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2009 Human Rights Report: Kazakhstan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Republic of Kazakhstan, with a population of approximately 15.6 million, has a parliamentary system dominated by President Nazarbayev's Nur Otan Party. The constitution concentrates power in the presidency, permitting the president to control regional and local governments and to exercise significant influence over the legislature and judiciary. Changes or amendments to the constitution require presidential consent. According to official results, Nur Otan received 88 percent of the vote in the 2007 national elections for the Mazhilis (lower house of parliament), winning every seat in the chamber. Local and international observers noted some improvements in the electoral process in comparison to past national elections but criticized the 2007 elections as falling short of a number of international standards, particularly with respect to the legislative framework and the integrity of the vote counting and tabulation processes. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported: severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner torture and other abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Abuse was common in detention facilities and other institutions.

On August 4, the court of appeals overturned the conviction of Captain Ruslan Shurshenov in connection with an August 2008 incident in which a marine border guard patrol boat fired on a fishing boat on the Caspian Sea, killing two civilians. The court of appeals ruled that there were no elements of crime in Shurshenov's actions. On June 2, a military court sentenced Shurshenov to six years' imprisonment for unlawfully killing a civilian. Border authorities claimed the patrol

opened fire as a response to shooting from the boat. The local community and media alleged that there was no need to open fire.

Military hazing led to deaths, suicides, and serious injuries. The government reported 93 incidents of nonlethal military hazing during the year, compared to 115 in 2008. The government did not publish statistics on the number of deaths during the year that were linked to hazing. The number of suicides in the army did not significantly change from the previous year. Authorities reported 16 suicides; there were 15 in 2008.

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On May 8, the Almaty military court convicted two soldiers from the Zhambyl Gvardeisky detachment to five-and-a-half and six years in prison for hazing 19-year-old conscript Yeleusizov and driving him to suicide in December 2008. On July 27, conscript Mukhambetkaliyev of the Aktau military detachment died after a soldier beat him. The Aktau military court sentenced conscript Nesipbayev of the same military unit to six years in prison in connection with Mukhambetkaliyev's death.

b. Disappearance

On April 6, Almaty police announced they detained a suspect in the 2007 disappearance of journalist Olga Zhabaktai-kyzy. In 2007 the Ministry of Internal Affairs (MIA) concluded that her disappearance was unrelated to her ongoing reporting on official corruption, interethnic clashes, and criminal activity in the Almaty region. There was no further information at year's end.

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

The law prohibits such practices; nevertheless, the police and prison officials at times beat and abused detainees, often to obtain confessions. Human rights activists asserted that the legal definition of torture was too broad and did not meet UN standards, and that the penalties for the crime were too lenient. The Prosecutor General's Office (PGO) and the human rights ombudsman acknowledged that some law enforcement officers used torture and other illegal methods of investigation. Human rights and international legal observers noted investigative and prosecutorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant. Courts generally ignored allegations by defendants that their confessions were obtained by torture or duress.

During his May visit to the country, Manfred Nowak, the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, inspected several prisons and detention facilities. According to his initial assessment, torture was not widespread, although a culture of impunity allowed police to use extreme methods, such as heavy beating and asphyxiation, to obtain confessions. Police rarely investigated complaints of torture. Nowak noted that he visited two detention facilities of the Committee for National Security (KNB) that human rights observers routinely cited as places where abuses were common. Nowak's final report to the UN Human Rights Council was pending at year's end.

On August 14, the Astana city court initiated a criminal trial against Kuar Zhobolayev and Zhasulan Suleymenov for alleged involvement with the extremist religious group Jama'at Al-Farabi. The defendants claimed that they confessed under extreme pressure from the KNB. They and several other citizens of the country were arrested during the year in Russia's Ingushetia Republic. Prosecutors claimed that police found extremist literature and weapons in their apartment.

The Ombudsman's Office reported 1,090 citizen complaints during the year.

On March 24, Karaganda police detained 22-year-old Nikolay Bagautdinov on suspicion of murder. According to media reports, police officers severely beat Bagautdinov and forced him to sign a confession. Police later released him into the custody of his legal guardian, who had doctors document his injuries and publicized the story through the media. Following

a public outcry, five police officers received administrative reprimands for their conduct. Bagautdinov's lawyer succeeded in opening a criminal investigation into the incident, but the investigation stopped when Bagautdinov declined to press charges.

The NGO Human Rights Bureau reported that, on March 20, prison officers severely beat two detainees at the Stepnogorsk pretrial detention facility for allegedly disobeying rules of detention and attempting to start a riot. One of the detainees was hospitalized for skull and rib fractures. The Human Rights Bureau sent a request to the ombudsman and the PGO urging a thorough investigation into the incident, but the PGO found no wrongdoing in the officers' actions.

On April 22, KNB officers detained three fishermen in Atyrau on suspicion of poaching and reportedly beat them while they were in detention. The KNB asserted that the fishermen were released, although the fishermen told the media they escaped from the detention facility. All three were hospitalized for internal injuries, and one fisherman suffered from a concussion. The KNB denied any wrongdoing and opened a criminal investigation against the men for poaching. The case was pending at year's end.

The government reported 167 crimes related to military hazing and abuse of power during the year, compared to 146 in 2008.

The government investigated some allegations of conscript hazing and prosecuted soldiers who engaged in this abuse, forwarding 34 hazing cases to the courts. The Ministry of Defense continued unannounced inspections and required systematic reports from senior officers about hazing in their units.

Prison and Detention Center Conditions

Prison conditions remained harsh and facilities did not meet international health standards. Scarcity of medical care continued to be a problem. NGOs reported that about half of the inmate population needed professional treatment, especially for HIV/AIDS, tuberculosis, and other infectious diseases. Abuse occurred in police cells, pretrial detention facilities, and prisons. The government took steps to address systemic patterns that encouraged prisoner abuse, including providing for the continued operation of and increased access for regional penitentiary oversight commissions, training of prison officials, and seminars for MIA police. By year's end authorities had prosecuted seven prison officials for abuses and opened 30 investigations for corruption-related offenses, resulting in 23 convictions.

NGOs and international observers reported that prison and detention center conditions did not improve during the year. Observers cited poor treatment of inmates and detainees and lack of professional training for administrators. In February 2008 the Constitutional Council invalidated legislative changes adopted in 2007 that criminalized prisoner protests and self-mutilation.

During the year the government reported 43 detainee deaths and 59 suicides, of which six occurred in pretrial detention facilities, 49 in prisons, and four in police cells.

According to the latest statistics available from prison monitoring NGOs, there were 50,843 prisoners and 8,298 detainees in pretrial facilities. Of the prisoners, 47,265 were men, 3,129 were women, and 449 were juveniles. Men, women, and juveniles were held separately. Detainees were held apart from prisoners. There were no reports that political prisoners were held separately from the rest of the prison population.

Incidents of inmates' self-mutilation as a protest against harsh prison conditions and abuse continued, with 28 cases involving 86 inmates reported during the year; a significant number were group mutilation.

On April 13 and 16, approximately 30 inmates from prison ES-164 in Northern Kazakhstan committed self-mutilation to protest against poor prison conditions and administrative abuse. Several prisoners were hospitalized in the Petropavlovsk hospitals, but prison officials allegedly ordered them not to discuss the incident. On April 15, prison officials released a statement alleging that the prisoners were protesting the detention of the wife of one of the prisoners on corruption charges. On April 16, financial police blamed an organized criminal group for arranging the action. On July 1, police detained and beat an ex-convict, who subsequently alleged that the beating was retribution for his public statements about the incident.

On May 13, five inmates of the Dolinka maximum security prison committed group self-mutilation to protest the facility's harsh conditions. Their injuries were treated on-site.

Civil society activists worked with the councils for public oversight of the ministries of justice and of internal Affairs, as well as the human rights ombudsman's countertorture working group, to monitor the situation in prisons and detention facilities. Many observers criticized the councils for lacking independence or any clearly defined authority or power.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but problems remained.

Role of the Police and Security Apparatus

The MIA supervises the national police force, which has primary responsibility for internal security, including investigation and prevention of crimes and administrative offenses and maintenance of public order and security. The Agency for Combating Economic and Corruption Crimes (financial police) has administrative and criminal investigative powers. The KNB plays a law enforcement role in border security, internal 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. In February the government established a separate external intelligence service, Syrbar, which reports directly to the president. The financial police and the KNB reported directly to the president.

According to a 2008 poll released by the PGO's Crime Statistics Committee, 35 percent of the population did not believe the government could protect them from infringement of their civil rights and freedoms, specifically infringement by the police and the courts. Public perception of police effectiveness was low, and corruption among law enforcement officers was believed to be high. Authorities fired 61 officers for corruption during the year.

During the year the government maintained MIA hot lines and received more than 173 complaints about police corruption and abuse. The majority of ministers, including the prime minister, established personal blogs where citizens could submit their complaints.

The prosecutor general chaired a council for coordination of law enforcement operations. Staff included heads of other law enforcement agencies. Among many duties the council reviewed complaints against law enforcement.

The MIA cooperated with NGOs to provide human rights training for local police. The government cooperated with international organizations to provide limited law enforcement training aimed at decreasing abuse by emphasizing investigative skill development.

Arrest Procedures and Treatment While in Detention

In August 2008 the government passed legislation transferring the power to sanction arrest from prosecutors to the judiciary. Prosecutors continued to have the power to authorize investigative actions, such as search and seizure. The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers criticized this period as too

lengthy and said that authorities often used this detention to exert pressure and extract confessions. A bail system exists but was not widely used, and many individuals remained in pretrial detention until their trial.

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 does not require police to inform detainees that they have the right to an attorney, and in practice police did not do so. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before the person's attorney arrived, and, in some cases, used corrupt defense attorneys to gather evidence. The law states that the government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or faces serious criminal charges. In practice public defenders often lacked the necessary experience and training to assist defendants.

Some defendants were barred from freely choosing their defense counsel because the cases against them involved state secrets, and the law only allows lawyers who have special clearance to work on such cases. The editor and owner of the *Alma-Ata Info* newspaper, Ramazan Yesergepov, who a court convicted on charges of publishing secret government documents, decided to represent himself rather than select an attorney from the government-approved list. In the embezzlement case against the former manager of the state-owned uranium company KazAtomProm, Mukhtar Dzhakishev, the KNB barred Dzhakishev from meeting with his attorney, because the lawyer lacked the necessary clearance. Dzhakishev eventually chose an attorney from the list of approved lawyers and was allowed to meet with him.

Prosecutors reported continuing problems with arbitrary arrest and detention of citizens. During the first nine months of 2008, authorities released 17 persons from illegal pretrial detention and 675 persons from illegal custody in police offices. Although the government did not publicize overall statistics for the year, media reported at least 207 incidents of illegal detention and illegal custody.

The government occasionally arrested and detained government opponents and critics, sometimes for minor infractions such as unsanctioned assembly. Nevertheless, there were no allegations of prolonged detention for political offenses.

e. Denial of Fair Public Trial

The law does not provide for an independent judiciary. The executive branch limited judicial independence. Prosecutors enjoyed a quasijudicial role and had authority to suspend court decisions.

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

There are three levels in the court system: district, oblast (regional), and the Supreme Court. District courts are the court of first instance in nearly all criminal cases. Regional courts hear cases involving more serious crimes and may handle cases in rural areas that have no local courts. District court decisions may be appealed to the regional courts, and regional court decisions may be appealed to the Supreme Court. There are also military courts. Military courts have jurisdiction over civilian criminal defendants alleged to be connected to military personnel undergoing a criminal trial. Military courts use the same criminal code as civilian courts.

The Constitutional Council rules on election and referendum challenges, interprets the constitution, and determines the constitutionality of laws that parliament adopts. Citizens have no right of direct appeal to the council.

The presidentially appointed High Judicial Council recommends nominees for the Supreme Court to the president, who in turn recommends them to the senate for approval. The council makes recommendations to the president for all lower-level

judges, and the president directly makes the appointments. Judges are appointed for life. The parliament may remove Supreme Court judges upon recommendation by the president, and the president may remove lower court judges.

Trial Procedures

All defendants enjoy a presumption of innocence and are protected from self-incrimination. Trials were public except in instances that could compromise state secrets or when necessary to protect the private life or personal family concerns of a citizen. Nevertheless, there were several reports of journalists and observers denied access to open court hearings.

Courts conducted jury trials for aggravated murder cases, pursuant to legislation enacted in 2006. Observers noted that the juror selection process was inconsistent and that judges, who deliberate with the jurors, tended to dominate the process. However, observers also noted an increase in acquittal rates. During the year courts conducted 47 jury trials involving 69 defendants; jurors convicted 32 defendants and acquitted 14. Two cases involving 16 defendants were under appeal at year's end.

Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford counsel. Under the criminal procedure code, 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. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the government did not have sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. They have the right to appeal a decision to a higher court.

Human rights activists reported numerous problems in the judicial system, including lack of access to court proceedings, lack of access to government-held evidence, frequent procedural violations, lack of a presumption of innocence, poor explanation of rights to defendants, denial of defense counsel motions, and failure of judges to investigate allegations that confessions had been extracted through torture or duress. Lack of due process was a problem, particularly in politically motivated trials and in cases when improper political or financial influence was alleged.

On October 20, the Almaty regional court upheld a lower court's September 3 conviction and four-year sentence of prominent human rights defender Yevgeniy Zhovtis on charges of vehicular manslaughter. The charge stemmed from a July 26 accident in which Zhovtis struck and killed a pedestrian with his car. On December 10, an Almaty district court judicial review panel refused to review the appellate court's decision based on a request by Zhovtis' defense team; at year's end it was unclear whether Zhovtis would request another judicial review of his case. Local and international observers heavily criticized the trial for numerous procedural violations. Some observers alleged that the "harsh" sentence imposed on Zhovtis, a critic of the government, was politically motivated.

Political Prisoners and Detainees

Local and international human rights NGOs asserted that the prison sentence imposed on Yevgeniy Zhovtis amounted to political persecution to silence the government's most vocal critic in advance of the country's assumption of the chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010.

Civil Judicial Procedures and Remedies

Economic and administrative court judges handle civil cases under a court structure that largely mirrors the criminal court structure. The law and constitution provide for the resolution of civil disputes in court. In practice observers viewed civil courts as corrupt and unreliable. Observers noted that litigants experienced difficulty in enforcing judgments, particularly if they did not agree to pay a percentage to the court administrator.

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

The constitution and law prohibit such actions; however, the government at times infringed on these rights.

The law provides prosecutors with extensive authority to limit citizens' constitutional rights. The KNB, the MIA, financial police, and other agencies, with the concurrence of the PGO, may infringe on the secrecy of private communications and financial records as well as on the inviolability of the home. Courts may hear an appeal of a prosecutor's decision but cannot issue an immediate injunction to cease an infringement. On June 3, the parliament amended the criminal procedure code to expand the range of cases in which the police can wiretap and record communications without a warrant, allowing it in cases of medium gravity as well as in urgent and grave ones, which was previously the standard.

Government opponents and their family members continued to report that the government occasionally monitored their movements and telephone calls.

Section 2 Respect for Civil Liberties, Including

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and of the press; however, the government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions, and criminal and administrative charges to control the media and limit freedom of expression. Judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials, contributed to the suspension of media outlets and self-censorship.

The government limited individuals' ability to criticize the country's leadership, and regional leaders attempted to limit local media outlets' criticism of them. The law prohibits insulting the president and other senior officials. The government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir (HT), a prohibited extremist political organization, as incitement for political and terrorist purposes and beyond the bounds of constitutionally protected free speech.

According to government statistics, approximately 20 percent of the 2,973 media outlets were government-owned. Many privately owned newspapers and television stations received government subsidies. The majority of broadcast media that the government did not own, including the larger outlets, were nonetheless owned by holding companies believed to be controlled by members of the president's family or by loyal associates. Media observers believed that most of the seven nationwide television broadcasters were owned wholly or partly by the government. Regional governments owned several frequencies; independent broadcasters arranged to use the majority of these.

All media were required to register with the Ministry of Culture and Information, although Web sites were exempt from this requirement. On February 6, the president signed amendments to the media law that removed requirements for media to reregister if their senior leadership changes and to obtain permission to record interviews. The licensing system was not transparent. As a result of an April 18 government tender, all radio frequencies in major cities and regions went to one company that the government favored. Similarly, in January 2008 the government conducted a tender for new licenses for television frequencies, but media monitors charged that the government predetermined the results and awarded all new television frequencies to companies that it favored. In March 2008 government-owned Samgau Holding bought 49.9 percent of Khabar stock in an auction, where neither the names of the bidders nor the prices were manipulated. Nevertheless, public activists and several politicians criticized the deal as unfair and alleged that the government orchestrated the process to consolidate its control of the media.

The law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime. This provision burdened smaller, less developed regional television stations that lacked resources to develop their own programs, although the government did not sanction any media outlet under this provision.

Harassment of and violence against journalists remained a problem. Press advocacy NGO Adil Soz reported 188 incidents of harassment and violence against journalists during the first seven months of the year, compared with 226 such incidents during the first 11 months of 2008. Journalists working in opposition media and those covering corruption reported harassment and intimidation by government officials and private actors.

On January 18, unknown assailants attacked Yermek Boltay, Web site editor and part-time contributor to Radio Free Europe and Radio Azzatyk. Several men reportedly approached Boltay on the street and asked him for money; when he refused they assaulted him. The police treated the case as a "hooligan attack" and had not apprehended any suspects by year's end.

On August 8, in a closed hearing, Taraz city court found Ramazan Yesergepov, owner and editor in chief of the *Alma-Ata Info* newspaper, guilty of divulging classified documents and sentenced him to three years in prison. The charge stemmed from a November 2008 article in *Alma-Ata Info* that contained ostensibly secret KNB documents. On August 13, in a separate hearing, the Supreme Court ruled against *Alma-Ata Info* and upheld a lower court's ruling that suspended the newspaper for three months for publishing classified documents. On October 22, the Zhambyl regional court denied Yesergepov's appeal and upheld the original conviction.

On December 22, Kyrgyzstani opposition journalist Gennady Pavlyuk died in Almaty from injuries sustained after unknown assailants allegedly bound his hands and feet with tape and pushed him from a sixth-floor window on December 16. According to media reports, Pavlyuk intended to establish an opposition newspaper and Internet portal in Kyrgyzstan before the end of the year. On December 28, the MOI claimed it had identified several suspects in the case, all of whom were Kyrgyzstani nationals. The MOI did not provide further details on the suspects or on their possible motive. The outcome of the investigation was pending at year's end.

Incidents of government pressure on the media continued. The NGO Adil Soz reported that the management of TDK-42, a regional television station, fired its reporter, Lukhan Akhmedyarov, in January after he asked the regional governor during a press conference whether his relatives would continue to spend government funds as they had in the past.

There were no reports of forced closures under the restrictive media law enacted in 2006. The amendment to the media law included tightened government control, requiring media owners to reregister upon any change in editor, address, or frequency of publishing; a prohibition on persons convicted of libel holding a managing editor position at another media outlet; a prohibition on registering an outlet under a name similar to one that had been closed by court action; and imposition of fines against broadcasters for failing to offer the required 50 percent to 50 percent mix of Kazakh- and Russian-language programming time.

The law enables the government to restrict media content under amendments that prohibit undermining state security or advocating class, social, race, national, or religious superiority, or cruelty and violence. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content unless it came from an official source. The government used this provision to limit media freedom. The law prohibits publication of any statement that promotes or glorifies "extremism," a term that international legal experts said the government had not clearly defined.

The government subjected media outlets willing to criticize the president directly to intimidation such as law enforcement actions or civil suits. Although these actions had a chilling effect on media outlets, criticism of government policies continued.

The law on state secrets makes it a criminal offense to release information about the health, finances, or private life of the president as well as economic information, such as mineral reserves and government debt owed to foreign creditors. To

avoid possible legal problems, media outlets often practiced self-censorship regarding information on the president or his family.

Private parties could initiate criminal libel suits on behalf of the government, and an individual filing such a suit would be able to file a civil suit as well, based upon the same allegations. Officials increasingly used the law's restrictive libel and defamation provisions to constrain media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad liability for libel. The requirement that owners, editors, distributors, publishing houses, and journalists prove the veracity of published information, regardless of its source, promoted self-censorship at each level. At times fines for libel were exorbitant and caused some media outlets to close.

In contrast to the previous year, NGOs monitors reported an increase in libel cases against journalists and media outlets. On February 26, the Almaty appellate court ordered the opposition newspaper *Taszhargan* to pay a fine of 30 million tenge (approximately \$200,000) to parliamentarian Romin Madinov for insulting his honor and dignity. The appellate decision increased the district court's original decision, which levied a three million tenge fine (approximately \$20,000). Media watchdog NGOs warned that the decision to increase a penalty as a result of an appeal set a precedent that could serve as a deliberate warning to journalists. Unable to pay the fine, the newspaper ceased publishing.

On September 9, the Almaty city court decided in favor of BTA Bank's claim of slander against the opposition weekly *Respublika* and ordered the newspaper to pay the bank 60 million tenge (approximately \$400,000). The bank alleged that the newspaper caused a run on the bank's deposits by publishing articles that undermined its business reputation. On September 18, court officers seized a print run of the newspaper and froze the bank accounts of the newspaper's management. On October 29, the Almaty city court denied the newspaper's appeal and upheld the lower court's decision. Financial police raided the printing house that printed the newspaper, Comet-S, on September 21 and 23, seizing copies of *Respublika* and other newspapers printed there. According to the newspaper's management, other printing houses refused to print the newspaper for fear of retribution from authorities. At year's end the newspaper's staff was publishing the paper on high-speed copy machines.

On February 6, the Petropavlovsk court fined *Vremya* newspaper editor Victor Miroshnichenko 250,000 tenge (approximately \$1,670) for insulting the deputy director of the regional police department and ordered him and the newspaper to pay 100,000 tenge (approximately \$670) in moral damages of the plaintiff.

Internet Freedom

Observers reported that the government monitored e-mail and Internet activity, blocked or slowed access to opposition Web sites, and planted progovernment propaganda in Internet chat rooms. The state regulated the country's only Internet service providers, state-owned Kaztelecom and privately owned Nursat. Nevertheless, Web sites expressed a wide variety of views, including viewpoints critical of the government. According to government statistics, there were 1.2 million regular (primarily urban) Internet users in the country (7 percent of the population).

On July 11, the president signed amendments to the legislation governing the Internet. Many local and international observers criticized the amendments as infringing on freedom of speech on the Internet. The new law reclassified all Web sites, including chat rooms and blogs, as "media outlets," making them subject to the media law. It broadened the definition of "disseminated media products" to include information posted on the Internet. It also made it easier for the government to shut down media outlets, including Web sites, for violations during electoral periods or for inciting interethnic violence.

The Agency for Information and Communication (AIC) controlled the registration of .kz domains. The AIC may suspend or revoke registration for failure to locate servers in the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

The media monitoring group Adil Soz reported that government blocking of the Web site Live Journal continued intermittently throughout the year, although the site remained accessible through other servers. The government began blocking the site in 2007 in connection with the publication of audio recordings and transcripts of telephone conversations between high-level government officials.

The opposition-oriented Web site zona.kz reported coordinated cyber attacks against it in February and April and a 10-day attack in May. On February 13, a cyber attack interrupted the Web site of opposition newspaper *Respublika*. The managers of both outlets ascribed the attacks to the sites' critical comments of the government.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom, although academics, like all citizens, were prohibited from infringing on the dignity and honor of the president.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for limited freedom of assembly. There were significant restrictions on this right in practice, and police used force to disrupt peaceful demonstrations. The law defines unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability as national security threats.

Under the laws governing public assembly, organizations must apply to local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance. Opposition and human rights monitors complained that complicated and vague procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations and reported that local authorities turned down most applications for demonstrations. Authorities often detained briefly and fined organizers of unsanctioned gatherings, including political party gatherings. The National Human Rights Action Plan 2009-12, which the Presidential Human Rights Commission presented to the media on September 10, noted that the country's legal norms on public gatherings at times contradicted international standards and proposed that a new law on public assemblies be adopted by the end of 2010.

The PGO urged members of the Azat political party not to gather on February 21, although the party had received formal permission for a demonstration from the Almaty mayor's office. After several newspapers reported Azat's call for the public to join the demonstration, the PGO declared that Azat's message contained elements of "social and clan enmity" that constituted "political extremism" as defined in the criminal code. The prosecutor threatened to bring criminal charges against anyone who participated in the demonstration for "inciting social and clan enmity."

During the year authorities dispersed several gatherings organized without preliminary authorization. In February authorities prohibited protests by several citizens' groups and political parties throughout the country, alleging that other events were scheduled for the same day and time. On April 21, police detained 12 activists with the youth human rights organization Ar.Rukh.Khak for three hours when they tried to meet with journalists on the main square in Almaty. The group had not registered the meeting with authorities. In Almaty the number of protests increased due to the economic crisis. In most cases authorities denied the rally permits.

On July 21, the Almaty administrative court fined Bulat Abilov, the leader of the opposition party Azat, 64,800 tenge (approximately \$430) for holding an unsanctioned rally on June 24 in support of media freedom. Abilov asserted that city

authorities had denied his requests for rally permits. On July 30, the same court sentenced the leader of the Talmas movement, Ainur Kurmanov, to 15 days in jail for holding an unsanctioned action on June 24.

On September 16, police arrested Andrey Sviridov, a journalist working for the Human Rights Bureau, for holding an unsanctioned protest against the conviction of Yevgeniy Zhovtis. Sviridov was released after three hours in detention. The next day the court found him guilty of holding an unsanctioned rally and fined him 12,730 tenge (about \$75). Sviridov's colleague Victor Kovtunovski held a similar protest on September 9 and received a heavier fine of 32,400 tenge (about \$216).

Freedom of Association

The law provides for limited freedom of association. There were significant restrictions on this right in practice. Any public organization set up by citizens, including religious groups, must be registered with the Ministry of Justice (MOJ) as well as with MOJ branches in every region in which the organization conducts activities. The law requires public or religious associations to define their specific activities, and associations that act outside the scope of their charter may be warned, fined, suspended, or ultimately prohibited. Participation in unregistered public organizations may result in administrative or criminal liability, such as fines, dissolution, probation, or imprisonment.

The prohibition on unregistered organizations often provided a pretext for authorities to interfere with the activities of organizations. Membership organizations, including religious groups, must have 10 members to register at the local level and must have branches in more than half of the regions for national registration. Political parties and labor unions were considered membership organizations but had additional specific registration requirements. On February 6, the president signed amendments to the political party law that lowered the number of signatures necessary for registration from 50,000 to 40,000. If authorities challenge the applications alleging irregular signatures, the registration process can continue as long as the total number of eligible signatures remains above the minimum. The law prohibits parties established on an ethnic, gender, or religious basis. The law prohibits members of the armed forces, employees of national security and law enforcement organizations, and judges from participating in trade unions or political parties.

On May 19, the Special Administrative Court in Almaty found Vladimir Kozlov guilty of leading the unregistered political party Alga and fined him 127,000 tenge (approximately \$900). The court of appeals upheld the ruling on June 2. On December 18, the MOJ suspended Alga's formal registration request for allegedly submitting ineligible signatures. Alga had been waiting for formal registration with the MOJ since 2006.

NGOs reported that the registration process was fairly straightforward, although corruption in the process was common. NGOs involved in human rights advocacy and political activities faced greater administrative delays and obstacles, although there were no reports that the government denied registration or closed organizations.

The Human Rights Bureau, Almaty Polyton Club, and the Semey-based NGO Dom reported that the government investigated them for allegedly failing to pay taxes on grants from a foreign donor organization. Tax authorities froze the accounts of Polyton and Dom. In February the Human Rights Bureau and Polyton Club successfully argued the grants' tax-exempt status. On August 7, the Supreme Court ruled against the NGO Dom in a similar case and ordered the organization to pay 5 million tenge (approximately \$33,000) in corporate tax.

The 2005 extremism law criminalizes membership in certain prohibited organizations. HT was the only organization prohibited under this law. Although it maintained that it was committed to nonviolence, HT promoted hate and praised acts of terrorism. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. Local and regional officials attempted on occasion to limit or control the practice of religion by several groups, especially religious communities that the government defined as "nontraditional." The constitution defines the country as a secular state and provides the right to decline religious affiliation.

The government continued to express publicly its support for religious tolerance and diversity, but also publicly criticized "nontraditional" religious groups and called for new legislation to increase its control of missionaries and the dissemination of religious materials. On February 12, the Constitutional Council declared that the restrictive amendments to the religion law adopted by parliament in November 2008 were unconstitutional on technical grounds. The government's enforcement of the law led to continuing problems for some unregistered groups, as the law imposes mandatory registration requirements on missionaries and religious organizations. Although the majority of religious communities worshipped largely without government interference, local officials attempted on occasion to limit the practice of religion by some minority groups.

The generally amicable relations between religious groups in society contributed to religious freedom. The country is multiethnic, with a long tradition of tolerance and secularism. In particular Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. The population, particularly in rural areas, was sometimes wary of religions the government deemed "nontraditional." The number of registered religious groups and places of worship increased during the year for virtually all religious groups, except minority and nontraditional groups. In August the government introduced a class on religions in the high school curriculum.

The religion law narrows the constitution's legal protections for religious freedom. Under the law religious groups must register both with the central government and in the individual regions in which they have congregations. Missionaries must register annually and be sponsored by a registered religious organization. All supporting materials must be provided with the registration applications; it is illegal to use other materials. Only a registered organization may act as a legal entity to buy or rent real property, hire employees, or engage in other legal transactions.

In practice most religious communities chose to register with the government and ultimately obtained registration. Minority religious groups sometimes reported long delays in the process. Unregistered religious groups reported an increase in court actions against them and an increase in the monetary amount of fines imposed for nonregistration. Some religious groups also criticized the intrusive nature of the registration process, which required them to provide information about ethnicity, family status, religious education, employment, and political affiliation.

Minority religious groups reported sustained government pressure against their communities. During the year the Baptist Council of Churches, which has a policy not to seek registration in former Soviet countries, continued to report new cases against churchgoers for participating in the activities of an unregistered group. Protestant groups reported an increase in intrusive inspections from financial police. Human rights groups reported that the Ministry of Culture and Information partially financed five crisis centers for victims of "dangerous religious sects."

On January 26, the Atyrau city court upheld the Jehovah's Witnesses' right to register a religious center, overturning seven years of denials by regional MOJ officials and the akim (governor).

On March 10, the Almaty appellate court vacated a two-year prison sentence against Elizaveta Drenicheva, a Unification Church member and Russian citizen, but upheld the guilty verdict. The court fined Drenicheva 1,273 tenge (approximately \$8), but she did not have to pay it because of time spent in detention awaiting the appellate ruling. On January 9, an

Almaty district court found Drenicheva guilty on charges of promoting the superiority of a group of citizens based on religion. The case was based on several religious lectures Drenicheva gave on the teachings of Sun Myung Moon. Human rights activists and international observers sharply criticized the decision as an infringement on freedom of conscience.

On June 12, the Karaganda regional court upheld a decision of the Specialized Interdistrict Economic Court of Karaganda to close the Church of Scientology in Karaganda. On June 22, the president of the Scientology Church of Karaganda, Vadim Vitushkin, reported that the church's appeal was heard in court without the presence of the church's representatives and lawyers. The appeals court upheld the lower court's decision on the same day.

Members of Jehovah's Witnesses reported somewhat improved relations with authorities but noted several cases of government interference with their attempts to conduct ceremonies and other gatherings.

Local and foreign missionaries must register annually with the MOJ and provide information on religious affiliation, territory of missionary work, and time period for conducting that work. The MOJ may refuse to register missionaries whose work would be inconsistent with any law, including laws that prohibit the incitement of interethnic or interreligious hatred. Foreign missionaries, like all visitors, are required to register with migration police and indicate the purpose of their stay. The constitution requires foreign religious associations to conduct their activities, including appointing the heads of religious associations, "in coordination with appropriate state institutions." Although foreigners may register religious organizations, the government requires that the majority of the 10 founders be local citizens.

Although the law is vague on the definition of missionary activity, authorities frequently interpreted any religious activity by visiting foreigners as missionary activity and expelled those who were not registered as missionaries. During the year 15 foreign citizens were deported for conducting missionary activities without registration.

Observers believed that security officials informally monitored some religious activity, particularly Muslim imams' sermons. There were no reports that any monitoring involved interference or harassment. There were no restrictions on religious travel. Media reported several cases of public schools prohibiting female students from wearing the hijab (Muslim head covering) because it conflicted with uniform rules. On December 1 to 4, in response to broad public interest, representatives of the MOJ spoke on public television to clarify that, although the constitution guarantees everyone's right to follow any religion, students in public schools must follow the established uniform rules.

In contrast with 2008, the Karasai regional government near Almaty moved toward an agreement with the Almaty Hare Krishnas to resolve a property dispute regarding a plot of land they had been using in the Almaty region. In March local authorities offered the Hare Krishnas land close to Almaty for their temple and promised to find pasture land for the community's cows. Negotiations were ongoing at the end of the year.

Societal Abuses and Discrimination

Observers noted that negative media coverage of "nontraditional" religious groups lessened after the Constitutional Council overturned the November 2008 amendments to the religion law on February 12. Nevertheless, some minority groups, including evangelical Christians and Scientologists, continued to face negative media coverage.

Approximately 30,000 to 40,000 Jews lived in the country. There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by HT. Leaders of the Jewish community reported no cases of anti-Semitism by the government or in society.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement, but there were some regulatory restrictions. The government generally respected the right in practice, and citizens were able to move within the country with relative ease. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations to provide some protection and assistance to refugees, asylum seekers, and other persons of concern.

The government required citizens and foreigners who remained in the country for more than five days to register with migration police. Foreigners entering the country may register at certain border posts. Registration in most of the country generally was routine; nonetheless, some foreign citizens reported that local authorities regularly requested bribes before completing registration. During the year the MIA deported 17,545 foreigners for gross violations of the visitor rules; the majority of the foreigners were citizens of countries in the Commonwealth of Independent States (CIS). The government required persons who were suspects in criminal investigations to sign statements that they would not leave their place of residence and detained individuals routinely for identity checks without suspicion of a criminal offense.

Although the government did not require exit visas for temporary travel of citizens, there were certain instances in which the government could deny exit from the country, including for travelers subject to pending criminal or civil legal proceedings, unfulfilled prison sentences, or compulsory military duty. Travelers who presented false documentation during the exit process could be denied exit, and authorities controlled travel by active-duty military. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

The law prohibits forced exile, and the government did not employ it.

The law provides for the right to emigrate and the right to repatriate, and the government generally respected these rights in practice. An exception is the law on national security, which prohibits persons who had access to state secrets from taking up permanent residence abroad for five years after leaving government service. The government required a permanent exit visa for emigration; obtaining this visa required criminal checks, credit checks, and letters from parents and any dependents expressing no objection to exit visa issuance.

Authorities required foreigners to obtain prior permission to travel to certain border areas with China and cities in close proximity to military installations. The government continued to declare particular areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur. In practice foreigners could visit these areas with prior permission from the MIA.

Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. On December 9, the president signed a new law on refugees that outlines refugee rights, including the right to be registered and be issued a document. The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government did not forcibly return any refugees to Uzbekistan during the year.

In practice the government did not expel or return refugees or asylum seekers despite some detentions and interrogations of such persons. The Office of the UNHCR reported that, in July and August, the MIA and local Almaty law enforcement detained several Uighur refugees, holding them for several hours or, in one case, for three days. The UNHCR maintained regular access to the detainees and did not report abuse.

On September 7, armed and masked men, later identified as Almaty KNB officers, detained three Uzbekistani and Chinese Uighur national refugees and two asylum seekers and held them for three hours. Some reported the KNB officers threatened them with deportation or put plastic bags on their heads. In response to the UNHCR's inquiry, the KNB said it

was running checks on the detainees. The detainees reported that the KNB officers accused them of killing a policeman in Uzbekistan. The UNHCR sent a formal protest letter to the government.

The government generally registered asylum seekers and determined their status in consultation with the UNHCR, with the exceptions of citizens from the CIS countries or China. Only the president could grant political asylum, and he did not do so during the year. In some cases the government allowed asylum seekers and refugees to stay in the country while the UNHCR found third countries that would accept them. Although the government registered refugees already present in the country, it did not accept any refugees for resettlement and naturalization. The government also provided temporary protection to individuals, including some Afghan refugees, who might not qualify as refugees.

In practice the government does not grant refugee or asylum status to citizens of CIS countries or China. The government maintained that citizens of CIS countries cannot by definition need refugee status because they enjoy freedom of movement under the visa-free regime in the CIS. Citizens of CIS countries are processed under migration laws that give them some renewable temporary status but not the full protection of refugee status. Citizens from China were not granted any legal status, but the government informally tolerated their presence. Activists reported that, in practice, many refugees from CIS countries and China did not seek formal status. Those who sought protection from the UNHCR generally had access to such processes, and the government generally respected UNHCR refugee certificates.

During the year the UNHCR reported generally good cooperation from the government in assisting refugees and asylum seekers. The government usually allowed the UNHCR access to detained foreigners to determine whether they qualified for refugee status. The government was generally tolerant in its treatment of local refugee populations, except for a few citizens from former Soviet republics. The government often did not allow refugees without passports or those who had entered the country illegally to register, although the UNHCR intervened on behalf of those it judged to be asylum seekers under the UNHCR's mandate.

The Committee on Migration in the Ministry of Labor continued to work with the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, to review refugee claims. Consistent with the Minsk Convention on Migration within the CIS, the government did not recognize Chechens as refugees. Chechens were eligible for temporary legal resident status for up to 180 days, as any other CIS citizen. This temporary registration was renewable, but local migration officials have discretion over the renewal process. In some cases they solicited bribes, exploiting the vulnerability of Chechens due to their inability to return safely to Chechnya. The government has an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors remained concerned about the effect of this agreement on Uighurs from China living in the country, and there were reports that the government forcibly returned Uighurs to China during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide for a democratic government with universal suffrage for those older than 18 years of age; in practice the government severely limited the right of citizens to change their government.

Although the 2007 constitutional amendments increased legislative authority in some spheres, the constitution continues to concentrate power in the presidency. The president appoints and dismisses most high-level government officials, including the prime minister, the cabinet, the prosecutor general, the KNB chief, Supreme Court and lower-level judges, regional governors, and the chairman and two members of the Central Election Commission (CEC), which oversees presidential and parliamentary elections. The Mazhilis (lower house of parliament) must confirm the president's choice of prime minister, and the senate must confirm the president's choice of prosecutor general, chief of the KNB, Supreme Court judges, and head of the national bank. The parliament has never failed to confirm a presidential nomination. Modifying or amending the constitution effectively requires the president's consent. The 2007 constitutional amendments

exempted President Nazarbayev from the two-term presidential term limit.

The government continued to take some steps toward meeting democratic reform commitments it made at the 2007 OSCE Ministerial. In February the president signed into law amendments on political parties, parliamentary elections, and the media. Some civil society representatives and opposition party members criticized the legislation for not going far enough with reforms and claimed that the legislative process lacked transparency.

Elections and Political Participation

In the 2007 elections for the Mazhilis, President Nazarbayev's Nur Otan party, the country's dominant political force, received 88 percent of the vote, winning every seat in the chamber. No other party received the necessary 7 percent of the vote to obtain Mazhilis seats.

An OSCE election assessment noted several areas of improvement in the conduct of previous national elections, including increased transparency on the part of the CEC. Nevertheless, the assessment criticized a number of legal provisions related to the election including excessive requirements for registration of political parties; limitations on the right to seek public office, such as 10-year residency and party membership requirements; and a provision allowing the Assembly of People of Kazakhstan--an unelected body whose members President Nazarbayev appointed--to choose nine of the 107 members of the Mazhilis. Opposition leaders filed 400 court cases alleging violations. The courts dismissed or denied the majority of the cases.

All registered parties that sought to compete in the 2007 elections were permitted to do so, although the system introduced by 2007 constitutional amendments makes no provision for independent candidates. Political parties must register members' personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties. There were credible allegations that persons entering government service were pressured to join the Nur Otan party.

At year's end there were 10 registered political parties, including opposition parties Ak Zhol, Azat, the National Social Democratic Party, and the Communist Party of Kazakhstan.

In order to register, a political party must hold a founding congress with minimum attendance of 1,000 delegates from two-thirds of the oblasts and the cities of Astana and Almaty. The February 6 amendments to the political party law lowered the number of signatures necessary for registration from 50,000 to 40,000. Parties must obtain at least 700 signatures from each oblast and the cities of Astana and Almaty, registration from the CEC, and registration from each oblast-level election commission.

The February 9 amendments to the law on elections mandate a two-party parliament by stipulating that the party with the second-highest vote count automatically receives seats in the Mazhilis, even if it fails to reach the 7 percent threshold.

The law prohibits parties established on an ethnic, gender, or religious basis.

On May 22, the Almalinskiy district court in Almaty found Azat chairman Bulat Abilov, Shanyrak movement's Asylbek Kazhakhmetov, and oppositionist Tolen Tokhtasynov guilty of concealing the whereabouts of a suspect in a murder investigation. The court did not impose a sentence on the three oppositionists, because the statute of limitations on the case had run out. The three appealed the charges, claiming the allegations were politically motivated. On July 29, the Almaty City Appellate Court denied the appeal.

There were two women in the 47-seat senate and 19 women in the 107-member Mazhilis. There was one woman in the cabinet and one chaired a national agency. Traditional attitudes sometimes hindered women from holding high office or

playing active roles in political life, although there were no legal restrictions on the participation of women and minorities in politics. There were nine non-Kazakhs in the senate, and 27 in the Mazhilis. There were two non-Kazakh cabinet members. Under the 2007 constitutional amendments, the president gained the ability to appoint 15 members of the senate, with the requirement that the appointments facilitate representation of different ethnic and cultural groups.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The MIA, financial police, the KNB, and the Disciplinary State Service Commission are responsible for combating corruption. Opposition leaders and human rights NGOs accused the government of rampant corruption. According to the World Bank's Worldwide Governance Indicators, corruption in the country was a problem.

The government intensified its campaign to address corruption, and several highly placed government officials were investigated for embezzlement and abuse of office. On March 24, a court sentenced former aide to the president Serik Burkitbayev to six years in prison for committing economic crimes. On April 13, the KNB arrested Deputy Defense Minister Kazhimurat Mayermanov for alleged abuse of power in defense procurement. On May 24, the KNB arrested the chairman of the state uranium company, Mukhtar Dzhakishev, on charges of abuse of office. The investigation was ongoing at year's end.

Lower and middle-ranking officials and minor political figures were penalized on corruption charges. The government reported that, during the first 10 months of the year, 1,693 corruption crimes were disclosed, including 626 bribery cases, 332 cases of abuse of power, 60 cases of excessive use of power, 365 cases of embezzlement, five cases of money laundering, and two cases of economic smuggling. In July the Customs Committee announced that 190 criminal cases had been opened against corrupt customs officials since the beginning of the year. On July 19, Supreme Court Chairman Musabek Alimbekov told the media that 24 judges had been fired for incompetence since the beginning of the year. Five judges were convicted for corruption. On September 1, President Nazarbayev publicly ordered that all new legislation undergo an "anticorruption examination" to eliminate loopholes that could lead to bribery or embezzlement.

The law mandates that the government, public associations, officials, and media outlets provide citizens with information that affects their rights and interests; in practice citizens' requests for information were not fulfilled in a timely manner.

Although parliament published several draft laws, some parliamentary debates, and occasionally its voting record, many parliamentary activities remained outside public view. Accredited journalists and representatives of public associations may observe some parliamentary sessions via video link from a separate room. Transcripts of parliamentary sessions were not available to the public. Parliament closed to the public and the media its discussion of controversial legislation during the year.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated effectively, with relative freedom to investigate and publish their findings on human rights cases; however, the government restricted certain activities of domestic and international human rights NGOs. International human rights groups reported that the government continued to monitor the activities of NGOs that worked on sensitive issues and noted government harassment, including police visits and surveillance of NGO offices and personnel.

The Kazakhstan International Bureau of Human Rights (KIBHR), the Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Charter for Human Rights, Penal Reform International, and Adil Soz were among the most active local human rights NGOs and occasionally faced difficulties in registration and acquiring office space and technical facilities. They also reported the government audited their records and imposed various legal constraints.

On September 22, unidentified persons assaulted Aynur Kurmanov, the head of the Talmas public association, near his home. Kurmanov and Azat party representatives claimed that the attack directly related to his work with trade unions and alleged that the authorities were involved with the attack. A police investigation was pending at year's end.

In general the government did not prevent international NGOs and multilateral institutions dealing with human rights from visiting the country and meeting with local human rights groups and government officials. The government cooperated with the OSCE and its field mission. The UN, the International Organization for Migration, and the International Red Crescent Society also operated freely in the country.

National security laws prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities. The law stipulates that a noncommercial organization must provide information to tax authorities on its founders, activities, and foreign sources of funding, as well as income, property, expenses, and employee records. International organizations are prohibited from funding unregistered entities.

The Presidential Commission on Human Rights is a consultative and advisory body that includes members from the public appointed by the president. The commission reviews and investigates complaints, issues recommendations, monitors fulfillment of international human rights conventions, and publishes annual human rights reports. The commission does not have legal authority to remedy human rights violations or implement its recommendations. On September 10, the commission presented the National Action Plan on Human Rights for 2009-12. Leading human rights NGOs made a significant contribution to the draft plan. Civil society activists considered it an ambitious, well-prepared document, but expressed concern regarding its implementation.

The presidentially appointed human rights ombudsman investigated complaints by citizens of violations of their rights by state agencies, although the ombudsman was not authorized to investigate complaints concerning the president, heads of government agencies, the parliament, the cabinet, the Constitutional Council, the prosecutor general, the CEC, or the courts. The Ombudsman's Office has authority to appeal to the president, cabinet, or parliament to resolve citizens' complaints, to cooperate with international human rights organizations and NGOs, to meet with government officials concerning human rights violations, to visit certain facilities such as military units and prisons, and to publicize results of investigations in the media. The ombudsman also published an annual human rights report. During the year the ombudsman occasionally briefed the media and issued reports discussing complaints it had investigated. The ombudsman received 1,090 complaints during the year and provided relief to 119 citizens. Many of the complaints concerned court rulings in which the ombudsman had no jurisdiction.

Domestic human rights observers noted that, although government human rights investigators did some laudable work, particularly with less controversial social problems and issues involving lower-level elements of the bureaucracy, the Ombudsman's Office and the human rights commission were limited in their ability to stop human rights abuses or punish perpetrators. Observers noted that the commission and the ombudsman avoided addressing underlying structural problems that led to human rights violations.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce the law. Violence against women, trafficking in persons, and discrimination against persons with disabilities, homosexual activity, and nonethnic Kazakhs in government were problems.

Women

The law criminalizes rape. The punishment for rape, including spousal rape, ranges from three to 15 years' imprisonment. The government reported 734 criminal rape cases. Under the law a prosecutor cannot initiate a rape case absent aggravating circumstances, such as gang rape, unless the victim files a complaint. Once a complaint is filed, the criminal investigation cannot be dismissed if the rape victim recants or refuses to cooperate further with the investigation. This provision is intended to protect victims from coercion. There were anecdotal reports of police and judicial reluctance to act on rape and spousal rape cases.

Violence against women, including domestic violence, was a problem. On December 7, President Nazarbayev signed a new law on domestic violence. The law defines for the first time "domestic violence" and "victim"; identifies various types of violence, such as physical, psychological, sexual, and economic; and outlines the responsibilities of the local and national governments and NGOs in providing support to domestic violence victims. The law also outlines mechanisms for issuance of restraining orders and provides for 24-hour administrative detention of abusers. The criminal procedure code sets the maximum sentence for spousal assault and battery at 10 years in prison, which is the same as for any beating.

According to NGOs domestic violence increased. Although official statistics were scarce, activists assessed that one in four families experienced domestic violence. The government reported 761 domestic violence crimes during the year. NGOs reported that 40 percent of such crimes went unreported.

Police intervened in family disputes only when they believed the abuse was life-threatening. According to NGO estimates, police investigated approximately 10 percent of such cases. NGOs conducted training for police officers on how to handle victims of domestic violence.

NGOs reported that women often withdrew their complaints as a result of economic insecurity. When victims pressed charges for domestic violence or spousal rape, police sometimes tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often light battery, for which judges sentenced domestic abusers to incarceration at a minimum security labor colony and 120 to 180 hours of work. Sentences for more serious cases of battery, including spousal battery, range from three months to three years' imprisonment; the maximum sentence for aggravated battery is 10 years' imprisonment.

According to the government, there were 25 crisis centers in the country providing assistance to women and two centers that provided assistance to men. All the crisis centers received funding through government and international grants to NGOs. A number of smaller NGOs provided assistance to victims. Six of the crisis centers also provided shelter for victims of violence.

Prostitution was a serious problem. Prostitution is not prohibited by law, although forced prostitution, prostitution connected to organized crime, and acts facilitating prostitution, such as operating a brothel or prostitution ring, are illegal. During the year the government investigated 169 individuals for prostitution-related crimes; 164 individuals were convicted. NGOs reported that criminal prostitution rings often included local law enforcement officials.

Sexual harassment remained a problem. The law prohibits some forms of sexual harassment, but legal and gender experts regarded the legislation as inadequate to address the problem. There were reports of incidents of harassment, but in no instance was the victim protected under the law, nor were there reports of any cases prosecuted.

According to the Population Reference Bureau (PRB), the birth rate in the country was 23 births annually per 1,000 members of the population and the infant mortality rate was 32 infant deaths per 1,000 live births.

Couples and individuals are free to decide the number, spacing, and timing of their children, and have the means to do so free from discrimination, coercion, or violence. Modern contraceptive methods were widely available. Less than 1 percent of women between the ages 15 and 24 and less than 1 percent of the adult population between the ages of 15 and 49 years had contracted or were living with HIV/AIDS. Women and men received equal treatment for sexually transmitted infections. Skilled personnel attended 99 percent of births, and 100 percent of women received at least one postnatal care visit, according to the PRB.

The constitution and law provide for equal rights and freedoms for men and women. On December 10, the president signed a new gender equality law that defines the terms "gender," "gender equality," "sexual discrimination," and "equal opportunity" and prohibits discrimination based on gender. The financial and economic crisis affected women more than men with more women than men losing their jobs. According to observers women in rural areas faced greater discrimination than women in urban areas and suffered from a greater incidence of domestic violence, limited education and employment opportunities, limited access to information, and discrimination in their land and property rights.

Children

Citizenship is derived both by birth within the country's territory (*jus soli*) and from one's parents (*jus sanguinis*). The government is required to register all births immediately.

Children's rights are governed by the Law on the Rights of the Child, the Marriage, and Family, the Law on Prevention of Juvenile Delinquency, the Law on Social and Medical Support to Children with Disabilities, and related UN conventions to which the country is a party. In 2006 the government established a Committee on Protection of Children's Rights within the Ministry of Education and Science.

Education is mandatory through 16 years of age or secondary school; elementary schooling generally begins at age six. Primary and secondary education are free and universal. The law provides equal access to education for boys and girls. The Ministry of Education and Science estimated 99 percent enrollment of school-aged children. The law provides for access to public education for refugee and illegal migrant children. In some cases these children were denied access to schools or their parents did not enroll them for fear of discovery and deportation. According to the Committee on the Protection of Children's Rights, more than 6,000 children were identified as "street children" during the year. According to media reporting, homeless children apprehended by police were placed in centers for temporary detention, where they received medical and psychological assistance before they were released or sent to orphanages.

The law provides that medical care for all children irrespective of gender, and in practice children received such care.

There were reports of child abuse, although there was no societal pattern. NGOs estimated that more than half of all children younger than 14 years old experienced at least one incident of physical or psychological abuse by adults. Abuse was more common in rural areas. **During the year the MIA permanently terminated custody rights of 923 abusive parents.** Minors who are 16 years old or older have the right to file petitions related to their interests directly with a court.

NGOs reported that a growing number of children in orphanages, boarding schools, and detention facilities for delinquent children were victims of violence, and there were increased media reports on abuses in orphanages and other institutions. According to media reports, incidents of illegal placement of delinquent children in special correction facilities (prisons for underage criminals) occurred. In rare cases in which the abusive teachers were held liable, delinquent children received lenient punishment.

In June D. Seitkhanov, a teacher at the Zyrianovsk boarding school for children with mental disabilities, was convicted for "inappropriate performance of duties in the education of underage persons related to abusive treatment." The court sentenced Seitkhanov to one year of restricted freedom of movement and a two-year prohibition from teaching.

Trafficking in Persons

The law prohibits trafficking in persons for all purposes, but the practice remained a problem. There were investigations and prosecutions of law enforcement officials for complicity in trafficking, and one official was convicted.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. Persons were trafficked to, from, through, and within the country. The International Organization for Migration (IOM) estimated that nearly 200,000 citizens fell victim to trafficking annually, of whom 76 percent were trafficked internally. Many NGOs reported a continued increase in the identification of victims, possibly reflecting greater awareness of the problem. During the year the MIA registered 44 citizen and foreign victims of trafficking. The IOM estimated that, for every case that was investigated, as many as four others went unreported. Individuals were trafficked to the United Arab Emirates, Turkey, Israel, South Korea, Greece, Russia, and Western Europe for purposes of forced labor and sexual exploitation. Men and women were trafficked to and through the country and from the Kyrgyz Republic, Uzbekistan, Tajikistan, Ukraine, and South Asia for purposes of forced labor and sexual exploitation.

Traffickers targeted girls and young women in their teens and twenties for sexual exploitation. According to the MIA, some women were recruited with promises of jobs or marriage abroad. Travel, employment, and modeling agencies often recruited victims through advertisements promising lucrative jobs abroad. Previously trafficked women reportedly recruited new victims. Some trafficking victims appeared to be aware or at least suspected that they were going to work as prostitutes but did not expect to work in slave-like conditions. Many trafficked persons were from Uzbekistan and traveled to their destinations on forged passports obtained abroad.

Trafficking in women remained a problem. Individuals were trafficked to the United Arab Emirates, Turkey, Israel, South Korea, Greece, Russia, and Western Europe for purposes of forced labor and sexual exploitation.

Adolescents in orphanages, regardless of gender, and residents of rural and economically disadvantaged areas were particularly vulnerable to being trafficked.

There was a decrease in the number of men trafficked into the country for forced labor from neighboring countries. The MIA and the IOM attributed the decrease to greater awareness of the problem and lessened demand for construction labor due to the financial crisis. There were credible reports of organized criminal trafficking rings bringing construction laborers to Astana and other cities. Employers and trafficking accomplices usually held trafficked workers' passports. Victims reported traffickers used debt bondage, violence, or threats of violence to compel them to work. NGOs suspected organized crime was involved in all forms of trafficking.

On April 2, the government adopted a new national plan to combat trafficking in persons for 2010-11, assigning responsibilities for combating trafficking to the ministries of justice, internal affairs, foreign affairs, labor and social welfare, education and science, culture, information and sports, the KNB, the National Commission on Family Issues and Gender Policy, and the prosecutor general.

Trafficking is punishable by a maximum seven-year prison term. If a minor is involved, the maximum penalty increases to 10 years' imprisonment. The maximum penalty increases to 10 years' imprisonment if a victim was trafficked abroad and 12 years' if the victim was a minor. The maximum penalty is 15 years' imprisonment for cases involving an organized crime syndicate, the death of a victim, or other "grave consequences" to the victim.

The number of successful prosecutions for trafficking continued to increase. In the first 11 months of the year, police registered 20 new cases of trafficking involving adults and 16 cases of trafficking minors. Twenty-four of these cases reached the courts.

The government cooperated with authorities in both destination and source countries. Embassies assisted victims of trafficking. In the first nine months of 2008, the Ministry of Foreign Affairs assisted in repatriating eight citizens. No information was available on the number of repatriations during the year by year's end.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials, including migration and border officials, contributed to trafficking.

The law provides trafficking victims with temporary resident status to ensure their safe repatriation or participation in trafficking prosecutions. Trafficking victims are not considered illegal immigrants under the law and generally were not deported or otherwise penalized. NGOs working with foreign trafficking victims reported government cooperation in providing administrative support for the repatriation of identified trafficking victims.

The government provided some victim protection and assistance, although significant gaps remained in comparison with the level of assistance that victims required. In the first nine months of the year, the government provided financial assistance to trafficking victims who participated in criminal proceedings. The assistance included security, food, lodging, and medical services. NGOs operated two crisis support centers that provided legal and material assistance and counseling under memoranda of understanding with the government. In some cases, the government provided NGOs with reduced-rate leases and other limited support. In general NGOs reported improved cooperation with government officials in coordinating assistance for trafficking victims.

The MOJ continued to maintain separate national hotlines for trafficking victims to report crimes and to receive information. The government provided training for law enforcement and other government officials to improve their abilities to recognize, investigate, and prosecute instances of trafficking. The MIA continued enrolling migration police and criminal police in comprehensive antitrafficking training at the Study Center for Specialists on Combating Illegal Migration and Human Trafficking.

The MIA conducted spot investigations at hotels, saunas, and employment agencies for trafficking activities. The PGO enforced mandatory licensing for tourist agencies and conducted inspections throughout the year to uncover agencies involved in trafficking.

The government increased funding for trafficking prevention and encouraged media to publish and report on antitrafficking efforts. The government continued to air a series of public service announcements provided by international organizations in Russian and Kazakh. Public and private media were required to distribute the messages.

The Ministry of Education and Science reported that the curriculum of all high schools and colleges included trafficking awareness. According to the ministry, most universities had information and analysis centers that dealt with trafficking awareness, among other topics. As part of the national action plan, a chapter on trafficking in persons was introduced in secondary school curricula.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services or other areas. It requires companies to set aside 3 percent of their jobs for persons with disabilities. International and local observers noted some improvement in the situation regarding the rights of persons

with disabilities. Nevertheless, there were reports that persons with disabilities faced difficulty integrating into society and finding employment. The law mandates access to buildings for persons with disabilities. Vice Minister of Labor and Social Protection Assel Nusupova identified the two biggest problems facing persons with disabilities as poor infrastructure and lack of access to education. Persons with disabilities had difficulty accessing public transportation. The government did not make a concerted effort to address these problems.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice the government committed persons at a young age with permission of their families. Institutions were poorly managed and inadequately funded. There are no regulations regarding the rights of patients in mental hospitals; human rights observers believed this led to mass abuse of patients' rights. NGOs reported orphanages for children with physical and mental disabilities were overcrowded and unsanitary, with insufficient staff to care adequately for children's needs. KIBHR observed that the government provided almost no care for persons with mental disabilities.

The government did not restrict the right of persons with disabilities to vote, and arranged home voting for individuals who could not travel to polling places as a result of their disability. The Ministry of Labor and Social Protection was the primary government agency responsible for protecting the rights of persons with disabilities; the ministries of health and education also assisted in their protection.

National/Racial/Ethnic Minorities

The government continued to discriminate in favor of ethnic Kazakhs in senior government employment. Minorities experienced ethnic prejudice and hostility; encountered incidents of insult, humiliation or other offenses; and were discriminated against in employment or job retention. There were fewer complaints than in previous years of discrimination regarding school enrollment and fewer concerns about the activities of nationalist organizations and nationalist propaganda in the media.

Ethnic Kazakh migrants (oralmans) who returned to the country from abroad experienced domestic discrimination; in some instances the discrimination evolved into conflict. On June 10, a large group of local residents of Mamait village attacked oralmans living in the village. Several persons were injured and houses were damaged. A police investigation resulted in the conviction of eight men and the dismissal of the village mayor.

Kazakh is the official state language, although organizations and bodies of local self-administration may officially use Russian on an equal basis with Kazakh. The language law is intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. By law the ability to speak Kazakh is not required for entry into the civil service, but most government agencies have technically switched to conducting business in Kazakh, which elicited protests from non-Kazakh speakers against language discrimination.

Among other forms of discrimination, critics mentioned a scarcity of representatives of non-Kazakh ethnicities in the government, the fact that only one of the 20 cabinet members is a non-Kazakh, and a reduction in the number of Russian-language schools.

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

Although there were no official statistics on discrimination or violence based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including lesbian, gay, bisexual, and transgender (LGBT), impeded these groups' willingness to come forward and consequently hindered their access to HIV/AIDS programs.

LGBT individuals, particularly gay men, were among the most oppressed groups, although the country does not outlaw homosexual conduct. Those whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Several LGBT organizations operating in the country reported that government-run HIV clinics sometimes breached confidentiality and reported patients' sexual orientation to their families and employers.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons with HIV and AIDS. Observers reported that cultural stigmas against drug users and other at-risk groups continued to affect general access to information, services, treatment, and care.

Section 7 Worker Rights

a. The Right of Association

The law provides for the right to organize and form unions. During the year, following a widely publicized mining accident in Satpayev and subsequent strike in January 2008, the government launched a prounion campaign to empower workers to protect their workplace rights. Independent union organizers saw this campaign as a significant change in policy. Nevertheless, organizers reported that the government continued to restrict the right to organize, and most workers were not able to join or form trade unions of their choice. The government exercised considerable influence on organized labor and favored state-affiliated unions over independent unions. At least one-third of the workforce was unionized. The largest trade union association, the Federation of Trade Unions, successor to formerly state-sponsored Soviet-era labor organizations, remained affiliated with the government. The federation united 25 national unions and 13 regional industrial unions. The industrial unions represented workers in a wide range of industries, including oil and gas, construction, textiles, education, and public health. Each union elects its own leader and has a representative on the General Council, which elects the 14-member Executive Committee. The committee runs the federation's day-to-day operations and deals with issues of social and economic protection, labor protection, organization, and international cooperation.

To obtain legal status, a trade union must apply for registration with the MOJ. The registration procedure is broadly similar to that of other membership organizations.

The law prohibits the operation of foreign unions and prohibits the financing of unions by foreign legal entities and citizens, foreign states, and international organizations. Foreign workers have the right to join unions.

Workers are protected by law against antiunion discrimination, but in practice there were violations of this right. The violations ranged from threats of being fired, which would lead to the loss of social benefits, such as subsidized health care, to physical intimidation and assault.

According to media accounts, local administrators tried to prevent the activities of independent trade unions through threatens, harassment, and physical intimidation.

On May 15, company managers in Aktau publicly beat two independent labor union activists in the oil company UzenMunaiGas. On August 20, unidentified attackers shot Zhondeu company labor union leader Yklas Shangereyev with a pistol that fires "nonlethal" rounds, which have been known to cause lethal injuries. He was not mortally injured. On August 19, Shangereyev met with KazMunayGas general director Ibrashev about grievances that the labor union had lodged the previous year. Representatives of the independent labor union community unanimously believed the shooting directly resulted from Shangereyev's activism.

In January local authorities acceded to calls from Confederation of Free Trade Unions (CFTU) leader Sergey Belkin to investigate a December 2008 incident in which two masked assailants severely beat CFTU vice president Mukhtar

Umbetov in Aktau. As an active participant in many labor disputes, Umbetov began to receive threatening telephone calls in November 2008. As of year's end, authorities had not released their findings.

b. The Right to Organize and Bargain Collectively

The law protects the rights of unions to conduct their activities without interference, and unions were free to recruit new members, conduct meetings, and bargain collectively with employers. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. During the year the government increased efforts to encourage collective bargaining. As a result the Kazakhstan Federation of Labor Unions reported in September that 95 percent of all unionized enterprises had concluded collective bargaining agreements, a 2 percent increase from the previous year. Activists noted the promising trend and stressed that political pressure was driving the rapid conclusion of agreements.

Union demands unacceptable to management could be presented to a tripartite commission composed of government, employer association, and labor union representatives. The government was supposed to be the neutral broker on the commissions, but there were cases in which it favored the interests of labor unions or employers. The tripartite commission is responsible for developing and signing annual agreements governing most aspects of labor relations. Through this mechanism, labor unions raised the minimal wage for several industries, including mining and metallurgy, during the year. In response to the global financial crisis, labor unions also played a key role in maintaining jobs for workers in industries with declining production demands. Labor union leaders negotiated a deal with the nation's largest steel producer in Karaganda, Arcelor Mittal. Under the agreement workers accepted a 14 percent salary cut and limits on bonuses to prevent layoffs.

The labor law provides for an individual contract between an employer and each employee that sets the employee's wage and outlines the rights and responsibilities of the employee and the employer.

The law provides for the right to strike, but exercising this right is subject to numerous legal limitations. The government maintained a list of industries and enterprises providing essential services where strikes were permitted only under limited conditions. In general workers may strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. Striking workers must give 15-day advance notice to employers. The law neither sanctions nor prohibits the firing of employees for participation in an illegal strike. In practice there were reports of employers providing arbitrary justifications for firing employees who had attempted to organize strikes. In September the Almaty Electric Car Repair Plant fired Yessenbek Ukteshbayev, who organized a June 30 to July 2 plant-wide strike to demand increased salaries and nationalization of the enterprise.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except at the sentence of the court or in conditions of a state of emergency or martial law; however, there were reports that such practices occurred. There were reports that some employers abused migrant workers by confiscating their passports or using debt bondage, violence, or threats of violence to compel them to work. The majority of migrant workers came from Kyrgyzstan, Tajikistan, and Uzbekistan and were primarily employed in agriculture and construction. The Ministry of Labor and Social Protection was responsible for dealing with issues of migrant workers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. The minimum age for employment is 16 years; children who are between 14 to 16 years of age can perform, with parental permission, light work that does not interfere with their health or education. The law also restricts the length of the workday for employees younger than 18 years old. The government conducted labor inspections to enforce the minimum age for employment, but enforcement was uneven.

The government concluded an agreement with national employer associations that committed them to eradicate the use of forced labor and the worst forms of child labor and to develop alternative employment opportunities for children and their families. The Ministry of Education's 2007-11 Children of Kazakhstan program addressed child labor issues. Nevertheless, NGOs contended that the government's efforts were insufficient to address fully the use of child labor, specifically in cotton production.

The government did not maintain statistics on child labor. NGOs and activists reported child labor occurred routinely in agriculture, especially during harvest season. Children were involved in growing cotton and tobacco. There were no comprehensive national statistics on the use of child labor in cotton and tobacco production, but NGO studies have found that more than 70 percent of the children employed in this work were from migrant families, primarily Uzbek and Kyrgyz. Labor conditions frequently presented a physical health risk, and some children suffered from inadequate rest and nutrition. Many child workers lacked proper clothing to protect them from harmful chemicals used in agriculture and harsh weather conditions. The ILO reported that, in 2008-09, it recorded 900 incidents of children between the ages of seven and 17 years old working in cotton fields. In urban areas the country's increasingly formalized labor market led to a decrease in many forms of child labor. Nevertheless, there were reports of children begging, unloading freight, delivering goods in markets, washing cars, and working at gas stations. There were also reports of children exploited in prostitution and pornography.

The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines. The MIA is responsible for investigating criminal offenses. In the first 10 months of the year, the government reported no crimes related to illegal child labor. The government cooperated with trade unions, employers, and NGOs to raise awareness and promote interagency cooperation in eliminating child labor.

Trafficking in children was a problem. The country did not have an acute problem with child labor, although local and international NGOs active in the country reported that children worked in the seasonal production of cotton and tobacco, primarily in the southern regions. There were no comprehensive national statistics on the use of child labor in cotton and tobacco production, but NGO studies have found that more than 70 percent of the children employed in these fields are from primarily Uzbek and Kyrgyz migrant families. The International Labor Organization (ILO) reported 900 cases of children working in cotton fields in 2008-09. On July 1 to 12, the Committee on the Protection of Children's Rights conducted an annual "12 Days against Child Labor" national information campaign.

e. Acceptable Conditions of Work

The national monthly minimum wage of 13,717 tenge (approximately \$91) did not provide a decent standard of living for a worker and family. It was common for working-class families to have more than one wage earner, and most workers earned above minimum wage in urban areas. For the first time in recent years, the monthly minimum wage exceeded the minimum monthly subsistence level, which averaged 12,700 tenge (approximately \$84) during the first eight months of the year.

The law stipulates that the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours a week. The law limits overtime to two hours in a day or one hour a day for heavy manual labor, and requires overtime to be paid at a rate of no less than one-and-a-half times normal wages for hours exceeding

the normal workweek. Overtime is prohibited for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, holidays, and paid annual leave for each worker.

The Ministry of Labor and Social Protection enforced minimum wages, workhours restrictions, and overtime. Ministry inspectors conducted random inspections of employers. Labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions, but working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually lacked protective clothing and worked in conditions of poor visibility and ventilation.

There were reports of management ignoring regulations concerning occupational health and safety. In the first 11 months of the year, the ministry reported 20,421 inspections and 94,738 violations of occupational health and safety standards and rules. In addition to inspections by the ministry, unions conducted inspections of unionized enterprises and reported their findings to authorities for investigation. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful or dangerous work conditions or the possibility of any occupational disease. The law specifically grants workers the right to remove themselves from situations that endanger their health or safety without losing their job. In practice some workers, particularly in the construction industry, were not free to exercise this right without jeopardizing their employment.

During the first 11 months of the year, the government reported 1,811 workplace injuries, compared with 2,184 during the first six months of 2008. The government reported 298 workplace deaths during the first 11 months of the year, marking an increase compared with the 117 deaths reported in the first six months of 2008. According to officials at the Federation of Trade Unions, many of the deaths were due to antiquated equipment, Soviet-era infrastructure, and disregard for safety regulations in the mining and metallurgy sectors.