or suspension for three months if the infraction is not rectified or is repeated within one year. In extreme cases criminal penalties are possible, which may lead to a large fine and suspension or closure of the organization.

The law prohibits illegal interference by members of public associations in the activities of the government, with a moderate fine or imprisonment for up to 40 days if convicted. If the interference is committed by the leader of the organization, the fine may be slightly increased or the imprisonment may be for up to 50 days. The law does not clearly define “illegal interference.”

The law establishes broad reporting requirements concerning the receipt and expenditure of foreign funds or assets. It requires labeling all publications produced with support from foreign funds. The law sets out administrative and criminal penalties for noncompliance with these requirements, including potential

restrictions on the conduct of meetings, protests, and similar activities organized with foreign funds.

In February tax authorities' proposed penalties on a small group of civil society NGOs were reversed on appeal for all affected organizations. This was done after Deputy Prime Minister and Foreign Minister Mukhtar Tileuberdi publicly ordered his ministry, in consultation with the Finance Ministry, to review NGO tax cases that first came under scrutiny in November 2020 when a group of 13 NGOs that received foreign funds reported heightened scrutiny by tax authorities. The NGOs stated this heightened scrutiny was likely motivated by the NGOs' planned activities regarding parliamentary elections. The NGOs reportedly received notifications from tax authorities regarding discrepancies in their 2017-18 foreign grants reports, which the NGOs claimed were typographical errors and minor technical inaccuracies. Observers noted that the tax authorities proposed penalties, including moderate administrative fines and suspension of activities, that were larger than the severity of the alleged errors would warrant.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Despite some regulatory restrictions, the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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, refugees, returning refugees, asylum

seekers, stateless persons, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government had a system for providing protection to refugees. UNHCR's contracted local partners may, if needed, appeal to the government and intervene on behalf of individuals facing deportation.

According to UNHCR, the refugee system falls short of the international standard regarding access to asylum procedures and access to the country's territory. Authorities remained reluctant to accept asylum applications at the border from persons who lacked valid identity documents, citing security concerns. Contrary to commitments under the 1951 Convention Relating to the Status of Refugees, a person who crosses the border illegally to escape persecution may be prosecuted for this in criminal court, and subsequently may be viewed as a person with criminal potential, a negative factor in the asylum decision.

According to UNHCR data, as of September 1, there were 242 asylum seekers in the country, most from Afghanistan. There were 401 recognized refugees in the country and 7,915 stateless persons. Both the number of refugee applications and the approval rate by the government declined considerably compared with prior years.

A legislative framework does not exist to manage the movement of asylum seekers between the country's borders and other areas. There are no reception facilities for asylum seekers. The law does not provide for differentiated procedures for persons with specific needs, such as separated children and persons with disabilities. There are no guidelines for handling sensitive cases, including lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) cases.

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.



In October the government renewed the one-year asylum status for all four ethnic-Kazakh persons from China (see Abuse of Migrants and Refugees below).

**Abuse of Migrants and Refugees:** On January 21, asylees Murager Alimuly and Kaisha Khan from Xinjiang, China, separately suffered attacks by unknown assailants in the Nur-Sultan and Almaty areas. At year's end the attacks were still under investigation by authorities, with no reported suspects. Alimuly and Khan were two of the four ethnic Kazakhs who fled China and received asylum in October 2020.

**Employment:** Refugees faced difficulties in gaining employment and social assistance from the government. By law refugees have the right to work but may not 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 worked on the informal economy.

**Access to Basic Services:** Status as "temporarily residing aliens" hindered refugees' access to the full range of rights stipulated in the law. The law lacks provisions on the treatment of asylum seekers and refugees with specific needs. Refugees had access to education and health care on the same basis as citizens, but they had no access to social benefits or allowances. The government did not provide accommodation, allowances, or any social benefits to asylum seekers. Asylum seekers and refugees with specific needs are not entitled to financial assistance.

In August the country changed its regulations on access to health services. Starting August 15, stateless persons, asylum seekers, and foreigners who are temporarily staying as labor migrants or for other purposes must sign contracts for voluntary health insurance and register with a local clinic to be eligible for primary health services.

## **g. Stateless Persons**

The constitution and law provide procedures to deal with stateless persons, and the government generally took seriously its obligation to ease the burden of statelessness within the country. The law does not provide for a simplified naturalization procedure for stateless persons.

The country contributes to statelessness because its application for citizenship requires renunciation of citizenship of the country of origin, with no stipulation that Kazakhstani citizenship would be granted. As of September a total of 7,915 persons were officially registered by the government as stateless, according to UNHCR. Most 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.

The law allows the government to deprive individuals of citizenship if 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 been deprived of citizenship under this law. Instead, during the year the government brought back to the country 12 citizens and their families who had joined international terrorist organizations. The government prosecuted the citizens in criminal court as terrorists but provided social services to their 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 was documented, and they were considered as having permanent residency, which was 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 separate legal procedure for citizenship 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.

The law prevents children of parents without identity documents from obtaining

birth certificates, the lack of which hindered the children's access to education, free health care, and freedom of movement.

Persons whose citizenship applications are rejected or whose status as 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 problems when negotiating 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, 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.

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, KNB chief, Supreme Court and lower-level judges, and regional governors. The law 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 law also grants Nazarbayev 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 must confirm the president's choice of prime minister, and the Senate

must confirm the president's choices of prosecutor general, KNB chief, Supreme Court judges, and National Bank head. The Mazhilis and the Senate always confirmed presidential nominations. Modifying or amending the constitution effectively requires the president's consent.

## **Elections and Political Participation**

**Recent Elections:** On January 10, the country held national elections for the Mazhilis. Five of the country's six officially registered political parties participated in the elections. The ruling Nur Otan Party won a reported 71 percent of the vote and received 76 seats in the Mazhilis, the Ak Zhol Party won 10.95 percent and received 12 seats, and the People's Party won 9.1 percent and received 10 seats. Political parties Auly, with 5 percent of votes, and Adal, with 3.57 percent, did not surpass the 7-percent threshold for proportional representation in the Mazhilis and so received no seats. Independent observers criticized the elections for numerous irregularities and restrictions. According to the Organization for Security and Cooperation in Europe (OSCE) observer mission's report, the parliamentary elections lacked competition and transparency, and voters had limited opportunity to make an informed choice.

In August 2020 the country held Senate elections, following the legal requirement that 17 of 49 senators rotate every three years. Senators were selected by members of *maslikhats* (local representative bodies) acting as electors to represent each administrative region and the cities of national significance. Four incumbent senators were re-elected. Most newly elected senators were affiliated with the local representative bodies that elected them.

The government conducted presidential elections in 2019. Of seven presidential candidates, Tokayev won with 70.96 percent of the vote. According to an OSCE observer mission'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." The report cited several infractions such as ballot-box stuffing, problems with vote counting, and cases of deliberate falsification. Other problems noted in the report included a lack of transparency, such as not releasing election results by polling station, and violations of the rights of assembly, expression, and association. The report noted the widespread

detention of peaceful protesters on election day in major cities. Overall, the conduct of the election showed “scant respect for democratic standards,” reported the OSCE mission.

The OSCE report further observed that the problems went beyond election day itself. According to the final report, in prior years some opposition parties were either banned or marginalized through restrictive legislation or criminal prosecution, and the ability of political parties to register was significantly restricted by the law. Moreover, the laws on candidate eligibility were highly restrictive.

Laws restrict public opinion surveys ahead of elections by requiring registration, five years of experience, and notification to the Central Election Commission (CEC). Violation of the law leads to moderate fines for individuals or organizations. The law prohibits publishing, within five days prior to elections, election forecasts and other research related to elections, or support for particular candidates or political parties.

**Political Parties and Political Participation:** Several groups tried to register as political parties, but all attempts were rejected by the government.

On June 25, activists from the unregistered El Tiregi political party, led by Nurzhan Altayev, and from the Union of Tajik-Afghan War Veterans protested in Nur-Sultan regarding multiple denials by authorities to register El Tiregi. According to Altayev, he unsuccessfully attempted 10 times to register El Tiregi.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or members of minority groups in the political process, but traditional attitudes sometimes hindered women from holding high office or playing active roles in political life.

The law mandates a combined 30 percent quota for women and youth in the lists of candidates running for elections. Youth are defined as persons between ages 14 and 29.

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

## **Government**

There were numerous reports of government corruption during the year. 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 there were personal relationships with government officials.

**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. According to the Agency on Combatting Corruption, the largest numbers of officials held liable for corruption in the first six months of the year were in police, finance, and agriculture.

The Ministry of Internal Affairs, the Agency on Combatting Corruption, the KNB, and the economic investigations service of the Finance Ministry were responsible for combating corruption. The KNB investigated corruption crimes committed by officers of the security services, the anticorruption bureau, and the military.

The Agency on Combatting Corruption reported that from January to September, it registered and investigated 921 corruption cases; 101 officials were detained, and 101 were arrested. The agency sent 725 cases to courts for prosecution, and 570 individuals were convicted. Of those convicted, 138 were convicted for taking bribes, 237 for giving bribes, 12 for serving as intermediaries, 78 for fraud, 42 for embezzlement, and 44 for abuse of power.

On September 16, an appellate court in Nur-Sultan convicted Berik Sharip, the former chairman of the state-owned pharmaceuticals distribution monopoly SK-Pharmacia, on charges of abuse of power related to medicine procurements during the COVID-19 pandemic health emergency. The court sentenced Sharip to three and one-half years in prison. In August, Sharip was convicted on illegal weapons charges.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human**

## Rights

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

Authorities had a mixed approach to relations with NGOs. Some NGOs faced difficulties in acquiring office space and technical facilities depending on their scope of work and relationship with authorities. On the other hand, government leaders participated – and regularly included NGOs – in roundtables and other public events on democracy and human rights.

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, and monitors implementation of international human rights conventions. The commission does not have legal authority to remedy human rights abuses or implement its recommendations.

The commissioner on human rights (ombudsman) is recommended by the president and is elected by the Senate for a five-year term. The ombudsman reviews and investigates complaints concerning abuses of human rights by officials and organizations. The ombudsman issues recommendations, publishes reports on human rights, and serves as the chair of the Coordinating Council of the NPM.

The ombudsman did not have 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 the ombudsman may investigate complaints against individuals. The Ombudsman's Office has authority to appeal to the president, cabinet, or parliament to resolve citizens' complaints. The ombudsman cooperated with international human rights organizations and NGOs; met with government officials concerning human rights abuses; visited certain facilities, such as military units and prisons; and publicized the results of investigations. The Ombudsman's Office also published an annual human rights report. During the year the office occasionally briefed media and issued reports on complaints it had investigated.

Domestic human rights observers stated that the Ombudsman's Office and the human rights commission did not have the authority to stop human rights abuses or punish abusers. 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. The commission and ombudsman aided citizens with less controversial social problems and matters involving lower-level elements of the bureaucracy.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes sexual abuse and rape, and imposes penalties up to eight years of imprisonment, or life imprisonment if the crime was committed against a minor. There were reports of police and judicial reluctance to act on reports of rape, particularly in spousal rape cases. According to human rights defenders, fewer than 1 percent of rape complaints made it to court.

On February 9, a court in Almaty sentenced both a former prosecutor and a former manager of a local bank to eight years of imprisonment for committing a rape in 2019. Police initially refused to record the complaint when the victim first reported the crime but later officially registered the case due to her lawyer's persistence. Police resistance, procrastination, attempts to hush up the complainant, and other hurdles delayed the investigation. The victim faced pressure and intimidation from the assailants' relatives who tried to force her to



withdraw the complaint.

On August 10, a court in Almaty convicted former KNB captain Sabyrzhan Narynbayev for attempted rape and sentenced him to eight years of imprisonment. In September 2020 Narynbayev gave a ride to Aiya Umurzakova and on the way to her village he assaulted and beat her, tried to rape her, and threatened her life. Lawyers persuaded her to file a complaint with police. Before and during the court proceedings, Umurzakova reported pressure and threats from the assailant and his family and attempts to persuade her to drop the case by offering money. A fraud case was launched against her for allegedly taking money from the defendant to withdraw her complaint but afterwards refusing to do so. The court found Umurzakova not guilty of fraud.

NGOs estimated that more than 400 women died annually from spousal violence. The law specifies various types of domestic violence, such as physical, psychological, sexual, and economic violence. It outlines the responsibilities of local and national governments and NGOs in supporting victims of domestic violence. The law has mechanisms for issuing restraining orders and provides for administrative detention of alleged abusers for 24 hours. The law sets the maximum sentence for conviction of spousal assault and battery at 10 years in prison, the same as for assault. The law permits prohibiting offenders from living with the victim if the offender has alternatives. It allows victims of domestic violence to receive appropriate care regardless of the place of residence. The law replaces financial penalties with administrative arrest if having the perpetrator pay fines damages the victim's interests.

Research conducted by the Ministry of National Economy indicated that most victims of partner abuse never tell anyone of their abuse, due in part to social stigma. 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 conviction of domestic violence – an administrative offense with a maximum sentence of 15 days' imprisonment – did not deter even previously convicted offenders.

Police reported that the number of domestic violence offenses decreased 8 percent following a significant increase in 2020. The law was changed to shift the

responsibility to police for collecting evidence for these offenses; previously it was the responsibility of victims. Penalties were increased and reconciliation procedures were reformed.

The government maintained domestic violence shelters in each region. According to the Ministry of Internal Affairs, there were 49 crisis centers, 39 of which had shelters.

Activists criticized the government for failing to ensure that all persons in vulnerable situations were protected against domestic violence. Even when victims reported violence, activists stated police were reluctant to act. Police sometimes did not issue restraining orders to assailants and tried to dissuade the victim from filing a complaint, creating an environment of impunity for aggressors. According to the Ministry of Internal Affairs, reforms included a formal training for police and judges on domestic violence and a repeat-offender plan that increased the use of restraining orders and expanded penalties to include imprisonment.

**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 seven to 12 years for conviction of kidnapping. A person who voluntarily releases an abductee is absolved of criminal responsibility; consequently, a typical bride-kidnapper is not necessarily held criminally responsible. Law enforcement agencies often advised abductees to resolve their situations themselves. According to civil society organizations, making a complaint to police could be a very complex process and often subjected families and victims to humiliation.

**Sexual Harassment:** Sexual harassment remained a problem. No law protects women from sexual harassment, and only the use of force or taking advantage of a victim's physical helplessness during sexual assault carries criminal liability. There were no reports of any prosecutions. Victims of sexual harassment in the workplace were hesitant to file complaints due to shame or fear of job loss.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. There were no reports of

educational problems related to women's reproductive health and hygiene. Access to government-provided sexual and reproductive health services for sexual violence survivors was limited. Women were able to access emergency contraception as part of clinical rape management, but most women privately procured such treatment at their own expense to avoid state-run clinics' bureaucratic examination requirements.

**Discrimination:** The constitution and law provide for equal rights and freedoms for men and women. The law prohibits discrimination based on gender, but discrimination remained a problem. Significant salary gaps between men and women remained. 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 opportunities for education and employment, limited access to information, and discrimination in land rights and property rights.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution and law prohibit discrimination based on race or ethnic origin. Ethnic minorities, however, faced problems in various areas of life. Only three of the 23 cabinet members were not ethnic Kazakhs. Ethnic minorities were underrepresented in other government bodies as well. Human rights observers noted that ethnic minorities were not incorporated into the country's social and political mechanisms and their role was shrinking. Observers also noted that the government should – but did not – provide minorities equal participation in social life, equal access to government service, equal business opportunities, and most importantly, equal treatment before the law.

Trials continued in response to the February 2020 riots between ethnic Kazakh and ethnic Dungan residents in Qorday Province. On April 27, 51 persons were tried and charged with incitement to mass riots, extortion, robbery, murder, encroachment on the life of law enforcement officers, and “illegal acquisition, transfer, sale, storage, transportation, carrying weapons, ammunition, explosives and explosive devices.” Some 60 lawyers took part in the defense. The court convicted 19 individuals convicted of more serious charges and sentenced them to prison terms from five to 20 years. The court convicted 31 individuals of lesser charges and sentenced them to one year to five years' imprisonment, but the

sentences were suspended because they paid compensation for damages. One of the suspects was acquitted for lack of evidence.

In August 2020 the UN Committee on Elimination of Racial Discrimination reviewed information concerning the Qorday incident and requested that the government provide a response before October 2020 in order to: “conduct [an] effective, impartial and transparent investigation of the events”; ensure effective protection of the Dungan minority; provide reparation, including health and psychological support; and provide access by independent observers to the Qorday District. On April 30, the UN committee chair again requested a response. By year’s end there was no publicly released response from the government.

## **Children**

**Birth Registration:** Citizenship is derived by birth within the country’s territory and from one’s parents. The government registers all births upon receipt of the proper documentation, which may come from the parents, other interested persons, or the medical facility where the birth occurred. Children born to undocumented mothers without legal status or identification were denied birth certificates.

**Education:** Some children from migrant families, particularly undocumented migrants and stateless persons, could not enroll in school due to their lack of legal status.

**Child Abuse:** Child abuse was a serious problem. According to a survey, 40 percent of children in institutions and 18 percent of children attending regular schools stated they were subjected to physical abuse by adults. Children frequently faced abusive, cruel, and disparaging treatment in families, schools (particularly special schools for delinquent children), and boarding schools. The law provides for eight to 15 years in prison for individuals convicted of forcing boys or girls younger than age 18 to have sexual intercourse.

**Child, 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 UN Population Fund, approximately 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 problem.

**Sexual Exploitation of Children:** The law does not specify the minimum age for consensual sex. UNICEF reported that data on sexual abuse of children, child prostitution, child pornography, child trafficking, bride kidnapping, and forced marriage of girls remained 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 also retains administrative penalties for child pornography in addition to the criminal penalties. Perpetrators convicted of sexual offenses against minors received a lifetime ban on working with children.

**Displaced Children:** Human rights observers noted there were many street children, mainly in large cities. Street children were referred to centers for delinquent children or support centers for children in difficult life situations. Some were returned to their families. According to the 2019 *Report of the Committee for Protection of Children Rights of the Ministry of Education and Science*, there were 15 “adaptation” centers for delinquent children and 17 support centers for children in difficult life situations. More than 4,000 children were held in the adaptation centers, and more than 2,000 in the support centers.

**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 and other institutions suffered from abuse by teachers or other children. According to the Ministry of Education’s Committee for Protection of Children Rights, the number of orphans in orphanages decreased from 6,223 in 2017 to 4,606 by the end of 2020. The government continued its policy of closing orphanages and referring children to foster families and other forms of home care. Activists criticized the policy as lacking a clear plan for children’s deinstitutionalization, properly trained staff, infrastructure, and funds. Activists alleged that authorities focused on the closure of orphanages instead of working with families to prevent the placement of children in institutions. Activists also stated critical decisions on the removal of a child from its family and placement in

an institution were based on police reports, not social workers' reports.

**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 10,000 persons. 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, access to health care, and in the provision of other government services, but significant discrimination occurred. Human rights defenders were concerned regarding gaps in the country's legislation. The law does not give a clear definition of discrimination, making it impossible to protect the rights of persons with disabilities, particularly in instances of indirect discrimination. 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 poor. NGOs also noted ineffective implementation of some government disability programs, sometimes marred by corruption and a lack of trained staff.

Employment for persons with disabilities remained a problem. Activists noted that employers did not have sufficient incentives to hire persons with disabilities.

The law requires companies to set aside 3 percent of their jobs for persons with

disabilities; nevertheless, civil society reported that persons with disabilities faced difficulty integrating into society and finding employment.

Human rights observers noted multiple types of discrimination against persons with disabilities. Doctors discouraged women who use wheelchairs from having children. The management of prisoners with disabilities in detention facilities remained a serious problem.

There are no regulations regarding the rights of patients in mental hospitals. Human rights observers stated this situation 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 persons younger than age 18 with the permission of their families.

Members of the NPM may visit mental hospitals to monitor conditions. According to an NPM report, most mental hospitals required extensive renovations. Other observed problems included a shortage of personnel, unsatisfactory sanitary conditions, poor food supply, overcrowding, and lack of light and fresh air.

Education authorities reported that 55 percent of schools were equipped and staffed for inclusive education of children with specific needs. Independent observers alleged that the actual number of such schools was in fact lower. There were no statistics on the number of children with disabilities who attended preschool institutions. Of children with specific needs between ages seven and 18, 20% attended regular schools. The majority attended special education classes or were homeschooled. Some parents refused to send children with disabilities to school and viewed their education as unnecessary. Some children with Down syndrome were able to attend privately funded specialized education centers, but the centers had limited capacity, which resulted in waiting periods of up to a year and one-half.

## **HIV and AIDS Social Stigma**

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

free diagnosis and treatment to all citizens.

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

There were reports of anti-LGBTQI+ violence, but there were no government statistics on discrimination or violence based on sexual orientation or gender identity. The most frequent forms of abuse were verbal insults, harassment, interference in private life, and physical assaults. Activists reported that beating, extortion, and harassment of LGBTQI+ individuals were not uncommon, although typically unreported.

Prosecutions of anti-LGBTQI+ violence were rare. NGOs reported members of the LGBTQI+ community seldom turned to law enforcement agencies to report violence against them because they feared hostility, ridicule, and further 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 regarding employment.

On May 29 and July 29, training events related to LGBTQI+ rights conducted by the NGO Feminita were disrupted by aggressive groups of men in Shymkent and Karaganda, respectively. In both cases police removed the activists from their rented private meeting space, ostensibly to protect them from further violence. Feminita posted a video on social media of police pulling one Feminita member by the hair into an unmarked police car in Shymkent. In both cases Feminita activists reported that police treated them not as victims but as criminal suspects. No members of the mob that disrupted the training sessions were arrested or charged in either city.

Human rights activists reported that the COVID-19 pandemic situation also impacted LGBTQI+ communities negatively. At home more often due to public health restrictions, LGBTQI+ persons often endured stress and abuse from family members who disapproved of their status. Transgender persons were vulnerable to abuse during security checks by police patrols due to their lack of appropriate identification. Transgender persons were among the first whom employers dismissed from jobs because they often worked without official contracts. Due to



their lack of appropriate documentation and contracts, transgender persons were often not eligible for relief programs offered by the government to support needy individuals.

Although a process for gender reassignment exists, the law requires a transgender person to fulfill psychiatric and physical requirements (such as undergoing gender reassignment surgery) 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. The law includes behavioral disorders as reasons for denial of gender reassignment, which expanded the categories of persons who could be denied such treatments.

## **Section 7. Worker Rights**

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

The law provides for workers' rights to form and join unions, but it imposes restrictions, such as a requirement that registered unions be represented in at least half of the country's regions.

The government exercised considerable influence on organized labor and favored state-affiliated unions over independent ones. The Federation of Trade Unions of the Republic of Kazakhstan (FTUK) is the largest national trade union association, with approximately 90 percent of union members on its rolls. In 2018 the International Trade Union Confederation suspended the membership of the FTUK due to a lack of independence.

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 breaking these provisions include fines and imprisonment of up to 75 days, commensurate with penalties of other laws involving denials of civil rights. According to the FTUK, as of January, 15,915 companies had collective bargaining agreements; 1.5 million workers, or 90.2 percent of FTUK members, labored with collective bargaining agreements in 2020. The number of collective agreements countrywide increased 19.1 percent from

120,200 in 2019 to 143,571 in 2020, the latest available data.

The country's three national-level labor unions include the FTUK, with more than 1.6 million members, Commonwealth of Trade Unions of Kazakhstan (Amanat) with 300,000 members, and Kazakhstan Confederation of Labor (KCL) with up to 800,000 members. On February 5, the Specialized Interdistrict Economic Court in Shymkent suspended the independent Fuel and Energy Workers Union for six months after finding the union's original registration was "improper," as it did not have representation in at least half of the country's regions. The union remained unregistered as of the end of the year. The geographical representation requirement often prevented the registration and operation of independent unions.

The law provides in principle for the right to strike but imposes onerous restrictions that make strikes unlikely. By law there is a variety of circumstances in which strikes are illegal. Workers may not strike unless a labor dispute is unresolvable 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.

In June, Amanat chairman Andrey Prigor reported that all strikes tend to be spontaneous because a reconciliation commission may take months to initiate the strike in accordance with the law. The extensive legal requirements and delays gave employers time to pressure or even fire activists.

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 railways, transport, communications, civil aviation, health care, and public utilities may strike if they maintain minimum services to the public. Employers may fire striking workers after a court declares a strike illegal. The government may file criminal charges against labor organizers for calls to participate in strikes declared illegal by the court. Officials are suspected of inflicting violence in response to supposedly unlawful attempts to associate.

Disagreements between unions and their employers must be presented to a tripartite commission for arbitration if the disagreement cannot be settled between the employer and the union. The commission is 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 collective agreements governing most aspects of labor relations.

In May 2020 the FTUK, Amanat, and KCL established a working group to draft the general agreement for labor relations for 2021-23. They recommended that the government and employers increase the minimum wage, change the minimum subsistence allowance, establish a minimum basket of consumer goods, and negotiate on other social matters.

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 residing in the country were not exempt from the laws regulating union participation.

Restrictions on independent unions, government interference in union affairs, and gaps in the law demonstrated a lack of respect for freedom of association.

## **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 sentence or a condition of a state of emergency or martial law. Penalties were commensurate with those for analogous crimes, such as kidnapping.

The law provides for the punishment of convicted traffickers and those who facilitated forced exploitation and trafficking, including labor recruiters who hired workers through deliberately fraudulent or deceptive offers with the intent to subject workers to forced labor, and employers or labor agents who confiscated passports or travel documents to keep workers in a state of involuntary servitude. The Ministry of Labor and Social Protection is responsible for regulating migrant labor. The ministry verifies employer compliance by conducting checks of

employers to reveal labor law violations, including provisions related to exploitation of foreign workers. Labor inspectors report suspected trafficking or forced labor to the Ministry of Internal Affairs or the local police. The Ministry of Internal Affairs is responsible for formally identifying victims of forced labor and sexual exploitation and initiating criminal proceedings against perpetrators.

In 2019 the president signed a revised moratorium on government inspections for 2020-23 that reduced previous restrictions on labor inspectors. The moratorium allows inspections of medium and large businesses. In addition inspectors' job descriptions include the responsibility for reporting potential labor trafficking cases to law enforcement agencies. Indicators for the identification of forced labor are part of their inspectors' checklists.

The Ministry of Internal Affairs is responsible for identifying victims of forced labor and sexual exploitation and initiating criminal proceedings. The Ministry of Labor and Social Protection is responsible for handling migrant labor. Compared with previous years, the Ministry of Internal Affairs generally enforced laws to identify foreign and domestic victims of labor trafficking. Authorities identified 17 foreign victims in 2020, compared with three victims in 2019. Police conducted interagency operations to find victims of forced labor. Identification of forced labor victims increased from 40 victims identified in 2019 to 88 victims identified in 2020, of whom 67 were victims of sexual exploitation, and 21 were victims of labor exploitation, including four domestic and 17 foreign victims.

In 2020 police investigated 72 criminal cases of human trafficking, and courts convicted 11 traffickers, including eight for sexual exploitation and three for labor trafficking crimes, marking the first time in three years the government obtained forced labor convictions. During the first nine months of the year, police opened 31 criminal cases, including six trafficking-in-persons cases, 11 trafficking-in-minors cases, one case of kidnapping for the purpose of exploitation, three cases of illegal deprivation of freedom for the purpose of exploitation, four cases of engagement of minors into prostitution, and six cases of engagement of a person into prostitution.

Migrant workers were considered most at risk for forced or compulsory labor. According to the International Organization for Migration, on average 1.2 million

migrant laborers register in the country every year, including seasonal workers. In 2019, according to the Ministry of Internal Affairs, 1.6 million persons were registered as migrants in the country. The majority of migrant workers came from Uzbekistan, with lesser numbers from Tajikistan and Kyrgyzstan. Migrant workers worked primarily in agriculture and construction. Some migrant workers suffered difficult working conditions, with long hours and withheld wages.

Throughout the COVID-19 pandemic, the government assisted migrants in maintaining their legal status and in returning to their home countries. The government coordinated with the governments of the other Central Asian countries and local NGOs to open border crossings and facilitate the safe return of labor migrants to their home countries, including those transiting from Russia.

In 2020 parliament ratified the Agreement Between the Governments of Kazakhstan and Uzbekistan on Employment and Protection of Migrant Worker Nationals of Uzbekistan in Kazakhstan and Protection of Migrant Worker Nationals of Kazakhstan in Uzbekistan. The agreement strengthens regulation of migration flows and efforts to prevent forced labor by facilitating migrants' access to government services and providing for mutual recognition of educational qualifications.

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 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 existed in the legal framework to protect children adequately from the worst forms of child labor. Prohibitions against the worst forms of child labor are prosecuted as criminal offenses. Conviction of crimes involving the worst forms of child labor, such as violations of the minimum age employment in hazardous work, engaging minors in pornographic shows or production of materials containing pornographic images of

minors, coercion of minors into commercial sexual exploitation, kidnapping or illegal deprivation of the freedom of a minor for the purpose of exploitation, and trafficking in minors, are punishable by penalties that are commensurate with those for analogous crimes such as kidnapping. 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 noncriminal punishments for violations that do not include the worst forms of child labor, 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 and suspension of the employer's license. Untimely or incorrect payment of salaries, failing to provide vacation or time off, excessive work hours, and discrimination in the workplace are also punishable by fines. The Ministry of Labor and Social Protection was responsible for enforcement of child labor law and for administrative offenses punishable by fines.

The government did not consistently enforce the law. Instances of work by children below the country's minimum age of employment were reported in agriculture, including producing vegetables, weeding, and collecting worms; 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 were categorized as the worst forms of child labor. The majority of such situations occurred on family farms or in family businesses.

In the first six months of the year, police identified 11 cases of trafficking in minors and four cases of engagement of minors into commercial sexual exploitation.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](http://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 [www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods](http://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

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

Laws 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 sexual orientation, gender identity, HIV-positive status, or having other communicable diseases. Transgender individuals are effectively barred from working in law enforcement or serving in the military. The law prohibits persons with specific, listed medical conditions or diseases from working in law enforcement agencies or serving in the military.

The government did not effectively enforce the law and regulations on discrimination. NGOs reported no government body assumed responsibility for implementing antidiscrimination legislation. Most discrimination violations are an administrative offense punishable by a fine that is not commensurate with those for similar violations. Cases such as illegal termination of labor contracts due to pregnancy, disability, or minority status are considered criminal offenses and are punishable by penalties that are commensurate with violations related to civil rights, such as election interference.

Discrimination occurred with respect to employment and occupation for persons with disabilities, transgender persons, orphans, and former convicts. Transgender persons experienced workplace discrimination and were repeatedly fired for their gender identity. Disability NGOs reported that obtaining employment was difficult for persons with disabilities. The law does not require equal pay for equal work for women and men.

On October 12, the president signed into law amendments that removed prohibitions on women from performing work in difficult, harmful, and hazardous working conditions. The list previously had prohibited women from working in 213 professions and jobs.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national monthly minimum wage was above the

poverty line. Every region estimated its own poverty line. The law stipulates the normal workweek should not exceed 40 hours. It limits heavy manual labor or hazardous work to 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 any 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. By law employees are entitled to 24 days of paid annual leave per year.

During the summer multiple strikes took place in the oil services sector in Mangystau Region regarding wage discrepancies among direct employees of oil companies, prime contractors, and subcontractors. The strikes followed changes made in December 2020 to the contract of the state-owned oil company KazMunaiGaz that stated contracted employees' wages should not be lower than the wages of the host company's employees with similar job responsibilities and qualifications. In September, KazMunaiGaz CEO Alike Aidarbayev stated subcontractors misinterpreted the changes, which do not apply to all subcontracted companies.

**Occupational Safety and Health:** The government set occupational health and safety standards that were appropriate to the main industries. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers of any harmful or dangerous work conditions or the possibility of any occupational disease. Occupational safety and health standards were set and conditions were inspected by government experts. The law specifically grants workers the right to remove themselves from situations that endanger their health or safety without suffering adverse employment action. In June the government approved the *Occupational Health and Safety Action Plan*, effective until 2025. The plan aims to achieve a 10 percent reduction of industrial injuries and a 20 percent decrease in the number of workers laboring in hazardous conditions.

In some regions doctors complained of a shortage of medical equipment, test kits, and health specialists in rural hospitals. A doctor from Jambyl Province reportedly stated she was the only infectious disease specialist on hand to deal with COVID-19 patients at the main hospital in the Merki District, which has an estimated



85,000 inhabitants.

The Ministry of Labor and Social Protection enforced standards for minimum wages, workhour restrictions, overtime, and occupational safety and health. By law 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, except in cases where the inspection is conducted based on a request from law enforcement authorities or a complaint related to certain extreme health and safety hazards. From January to June, inspectors conducted 1,900 inspections and detected 3,000 violations of the law. An FTUK analysis concluded that violations centered on wage arrears or delays, illegal or forced layoffs, labor safety, violations of collective agreements, unequal payments, work conditions of local and foreign workers, and incorrect indexation of wages. The absence of local labor unions contributed to some of these violations.

The law provides for 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 three years. In the opinion of labor rights activists, the practice may worsen labor conditions and conceal problems.

By law any enterprise or company may form a production council to address labor safety problems between representatives of an employer and employees. These councils are eligible to assign technical labor inspectors to conduct their own inspections of the employees' work conditions, and their resolutions are mandatory for both employers and employees. In April there were 15,575 production councils and 17,595 volunteer labor inspectors, according to the government.

The government did not consistently enforce the law. Violations of law are considered administrative offenses, not criminal ones, and penalties for violations of minimum wage and overtime law were not commensurate with crimes such as fraud. For example a minimal punishment for conviction of fraud is a substantial fine or imprisonment for up to two years, while violations of wage or overtime payment provisions result in fines. Penalties for violations of occupational health and safety law were also not commensurate with crimes such as negligence. There were reports some employers ignored regulations concerning occupational health

and safety.

Regarding workplace injuries, 520 workers in the processing sector were injured, 349 employees in mining were injured, and 229 workers in the construction sector sustained injuries. The highest number of fatalities – 54 workers – was recorded in the construction sector, followed by 39 fatalities in the processing sector and 24 fatalities in mining. 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. Experts also cited low qualifications of workers, a deficit of qualified safety engineers, and corruption in the companies as other leading reasons for occupational accidents. 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 2020, 23 percent of employees worked in hazardous conditions.

According to the FTUK, in 78 percent of fatal accidents in 2020, employers were blamed for violating occupational health and safety regulations. Some companies tried to avoid payments to injured workers. Companies may refuse to compensate workers for nonfatal industrial injuries if the worker did not comply with labor safety requirements.

In August the Karaganda Labor Inspection Department found liable the management of steel producer ArcelorMittal Temirtau (AMT) for a May 26 accident in which two crane operators sustained severe burns after a cast iron ladle fell during crane lifting operations, spilling its contents onto the two operators. The Karaganda Labor Inspection Department assigned 100 percent of the blame for the accident to AMT for unsatisfactory organization of labor and use of broken equipment.

**Informal Sector:** The government reported in 2020 that 1.22 million citizens of the country's workforce of nine million persons worked in the informal economy. Government statistics defined the informally employed as those who were not registered as either employed or unemployed. The government also categorized those individuals who were self-paid or self-employed as working 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 sector. Informal 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 worked without health, social, or pension benefits, and did not pay into the social security system.