



Kazakhstan

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The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. Previous presidential elections originally scheduled for 1996 did not take place, as President Nazarbayev's term in office was extended in a separate 1995 referendum, also marred by irregularities. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE).

A law passed in June would allow the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The 1995 Constitution limited Parliament's powers more than previously, notably by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. The judiciary remained under the control of the President and the executive branch. The lack of an independent judiciary made it difficult to root out governmental corruption, which was pervasive, although some corrupt officials were removed from office.

The Committee for National Security (the KNB, successor to the Soviet-era Committee on State Security (KGB)) is responsible for national security, intelligence, and counterintelligence. In practice it also plays a role in law enforcement. It also oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the Prime Minister and President. The Ministry of Internal Affairs (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. Both the KNB and the MVD police monitored government opponents, the opposition press, human rights monitors, and some nongovernmental organizations (NGO's), who claimed that KNB and MVD officials pressured them to limit activities objectionable to the Government. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence. It has successfully privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents about 10 percent of gross domestic product (GDP), has been slower to reform since the Government has not established a legal basis for private land ownership. Official statistics indicate that the long fall in real wages after independence stopped in 1997. The average annual wage in 1999 was approximately \$1,180 (167,560 tenge). The average monthly nominal wage in 2000 was \$95.14 (13,521 tenge). Real wages grew 5.3 percent in 2000 over 1999 figures. According to government data, in the first 3 quarters of the year approximately 25.5 percent of the population had incomes below the "minimum subsistence level" of \$27 (3,969 tenge) per month, compared with 34.5 percent whose incomes were below the 1999 minimum subsistence level of \$24 (3,394 tenge) per month.

Rising oil prices in the second half of 1999 combined with the positive effects of an April 1999 decision to allow the currency to float helped the country to post GDP growth of 1.7 percent in 1999, after a 2.5 percent fall in GDP the previous year. GDP per capita also increased slightly to \$1066 (127,000 tenge). Inflation, which initially spiked after the currency fell following the April 1999 decision to float the currency, has been under control and was 9.8 percent in 2000. Real GDP grew by 9.5 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The Government severely limits citizens' right to change their government, and democratic institutions remain weak. The OSCE concluded that presidential elections in January 1999 fell far short of international standards, although it saw some improvement in the Parliamentary elections held later in the year. The Government barred two opposition politicians from competing in the presidential elections on administrative grounds and authorities harassed opposition candidates during both election campaigns. During the year, government officials began a series of conferences on electoral reform with opposition leaders and others under the auspices of the OSCE, although the Central Elections Commission moved to effect electoral commission changes before waiting for the conclusion of the conferences. The legal structure, including the Constitution adopted in 1995, does not fully safeguard human rights. Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody. President Nazarbayev spoke out against police use of torture, and there were a number of cases in which the Government pressed criminal charges against police accused of mistreating individuals in their custody. However, human rights monitors criticized the efforts as inadequate. Prison conditions remained harsh. The Government began a process of transferring authority over prisons from the MVD to the Justice Ministry, a step that human rights monitors had long sought, but the effect of this change could not be determined as of year's end. The Government on some occasions used arbitrary arrest and detention, and prolonged detention is a problem. The judiciary remains under the control of the President and the executive branch, and corruption is deeply rooted. The Government infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. The Government harassed much of the opposition media, and government efforts to restrain the independent media continued. Vague laws concerning the media, state secrets, libel, and national security increased pressure on the media to practice self-censorship. The Government introduced draft amendments to the Law on Media in October that, if enacted, would constitute a step backward for the independent media. However, the Government continued to issue new licenses for various types of media and, according to the Government, the number of media outlets increased. The Government continued to own some major printing and distribution facilities and to enjoy influence over those owned privately. Academic freedom is not respected. The Government imposes significant restrictions on freedom of assembly. At least two organizers of unsanctioned demonstrations were arrested and fined or imprisoned. The Government imposes significant restrictions on freedom of association, and complicated and cumbersome registration requirements hinder organizations and political parties. Some political parties increased their organizational activities successfully. The Government sometimes harasses those whom it regards as religious extremists. Domestic violence against women remained a serious problem. There was discrimination against women, the disabled, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Workers continued to protest chronic nonpayment of wages. Child labor persists in agricultural areas. There was evidence of trafficking in women and in at least one case customs and border officials were under investigation for complicity in trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated extrajudicial killings.

Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody.

In July 28-year-old Kairat Sabdenov, the son of an M.P., died from internal injuries that he sustained from a police beating in Kokshetau after he had been detained following a car accident. In December police charged the policeman who allegedly beat Sabdenov with murder. Five policemen were charged with improper performance of their duties and one from the Akmola Oblast MVD was relieved of his post for investigating the accident scene improperly.

Ivan Prokopenko died in a detention center in Aktobe on March 1. He had been arrested 2 months earlier on suspicion of having stolen \$250 (36,750 tenge) worth of wooden poles. Human rights monitors reported that a doctor who examined the body and the boy's parents saw evidence of brain trauma, burns, and cuts. The Aktobe city prosecutor found in October that Prokopenko had died from head injuries suffered when he slipped and fell, hitting his head on the concrete floor. The authorities indicated that their investigation had found no other injuries and they closed the case.

In April a man named Bekov died in a hospital from injuries he had said he sustained when police in Almaty detained and beat him. An official investigation was launched, but no further information was available at year's end.

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. At year's end, reportedly four police officers were awaiting trial charged with responsibility for his death.

On December 1, a District court fined Lieutenant Colonel Zhanteleyev 2 month's wages in the 1998 death of Yalkynzhan Yakupov, whose body was found hanging in the Chunjua District police station. However, the court dismissed the charges of abuse of power and illegal detention against the Colonel. Zhanteleyev was amnestied under the December 2000 general amnesty.

Reports indicate that deaths caused by military hazing persist. The Deputy Chief of the General Staff reported 17 cases of death due to mistreatment in the first 6 months of 1998. No statistics on the incidence of this form of mistreatment have been available since that time. However, there are some reports that military personnel engaging in hazing have been prosecuted, and the Government has begun a program to improve training of military forces on social and legal issues. (See Section 1.c.)

Harsh prison conditions led to the deaths of some persons in custody, many from disease (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution states that "no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;" however, police tortured, beat, and otherwise abused detainees, often in order to obtain confessions. Government officials acknowledged the seriousness of the problem and undertook some efforts to combat it. There were no reports of police beating protestors as they have done in earlier years. In a speech to law enforcement officials on April 19, President Nazarbayev criticized police use of an "arsenal of torture (that) can surprise the most extreme sadists." President Nazarbayev referred in his speech to cases where law enforcement officials seared one detainee with a hot iron and poured cold water over another as he stood naked outside in cold weather. He said that the use of such tactics was "widespread." Prosecutors brought criminal charges against 70 police officers for the unlawful use of violence against citizens during the year and disciplinary actions were taken against hundreds more. More than 20 Interior Ministry (MVD) employees reportedly were convicted on such charges. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often are supervised poorly.

Some of the instances of mistreatment occur in prisons, and the Government formally transferred authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to reduce such abuses. The actual transfer of authority will be implemented over a period of 2 years. In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. Together with the OSCE and Prison Reform International (PRI) the Government has undertaken training abroad for 15 instructors from this new institute to review penal policies, including human rights of prisoners.

On April 26, three teenagers widely believed to have been tortured in detention slit their throats in a Zhanatas courtroom after being sentenced to prison terms for fighting with police. One of the 3, 17-year-old Kairat Seidakhmetov, died from the self-inflicted injury. The Kazakhstan International Bureau for Human Rights (KIBHR) and independent television stations charged that police repeatedly tortured these 3 boys and the 17 other individuals charged in the same case. One reportedly suffered a concussion and two broken arms. Police reportedly cut the feet of another and stuck needles under the fingertips of detainees under interrogation. One female detainee charged that police repeatedly raped her. The detainees, some of whom confessed, reportedly had no access to lawyers. Reports of the mistreatment led to demonstrations in Zhanatas in February and again in April following Seidakhmetov's suicide. The July 4 edition of the official Kazakhstanskaya Pravda newspaper reported that the Chief of the Legal Bureau of the Presidential Administration visited Zhanatas to investigate the allegations of police torture. The head of the city police force was fired and other MVD employees reprimanded, but criminal charges brought against the policemen involved in the case were later dropped.

Almaty authorities brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in December 1999. A trial began in August but had not been concluded at year's end. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to President Nazarbayev. Law enforcement authorities claimed that Grishin never filed a complaint. Grishin said he filed a complaint with the Almaty city prosecutor's office in December 1999 and was subsequently interviewed by an Interior Ministry official in January. The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz whom they detained in July 1999. The authorities took no actions against police accused of beating a group of female hunger strikers in Aralsk in April 1999. Police closed investigations, without making arrests, into 1998 assaults against opposition activist Amirzhan Kosanov and a Kazakhstani employee of a foreign embassy. The latter assisted diplomats in making contacts with opposition and human rights figures. Police detained a suspect in connection with the 1998 assault against opposition activist Yelena Nikitenko but did not bring charges, according to official sources, because Nikitenko, who moved away from Kazakhstan, was unavailable to testify.

Six unidentified men assaulted Sergey Bondartsev, a youth organizer for the opposition Republican National People's Party (RNPK), in Almaty on April 9. Bondartsev suffered serious internal injuries that required two operations. At the time of the assault, Bondartsev was organizing a demonstration in support of opposition figure Madel Ismailov, who had earlier in the week been sentenced to a jail term (see Section I.d.). The demonstration did not take place. Law enforcement authorities made no arrests in the case, claiming that Bondartsev had never filed a complaint. Bondartsev asserted that he filed a complaint and that police from the Medeu district of Almaty interviewed him about the assault while he was in the hospital. The attack clearly appeared to have been premeditated.

MVD and other government officials participated in a September conference in Almaty on combating police use of torture that was organized by the OSCE, the KIBHR and the Government of Germany. They acknowledged that police use of torture and other abuses were widespread.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of a new antihazing policy in 1998, and the Government has taken action occasionally against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty. A military court in Zhambul region sentenced a sergeant to death by firing squad in December. The court ruled the man was guilty of killing two persons and of desertion to avoid responsibility for beating up a soldier under him.

Prison conditions remained harsh and sometimes life-threatening due to inadequate resources. In 1998, 1,290 inmates, more than 1 percent of all prisoners, died from disease, mostly tuberculosis, aggravated by harsh and at times life-threatening prison conditions and inadequate medical treatment (see Section I.c.). In 2000, 498 prisoners died in custody. More than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after release from prison. Government officials indicate that improved treatment undertaken in cooperation with the World Health Organization (WHO) has reduced the deaths from tuberculosis. In 1999, 384 prisoners died of the disease in custody and 409 were released on humanitarian grounds due to illness and died at home (see Section 1.c.).

Overcrowding, inadequate prison diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Government officials reported that 10,000, or 12 percent of all, prisoners suffered from tuberculosis. Government representatives assert that the incidence of tuberculosis is declining, in part as a result of cooperation with WHO to improve conditions for both prisoners and the civilian population. These figures do not differ significantly from figures provided by human rights observers. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintain that the prisoners were infected before being incarcerated. Experts believe, however, that many cases go unreported. Prison guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. Prisoners protested poor living conditions in prison through mass self-mutilation. According to the official press, 44 prisoners in Arkalyk reportedly cut open their abdomens on July 13. Some 57 prisoners in an Almaty Juvenile Detention Center cut open their abdomens and wrists on August 11. None of the prisoners died. The deputy head of the Arkalyk prison and the head and deputy head of the Almaty juvenile facility were fired as a result of these incidents.

According to the Interior Ministry, during the year there were approximately 80,000 prisoners in facilities designed to hold 60,000. A 1999 amnesty reduced the total prison population by about 15,000, but the population nearly returned to pre-amnesty levels within a year. The chief national prosecutor deplored overcrowded conditions in an Astana detention center he visited in March, noting that cells of 200 square feet contained 20 detainees each. He reportedly ordered the release of several of the detainees.

The Government followed up its 1999 general prison amnesty in December with a law to provide amnesty in the first 6 months of 2001 for 18,200 inmates, shorten the terms of an additional 2,500, and terminate approximately 3,000 pending criminal cases. The 1999 amnesty resulted in the release of over 15,000 prisoners. Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months. Juveniles are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD. Although the Government sometimes created obstacles for those who requested access to prisons, the KIBHR reported that its representatives sometimes, but not always, received authorization. The KIBHR visited men's, women's, and juveniles' prisons during the year. Prison experts from the OSCE visited prisons in Akmola and East Kazakhstan oblasts. Two international NGO's, the Dutch Interchurch Aid and Penal Reform International (PRI), accompanied KIBHR on prison visits in Pavlodar during the year. PRI also visited prisons for juveniles and women in Almaty. On September 6, the Minister of Justice announced that the Government had decided to transfer responsibility for prisons from the Ministry of the Interior to the Ministry of Justice. Human rights monitors had called for the change, which President Nazarbayev endorsed in a September 1 address to Parliament.

d. Arbitrary Arrest, Detention, or Exile

The Government used minor infractions of the law frequently related to unsanctioned assembly to arrest and detain government opponents (see also Section 2.b.). On April 6, authorities in Almaty arrested, tried, and convicted labor movement leader Madel Ismailov for organizing an unsanctioned demonstration and for contempt of court. The Court sentenced Ismailov to 15 days in jail. Ismailov served a 1-year prison sentence in 1998-99 for publicly calling the President a "scoundrel." The demonstration in question, a regular monthly pensioners' protest over living conditions, took place on January 30. The contempt of court charge stemmed from Ismailov's refusal to answer a summons to appear in court on April 5. Ismailov went to the courthouse on April 5 but refused to enter when, he and press reports alleged, the authorities refused to allow his lawyer or supporters to enter with him.

A court in Almaty on April 24 sentenced two members of the opposition Republican National People's Party of Kazakhstan (RNPK), Pyotr Afanasenko and Satzhan Ibrayev, to 31/2 years in prison for a weapons offense. An appeals court upheld the convictions. Afanasenko and Ibrayev, former KNB officers, served as bodyguards to RNPK leader Akezhan Kazhegeldin. Although it appeared there could be a factual basis for the charges against Afanasenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was politically motivated. Some human rights observers also criticized the authorities for incarcerating Afanasenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

A member of the RNPK, film director Rashid Nugmanov, a long-time resident of France, was detained by customs and tax officials upon arriving on an international flight to Almaty on May 24 and summoned to appear before the tax police on May 25. His brother, Murat, an Almaty businessman, was also summoned by tax authorities on May 24. Details of the investigation were unclear. RNPK and human rights observers alleged that the investigation of Rashid Nugmanov was motivated politically.

The chief of the Almaty branch of the RNPK, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention is a serious problem. The General Prosecutor's office was reported in the official Russian-language newspaper *Kazakhstanskaya Pravda* as stating that law enforcement authorities held more than 7,000 persons in custody longer than legally allowed in 1998. Government officials have subsequently denied this, but no other statistics concerning the scale of this practice have been made available. Additionally, short (3-hour) and long (72-hour) detentions for "suspicion" are used widely.

A bail system exists, but government officials indicate that only 47 persons were released on bail in the first 8 months of the year (no figure for total detainees was available, but 28 persons were released on bail out of the 26,598 persons detained in the first 8 months of 1999).

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. This right generally is respected in practice. Human rights monitors allege that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, sometimes resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the prosecutor before trial, but in practice most persons refrain from making an appeal due to fear of reprisal for doing so. If the defendant cannot afford an attorney, the Constitution provides that the State must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government.

Almaty authorities detained well-known criminal defense lawyer Anatoly Ginzburg for 3 days in July after Ginzburg agreed to defend a man charged in a high-profile murder case. Ginzburg remained under investigation for allegedly stealing documents from the MVD in 1994, although no charges were filed. According to one press report, Ginzburg had been warned by "the authorities" not to defend Anatoly Adamov, the former deputy director of the national arms export agency, Kazspetsexport, in connection with the April 15 murder of Kazspetsexport director Talgat Ibrayev. Ginzburg and human rights monitors alleged that the authorities detained Ginzburg in order to dissuade him from defending Adamov. In July the Union of Lawyers of Kazakhstan sent an open letter to the heads of the national law enforcement agencies to protest the Ginzburg case and a "universal" pattern of abuse of the rights of criminal defense lawyers. The letter charged that law enforcement authorities infringe on the rights of lawyers to meet confidentially, and as often as necessary, with defendants; deny lawyers access to government buildings, including the courts; search the lawyers' belongings when allowing them to enter; and surreptitiously record lawyers' conversations with clients. In response to the letter, the Coordinating Council of the National Law Enforcement Agencies, under the chairmanship of the Prosecutor General, passed a resolution in August calling on the agencies to abide by the law and, where necessary, to draft new statutes guaranteeing that lawyers can effectively do their work. However, a representative of the local lawyer's association maintained that the Government had not passed any statutes facilitating lawyers' work by year's end.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

Government interference and pressure compromised the court system's independence throughout the year--a situation based largely on legislative, administrative and Constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the justice ministry to the Supreme Court, though its ultimate impact remained uncertain.

There are three levels in the court system: Local; oblast (provincial); and the Supreme Court. According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. (Nominees are recommended by the Supreme Judicial Council, members of which include the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and other persons appointed by the President.) The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, legal experts, and Ministry of Justice officials. Under a change introduced in December, the President appoints the collegium chairman.

According to legislation passed in December 1996, judges are appointed for life, although in practice this means until mandatory retirement at age 65. Under a 1995 presidential decree on the courts and the status of judges, the President can remove judges, except members of the Supreme Court or chairmen of judicial collegia, upon recommendation of the Minister of Justice. (The Minister's recommendations must in turn be based on findings by either the Supreme Judicial Council or Qualification Collegium of Justice that the judge failed to, or was no longer capable of, performing his duties.) The President can request, based on recommendations from the Supreme Judicial Council, that the Senate remove members of the Supreme Court or chairmen of judicial collegia.

The 1995 Constitution abolished the Constitutional Court and established a Constitutional Council. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council can overturn a presidential veto if at least two-thirds, or five, of its members vote to do so. At least one presidential appointee must therefore vote to

overturn the President's veto in order for the Council to overrule the President. Citizens do not have the right to appeal to the Council about the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairperson of the Senate, chairperson of the Majilis, Prime Minister, one-fifth of the members of Parliament or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court.

The Constitution and the law establish the necessary procedures for a fair trial. Trials are public, with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected.

According to the Constitution, defendants have the right to be present, the right to counsel (at public expense if needed), and the right to be heard in court and call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are to be conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected. However, cases involving government opponents frequently are closed. Labor movement leader Madel Ismailov alleged that the Medeu district court in Almaty refused to allow the public to observe an administrative trial against him in April (see Section I.d.).

The problem of corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors or other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are poorly paid. According to the Minister of Interior, in 2000 the Government dismissed 613 MVD officers and initiated criminal proceedings against 105 for corruption related crimes. The Prosecutor General stated that 9 senior prosecutors, 8 district prosecutors and 3 department heads had been fired for similar offenses. The Ministries of Justice and Internal Affairs have received additional funding to increase salaries for law enforcement agents and judges. Human rights monitors allege that these government actions only scratch the surface of the problem. According to press and other accounts, judicial positions can be purchased.

There were no political prisoners. However, opposition and human rights activists charged that the prosecution and imprisonment of Pyotr Afanassenko and Satzhan Ibrayev was politically motivated (see section 1.d.).

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

Despite Constitutional protections, the Government infringed on these rights. The Constitution provides that citizens have the right to "confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages." However, limitation of this right is allowed "in cases and according to procedures directly established by law." The KNB and Ministry of Internal Affairs, with the concurrence of the general prosecutor's office, can and do interfere with citizens' privacy and correspondence. The Criminal Procedure Code allows the police and KNB to conduct searches or monitor telephone calls and mail without a warrant if they inform the General Prosecutor's office within 24 hours of such activity. Some government opponents complained that the Government monitored their movements and telephone calls.

A central, state-run billing center for telecommunications services opened during the year. Few companies complied with government requirements to route their services through the center; those that did comply routed service only for the city of Almaty through the center. The Government presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly. NGO's, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent. As of year's end there was no effort to systematically block access to web sites. However, clients of the two largest Internet providers, Kazakhtelecom and Nursat, were blocked from direct access to the opposition Evrasia website from September 15 to October 15. They still could access the site through proxy servers. Users of other Internet services could access the site without difficulty.

A 1999 decree that would have required telecommunications companies to conform their equipment to KNB standards was repealed on May 22. Human rights monitors and many potentially affected companies had

sharply criticized the decree.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and a 1999 press and media law provide for freedom of speech and of the press; however, the Government restricted these freedoms in practice. The Government harassed independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the Constitutional provision for free speech and prohibits censorship; however, the Government takes advantage of the law's vague language effectively to restrict media freedom. For example the law prohibits the mass media from "undermining state security" or advocating "class, social, race, national, or religious superiority" or "a cult of cruelty and violence." Under the law, owners, editors, distributors, and journalists can be held responsible for violations. The law also requires all media to register with the Government, but it does not set forth an appeals process, other than through the courts, if registration is denied. A vaguely written 1998 law on national security similarly restrains media freedom. It gives the Prosecutor General the authority to suspend the activity of news media that undermine national security. A 1999 state secrets law established a list of government secrets the release of which is proscribed in the Criminal Code. Much of the information on the expansive list was vaguely defined and thereby likely to inspire media self-censorship. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also included all information about the health and private life of the President and his family. Also defined as state secrets was basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

In an April 19 speech to law enforcement officials, the President called for the verification of mass media compliance with the media and national security laws and how the media are financed. The President sharply criticized much of the national mass media, including the Khabar state television channel, which is operated by his eldest daughter. He accused Khabar of tendentious reporting; he accused other unnamed media outlets of "inciting national strife, insulting the dignity of the people, coming out against the Constitutional system (and) disparaging their country." Consistent with public assurances on April 24 by the Minister of Culture, Information, and Social Accord that the President's speech did not presage a crackdown on the media, government policy toward the media did not appear to change after the President's speech. However, human rights monitors charged that the tone of the President's speech reinforced a climate of media self-censorship and law enforcement harassment of the media. Nonetheless, new licenses for media of various forms continued to be issued and, according to the Government, the number of media outlets in the country increased.

In October the Government introduced draft amendments to the media law that would limit foreign media rebroadcasters to per cent of a station's total air time, hold media outlets responsible for the accuracy of foreign media they rebroadcast, and force websites to register as media outlets. Journalists and NGO's charged that the draft law would infringe freedom of speech.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. Although publications expressing views independent of the Government continued to publish, the Government took measures to punish publications that reported certain undesirable stories and harassed two publications that were affiliated with one of the opposition parties, measures taken with the evident intention of intimidating certain media critics. These actions and the resulting widespread belief that the Government was cracking down on independent media effectively resulted in widespread media self-censorship. In January a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension.

The key subject considered "off limits" by journalists was personal criticism of the President and his family. Most newspapers did not present the story, widely reported in the western press, about alleged American and Swiss investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers. However, The Globe, a small-circulation Russian-English bilingual newspaper based in

Almaty, dedicated most of one edition to the subject. Law enforcement authorities visited the newspaper's office on the day the issue appeared, July 6, to summon its publisher for questioning. The visit appeared to be in response to the content of the July 6 edition, although government officials characterized the visit as a routine tax inspection. The Globe stopped printing for a month after refusing, its management claimed, to agree to a request from its government-owned publishing house to refrain from including such controversial material. About 1 month after resuming publication, the newspaper announced that the publishing house would no longer print the newspaper following inclusion of an article critical of the Prime Minister. However, the newspaper continued to publish, and no charges were brought against the publisher, who remained abroad.

The Government took steps that inhibited the publication and distribution of newspapers affiliated with the opposition. The tax police temporarily seized newspapers during investigations of various printing houses; they were later returned. Government actions appeared to focus in particular on two newspapers associated with RNPk, the party of former Prime Minister Akezhan Kazhegeldin, Twenty-First Century (XXI VEK) and SolDat. Both newspapers had difficulty finding printing houses willing to publish them, resulting in several missed editions. Twenty-First Century finally purchased its own small printing machine but on December 27 unknown individuals allegedly broke into their offices and short-circuited the machine. Customs officials seized a run of Soldat newspaper when the editors tried to bring it across the border from Russia. These papers were also later returned. SolDat also attempted to print in the Kyrgyz Republic twice during the year, but both runs were confiscated by customs at the border. However, both newspapers continued to appear during the year.

The KNB reportedly was investigating SolDat and its editor in chief, Yermurat Bapi, in connection with a complaint that the newspaper insulted the honor and dignity of the President, an offense proscribed in the Criminal Code. The complaint arose from two articles in the newspaper's June 22 edition that reported corruption allegations against the President. The articles were purportedly reprints from Western publications.

In June a government-run publishing house refused to continue printing SolDat. The Ministry of Agriculture publishing house had been printing the newspaper for 8 months. The chief of the publishing house told journalists that he acted because the newspaper's editors failed to meet unspecified contractual obligations. The management of SolDat denied the charge. After SolDat subsequently began publishing in Russia, its management claimed that customs officials at a border crossing point near Semipalatinsk seized an entire print run of the newspaper on July 5. Editor in chief Bapi, who was transporting the newspapers, said that customs officials justified the action because Bapi misstated the number of newspaper bundles he was transporting. SolDat management publicly charged that officials seized the newspaper because it contained articles critical of President Nazarbayev on the occasion of his 60th birthday. Twenty-First Century continued to have difficulty finding printing houses willing to publish it, though it managed to circulate with inferior print quality. On April 27, the tax police in Almaty seized an entire print run of the newspaper at a publishing house because of alleged tax violations by the printer. Government authorities said that the seizure was directed at the printer, not the newspaper.

The independent newspaper Nachnyem s' Ponedelnika, which specializes in investigative articles about government corruption, continued to face a number of defamation lawsuits, many from government officials. After finding in favor of a defamation suit brought by the association of judges, a court in Almaty ordered the seizure of the newspaper's assets, along with the personal assets of its founder and executive director, on May 24. Police confiscated the newspaper's print run, financial records, office equipment, and furniture, on the next day. In June a judge in Almaty fined Nachnyem s' Ponedelnika \$350,000 (50 million tenge) for infringing on the name of another newspaper. The fine was reduced to \$2,000 (290,000 tenge) by an appeals court in July. Management of Nachnyem s' Ponedelnika alleged that these and other lawsuits against it were politically motivated and that prosecutors, the tax police, and the mayor of Almaty were harassing the newspaper. Government officials denied they were conducting a campaign against the newspaper, and maintained that reckless allegations in the newspaper were responsible for the spate of civil law suits against it.

Government's influence over media outlets is extensive. According to government statistics, there were 1,258 mass media and information agencies in the country as of September 1, 76 percent of them privately owned. However the Government runs the newspapers that appear most frequently, five times a week, a number of privately owned media are believed to be controlled by members of the President's family, and many of those which are nominally independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, Kazakhstan Science, which is published by the Ministry of Science. Each major population center has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local

administrations to use the majority of these. An organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak.

On March 31, the independent Almaty television channel 31 fired Tatiana Deltsova, the chief editor of its nightly news program, under what the station president publicly alleged was a government threat to close the station. The reported cause of Deltsova's dismissal was an article that she presented March 30 about vandals' attacks earlier that day on the homes of three leading Government opponents (see Section 2.b.). Government officials reportedly had expressed their dissatisfaction previously with Deltsova's coverage of the opposition. At year's end, Deltsova was hosting a new news program on the television company TAN, an independent television station.

There were no reports, as there were in 1998, that the Government threatened not to renew broadcast licenses of out-of-favor independent stations. There were also no frequency auctions; many members of the independent media and human rights monitors believed that the Government used the auctions in the past to harass and even eliminate independent media.

During the campaign for the January 1999 presidential election, many members of the independent media reported Government pressure not to cover opposition candidates. Media coverage of the campaign for the October 1999 parliamentary elections was extensive and featured all candidates. A nationally televised 2 1/2 hour live debate on Khabar state television featured representatives of the nine registered parties that were participating in the party-list section of the vote. Despite these improvements over the presidential election, independent media around the country reported official pressure to give the majority of their parliamentary election coverage to the pro-presidential Otan party. They also reported that government authorities told them to limit coverage of, and to focus on negative news about, the RNPk and Azamat opposition parties, as well as the Orleu ("Progress") opposition movement. Some television editors claimed that they were told categorically not to cover certain opposition candidates. An RNPk candidate, Twenty-First Century newspaper editor Bigeldy Gabdullin, charged, correctly, that his free broadcast was not shown in his home constituency of Talgar.

The Constitution provides for the protection of the dignity of the President, and the law against insulting the President and other officials remained on the books. The 1999 media law did not control, as did the earlier media law, advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

Academic freedom is circumscribed. As is the case for journalists, academics cannot violate certain taboos, such as criticizing the President and his family. During the presidential election campaign of 1999, there were widespread credible reports that university and school administrators coerced faculty, students, and the parents of schoolchildren to sign nominating petitions for the reelection campaign of President Nazarbayev. Administrators reportedly pressured faculty to join the pro-presidential Otan party formed later in 1999. According to credible reports, authorities in Karaganda pressured the administration of the private Bolashak University to cancel a scheduled April 11 lecture by a leading critic of the Government, political scientist Nurbulat Masanov. An MVD officer was reportedly fired in April for allowing Masanov to deliver a lecture at the MVD senior officers school. Masanov was unemployed since faculty at the state Al-Farabi University in Almaty voted in 1998 not to renew his contract, allegedly over his political views. Unknown vandals attacked Masanov's apartment, as well as those of two other opposition activists, in March (see Section 2.b.). Course topics and content generally are subject to approval by university administrations. There were reports that university students in private as well as state universities sometimes had to pay bribes for admission and good grades.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions. The 1998 law on national security defined as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits. However, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. Officials in Almaty authorized a March 31 demonstration in the center of the city by members of the opposition RNPk, although party members alleged that the authorities were complicit in allowing students from Interior Ministry and olympic-games training

schools to disrupt the event.

In the early morning hours of the day preceding the demonstration, unknown persons vandalized the Almaty apartments of RNPk activists Nurbulat Masanov and Amirzhan Kosanov as well as of another well-known opposition figure, Seidakhmet Kuttykadam of the Orleu movement. The vandals cemented or jammed shut the apartment doors, cut electrical and telephone lines, painted threatening graffiti, and hurled a rock through a window into a bedroom where Kosanov's infant daughter was asleep. The three activists publicly charged that government agents working through the KNB were responsible for the crimes. Government officials denied the charge and suggested that the victims might have orchestrated the incidents to attract sympathy, a charge the activists denied. During the week following the incident, Kosanov received a series of messages threatening him and his family. Law enforcement investigations into the incidents were closed without arrests. On March 31, the President of Almaty's independent Television-Radio Channel 31 acting under what he said was government pressure, fired the station's news editor for including a report about the vandalism incidents on the nightly news (see Section 2.a.).

There were numerous peaceful, unsanctioned demonstrations by workers and pensioners protesting difficult economic conditions and the nonpayment of wages. For the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. In March a court in Astana sentenced a labor union leader to 24 hours in jail for organizing an unsanctioned demonstration by striking construction workers (see Section 6.a.). The authorities arrested well-known government opponent Madel Ismailov (see Section I.d.), who took part in the longstanding monthly pensioners' demonstrations in Almaty; other participants were not arrested. On April 20, the city court of Ust-Kamenogorsk suspended the activities of the local chapter of the Pokoleniye pensioners' movement for 3 months, charging that the group systematically carried out unsanctioned demonstrations. On December 13, the Bostandyk district court of Almaty found Sakhib Zhanabayeva guilty of organizing an unsanctioned mass gathering and sentenced her to 5 days in jail. Zhanabayeva, an activist of the Kazakhstan Workers Movement, had taken part in a protest by pensioners on November 30.

The chief of the Almaty branch of the RNPk, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The RNPk claimed that it was denied access to hotels and other venues in Almaty in May and June. Allegedly the Government had told hotels and other venues in Almaty not to provide their premises for meetings of political parties or movements.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGOs, only register at the national level. Registration on the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition a registration fee of \$135 (19,845 tenge) is required, and most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy. This increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration.

The Constitution prohibits political parties established on a religious basis. The Government has refused to register ethnically based political parties on the grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. The Constitution bans "public associations"--including political parties--whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government registered 3 new parties in addition to the 10 registered to participate in the 1999 parliamentary elections. At least three parties registered in 1999 were widely viewed as opponents of President Nazarbayev. Under current law, a party must submit a list of at least 3,000 members from a minimum of 9 oblasts. (The cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose.) The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the submission of such personal data to the Government is reminiscent of the tactics of the former Soviet KGB and inhibits them from joining parties. Under the law, members of unregistered parties may run for elected office as individuals but not as party members. The party affiliation of candidates does not appear on ballots for candidates in single-mandate parliamentary constituencies. Since the 1999 elections, 10

members of the lower house of Parliament (Majilis) are elected on the basis of proportional, party-list voting. Two registered opposition parties, Azamat and the RNPk, increased their organizational activities. They participated in training seminars, were active in public political debates, and held press conferences.

The Minister of Internal Affairs rescinded in October a directive that MVD claimed gave law enforcement officers the right to attend any meetings of political parties and NGO's. This claim, to which human rights monitors and opposition party leaders had strongly objected, had been upheld by the Supreme Court in July. Authorities had first asserted this claim when they brought charges against Bigeldy Gabdullin, a leading figure in the opposition RNPk, for obstructing the work of a state organ. The charges arose from a December 1999 incident in which Gabdullin insisted that a senior MVD officer leave a meeting of RNPk officials at the RNPk office in Almaty. An Almaty court convicted Gabdullin on January 25 and fined him \$35 (5,000 tenge). The conviction was upheld on appeal. The judge in the case said she based her decision on the presidential decree on the organization and conduct of peaceful meetings, rallies, pickets, and demonstrations, which authorizes law enforcement agents to attend certain public gatherings. However, Gabdullin's lawyer stressed that article 11 of the decree explicitly exempts indoor meetings of public associations, such as political parties, that are held in accordance with law and the group's charter.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the various denominations worship largely without government interference; however, the Government sometimes harasses Islamic and Christian groups whose members it regards as religious extremists. The Constitution defines the country as a "secular" state. The constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In general the Government does not interfere with the appointment of religious leaders or other activities of foreign religious associations, although foreign missionaries have encountered some visa problems.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status. Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Although religious organizations, unlike other nongovernmental organizations, are entitled by law to carry out their activities without government registration, in practice many local officials insisted that they register and in a few instances, disrupted services by unregistered groups. Registration requires an application submitted by at least 10 persons and is usually a quick and simple process. Some religious groups out of favor with the Government have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Korean Protestant groups, as well as Muslim groups independent of the Mufti (the national leader of Islam). Foreign missionaries require state accreditation. Witnesses reported continued difficulties with registration in Pavlodar, Osakarovka and Kzyl-Orda in 2000. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and still have no answer to their latest, September 9, application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, Kazakhstani law does not allow religious groups to engage in educating children without education ministry approval, and many religions include education in their charters.

A 1999 law on education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against religious schools over registration pending full implementation of the law. On December 19, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. Despite concerns about regional security threats from groups claiming a religious basis, the Government did not impose new legal restrictions on religious freedom. Draft restrictive amendments to the law on religion, withdrawn by the government in March 1999, were not reintroduced. However, the country's highest law enforcement officials called for toughening the religion law. The Procurator General of the Republic and the Interior Minister both called for prohibiting the activities of unregistered religious organizations. In February the Interior Minister publicly expressed his dissatisfaction with the presence of conservative Muslims in the country and criticized a local official for attending a stadium meeting of Jehovah's Witnesses. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service. The official Russian-language newspaper, Kazakhstanskaya Pravda, and the

official television station, Khabar, present as objective news allegations that unregistered religious groups present a threat to national security and social cohesion.

The Ministry of Justice has requested that Jehovah's Witnesses amend their charter to eliminate education as a religious activity. However there were no reports that the Government shut down religious schools. Information on the number of such schools, if any, operating in Kazakhstan, was not available.

In September an education ministry official announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside Kazakhstan, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. The official said that the measure was intended to protect the country against religious extremism. It was unclear how the Government would implement the policy. The Government announced that several students studying in Pakistan, Iran, and Turkey would return voluntarily by year's end.

On June 26, the Third Congress of Muslims in Kazakhstan voted to appoint Absattar Derbisaliyev as the new mufti (spiritual chief) of the national Muslim organization. Senior government officials, including reportedly the Chief of the Presidential Administration and the Minister of Culture, Information, and Public Accord, took part in the Congress. Some Muslims alleged that the government officials engineered Derbisaliyev's appointment and the resignation of his predecessor. Derbisaliyev publicly denied that government officials present at the Congress influenced the votes of congress participants, arguing that they were not there when the voting was conducted.

Some local officials continued to maintain, contrary to law, that unregistered religious organizations could not conduct religious activities. Local KNB officials disrupted meetings in private homes of unregistered groups of Jehovah's Witnesses in Pavlodar, Osakarovka and Kyzyl-Orda. In March the city prosecutor's office in Astana, the national capital, issued a written warning to a group of schismatic Baptists for not being registered. Earlier in the month, the head of the local Astana office of the Ministry of Culture, Information, and Social Accord visited the leader of the schismatic Baptists to recommend that the church alter its charter prohibition against seeking government registration and apply for registration. In September a Baptist congregation in Astrakhanka was ordered to close by the district court until it complied with registration requirements. Earlier, the pastor had been fined \$10 (1,500 tenge) for failing to register the church. In September KNB official confiscated Bibles and other literature from a prayer group in Kyzyl-Orda and had not by year's end returned the documents despite the Prosecutor's order to do so. Law enforcement authorities in Akmola Oblast, the province that includes Astana, conducted regular inspections of religious organizations in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes.

Representatives of Jehovah's Witnesses alleged incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. In other cities, officials allowed the church to rent facilities for such gatherings. Church representatives alleged in March that the director of one facility in Almaty told them that city officials had given instructions not to rent space to Jehovah's Witnesses. A city official denied the allegation. Church representatives also alleged that the Prosecutor's Office in Kostanai requested information from the church about its clergymen, organizational structure, and schools, and that in April documents of Jehovah's Witnesses congregations in Taraz and Abay were inspected. The church faced difficulties registering communities of church members in Petropavlovsk, where registration has been denied several times, and Aktau, although it ultimately was registered in Aktau. On June 7, local KNB and Interior Ministry officers, accompanied by local government officials, raided a prayer house belonging to a registered community of Jehovah's Witnesses in the village of Derbesek (South Kazakhstan Oblast). The officers confiscated religious literature and church correspondence. Church representatives complained to district and oblast KNB officials that the raid was illegal because the officers did not have a prosecutor's warrant. In response the director of the KNB department for South Kazakhstan Oblast wrote a letter confirming that no evidence of "illegal missionary activity" was discovered and that the local KNB officers who participated in the raid had been ordered to return the seized literature and correspondence, which they did at the end of June.

On occasion the authorities took action against groups engaged in proselytizing. In December, two female Jehovah's Witnesses were arrested and detained for one day for proselytizing in Talgar. The police confiscated their documents but returned them after three days. No charges were filed. On December 15, two Krishna Consciousness devotees were detained in Aktobe for selling Krishna books on the street. Police confiscated 20 books, but later released the women without charges. However, one Krishna leader reported that in most oblasts officials leave their followers alone. In July in Akshoki, near the Chinese border, members of a Baptist church reported that local KNB officials, police and clergy incited a crowd to threaten a group preaching Christianity and burn Christian literature. One member was severely beaten by a group of eight men who demanded he convert to Islam. Government officials declined to comment on this incident.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. In

practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they had to list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Jehovah's Witnesses reported difficulties obtaining visas for foreign missionaries to visit Kazakhstan. Other missionaries are harassed by local officials regularly. On June 7, immigration officials at Almaty airport refused to admit an American missionary. The missionary, who held a valid visa, alleged that airport authorities did not give an explanation for his exclusion, saying only that the reasons were secret. The missionary suggested that his exclusion might have been related to problems that he had experienced 6 months earlier with customs officials in Russia, where he had performed religious work. He subsequently was denied a visa to return to Russia. Government officials subsequently confirmed the refusal to grant entry to the missionary and indicated that his name matched one on an immigration lookout list that had been circulated to members of the Commonwealth of Independent States (CIS).

Other foreign missionaries, unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by low-level government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Kazakhstan's small Jewish population continued to revive. Following the foundation of the Jewish Congress of Kazakhstan in December 1999, seven new synagogues opened during the year.

The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz who were detained and ultimately released in 1999. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Leaders of other faiths participated in some events, especially in Almaty. In December 1999, during a visit to the United States, the President presented to the Lubavitcher community documents relating to the father of the late Lubavitcher rabbi, Menachem Schneerson. Joint appearances by the Islamic mufti and the Orthodox archbishop, often in the presence of the President, were intended to promote religious and ethnic harmony. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the mufti, criticized the Government's inclusion of the mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state. Many also believe that the distinction government officials sometimes make between "traditional" and "nontraditional" religions violated the fundamental standard of equality among religions.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right to emigrate and the right of repatriation; both are respected in practice. The Law on National Security prohibits persons who had access to state secrets through their work from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

According to the Constitution, everyone who is legally present in the country has the right to move freely on its territory and freely choose a place of residence except in cases stipulated by law. This provision formally abolished the "propiska" system of residence permits, a holdover from the Soviet era, which ended in 1991, and replaced it with a system of registration. However, in practice citizens still are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty due to its relative affluence and local officials' fears of overcrowding. The Government can refuse to register a citizen, just as it did under the propiska system, in order to limit the number of persons who can move to a certain city or area.

There were no further reports of government efforts to restrict the movement of foreigners around the country. There were no further reports of foreigners being detained for entering restricted areas that were not clearly marked. Likewise, there were no further reports by foreigners that they were denied access or required to pay exorbitant entry fees to ostensibly free national parks. There were no reports that the authorities refused to approve the assignment of foreign aid workers to towns considered "sensitive," as had been the case in earlier years. Internal visas are no longer required for foreigners traveling outside Almaty.

An exit visa is required for citizens who wish to travel abroad. Although refusals are rare in general, some opposition political figures encountered difficulties obtaining exit visas. The deputy chairman of the RNP, Gaziz Aldamzharov, did not receive an exit visa for a trip he planned in February. He reported that immigration authorities told him that the visa could not be issued because of an unspecified criminal investigation against him. He ultimately received a visa after the dates of his intended travel. There have been reports of some officials demanding bribes for exit visas. It is usually necessary to meet a number of bureaucratic requirements before the exit visa is issued. A permanent exit visa is much more difficult to obtain. It requires criminal checks,

documents from every creditor stating that the applicant has no outstanding debts and letters from any close relatives with a claim to support from intending emigrants giving their concurrence to the exit visa. In October the President and then-Minister of Internal Affairs announced their intention to eliminate the exit visa requirement for temporary visits or permanent residence abroad, but no action had been taken by year's end.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local office of visas and registration (OVIR). Many foreigners complained that the process was bureaucratically cumbersome. Foreigners are no longer required to register in every city they visit. One registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally refused to allow foreigners without proof of registration to leave the country.

Authorities used the 1999 Law on State Secrets to justify confiscating the passport of Amirzhan Kosanov, an official of the opposition RNP, as he tried to fly to the United Kingdom on November 25 (see Section 3). Kosanov, who had traveled abroad during the 3 years between his departure from government service and full implementation of the state secrets law, said that he had a valid exit visa and U.K. entry visa for the November trip. Almaty migration police in October had tried to seize Kosanov's passport. The Government alleged that Kosanov had access to state secrets when he served as press secretary to former Prime Minister Akezhan Kazhegeldin, the leader of the RNP; that Kosanov had refused to sign a standard non-disclosure agreement and follow other simple procedures prescribed by the law; and that other former officials with knowledge of sensitive information had been allowed to travel after complying with the procedures. The Government is not known to have used the Law on State Secrets to block the foreign travel of any other former officials since the law's passage in 1999.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wish to return. Kazakhs in this category are entitled, in principle, to citizenship and many other privileges. Anyone else, including ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return, if they wish.

The Government usually cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government did not pass implementing legislation for the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work.

Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the UNHCR. The Government in most cases allowed UNHCR access to detained foreigners. Ethnic Kazakh migrants are automatically eligible for citizenship, although the Government has granted citizenship to only about 10 percent of the 191,000 Kazakh migrants. Migrants from other CIS countries are not considered to be refugees as they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations. Only the President can grant political asylum; he is known to have done so only once since independence in 1991.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. However, the limited resources of the agency impeded the processing of many cases. Asylum claims were processed only in Almaty, which is as far as 2,000 miles from other major Kazakhstani cities. The Agency for Migration and the courts took a restrictive approach to many asylum claims, apparently out of a desire to limit the number of refugees. The Government's desire to control the size of the refugee population appeared to be motivated by the country's difficult economic situation and national security concerns stemming from the national origins of many asylum seekers. The UNHCR estimated that there were approximately 18,000 refugees in the country (at least 10,000 Chechens from Russia and about 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). There was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize the Chechens as refugees. However, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. By September the Government registered 1,211 asylum seekers and accorded refugee status to about two-thirds of them. The Government continues to give priority to the return of ethnic Kazakhs in order to increase the percentage of Kazakhs in the overall

population and to offset the large-scale emigration of ethnic Russians and Germans. Since independence approximately 190,000 ethnic Kazakhs, mostly from other CIS countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings. The problem of integrating the Kazakh migrants was compounded by the inability of about 90 percent of them to obtain Kazakhstani citizenship, to which theoretically they are entitled by law. Without citizenship, the migrants do not have clear rights to own property, open businesses, or conduct other legal transactions.

Agreements between Kazakhstan and Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned about the impact of this agreement on Uyghurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uyghurs; it was unclear whether any Uyghurs applied. In general the Government was tolerant toward the Chinese Uyghur population. There were no known cases of the Government returning Uyghurs to China since February 1999, when the Government returned three Uyghurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three men were subsequently executed upon return to China, but this information has not been confirmed.

There were no reports that the Government forcibly repatriated refugees in the period covered by this report to any country where they feared persecution.

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

The Constitution provides for a democratic government; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. Modifying or amending the Constitution is nearly impossible without the consent of the president. President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. He extended his previous term of office via a deeply flawed 1995 referendum without a contested presidential election (which, according to the Constitution then in force, should have been held in 1996).

The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. If Parliament does not act within 30 days on bills the President designates as urgent, the President can issue the bills as decrees with the force of law. He appoints judges, senior court officials, and all regional governors. He directly appointed the chairman and members of the Central Elections Commission (CEC) who oversaw the most recent presidential and parliamentary elections in 1999. In accordance with the Constitution, the lower house of Parliament (Majilis) confirmed the CEC chairman and members nominated by the President in May.

President Nazarbayev won his current term in office in a 1999 election held nearly 2 years earlier than previously scheduled. The previous October, the President and the Parliament passed in 1 day, without any prior public notice, a series of 19 constitutional amendments that enabled them 1 day later to call the early presidential election. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (President Nazarbayev would be 65 year of age before the end of his current 7-year presidential term.) The Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the lower house (Majilis) and from 4 to 6 years for the Senate. Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the presidential ballot. Candidates were required to submit petitions with approximately 170,000 signatures collected in equal proportions from at least 11 of the country's 16 regions (the 14 oblasts plus the cities of Almaty and Astana). They also were required to pass a Kazakh-language test and to make a nonrefundable payment of 1,000 times the minimum monthly wage (approximately \$30,000), although an equal sum was then provided to each registered candidate for campaign expenses. Although three candidates, in addition to President Nazarbayev, qualified for the ballot, two of them, then-Senator Engels Gabassov and then-Customs Committee chairman Gani Kasymov, were known as supporters of the President and widely believed to be running at government behest.

In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. A district court in Almaty summoned on less than 24 hours' notice 5 leading government opponents--former Prime Minister Akezhan Kazhegeldin, former Social Democratic party leader Dos Kushim, Pokoleniye Pensioners Movement leader Irina Savostina, Azamat movement co-chairman Petr Svoik, and Tabigat ecological movement leader Mels Yeleusizov--to face charges of participating in the October 1998 meeting of an unregistered organization called For Fair Elections. The court convicted all five. Despite the judgment against him, Kazhegeldin, the most widely known opposition figure, applied for registration as a candidate in the presidential election. The presidentially appointed CEC disqualified his candidacy under the provision of the presidential decree on elections that then served as the election law. The Supreme Court upheld the disqualification. The CEC also used the election law provision to disqualify the presidential candidacy of Amantai Asylbek, leader of the Attan antinuclear testing movement, because of a 3-day jail sentence that he received in February 1998 for participating in an unsanctioned demonstration.

The Government harassed President Nazarbayev's opponents throughout the presidential election campaign. According to credible reports, government agents repeatedly pressured managers of conference facilities to deny access at the last moment to government opponents who had arranged to use the facilities for meetings and press conferences. When opposition meetings and press conferences did take place, electricity at the facilities often was interrupted. Government attempts to disrupt opposition meetings appeared to have extended beyond national borders when the management of a Moscow hotel withdrew permission at the last moment for a December 1998 opposition congress. Communist Party leader Serykbolsyn Abdildin, the only candidate from the ranks of the preelection opposition who qualified for the presidential ballot, publicly complained that local officials loyal to the President impeded his attempts to hold campaign rallies and meetings. As recently as November, authorities used the State Secrets Law to confiscate the passport of RPNK official Amirzhan Kosanov as he tried to travel to the United Kingdom (see Section 2.d.).

Assaults on two of Kazhegeldin's advisers appeared to have been politically motivated and, government critics charged, sanctioned by the Government. In addition, Kazhegeldin claimed that two gunshots were fired at him on the eve of the press conference at which he announced his presidential candidacy. Unknown assailants beat one of his public relations advisers, Yelena Nikitenko (see Section I.c.) and beat his press spokesman, Amirzhan Kosanov. Several days before the attack, officials of the al-Farabi National University in Almaty forced Nikitenko to resign from the faculty because of her political activities. Government officials alleged that the Kazhegeldin campaign staged or invented all three attacks. Following the announcement of Kazhegeldin's candidacy, the then first deputy chairman of the KNB held an unprecedented press conference at which he made admittedly unsubstantiated allegations of financial malfeasance against Kazhegeldin. The tax authorities brought an action against Kazhegeldin during the campaign and, according to credible reports, threatened actions against other government opponents. At a news conference, Kazhegeldin supporters showed videotape of police repeatedly pulling over Kazhegeldin's car for unspecified "inspections." Kazhegeldin also claimed that border control officials at the Almaty airport tried to prevent him and his family from taking a flight out of the country. An attack on a Kazakhstani employee of a foreign embassy also appeared to be motivated politically and, human rights observers believe, sanctioned by the Government. In December 1998, three men beat the employee outside his apartment as the employee returned home. The employee suffered a cracked rib, some internal injuries, and required stitches to close wounds near both eyes. The attackers stole the employee's briefcase but did not try to steal his wallet and other valuables. The absence of robbery as a motive and the fact that the employee's responsibilities included assisting diplomats in making contacts with political opposition and human rights figures suggested that the attack was motivated politically. Law enforcement authorities closed the investigations into all of these cases without arrests. A suspect was identified in the Nikitenko case but no charges were brought, allegedly because Nikitenko had left the country and was unavailable to identify her assailant.

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE announced in December 1998 that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process. The assessment team concluded that the presidential election fell "far short" of Kazakhstan's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). As before the other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of

39 members 32 of whom are elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. (The number of senate seats was reduced from 42 in accordance with the Government's 1997 decision to reduce the number of oblasts from 19 to 14. Each oblast elects two senators, as do the cities of Almaty and Astana.) Elections were held in September 1999 for 16 Senate seats. The May 1999 election law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage (approximately \$500--70,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The election law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The Constitution states that participation in elections is voluntary. One of the Constitutional amendments passed in October 1998 rescinded the requirement that at least 50 percent of eligible voters participate in order to make an election valid. Experts had cited the old requirement as one of the causes of fraud and vote inflation in past elections.

The legislature exercises little oversight over the executive branch, although it has the Constitutional authority to remove government ministers and vote no-confidence in the Government. The Constitution and other arrangements allow the executive branch to dominate the legislature. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. The executive branch used this authority to block legislation drafted by Members of Parliament. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which largely is controlled by the President (see Section I.e.).

The introduction, for the 1999 parliamentary elections, of 10 new seats in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communists, were previously very weak. The Communist Party and three pro-presidential parties--Otan (Fatherland), the Civic Party, and the Agrarian Party--divided the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible. (They were the only two candidates rejected of more than 600 applicants for Majilis contests.) Of the more than 600 other candidates, about half who won ran as independents. Many of them were former government officials with strong presumed sympathy for the progovernment parties.

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. The Parliament invited nongovernmental representatives to observe at least four meetings. Many draft bills were held closely and published in the press only after passage and signature by the President. In 2000 the Parliament became more open by publishing important draft laws (for example, the tax code) and by meeting with NGO's on others (for example, the local self-government law).

Although an improvement in many ways over the most recent presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness about vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments." The OSCE also expressed concern that parliamentary runoff races were conducted just 2 weeks after first-round voting, which left no time for the CEC and the courts to act on hundreds of complaints filed about the conduct of first-round voting and the campaign.

The May 1999 election law replaced a presidential decree that had served as the election law. It lowered candidate registration fees by 75 percent but failed to correct other deficiencies of the decree it replaced. The law maintained a system of territorial, district, and precinct electoral commissions subject to regional and local government authorities, who recommend commission members. It failed to incorporate suggestions for creating a more open vote tabulation process. It also maintained more than 40 administrative provisions that

bar candidates convicted of administrative offenses from running for office for a year, although one offense was eliminated from the list of disqualifying offenses.

The CEC issued regulations to ameliorate some of these deficiencies in time for the parliamentary elections, but the effects were limited. For example the CEC filled vacant seats on electoral commissions by lottery among all registered political parties. However, the initiative affected only 25 percent of commissions and was limited to 1 seat per commission, each of which usually consists of 7 members. Regulations that clarified the rights of election observers significantly improved the ability of observers to monitor vote counts at the precinct level. However, observers could not, in the end, use the information they obtained to corroborate or challenge official results. The CEC ultimately released comprehensive precinct- and district-level vote tallies for only 1 of 67 single-mandate districts, despite repeated requests from the OSCE and other observers. With the exception of the one district for which comprehensive results were released, the CEC never issued the order of finish or final totals for Majilis candidates who neither won nor qualified for a run-off.

The Government, prior to the 1999 parliamentary elections, removed participation in the activities of an unregistered organization from the list of administrative offenses that potentially could disqualify candidates for public office. However, more than 40 other administrative offenses remained on the list. Among these offenses were participation in unsanctioned demonstrations or rallies, an offense that the Government has used to charge its opponents (see Section 2.b.). The Government presented rescission of the administrative offense as a measure to enable the five opposition leaders convicted of participating in the For Fair Elections meeting to run for Parliament. Two of the five successfully registered as candidates. However, the CEC declined to register Akezhan Kazhegeldin due to a December 1998 administrative conviction for contempt of court. The conviction arose from Kazhegeldin's failure to respond in person to the For Fair Elections charge. (Kazhegeldin argued at the time that he met the law's requirements by sending his attorney.) The chairperson of the CEC publicly encouraged Kazhegeldin to seek the overturn of his contempt of court conviction 1 week before the registration deadline for the parliamentary elections. A successful appeal by Kazhegeldin would have made him eligible, according to the CEC, to run in the parliamentary election. Kazhegeldin subsequently wrote to the Supreme Court requesting that it overturn his contempt conviction, but the court ruled that his letter did not constitute a proper legal appeal.

Within a day of the CEC exclusion of Kazhegeldin's candidacy, Russian authorities detained Kazhegeldin on a pre-existing warrant issued 2 months earlier by the Prosecutor General of Kazakhstan. The Government requested the extradition of Kazhegeldin, who was living in exile, in connection with allegations that he had laundered illicit funds received while serving as Prime Minister from 1994 to 1997. Following protests from international human rights groups, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin. In July Kazhegeldin was detained again in Italy on charges of corruption, pursuant to an Interpol warrant posted by Kazakhstan. Italian authorities released him shortly thereafter. The investigation of Kazhegeldin, while possibly grounded in facts, appeared motivated politically.

The CEC barred the 1999 parliamentary candidacy of Madel Ismailov because of his February 1998 criminal conviction for insulting the President (see Section 1.d.). Ismailov had sought to register as a candidate on the RNPk party list. The election law precludes candidates convicted of criminal offenses from running for office for 3 years following their convictions.

A flawed provision in the electoral law was used to disqualify from the 1999 parliamentary election another RNPk candidate, deputy party chairman Gaziz Aldamzharov, after he apparently received a majority of votes in an election in Atyrau. The CEC annulled the second round of the Atyrau election, as well as two other second-round elections, but gave no specific reason in its official decree. The electoral law precludes all candidates who participated in an invalidated election from running in a make-up election, regardless of who was responsible for the violations that led to invalidating the election. The CEC interpreted this provision to exclude from the 3 rerun elections all of the approximately 500 candidates who ran unsuccessfully for any Majilis seat in 1999. Although the CEC did not formally specify the reason for invalidating the Atyrau election, the CEC chairperson said in a television interview that district and precinct electoral officials in Atyrau refused to certify protocols after a series of disturbances that the chairperson attributed to the "opposition." These disturbances included alleged bomb threats, alleged falsification of ballots, and the incursion into one polling station of four masked men who opened and overturned ballot boxes. Given widespread expectations that Aldamzharov would receive a majority of votes in Atyrau, unsubstantiated CEC allegations that the "opposition" disrupted voting in Atyrau appeared contrived.

There were widespread, documented allegations that regional and local executive authorities (akims) interfered with the parliamentary elections during the campaign and in the voting process. In one case, the chief election commissioner for the Ili district (Almaty Oblast) resigned because, he alleged, the district akim ordered him to deliver a victory for the akim's favored candidate. The commissioner, like most election officials a government employee, offered to resign from his full-time government job in addition to his electoral responsibilities. A significant number of complaints filed in several regions indicated that akimats and, through

them, other employers threatened supporters of opposition candidates with job loss. In one such case, the akimat of the capital city, Astana, allegedly threatened to fire more than 20 government employees for their support of a nonfavored candidate. There were also reports that tax inspectors and some KNB officials intimidated opposition candidates, their supporters, and the independent media. Akimats used government personnel and other resources, including office space, to support "favored" candidates and to distribute campaign literature for the propresidential Otan party. On first- and second-round voting days, international and domestic observers found akimat representatives "supervising" the work of putatively independent precinct electoral commissions in numerous locations throughout the country.

The failure of the CEC to release most precinct- and district- level vote tallies undermined the credibility of election results. Evidence of official vote tampering in many districts exacerbated this problem. The OSCE observation mission obtained copies of flagrantly falsified protocols (reports of official results). During the first round of voting OSCE observers found multiple vote protocols prepared in one Almaty polling station. OSCE and domestic observers reported that precinct officials frequently did not use official protocol forms to record results in the presence of observers or filled out the official forms in pencil. District election officials, especially in first-round elections, generally refused to allow observers to witness the tabulation of results from various polling stations. Observers' access to district vote tabulations improved in the second round of voting after the CEC issued new instructions for preparing protocols and instructed district officials to cooperate with observers. Nevertheless, the district election commission in Atyrau refused initially to allow OSCE observers into the district commission office. District officials ultimately allowed the observers into their office but subsequently recommended that they leave because the commission "could not assure the (observers') safety."

Government officials said that President Nazarbayev took disciplinary actions against some local officials for interfering with the parliamentary elections but this could not be confirmed; the Government did not release any details such as the names of the officials, their offenses, or punishment.

In February a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections. Government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO's. After some delays, the first of four planned sessions took place on September 2 in Astana. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. The remaining sessions were scheduled for 2001; the leading opposition parties and movements took part, as did approximately 15 Members of Parliament from across the political spectrum. The CEC and representatives of the Ministries of Foreign Affairs, Justice, and Culture, Information, and Public Access also took part. Shortly after the September session, and with only a few days' notice, the CEC announced that it would organize new regional and local electoral commissions without waiting for the issue to be discussed in subsequent sessions. The CEC said it had to act because the terms of the previous commissions were expiring. Other roundtable participants criticized the CEC for failing to discuss its plans to reconstitute the commissions or to give political parties more notice that they would be invited to nominate candidates.

The Constitution and laws significantly constrain the independence of the judiciary (see Section 1.e.). A Constitutional Council replaced the Constitutional Court in August 1995 when the new Constitution was adopted. The President appoints three of its seven members, including the chairman. A two-thirds majority of the Council is required to overrule a presidential veto. All judges below the level of the Supreme Court are appointed directly by the President. The President's nominees for the Supreme Court are subject to Senate confirmation.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. All adult citizens (at least 18 years of age) have the right to vote. Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women and minorities in politics, but the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and several deputy ministers were women. There were no female provincial governors (akims). Of 39 Senate members, 5 are women; of 77 Majilis members, 8 are women.

Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the

national bank. Non-Kazakhs also are underrepresented in the Majilis and the Senate. In Parliament 8 of 39 senators are non-Kazakhs, and 19 of 77 members of the Majilis are non-Kazakhs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local human rights organizations. They cooperate on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Law enforcement investigators closed an investigation into a November 1999 fire that destroyed the main office and archives of the Bureau for Human Rights in Almaty. The Almaty fire department concluded that arson was the probable cause of the fire. It absolved the organization from potential civil liability for the fire. However, investigators identified no suspects and made no arrests. Some human rights observers complained that the Government monitored their movements and telephone calls.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered; however, some continue to operate without legal standing. An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO's played an apparently unprecedented role in government consideration of draft local government laws. After successfully delaying passage of what was widely viewed as flawed legislation on this subject early in the year, the coalition successfully lobbied Parliament to publish the draft. That draft was withdrawn in December for revision. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee. Others believe that they were not eligible to register because they promoted the interests of one ethnic group or religion and are considered by some to violate the constitutional ban on inciting social, racial, national, religious, class, and tribal enmity. The new Criminal Code that took effect in 1998 criminalized the activity of NGO's that are not registered. In 1998 five leading opposition figures were convicted for participating in a meeting of an unregistered NGO, the For Fair Elections group (see Section 3).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization, the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization on Migration, and the OSCE have permanent offices in the country. The Constitution forbids "the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations."

The Presidential Commission on Human Rights is a consultative body. It prepares annual reports to the President that can be released to the public only with the President's consent. At the end of 1998, the Commission made public its annual report to the President for the first and only time by publishing an expurgated version of its report for 1997. The report focused almost exclusively on "economic and social rights," for example, the right to a decent standard of living. It concluded that the country consistently abides by human rights principles and suggested that those who blame the Government for social problems should realize that individual well-being ultimately is the responsibility of the individual. The Commission reached out to independent human rights organizations but made little progress in establishing itself as an Ombudsman. In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption but tended to deny or downplay charges of abuses of civil liberties and political rights. In general the Government tended to deny or ignore charges of specific human rights abuses that were levied by human rights monitors and individual citizens. In its report to the President for 1997, the Commission charged that many domestic NGO's are oriented towards developed countries' standards and do not realize that progress towards a market economy and civil society is a slow, gradual process. It said that NGO's sympathetic to "left-wing radicals" have nothing constructive to offer.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances." However, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women

According to human rights groups, there is considerable domestic violence against women. A local NGO, the Feminist League, estimates that hundreds of thousands of women are the victims of spousal abuse. The Interior Ministry reported that family members or domestic partners were responsible for about one-third of the nearly 8,500 crimes against women registered in the first half of 1999. During the same period, 81 women were killed by family members. The Feminist League reported that the levels of domestic violence remained approximately the same in 2000. Karaganda oblast reported 3,060 crimes against women in the first 6 months of 2000, including 33 murders and 53 rapes. Almaty police reported 49 murders, 134, rapes and 936 assaults against women during the first nine months of the year. There was no information on the percentage of these crimes successfully prosecuted, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. However, new domestic violence units opened during the year within the Almaty and Astana police departments. A women's crisis center in Almaty maintains that the Almaty police are very effective when there is a complaint. However, the police cannot detain a person legally for more than 72 hours if the victim refuses to provide a written complaint. In most cases, women refuse to follow through with charges. The maximum sentence for wife beating is 3 years, but few such cases are prosecuted. A government commission on women and family continued to draw attention to the issue of domestic violence. Law enforcement authorities reported that 288 persons were convicted of rape in the first 8 months of 1999, although the total number of reported rapes was unavailable. Under the Criminal Procedure Code, prosecutors can initiate a rape case, absent aggravating circumstances such as gang rape, only upon the application of the victim. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. The punishment for rape can range from 3 to 15 years' imprisonment. There is very little reporting on rape in the press. There is no law specifically against spousal rape, which is proscribed under general rape laws.

Trafficking in women is a serious problem (see Section 6.f.).

There is no legal discrimination against women, but traditional cultural practices limit their role in everyday society and in owning and managing businesses or real property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures. Women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education. Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide loans to female entrepreneurs. However, as of year's end, the fund had not distributed any loans.

Children

The Government is committed in principle to children's rights, but as in many other areas, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through the 11th grade, although students may begin technical training after the 9th grade. Secondary education is both free and universal. Kazakhstani law provides for equal access to education by both boys and girls. There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

People with Disabilities

Citizens with disabilities are entitled by law to assistance from the State. There is no legal discrimination against the disabled, but in practice, employers do not give them equal consideration. There are laws mandating the provision of accessibility to public buildings and commercial establishments for the disabled, but the Government does not enforce these laws. However, improvements to facilitate access are not uncommon in Almaty and Astana. Assisting disabled persons is a low priority for the Government. Mentally ill and mentally retarded citizens can be committed to institutions run by the State. These institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

National/Racial/Ethnic Minorities

According to results of the 1999 census, the population of about 15 million consists of approximately 50 percent Kazakhs and 33 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks (2.5 percent), and Germans (2.4 percent).

The Government continued to discriminate in favor of ethnic Kazakhs in government employment, where

ethnic Kazakhs predominate, as well as in education, housing, and other areas. However, the Government has largely abandoned the explicit "Kazakhification" campaign of the 1st year of independence (1991- 1992). President Nazarbayev has emphasized publicly that all nationalities are welcome. Nonetheless, many non-Kazakhs are anxious about what they perceive as expanding preferences for ethnic Kazakhs. Many ethnic Kazakhs believe that such preferences are needed to reverse 200 years of discrimination against their community.

Most of the population speaks Russian; only about one-half of ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the state language. The Constitution states that the Russian language is used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. Some ethnic Russians believe that Russian should be designated as a second state language. The Government is encouraging more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. A 1997 language law intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages has not been funded sufficiently to make Kazakh-language education universal.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide for basic worker rights, including the right to organize and the right to strike; however, the Government at times infringed on worker rights. Activist unions came under government pressure for holding unsanctioned demonstrations and marches.

A new Labor Code took effect on January 1. Among many other revisions, the new law provides for individual contracts between an employer and each employee, but allows "optional" collective labor contracts. It also allows unions to represent an employee in labor disputes, but an employee may choose other representation.

Most workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At most enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions under the Communist system were, and for the most part still are, organs of the Government and work with management to enforce labor discipline and to discourage workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK, formerly the Independent Trade Union center of Kazakhstan) claims membership of about 250,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The pro-Government Federation of Trade Unions claims 4 million members; however, that figure is regarded as too high. To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and expensive. The process of registering a union appears to be completely subjective, with no published criteria. No unions were registered or denied registration during the year. The two major independent trade union confederations are registered. Courts may cancel a union's registration, as a provincial court did in Kentau in 1998.

The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first fired in times of economic downturn.

Unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. The nonpayment of wages continued to be the priority issue for workers. Early in the year, workers of the Uralsk "Metallist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. The company subsequently prohibited one of the union's leaders, Vlaomir Podzhidaev, a member of the local city council, from entering the factory's territory. In addition police detained the union's chairman, Ainur Kurmanov, on March 31. Kurmanov alleged that police drugged and beat him, and detained him without charges for 7 days. He claimed that a local television station subsequently slandered him by showing footage of his "drunk" behavior in police custody.

According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition the law requires that employers be notified that a strike is

to occur no less than 15 days before its commencement. There were numerous strikes throughout the country to protest the nonpayment of wages and unsafe working conditions. Construction workers in Astana held a series of strikes complaining of the degradation of their working conditions under foreign contractors. According to the CFTUK, the Turkish construction company "Okan Holding Isot," under various pretexts, fired 125 of its employees in Astana shortly after the employees formed an independent labor union in November 1999. Workers at the company began a strike on March 29 to demand recognition of the union, collective bargaining, and the timely payment of wages. Police detained 8 out of 19 participants for 5 hours the same day. The workers were tried the following day and the leader, J. T. Sharipov, was sentenced to one day in jail for organizing an unsanctioned demonstration. The other seven were warned and then released.

Independent unions complain about a provision in the Constitution that forbids the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. After independence in 1991, independent trade unions received financial assistance from the AFL-CIO's Free Trade Union Institute (FTUI). Most of this assistance ended in 1996 when funding was reduced, and FTUI currently provides no funding. Independent trade unions have sought new means of support; some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training, participation in which appeared to increase.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK, headquartered in Astana. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

b. The Right to Organize and Bargain Collectively

The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. Unions routinely appealed to arbitration commissions.

The new Labor Law that took effect January 1 reduced the role of unions by requiring employers and employees to negotiate individual labor contracts. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law. Previously the terms of contracts were set only by law and collective bargaining agreements. The new law also gave employers the right to fire an employee without the consent of the employee's union.

There is no legal protection against antiunion discrimination.

There are no export processing zones. Free economic zones enjoy all the privileges of export processing zones as well as other tax privileges and abatements, but labor conditions there appear to be no different from elsewhere in the country. On August 1, the President signed a decree abolishing the last free economic zone to become effective on January 1, 2001.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor except "at the sentence of the court or in the conditions of a state of emergency or martial law," and it is generally not known to occur; however, in 1999 there were reports that some persons were required to provide labor or the use of privately owned equipment with no, or very low, compensation to help gather the annual grain harvest.

The Constitution does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 14 years, but only for part-time work (5 hours a day) that is not physically onerous. A child between the ages of 14 and 16 may work only with the permission of his or her parents. Education is compulsory to age 16, and the law stipulates harsh punishment for employers who exploit children under this age. Responsibility for enforcement rests with the Ministry of Labor, for administrative offenses punishable by fines, and the MVD for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases where a minor is injured or placed in unhealthy conditions. Children from the ages of 16 to 18 can work full time provided that they are not required to do any

heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities. Although the Constitution does not specifically prohibit forced and bonded labor by children, the sale, trafficking, and abduction of children or hiring minors for exploitation are punishable with up to 12 years in prison. There were no reports of forced or bonded child labor (see Section 6.c.), and abuse of child labor is generally not a problem; however, child labor is used routinely in agricultural areas, especially during harvest season.

e. Acceptable Conditions of Work

In 1997 the Government resumed setting a minimum wage. The minimum monthly wage remained at its 1999 level of approximately \$20 (2,680 tenge). The Government raised the minimum monthly pension to approximately \$25 per month (3,500 tenge) and cleared pension arrears. These amounts do not provide a decent standard of living for a worker and family and fell far short of the minimum subsistence amount for one person as calculated in 1998 by the Kazakhstan Institute of Nutrition.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Although the Constitution provides for the right to "safe and hygienic working conditions," working and safety conditions in the industrial sector are substandard. Safety consciousness is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors could effectively charge traffickers under the existing Criminal Code. Article 270, Illegal Involvement in Prostitution, provides punishment of up to 3 years in jail. Prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, kidnaping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in jail and confiscation of property.

There are no official statistics on trafficking, but women's rights groups and the IOM report additional indications that the problem is serious and growing. However, experts estimate that from 5,000 to 70,000 women have been victimized in the past 10 years. The higher figure was the result of a survey of Almaty women completed in April, the Crisis Center for Women and Children. In 1999, 25 women were repatriated from Greece, 21 from the United Arab Emirates, 16 from Turkey and 3 from Israel, according to the MVD. In December the press reported that 2,000 women were sent to South Korea for prostitution; 2 had been repatriated. All of the trafficking cases known to the IOM involve women between the ages of 18 and 25 who had been trafficked for purposes of sexual exploitation. According to the Kazakhstan Crisis Center for Women and Children, most women are recruited with promises of good jobs or marriage abroad. The organization blames the rising number of women being trafficked from the country on the lack of employment opportunities and lack of information about trafficking. The KNB reported in June that it broke up a trafficking ring that specialized in sending women to the United Arab Emirates for prostitution. Criminal charges were brought against five alleged members of the ring. The five were arrested while trying to board a woman and a 15-year-old girl on a flight to Dubai. The official press reported that customs officers and border officials were under investigation for complicity with the ring.

The Government has no programs to target trafficking in women. However senior government officials presented reports on the problem, including the lack of appropriate legislation, during a November conference on trafficking in persons. The participants adopted a resolution which called for revision of legislation to make trafficking illegal; a distinction between victims of trafficking and illegal migrants, and a joint governmental, NGO and international organization approach to the problem.

Nongovernmental efforts to combat trafficking in persons increased. The Kazakhstan Crisis Center for Women and Children published a brochure warning of the danger of trafficking in women and conducted a survey to measure the level of awareness of the trafficking problem. In response to international organizations' efforts to raise awareness of the problem, local feminist leagues have also begun to get involved. The Feminist League of Kokshetau discovered that 50 local women had been sent to Greece for prostitution. Four regional workshops on trafficking in Aktau, Petropavlosk, Kokshetau, and Shmkent were held during the year.

[End.]