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IHF FOCUS: Elections; human rights legislation; freedom of expression and the media; freedom of association; peaceful assembly; judicial system and the independence of the judiciary; fair trial and detainees' rights; torture, ill-treatment and misconduct by law enforcement officials; ill-treatment in the army; conditions in prisons and detention facilities; death penalty; right to privacy; religious intolerance; freedom of movement; migration; women's rights; rights of the child; economic and social rights.

Human rights in Kazakhstan deteriorated rapidly in 1999. Kazakhstan had still not ratified most important international human rights conventions and did not uphold its OSCE commitments. The political system did not ensure stable democratic development or reliable mechanisms for the protection of basic human rights and freedoms. The right of the people to choose their representatives through fair and free elections was not respected.

As a result of the 1999 developments, virtually unlimited presidential powers took precedence over constitutional safeguards and the judiciary. President Nursultan Nazarbaev had all sectors of public life under his control, including the Ministry of the Interior, the National Security Committee (NSC), and the Prosecutors' Offices. Authorities at all levels, and law enforcement officials in particular, frequently violated individuals' rights. The court system in Kazakhstan remained extremely similar to that of the Soviet system, and fair trials were rare.

Torture, ill-treatment and inhuman treatment (both in detention facilities and in the military), and illegal arrests and detention were widespread.

Freedom of conscience was not duly observed. Cases of intolerance on behalf of the government and officially recognized religions with non-traditional confessions became more frequent. The fear of Islamic fundamentalism also escalated.

Freedom of expression and information were increasingly restricted. The electronic mass media and the press were under governmental control. "Disobedient" NGOs were under pressure, and the freedoms of peaceful assembly and association were arbitrarily restricted. The Ministry of Interior and the NSC had special forces to monitor opposition activities, the press, NGOs and religious organizations.

Freedom of movement was increasingly limited and the lack of legislation on migration jeopardized national stability.

Discrimination against women continued in the labor and social spheres, and children's rights were not protected.

In times of deep economic crisis and production decline, blatant violations of social, economic and cultural rights and freedoms persisted and increased. The right to work, the right to reasonable working conditions, and the right to education, health care, and social security were all violated.

Elections

Presidential Elections

The presidential elections held on 10 January 1999 did not comply with international standards. According to the OSCE/ODIHR, the main problems included the short duration of the election campaign; the lack of an election law passed by parliament following a public debate;

¹ Based on the *Annual Report 1999 of the Almaty Helsinki Committee*.

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the control by the president and local officials of the appointment of election commissions at every level; obstacles to freedom of association and of assembly; the atmosphere of the campaign (partiality on behalf of authorities in favor of the incumbent president); disproportionate access to the media; irregularities in the voting procedure (e.g. proxy voting); and infringements on the right of citizens to seek public office. Of particular concern were the amendments to the Presidential Decree on Elections, which disqualified any potential candidate who had received a minor administrative sanction for an "intentional offense" during the year prior to registration. The OSCE concluded that Kazakhstan did not meet OSCE election-related commitments in the pre-election process and proposed the postponement of the election.² This was not done.

The key recommendation by the OSCE/ODIHR was the adoption of a new election law that would have constitutional force to replace the presidential decree. However, instead of revoking the presidential decree, on 6 April the parliament passed a law amending the presidential decree and renaming it a "constitutional law." On 28 June, parliament implemented fully only one recommendation: it reduced the mandatory registration fee for candidates in parliamentary elections from 50 to 25 minimum monthly salaries (about US\$ 450).

Other OSCE recommendations were not implemented. The formation of electoral committees at all levels remained the responsibility of the executive, and the committees remained outside public scrutiny. Article 4.4(2) was used to exclude opposition figures Murat Auezov, Galym Abylseitov, Pyetr Svoik, and Akezhan

Kazhegeldin as presidential candidates because they had participated in the activities of unregistered public associations and had, therefore, committed an "administrative offense."

In the presidential elections, President Nazarbaev actively exercised his presidential powers. He toured the country to meet with potential voters, and made presentations in the mass media, all at the expense of the government. Meanwhile, the newspaper *4510 Fahrenheit*³ revealed that "a far from complete account of President Nazarbaev's electoral expenses totaled U.S.\$ 7 million, as opposed to the allowed U.S.\$ 500,000."

The rules regarding the registration of political parties were not revised. Only parties with republican status and branches in at least eight *oblasts* (administrational regions) were allowed to nominate candidates. The registration procedure could last up to four months (instead of the stipulated 15 days) as authorities could use various measures to prolong the procedure. The registration fee was not reimbursed in the event that registration was denied.

Parliamentary Elections

Elections for the two chambers of parliament were held on 17 September (for the Senate; upper chamber), and on 10 October for the Mazhilis (lower chamber).

On 16 July, the Ministry of Foreign Affairs declared that Kazakhstan would create all the conditions necessary for the expression of the citizens' free will, and for holding open, honest and fair elections in accordance with OSCE standards. However, the OSCE deemed both the elections to the

² OSCE/ODIHR, *Kazakhstan, Presidential Election 10 January 1999, Assessment Mission*, 5 February 1999. See also IHF, "Presidential Campaign Found Grossly Unfair," *Human Rights and Civil Society*, 3/1998.

³ 10 July 1999.

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Mazhilis and the *maslikhats* (local representative bodies) to be non-compliant with the standards of free and fair elections.

The OSCE/ODIHR listed numerous violations of the election law, including the illegal interference of executive bodies; election-rigging by political parties closely connected to the current authorities; threats of taking bureaucratic, administrative and judicial measures against the mass media; partiality of the electoral commissions at lower levels in favor of the candidates and parties preferred by regional and local authorities; and threats to opposition parties and candidates and the impeding of their electoral campaigns.⁴

Noting that, in spite of some improvements, the election law was still far from meeting OSCE standards, the ODIHR recommended 14 changes and amendments to the law.⁵ The report also noted that “President Nazarbaev made an appeal to the people on 8 October, calling upon *akims* (heads of local administration) of all levels to ‘establish high standards’ of democratic impartiality.” However, instead of insisting that the irregularities reported by the OSCE be investigated, President Nazarbaev accused the OSCE of using “double standards” in assessing the parliamentary elections and violating the Helsinki Final Act. In Nazarbaev’s opinion, the OSCE’s warnings prior to the elections constituted an “interference in the internal affairs of a sovereign state.”

Human Rights Legislation

By the end of 1999, although Kazakhstan had ratified most international human rights instruments, the country had failed to ratify the ICCPR and the ICESCR. As a result, individuals in Kazakhstan could not use any international mechanism to com-

plain of human rights violations. There were no national mechanisms for human rights protection either. The presidential Human Rights Commission was a consultative body whose members were appointed and dismissed by the president. There was no special law that regulated the operation of the commission. The UN (UNDP) and OSCE representatives in Kazakhstan actively promoted the establishment of the institution of an ombudsman. As of this writing, a related law is being drafted.

The 1995 constitution recognized the precedence of international law over national legislation. However, article 74 of the constitution stipulated that international agreements may not be ratified if the Constitutional Council finds them to be inconsistent with the Kazakh constitution.

Presidential or governmental decrees either had the force of law or were renamed “constitutional laws.” Under the constitution, the president only had the right to issue common laws if two-thirds of both chambers of parliament delegate such power to him for one year. In 1999, this was not done. Nevertheless, it was mostly the president – and not the parliament – who carried out legislative reform in Kazakhstan.

Freedom of Expression and the Media

The constitution and other legislation guaranteed freedom of expression and the media, access to information and its dissemination. It prohibited incitement to social, racial, national, religious, class or clan supremacy; a vague phrasing that could be used to restrict freedom of expression.

⁴ See OSCE/ODIHR, *Republic of Kazakhstan Parliamentary Elections 10 and 24 October 1999, Final Report*, 20 January 2000.

⁵ *Ibid.*

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The National Agency for the Press and Mass Media Affairs was fully controlled by the president. The media was not allowed to publish information inconsistent with state policy. This was demonstrated particularly well during the September-October 1999 electoral campaign. All the largest electronic and print media became the property of private persons close to the president, with the number of independent media considerably reduced: all were subjected to economic pressure, and administrative or criminal prosecution.

In 1999, the government “legalized” the gradually increasing violations of freedom of expression and the media by issuing a package of new laws and edicts⁶ that considerably restricted freedom of expression and virtually placed both the press and the electronic media under unfettered governmental control. The new provisions required additional registrations for the mass media and restricted journalists’ access to information. They also regulated radio frequencies, networks for mobile radio and data transmission, the use of cellular, mobile, and global personal satellite communication, and cable TV. The concept of “state secrets” was interpreted broadly (so as to include, for example, the health of the president). The gathering of information and its dissemination was restricted and the dissemination of articles and airing of broadcasts – both domestic and foreign – whose content “undermined national security” were prohibited: in fact, the prosecutor general could “recommend” the suspension of any media outlet that “undermined national security.” Foreigners’ right to own shares in the media business was also limited.

According to articles 318, 319 and 320 of the criminal code, the public insult (or other encroachment upon the honor and dignity of officials and the president by the

mass media), or any pressure put on officials and/or their close relatives in order to prevent them from performing their official duties, both constituted crimes punishable by incarceration of up to five years.

Resolution No. 1937 of 20 December obliged Internet providers to acquire costly bugging devices and put them at the disposal of NSC specialists for intelligence purposes. Reporters Without Frontiers named Kazakhstan among the 20 countries most actively pursuing a policy of restricted Internet access.

All official statistics were classified “for office use only.”

Frequent and unnecessary financial inspections were carried out in independent media offices, and the courts imposed huge fines on them for “insulting the honor and dignity” of legal entities. All this led to the suspension or closure of independent publications.

■ In the town of Aktobe, *akim* E. Sagyndykov was prohibited from selling the newspaper *XXI Century*.

■ In May, the Aktyubinsk prosecutor asked the town to suspend publication of the newspaper *Diapazon* for six months. The independent newspaper had recently won a contest by the Soros Foundation in Kazakhstan. In March, different individuals filed three suits against the paper, charging it with the “humiliation of the honor and dignity of the Kazakh people, and incitement to inter-ethnic strife.” The prosecutor issued an order to establish a special commission to investigate the paper’s activity from 1996–98. He said that “the materials published in the newspaper may be seen as abuse of freedom of expression and a threat to informational security in the Republic of Kazakhstan”.

⁶ The law “On the Mass Media”; the law “On Communications”; and the law “On State Secrets.” For details, see the *Annual Report 1999 of the Almaty Helsinki Committee*.

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■ In June, the Almaty city court froze the bank account of the newspaper *Nachnem s Ponedelnika* without a hearing or judgment in order “to secure the suit on the “protection of honor and dignity,” which had been brought against the newspaper by the General Director of Almatymetrokurylys, Mr. Ukshekbaev.

■ On the eve of the Day of the Press (23 June), Eugeny Kosenko, a journalist working for the newspaper *Vremya*, was beaten severely in Almaty. He had been investigating the transfer of funds collected from parking fees in the south of the capital, and he had found that the money went directly to the relatives of former and current city authorities.

■ About 25 state periodicals were closed in August – most had been published in the languages of national minorities (German, Uigur, Korean, and other) and some children’s magazines. The official reason for the closure was the lack of budget funds.

■ Private TV companies and radio-stations stopped broadcasting in the town of Temirtau because the Ministry of Transport and Communications denied the validity of their licenses, which had been extended by the Ministry of Information and Public Accord.

Freedom of Association

The year 1999 was characterized by the government’s massive attack on freedom of association and peaceful assembly.

The 1995 constitution recognized freedom of association but, at the same time, restricted the right. It prohibited public and state institutions from merging and establishing chapters of political parties in state agencies; and from forming and operating public associations whose goals included, for example, “breaking the integrity of the Republic of Kazakhstan, undermining the

national security, instigating social, racial, national, religious, class and clan discord, and founding illegal military units.” The vague concept of “class and clan discord” allowed for broad interpretation and, as a result, enabled the arbitrary restriction of many activities.

The July law “On Combating Terrorism” defined “terrorism” as “undermining state security, and pressuring state bodies to make decisions...” Also, the law stated that the “body authorized to coordinate the struggle against terrorism” can suspend the activities of a public association or international organization “engaged in terrorism” upon the recommendation of the prosecutor general.

By law, it was forbidden to form Kazakh branches of political parties and trade unions established in other states, as well as parties based on religious beliefs. Foreign funding or other aid (e.g. equipment) for political parties and trade unions was forbidden. Such “crimes” could be punished by imprisonment.

Military and national security staff, employees of law enforcement bodies, and judges were not legally allowed to join any parties or trade unions.

Political Parties

In the election year of 1999, several new political parties and movements were established. The authorities impeded the registration of “undesirable” public associations and political parties. For example, the registration of the public association Orleu, the Association of Russian, Slavic and Cossack organizations, and the Republican People’s Party of Kazakhstan (RPPK) took an exceptionally long time. However, the government-initiated organizations and parties – the Otan party, the Civil Party of Kazakhstan, the Republican Youth Movement “For the Future of Kazakhstan”, and other associations which ac-

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tively supported the president during elections, had no problems whatsoever in obtaining registration.

The intelligence services openly monitored the activities of NGOs and their leaders, attended their meetings, rallies and other mass events, and video- and audio-taped them, in order to “to prevent the plotting of crimes.” One such “monitor” was denied access to an RPPK meeting; he sued the local party head and won in court.

■ Throughout 1999, the Pokolenye movement activists were under police surveillance. The activists staged a protest once a month at the city square demanding the timely payment of pensions and the reduction of public utilities rates. The information collected in this manner was submitted to the judiciary, and courts invariably punished the organizers and participants of such protests with an administrative fine or 5–15 days’ imprisonment.

Peaceful Assembly

Article 32 of the constitution provided for peaceful gatherings and rallies. However, this right could be restricted by law in the interests of national security, protection of health, or for protecting other people’s rights and freedoms – another case in which the law was vaguely formulated.

A 1995 Presidential Decree No. 2116 (with several amendments), which had the force of law, restricted the right to assembly and gave local authorities wide powers to prohibit such activities. For example, a protest of homeless pensioners who had not received their pensions for one year could be prohibited as the “incitement of class exclusivity.” Local administration could decide the time and venue of a public event. Organizers were also obliged to pay any additional expenses related to the event, including the maintenance of public order by the police. Local authorities

had the right “to additionally regulate the procedure” of public assemblies.

Judicial System and the Independence of the Judiciary

Legal and judicial reform was due to be carried out by 31 August 1997, but it was never achieved. In November 1999, a law “On Courts and the Status of Judges”, comprised of presidential decrees that had been renamed constitutional laws, was adopted.

The courts were not independent; they were all, except for the Supreme Court, directly dependent on the executive branch. Moreover, as stated by the general prosecutor, prosecution was a presidential institution that “is called upon to provide for the unity of the policy and law.” Therefore, prosecution became a means of protecting the legitimacy of the authoritarian presidential rule.

The criminal code, criminal procedure code, criminal sentencing code and the civil code, which replaced the outdated Soviet legislation in 1998–99, laid the basis for humane judicial proceedings and the enforcement of penalties. However, in practice, the entire law enforcement system in Kazakhstan – including the prosecution, the Ministry of the Interior, the NSC – operated outside the courts and the law and was guided by the principle of “necessity.”

Several laws provided that the decisions of the executive were to be regarded as court decisions. These laws included the 1984 code for administrative offences and the 1997 criminal code. The former provided for the confiscation of property without a court decision and the imposition of penalties by state officials. The latter was aimed at the humanization of penalties but turned out to be ambiguous, and contradictory to the constitution. Further, the 1998 law “On Executive Proceedings and

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the Status of Court Officers” treated inscriptions of notaries, decisions of the tax inspectorate, banks and “other non-bank institutions” as equivalent to court decisions.

Fair Trial and Detainees’ Rights

The main aim of the courts, as in the Soviet era, was to protect state interests. The courts ignored the constitution because the judges deemed it a political declaration. If a specific law was in contradiction with the constitution, they tended to abide by the law even if it would be outdated or simply a decree that had a force of law.

The prosecution and the defense did not enjoy equal rights. Arguments made by the prosecution were accepted uncritically, and the verdicts in most cases were based on the defendant’s “confessions,” which were extracted under duress. Statements and protests by the defense concerning illegal methods of investigation were not usually taken into consideration. However, in the first and only known precedent in judicial practice in Kazakhstan, a Karaganda *oblast* court acquitted people accused of a crime on the ground that the police had resorted to torture and violated the defendants’ right to legal counsel when trying to obtain incriminating evidence.

Bribery was commonplace, even amongst the higher judges. Court rulings were, for the most part, only executed in criminal cases. In civil cases, court decisions were not implemented by local or state authorities. As before, the judiciary was dependent upon the executive.

Individuals were arbitrarily arrested and held in detention, and the police often did not keep adequate records on them. According to the prosecutor general, 25 percent of those arraigned were arrested illegally: many even ended up in prison without adequate justification. It appeared that

individuals were most commonly arbitrarily arrested for giving the police odd looks.

■ Throughout 1999, the Almaty police force carried out operation “Legal Order” to “secure public order,” and checked passport and visas (operation “Migrant”). During those operations, tens of thousands people were arrested for a varying number of hours.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

Torture and ill-treatment continued in 1999, and the number of persons killed either in police custody or in the army remained disturbing. The head of the internal security department of the Ministry of Justice, M. Kunanbaev, stated that 27 civilians had died in facilities supervised by his ministry.

■ In December, Police Lieutenant Colonel Murat Sultanbekov killed 16-year-old Alexandr Sobolev who had witnessed Sultanbekov confiscate a bag of drugs. The question “Why don’t you write a protocol?” cost him his life.

There were numerous reports of torture methods such as placing a plastic bag over the victim’s head to hinder him/her from breathing; handcuffing people to hot radiators; pouring water on people and making them stay outdoors in frosty weather; beating; sexual harassment; and threat of violence against the person’s relatives.

The victims included ordinary criminals, members of the opposition, and participants of unsanctioned meetings, pickets or demonstrations. The mass media was full of information on torture.

■ In May, 18-year-old A. Pistogov was beaten in a transit cell II-18 (an isolation facility used for investigation) in northern Kazakhstan.

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■ On 3 June 1996, the State Investigation Committee of the Baisak district in the Zhambyl *oblast* initiated criminal proceedings against police officers accused of torture. The court hearing took place in spring 1999. The defendants were convicted – but were immediately granted amnesty in the court room.

■ The prosecutor of the Kurchum district, in the *oblast* of eastern Kazakhstan, initiated criminal proceedings against a police officer who had burned a suspect's body with a metal rod to make him "confess."

■ In April, the Aralsk police beat a group of women on hunger strike who had blocked the railway demanding the payment of overdue social allowances. Three women had to be hospitalized.

■ In June, the Taraz police detained and beat 70 participants of a religious meeting, 12 of whom were underage, including a 6-year-old child. The police broke the nose of one of the minors.

■ In December, the Almaty police detained opposition activist Alexey Martynov and accused him of stealing computer parts. After leaving the police station, he was hospitalized with a brain trauma.

Most complaints of police misconduct resulted in an official response that a scrupulous investigation into the case had not confirmed the allegations. However, in May and August, government authorities publicly confirmed and criticized the use of torture by the police. Prosecutor General Yuriy Khitrin publicly expressed his indignation at the fact that the cases of torture and driving detainees to suicide had been concealed from him.

Two meetings on torture and ill-treatment were held in Kazakhstan in 1999 to discuss the problem of torture and ill-treatment with government officials. The meetings were organized by the OSCE mission

in Almaty, the Ministry of the Interior, the Kazakhstani Bureau for Human Rights and Legal Compliance and the Almaty Helsinki Committee.

III-Treatment in the Army

Hazing, torture, poor nutrition, lack of medicine and other problems remained widespread in the military. In 1999, 13 soldiers died and 53 others were hospitalized with traumas and post-traumatic complications as a result of hazing in just two military detachments of the Atyrau *oblast*.

■ Seventy-seven students from the military school of the Ministry of Interior in the town of Petropavlovsk fled because of hazing.

■ Recruit A. Drozdov was killed by hazers in the military unit No. 73805.

■ Zh. Kenzhaliev believed that his term of service had been shortened and so he left the army. He was arrested and accused of desertion. He committed suicide in the Taskalin District Department of the Ministry of Interior in the town of Uralsk.

The number of cases investigated by the military police in the first half of 1999 exceeded those from the previous year by 37.2 percent; 40 percent concerned hazing. Justice S. Toibekov stated that the conscripts suffered from psychiatric and other diseases, which led to the high suicide rates in the army. Psychological service was being initiated in all military units.

Infectious diseases such as tuberculosis, hepatitis and dystrophy were widespread in the army. Many military detachments had no baths, electric light or heating.

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Conditions in Prisons and Detention Facilities

Conditions in pre-trial detention and penitentiary institutions amounted to torture and other cruel inhuman or degrading treatment. Despite the 1999 amnesty, over 85,000 inmates were held in pre-trial detention and penitentiary facilities. Proportionally, Kazakhstan was one of the countries with the highest prison population (575 per 100,000 inhabitants).

The Ministry of Interior, who had jurisdiction over the pre-trial facilities and prisons, recognized that the conditions in such facilities did not even meet the minimal local standards. Around 14,000 inmates suffered from tuberculosis, 5,000 of whom were kept together with healthy prisoners. The 1999 budget only allocated one third of the necessary funds to the penitentiary.

■ In the penitentiary colony No.157/9 in the Atyrau *oblast*, five convicts cut their stomachs with a razor to protest the unlawful conduct of their guards.

Although the 1999 statistics on the death rate in penitentiary institutions were classified, there was reason to believe that the statistics were similar to the figures in 1998, i.e. around 1,300 inmates. Most prisoners died from diseases (mainly tuberculosis) resulting from poor conditions.

Death Penalty

There was no special law on the death penalty in Kazakhstan and public polls still showed general support for capital punishment.

According to the 1997 criminal code, in time of peace, a person can be sentenced to the death penalty for 18 categories of

crimes, including specific forms of murder (article 96); genocide (article 160); the use of hired military force (article 162); high treason (article 165); attempted murder of a public figure or statesman (article 176); diversion (article 171); or the attempted murder of a person engaged in judicial proceedings or criminal investigations (article 340). In time of war or in a military situation, the death penalty can be handed down, for example, for desertion and preventing a senior officer from carrying out his/her official duties.

Capital punishment could not be given to women, men over 65, or persons under 18 years of age. The president, upon the recommendation of the Pardoning Commission, could convert the death penalty into a 25-year prison term. Those accused of capital crimes had less opportunities to appeal their sentences than other defendants. A death sentence could be appealed to a higher court within seven days after a copy of the sentence was handed to the person convicted. No official statistics about the death penalty have been published.

Right to Privacy

Many individuals complained that their mail had been opened – including mail addressed to the Almaty Helsinki Committee. The phones of public associations and political parties were apparently tapped.

Religious Intolerance

Kazakhstan has traditionally been a multi-confessional country demonstrating religious tolerance. There were over 2,000 religious communities and 49 confessions operating in Kazakhstan, although only about 25 percent of the population were active believers.⁷ According to the constitution, freedom of religion was guaranteed, the church was separate from the

⁷ According to a poll carried out by the Association of Sociologists and Politologists (ASP).

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state and state interference with the affairs of the church was prohibited, and vice versa. However, in the years of its sovereignty, Kazakhstani authorities have reiterated their loyal attitude towards two main religions: the Orthodox Church and Islam.

In the last 10 years, many adherents of the Muslims and Orthodox communities had converted to “new” religions, particularly Christian charismatic churches.⁸ In contrast, there were practically no new Muslim communities. The Chief Muftiy of Kazakhstan, Mr. Nysanbayuly, said in an interview with the newspaper *Panorama* (26 March) that “some young Kazakhs adopting other religions ... move away from Islam because of instability of the legislation.” In his opinion, Kazakhs were Muslims by ethnic origin, as they had never had any other religion. The chief mufti called for the unification of efforts in opposing this trend.

Following the February bombings in Tashkent,⁹ Kazakh authorities and the leading religious communities launched a propaganda campaign warning people about the alleged threat of religious conflicts, religious terrorism, dangers to state security and attempts by Muslim fundamentalists to form an Islamic state. By the end of 1999, this campaign had grown to a state of hysteria. Government officials called for restrictions and bans on non-traditional religions; authorities interfered in the internal affairs of religious associations; believers were persecuted for their convictions; religious associations were arbitrarily denied registration; and *akims* refused to rent public premises to hold religious events.

In early 1999, the Ministry of Information and Public Accord submitted to parliament a draft bill on amending the 1992

law “On Freedom of Confession and Religious Associations.” According to the preamble, its aim was to “to strengthen the monitoring function of the state in regulating the activities of non-traditional religious associations.” Under local and international pressure, the government had to withdraw the law.

In March, the prosecutors conducted a mass check of the constituent documents and activities of the registered communities of Jehovah’s Witnesses in locations in the south of the country (Almaty, Zhambyl and South-Kazakhstani *oblasts*). Also, it appeared that the humanitarian and charitable activities of the missionaries of the “new” religions irritated the authorities most.

■ President Nazarbaev said in an interview with Radio Svoboda on 4 May, that “Speaking of Islamic fundamentalism, we are Sunnite Muslims and should follow this route...”; a statement tantamount to denouncing other forms of Islam or other religions.

■ On 15 July, Uzbek authorities informed their Kazakh counterparts that in Taraz, near the Uzbek border, Wahhabis were organizing a summer camp where 150 armed “fanatics” were undergoing military training. The Ministry of the Interior deployed 250 men of the anti-terrorist “Sunkar” unit in an operation called Oblako (Cloud). The unit, together with the local police, arrested the 70 people who were staying in the camp. It turned out that the victims were comprised of a group of Sunnite Muslims, among whom were children, who had been having a peaceful summer camp there for the last three years. The entire group was arrested and detained for several days, including children. Some of them were charged, but did not have access to a lawyer.

⁸ *Ibid.*

⁹ See *Uzbekistan*.

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At the end of 1999, a judicial precedent took place.

■ Askar Sekebaev (30), a member of the Wahhabist Zhamagat society, was arraigned in Atyrau and sentenced to 6-months' parole.

Freedom of Movement

Article 21 of the constitution proclaimed the right of everyone to freely decide his/her place of residence within the country, and to travel abroad and return without any obstacles. However, there was no law on freedom of movement.

In July, Instructions on the Introduction of Business Visas came into force. Pursuant to the instructions, all foreigners (excluding business people with a special visa) staying within Kazakh territory for more than three days must register with the police.

Kazakh citizens still required an "exit visa" to travel abroad, which could be applied for at a local administration (*akimat*). The applicant had to pay approximately U.S.\$ 10–12 for the visa. After getting permission, a person had to apply to the migration department of the local police (and pay a fee) to get an "exit permitted" stamp on his/her international passport.

The Soviet residence registration system (*propiska*) was still practiced, although it had been officially replaced by another form of residence registration. One had to change his/her identity card – which indicated a person's permanent residence – if one wished to move to another *oblast*. Without an ID, a person could not get a job, sell or acquire property, or receive a pension or social allowances.

Migration

There was no domestic legislation on the migration of refugees. Official migration statistics have been classified since the

end of 1997, and the information available on migration processes was contradictory.

It was estimated that over 2 million people (or 12.5 percent of the population) have left Kazakhstan since its independence. Non-indigenous people (ethnic Russians, Germans) have virtually disappeared, leaving for Russia or Germany.

Alongside external migration, internal migration intensified, mainly from the South to the North, and from rural to urban areas. Unsafe environment was one of the reasons for migration.

The government encouraged ethnic Kazakhs (the greater part of whom arrived from Mongolia (*oralmen*)) to immigrate to Kazakhstan. Their main problem in Kazakhstan was the acquisition of citizenship, jobs and housing. Only 8,500 out of 184,000 persons who had moved to Kazakhstan between 1992 and 1999 had been granted citizenship.

An immigration quota was introduced in 1996. Immigrants of the first wave received a 5-year permit to stay in the country. All those who wished to prolong their stay had to file a petition with the president of Mongolia to be released of their Mongolian citizenship, and to the president of Kazakhstan to obtain Kazakh citizenship. Because such petitions were only accepted twice a year, the citizenship procedure could last up to two decades. Meanwhile, the immigrants had to live without any documents, and consequently could not work, buy a house, or settle down. The 1999 budget only allocated half of the required T 1.7 billion (around U.S.\$ 12 million) for the immigrants' needs.

Women's Rights

Women suffered increasingly from various diseases, and according to physicians, one in every three infants was born with a

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pathological problem. For many women, having a baby meant losing her job, as according to the new labor law, pregnancy allowances were to be paid by the employer. As a result, the birth rate continued to decrease. Eight out of every ten people dismissed from jobs were women.

About sixty percent of the women in the country were reported having fallen victim to sexual or physical violence. With the adoption of the new criminal procedural code, sexual violence against women was transferred into the category of private claims: the victim had to bring the charges and go through the proceedings without a prosecutor's help. In addition, a case could be closed with the consent of both parties. As a result, practically no rape cases went to court in 1999.

The law on the social protection of women with many children, disabled mothers, and mothers of disabled children or deceased soldiers was not implemented.

Rights of the Child

The Kazakh government did nothing to implement the UN Convention on the Rights of the Child, which was ratified in 1993. The constitution did not stipulate any special rights for children, nor was any governmental body responsible for children's problems.

Legislation regulating the rights to education, health care and the social protection of children was not implemented. Since 1993, the government has not paid many allowances that were aimed at helping children and their families. In 1999, the remaining allowances were abolished.

There were virtually no healthy children in the country. Professor Kamal Ormantaev, Director of the Scientific Pediatric Center, stated that 80 percent of children suffered from anemia and malnutrition.

The number of abandoned children was growing. Officially, there were 1,812 homeless children in Almaty but the real number was estimated at 3,000. As a result, juvenile delinquency, alcoholism, and drug-addiction among children was on the rise. In Almaty, the number of juvenile delinquents increased by 25–33 percent in the first six months of 1999 alone.

Economic and Social Rights

The aggravation of the economic situation in 1999 was a result of the general political crisis. The introduction in April of a floating exchange rate of the national currency (tenge) against the U.S. dollar brought about a two-fold devaluation of tenge. Within the first eight months, inflation was at 12.6 percent, compared to 1.9 percent in the same period in 1998.

The privatization of the largest industrial enterprises and small and medium size businesses was almost completed, although the population's standard of living continued to decline. With the average annual salary under U.S.\$ 1,000, more than half of the population fell below the poverty line; with the rural population suffering most. In addition, an unprecedented invasion of locusts resulted in the further deterioration of living standards.

The basic poverty allowance – the key allowance in the social security system – was not paid. The income of 46 percent of population was less than T 2,000 a month (about U.S.\$ 15). The failure of the social safety net was demonstrated by the fact that over 60 percent of low-income citizens of Kazakhstan did not get any state allowances.

The state appeared to ignore the problem of the unemployment of nearly one million people. Regional and city unemployment centers were replaced with labor exchange centers, for whose services one

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had to pay. Still, only 20 percent of the clients were employed.

Official (state-run) trade unions stopped promoting employees' interests long ago. Independent trade unions, as well as other public unions, experienced difficulties with registration and pressure from the state authorities. In January 1999, (after a one-year break) a Trilateral General Agreement for 1999 was signed between the government, the Republican Association of Trade Unions and the Republican Union of Employers. Nevertheless, none of the provisions of this document relating to social guarantees, development of labor market and promotion of employment, labor conditions, health care, and environmental safety were implemented. On the contrary, a package of state regulations adopted by the parliament in April drastically aggravated the situation in this sphere, and the labor law adopted in December deprived employees of virtually all rights.

As a result of the 1999 process of "optimization" of the education system, the number of places in schools and libraries dropped by one third. Twenty percent of children did not attend school because their parents had no money to buy clothing and books. The pre-school system was virtually abolished.

There were shortages of teachers and text books (sometimes 35–40 pupils had to share 1–2 textbooks), classes were overcrowded, and there was a lack of in-service teacher training. It was nearly impossible to get a secondary education in rural areas. Higher education suffered the same fate. Only very few grants were available for higher studies.

The state program "Health of People" fell short of funding and health care expenditures were at 1.9 percent of the GDP.¹⁰ The funding of medical institutions and the supply of medicines and equipment were dramatically reduced. The former Fund of Obligatory Health Insurance (FOMS) was reorganized into the Center of Payment for Medical Services, but it could not operate properly due to a lack of funding.

The Health Care Committee did not implement the regulation providing for free medical services. Patients had to pay for services – but the doctors did not receive their salaries. Medical institutions were closed down and the number of medical personnel decreased. At the same time, infectious diseases spread dramatically. In the first half of 1999, there were 75,755 registered cases of tuberculosis – but no adequate treatment for the patients. In December 1999, a law on the forced treatment of tuberculosis patients was adopted.

The pension legislation did not function. Pensioners staged protests all over the country and many of them were arrested by the police, fined or put under administrative arrest. This hopeless situation less several pensioners to take their lives. ■■■

¹⁰ According to the WHO, it should be at least 7 percent.