

Kazakhstan 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Kazakhstan during the year.

Significant human rights issues included credible reports of: torture and cruel, inhuman, or degrading treatment by the government; harsh and life-threatening prison and detention conditions; arbitrary arrest and detention; serious problems with the independence of the judiciary; political prisoners and detainees; transnational repression against individuals in another country; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; extensive gender-based violence; crimes involving threats of violence targeting lesbian, gay, bisexual, transgender, queer, or

intersex persons; significant or systematic restrictions on workers' freedom of association; and the existence of the worst forms of child labor.

The government took some credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

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

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

In 2022, the government stated 238 persons had been killed in connection with nationwide unrest in January, including at least six deaths due to torture in detention. Human rights organizations estimated the number of civilian deaths to be higher, possibly up to 260. Investigations and trials related to these reported human rights violations continued during the year. On June 7, seven law enforcement officials in Almaty city received prison sentences in connection with the reported death by torture of Zhasulan Anafiyaev, and two police officers in Taldykorgan received prison sentences on July 20 in connection with the reported death by torture of Almas Mukashev. A Semey city court on August 23 convicted but did not require prison time to be served by two officers accused in the reported death by

torture of Zhandos Zhotabayev. Media reported at least three additional security service officers received prison sentences for “abuse of power” under charges of shooting and killing civilians.

In December 2021, Nurbolat Zhumabayev died in police custody in Shymkent after police arrested him for suspected carjacking. On June 30, the Shymkent city court announced sentences between two and seven and a half years’ for four police officers charged with abuse of power and use of torture that resulted in the death of the victim.

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, and Other Related Abuses

The law prohibited such practices, but there were credible reports that government officials employed them. 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 reported torture was particularly prominent in pretrial facilities, including interrogation rooms, where security personnel sometimes beat and otherwise abused detainees to extract confessions. Torture cases were most commonly connected with representatives of law enforcement and national security services, according to human rights observers.

In 2022, the domestic nongovernmental organization (NGO) Coalition Against Torture reported it received 188 complaints of torture during the January 2022 unrest, when amid an apparent internal elite conflict, criminal elements incited initially peaceful protests into violent attacks against government sites and personnel, resulting in over 200 deaths. There were reports of torture and mistreatment of children, while the Office of the Human Rights Ombudsman reported it received 110 complaints of torture and inhuman treatment. Human rights defenders stated the true number of torture cases was much higher, as most cases probably went unreported. According to information submitted by the government to the UN Committee Against Torture, the government opened 329 criminal cases of torture related to January events, of which 236 were closed. According to media and official data, at least nine security service officers received prison sentences in connection with torture and abuse not leading to the death of civilians. This included five former officers accused of torturing 23 victims with a hot clothing iron in Taldykorgan, and three officers accused of torturing Almaty resident Timur Radchenko. Human rights activists and media articles stated that many victims of torture and abuse connected with

the January 2022 events did not report their cases due to fear of persecution by the government.

Investigations of torture cases were not transparent and did not involve international bodies, despite repeated calls for transparency from NGOs and the international community. Human rights defenders reported identifiable suspects in some torture cases were not charged, despite availability of witnesses and evidence. Human rights defenders further reported that prison sentences for security service officials were disproportionately light in comparison with those of civilians convicted of organizing riots and other crimes connected with January 2022 events.

In August, the Office of the Human Rights Ombudsman announced it received 138 torture complaints and 221 inhuman treatment complaints in the first half of the year. The announcement did not include information on the number of investigations opened. In November, the Prosecutor General's Office announced it had opened criminal cases against 40 law enforcement officers who committed torture against 107 citizens, including 12 convictions at the time of the announcement. In December, an Almaty court sentenced 11 officers in a January 2022 torture case; seven of the former officers were sentenced to three to five years' imprisonment on charges of torturing more than 40 people.

Prison and Detention Center Conditions

Observers reported that prison conditions generally remained harsh and that facilities did not meet international health standards. Health problems among prisoners went untreated in many cases, or prison conditions exacerbated them.

Abusive Physical Conditions: The Public Monitoring Commissions (quasi-independent bodies that carried out monitoring of prison conditions) and the National Preventive Mechanism against Torture (NPM) reported overcrowding, outdated facilities in need of demolition or major repair, lack of appropriate heating or cooling, lack of funding for appropriate nutrition, poor health and sanitary conditions and poor medical services, including for prisoners suffering from HIV, AIDS, and diabetes. Some facilities were not accessible for persons with disabilities. The NPM also reported discrimination against prisoners in vulnerable groups, including prisoners with disabilities and prisoners with HIV or AIDS, and some instances in which prison officials targeted members of the lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) community for harassment.

On September 4, local media widely published video footage of a group of prison guards in an Akmola Region penal colony restraining and beating Timur Danebayev, an activist included in the civil society expert-vetted Tirek list of political prisoners, after a disagreement over bathroom cleaning.

Danebayev was transferred out of the facility and was in a pretrial detention

facility in Astana as of October 13. Media reported 11 staff members from the penal colony were fired.

Administration: Human rights observers reported authorities sometimes conducted proper investigations into allegations of mistreatment, but in many cases did not respond to or hold prison staff accountable for complaints of abuse or torture. NPM members reported many prisoners did not have access to a secure channel for submission of complaints. In addition, human rights experts reported local prosecutor general's offices responsible for investigating abuse and torture complaints sometimes exploited bureaucratic loopholes to avoid investigating them. Public Monitoring Commission members reported administrators sometimes followed up on recommendations to improve physical conditions but were limited by budgetary considerations.

Independent Monitoring: There were no independent international monitors of prisons. The Public Monitoring Commissions and NPM, which were staffed on a volunteer basis and included members of civil society, conducted scheduled monitoring visits to prisons and places of detention. Human rights advocates, however, stated that funding and administrative limitations prevented these bodies from acting as an effective deterrent to torture. Specific issues included mandatory prenotification of visits, which gave prison administrators opportunity to hide evidence of abuses; requirements to obtain permission from the Human Rights Ombudsman's

Office to conduct extraordinary visits when NPMs received specific torture complaints, which limited the NPM's ability to conduct independent monitoring; low staffing, which made it impossible for NPMs to provide the majority of prisoners and detainees with opportunities for confidential conversations; lack of training for NPM members, including on how to monitor for signs of torture and abuse; and low funding levels. Human rights defenders noted the Ombudsman's Office introduced new confidentiality requirements for NPM members, thereby reducing the utility of the NPM in calling public attention to abuses.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements.

Human rights observers reported arbitrary arrests of political opponents and activists continued throughout the year.

Arrest Procedures and Treatment of Detainees

The duration of preliminary detention could 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 child, and others. The court could choose other forms of restraint, including house arrest or

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

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

The law allowed conditional release on bail, although use of bail procedures was limited. Prolonged pretrial detention remained commonplace. Bail was not available to suspects of grave crimes, crimes that led to death, organized crime, terrorist or extremist crimes, or in situations where there was 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 had the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. The law obliged 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 required a government-provided attorney when the suspect was indigent, was a child, had physical or mental disabilities, or faced serious criminal charges. Public defenders often lacked the necessary experience and training to assist defendants. Defendants were barred from freely choosing their defense counsel if the case against them involved state secrets.

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 protests and some pedestrians walking near protest sites.

The law granted 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 did not provide for an independent judiciary, and both the executive and judicial branches limited judicial independence in practice. Freedom House's *Nations in Transit 2023* report stated that the judiciary was effectively subservient to the executive branch, with the president

nominating or directly appointing judges based on the recommendation of the Supreme Judicial Council, which was itself appointed by the president. Attorneys were required to become members of a state chamber and to register with a government-controlled digital information system, a law criticized by local and international lawyers' associations as imposing undue state control over legal professionals and threatening their independence. In 2022, evaluators from the Group of European States Against Corruption noted the president heavily influenced key appointments in the judiciary, prosecution, specialized anti-corruption bodies, and law enforcement. 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.

Trial Procedures

The law provided for the right to a fair trial. Trials were generally public except in instances that could compromise state secrets or when necessary to protect the private life or personal family concerns of a citizen. In some cases, human rights experts stated trials were closed to prevent demonstrations of support for political prisoners or detainees.

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 had no mechanism for holding judges

liable for such actions. Activists criticized juries for a bias towards the prosecution because of the pressure that judges applied on jurors, experts, and witnesses.

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.

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 defendants' allegations that officials obtained confessions through torture or duress.

Political Prisoners and Detainees

There were several reports of political prisoners and detainees. The government denied the existence of political prisoners. The civil society alliance Tired maintained a list of more than 20 individuals it considered detained or imprisoned based on politically motivated charges for most of the year. As of early December, the list included 23 individuals. All were reported to be peaceful activists, journalists, protesters, or political figures. Individuals on the Tired list during the year included, among others, members of the “group of seven” activists accused of organizing “mass riots” related to November 2022 presidential elections; activists accused of association with the banned Democratic Choice of Kazakhstan or Koshe party; anti-corruption and human rights activists, journalists, and one individual convicted of “inciting hatred” after he filed a police complaint accusing President Tokayev of spreading false information with claims that 20,000 terrorists were involved in January 2022 nationwide unrest. On November 21, a court sentenced Nurzhan Altayev, leader of the unregistered El Tiredi political party, to 10 years’ imprisonment on charges of receiving bribes. On November 29, a court sentenced Marat Zhylanbayev, leader of the unregistered Alga, Kazakhstan political party to seven years’ imprisonment on charges of “financing an extremism” organization and participating in a “banned organization” based on alleged ties to Democratic Choice of Kazakhstan. Human rights defenders considered both

unregistered party leaders to be political prisoners.

On April 10, leader of the unregistered Democratic Party of Kazakhstan Zhanbolat Mamai, previously under house arrest, was sentenced to six years' probation on accusation of "organizing mass riots" during the January events of 2022. He was banned from engaging in social and political activities, journalism, publicism, and participating in the work of public associations for six years.

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

f. Transnational Repression

The government engaged in acts of transnational repression to intimidate or exact reprisal against individuals outside the country.

Threats, Harassment, Surveillance, and Coercion: On February 7, the Atyrau Regional Court upheld a five-year imprisonment sentence on charges of nonpayment of taxes, money laundering, and participation in an organized criminal group against Bekizhan Mendygaziyev. Human rights defenders alleged that authorities selectively prosecuted Bekizhan and other family members and former colleagues of outspoken opposition supporter and activist Barlyk Mendygaziyev, a brother of Bekizhan, who lived in the United States, to force Barlyk Mendygaziyev to stop his political activities.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions, but there were reports that the government failed to respect these prohibitions.

There were reports that government authorities arbitrarily, unlawfully, or without appropriate legal authority entered homes; accessed, collected, or used private communications or personal data; used technologies and practices including facial recognition; employed informer systems; and punished family members for offenses allegedly committed by relatives. Human rights defenders, activists, and their family members continued to report the government sometimes monitored their movements contrary to international norms, including in the case of persons associated with advocacy, free speech, or association related to LGBTQI+ rights.

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

On September 20, the State Revenue Committee published a list of 240 entities and individuals receiving foreign funding. Civil rights experts noted the registry included many nongovernment employees' names and

individual identification numbers, unique identifiers used to open bank accounts, pay taxes, purchase property, and other activities. Nongovernment experts stated this was a violation of privacy regulations.

Section 2. Respect for Civil Liberties

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

While the constitution provided for freedom of speech and of the press, the government limited freedom of expression and exerted influence on media through detention, imprisonment, criminal and administrative charges, restrictive laws, harassment, licensing regulations, and internet restrictions, among other means. Human rights monitors and independent media outlets reported less harassment by government actors than in some years but an increased amount of harassment and intimidation by unidentified nonstate actors.

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 prohibited insulting the sitting president or his family and imposed penalties of up to five years' imprisonment for conviction.

Independent media were 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.

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. Government-owned media outlets reported significant restrictions on topics they were able to cover, including on criticism of the government, relations with the Russia and China, religion, and human rights. Symbolic expression including Ukrainian flags, Pride flags, and political slogans, signs or buttons were legally allowed but restricted in practice.

Violence and Harassment: Civil society experts reported several harassment cases against independent journalists by unknown perpetrators in January. On January 10, media reported unknown attackers vandalized the offices of publication *Elmedia.kz*. On January 14, journalist Dina Yegeubaeva reported unknown attackers set fire to her car. On January 18, representatives of independent media website *UlysMedia* reported unknown hackers deleted content from their website and distributed copies of editor in chief Samal Ibraeva's passport, family photographs, and information regarding her minor-age children online. On January 19, media

reported unknown actors applied polyurethane foam and left graffiti on the door of journalist Vadim Boreiko.

The government opened a case against businessman Arkady Manevich-Klebanov for organizing the incidents and for his alleged role in organizing harassment incidents in 2022, including additional cases of *Elmedia* office vandalism and a case in which unknown individuals mailed a pig's head to Orda.kz editor in chief Gulnara Bazhkenova. On November 1, a court ordered mandatory treatment for chronic mental illness, deeming Manevich-Klebanov to have been in a state of insanity when the incidents occurred. In late November, a court ordered a 4.5-year suspended sentence for Oleksiy Tokarev, a Ukrainian hacker, and 1.5-year suspended sentences for four minors on charges related to the incidents. Several human rights and media figures reported they believed the convicted individuals were not responsible for the attacks and were used as cover for the actual instigators.

Media reported unidentified men forcibly removed journalist Diana Saparkyzy from a mine in Karaganda on August 17, while she was attempting to report on the deaths of miners during a fire. Saparkyzy reported the men took her cell phone when she filmed them and attempted to delete her video footage, which she was subsequently able to restore. Police did not open a criminal investigation into the incident.

On March 27, media reported the Almaty military garrison court gave anti-corruption journalist Mikhail Kazachkov a suspended sentence of 3.5 years'

imprisonment following charges of releasing state secrets and helping a criminal group carry out illegal hostile business takeovers. According to public reports, Kazachkov's lawyer described his offense as "a professional mistake in preparing investigative journalism" and noted charges of aiding and abetting raiding were dropped. Experts on local media condemned Kazachkov's 2022 arrest as politically motivated.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists and media outlets exercised self-censorship to avoid pressure by the government.

The law prohibited undermining state security or advocating class, social, racial/ethnic, national, or religious discord, enabling the government to restrict media content. Owners, editors, distributors, and journalists could be held civilly and criminally responsible for content unless it came from an official source.

The law provided 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 could censor media sources by requiring media to provide, for government approval, print, audio, and video information 24 hours before publication or broadcast.

Political parties and public associations could be suspended or closed if they obstructed the efforts of security forces. Regulations also allowed 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, were classified as forms of mass media and were 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.

On July 10, President Tokayev signed a new law “On Online Platforms and Online Advertising” regarding rights and obligations of owners of online platforms and users, as well as requirements for online advertising.

According to the law, online platforms included social networks, instant messengers, blogs, video hosting and other platforms receiving an average daily user population of at least 100,000 within one month. The law required owners of online platforms to act to counter the spread of illegal content in the country, post publicly available information on the average monthly number of users in the country over the last six months of operation of the online platform and suspend the activities of accounts in the country that posted and distributed illegal content, or information recognized as cyberbullying in relation to a child, based on an order from the authorized body.

In May, media reported journalist Duman Mukhametkarim was placed

under a 25-day administrative arrest on charges of participation in unsanctioned public gatherings. In June, Mukhametkarim was charged with “financing extremism” and “participation in an extremist organization banned by the court.” Human rights defenders asserted this charge was politically motivated in connection with the journalist’s outspoken criticism of the government, as well as his choice to run as an independent candidate in March parliamentary elections. His case was pending as of October.

Radio Azattyq, a local affiliate of Radio Free Europe/Radio Liberty, reported the government approved only six of more than 30 journalist accreditation applications filed since October 2022, and reduced the period of accreditation to one year from its previous two-year standard. Journalists believed this reduction in registrations was politically motivated, based on Radio Azattyq’s critical reporting on the government.

In September, organizers of the Zhana Shekara film festival dedicated to the culture, history, and human rights violations in East Turkestan (known in Chinese as Xinjiang) reported they were forced to hold their event in online format after government security services pressured their venue into refusing to hold the event.

Multiple independent journalists and bloggers alleged the government employed bot farms to file false complaints with social media companies against their pages due to their criticism of the government, leading to temporary and in some cases permanent shutdowns of their public

platforms.

Libel/Slander Laws: There was no criminal liability for libel and slander, but the law imposed serious punishment for conviction of libel under the administrative code. Several articles in the law could also be applied against individuals insulting government officials, particularly 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 on investigation of corruption cases.

The law included 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 reported government officials used these provisions to restrict investigative journalism.

Media reported Shymkent-based anti-corruption journalist Amangeldy Batyrbekov, editor of the *Saryagash-inform* newspaper, was placed under 20-day administrative arrest in July and again in October based on charges of libel from local government officials whom Batyrbekov accused of involvement in corruption schemes. Batyrbekov stated the charges were politically motivated. Media freedom organization Adil Soz accused local authorities of arresting Batyrbekov illegally.

National Security: The law criminalized 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 president and his family.

The law prohibited “influencing public and individual consciousness to the detriment of national security through deliberate distortion and spreading of unreliable information.” The law also prohibited publication of any statement that promoted or glorified “extremism” or “incited discord.” Legal and human rights experts noted the terms “unreliable information” and “extremism” were overly broad, and used in practice to persecute political opponents, activists and journalists, and peaceful religious believers.

On August 21, media reported the Supreme Court had rejected the complaint of activist Yerulan Amirov, sentenced in 2022 to seven years in prison under articles on “propaganda of terrorism” and “participation in the activities of a banned organization.” Human rights activists reported Amirov had been subject to government harassment since 2020 based on his participation in peaceful protests, including advocating financial and debt relief support to citizens.

Internet Freedom

The government exercised comprehensive control over online content. Observers reported the government blocked or slowed access to opposition websites, as well as some news sites from neighboring countries and Change.org. Freedom House reported that the government throttled access to the internet during local protests. 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 prohibited citizens from leaving anonymous comments on media outlet websites. Websites had to register all online commenters and make the registration information available to law enforcement agencies on request. As a result, most online media outlets did not host public comment platforms.

The Ministry of Digital Development, Innovations, and Aerospace Industry controlled the registration of the country's (.kz) internet domains. Authorities could 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 mandated surveillance cameras in all internet cafes, required visitors to present identification to use the internet, demanded internet cafes keep a log of visited websites, and authorized law enforcement officials to access the names and internet histories of users.

In several cases, the government denied it was behind the blocking of websites. Some bloggers reported anecdotally that their sites were periodically inaccessible, as did the publishers of some independent news sites.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law provided for some freedom of peaceful assembly, but the government did not respect it. Organizers had to submit advance notification to the local government. In practice the government used bureaucratic technicalities to deny many applications related to political or socially controversial topics. The law stated all gatherings except single-person pickets could only be held in areas designated by authorities, and persons holding single-person pickets were sometimes fined or harassed.

Spontaneous gatherings were banned, and foreigners and stateless persons were denied the right to peaceful assembly.

Freedom of Association

The law provided for limited freedom of association, but there were significant restrictions on this right. Any public organization set up by citizens, including religious groups, had to be registered with the Ministry of Justice as well as with the local departments of justice in every region in which the organization conducted activities. The law required public or religious associations to define their specific activities, and any association that acted outside the scope of its charter could be warned, fined, suspended, or banned. Participation in unregistered public organizations could result in administrative or criminal penalties, such as fines, imprisonment, the closure of an organization, or suspension of its activities. Activists and civil society members reported the government or persons loyal to the government sent individuals to join independent organizations and report on or undermine projects.

NGOs reported some difficulty in registering public associations working on politically or socially sensitive topics, for example LGBTQI+ rights. According to government information, these difficulties were due to discrepancies in the submitted documents (see section 5).

Membership organizations other than religious groups, which were covered

under separate legislation, had to have at least 10 members to register at the local level and had to 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” were 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” could 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, was an administrative offense and could carry moderate fines or suspension for three months if the infraction was not rectified or was repeated within one year. In extreme cases criminal penalties were possible, which could lead to a large fine and suspension or closure of the organization.

The law prohibited 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 leader of the organization committed the interference, the fine could be slightly increased, or the imprisonment could be for up to 50 days. The law did not clearly define “illegal interference.”

The law established broad reporting requirements concerning the receipt

and expenditure of foreign funds or assets. It required labeling all publications produced with support from foreign funds. The law set 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.

On September 20, the State Revenue Committee published a registry of 240 entities that received foreign funding or support and engaged in collection of sociological data, provision of legal assistance, or production and distribution of information. Experts on freedom of association stated the list was discriminatory and designed to highlight organizations that criticized the government, noting the registry did not include government-affiliated entities or individuals that received foreign grants or China- and Russia-affiliated news outlets. Some nongovernment organizations included in the list reported increased scrutiny of their activities from local authorities following its publication.

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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Some citizens were prohibited from leaving the country in connection with refusal to pay fines connected to their religious activities.

e. 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 refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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

According to UNHCR, the refugee system fell short of the international standard regarding access to asylum procedures and access to the country's territory. Experts noted refugees were granted the status of "temporarily residing aliens" and had to renew this status on an annual basis. Human rights observers reported authorities were reluctant to approve asylum applications for citizens of countries including Russia, China, and Uzbekistan.

Contrary to commitments under the 1951 Convention Relating to the Status of Refugees, a person who crossed the border illegally to escape persecution could be prosecuted for this in criminal court, and subsequently could be viewed as a person with criminal potential, a negative factor in the asylum decision.

According to UNHCR data, as of June, there were 979 refugees and asylum seekers in the country.

The law did not provide for differentiated procedures for persons with specific needs, such as separated children and persons with disabilities. There were no guidelines for handling sensitive cases, including LGBTQI+ cases.

The government had an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other.

Refoulement: In December 2022, the government deported to Russia former Russian presidential guard officer Mikhail Zhilin, who according to public reports, applied for and was denied asylum in Kazakhstan. Human rights experts assessed this to be a case of refoulement, insofar as Zhilin was a conscientious objector to military service following Russia's renewed invasion of Ukraine.

Employment: Refugees faced difficulties in gaining employment and social assistance from the government. By law refugees had the right to work but

could not engage in individual entrepreneurship. Refugees faced difficulties in accessing the labor market due to their annual reapplication requirement for status as “temporarily residing aliens,” as well as local employers’ lack of awareness of refugee rights, with the result that most refugees worked in 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 lacked 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. Refugees and asylum seekers were ineligible for public allowances, such as disability and survivors’ benefits, childbirth benefits, care allowances, and benefits for raising a child with disabilities; could not contribute to pension funds; and received minimal access to medical care.

Stateless persons, asylum seekers, and foreigners temporarily staying as labor migrants or for other purposes had to sign contracts for voluntary health insurance and register with a local clinic to be eligible for primary health services.

Despite a legislative change making refugee travel documents available to refugees and asylees beginning in 2022, these documents did not become

available during the year because of pending regulatory and procedural changes needed to produce and issue the documents. Government officials stated that, when the refugee travel document became available, it would be valid for 12 months and resemble a passport.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

The constitution and law provided procedures to deal with stateless persons, and the government generally made serious attempts to ease the burden of statelessness within the country. The law did not provide for a simplified naturalization procedure for stateless persons.

The country contributed to statelessness because its application for citizenship required renunciation of citizenship of the country of origin, with no stipulation that citizenship would be granted. As of June, a total of 7,379 persons were officially registered by the government as stateless, according to UNHCR, with 869 registered by UNHCR partners as having unknown nationality. Most individuals residing in the country with undetermined nationality, with de facto statelessness, or at heightened risk of statelessness, were those who had no identity documents, had invalid

identity documents from a neighboring Commonwealth of Independent States country, or were holders of Soviet-era passports. These individuals typically resided in remote areas without obtaining official documentation. UNHCR reported the government granted citizenship to nearly 13,000 stateless persons since 2014.

The law allowed 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 had been deprived of citizenship under this law. According to UNHCR, the law provided 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 were eligible to apply for citizenship. Children born in the country to officially recognized stateless persons who had a permanent place of residence were recognized as nationals.

A separate legal procedure for citizenship existed for ethnic Kazakhs; those with immediate relatives in the country; and citizens of Belarus, Russia, and the Kyrgyz Republic, with which the country had agreements. The law gave the government six months to consider an application for citizenship. Some

applicants complained that, due to the lengthy bureaucratic process, obtaining citizenship often took years.

In 2019, the government established procedures to allow children of parents without identity documents to receive birth certificates. Since that time, more than 1,500 children were registered under these provisions. Experts reported undocumented mothers who gave birth outside of medical institutions could legally request a birth certificate from a court, but expected many would not do so due to low awareness of this legal process and fear of deportation if justice sector institutions became aware of their presence in the country.

Persons whose citizenship applications were rejected or whose status as stateless persons had been revoked could appeal the decision, but such appeals involved a lengthy process.

Officially recognized stateless persons had access to free medical assistance on the level provided to other foreigners, but it was 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 had a right to employment, although not with the government. They could face problems when negotiating labor contracts, since potential employers might not understand or be aware of this legal right.

UNHCR reported that stateless persons without identity documents could 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 provided 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 concentrated power in the presidency. The president appointed and dismissed most high-level government officials, including the prime minister, cabinet, prosecutor general, National Security Committee chief, Supreme Court and lower-level judges, and regional governors. The law required most of these appointments to be made in consultation with the chairman of the Security Council. The president also served as chairman of the Security Council.

The Mazhilis (the lower house of parliament) confirmed the president's choice of prime minister, and the senate confirmed the president's choices of prosecutor general, National Security Committee chief, Supreme Court

judges, and National Bank head. The Mazhilis and the senate always confirmed presidential nominations. Modifying or amending the constitution effectively required the president's consent.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to not be fair and free of abuses and irregularities. Independent observers reported restrictions on some candidates' ability to be listed on ballots, unequal access to media for independent and opposition candidates, and ballot stuffing.

On March 19, the country held early elections for the lower house of parliament, with 69 of its 98 seats designated for party list candidates and 29 designated as single mandate seats. The Organization for Security and Cooperation in Europe (OSCE) observer mission noted candidates campaigned actively and freely and that 2022 electoral reforms provided more choice for voters in the March polls, but with superficial campaign coverage due to self-censorship and a lack of critical reporting. The OSCE further noted that some political groups continued to be prevented from participating as political parties in elections, while the practice of deregistration created uncertainty for candidates over their continued participation in the contest. In addition, the OSCE noted significant procedural irregularities and disregard for important safeguards during

counting and tabulation. Many single-mandate candidates stated government officials undermined their campaigns through various administrative means. Independent election observers reported attempts to impede monitoring of election conduct and vote counts.

Political Parties and Political Participation: The government did not approve registration of several aspiring political parties, including Alga, Kazakhstan, and El Tiregi. At least three leaders of unregistered political parties remained on the Tirek political prisoners list or subject to significant restrictions of freedom and political participation.

Participation of Women and Members of Marginalized or Vulnerable Groups: No law limited participation of women or members of minority groups, and they did participate. Social attitudes sometimes hindered women from holding high office or playing active roles in political life.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year. Nongovernment observers reported several cases in which mid-level government officials were effectively and appropriately prosecuted for corruption. Nevertheless, impunity existed, especially where corruption was involved or there were personal relationships with government officials. Investigative journalists

reported that political persecution and government officials' ability to exploit legal provisions related to "false information" impeded their ability to conduct and publish reports on government corruption.

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.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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. 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. In September,

the government published a list of nonprofit organizations receiving foreign financing. Human rights organizations reported many human rights defenders believed this was intended to intimidate organizations that were critical of the government.

Retribution against Human Rights Defenders: Human rights defenders reported some cases of retribution against nongovernment and media representatives working to investigate and call attention to human rights abuses.

On July 11, the Almaty City Court sentenced five individuals including journalist Aigerim Tleuzhanova to between four- and eight-years' imprisonment on charges of organizing and participating in mass riots at the Almaty airport during the January 2022 events. Human rights defenders broadly dismissed the charges as politically motivated. Human rights defenders reported officials of the Almaty City Court issued a private ruling demanding revocation of the lawyers' licenses of five defense lawyers working on the case, an action broadly protested within the human rights community.

On August 11, media reported human rights and anti-corruption journalist Sandugash Dyusenova was detained on charges of violating privacy and divulging personal information regarding a suspect in a criminal case. Dyusenova reported she was tortured, forced to strip, filmed naked, and received threats against her family during interrogation before being

released on bail. The Prosecutor General's Office of Zhetisu Region announced August 15 it had dismissed the charges for lack of evidence.

Government Human Rights Bodies: The Presidential Commission on Human Rights was a consultative and advisory body that included top officials and members of the public appointed by the president. The commission reviewed and investigated complaints, issued recommendations, and monitored implementation of international human rights conventions. The commission did not have legal authority to remedy human rights abuses or implement its recommendations.

The commissioner on human rights (ombudsperson) was recommended by the president and elected by the senate for a five-year term. The Ombudsperson's Office had a representative in each region of the country in addition to its headquarters staff. The ombudsperson reviewed and investigated complaints concerning abuses of human rights by officials and organizations. The ombudsperson issued recommendations, published reports on human rights, and served as the chair of the Coordinating Council of the NPM. The ombudsperson 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. Domestic human rights observers reported that the Ombudsperson's Office played a role in aiding citizens with less controversial social problems and matters involving lower-

level elements of the bureaucracy, but that its actions and public statements were heavily influenced by the government and fell short of holding government accountable for serious human rights abuses.

Civil society representatives reported reduced cooperation from the Ombudsperson's Office in comparison with previous years.

The national ombudsperson for children's rights was appointed by the president and worked on a pro bono basis. Experts noted the ombudsperson's activities were limited, as the position did not have a budget or staff. Experts noted that positions labeled as children's rights ombudspersons for specific regions and cities were an integrated part of local government, had no formal relationship with the national human rights ombudsperson, and did not provide an independent oversight function. In March, President Tokayev signed a degree establishing a new position of ombudsperson for the rights of socially vulnerable categories of the population, which included persons with disabilities. Activists noted the position was unfilled for most of the year.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized sexual abuse and rape, and imposed penalties of up to eight years of imprisonment, or life

imprisonment if the crime was committed against a child. 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 June 30, President Tokayev stated publicly that more than 300 murders were committed in two and a half years because of domestic violence. Media cited government sources and statistics in reporting that domestic violence led to the deaths of 93 women identified in the first nine months of 2022, and 18 deaths in the first six months of the year. Media further cited government sources in reporting that 70 to 90 percent of domestic violence cases were not reported to authorities.

The law specified various types of domestic violence, such as physical, psychological, sexual, and economic violence. It outlined the responsibilities of local and national governments and NGOs in supporting victims of domestic violence. The law had mechanisms for issuing restraining orders and provided for administrative detention of alleged abusers for 24 hours. The law set the maximum sentence for conviction of spousal assault and battery at 10 years in prison, the same as for assault. The law permitted prohibiting offenders from living with the victim if the offender had alternatives. It allowed victims of domestic violence to receive appropriate care regardless of the place of residence. The law replaced financial penalties with administrative arrest if having the perpetrator pay fines

damaged the victim's interests.

In April, the government adopted amendments to the law on domestic violence. Key changes included the possibility for police to initiate administrative cases without testimony from the victim and excluding the possibility of reconciliation of the parties. Experts reported both measures could help address some cases in which victims were pressured by an aggressor, family members, or others not to pursue justice in domestic violence cases. The punishment for beatings was increased from 15 to 20 days' arrest, and for minor bodily harm from 15 to 20 days' arrest, or 25 days in case of repeated offenses.

Research conducted by the Ministry of National Economy indicated most victims of partner abuse never told anyone of their abuse, due in part to social stigma. Police intervened in family disputes only when they believed the abuse was life threatening. NGOs also noted the lenient penalties for conviction of domestic violence did not deter even previously convicted offenders.

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. The ministry instituted special inspectors for gender-based violence and reported it had 250 women sex-crime inspectors on staff. In November, media reported the government opened a family assistance center staffed by women police officers in Karaganda to support

domestic violence victims and received more than 500 applications in less than a month of operation.

Activists and experts reported laws and support structures related to domestic violence were insufficient, advocating among other measures for criminalization of additional forms of domestic violence, additional resources for victim support, and more comprehensive training for law enforcement, judicial and social service professionals with duties related to domestic violence. Activists reported that even in cases where victims reported violence, police were sometimes 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.

Other Forms of Gender-based Violence or Harassment: Although prohibited by law, the practice of kidnapping women and girls for forced marriage continued in some remote areas. In October, the prosecutors' office in the city of Shymkent reported it had received no reports of bride kidnapping during the year, but 25 reports in 2021-2022. Prosecutors reported no criminal cases were opened primarily because the women refused to accuse their kidnappers, possibly due to social pressure associated with the failure of a potential marriage. The law prescribed a prison sentence of seven to 12 years for kidnapping. A person who voluntarily released an abductee was absolved of criminal responsibility;

consequently, a typical bride-kidnapper was not necessarily held criminally responsible.

Sexual harassment remained a problem. No law protected women from sexual harassment, and only the use of force or taking advantage of a victim's physical helplessness during sexual assault carried 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.

Discrimination: The constitution and law provided for equal rights and freedoms for men and women. The law prohibited 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. In some communities, cultural and religious norms dictated the social roles of women and girls and the types of interactions permissible between males and females, thereby limiting women's employment opportunities.

The law did not require equal pay for equal work for women and men. According to the national statistics bureau, the wage gap between men and women was 22 percent in 2022. Victims of sexual harassment in the

workplace were hesitant to file complaints due to shame or fear of job loss. Laws preventing termination of contracts based on pregnancy were reportedly enforced but did not prevent hiring discrimination because of pregnancy.

Girls who wore headscarves based on their own or their families' religious beliefs were sometimes barred from receiving education in public schools and were not allowed to engage in homeschooling as an alternative.

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

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. While a postexposure prophylaxis protocol existed, AIDS centers' limited working hours, drug procurement challenges, stigma from medical workers, and restricting access to citizens and resident permit holders only undermined rape victims' access to postexposure prophylaxis, especially for vulnerable groups like migrants. Significant barriers remained in ensuring comprehensive, stigma-free postexposure prophylaxis for all victims of rape. Access to government-provided sexual and reproductive health services was available for sexual violence survivors, but many victims were reportedly reluctant to use them, possibly also to avoid bureaucratic examination requirements at state-run clinics.

Practitioners noted women in rural areas or women whose communities adhered to traditional ways of life were likely to be less informed regarding or exercise personal choice in selection and use of contraception methods. Practitioners also reported many types of contraceptives were prohibitively expensive for some segments of the population.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law prohibited discrimination based on race or ethnic origin and media content that promoted interethnic discord. The Assembly of the People of Kazakhstan was an advisory body to the president tasked to ensure the strict observance of the rights and freedoms of citizens irrespective of their ethnic affiliation. Five of the senate's 50 seats were reserved for members of the Assembly. Ethnic minorities, however, were underrepresented in government. Only one of the 26 cabinet members was not an ethnic Kazakh.

Children

Birth Registration: Since 2019, most children born to undocumented mothers without legal status or identification received birth certificates. Experts reported undocumented mothers who gave birth outside of medical institutions could legally request a birth certificate from a court, but expected many would not do so due to low awareness of the legal process and fear of deportation if justice sector institutions became aware of their

presence in the country.

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: Laws prohibited child abuse, but such incidents were reported. According to experts, corporal punishment was permitted and practiced in residential care institutions and preschools and continued to be practiced in schools despite being prohibited. Children sometimes faced abusive, cruel, and disparaging treatment in families, schools (particularly special schools for delinquent children), and boarding schools. Experts noted children were not specifically referenced in legal articles related to domestic violence, and that the government lacked a dedicated structure for child protective social services including specialized case workers and emergency foster families to support children in cases of abuse and neglect, leading to ineffective support for some children in abusive situations.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18, but could 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 did not specify a minimum age for consensual sex. The law criminalized the production and distribution of child pornography and provided administrative penalties to cover the sale of pornographic materials to minors. The country also retained 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. In general, these laws were enforced.

Antisemitism

Leaders of the Jewish community estimated that the country's Jewish population was 20,000 persons. There were no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There were no laws criminalizing same-sex activity or conduct.

Violence and Harassment: Human rights defenders reported cases of extortion and blackmail, including cases in which law enforcement and prison officials actively engaged in harassment and blackmail of LGBTQI+ individuals. They also reported numerous cases of discriminatory treatment and derogatory remarks from government officials, including potential denial of services in medical facilities. Human rights specialists reported members of the LGBTQI+ community were unlikely to file official reports on cases of harassment and discrimination, because they had not seen precedents in which government representatives responded with appropriate actions and feared further discrimination from law enforcement and government representatives if they disclosed their identities.

Human rights defenders reported threats of violence and significant online and in-person verbal abuse towards LGBTQI+ individuals.

Human rights defenders noted information on violence, harassment, discrimination and other treatment of LGBTQI+ individuals in some areas of the country was extremely difficult to monitor, as social norms prevented activists and organizations from conducting open outreach or support activists in some regions.

Discrimination: The law did not specifically prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and did not recognize LGBTQI+ individuals, couples, and their families. Individuals reported discrimination against

persons who were known or suspected of being LGBTQI+ persons, including medical establishments refusing to provide treatment, refusal to provide service in private business establishments, and some cases of loss of employment. Human rights defenders reported transgender persons were particularly vulnerable to discrimination in employment, housing, law enforcement and other areas, as the requirement to show identification that did not match their outward gender expression exposed them to discrimination on a more regular basis. Transgender individuals were effectively barred from working in law enforcement or serving in the military.

Availability of Legal Gender Recognition: Although a process for legal gender recognition existed, the law required a transgender person to fulfill psychiatric and physical requirements (including undergoing gender-affirming surgery, not allowed before age 21) before being able to receive updated identity documents. Many individuals lived with nonconforming documents for years and reported problems with securing employment, housing, and health care as a result. The law included behavioral disorders as reasons for denial of gender reassignment, which expanded the categories of persons who could be denied such treatments. Transgender individuals reported medical professionals sometimes used derogatory language towards transgender patients and did not demonstrate clear understanding of issues related to these medical procedures.

Involuntary or Coercive Medical or Psychological Practices: Human rights defenders reported that some families and private religious practitioners engaged in prayers and religious ceremonies intended to alter the sexual orientation or gender identities of LGBTQI+ individuals, who could come under social or family pressure to participate. Human rights defenders noted children and other persons financially dependent on their families were particularly likely to come under pressure to change their identities or be subject to harassment and abuse.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Human rights defenders reported individuals could speak publicly on LGBTQI+ issues and could freely associate with other LGBTQI+ individuals or support groups. Nevertheless, they reported public speech or regular association with groups related to LGBTQI+ issues could lead to government surveillance, verbal harassment, and employment and educational discrimination. Activists reported that obtaining permission to hold public assemblies related to LGBTQI+ rights was difficult but sometimes possible in Almaty, and not possible in other locations. NGOs engaged in LGBTQI+ activism were unable to register as such and had to register as specializing in other areas. Organizations in some cities were able to hold events for the LGBTQI+ community in private venues, but reported they needed to advertise and screen participants carefully to avoid harassment.

Persons with Disabilities

The law prohibited discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other government services, and required public buildings and transportation to be accessible. Human rights experts reported these laws were not consistently implemented in practice. Activists reported public buildings were frequently not built to appropriate accessibility standards, for example lacking wheelchair ramps or accessible bathrooms, and that employees and managers in many companies were not familiar with and did not comply with their obligations regarding accessibility. Prison and detention monitors reported detention facilities were not appropriately equipped to accommodate prisoners with disabilities. The government took steps to remedy some barriers to persons with disabilities, for example responding to complaints that specific buildings had not been made accessible but did not have an effective mechanism for proactively identifying and remedying violations.

The law required companies to set aside 3 percent of their jobs for persons with disabilities; nevertheless, civil society reported that many persons with disabilities faced difficulty finding employment, in part because some employers were reluctant to undertake building renovations to create accessible facilities. Civil society representatives reported fraud and public corruption undermined the government's efforts to provide funding in

support of persons with disabilities.

Activists reported that political parties improved implementation of quota requirements for 30 percent of party list candidates to be women, youth or persons with disabilities, leading to the election of several persons with disabilities during March parliamentary elections. Independent election monitors reported the government responded actively to reports of inaccessible polling places during 2022 presidential elections, leading to more accessible voting procedures.

There were no regulations regarding the rights of patients in mental health 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 could 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 could visit mental hospitals to monitor conditions. According to an NPM report, most mental hospitals required repairs as well as renovations to make them accessible to persons with disabilities. 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 82 percent of schools were officially

listed as equipped and staffed for inclusive education of children with specific needs, but acknowledged many of these schools needed additional equipment, personnel, and methodology to become fully inclusive. Specific measures undertaken to address these included trainings for teachers on how to work with children with disabilities and expanding the number of educational psychologists in schools. Of children with specific needs between ages seven and 18, 20 percent attended mainstream schools. The majority attended classes for children with disabilities or were homeschooled. According to UNICEF, 10,000 school-aged children with disabilities were educated at home. 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 a half. Of registered children with disabilities, 71 percent were not covered by social security.

Other Societal Violence or Discrimination

The law prohibited 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, but specialists noted many individuals were reluctant to seek treatment at these centers due to lack of confidentiality.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for workers' rights to form and join unions, but imposed restrictions such as a requirement that a registered sectoral or national union be represented in at least half of the country's regions. With three new regions, in addition to the existing 14 regions and three cities at the national level, this raised the number of regions in which representative branches were required for registration of a labor union.

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) was the largest national trade union association, with approximately 90 percent of union members on its rolls. In November 2022, the International Trade Union Confederation restored the membership of the FTUK, suspended since October 2018 due to a lack of independence, according to FTUK Chair Satybaldy Dauletallin.

The geographical representation requirement often prevented the registration and operation of independent sectoral unions, especially in geographically concentrated sectors. For example, 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. According to the International Trade Union Confederation, the union remained unregistered as of April 17.

The law provided for the right of workers to bargain collectively. The law prohibited antiunion discrimination, and a court could order reinstatement of a worker fired for union activity. Penalties for breaking these provisions included fines and imprisonment of up to 75 days, commensurate with penalties of other laws involving denials of civil rights. Penalties were rarely applied against violators.

The government passed new amendments in February which eased some limitations to workers' ability to strike. Workers could hold a one-time hour-long strike during arbitration procedures; however, the number of participating workers was limited to 50, and workers were required to notify the employer at least three days prior to the strike. The decision to strike had to be made in a meeting attended by at least half of an enterprise's workers, with at least half of them supporting the strike (previously at least two thirds was required), or by a trade union or elected representatives who represented the workers. A written notice announcing a strike had to be submitted to the employer at least five days in advance. It took 15 days to initiate a strike in accordance with the law, and although the law prohibited disciplinary actions against striking workers, employers could pressure or

even fire activists during this time.

A blanket legal restriction barred certain occupations from conducting a strike. Military and other security service members, emergency, ambulance, fire, and rescue crews, as well as those who operated “dangerous” production facilities were forbidden to strike. Workers employed in railways, transport, communications, civil aviation, health care, and public utilities could strike if they maintained minimum services to the public. Employers could take disciplinary actions against striking workers after a court declared a strike illegal. The government could file criminal charges against labor organizers for calls to participate in strikes declared illegal by the court. The representatives of independent trade unions called these amendments “cosmetic” because arbitration procedures remained difficult, and, therefore, workers, would continue to hold spontaneous strikes to address workplace grievances.

Disagreements between unions and their employers had to be presented to a tripartite commission for arbitration if the disagreement could not be settled between the employer and the union. The commission was composed of representatives of the government, labor unions, and employer associations. State-affiliated and independent labor unions participated in tripartite commissions. The tripartite commission was responsible for developing and signing annual collective agreements governing most aspects of labor relations.

In May 2022, the International Labor Organization (ILO), based on the visit of a Direct Contact Mission (DCM), reported that the country failed in legislation and in practice to meet ILO standards for the registration of trade unions. The DCM further reported that laws allowing the government to restrict the right of those convicted to hold trade union offices or participate in trade union activities represented a restriction on freedom of association. The DCM also found that requirements for sectoral trade unions to have affiliated organizations or structures in more than 50 percent of the regions, cities of regional importance, and the capital was too high, especially for industries such as the oil sector that were present only in a few regions. The DCM noted that all trade union representatives it had met with indicated the organization of legal strikes was close to impossible.

In May 2021, the tripartite commission signed the general agreement for labor relations for 2021-23. In July 2021, the Ministry of Labor and Social Protection established a working group to ratify the ILO's Minimum Wage Fixing Convention, as recommended in the agreement; however, the convention had not yet been ratified. In May 2022, the government ratified the ILO's Part-Time Work Convention. Foreign workers had the right to join unions, but the law prohibited 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 covered by the laws regulating union participation.

During the year, labor strikes spilled beyond the usual oil-services sector in Mangystau, Atyrau, and Aktobe Regions to coal and metal facilities in Karaganda, Ulytau, and Akmola Regions, as well as utility companies throughout the country. Employees called for better employment with contracting companies, higher wages, more social benefits, and improved labor and safety conditions. The strikes continued throughout the year. Most strikes ended with courts ruling them illegal and employers agreeing to a partial increase in wages and benefits, with one exception. Approximately 150 Mangystau Region oil workers staged an overnight protest near the Ministry of Energy from April 10-11, which ended with riot police detaining all protesters and holding them overnight. Shortly after, the KazMunayGas subsidiary and the contractor that operated the Mangystau oil field were investigated and subsequently charged with embezzlement and corruption.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

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, but the national monthly minimum wage remained the same for all regions. The law stipulated the normal workweek should not exceed 40 hours. It limited heavy manual labor or hazardous work to 36 hours per week. The law limited overtime to two hours per day, or one hour per day for heavy manual labor, and required overtime to be paid at least at a 50 percent premium. The law prohibited compulsory overtime and any overtime for work in hazardous conditions. The law provided that labor agreements could stipulate the length of working time, holidays, and paid annual leave for each worker. By law employees were entitled to 24 days of paid annual leave per year. In general, the government enforced these laws, and violations could be brought to court. According to labor inspectors, most violations centered on wage arrears and delays incurred by individual entrepreneurs and small and medium businesses.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were appropriate to the main industries. The law required 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. Government experts inspected OSH conditions. The law specifically granted workers the right to remove themselves from situations that endangered their health or safety without suffering adverse employment action.

The Prosecutor General's Office reported on the results of inspections in 2022, stating that violations centered on wage discrepancies between local and expatriate workers, wage arrears, nonpayment of allowances for work in hazardous environments, lack of protective gear and employer-provided meals, and use of outdated, unsafe equipment.

An October 28 explosion at Kostenko mine led to the death of 46 persons, making it the largest industrial accident in the country's independent history. Some observers attributed the accident to negligence stemming from lack of appropriate investment in safety measures on the part of ArcelorMittal, the investment company managing the mine, in addition to lack of appropriate inspections on the part of the government over a period of several years. President Tokayev announced the cessation of government cooperation with ArcelorMittal, and the government expressed its intent to seek a new investor for the mine.

In 2022, the national statistics bureau identified 1.6 million workers who labored in hazardous conditions.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Social

Protection enforced standards for minimum wages, work hour restrictions, overtime, and OSH. By law labor inspectors had the right to conduct routine and spontaneous inspections of workplaces to detect violations. Both types of inspections took place only after written notification, except in cases where the inspection was conducted based on a request from law enforcement authorities or a complaint related to certain extreme health and safety hazards.

In September, the Ministry of Labor and Social Protection reported that more than 750 safety inspections were conducted during the year. The law provided for so-called employer's declarations. Under this system, labor inspectors could extend a certificate of trust to enterprises that complied with labor legislation requirements. Certified enterprises were exempt from labor inspections for three years.

By law any enterprise or company could form a production council to address labor safety problems between representatives of an employer and employees. These councils were eligible to assign technical labor inspectors to conduct their own inspections of the employees' work conditions, and their resolutions were mandatory for both employers and employees. In January 2022, there were more than 18,000 production councils and 17,595 volunteer labor inspectors, according to the government.

The government did not consistently enforce the law. Violations of law were considered administrative offenses, 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 was a substantial fine or imprisonment for up to two years, while violations of wage or overtime payment provisions resulted in fines. Penalties for violations of OSH law were also not commensurate with crimes such as negligence. There were reports some employers ignored OSH regulations.

The government reported in 2022 that 1.15 million citizens of the country's workforce of 8.97 million persons worked in the informal economy.

Informal sector workers were not covered by wage, hour, OSH, and other labor laws and inspections.