

REPORT
on the activities of the Human Rights Commissioner
in the Republic of Kazakhstan
in 2014



ASTANA
2015



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PREFACE

This report on the activities of the Human Rights Commissioner in the Republic of Kazakhstan (hereinafter, the Commissioner or the Ombudsman) in 2014 was prepared in pursuance of paragraph 23 of the Statute on the Human Rights Commissioner approved by the December 19, 2002 Decree #947 of the President of the Republic of Kazakhstan.

This paper is a summarized and detailed presentation of information about operations of the national human rights institution in the reporting year, implementation of its powers, description of the submitted complaints about infringements on human rights, and major areas of the Ombudsman's activities with texts of statements, recommendations, statistical and other materials enclosed.

The report is based on consideration and analysis of collective and individual complaints submitted to the Ombudsman, conversations with citizens during individual meetings, information in media, materials of the monitoring of various facilities in the country's provinces, meetings with representatives of human rights non-governmental and international organizations, foreign partners, interaction with government organizations of the Republic of Kazakhstan as well as studies conducted by the institution.

From the human rights point of view, 2014 was marked by a whole range of significant progressive steps.

Specifically, beginning of implementation of the Nurlı Zhol new economic policy highlighted the topicality of issues of securing the Kazakhstani's social, labour, housing and economic rights.

The accomplished wide-scale modernization of the structure of the Government and national executive government bodies of the Republic of Kazakhstan, the on-going improvement of the government apparatus were positive factors which better ensured the citizens' rights in the area of good-quality government services.

The country passed the second Universal Periodic Review in the UN Human Rights Council, submitted the national report on implementation of the UN Convention against Torture.

Negotiations on signing of a new Agreement on Extended Partnership and Cooperation between the Republic of Kazakhstan and the European Union which gives significant consideration to humanitarian issues were completed successfully.

In its turn, the reporting year marked a new stage in the development of the national human rights institution.

Specifically, in September, the Ombudsman joined the ranks of the Asia Pacific Forum of National Human Rights Institutions – the largest regional network of Ombudsmen.

Based on results of huge preparatory efforts with involvement of all interested parties: government bodies, civil society and international organizations – the country launched the National Preventive Mechanism against torture in accord with the Optional Protocol of the UN Convention against Torture.

In the reporting year, the accumulated experience made it possible for the Commissioner not just to function as a recipient but also as a source of valuable human rights experience.

The Ombudsman's institution continued its work on consideration of complaints about infringements on human rights by officials and organizations, on the analysis of the human rights situation in the country and interaction with all the parties concerned for the purpose of strengthening the human rights instruments.

Specifically, its fruitful cooperation with the President's administration, the Constitutional Council, the Supreme Court, the Parliament, the Government of the Republic of Kazakhstan and other government bodies went on.

Interaction with the UN, OSCE, EU, the International Coordinating Committee and the Asia Pacific Forum of national human rights institutions, other organizations, human rights activists and Ombudsmen of foreign countries developed successfully.

As in the past, the civil society was the institution's important counterparty. Such partnership promoted effective counteraction between the state and the society.

The content of this report reflects forms and methods of implementation of the Ombudsman's mandate, major areas of his activities, keeping the concept of the annual reports' traditional structure.

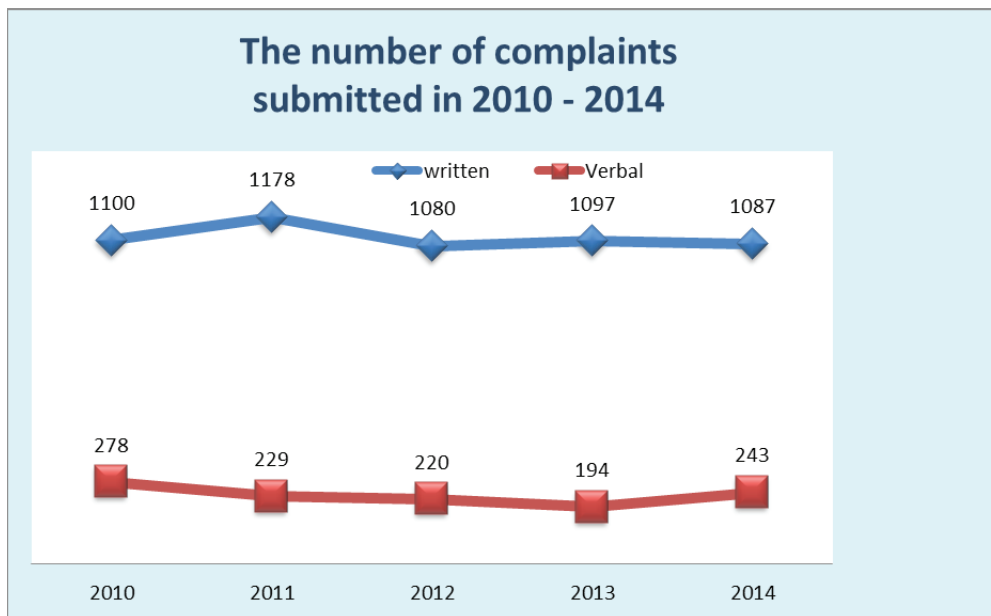
Its purpose is to inform the head of state, Kazakhstani and international community, members of the Parliament, representatives of the government, foreign partners of the work done by the Commissioner.

The report will be sent to the President of the Republic of Kazakhstan, both Chambers of the Parliament, the Cabinet, and other government agencies as well as to foreign countries' Embassies and human rights organizations. Besides, the report will be printed typographically and will also be available on the Commissioner's official website in the Kazakh, Russian and English languages.

1. General Description of Complaints Submitted

Consideration of citizens' complaints is a fundamental component of the work done by the Human Rights Commissioner in the Republic of Kazakhstan (hereinafter, the Commissioner).

In 2014, he received 1087 written and 243 verbal complaints. During the recent five years the Commissioner received the total of 6706 complaints.

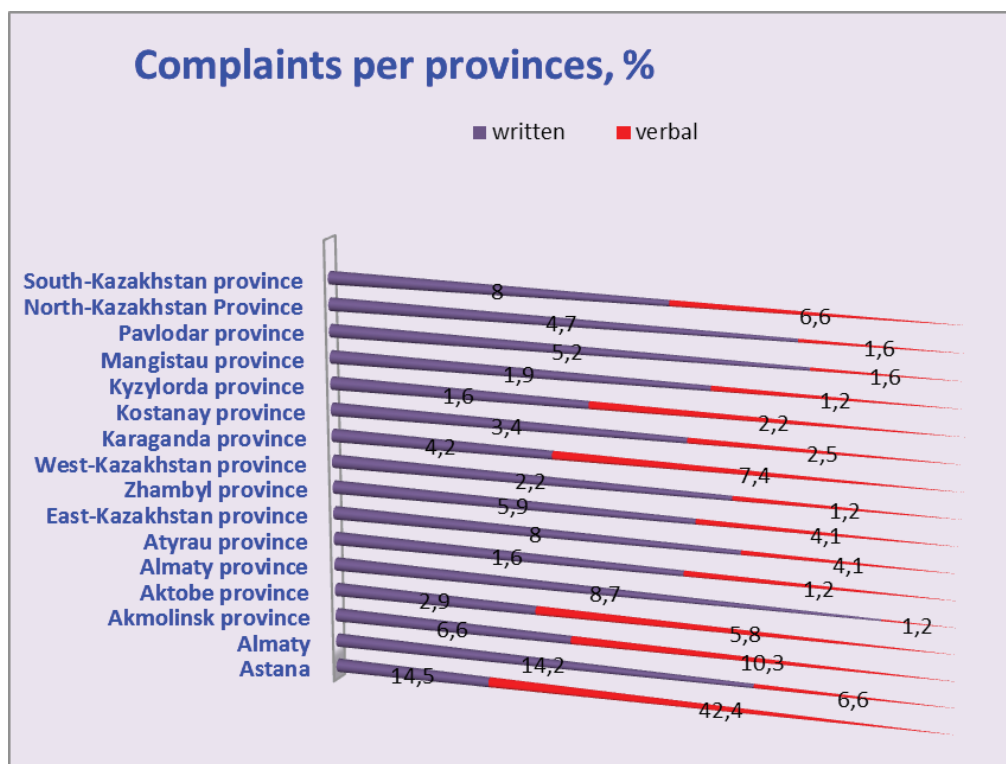


In addition to that, 31 written complaints submitted within the frame of the National Preventive Mechanism against torture will be analyzed in the annual consolidated report on operation of that legal instrument.

As in the past, the regional breakdown shows that the cities of Astana (261 complaints) and Almaty (170), South Kazakhstan (103), Almatinskaya (98), East Kazakhstan (97), Akmolinskaya (93) and Zhambyl (74) provinces prevail.

Mainly, residents of Astana city, Akmolinskaya and Karaganda provinces appeal to the Ombudsman and officers of his institution with verbal complaints during their meetings. It is explained by the proximity of these regions to the capital. The farther a province is located, the fewer residents have an opportunity to appeal to the Commissioner personally. For instance, there were occasional incidents of citizens' complaints submitted from Mangistau, West Kazakhstan, Atyrau provinces.

The diagram below presents regional breakdown of citizens' written and verbal complaints.

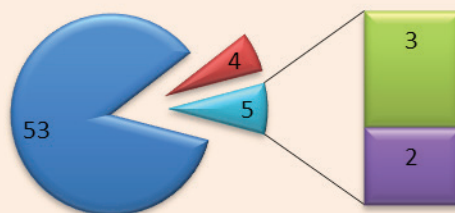


In verbal complaints, citizens often raise issues of disagreement with court rulings, actions/omissions of law enforcement as well as social support, exercise of housing and labor rights.

Russia, Poland, Ukraine, Kyrgyzstan as well as Uzbekistan, Armenia, Israel, China, Norway, Great Britain, Romania, Pakistan, Germany and Kosovo accounted for the bulk of complaints submitted from abroad.

Complaints submitted from abroad

■ Russia ■ Poland ■ Ukraine ■ Kyrgyzstan

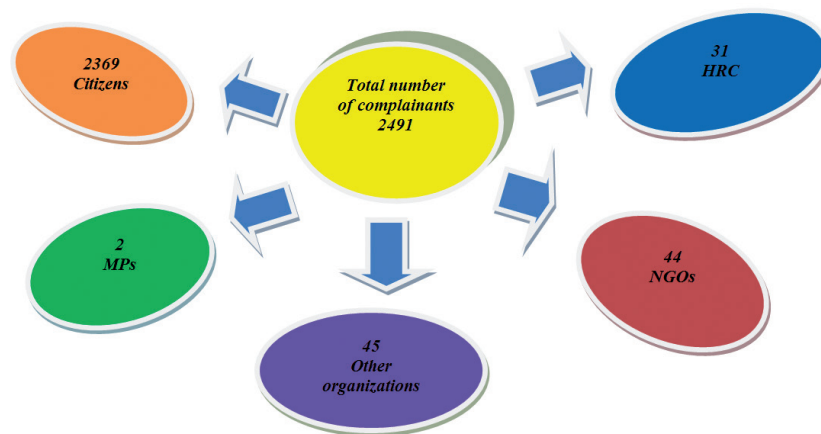


A significant number of complaints came from Ombudsmen in countries which for a number of years have maintained productive relations in protection of human rights.

In 2014, there were fewer number of individual complaints compared to the previous year. They amounted to 929. The gender profile shows practically equal number, with an insignificant prevalence of the number of male complainants. It amounts to 8 (469 complaints).

We should note that the number of collective complaints in which authors raise issues of social, labor, housing rights, the right to education and good quality health protection, favorable environment and development of rural areas, and in which they express disagreement with actions of officers of government and law enforcement agencies, managers of private companies has slightly increased.

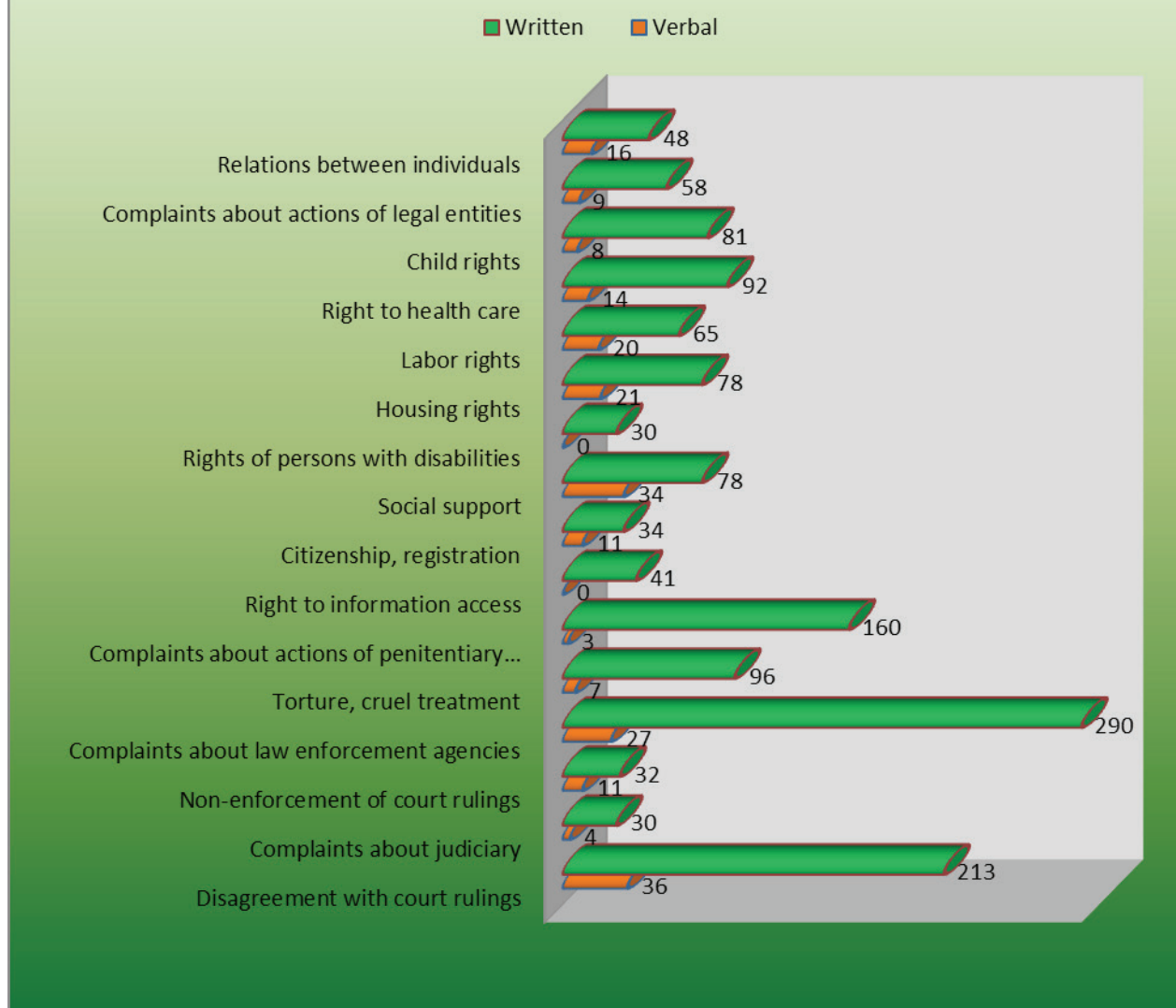
Complainants' profile



44 complaints were filed by non-governmental organizations which among other things raised issues of securing the rights of convicts, persons with disabilities, children. The biggest number of complaints came from Kazakhstan's International Bureau for Human Rights and the Rule of Law, and its offices, the Counter-Torture Coalition, Ar.Ruh.Hak organization, the Open Dialogue foundation, Kazakhstan's Society of Blind Persons and others.

In the reporting year, a significant number of complaints were related to infringements on citizens' rights by law enforcement employees – 26.7% of the total number of complaints submitted. Complainants report violation of norms of the RK civil procedural legislation, unreasonable delays in investigation of criminal cases by law enforcement officers, inappropriate oversight over the process of investigation by prosecutors as well as omission in objective investigation of criminal cases.

Profile of Specific Issues Raised in Complaints



The Human Rights Commissioner received a complaint of A.A. about violation of norms of the criminal procedural legislation by officers of the RK MIA Investigations Committee during consideration of the criminal case against the complainant, red tape, no legal procedural decision was issued, and prosecutors did not perform a relevant oversight over the process of investigation.

As part of consideration of that complaint the Commissioner worked with the Principal Military Prosecutor's Office and the RK MIA.

Findings of the inspection proved that the allegations were true. Investigation of the case was assigned to another officer. The former investigator was punished by strict disciplinary measures for violations of the law.

Later, the criminal charges against the complainant were dropped because of the lack of evidence of crime.

Complaints about excessive use of power by law enforcement employees, use of unreasonable physical and psychological pressure for the purpose of obtaining evidence of guilt in committing a crime as well as refusal to explain requirements of legislation in pressing charges make up a separate group.

Such actions of law enforcement officers whose mission is to ensure observance and protection of citizens' rights have negative impact on the level of people's trust. Those incidents call for arrangement of systematic preventive measures to avoid unlawful actions.

The next group of complaints pertains to judiciary (22.4%). They raise issues of the quality of their administration, delays in hearing cases, access to the judiciary system and others. Complaints of this group occupy the leading place among verbal complaints and amount to 16.5% of their total number.

Resident of Almaty T.M. appealed to the Ombudsman with a complaint about actions of road police officer who refused to explain requirements of the current legislation during issuance of a notice of administrative offense.

As part of consideration of that complaint, we filed information requests with the Prosecutor General's office and the RK Ministry of Interior Affairs.

As a result of our efforts, the administrative proceedings against the complainant were dismissed; the Almaty regional police department's disciplinary commission issued a decision to fire the police officer who breached the law.

A significant number of complaints filed with the Commissioner by convicts and their family members (14.7%) indicate that incidents of infringement on human rights in penitentiary facilities still occur. Major problems raised in complaints are infringement on the right to personal security, freedom from torture, cruel and degrading treatment, poor health assistance, right to serve sentence near the place of residence, right to labor.

Complaints about issues of inappropriate administration in government agencies (14.3%) compose the next group. Citizens report breach of legislation pertaining to rendering government services by officials of national and local government bodies, specifically, their failure to render free services set in legislation, their untimeliness and poor quality, non-observance of established procedures in employment, in fixing appropriate paperwork, negligence, red tape, omissions by separate employees.

Besides, some government agencies delayed issuance of information requested by the Commissioner's institution; in some instances, their responses were not presented in an appropriate form.

Whereas legislation spells out major principles of extension of government services: inadmissibility of red tape and bureaucratic delays, accountability and transparency, good quality and free access to government services.

The reporting year saw an increased number of complaints about use of torture and cruel treatment by law enforcement officers. The number of complaints amounted to 8.8% of the total number of complaints. That increase is undoubtedly related to the beginning of operation of the National Preventive Mechanism against torture in the country. The incoming complaints are evidence of the use of cruel and degrading treatment.

For instance, during a meeting of the National Human Rights Center's officers with citizens, complainant S.A. reported on her unlawful detention in the Saryarka district police office in Astana. The complainant was subjected to psychological pressure and threats, degrading treatment by law enforcement officers.

As a result of inspection conducted by prosecutors a criminal investigation was initiated against police officers under article 141-1, part 2a (use of torture by a group of individuals). The case was forwarded to court for proceedings.

We should note an increased number of complaints about infringements on citizens' rights to health protection because of the increased number of complaints from prisoners. The number of complaints of this category went up from 6.2% to 8.5% compared to previous year.

Submitted complaints touched upon issues of the quality of rendered medical assistance, inappropriate treatment, lack of competence of some employees, inappropriate medical conditions in health facilities, unlawful imposition of fees for services which are included into the set of the guaranteed free health support, and safe conditions in facilities and others.

In 2014, complaints about infringement on child rights amounted to 7.5% of the total number of complaints submitted. In their complaints, citizens touched upon issues of alimony collection, inappropriate medical treatment, housing issues, education, procedure for determination of child's place of residence and communication with the child, social support including those pertaining to children with disabilities, operation of law enforcement agencies, and issues of child abuse and others.

In the reporting year, complaints pertaining to citizens' exercise of their housing rights amounted to 7.2%. Complaints in this area referred to problems of mortgage loan recipients, allocation of housing from the public housing stock, red tape in execution of court rulings, omission of local government agencies, public services and amenities in residential areas.

Complaints about issues of social and pension support amounted to 7.2%. They touched upon issues of disagreement with the amount of pension and mechanism of its calculation, non-payment of pension savings, lump-sum allowances paid on special commemorative dates, social support of citizens-victims of tests at the Semipalatinsk nuclear testing site, and extension of social support to vulnerable categories of population.

Complaints about infringements on labor rights amounted to 6% and referred to breach of legislation on payment of wages, calculation of their amounts, working time, issuance of proper paperwork on employment relations, cancellation of employment contracts, safe working conditions and other issues.

The number of complaints about actions of legal entities with no government stock went slightly down compared to the previous year and amounted to 5.3%. This category of complainants reported non-payment of insurance money by insurance companies, problems in credit relations with banking organizations, infringement on labor rights and labor safety rules, businessmen's actions on appropriate provision of services to people.

The Human Rights Commissioner in Cheliabinsk province, Russian Federation appealed to the Ombudsman in the interests of L.R. with a request of assistance in obtaining information on the reasons for termination of payment of compensation for the harm inflicted to that person as a result of an accident at the Kostanay factory for road machinery repairs (legal successor Dormash Ltd). Payments were made in 2001-2009 but then stopped.

As a result of revision of the case, Dormash Ltd acknowledged its commitment to pay compensation for the harm inflicted as a result of the work place injury.

In the reporting year, complaints about relations between individuals amounted to 4.4%. People complained about actions of family members or acquaintances pertaining to issues of marriage and family relations, fraud, housing issues, and non-execution of civil law transactions.

Complaints about infringement on the right to receive information compose the next group of complaints (3.8%). We should note an increased number of such complaints compared to previous year. As in the past, people raised issues of getting reference letters, documents, explanations and other information which citizens needed.

The Human Rights Commissioner in Perm province, Russian Federation appealed to the Ombudsman in the interests of Sh.S. with a request of assistance in getting reference letters about the years of service and wages paid in organizations in Kazakhstan. Sh.S. needed that document for assignment of pension.

The Ombudsman's office reviewed this appeal and obtained the requested information from public archives of the Republic of Kazakhstan including information about the years when Sh.S. worked at the Pavlodar assembly department "Promhimmontazh" of Kazpromtehtontazh trust.

We see a growing number of citizens' submissions with requests to explain the procedure for appealing to international bodies, specifically the UN Human Rights Committee. Detailed explanation is provided in response to those requests.

The number of appeals on issues of registration, citizenship, residence permits, issuance of personal identification documents went down compared to the previous

year – from 5.9% in 2013 to 3.1% in 2014. Such complaints are submitted not only by people whose rights were violated but by other countries' Human Rights Commissioners as well. For instance, during the year, Human Rights Commissioners of the Russian Federation, Kemerov province, Ukraine reached out to the Ombudsman seeking settlement of the above-mentioned issues.

Complaints of this category basically refer to disagreement with denial of residence permits, support in issuance of documents, restoration of documents, admission to citizenship, issuance of various reference letters confirming departure from Kazakhstan or other countries, registration in places of residence and so on.

U.E appealed to the Commissioner in the interests of her daughter K.A. with a complaint about unlawful actions of Karaganda regional migration police officers regarding issuance of the daughter's documents.

U.E. is a citizen of Russian Federation whereas K.A. did not take up that foreign country's citizenship and lives in Kazakhstan. According to the complainant when K.A. reached the age of 16 she appealed to the office of Karaganda regional migration police to get an identification certificate of the RK citizen but her request was declined pursuant to the requirement of article 3 of the law "On Citizenship of the Republic of Kazakhstan" which prohibits dual citizenship.

K.A.'s family received a reference letter of the RF Migration Service confirming that she did not have RF citizenship and filed the letter with the Karaganda regional migration police. However, by the time of the appeal to the Ombudsman, the issue of that person's ID was still not resolved and it hindered the exercise of her constitutional rights to education, employment, free travel which are guaranteed by the Constitution and international commitments of RK.

As part of consideration of the complaint we worked with offices of migration police. As a result, Karaganda regional migration police office issued decision #577 on July 16, 2014 to acknowledge K.A. as a citizen of the Republic of Kazakhstan, and a personal identification certificate of a citizen of the Republic of Kazakhstan was issued.

Based on findings of an official investigation on the fact of procrastination in processing the materials on determination of K.A.'s citizenship of the Republic of Kazakhstan the responsible officials were punished with strict disciplinary penalties.

Complaints of that category were also submitted from abroad, specifically from Israel, Russia, Romania, and Ukraine.

The Commissioner received an appeal from Kemerovo regional Human Rights Commissioner V.N. seeking support in getting a duplicate of the birth certificate of I.E. born in the Republic of Kazakhstan.

Since May 1992 I.E. has lived in the Russian Federation. Having lost all documents he reached out to the appropriate government bodies to get all documents fixed. However, for long time the passport office and Civil Registry office of Rudnichny district in Kemerovo did not receive any response to their request filed with our country's relevant agencies. Since I.E. has no documents he cannot travel to Kazakhstan himself to get a duplicate of his birth certificate.

As part of reviewing this complaint the Committee of registration services and legal assistance of the RK Ministry of Justice reported that the Ilisky district justice office in Almaty province sent a letter with a duplicate of I.E.'s birth certificate to the Rudnichny Civil Registry office in Kemerovo on August 25, 2014.

The share of complaints about non-enforcement of court rulings amounted to 2.9% of the total number. The most frequent complaints in that group refer to non-enforcement of court rulings on collection of alimony, debts, and wages. Citizens report violations of timelines set for enforcement documents, negligence of judicial enforcement officers leading to loss of enforcement orders, red tape and omission.

Complaints about infringements on rights of persons with disabilities (2.8% of all complaints submitted) referred to payment of disability allowances, extension of individual aides' services, treatment at health resort facilities, disagreement with assignment of disability categories, rights to education, decent housing, health protection, compensation of harm inflicted at workplace, disagreement with commercial banks' denial of loans.

Complaints pertaining to land problems (2.6% of the total number) raised issues of seizure of land parcels for public needs, issuance of land title documents, allocation of land parcels for individual housing construction, court rulings on land disputes.

Implementation of the rights of convicts to serve prison sentence close to their place of residence still keeps its topicality. The share of complaints by convicts and their family members amounted to 2.4%.

The share of complaints about infringements on private property rights remained at the same level: in the reporting year as in previous years their number amounted to 1.8%. By and large, complaints of that category were related to issues of land seizure and demolition of complainants' real property.

Complaints pertaining to consumer rights amounted to 1.7%. Complainants touched upon problems of non-implementation of commitments on provision of public utilities by private entrepreneurs including disposition of garbage, and connection to systems of water and gas supplies. They also stated unlawful imposition of fees for public utilities, raised issues of writing off distressed debts of holders of commercial bank loans who have children or disabled family members.

P.G. posted a complaint on the Commissioner's website about disagreement with the procedure of payment for electric power supply services. The complainant's appeals to local authorized government agencies did not yield positive results.

At the request of the National Human Rights Center in June 2014 the Stepnogorsk Energobyt Ltd recalculated fees for electric power supply with the account of readings of the complainant's electric meter, and gave due explanations to the author of the complaint.

In the reporting year, 14 complaints (1.3% of the total number) were submitted by convicts and their family members on issues of early release on parole and replacement of the remaining part of the sentence by more lenient punishment. In their appeals, complainants stated disagreement with court rulings on such cases.

The Commissioner keeps receiving appeals with requests of support in getting professional legal assistance including assistance in providing an attorney. 13 complaints of that kind (1.2%) were submitted in the reporting year.

The Ombudsman of Kyrgyz Republic appealed to the Commissioner in the interests of K.T. with a request to help him get a professional attorney. We worked with the National Bar Association. As a result an attorney was assigned to K.T.

Compared to the previous year the number of complaints about citizens' exercise of their right to freedom of conscience went down and made up 1% of the total number. They contained reports on prohibition to wear religious clothes in educational institutions, discrimination by officials based on religious convictions. A big number of complaints of that category were submitted by representatives and followers of Jehovah's Witnesses community. It should be noted that none of the alleged incidents of infringement on citizens' right to freedom of conscience was confirmed.

1% of complaints submitted pertain to women's rights. They touch upon issues of facilitation of divorce procedures, enrollment of children to pre-school educational institutions, domestic violence, relations between spouses, determination of who children should stay with.

The next category is made up by complaints on issues of discrimination based on ethnic origin. They amount to 0.8%. Complaints challenge actions of law enforcement officers, local government offices, and educational institutions. No infringements were found on any of those allegations.

There is a minor group of citizens' complaints about infringements on educational rights (0.8%), specifically on issues of education of persons with disabilities, girls wearing head gear in educational institutions, failure to arrange proper academic process and others.

A small increase in the number of complaints about infringement on the right to favorable environment in the reporting year should be noted. They made up 0.7%. They report omission of local government agencies and actions of private business companies.

In the reporting year, the number of complaints about infringements on the rights of businessmen amounted to 0.7% of the total number of complaints. They complained about actions of law enforcement on unlawful hindrances to business activities, failure of government agencies to implement their commitments regarding businessmen, court rulings on bankruptcy of private companies.

The number of complaints about infringements on the rights of Kazakhstanis abroad went down compared to previous year – from 1.9% to 0.7%. In their appeals citizens of Kazakhstan complained about actions of law enforcement and judicial agencies of USA, China, Russia, Lithuania, and Turkey.

In the reporting year the share of complaints about violations of the right to privacy, personal and family secret, protection of honor and dignity stayed at the same level and amounted to 0.6%. Complainants reported infringement on honor and dignity, dissemination of information discrediting the complainants' reputation by government and non-governmental organizations.

An insignificant number of complaints were related to discrimination based on mental problems. In the reporting year 4 complaints (0.4%) were filed, basically they referred to disagreement with determination of diagnosis, placement to mental hospitals.

66% of complaints filed with the Commissioner were admitted. Relevant work was carried out to protect citizens' rights. Those efforts resulted in restoration of citizens' rights in 13.8% complaints.

The analysis of complaints submitted to the Ombudsman in 2014 indicates the on-going practice of infringements on citizens' rights by government, law enforcement agencies, local governments, government-linked companies and organizations. Issues of social nature are still topical: the rights to housing, labor, education, health protection and others.

However, the analysis and evaluation of complaints processed in 2014 indicate a tendency towards an increasing legal literacy, more active efforts of government bodies aimed at prevention of infringements on citizens' rights and zero tolerance to such violations.

2. Implementation of the RK Human Rights Commissioner's powers, interaction with government, civil society, media

This section presents information on the Ombudsman's implementation of his powers, major forms and methods of his activities in 2014 as well as his institution's interaction with the government and civil society.

In the reporting year, consideration of complaints and reports on infringements of human rights and freedoms specified in paragraph 16 of the Statute on the Human Rights Commissioner remained as a basic form which determined other methods and areas of operation of the national human rights institution.

Individual and collective complaints and appeals on behalf of citizens of the Republic of Kazakhstan and foreign countries, stateless persons, members of the Parliament, legal entities, non-governmental human rights organizations, foreign Ombudsmen and international organizations were reviewed.

Complaints submitted as part of implementation of the NPM which was launched in the reporting year were registered separately.

Pursuant to subparagraph 1, paragraph 15 of the current Statute, in the process of their review 1289 requests of relevant information were filed with courts, prosecutors, national government agencies, local governments, the National bank, the State Archive, commercial banks, government agencies of foreign countries, Kazakhstan's Bar Association, non-governmental organizations, public monitoring commissions, and legal entities of RK.

Based on the analysis and further review of the submitted complaints letters and recommendations pertaining to human rights issues which need settlement on a systemic basis were sent to government officials. In 2014, 10 documents of that type were sent.

Specifically, the Commissioner sent a letter on activities of the human rights institution in 2013 to the President with a description of forms and methods as well as main results of his efforts on protection of citizens' rights and freedoms and major problems detected in that sphere.

The Ombudsman also sent a letter to the head of state on the prospects for development of the regional international system for protection of human rights in the Asian region.

A significant attention was given to setting up the NPM launched in Kazakhstan in 2014. For instance, a submission was filed with the RK Prime Minister to raise issues of assignment of administrative functions regarding that mechanism's budgetary appropriation.

Complaints filed during the reporting year continued to indicate the topicality of issues of securing the citizens' right to adequate housing.

Regarding the above-mentioned tendency the Commissioner appealed to the First Deputy Prime Minister of RK to raise issues of forced evictions, long lists of persons who need housing from the public housing stock, providing housing to low-income families, protection of rights of women with many children, minors, old people.

Monitoring of confinement institutions was a tool which helped to keep a finger on the pulse regarding the human rights situation in places and promote a dialogue between local institutions and national government bodies.

For instance, based on results of visits to medical and social institutions in three provinces of the country in the reporting year, the Ombudsman filed a letter with the RK Deputy Prime Minister to touch upon various aspects of ensuring the human rights in those institutions, specifically, the rights to decent living conditions, health protection, provision of specific social services, education and others.

The Commissioner also raised the issue of the right to adequate housing in his letter to the Chairman of the RK National Bank regarding the rights of commercial banks' borrowers who ended up in difficult social situations.

The letter notes that issues of citizens who found themselves in difficult life situations not capable of paying back their loans should be reviewed on a case-by-case basis, with application of the debt restructuring with realistic conditions for repayment or other forms of support. It also underscores the expediency of a revision of legislation regarding low-income families' access to mortgage loans, the requirement that financial institutions should take into account their limited abilities to pay.

In addition to that, the Ombudsman sent an open letter to the Minister of Education and Science regarding the issue of child rights protection and stated the current problems in securing the minors' rights in children's institutions.

In this regard, we should note a certain positive tendency towards prompt and good quality response of government bodies to requests of the Commissioner's institution. For example, the Minister of Education and Science responded in short time and gave a detailed description of major areas of his Ministry's activities.

In general, the share of government agencies' responses sent with a breach of the established timelines in 2014 amounted to 10.4% which is 2.3% less compared to the similar indicator in 2013. It undoubtedly reflects a positive effect of the Government restructuring done by the country's President.

Along with that the above-mentioned tendency should certainly be viewed as an incentive for further improvement of the quality of government administration as a fundamental component of securing the human rights.

Monitoring of public institutions continued to play a significant role in implementation of the Ombudsman's mandate. It provided for a direct exchange of information and a dialogue between the administration and the staff of the monitored institutions for the purpose of disclosure of human rights challenges and ways for their settlement.

It should be noted that the capacity of the Ombudsman's office in this area strengthened significantly with the beginning of monitoring visits by NPM participants in March 2014.

In the reporting year, officers of the Commissioner's institution made 21 monitoring visits to 4 regions of the country and in less than a year they monitored 278 custodial security facilities as part of NPM.

So the total number of such visits which were made under the aegis of the national human rights institution amounted to 299. It is 8 times more than the similar figure in the previous year.

During the year covered by this report consultative and advisory panels under the Ombudsman continued their operations.

For instance, the working group for consideration of incidents of the use of torture and other cruel forms of treatment and punishment visited 7 penitentiary facilities and police detention cells in the city of Almaty and Almaty province.

The important feature of this working group is a direct membership of top officials of government agencies along with representatives of non-governmental organizations which turns it into a significant additional tool for monitoring over the problems of cruel treatment and proves that it is necessary to keep that format along with the NPM.

Actions of the working group for monitoring in social and labor areas focused on the analysis of implementation of its recommendations.

It watched closely the situation with observance of labor rights at Arcelor Mittal Temirtau manufacturing enterprises which were earlier visited by the group.

Based on results of those efforts, the Ombudsman sent a letter to General Director of ArcelorMittal Temirtau in Kazakhstan V. Mahadevan drawing his attention to the importance of keeping a balance of interests of all parties in labor relations, the need to ensure lawfulness and social justice, to prevent social tension among staff.

Another consultative and advisory panel under the Commissioner – the Council of Experts – held meetings to discuss, among other things, the issues of amending legislation in the area of protection of the rights of people with disabilities, interaction between government agencies and non-governmental organizations and the Fund for compensation of the harm to victims.

Finally, in the reporting year the Coordinating Council under the Human Rights Commissioner began its work. Its purpose is effective coordination of NPM.

At this stage of the development of that instrument for prevention of torture, the Coordinating Council accomplished a significant amount of work designed to arrange appropriate operation of the NPM participants, to ensure good quality monitoring of all confinement facilities in the country, their effective interaction with the administration of visited facilities, the national and local government bodies, to facilitate implementation of recommendations issued upon visits.

An important component of the Commissioner's mandate in the reporting year was cooperation with government agencies for the purpose of promoting further improvement of legislation and practice in the human rights area at various levels.

Specifically, when the RK Constitutional Council discussed the Karaganda regional court's submission challenging paragraph 6 of article 218 of the RK Civil Code as unconstitutional the Commissioner presented a relevant legal opinion which stated that in disputes over real property the rights of all owners of the challenged housing should be observed, and that the term "evident inexpedience" used in civil legislation should be adjusted.

Interaction with the parliament went on. Members of the country's highest representative body passed over to the Ombudsman citizens' complaints regarding infringement on their rights.

The Commissioner attended meetings of the Committee for social and cultural development of the RK Parliament's Mazhilis on the topic of "Ways to improve legislation on implementation of the integrated model of specific social services" and the conference on measuring the progress made over 20 years and determination of new challenges in implementation of child rights.

The Ombudsman's office also participated in preparation and adoption of draft regulations consistently highlighting that citizens' rights and interests should be observed strictly.

For instance, its comments on the draft concept paper of the new text of the RK Civil Procedural Code underscored inadmissibility of any decline in the level of respect to human rights because of improvement, streamlining or acceleration of civil procedures, the need to improve the instruments for delivery of information to participants of procedures, determination of jurisdiction, the need to provide access to all means of legal protection.

The approach of the Ombudsman's office regarding draft law "On Fingerprint and Genome Registration in the Republic of Kazakhstan" raised issues of citizens' access to relevant information, rights of vulnerable categories of population, conditions and safe storage of data.

The Commissioner's institution also forwarded information to the Cabinet on implementation of the Convention against torture with description of problems in implementation of that international agreement.

Another instrument which highlighted the human rights component in the legislative process was the Ombudsman's participation in the work of the Legal Policy Council under the RK President, which for instance discussed problems in implementation of the Constitutional Council's decisions, observance of child rights and prevention of offenses among minors, debt recovery and others.

The Commissioner's institution used similar opportunities in the framework of Inter-agency commissions under the national Government on issues of legislative work, on international humanitarian law and international human rights agreements, on issues of under-aged citizens and protection of their rights, on issues of illicit trafficking in persons, Coordination Council on social protection of persons with disabilities.

We should also mention our engagement in productive work performed by the consultative advisory body "Human Dimension Dialogue Platform" under the Ministry of Foreign Affairs. Due to its representative format it turned into an important tool in development of a dialogue between the government and civil society.

The institution took active part in preparation and presentation of RK's national reports as part of the Universal Periodic Review in the UN Human Rights Council and on implementation of the Convention against torture in the Committee against Torture.

Productive cooperation with Kazakhstan's civil sector was maintained in the form of review of complaints, participation in events including joint events. In the reporting year, non-governmental organizations submitted 44 complaints.

Representatives of those organizations are members of the Council of experts under the Commissioner and thus have opportunities to present their opinions on improvement of legislation in the area of human rights and freedoms.

Since 2014 representatives of civil society have an unprecedented wide access to institutions of confinement as part of the NPM with the steering role of the Ombudsman. It also serves a basis for wider interaction in that area.

To summarize the above reported, we should note that such traditional areas of cooperation as information exchange, facilitation in review of complaints about infringement on rights, joint monitoring of facilities, activities of experts did not change and even improved to a certain extent.

A significant part of activities of the Ombudsman's office in the area of cooperation and information exchange with civil society is engagement in public events. In the reporting year, the Commissioner and his staff attended 101 events of that kind, in general, devoted to a wide range of human rights issues.

Besides, they attended 52 international events in the country and abroad including its activities in the International Coordination Committee of National Human Rights Institutions, Asia Pacific Forum of national human rights institutions, Office of the UN High Commissioner for Human Rights, Organization for Security and Cooperation in Europe, UNICEF, interaction of RK and the European Union, the Council of Europe, Friedrich Ebert Foundation and others, as well as human rights institutions, governments and parliaments of Poland, Germany, Switzerland, Slovenia, Russia, and India.

A public presentation of the Ombudsman's annual report was held on the premises of the Academy of Financial Police (Akmolinskaya province).



Presentation of the 2013 Report on the Activities of the Human Rights Commissioner in RK in the RK Academy of Financial Police



Participants of the presentation of the Ombudsman's report

The 2013 Report on the activities of the RK Human Rights Commissioner was printed typographically and disseminated. It was also posted on the website.

The institution arranged educational events, workshops and trainings, prevention of abuse, protection of children, persons with disabilities. Those events targeted a wide range of participants including representatives of the government, civil society and reporters.

In the context of promoting higher legal culture among people, the Commissioner's institution continued publication of articles, information materials, bulletins, press releases. Officers of the institution attended TV programs devoted to human rights topics.

Website ombudsman.kz is permanently updated. 51 statements for media were disseminated during the reporting year.

Regarding the administrative aspects, in 2014, the institution's budget amounted to 77 million 257.7 thousand tenge including the budgetary appropriation "Services in the area of rights and freedoms of a person and citizen" – 76 million 454 thousand tenge, and budgetary appropriation "Capital expenditures of the National Human Rights Center" – 803 thousand tenge. All budgetary funds were implemented in full.

3. Right to freedom and personal security

The right to freedom and personal security is one of the fundamental and inalienable personal human rights implying that the state is committed to guarantee every person his/her personal security and freedom, prevention, suppression and punishment for infringement on life, health, honor and dignity, personal liberty.

The above-mentioned right is enshrined in a number of international legal documents. For instance, article 3 of the Universal Human Rights Declaration established: “Everyone has the right to life, liberty and security of person.” The International Covenant on Civil and Political Rights gave an extended interpretation of that right: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of liberty except on such grounds and in accordance with such procedure as are established by law”.

Pursuant to article 1 of the April 23, 2014 law #199 “On Interior Affairs Bodies of the Republic of Kazakhstan”, the interior affairs bodies are a law enforcement force charged with protection of life, health, rights and freedoms of a person and citizen, interests of the society and state against unlawful infringements, protection of public order and ensuring public security.

However, analysis of complaints and appeals submitted to the Commissioner indicate that the major factor of infringements on human rights is the lack of a sufficiently high level of law enforcement bodies’ effective operation. It has been an issue for quite a long period of time.

Specifically, it is law enforcement bodies that cause the biggest number of citizens’ complaints filed with the Ombudsman (26.7% of the total number of submitted complaints).

The most frequent violations of citizens’ constitutional rights are unlawful detention, arbitrary inspection of housing and search, use of unlawful methods of investigation and even use of force and other degrading forms of treatment against citizens, red tape and omissions during investigation of crimes including road accidents, and so on.

Resident of the capital S.A. reached out to the Ombudsman with a complaint about actions of police officers who used cruel and degrading forms of treatment against her.

The complainant alleged that February 6, 2014, unidentified individuals who introduced themselves as police officers, by means of deceit brought her to the office of Saryarka police department of Astana where she was held unlawfully for 8 hours in an office and then in a cell and subjected to cruel treatment, psychological pressure and threats. As a result the author of the complaint wrote a note which the above-mentioned individuals demanded.

The Commissioner took up that complaint under his personal control.

February 21, 2014, based on the complainant’s appeal, the Astana city prosecutor’s office launched a criminal investigation under article 141-1 of the RK Criminal Code. The same day, the Directorate of specialized prosecutors of the Astana prosecutor’s office opened a criminal investigation under par 2a, article 141-1 of the Criminal Code of the Republic of Kazakhstan, i.e. use of torture by a group of individuals.

As part of the criminal investigation formal indictments were issued and pre-trial restrictions were imposed on suspects.

By the time of the release of this report, pursuant to art. 284 of the RK CPC, A.A.’s and S.T.’s criminal case was forwarded to Saryarkinski district court #2 in Astana for consideration on merits.

Other examples which indicated facts of torture and cruel degrading treatment and punishment were the cases of criminal police officers of the Kostanay district police office and several police officers in Atyrau who were brought to justice.

December 25, 2014, based on complaints of defendants, victims and on the prosecutor’s protest, the Kostanay regional court’s appellate panel reviewed the sentence given to ex-officers of the Kostanay criminal police D.A. and Sh.R. and their supervisor, deputy director of criminal police office N.Zh.

According to materials of the criminal case, on April 7-22 unidentified individuals committed theft in the Argus.kz Ltd. company located at the 5th km of the Kostanay – Auliekol highway. Senior lieutenant Sh.R., senior lieutenant D.A. and captain N.Zh. began investigation of the crime.

The police officers found that A.A. had something to do with the theft. Around 10.30, April 23, 2014, in Zatobolsk village in Kopstanay district Sh.R. and D.A. brought A.A. to the administrative building of the Kostanay district police office. They brought him to an office and began to “beat out” confessions. In addition to battering him in the chest and kicking, they pulled the hood of his coat on his head and inflicted numerous blows in order to suppress his will; then they put a bullet-proof vest on him and forced to stay in that position.

A.A. had to admit that he committed the theft of electric tools (the criminal investigation of the theft is still under way) and that also S. participated in the theft as well.

The same happened to S. He was brought to the district police office at 17.20. However, in addition to blows inflicted by fists and feet, D.A. who failed to get confession began to shut off air by strangling him with the collar of S.'s coat. He did it several times. When those actions did not yield "the result", the police officer took a chair with a metal frame and inflicted a number of blows on S.'s back, shoulders and head. The chair broke down. D.A. took another chair of the same kind and continued to beat S. until that chair broke. Then he inflicted numerous blows on the top of S.'s head by a plastic bottle filled with water. After those acts of torture the victim had to give confession.

October 3 the Kostanay district court issued a verdict finding D.A. and Sh.R. guilty of crimes specified in par 2a, article 141-1 of the RK CC (torture) and sentenced them to 2 years of incarceration in a corrective facility of general security regime and deprived them of the right to work in government and law enforcement agencies for a term of 2 years. Under par 2, article 50 of the RK CC both officers were deprived of their ranks of senior lieutenants of police.

Both men were acquitted on charges pressed against them under part 1, article 346 of the RK CC (unlawful detention). As for charges against N.Zh., prosecutors refused to press charges on unlawful detention, and torture charges were dropped because of the lack of evidence.

The judge of the appellate panel announced decision. According to it the Kostanay district court's ruling regarding N.Zh. was upheld. Sh.R.'s and D.A.'s sentence in its part concerning their acquittal on charges under part 1, article 346 of the RK CC (unlawful detention) was overturned. The appellate verdict was issued and punishment was imposed. Following the accumulative sentencing the final prison term imposed by the court of the first level remained unchanged.

(external source: <http://kst.sud.kz/rus>)

"Atyrau policemen were convicted for torture", July 8, 2014

Three Atyrau policemen accused of torture will serve from 1 to 2 years in prison of general security regime. Last December, officers of criminal police arrested a young man red-handed with evidence of theft committed by him in a shopping center. Policemen brought him to police station and demanded that he take responsibility for 5 earlier committed but unsolved thefts. When the man refused to take responsibility for other thieves' crimes, policemen beat him up, then tortured him with a hammer. The victim went through medical check-up and then turned to court. Three police officers ended up at defendants' bench. According to the Atyrau regional court's press secretary, the police officers were charged under article which sets punishment for torture committed by a group of individuals. The senior officer was sentenced to 2 years of imprisonment, another defendant got 1.5 years and the third defendant got 1 year of incarceration in a prison of general security regime.

(external source: www.24.kz)

Speaking at the May 16, 2014 meeting on issues of interaction of the government with NPM participants Deputy Prosecutor General Zh.K.Asanov noted: "In 2008 Kazakhstan became a participant of the Optional Protocol to the UN Convention against Torture. At that stage, we had on the average 2-3 crimes registered annually. However, after we joined the Optional Protocol the situation began to change dramatically.

The number of complaints about use of torture went almost 100 times up. It means that individuals involved in the criminal procedure, on the one hand, stopped fearing and they began to believe in justice. It resulted in a significant increase in the number of law enforcement employees convicted for torture.

If in 2008, only 3 criminal investigations were launched and 1 police officer was convicted, in 2013, we had 35 criminal investigations, 31 police officers were convicted."

June 17, 2014 at the Commissioner's errand, a group of NPM participants in Kzylorda province visited the Regional boarding school for children with deviant behavior to follow up on complaints about abuse of children.

As a result of the visit materials were forwarded to the Kzylorda police and prosecutor's office with statement of facts of abusive treatment of 5th grade student A.E., specifically the incident when he was beaten up in the presence of other students in the basement area. The boy lost consciousness.

The Commissioner's office also informed the RK Prosecutor General's Office, the Ministry of Education and Science and the Kzylorda regional governor's office.

Despite the evident fact of abuse, despite reports of students about numerous similar incidents, August 27, 2014, the Kzylorda city police office dropped the criminal case because of the lack of evidence. August 29, the city prosecutor's office revoked the decision on dropping the case. Materials of the criminal case were forwarded to the police department for further investigation.



Meeting at the RK Prosecutor General's Office on issues of interaction between participants of the national preventive mechanism against torture

In 2014 the Ombudsman received 96 complaints and appeals on torture and cruel treatment, some of them were received by NPM participants during their monitoring visits to facilities.



Members of the working group on consideration of torture incidents under the Ombudsman visited police cells

Nobody shall force restriction of a person's liberty, his right to have opportunity to control his actions and deeds within the framework of the law, enjoy the freedom of movement. Nobody shall be subjected to arrest, detention and confinement except on the grounds as established by court ruling.

According to statistical data of the Legal Statistics and Criminal Records Committee of the RK Prosecutor General's Office in 2014:

- 60 individuals were charged for criminal actions under article 308 of the RK Criminal Code; 56 were convicted; 34 individuals were held criminally liable under article 141-1 of that Code; 26 were convicted;
- 15 individuals were released from police cells because suspicions of their fault in commitment of crimes were not confirmed;
- 1021 individuals were released from police cells on account of the lack of grounds for the use of pre-trial restrictive measure in the form of confinement;
- 11 individuals were released from police cells on account of breached requirements of the RK Criminal Procedural Code (article 134, par 3 article 136)
- 459 individuals arbitrarily and unlawfully held were released from offices and other premises in police;
- 38 individuals unlawfully held in maximum security confinement, penalty and disciplinary segregation, general and solitary cells, police cells were released.

Pursuant to the Code of Honor of the RK Interior Affairs Officers approved by May 28, 2011 order #248 of the RK Interior Affairs Minister, in their everyday official practice interior affairs officers should provide for respect and protection of the rights, freedoms and lawful interests of individuals and legal entities, evade any instances of red tape and procrastination in handling their complaints; they should take all necessary actions on complaints following the timelines set in the law.

However, the analysis of incoming complaints indicates that incidents of red tape in investigation of administrative and criminal cases, negligent attitude to their direct official duties still occur in those agencies' activities.

Almaty resident T.M. appealed to the Commissioner with a complaint about unlawful, from his point of view, actions of road patrol officer S.R. who refused to explain the norms of the current legislation in issuance of a notice on administrative offense.

The Commissioner took up this complaint under his personal control. Information requests were filed with the Prosecutor General's Office and the RK Ministry of Interior Affairs (MIA).

The RK MIA's Committee of Administrative Police found that major S.R. breached requirements of administrative legislation. The authorized agency stopped administrative proceedings against T.M.

As a result of that work the Almaty regional police department issued an order on dismissal of road patrol inspector S.R. from his job.

The Ombudsman has plenty of similar examples in his mail.

It should be noted that to a certain extent, the current period of complicated social and economic processes that Kazakhstan is going through provides for the topicality of efforts to address comprehensively and profoundly the issues of improving the system of interior affairs.

Public opinion has a high degree of practical significance in the issue of assessment and control over operations of the law enforcement, particularly in respect of ensuring the security of a person, the society, the state against unlawful and other criminal infringements.

At this stage we cannot assert with complete certainty that police enjoys Kazakhstani citizens' trust (according to public polls only about 10% of population trust police). In this regard, one of the purposes of the 2014-2020 State Program of further modernization of the law enforcement system of the Republic of Kazakhstan is to remedy that situation. The poor level of people's trust to police hinders development of an effective instrument for prevention of crimes and engagement of civil society representatives in preventive efforts.

The level of implementation of citizens' right to freedom and personal security is an important indicator of the society's democratization, a necessary prerequisite for establishment and development of a state governed by the rule of law.

4. Right to judicial protection and fair trial, enforcement of court rulings

A fair and independent judicial system is an indicator of developed democracy, priority of human rights and freedoms. The court is the core of operation of the judicial system and of the state as a whole.

Head of state N.A.Nazarbayev stated: "The national judicial system should become a reliable guarantee of stability in the society, the rule of law, persistent observance of interests of the society and the state, protection of Kazakhstanis' rights and freedoms. It is Kazakhstani judges' main duty in the complex work on implementation of the Strategy 2050.

We should also note a serious improvement of the national judiciary's global competitiveness index on the independence of courts criterion (advanced over 3 years from 111th place up to 86th).

Improvement of operation of courts and judicial system depends directly on improvement of the relevant legislation.

In recent years, our country took significant actions which raised the level and the status of judicial system and judges as well as the quality of selection of the corps of judges.

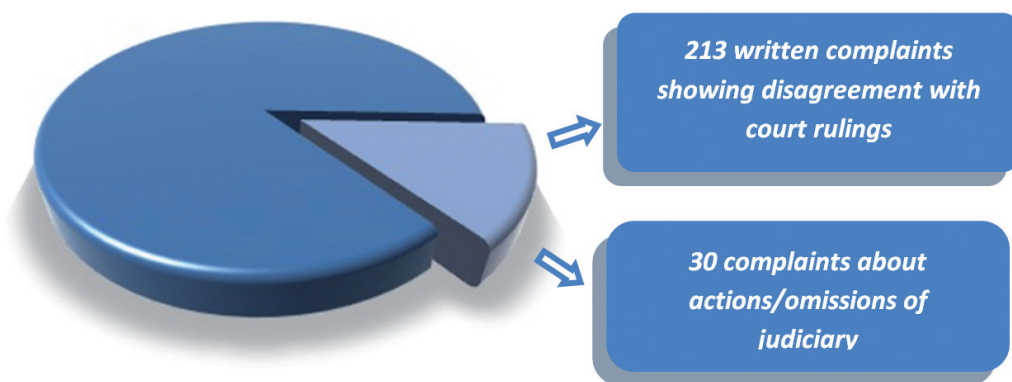
For instance, a big amount of work was performed as part of implementation of the 2010-2020 Legal Policy Strategy of the Republic of Kazakhstan. The country passed new Criminal, Criminal Procedural, Penal Codes and the Code of Administrative Offenses.

It should be noted that the new provisions of the Criminal and Criminal Procedural Codes expanded significantly the competence of the judiciary in criminal justice.

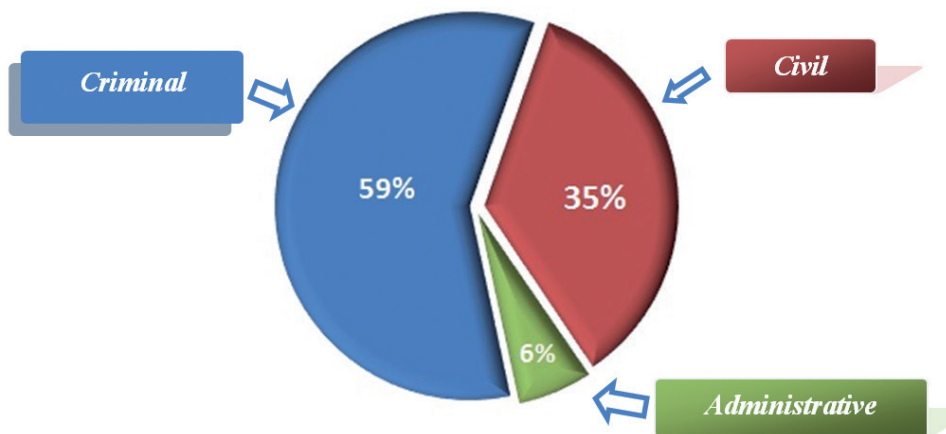
The priority goals of criminal proceedings are protection from unlawful restriction of human rights and freedoms in the course of criminal proceedings on a criminal case and protection from arbitrary accusations of individuals in performance of investigative operations, and immediate rehabilitation of a person in incidents of unlawful accusation or conviction.

To achieve those goals the law sets a streamlined order for pre-trial proceedings, legal grounds for the mechanism of restorative justice, regulates the use of restrictive measures at the stage of pre-trial proceedings, introduction of a new participant in criminal procedure – an investigative judge.

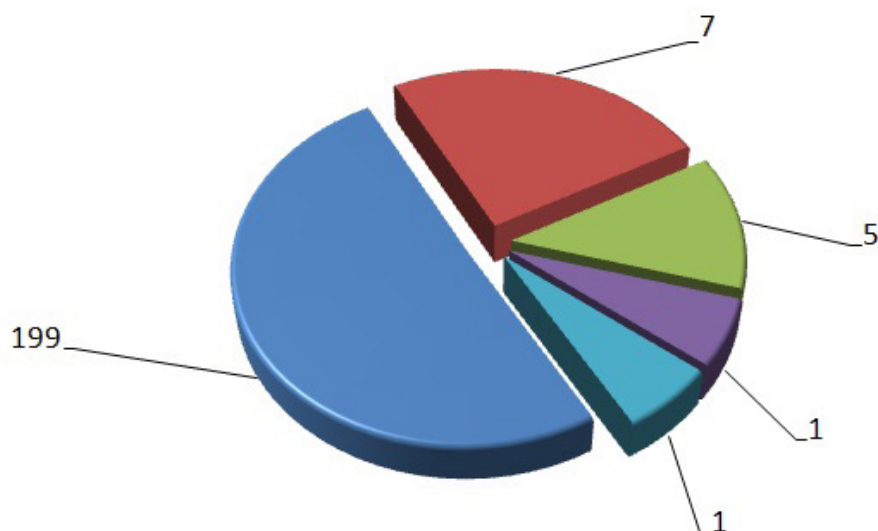
In the total number of complaints submitted to the Ombudsman in 2014, written appeals showing disagreement with court rulings and complaints about actions/omissions of judiciary make up 22.4%.



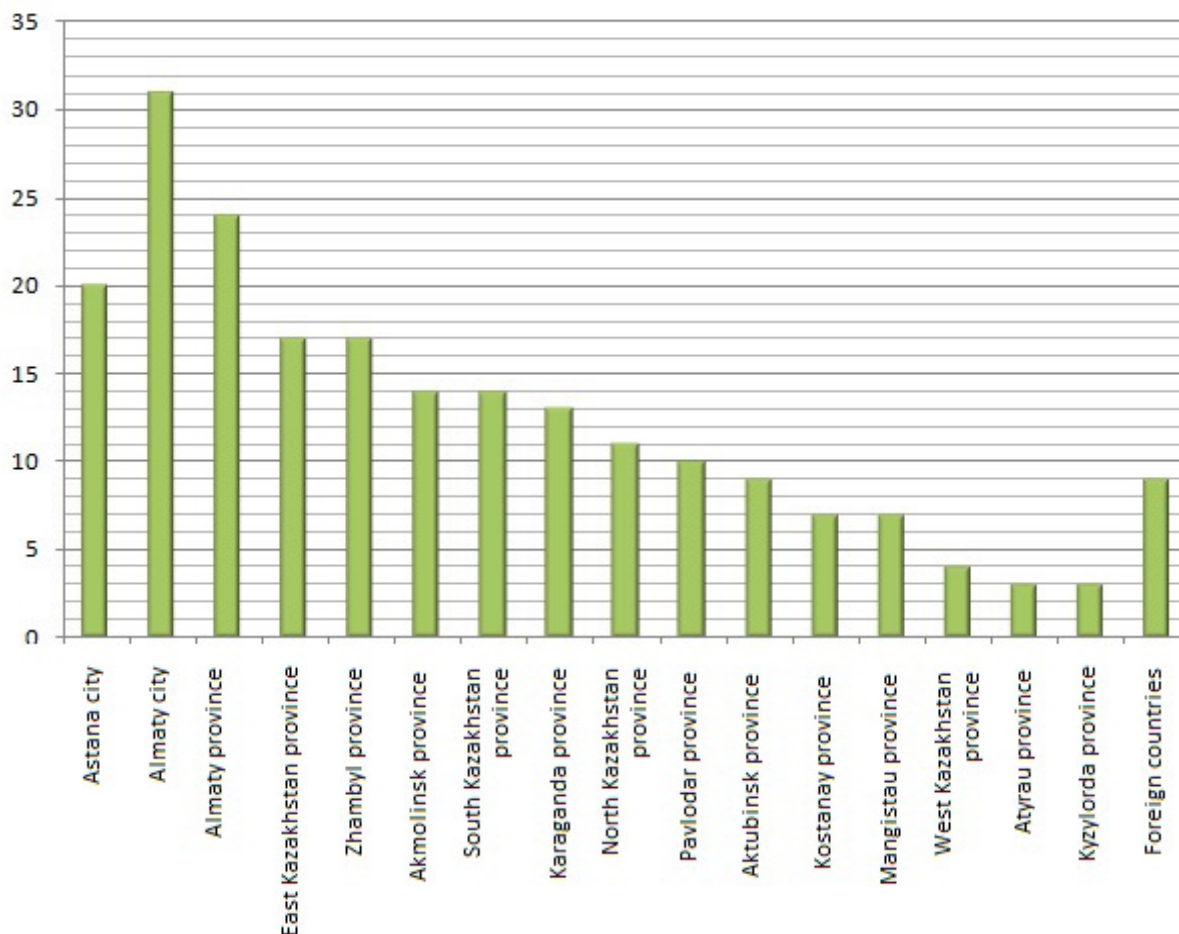
Broken down by categories of cases, 125 of 213 complaints about infringements on the right to judicial protection were on criminal, 75 – on civil, and 13 on administrative cases.



Regarding the profile of complainants, individual complaints prevail. There were 199 individual complaints. 5 collective complaints were received; 7 complaints from NGOs, 1 from a member of Parliament, 1 from another country's Human Rights Commissioner.



Profile of complaints received in 2014 broken down by provinces and cities of national significance, and from abroad.



Citizens' complaints filed with the Commissioner's office indicate that infringements on human rights in judicial proceedings still occur.

In incidents when materials of complaints indicate possible breach of procedural norms, the Commissioner sends inquiries to the Prosecutor General's Office seeking review of such complaints with the purpose of initiating a protest against issued court rulings. In the reporting year, about 30 submissions of that kind were forwarded to the Prosecutor General's office.

Denial of replacement of an un-served part of sentence by a more lenient punishment

The Commissioner received complaints from prisoners and their family members expressing their disagreement with court decisions on issues of early release on parole and replacement of an un-served part of sentence by a more lenient form of punishment.

The Ombudsman received a complaint of L.Z. submitted in the interests of her spouse L.A. expressing disagreement with a judge's decision to deny replacement of the un-served part of the sentence by a more lenient punishment. The complainant believes that in holding the proceedings on her husband's petition on February 25, 2014 the Semei city court #2 violated his right to defense because his defense lawyer and public defender were not allowed to participate in it though in his petition, L.A. asked that they should attend the proceeding and paid the defense lawyer's fee. Moreover, in its ruling, the court did not specify the reason for non-admission of the defense lawyer and public defender in the proceedings.

However, pursuant to par 6 of the RK Supreme Court's normative regulation #10 of December 25, 2007 "On early release on parole and replacement of the un-served part of punishment with a more lenient form of punishment" a convict is entitled to have access to materials presented to court, participate in proceedings, submit petitions and recusals, give explanations, present evidence.

Besides, the author of the complaint reports that her husband is characterized positively, has 12 merit recognitions, was granted less restrictive confinement, completed 3 vocational and technical courses, participated in amateur performance activities of the council for leisure and sports.

In another complaint K.U. who appealed in the interests of her son K.A. expresses disagreement with court decision to deny her son's early dismissal on parole. She reports that the court decision was copied from an earlier prepared template because it mentions the name of Zh. Although no one with such name has anything to do with her son's case.

Pursuant to paragraph 7 of the above-mentioned normative regulation of the RK Supreme Court, no simplification of the criminal procedure shall be allowed in consideration of issues of early release on parole and replacement of the un-served part of sentence with a more lenient punishment; no use of templates with texts of court decisions typed in advance, no review of a big number of cases in one court hearing, etc. shall be allowed.

Moreover, in consideration of issues of possible use of early dismissal on parole, of replacement of un-served part of sentence with a more lenient punishment courts should provide for a strictly individual approach to every convict.

The use of early dismissal on parole or replacement of an un-served part of sentence with a more lenient punishment are undoubtedly the judge's exclusive prerogative, and consideration of such cases should focus on correction of prisoners and prevention of crime recidivism.

Since the Commissioner and his institution do not have legal power to review complaints about actions and decisions of judges, they give relevant explanations to complainants on convicts' right to file repeated petitions, the right to early dismissal on parole and so on.

Imposition of a restrictive measure in the form of arrest by court

Introduction of judicial authorization of arrest is a significant achievement of the legal reform in Kazakhstan and it indicates that the national legislation moves closer to international standards of fair criminal procedure.

In the context of human rights protection, along with positive practice of the judicial authorization of arrest we should also note that courts predominantly lean towards presumption of guilt in consideration of issuance of arrest warrant, do not apply alternative measures of restriction, impose long term detention, etc. That issue has more than once been raised in annual reports on the Commissioner's activities.

In 2014, the Commissioner received appeals on disagreement with court decisions on imposition of arrest as a restrictive measure.

For instance, December 20, 2012 a court issued a warrant to arrest citizen T.Zh. who was pregnant and who had a little child (1.5 years old). In spite of her pregnancy the arrest was extended several times for longer terms. Then on June 13, 2013 she delivered a baby in the pre-trial detention facility. T.Zh. has repeatedly submitted requests seeking replacement of the restrictive measure in the form of arrest with a written pledge not to leave the city. But they did not yield any results.

Restrictive measure in the form of arrest was imposed on E.E. who has an under-aged son who suffers from epileptic seizures since early childhood and needs permanent watch and care. E.E.'s daughter R.A. reports that the court reviewed the case of authorization of her mother's arrest ignoring the fact that she had an under-aged child who needs permanent care, E.E.'s health, the absence of the criminal past. Moreover, the court meeting was short, 15 minutes only.

We can hope that introduction of the new RK Criminal Procedural Code will bring wider application of alternative measures of restriction and additional limitations such as bail, written pledge not to leave the city, pledge of good behavior, personal guarantee, placement of a minor in custody and others.

Provision of fairness in consideration of cases, complaints about non-issuance of copies of court decisions

In her complaint filed in the interests of her son who is disabled since childhood and suffers from infantile cerebral palsy Zh.S. notes that courts did not support defense lawyer's request of having a comprehensive medical forensic and technical examination to assess the convict's ability to inflict serious bodily harm to the victim given his health state. In the opinion of the convict's mother that circumstance influenced significantly the verdict issued by court which sentenced her son to 4 years and 6 months of incarceration. The appellate and cassation courts upheld the sentence. The complainant's request of initiation of supervisory proceedings was declined.

However, questions arise about the ability of a young person with disabilities who suffers from infantile cerebral palsy to inflict serious bodily harm to a healthy person.

That complaint was forwarded to the Supreme Court for information.

The Ombudsman received complaints about failure to get copies of court decisions and it hinders further protection of their rights.

Ch.L. appealed in the interests of her spouse D.D. reporting that he did not get a copy of his sentence. The complainant also reports that a copy of the sentence was not provided even after a request filed by the director of the facility where her husband serves his sentence.

We also forwarded that complaint to the Supreme Court for its information.

M.N. reports that he received a copy of the decision of the Zhambyl regional court's appellate panel only after he posted an appeal on the blog of that court's chairman.

Disagreement with court decisions pertaining to narcotic drugs

Specific attention should be paid to complaints of citizens who disagree with court decisions finding them guilty of illegal possession, sale of narcotic drugs. Complainants directly state that charges in acquisition and possession of drugs were fabricated.

In the majority of cases, drug addicts are held liable for drug possession and peddling.

In her appeal V.V. reports that police arrested her drug addicted son V.A. on the stairway in their house. According to her police dropped in a packet with drugs. In the video which was shot at that stage her son tells arrest witnesses that the packet was dropped in and the witnesses confirm it. In further proceedings, for reasons unknown to the complainant, other witnesses of arrest attended court meetings.

In another incident I.L. who appealed in the interests of her convicted spouse I.R. alleges that police forcefully broke into their apartment, dropped narcotic drugs in and searched the apartment without prosecutor's warrant. Then, they charged her husband for drug peddling.

In their appeals, complainants allege that they fell victims to actions of police officers engaged in combat against drug trafficking.

For instance P.N. who appealed in the interests of her daughter P.O., a person with disability of 3d category, drug addict, reports that using services of a front man, her daughter bought drugs for P.A. and herself. Despite her cooperation with investigation, sharing truthful evidence she was sentenced to five years of incarceration. In the complainant's opinion the punishment is not commensurable with the committed crime.

A similar method was used to detain drug addict K.D. who, for the purpose of getting a load of drug agreed to go with front man P. to buy drugs. The convict's mother alleges that P. is the only witness in her son's case. Moreover, P. is a long-term drug addict. However, K.D. was sentenced to 11 years 6 months of incarceration.

Although on some of those complaints, departments of internal security of police conduct official investigations which usually do not find any elements of crime in actions of police employees, complaints of that kind filed with the Ombudsman raise certain issues regarding fairness of investigation and consideration of court cases pertaining to that area.

Imposition of administrative liability in the form of deportation from the country

Deportation of foreign citizens and stateless persons from the country is one of serious punishments in the tort law when we speak not about tourists or seasonal migrants but persons who took deep roots in that country.

A typical example of such deportation is described in the appeal of citizen of the Islamic Republic of Iran B.N. submitted to the Commissioner. Aktau city court #2 in Mangistau region issued a ruling on B.N.'s deportation from the territory of the Republic of Kazakhstan. The cassation panel of the Mangistau regional court upheld that ruling.

The complainant admits that he was held liable under administrative charges twice, i.e. for the breach of the rules of stay in our country. At the same time the complainant states that the court did not take significant circumstances of his life into account, such as the fact that he has a family in Kazakhstan and four under-aged children. The complainant also reports that he is an ethnic Kazakh and came to our country for the purpose of permanent residence in his native land. He has lived in Kazakhstan about 18 years. Moreover, at the stage of deportation the complainant had a residence permit valid till 2016.

Another similar incident is described in G.L.'s complaint filed in the interests of her spouse – citizen of the Republic of Azerbaijan G.R. who was deported from the territory of the Republic of Kazakhstan pursuant to the ruling of the Ereimentau district court.

The complainant reports that since her husband was deported from the country he does not have opportunity to protect his rights. Besides, G.R. has an under-aged daughter in Kazakhstan.

With the account of restriction under article 48 of the RK Law “On migration of population” prohibiting migrants who were deported from the Republic of Kazakhstan to enter the country for five years, complainants believe that imposition of such punishment is not commensurable to committed offenses.

Minors' rights

The Ombudsman's mail has complaints reflecting disagreement with court rulings pertaining to minors' interests.

For instance complainant D.E. acting in the interests of her under-aged daughter K.K. reports that the court ruled to satisfy the full extent of her ex-husband's lawsuit claims on his ownership right on real property which belongs to his under-aged daughter according to the gift contract.

The complainant opines that in that case, courts of all levels recognized her husband's right to own real property without any legal grounds or evidentiary basis and thus broke and deprived her daughter of the constitutional right to own real property. In the complainant's view, the courts incorrectly substantiated the circumstances of the case, incorrectly applied and interpreted norms of the law of substance, and breached norms of civil procedural law in consideration and settlement of the case.

That complaint was forwarded to the Supreme Court for information.

N.T. appealed to the Ombudsman in the interests of her under-aged son E.Zh. who was placed to the correctional confinement school for delinquent children and teenagers (special school) of the Zhambyl regional department of education pursuant to the ruling of the Almaty regional juvenile court #2. From the point of view of government agencies the teenager was placed to the special school because of systematic truancy and deviant behavior. The mother opines that those violations were a result of pressure exerted on the teenager by the school teachers.

That incident indicates that judicial practice of referring children to confinement facilities should be brought in compliance with international standards. The main focus in issuing a court decision should be on minors' correction without their isolation from society.

Right to adequate housing

One of the topical issues in complaints submitted to the human rights institution is the citizens' disagreement with court rulings on housing issues.

The Human Rights Mission public organization reached out to the Commissioner in the interests of D.K. with a request to postpone enforcement of the Bostandyk district court ruling in Almaty on collection of her debt on mortgage loan. Her apartment was the collateral. That court issued a decision to suspend enforcement of the court ruling on collection of D.K.'s debt. However, the appellate panel of the Almaty city court turned down that decision of the Bostandyk district court.

In another complaint D.V. expresses disagreement with the ruling of Almaty district court in Astana on eviction of him and his family from their only housing. According to the complainant the court issued its ruling without taking into account the fact that four under-aged children and relatives lived in the apartment.

Residents of Mahabbat housing compound also expressed their disagreement with court ruling on their eviction. March 6 they staged an unauthorized rally attended by 8 adults and 33 children.

Separate complaints indicate that problems in execution of court rulings were caused by their ambiguity. For instance, person with the 2nd category of disability I.R. reported that in accord with the date of her registration as a person who needs housing, the Kzylorda city court issued a decision ordering the Kzylorda mayor's office and the Turgyn ui kyzmeti municipal enterprise to provide housing for her from the public housing stock prior to all others.

However, pursuant to par 4, article 74 of the RK Law "On housing relations" persons with disabilities inflicted in the Great Patriotic war, veterans of the Great Patriotic war, orphans and children left without parental care have a priority in allocation of housing from the public stock.

Later, the Kzylorda city court explained that the complainant is entitled to get housing from the public housing stock prior to others, in accord with the date of her registration as a person who needs housing, however not prior to persons on the list in the category of persons suffering from severe forms of some chronic diseases included into the list of diseases.

Another decision of that court provides an explanation of the procedure for implementation of that executive document according to which I.R. is entitled to get housing from the public housing stock in accord with the date of her registration as a person in need of housing in the category of socially vulnerable people.

Thus, the judicial enforcement officer had to turn to court repeatedly seeking clarification of the procedure for execution of the court ruling because of its ambiguity. It resulted in bureaucratic delays in execution of the judicial act.

In recent years, a growing number of appeals were submitted to the Ombudsman with citizens' requests to explain the procedure for appealing to the UN Human Rights Committee because, in their opinion, they exhausted all domestic remedies and instruments for protection of their rights.

Moreover, upon consideration of complaints by our country's citizens the UN Human Rights Committee, Committee against torture issued decisions.

For instance, based on results of examination of Kazakhstani citizen G.A.' communication, in its decision taken at the 48th session (May 7 – June 1, 2012) the UN Committee against torture acknowledged the fact of infliction of bodily harm to him. The Committee stated that Kazakhstan failed to implement its obligations under the Convention against torture and other cruel, inhuman or degrading forms of treatment and punishment, specifically, its obligation to prevent torture and bring to justice those responsible for the complainant's treatment, conduct proper, impartial and effective investigation, to ensure that the victim and members of his family are protected. It also infringed on the complainant's right to full reparation and the right to file petitions.

In another decision the UN Committee against torture (50th session held October 28 – November 22, 2013) on the complaint of Kazakhstani citizen E.O. noted that national courts failed to address adequately the complainant's repeated allegations that he was forced to give written confession under torture.

In its March 31, 2014 decision the UN Human Rights Committee states that Kazakhstan violated its obligations under the International Covenant on Civil and Political Rights and its Optional Protocol and did not take into account the Committee's request on suspension of the procedure of V.N.'s extradition to Kyrgyzstan prior to complete consideration of his complaint.

Therefore, the experience that we already have in consideration of communications of our country's citizens to international human rights organizations indicates certain shortcomings in operation of the judicial system.

To sum up the above-reported we should note that despite a significant progress in improved administration of justice, at this stage, incidents of infringement on human rights still occur in the area of court proceedings and further efforts are required to address that issue.

5. Citizens' right to receive government services

The 1966 European Social Charter enshrines that social function in developed states is implemented under the pattern "state – person".

Due to the analysis of international experience as well as national studies in the area of regulation of the system of public administration our country developed its own way for provision of government services which incorporated elements of all the best practices in the world.

As we know Kazakhstan has been taking planned and persistent efforts on improvement of the quality of government services for a number of years. Borrowing the best international practice, the area of government services strives to achieve the level of world leaders (USA, Great Britain, the Netherlands, Singapore and others) and permanently modernizes through introduction of new instruments and tools for improvement of the system of government services.

At this stage, government services are provided by government agencies, their branch offices and subordinate organizations through Population Servicing Centers, the electronic government portal, and through mobile communications.

A single contact center on issues of government services was established in the country to ensure extension of information to people. That center is a telephone reference service which provides consultations to citizens and organizations on procedures of obtaining government services.

To facilitate people's access to government services channels of access to those services are expanded. The government periodically publishes various information booklets about government services, methodological recommendations and other information materials which are posted on the government agencies' Internet resources and the e-government portal.

The list of government services already contains more than 647 government services which are classified according to major life situations. The standards and regulations of government services are permanently updated with the account of optimization and computerization of their procedures.

We should also mention that with engagement of non-governmental organizations the public monitoring over the quality of government services is conducted.

Analysis of the Human Rights Commissioner's mail indicates that in the reporting year the tendency towards reduction in the number of complaints and appeals on inappropriate administration of national and local government agencies continued.

First and foremost it is stipulated by the above-mentioned improvement of the list of government services, the growing number of centers for servicing the population, expansion of the e-government portal and other comprehensive measures.

In the reporting year the Ombudsman received 155 complaints and appeals on issues of implementation of the rights in the area of government services (70 on issues of administration in national government agencies, 85 – in local).

The number of complaints about inappropriate administration in government agencies lodged in 2011-2014



As in the past, the bulk of citizens' complaints lodged with the Commissioner refer to poor quality of government services in the area of housing and land rights, social support, education, healthcare services and so on.

A separate group is made up of citizens' complaints about omissions of local government agencies in the area of public utilities, for instance, about water supply to a village and road repairs.

The Commissioner received a collective complaint (20 signatures) of residents of Nauryz village, Maktaaral district about omission of the local government in addressing the issues of supply of good quality potable water to people in that village, and about construction of road.

According to complainants water pipes in the village were partially replaced. As a result a significant number of residents have to consume poor quality drinking water with suspicious residue.

In their complaint, residents of the village report also of problems related to the absence of roads. Their appeals to the rural circuit and district governments did not bring positive solutions.

As part of its review of the complaint the National Human Rights Center lodged an information request with the relevant government agency and urged it to remedy social fairness in providing good-quality potable water to residents of the Nauryz village, and also provide information about steps taken to build water pipeline, roads in that village in the past, the reasons of failure to complete those works to the full extent.

It was found that under the action plan approved by the Maktaaral district government in South Kazakhstan province the capital repairs of the water supply system in rural circuit Irzhar are scheduled to be performed in 2015-2016. According to that plan road repairs on Zhuldyz street are scheduled in 2015, and Zhana Turmys street – in 2017.

Resident of Zhetysai, Maktaaral district in South Kazakhstan province M.K. reached out to the Commissioner's office with a complaint about non-compliance of the road infrastructure in the area of the school named after Gagarin with safety requirements. Its state presents direct danger to lives and health of students.

We had South Kazakhstan governor's office engaged in addressing that issue, asked to verify the facts mentioned in the complaint and take steps needed for provision of students' safety.

That issue was discussed at a meeting of the Maktaaral district emergency situations commission. The Commission took a decision to change the layout of the road and pave a sidewalk in order to ensure school students' safety.

B.P. who lives in Zhetysai town, South Kazakhstan province submitted a complaint to the Commissioner.

The author reports that a family of five members resides at the address specified in the complaint but they pay a higher than standard fee for electric power of 70 kilowatts. The complainant turned to various offices on that issue. For instance, South Kazakhstan regional department of electricity and public utilities stated that in 2012 the excess payment amounted to 2730 tenge. However, according to the complainant, bills with incorrect charges still keep coming.

The Ombudsman's office reached out to the South Kazakhstan governor's office with a request to review the complaint and take measures to prevent infringement on the complainant's rights.

According to the Maktaaral district government, the complaint was reviewed jointly with Ontustik Zharyk Transit company and found that the complainant's house had two electric meters. Inspectors wrote down higher numbers than those on meters. That was the reason for excess charge of 2730 tenge. The above-mentioned organization paid that amount back. Those responsible for the violation were punished.

The above quoted examples indicate that local government and representative bodies have to be attentive to citizens' requests, take prompt steps to remedy broken laws because people's satisfaction with the work done by the government and people's trust to the government apparatus in general depend on the quality of government services.

Kazakhstan acknowledges the right to healthcare as every person's constitutional right. Securing the equality of citizens' rights to obtain safe, effective and good-quality health assistance are the principles of state policy in the area of healthcare. Citizens of the Republic of Kazakhstan are entitled to get good quality and prompt health assistance.

Along with that, an example of poor quality health services rendered to people is described in Zh.K.'s complaint lodged in the interests of her mother Zh.B. born in 1936.

Zh.K.'s complaint was posted on the Commissioner's website. She complained about actions of physicians of the Tulkibas hospital in South Kazakhstan province.

According to the complainant medical staff of that hospital do not render health support to her elderly mother Zh.B., born in 1936, behave impolitely, and recommend that she should not call ambulance because her mother is very old and is beyond recovery.

The Ombudsman's institution appealed to the RK Ministry of Healthcare urging it to review Zh.K.'s complaint and verify the legitimacy of doctors' refusal to render health support to her mother.

According to information of the RK Ministry of Healthcare which came in response to our request, the South Kazakhstan Department of control over medical and pharmaceutical operations of the RK Ministry of Healthcare conducted an unannounced inspection of the Tulkibus district health center. As a result of examination of medical documents by experts and interviews with healthcare workers the Commission came to a conclusion that the out-patient clinic did not provide the full extent of dispensary observation and health support to the complainant's mother. The facts stated in the complaint were confirmed.

It was found that healthcare workers of the Tulkibas health center provided health support services with a number of violations of the standards of medical and diagnostic assistance. In this regard a note was issued against district physician I.Zh. and neuro-pathologist N.F for commitment of administrative offense under part 3, article 85 of the RK Code of Administrative Offenses.

In addition to that, the head physician of the Tulkibas district health center issued order #28 of May 4, 2014 on disciplinary punishment of the following employees: a warning to acting head physician of the Tulkibas rural ambulance station K.R. for the lack of control; reprimand to district physician of general practice I.Zh. for non-performance of official duties to full extent, a reprimand to paramedic of ambulance S.R. for inappropriate performance of official duties.

May 11, 2014 a workshop was held in the Tulkibas district health center on ethics and deontology. South Kazakhstan healthcare department also reports that the complainant's mother was registered as a patient to be subject to regular medical check-ups with a diagnosis of Parkinson disease, mixed discirculatory encephalopathy AG-2 and was admitted to neurological department of the district hospital for treatment.

At this stage Zh.B. is at home. Her health state is controlled by district physicians.

An example of immoral attitude to victims of political repression by the local government is described in citizen S.M.'s complaint to the Ombudsman about actions of the Tainshy district government in North Kazakhstan province regarding non-payment of a lump-sum allowance on the occasion of a commemorative date - the Day of remembering the victims of political repression on May 31.

As we know, pursuant to article 27 of the RK Law "On local government administration and self-government in the Republic of Kazakhstan" the provincial governors' offices, offices of the mayors of the city of national significance and the capital coordinate extension of social support to socially vulnerable groups of population in accord with legislation of the Republic of Kazakhstan.

As part of consideration of that complaint the Commissioner's office lodged a request with the relevant government agency.

May 21, 2013 the RK Government passed Standard rules for extension of social support, calculation of the amount and determination of the list of separate categories of citizens who need support (hereinafter referred to as Standard rules). Under those rules instead of the previous forms of additional social support for separate categories of citizens paid according to decisions of local representative bodies, beginning January 1, 2014 monetary aids related to holidays and commemorative dates shall be paid as well as benefits paid as support in difficult life situations.

For the purpose of implementation of the Standard rules, the Department of coordination of employment and social programs of North Kazakhstan province put together a draft resolution of the regional governor's office "On approval of a single amount of social assistance to separate categories of citizens on commemorative dates and holiday" approved October 24, 2013.

In connection with the commemorative date – the Day of remembering victims of political repressions – May 31, that resolution set payment of monetary aids to persons who directly suffered from political repression on the territory of the Soviet Union and who are current citizens of the Republic of Kazakhstan.

To expand the categories of persons who were directly subjected to political repression, the above-mentioned Department drafted resolution #356 on amendments into the October 24, 2013 resolution "On approval of a single amount of social assistance to separate categories of citizens on commemorative dates and holiday". However, that resolution was approved only on September 2, 2014. Under that resolution, in addition to persons who were directly subjected to political repression, payment of monetary aid is made to persons who suffered from political repression in the amount of 3 monthly calculation indices.

In this regard, according to information of North Kazakhstan governor's office the full amount of lump-sum monetary aid on the occasion of commemorative date of May 31 – the Day of remembering victims of political repression was provided on December 5, 2014 to 1600 recipients including 193 recipients in the category "Victim of political repression" and 1407 recipients in the category "Children of victims of political repression".

Analyzing the process of rendering government services from the angle of compliance with legislation on protection of citizens' rights and interests, we should note that the national legislation provides for a possibility for citizens themselves to participate in it as direct recipients of government services because only citizens can give a full-fledged evaluation of the quality, disclose existing shortcomings. In this regard, citizens are entitled not just to receive government services but also to challenge poor quality services.

D.V. posted a complaint on the Commissioner's website expressing his disagreement with actions of the Almalinsky district tax department in Almaty.

According to the complaint, in 2009 the complainant had alterations in his 3-room apartment which he owns according to the purchase and sale contract legally documented. The floor area of the apartment is 64.2 square meters. The apartment alteration included dismantling of the balcony unit. Upon completion of the alterations, a new technical certificate showing the apartment's floor area of 69.2 square meters was issued. Then, the apartment was sold.

In his submission the complainant expresses disagreement with the notification of tax services claiming that D.V. received property income due to the value added in the sale of his property which he owned less than a year and obliging him to pay tax.

As part of consideration of the complaint the Commissioner's office lodged an information request with the relevant government agency.

As a result, it was found that May 6, 2014, the Almalinski tax department in Almaty sent a notification in the address of the complainant's sister demanding rectification of violations disclosed after cameral tax audit of individual income tax paid on property income. The June 30, 2014 letter of the Almaty city tax department sent to the complainant's sister confirms that the above-mentioned notification of income tax was sent.

According to information of the Tax Committee of the RK Ministry of Finance actions of the Almalinski tax department in Almaty which sent the May 6, 2014 notification on rectification of violations disclosed as a result of the cameral tax audit and payment of the property tax were unlawful.

July 21, 2014 the Almaty city tax department sent a letter reporting that the department's June 30, 2014 letter was revoked. It also explained that there was no property income.

According to the 2015-2025 Counter-corruption Strategy of the Republic of Kazakhstan approved by the December 26, 2014 decree #986 of the RK President for the purpose of improving the country's competitiveness, administrative barriers which hinder good-quality and prompt government services to population should be eradicated. Adoption of the law "On

government services” and the law “On permissions and notifications” created conditions for improved quality of government services rendered to population, dramatically cut the number of permissions and types of activities which require licensing.

A system for evaluation of effectiveness and external control over the quality of government services was developed.

As a result of those efforts the number of violations of the timelines for extension of government services goes down year on year, and so does the number of complaints about their quality. The share of computerized services and the services provided through the centers for servicing the population goes up.

The government takes systemic measures designed to promote expedient progress towards further development of the area of government services. Their goal is to ensure the full extent of the principles of social state enshrined in the Constitution of the Republic of Kazakhstan with its top values being the person, his life, rights and freedoms.

6. Housing and land rights

The Republic of Kazakhstan develops conditions to provide citizens with housing. Categories of population specified in legislation receive housing from the public housing stock in accordance with the established procedures.

In 2014, the country continued implementation of the Affordable Housing 2020 program. Its major areas include the project of rental housing with further purchase implemented by the Kazakhstani Mortgage joint stock company, and the project of the Housing Construction Savings bank on housing for all categories of population.

In his address to the people of Kazakhstan “Nurly Zhol – the Path to Future” the head of state highlighted consolidation of the housing infrastructure as one of the strategic directions for the country’s development. To address the problem of the shortage of affordable housing the country provides for increased scope of rental housing construction as the most promising and affordable instrument in settlement of housing issues.

In the reporting year, the Commissioner received 78 complaints pertaining to implementation of citizens’ housing rights.

In 2014, the number of complaints lodged by troubled borrowers who received mortgage loans for purchase of housing went up. Authors of complaints wrote about difficult life situations which turned them into insolvent borrowers and put them under the threat of forced eviction.

In the majority of complaints, borrowers noted that they did not refuse from obligations to pay banking loans back. They sought application of reasonable conditions for repayment of loans with the account of emerged difficult life situations.

The Commissioner received a complaint of K.Zh., a mother who raises five children. She disagrees with actions taken by the Astana Finance mortgage joint stock company.

In 2006, the complainant’s family borrowed a mortgage loan to purchase a 3-room apartment. The loan repayment was done promptly and in full extent. However, in 2009 the complainant’s husband lost job. She was on a maternity leave. For those reasons, they have non-paid debts on the banking loan.

The situation was aggravated by the difficult financial situation, the complainant’s health problems which required significant amounts of money for treatment.

In response to the Commissioner’s information request the RK National bank reported that K.Zh. violated obligations under the banking loan agreement which resulted in accumulation of a debt. At the same time, with the account of the family’s difficult situation the bank sent a letter to the Astana Finance mortgage company with a recommendation to look into a possibility of finding a mutually acceptable solution with consideration of the complainant’s current social and financial situation.

K.V.’s complaint about actions of Temirbank described that her husband I.S. borrowed a loan from the bank to purchase an apartment in Petropavlovsk. The loan repayment was made promptly. The apartment was renovated. However, later, K.V. and her husband were convicted and are now serving sentences in correctional facilities in Petropavlovsk.

The complainant disagrees with the Temir bank’s actions on selling that apartment on auction.

At the Ombudsman’s request the RK National bank reviewed that complaint and replied that it sent a letter to Temirbank with a recommendation to consider the issue of delaying the enforcement of the court ruling with a possible suspension of enforcement procedures till the end of the borrower’s incarceration term taking into account the fact that the incarceration terms of the borrower and his wife end July 16, 2015 and July 16, 2016.

The analysis of the content of incoming complaints indicates that in some incidents, the lack of knowledge and relevant information in obtaining banking loans by citizens lead to situations when borrowers with low incomes do not always assess the terms of their agreement with the bank, do not estimate the credit loan burden and get high-interest loans.

During the recent years, the Ombudsman has paid keen attention to problems of mortgage borrowers who ended up insolvent because of difficult life situations. The Ombudsman’s institution maintains constructive cooperation with public organizations “Leave the housing to people”, “Human Rights Mission” which focus on the above-described issues.

With the account of the significance of issues pertaining to troubled borrowers of commercial banks, forced eviction, in 2014 the Commissioner forwarded submissions to the RK Government, Chairman of the National bank. Please find them in the annexes of this report.

The National bank informs that for the purpose of rendering support to troubled borrowers and in order to find mutually acceptable solutions in repayment of debts with the account of their current social and financial situation, the bank and its branch offices arrange and hold meetings with borrowers. In a number of incidents, banks take the threat of growing social tension into account and make certain concessions: write off fines, partial or full amount of commissions and sometimes a part of the principal debt. Banks exercise an individual approach to each troubled borrower.

The afore-mentioned bank has also established a working commission called to address problems of mortgage borrowers with participation of public organizations on protection of borrowers' rights, the banking Ombudsman, union of legal entities "Association of Kazakhstan's Financiers, banks and mortgage organizations.

However, despite the undertaken measures, problems pertaining to mortgage borrowers still keep their topicality.

It should be noted that upon her 2010 visit to Kazakhstan, UN Special Rapporteur on adequate housing issues R.Rolnik expressed concern about reports on incidents of forced eviction of low-income families incapable of repayment of their credit loans and mortgage borrowings. The special rapporteur recommended that the government should review the legislation and policy regarding low-income families' access to mortgage loans and make sure that commercial banks and financial institutions take such families' limited financial solvency into account.

As in the past, the issue of allocation of housing from the public housing stock retains its significance. In their communications, complainants express disagreement with long waiting time to get housing from that stock, slow advancement in the queue. Needy families noted that they do not have money to rent housing, have to live in summer cottages with their under-aged children.

For instance, in her complaint S.E. reported that she has been registered as a person who needs housing from the public stock in Taldykorgan city since 2008. By the time of registration she was listed #228. In 2014 she was 218. During six years the queue moved up only 10 points.

An explanation was given to the complainant that pursuant to the RK Law "On housing relations" she will get housing in order of the queue.

According to the RK Ministry of National Economy 286507 Kazakhstanis are listed as persons to be provided housing from the public housing stock. The highest demand in that type of housing is in Astana – 31346 people, Karaganda province – 24052, Aktubinsk province – 21317 people, Almaty province – 21315 people¹.

We believe that issues of the shortage of affordable housing will be resolved within the framework of the objectives on increased construction of rental housing posed by the head of state in his address to the people of Kazakhstan "Nurly Zhol – the Path to Future".

Another group is made up by complaints related to red tape in enforcement of court rulings pertaining to citizens' housing rights.

N.A. appealed to the Commissioner about non-execution of the September 13, 2013 ruling of the Medeu district court in Almaty binding the Enterprise of Capital Construction Ltd. under the Almaty city mayor's office to sign an agreement on allocation of an apartment to her as a property.

At the Commissioner's request lodged with relevant government agencies we received information that February 7, 2014, a judicial enforcement officer initiated enforcement procedures to force the afore-mentioned enterprise to sign an agreement on allocation of an apartment to the complainant as her property pursuant to November 6, 2011 RK Government's resolution #1039 "On approval of the Plan of priority actions aimed at ensuring the stability of social and economic development of the Republic of Kazakhstan".

As a result of those efforts, April 2, 2014, N.A. and the Enterprise of Capital Construction Ltd. under the Almaty city mayor's office signed an agreement on allocation of a 2-room apartment in Zhetisu-3 residential compound; and that enterprise also provided all paperwork required for registration of ownership of the apartment.

April 4, 2014, the judicial enforcement officer terminated enforcement procedure because the judicial writ of enforcement was executed to the full extent and returned to the Medeu district court in Almaty.

¹ www.news.mail.ru "Almost 300 thousand Kazakhstanis are on the list to get public housing"

Complaints about such issues also indicate that judicial enforcement officers fail to use measures for enforcement of judicial rulings effectively.

Consideration of separate complaints about housing issues revealed that the current legislation in the area of housing relations does not contain a mechanism for registration of citizens whose housing falls short to the established sanitary and technical requirements.

For instance, citizen S.A. stated her disagreement with the Astana housing department's refusal to register her as a person who needs housing from the public housing stock. The reason for refusal was S.A.'s possession of a room in a dormitory.

Herein, the total floor area of the room where the complainant lives with her four under-aged children and husband is 13 square meters. Such living conditions hinder her children's appropriate development, preparation of home assignments.

Pursuant to article 69 of the RK Law "On housing relations" citizens of the Republic of Kazakhstan are acknowledged as persons in need of allocation of housing from the public housing stock if the housing where the family lives does not meet sanitary and technical standards.

In incidents when the housing where the family lives does not meet the established sanitary and technical standards, applicants additionally file a statement from the relevant authorized agency.

In response to the Commissioner's information request the Astana city mayor's office informed that at this stage, technical requirements for housing were not approved so far.

According to the afore-mentioned mayor's office the complainant as a family with many children will be able to get registered as a person who needs a housing which meets sanitary and technical standards after the authorized agency approves technical requirements and the appropriate organization determines to issue a relevant statement.

The national human rights institution also received complaints about poor living conditions of veterans of the Great Patriotic War, provision of housing for them.

The complaint of T.D., veteran of the Great Patriotic War about the absence of gas and water in her apartment can be quoted as an example of such complaints.

Due to actions taken as a result of the Commissioner's requests the house where the complainant lives was connected to the water supply system and the work began on hooking up the house to the system of gas supply.

It should be noted that the upcoming 2015 is the year of 70th anniversary of the victory in the Great Patriotic war. In this regard, we find it reasonable that local government agencies should treat war veterans in all regions with particular attention.

Other complaints were caused by omissions of local government agencies in reviewing issues of citizens whose houses were flooded as a result of the water table rise, lingering heavy rains.

A collective complaint of residents of Myrzakent settlement in Mahtaaral district, South Kazakhstan province described that as a result of lingering rains, a certain part of the territory of that settlement was flooded. It hinders movement of people in the settlement. Mold and dampness appeared in residential houses. It has a negative impact on the residents' and their children's health.

At the Ombudsman's request that complaints was reviewed by the South Kazakhstan governor's office. It reported that there are 717 units of vertical drains for regulation of the level of water table in the territory of the Mahtaaral district.

The regional governor's office forwarded proposals on finding financial means from the national budget for reconstruction of 218 vertical drains with water collection ditches and major repair of 210 units of vertical drains with spill lines in 2015-2019. All those units are national property.

According to the letter of the RK Ministry of Environmental Protection and Water Resources those projects were included into the Action Plan for implementation of the 2014-2020 State Program of Kazakhstan's water resources management approved by the May 5, 2014 resolution of the Government of the Republic of Kazakhstan.

The Human Rights Commissioner received a collective complaint from residents of Zyrianovsk town expressing their disagreement with the refusal of local government agencies to move them because of the water table rise and flooding of residential houses. People who lived in most of the flooded houses were moved. However, 5 remaining families were denied relocation.

In response to the Commissioner's information request the East Kazakhstan prosecutor's office reported that the pit which was overfilled and as a result, the houses were flooded is located within the Zyrianovsk city boundaries. Water in the Zyrianovsk pit reached the critical level in 2009.

According to the Kurylys Consulting joint stock company, some houses were found in emergency condition because load-bearing and enclosing structures were in non-operable condition. In this regard, the local Zyrianovsk district commission on emergency situations made a decision to move people living in 15 houses.

However, people living in 35 houses including the five houses owned by the complainants were not moved out from the area of flood.

According to the supervisory agency, with two absolutely contradictory opinions of experts of Kurylys-consulting company and an independent expert invited by the complainants, the local government failed to take steps to settle the existing controversy by arranging an additional assessment by independent experts.

In this regard, the Zyrianovsk district prosecutor's office lodged a petition with the local government on elimination of the breach of law and consideration of the issue of arrangement of an additional independent assessment by experts.

As we know in the spring of 2014 development of an unfavorable flood water situation in Atbasar town in Akmolinskaya province resulted in flooding of a number of houses. The Government of the Republic of Kazakhstan allocated funds from its reserve and the construction of two 45-apartment buildings began, reconstruction of a dormitory to adapt it into a 29-apartment residential building was completed².

Complaints about issues of improvement of areas of residential compounds, construction of playgrounds for children make up a separate group.

Residents of apartment block #43 located at Ernazarov street in Kentau town appealed to the Ombudsman. They complained that there was no playground for children, no facilities for children to spend leisure time; the area around the building was in poor condition.

According to information presented by the South Kazakhstan governor's office, officers of the Kentau government agencies handling issues of public utilities, public transport and automobile roads held a meeting with residents of the house to discuss the issues raised in their complaint.

They also reported that in allocation of funds for 2014-2015 a certain budget will be provided for development of residential areas in Kentau, arrangement of children's playgrounds with benches, sheds and other facilities for leisure time.

Resident of Astana O.A. appealed in the interests of residence of the Torlet residential compound regarding the state of children's playgrounds on the territory of that compound.

In response to the Ombudsman request of information the Astana city mayor's office reported that the outdoor amenities in the area will be replaced by the end of 2015.

Complaints about housing issues lodged with the national human rights institution indicate that local government agencies have to carry out persistent educational work among population to explain housing relations, improve the level of their staff's professionalism and local government bodies' compliance with international standards and requirements of the national legislation.

The right to own land is acknowledged and protected by the Constitution of the Republic of Kazakhstan. In 2014, the Commissioner received 28 complaints about land issues concerning withdrawal of land parcels for state needs, issuance of documents for land title, allocation of land parcels for individual housing construction, court rulings on land disputes.

A significant share of complaints refers to issues of land withdrawal for state needs. Complainants express disagreement with court rulings on those issues, withdrawal procedures, the size of compensation, lack of appropriate notification of the upcoming seizure of land. The majority of complainants have court rulings. With the account of the norms of current legislation, we offered the complainants explanation of their right to file appeals on court rulings with higher-level courts.

Analysis of the content of complaints, of information in media on land issues indicates that rights and legitimate interests of land owners are frequently ignored by local government agencies.

² <http://www.emer.gov.kz> «The work on restoration of houses and infrastructure after flood in Akmolinskaya province is under way»

The Human Rights Commissioner received B.I.'s complaint lodged in the interests of H.T. about violation of the title to a land parcel withdrawn for state needs.

According to the complaint the Bostandyk district court in Almaty satisfied the lawsuit claims of the Almaty city mayor's office against H.T. on withdrawal (purchase) of the land parcel for state needs with payment of monetary compensation, forced termination of the land title and eviction of the owner and other persons living in the dwelling.

The complainant reported that in 2007 prosecutors lodged a protest against the June 9, 2006 resolution of the Almaty city mayor's office which approved the Rules for issuance of titles to land in Almaty city. The city mayor's resolution which regulated operation of the Almatyher municipal company was also cancelled. In withdrawal of the land owned by H.T.'s family their land ownership rights was breached.

In response to the Ombudsman's request of information the Almaty city prosecutor's office replied that the enforcement procedure regarding the withdrawal of H.T.'s and H.A.'s land was terminated because the points of the judicial act were executed. The enforcement writ was returned to court.

According to the list of storage timelines for documents of the Supreme Court of the Republic of Kazakhstan, local courts, the Committee for Judicial Administration under the Supreme Court and court administrators approved by December 31, 2003 decree #397-P of the Supreme Court of the Republic of Kazakhstan the storage time for enforcement procedural documents is 5 years.

In this regard we did not have any opportunity to review the facts mentioned in the complaint per se because the archive of the Almaty city Department for enforcement of judicial acts did not have materials of that enforcement case.

Results of inspections conducted by prosecutors indicate violations of the norms of land legislation. For instance, at the Petropavlovsk city prosecutor's protest the February 12, 2014 resolution of the city mayor's office "On the beginning of compulsory expropriation of land parcels and real property" was revoked. That resolution was found unlawful. Petropavlovsk city prosecutor's office defended constitutional rights of 77 citizens and prevented expropriation of land with the total area of 3.2 hectares.

Prosecutors in South Kazakhstan province disclosed incidents of unlawful expropriation of land for state needs. During the recent 2 years, the Shimkent city mayor's office issued 24 resolutions on expropriation of more than 2700 land parcels. Regional prosecutors found that issuance of resolutions on land expropriation and performance of land purchase procedures were made with violation of norms of the current legislation.

It should be noted that in separate incidents, land withdrawal procedures and demolition of houses located on that land are not always carried out with the account of the issue of where the land owners will further live. It frequently generates citizens' grievance, public protest actions.

Other complaints concerned disagreement with actions of local government agencies in issuance of land title documents.

P.V. appealed to the Ombudsman complaining about refusal of the Uralsk city office for land relations to approve the land use design and alteration of that land parcel's configuration.

In response to the information request lodged by the National Human Rights Center the authorized government agencies reported that March 27, 2014 the Uralsk city department of West Kazakhstan branch office of NPCzem company issued an act for ownership right for the household located at 3/3 Moldagulova street, Uralsk city with the area of 0.0748 hectares.

However when information was entered into the database pursuant to identification parameters of the land parcel indicated in the June 5, 2008 act it turned out that the area of the parcel was 0.0840 hectares. The system does not allow to change the figure manually because the area of land parcel is automatically computed by the program based on the input data.

In addition to that, inspection of the land parcel afield showed that the actual area of the land parcel was 0.0916 hectares.

May 30, 2014 the Uralsk city mayor's office issued an order on changing the documented size of the land parcel in compliance with its actual area. The Uralsk office of the West Kazakhstan branch office of NPCzem issued a relevant identification document.

Some complaints were related to the procedure of allocation of land parcels for individual housing construction.

The Ombudsman received a collective complaint lodged by members of housing construction cooperative “Housing” who expressed disagreement with the procedure of allocation of land by the local government in Aktobe. The cooperative members insist that despite the announced moratorium on allocation of land for individual housing construction in 2005, allocation of land still continues.

At the Ombudsman’s request the complaint was reviewed by the Aktubinsk regional governor’s office. It reported that at this stage 87000 people seeking land for individual housing construction are listed in the special register of the authorized agency for land relations.

On the account of amendments and additions made in the Aktobe city’s master plan allocation of land to citizens for the purpose of individual housing construction was temporarily suspended from 2009 to September 1, 2014.

Upon examination by experts and approval by the regional maslikhat, the city’s new master plan will be forwarded to the Government of the Republic of Kazakhstan for coordination and approval.

In future, pursuant to par 8, articles 44 and 50 of the RK Land Code and the approved new master plan of Aktobe, provided that there are available land areas, a detailed draft design, mechanical, electrical and plumbing systems, land will be allocated to citizens for individual housing construction in accord with the queue.

It should be noted that basically, issues pertaining to land relations fall under the competence of local governments and in this regard, the improved quality of local government’s interaction with citizens on issues of implementation of their land rights becomes especially significant.

7. Labor rights

In conditions of Kazakhstan’s social and economic modernization, achievement of a balance of interests of parties in labor relations, economic growth, improved effectiveness of production, people’s well-being are important objectives in the labor area.

In 2014 the country passed the law of the Republic of Kazakhstan “On trade unions” designed to improve the efficiency of trade unions in protection of employees’ rights and interests, prevention of labor conflicts. Implementation of the program of the Roadmap 2020 approved by the December 31, 2013 resolution of the Government of the Republic of Kazakhstan is under way. It includes instruments of crisis response measures, improvement of the labor market regulation including engagement of poor, unemployed, and self-employed population into active efforts aimed at promotion of employment.

Besides, the new economic strategy “Nurly Zhol” provides for creation of more than 200 thousand jobs.

Protection of citizens’ labor rights is one of the key areas of the Human Rights Commissioner’s activities.

In the reporting year, with the account of media publications on steps taken by the ArcelorMittal Temirtau company’s management for the purpose to save funds and amounts of wages paid to workers, to downsize the working staff, the national human rights institution lodged a submission with the General Director of ArcelorMittal in Kazakhstan with a request to pay attention to the need of further measures for prevention of social tension among workers and for observation of the constitutional rights of ArcelorMittal Temirtau employees. Please find the text of that letter enclosed in the annex of this report.

In 2014, the Ombudsman received 65 complaints about infringements on labor rights in terms of non-payment of wages, calculation amounts, breach of working time norms, lack of appropriate formalization of labor relations, the procedure for cancellation of employment agreements, workplace safety and others.

The February 27, 2014 Decree of the President of the Republic of Kazakhstan “On radical measures aimed at improvement of conditions for business activities in the Republic of Kazakhstan” imposed a moratorium on inspection of small and medium business entities.

In consideration of complaints about infringements on labor rights by the afore-mentioned business entities the Ombudsman filed requests with relevant government agencies. The latter reported that it was impossible to inspect small and medium business entities because of the moratorium imposed from April 2, 2014 till January 1, 2015.

In order to find ways for protection of citizens’ labor rights, the Commissioner’s office appealed to the Prosecutor General’s office which explained that all decisions on conducting inspections of small and medium business entities during the moratorium should be taken by top managers of government agencies. For the purpose of providing a uniform application of the afore-mentioned decree and strict observance of its requirements, RK Prosecutor General’s instruction of March 14, 2014 on issues of inspection of private business entities was sent to all inspection and supervisory agencies.

At the same time, persistent incoming complaints indicated that in some cases managers of small and medium business entities ignored norms of labor legislation and thus seriously violated employees’ labor rights.

For instance, the Commissioner received complaints of S.Zh. about actions of ANS RAY company regarding non-payment of severance amounts, employment record book, K.P. complaint about non-payment of wage by VIMA company, S.L's and M.I's complaint about unlawful firing, non-payment of wages by Rauan SKO company, M.S's complaint about non-payment of wages by the Semipalatinsk transportation company.

In response to the Commissioner's requests, regional offices of labor inspection reported that it was impossible to carry out inspections because of the moratorium on inspection of small and medium business entities.

The national human rights institution carried out certain amount of work in consideration of complaints about infringements on labor rights by employers who are not in the category of small and medium business.

The Commissioner received B.S's complaint about violation of labor legislation and improper enforcement of court ruling by the Enbekshinski district tax office of the South Kazakhstan tax department.

The January 16, 2014 decision of the Al Farabi district court in Shymkent satisfied B.S's lawsuit claims to the above-mentioned tax office, the November 18, 2013 order on his firing was cancelled. In his appeal the complainant alleges that the employer did not properly execute that court ruling. On account of abolition of B.S' previous position he was offered job of a senior specialist of the office of accounting, analysis and information technologies which did not comply with his qualification requirements.

At the Commissioner's request the Tax Committee of the RK Ministry of Finance reviewed the complaint and reported that June 19, 2014 the Enbekshinski district tax office forwarded materials for appointment of B.S. to a position in the office of tax administration to the South Kazakhstan regional department of government service for its approval. The Tax Committee also informed the Commissioner that B.S. agreed to accept the job of a senior specialist in that office.

Under conditions of improving system of government administration, optimization of the number of government employees, it is important that such efforts should be taken in precise compliance with legislation on government service and labor legislation.

Separate complaints referred to breach of norms of labor legislation regarding the working time requirements.

Military serviceman of army unit 2087 A.I. reached out to the Ombudsman with a complaint against actions of the RK KNB Border Guard Service. According to the complainant his subordinate employees, civil servants were called in to the office on a day off without any reasonable grounds, in breach of labor legislation.

Inspection done at the Commissioner's request verified the complainant's allegations that he and his staff I.D. and Sh.K. were called in on a day off. In this regard, the main Military Prosecutor's office lodged a submission with the Director of the RK KNB Border guard Service on elimination of the breach of law. Based on the review of the act of prosecutors' oversight, acting command officer of army unit 2087 lieutenant colonel A.V. was punished with disciplinary penalties.

Under the RK Labor Code, a prompt and full payment of wages is an employee's basic right and employer's major responsibility. This requirement is also established in employment agreements. However, in practice, citizens frequently face infringement on their rights to get wages in due time and in full amount.

A collective complaint from 41 employees of the out-patient clinic of Shakhter Ispat Karmet company in Karaganda was filed with the Commissioner. They complained about the employer's failure to execute a court ruling on payment of the July-September 2013 arrears of wages.

The Commissioner carried on long correspondence on issues stated in the complaint with the Karaganda regional department for enforcement of court rulings. According to the latter, on September 18, 2014 a resolution was issued banning the manager of the Medsanchast Polyclinic company to leave the territory of the Republic of Kazakhstan. It was forwarded to court for approval.

Private judicial enforcement officers are handling the enforcement procedures. They seized the Medsanchast Polyclinic company's property including equipment and furniture and are currently taking steps to put them on open sale.

K.A. appealed to the Ombudsman on issues of non-payment of salary arrears by Stepniak Su company operating under the Enbekshiderski district government.

Upon the Human Rights Commissioner's interference the salary arrears were paid to the complainant.

Zh.K. appealed to the Ombudsman on non-payment of salary by Exploitation NS company. Later the complainant lodged a request not to consider his complaint because after he informed the employer of filing the first complaint with the office of the Human Rights Commissioner, the employer paid the full amount of the arrears.

Inspections performed by prosecutors indicate that infringement on employees' labor right to get wages still occurs. The Semei city transport prosecutors disclosed incidents of non-payment of wages to 280 employees of the Semei municipal waterways enterprise. The total arrears amounted to 26 million tenge. The transport prosecutors lodged an order with the Director of the Semei waterways enterprise on elimination of the breach of law³.

In the process of monitoring over citizens' labor rights the Aktobe city prosecutors disclosed incidents of non-payment of wages to employees of enterprises in the amount exceeding 9 million tenge. The Aktobe city prosecutors filed orders with the Aktobe regional department of labor inspection on elimination of the breach of law⁴.

Some complaints referred to employers' failure to provide employees with work clothes.

The Ombudsman received A.A.'s complaint about failure of the management of Intergas Central Asia company of the Aktobe main gas lines to abide by the norms of labor legislation regarding provision of work clothes.

The Aktobe regional department of labor inspection conducted inspection and found that employees of Krasnooctiabrski subdivision of the Aktobe main gas lines division of Intergas Central Asia company did not receive summer work clothes in due time. The time for wearing the previous sets of work clothes expired in 2013. In Zhanazhol subdivision not all workers received the full set of work clothes either. At this stage all workers of the company have the required sets of work clothes.

In addition to that, the inspection found violation of par 4 of the Rules and standards for serving milk to employees approved by the July 31, 2007 order of the acting Minister of Labor and Social Protection of RK. Specifically, milk was served monthly based on the account of the days that employees actually worked, but not 0.5 liters per shift irrespective of its length for days when employees actually worked. At this stage, milk is offered in compliance with the afore-mentioned order.

For the purpose of elimination of reasons and conditions leading to the disclosed infringements an improvement notice was issued to the employer. The official who committed the breach of labor legislation was brought to administrative liability under the RK Code of Administrative Offenses.

Senior employees who have not yet reached the retirement age are a vulnerable group in the area of labor relations. They often face problems in employment and keeping their jobs; they face more frequent risks of being fired in the process of downsizing the staff. Employers frequently resort to such measures as pressure, threats of firing. It is difficult to verify the fact that a person was forced to sign a letter of resignation, and in this regard, workers are left unprotected against employer's actions.

Denial of employment or termination of an employment contract on the account of age is latent and it is difficult to challenge the employer's action in authorized agencies because there is no documented evidence of such denials.

Complaints of K.G., G.G., Z.S., H.B., B.S. describe incidents of dismissal of persons of pre-retirement and retirement age.

Based on the analysis of the incoming complaints pertaining to such issues, of information in media, the Human Rights Commissioner filed a submission with the RK Government with proposals of steps to establish effective legal instruments for protection of senior citizens against discrimination in labor relations. Please find it in the annexes to the report.

Incidents of workplace injuries caused certain concern.

Incidents of workplace injuries are also confirmed by media publications. For instance, in Shortandy district, Akmolinskaya province a 44-year-old worker of Kazakhaltyn joint stock company died as a result of an accident in the mine⁵.

February 7, 2014, a shaft miner at the Irtysh Vostoktsevmet mine received fatal injuries. September 4, 2014, a mine worker died as a result of the impact of a self-propelled vehicle at one of the sites of loading and discharging operations at Artemievskaya mine in Shemonaihinski district in East Kazakhstan province⁶.

According to the Committee for labor, social protection and migration of the Ministry of Healthcare and Social Development 88% of accidents occur at employers' fault. A growing number of fatal workplace injuries are seen in Aktubinsk, Karaganda, Kostanay, and Mangistau provinces, in the city of Astana⁷.

The above-reported facts indicate that enterprises have serious drawbacks in issues of securing labor safety.

³ www.zakon.kz "Semei transport prosecutors defended rights of 280 employees to get wages", December 9, 2014

⁴ www.inform.kz "Aktobe prosecutors disclosed incidents of non-payment of wages in the amount over 9 million tenge", March 19, 2014.

⁵ www.inform.kz. "A worker died at Kazakhaltyn mine", January 25, 2014

⁶ <http://mykazakhmys.kz/news>

⁷ www.inform.kz "88% of workplace accidents occur at employers' fault", October 23, 2014

The Ombudsman received T.Zh.'s complaint expressing disagreement with the findings of the Commission for ad hoc investigation of the accident on July 5, 2014.

According to the July 16, 2014 act of that investigation the reason of the accident was T.Zh.'s failure to follow requirements, rules and instructions on workplace safety and protection of labor as well as the employer's requirements on safe work. Along with that, the act documented that according to the chart for determination of the gravity of injuries approved by the RK Ministry of Health February 16, 1994, T.Zh.'s injury inflicted at workplace falls under the category of grave workplace injuries.

In his communication the complainant reports that the investigation of the accident did not take into account opinions of employees of the "Basis" construction company whereas according to records of interviews with witnesses of the accident it was caused by deflection of standard scaffolds. The complainant also alleges that the afore-mentioned commission ignored the fact that another worker – I.A., fell down from the scaffold at the same time as the complainant.

As a result of inspection conducted at the Human Rights Commissioner's request the relevant government agencies reported that the principal labor inspector of Astana issued a statement on November 25, 2014 finding that T.Zh.'s accident is work related and the employer bears 100% fault, the employee -0% fault in the accident.

Almatinski district prosecutors in Astana ordered that the agency of criminal persecution should address the issue of bringing the guilty persons to administrative liability under the law. Besides, the prosecutors lodged a submission with the Astana city department of labor inspection on elimination of the breach of law.

Analysis of the current situation confirms that further improvement of legal literacy of both employees and employers is needed along with facilitation of implementation of state guarantees in labor relations, labor safety at workplaces, effective operation of trade union organizations, and stronger control by the state labor inspection over compliance with labor legislation.

8. Right to social and pension support

One of the main vectors of the policy of the Republic of Kazakhstan driven by objectives of people's welfare is establishment of a firm foundation of a social state, improvement of all Kazakhstanis' welfare and quality of life. The country takes legislative, institutional and financial measures to provide and advance the rights of vulnerable groups of population. Annually, the head of state highlights the keynote objectives in that area in his addresses to the people of Kazakhstan.

To ensure adequate pension payments for decent standards of life in retirement, the June 18, 2014 decree of the President of the Republic of Kazakhstan approved the Strategy for further modernization of the pension system of the Republic of Kazakhstan till 2030.

Consideration of complaints and meetings with citizens are the primary components of the activity of the Human Rights Commissioner in the Republic of Kazakhstan. In the reporting year the Ombudsman received 78 complaints pertaining to disagreement with the amount of pension, the procedure for its calculation, non-payment of pension savings, of lump sum financial aid on the occasion of commemorative dates, and on issues of social protection of citizens who suffered from nuclear tests at the Semipalatinsk nuclear testing site, extension of social support to socially vulnerable categories of population.

Given the fact that pension is the only source of income for people of retirement age, its amount has a significant importance for them. The bulk of complaints of this category of citizens are related to that issue: they disagree with the size of pension payments. This trend in the content of pensioners' complaints stays stable year on year. In some complaints pensioners note that despite annual indexation of pension payments, the growing level of inflation affects the amounts of their expenditures.

As a result of inspection of complainants' pension issues conducted at the Commissioner's request, the Committee on labor, social protection and migration of the RK Ministry of healthcare and social development reported that actions of local agencies for social protection of population in computation of the amounts of pension payments were correct and fair. It also reported that the assigned amount of a pension depended on a low level of average monthly income taken into account in computation of the amount of pension; in some cases pensioners do not have sufficient length of service.

Some part of complaints is related to pension support of employees of interior affairs agencies and defense.

Complaints about non-payment of pensions, pension savings to citizens who leave the Republic of Kazakhstan make up a separate group. Analysis of such complaints indicates that citizens frequently fail to observe the migration legislation and it brings to difficulties in receiving the afore-mentioned payments.

Media publications also describe incidents of retirement age persons not receiving pension because of non-compliance with migration legislation. For instance, 67-year-old citizen of the Republic of Kazakhstan L.V. left Kazakhstan for permanent residence in Krasnodarsky province but was deported from the territory of the Russian Federation for breach of migration legislation. Pension was not assigned to him⁸.

⁸ www.nur.kz "A Kazakhstani deported from Russia stays at the airport of Aktau the fourth day", December 22, 2014

T.T. appealed to the Commissioner on issue of privileges in computation of the length of service of sailors and first sergeants who served on nuclear submarines of the former Soviet Union.

The author of the complaint noted that the current pension legislation needs to be improved regarding addition of regular military service on nuclear submarines into the list of services for privileged computation of the length of services specified in the RK Government resolution #803 of August 26, 1998.

At the request of the Commissioner's office that proposal was reviewed by the RK Defense Ministry which reported that June 18, 2014 the RK President issued decree "On the strategy of further modernization of the pension system of the Republic of Kazakhstan till 2030" which provides for re-organization of military servicemen's pension support.

The RK Government drafted a resolution "On approval of the Plan for implementation of the Strategy of further modernization of the pension system of the Republic of Kazakhstan till 2030" for implementation of that document. Under the resolution, in 2015, amendments shall be made in RK legislative acts pertaining to issues of pension support.

The afore-mentioned Ministry also reported that the issues raised by the Complainant will be considered in drafting legislative legal regulatory acts.

Complaints of V.V. and I.U. about non-payment of their pension savings by the Unified Pension Savings Fund on account of their departure to the Russian Federation for the purpose of permanent residence can serve an example of that.

During consideration of those complaints we found that the complainants did not go to migration services to have the necessary paperwork for departure from the Republic of Kazakhstan to another country for permanent residence straightened out.

Later, V.V. and I.U. had all the papers required for departure from the territory of the Republic of Kazakhstan appropriately straightened out. Since all problems were eliminated, the national human rights center recommended that they appeal to the Pavlodar branch office of the Unified pension savings fund again.

Another complaint was submitted to the Ombudsman's office by P.G., citizen of the Republic of Kazakhstan who travelled to the Russian Federation for health treatment. She disagrees with suspension of her pension payment.

In response to the Human Rights Commissioner's information request the Committee for labor, social protection and migration of the RK Ministry of healthcare and social development reported that P.G. went to the Russian Federation to stay with her daughter and get treatment. She did not register with migration service as a person who left for permanent residence in another country.

Pursuant to August 25, 2006 resolution #819 of the Government of the Republic of Kazakhstan the Pavlodar regional department for control and social protection of population made a decision to suspend payment of P.G.'s pension beginning May 1, 2014 because there were no actions on her banking account for more than three months.

We explained to the complainant that upon return to the Republic of Kazakhstan she can file an application with the Public Center for Payment of Pensions to have payment of her pension resumed. Another option is that her daughter can receive her pension based on a letter of authorization certified by public notary.

In the context of the above-reported we find it important that the authorities in the area of migration, social protection of population should carry out education projects with population explaining the procedure for departure from the Republic of Kazakhstan, the need to register in the country of destination, the procedure for payment of pensions and pension savings in such cases.

In the reporting year, incoming complaints of persons of retirement age whose able-bodied children do not take care of them caused certain concern.

G.N., person with disability of 2nd category appealed to the Commissioner with a request of social support. The complainant reports that she lives alone and is in a difficult situation which is aggravated by her health problems, scarce social allowances insufficient for purchase of the necessary medicine, food. And her able-bodied son does not help her.

In response to the Commissioner's information requests the relevant government agencies reported that G.N. gets a pension and housing allowance, and she annually receives a lump-sum monetary aid paid out of the local budget.

The local physician of Astana city out-patient clinic #6 adjusted the course of her treatment and prescribed medical drugs.

The Astana city healthcare department got the issue of G.N.'s medical support and appropriate provision of medical drugs under control.

According to the KTK TV channel's report "Relatives abandoned a blind old woman in a tiny room without light and heating" of November 21, 2014 in Almaty, an old woman lives alone without electric light and heating; she can hardly move, has eyesight problems. The old woman has children and grandchildren but none of them helps her.

In Taraz city, 73-year-old M.K. lives alone, is paralyzed and is not capable of taking care of himself on his own. His six children do not give him any support. Neighbors take care of the old man⁹.

The national human rights institution also received complaints from persons of a pre-retirement and retirement age about factors hindering implementation of their labor rights. Pre-retirement age workers frequently face difficulties in career advancement, in opportunities for improvement of their professional skills, and positive consideration of their applications on open vacancies.

Not always can the old-age discrimination be clearly determined. In practice, anyone can become a victim of such discrimination at any stage of his life.

It should be noted that in his speech at the September 19, 2014 ceremony of awarding the winners of the Mereili Otbasy national competition the head of state noted that the legislative basis for family and marriage relations, support of elderly parents by full-aged children, introduction of legislative instruments for protection of seniors in employment and against other forms of discrimination on grounds of age should be further developed.

With regard to the above-reported the Ombudsman filed a submission with the RK Deputy Prime Minister proposing measures to improve the mechanism for securing seniors' rights. They should facilitate implementation of the objectives on improved effective protection of that category of population as guided by the head of state. Please find the text of that submission in the annexes of this report.

Still topical is the issue of social protection of citizens who suffered as a result of nuclear tests at the Semipalatinsk nuclear testing site and left that area. Under the current legislation citizens living in the area of radioactive contamination and those who suffered as a result of nuclear tests in 1949-1990 are entitled to supplementary payment for labor and an additional paid annual leave. At the same time citizens who have the status of victims who suffered as a result of nuclear tests but left the area of radioactive contamination lose the above-mentioned social privileges.

However, those citizens were also exposed to the impact of nuclear tests and it affects their health, but they cannot enjoy the above-mentioned social privileges.

Representatives of the Semey-IP public fund appealed to the Commissioner on the issue of improvement of the norms of December 18, 1992 Law "On social support to citizens who suffered as a result of nuclear tests at the Semipalatinsk nuclear testing site".

According to the Semey-IP representatives citizens who live and lived in the area of radioactive risk have equally suffered as a result of nuclear tests which caused irreparable harm to people's health, environment and caused increased disease incidence among population.

The authors of the complaint wanted that proposals on improvement of the above-mentioned law in terms of application of social guarantees for citizens who suffered from nuclear tests but had to leave the area should be considered.

In response to the National human Rights Center's information request the authorized agency replied that a scientific evaluation of the radioactive impact done in compliance with international standards, development and practical implementation of effective methods for prevention of diseases among people who suffered from nuclear tests at the Semipalatinsk nuclear testing site have tremendous significance in minimization of health and social consequences of nuclear tests. In this regard, the government allocated funds to the Ministry of Healthcare of the Republic of Kazakhstan for the research on evaluation of health and radio-ecological consequences for population and areas adjacent to the Semipalatinsk nuclear testing site in 2014-2016.

Based on findings of that study an assessment of the environmental situation of the former Semipalatinsk nuclear testing site, its impact on people's health will be made. It will give a scientific basis for amendments into the above-mentioned law.

The next group of complaints referred to non-payment of allowances, social aid to vulnerable groups of population.

Pursuant to the current legislation local government agencies extend additional support to separate categories of citizens out of the resources of relevant funds.

⁹ www.ktk.kz "Six children abandoned their paralyzed father in Taraz", October 14, 2014

P.F. appealed with a complaint about non-payment of a monthly allowance which she is entitled to as the war time home-front worker in 2010-2011. The allowance was assigned to her by the Atyrau city mayor's office.

As a result of efforts taken by the Atyrau regional governor's office upon the Human Rights Commissioner's request the complainant's non-paid allowance of a war time home-front worker for the period from April 1, 2010 to December 31, 2011 was fully paid in the amount of 16000 tenge. She also received an additional monetary aid in the amount of 34000 tenge.

The Ombudsman received a complaint of M.E., resident of Akmolinskaya province, about non-payment of social aid on the occasion of October 1, the International Day of Older People.

According to the Standard Rules for extension of social support, calculation of its size and definition of the list of separate categories of citizens who need it, approved by the May 21, 2013 resolution of the RK Government, the amount of a lump-sum social aid on the occasion of commemorative dates and holidays for each separate category of recipients is established in coordination with local government agencies.

Based on the Tselinograd district maslikhat's September 12, 2014 decision the Akmolinsk regional governor's office established that the aid paid on the occasion of the Older People's Day should be made in the amount of 2 monthly indices (3704 tenge).

After the Ombudsman's interference that social aid was paid to M.E.



On the eve of the International Older People's Day the Ombudsman visited the residential care facility for older people and persons with disabilities in Astana



The Ombudsman looks into the living conditions in the residential facility for older people and persons with disabilities

We should also note that on the occasion of the Older People's Day pensioners in Astana also received monetary aid in the amount of 5 thousand tenge paid out of the local budget.

Zh.M. appealed to the Commissioner for Human Rights in the Republic of Kazakhstan on the issue of non-payment of funeral allowance in connection with the death of his father, ex-pensioner who retired from military service.

According to the submission the complainant filed all documents required for assignment of such allowance with the Esik city military enlistment office in Almaty province. A year passed, no allowance was paid.

Results of the inspection done at the request of the Commissioner's office it was established that the application with enclosed documents of the late recipient of retirement payments was filed with the Pension Support Center of the RK Defense Ministry on May 26, 2014. Upon consideration of all documents, a specialist of that Center forwarded a note to the Almaty regional office of the Public Center for Pension Payments (PCPP) regarding the termination of pension payments in connection with the recipient's death and payment of a lump-sum funeral allowance in the amount of 25965 tenge (#39/1867 of June 10, 2014).

However, that note addressed to the PCPP never reached it. That was the reason why the funeral allowance was not paid.

The RK Defense Ministry reported that it forwarded another note to the PCPP's Almaty regional office and in the nearest future the allowance should be paid.

Herein, inappropriate work of separate employees of national and local government agencies led to infringement on the citizens' right to get social allowances set in legislation.

We believe that it is necessary to persistently improve the professionalism of officers who work with vulnerable groups of population, their caring treatment of that category of population.

Issues of the citizens' pension, social rights should be considered as a whole package including issues of people who stay in residential care facilities. The Commissioner and the staff of his institution pay regular visits to medical and social facilities in the country's regions.



Officers of the Ombudsman's institution visit a boarding school for children with vision impairment (Semey city)

On the occasion of the International Older People's Day in 2014 the Ombudsman visited the medical and social facility for older people and persons with disabilities under the Astana city mayor's office. During the visit he looked into issues of observing the constitutional rights of older people and persons with disabilities in the public institutional facility. Specific attention was paid to issues of compliance with international standards and national legislation in extension of such services.

Besides, last year, the staff of the Commissioner's institution paid monitoring visits to medical and social facilities for older people and persons with disabilities, and facilities for disabled persons with mental problems in three regions of the country: Astana city, Mangistau and Zhambyl provinces. Based on their results the Ombudsman filed a submission with the Government of the Republic of Kazakhstan requesting that relevant government agencies should be tasked with taking steps required for elimination of the disclosed shortcomings regarding living conditions, the system of vocational guidance, labor rehabilitation of old people, persons with disabilities, extension of social support. Please see the text of that submission in the annexes of the report.

Frequent are incidents of possible various wrongdoings by administration of medical and social facilities. And persons who stay in those facilities have limited capabilities to protect their rights.

A criminal investigation was launched in Almaty against the manager of the Veterans' House on the incidents of fraud. With the help of her son, public notary officer and lawyer, the ex-Director of that institution gained possession of the apartment owned by the pensioner. They composed a false purchase and sale agreement and restored papers of ownership. Three more criminal investigations were opened against the management of the Veterans' House who embezzled money received after the sale of lonely pensioners' apartments under the pretext of expenses for admission into that institution¹⁰.

The above-reported incidents indicate that observance of citizens' rights in such sensitive areas as pension and social support imposes particular responsibility on government bodies.

The trend of our days is creation of a society which takes full account of the needs of all its members including vulnerable categories of population. The currently on-going processes aimed at better protection of human rights undoubtedly require persistent improvement of their mechanisms for the purpose of creation of a favorable social and economic background which provides for observance of all citizens' rights.

¹⁰ <http://news.nur.kz>. "Director of Veterans' House in Almaty unlawfully gained possession of pensioners' apartments", August 21, 2014

9. Right to health care

Our country has the right to healthcare enshrined in article 29 of the Constitution of the Republic of Kazakhstan. In this area, Kazakhstan implements the 2011-2015 state program “Salamatty Kazakhstan” which covers major directions for development of the healthcare system and improvement of citizens’ health.

Issues of improvement and development of the healthcare system always find their reflection in the addresses of the head of state. For instance, the November 11, 2014 address “Nurly Zhol – the Path to Future” sets a course towards improvement of welfare and quality of life of each Kazakhstani through improvement of social infrastructure including extension of high-quality health services to population.

At this stage, our healthcare system pays particular attention to consolidation and improvement of primary healthcare. Positions of social workers, psychologists were established in healthcare institutions; centers of family health with units of prophylactics and social and psychological support, youth centers, older people’s clubs, specialized health schools were set up¹¹.

However, along with the improvement of the system of healthcare in our country, development of transplantology, improvement of medical institutions’ equipment with the latest new devices, there still occur incidental facts of medical mistakes, shortcomings in extension of healthcare services.

In 2014, the Commissioner received 92 written and 14 verbal complaints about infringements on healthcare rights. It is an increase compared to previous periods (52 written and 11 verbal complaints in 2012; 63 written and 13 verbal complaints in 2013) related to an increased number of complaints lodged by prisoners.

The incoming complaints touched upon issues of the quality of rendered health support, inappropriate treatment, incompetence of some medical workers, inappropriate conditions for treatment in healthcare facilities, unreasonable collection of payment for services included into the guaranteed amount of free healthcare support, safe living conditions and others.

The Ombudsman still receives complaints about inappropriate treatment, denial of medical documents on the results of treatment, negligence of some medical workers.

P.E. appealed to the Commissioner in the interests of R.M. and her under-aged daughter with a complaint about actions of healthcare workers in healthcare institutions in Ekibastuz where she delivered her child.

R.M. appealed to the director of that institution with a request of copies of medical documents concerning the delivery and treatment of her daughter. But her request was declined.

Besides, P.E. complains about actions of the otolaryngologist of the Ekibastuz out-patient clinic #2 who did not examine R.M.’s daughter and diagnosed her as healthy. Medical workers of that institution also exercise negligent handling of out-patients’ medical records.

As part of consideration of that complaint the Pavlodar regional Department of the Committee for Control over Healthcare and Pharmaceutical Operations conducted unscheduled inspection of the Ekibastuz out-patient clinic #2 and Ekibastuz maternity center with engagement of specialized independent experts to look into the alleged violations.

The inspection disclosed that in the course of R.M.’s and R.A.’s treatment in the out-patient clinic and in the hospital, tactical and therapeutic diagnostic mistakes were made.

The materials of inspection were forwarded to the Pavlodar regional Department of interior affairs for it to take administrative measures.

According to the Pavlodar regional healthcare department the head physician of the Ekibastuz maternity center punished the deputy head physician and secretary by imposition of disciplinary penalties for the violations.

Besides, April 11, 2014 copies of all the requested documents were sent to R.M.

According to the Pavlodar regional Department of Interior Affairs March 10, 2014, the office of investigations of the Ekibastuz interior affairs department launched a criminal investigation into the reported incident on charges specified in part 1, article 114 of the RK Criminal Code.

At this stage a preliminary investigation is under way. The Pavlodar regional Interior Affairs Department’s investigatory office holds control over that investigation.

Citizens’ complaints about actions of medical workers at whose fault significant harm was inflicted on their health and specifically resulted in the person’s disability or death continue to come.

According to the tengrinews.kz website¹² physicians’ mistake resulted in Pavlodar resident’s disability. During a surgery operation on removal of myoma the woman’s ureters were severed but that information was concealed from the patient and she was dismissed from the hospital despite poor health condition.

¹¹ Interview of Vice Minister of healthcare and social development S.R.Musinov in Liter newspaper of September 20, 2014

¹² <http://tengrinews.kz/events/vrachebnaya-oshibka-prevratila-jitelnitsu-pavlodara-v-invalida-261957/>

Later she had to get 6 more surgery operations done. The woman was diagnosed with peritonitis, then ulcer and pneumonia. Experts of the national institute of urology confirmed that both parts were severed during the surgery operation. The regional department of the Committee for control over medical and pharmaceutical operations of the Healthcare Ministry came to similar conclusions.

However, medical workers of the first city hospital consider the woman's accusations unreasonable, and they explain the doctor's mistake by a possible failure of the surgery equipment.

In 2014 the Ombudsman filed a submission with the deputy Prime Minister where he highlighted the growing number of incidents of child deaths disclosed during the monitoring visits of the officers of the National Human Rights Center to mental institutions for children with impairments.

Analysis conducted by experts of the Ministry of healthcare and social development confirmed that the deaths of children could have been prevented provided health support and due observation had been properly arranged. Individuals responsible for those incidents were brought to justice.

In this regard and in implementation of the objectives posed by the head of state in the Kazakhstan-2050 strategy on tightening up responsibility for crimes against maternity and childhood a separate section "Medical criminal offenses" was added into the new Criminal Code. It tightens up healthcare workers' liability for infliction of harm.

In their appeals to the Ombudsman citizens frequently request support in receiving healthcare services.

F.S. born September 12, 1966 reached out to the Commissioner seeking support in getting health check-up and surgery in connection with cervical hip fracture.

According to the content of the submission the complainant lost documents. Besides she went through a lengthy treatment of TB. By the time of lodging the complaint she was in the rehabilitation center in Zhana Kima village for patients who completed TB treatment. Moreover, the complainant could not walk on her own and she needed further treatment. However, she did not have documents and thus could not apply for a health treatment quota; nor could she sign up for disability allowance.

During our consideration of the complaint F.S. went through the necessary health check-up in the Zhaksinsky central district hospital to be included into the list of people who need hospitalization. August 26, 2014 surgery operation on open reposition, internal fixation of the right hip was done. It was followed up by a course of treatment in the traumatology unit of the Akmolinsky regional hospital.

Later, she was referred for health treatment to the medical social unit for patients who had TB in Kima village, Zhaksinski district. After a set of diagnostic, therapeutic and rehabilitation procedures the complainant will go to the department of medical social examination for determination of the disability category.

The Ombudsman's mail also contains submissions where complainants raise issues of unreasonable collection of money for services which have to be provided as part of the guaranteed set of free health support.

B.P. appealed to the Ombudsman in the interests of disabled brother B.B. born in 1968 about actions of the Shimkent regional endocrinology center's workers who charged payment for all the tests that his brother had to take in order to get registered as a patient with pancreatic diabetes. The complainant disagrees with it.

According to the Committee for control over healthcare and pharmaceutical operations of the Ministry of Healthcare and Social Development, the Committee's South Kazakhstan Department carried out an unannounced inspection of regional endocrinology early treatment center. Its results disclosed organizational and tactical shortcomings in provision of healthcare support in that center: the endocrinologist did not take into account the need in additional examination of the patient and did not arrange additional free tests for confirmation of the diagnosis of pancreatic diabetes.

The findings of the inspection were forwarded to the South Kazakhstan healthcare department for issuance of administrative decisions. The Center's head doctor issued an order imposing disciplinary penalty on the endocrinologist in the form of a reprimand.

Access to services is one of the significant components of the right to health. It implies a sufficient number of well-functioning institutions, goods and services in the area of healthcare and health support. However, people in some remote villages face the problem of access to healthcare services.

The Human Rights Commissioner received a collective complaint of residents of Chistopolie village, Musrepov's district, North Kazakhstan province. The village does not have a hospital. And people also complain about some other issues concerning their right to a decent level of life. Residents of Chistopolie are concerned about that situation and the need to take sick people to the district hospital, about the unsatisfactory condition of roads, the absence of transportation means, particularly in winter time.

However, according to the RK Ministry of Healthcare and Social Development Chistopolie village has an out-patient clinic which provides services to 4885 people, 2554 of them live in Chistopolie. 2 physicians, 23 nurses, 9 paramedical attendants and 18 other staff work in the Chistopolie out-patient clinic. The clinic is equipped with 3 vehicles for medical transportation including 1 UAZ made in 2014. It also has a reanimation ambulance vehicle for emergency transportation of patients to the central district hospital and regional healthcare institutions.

This year, minor repairs of the clinic were done. At this stage specifications and estimates for capital renovation of the clinic's 2-storey building are drafted.

Despite that information, the villagers' concerns are quite reasonable because a mobile health unit and a team of the district clinic's physicians travel to Chistopolie only once in half a year. Besides, the quality of roads is still very poor. They are repaired in parts which hinders residents' transportation to the district hospital. The out-patient clinic's building requires a capital renovation.

The issues of closure or re-organization of healthcare facilities in regions cause local population's concerns because access to health support is hindered by a number of additional obstacles such as remoteness of villages, poor quality of roads, absence of transport, financial problems and others. For instance, when residents of the Shahan village in Karaganda province learnt about the closure of their out-patient clinic and the need to register with the healthcare facility in Shahtinsk town they staged a protest action¹³.

Thus, there is a problem of the lack of healthcare facilities in remote settlements, particularly in rural areas. It restricts people's access to good-quality and prompt healthcare services.

Another group of complaints pertains to issues of the lack of appropriate conditions for patients in healthcare institutions.

M.M. posted her submission on the Commissioner's website. She referred to the lack of conditions for young children to stay and get treatment in Children's city hospital #2 in Astana where she was placed with her newborn daughter. In particular, it does not have beds for children, diaper boards, children's kitchen, conditions for cleaning children's dishes. Besides, it does not have a neuropathologist on duty.

As part of consideration of the complaint, at the assignment of the Ministry of Healthcare and Social Development of the Republic of Kazakhstan, the Astana city department of healthcare conducted an official investigation. It found that the situation with incomplete stock of city children's hospital #2 developed as a result of the beginning of the epidemic of acute respiratory viral infection, flu, pneumonia, and reconstruction of the Astana city children's hospital #1 which is equipped with beds for children of early age with broncho-pulmonary pathology. In the course of alteration of bed stock in the above-mentioned hospitals it is planned that city children's hospital #2 will open a separate neurologic unit which pursuant to the RK Healthcare Minister's order #238 "On approval of regular staffing and staffing norms for healthcare organizations" will have a position of the children's neuropathologist.

Children with neurologic pathologies (cranio-cerebral traumas, acute cerebrovascular disease, etc.) are placed to neurosurgery units.

As a result of consideration of the complaint the management of city children's hospital #2 will also take actions to arrange a separate unit of infant food because the hospitals' master plan did not have it. It also plans an additional purchase of beds and diaper boards for children of early age.

The Astana city healthcare department took control of the issues of quality of healthcare services for children.

Problems of the lack of appropriate conditions for treatment in healthcare facilities are also covered in media. For instance, according to the KTK TV channel, patients of the hospital in Dossor village in Atyrau province freeze in wards. Plaster peels off the ceilings, flows of cold air come through huge cracks in windows, the water supply and heating systems are out of order¹⁴.

Media also raise issues of poor quality and irregular health check-ups of specialists who work with children. For instance, the Ombudsman's open letter to the Minister of Education and Science published this year in media raises that issue. For instance, an employee of a kindergarten in Aktobe city died of TB meningitis. The disease was detected only after that person's death. However, she went through health check-ups regularly. In April 2014, an employee of a high school in Atyrau was diagnosed with TB. Media also reported incidents when children were infected.

¹³ <http://www.zakon.kz/4624692-zhiteli-karagandinskogo-poselka.html>

¹⁴ <http://www.ktk.kz/ru/news/video/2014/12/19/55977>

Healthcare plays a significant role in the development of human capacity because it goes with a person all the way from his birth to the extreme old age.

In this regard, the state policy in the area of healthcare should be dynamic and should respond to new challenges and risks; efforts taken in that regard should be aimed at improvement of the healthcare system and elevation of the standards of health of each person and population as a whole.

10. Rights of persons with disabilities

Protection of the rights of persons with disabilities, provision of equal opportunities in implementation of economic, social, political and other rights are enshrined in basic international agreements, the national legislation of the Republic of Kazakhstan.

In 2014, the country continued its efforts on preparation of conditions for ratification of the UN Convention on the Rights of Persons with Disabilities.

March 26 last year, the Government of the Republic of Kazakhstan approved the second stage (2014-2015) of the 2012-2018 Plan of Actions designed to secure the rights and improve the quality of life of persons with disabilities in the Republic of Kazakhstan which targets improvement of legislation pertaining to social protection of persons with disabilities, access to facilities in major areas of life for this category of citizens.

The RK Ministry of Healthcare and Social Development has also drafted texts of laws “On amendments and additions to some legislative acts of the Republic of Kazakhstan on issues of protection of the rights of persons with disabilities”, “On ratification of the Convention on the rights of persons with disabilities” which at the end of the reporting year were lodged with the Mazhilis of the Parliament of the Republic of Kazakhstan.

Protection of the rights of persons with disabilities is one of the significant areas of the Commissioner’s activities. Efforts pertaining to that area are taken in the process of consideration of complaints, operation of experts and analytical group, interaction with government agencies, non-governmental, international organizations, monitoring visits to institutional facilities.

In 2014, the Ombudsman received 30 complaints pertaining to issuance of disability allowances, arrangement of individual aide’s services, treatment at health and resort facilities, disagreement with the assigned categories of disability, educational rights, adequate housing, healthcare, and on issues of implementation of labor rights, compensation of harm inflicted to health at workplaces, disagreement with commercial banks’ denial of loans.

The current legislation provides for arrangement of social services of individual aides to persons with disabilities of the first category who have walking problems. In the reporting year the Commissioner received complaints about failure to provide such services to persons with the first category disabilities who cannot walk and need constant care. Care and support to this category of persons with disabilities is often rendered by close relatives who have to quit jobs.

O.L. complained to the Ombudsman about non-provision of social services of an individual aide to her father G.P., a person with disability of the first category.

Local government denied such services to her father on the ground that he was a bed-ridden person and thus does not walk and go to any institutions. However, the complainant’s father is a veteran who had his disability acquired as a result of the Great Patriotic war and he cannot walk and take care of himself.

Besides, according to a statement from his individual rehabilitation records of May 21, 2013, services of an individual aide were recommended to G.P.

Upon interference of the Ombudsman’s office, the Committee for control and social protection reported that the Koksui district office for employment and social programs in Almaty province signed a contract with O.L. on services of an individual aide to her father, person with the first category of disability.

Herein, we should note that the Rules for provision of social services of an individual aide under individual rehabilitation programs of persons with the first category disabilities approved by the July 20, 2005 RK Government resolution #754 do not include provision of domestic services or assistance in filling out documents by individual aides.

The analysis of incoming complaints about issues of providing social services of individual aides to persons with disabilities indicates that there are a number of factors which hinder effective provision of services in that area.

There still is a consistent tendency to file complaints expressing disagreement with conclusions of medical and social experts’ examination on changing or removing the assigned disability categories. Based on results of inspections conducted at the Human Rights Commissioner’s request, the Committee for labor, social protection and migration of the RK Ministry of Healthcare and Social Development reported that all challenged conclusions of medical and social experts were correct. However, such complaints coming from various regions cause certain concerns about fairness of the inspection of procedures, changes and removal of assigned categories of disability carried out by the authorized agencies.

Another complaint came from the Atyrau office of the Kazakh Society of Blind Persons. It states that the procedure for provision of individual aide's services requires improvement.

Under the afore-mentioned Rules an individual aide provides services in escorting a person with the first category disability to the place of destination and back, for instance to work, educational institution, and also to local representative and government bodies, court, prosecutors, social facilities or other organizations.

However, persons with vision impairment reported that the above-quoted norm does not consider their need to be escorted by an individual aide not just to a place of destination and back but also in receiving various services at Population Servicing Centers, healthcare organizations, etc.

In response to the National Human Rights Center's information request, the authorized government agency provided explanation of the current procedure for social services of individual aides for persons with the first category disability who have walking problems.

The Commissioner received a collective complaint of residents of Chistopolie village, Musrepov district, North Kazakhstan province expressing their disagreement with conclusions of experts of the medical and social unit on changes and cancellation of assigned disability categories.

At the Commissioner's request the Committee for labor, social protection and migration of the RK Ministry of Healthcare and Social Development arranged for additional examination of the complainants on November 28, 2014 by experts of offices for medical and social examination (MSE) #2, 4, 5 of the North Kazakhstan Department of the Committee for labor, social protection and migration with involvement of the senior physician of the out-patient clinic in Chistopolie.

As a result of that examination three persons got recommendations on additional check-up and further examination by experts of the MSE office.

In order to ensure transparency and fairness in issuance of conclusions by MSE commissions it is useful to engage scientific workers specializing in that area, non-governmental organizations in the area of protection of the rights of persons with disabilities into the work of those commissions.

Non-payment of compensation for the harm to health inflicted as a result of workplace trauma is one of the typical infringements on the rights of persons with disabilities.

For instance, the Ombudsman's office carried out a long review of Z.M.'s complaint who became disabled as a result of workplace injury. The ad hoc investigation by the public labor inspection established the 100% fault of the employer. However the employer, private businessman A.B. did not pay compensation for the harm inflicted to Z.M.'s health who as a result of the heavy workplace injury lives in dependence of his elderly mother, a person with disability of the 2nd category.

In consideration of that complaint the Human Rights Commissioner's office carried out a certain amount of work. As a result, the Astana city prosecutor's office prepared a draft lawsuit to court and asked Z.M. to file relevant documents with the prosecutors' office.

In this regard it was recommended that Z.M. should file the required documents with the city prosecutors for them to file a lawsuit with the court in his interests.

The content of other complaints indicates existence of problematic issues in implementation of the rights pertaining to the area of ba

K.A., person with the first category of disability appealed to the Human Rights Commissioner with a request to facilitate issuance of a banking loan for purchase of a TV set.

According to the submission the complainant's banking loan application filed with the Astana regional branch office of the Narodny bank of Kazakhstan was declined. In his complaint K.A. reported that he has the first category disability, cannot move on his own and thus needs a TV set with a remote control as a means to stay connected with the outside world. The Human Rights Commissioner's office lodged a request with the Narodny bank of Kazakhstan to consider a possibility to support settlement of that issue or propose other options within the bank's competence.

According to the Astana regional branch office of the Narodny bank of Kazakhstan K.A. has a card account of the special account status for the payment of his disability allowance. However, pursuant to the requirements of the RK law "On the banks and banking activities in the Republic of Kazakhstan" the bank cannot write off money from the special banking account as payment of a loan.

The afore-mentioned bank reported that under its internal and regulatory rules issuance of a consumer's credit loan is not possible.

Thus persons with disabilities cannot borrow consumer credit loans. Given the fact that often, the only source of income is payment of social allowances, persons with disabilities cannot purchase items of household appliances at their full prices. In this regard, it seems expedient to address the issue of easy-term loans for this category of citizens.

The Human Rights Commissioner received a collective complaint from persons with impaired eye vision regarding the issue of changing the requirements for coaches who work with persons with disabilities.

The complainants stated that they were members of the Kaisar sports club of athletes with disabilities and took part in various national competitions. Coaches in this club are athletes with disabilities who have ranks in the area of physical culture and sports but they do not have sports professional education.

At the Human Rights Commissioner's request the complaint was reviewed by the Committee for Sports and Physical Culture of the Ministry of Culture and Sports of the Republic of Kazakhstan which reported that pursuant to the July 3, 2014 RK Law "On Physical Culture and Sports" the positions of coaches, instructors and experts in methodology in sports organizations should only be occupied by persons with University education on physical culture.

Along with that, the Mazhilis of the Parliament of the Republic of Kazakhstan is now working on the RK draft law "On amendments and additions into some legislative acts of the Republic of Kazakhstan pertaining to issues of protection of the rights of persons with disabilities". In this regard, the complainants' right to forward their proposals on improvement of the current legislation regarding its requirements to coaches who work with persons with disabilities to the Mazhilis of the RK Parliament was explained to them.

The monitoring of institutional facilities by the Commissioner and staff of his office as well as the incoming complaints indicate that persons with disabilities have strong wish to participate in sports events at various levels. In this regard we find it important to hold events to provide for participation of persons with disabilities in sports events, to provide appropriate resources, relevant training and preparation for sports events.

In the light of the above-reported we should note that the Convention on the Rights of Persons with Disabilities binds its participating states to take relevant measures for equal access of persons with disabilities to banking loans, mortgage loans and other forms of financial credits and full-fledged participation of persons with disabilities on all levels of sports events of general profile. Those issues become particularly topical in the light of the upcoming ratification of the Convention on the Rights of Persons with Disabilities by Kazakhstan.

The national human rights institution forwarded relevant proposals on improvement of implementation of the rights of persons with disabilities to the RK Ministry of Healthcare and Social Development as part of the Third stage (2016-2018) of the 2012-2018 Action Plan for securing the rights and improvement of the life of persons with disabilities which is currently being put together.

A separate group is made up by complaints on implementation of housing rights of persons with disabilities.

I.R. lodged a complaint about non-enforcement by the local government of the ruling of Kzylorda city court on the issue of registering her as a person who needs housing from the public housing stock and granting such housing to her.

As a result of actions taken at the Ombudsman's request February 21, 2014, the Kzylorda city mayor's housing commission issued a decision on adding I.R. into the list of people who need housing from the public housing stock in the category of socially vulnerable groups of population. She is number 2 in the list.

As we know the most typical way of employment of persons with disabilities is through specialized enterprises of public associations of blind and deaf persons. In the reporting year the staff of the Ombudsman's institution visited the Taraz training and production enterprise "Kazakh Society of Deaf Persons", the Aktau training and production enterprise "Kazakh Society of Blind Persons". As a result of the visits to those facilities the human rights experts disclosed problems related to the lack of orders on their products which leads to the down time and insufficient employment of persons with disabilities.



Monitoring of the Aktau training and production enterprise of the Kazakh Society of the Blind by officers of the Ombudsman's institution

Persons with disabilities also highlighted the need to take steps to create incentives for labor activities of persons with disabilities.

One of the ways to address that issue is extension of support to training and production enterprises of the Kazakh Society of the Blind, of the Kazakh Society of the Deaf as part of projects on social responsibility of businesses, creation of favorable conditions for expanded sale of products, encouragement of relevant commercial projects, development of access to the inclusive labor market.

The human rights approach to persons with disabilities is not limited to provision of their material needs but it also includes their active integration into the society. They should be in demand as any other citizens.

Persons with disabilities can make significant contribution into development of the society provided hindrances for implementation of their capacities are removed.

11. Child Rights

Our country pays a priority attention to issues of child rights. For instance, at the ceremony of awarding the winners of the national “Mereili otbasy” competition the head of state highlighted the importance of effective state policy on strengthening of families, protection of maternity and childhood, decent support in old age.

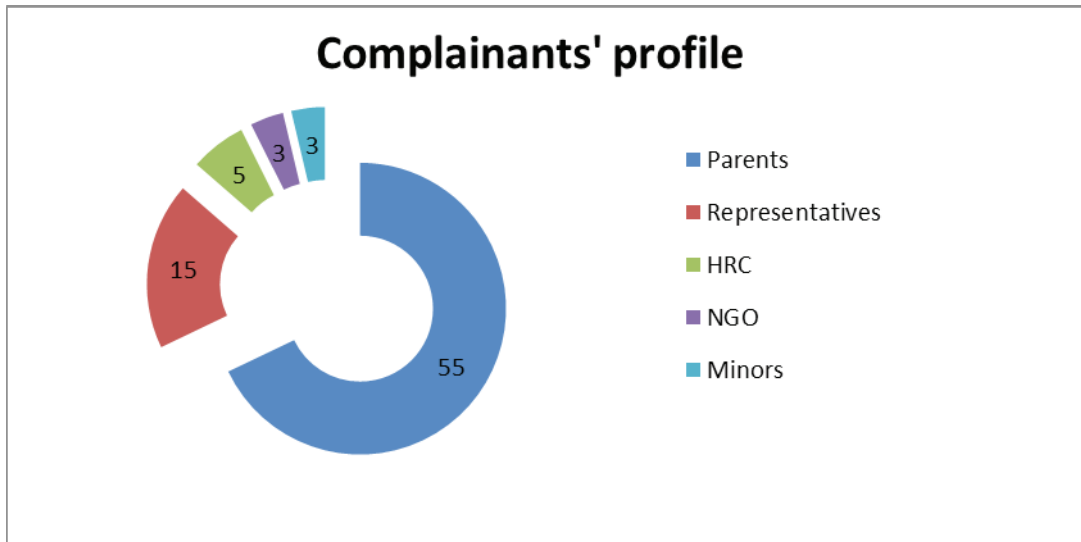
The 2015-2020 National Action Plan for the strengthening of family relations, moral, ethical and spiritual values in the Republic of Kazakhstan was put together and approved for those purposes.

Moreover, the President of the Republic of Kazakhstan initiated establishment of the post of the Commissioner for Child Rights on a pro-bono basis.

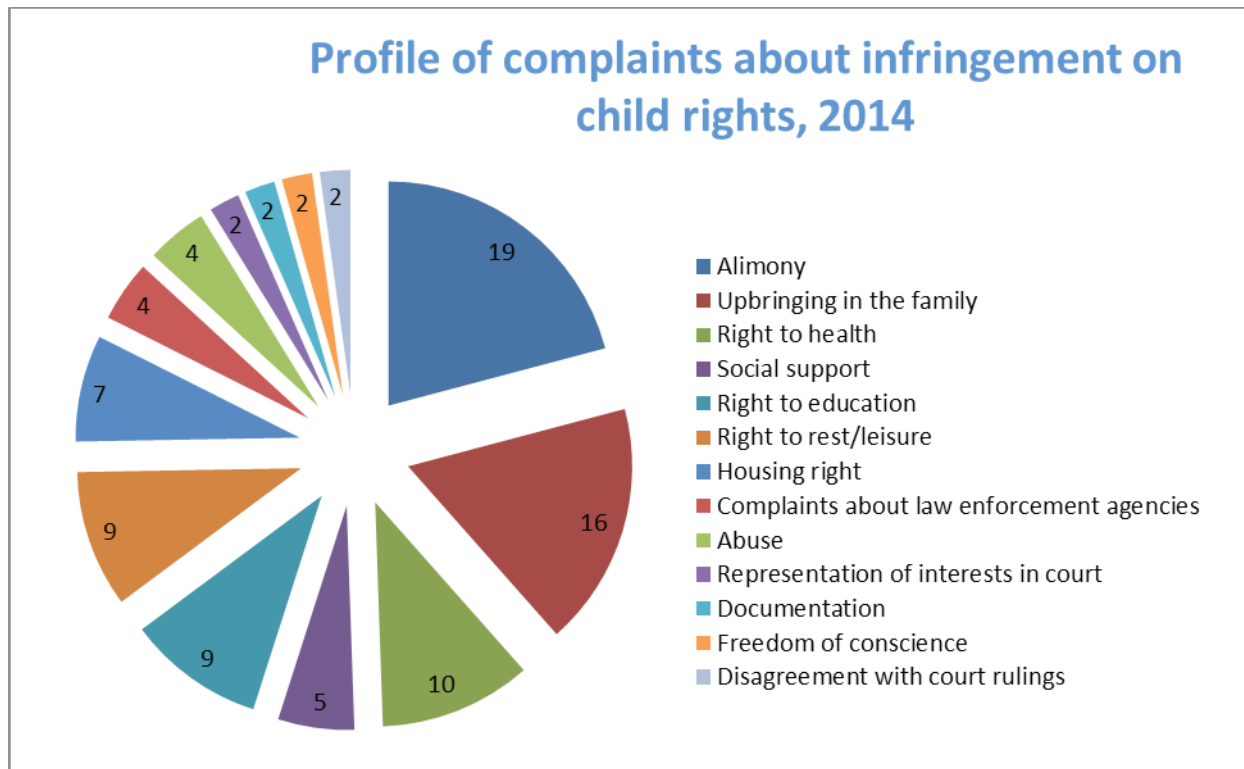
Kazakhstan makes significant efforts on reforming the system of comprehensive protection of children; it implemented standards for extension of social services to children and families; family support centers began to operate; legislation is improved dynamically; a step-by-step reform of childcare institutions is carried out, etc.

An important component of the Commissioner's activities is consideration of citizens' complaints. In 2014, 81 written and 8 verbal complaints about infringements on child rights were received. The biggest number of them came from the cities of Almaty and Astana, Almaty province. There were complaints from Russia, Kyrgyz Republic, Israel, and Kosovo.

The complaints mainly came from parents, legal representatives, civil society activists, other countries Ombudsmen, non-governmental organizations. This year 3 complaints were submitted by under-aged citizens themselves. There are no differences in the gender profile because approximately equal numbers of complaints were submitted in protection of girls and boys.



The most urgent issues raised in citizens' complaints are recovery of alimony, inappropriate healthcare treatment, housing and educational issues, the procedure for determination of the child's place of residence and contacts with him, social support including support of children with disabilities, complaints about law enforcement agencies, abuse, etc.



The issue of alimony recovery for child support is still a problem.

The Commissioner received A.K.'s complaint about non-enforcement of the November 3, 2011 ruling of the Medeu district court in Almaty on recovery of alimony for support of the under-aged child of debtor M.Zh.

According to the complaint the last place of the debtor's employment which the complainant is aware of was the Kuzet service of the RK MIA. However since November 2013 till present time no alimony was paid and the complainant does not know whether the debtor still works at that place.

In the process of consideration of that complaint we found that December 24, 2013 the judicial order was returned to the Almaty department for enforcement of judicial acts (DEJA) on the account of the debtor's transfer to the Pavlodar department of interior affairs pursuant to the November 7, 2013 order #154 of the management.

However, the Almaty city DEJA forwarded that order to the Pavlodar regional DEJA only on February 21, 2014. On March 26, 2014 enforcement procedures were launched in the Ekibastuz territorial subdivision #2. On April 14, 2014 the judicial enforcement officer's order on alimony recovery was forwarded to the debtor's employer – the Ekibastuz office of interior affairs of the Pavlodar regional Department of Interior Affairs to hold back alimony in the amount of 25% - regular alimony payments.

So, at judicial enforcement officers' fault who spent long time exchanging correspondence the complainant did not receive alimony payments for 5 months.

Later it was found that pursuant to the April 3, 2014 order #72 of the Director of the Ekibastuz office of interior affairs the debtor was transferred to the Kostanay regional Specialized Security Directorate. And for that reason, alimony payments during that period of time were not made.

April 14, 2014, the Ekibastuz judicial enforcement officer issued a statement on determination of the amount of the alimony debt of M.Zh. which by April 1, 2014 amounted to 134494 tenge. May 19, 2014, the writ of execution was lodged with the Kostanay regional DEJA. Later, on June 25, 2014, the order on withholding the alimony recovery from the debtor's salary in the amount of 50% with 25% being the regular alimony and 25% held for the debt recovery.

Due to the extended communication of the National Human Rights Center and the Committee for Enforcement of Judicial Acts (now the Department for Enforcement of Judicial Acts) and its regional offices, by August 25, 2014 the accounting office of the Kostanay Specialized Security Services department transferred 80368 tenge to the claimant's account.

Frequent change of the debtors' places of employment, lack of personal responsibility before their own children, search of debtors along with red tape and omissions of judicial enforcement officers frequently lead to delays in enforcement of judicial decisions on alimony recovery which contributes to infringement on the rights of children to get support by both parents.

The next group is made up by complaints about infringements on child rights to health protection manifested in the form of inappropriate treatment, omissions of healthcare workers, lack of appropriate conditions for treatment in healthcare institutions, etc.

K.T. posted her complaint about omissions of employees of Kzylorda out-patient clinic #3 and the Senim company on the Commissioner's website.

The author of the submission reports that medical workers servicing the area where she lives do not provide the required support to her family in connection with her daughter's disease – leukemia, specifically, once a week, the complainant and her daughter have to stay in a line to undergo tests; healthcare workers do not visit them at home. Besides, the complainant reported that she was not informed of any privileges established in legislation for children with that diagnosis regarding extension of certain services in supplying them with medical drugs.

In consideration of that complaint the Ministry of Healthcare and Social Development reported that the Kzylorda healthcare department conducted an official investigation which confirmed that since 2012 the complainant's daughter is registered with the local pediatrician and hematologist of the regional hospital for children with the diagnosis of acute lymphoblastic leukemia FAB L1.

Local pediatrician Zh.K. and nurse D.S. were punished by imposition of reprimands for shortcomings in arrangement of regular health check-ups of the complainant's daughter.

Besides, the complainant was informed that her family can travel to the Scientific Center of Pediatrics and Child Surgery free of charge. Along with that the regional healthcare department was tasked with taking the girl's treatment under its control, and if the family has further questions they can contact head pediatrician S.G.

Complaints of citizens who raise issues of children's security on streets, near children's and educational institutions, pedestrian crossings, playgrounds, etc., make up a significant group.

For instance, the Commissioner received complaints of M.E., D.E., I.S., B.A., A.Z., S.O., Ch.E. about omission of road police in Almaty regarding the traffic regulation and parking near the school located on Artem street in Almaty.

The complainants allege that despite the “no waiting” sign and in breach of the road traffic rules drivers park their cars on Artem street from the side of Brusilovski street thus creating risks of road accidents and threats to school students’ lives.

As part of consideration of that matter the RK Ministry of Interior Affairs reported that additional instructions were issued to officers of the road police detachment to detect and prevent violation of the rules of parking and waiting, to arrange preventive campaigns aimed at improvement of the road situation, bringing the number of road accidents down and prevent the gathering of vehicles on that spot.

After the filing of the relevant request 30 drivers were brought to administrative liability for breach of the parking rules in that area. Besides, road police officers talked to drivers to prevent violations and educate them on compliance with the norms of the administrative legislation.

Upon an additional examination of the place some changes were made in the arrangement of the road traffic there: road signs 3.28 “No parking” was replaced with 3.27 “No stop”.

In future, the above-mentioned area (Brusilovski, Turkebaev, Artem and Turgut ozal streets) will be controlled by patrol teams of the road police.

If the complainants have further issues they can contact the local office of interior affairs in Almaty.

The right to education is one of the key rights aimed at development of personality, talents, mental and physical skills of children.

However, the Ombudsman receives submissions with citizens’ reports on infringement of child rights in that area. The issue of violation of the norms of maximum academic load in educational institutions of our country caused a wide public reaction.

For instance, the Commissioner received a complaint of Kazakhstani Lawyers’ League about violation of the maximum weekly amount of academic load on students at schools.

According to the lawyers under the high school standards, the weekly academic load on first-graders should not exceed 24 hours which includes after-school preparation. But the authors of the complaint believe that “too massive home assignments” given to students at this stage exceed the maximum limits established in legislation. It leads to infringement on the rights of children.

As part of consideration of that complaint existing gaps in the legislation which regulates that area were established.

For instance, according to the Department of pre-school and middle school education, information technologies of MES, the regional departments for control in the area of education of MES conducted state performance assessment and detected violations of the state mandatory standards in education (hereinafter, SMSE) in 273 schools, graduate students in 387 schools failed to pass the threshold level in control snapshot tests.

SMSE violations were in incomplete teaching of the full volume of topics in accord with standard academic curricula, with some subjects not taught at all. 358 legal persons and 111 officials in educational institutions were brought to administrative liability for the disclosed breaches of the law, 400 school licenses were suspended for the terms from one to six months.

No excessive academic load going over the maximum level in violation of SMSE were found.

In regard to that complaint the Department issued an instruction to all departments of education in provinces, cities of Astana and Almaty, national specialized schools for gifted children on the mandatory compliance with the maximum weekly academic load.

In regard to home assignments the Department reports that SMSE sets the maximum amount of time for school studies (all types of the work done in and after classes) but not home work. Afterschool activities include elective, individual and extra-curricular work done at school. Home work is not included in those types of studies and thus is not included into the academic load. It is not an independent study of academic topics but is rather designed to consolidate the program topics covered at school.

At this stage there is no provision on home assignments set in any regulatory legal acts. The Ministry of Education and Science plans to initiate proposals on the norms for home assignments in the sanitary rules “Sanitation and epidemiological requirements for educational institutions for children and teenagers” approved by the December 30, 2011 resolution #1684 of the Government of the Republic of Kazakhstan.

Besides, an assignment was given to the National Educational Academy named after I.Altynsarin to add a requirement on the norm of home assignments on subjects for different grades in the Instructive and methodological note “On specific features of teaching the elements of science in general educational institutions of the Republic of Kazakhstan”.

The Ministry also stated that proposals and comments of the afore-mentioned organization will be further taken into account in the work of agencies for educational control on ensuring the abidance by SMSE requirements, RK legislation pertaining to education.

We should separately note complaints about infringement on the rights of children with disabilities. Those complaints raise issue

The National Human Rights Center received K.T.'s complaint about actions of the class supervisor and omission of the management of high school #45 in Almaty.

According to the complaint supervisor M.N. exerts persistent psychological pressure on T.K., born October 25, 2005 who is in the complainant's foster care. Besides, the complainant alleges that M.N. set the parents of students against her.

In her complaint K.T. also raises issues of omission of the school management and persistent exaction of money for various needs.

In consideration of that complaint the Almaty city Department for control in the area of education conducted an unscheduled inspection of Almaty high school #45 looking into the facts mentioned by the complainant. The inspection found that the 2B class supervisor M.N. keeps the school documentation in compliance with the Guidance on keeping the school documentation in regular high schools approved by the January 13, 2013 order #19 of the RK MES. Allegations on collection of informal fees were not confirmed. The management of high school #45 issued order #104 on September 11, 2013 "On prohibition of collection of fees from students' parents" which reiterated the issue to the staff of teachers.

Along with that, the inspection disclosed incidents of inappropriate performance of duties by deputy principal responsible for primary school Ch.I. regarding organization of work with young teachers and poor communication of the 2B class supervisor M.N. with parents. Based on results of the inspection on May 31, 2014, the school principal issued an order imposing disciplinary penalties on Ch.I. and M.N. in the form of "reproof".

The Ombudsman also receives complaints about child abuse. Besides, media carries an increasing number of publications on the incidents of child abuse both in children's institutions and in families.

A.S. posted an appeal on the Commissioner's website with regard to a publication on inappropriate treatment of a small child in various media outlets.

The complainant urged the necessary measures to be taken against persons guilty of that situation and to protect the rights of the child.

In consideration of that submission the MES Committee for protection of child rights reported that the child was placed to the Mangistau regional specialized child care center.

The Mangistau regional specialized juvenile justice court issued a decision with restriction of the mother's parental rights for a term of 6 months.

The Munailinski district educational department's inspector L.A. was punished by imposition of a reproof for inappropriate performance of duties.

The Mangistau regional Department of Interior Affairs informed our office that October 18 this year the Aktau city office of interior affairs opened a criminal investigation against the child's biological father under article 137 of the RK CC. the materials of the case were forwarded to court.

The above-reported issues compelled the Ombudsman to send an open letter to the Minister of Education and Science. It specifically noted the need in effective and well-coordinated work of all government agencies and effective implementation of the available legal instruments.

To a certain extent, it encouraged the Ministry to accelerate its work on drafting the 2015- 2016 Inter-agency Action Plan for prevention of violence and abuse against children.

We should particularly highlight our fruitful and persistent cooperation with the UN Children's Fund in Astana implemented as part of a whole set of joint projects all throughout 2014.



Press conference held after signing the Memorandum on Cooperation in 2014-2015 between the Ombudsman's institution and the Office of UNICEF in Kazakhstan

The Ombudsman presented results of our joint efforts on improvement of legal instruments in protection of child rights including protection against violence, at international events in Dushanbe (Tajikistan September 16-17, 2014 and Minsk (Belorussia, November 12, 2014).

In general we should state that issues of protection of child rights require well-coordinated actions not of government agencies only but of the whole society.

12. Rights of convicts

Last year, adoption of the new Criminal Procedural Code of RK which incorporates a number of new statutes pertaining to execution of punishment was a significant development in the process of the reform of the country's penal policy. They include expanded application of alternative punishment measures, development of the probation services, introduction of the system of prisoners' confinement in separate cells in penal facilities, development of public control, setting the prisoners' re-integration as a priority, penal legislative regulation of their re-integration into society.

However, the actual practice of execution of punishment shows the convicts' complete dependence on the penal facility's administration, and for a number of objective reasons a person's confinement in penal facilities is frequently followed by infringement on his rights. Its indication is a significant number of complaints about those issues filed with the Commissioner. Basically the range of issues raised in those complaints does not change: infringements on the rights to personal security, freedom from torture, cruel and degrading treatment, to health support, serving a sentence in the area of residence, right to labor.

We should admit that one of the factors which objectively lead to infringement on prisoners' rights is their confinement in bigger cells for groups of inmates, their over-crowdedness. We support the wider application of alternative forms of punishment and transition to the cell-type incarceration of inmates and believe that the appropriate implementation of those changes will really lead to the reduction of human rights infringements in penal facilities.



The Ombudsman looked into the conditions of incarceration in the juvenile penal facility in the city of Almaty

The Commissioner keeps receiving complaints about the on-going practice of placing inmates to penal facilities located far away from the places of their residence.

As we know pursuant to article 68 of the RK Penal Code individuals sentenced to deprivation of liberty serve punishment in corrective facilities of the Republic of Kazakhstan in the territory of the province where they lived before conviction.

Under Minimum Standard Rules on the Treatment of Prisoners adopted by the United Nations Congress on the prevention of crime and the treatment of offenders on August 30, 1955, the administration of penitentiary facilities should pay particular attention to maintenance and strengthening of ties between the prisoner and his family. They are desirable and serve interests of both parties.

However, issues in placement of prisoners based on the territorial principle still remain a typical form of infringement on prisoners' rights.



The NHRC officer's monitoring visit to penal facilities in North Kazakhstan province

3 of the 23 appeals submitted during the year with requests to move prisoners to areas of their residence were satisfied; 2 of them concerned the transfer of prisoners to continue the service of their sentences in the country of citizenship and only one request referred to relocation issue inside the country.

The situation with observance of the labor right of persons sentenced to incarceration still remains extremely unsatisfactory. Implementation of that right in penitentiary facilities has a number of specific features.

On the one hand, according to the Penal Code, the prisoner's attitude to labor is considered to be a criterion for his correction. On the other hand, a prisoner is as a rule extremely restricted in selection of a job in conditions of that specific corrective facility where he is held. According to some assessments almost 70% of the total number of prisoners are currently not employed. It should be noted that a prisoner who does not have job is a priori in an unequal position compared to working prisoners in assessment of behavior, court consideration of requests on early release on parole, etc.

Prisoner G.E. held in UK-161/2 facility of the Kostanay regional penitentiary department reached out to the National Human Rights Center with a complaint about infringement on his rights and lawful interests.

In his submission the prisoner alleges that prosecutors and labor inspection services found that his labor rights were violated but over the year up until the current time no efforts were taken to restore them. The complainant also states that the employer refused to provide job to the prisoner under an employment contract. The complainant alleges that the penal facility's authorized services do not carry out appropriate control over prisoners' employment.

In response to our request the RK Prosecutor General's office and the Penitentiary Committee of the RK MIA issued information that the Kostanay regional prosecutor's office with involvement of public labor inspectors conducted inspection looking into the facts of the breach of labor legislation. The inspection disclosed violations in delayed payment of wages to prisoners. The branch office of the Enbek-Kostanay enterprise was held liable under administrative charges pursuant to part 4, article 87 of the Code of Administrative Offenses.

The Enbek-Kostanay enterprise' branch office re-calculated the wages for over-time work and paid due wages. As of today, G.E. has job. There are no delays in payment of his wage.

The Commissioner's mail has complaints about unreasonable use of the labor of individuals held in places of confinement, without payment of wages and with no account of the time of such labor.

In July of the reporting year, there were incidents of mass protests by prisoners. Among reasons which led them to staging those protest actions, many prisoners mentioned coercion to work without compensation. Even prisoners with health problems are forced to work.

The Commissioner received complaints of inmates of facility ZD-158/7 (M.B., I.D., L.A., N.D., I.R., K.U., N.P., K.A., S.D., E.M., N.A., H.A., S.M., T.T., K.V., T.R., P.M.) who were engaged in the work on improvement of the territory of the facility pursuant to article 102 of the RK Penal Code. Among them were prisoners who suffered from hepatitis. Though engagement in such works is lawful prisoners complain that engagement in such works is accompanied by degrading treatment. For instance, prison officers intentionally throw cigarette stubs, garbage with spits, etc. and force prisoners to clean them with bare hands; pick grass without any tools. If prisoners refuse, they are punished: placed to punitive isolation cells, face criminal charges.

According to prosecutors their inspection did not disclose any wrongful actions of prison staff.

K.O. appealed to the Commissioner in the interests of her convicted husband who serves his sentence in facility OV-156/15. She complains about problems with jobs in the correctional facility and violations in application of article 102 of the RK Penal Code pertaining to engagement of prisoners in unpaid works.

The complainant states that the issue of the prisoners' official employment is not solved, whereas every day prisoners have to perform various kinds of work though legislation establishes free work only on improvement of the territory and area adjacent to the territory of the prison and work on improvement of cultural and living conditions. The length of such work shall not exceed two hours a week.

By the time of preparation of this report the complaint was under consideration.

We should also note incoming complaints of prisoners about conditions of their incarceration. In addition to sanitary and every-day-life conditions they allege that in hot weather conditions in southern regions prisoners have to spend long time outside. In severely cold winter conditions prisoners in penal facilities are forced to work in clothes inappropriate for such climate. Prisoners' labor in such conditions should be viewed as cruel treatment. Daily counts of prisoners and their engagement in outside works should be arranged with the account of weather conditions.

Prisoners B.E., Z.A., L.N., A.A., K.D., G.E., K.T. who serve sentences in OV-156/2 facility of East Kazakhstan penitentiary department appealed to the Human Rights Commissioner with a complaint about actions of the penal facility's administration.

In their complaint the prisoners note inappropriate conditions in the correctional facility, specifically, the lack of warm clothes (clothes for winter), insufficient meals, lack of appropriate health services, non-compliance with the norms of sanitation.

In their submission the complainants allege that in harsh weather they are forced to work in clothes inappropriate for the climate.

As a result of inspection conducted at the National Human Rights Center's request the East Kazakhstan regional prosecutor's office issued an order on elimination of the disclosed violations of the law on material and every-day-life conditions for prisoners and of sanitary and epidemiological requirements. Guilty persons were punished by imposition of disciplinary penalties.

Implementation of prisoners' right to healthcare is one of the problems regularly covered in the Commissioner's reports. In this regard, 41 complaints of this category came in 2014. Analysis of the complaints indicates that penitentiary facilities still face issues of insufficient healthcare provision, supplies with medical drugs, negligent attitude of healthcare staff to their duties, the absence of a mechanism for detection, examination and registration of bodily injuries.

Convict B.S. who serves sentence in facility EC-166/5 appealed to the Commissioner with a request to facilitate assignment of a disability category in connection with a trauma inflicted in facility EC-164/4 of North Kazakhstan penitentiary department.

In response to the NHRC's request of information the Penitentiary Committee reported that convict B.S. was placed to an inter-regional somatic hospital where for the first time his diagnosis was determined and a recommendation was issued that he should turn to medical and social experts' panel for it to determine the level of the working capacity loss.

I.E. submitted a complaint to the Commissioner in the interests of her daughter S.E. who serves punishment in facility AK-159/9 of the Karaganda regional penitentiary department. The complainant alleges that her convicted daughter needs an urgent healthcare assistance of an eye specialist because of acute deterioration of eye vision. The complaint notes that convict S.E. contacted the prison administration with an appeal that she needed examination by a specialist. Her request was declined. The administration neglected the complainant's request.

At the request of the Human Rights Commissioner's office the authorized agency took actions. Specifically, the convict was taken to the Glasgo Lik ophthalmology center of the Hippocrates company in Karaganda for check-up and consultation. The eye doctor checked up the patient and determined her diagnosis, prescribed medication.

We find it expedient that all functions on healthcare and sanitation services for prisoners and individuals in pre-trial detention be transferred to the Ministry of Healthcare and Social Development. It will be a major step towards addressing of the majority of problems in that area.

The issue of maintaining the discipline and order in correctional facilities by lawful methods still requires higher attention. During the year, we received complaints from prisoners and their family members with reports on the use of force and degrading treatment of prisoners, specifically during the receiving procedures of newly arrived prisoners and during searches.

In total the Human Rights Commissioner received 73 complaints about use of torture and cruel treatment in correctional facilities. 35 of them were lodged as part of the NPM operation.

We believe that NPM participants who operate in all regions of the country will play a significant role in prevention of torture and cruel treatment.



*A meeting of the Human Rights Commissioner's Coordination Council
on operation of the National Preventive Mechanism*

The annual consolidated report of the participants of the National Preventive Mechanism offers more detailed information on issues of prevention of torture and cruel treatment.

As practice shows people who appeal to the government seeking protection then often become targets for harassment by those officials whose actions or omissions they complained about. Such practice should be inadmissible: the person who seeks government protection against officials' unlawful actions should at least be protected from harassment and should have guarantees that his rights will be observed. Law enforcement agencies should provide such guarantees.

We should note that the Human Rights Commissioner receives submissions of various nature including proposals on improvement of prisoners' confinement.

For instance, in her submission L.V.Romanchuk advanced an interesting proposal on insurance of convicts' lives and health. According to the submission and information posted on Russia's websites such insurance is widely practiced in correctional facilities of the neighboring state. Such insurance is aimed first and foremost at providing certain guarantees against torture and violence on the part of penal facilities' staff.

In this regard we find it expedient to study the experience of foreign countries, in particular of the Russian Federation, on mandatory insurance of prisoners' health and lives in penitentiary facilities.

13. International cooperation

International cooperation has been one of the priority and dynamically developing areas of Kazakhstani Ombudsman's activities in the recent years.

In the reporting year we have reached unequivocal positive results in that area of operation of the national human rights institution. It promotes further intensification of efforts on exchange of experience and information with foreign colleagues and our joint efforts on empowerment of the system for protection of human rights in our country.

First and foremost, we should note a successful completion of talks and procedures for joining the Asia Pacific Forum of national human rights institutions in 2014. At its 19th annual meeting in September the Commissioner's institution joined this respected and largest regional network of Ombudsmen.

The APF membership will undoubtedly serve an impetus for further institutional empowerment of Kazakhstani Ombudsman's office and accordingly for improvement of the system for human rights protection in Kazakhstan.

On the other hand, it gives us an opportunity to contribute to the human rights process in the Asia Pacific region which has recently gone through the stage of rigorous development.

Those aspects of pan-Asian cooperation were discussed during the February meeting of the Ombudsman with Special Envoy of the President of Sri Lanka S. de Silva.

Kazakhstan continued its membership in the UN Human Rights Council. In 2014, the country was elected to the Bureau of that body.

In December, Kazakhstan passed successfully the second cycle of the Universal Periodic Review in the Human Rights Council and in general, received the international community's positive assessment of both the human rights situation and the progress achieved over the recent four years.



Director of the National Human Rights Center V.Kaluzhny attended the second cycle of the Universal Periodic Review of the Human Rights Council (Geneva, the Swiss Confederation)

Results of the presentation of the national report of the Republic of Kazakhstan on implementation of the UN Convention against torture made in the Committee against Torture in November 2014 should also be described as positive. The Commissioner's office participated in its preparation and presentation.



Kazakhstani delegation participates in presentation of the third periodic report of the Republic of Kazakhstan in the UN Committee against Torture (Geneva, the Swiss Confederation)

Kazakhstan continued its cooperation with the so-called “special procedures” of the UN Human Rights Council.

The Commissioner met with the UN Special Rapporteur on issues of contemporary forms of slavery including its causes and consequences G.Shahinian and her colleague – the mandate holder on issues of freedom of religion or belief H. Bielefeldt.



The Ombudsman's meeting with UN Special Rapporteur on issues of contemporary forms of slavery G.Shahinian

The Ombudsman's office participated in preparation of the visit of the UN Special Rapporteur on issues of the right to freedom of peaceful assembly and association M.Kiai to Kazakhstan.

Arrangement of international events and participation in them including those arranged as part of joint projects were a significant component of the Ombudsman's international activities. He attended 52 events in Kazakhstan and abroad. Their list is enclosed in the annexes of this report.

The office continued its cooperation with international organizations including the International Coordination Committee of national human rights organizations, Asia Pacific Forum of national human rights organizations, the Office of the UN High Commissioner for Human Rights (UNHCHR), UN Office in Astana, Organization for Security and Cooperation in Europe, UNICEF, Penal Reform International, European Union, the Council of Europe, Friedrich Ebert's Foundation, human rights institutions, governments and parliaments of Great Britain, Slovenia, India, Germany, Poland, Switzerland, Russia, Belorussia and other partners of the institution.

The Ombudsmen continued to play the role of the source of unbiased and full information for international partners in this cooperation. On the other hand, he obtained support in the strengthening and development of professional skills of human rights activists including staff members of his office and government agencies, civil society activists.

In general, cooperation with the human rights system of UN strengthened in the reporting year.

First and foremost, our fruitful cooperation with UNHCHR and its regional office went on.

During their August meeting the Ombudsman and the acting UNHCHR regional representative in Central Asia E. da Costa held a detailed discussion of a wide range of human rights issues and confirmed intention to continue cooperation in the area of Kazakhstani Ombudsman's institutional development including the frame of NPM, his integration into the regional and global systems of Ombudsmen.

At the UNHCHR support the Commissioner along with the Penal Reform International in Central Asia continued trainings on issues of practical operation of NPM which involved NPM participants and government employees.

The UNHCHR office in Central Asia also promoted our cooperation with the global network of Ombudsmen. For instance it supported Kazakhstani Commissioner's participation in the 27th annual Geneva meeting of the International Coordinating Committee of national human rights institutions (ICC), the major global association of such institutions operating under the aegis of UN.

Cooperation with the ICC has noticeably intensified. Last May the Ombudsman's office was selected for participation in a training course on international human rights mechanisms in Geneva organized by the UNHCHR, Friedrich Ebert Foundation and ICC. That training facilitated significant improvement of the level of awareness of the UN procedures.

In August the Ombudsman met with the Geneva Representative of the International Coordinating Committee of national human rights institutions K. Rose in Astana.

In addition to that, during his working visit to international organizations in Geneva last December the Ombudsman met with representatives of international human rights organizations including ICC representative in Geneva, head of the office of national institutions and regional human rights mechanisms of the Office of the United Nation's High Commissioner for Human Rights V.Stefanov, head of the secretariat of the Human Rights Committee K.Fox, Committee against Torture P. Gilibert and subcommittee on prevention of torture J. Nataf, and others.

Along with that, at the UNHCHR invitation the Ombudsman attended the third International Forum on Business and Human Rights held under the aegis of UN.

Our successful cooperation with UNICEF in the area of protection of child rights went on. It was reiterated by the signing of another Memorandum of Mutual Understanding in the area of protection and encouragement of child rights in Kazakhstan in February. As part of it our work in such areas as protection of child rights, improvement of the child-friendly system of justice, improvement of the access of vulnerable groups of children and young people to human rights mechanisms, independent monitoring of institutions and arrangement of information campaigns targeting prevention of abuse went on.

In June, both sides expressed their mutual intention to participate in implementation of events under the joint UNICEF-EU program on Strengthening Justice for Children and Protection of Child Rights.

In July, we prepared and presented the Analysis of the situation with children with disabilities as part of building an inclusive society in the Republic of Kazakhstan. It reflected the situation of children with disabilities in Kazakhstan.

Our long and productive cooperation with the UN Children's Fund has accumulated enormous experience in the area of child protection due to which Kazakhstan's Ombudsman can share experience with foreign colleagues who just begin to familiarize with such work.

For instance, in September, the Ombudsman reported on the successes achieved in cooperation with UNICEF during his participation in the international conference on prevention of child abuse held on September 16, 2014 in Dushanbe, Tajikistan.

In November, that experience was shared with participants of the international conference of UNICEF and the Government of Belarus for CIS and East European countries "Strengthening Child Protection Systems to Protect Children from Neglect, Abuse, Violence and Exploitation" in Minsk. The Ombudsman reported on the results of achievements in that area.



The regional conference for CEE and CIS countries "Strengthening Child Protection Systems to Protect Children from Neglect, Abuse, Violence and Exploitation" in Minsk (Republic of Belarus)



On the margins of the conference in Minsk

The OSCE is still a significant partner of the Ombudsman's office. The OSCE Center in Astana is the major facilitator of joint efforts. It persistently supports the Ombudsman's institutional empowerment in Kazakhstan.

The Ombudsman's regular meetings with the head of the OSCE Center in Astana N.Zarudna ensured the high level required for the support of that process.

The OSCE Center provided an invaluable support to the launch and putting in order the NPM in Kazakhstan, training the NPM participants and government officers, arrangement of events, strengthening the capacity and capabilities of the office in coordination of NPM.

The OSCE Center supported arrangement of trainings on practical implementation of NPM in regions, public presentation of the Ombudsman's 2013 report, the visit of the Ombudsman's staff and the NPM Coordination Council to Slovenia, and participation in the meeting of representatives of national preventive mechanisms in the OSCE region in Vienna.

In November, the National Human Rights Center's Director took part in the meeting with the OSCE Chairman President of the Swiss Confederation D. Burkhalter in Astana.

The Commissioner's cooperation with the European Union and its office in Astana has definitely strengthened.

In January 2014, the Ombudsman and EU Ambassador A. Bouchez reached an agreement on development of cooperation in the human rights area and development of joint projects. The same interest to its development was expressed during the visit of members of the European Parliament E. Jeggle and D. Van der Stoop.

The national human rights institution of the Republic of Kazakhstan took part in drafting the new agreement on cooperation between RK and EU in parts pertaining to human rights.

Involvement in the bilateral dialogue on human rights between RK and EU went on. The National Human Rights Center's Director attended its November 2014 meeting in Brussels (the Kingdom of Belgium).

Bilateral dialogue with colleagues in foreign countries is maintained.

In February 2014, a delegation of Kazakhstan's NPM participants headed by the Ombudsman paid a working visit to Slovenia. During the visit which was arranged by the OSCE Center in Astana and Penal Reform International in Central Asia representatives of Kazakhstan's NPM thoroughly studied the experience of the Slovenian counterpart which is also based on the Ombudsman+ model.

In two follow-up meetings: February in Ljubljana (Slovenia) and August in Astana, the Human Rights Commissioners of Kazakhstan and Slovenia discussed the topical aspects of the two institutions' operation: complaints consideration procedures, work in regions, cooperation with non-governmental sector, interaction with government agencies.



*The Ombudsmen of Kazakhstan and Slovenia exchanged experience in the area of human rights protection
(Ljubljana, the Republic of Slovenia)*

In January, the National Human Rights Center's Director met with Poland's Human Rights Ombudsman I.Lipovich.

During their meeting in May the Human Rights Center's Director and the First Secretary of the Embassy of the Federative Republic of Germany in RK J.Kramer discussed issues of improving the level of bilateral cooperation between RK and Germany in the area of human rights.

Cooperation of the Commissioner's office with the regional office of Penal Reform International in Central Asia was highlighted by obviously positive results.

As part of those efforts which were implemented in connection with the launch of NPM a set of training events embracing more than 100 NPM participants, 200 government officers in regions was arranged; methodological guidance materials were published for the NPM to accomplish its mandate at a good quality level.

PRI extended significant informational, practical and methodological support to the work done by the Ombudsman and the NPM Coordinating Council.

The Penal Reform International continued its participation in the work of the Commissioner's Experts Council and the working group for consideration of incidents of the use of torture and other cruel forms of treatment and punishment.

The office also maintained cooperation with the Friedrich Ebert's Foundation. For instance, at the support of that German humanitarian organization the Ombudsman's office attended a training on international human rights mechanisms.

In October the Ombudsman met with the Regional Director of F. Ebert's Foundation for Central Asia P.Teshendorf. During the meeting they reached an agreement on development of bilateral cooperation.

In the reporting year, the Commissioner reviewed 33 submissions of foreign national human rights institutions with requests to facilitate restoration of human rights infringed in the territory of Kazakhstan.

In his turn, Kazakhstani Ombudsman actively cooperated with foreign colleagues for the purposes of protection of the rights of Kazakhstani citizens abroad.

To summarize the above-reported, we should note that international cooperation of the Commissioner for Human Rights in the Republic of Kazakhstan was highlighted by a number of significant successes in the reporting year.

In particular, the Ombudsman began a new stage in integration into the global human rights community joining its Asia Pacific network. It added more significance to institution's role in Kazakhstan's interactions, gave opportunities to advance Kazakhstan's initiatives in the vast Asia Pacific and European regions.

Further empowerment of the Commissioner's institution through international exchange of experience went on.

In this regard, Kazakhstan's Ombudsman accumulated significant institutional experience in the area of human rights protection and began to share it with international colleagues. It reflects a new stage in its development.

CONCLUSION

In 2014, the Republic of Kazakhstan continued its purpose-oriented and comprehensive policy aimed at further development and improvement of mechanisms for provision and protection of the rights, freedoms and interests of a person and citizen.

The country began implementation of the new economic policy “Nurly Zhol” initiated by the country’s President and continued implementation of the long-term “Kazakhstan 2050” strategy. Taken as a whole they establish a foundation for a tangible progress in improvement of Kazakhstanis’ well-being.

In its turn, during the reporting year, the Commissioner’s institution continued its efforts within its mandate including the work on priority directions, in the area of institutional development, strengthening of human rights mechanisms, international exchange of experience and others.

The country begins 2015 with a clear program designed to counteract against the complicated international and economic situation. It takes steps to overcome the difficulties that the state encounters.

The launch of the Eurasian Economic Union brings new social factors for Kazakhstan, intensification of trans-border migration including labor migration, wider opportunities for Kazakhstanis accompanied by new challenges for the human rights community.

Enactment of the new texts of the Criminal, Criminal Procedural and the new Penal Codes marks the completion of another stage of the legal reform. However, in the human rights context it is evident that further analysis of implementation of the new Codes will be followed by initiatives on their further improvement.

There is no doubt that human rights activities will be specifically highlighted in connection with celebration of the 20th anniversary of the Country’s Constitution and the 20th anniversary of the People’s Assembly of Kazakhstan in 2015 and relevant human rights topics will be addressed.

Besides, the 70th anniversary of the victory in the Great Patriotic war celebrated this year should become a reminder of the need to continue our efforts on maintaining international accord as a fundamental condition for securing the human rights as well as commitments of the society before veterans and home-front workers.

Effective implementation of the National Preventive Mechanism against torture is a significant objective which to a certain extent serves an indicator of the country’s human rights situation. It poses certain objectives for the Commissioner’s institution as coordinator of that legal instrument.

In conclusion the Commissioner extends his appreciation to the Constitutional Council, Supreme Court, Prosecutor General’s office, members of the Parliament, the Government and government agencies as well as to international and national human rights organizations for fruitful joint work and support in preparation of this report.

1. Submissions

**To President
of the Republic of Kazakhstan
N.A. Nazarbayev**

Dear Nursultan Abishevich!

Pursuant to provision 23 of the Statute on the Human Rights Commissioner (hereinafter, the Commissioner or the Ombudsman) I forward this activity report for 2013.

In the reporting year I received 1291 submissions from 2595 individuals including RK citizens, foreign citizens, stateless persons, Kazakhstani and international human rights organizations, foreign Ombudsmen. Individual meetings with 194 people were held.

In the process of consideration of the lodged complaints we filed 1071 requests with national and local government agencies, other organizations including organizations abroad.

In 18.6% of complaints accepted for consideration the rights were remedied. This number is higher than the indicator of previous year.

Citizens complained about actions and omissions of law enforcement agencies (25%), courts (24%), local (8%) and national government agencies (8%). Complaints about infringements on housing rights amounted to 7%, labor 6.2%, protection of children 6%, social support 4%, persons with disabilities 3.5%.

In general those indicators are similar to previous years. It leads us to the conclusion that those problems in relevant areas of government agencies' operation are traditional.

For instance, complaints about law enforcement agencies by and large focus on issues of cruel treatment and punishment, arbitrary arrests, infringements on the rights of persons held in detention, hindrances to actions of defenders, falsification of evidence.

Complaints pertaining to judicial protection confirm the topicality of your statements at the VI Congress of Kazakhstan's Judges on incidents of unreasonable delays in proceedings, superficial consideration of cases, the lack of judges' professionalism, excessive perfectionism and red tape.

The bilateral memorandum on cooperation gives the Ombudsman an opportunity to inform the Supreme Court Chairman on the nature of incoming complaints and to a certain extent improve judicial practice without interference into administration of justice.

In regard to the above-reported the national human rights institution took an active part in further improvement of the relevant areas of legislation. Specifically, we accomplished a significant amount of work on facilitation of the drafting the new texts of the Criminal and Penal Codes and the new Criminal Procedural Code pursuant to your instructions issued on August 29, 2013.

At the support of the RK President's Administration the Ombudsman arranged a scientific practical conference devoted to the new Codes. It was attended by top managers of the Prosecutor General's office, Ministries and agencies, members of the Parliament, international organizations and civil society. The Commissioner's institution was also involved in the work of relevant working groups in the Government and the Parliament. From the human rights angle, among illustrative results of the on-going reform we should highlight the norms introduced in the new Codes on liberalization of a number of components of crimes, mitigation of punishment of individuals who committed crime for the first time and of vulnerable groups of population, wider use of alternative forms of punishment, introduction of a two-tier system of criminal offenses, tightening up liability for crimes against minors, separation of categories of medical crimes and others.

In this regard, the reform and modernization of the criminal, criminal procedural and penal legislation which are conducted under your control and are a requirement of the new stage of the country's development serve a significant incentive in addressing the topical human rights problems.

The National Preventive Mechanism against torture (hereinafter, the NPM) occupies a special place in that process. You signed the law on its establishment in 2013.

To a certain degree that instrument is unprecedented for our legal mindset. For the first time representatives of civil society got unrestricted access to secured confinement facilities (all penitentiary facilities, police holding cells, military penal facilities, adaptation centers for minors, detention rooms, facilities for drug addicts, psychiatric facilities, etc.) under the Ombudsman's coordinating role.

Establishment of NPM is very significant in the context of strengthening Kazakhstan's image on the international arena with the account of the fact that at this stage, only 55 countries introduced that legal instrument. Such countries as USA, Japan, Russia, Canada, China, India, and Finland are not among them.

The above-reported is an undoubtedly positive factor in achievement of Kazakhstan's goal of joining the top thirty developed countries through development of conditions for the comprehensive protection of a person.

The Constitution, national legislation and international standards pertaining to the human rights area form the legal basis for operation of the national human rights institution.

The objectives and directions set by you in the comprehensive “Kazakhstan 2050: the New Political Course of the Developed State” strategy, the Concept of the Society of Universal Labor, addresses to the people of Kazakhstan and other documents with program of action aimed at the strengthening of the country’s human resources served as benchmarks for those activities.

In this regard, the quality of government services looks like one of the painful issues. The above-listed documents specifically highlight that issue. It is evidently one of the cornerstones in implementation of human rights in all aspects of person’s life.

Responsibility for settlement of that issue definitely rests with local government authorities which work in direct contact with population. Due to the policy of decentralization those agencies have a complete set of legal and other instruments for prompt and effective settlement of the bulk of issues without interference of national agencies.

However, our analysis of complaints, particularly about housing and land issues disclosed a tendency of local governments of various levels to refer complainants to courts for the settlement of their issues. It definitely runs counter to the current state policy aimed at developing new forms of pre-trial resolution of disputes. As a result, citizens have to protect their rights and interests, which frequently are lawful, in the process of exhausting and expensive judicial proceedings whereas prompt settlement of issues in a lot of their complaints can be done in places, without appeals to courts and national agencies.

I have lodged a comprehensive submission with the RK Prime Minister who issued specific assignments pertaining to this issue to authorized agencies and authorities in regions.

In the reporting year, the biggest number of complaints came from the cities of Astana (13.3%), Almaty (12%), Almaty (8.5%), Karaganda (8.2%) and East Kazakhstan provinces (7.2%). Compared to 2012 we saw a minor increase of the share complaints from Aktubinsk, Mangistau, North Kazakhstan, Zhambyl, Karaganda, and Pavlodar provinces.

On the account of the limited representation of the Ombudsman in regions the share of complaints from the country’s western regions is still low (the total of 8.6% from 4 provinces).

Upon substantive consultations with the Prosecutor General, we managed to address a similar issue which until the most recent time retained its topicality – the issue of the insufficient use by local prosecutors of responsive instruments provided in the law.

In the light of implementation of the program of building a Society of Universal Labor, harmonization of labor relations is one of the significant objectives.

However, we see that the number of collective complaints about infringement on social and labor rights in 2013 went 3.3 times up which indicates existence of human rights issues in that area which require a systemic resolution.

As we earlier reported a representative working group for monitoring in social and labor area was established under the Commissioner in coordination with the Administration of the RK President. In the reporting year the group visited the Arcelor Mittal Temirtau joint stock company. Based on the results of examination of the situation, meetings with the management, workers and trade union organizations the group worked out specific recommendations and filed them with the Government on behalf of the group. The bulk of them were used appropriately: strengthening of the employer’s social responsibility, technological audit of the enterprise, development of adequate labor norms, revision of the Concept of modernization and diversification of production, improvement of the situation with workplace injuries, and environmental measures.

Some proposals found their reflection in legislation which is being drafted now: the new text of the trade unions law and draft law on amendments into labor legislation that comes with it, and the new text of the Criminal Code which criminalizes instigation of labor conflicts.

In this context, the problem of convicts’ employment also draws our attention. Its resolution will facilitate, on the one hand, the effective prevention of destabilizing factors, extremism, organized crime and recidivism, and on the other hand, implementation of social, labor and economic rights of the mentioned group of population which is confirmed by foreign countries’ practice.

Due to active facilitating efforts of the Ombudsman’s office, the issue was seriously discussed at the Parliament and found its reflection in the new text of the Penal Code.

In practical terms, construction of a penitentiary facility with infrastructure which meets universally recognized international standards began in Karaganda province with engagement of private business. It complies with your statements on development of public private partnership.

In recent years, you paid particular attention to issues of securing the rights of socially vulnerable groups of population, in particular children and persons with disabilities.

Protection of child rights is one of the constant priorities in the Ombudsman activities. Herein, with the support of the UN Children’s Fund (UNICEF) we implemented a project aimed at addressing the most topical issues which cause concern of the society and the state including issues of abuse in families and children’s institutions, suicide among children.

Results of the above-mentioned studies and conclusions of international experts were relayed to the Government. They indicate that more coordination is needed and that red tape in operation of authorized government agencies in that area should be overcome.

We should quote an example here that in 24.3% of suicide incidents of children in Kazakhstan suicide notes were left. It means that in a lot of incidents suicides could have been prevented provided the suicidal intentions were discovered earlier and preventive work performed.

The Commissioner's office worked out a whole set of proposals pertaining to issues of the rights of persons with disabilities. We should note that along with strict implementation of legislation on allocation of the 3% quota in employment, a wider engagement of persons with disabilities into public and political life would improve their protection.

We should also state that following your assignment we actively carry out all the necessary work. We believe that further engagement of the resource including the electoral capacity of that group of citizens which is quite numerous (about 500 thousand people) will promote successful implementation of the country's objectives.

The above-described areas of activity serve as benchmarks in international cooperation of the Commissioner's institution which was successfully accredited in the UN International Coordinating Committee of national human rights institutions.

Herein, at its own initiative, the Kazakhstani Ombudsman's institution is the only institution which established cooperation in two regions simultaneously: Asia Pacific and European. It is explained not just by the country's geographic location but by Kazakhstan's aspiration to advance Eurasian values which are the common points of European, Asian and Islamic human rights policies.

Our cooperation with foreign countries' Ombudsmen expands both in the framework of joint human rights projects and on bilateral basis.

In this regard, we should note that the reporting year was highlighted by the work with Ombudsmen of Russia (including sub-federal entities and the Child Rights Ombudsman), Qatar, Slovenia, Tajikistan, Kyrgyzstan, South Korea, Italy, and Finland.

At the Commissioner's initiative, along with the Constitutional Council he conducts annual traditional August conferences devoted to the Day of Constitution. It has gained international recognition as a site for exchange of opinions of top managers of the government and international organizations including the Venice Commission of the Council of Europe, International Association of Lawyers, Penal Reform International and others, as well as Ombudsmen of foreign countries and international experts.

Such events promote popularization of legal knowledge and of our country's achievements in issues of democratization and constitutional development.

Dear Nursultan Abishevich!

The Human Rights Commissioner's institution established at your initiative in 2013 continued to perform its function of the generally acknowledged mediator between the state and society.

A unanimous choice of this institution as the coordinator of activities in such sensitive and significant area as prevention of torture is a vivid example indicating this role.

Besides, the joint efforts of the government and non-governmental organizations within the framework of working groups under the Ombudsman should be assessed as positive.

We should also note that in the reporting year, government agencies and officials responded to submissions and recommendations at a higher level, and implementation of those documents improved.

The above-reported results of our activity confirm a significant public role of the national human rights institution. People in the country and abroad perceive it as a component of implementation of the constitutional mandate by the head of state as the guarantor of respect to human rights and freedoms in the country.

Enclosure: the Ombudsman's submissions to national government bodies, 38 pages.

Respectfully,

**Commissioner for Human Rights
in the Republic of Kazakhstan**

A.Shakirov

**To President
of the Republic of Kazakhstan
N.A. Nazarbayev**

On the Eurasian Human Rights Declaration

Dear Nursultan Abishevich!

Asia-Europe Forum's summit held in Milan showed keen interest to your initiative on Eurasian integration at the international level. It also indicated that its capacity is undoubtedly wider than the levels reached today and implies that they can further expand not just in quantities but in quality as well.

Kazakhstan as a full-fledged member of the above-mentioned forum expressed its readiness to extend all possible support to development of the regional dialogue and cooperation for the purpose of addressing such contemporary problems as terrorism, religious extremism, economic and political expansion, proliferation of nuclear weapons, consequences of financial and economic crises which occur with an increasing frequency.

With the account of the idea that provision of effective implementation of human rights is the ultimate goal and the crucial point of any integration process, establishment of an instrument which could offer a set of basic principles for interaction acceptable to all Eurasian nations could be one of the directions which would take the Eurasian integration up to a qualitatively new level.

The Eurasian Human Rights Declaration (hereinafter, EHRD) could become such instrument.

It should be noted that in the past, events and developments in the contemporary world history led to adoption, along with the 1948 Universal Human Rights Declaration, of similar documents of regional range: the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1960 American Convention on Human Rights, the 1981 African Charter on Human and Peoples' Rights, the Universal Islamic Declaration of Human Rights.

We see adoption of EDHR as an impetus to further development of Eurasian integration and at the same time, as its consequence. The statement of that issue is predictable and implies that sooner or later that proposal will inevitably be raised by one of the participating states and in case if Kazakhstan becomes its initiator our country will be able to make an invaluable contribution into further development of the integration process.

The launch of the initiative on adoption of EDHR by our country specifically looks logical, reasonable and timely.

The geographical location, effective multi-vector foreign policy, positive international image, political stability and high level of well-being provide Kazakhstan with unique opportunities in that area.

By initiating the beginning of that process our country will get, among other things, a certain opportunity to influence the content of the document and enshrine such significant principles as respect to independence, sovereignty, territorial integrity of participating states, economic development as the foundation for human rights development, stability, continuity and others.

Problems of the Eurasian continent which are supposed to be the subject of EDHR extend to zones which embrace 5 billion people and vary in their cultural, ethnic, confessional, linguistic, economic and political aspects. The process of putting together that global document with its spirit aimed at fusion of European, Asian and Islamic world views should become a historic achievement of the author of the initiative.

Later, EDHR can establish relevant regional institutions, for instance, the Eurasian Human Rights Court.

The issue of EDHR was the topic of discussion and was in general accepted without objections during the international August conference devoted to our country's Constitution Day. It is a respected scientific and practical forum which annually brings together top managers of government authorities of Kazakhstan and foreign countries, academic circles, international organizations.

The Ombudsman's Council of experts composed of prominent scholars, lawyers and representatives of the civil society supported that idea.

Dear Nursultan Abishevich!

The initiative on adoption of the Eurasian Declaration on Human Rights is a logical continuation of the policy of Eurasian integration which is implemented by you.

As a commonly acknowledged leader, Kazakhstan should enjoy understanding and support of the international community in that issue if it offers a site for discussion and probably adoption of such document.

Provided you approve the discussed initiative we could begin its detailed elaboration following the procedures set in the law and guided by general coordination by the RK President's Administration.

We ask you to consider the issue.

Respectfully,

**Commissioner
For Human Rights**

A.Shakirov

**To Prime Minister
Of the Republic of Kazakhstan
K.K.Masimov**

Dear Karim Kazhimkanovich!

The National Human Rights Center received assignment of the RK Deputy Prime Minister (#20-37/3713 of July 23, 2014) concerning reconsideration of the issue of the administrator of the budgetary appropriation for implementation of the RK Law on NPM and relevant adjustment of the 2014-2016 and 2015-2017 national budget (with a draft letter addressed to the Head of the RK President's Administration enclosed).

As we know that issue was the topic of long inter-agency elaboration with engagement of the civil society sector. As a result the only possible middle course decision was made:

- To strengthen its international legal status, general coordination of the NPM operation should be vested in the Ombudsman

- Administration of the budgetary appropriation should be vested in the Ministry of Justice.

The above-mentioned decision was twice approved by the RK President's Administration (#1097 of March 30, 2013 and #1441 of April 26, 2013) and confirmed by the RK Government's letter addressed to the relevant working group of the Mazhilis of the RK Parliament on the account of the following points:

1. Article 17 of the Optional Protocol of the Convention against torture grants the right for the states to make their own decision on the maintenance, designation or establishment of the NPM; it does not prescribe any specific single model of NPM.

Consequently there is no specific requirement of mandatory assignment of all aspects of NPM operation including administration of budgetary appropriations to a specific agency or officials, specifically, the Ombudsman.

2. Arrangement of monitoring visits to 597 facilities which belong to the system of interior affairs, national security, defense, healthcare and education and are located in various regions of the country requires relevant staff.

And administration of the NPM budget means permanent processing of a significant amount of financial documents and requires specialized staffing.

It is evident that the office of the Commissioner for Human Rights in RK with its budget of 76.8 million tenge and staff of 12 employees including 1 accountant cannot implement the NPM mandate to the full extent with additional administration of the budget in the amount of 200 million tenge on its own.

3. During consultations with UN High Commissioner for Human Rights N. Pillay and Chairman of the subcommittee on prevention of torture M. Evans including those held during their visit to RK in 2012 and 2013 respectively, the consolidated decision of government authorities to assign functions of administration of budgetary appropriation on the NPM to MoJ was met with understanding. Those officials stated that such decision was not a breach of requirements of the Optional Protocol of the Convention against Torture because coordination and organization of Kazakhstan's NPM are performed by the Ombudsman, whereas the MoJ's functions are purely technical.

The reference made by the Ministry of Justice to the June 18, 2012 conclusion made by the Chairman of the subcommittee on prevention of torture that the Ministry cannot perform the function of coordinator or organizer of the NPM operation is not quite correct because the current mechanism of administration of budgetary appropriations for NPM rules out any coordinating or organizational impact of the executive branch of power on its operation.

The Human Rights Commissioner carries out the entirety of coordination and organization of that mechanism. For instance, compensation of NPM participants' expenses is fully controlled by the Ombudsman whereas the MoJ duties in that area are strictly regulated by relevant normative acts which do not let any participation or interference in operation of NPM.

Regarding a possible delegation of additional functions, for instance of financial functions the UN High Commissioner for Human Rights made the following statement: "It will necessarily lead to empowerment of his (Ombudsman's) capacity and opening regional offices in such a big country as Kazakhstan".

In the process of discussion of this issue in the Mazhilis of the Parliament, the Chairperson of the working group on the draft law on establishment of NPM S.F.Bychkova sent a letter to you on June 27, 2012 with expression of a doubt that the Ombudsman will be able to perform his functions pertaining to NPM without relevant staffing and structural empowerment.

4. Pursuant to subparagraph 1, paragraph 2 of article 11 of the RK Budgetary Code "incidents of creation, liquidation, reorganization, alteration of functions and staff size of the national government agencies" are mandatory reasons for introduction of adjustments into the national budget. An increase in budgetary appropriations respectively implies commensurable increase in the number of staff.

Along with that we should mention that the February 19, 2009 resolution #962 of the RK President did not contain a positive solution of the issue of possible upsizing of the staff of the Human Rights Commissioner's institution.

In issues of its staff the National Human Rights Center is guided by instructions of the head of state – Leader of the Nation N.A.Nazarbayev on prohibition to add new staff positions and upsize the number of staff in government institutions in the light of the country's on-going administrative reform.

Dear Karim Kazhimkanovich!

In regard to the above-reported and with the July 21, 2014 approval of the National Human Rights Center's budget in the amount of 76.8 tenge by the national budgetary commission I found it necessary to appeal to you seeking support in the current situation around the problem of administration of the budgetary appropriations of NPM.

At present time, the established NPM entered the stage of its active operation.

It took significant efforts of government agencies and Coordinating Council composed of civil society representatives to resolve a big number of legal, organizational and operational issues on the way of launching and first steps of NPM. The issue of the procedure for compensation of NPM participants' expenses was one of them.

In this context, we should note specifically that implementation of this project demonstrates well-coordinated and constructive interaction of executive authorities and non-governmental organizations in such sensitive area as prevention of torture.

I believe that it is necessary to note that repeated reiteration and return to discussion of the decision taken at a high level does not promote further effective continuation of the well-coordinated work. It also damages the image of the government which takes all necessary efforts to secure citizens' rights and freedoms.

I ask that you consider the issue.

Enclosure: as per the text.

Respectfully,

**Commissioner
for Human Rights
in the Republic of Kazakhstan**

A.Shakirov

**To the First Deputy
Prime Minister
of the Republic of Kazakhstan
B.A.Sagintayev**

Dear Bakhytzhan Abdirovich!

Provision of good-quality and affordable housing to population is one of the principal objectives of Kazakhstan's social modernization. The country creates conditions for development of housing construction, operation of banks and financial institutions.

In his January 17, 2014 address to the people of Kazakhstan "Kazakhstan's Way-2050: Common Goal, Common Interests, Common Future" the head of state noted that social well-being of ordinary people should serve the most significant indicator of the state's progress towards the principal goal of the Strategy 2050.

One of the topical issues raised by citizens in complaints filed with my office is implementation of the right to adequate housing. Recently, the number of citizens' complaints about forced eviction from their only housing on the account of failure to pay mortgage loans in time went up. Frequently, under-aged, older members of the family, mothers with many children are evicted along with the borrower.

Complainants report that they cannot pay mortgage loans in time as a result of difficult life circumstances, specifically, loss of job, children's health problems, birth of a child with disability and the need of constant care, death of one of the spouses.

For instance, according to Sh.S.'s complaint she borrowed a bank loan. The collateral was her two-room apartment. At the time of borrowing she had a stable salary. However, after she had a child with disability who suffered a serious illness and required permanent care Sh.S. quit her employment at the RK armed forces. Then she could not make timely payments to return her loan. Temirbank jsc filed a lawsuit seeking Sh.S.' and all her family members' eviction.

The Nikitenko family bringing up two under-aged children reported that they were deprived of their only housing pursuant to a court ruling. Because of the husband's serious trauma and illness the complainants could not make timely payments to return their loan borrowed from the Eurasian bank.

The Shabalins family expressed their disagreement with actions of Kazcommercebank, imposition of arrest on their housing by judicial enforcement officer. Their reasons for non-payment of mortgage loan were loss of job, dependent incapable relatives with health problems.

L.U.Minina who raises four under-aged children alone also reported on difficulties with payment of mortgage loan to the BTA-Mortgage joint stock company.

According to the Human Rights Mission organization which appealed in the interests of D.K. seeking support in suspension of judicial enforcement of the sale of her sole housing, May 6, 2013 the Bostandyk district court issued a statement granting a suspension of enforcement of the judicial act on forced sale of the housing till May 6, 2014. However, the Almaty city court's appellate panel revoked that statement of the Bostandyk district court.

At the same time, we are seriously concerned about increasingly frequent unauthorized rallies, hunger strikes staged by citizens to express disagreement with actions of banks, judicial rulings on eviction from their only housing. In October 2013, representatives of the Leave the Housing to People, Let Us Protect Our Homes public organizations in Almaty staged protest actions in the form of a hunger strike to urge government authorities to take steps to settle mortgage borrowers' problems, protect them from forced seizure of their sole housing.

March 6, this year, residents of the Mahabbat residential compound in Astana held an unauthorized rally. Adults and children were detained. 8 adults and 33 children participated in the rally. The residents of that compound staged the rally because of the court ruling on their eviction.

According to media, during another eviction under a court ruling, about 50 people lined up in front of the house of the Sailibaev family who failed to make timely repayment of their loan to the BTA Mortgage company. That family did not refuse to pay the loan. But their appeals to the bank with request to give them acceptable conditions for repayment of the loan did not yield positive solution.

Possession of housing is one of the basic components of adequate living level, a significant factor in development and upbringing children. Eviction of citizens from their sole housing has negative impact on the social and economic situation in the society, leads to social tension.

Analysis of the above-described issue indicates that legislation of the Republic of Kazakhstan pertaining to the area of housing relations lacks the notions of forced eviction, control over conditions of eviction, neither does it establish the requirement to provide alternative housing.

However, under paragraph 16 of the General Comment of the UN Committee on Economic, Social and Cultural Rights evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

Besides, based on results of her 2010 visit to Kazakhstan the UN Special Rapporteur on adequate housing issues R.Rolnik expressed concern about reports on incidents of forced eviction because of low-income families' failure to repay credit and mortgage loans. The Special Rapporteur called on the government to pass a relevant law in accord with human rights standards.

The 2011-2015 Action Plan of the Government of the Republic of Kazakhstan on implementation of the recommendations issued by the UN Special Rapporteur on issues of adequate housing, approved by the September 13, 2011 resolution of the RK Government envisages development of proposals on drafting a law on regulation of issues of forced eviction. However, up until now legislation in that area has not been improved.

In view of the above-reported we believe that complaints of citizens who found themselves in difficult life situations and who disagree with actions of banks should be considered on a case by case basis with the account of all circumstances, possibilities for restructuring their loans to grant acceptable conditions for repayment or other forms of support to socially vulnerable categories of population. Profound consideration of the issue of amendments into the current legislation pertaining to the above-reported issue, provision of temporary housing, construction of social housing for people in difficult life situations are important.

The experience of the Russian Federation on provision of temporary housing to citizens who lost their sole housing is worth consideration. The December 29, 2004 Housing Code of the Russian Federation establishes the requirement to provide residential facilities out of the temporary public housing stock to citizens who lost housing as a result of imposition of recoverable charges on that housing purchased at loans borrowed in banks or other crediting organizations and pledged as collateral in repayment of the loan or a targeted loan, provided that at the stage of charging the recoverable payments that facility is their sole housing.

On provision of housing from the public housing stock

The Human Rights Commissioner keeps receiving citizens' complaints about long waiting time to get housing from the public housing stock, slow advance in the queue which are indicative of problems in that area. Poor families state that they do not have money to rent housing; they have to live in summer cottages out of town which hinders children's access to educational institutions.

Lists of people who need housing in regions are long. For instance in Astana 27233 people were registered as people who need housing from the municipal housing stock. In 2013, apartments from the municipal housing stock were allocated to people who signed up in 2004.

According to media 19 thousand citizens are registered as people who need housing in Karaganda region, 17 thousand – in Kostanay region, with half of them belonging to socially vulnerable groups; 14 thousand in Almaty province.

In this regard, effective measures on settlement of the problem of queues of people who were waiting for years and years to get housing from the public housing stock are urgent. We believe that it is important to consider issues of providing temporary housing to people from socially vulnerable groups until they get housing from public housing stock; construction of social residential facilities which are in government ownership and thus could serve as temporary housing for categories of people who need it.

We should add that based on the results of her above-mentioned visit to Kazakhstan, the UN Special Rapporteur on issues of adequate housing R.Rolnik noticed that long waiting time for people to get social housing is still a serious problem in Kazakhstan. According to our information families registered in lists for housing from the public housing stock have to wait up to 10 years. The Special Rapporteur recommended that the government should reconsider the strategy and policy pertaining to housing construction in order to improve provision of adequate and affordable housing to citizens and families which belong to low-income and socially vulnerable groups of population.

In compliance with its commitments under the International Covenant on Economic, Social and Cultural Rights the Republic of Kazakhstan acknowledges every person's right to adequate living standards including housing.

Under article 25 of the Constitution of the Republic of Kazakhstan our country develops conditions for provision of citizens with housing. The housing is inviolable. People shall not be deprived of housing except on such grounds as ruled by court.

With the account of the above-reported and guided by paragraph 21 of the Statute on the Human Rights Commissioner approved by the September 19, 2002 decree #947 of the President of the Republic of Kazakhstan I ask you, dear Bakytzhan Abdirovich to pay attention to the problems raised in this submission and facilitate their resolution.

Enclosure: 1. a copy of Sh.S.'s complaint, 3 pages;

1. A copy of N.V.'s complaint, 2 pages;
2. A copy of Sh.'s complaint, 2 pages
3. A copy of M.L.'s complaint, 3 pages;
4. A copy of complaint of the Human Rights Mission and Foundation for Parliamentary Development in Kazakhstan organizations filed in the interests of D.K., 2 pages;
5. A copy of collective complaint of citizens in the interest of evicted residents of the Mahabbat residential compound, 2 pages;
6. Overview of media publications, 6 pages.

Respectfully,

**Commissioner for Human Rights
In the Republic of Kazakhstan**

A.Shakirov

**To Deputy Prime Minister
Of the Republic of Kazakhstan
G.N.Abdykalikova**

Dear Gulshara Naushaevna!

One of the priority areas in the activities of the Human Rights Commissioner in the Republic of Kazakhstan is protection of the rights of persons with disabilities including children and older people.

As part of the monitoring over observance of the rights and freedoms of that category of population in residential care facilities this year, officers of the National Human Rights Center (the institution of the Human Rights Commissioner in the Republic of Kazakhstan) visited 12 medical social institutions in three regions of the country: Astana city, Mangistau and Zhambyl provinces.

During those visits they thoroughly examined practical issues of providing people who stay in those facilities with adequate living standards, health protection, extension of social services, education and others. Particular attention was given to compliance with international and national standards in the human rights area.

The results of the monitoring in general yielded positive assessment of the work performed by the residential care facilities' administration and authorized government agencies on ensuring the rights of persons under care. Medical social institutions have sufficient stock of bed sheets, clothes and other textiles, the required medical equipment; issues of meals, clothes, footwear are resolved.

However, in a number of cases problems that need to be addressed at the state level were disclosed.

Medical social facilities for disabled children with psycho-neurologic pathologies and for disabled persons with psycho-neurologic problems above 18 years of age

During the visit to medical and social institutions in Mangistau region, the current issue of the shortage of staff because of low salaries in that area was noted. For instance, the staffing requirement of the Mangistau regional children's psycho-neurologic boarding school should be 221 units. In actual fact, 178 people work there. In the residential care facility for older and disabled people, 79 employees work instead of the required 100.7. The shortage in staffing of those institutions impacts the amount and effectiveness of the specific social services rendered there.

In their visit to the Mangistau regional psycho-neurologic boarding school, the monitors noted an insufficient level of providing rehabilitation programs for all children with disabilities, under-developed level of their every-day life and vocational guidance which should aim at development of the wards' skills in self-servicing, creation of conditions in natural environment.

They also noted unsatisfactory state of specific technical locomotion devices, specifically, wheelchairs for children with disabilities. That institution's administration raised the issue related to extension of specialized medical support to children with psycho-neurologic pathologies because there are no healthcare units for treatment of that category of children in the region.

The growing death incidence among children with psycho-neurologic pathology causes certain concern. For instance, 2 children died in the above-mentioned boarding school in 2013, and 6 – in the first quarter this year.

Operation of the Mangistsau regional Center for rehabilitation of persons with disabilities is important. It is designed for temporary stay of children with disabilities during the day time to get specific social services. Compared to the previous year the number of working parents who raise children with disabilities has doubled.

During the visit to the Astana city children's psycho-neurologic institution the monitors noted that stronger efforts should be taken to register children for adoption, arrange persistent work with parents of children with disabilities treated in in-patient hospitals and those who attend day-time hospitals for the purpose of bringing down the number of children left in institutions.

The monitoring of the Zhambyl regional psycho-neurologic boarding school disclosed that it needs to increase the number of places and its area. That facility is designed for 110 beds but currently it has 340 children with psycho-neurologic problems.

Because of the over-crowdedness of the region's only psycho-neurologic boarding school upon achievement of 18 years of age, children with psycho-neurologic disabilities who stay at the boarding school for mentally retarded children and who have to be transferred to institutions for persons above 18 years of age still remain in the boarding school for children with disabilities.

We also paid attention to various practices in the use of social allowances paid to disabled persons held in psycho-neurologic medical social institutions handled in accord with the Rules on using pension payments and public social allowances to persons with disabilities who stay at public medical social institutions approved by the March 19, 2008 order #72 of the RK Minister of Labor and Social Protection of Population.

Under those Rules cash can be withdrawn from the ward's bank account by a custodian (head of the public medical social institution) in the amount not exceeding 30% of the amount received on the ward's account monthly. The custodian uses cash to purchase medical drugs, items of personal hygiene and health support in incidents when they are not available at the public medical social institution. The custodian uses the money remaining on the ward's account for the ward's personal needs to buy additional food, items of first need, clothes and equipment.

The visits to children's psycho-neurologic medical social institutions in the Mangistau region and Astana city showed that allowances paid on disabled children's bank accounts are kept in full which indicates that the allocated budget is sufficient to maintain disabled children's stay in medical social facilities. However, in the Mangistau regional psycho-neurologic boarding school for children above 18 years of age 30% of their allowances are spent on the purchase of medical drugs, and the rest – on personal needs of persons with disabilities.

Herein, the Standards for extension of special social services pertaining to social protection of people in in-patient facilities approved by the October 28, 2011 resolution #1222 of the Government of the Republic of Kazakhstan set that hot meals including dietetic food, furniture, bed sheets, clothes, footwear, underwear, other items of daily necessity, medical drugs should be provided out of the public budget.

In the light of the above-reported we find it expedient to elaborate thoroughly the issue of using public social allowances paid to persons with disabilities who live in public medical social institutions (the March 19, 2008 order of the RK Minister of Labor and Social Protection) with the account of the afore-mentioned Standards approved by the October 28, 2011 resolution of the RK Government.

Medical and social institutions for older people and persons with disabilities

In their visit to the Mangistau regional residential care center for older people and persons with disabilities the monitors noticed that the facility was not fit for free and independent movement of persons with locomotion problems. Wheel-chaired persons with disabilities stated that the area adjacent to the care center and toilet facilities required improvement because access to the building and toilet facilities was difficult and needed certain effort.

We were seriously concerned about reports of old people and persons with disabilities that they were charged money for delivery of pensions, allowances, that they had to buy medicine prescribed by doctors on their own money.

However, subparagraph 3, paragraph 37 of the afore-mentioned Standards for extension of special social services pertaining to social protection of people in in-patient facilities establishes that provision of medical drugs in accord with physician's prescription is one of the requirements to the quality of social and medical services in organizations of in-patient type.

During conversations with people who stay in the Mangistau residential care center for old people and persons with disabilities they expressed doubts regarding some areas of activity of cultural and everyday-life commission of the facility (it is composed of old people and persons with disabilities) which exceed its competence. For instance, the center's administration vested functions of fulltime employees in the chairman of that commission. Such incidents are probably caused by the shortage of specialists in the staff of the residential care center.

In their visit to the above-mentioned facility monitors noted unsatisfactory sanitary conditions of some rooms. The residential care center has a problem of some of its wards' alcohol addiction. In this regard, a voluntary treatment of such persons' alcohol addiction and arrangement of various events to encourage them to quit addiction are important.

Besides, monitors noted weak development of the system of vocational instruction, labor rehabilitation of persons with disabilities, older people, shortage of premises for the wards' labor rehabilitation.

As part of the monitoring of the Zhambyl regional residential care center for older people and persons with disabilities #1 inspectors disclosed that it needs additional toilet facilities. At this stage, there is one toilet facility per unit where several dozen wards live. At the center's entrance, in its territory, wards smoke without any restriction; it is violation of the current legislation and it creates unfavorable conditions for non-smokers. During conversations with the staff of the center they spoke about the problem of low salaries.

In visits to medical social institutions in Zhambyl, Mangistau regions monitors noticed the lack of cooperation with local non-governmental and international organizations operating in the area of implementation of the rights and interests of persons with disabilities and older people. We believe that such cooperation would promote effective socialization of those categories of citizens.

Such specialized institutions are characterized by a potentially high level of vulnerability of people who stay in them. Older people and persons with disability depend on the institutions' administration and a probability of various abuses exists. The wards in such institutions are as a rule limited in their ability to protect their rights on their own.

Centers for social adaptation of vagrants

A visit to the Zhambyl regional center for social adaptation of vagrants (hereinafter, the center) led us to a conclusion on an unsatisfactory level of its conditions in regard to sanitation and hygienic norms. It needs an up-grading of its logistical basis, replacement of toilet facilities.

At the time of the monitoring the center was under renovation and for that reason a significant number of people held there had to live in corridors for long time experiencing certain scarcity of living space.

And monitors noted that issues of providing vagrants with good-quality health services, social and everyday-life conditions, and compliance with sanitation requirements at the center were topical. Appropriate efforts were not taken at the center to facilitate re-training or employment of persons held there.

In the visit to the Astana center for social adaptation of vagrants monitors noticed that the building required renovation, that conditions had to be created for extension of palliative care to people who need it because other facilities in the city deny their admission.

We should note here that in general there is such a problem as vagrancy. Many of the wards regularly return to centers for social adaptation of vagrants. In this regard, it is important to carry out a persistent and targeted work with wards admitted to the center repeatedly. Local government agencies should conduct information campaigns aimed at improving the status of the family, the importance of caring about relatives including elderly parents, family members who suffer from some diseases, alcohol addiction, have disability.

Training and production enterprises of public association of the Kazakh Society of blind, deaf people

In visits to the Taraz training and production enterprise of the Kazakh society of deaf people, the Aktau training and production enterprise of the Kazakh society of blind people, monitors noted problems related to the lack of orders on their products which resulted in the down time and insufficient employment of persons with disabilities.

Persons with disabilities also noted that steps should be taken to encourage labor employment of persons with disabilities.

The above-reported indicates that the assignments of the head of state on integration of persons with disabilities into public life through provision of their labor rights are not implemented to the full extent.

In his January 18, 2014 address to the people of Kazakhstan “Kazakhstan’s Way-2050: Common Goal, Common Interests, Common Future” the head of state noted that barriers-free environment has to be created for persons with disabilities; they should get support in employment.

In this regard, results of the monitoring visits to medical social facilities indicate that there are problems which make it difficult for persons with disabilities, disabled children, older people to exercise their rights set in the norms of international documents and the national legislation.

As we know, in 2008 Kazakhstan signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol which shows the country’s readiness to follow the international standards in that area. Ratification of those international documents will establish legal conditions for the exercise of the full amount of their rights and freedoms by persons with disabilities.

Besides, as part of the Universal Periodic Review at the UN Human Rights Council, based on the results of consideration of Kazakhstan’s report on implementation of the International Covenant on Economic, Social and Cultural Rights (May 2010) in the relevant UN Committee, international experts called on the state to consider the issue of ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

In this regard, we need to activate the efforts of the authorized government agencies to speed up the process of enacting the above-mentioned international documents.

With the account of the above-reported and guided by paragraph 21 of the Statute on the Human Rights Commissioner approved by the September 19, 2002 decree of the President of the Republic of Kazakhstan I ask you, dear Gulshara Naushaevna to pay attention to the situation with the rights of persons with disabilities including children as well as older citizens and to task relevant government agencies to take the necessary efforts for elimination of the disclosed shortcomings.

Respectfully,

**Commissioner
for Human Rights
in the Republic of Kazakhstan**

A.Shakirov

**To the Chairman
of the National bank
of the Republic of Kazakhstan
K.N.Kelimbetov**

Dear Kairat Nematovich!

There has recently been an increasing number of complaints addressed to me from citizens, borrowers of loans from commercial banks who as a result of difficult life situations lost their solvency and now face the threat of forced eviction. As we know that topic has generated wide public reaction and is actively covered in media.

For instance 24 members of the Kausar-bulak social support center including women with many children, persons with disabilities, families raising under-aged children and children with disabilities appealed to me with a request of support in settlement of issues related to payment of debts on bank loans and expressing their disagreement with forced eviction. Those complainants have borrowed loans from Kazcommercebank, BTA-Mortgage, Temirbank, Alliance bank, Astana-Finance, BTA bank, Tsesna bank, ATF bank. Herein, two families were evicted this June.

According to a complaint of M.R. after the death of her spouse she raises four dependent children and cannot make timely payments of the mortgage loan of the BTA Mortgage company. That bank filed a lawsuit on collection of the M.R.'s debt on the bank loan.

G.L. appealed with a request to help her get a suspension in enforcement of the February 7, 2012 ruling of the Bostandyk court in Almaty on collection of the debt in the amount of 6 836 933 tenge on the bank loan borrowed from Kazcommercebank. Her son was the principal holder of the bank loan but he was convicted and sentenced to 6 years of incarceration with confiscation of his property. G.L.'s apartment was the collateral on the bank loan. However, her pension was not big enough to pay the loan. As a result, under the ruling of the Bostandyk district court in Almaty, the bank put her sole housing out to sale.

According to H.G.'s complaint she ended up insolvent as a result of her disability, loss of job. She cannot repay her loan at the Kaspi bank. Her apartment was the collateral. The bank filed a lawsuit on collection of H.G.'s debt in the judicial order.

Sh.S.' complaint referred to her disagreement with eviction from her sole housing. When she borrowed the mortgage loan she had a stable salary but then she had a child born with disability who required permanent care. She had to quit her job. The complainant could not repay the bank loan and Temirbank seized her property and filed a lawsuit with a court on eviction of Sh.S. and all members of her family.

Actions of Kazcommercebank cause certain concern. For instance, according to I.E.'s complaint filed in the interests of under-aged S.B. that bank reassigned the secured loan of the late borrower S.A. to his under-aged son S.B. born in 2002. According to the complainant the bank filed a lawsuit with a court on collection of the debt in the amount of 5 374 461 tenge from the under-aged son of the borrower who died.

These are just a few examples of submissions by troubled borrowers of commercial banks filed with the national human rights institution in 2013, first half of 2014. Herein, in the majority of those cases complainants state that they do not refuse from their obligations on repayment of banking loans but they request that acceptable conditions for repayment of loans should be applied to them with the account of the emergence of difficult life situations.

In separate cases, the lack of relevant knowledge and information in completion of paperwork on banking loans leads citizens to the situation when borrowers with low incomes do not always have clear assessment of the terms of the contract with the bank, cannot estimate their credit burden and get loans at high interests.

We also note the growing number of protest actions staged by troubled borrowers in the form of hunger strikes, unauthorized rallies. In October 2013, representatives of "Leave the Housing to People" and "Let Us Protect Our Homes" public organizations held protest actions in Almaty in the form of a hunger strike to urge authorities to take steps to settle the problems of mortgage loan borrowers, protect against eviction from the sole housing.

This February another rally of troubled borrowers from Almaty, Astana, Shimkent, Aktobe and Taldykorgan was held in Almaty.

In some other incidents, the problems pertaining to repayment of loans cause citizens' deep depression, despair, lack of prospects for a positive solution of the issue. The UN report on the Human Development Index of 187 countries and several territories released on July 24 this year lists Kazakhstan as the country with the highest number of suicides per capita among Central Asian countries. In the opinion of the expert of Kazakhstan's Institute for Strategic Studies the growing number of suicides is related to internal psychological and external social factors. "At this stage, one more social group with a high concentration of people facing difficult life situations is group of loan holders – housing equity holders, mortgage loan borrowers, customers of pawnshops and micro-loan organizations."

Incidents of forced eviction of citizens because of their failure to repay loans also cause our serious concern. Herein, frequently under-aged children and older family members are evicted along with the borrower.

In this regard, the UN Committee on Economic, Social and Cultural Rights in its general comment #7 stated that evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights.

We should note that based on results of her 2010 visit to Kazakhstan, UN Special Rapporteur on Issues of Adequate Housing R.Rolnik expressed concern about reports on incidents of forced eviction on the account of the low-income families'

failure to repay their banking and mortgage loans. The Special rapporteur recommended that the government should reconsider the legislation and policy pertaining to the low-income families' access to mortgage loans; it has to make sure that commercial banks and financial institutions should take into account such families' limited solvency.

Possession of housing is one of the most significant aspects of any person's life and borrowing a mortgage loan for many citizens is the only way to obtain housing.

Application of eviction as a measure of responsibility for failure or inappropriate implementation of obligations under the contract directly impact citizens' rights and interests, frequently, of low-income and socially vulnerable categories of population. We should note that our state's highest value is a person, his life, rights and freedoms (par 1, article 1, the Constitution of the Republic of Kazakhstan).

Pursuant to its commitments under the International Covenant on Economic, Social and Cultural Rights the Republic of Kazakhstan acknowledges every person's right to adequate living standards including housing.

In his January 17, 2014 address to the people of Kazakhstan "Kazakhstan's Way-2050: Common Goal, Common Interests, Common Future" the head of state noted that social well-being of ordinary people should serve the most important indicator of our progress towards the main goal.

In the context of the above-reported we believe that complaints of citizens who happened to encounter difficult life situations and cannot make timely repayment of banking loans should be considered on a case by case basis with the account of all circumstances, with application of the loan restructuring and provision of acceptable conditions for the repayment or other forms of support to socially vulnerable categories of population. Implementation of the afore-mentioned recommendation of the UN Special Rapporteur on issues of adequate housing R.Rolnik on reconsideration of legislation regarding low-income families' access to mortgage loans, commercial banks' and financial institutions' taking into account such families' limited solvency is also worth paying attention to.

With the account of the significance of the above-reported but with no aim of interfering in operation of the banking system, guided by paragraph 25 of the Statute on the Human Rights Commissioner approved by the September 19, 2002 decree #947 of the President of the Republic of Kazakhstan I ask you, dear Kairat Nematovich, to pay attention to the problems raised in this submission regarding loan holders of commercial banks and facilitate their settlement.

Enclosure:

1. A copy of the collective complaint of members of "Kausar-bulak" center for social support and enclosed documents, 6 pages;
2. A copy of M.R.'s complaint, 3 pages;
3. A copy of G.L.'s complaint, 2 pages;
4. A copy of H.G.'s complaint, 2 pages;
5. A copy of Sh. S.' complaint, 3 pages;
6. A copy of I.E.'s complaint, 1 page;
7. Overview of media publications, 6 pages.

Respectfully,

**Commissioner
For Human Rights
In the Republic of Kazakhstan**

A.Shakirov

**To Deputy
Prime Minister
Of the Republic of Kazakhstan
B.M. Saparbayev**

Dear Berdibek Mashbekovich!

Social transformations of recent years had a significant impact on the quality of older people's lives. The country's economic development promoted the increased funding of social programs, provided stable payment of pensions to older people, extended a certain package of free social, healthcare and other services.

This year, in his September 19 speech at the ceremony of awarding the winners of the "Mereily Otbasy" national competition the head of state pointed out that the legislative basis for family and marriage relations, elderly parents' support by full-aged children, elaboration on the issue of introduction of legislative instruments for protection of elderly people in employment and against other forms of discrimination on grounds of age should be further developed.

Inadmissibility of discrimination on grounds of age or other grounds is enshrined in the Constitution of the Republic of Kazakhstan, the Labor Code. The RK law "On media" prohibits publication of information about job vacancies if it contains requirements of discriminatory nature in the labor area.

However, in practice, a lot of citizens of pre-retirement age or those who reached the retirement age encounter factors hindering implementation of their labor rights.

I have received K.G.'s complaint about actions of the administration of Kyzylorda state university named after Korkyt Ata. In her submission, the complainant reports on the deteriorated quality of education because of dismissal of a number of professors – holders of scientific degrees, who reached the retirement age. The complainant appealed to court challenging the order on dismissal but her claims were declined. We explained to K.G. that she can file an appeal on the court ruling to courts of higher level.

Citizen P.N. who lives in Taraz expressed disagreement with alteration from the rotational work schedule to five working days week with two days off. She works in Beineuski district, Mangistau province. According to the complainant she is in pre-retirement age and is now compelled to leave her family in Taraz and rent housing in the Beineuski district, Mangistau province to work out the time remaining till her retirement.

Herein, in its September 23, 2014 notification, the branch office of Kazmunaitenis maritime oil company stated that the office has the right to terminate the employment contract pursuant to subparagraph 2, par 1, article 59 of the RK Labor Code (refusal to continue work on the account of alteration of employment conditions).

According to G.G.'s complaint her employment agreement with the administration of high school #63 were terminated on the account of her achievement of the retirement age. Then she continued to work in the Astana gymnasium #30. The complainant reported that her work load was assigned to another teacher. The school management refused to let her pass the mandatory performance review. In response to the National Human Rights Center's request the authorized government agencies reported that 17 academic hours in mathematics were assigned to newly employed mathematics teacher. However, that issue was not coordinated with the complainant. Thus, the employer violated article 48 of the RK Labor Code.

The Astana city office of labor inspection penalized the school management for violation of the norms of the labor legislation by imposing an administrative fine. Besides, G.G. was offered to pass the performance review next year.

In her complaint Z.S. expressed disagreement with dismissal from the position of school principal after 35 years of service and denial of her right to work as a mathematics teacher at that school.

According to the complaint of H.B. who is in his pre-retirement age, the Akmolinsk branch office of Halyk Encashment Ltd has a vacant position of a collector but he was denied the job because of the age requirement for occupation of that position.

Media publications also indicate difficulties in implementation of older people's labor rights. For instance, article "Is Age Discrimination out of Law?" published in "Akmolinskaya Pravda" July 25, 2014 reports on a denial of employment of a person of pre-retirement age. The employers were not interested in the older person's experience, knowledge, skills. The candidate's age was the decisive factor in the employment.

The Shimkent Employment Center is concerned about the issue of employment of people above 50 years of age. There are more than 26 thousand unemployed of older age in the region. According to that Center the above-mentioned category of people are ready to take up any job. However, there are practically no openings for them in organizations (www.otyar.kz "Employment Center is concerned about employment of people above 50 years old", July 17, 2014).

This June prosecutors in Almaty found that four websites posted information about vacancies with main requirements for employment being age and gender. The prosecutors filed a lawsuit and the Almaty city court ruled that the information posted on the websites was unlawful. Its dissemination was stopped.

In May 2014, the Shimkent city maslikhat devoted its session to the issue of dismissal of Shimkent high school principals in the middle of the academic year on the account of achievement of the retirement age. Complaints of teachers, deputy principals and the principals who were dismissed based on their age were the reason for that discussion. Issues of staff shortage in educational institutions, lack of professionalism, and significant experience of the retirement-age teachers were raised during that session.

According to the UN Committee's for Economic, Social and Cultural Rights General Comment #6 (13th Session, 1995) older people often encounter problems in finding and keeping jobs, and in this regard, measures need to be taken to prevent discrimination on grounds of age in the area of labor and employment.

Some countries passed specific anti-discrimination laws. For instance, the 1998 Employment Equality Act of the Republic of Ireland establishes a prohibition of discrimination on grounds of gender, marital status, age, religion, physical or mental disabilities, or race. Under that document all contracts should include provisions on equality and equal compensation for labor.

The US Age Discrimination in Employment Act provides for facilitation in employment of representatives of the senior age group (from 40 to 70 years old), prohibits arbitrary age discrimination in the area of employment; the law prohibits employers to indicate age requirements in vacancy announcements or to ask applicants questions about his/her age or date of birth in interviews. The purpose of that document was facilitation of employers' and employees' efforts to find ways to address problems arising from the impact of age on employment.

The European Council's Directive 2000/78 imposes prohibition on direct or indirect discrimination along with the rules pertaining to protection of the rights of victims and shifting the burden of proof in cases of discrimination.

As we know, pursuant to article 7 of the RK labor Code, in implementation of labor rights, no one shall be subject to discrimination on the account of gender, age, physical disabilities, race, ethnic origin, language, property, social or official status, or place of residence.

However, employees of the pre-retirement age frequently encounter difficulties in promotion in job, training opportunities to advance professional skills as well as in consideration of their job applications in cases of vacancies. We note that some employers have a prejudice against employment of aged employees, their lack of flexibility in adaptation to new conditions, weaker physical and mental abilities with aging, the need to cover more expenses related to employment of that category of people.

Age discrimination cannot always be easily disclosed. In actual life, any person at any stage of life can become a potential victim of such discrimination. Denial of employment or termination of employment contract on the account of age are of latent nature which makes it difficult to challenge the employer's actions in the relevant authorized agencies because such denials are not documented in the written form.

It should be noted that based on results of presentation of Kazakhstan's report on implementation of the International Covenant on Economic, Social and Cultural Rights in 2010 the relevant UN Committee expressed concern that provisions of the current legislation do not to the full extent provide comprehensive protection against prohibited forms of discrimination in all areas pertaining to economic, social and cultural rights.

That Committee recommended that the state should review the legislation for the purpose to achieve such situation where the laws which ban discrimination would secure effective protection against direct and indirect discrimination in regard to all rights enshrined in the above-mentioned Covenant.

In order to establish effective legal instruments for protection of older people against discrimination in labor relations we propose that the current legislation should include:

- Employers' obligation to inform the authorized employment agencies on the existing job vacancies;
- Written and justified denial of employment;
- Administrative liability for non-issuance of written and justified denial of employment;
- In dismissal of aged employees, employers should provide opportunities for them to continue to work;
- Provision of favorable working conditions for aged employees in their work places;
- Ensuring the control of trade union organizations over compliance with the legislation on prevention of age discrimination in employment and in labor of aged employees;
- Provide job quotas for older people.

Adult children caring for elderly parents

The society's attitude to elderly people reflects the level of civilization of that society which bears responsibility for the social, material and psychological state of aged people. Older people deserve respectful and honorable treatment, acknowledgement of their invaluable life experience and knowledge, extension of comprehensive support and care in implementation of their rights and interests.

Pursuant to article 27 of the Constitution of the Republic of Kazakhstan, article 145 of the RK Code "On Marriage and Family" able-bodied adult children must maintain and take care of their parents incapable of working and needing assistance.

The only exception can be children whose parents evaded from their parental duties in the past.

Complaints about issues of referring older people who have adult able-bodied children to medical social facilities for older people and persons with disabilities cause certain concern. For instance, K.O who lives in Germany appealed to me in the interests of her mother regarding her placement to a residential care facility. According to the submission the mother D.N. born in 1934 lives alone in Taraz city. Because of her illness she cannot take care of herself and needs healthcare support. For various reasons children cannot provide permanent assistance and take care of their mother. D.N.'s neighbors help her with social and everyday-life services.

In response to the Human Rights Commissioner's request the Zhambyl regional Office for coordination of employment and social programs reported that a group of inspectors went to the place of residence of the complainant's mother to examine her living conditions. However, referral of D.N. to a medical social facility for older people and persons with disabilities was not possible because her daughter D.V. born in 1959 lives in the same neighborhood in building #15. Under the current legislation she has to take care and maintain the incapable mother.

Another submission was filed by the law office in Berlin, the Federative Republic of Germany in the interests of G.E., born in 1931 regarding the issue of referring her to a medical social institution. According to the submission the old woman lives alone in Sofievka village, Tselinograd district, Akmolinsk province. All her children left the country and live in Germany. Because of her old age and health problems G.E. needs permanent care and assistance. The National Human Rights Center sent a letter to the afore-mentioned law office with explanation of the current legislation.

Thus, frequently, people of old age who have successful, financially stable children have to take care of themselves in old age or to stay in residential care facilities for older people and persons with disabilities. There is no doubt that in that situation, the moral side is to a certain extent more important than material and legal.

As a rule, older people are ashamed of turning to courts on issues of alimony recovery from their children. In some incidents they do not know their rights and thus do not appeal to relevant authorities. Attorneys also note that incidents of old people seeking alimony recovery from their children are rare whereas the situation in residential care facilities show a tendency towards the number of old people who live there going up.

In Aktobe, residents of medical social facility for older people and persons with disabilities decided to bring their children to responsibility. They intend to file lawsuits to recover alimony. 188 pensioners live in that facility. Most of them have children. (www.khabar.kz "Abandoned old people in Aktobe decided to claim alimony recovery", September 29, 2014).

In the light of the above-reported we believe that it is important that the current legislation should empower local healthcare and social support agencies with the right to file lawsuits on alimony recovery from children for maintenance of their parents in incidents when able-bodied adult children do not take care of their elderly parents. And the issues of mandatory teaching of the subject of family relations, spiritual and moral values, cultivation of respectful attitude to the older generation, media publications with materials on family and moral values regarding older people should be considered.

September 30, 2014, on the eve of the International Day of Older Persons celebrated on October 1 I visited the medical social facility for older people and persons with disabilities under the Astana city mayor's office. During the visit I looked into issues of implementation of the rights of older people and persons with disabilities in the public institution.

Particular attention was paid to the issues of compliance with international standards and national legislation in extension of those services.

During the visit, persons with disabilities raised the issue of employment, involvement of companies in provision of jobs for persons with disabilities. They also spoke about the need to engage professional coaches to train athletes to sports competitions with the account of the fact that the majority of persons with disabilities participate in sports competitions and win medals.

The facility's administration drew our attention to the need in improvement of legislation regarding state procurement given the poor quality of products purchased under the current regulations. They also mentioned the problem of staff shortage related to low salaries in that area. We should add that administrations of other medical social facilities in other regions of the country also raised those issues during the monitoring visits of the national human rights institution.

With the account of the above-reported and guided by par 21 of the Statute on the Human Rights Commissioner approved by the September 19, 2002 decree #947 of the President of the Republic of Kazakhstan, I appeal to you, dear Berdibek Mashbekovich with a request to task the relevant government authorities to consider the proposed measures for improvement of the instruments of securing the rights of older people which will facilitate implementation of the objectives posed by the head of state in the area of more effective protection of that category of population.

Enclosure:

1. A copy of K.G.'s submission;
2. A copy of P.N.'s submission;
3. A copy of G.G.'s submission;
4. A copy of Z.S.' submission;
5. A copy of H.B.'s submission;
6. A copy of K.O.'s submission;
7. A copy of the submission filed by law firm in Berlin, the Federative Republic of Germany in the interests of G.E.
8. Overview of media publications.

Respectfully,

**Commissioner
for Human Rights
in the Republic of Kazakhstan**

A.Shakirov

**To the United Nations
Committee against Torture
Secretariat of the Committee
Against Torture
UNOG-OHCHR
CH-1211 Geneva
10 (Switzerland)**

Information of the Commissioner for Human Rights (Ombudsman) in the Republic of Kazakhstan regarding the National Preventive Mechanism under the Optional Protocol of the Convention against Torture

Paragraph 2, article 17 of the Constitution of the Republic of Kazakhstan bans the use of torture, violence, other cruel or degrading treatment or punishment against any person.

The country is also a member of all major international legal instruments in the area of torture prevention.

Specifically, in 1998 the country joined the Convention against Torture. In 2008, it ratified the Optional Protocol to that Convention. One of its requirements is establishment or maintenance of NPM within one year after the entry of the Protocol in force.

However, because of the world financial and economic crises and the compelled sequestration of the national budget the country could not implement that obligation in time.

With the account of the fact that under par 3, article 18 of the Optional Protocol the state undertakes to make available the necessary resources for the functioning of the NPM through appropriation of relevant means from the national budget, November 30, 2009, the President of the Republic of Kazakhstan issued decree #896 to postpone implementation of that obligation to three years pursuant to par 1, article 24 of the Optional Protocol.

That term is counted beginning the date when the depositary received Kazakhstan's declaration on postponement, i.e. 2011.

In this regard, that postponement gave opportunity to all interested parties including government authorities and non-governmental sector to accomplish a more profound work on elaboration of the NPM.

The Government, Parliament, Supreme Court, Constitutional Council, Administration of the President of the Republic of Kazakhstan, Prosecutor General's office, Ombudsman, a number of government agencies including the Ministries of justice, interior affairs, healthcare, representatives of international and non-governmental organizations were engaged in the process of drafting the law on establishment of NPM.

With the account of the consensus reached in that process about the leading role of the Ombudsman in the future NPM, from the very beginning, the national human rights institution energetically supported the widest discussion of the draft law on NPM with engagement of the civil society in that process.

The Government's working group on drafting the law included representatives of 13 non-governmental organizations and 4 international organizations: the regional office of the High Commissioner for Human Rights in Central Asia, office of the Penal Reform International in Central Asia, OSCE Center in Astana, International Center for Journalism (Medianet). Other non-governmental organizations were also involved in that work. They worked out an alternative draft law on NPM.

As a result of long debates in the working group a significant number of proposals contributed by civil society representatives were included into the final draft.

The Ministry of Justice as the government body responsible for drafting the most significant laws in Kazakhstan's law practice was designated as the principal drafter of the text of the law.

In the process of drafting, conferences, round-tables and other events attended by members of the Parliament, representatives of government, human rights organizations and international experts were arranged.

The working group held its off-site meetings in correctional facilities to hold separate meetings with the staff and inmates; and to make presentations on the draft law. Such format helped the drafters to get practical knowledge of the topical issues of the draft law and take beneficiaries' opinions into account.

The draft law was submitted to the Mazhilis of the Parliament in March 2012.

May 8, 2012, the relevant committee held a public presentation of the draft law attended by representatives of all government agencies concerned, international and non-governmental organizations and media. A working group was established in the Parliament. It included representatives of the Ombudsman's office, state bodies (in the first place, Prosecutor General's office, Ministries of Interior Affairs and Justice), international and non-governmental organizations which took energetic efforts on implementation of NPM from the very beginning. In this regard, the group kept the format of its government predecessor.

July 12, 2012, the issues of establishment of NPM were raised during the visit of the UN High Commissioner for Human Rights Navanethem Pillay to Kazakhstan.

We should note the positive experience of interaction with representatives of the subcommittee for prevention of torture of the UN Committee against Torture during discussion of various conceptual issues arising in the process of drafting the law.

Specifically, the subcommission on prevention of torture gave the drafters of the law written explanatory notes on interpretation of the term “place of confinement” and on the role of the Ministry of Justice as a part of the executive power in establishment and putting the NPM in order.

January 30-31, 2013, the Chairman of the subcommittee on prevention of torture of the UN Committee against Torture Malcolm Evans visited Kazakhstan. During the visit a fruitful exchange of opinions on debated issues of establishment of NPM took place.

Close interaction was maintained with the office of the UN High Commissioner for Human Rights in Central Asia, the Astana Office of the Organization for Security and Cooperation in Europe, Penal Reform International in Central Asia.

That support facilitated settlement of a number of serious issues regarding first and foremost the definition of the NPM’s mandate, confidentiality of meetings with inmates, budgetary issues.

July 2, 2013 the President of the Republic of Kazakhstan signed the Law of the Republic of Kazakhstan “On amendments into some legislative acts of the Republic of Kazakhstan on issues of establishment of the national preventive mechanism designed to prevent torture and other cruel, inhuman or degrading forms of treatment and punishment” (hereinafter, the law on NPM) which established the NPM in our country.

Pursuant to the above-mentioned law the NPM in Kazakhstan is based on the “Ombudsman+” model. In his turn, the Ombudsman is the national human rights institution established by the September 19, 2002 decree #947 of the President of the Republic of Kazakhstan and as a result of the 2012 accreditation, was assigned the B status (not fully in compliance with the Paris Principles) by the International Coordinating Committee of national human rights institutions.

The law made amendments in four Codes: the Criminal Procedural, Penal, on Administrative Offenses, on People’s Health and Healthcare System Codes and in four laws: On the procedure and conditions for holding individuals in confinement facilities to secure their temporary isolation from the society, On prevention of crimes among minors; On coercive treatment of alcohol and drug-addicted persons; On child rights.

Given a certain novelty of the format of the new instrument and associated necessary amendments into numerous legislative acts and bylaws, preparation of the practical launch of the NPM required certain time after adoption of the law.

First of all, the following documents have been approved by the Ombudsman’s order by present time:

- Provisions on the Commission for selection of members of the Coordinating Council under the Commissioner for Human Rights in the Republic of Kazakhstan and its composition;
- Provisions on the Coordinating Council under the Commissioner for Human Rights in the Republic of Kazakhstan;
- Rules for selection of groups of participants of the national preventive mechanism for preventive visits;
- Rules for selection of participants of the national preventive mechanism;
- Methodological recommendations for preventive visits;
- Rules for preparation of annual consolidated reports on results of preventive visits.

Besides, the Government of the Republic of Kazakhstan approved the Rules for reimbursement of expenses of participants of the national preventive mechanism related to preventive visits and the Rules for preventive visits by participants of the national preventive mechanism.

The above-mentioned 8 documents along with the 4 Codes and 4 laws which regulate operation of penitentiary facilities and form the legal basis of the NPM in Kazakhstan were published in a separate booklet in the state (Kazakh) and Russian languages and given out to all interested.

January 10, 2014, the Ombudsman’s ad hoc commission which includes respectable public activists and leaders of non-governmental organizations which operate in the human rights area, media representatives and lawyers’ community, prominent scholars, members of the Parliament selected members of the Coordinating Council under the Human Rights Commissioner to coordinate NPM operation. Its members are exclusively civil society representatives.

At its first February 19 meeting, the Coordinating Council elected the participants of NPM - civil society representatives who will carry out monitoring operations of the NPM. It also designated leaders of groups of NPM participants in regions: the total of 15 groups with the overall number of 112 NPM participants.

A significant preliminary work preceded the election of NPM participants. Announcement on the election was published on the Ombudsman’s website, social networks and other media.

The Ombudsman’s office took an inventory of the facilities to be monitored under the NPM pursuant to the law. Those facilities include penal facilities (correctional facilities, pre-trial detention facilities, military penal facilities, penal facilities in army units), organizations for coercive treatment (TB, drug addiction, psychiatric), special facilities and premises to secure temporary isolation from the society (police detention cells, any premises in police stations), adaptation centers for minors, correctional educational institutions, educational organizations with secured regime.

In March 2014, the first monitoring visits were made as part of the NPM mandate.

As of September 1, 2014, that is during the first six months of its functioning 168 of the 597 facilities which fall under the mandate in all regions of the country were visited including 47 police detention cells, 38 pre-trial detention facilities and correctional facilities, 7 reception centers for distressed persons, 12 adaptation centers, 16 psychiatric centers, 13 centers for drug addicts, 13 TB centers, 5 correctional schools, 4 military penal facilities.

The law on establishment of NPM specifies periodic, interim and special visits. Periodic and interim visits are made in accord with the plan approved by the Coordinating Council annually. It is a classified document. Special visits are made at the Ombudsman's special permission.

During the period covered in this report 158 periodic, 5 interim and 5 special visits were made as part of the NPM.

This initial experience undoubtedly indicates the effectiveness of the NPM's monitoring mode which allows the recording of infringement on human rights in institutions and develop substantive, justified and prompt recommendations which are significant.

The NPM provides for various ways of delivery of such recommendations to the attention of authorized government agencies and wide public.

For instance, a systemized analysis of recommendations and efforts on their implementation shall be included in annual consolidated reports of NPM participants. Based on results of every visit, recommendations are forwarded to the administration of the relevant facility.

Finally, the disclosed problems can be summarized by the Ombudsman in the exercise of his right to issue recommendations as part of his general mandate outside the NPM.

The comprehensive analysis of activities in 2014 will be presented in the first consolidated report which is planned to be ready in early 2015.

Under the afore-mentioned legislation on NPM the Ombudsman coordinates actions of NPM participants and takes steps to provide the NPM participants with the necessary resources and professional knowledge.

To ensure the effective coordination of the NPM operation, the Coordinating Council is established with its members elected by an ad hoc commission which is established by the Ombudsman independently.

The Ombudsman is a member of the Coordinating Council ex officio.

The Coordinating Council interacts with the subcommittee on prevention of torture of the Committee against Torture, selects NPM participants, establishes regional groups and appoints their leaders, determines the plan of visits, accepts reports on visits, puts together annual consolidated reports of the NPM participants and in other ways facilitates implementation of the Ombudsman's mandate as part of the NPM.

The NPM participants are selected out of the number of members of public monitoring commissions and public associations engaged in the protection of citizens' rights and lawful interests, lawyers, social workers, physicians. With the account of the country's size the NPM participants are split in regional groups to make visits.

The process of working out and then putting the NPM into operation disclosed a number of issues which present interest in the light of further improvement of the NPM operation.

For instance, the adopted NPM law determined correctional facilities, pre-trial detention facilities, organizations for coercive treatment, special security facilities for temporary isolation from the society, juvenile adaptation centers and correctional educational institutions with security regimes as places for regular visits.

However, medical and social facilities for persons with disabilities and disabled children with psycho-neurologic pathology, for children with locomotion problems, for old people, orphanages, correctional boarding schools and other organizations of specific social designation where people stay day and night were left out of the NPM mandate.

But in compliance with the content of the Optional Protocol the system of regular visits should cover all places where persons deprived of liberty are held. In this regard, the Ombudsman's institution and the NPM Coordinating Council continue their advocacy efforts with the Parliament for the purpose of initiating a legislative extension of the NPM mandate to embrace the above-mentioned facilities. Herein, with the account of the practice of applying the law, at this stage, we pay priority attention to tuning up and improvement of the NPM procedures within the current mandate.

Besides, the institutions left outside the NPM mandate still fall under the Ombudsman's mandate pursuant to subparagraph 5, par 15 of the Statute on the Commissioner for Human Rights.

Another significant issue is training of officials including the staff of the monitored facilities and staff of the controlling government authorities as well as representatives of non-governmental organizations including NPM participants.

Practice shows that the afore-mentioned categories of people still have an insufficient level of awareness of the NPM mandate, their rights and duties.

We carry out a significant amount of work in this area with support of the Penal Reform International in Central Asia, the OSCE Center in Astana, the Office of the UN High Commissioner for Human Rights and the Embassy of UK in Kazakhstan with engagement of international experts.

For instance, in November 2013 workshops were held in Astana and Almaty devoted to implementation of NPM. Representatives of civil society were involved in them.

April 1, 2014 the Ombudsman held a meeting with representatives of the top management of government agencies concerned including the Deputy Prosecutor General, on issues of ensuring the NPM operation and interaction with NPM participants.

May 16, 2014 the Ombudsman, Prosecutor General's Office and Penal Reform International held a conference on issues of government agencies' interaction with NPM participants. It was attended by representatives of the President's administration, Constitutional Council, national government bodies, members of the Parliament, members of the Public Council under the Prosecutor General, members of the Ombudsman's Coordinating Council. Regional prosecutors, top managers of local government and law enforcement agencies joined the discussion via video conference communication lines.

June 27, 2014 the Ombudsman's Coordinating Council issued recommendations to the NPM participants based on the first experience of monitoring visits and interaction with the institutions and persons held there.

In August-September 2014 we held a series of trainings for NPM participants and employees of government agencies in the cities of Astana, Almaty, Ust Kamenogorsk and Aktobe on practical issues of NPM operation. International expert Krasimir Kanev (Chairman of Bulgaria's Helsinki Committee) took part in them. The trainings were extended to all current participants of NPM and 179 representatives of government agencies.

The arranged events, among other things, confirm the need to continue the system of training of the people involved in the procedure as well as their interest in improvement of their skills in the context of NPM.

With the account of the specific nature of monitoring over children's institutions we along with the UN Children's Fund (UNICEF) and the Penal Reform International arranged a series of trainings designed to empower employees of the Ombudsman's office and representatives of non-governmental organizations as part of the NPM. A manual for monitoring children's institutions was produced.

We should also mention the issue of designation of the NPM budget administrator that is the body which performs actions on reimbursement of expenses of the NPM participants.

At this stage, that purely technical function is performed by the Ministry of Justice of the Republic of Kazakhstan (a government body which is a part of the national Government). The majority of government bodies and civil sector made such consolidated decision because the National Human Rights Center (the Ombudsman's office) was not able to take up that function given the current size of its staff.

Herein, with the account of every country's right to make its own decision on the model of NPM as article 17 of the Optional Protocol implies, and for the purpose of abiding by the requirements of the Optional Protocol we worked out such procedures for funding the NPM operation which rule out any involvement of the Ministry of Justice or any other official or government agency into operation of the NPM. The function of the NPM budget's administrator is to verify correctness of the paperwork for reimbursement of the NPM participants' expenses and then reimburse those expenses.

Control over reimbursement, confirmation of expenses and relevant documents are vested in the Ombudsman.

The above-described points make it clear that the current procedure of the NPM budget administration does not violate requirements of the Optional Protocol.

Based on results of every monitoring visit, expenses for transportation, accommodation, per diem and stationery as well as compensation paid for preparation of the report on the visit in the amount of one minimum wage (19966 Kazakhstani tenge which is equivalent of US\$110) are reimbursed to NPM participants.

In this regard, by the present time we have achieved a significant progress in implementation of international legal and constitutional obligations of the Republic of Kazakhstan on overall prohibition of torture through implementation of the Convention against Torture and its Optional Protocol.

The NPM launched in 2014 is one of the most significant developments in that process. Along with that, the real implementation of the standards of the Convention against Torture and its Optional Protocol require provision of effective operation of the newly established mechanism. It poses relevant objectives for the Ombudsman and all participants of the NPM.

We believe that possible support of the Committee against Torture and subcommittee on prevention of torture might play a positive role in these activities with the account of the fact that establishment of NPM is, in my strong opinion, one of the most important steps in implementation of obligations of the Republic of Kazakhstan on eradication of torture, and it offers new challenges and additional opportunities for improvement of the national system of human rights protection.

Further improvement of the NPM and relevant empowerment of the Ombudsman's institution should undoubtedly be one of those developments.

**Commissioner for Human Rights
(Ombudsman) in the Republic of Kazakhstan**

A. Shakirov

2. Recommendations

**To Minister of Education and Science
of the Republic of Kazakhstan
A.B.Sarinzhapov**

Dear Aslan Bakenovich!

The Constitution of the Republic of Kazakhstan guarantees each person including children the rights to life, inviolability of dignity, health protection and education.

The Kazakhstan 2050 Strategy determines childhood as the most significant component of the social policy pursued at the new stage of the nation's development.

In his September 19, 2014 speech at the ceremony of awarding the winners of the national contest "Mereili Otbasy" head of state N. Nazarbayev stated that securing the rights of children and providing good-quality education to them are the most important investments into future.

With the account of the fact that it is educational institutions that become the most significant point of contact of the state and the child, the Ministry of Education and Science plays the key role in this part of the social policy.

During the recent years, the office of the Commissioner for Human Rights in the Republic of Kazakhstan (hereinafter, the Commissioner) conducted a number of comprehensive studies on issues of childhood including abuse, children's vulnerability in regard to risk behavior.

Results and conclusions of all studies were forwarded to the Ministry of Education and Science. For instance, in 2011 we sent recommendations based on results of the following studies: "Violence against children in state-run residential institutions: assessment of the situation" and its reports; in 2012 – a report on the findings of the study "Children's Vulnerability to Risky Behavior, Sexual Exploitation and Human Trafficking", in 2013 – a report on the findings of the study "Assessment of Violence against Children in Schools".

Those issues are permanently covered in the Commissioner's annual activity reports which are forwarded, among other agencies, to the Ministry headed by you.

However, the lack of attention to our previous recommendations and submissions with description of specific problems pertaining to protection of children urged the national human rights institution to appeal to you with this **open letter**.

The key issue raised in the above-mentioned documents is violence against children.

Our studies revealed that 66.3% of children encounter violence at school, become witnesses, victims of violence or offenders. Herein, 23% of the interviewed children were victims of physical violence, 20% - of extortion among children, 27% - of physical punishment by teachers.

Teaching staff of the examined schools exercised inadmissible tolerance to physical punishment (40% of the staff of residential institutions support application of such measures).

Incidents of violence among children outside the school can to a certain degree be viewed as "postponed violence" that is aggression which was conceived at school and inevitably burst out beyond its walls. It indicates the lack of efforts on prevention of conflicts at those institutions.

The September 16, 2014 incident which occurred during the history class at lyceum #76 in Astana and resulted in the death of the 13-year-old 8th grader killed by his classmate stirred a wide public reaction.

If we admit a possibility of a tragic turn of events the incident still causes a number of questions regarding actions of the school counselor, teachers and officials who allowed a presumably mentally insane child to attend a regular school.

Unfortunately that shocking incident reflects a widespread tendency. The following facts are indicative of it.

September 4, 2012, during a quarrel, a 17-year-old student in South Kazakhstan province inflicted several wounds with a knife to his peer – a student of a college who then died. In a similar incident on September 10 an armed assault of teenagers against college students in Shimkent resulted in the death of one young man, two were taken to hospital with gunshot wounds.

September 14, 2012 a high school student in Southern Kazakhstan who shot his peer to death was sentenced to 12 years of incarceration.

August 27, 2013, 8 high-school students were convicted for murder. The court found that the teenagers summoned their peer collusively, strangled him and hid the body on the outskirts of the settlement.

In March 2014, students of two schools in Karaganda put up a mass fight.

Late August 2014 a video was disseminated in the Internet showing how three teenagers brutalized a peer.

Posting videos with fights and violence among Kazakhstani school students in social networks becomes commonplace.

A wide geographic and time span of such incidents rules out their randomness but rather indicates a systemic problem and lack of effective actions taken to address it.

The problem of high suicide incidence among teenagers is closely linked to that issue. According to relevant international ratings Kazakhstan is not among the best.

According to our studies 27.4% of children at some point inflicted self-injuries or tried to commit suicide. Recidivism of self-mutilation amounts to 75.3%.

A certain number of suicides can be prevented. According to findings made by international expert in suicidology professor M.Sarchiapone in at least 24.3% of incidents of completed suicides among children suicide notes were left but authorized agencies, teachers or psychologists failed to do their thorough analysis.

Lack of good-quality and efficient provision of children's rights and interests, bureaucratic formal approach turning into negligence have negative impact on other areas of educational activities as well.

For instance, the lack of appropriate control over school meals leads to mass poisoning of children. The most recent example is the September 2014 incident in Uzunkol school in Kostanay province where 53 students were poisoned.

Another incident was the death from TB meningitis of an employee of a kindergarten in Aktobe. The disease was discovered only posthumously though the person passed regular health check-ups. In April 2014, an employee of Atyrau high school was diagnosed with TB.

We should also pay attention to the annually raised problem of school books shortage. According to media information the whole provinces failed to provide the necessary school books, as reported, as a result of problems in delivering information to national government agencies by local educational authorities.

Similarly acute is the shortage of teachers.

There is no doubt that in this regard, initiatives which are developed with engagement of the capacities of international organizations, civil sector, foreign experience should be paid more attention to.

We should quote an example of the pilot project "Prevention and response to school violence in Eastern Kazakhstan" which was successfully implemented in 2013-2014 in that region as part of the Commissioner's cooperation with UNICEF, Ministry of Foreign Affairs of Norway and the regional educational department.

The project included training students of 3-7 grades in positive types of behavior, identification of school violence, prompt termination of conflict situations, respectful attitude to peers.

There is no doubt that the Ministry of Education and Science and educational agencies in places could use this project and other results of our projects, studies and monitoring activities in their work.

Dear Aslan Bakenovich,

Provision of the best conditions for development of the new generation is a foundation which guarantees the continuous development and modernization of Kazakhstani society and the state. In this regard, that process has strategic significance in the context of implementation of the long-term objectives posed by the state.

In order to achieve that goal the RK Government takes comprehensive efforts, allocates the necessary financial and other resources as part of various programs, for instance the 2011-2020 State Program for development of education in the Republic of Kazakhstan.

The currently existing units including consultative and advisory organizations and ad hoc commissions, in our opinion, should be not just venues for discussion but rather for joint development of instruments for settlement of the problems in that area.

We believe that the problems raised in this letter can be addressed by boosting up cooperation between all government agencies concerned and civil society entities with the Ministry of Education and Science taking up the consolidating role.

To sum up the above-reported I ask you to pay attention to the need of addressing the issue of ensuring the child rights in schools, first and foremost their right to personal security and protection against violence. I ask that you personally control the actions of national and local educational agencies in that area.

Respectfully,

**Commissioner
For Human Rights
In the Republic of Kazakhstan**

A.Shakirov

**To Director General
ArcelorMittal enterprises
In Kazakhstan
Vijay Mahadevan**

Dear Mr. Mahadevan!

As you know in February 2013 the Human Rights Commissioner's working group on monitoring in the social and labor area examined labor conditions at the enterprises, social facilities; held meetings with the management, steel-workers' trade union "Zhaktau" and workers. During the meetings, they discussed downsizing of the staff, social guarantees, application of labor norms at the enterprise, other organizational and industrial issues.

The working group noticed that workers were dismissed when there was inconsistency between the actual and the authorized number of staff; the applied pattern of voluntary resignations was followed by excesses in the payroll budget and cuts in social expenses. Violations of the standards of working hours, safe working conditions for employees engaged in harmful labor, requirements of the RK Labor Code on payment of wages to contractors were also disclosed at the enterprise.

Based on the results of the visit the Human Rights Commissioner lodged with the Government of the Republic of Kazakhstan proposals on prevention of social discord at the enterprise and further improvement of the labor legislation.

However, media publications on the ArcelorMittal JSC managements' measures aimed at saving the funds and workers' wages, lay-offs indicate the lingering problems pertaining to labor relations at the enterprise.

For instance, in his presentation at the recent conference on issues of regulation of labor relations and modernization of trade unions in the Mazhilis of the RK Parliament the First Vice Minister of Industry and New Technologies touched upon such unresolved issues as wage differentials for different categories of workers at ArcelorMittal Temirtau, cancellation of subsidies for summer recreation of employees' children.

Undoubtedly, the enterprise's economic development is significant but even in that area, the rights and freedoms of a person and citizen enshrined in international documents and the Constitution of the Republic of Kazakhstan are a priority.

In compliance with its commitments under the International Covenant on Economic, Social and Cultural Rights Kazakhstan acknowledges "every person's right to enjoy just and favorable conditions of work including fair wages and equal remuneration for work of equal value without distinction of any kind, rest, leisure and reasonable limitation of working hours, periodic holidays with pay as well as safe working conditions".

Article 24 of our country's Constitution guarantees every person "the right to working conditions which meet requirements of safety and health, remuneration for labor without any discrimination as well as social protection against unemployment".

Strategies "Kazakhstan 2050" and the Society of Universal Labor initiated by the President of the Republic of Kazakhstan N.Nazarbayev highlight issues of securing the labor rights as one of the major strategic vectors of the country's development.

In the light of the above-reported, maintenance of a balance of interests of all parties in labor relations, compliance with law and social justice are highly important.

With the account of the above, I ask you to pay attention to the need in further actions to prevent social tension among the staff and observe the ArcelorMittal Temirtau JSC employees' constitutional rights.

Respectfully,

**Director
National Human Rights
Center**

V. Kaluzhny

3. Statistical data on the work done with citizens' complaints

The number of written and verbal complaints

Item	Number of complaints
Written complaints	1087
Verbal complaints	243
Written complaints submitted as part of the NPM operation	31
TOTAL	1361

Item	Number of complaints
Accepted for consideration	716
Declined	242
Of them: beyond our competence	175
No infringement on rights found	67
Are processed	128
Are considered	19

Results of consideration of complaints

Item	Number of complaints
No infringement on rights found	489
Rights were remedied by government	85
Complainant's claims were restored but not to full extent	5
Infringement on rights was established, efforts are taken to remedy them	9

The share of complaints with positive results of their consideration in the total number of complaints accepted for consideration - **13,8%**

Item	Number of complaints
No infringement on rights were established	524
Rights were remedied by the government body where requests were submitted on complaints received in the reporting year	85
Rights were remedied by the government body where requests were submitted on complaints received in previous years	14
Complainant's claims were remedied but not to full extent on complaints received in the reporting year	5
Complainant's claims were remedied but not to full extent on complaints received in previous years	1
Infringements on rights were established, efforts are taken to remedy them, on complaints received in the reporting year	9
Infringements on rights were established, efforts are taken to remedy them, on complaints received in previous years	4

Declined complaints

Item	Number of complaints
Anonymous	8
Unclear content	2
Not applicable	7
Letters with proposals	
Return of documents	1
Submission of additional documents	76
Recalled submissions	3
Submissions with opinions	5
Letters of appreciation	8
Total	110
Additional complaints	84

Information on Complainants

Types of complaints	Total
Individual	929
Among them: women	460
men	469
Collective	67
The number of signatures	1197
Submissions lodged by:	
Members of Parliament	2
NGOs	44
Other organizations	45
Individual meetings	243
In regions	
Complaints filed as part of the NPM implementation	31
Total number of citizens who appealed to the Commissioner	2491

Appeals of other countries' Human Rights Commissioners - 31

Written complaints per regions

Regions	Number of complaints	Share in the total number of complaints
Astana	158	14,5
Almaty	154	14,2
Akmolinsk province	68	6,6
Aktubinsk province	32	2,9
Almaty province	95	8,7
Atyrau province	17	1,6
East Kazakhstan province	87	8,0
Zhambyl province	64	5,9
West Kazakhstan province	24	2,2
Karaganda province	46	4,2
Kostanay province	37	3,4
Kyzylorda province	18	1,6
Mangistau province	21	1,9
Pavlodar province	56	5,2
North Kazakhstan province	51	4,7
South Kazakhstan province	87	8,0
From foreign countries	72	6,6
Total	1087	

Government agencies where requests were filed

Name of the agency	Number of requests	Number of responses made with violation of deadlines
Prosecutor General's office	398	54
Ministry of Interior Affairs	338	23
Ministry of Labor and Social Protection of Population	25	
Ministry of Healthcare	26	3
Ministry of Healthcare and Social Protection	24	
Local mayors' and governors' offices	145	25
Committee (Department) for enforcement of judicial acts of the Ministry of Justice	80	4
Ministry of Justice	5	
Ministry of Finance	13	1
Ministry of Education and Science	28	1
Ministry of Foreign Affairs	9	2

Name of the agency	Number of requests	Number of responses made with violation of deadlines
Ministry of Defense	15	2
Ministry of Environment and Water Resources	1	
Ministry of Transport and Communication	3	1
Ministry for Investment and Development	1	
Ministry of Culture and Sports	5	
Ministry of National Economy	3	
Committee for National Security	19	2
Ministry of Regional Development	6	1
Ministry of Energy	1	
National Bank	11	
Agency for Combat against Economic and Corruption Crimes	57	7
Agency for Government Service	3	
Agency for Government Service and Counteraction against Corruption	1	
Agency for Regulation of Natural Monopolies	1	1
Agency for Protection of Consumers' Rights	2	
Committee for Water Resources Management of the Ministry of Regional Development	2	1
Courts	23	
State Archives	11	2
Commercial banks	1	
Government agencies of foreign countries	11	
Kazakhstan's Bar Association	2	
Non-governmental organizations, public monitoring commissions	15	
Companies, public foundations, etc.	4	
TOTAL	1289	130

Profile of issues raised in complaints

№	Profile of issues	Number of issues
1	Issues of administration in national government agencies	70
2	Issues of administration in local executive and representative bodies	85
3	Disagreement with court rulings	213
4	Actions and omissions of judiciary	30
5	Non-enforcement of court rulings	32
6	Right to receive professional legal support	13
7	Requests of pardoning	4
8	Actions and omissions of law enforcement agencies	290
9	Torture, violence, other cruel or degrading treatment and punishment	96
10	Actions and omissions of administration of penitentiary facilities	160
11	Transfer from one penitentiary facility to another	26
12	Application of early release on parole	14
13	Hazing in the armed forces of the Republic of Kazakhstan	
14	Freedom of conscience	11
15	Right to inviolability of privacy, personal and family secrets, protection of honor and dignity	7
16	Right to confidentiality of personal investments and savings, correspondence, telephone conversations, postal, telegraph messages	
17	Freedom of speech and creation	
18	Right to information access	41
19	Right to free movement	1
20	Right to private property	19
21	Right to participate in government administration	

№	Profile of issues	Number of issues
22	Right to elect and be elected	
23	Right to access to government service	
24	Right to freedom of association, freedom of gatherings	3
25	Discrimination based on ethnic origin	9
26	Discrimination based on mental disorder	4
27	Issues of registration, citizenship, residence permits, issuance of personal identification documents	34
28	Assignment and payment of pensions	12
29	Social support on account of various reasons	66
30	Rights of persons with disabilities	30
31	Housing rights	78
32	Land rights	28
33	Labor rights	65
34	Right to favorable environment	8
35	Issues of rehabilitation of victims of political repression	1
36	Right to health protection	92
37	Consumers' rights	18
38	Right to education	9
39	Child rights	81
40	Rights of women	11
41	Rights of ethnic Kazakh repatriates	2
42	Rights of entrepreneurs	8
43	Infringement on Kazakhstani citizens' rights abroad	8
44	Complaints about actions of legal entities with no government share	58
45	Issues of relationship between individuals	48
46	Letters with request to pass them to other government agencies	4
47	Proposals on amendments into legislation	2
48	others	23
	Total	1817

The Commissioner for Human Rights in the Republic of Kazakhstan lodged 2 submissions with the head of state

Government agencies which received submissions and recommendations

Government agency	Number
Government	4
National Bank	1
Ministry of Education and Science	1
UN Human Rights Committee	1
Arcelor Mittal JSC	1
Total	8

Issues raised by citizens in verbal complaints in 2013 and 2014

№	Profile of issues	Number in 2013	Number in 2014
1	Issues of administration in national government agencies	12	1
2	Issues of administration in local executive and representative bodies	11	10
3	Disagreement with court ruling	32	36
4	Actions and omissions of judiciary	8	4
5	Non-enforcement of judicial acts	8	11
6	Right to receive professional legal support		1
7	Requests of pardon		
8	Actions and omissions of law enforcement agencies	28	27
9	Torture, violence, other cruel or degrading treatment and punishment		7
10	Actions and omissions of administration of penitentiary facilities	4	3
11	Transfer from one penitentiary facility to another	1	3

№	Profile of issues	Number in 2013	Number in 2014
12	Application on early release on parole		2
13	Hazing in the armed forces of the Republic of Kazakhstan		
14	Freedom of conscience	1	
15	Right to inviolability of privacy, personal and family secrets, protection of honor and dignity	1	
16	Right to confidentiality of personal investments and savings, correspondence, telephone communication, postal, telegraph messages		
17	Freedom of speech and creation		
18	Right to information access	4	
19	Right to freedom of movement		
20	Right to private property	1	
21	Right to participate in government administration		
22	Right to elect and be elected		
23	Right to access to government service		
24	Right to freedom of association, freedom of gatherings		
25	Discrimination based on ethnic origin	1	1
26	Discrimination on the account of mental disorder		
27	Issues of registration, citizenship, residential permits, issuance of personal identification documents	5	11
28	Assignment and payment of pensions	10	8
29	Social support on account of different reasons	29	26
30	Rights of persons with disabilities	16	
31	Housing rights	26	21
32	Land rights	6	4
33	Labor rights	32	20
34	Right to favorable environment		4
35	Issues of rehabilitation of victims of political repression		1
36	Right to protection of health	13	14
37	Consumers' rights	3	1
38	Right to education	1	15
39	Child rights	30	8
40	Rights of women	2	2
41	Rights of ethnic Kazakh repatriates		
42	Rights of entrepreneurs	1	2
43	Infringement on Kazakhstani citizens' rights abroad		1
44	Complaints about actions of legal entities with no government share	7	9
45	Issues of relations between individuals	7	16
46	Letters with request to pass them to other government agencies		
47	Proposals on amendments into legislation		
48	Others	2	2
	TOTAL	302	271

Verbal complaints per regions

Regions	Number of complaints	Share in the total number of complaints
Astana	103	42,4
Almaty	16	6,6
Akmolinsk province	25	10,3
Aktubinsk province	14	5,8
Almaty province	3	1,2
Atyrau province	3	1,2
East Kazakhstan province	10	4,1
Zhambyl province	10	4,1
West Kazakhstan province	3	1,2

Regions	Number of complaints	Share in the total number of complaints
Karagandy province	18	7,4
Kostanay province	6	2,5
Kyzylorda province	5	2,2
Mangistau province	3	1,2
Pavlodar province	4	1,6
North Kazakhstan province	4	1,6
South Kazakhstan province	16	6,6
Total	243	

4. Activities of the HRC institution in the country's regions

Mangistau province – Aktau city	April 15-16 2014
Monitoring visits to medical social facilities by senior experts of the National Human Rights Center D.E.Ospanova and G.A.Aukasheva with participation of Director of the Mangistau office of Kazakhstan's International Bureau for Human Rights and Rule of Law – leader of the NPM group A.V.Muha	
▪ Residential care center for older people and persons with disabilities	
▪ Psycho-neurologic facility	
▪ Mangistau regional children's psycho-neurologic boarding school	
▪ Mangistau regional rehabilitation center for persons with disabilities	
▪ Aktau training and production enterprise of the Kazakh society of blind persons	
Zhambyl province - Taraz city	April 15-17, 2014
Monitoring visits to medical social facilities by senior expert A.A. Sabdinov and expert R.S.Kipshakbaev	
▪ Residential facility for older people and persons with disabilities #1	
▪ Boarding school for mentally retarded children	
▪ Zhambyl regional social adaptation center for vagrants	
▪ Taraz training and production enterprise of the Kazakh society of deaf persons	
▪ Center for rehabilitation and adaptation of persons with disabilities in Kyzyltan settlement	
Astana city	April 16-17, 2014
Monitoring visits to medical social facilities by experts A.K.Urazbaeva, A.A. Sabdinov, and D.O.Kozhanbaev	
▪ Center for social adaptation of vagrants, Astana	
▪ Astana city children's psycho-neurologic facility	
Almaty city and province	August 27-28, 2014
Monitoring visits by members of the RK Human Rights Commissioner's working group for consideration of incidents of torture: Director of the office of NHRC R.A.Rakhimov, head of the office of internal security of the penitentiary committee of RK MIA N.K.Imangaliev, Executive Director of the Human Rights Charter public fund Zh.U.Turmagambetova, representative of Kazakhstan's International Bureau for Human Rights and Rule of Law S.A.Hizhnichenko accompanied by Director of Penitentiary Department B.M.Sabdibekov	
▪ Facility LA-155/1 pre-trial detention facility	
▪ Facility LA-155/18 pre-trial detention facility	
▪ Facility LA-155/4 penal facility for women	
▪ Facility LA-155/6 penal facility for minors	
▪ Facility LA-155/8 penal facility of general security regime	
▪ Facility LA-155/14 penal facility of high security regime	

Under the legislation on the national preventive mechanism (hereinafter, NPM) the Commissioner for Human Rights in RK coordinates actions of the NPM participants. As part of it 278 (including 14 special) monitoring visits were made in 2014 including

- Police detention cells – 73
- Correctional facilities and pre-trial detention facilities of MIA – 73;
- Confinement facilities for administrative arrest – 17;
- Juvenile adaptation centers – 18;
- Psychiatric centers – 25;
- Centers for drug addicts – 25;
- TB clinics – 21;
- Correctional confinement schools – 9;
- Pre-trial detention facilities of KNB – 2;
- Military confinement facilities of MoD – 4.

5. Participation of the HRC and his institution in public events

Meeting of the Commission on election of members of the Coordinating Council under the Commissioner for Human Rights in the Republic of Kazakhstan for further selection of participants of the National preventive mechanism	January 10 Astana
Participation of National Human Rights Center's Director V.A.Kaluzhny in the final meeting of the consultative and advisory body under the RK MFA with participation of the Minister of Foreign Affairs	January 14 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in a conference devoted to the presentation of the RK President's annual address to the people of Kazakhstan	January 17 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with representatives of the association of women with disabilities "Shanyrak"	January 21 Astana
Participation of the Human Rights Center's officer A.D.Suleimenova in the round-table "Improving the awareness of the impact of political life on women"	January 24 Astana
Participation of the Human Rights Center's officer A.A.Sabdinov in a meeting of the working group on preparation of the visit of UN Special Rapporteur on freedom of religion Heiner Bielefeldt	January 24 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 322 meeting of the Inter-Agency Committee on issues of legislative work under the RK Government	January 31 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with the Regional Director of the Office of Penal Reform International (PRI) in Central Asia S.K.Mektepbaeva	February 2 Astana
Meeting of the Human Rights Commissioner's Coordinating Council to elect participants of the National preventive mechanism	February 19 Astana
Participation of the Human Rights Commissioner in the collegial staff meeting of the RK Ministry of Justice on results of its work in 2013	February 20 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in scientific practical conference "Reform of the administrative legislation: problems and directions for improvement" arranged by the Committee of constitutional legislation, judicial system and law enforcement agencies of the Senate of the RK Parliament	February 21 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the extended staff meeting of the RK Prosecutor General's office "On the results of checking the application of adoption legislation in 2012-2013"	February 21 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in the meeting of the Legal Policy Council under the RK President on issues of reducing the prison population, drafting the law "On legal acts" and the state of legislative work in 2013	February 27 Astana
Participation of the National Human Rights Center's officer A.K.Urazbaeva in round-table "International principles of freedom of speech and their implementation in Kazakhstan's practice"	February 28 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the Government meeting for discussion of the draft resolution on approval of the Rules for preventive visits of groups of NPM participants	March 4 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in the round-table "The new Criminal Procedural Code and key areas for modernization of the criminal judicial procedures"	March 6 Astana
Participation of the National Human Rights Center's officer R.A.Rakhimov in the interim meeting of the CAB under the RK MFA to approve the 2014 Action Plan and discuss proposals of the civil society on implementation of recommendations of the UPR	March 27 Astana
Participation of the National Human Rights Center's officer R.A.Rakhimov in the work of the conference of experts "Experts' hearings on the new texts of the RK Criminal and Criminal Procedural Codes"	March 28 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the round-table "Legal policy and legal regulation in conditions of the world economic crisis: issues of sustainable development"	March 28 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with top managers of government agencies to discuss issues of NPM implementation	April 1 Astana
Participation of the National Human Rights Center's officer R.S.Kipshakbaev in the meeting of the Inter-agency coordinating group for preparation of reports on implementation of UPR recommendations and implementation of the International Covenant on Civil and Political Rights	April 4, 25 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the international conference "Response to contemporary challenges: employment of persons with disabilities"	April 8, 2015 Astana

Participation of the National Human Rights Center's officer G.A.Aukasheva in the round-table "Social unity for the sake of common interests"	April 8, 2015 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 327, 330 meetings of the Inter-agency commission on legislative work under the Government of the Republic of Kazakhstan	April 10, 29 Astana
Participation of the National Human Rights Center's officer A.K.Urazbayeva in the round-table "Corruption: Cooperation in Combatting the Evil"	April 22 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 14 th meeting of the inter-agency commission on minors' issues and protection of their rights under the Government of the Republic of Kazakhstan held through the videoconference call with local government bodies	April 24 Astana
Participation of the National Human Rights Center's officer A. Urazbayeva in the working meeting "Inclusive development in the interests of children in RK"	April 29 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the meeting of CAB on issues of democratic development	April 29 Astana
Participation of the National Human Rights Center's officers R.S.Kipshakbaev and A.A.Sabdinov in monitoring visit to social medical facilities in Taraz and Aksu village	April Zhambyl province
Participation of the National Human Rights Center's officers G.A.Aukasheva and D.E.Ospanova in monitoring visits to medical social facilities in Aktau	April Aktau
Participation of the National Human Rights Center's officer A.K.Urazbayeva in monitoring visits to medical social facilities in Astana	April Astana
Participation of the Human Rights Commissioner Shakirov A.O. in the joint meeting of the Legal Policy Council under the RK President and the RK Supreme Judicial Council on consideration of issues of principal provisions of the new Civil Procedural Code	May 15 Astana
Joint meeting of government agencies on issues of interaction with the NPM participants	May 16 Astana
A meeting of the Human Rights Commissioner's Coordinating Council on NPM	May 16 Astana
Participation of the National Human Rights Center's officer R.S.Kipshakbaev in the work of inter-agency group on preparation of the RK national reports for the UPR and the Human Rights Committee	May 22 Astana
Participation of the National Human Rights Center's officer A.A.Sabdinov in the 3d round monitoring of the Istanbul Action Plan for Combat against Corruption	May 28 Astana
Participation of the Human Rights Commissioner A.O.Shakirov and National Human Rights Center's officer A.K.Urazbaeva in the conference on measuring the 20 years progress and determination of new challenges in implementation of child rights	May 28 Astana
Participation of the Human Rights Commissioner in the international scientific practical conference "Topical issues of reforming the RK legislation: theory and practice" devoted to N.A.Shaikenov (Shaikenov readings)	May 30 Astana
Presentation of the 2013 report on the Human Rights Commissioner's activities	June 3 Astana
Participation of the National Human Rights Center's officer R.A.Rakhimov in the meeting of the RK Constitutional Council on discussion of the Karagandy regional court's submission on unconstitutionality of par 6, article 218 of the RK Civil Code	June 10, 11 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in a meeting of the Commission on pardoning issues under the RK President	June 12 Astana
Participation of the National Human Rights Center's officer A.K.Urazbaeva in a meeting-presentation on launching the advocacy campaign "With care about children" in 2014-2015-2016	June 17 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 27 th meeting of the RK Government's inter-agency commission on issues of combatting illicit trafficking in persons	June 25 Astana
A meeting of the Human Rights Commissioner's Coordinating Council on NPM	June 27 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in the closing meeting of the 3d session of the 5 th RK Parliament	June 30 Astana
Participation of the National Human Rights Center's officer A.K.Urazbaeva in the coordinating meeting "Overview and documentation of Kazakhstan's experience in the area of improvement of the justice system in regard to children"	July 8 Astana

Participation of the National Human Rights Center's officer G.A.Aukasheva in the meeting of the Coordinating Council in the area of social support of persons with disabilities under the chairmanship of the RK Deputy Prime Minister G.N.Abdikalikova in the format of video conference.	June 18 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a meeting of the consultative advisory body on human rights issues	July 29 Astana
Participation of the National Human Rights Center's officer G.A.Aukasheva in discussion of implementation of the UPO recommendations	August 1 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny and officer D.E.Ospanova in meeting with Vice Minister of Justice on issues of realization of the budget allocated for implementation of NPM	August 7 Astana
Participation of the National Human Rights Center's officers R.A.Rahimov and D.E.Ospanova in a training workshop for managers of the correctional services' offices of penitentiary departments on major aspects of arranging the visits of NPM participants to correctional facilities	August 15 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in a meeting on preparation and holding the international scientific practical conference "The Constitution: Stability, Peace and Public Accord"	August 18 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 28 th meeting of the national budget commission chaired by the RK Prime Minister	August 27 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the meeting of the RK Government on issues of social and economic development in 2015-2019	August 27 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in a monitoring visit of members of the Human Rights Commissioner's working group on prevention of torture to specialized and penitentiary facilities in Almaty city and province	August 27-28 Almaty city, Almaty province
Participation of the Human Rights Commissioner A.O.Shakirov in the scientific practical conference "The Constitution: Stability, Peace and Public Accord"	August 29-30 Astana
Participation of the National Human Rights Center's officers R.A.Rahimov and D.E.Ospanova in the training for NPM participants	August 29 Almaty
Participation of the National Human Rights Center's Director V.A.Kaluzhny and officers R.A.Rahimov, D.E.Ospanova in the training for NPM participants	September 2 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny and officer R.A.Rahimov in the training for NPM participants	September 3 Ust Kamenogorsk
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the training for NPM participants	September 5 Aktobe
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a staff meeting of the Prosecutor General's office on issues of the rule of law in operations of the RK MIA's penitentiary committee and its regional branch offices in extension of health support to inmates in 2012, 2013 and first half of 2014	September 11 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 339, 341 meetings of IAC on legislative works under the Government of the Republic of Kazakhstan	September 12, 29 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a training and joint meeting with representatives of non-governmental organizations for the purpose of preparation of various aspects of presentation of the national human rights report as part of the UPR	September 15 Astana
Participation of the National Human Rights Center's officer A.K.Urazbaeva in a working meeting on issues of improving the terminology in regulatory legal acts pertaining to protection of rights of children with disabilities	September 16 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in an off-site meeting of the Committee for constitutional legislation, judicial system and law enforcement agencies of the Senate of the RK Parliament	September 19 Aktobe
Participation of the Human Rights Commissioner A.O.Shakirov in a meeting of the pardoning commission under the RK President	September 24 Aktobe
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a meeting chaired by Deputy Prime Minister G.N.Abdikalikova on issues of assignment of the functions of administrator of the NPM budget	September 25 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in presentation of the report of PRI on women prisoners in Kazakhstan and Kyrgyzstan	September 25 Astana
Visit of Human Rights Commissioner A.O.Shakirov to the Astana city residential care center for older people and persons with disabilities	September 30 Astana

Participation of the National Human Rights Center's officer A.K.Urazbaeva in a meeting of the Committee for social and cultural development of the Mazhilis of the RK Parliament "Ways of improving the legislation on introduction of an integrated model of special social services"	September 30 Astana
Meetings of the Human Rights Commissioner's Coordinating Council on NPM	October 1 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the round-table "Kazakhstan's penal system: the state, problems and areas for improvement" in the Senate of the RK Parliament	October 3 Astana
Participation of the National Human Rights Center's officer G.A.Aukasheva in the round-table "the Age requires actions" arranged by the Ardager NGO	October 3 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a workshop-conference "Specific issues of the transition to new models of the Administrative, Penal, Criminal and Criminal Procedural Codes" arranged by the RK Prosecutor General's office	October 14 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a meeting of the coordinating council on social support to persons with disabilities chaired by Deputy Prime Minister G.N.Abdikalikova in the format of a video conference	October 14 Astana
Meeting of the Human Rights Commissioner's Council of Experts	October 17 Astana
Participation of the National Human Rights Center's officer D.E.Ospanova in a meeting on preparation of the 3d periodic report on actions taken by the Republic of Kazakhstan for the purpose of implementation of the UN Convention against torture and other cruel, inhuman or degrading forms of treatment and punishment	October 22
Participation of the National Human Rights Center's officer R.A.Rahimov in the alignment meeting on issues of interaction of institutions of the penal system with participants of NPM	October 28-30 Kostanay
Participation of the Human Rights Commissioner A.O.Shakirov and National Human Rights Center's officer A.K.Orazbaeva in the conference "Development of child-friendly justice in the Republic of Kazakhstan" as part of the 20 th anniversary of ratification of the UN Convention on child rights	October 31 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in a conference devoted to preparation of the 6 th meeting of the Human Rights Dialogue RK-EU	November 4 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in a meeting of the Legal Policy Council under the RK president on consideration of issues of the constitutional rule of law in the country and prevention of offenses among minors	November 5 Astana
Participation of the National Human Rights Center's officer D.E.Ospanova in a meeting on preparation to the presentation of the 3d periodic report on actions taken by the Republic of Kazakhstan for implementation of the UN Convention against torture and other cruel, inhuman or degrading forms of treatment and punishment	November 7, 12 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in a meeting of the CAB "The human dimension dialogue platform"	November 11 Astana
Participation of R.A.Rahimov in an alignment meeting on issues of effective interaction of institutions of the penal system with NPM participants	November 18 Aktobe
V.A.Kaluzhny's participation in the Astana forum of political scientists "Nurly Zhol – Kazakhstan's way"	November 25 Astana
Participation of A.K.Urazbaeva in public hearings "Development of the strategy for protection of children against violence in Kazakhstan: interaction of NGOs and government"	November 25 Astana
Participation of A.G.Aukasheva in the round-table "Legal status of persons with eye vision impairment"	November 26 Astana
Participation of R.S.Kipshakbaev in the round-table "Improvement of the national system of human rights protection in RK"	November 28 Astana
A.K.Urazbaeva's participation in the workshop "International standards pertaining to extension of support to children in emergency situations"	December 3 Astana
V.A. Kaluzhny's participation in the 349 th meeting of the Inter-agency commission on legislative work	December 3 Astana
Participation of the Human Rights Commissioner Shakirov A.O. in a meeting of the Legal Policy Council under the RK President	December 8 Astana
Participation of the Human Rights Commissioner Shakirov A.O. in the round-table "Human rights activities of the state and civil society institutions" devoted to the International Human Rights Day	December 9 Astana

V.A.Kaluzhny's participation in the 15 th meeting of the RK Government's Inter-agency commission on minors' affairs and protection of their rights	December 10 Astana
Participation of the Human Rights Commissioner Shakirov A.O. and the National Human Rights Center's Director V.A.Kaluzhny in the 2 nd Forum on penal reform "Employment in prisons – 2017"	December 12 Astana
A meeting of the RK Human Rights Commissioner's Coordinating Council on issues of the National Preventive Mechanism	December 12 Astana
The RK Human Rights Commissioner A.O.Shakirov attended the solemn meeting and the holiday performance on the occasion of the Independence day of the Republic of Kazakhstan	December 15 Astana
V.A.Kaluzhny's participation in the work of the consultative advisory body "The Human Dimension Dialogue Site" under the RK Ministry of Foreign Affairs	December 18 Astana
V.A.Kaluzhny's participation in the 28 th meeting of the Inter-agency commission on issues of combatting illicit trafficking in persons	December 19 Astana
A meeting of the RK Human Rights Commissioner's Council of Experts	December 22 Astana
V.A.Kaluzhny's participation in a meeting of the RK Government's Coordinating Council chaired by Deputy Prime Minister B.Saparbaev on interaction with non-governmental organizations	December 23 Astana

6. Participation of the HRC and his institution in international events

Meeting of the National Human Rights Center's Director V.A.Kaluzhny with a representative of UNICEF to discuss areas of further cooperation in 2014-2015	January 15 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in bilateral consultations on international commitment in the human rights area	January 20-23 Warsaw (Poland)
Meeting of the Human Rights Commissioner A.O.Shakirov with the head of the EU delegation in RK Aurelia Bouchez	January 28 Astana
Visit of the Human Rights Commissioner A.O.Shakirova and the National Human Rights Center's officer R.S.Kipshakbaev to the office of the Human Rights Commissioner of Slovenia to exchange experience in the area of the National Preventive Mechanism	February 11-12 Ljubljana (Slovenia)
Signing of a Memorandum on Cooperation between the Commissioner for Human Rights in the Republic of Kazakhstan and UNICEF	February 18 Astana
Participation of the National Human Rights Center's officer A.A.Sabdinov in a preliminary meeting in preparation of a video conference with the European Union on the new Agreement on the Extended Cooperation between the Republic of Kazakhstan and European Union	February 20 Astana
Participation of the National Human Rights Center's officer A.A.Sabdinov in a video conference with the Council of Europe on the new Agreement on the Extended Cooperation between RK and EU to discuss section 6 "Justice"	February 20 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with the Special Envoy of the President of Sri Lanka – Minister of Irrigation and Water Resources of Sri Lanka Nimar Siripala De Silva to discuss the resolution of the UN Human Rights Council	February 26 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with the Head of the OSCE office in Astana N.N.Zarudna	February 28 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the presentation of the report at the UN Human Rights Council as part of the Universal Periodic Review	February 28 Astana
Meeting of the National Human Rights Center's Director and officers with international and national consultants of UNICEF to discuss the progress in the development of the system of child protection	March 5 Astana
Participation of the National Human Rights Center's officer A.A.Sabdinov in a meeting of the working group on discussion of the sections "Justice" of the draft Agreement on Extended Cooperation between RK and EU	March 6, 11 Astana
Participation of the Human Rights Commissioner in the annual meeting of the International Coordinating Committee	March 9-15 Geneva (Switzerland)
Participation of the National Human Rights Center's officers R.A.Rahimov and D.E.Ospanova in the regional conference "Development of new penal legislation in Central Asia: tendencies and challenges"	March 14 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 5 th round of talks on the new Agreement on Extended Cooperation between RK and EU	March 17-21 Brussels (Belgium)
Meeting of the Human Rights Commissioner A.O.Shakirov with members of the European parliament Ana Gomes and Elizabeth Jeggle to discuss the human rights situation in RK	March 27 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with the UN Special Rapporteur on issues of contemporary forms of slavery including their causes and consequences G.Shahinian	March 27 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with the UN Special Rapporteur on freedom of religion and convictions professor Heiner Bielefeldt	March 27 Astana
Participation of the National Human Rights Center's officer A.A.Sabdinov in a briefing on the results of the visit of the UN Special Rapporteur on freedom of religion and convictions professor Heiner Bielefeldt	April 4 Astana
Participation of the National Human Rights Center's officer R.A.Rahimov in a preliminary meeting on the National Preventive Mechanism: "Police and Prevention of Torture" and additional meeting on human dimension for prevention of torture	April 8-13 Vienna (Austrian Republic)

Participation of the National Human Rights Center's officer A.A.Sabdinov in a video conference with the Council of Europe on the new Agreement on Extended Partnership and Cooperation between RK and EU to discuss articles "Democracy and Rule of Law", "Rule of Law and Respect to Human Rights and Fundamental Freedoms"	April 14 Astana
Participation of the National Human Rights Center's officer R.S.Kipshakbaev in a training on international human rights instruments	May 5-9 Geneva (Switzerland)
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the 6 th round of talks on the new Agreement on Extended Partnership and Cooperation between RK and EU	May 13 Astana
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with the First Secretary of the Embassy of German Federative Republic Johnny Kramer to advance bilateral cooperation between RK and Germany and discuss issues in the human rights area	May 20 Astana
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with international expert of the European Union Dovidas Vitkauskas and national consultant N.Ergalieva	May 23 Astana
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with an international consultant of UN	May 26 Astana
Participation of the National Human Rights Center's officer R.S.Kipshakbaev in a meeting of the working group on preparations to the 7 th round of talks on the new Agreement on Extended Partnership and Cooperation between RK and EU	June 13 Astana
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with representatives of UNICEF to discuss potential areas of cooperation under the program "Improvement of Justice for Children and Child Rights Protection System"	June 25 Astana
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with the expert of the UN High Commissioner for Human Rights Office Katerine Stoliarenko to assess activities of the regional office	June 26 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny and officer A.K.Urazbaeva in the round-table arranged jointly by the Human Rights Commissioner's office and UNICEF "The situation analysis of children with disabilities in Kazakhstan"	June 4 Astana
Participation of the Human Rights Commissioner A.O.Shakirov and National Human Rights Center's officer R.S.Kipshakbaev in a video conference with the Secretariat of the Asia Pacific Forum of national human rights institutions	July 14 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the international workshop "National human rights institutions: establishment and operation"	July 18 Minsk (Belarus)
Meeting of the Human Rights Commissioner A.O.Shakirov with the acting Regional Director of the Office of the UN HCHR Elizabeth da Costa	August 25 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in the 19 th meeting of the Asia Pacific Forum of national human rights institutions	September 3-5 New Delhi (Republic of India)
Meeting of the Human Rights Commissioner A.O.Shakirov with the Head of the OSCE Center in Astana N.Zarudna	September 12 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in conference "Prevention of violence against children"	September 15-17 Dushanbe Tajikistan)
Participation of the National Human Rights Center's officer G.A.Aukasheva in the regional forum "Effectiveness of legal instruments for protection of labor migrants from Central Asia in main countries of their destination"	September 17-19 Dushanbe (Tajikistan)
Participation of the Human Rights Commissioner A.O.Shakirov and National Human Rights Center's Director V.A.Kaluzhny in the 4 th conference of Justice Ministers of Central Asian and European Union countries	October 14-15 Astana
Meeting of the Human Rights Commissioner A.O.Shakirov with representatives of Friedrich Ebert's Foundation on issues of cooperation	October 17 Astana
Participation of the National Human Rights Center's officer A.K.Urazbaeva in the conference on strategic planning of the UN Development Action Framework (UNDAF) for the purpose of development of Kazakhstan	October 20-21 Astana

Meeting of the Director and officers of the National Human Rights Center with experts of the Council of Europe as part of implementation of the action plan on RK joining the conventions of the Council of Europe in the area of criminal proceedings	October 23 Astana
Participation of the National Human Rights Center's Director V.A.Kaluzhny in presentation of RK's 2 nd national report as part of the UPR on human rights	October 27 – November 1 Geneva (Switzerland)
Participation of the Human Rights Commissioner A.O.Shakirov and the National Human Rights Center's officer A.K.Urazbaeva in the regional conference on issues of empowerment of national mechanisms pertaining to protection of children against negligent and cruel treatment, violence and exploitation	November 12-13 Minsk (Belarus)
Participation of the National Human Rights Center's Director V.A.Kaluzhny in the Human Rights Dialogue RK - EU	November 12 Brussels (Kingdom of Belgium)
Participation of D.E.Ospanova in presentation of the 3d periodic report on actions taken by the Republic of Kazakhstan for implementation of the UN Convention against torture and other cruel, inhuman or degrading forms of treatment and punishment	November 17 Geneva
A.K.Urazbaeva's participation in a working meeting to discuss Kazakhstani side's priority issues to be included into the new strategic program of the UN Office on Drugs and Crime (UNODC)	November 19 Astana
V.A.Kaluzhny's participation in the meeting of Kazakhstan's NGOs with the OSCE Chairman, President of Switzerland Didie Burkhalter	November 21 Astana
Participation of V.A.Kaluzhny, A.K.Urazbaeva in a meeting with representatives of UNICEF for discussion of major conclusions and recommendations of the report and further plans for joint cooperation	November 21 Astana
V.A.Kaluzhny's participation in a meeting on the review of implementation of RK Government's and UNICEF's joint program in 2014 and discussion of plans for 2015 and further cycle of cooperation programs in 2016-2020	November 28 Astana
Participation of the Human Rights Commissioner A.O.Shakirov in the 3d annual forum on business and human rights "Advancing business and human rights: alignment, adherence and accountability"	December 1 Geneva
A.K.Urazbaeva's participation in the workshop "International standards in extension of support to children in emergency situations"	December 3 Astana

7. Media publications of the HRC and his institution

Participation of the National Human Rights Center's officer D.E.Ospanova in "Kesh emes" program on the Astana TV channel on discussion of the RK President's address to the people of Kazakhstan	January
Participation of the Human Rights Commissioner A.O.Shakirov in the Kozkaras program in a live broadcast on the Khabar TV	January
Announcement of the meeting of the Commission for selection of the members of the Coordinating Council under the Commissioner for Human Rights in the Republic of Kazakhstan for further selection of participants of the National Preventive Mechanism (Kazakhstanskaya Pravda newspaper, CentralAsianMonitor.kz)	January
Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with representatives of the Shyrak public association of women with disabilities (Kazinform, Kazakhstanskaya Pravda newspaper)	January
Information message about the meeting of Human Rights Commissioner A.O.Shakirov with the Head of the EU delegation in RK Aurelia Bouchez (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	January
Information message about the visit of the Human Rights Commissioner A.O.Shakirov and the National Human Rights Center's officer R.S.Kipshakbaev to the office of the Human Rights Commissioner of Slovenia in Ljubljana (Slovenia) to exchange experience in the area of the National Preventive Mechanism (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	February
Information message about the signing of the Memorandum on Cooperation between the Commissioner for Human Rights in the Republic of Kazakhstan and UNICEF (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	February
Information message about the meeting of the Coordinating Council under the Human Rights Commissioner on election of participants of the National Preventive Mechanism (Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	February
Information message on the meeting of the Human Rights Commissioner A.O.Shakirov with the Special Envoy of the President of Sri Lanka – Minister of irrigation and water resources Nimar Siripala De Silva to discuss the resolution of the UN Human Rights Council (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	February
The National Human Rights Center's Director V.A.Kaluzhny's response to the President of Kazakh PEN club B.K.Gabdullin's appeal filed in the interests of prisoner Aron Atabek (Edigeev) with a complaint about tough restrictions in the service of his sentence. Posted on the official website of "Central Asia Monitor"	March
Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with the Head of the OSCE Office in Astana N.Zarudna (Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	March
Information message about participation of the Human Rights Commissioner A.O.Shakirov in the annual meeting of the International Coordinating Committee in Geneva (Switzerland) (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	March
Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with members of the European Parliament Ana Gomes and Elizabeth Jeggle to discuss the human rights situation in RK (Kazakhstanskaya Pravda newspaper)	March
Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with the UN Special rapporteur on issues of contemporary forms of slavery including its causes and consequences G.Shahinian (Kazinform)	March
The National Human Rights Center Director V.A.Kaluzhny's statement to correspondents of the Radiotochka media website on the situation in ArcelorMittal Temirtau JSC	March
Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with top managers of government agencies on issues of implementation of NPM (Kazinform, Kazakhstanskaya Pravda newspaper)	April
Participation of the National Human Rights Center's officer A.K.Urazbaeva in "A way out exists" talk show on the 7 th TV channel devoted to issues of providing security for children	May
Information message on participation of the Human Rights Commissioner in the international conference devoted to the 20 th anniversary of ratification of the UN Child Rights Convention by Kazakhstan (zakon.kz)	May
A direct call-in communication with the National Human Rights Center's Director V.A.Kaluzhny "The Ombudsman is Authorized to State" (Vremya newspaper)	July
Meeting of the National Human Rights Center's Director V.A.Kaluzhny with reporters of the branch office of the inter-state TV and radio company "Mir" in the Republic of Kazakhstan	July

Information message about the meeting of the Human Rights Commissioner A.O.Shakirov with the acting Regional representative of the UNHCHR in Central Asia Elizabeth da Costa (Kazinform, Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	August
Publication of the head of the office for consideration of citizens' complaints of the RK NHRC R.Rahimov devoted to teaching principal aspects in the area of NPM with reference to the report "Development of NPM in RK" (Execution of punishment journal #08-141)	August
Publication on Radio Azattyk with explanation of the approach of the Ombudsman and the staff of his office to the issue of prisoner Aron Atabek (azattyk.org)	August
Information message on participation of the Human Rights Commissioner A.O.Shakirov in the 19 th meeting of the Asia Pacific Forum of national human rights institutions in New Delhi (the Republic of India) (Egemen Kazakhstan newspaper)	September
Information message on the Human Rights Commissioner A.O.Shakirov's appeal with an open letter to the RK Minister of Education and Science (7 th TV Channel, websites zakon.kz, radiotochka, Kazakhstan Today; Egemen Kazakhstan newspaper)	September
Information message about participation of the Human Rights Commissioner A.O.Shakirov in the conference "Prevention of violence against children" (Kazinform)	October
Information message about the meeting of the Human Rights Commissioner's Coordinating Council on issues of NPM (Egemen Kazakhstan and Kazakhstanskaya Pravda newspapers)	October
Information message about the meeting of the Human Rights Commissioner with a representative of Friedrich Ebert's Foundation on issues of cooperation (Kazakhstanskaya Pravda newspaper)	October
Information of V.A.Kaluzhny to Radio Azattyk with the statement of opinion regarding installation of specific boxes to collect complaints in prisons as one of the measures to combat torture in Kazakhstan (azattyq.org)	November
Information message in "Execution of punishment" magazine about participation of R.A.Rahimov in the alignment meeting devoted to interaction of participants of the national preventive mechanism with penal correctional facilities of the RK MIA	November
TV coverage of the workshop with statement of R.A.Rahimov's opinion on the national preventive mechanism on RIKA TV, Aktobe	November
Information message with the statement of the National Human Rights Center Director V.A.Kaluzhny's response regarding the decisions of the UN Committee against Torture (azattyq.org)	November
Information with Dinara Ospanova's opinion in the framework of the session of the UN Committee against Torture (azattyq.org)	December
Publication of G.Aukasheva on the occasion of the International Day of Persons with Disabilities (Kazinform, zakon.kz)	December
The Human Rights Commissioner A.O.Shakirov's interview to the Counter-corruption policy magazine	December
Information message about the visit of the Human Rights Commissioner A.O.Shakirov to Geneva (Kazinform, nomad.su)	December
The Human Rights Commissioner A.O.Shakirov's interview devoted to the International Human Rights Day (Kazakhstanskaya Pravda, zakon.kz, zonakz.net, i-news.kz)	December
Information message about the meeting of the Human Rights Commissioner's Coordinating Council (Kazakhstanskaya Pravda, Kazinform, zakon.kz, news.rambler.ru, Forbes.kz, meta.kz)	December

8. Expert reviews and analytical documents

Opinion of the office of the Commissioner for Human Rights in the Republic of Kazakhstan on the submission of the Karaganda regional court on unconstitutionality of paragraph 6, article 218 of the Civil Code of the Republic of Kazakhstan

Paragraph 1 of article 26 of the Constitution of the Republic of Kazakhstan guarantees every person the right to own property. Pursuant to paragraph 2 of that same article the property right including the right to inherit is guaranteed by the law.

Paragraph 3, article 188 of the RK Civil Code defines the right of disposition as an owner's right to take, at his own discretion, any actions in regard to the property which he owns including its alienation to the advantage of other persons, transfer of the property with retention of the title and power to possess, use and dispose of it, submission as a pawn or any other types of burden, and take other actions.

Along with that the right of a participant in shared ownership to possess, use and dispose of the property extends only to his share in the whole property.

Pursuant to par 1, article 212 of the RK Civil Code the right to shared ownership includes the right to dispose of that property. Further, under par 2 of that same article, the right to dispose includes the right to sell his share.

In this regard, the right to sell as part of the ownership right under the civil legislation is protected by par 2, article 26 of the country's Constitution.

Besides, par. 1, article 25 of the Constitution guarantees inviolability of housing, and par. 2 of the same article reads that "the Republic of Kazakhstan creates conditions to provide citizens with housing". We believe that the latter spells out two obligations of the state:

The first one is its direct obligation: the state should create conditions which promote provision of citizens with housing.

The second obligation is a result of the first: the state should abstain from creation of conditions which would cause bigger shortage of housing. It means that deprivation of housing should be done in exceptional cases which are stipulated in the law and allowed only in public interests.

The International Covenant on Economic, Social and Cultural Rights ratified by the RK Law of November 21, 2005 defines every person's right to adequate living standards including housing.

In the context of the discussed issue, forced alienation in any form should not be admitted in incidents when it results in deprivation of citizens of their housing, even in incidents when it is a share, but not the whole housing.

The general comment #4 of the UN Committee on Economic, Social and Cultural Rights (6th session, 1991) stated that all persons should possess a degree of security which guarantees legal protection from forced eviction.

Based on the above-described, the right stipulated in par 6, article 218 of the RK Civil Code for courts to issue decisions on the sale of housing in public open sales without other co-owners' consent contradicts the principles of guaranteed protection of the right to adequate housing.

We believe that the term "evident inexpedience" needs adjustment on the account of various interpretations.

Comments of the National Human Rights Center on the presented draft law "On the fingerprint and genome registration in the Republic of Kazakhstan"

1. To the text of subparagraph 1) article 10

The text of the draft law specifies the right to access the fingerprint and genome information and get its copy.

However, such right can be exercised only in incidents when the person is already aware of the fact that such information exists.

The draft law does not include the right to obtain confirmation of the fact that such information exists from the authorized government agency.

Herein, implementation of that law assumes registration of minors and individuals who were found incapable as well as the procedure for deletion of fingerprint and genome information.

In both cases we can assume that the individual who for the reason of his age or incapability could not realize the legal essence of his registration or the person who filed a request on deletion of his fingerprint and genome information will want to get a confirmation or disproof of the fact that such information exists.

We believe that the right to confirmation of the fact of holding the fingerprint and genome information of a person follows from provisions of articles 17 and 18 of the RK Constitution which guarantee every person the right to familiarize with documents, decisions and other sources of information concerning his rights and interests as well as his personal and his personal life's inviolability.

The Center proposes the following phrasing for article 10 of the draft Law:

1) Confirmation of the fact that there is his own or a person's under his guardianship or custody fingerprint and (or) genome information, free access to it (further according to the text of the draft law).

2. To the text of subparagraph 1) article 10.

Subparagraph 1, article 10 entitles persons subjected to fingerprint and genome registration to access the fingerprint and genome information including their right to get a copy of that information with exception of incidents specified in the RK laws.

The above-quoted text does not give an unequivocal conclusion on what the reservation “with exception of incidents specified in the RK laws” refers to: to the right to access information or the right to get a copy.

The Center believes that in order to rule out its possible arbitrary interpretation, the meaning of that provision needs to be clarified and spelled out in a different phrasing.

3. To the text of subpar. 2) article 10

The meaning of the requirement leads to a conclusion on a possible regulation of familiarization with fingerprint and genome information at a level below the RK Law.

Our Center’s practice indicates that, in their every-day activity, government agencies frequently apply norms of by-laws directly. In incidents when a by-law does not fully comply with human rights principles, such practice can result in infringement on citizens’ rights and freedoms.

In this regard, the drafter should explain whether the term “the procedure of familiarization” includes procedures which can restrict the right to familiarize with the person’s fingerprint and genome information (restriction of the time, place, form, or language, abundant administrative procedures of permissive or restrictive nature).

They can also consider replacement of the phrase “established in legislation of the Republic of Kazakhstan” with phrase “established by Laws of the Republic of Kazakhstan” or phrase “established by legislation of the Republic of Kazakhstan abiding by the principle of respect to human rights”.

4. To the text of par. 2, article 11

That norm implies fingerprint registration of young children and minors. It does not require the child’s consent.

Par 1, article 27 of the RK Constitution establishes that childhood is under the protection of the state. Besides, article 12 of the Child Rights Convention which RK is a party to, sets member-states’ obligation to assure that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child. The views of the child shall be given due weight in accordance with the age and maturity of the child. Pursuant to par. 1, article 13 of that Convention the child shall have the right to freedom of expression of his views. This right shall include freedom to seek, receive and impart information and ideas of all kinds.

In this regard the law should set the requirement to get the child’s consent on fingerprint registration in those incidents when the level of his development makes it possible.

A similar recommendation refers to the genome registration of minors.

5. About the length of storage of the fingerprint information

Article 9 sets 26 categories of persons subject to mandatory fingerprint registration. Article 16 establishes that information regarding the majority of the above-mentioned 26 categories is kept until they reach 80 years of age. Pursuant to par. 5, article 18 deletion of that information is prohibited.

The list of persons subjected to mandatory registration include persons drafted and entering military service, military servicemen, government employees, vagrants, persons registered in law enforcement agencies, foreigners and stateless persons who received residence permits in RK or who work on the RK territory. It should be noted that the legal status of the above-listed categories of persons subjected to mandatory fingerprint registration does not have a life-long nature. For instance, a person who was drafted to serve in the army at the age of 18 will be a subject of unreasonable state control during the next 62 years of his life.

The Center’s experience indicates that there are incidents of unlawful criminal persecution followed by unlawful collection and falsification of evidence and other infringements on citizens’ rights. Existence of a database containing information on a significant part of the RK population will undoubtedly turn into a factor which facilitates the growing number of human rights infringements.

In this regard we find it expedient to reconsider the proposed length of storage of information regarding persons whose registration is mandatory.

Specifically, a possibility of establishment of fixed terms for deletion of fingerprint information regarding separate categories of persons listed in article 9 of the draft law should be considered. Those terms should be counted from the time when legal relations which served the reason for fingerprint registration terminated with the exception of incidents when registration was a consequence of commitment of a crime.