



**REPORT
ON THE ACTIVITIES OF THE HUMAN RIGHTS COMMISSIONER
IN THE REPUBLIC OF KAZAKHSTAN
IN 2024**

Astana, 2025

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NOTATIONS AND ABBREVIATIONS

AIS	- Automated information system;
TSA	- Targeted social assistance;
APF	- Asia-Pacific Forum;
ODIHR	- Office for Democratic Institutions and Human Rights;
Supreme Court	- Supreme Court of the Republic of Kazakhstan;
GPO	- Prosecutor General's Office of the Republic of Kazakhstan;
PD	- Police Department;
DCES	- Department of Criminal Executive System;
DEI	- Department of Economic Investigations;
EAEU	- Eurasian Economic Union;
UAPF	- Unified Accumulative Pension Fund;
EU	- European Union;
AI	- Artificial intelligence;
TDF	- Temporary detention center;
Punishment substitution	- Substitution of the unexecuted portion of the sentence with a more lenient form of punishment;
NSC of the RoK	- National Security Committee of the Republic of Kazakhstan;
CAO of the RoK	- Code of Administrative Offenses of the Republic of Kazakhstan;
CLS&SA	- Committee on Legal Statistics and Special Accounts;
A&Sb	- Advisory and supervisory bodies;
CC of the RoK	- Constitutional Court of the Republic of Kazakhstan;
CESC	- Committee of the Criminal Executive System;
PWDs	- Person(s) with a disability;
MoH of the RoK	- Ministry of Health of the Republic of Kazakhstan;
MFA of the RoK	- Ministry of Foreign Affairs of the Republic of Kazakhstan;
MIA of the RoK	- Ministry of Internal Affairs of the Republic of Kazakhstan;
IDC	- Interdepartmental Commission on issues of legislative activity;
LEA	- Local executive body;
MCI of the RoK	- Ministry of Culture and Information of the Republic of Kazakhstan;
MSHE of the RoK	- Ministry of Science and Higher Education of the Republic of Kazakhstan;
MoD of the RoK	- Ministry of Defense of the Republic of Kazakhstan;
ILO	- International Labor Organization;
MoE of the RoK	- Ministry of Education of the Republic of Kazakhstan;
MIC of the RoK	- Ministry of Industry and Construction of the Republic of

	Kazakhstan;
MSE	- Medical and social expertise;
MLSPP of the RoK	- Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan;
MoF of the RoK	- Ministry of Finance of the Republic of Kazakhstan;
NPM	- National Preventive Mechanism;
NGO	- Non-governmental organizations;
NCHR, Center	- National Center for Human Rights;
OSCE	- Organization for Security and Cooperation in Europe;
UN	- United Nations;
MSHI	- Mandatory social health insurance;
PR	- Permanent residence;
UNDP	- United Nations Development Program;
PTDF	- Pre-trial detention facility;
SC of the RoK	- Social Code of the Republic of Kazakhstan;
UNHRC	- UN Human Rights Council;
SSS	- Special social services;
SVSP	- Socially vulnerable segments of the population;
Labor code	- Labor Code of the Republic of Kazakhstan;
OCU	- Organized Crime Unit;
UNHCHR	- Office of the United Nations High Commissioner for Human Rights;
Parole	- Parole;
CEC of the RoK	- Criminal Executive Code of the Republic of Kazakhstan;
PS	- Penal System;
CC of the RoK	- Criminal Code of the Republic of Kazakhstan;
CPC of the RoK	- Criminal Procedure Code of the Republic of Kazakhstan;
Ombudsman	- Commissioner for Human Rights in the Republic of Kazakhstan;
IID	- Internal Investigation Division;
CSSS	- Center for Special Social Services;
SDG	- Sustainable Development Goals;
PB	- Private bailiff;
EC	- Expert council.

INTRODUCTION



Protection of human rights is a fundamental obligation of the modern state which reflects its commitment to democratic values and principles of the rule of law. The Republic of Kazakhstan, as a signatory to over 70 international agreements in the area of human rights, systematically integrates these international standards into its national legislation. This demonstrates the country's consistent efforts to enhance the guarantees of rights and freedoms for its citizens.

Kazakhstan actively collaborates with the Office of the United Nations High Commissioner for Human Rights and participates in the Universal Periodic Review. Initiatives aimed at protecting freedom of speech, the rights of national minorities, and gender equality are being implemented in conjunction with the OSCE. Although Kazakhstan is not a member of the Council of Europe, the country intensively engages in the human rights protection programs, such as through participation in the activities of the Venice Commission. Furthermore, active cooperation is maintained with the CIS Commission on Human Rights.

The country has recognized the competence of six UN Committees to receive and consider individual communications from citizens: the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities, and the Committee on the Rights of the Child.

Signing of the Optional Protocol on the Rights of the Child and ratification of the Optional Protocol on the Rights of Persons with Disabilities demonstrates significant steps towards the implementation of international human rights standards.

Our country stands as a recognized regional leader in implementing major democratic and political reforms and initiatives on protection of human rights. These reforms are integral to the comprehensive political transformation aimed at building the «Just Kazakhstan» and have significantly contributed to the promotion and protection of human rights.

The Head of the State consistently emphasizes the importance of establishing justice and order within society, where effective justice and protection of citizens' rights hold a prominent position.

As a part of the systematic efforts in this area, the 2021 Human Rights Priority Action Plan, as well as the 2022 Plan for Further Measures in the Field of Human Rights and the Rule of Law, have been adopted and implemented.

Additionally, at the end of 2023, the Third Action Plan on Human Rights and the Rule of Law for the upcoming years was formally adopted.

In 2024 the Institute of the Human Rights Commissioner in the Republic of Kazakhstan continued its active efforts to ensure the observance and restoration of human rights. The primary objective of the Human Rights Commissioner remains to provide citizens with an effective mechanism for the protection of their rights. During the reporting period, the focus was on addressing citizens' appeals, improving legislation, educating the public, and strengthening international cooperation.

In light of the 75th anniversary of the Universal Declaration of Human Rights, significant strides were made to promote human rights values, which resulted in an increase in activities involving broad segments of the population. In 2024, my office and representatives conducted systematic outreach efforts that reached more than 667,741 individuals, which is 40 times greater than in 2023. This increase highlights the population's growing awareness of their rights and the means to protect them.

We place special emphasis on the consideration of incoming appeals in our activities. In 2024, the number of appeals increased by 16.9%, reaching a total of 6,748. The most common complaints relate to decisions made by pre-trial investigation bodies, violations of the rights of convicted persons, and disagreements with judicial acts. This increase can be attributed both to improved access to human rights mechanisms and to ongoing challenges in various areas of civil rights protection.

As a result of the review of these complaints, 97 individuals were held accountable through disciplinary measures, 5 were subjected to administrative penalties, and 4 criminal cases were registered.

During the reporting period, we conducted visits to penitentiary institutions, worked on the establishment of a unique multidisciplinary system of correctional facilities, and continued our efforts to build a society free from torture. As a result of the violations identified during monitoring, 192 officials were held accountable through disciplinary measures, and 30 were subjected to administrative penalties.

The measures taken to eradicate torture and other forms of ill-treatment have received positive assessments from the international community, including the CIS, the United States, the Council of Europe, and the European Union. Additionally, these measures have been recognized within the framework of the Universal Periodic Review conducted by the United Nations Human Rights Council and in various other international forums.

Improving legislation was a critical aspect of our work. Through our analysis we developed over 20 proposals aimed at addressing gaps that hinder the effective protection of citizens' rights.

The Scientific and Practical Conference on «Protection of Human Rights in the Republic of Kazakhstan: Challenges and Prospects» was held on December 10, 2024. The event was organized to enhance cooperation among state bodies, international organizations, and civil society in the field of human rights

protection. The conference showcased the results of research conducted by the Office of the Human Rights Commissioner (focusing on ensuring conditions for women serving their sentences, providing medical care for individuals in closed institutions, combating torture, addressing discrimination, and implementing international standards within national legislation).

Equally significant focus in 2024 was made on international cooperation. The organization of 23 meetings, participation in 10 working visits, and the hosting of a side event in Warsaw underscored Kazakhstan's status as an active participant in global human rights processes. All these efforts are directed towards strengthening international ties and sharing best practices.

This report outlines the main results of the Human Rights Commissioner for 2024, highlighting key challenges in the field of human rights protection and proposing further steps to strengthen the human rights system. The document includes an analysis of applications, studies on legislative gaps, assessments of the effectiveness of preventive mechanisms, and recommendations for the continued improvement of human rights initiatives.

The continuity and systematic approach that characterize the work of the Human Rights Commissioner reaffirm Kazakhstan's commitment to the protection and promotion of human rights. The introduction of new initiatives and close collaboration with civil society will enable the achievement of even higher standards of human rights protection within the country.

In conclusion I would like to express my gratitude to my regional representatives, participants of the National Preventive Mechanism, members of the Expert Council, and employees of the Center for their effective teamwork, commitment to the issues faced by those who reached out to us, as well as their coherence and professionalism.

This report will be submitted for the consideration of the President of the Republic of Kazakhstan and will be published on the official website of the Human Rights Commissioner (Ombudsman) in both state and Russian languages.

The legal basis for this report is Article 8 of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan».

**Human Rights Commissioner
in the Republic of Kazakhstan
Artur Lastayev**

1. GENERAL INFORMATION ON APPEALS RECEIVED IN 2024

For the full year 2024, there were **6 748 appeals**, reflecting a 16,9% increase compared to 2023 (*see Figure 1*).

Total number of appeals

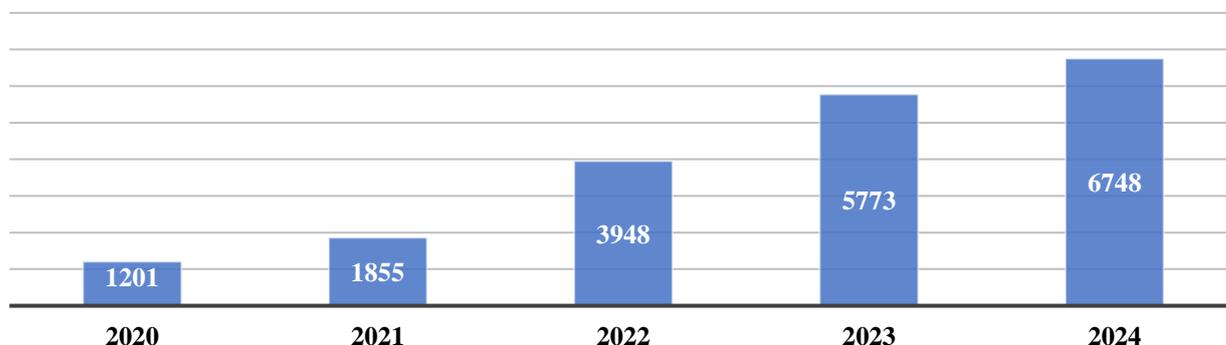


Figure 1

Explanations were provided for **5,075** appeals, while **634** were forwarded to the appropriate state bodies. Additionally, **1,039** appeals were resolved favorably (representing **15%** of the total number of appeals received). Compared to 2023, the percentage of positively resolved complaints remained consistent (in 2023, **902** out of **5,773** complaints were satisfied, also accounting for **15%** (*see Figure 2*).

**Results of consideration of appeals
in 2023-2024**

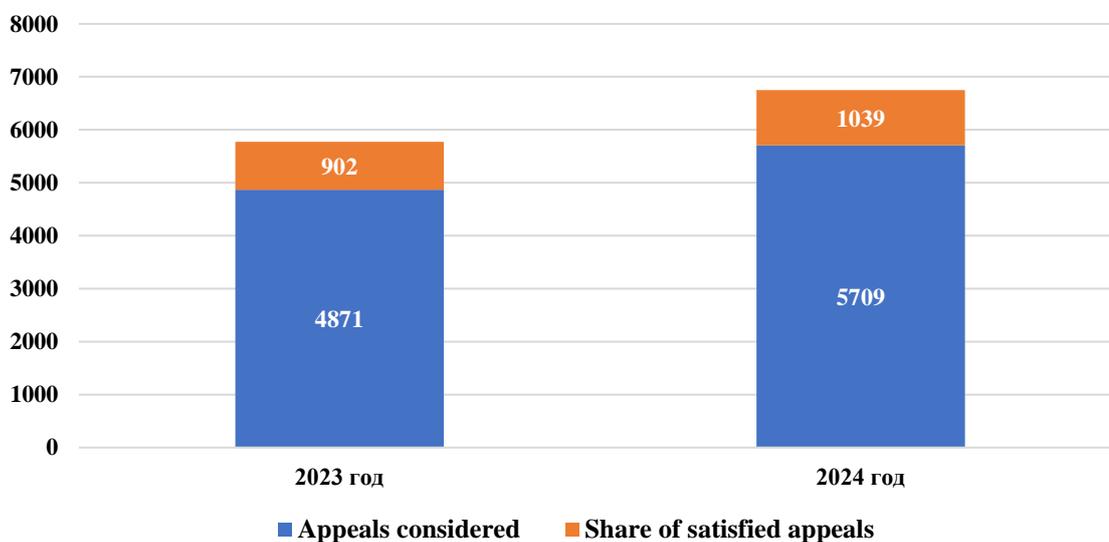


Figure 2

The Ombudsman reviewed **3,300** appeals, which constitutes **48.9%** of the total number of appeals received.

As in previous years, the main categories of complaints have remained unchanged (*see Figure 3*).

The substance of the complaints in 2021-2024.

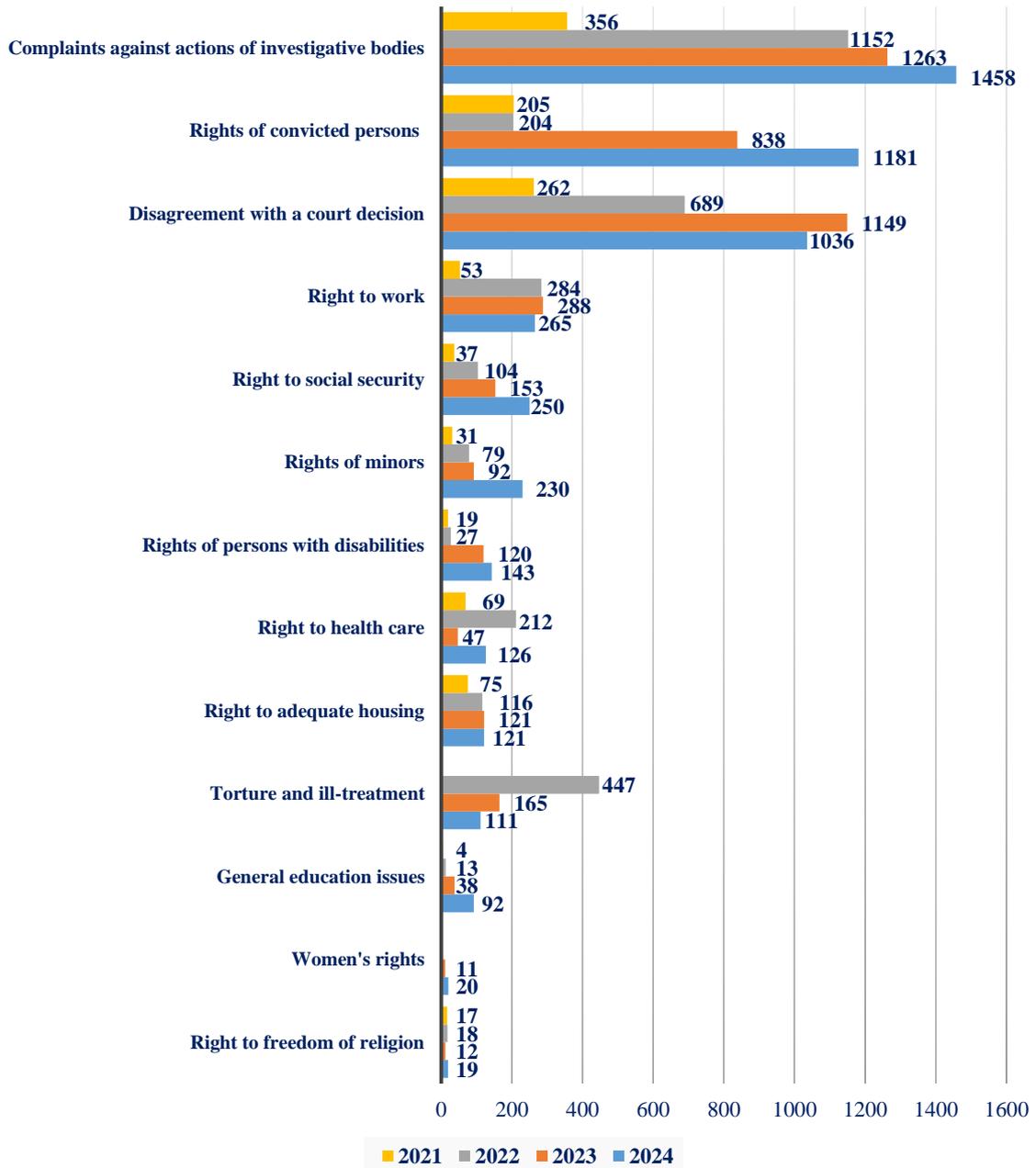


Figure 3

Thus, traditionally, the largest number of complaints has been received regarding the actions and inactions of pre-trial investigation bodies, totaling **1,458**. In 2024, a **15%** increase in these complaints was noted, which correlates with the overall increase in the number of complaints, which rose by 16.9%.

The second group of complaints pertains to violations of the rights of convicted individuals, amounting to 1,181. This category encompasses a broad range of issues, including the failure to provide adequate medical care, unsatisfactory conditions of detention, disagreements over the imposition of disciplinary sanctions, assistance in reviewing judicial acts, and requests for parole or the substitution of the unexecuted portion of the sentence with a more lenient

form of punishment. Complaints related to torture and ill-treatment are categorized separately and are not included here. Due to the persistence of chronic issues in ensuring the rights of convicted individuals in penitentiary institutions, the number of appeals *continues to grow*. Specifically, there was a fourfold increase in 2023 (from 204 to 838), followed by a 1.5 times increase in 2024 (from 838 to 1,181).

The increase in complaints regarding violations of the rights of convicts is primarily related to the denial of parole and the substitution of the unexecuted portion of the sentence with a more lenient form of punishment, and medical care in penitentiary institutions (for further details, see Section 2.2 of this Report). It is our assessment that the decline in court approvals for applications for parole and the substitution of the unexecuted portion of the sentence with a more lenient form of punishment is influenced by a high-profile case in the Turkestan region (involving the murder of a young girl by a parolee). Additionally, the challenges regarding medical services can be attributed to the transfer of this responsibility from the Penal System Committee to the Ministry of Health of the Republic of Kazakhstan.

The Human Rights Commissioner's 2023 report highlighted the Ombudsman's firm stance on the **jury consideration** of motions for parole and the substitution of the unexecuted portion of the sentence with a more lenient form of punishment and proposed relevant amendments to the legislation. Currently, the Judicial Administration is developing and implementing a pilot project to transfer the function of considering citizens' motions for parole and the substitution of the unexecuted portion of the sentence with a more lenient form of punishment to the courts with the involvement of jurors. We will continue to monitor this issue.

The third group of complaints pertains to disagreements with judicial acts, *which experienced a 10% decrease* (from 1,149 in 2023 to 1,036 in 2024). In response to these appeals, citizens were primarily informed about the procedure for judicial appeal and the inadmissibility of interference in court activities.

Conversely, the number of complaints regarding violations of the right to health care surged *by more than 2.5 times*, increasing from 47 to 126. These complaints highlighted issues such as the poor quality of medical services, negligence on the part of medical personnel that led to a deterioration of health, and requests for assistance in obtaining treatment and medications.

The increase in appeals concerning the protection of the rights of minors (which rose from 92 to 230) can be attributed largely to a significant number of citizen appeals (131) regarding protective measures for a 16-year-old girl who was a victim of sexual violence in the Kyzylorda region. After excluding these specific cases, the number of complaints in this category totaled **99**, which is slightly higher than the figures recorded in 2023.

Additionally, there was a *notable increase of 2.5 times* in appeals related to education, rising from 38 to 92. These complaints primarily addressed issues such as bullying, disagreements with the actions of guardianship bodies, and the increase in quotas for the admission of children from large families to specialized educational institutions.

The issue of domestic violence, which has intensified in recent years, has resulted in a marked increase in complaints regarding violations of women's rights. The number of such complaints **has nearly doubled** (rising from 11 to 20).

Moreover, there has been **a more than 1.5-fold increase** in complaints related to social security issues (increased from 153 to 250). We believe that this growth can be attributed, in part, to the heightened visibility of the work carried out by representative offices, with the regions accounting for **70%** of the complaints received.

The number of complaints regarding violations of the right to freedom of conscience also **rose by 1.5 times** (increasing from 12 to 19). As in previous years, some of these appeals concerned disagreements with the actions of school administrations that prevented female students from attending classes while wearing hijabs.



Conversely, the number of complaints related to torture and ill-treatment decreased by 30% (from 165 to 111). This decline correlates with statistical data from the prosecutor's office indicating a decrease in the registration of torture cases within the country.

Complaints regarding violations of the right to adequate housing **remained unchanged** at 121, while complaints related to labor rights slightly decreased from 288 to 265.

In total, the Ombudsman and his representatives conducted **2,906** personal appointments, with **210** conducted by the Ombudsman and **2,696** by his

representatives. This represents *a 20.8% increase* compared to 2023, when 2,405 receptions were held. During these receptions, citizens primarily raised issues related to social security and disagreements with judicial acts.

Detailed information on the categories of appeals is provided in the relevant sections of this Report.

2. PROMOTING THE RESTORATION OF CIVIL AND POLITICAL HUMAN RIGHTS

2.1 Human rights in criminal proceedings



No one shall be subjected to arbitrary arrest, detention or exile.

Universal Declaration of Human Rights, Article 9

Key data for 2024

1 458



Complaints against investigative authorities

50%



Considered by the Ombudsman

15,4%



Number of appeals increased compared to 2023

Complaint outcomes

6,9%



Satisfied and the rights of the complainants restored

81,4%



Written explanations were given

11,7%



Referred to the jurisdiction

According to Article 9 of the International Covenant on Civil and Political Rights, everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention, and no one shall be deprived of their liberty except on grounds established by law and in accordance with due process.

This fundamental right enshrined in the Covenant underscores its particular importance for both individuals and society as a whole.

The country is systematically and consistently working to strengthen the protection of human rights in criminal proceedings and to prevent innocent individuals from being ensnared in the orbit of criminal prosecution.

During his speech at the IX Congress of Judges of the Republic of Kazakhstan, the Head of State highlighted the measures taken to improve the field of criminal proceedings.

For instance, digital technologies have been introduced, significantly simplifying citizens' participation in the judicial process

and enhancing the transparency of court activities. Notably, the broadcasting of court hearings in an online format was launched for the first time.¹

In November 2024, a law was signed that provides for the establishment of three independent courts of cassation - specifically for criminal, civil, and administrative cases - set to commence operations on July 1, 2025. Our office is in

¹ The Head of State took part in the IX Congress of Judges of the Republic of Kazakhstan // Mode of access: <https://akorda.kz/ru/glava-gosudarstva-prinyal-uchastie-v-ix-sezde-sudey-respubliki-kazahstan-492648> (17.12.2024).

favor of the concept of a «seamless» cassation, and we fully support this reform, which aims to increase citizens' access to justice and ensure a fair trial.

Furthermore, in order to democratize the judicial system and expand civil participation in the administration of justice, the categories of cases subject to jury trials have been gradually expanded based on the directives of the Head of State. As of January 1, 2024, jury trials will also have jurisdiction over certain types of serious crimes, allowing jurors to consider a total of 44 criminal cases.² Consequently, the number of cases tried by jury has increased significantly. In 2023, 136 cases were tried by jury, whereas in 2024, this number is expected to double to **261**.

In accordance with the National Development Plan of the Republic of Kazakhstan until 2029, the main directions for further development of judicial proceedings will focus on the harmonization of the roles and functions of all judicial instances, ensuring genuine adversarial proceedings and equal rights for all parties involved, expanding the powers of investigating judges in criminal proceedings, and promoting alternative methods of dispute resolution.³

If we analyze the statistics of complaints regarding the actions and inactions of investigative bodies submitted to the courts over the last five years, it is important to note that there has been a consistent increase each year (*see Figure 4*).

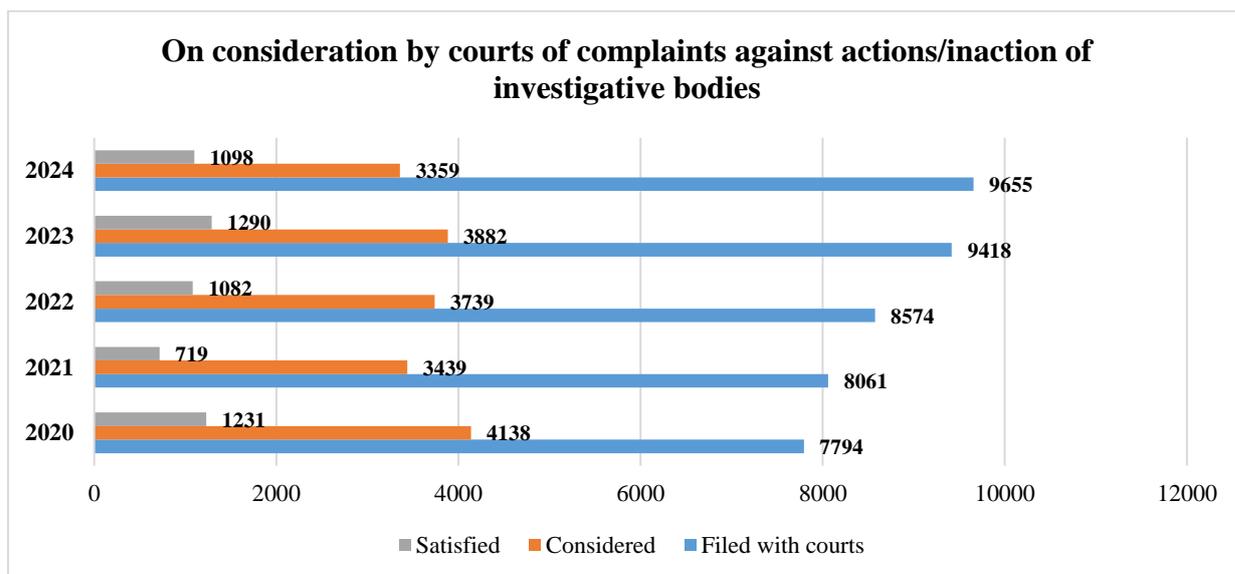


Figure 4

In direct proportion, or «by analogy», complaints in this category to the Ombudsman have also increased (*see Figure 5*).

² “Jury trial: for reasons of conscience”, Interview with Judge of the Supreme Court of the RoK E. Kosmuratov. “On Guard”, 03.05.2024 // Mode of access: <https://sud.gov.kz/rus/massmedia/sud-prisyazhnyh-po-soobrazheniyam-sovesti-msakenova-na-strazhe-03052024-g> (19.12.2024).

³ Decree of the President of the Republic of Kazakhstan from July 30, 2024 № 611 “On approval of the National Development Plan of the Republic of Kazakhstan until 2029 and recognition of some decrees of the President of the Republic of Kazakhstan as no longer valid” // Mode of access: <https://adilet.zan.kz/rus/docs/U2400000611> (17.12.2024).

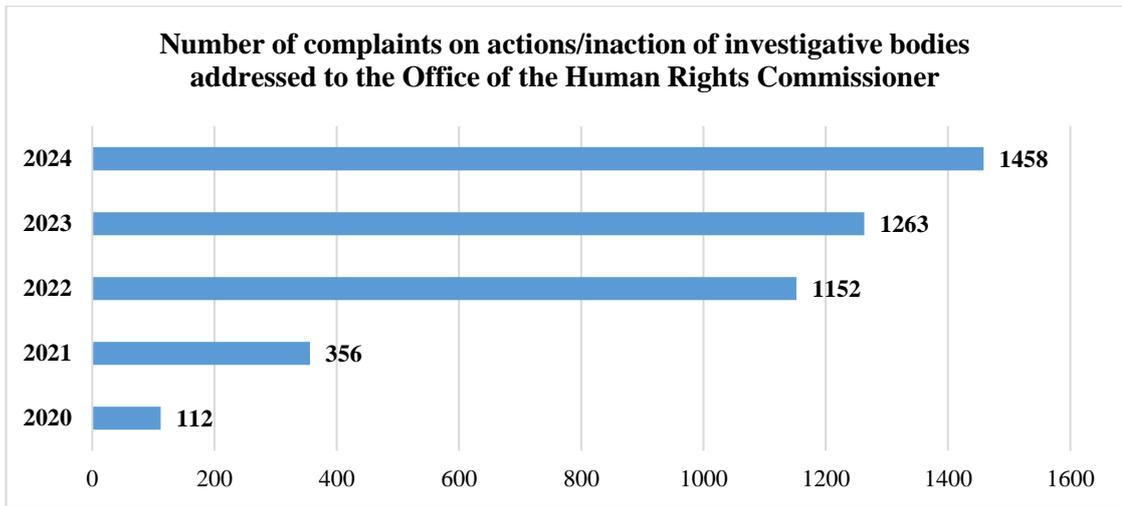


Figure 5

In 2024, there were **1,458** complaints lodged against investigative bodies, constituting 21.6% of the total number of complaints. The majority of these complaints, specifically **735**, were reviewed by the Ombudsman (*see Figure 6*).

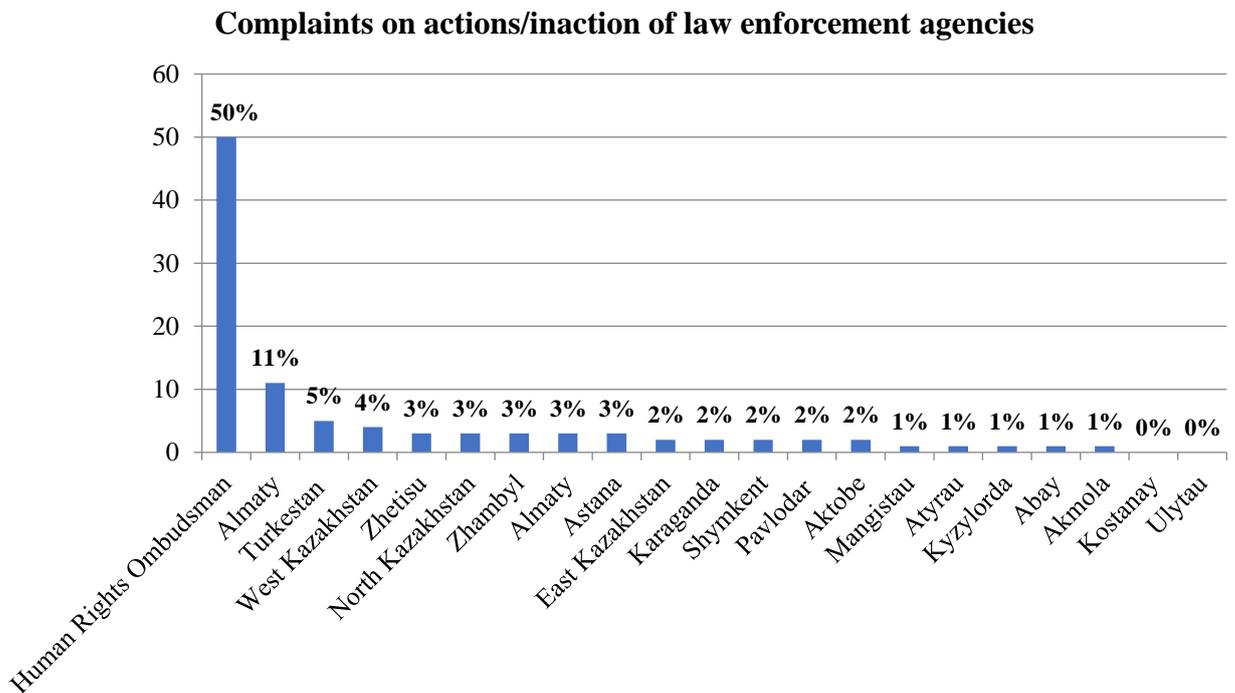


Figure 6

Among the regional representatives of the Human Rights Commissioner, the highest number of complaints were received in Almaty city (**158**), followed by Turkistan region (**74**), and West Kazakhstan region (**57**).

As noted in last year's report, we have calculated the number of complaints received about investigative bodies relative to the population in these regions (expressed per 100,000 people) (*see Table 1*).

Table 1

№	Region	No of residents	Complaints	Per 100,000 individuals
1.	North Kazakhstan region	523 989	46	8,8
2.	West Kazakhstan region	695 301	57	8,2
3.	Almaty	2 275 541	158	6,9
4.	Zhetysu region	696 112	47	6,8
5.	East Kazakhstan region	724 823	31	4,3
6.	Pavlodar region		28	3,7
7.	Zhambyl region	1 222 973	43	3,5
8.	Turkestan region	2 153 616	74	3,4
9.	Atyrau region	709 402	19	2,7
10.	Mangistau region	800 526	21	2,6
11.	Karaganda region	1 134 257	30	2,6
12.	Almaty region	1 551 350	39	2,5
13.	Astana	1 502 102	37	2,5
14.	Aktobe region	947 651	23	2,4
15.	Shymkent	1 246 661	29	2,3
16.	Kyzylorda region	845 391	15	1,8
17.	Abay region	604 520	10	1,7
18.	Ulytau region	221 558	3	1,4
19.	Akmola region	788 396	9	1,1
20.	Kostanay region	826 602	4	0,5

According to this calculation, North Kazakhstan region ranked first with **8.8** complaints, while West Kazakhstan region held second place with **8.2**, and Almaty city ranked third with **6.9**. As a result, Turkestan region has fallen from second to eighth place, Almaty city has shifted from first to third, and North Kazakhstan region remains among the top three for the second consecutive year, having secured second place in 2023 (*see Figure 7*).

The supervisory authorities of these regions should pay attention to this fact.

Complaints against investigative bodies, as a ratio to the number of population in the regions, per 100,000 people

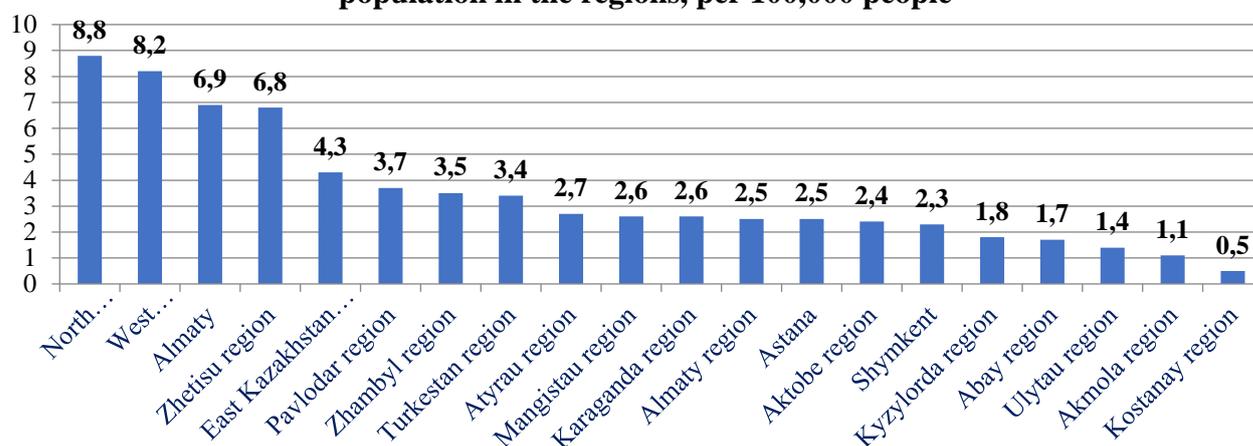


Figure 7

All appeals in this category that were received by our office were thoroughly reviewed, and requests were sent to the authorized bodies to restore the violated rights of individuals involved in criminal prosecution.

As a result, the violated rights were successfully restored in **101 appeals** (see Figure 8).

Results of the review of complaints against investigative authorities

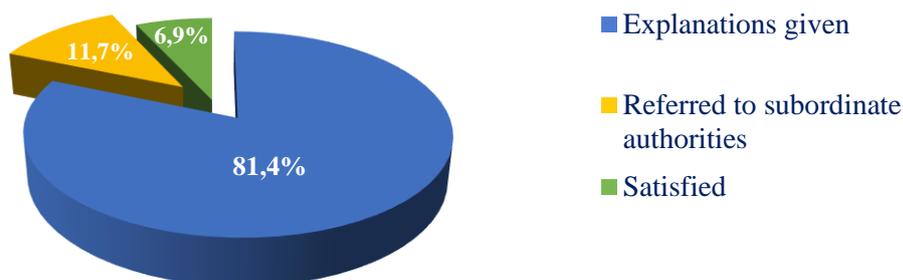


Figure 8

Regarding the content of appeals in this category, we can observe a continuing trend of **complaints related to violations of the norms of criminal procedural legislation**. This includes unjustified termination of cases, violations of time limits, disagreements with other procedural decisions, challenges to detention, objections to the chosen preventive measures, and contestations of the charges (see Figure 9).

Substance of complaints on violation of the right to access to justice during pre-trial investigation, in %

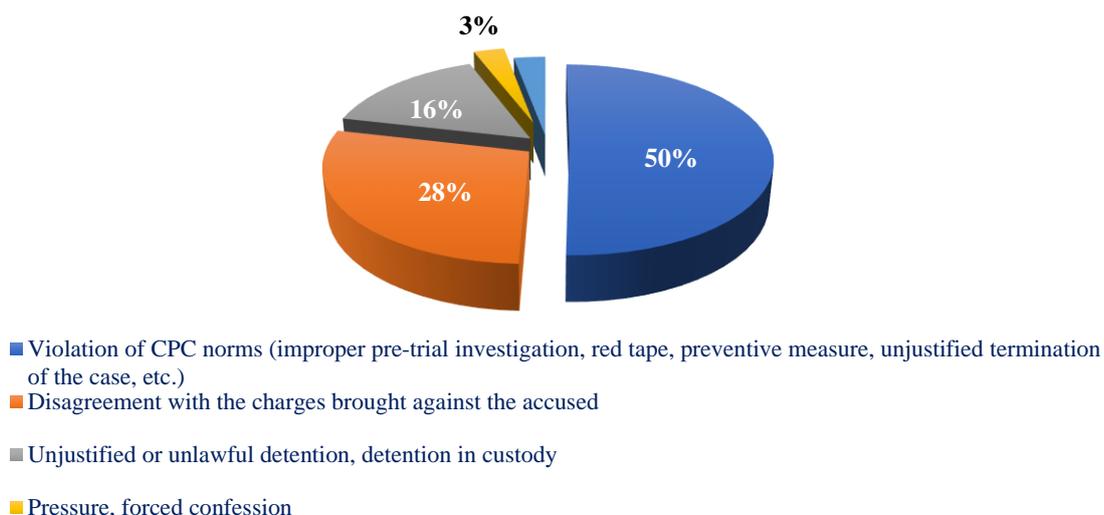


Figure 9

The right to defense is an integral component of the legal process, ensuring that every defendant can present their case. This right is essential for guaranteeing a fair and impartial trial.

During the reporting period, 8 appeals were received in regard to the appointment of public defenders.

Mr. S. submitted a complaint to the representative of Abay region regarding the refusal of the investigative body to recognize him as the defense counsel for his brother, who is facing criminal prosecution under Article 429, Part 2 of the Criminal Code of the Republic of Kazakhstan. This refusal constituted a violation of the provision outlined in paragraph 2 of Article 66.2 of the Criminal Procedure Code of the Republic of Kazakhstan.

As a result of the representative's petition and an official inspection, the deputy head of the Investigation Department of the Auyezov Police Department in Semey, along with

In 2024, we observed cases (13) of violations of procedural laws against persons with disabilities

During the detention and transportation of an individual with hearing disabilities, B.A. was not provided with legal assistance or a sign language interpreter, in violation of constitutional norms regarding the right to receive qualified legal assistance and the prohibition of discrimination on various grounds (paragraph 3 of Article 13 and paragraph 2 of Article 14).

As a result of the service inspection initiated by the representative of West Kazakhstan region, the district police inspector of Chingirlau District, T., was held accountable and received disciplinary measures in the form of a reprimand.

Another case occurred in Almaty.

The Almaty representative examined the complaint filed by E.M. on behalf of K.Z. against police officers regarding the unlawful imposition of administrative responsibility on K.Z., a blind individual.

According to the complaint, officers from the Department of Internal Affairs of Almaty, having abused their official powers, repeatedly prepared administrative protocols against K.Z. despite his absence during the preparation of these protocols and without familiarizing him with the protocols or related case materials.

In response, the Ombudsman's representative submitted a petition to the Anti-Corruption Service of Almaty to investigate the case of official forgery, which involved the falsification of case materials by the police officers. As a result of the official investigation, a criminal case was initiated against the police officers under Article 416, Part 2 of the Criminal Code of the Republic of Kazakhstan.

Following the acts of prosecutor's supervision, 14 decisions to impose administrative responsibility on K.Z. were rescinded.

A significant portion of complaints regarding violations of rights during pre-trial investigations is related to bureaucratic delays and violations of procedural

deadlines, totaling 627 complaints. Unjustified interruptions or terminations of investigations jeopardize the restoration of violated rights and the prosecution of offenders.

In several instances (4 cases), the human rights institution successfully facilitated the **resumption of discontinued proceedings**.

The representative of the Ombudsman for Turkestan region was approached by Ms. I.D., a mother of multiple children, who reported the unlawful actions of her husband, who forcibly committed her to the "Regional Center of Mental Health" under the Health Department of Turkestan region. Ms. I.D. expressed her disagreement with the unjustified termination of the pre-trial investigation concerning the illegal deprivation of her liberty.

Following an appeal by the representative of the Ombudsman to the prosecutor's office, the investigator's decision to terminate the criminal case was revoked, and the progress of the investigation was placed under scrutiny.

There were 340 appeals concerning violations of procedural norms during the course of investigative actions.

The Almaty Representative Office received an appeal from A.R. regarding a violation of criminal procedural legislation by the investigator concerning the issuance of a ruling for the seizure of documents without the authorization of the investigating judge. Following an inquiry and inspection conducted by the prosecutor's office of Almaty city, the applicant's assertions were substantiated.

During the operative meeting of the Department of Economic Investigation of Almaty city, investigator A. was cautioned about the need to prevent similar occurrences in the future, and it was decided to limit the previously imposed disciplinary penalty to a

During the review of 423 complaints regarding **disagreements with the initiation of criminal proceedings**, assistance was successfully provided in terminating pre-trial proceedings in 2 cases.

A.L., a German citizen classified as a group I person with disability, submitted a complaint to the representative for the Turkestan region regarding his unlawful detention by officers of the Border Guard Service of the National Security Committee.

During the detention, A.L. was found to be in possession of the psychotropic drug "Tramadol," which he used for medicinal purposes and for which he provided supporting documentation, including a prescription. Despite A.L.'s assertions, the Department of Border Guard Service of the Committee of National Security of the Republic of Kazakhstan in Turkestan region initiated a pre-trial investigation under Article 286, Part 1 of the Criminal Code of the Republic of Kazakhstan and forwarded the case to the Police Department of Saryagash District for further investigation.

The representative of the Ombudsman took measures to expedite a response from the Department of Medical and Pharmaceutical Control of Turkestan region, which confirmed the legality of the drug's use for personal purposes.

As a result of this assessment, the pre-trial investigation body issued a ruling to discontinue the criminal case.

The representative for Mangistau region received an appeal from a lawyer acting on behalf of the individual under investigation, B.D., regarding disagreement with the unlawful search of the claimant's apartment. A pre-trial investigation under Part 4 of Article 296 of the Criminal Code was subsequently registered.

Upon reviewing the representative's request, the prosecutor's office of Mangistau region reported that the police officers had entered the apartment before recording the investigative action on a video camera. In accordance with Part 4 of Article 112 of the Code of Criminal Procedure, evidence obtained in violation of criminal procedure law is considered inadmissible and cannot be used as the basis for prosecution.

Consequently, the prosecutor's office of the region decided to terminate the criminal case due to the absence of corpus delicti for the criminal offense. Furthermore, a decision was made to hold the employees of the Department of Police of Mangistau region accountable with a disciplinary measure in the form of a "reprimand."

According to Article 9 of the International Covenant on Civil and Political Rights, the detention of persons awaiting trial should not be the general rule; rather, release may be conditional upon guarantees to appear for trial, to appear at any other stage of the proceedings, and, if necessary, to appear for the execution of the sentence.

The State has implemented consistent measures to align law enforcement practices regarding the use of detention with international standards in the field of criminal justice. However, despite these efforts, it is concerning that investigating judges continue to exhibit a high rate of granting motions for detention. In 2024, courts approved 75 percent of such motions.⁴

The human rights institution submitted relevant requests to the prosecutor's office for assistance in changing the preventive measures in 131 cases, citing circumstances that impede the detainees' continued stay in pre-trial detention facilities.

A doctor from Polyclinic No. 4, who provided medical care to Z.N., a prisoner under investigation, approached the Atyrau Region Representative Office.

In the appeal, the claimant requested assistance in changing the measure of restraint for the detainee, who was suffering from rheumatoid arthritis. Due to Z.N.'s deteriorating health condition, he had been hospitalized at the regional children's hospital; however, the inpatient treatment only provided temporary relief. Upon his return to the pre-trial detention facility, his condition worsened, rendering him unable to move independently.

After the representative contacted the Prosecutor's Office and the Police Department of Atyrau region, the investigative court ruled to change Z.N.'s preventive measure to "house arrest."

In this context, it is important to highlight the unsatisfactory conditions of detention in temporary detention facilities and pre-trial detention facilities.

⁴ In Kazakhstan, instead of arresting suspects, electronic bracelets are more often put on them // Mode of access: https://tengrinews.kz/kazakhstan_news/kazahstane-vmesto-aresta-podozrevaemyih-stali-chasche-554966/ / amp/ (17.12.2024).

During a monitoring visit to the Temporary Detention Facility of the Alakol District Police Department, conducted under the auspices of the representative of the Zhetysu region, several violations of sanitary norms were identified, along with the failure to provide detainees with proper sleeping accommodations (detainees were found to be placed on mattresses on the concrete floor in the cells).

As a result of the recommendations made by the representative, these violations in the temporary detention facility were rectified, and the head of the TDF was held

The principle of non-refoulement, enshrined in key international instruments, requires states to refrain from forcibly returning individuals to a country where they are at risk of unjust persecution based on race, political opinion, religion, or any other grounds, or where there is a potential threat of torture and other forms of ill-treatment.

In light of this principle, the Office of the Ombudsman submitted an appeal to the General Prosecutor's Office of the Republic of Kazakhstan regarding the violation of international law provisions in the authorization of M.H.'s extradition arrest, emphasizing that her extradition could expose her to persecution based on her ethnicity.

As a result of the appeal's consideration, the request from the Prosecutor General's Office of the Republic of Tajikistan for M.H.'s extradition was denied, and she was released from extradition arrest.

In 2024, there were 2 appeals related to violations of citizens' rights during the consideration of extradition matters.

The analysis of the appeals received in 2024 by the human rights institution reveals a growing trend in the number of crimes related to fraud utilizing Internet resources. This year, more than 200 complaints of this category were documented, whereas in 2023, fewer than 20 complaints were received.

According to the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, there has been a significant increase in registered offenses under Article 190 of the Criminal Code of the Republic of Kazakhstan (fraud) since 2020. The number of recorded cases of fraud in 2024 has risen by 44.4% compared to 2020 (with reports indicating 27,000 cases in 2020 and 39,000 cases in 2024).⁵

In the incoming complaints, citizens express their disagreement with the inaction of investigative bodies, the termination of pre-trial investigations, and the demands from banks for the repayment of fraudulently obtained loans.

In his appeal, A.O. expressed his disagreement with the inaction of law enforcement agencies regarding the investigation into the illegal registration of a loan taken out in his name by unknown individuals.

As a result of requests sent to the Prosecutor's Office and the Department of Police of Kyzylorda region, the decision to terminate the criminal case was revoked, and the case was referred for additional investigation.

⁵ Portal of the bodies of legal statistics and special accounts // Mode of access: <https://qamqor.gov.kz/crimestat/indicators/criminal> (19.01.24).

In this context, the actions of banks and financial organizations that approve loans to individuals without conducting proper due diligence raise significant concerns. (There have been instances of simultaneous registration of loans at multiple banks for a single individual, and banks do not consistently take into account the credit history and financial solvency of the client).

While investigative bodies initiate criminal cases based on the statements of citizens recognized as victims, the banks do not absolve these victims of their obligations to repay the loans.

In this regard, a proposal has been submitted to the Supreme Court of the Republic of Kazakhstan to amend the Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan titled «On Judicial Practice in Cases of Fraud,» dated June 29, 2017, No. 6. The proposal recommends that, in cases where fraud is perpetrated through the use of a natural person's personal data, including banking and other information (e.g., security codes of bank cards, passing a bank video check, etc.), if such data is deceitfully or unlawfully transferred to the perpetrator by the individual or without the individual's participation, banks, commercial, and other organizations should be recognized as victims.

The Supreme Court of the Republic of Kazakhstan has postponed consideration of this issue until 2025. We will continue to monitor the situation closely.

In collaboration with authorized state bodies, efforts are underway to enhance the institution of offense prevention.

For example, in 2024, the Ministry of Internal Affairs of the Republic of Kazakhstan developed a draft Law of the Republic of Kazakhstan «On the Prevention of Offenses.» This law aims to establish mechanisms for the active involvement of citizens in the prevention of offenses through the recording and transmission of data to the police. We have submitted proposals to the bill recommending the inclusion of representatives of the Ombudsman in regional interdepartmental commissions for the prevention of offenses as well as commissions on juvenile affairs.

In the report of the Human Rights Commissioner on the results from 2023, it was recommended that the Ministry of Culture and Information of the Republic of Kazakhstan consider the development of an Editorial Code of Journalists, with the participation of the Union of Journalists of Kazakhstan, to enhance the level of presumption of innocence and to ensure greater respect for the rights of victims.

In June 2024, as part of the Law on Mass Media, public-professional councils were established to develop ethical standards and a journalistic code. These councils aim to foster the creation and improvement of self-regulation within the media community.

The adoption of such a code of ethics will provide guidelines for all journalists when covering pre-trial proceedings and court cases. This document could include specific recommendations and ethical standards that emphasize respect for human rights and the presumption of innocence. Such measures would promote responsible journalism, enhance legal literacy among media representatives, and increase public trust in the press.

Overall, these initiatives will contribute to freedom of expression while ensuring that the rights of others, including participants in criminal proceedings, are upheld in accordance with international standards.

Our press monitoring did not reveal any significant violations of the presumption of innocence by the media in 2024, which suggests the effectiveness of the preventive measures implemented in this area in 2023. Nevertheless, we will continue to monitor compliance with the principle of the presumption of innocence in the public domain.

Thus, in 2024, the protection of civil and political human rights continued in the field of criminal procedure. New measures were introduced to democratize the judicial system, safeguard the rights of participants in the process, and enhance the transparency of justice. Special attention was given to preventing violations during investigative actions, improving the conditions of detention for individuals under investigation and convicted persons, and protecting vulnerable groups, including persons with disabilities (PWDs). The introduction of digital technologies and increased participation of jurors have contributed to fostering greater public confidence in the judicial system.

Nevertheless, several challenges persist, including bureaucratic delays and violations of procedural norms during pre-trial proceedings. The rising number of complaints against the actions of investigative bodies indicates a pressing need for further improvements in law enforcement practices. Additionally, there has been an increase in fraud utilizing Internet resources, which necessitates stricter oversight by banks and law enforcement agencies.

Despite certain undeniable achievements, particularly the introduction of «full» cassation and the expansion of jury trial jurisdiction, there remains a need for further development of the legislative and law enforcement frameworks to ensure fairness and efficiency in criminal proceedings.

In this respect, monitoring and analysis on our part will also continue.

2.2 Rights of convicts



"A nation should not be judged by how it treats its highest citizens, but its lowest ones."

Nelson Rolihlahla Mandela

Key data for 2024

1 181



Complaints about the violation of the rights of convicts

146



HRC

Visits by representatives of the Ombudsman to penal institutions

94



NPM

Visits by NPM participants to penal institutions

Complaint outcomes

16,2%



Satisfied and the rights of the convicts restored

76%



Written explanations were given

7,8%



Referred to the jurisdiction

Our initiatives



Consideration of the construction of multi-disciplinary institutions for serving sentences



Elaboration of the issue of introduction of electronic trading platforms

The observance and protection of the rights of convicts remain a primary focus of the Ombudsman's ongoing attention. Currently, more than 38,000 prisoners are held in penitentiary institutions (specifically 38,173 individuals - 30,912 in penitentiary facilities and 7,261 in pre-trial detention centers).

The expansion of the network of regional representatives of the Ombudsman in 2023 significantly contributed to strengthening monitoring activities aimed at preventing torture and safeguarding the rights of individuals in closed institutions.

In 2024, representatives conducted a total of 791 monitoring visits, which included 146 visits to penitentiary institutions.

Overall, during the reporting period, a total of 1,076 recommendations were issued, of which 856, representing 79%, were implemented. Under the coordination of the Ombudsman, NPM participants conducted 489 visits to institutions and organizations of concern, including 94 penal institutions. The Ombudsman forwarded 3,254 recommendations to relevant authorities, with 25 percent of these recommendations being implemented.

Complaints regarding violations of the rights of convicted prisoners consistently rank among the leading categories of complaints. In 2024, the Ombudsman and representatives received **1,181** such appeals. The majority of complaints in this category were addressed by the representatives of

the Ombudsman (**838**), while **343** appeals were considered by the Human Rights Commissioner (see Figure 10).

Complaints on violation of rights of convicted persons by region

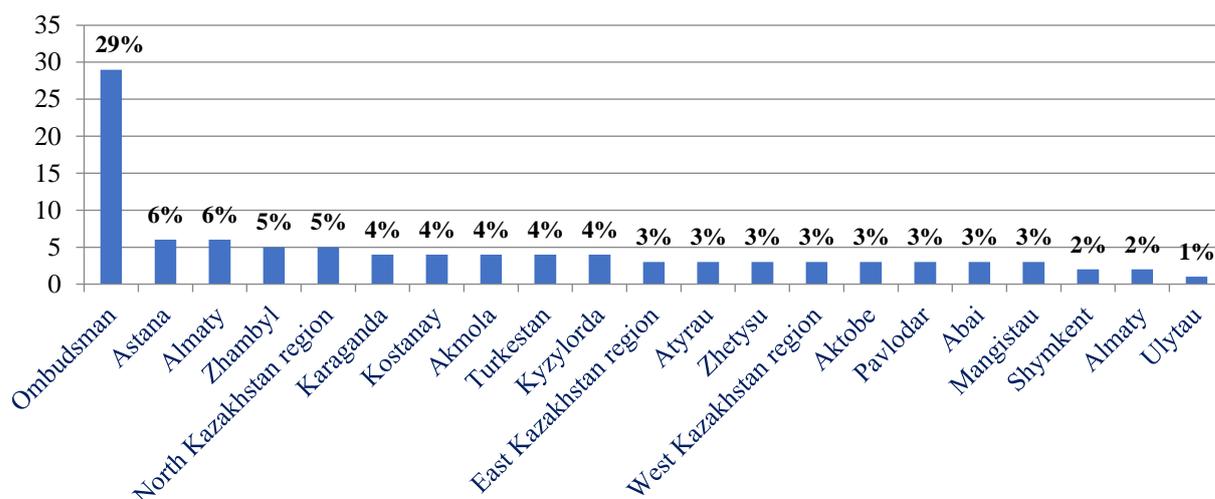


Figure 10

We have calculated the number of complaints regarding violations of the rights of convicts in relation to the total number of convicts in the regions, expressed per 1,000 individuals (see Table 2).

Table 2

№	Region	Number of convicts	Number of complaints	Per individuals 1,000
1.	Zhetysu region	348	36	103,4
2.	Mangistau region	392	35	89,3
3.	Turkestan region	728	48	65,9
4.	Ulytau region	301	12	39,9
5.	Kyzylorda region	1 348	47	34,9
6.	North Kazakhstan region	1 749	58	33,2
7.	Almaty	2 188	71	32,4
8.	Atyrau region	1 231	35	28,4
9.	Akmola region	2 825	76	27,0
10.	Astana	1 589	42	26,4
11.	Aktobe region	1 416	35	24,7
12.	West Kazakhstan region	1 393	34	24,4
13.	Kostanay region	2 021	47	23,3
14.	Zhambyl region	2 858	59	20,6
15.	Abay region	2 050	34	16,6
16.	Pavlodar region	2 523	36	14,3
17.	East Kazakhstan region	3 096	35	11,3
18.	Karaganda region	4 836	47	9,7
19.	Shymkent	2 702	24	8,9
20.	Almaty region	4 107	24	5,8

When examining the number of complaints received in relation to the total number of convicts in the regions (expressed per 1,000 convicts), the Zhetysu region ranks first with **103.4** complaints, followed by the Mangistau region in **second** place with 89.3, and the Turkestan region in third place with **65.9** (see Figure 11).

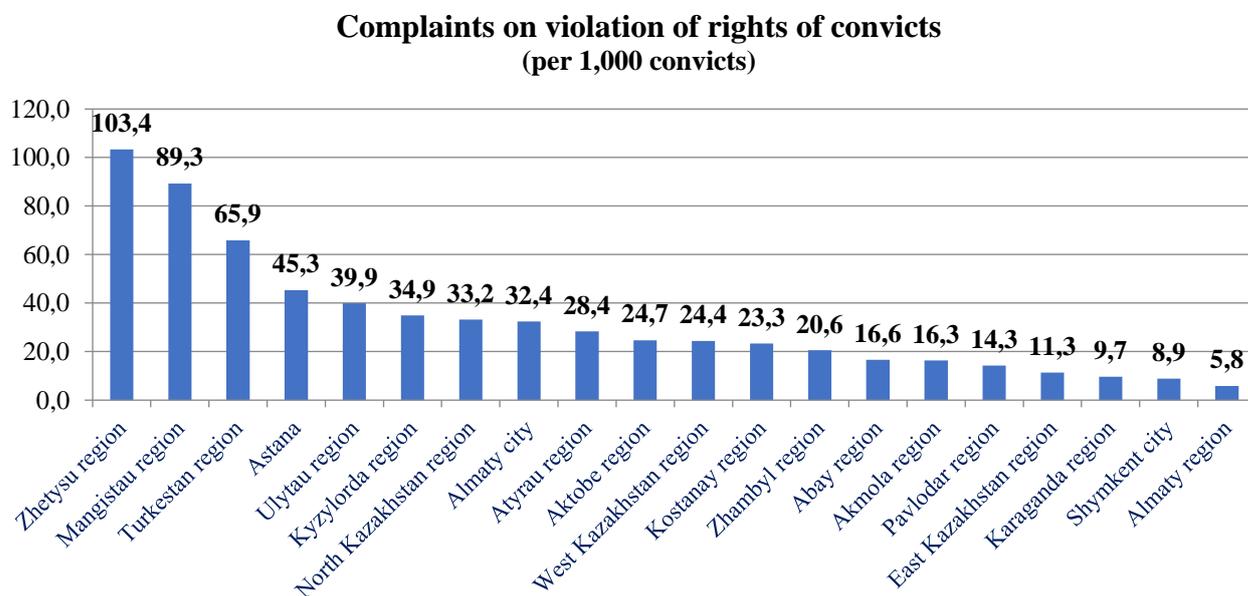


Figure 11

Written and oral explanations were provided for **897** appeals. Of these, **191** appeals resulted in the partial or full restoration of rights, while **93** appeals were referred to the appropriate authorities for further consideration (see Figure 12).

Results of consideration of appeals on violations of the rights of convicts

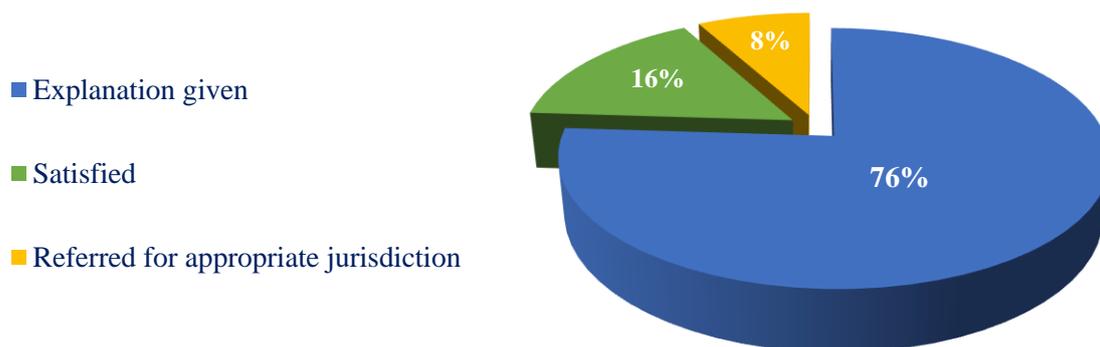


Figure 12

To monitor the conditions of detention in institutions and organizations of concern, the Ombudsman traveled to 7 regions of the country and visited **10** facilities.

In April, the Ombudsman conducted a visit to institution **No. 45 of the Department of Criminal Executive System in the Pavlodar region**. The main premises of the colony, including the canteen, medical center, workshops, and living quarters, were inspected. Additionally, personal receptions were held with 4

convicts to address issues related to their satisfaction with the conditions of detention, documentation, and employment.



In June, the Ombudsman traveled to the **Almaty region**, where, along with the Ombudsman for Children's Rights, they visited Institution No. 10 (a medium-security facility for the detention of women). They also visited Institution No. 41 (a maximum-security facility) in Arkalyk, Institution No. 39 (an emergency-security facility) in the Zhitikara settlement, and Institution No. 51 (an emergency-security facility) in the village of Saumalkol in the Ayirtau district of **North Kazakhstan**.

At Institution No. 10, they reviewed the conditions of detention for women with children and conducted personal meetings with 4 incarcerated women. Following the visit, four recommendations were submitted to the Ministry of Internal Affairs of the Republic of Kazakhstan aimed at ensuring compliance with the UN Standard Minimum Rules for the Treatment of Prisoners, maintaining an electronic health passport for convicts, and taking measures to secure funding for capital repairs.

During the visit to Institutions No. 39 and No. 41, a personal meeting was conducted for 5 inmates, and 14 recommendations were sent to the Ministry of Internal Affairs of the Republic of Kazakhstan aimed at improving sanitary and living conditions and implementing additional measures to increase the number of job opportunities for inmate employment.

At Institution No. 51, a personal appointment was held for 8 convicts to address issues related to medical care, visitation rights, and labor and living arrangements for released convicts. Five recommendations were provided, which included measures to ensure a constant water supply within the institution, to supply convicts with clothing and bedding, to maintain an electronic health passport for convicted individuals, to take additional actions to secure employment for convicts with the involvement of private businesses, and to fill vacant positions for operational and freelance staff.

In July, the Ombudsman traveled to the **East Kazakhstan Region**, where he visited **Institution No. 22** (medium security) and **Institution No. 18** (maximum security). During the visit, a personal appointment was held for 18 convicts to discuss issues related to employment, the realization of the right to parole and substitution of the unexecuted portion of the sentence with a more lenient form of punishment.



During the meeting, the Ombudsman emphasized that as part of the implementation of the Action Plan concerning human rights and the rule of law, the introduction of a pilot project aimed at involving jurors in the consideration of applications for parole and alternative sentencing measures was being pursued.



On December 6, the Ombudsman, along with the Russian Ombudsman T. Moskalkova, visited Institutions No. 3 and No. 64 of the Penitentiary System of the Ministry of Internal Affairs of the Republic of Kazakhstan. The

ombudsmen from both countries inspected the front office, outpatient clinic, and other facilities within the institutions, paying particular attention to the conditions of detention and the rights of prisoners. They also met with 4 citizens of the Russian Federation who are serving sentences in Kazakhstan.

In December, the Ombudsman visited **Institution No. 2** (maximum security) in Astana, where he met with 20 convicts. The recommendations, consisting of 5 points, included the construction of housing units, the gasification of the institution, repairs to the medical unit, and the provision of housing for staff in need. These

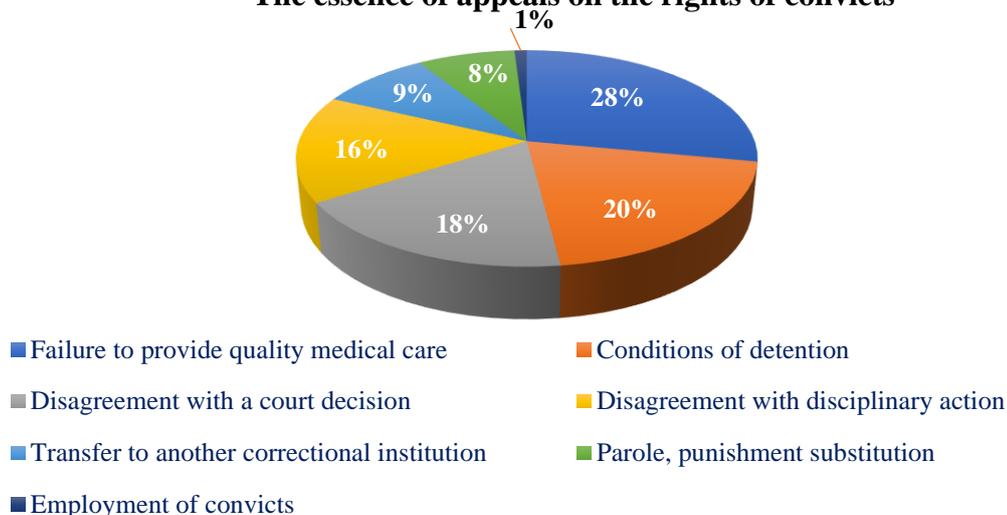


recommendations were documented in the minutes of the interdepartmental meeting of the Committee for Criminal Executive System for collaborative efforts with the akimat and the prosecutor's office of the region.

Thus, in 2024, the Ombudsman completed the plans initiated in 2023 to visit «unique» institutions, which include the sole facilities in the country designated for specific purposes, such as prisons, emergency security for individuals sentenced to life imprisonment, and institutions catering to juveniles and women with children.

During the reporting period, inmates expressed their dissatisfaction regarding a variety of issues, including the failure to provide adequate medical

The essence of appeals on the rights of convicts



care, unsatisfactory utilities and living conditions, unlawful actions by the staff of the institutions, and the denial of applications for parole or punishment substitution (see Figure 13).

Figure 13

In the appeals concerning inadequate medical care (totaling 330), issues raised included refusals to hospitalize patients, difficulties in securing appointments with specialized medical professionals, long waiting times for transportation to medical facilities, and failures to provide necessary medications.

According to the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), it is the responsibility of the state to ensure health care for prisoners. Prisoners should receive the same standards of health care that are available in the community and should have unrestricted access to necessary health care services without discrimination based on their legal status.

In 2021, by Decree of the Head of State, the functions and powers to coordinate state policy regarding medical care for convicts were assigned to the Ministry of Health of the Republic of Kazakhstan. As of July 2022, the responsibility for the provision of health care in pre-trial detention facilities (**16 facilities**) was transferred, and from January 2023, this responsibility extended to all penal institutions (**63 facilities**).

According to information from the Ministry of Health of the Republic of Kazakhstan, as a result of the organizational measures implemented, the number of prisoners receiving medical care *increased twofold*, rising from 38.4 thousand in 2022 to 71.3 thousand in 2023. This included a *fivefold increase* in inpatient care, which grew from 217 cases in 2022 to 964 in 2023.

Additionally, financing for medical services provided to convicts *surged more than 1,500 times* (increasing from 466.2 thousand to 765 million tenge).

However, according to data from the Prosecutor General's Office of the Republic of Kazakhstan for the first half of 2024, mortality among prisoners rose

by 30% (from 59 to 77 deaths) and **morbidity also increased** (from 17,913 to 18,356 individuals).

During each visit to penitentiary institutions, we assess the timeliness of medical services, compliance with medical prescriptions and hospitalization orders, staffing levels of medical personnel, and the provision of medicines and

Convict G. submitted a complaint to the representative for the Aktobe region regarding the failure to provide medical care in Institution No. 8.

Following the consideration of the appeal, the convict was consulted by an infectious disease specialist and referred to the Hepatology Center for further examination and prescription of antiviral therapy. It was subsequently reported that the claimant successfully completed a 3-month course of antiviral therapy.

medical equipment. These issues are pressing for penitentiary institutions, and the Institute of Ombudsman, in collaboration with authorized government agencies (including the Prosecutor General's Office of the Republic of Kazakhstan, the Ministry of

Based on the results of the visit to Institution No. 55, the representative for Turkestan region submitted a recommendation to the Health Department for a change in the institution providing medical services to convicts. This recommendation was prompted by a rise in the number of complaints regarding the failure to deliver quality medical care, attributed to the increased workload of Tolebi District Hospital.

In response to the recommendation, the Health Department informed that the institution responsible for providing medical services to convicts had been changed from Tolebi District Hospital to Lenger City Polyclinic.

Internal Affairs, the Ministry of Health, etc.), is actively working to address them on a daily basis.

Within the scope of its powers, the Ombudsman and his representatives assist in ensuring that inmates receive appropriate medical care.

Challenges in providing quality medical care to convicts stem, in part, from the high workload of medical institutions. There have been requests from citizens

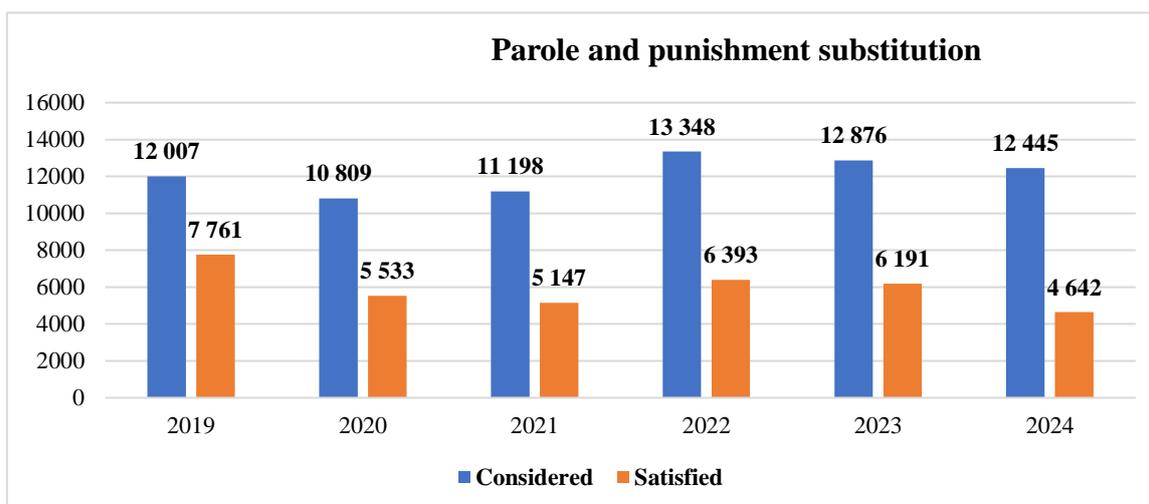
Ms. A.A. approached the representative for the Turkestan region with a request for assistance in securing the early release of her convicted brother due to a serious illness (cirrhosis). According to A.A., her brother had spent a month in intensive care. Despite the severity of his condition and his deteriorating health, the penitentiary institution failed to take action to submit the necessary materials for release to the court in accordance with Article 75 of the Criminal Code.

Following the appeal from the Ombudsman's representative, the Department of Criminal Executive System of the Turkestan region prepared and submitted the relevant materials to the court. The court subsequently ruled that convicted A.D. was released from serving his sentence.

seeking assistance in early release due to serious illnesses (4 cases).

Without interfering in the administration of justice, when there are valid grounds to support the requests of claimants, we submit the appropriate inquiries to the prosecutor's office and internal affairs bodies.

According to the Prosecutor General's Office, over the past five years, the number of applications for parole and punishment substitution granted by the



court has been declining nationwide, decreasing from 64% in 2019 to 37% in 2024. This trend has resulted in dissatisfaction among inmates, as it removes their incentive to pursue rehabilitation (*Figure 14*).

Figure 14

In our opinion, a viable solution to the current situation involves the prompt implementation of the President's directive outlined in paragraph 18 of the Action Plan concerning human rights and the rule of law. This directive calls for the development and execution of a pilot project aimed at transferring the function of reviewing citizens' applications for parole and punishment substitution to a court with juror participation. We have communicated this proposal in a letter to the Office of the Prosecutor General, and the matter is currently under consideration.

During a visit to the pre-trial detention center by the representative for Zhambyl region, it was identified that 20 individuals did not have Mandatory Social Health Insurance. Through the representative's assistance, these individuals were provided with MSHI payments and access to medical care.

Similarly, in the Turkestan region, an absence of MSHI payments was documented. During a visit to Institution No. 55, the representative for Turkestan region discovered that 134 convicts were not receiving MSHI contributions due to expired or missing identity documents. Furthermore, some working convicts were not receiving pension contributions for the same reason.

As a result of the official investigation, the necessary documents were issued to all affected convicts, and arrangements were made to ensure the payment of pensions and state contributions to the Mandatory Social Health Insurance. Four employees of the institution responsible for these violations faced disciplinary action.

Monitoring visits to institutions of concern in 2024 revealed the ongoing issue of insufficient contributions to the mandatory social health insurance for persons under investigation and convicts.

All representatives of the Ombudsman were instructed to disseminate the positive practices observed by the representatives from Zhambyl and Turkestan regions within their respective areas. In 2025, we will analyze the implementation

of the Mandatory Social Health Insurance (MSHI) for under-trial and convicted individuals across the country, and if any issues arise, we will raise the matter with the Ministry of Health of the Republic of Kazakhstan.

During monitoring visits conducted by the representative of the Ombudsman in the Karaganda region, challenges related to medical and social expert assessments, as well as the establishment of disability groups for inmates in penitentiary institutions, were identified. Visits by medical professionals and the Medical and Social Expertise (MSE) staff to these institutions were virtually nonexistent. According to subparagraph 4, paragraph 8 of the Rules of MSE (Order of the Deputy Prime Minister and Minister of Labor and Social Protection of the Population of

As a result of the coordinated efforts of the representative and authorized bodies within Institution No. 29, specialists in various medical fields (including a traumatologist, neurologist, otolaryngologist, ophthalmologist, GP, and pulmonologist) conducted essential medical examinations for 40 inmates, leading to the determination of disability for 4 of those inmates.

This initiative is currently being extended to other penal institutions in the Karaganda region, including the settlements of Karagan, Dolinka, and Karabas.

the Republic of Kazakhstan dated June 29, 2023, No. 260), MSE for examined (or re-examined) individuals is to be conducted upon referral by the medical advisory commission of the medical organization in penitentiary institutions and pre-trial detention facilities.

To promote the widespread implementation of this practice, a recommendation was sent to the Ministry of Health of the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan to conduct medical examinations by specialized professionals and to organize on-site sessions of the MSE within penal institutions and pre-trial detention facilities, ensuring that convicts are not taken outside the facilities.

The response from the Ministry of Health indicated support for our initiative and the introduction of the practice of conducting medical examinations by specialized professionals within penal institutions, except in cases requiring the use of specialized medical equipment.

However, several systemic problems in the field of medical care for inmates remain noteworthy:

1) The absence of licenses for inpatient treatment services in most medical departments of penal institutions.

2) The lack of Mandatory Social Health Insurance coverage for remand prisoners and convicts, resulting from the untimely submission of information by institutional staff to the Ministry of Labor and Social Protection of the Population's information system.

3) The absence of medical personnel during nighttime hours, which increases the risk of fatal incidents due to the inability to provide emergency medical care.

4) The lack of incentives for medical personnel to travel to penal institutions, including for examinations and the MSE.

These and other issues were highlighted in a study on medical care in closed institutions, conducted in 2024 by the Ombudsman's office in collaboration with the UN Development Program and a reputable expert in the field.

As part of the study, a questionnaire survey was administered to inmates and staff of the institutions, which revealed several reasons for dissatisfaction with the quality of medical care: lack of equipment (**34.8%**), unavailability of medications (**26.4%**), inaccessibility of specialized medical professionals (**21.6%**), inaccessibility of GPs (**11.6%**), and a low professional level of specialists (**9.2%**).



Furthermore, 25.6% of medical respondents indicated that access to medical care is restricted by the institution's administration, noting issues such as the lack of prisoner escort (**19.8%**), inmates not being taken out of their unit or cell (**17.8%**), and insufficient «prisoner vans» (**10.7%**). Additionally, **25.7%** of medical personnel expressed that the condition of the «prisoner vans» is inadequate for the safe transfer of convicts.

Based on the results of the study, proposals for amendments and additions to certain regulatory acts aimed at improving the quality of medical care for prisoners were developed. The legislative implementation of these proposals is set to continue in 2025.



Sanitary and living conditions

continue to represent a significant portion of complaints from inmates, with 236 complaints highlighting issues such as inadequate ventilation, dampness, and low temperatures.

The National Human Rights Institution has taken measures to improve detention conditions. For instance, the Astana representative assisted in the installation of handrails in the shower rooms for PWDs in Institution No. 64, significantly enhancing the conditions for this category of inmates.

In Institution No. 75, following the implementation of recommendations from the representative for the Atyrau region and participants of the National Preventive Mechanism, measures were taken to replace faucets in shower cabins, provide new beds, and install mosquito nets.

Special attention is given during visits to ensure the proper functioning of terminals for filing complaints by inmates.



In September 2024, representatives of the Ombudsman conducted visits to various institutions, during which 36 inoperable terminals were identified. Common issues included terminals that were often not connected to information communication systems, poor quality of communication, and instances of terminals being located in inaccessible areas (such as duty stations or non-residential blocks). Additionally, some inmates lacked the skills needed to effectively operate the terminals.

In the Karaganda region, following the consideration of the Ombudsman's representative's recommendations regarding the malfunctioning terminals in institutions No. 29, No. 30, No. 31, No. 32, No. 33, No. 34, and No. 35, disciplinary measures were taken against **9 officials**.

In light of these findings, an appeal was submitted to the Prosecutor General's Office of the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan to address the issues related to the limitations on terminal functionality. The appeal called for exploring technical solutions to enhance their use and for conducting training for penal correction system employees and inmates regarding the terminals.

In response, the Ministry of Internal Affairs of the Republic of Kazakhstan indicated that improvements to the technical functionality of the terminals are underway. A joint order delineating responsibilities for the use of terminals for submitting applications by inmates is expected to be approved in November 2024. Additionally, instructions for the support and maintenance of the terminals for submitting applications in electronic document form are being developed.

We will continue to monitor this situation in 2025.

In 2024, convicts expressed complaints regarding restrictions on their rights to purchase food, necessities, and other non-prohibited industrial goods for storage and use. Article 104 of the Criminal Executive Code of the Republic of Kazakhstan enshrines the right of convicts to purchase and store food and items.



Paragraph 53 of the «Rules of Internal Regulations of Pre-Trial Detention Facilities of the Penal Enforcement System» (approved by the order of the Ministry of Internal Affairs of the Republic of Kazakhstan on July 26, 2017, No. 505) allows suspects and accused persons to purchase food, necessities, and other industrial goods not prohibited for storage and use through cashless transactions at the store or electronic trading platform of the pre-trial detention facility.

Purchases on the electronic trading platform are facilitated through a stationary terminal or a mobile tablet device.

Monitoring visits revealed that not all penitentiary institutions are equipped with electronic trading platforms. Of the 79 penitentiary institutions, only 10 have electronic trading platforms operational, which are located in the following areas: Almaty (No. 72), Shymkent (No.54 and No.78), Aktobe region (No.8), Atyrau region (No.15), Akmola region (No.7), Zhambyl region (No.58), Kostanay region (No.38 and No.76), and Pavlodar region (No.46).

Moreover, the operation of the electronic platform lacks proper regulation, including guidelines for selecting private business entities, qualification requirements for personnel, and specifications for the special equipment (terminals) utilized for order acceptance and processing.

In this regard, a recommendation was submitted to the Committee of the Criminal Executive System to take measures to ensure the rights of convicted individuals, as well as those who are suspected or accused, to purchase goods through electronic trading platforms in all penal institutions.

To implement this initiative, the Committee of the Criminal Executive System has developed an algorithm for introducing electronic trading platforms, which includes the establishment of a tripartite contract for leasing available space among the institution, the supplier, and the territorial department of state property and privatization. This algorithm will facilitate the installation of terminals in institutions, enabling convicts and remand prisoners to purchase goods.

We will continue to monitor this issue in 2025.

Regarding the consideration of appeals related to the employment of convicts (12 cases), assistance was successfully provided in several instances. The issue of convict employment is assessed with consideration of their health status.

Additionally, appeals (106) from convicts and their relatives requesting transfers to institutions near where close relatives reside, in order to maintain social ties, continue to be received.

During the Ombudsman's visit to Institution No. 2, efforts were made in collaboration with the administration of the institution and the branch of "Yenbek" to assist convict K.D. in securing employment as a laborer at "Bazis" LLP.

In March 2024, the order of the Ministry of Internal Affairs of the Republic of Kazakhstan «On Approval of the Rules for the Transfer of a Convict to

The representative for Aktobe region was approached by convict A.D. with a complaint regarding violations of labor legislation by the staff of Institution No. 9 and a request for assistance in changing his place of work for health reasons.

As a result of the representative's engagement with the relevant authorities, the claimant underwent an evaluation by a medical advisory commission, which recommended light work due to a skin condition classified as "B36.0." Consequently, A.D. was dismissed from his previous position and secured employment with "Nursat Kurylys" LLP.

Maintain Socially Useful Ties,» dated May 31, 2017, No. 375, was amended to include a new chapter outlining the procedure for placement on the waiting list for transfer to another correctional institution. Key conditions for inclusion on this list are the behavior of the convicted individual and their actual residence in the vicinity of the individual with whom they maintain social ties.

However, several institutions are unique in the country; for example, there is one for individuals serving life sentences in the Kostanay region, one for juveniles in Almaty city, and facilities for women with young children in Almaty region, as well as institutions for women in six other regions. The remote locations of these facilities significantly complicate the ability of convicts to receive visits from their relatives, negatively affecting the maintenance of socially significant ties.

The penal enforcement system primarily addresses the minimum needs of male prisoners. As a result, the conditions for the detention of women often exhibit substantial shortcomings. The situation for prisoners **with disabilities** is even more challenging, as their needs are largely overlooked. In 2024, 763 persons with disabilities (732 men and 31 women) were held in penal institutions, and the necessary conditions for their detention are virtually nonexistent.

Moreover, the separation of penitentiary institutions from major population centers exacerbates issues related to transportation accessibility, the availability of essential infrastructure and living conditions, and the provision of secure high-speed Internet access.

This underscores the need for the construction of multi-disciplinary institutions for serving prison sentences. In a letter to the Government of the Republic of Kazakhstan in June 2024, the Ombudsman proposed a two-stage solution to this complex problem, which involves the **construction of multi-disciplinary mixed-security colonies** with localized areas for different types of detention, **accommodating individuals ranging from those serving life sentences to those in settlement colonies.**

In such multi-disciplinary institutions, women, including those with young children, juveniles, and other categories of prisoners could be housed in separate, non-connected units. Furthermore, it would be advisable to situate these colonies within city limits, while ensuring the necessary security measures. This approach would facilitate the provision of secure high-speed Internet, enable emergency medical care, and enhance staffing and logistical support for various programs.

The creation and implementation of such new-format facilities would:

- Align the facilities with international standards;
- Mitigate the challenges of re-socializing convicts back into public life after serving their sentences.

In the first stage, it is proposed to construct 5 multi-disciplinary colonies located in the northern, southern, western, eastern, and central regions of the country.

In the second stage, the establishment of such institutions should occur in all regions of the country based on identified needs. We recommend starting with the facility in the West Kazakhstan region (Uralsk), which does not require significant financial investment, as well as the North Kazakhstan region, where financing for the construction of three new mixed-security institutions has already been agreed upon.

On December 9, 2024, the First Deputy Prime Minister instructed the Ministry of Internal Affairs of the Republic of Kazakhstan to continue advancing the construction of a multi-disciplinary institution based on a complex of institutions in the North Kazakhstan region.

In this regard, in December 2024, we sent another letter to the Ministry of Internal Affairs regarding the implementation of the Government Office's instruction to construct institutions in the North Kazakhstan region and to revisit the completion of construction and re-profiling of the facility in Uralsk.

As a result of prolonged correspondence, the Ministry of Internal Affairs has agreed with our proposal and is taking measures to implement it.

Additionally, it is recommended that, to effectively utilize the allocated financial resources, the construction of facilities in other institutions across the country should be completed, and the newly allocated and available funds should be dedicated exclusively to new multi-disciplinary institutions. This should also consider the potential for utilizing public-private partnerships.

This initiative will more likely necessitate significant financial investments, and its implementation may take considerable time. However, we believe that practical implementation is a necessary measure that will enable a comprehensive resolution of the existing systemic issues in the long term.

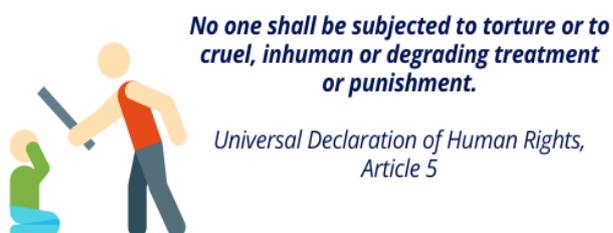
Given the analysis of the current situation regarding the observance of prisoners' rights, it is essential to continue efforts toward transitioning to a cell-type detention model for convicts while simultaneously introducing modern technologies and video recording systems to provide effective oversight of inmate behavior.

Consideration should also be given to the phased optimization of penitentiary institution types, as the demographics of the prison population have changed significantly with increased humanization (more than 90% of prisoners serving sentences are incarcerated for serious or especially serious crimes). Optimizing the types of institutions will likely result in substantial savings from the budget allocated for the transfer of convicts, while simultaneously preserving socially useful ties by ensuring accessibility for relatives visiting convicts.

In summary, the penal enforcement system requires further modernization with a focus on compliance with international standards, enhancement of medical and living conditions, and support for the labor and social adaptation of convicts.

This issue is under special control of the Institute of the Ombudsman.

2.3 Protection from torture and other cruel, inhuman and degrading treatment or punishment



Freedom from torture is an absolute right of every human being. Kazakhstan adheres to the principle of zero tolerance for torture.

Our country has acceded to key international treaties in this area, including the Convention against Torture (1998), the International Covenant on Civil and Political Rights (2005), and the Optional Protocol to the Convention against Torture (2008).

Significant efforts have been made to align domestic legislation with international standards. Torture, as defined in Article 146 of the Criminal Code, is categorized as a serious crime. The maximum prison term for torture has been increased from 10 to 12 years, and exemptions from criminal liability for torture based on amnesty, statute of limitations, remorse, and reconciliation of the parties have been abolished.

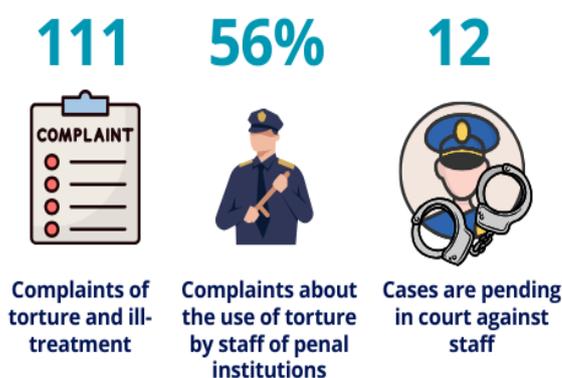
Investigations into allegations of torture are now exclusively under the jurisdiction of the prosecutor's office, and a methodology for investigating torture based on the Istanbul Protocol has been established.

Additionally, there are more than 45,000 video cameras installed across

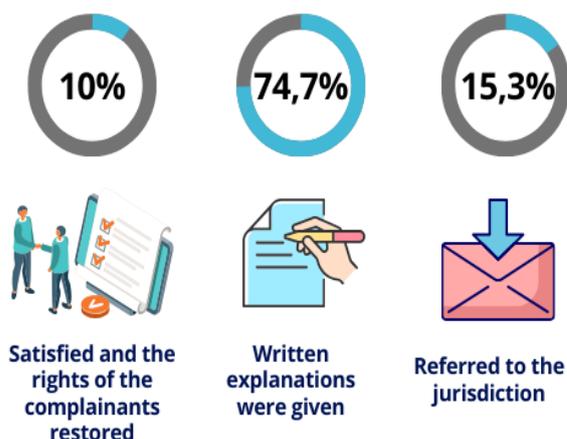
all institutions within the penal correction system, as well as in law enforcement and other special state bodies.

There are over 500 «transparent» interrogation rooms equipped with video recording systems, with monitors displaying the footage located in the lobby, front office, and prosecutor's office. Prosecutors are empowered to immediately release individuals who have been unlawfully detained.

Key data for 2024



Complaint outcomes



As of January 1, 2024, a number of crimes, including torture, have been transferred to the jurisdiction of jurors. Compensation mechanisms for victims of torture have been established, allowing them to receive remuneration from the State fund. Additionally, crisis centers offer victims free social, medical, and psychological assistance.

The measures implemented by the State - encompassing legislative, organizational, and technical aspects - aimed at preventing the ill-treatment of prisoners have significantly improved the situation in this area.

As a result of the measures implemented, the incidence of torture in the country has decreased annually. In 2023, reports of torture declined by 44.5%, decreasing from 928 cases to 515. In 2024, there was a further reduction of 40.5%, bringing the total down from 515 cases to 306 (*Figure 15*).

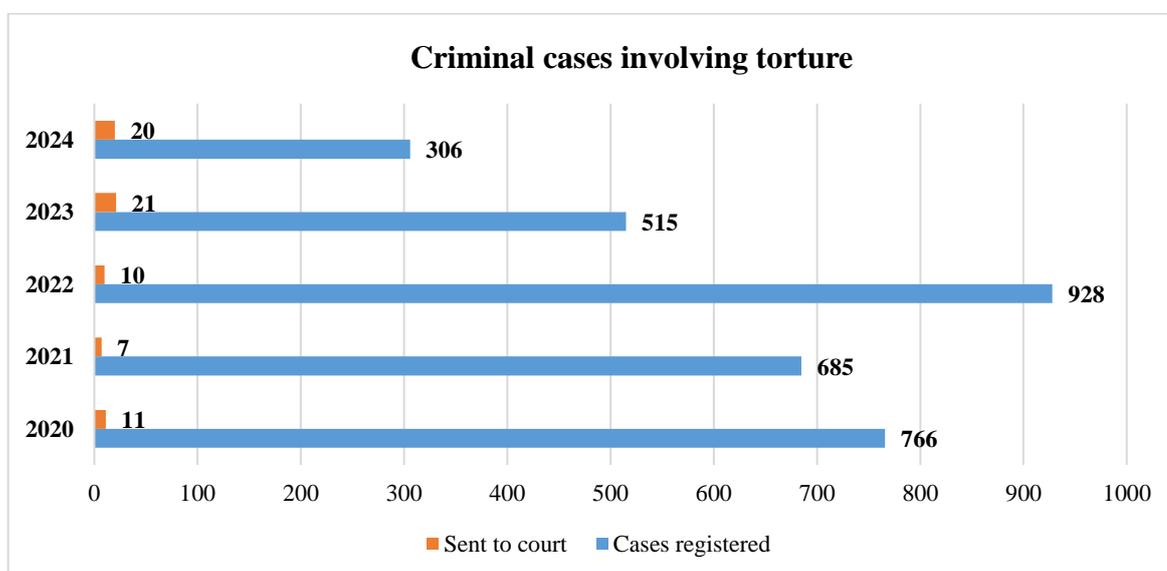


Figure 15

Despite the measures implemented by the state, the statistics regarding the termination of the majority of criminal cases related to torture are concerning. This may be attributed to the complexities involved in investigations or resistance from the employees who are allegedly responsible for such actions.

From 2020 to 2024, only **69** cases out of **3,200** registered instances of torture were sent to court (with 11 cases in 2020, 7 in 2021, 10 in 2022, 21 in 2023, and 20 in 2024).

Since 2023, there has been a downward trend in the number of complaints about torture submitted to the Ombudsman, which correlates with the prosecutor's office statistics indicating a decrease in the number of registered cases of torture in the country. In 2024, **111** appeals of this category were received, representing a 32.7% decrease compared to 2023 (*see Figure 16*).

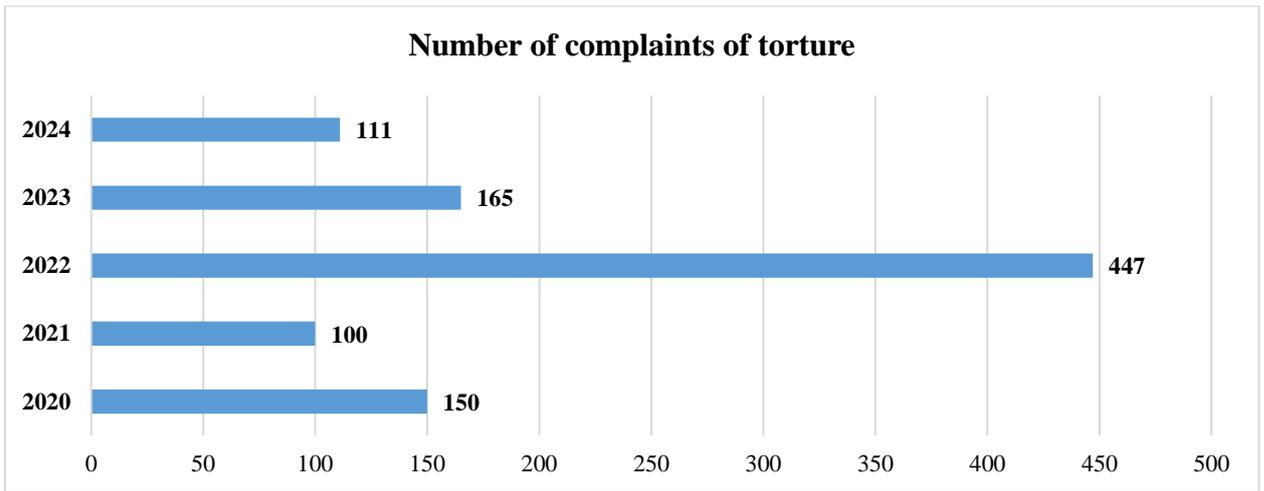


Figure 16

The largest number of such appeals was addressed by the Ombudsman (49 cases). Additionally, representatives of the Ombudsman for Zhambyl region considered 11 appeals, while those from Zhetysu region handled 6 appeals (see Figure 17).

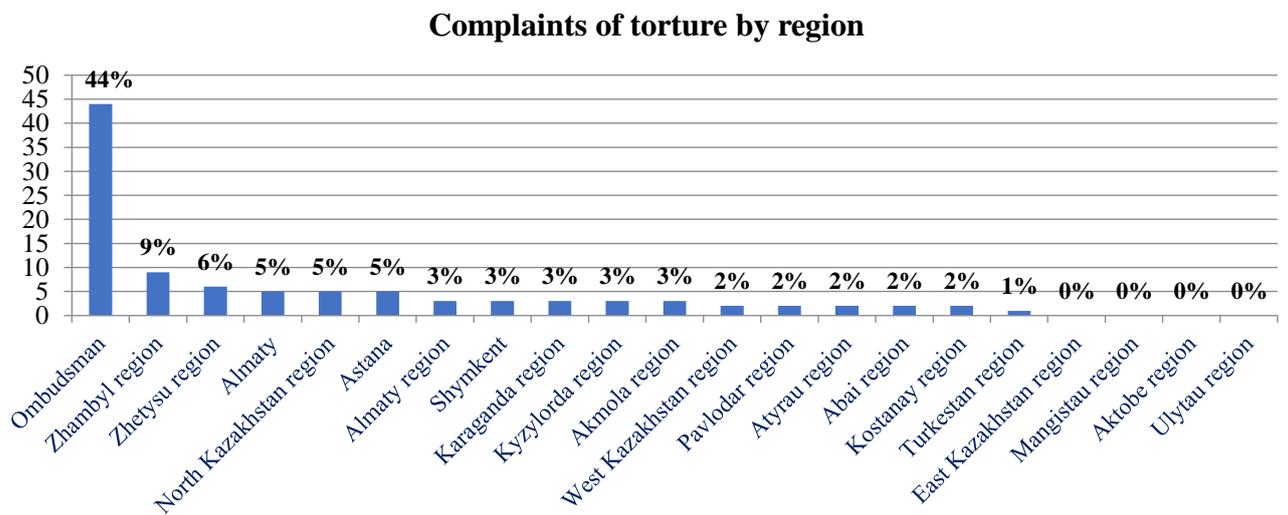


Figure 17

We have calculated the number of complaints regarding torture in relation to the total number of convicts in the regions (expressed per 1,000 people) (see Table 3).

Table 3

No.	Region	Number of convicts	Number of complaints	Per 1,000 convicts
1.	Zhetysu region	348	6	17,2
2.	Astana	1 589	17	10,7
3.	West Kazakhstan region	1 393	6	4,3
4.	Turkestan region	728	3	4,1
5.	Almaty	2 188	9	4,1
6.	North Kazkahstan region	1 749	7	4,0
7.	Zhambyl region	2 858	11	3,8
8.	Kostanay region	2 021	7	3,5

9.	Ulytau region	301	1	3,3
10.	Karaganda region	4 836	12	2,5
11.	Akmola region	2 825	7	2,5
12.	Kyzylorda region	1 348	3	2,2
13.	Aktobe region	1 416	3	2,1
14.	Atyrau region	1 231	2	1,6
15.	Pavlodar region	2 523	4	1,6
16.	Shymkent	2 702	4	1,5
17.	Abay region	2 050	3	1,4
18.	Almaty region	4 107	4	1,0
19.	East Kazakhstan region	3 096	2	0,6
20.	Mangistau region	392	0	0

When evaluating the total number of received complaints about torture in a regional context, expressed as a ratio to the number of convicts (per 1,000), the Zhetysu region **ranks first** with 17.2 complaints, followed by Astana city **in second place** with 10.7, and West Kazakhstan region **in third place** with 4.3 complaints (see Figure 18).

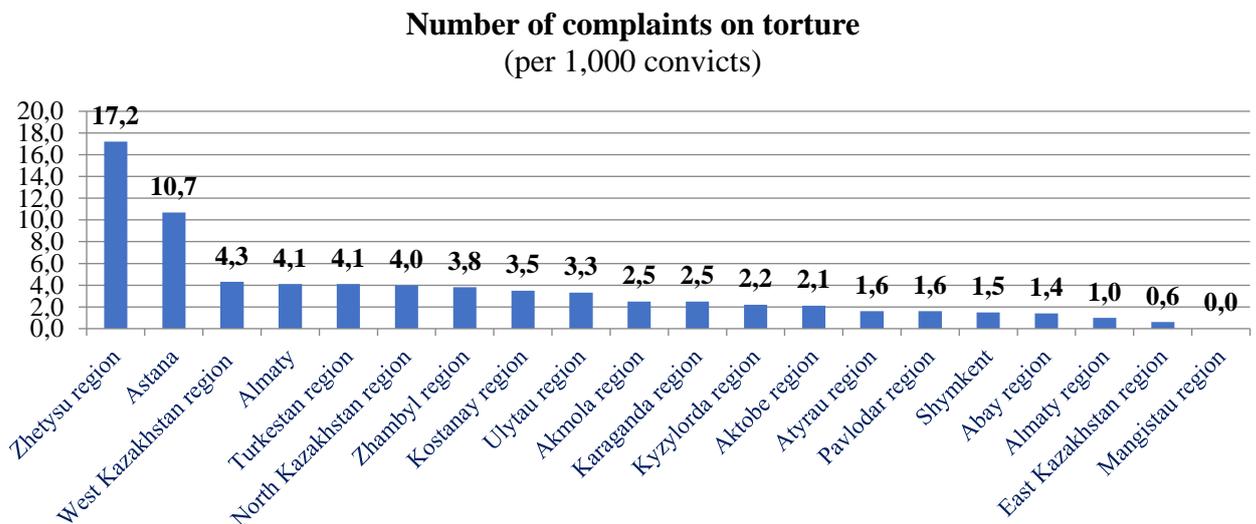


Figure 18

In 2024, with the involvement of representatives of the Ombudsman, a questionnaire survey was conducted among individuals held in penitentiary institutions as well as employees in agencies and institutions that occupy positions with a high risk of torture and ill-treatment.

The survey reached over 6,000 convicts and approximately 2,500 staff members from internal affairs bodies and the penal correction system.

An analysis of the survey results indicated that about half of the reported cases of torture occurred within police facilities, including special institutions, while a quarter took place in penal institutions. A smaller proportion of cases were reported in units of the National Security Committee, the anti-corruption service, and the economic investigation service.

The information provided in the questionnaires generally aligns with the data analyzed within the framework of complaints received by the Ombudsman. This information is summarized below according to the subjects of reported offenses (see Figure 19).

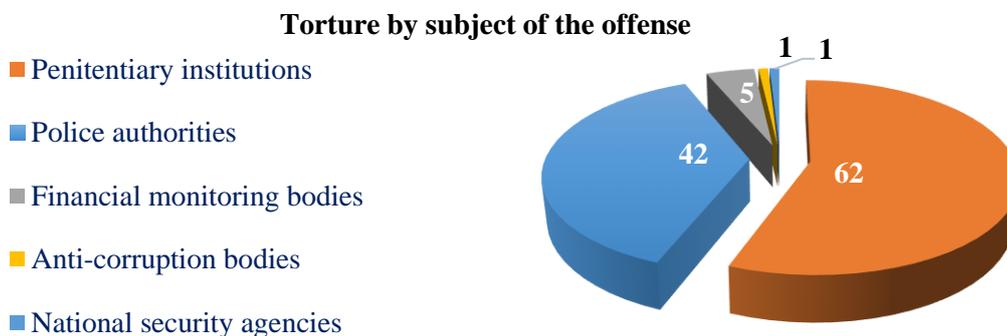


Figure 19

Of the 111 complaints received, 49 cases involved complainants alleging that physical force or psychological pressure had been used against them during the pre-trial investigation, specifically for the purpose of obtaining confessions.

In 62 out of the 111 cases, citizens reported instances of torture while serving their sentences in penal institutions and during transfer.

With the direct involvement of the Ombudsman and his representatives, the rights of the complainants were successfully restored in 11 cases. (See Figure 20)

Consideration of complaints on torture and ill-treatment

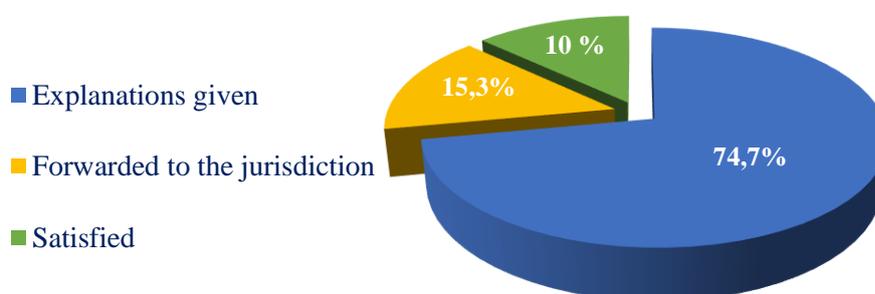


Figure 20

Inmates reported instances of ill-treatment and torture by correctional officers. Explanations were provided for **83** appeals. Furthermore, even when

The representative of the Ombudsman for Zhambyl region was approached by the mother of convict A., who reported that her son had been beaten by the staff of Institution No. 58.

The representative, along with the head of the NPM group in the Zhambyl region, conducted a meeting with the convict. During this meeting, his medical documents were reviewed, a statement was taken, and a forensic medical examination was performed by a forensic medical expert.

The examination concluded that the convict had sustained moderate health damage, specifically a jaw fracture. All collected materials were submitted to the prosecutor's office, and subsequently, a criminal case was registered under Part 1 of Article 362 of the Criminal Code (abuse of power or official authority).

explanations are given, copies of the complaints are forwarded to the General Prosecutor's Office of the Republic of Kazakhstan.

In complaints regarding unlawful actions of police officers (49 cases), complainants reported the use of physical force and psychological pressure to forced confession.

Lawyer K.Z. reported that her client, Z.Y., was pressurized by officers of the Organized Crime Unit in Semey to write a statement against A. and other individuals detained in the Temporary Detention Facility.

In response, the representative of the Ombudsman in the Abai region submitted a petition to the Prosecutor's Office and the Department of Internal Affairs of the region to investigate the allegations presented in the appeal and to hold the responsible officials accountable.

Following the official inspection, a criminal case was registered against the officers of the Department of Internal Affairs of Semey under Article 415, Part 1 of the Criminal Code of the Republic of Kazakhstan; however, it was subsequently terminated due to a lack of corpus delicti.

The Department of Internal Affairs of the Abai region reported that two officials from the Department of Internal Affairs have been held accountable through disciplinary action.

The representative of the Ombudsman sent a letter to the DCES and the Police Department, urging them to take measures to prevent torture and ill-treatment, as well as to ensure the personal safety of Z.Y.

The representative of the Ombudsman for the Zhetysu region, in collaboration with the head of the NPM team, successfully facilitated the registration of a pre-trial investigation under Article 146 of the Criminal Code of

Attorneys approached the representative of the Zhetysu region on behalf of their client. During a personal reception, Ms. B.A. reported that employees of the Organized Crime Unit had resorted to coercive measures (torture) against her and other defendants in the criminal case to extract confessions.

The representative reviewed the opinion of a specialist psychiatrist regarding the psychiatric examination conducted in accordance with the Istanbul Protocol. Appropriate appeals were submitted to the Prosecutor's Office to document the allegations of torture.

As a result of the petition's consideration, the Department of Special Prosecutors of the Zhetysu region registered a criminal offense against the employees of the Organized Crime Unit based on Article 146, Part 3, Paragraph 1 of the Criminal Code.

the Republic of Kazakhstan.

In total, 9 cases were registered under Article 146 of the Criminal Code (torture), 1 case under Article 415 (forced confession), and 1 case under Article 362 (abuse of power or official authority) based on complaints received by the Ombudsman. Additionally, 2 pre-trial investigations were initiated by representatives of the Ombudsman.

The Ombudsman and his representatives are actively and continuously working to prevent torture. However, not all instances of torture and ill-treatment are substantiated.

During the monitoring of media and social networks, the representative of the North Kazakhstan Region identified a video in which the spouse of a detainee alleged that violence had been used against him by the staff of the pre-trial detention facility. In response, the representative promptly visited the investigator-arrestee within the institution, conducted a conversation with him, and reviewed the video recordings.

During the interview, the detainee denied any use of force against him. Furthermore, an analysis of the video recordings indicated that the applicant himself had exhibited unacceptable behavior.

Overall, video surveillance plays a significant role in safeguarding the rights of both prisoners and employees, preventing the occurrence of torture, and protecting staff members from unfounded accusations.

Currently, following the Ombudsman's appeal to the State Enterprise of the Republic of Kazakhstan (GP RK) and the Ministry of Internal Affairs of the Republic of Kazakhstan, efforts are nearing completion to integrate the complaint terminals installed in penitentiary institutions with the system of the Ombudsman's office. This integration will enable inmates to submit complaints directly to the human rights institution in accordance with international standards.

One of the key tasks of the national human rights institution remains to ensure that all anti-torture standards are effectively implemented in practice. Complaints handling and preventive visits will continue to be a central focus of the Ombudsman's attention.

3. CONTRIBUTING TO THE RESTORATION OF SOCIAL, ECONOMIC AND CULTURAL HUMAN RIGHTS

3.1 Right to health care



The enjoyment of the highest attainable standard of health is a fundamental right of every human being, without distinction of race, religion, political opinion, or economic and social condition.

The Charter (Constitution) of the World Health Organization

Paragraph 1 of Article 25 of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, including medical care and necessary social services. The right to health care is further guaranteed by Article 29 of the Constitution.

The right to health protection corresponds with the State's obligation to safeguard the health of its citizens by establishing appropriate legal, social, economic, and scientific conditions. This includes developing the healthcare system, protecting the environment, promoting healthy lifestyles, ensuring the equality of citizens in receiving safe, effective, and quality medical care, and making such care accessible. Additionally, it involves ensuring the joint responsibility of the State, employers, and citizens for the preservation and strengthening of their health and well-being.

On April 19, 2024, the Head of State signed the Law of the Republic of Kazakhstan «On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Health Care Issues.» This law aims to strengthen the system of legal and financial protection and increase the responsibility of medical workers, as

well as to adopt systemic measures to prevent and combat the spread of nicotine-containing substances among young people.

Key data for 2024

126 42%



Complaints about health care issues



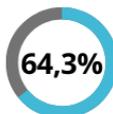
Appeals considered

HRC

Complaint outcomes



Satisfied and the rights of the complainants restored, and partially satisfied



Written explanations were given



Referred to the jurisdiction

Our initiatives



A letter has been sent to the Minister of Health requesting an urgent study on the use of Chlorpromazine (Aminazine), considering international experience. Based on the results, it suggests considering a safer alternative and taking comprehensive measures to ensure that children in need receive the drug Frisium.

The new provisions introduce compulsory professional liability insurance for medical workers. The liability for non-fulfillment or improper fulfillment of professional duties by a medical or pharmaceutical worker has been mitigated. The competence of the state body responsible for providing medical services has been expanded to include the development and approval of the order of investigation in the field of medical services (assistance).

Government Decree No. 141, dated February 29, 2024, introduced changes to the Concept of Health Care Development of the Republic of Kazakhstan until 2026. These changes particularly affect target indicators and expected outcomes for the near future, relating to life expectancy, the level of public satisfaction with the quality and availability of medical services, maternal and infant mortality, among others.

Additions were also made to the Rules of Medical Care for Convicts⁶ and the Rules of Medical and Social Expertise.⁷ According to the Ministry of Health of the Republic of Kazakhstan, there has been a recent increase in complaints about the provision of poor-quality medical care: the health system received 7,420 complaints in 2022 and 7,720 in 2023.⁸

In 2024, the number of complaints in this category submitted to the Ombudsman increased 2.7 times compared to the previous year (rising from 47 to 126) (see Figure 21).

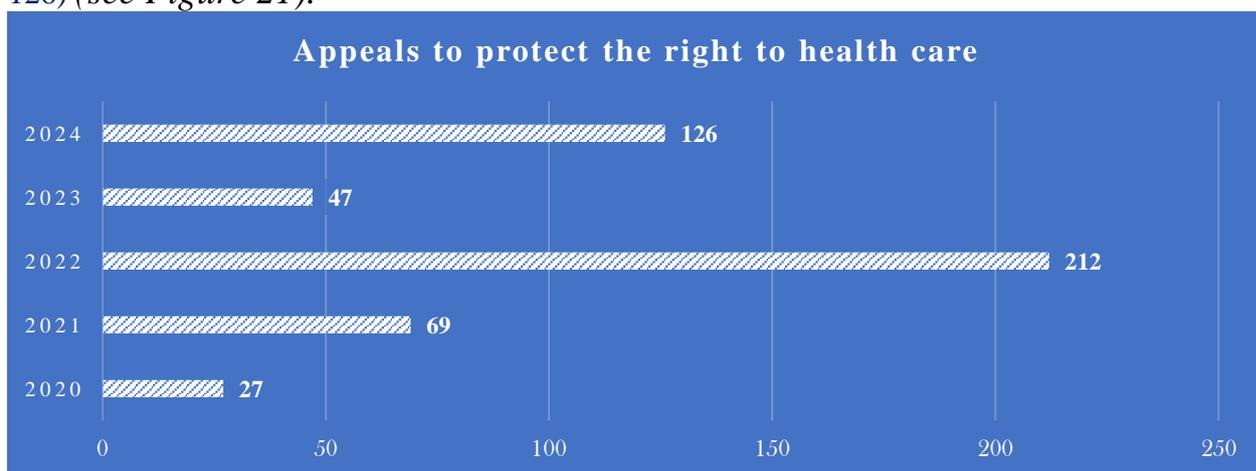


Figure 21

⁶ Order of the Ministry of Health of the RoK from 05.02.2024 № 5 “On introducing amendments and additions to the order of the Ministry of Health of the RoK from June 30, 2022 № KR DSM-61 ‘On approval of the Rules of providing medical care to persons held in pre-trial detention centers and institutions of the penitentiary (penal) system’ // Mode of access: <https://adilet.zan.kz/rus/docs/V2200028669/history> (8.01.2025).

⁷ The main changes in the legislation in the field of health care of the Republic of Kazakhstan in 2024 // Mode of access: <https://med.mcfr.kz/news/4232-osnovnye-izmeneniya-v-zakonodatelstva-v-sfere-zdravoohraneniya---uznayte-cto-izmenitsya-v> (5.01.2025).

⁸ The Ministry of Health of Kazakhstan recognized big problems // <https://orda.kz/v-minzdrave-kazahstana-priznali-bolshie-problemy-sistemy-osms-382906/> (10.01.2025).

The majority of the appeals were considered by the Ombudsman, with a total of 53 cases. In the regions, the representative office for Kyzylorda region addressed 10 cases (*see Figure 22*).

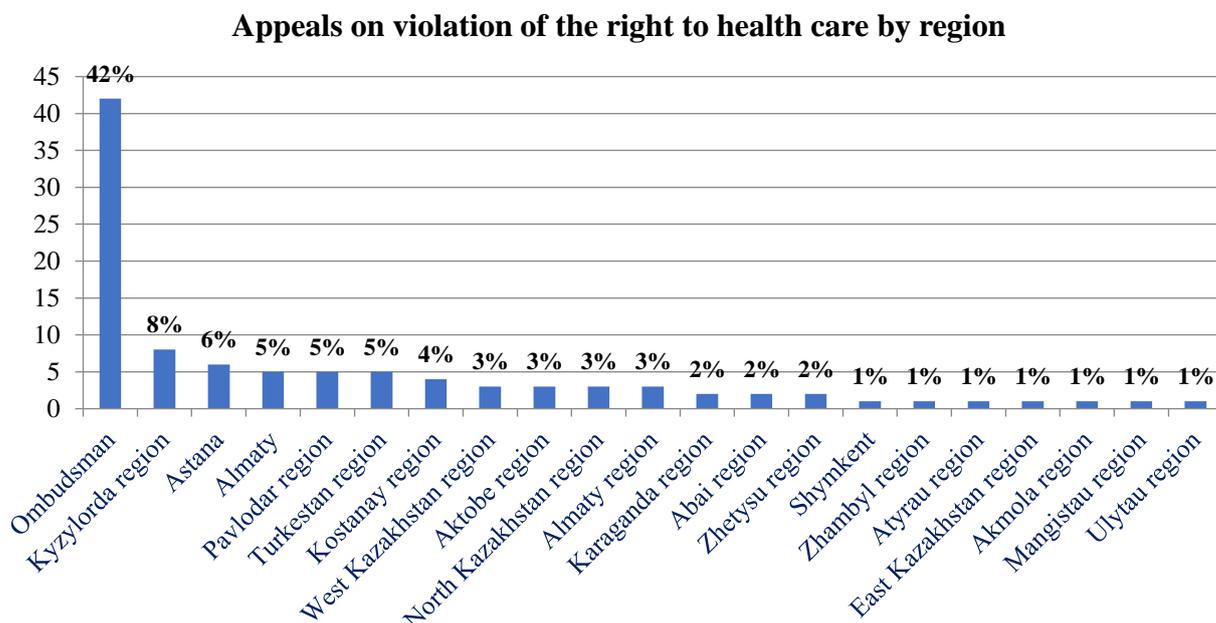


Figure 22

The issues of concern to citizens regarding the assurance of their right to health care are consistent with those raised in previous years (*see Figure 23*).

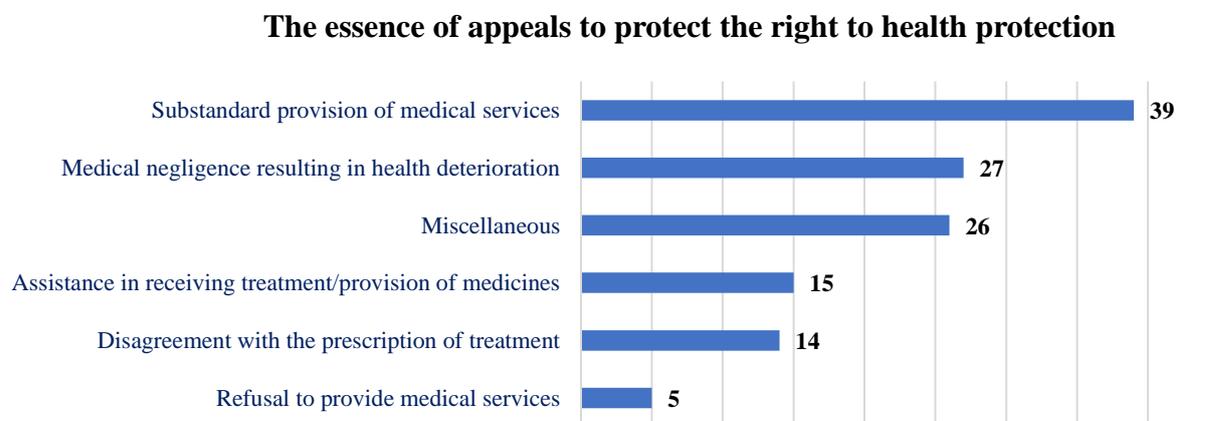


Figure 23

Most of the complaints (39) were related to the poor quality of medical services. Among the 27 complaints concerning negligence by medical workers, 5 involved actions or inactions that resulted in the death of patients. Notably, in 4 cases, these incidents involved the deaths of newborns.

In 2024, the infant mortality rate in Kazakhstan stood at 7.05 per 1,000 live births, which reflects an 8% decrease compared to 2023, when the rate was 7.67.⁹

⁹ Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan // Mode of access: <https://stat.gov.kz/ru/industries/social-statistics/demography/publications/281156/> (12.02.2025).

Despite this overall decline, the issue of infant mortality in Kazakhstan remains a significant concern that requires close attention. Ongoing reports of infant deaths indicate unresolved problems within the healthcare system, compounded by various socio-economic factors. We will continue to monitor this

Mr. A.D. approached the representative for Kyzylorda region seeking criminal prosecution of the doctor responsible for his father's lower limb amputation. The amputation was necessitated by a lack of proper treatment and monitoring, which led to the formation of an ulcer at the site of a fracture. After his condition deteriorated, the complainant's father underwent an emergency amputation of the lower limb.

During the consideration of the appeal, the representative submitted relevant inquiries to the Office and Department of the Committee for Medical and Pharmaceutical Control of the Ministry of Health of the Republic of Kazakhstan in Kyzylorda region.

The results of the inspection revealed violations in the operations of the Kyzylorda railway hospital. It was also found that medical care was not provided in accordance with clinical protocols, which contributed to the deterioration of the patient's condition.

As a result, the Kyzylorda Police Department registered a criminal case against the doctor under Article 317, Part 2 of the Criminal Code.

issue closely.

In appeals related to the negligence of medical workers, complainants have urged that those responsible be held accountable.

B.S., a resident of Aral city, submitted a complaint to the representation office regarding the inadequate medical care provided to her son at a multidisciplinary district hospital. The complainant reported the absence of necessary medications in the hospital, an incorrect diagnosis, and the referral of her child to the children's hospital in Kyzylorda only after he had been admitted to the intensive care unit.

As a result of the representative's inquiries to the Health Department and the Department of Medical and Pharmaceutical Control of the Kyzylorda region, an unscheduled inspection was conducted at the Aral district hospital. This inspection confirmed the failure to provide sufficient medications and violations of treatment protocols.

Consequently, an administrative protocol was prepared against the hospital management under Part 1 of Article 426 of the Code of Administrative Offenses of the

Another case was reported in the Kyzylorda region.

The protection of the rights of underage patients to healthcare receives particular attention. During the reporting period, **24** such appeals were received,

In response to the complaint submitted by A.V. regarding the actions of the staff at Polyclinic No. 1 in Aktobe city and the failure to provide quality medical care to a one-year-old child, the representative of Aktobe region sent requests to conduct an inspection and provide a legal assessment of the actions taken by the head of the pediatric department and the pediatrician.

The results of the inspection confirmed violations of the treatment protocol. As a result, the head of the pediatric department, Z.B., was held accountable and received a disciplinary measure in the form of a "reprimand."

and we were able to assist in the protection of rights in **3** of those cases.

The human rights institution supported **30** citizens in realizing their right to health protection, not only through the consideration of appeals but also during the

During a visit to the Center for Adaptation of Minors in Semey city, the representative of the Abay region identified an issue regarding the failure to provide medical care to children from other cities.

Following the recommendation made by the Ombudsman's representative, the authorized body reported the conclusion of an agreement between the "Center for Adaptation of Minors" and the "Polyclinic No. 2" to provide medical services to all children, including those from other regions.

monitoring of institutions of concern.

Kazakhstan, as a member of the United Nations, is committed to adhering to international principles, including Resolution A67.19 of the World Health Assembly, which emphasizes the importance of providing quality palliative care to vulnerable groups, including children.

Palliative care not only alleviates suffering and enhances the quality of life for terminally ill children but is also a fundamental right of every individual to a dignified life and respect for human dignity, as enshrined in key international documents ratified by Kazakhstan, including the Convention on the Rights of the Child.

According to the Association of Palliative Care for Children of the Republic of Kazakhstan, several challenges currently exist in this area that necessitate the adoption of effective measures.

A primary obstacle is the absence of pediatric palliative care as a distinct section of medicine. The existing standard of palliative care does not adequately address the specific needs of children's bodies. Current standards fail to consider essential aspects such as medication support, patient resuscitation, the psycho-emotional status of the child, parental involvement, the appropriate qualification of medical personnel, and infrastructure issues. Furthermore, the approval of external palliative care services must also be evaluated.

Additionally, there is a need to address the approval of freelance specialists across all regions, the establishment of a unified register for palliative children, and the implementation of social and psychological support programs for families with palliative care needs.

In this context, a recommendation aimed at improving and expanding access to quality palliative care for children in the country was sent to the Ministry of Health of the Republic of Kazakhstan in October 2024.

The Ministry's response indicates that efforts are underway to approve the relevant legal act governing the procedure for organizing the provision of palliative medical care for children. We will continue to monitor the implementation of this issue.

Article 76 of the Code of the Republic of Kazakhstan «On the Health of the People and the Health Care System» guarantees the state's commitment to ensuring equal access to medical care, the quality of medical services, and the

provision of medications, while also ensuring the availability, effectiveness, and **safety of medicines**.

In 2024, the overprescription of general psychotropic drugs for children, particularly the widespread use of antipsychotic medications such as Chlorpromazine (Aminazine), raised significant concerns. According to SK-Pharmacy, over 15 million Chlorpromazine pills and more than 500 injection doses were purchased for the years 2023-2024 alone.

An examination of the drug's annotation and subsequent analysis revealed a series of side effects and numerous contraindications, including impaired function of the kidneys, liver, blood organs, brain, and spinal cord. Moreover, when administered intramuscularly, it can lead to the formation of painful infiltrates. European countries such as Norway and Sweden ceased its use as early as the mid-nineties.

Another issue of concern is the provision of the drug Frisium ([international non-proprietary name: Clobazam](#)) to children. This problem has persisted for over two years, and numerous complaints have been received from parents across different regions regarding their children, who are under dynamic observation for rare and pharmaco-resistant forms of epilepsy and require treatment with this medication.

In light of the Ombudsman's responsibility to safeguard human rights, a letter was sent to the Ministry of Health of the Republic of Kazakhstan, urging the urgent conduct of a study on the use of Chlorpromazine (Aminazin) in consideration of international practices, including the potential for its replacement with a safer alternative. The Ministry was also asked to take comprehensive measures to ensure that children in need have access to the medication «Clobazam.»

In response to the recommendation, the Ministry of Health of the Republic of Kazakhstan reported that it is procuring the drug «Clobazam,» with a delivery schedule set for completion by December 15, 2024.

Consequently, the field of health protection in the Republic of Kazakhstan remains a priority area of state policy, as evidenced by both constitutional guarantees and international obligations. However, an analysis of citizens' appeals indicates that systemic problems in the provision of medical services persist.

Government measures - including legislative changes and amendments to the healthcare development concept - aim to improve the situation. Nonetheless, the challenges of children's palliative care, the use of unsafe medications, and the availability of rare drugs for vulnerable groups remain pressing issues.

To address these concerns effectively, a comprehensive approach is required. This includes enhancing the quality of medical services, increasing the accountability of medical workers, developing healthcare infrastructure, and strengthening collaboration between government agencies and citizens.

The Ombudsman will continue to monitor the observance of citizens' rights within the healthcare sector, placing special emphasis on ensuring access to quality medical services, the protection of patients' rights, and the timely and effective measures implemented by the state.

3.2 Right to social security



Every member of society has the right to social security.

Universal Declaration of Human Rights, Article 22

Key data for 2024

250



Complaints about social security

33,6%



Appeals on the issues of receiving social payments and allowances

403 thous.



Recipients of targeted social assistance

Complaint outcomes

18%



Satisfied and the rights of the complainants restored, and partially satisfied

68%



Written explanations were given

14%



Referred to the jurisdiction

In accordance with Article 9 of the International Covenant on Economic, Social, and Cultural Rights, states parties acknowledge the right of everyone to social security, including social insurance.

The State is actively implementing measures to promote employment and social protection, thereby reducing the number of individuals living below the poverty line. In 2024, more than 843,000 state services will be provided through the Digital Family Card.

Currently, a quarter of the national budget, amounting to more than 5 trillion tenge, is allocated to social security and assistance for the population. Every fourth Kazakhstani is covered by the social security system.

Following the instructions of the Head of State, the minimum size of the basic pension was increased to 65% of the subsistence minimum, while the maximum amount was raised to 105% of the subsistence minimum, effective January 1, 2024. We welcome and fully support this decision.

In 2024, the Ministry of Labor and Social Protection of Population (MLSP of the RoK) developed a mechanism for transforming the business process of providing targeted social assistance, taking into account the total income and expenditures of citizens. The system for delivering social services has been transformed to a per capita financing model, allowing for expanded coverage of citizens in need of specialized social services, particularly in rural areas.

По состоянию на 1 ноября 2024 года АСП назначена 403 тыс. человек из 76 тыс. семей.

As of November 1, 2024, a total of 403,000 individuals from 76,000 families have been assigned Targeted Social Assistance (TSA).¹⁰

On January 1, 2024, a special social payment was introduced for individuals who have worked in harmful working conditions for an extended period. The legal framework ensures that citizens employed in hazardous industries have the right to retire at the age of 55. Mandatory conditions for the granting of these special social benefits include reaching the specified age and having made professional pension contributions to the Unified Accumulative Pension Fund for at least 7 years.

As of December 24, 2024, 13,423 individuals have received the special social payment, with a total of 14,195 applications submitted.¹¹

Despite the measures taken by the state, the number of appeals of this category to the Ombudsman continues to rise. In 2024, we received **250** appeals related to social security issues, which is more than 1.5 times higher than the number received in 2023 (see Figure 24).

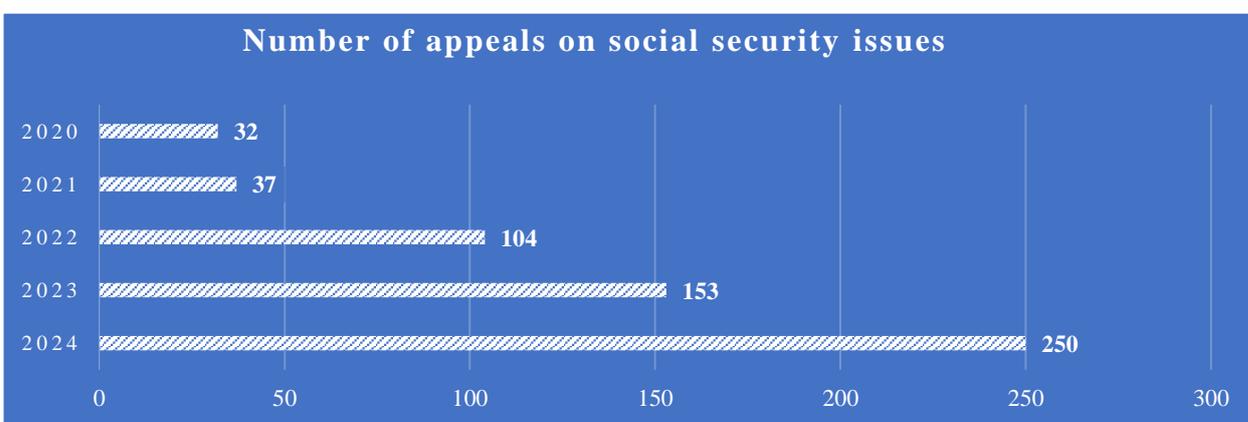


Figure 24

Most of the appeals were addressed by the Ombudsman, with 82 cases, and by the representative office for Pavlodar region, with 30 cases (see Figure 25).

Social security appeals by region

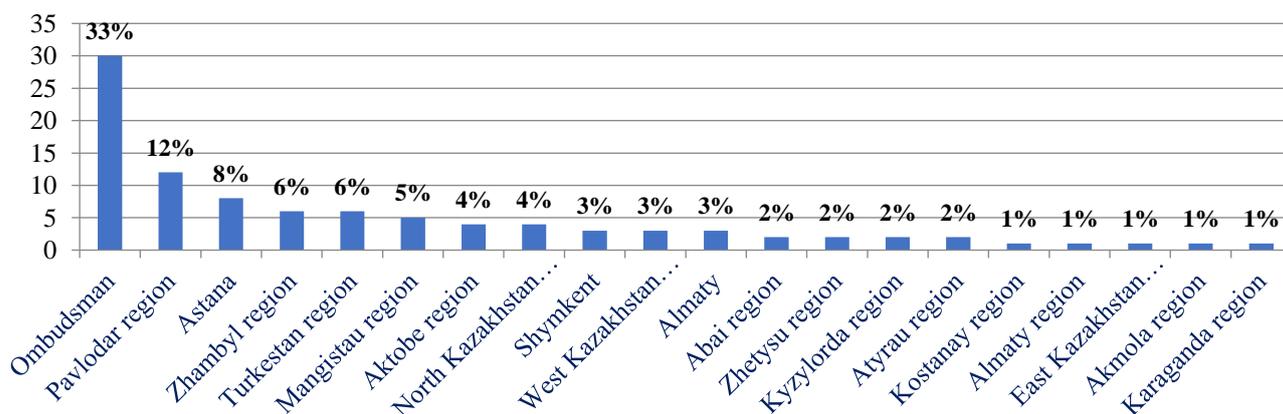


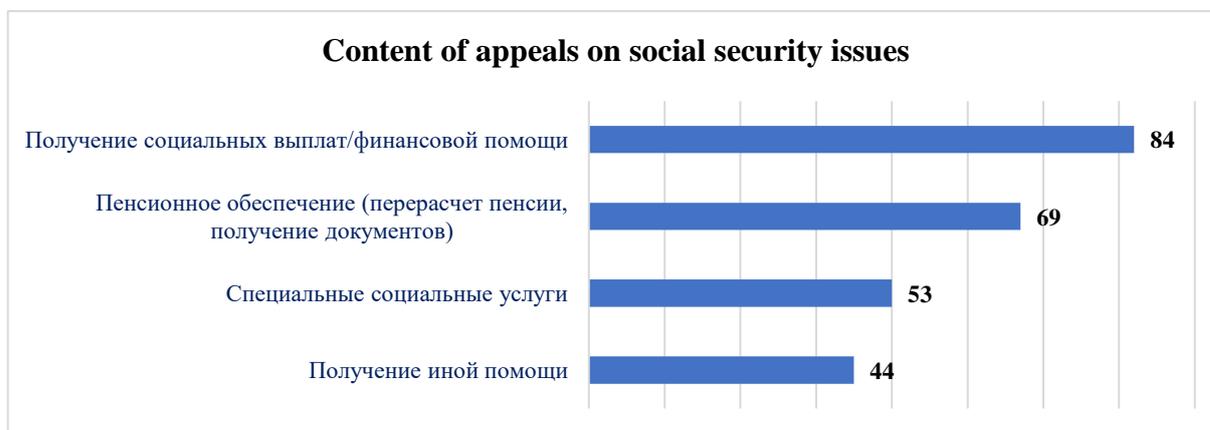
Figure 25

¹⁰ 403 thousand people were provided with targeted social assistance as of November 1, 2024 // Mode of access: <https://www.gov.kz/memleket/entities/enbek/press/news/details/886454?lang=ru> (11.01.2025).

¹¹ More than 13 thousand Kazakhstani people were assigned a special social payment // Mode of access: <https://ortcom.kz/ru/novosti/1735188221> (15.01.2025).

In 2024, applicants expressed the highest interest in receiving social payments and benefits, accounting for 33.6% of all inquiries (see Figure 26).

Figure 26



We believe that a significant factor driving this increase was the adoption of the Social Code of the Republic of Kazakhstan in 2023, which led to a rise in applications and inquiries from citizens regarding social payments.

Overall, the analysis of responses from authorized bodies indicates that, in most cases (170), applications were not fulfilled because citizens did not meet the necessary criteria for receiving social benefits and Targeted Social Assistance (see Figure 27).

Results of consideration of appeals on social security issues

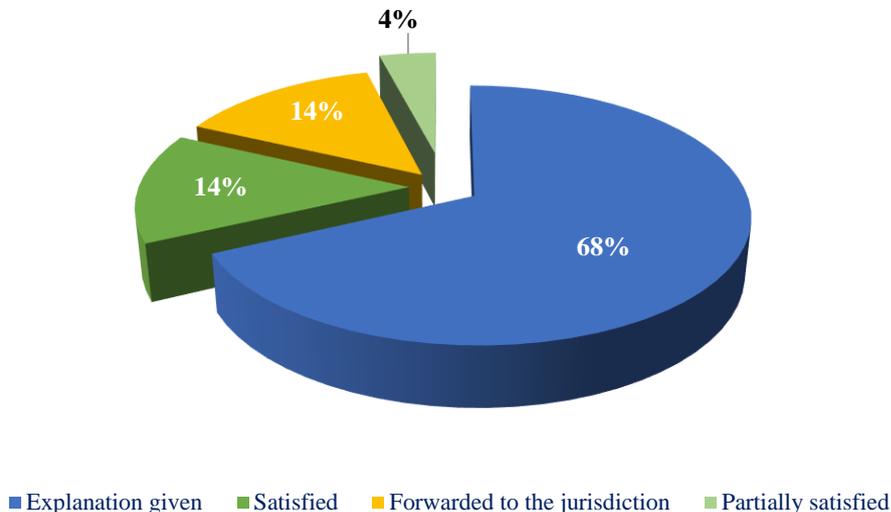


Figure 27

In several appeals, citizens sought assistance in obtaining Special Social Services (SSS), with 53 such requests recorded. In cases where applicants met the

The representative for Pavlodar region was approached by the minor, V.R., regarding the payment of Targeted Social Assistance.

The applicant reported that she is the mother of a child born in 2023, and that her spouse is unemployed and currently serving a sentence in the institution in the East Kazakhstan. The initial application for TSA was denied due to the beneficiary's status as a minor.

As a result of the representative's efforts, the executive bodies accepted an application

criteria for receiving these services, we, in cooperation with the relevant authorities, took measures to fulfill citizens' requests.

In accordance with paragraph 28 of Article 8 of the Social Code of the Republic of Kazakhstan, local executive bodies are responsible for implementing state policy in the field of social protection by providing PWDs with technical

Ms. S.Z. approached the representative for Aktobe region seeking assistance in the appointment of Targeted Social Assistance.

As a result of the request submitted by the Department of Coordination of Employment and Social Programs of Aktobe region, Ms. S.Z. was approved for and received TSA in the form of unconditional cash assistance.

auxiliary (compensatory) means and/or special mobility aids in accordance with their individual program.

In cooperation with the authorized bodies, all possible measures are taken to address the issues raised in the appeals.

Ms. K.A. approached the representative for Karaganda region seeking assistance in resuming the payment of an increased state scholarship for her son, who has a second-degree visual disability.

In response, the representative sent a recommendation to the Karaganda Technical University named after A. Saginov, where the applicant's son is enrolled, urging them to take measures to restore S.I.'s rights to receive the increased scholarship.

Upon inspection, it was discovered that the applicant's son had not been included in the list of state scholarship recipients due to technical reasons. As a result of considering the recommendation, the Rector of the University issued an order to grant S.I. a scholarship for the entire academic year, amounting to 86,000 tenge for 10 months, along with payment of the arrears for the previous months.

In a number of cases (2), the failure to disburse the payments was attributed to technical reasons.

During the consideration of appeals, a problem was identified regarding the

Ms. S.Z. approached the representative for Aktobe region seeking assistance in the appointment of Targeted Social Assistance.

As a result of the request submitted by the Department of Coordination of Employment and Social Programs of Aktobe region, Ms. S.Z. was approved for and received TSA in the form of unconditional cash assistance.

difficulty in obtaining proactive services for the appointment of state social benefits following the loss of a breadwinner.

The possibility of receiving proactive services for the appointment of survivor benefits is outlined in Article 171 of the Family Code of the Republic of Kazakhstan, as well as in paragraph 17 of the Rules for the Calculation (Determination) of the Amount, Appointment, and Payment of State Social Benefits for the Loss of a Breadwinner (approved by the order of the Deputy Prime Minister and Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated June 27, 2023, No. 257).

To facilitate the proactive appointment of this benefit, integration with the Automated Information System «E-market» and departmental information systems of the Ministry of Science and Higher Education of the Republic of Kazakhstan was initiated in December 2023.

However, during the examination of one appeal, it became evident that data regarding students from the autonomous educational organization «Nazarbayev University» had not been transmitted to the AIS «E-market» system. The absence of such information could result in delays in the appointment of benefits or even deprive eligible individuals of their right to receive survivor benefits under the law. A similar situation may occur in other higher education institutions.

In light of this, the Ombudsman sent a recommendation to the Ministry of Education and Science of the Republic of Kazakhstan to ensure the integration of information regarding students at «Nazarbayev University» and other universities with the AIS «E-market.» The Ministry responded that the integration of higher education institutions with the relevant information system had been completed.

Additionally, among the applicants were 13 citizens who sought assistance in protecting the housing rights of vulnerable categories of the population.

The representative for Mangistau region provided assistance in protecting the rights of 774 citizens residing in the “Social Hostel” of the Department for Coordination of Employment and Social Programs.

In their appeal, the applicants expressed their disagreement with the akimat's decision to introduce rent for residents belonging to vulnerable groups of the population starting in July 2024.

As a result of the recommendation's consideration, the local executive body reported that, effective September 10, 2024, the rent for citizens living in the dormitory was

One of the issues that needs to be addressed is the placement of individuals with B-20 (HIV) who have been released from penitentiary institutions into organizations providing specialized social services. This problem was identified by the representative from the East Kazakhstan Region during monitoring visits to penitentiary institutions.

According to paragraph 32 of the Rules of Activity of Organizations Providing Special Social Services (approved by the order of the Deputy Prime Minister and Minister of Labor and Social Protection of the Population on June 22, 2023, No. 230), the presence of infectious diseases is considered a medical contraindication for recipients of services in temporary stay organizations.

After discussing this issue with the Local Executive Authorities and the prosecutor's office, it was decided that amendments to the current Rules were necessary.

In response to an appeal to the Ministry of Labor and Social Protection of the Republic of Kazakhstan, it was communicated that an interdepartmental working group would be established to address the provision of SSS to individuals diagnosed with B-20. A representative from the Human Rights Institute was included in this working group. We will continue to monitor this issue.

During the reporting period, there were also instances of cruel treatment of wards by guardians, with 3 cases reported.

In cooperation with social protection agencies, the representative from the East Kazakhstan Region assisted in protecting the rights of Ms. K.A., a guardian who had been subjected to long-term cruel treatment by her guardian.

As a result of these efforts, Ms. K.A. was placed in the social service center "Ulba", where she received psychological assistance. Subsequently, in accordance with a court decision, her legal capacity was restored.

In this context, we believe it is essential to highlight the Concluding Observations No. CRPD/C/KAZ/CO/1 from the UN Committee on the Rights of Persons with Disabilities regarding Kazakhstan's initial report on the implementation of the Convention on the Rights of Persons with Disabilities. The Committee emphasizes the need for comprehensive legislative reform aimed at recognizing the legal capacity of all persons with disabilities and abolishing guardianship as enshrined in the Civil Code of Kazakhstan. This should be replaced with supportive decision-making measures that guarantee the autonomy, will, and preferences of individuals with disabilities.

It would be prudent to introduce the practice of reviewing the appointment of guardians while providing legal support and counseling to persons with mental disabilities. An analysis of the current situation regarding the right to social security in Kazakhstan indicates that the state is actively pursuing a social protection policy, increasing funding and implementing new mechanisms to support vulnerable categories of citizens. Significant improvements have been observed in pension schemes, targeted social assistance, and support for workers in hazardous industries.

However, the rising number of applications to the Ombudsman suggests that challenges remain related to public awareness, accessibility of social benefits, and difficulties in law enforcement practices. Particularly pressing issues include denials of payments due to non-compliance with eligibility criteria, technical difficulties within digital systems, and complications related to pension registration for Kazakhstanis living abroad.

The individual cases discussed in this report underscore the necessity for further enhancement of social protection mechanisms, including legislative reform, the simplification of procedures for granting benefits, and improved collaboration between government agencies. Additionally, it is important to prioritize the

protection of the rights of persons with disabilities, prevent the ill-treatment of wards, and establish mechanisms to support citizens released from penitentiary institutions.

Thus, despite the positive changes that have been achieved, we will continue to work towards improving the efficiency of the social security system, ensuring transparency in processes, and providing prompt responses to the population's requests.

3.3 Labor rights

LABOR RIGHTS



Everyone has the right to work, to freely choose their employment, to just and favorable working conditions, and to protection against unemployment.

Universal Declaration of Human Rights, Article 23

Key data for 2024

265



Complaints about violation of labor rights

38,9%



Complaints about employer misconduct

Complaint outcomes

12,7%



Satisfied and the rights of the complainants restored, and partially satisfied

73%



Written explanations were given

14,3%



Referred to the jurisdiction

The right of everyone to enjoy just and favorable working conditions is recognized in the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties, including the conventions and recommendations of the International Labor Organization.

Article 24 of the Constitution of the Republic of Kazakhstan enshrines the fundamental principles in the regulation, organization, and protection of labor. The state is obligated to protect the rights and interests of all labor relations participants, provide minimum labor guarantees, and monitor compliance with labor legislation.

In 2024, Kazakhstan implemented several organizational and legal measures aimed at further ensuring and protecting the labor rights of its citizens. A Labor Safety Concept¹² for 2024-2030 was adopted, aiming to enhance the effectiveness of control and monitoring in the field of labor protection and reduce occupational

injuries and illnesses.

In June 2024, during the International Labor Conference, the delegation of the Republic of Kazakhstan (including representatives from the government, employers' organizations, and workers' organizations) along with the ILO, signed an Action Plan for 2024-2025 to ensure decent work in the Republic of Kazakhstan.¹³

¹² Resolution of the Government of the Republic of Kazakhstan from December 28, 2023 № 11 “On approval of the Labor Safety Concept of the Republic of Kazakhstan for 2024 - 2030” // Mode of access: <https://adilet.zan.kz/rus/docs/P2300001182> (12.01.2025).

¹³ ILO and Kazakhstan adopted an action plan to ensure decent work // Mode of access: <https://www.ilo.org/ru/resource/news/> (17.01.25).

According to the plan, Kazakhstan and the ILO will collaborate to implement the principles of the Decent Work Agenda, including strengthening national legislation through the introduction of international labor standards.

The Action Plan includes specific steps to ratify the Safety and Health in Mines Convention from 1995 (No. 176), and to amend the existing legislation accordingly.

One of the most significant innovations was the transfer of the State Labor Inspectorate from the LEA to the central state body in 2024. This measure is intended to strengthen the monitoring of compliance with labor legislation.

According to a sociological survey conducted by the Ombudsman's office in 2024, **the right to work and fair remuneration** is recognized as one of the most significant and frequently violated rights in Kazakhstan.

In 2024, the national human rights institution received **265** appeals concerning the protection and restoration of labor rights (*Figure 28*).

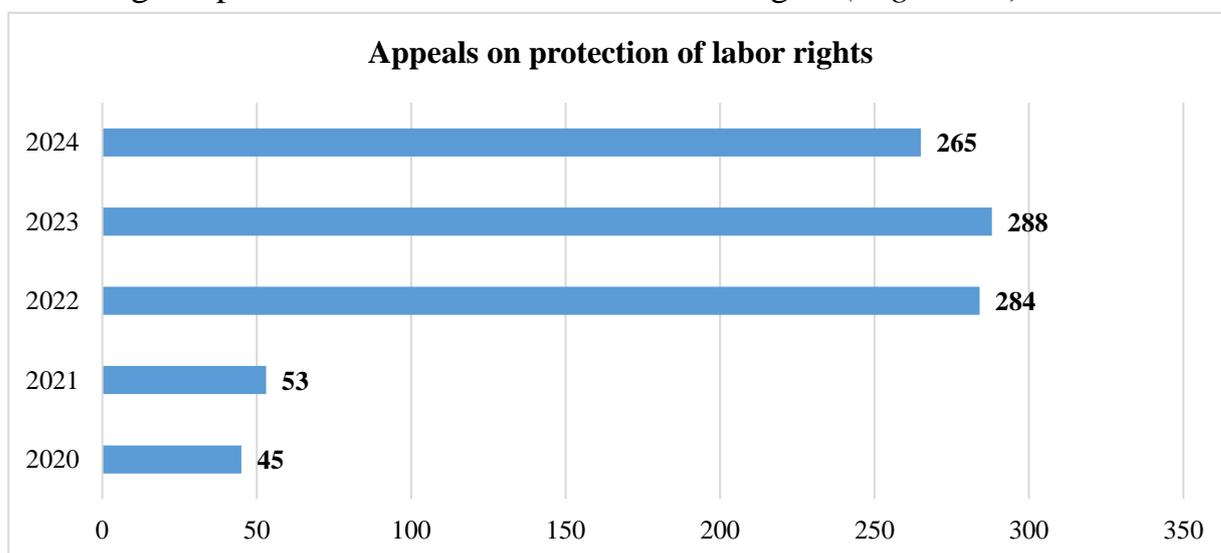


Figure 28

The analysis of appeals revealed that in 2024, citizens were particularly concerned about the restoration of their labor rights in cases of dismissal (49 appeals), non-payment or delayed payment of wages (64 appeals), and pressure from management (103 appeals).

Among these, **25** appeals regarding labor rights violations were fully satisfied, **9** were partially satisfied, **38** were referred to the appropriate jurisdiction, and explanations were provided for **193** appeals (*see Figure 29*).

Results of consideration of appeals on protection of labor rights

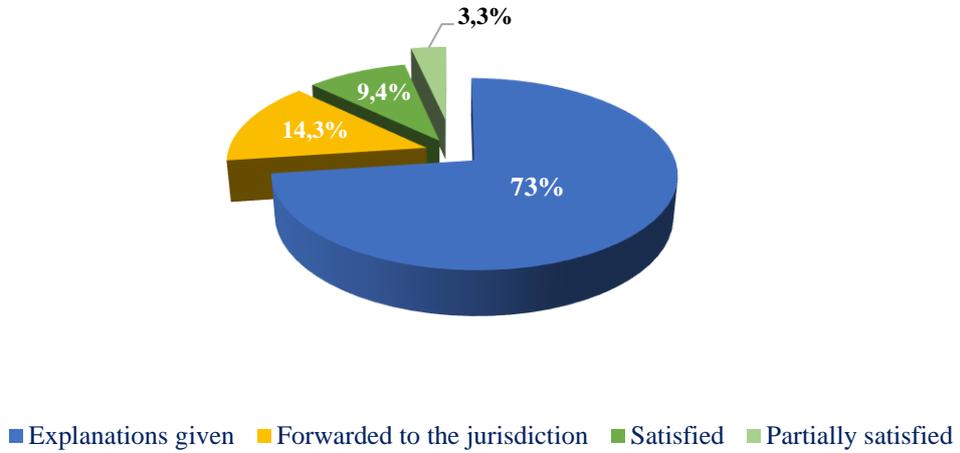


Figure 29

The largest number of appeals were related to disagreements with the actions of employers, totaling 103. Citizens reported instances of pressure exerted by management, rude behavior, inadequate working conditions, and the imposition of unlawful disciplinary penalties (*see Figure 30*).

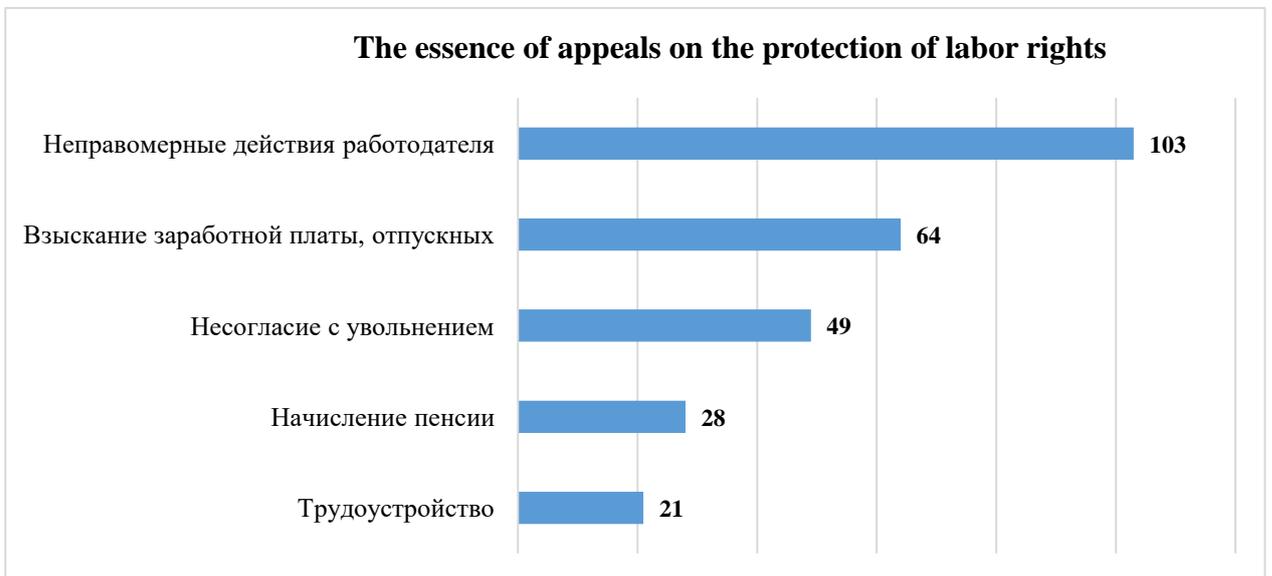


Figure 30

The State Labor Inspectorate conducted unscheduled inspections in response to all incoming signals.

Ms. N. approached the representative for Shymkent city with a complaint regarding unlawful actions taken by management concerning the imposition of a disciplinary penalty during her period of annual leave.

In response to the representative's request, the Department of State Labor Inspection of Shymkent conducted an unscheduled inspection, which revealed violations of labor legislation. An analysis of the materials indicated that the complainant had been subjected to disciplinary action for a misdemeanor committed by another employee. Additionally, it was noted that the complainant was on annual labor leave at the time of the misconduct.

As a result of the inspection, the order to impose the disciplinary penalty was deemed unlawful, and the manager was issued a directive to address and rectify the identified violations.

Another case also took place in Shymkent.

The Ombudsman's representative successfully defended the rights of Ms. A.G., a nurse at the Center for Special Social Services, who reported experiencing pressure from her supervisor to resign and a failure to provide her with annual leave.

According to the report from the Department of Employment and Social Protection of Shymkent city, Ms. A.G. was granted her annual labor leave, and labor relations with the director of the Center for Special Social Services were terminated.

The second largest group of appeals pertains to citizens' complaints regarding **the non-payment of wages, vacation pay, and other payments**, totaling 64 cases.

In accordance with paragraph 5) of Part 2 of Article 23 of the Labor Code of the Republic of Kazakhstan, employers are obligated to timely and fully pay employees their wages and any other payments stipulated by regulatory legal acts, labor agreements, collective agreements, and acts of the employer.

In practice, however, it is not uncommon for employers to violate these legal requirements.

Ms. N. approached the representative for Aktobe region with a complaint regarding the violation of her labor rights by her former employer, specifically concerning the non-payment of compensation for unused days of annual leave.

Following the representative's appeal to the Department of Labor Inspection, it was confirmed that the management of the LLP had paid the compensation in full.

Overall, during the reporting period, the Ombudsman and his representatives assisted **64** complainants in recovering wages and other payments amounting to **more than 6 million tenge** (see Figure 31).

In practice, it is not unusual for employers to violate these legal requirements.

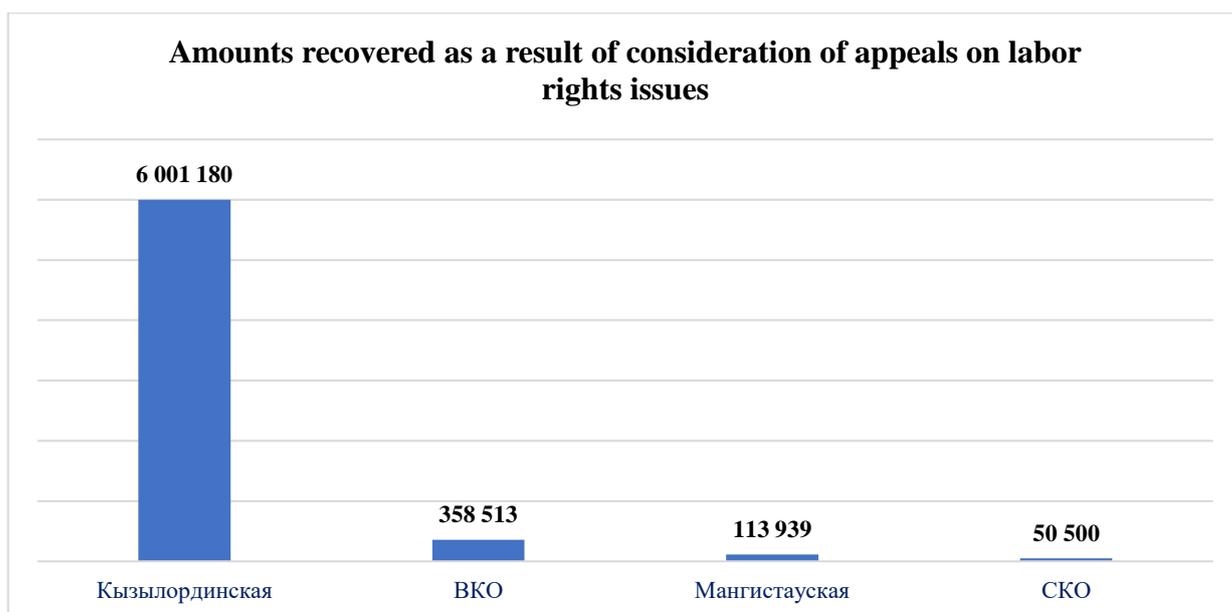


Figure 31

One of the examples is a case from Kyzylorda region.

The representative for Kyzylorda region received a collective appeal from 58 employees of the Regional Center of Phthisiopulmonology. In accordance with the Resolution of the Government of the Republic of Kazakhstan dated December 31, 2013, No. 1,562, the Center was obligated to pay 5% in professional pension contributions for employees working under hazardous conditions.

As part of the appeal, the representative submitted requests to the Health Department and the State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan to conduct an audit and recover the amounts owed for mandatory occupational pension contributions.

As a result of these efforts, the Center transferred the 5% professional pension contributions for the 58 long-term employees working in harmful conditions, totaling 6,001,180 tenge.

The third group of citizens' appeals, consisting of 49 cases, pertains to **disagreements with dismissals**.

In this category of complaints, citizens argued that their dismissals were unreasonable and sought assistance in their reinstatement. In the majority of cases (36), relevant checks had previously been conducted on these complaints, and the results confirmed the legality of the dismissals. In instances where there was an effective court decision, citizens were informed that, according to Article 1 of the Constitutional Law of the Republic of Kazakhstan «On the Judicial System and the Status of Judges of the Republic of Kazakhstan,» no other bodies or individuals are entitled to assume the powers of a judge or perform the functions of the judiciary.

In a number of appeals (13 cases), the human rights institution successfully assisted in protecting the rights of the complainants.

Ms. M.A. approached the representative for Aktobe region with a complaint regarding the illegal job displacement, despite submitting a pregnancy certificate to her employer.

With the representative's assistance in appealing to the Department of Labor Inspection of Aktobe region, the employer retracted the notice of reduction, and the labor rights of the complainant were successfully restored.

Support for the rights of citizens was provided not only through the handling of received appeals but also during monitoring visits. A common violation identified during the consideration of complaints was the failure of employers to

The representative for Aktobe region identified violations of labor rights among contract servicemen in Military Unit No. 6655 of the National Guard of the Republic of Kazakhstan. It was noted that the duration of the work shift for controllers at night exceeded 18 hours continuously, running from 15:50 hours to 10:00 hours the following day.

Following the representative's recommendation, the Military Prosecutor's Office of Aktobe garrison conducted an inspection of the military unit to assess compliance with labor rights for servicemen.

The inspection confirmed instances of non-compliance with labor legislation. As a result, the identified violations were addressed, and 8 officials were held accountable through disciplinary measures.

comply with the established deadline for sending a notice of termination of an employment contract.

The representative for Kyzylorda region was approached by Ms. P.Z. on behalf of the employees of the restaurant "The One" regarding their dismissal without prior notice.

In response, the representative submitted a request to the Department of Labor Control, which subsequently conducted an unscheduled inspection of the individual entrepreneur to assess compliance with labor legislation.

Following the inspection, the employer was issued a directive to rectify the identified violations. Additionally, administrative measures were taken in accordance with Article 87 of the Code of Administrative Offenses of the Republic of Kazakhstan, resulting in a fine of 221,520 tenge being imposed.

An analysis of the received complaints indicates that, in cases of disagreement with the actions and decisions of employers, the procedural handling of individual labor disputes is not always observed, and citizens seldom consult conciliation commissions.

An integral component of the right to work is the **freedom to choose one's employment**.

According to General Comment 18 of the UN Committee on Economic, Social, and Cultural Rights, the right to work encompasses «the right of everyone to freely decide whether to accept or choose employment.» This implies the absence of any coercion related to the exercise or performance of a particular type

of work and the right to access a system of protection that guarantees every worker access to employment.

The prohibition of forced labor is one of the key principles of labor legislation. Article 7 of the Labor Code defines forced labor as the performance of any work or service under the threat of punishment to which a person has not voluntarily consented.

Mr. N. approached the Ombudsman with a request for action against Mr. A., who allegedly subjected him to forced labor.

According to the appeal, Mr. A. invited the complainant to work in another village. After two weeks of work, the complainant experienced physical and psychological abuse from his employer. Mr. N. remained in servitude for nearly a year before managing to escape.

An independent appeal made by the representative of Mr. N. to the police authorities did not yield any results. However, after the human rights institution appealed to the Ministry of Internal Affairs of the Republic of Kazakhstan, it was reported that a pre-trial investigation had been registered regarding the illegal deprivation of liberty. As of the end of 2024, the investigation had not yet been completed.

The human rights institution actively works to protect and restore the rights of citizens who are victims of forced labor. The State is also taking proactive measures to strengthen labor legislation, enhance labor safety, prevent occupational injuries, and safeguard workers' rights. The enhancement of oversight, particularly through the transfer of the State Labor Inspectorate to a central authority, has contributed to improved working conditions.

Moving forward, the state should continue to systematically enhance mechanisms for protecting labor rights, with particular emphasis on effective monitoring and enforcement of labor laws for vulnerable groups, including women, youth, and people with disabilities.

Additionally, accessible and effective mechanisms for resolving labor disputes, including independent conciliation commissions and legal consultations, should be established. It is also crucial to focus on creating new job opportunities, particularly in regions with high unemployment, and ensuring fair wages for all workers.

3.4 Right to adequate housing



Everyone has the right to a standard of living adequate for their health and well-being, including food, clothing, and housing, for themselves and their families.

Universal Declaration of Human Rights, Article 25

Key data for 2024

121 **46,3%** **653,1** thous.



Complaint about violation of housing rights



Appeals regarding the provision of housing from the state housing fund



Citizens on the waiting list for housing from the state housing fund

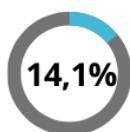
Complaint outcomes



Satisfied and the rights of the complainants restored



Written explanations were given



Referred to the jurisdiction

demonstrated the effectiveness of the state. All affected individuals were provided with welfare and financial assistance.

To secure housing for citizens, 5,767 residential homes were purchased on the real estate market, and repair work in 9,156 houses was fully completed. The Government allocated a total of 54.7 billion tenge for this endeavor, with private companies and entrepreneurs contributing significantly - 153 billion tenge - to the efforts.¹⁴

To ensure housing for citizens, 5,767 residential houses were purchased on the real estate market, and repair work in 9,156 houses has been fully completed. The state allocated a total of 54.7 billion tenge for this initiative, while private companies and entrepreneurs made a significant contribution of 153 billion tenge.

International law recognizes the right of everyone to an adequate standard of living, which includes the right to adequate housing.

The right to adequate housing encompasses freedoms that include:

- Protection from forced evictions and arbitrary destruction of one's home;
- The right to be free from arbitrary intrusion into the home;
- The right to choose one's place of residence and freedom of movement.

Housing construction is a critical component of the State's social policy.

The large-scale floods that occurred in the spring of 2024, the worst in the last 80 years, posed a significant challenge for our country. As a result of this natural disaster, thousands of individuals were left without housing. An emergency regime was declared in ten regions, and people were evacuated to safe locations.

The response to the consequences of the spring floods

¹⁴ Mode of access: https://rus.azattyq.org/a/32927178.html?utm_source=chatgpt.com (19.02.2025 г.).

Furthermore, 2,680 private houses were constructed as quickly as possible at a cost of 64 billion tenge. In addition, 36,455 families received one-time social assistance amounting to 100 monthly calculation indices, totaling 13.3 billion tenge. Additionally, 21,876 families received compensation of up to 150 MCI, amounting to a total of 9.9 billion tenge.¹⁵

In 2024, the Institute of the Ombudsman received **121** appeals regarding the realization of the right to adequate housing, which is consistent with the indicators from 2023 (*see Figure 32*).

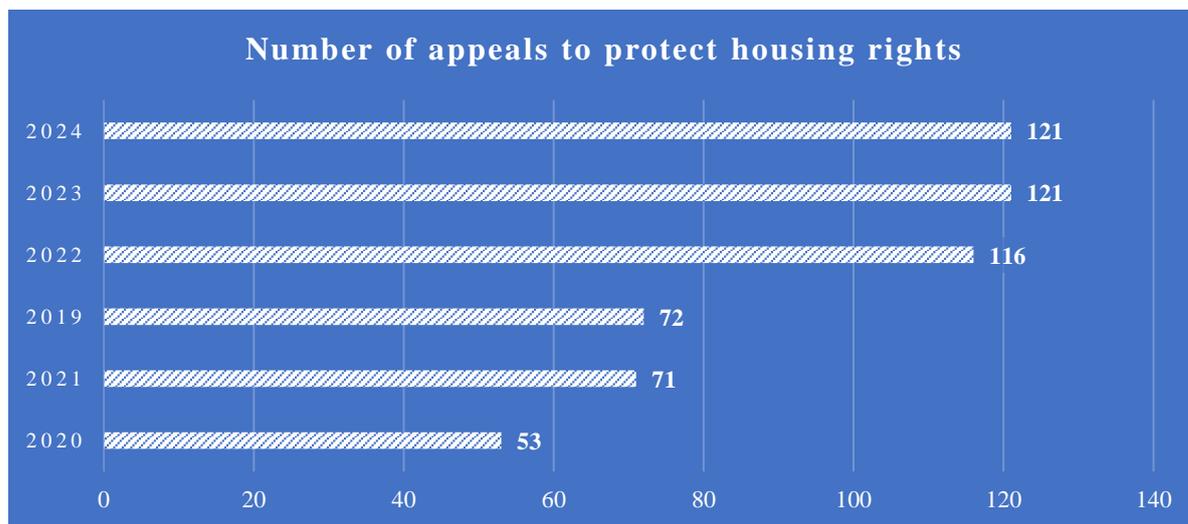


Figure 32

The largest number of appeals was addressed by the Ombudsman, totaling 29 cases. From the regional offices, both Almaty city and Zhetysu region had 12 cases each (*see Figure 33*).

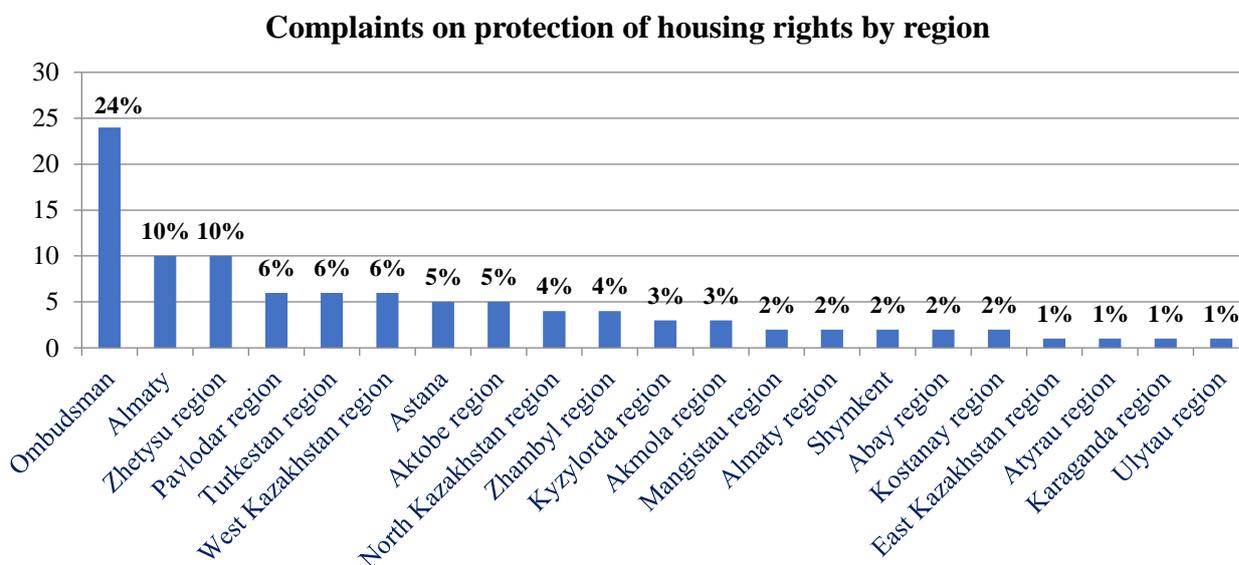


Figure 33

¹⁵ Berik Uali shared the main results of the Head of State's activity in 2024 // Mode of access: <https://24.kz/ru/news/policy/item/687380-berik-uali-podelilsya-osnovnymi-itogami-deyatelnosti-glavy-gosudarstva-v-2024-godu> (20.01.2025).

The analysis of appeals concerning the right to adequate housing indicated that people's claims were satisfied in **19** cases, **17** cases were referred to the appropriate jurisdiction, and explanations were provided for **85** appeals (*see Figure 34*).

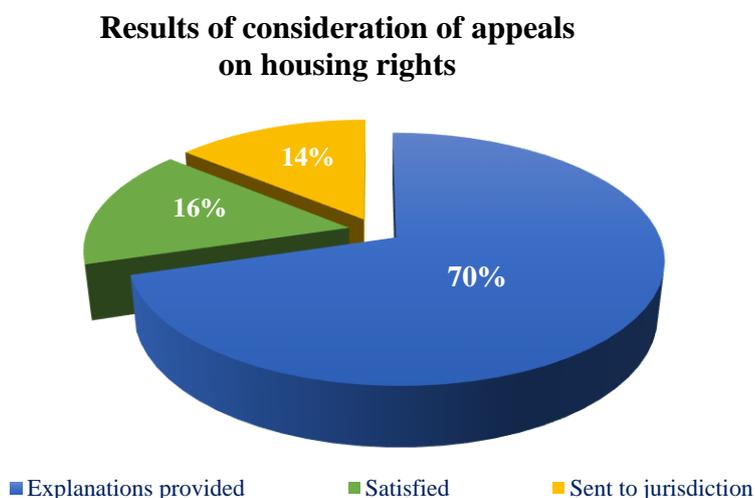


Figure 34

A positive example can be observed in the case from Kyzylorda region.

T.V., a student at the Center for Social Adaptation of Youth, approached the representative for Kyzylorda region seeking assistance in obtaining housing.

During the consideration of the appeal, it was discovered that three citizens of the Republic of Uzbekistan were living unlawfully in an apartment designated for the students of the Center.

Following the Ombudsman's representative's appeal to the local executive body, the housing inspection officer was held accountable through disciplinary measures. The foreigners residing in the apartment faced administrative penalties under Article 517, Part 4 of the Code of Administrative Offenses, while the landlord was also held liable under Article 493, Part 5 of the same Code.

As a result of these actions, T.V. successfully received the housing to which he was

The majority of citizen appeals focused on the issue of obtaining housing from the state housing fund, accounting for 46.2% of all complaints (*see Figure 35*).

The essence of appeals on protection of housing rights

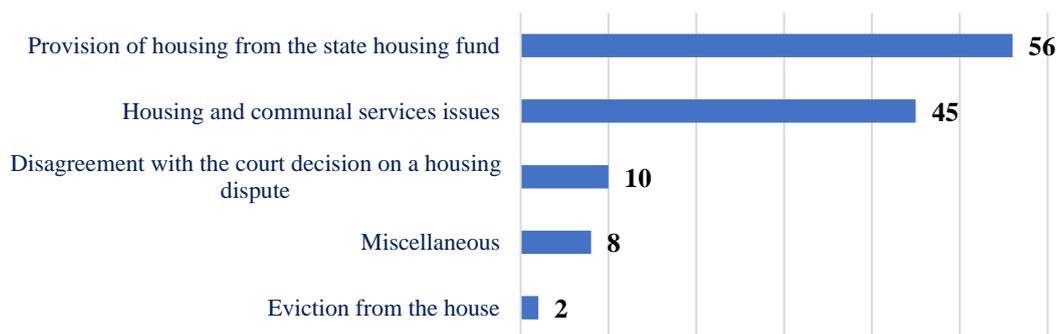


Figure 35

According to the official statistics from the Information System «Housing Queue,» as of December 2024, there are **653.1** thousand individuals on the waiting list for housing from the public housing fund.¹⁶

It is important to note that the number of people on the waiting list is increasing (in 2022, there were 633.3 thousand people on the list, while in 2023, this figure rose to 645.6 thousand).

Among those on the waiting list, 255,799 individuals belong to socially vulnerable groups, including veterans, people with disabilities (groups 1 and 2), families raising children with disabilities, elderly pensioners, single-parent families, and individuals who lost their homes due to environmental disasters (*see*

Categories of persons on the waiting list for housing from the state housing fund

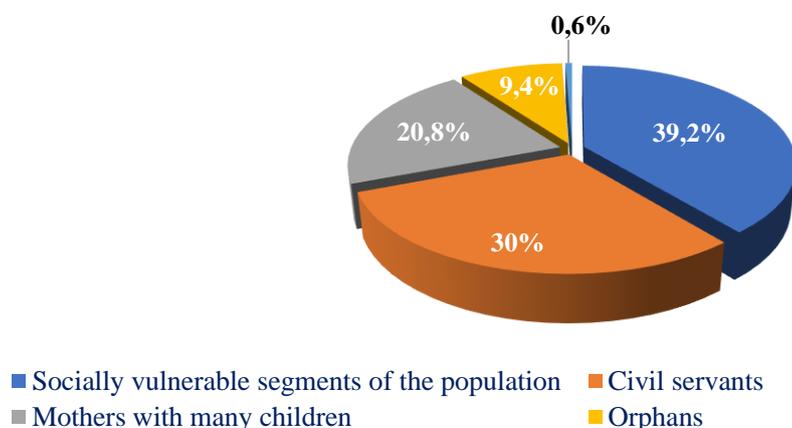


Figure 36).

Figure 36

In terms of regions, the top three areas with the highest number of individuals on waiting lists are as follows: Turkestan region (**67,841**), Shymkent city (**51,671**), and Zhambyl region (**44,343**).

When considering the number of people on the waiting list relative to the population in the regions, expressed per 100,000 individuals, the rankings are as follows: West Kazakhstan region in **first place with 4,601.7**, followed by Zhetysu region in **second place with 4,515.6**, and Kyzylorda region in **third place with 4,307.7** (*see Table 4*).

Table 4

No.	Region	Population No.	No. of people in waiting list	Per 100 thousand people
1.	West Kazakhstan region	695 301	31 996	4 601,7
2.	Zhetysu region	696 112	31 434	4 515,6
3.	Kyzylorda region	845 391	36 417	4 307,7

¹⁶ SHANYRAQ in figures // Access mode: <https://hf.kezekte.kz/ru/statistics/general> (16.01.2025).

4.	Shymkent	1 246 661	51 671	4 144,8
5.	Atyrau region	709 402	28 706	4 046,5
6.	North Kazakhstan region	523 989	20 561	3 923,9
7.	Aktobe region	947 651	36 647	3 867,1
8.	Zhambyl region	1 222 973	44 343	3 625,8
9.	Pavlodar region	752 447	25 920	3 444,8
10.	Kostanay region	826 602	26 777	3 239,4
11.	Abay region	604 520	19 867	3 286,4
12.	Mangistau region	800 526	25 838	3 227,6
13.	Turkestan region	2 153 616	67 841	3 150,1
14.	Karaganda region	1 134 257	32 962	2 906,0
15.	Akmola region	788 396	22 668	2 875,2
16.	East Kazakhstan region	724 823	20 768	2 865,3
17.	Ulytau region	221 558	6 234	2 813,7
18.	Almaty region	1 551 350	40 079	2 583,5
19.	Astana	1 502 102	38 674	2 574,7
20.	Almaty	2 275 541	43 913	1 929,8

West Kazakhstan region and Zhetysu region have remained leaders in the number of queue holders since 2023. A notable increase in the number of queue holders was recorded in Turkestan region in 2024, with an increase of 3,849 individuals compared to 2023 (*see Figure 37*).

Number of people on waiting lists, as a ratio to the number of population in the regions, per 100,000 people

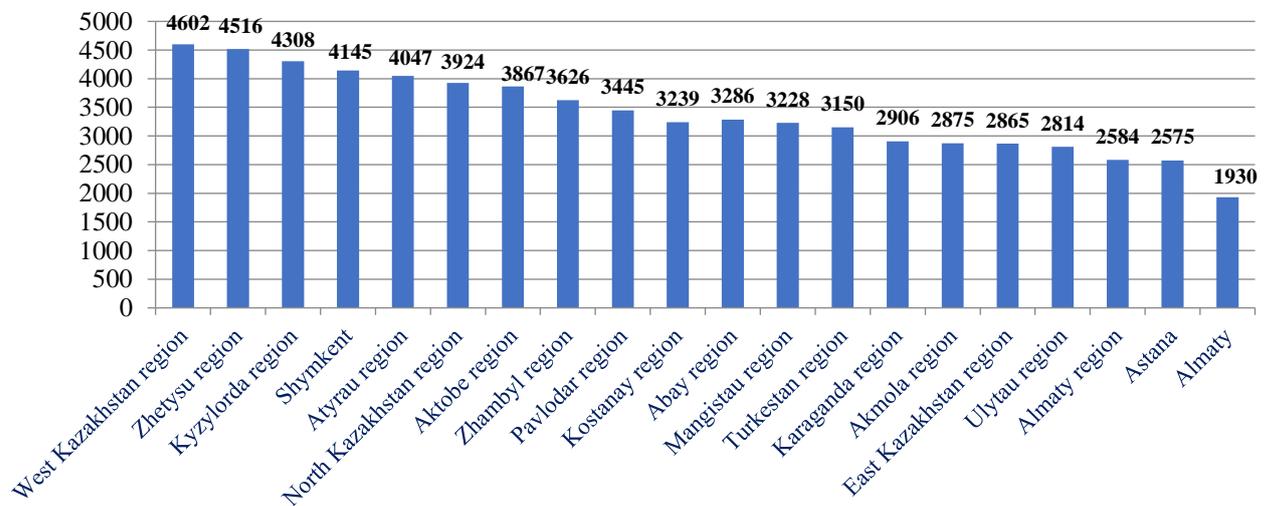


Figure 37

The resolution of the housing issue is directly linked to the economic capacity of the state. Meanwhile, the Institute of the Ombudsman will continue to assist citizens in exercising their right to adequate housing, addressing issues such as refusals to join the queue, removals from the queue, and evictions from their only housing.

In the Concept of Housing and Communal Infrastructure Development for 2023-2029, adopted in 2022,¹⁷ it was noted that the measures being implemented to assist those in need of housing (in accordance with the requirements of the Law of the Republic of Kazakhstan «On Housing Relations») do not have a significant impact on reducing the waiting list.

During the reporting period, there were significant changes in housing policy aimed at the effective implementation of measures to provide housing for citizens in need.

On November 22, 2024, the Head of State signed the Law of the Republic of Kazakhstan «On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Reforming Housing Policy.» This law introduces changes to the mechanisms of state support intended to improve housing conditions.¹⁸

The amendments provide for the establishment of an Institute for Development and Support based on JSC «Otbasy Bank,» which will be responsible for the centralized staging, accounting, and distribution of housing. Previously, housing distribution was conducted based on separate lists, taking into account the priority rights of certain categories of citizens. Moving forward, housing will be allocated based on the date of registration of those in need and their income levels, thereby prioritizing individuals who have been on the waiting list for an extended period.

The list of individuals prioritized for assistance has been expanded to ensure that at least 70% of rental and credit housing is allocated to the following groups:

- World War II veterans
- Orphans
- Mothers with many children and large families
- People with disabilities in groups 1 and 2
- Families with children with disabilities
- Veterans who are equated to World War II veterans in terms of benefits
- Veterans of combat operations in other states
- Widows

Within the framework of this law, the issues highlighted in the Ombudsman's report and the Consolidated Report of the National Preventive Mechanism participants for 2023 regarding the untimely registration of children from orphanages and their removal from the waiting list when they change their place of residence due to transfers from institutions have been addressed.

Specifically, a norm has been established mandating the registration of orphans and children who have been left without parental care within three months

¹⁷ Government Decree of the Government of the Republic of Kazakhstan from September 23, 2022 № 736 “On approval of the Concept of development of housing and communal infrastructure for 2023 - 2029” // Mode of access: <https://adilet.zan.kz/rus/docs/P2200000736> (05.01.2025).

¹⁸ The Head of State signed the Law of the Republic of Kazakhstan “On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on reforming housing policy” // Mode of access: <https://www.akorda.kz/ru/glavoy-gosudarstva-podpisan-zakon-respubliki-kazahstan-po-voprosam-reformirovaniya-zhilishchnoy-politiki-22101637> (05.01.2025).

of their admission to an organization or the conclusion of a contract with a foster care provider. This ensures that the **primary date of registration for children in need of housing is recorded within the same region.**

In 2024, the Ombudsman received citizen appeals concerning the priority for receiving housing from the public housing fund (56 cases), which can be conditionally categorized into the following groups:

1. Complaints about the refusal to join the queue (3 cases).

In reviewing these applications, the authorized body typically discovered that the applicant owned housing that had been alienated prior to the submission of their application.

In accordance with Article 72 of the Law of the Republic of Kazakhstan «On Housing Relations,» registration for housing provision from the state housing fund

Ms. B.B., a caregiver for a child with a disability, approached the Ombudsman with a complaint regarding the lengthy wait for housing from the state housing fund and the lack of progress in the queue.

At our request, the Akimat of Akmola region provided information on the applicant's queue number in the Information System "KEZEKTE.KZ" and offered explanations regarding the provision of housing in order of priority, which is contingent upon the construction and commissioning of rental houses or the allocation of apartments from the communal housing fund.

is denied if it is established that a citizen has become in need as a result of deliberately worsening their housing conditions within the past five years by alienating habitable property owned by them, regardless of whether that property was located in the same locality or another region of the Republic of Kazakhstan.

2. Promotion in the Queue (51 cases)

For these appeals, requests were sent to the authorized bodies, and explanations were provided regarding the process for advancement in the queue.

3. Disagreement with Removal from the Queue and Exclusion from the List of Persons on the Waiting List (2 cases)

In one instance, the removal from the waiting list was justified and occurred due to the circumstances outlined in Article 73 of the Law of the Republic of Kazakhstan «On Housing Relations.» When considering another appeal, the representative of the Ombudsman assisted in protecting the applicant's rights.

Ms. N.O. approached the Ombudsman concerning the illegal eviction of herself and her children from their residential premises during the winter by a private bailiff.

According to paragraph 6-1) of Article 42 of the Law of the Republic of Kazakhstan “On Enforcement Proceedings and the Status of Court Enforcement Officers,” enforcement proceedings must be suspended within one working day in cases of forced eviction of citizens belonging to socially vulnerable segments of the population, as well as families with minor children and/or those with individuals classified as having disabilities of the first or second group, whether with permanent or temporary registration at their place of residence. This suspension applies specifically to evictions from the only dwelling in the territory of the Republic of Kazakhstan during the heating period.

As a result of the consideration of the appeal, the executive district of Almaty issued a resolution suspending the enforcement proceedings regarding the eviction of Ms. N.O. and all her family members until April 10, 2025.

In addition to the three categories of appeals related to housing issues, the Ombudsman received one appeal concerning eviction from the only housing, and assistance was provided to restore the violated rights in that case

Mr. A.E. approached the representative for Kostanay region regarding his disagreement with being removed from the waiting list for housing from the state housing fund in the “Kandas” (Fellow countrymen) category.

During the consideration of the appeal, the representative submitted the corresponding inquiry and made a visit to Rudnyi, where he met with the Department of Housing Relations of the Akimat.

According to information from the authorized body, Mr. A.E. had been on the waiting list for housing since January 16, 2007, but was removed from the list on December 17, 2019, as a result of an inventory of the waiting list and the transfer of data from the previously functioning database “E-akimat” to the Information System “KEZEKTE.KZ.” Individuals with discrepancies were automatically excluded from the waiting list during this process.

The applicant was informed of his right to judicial protection, and subsequently, he was restored to the queue. On March 20, 2024, the Specialized Interdistrict Administrative Court of Kostanay region ruled in favor of Mr. A.E., satisfying his claim for restoration to the queue from 2007.

In summary, it is important to recognize that the right to adequate housing is an integral component of the right to a decent standard of living, as acknowledged

in international law. The realization of this right necessitates effective and targeted measures in state housing policy, particularly for socially vulnerable groups.

Key aspects of protecting the right to housing include preventing forced evictions, ensuring the freedom to choose one's place of residence, and safeguarding against arbitrary interference.

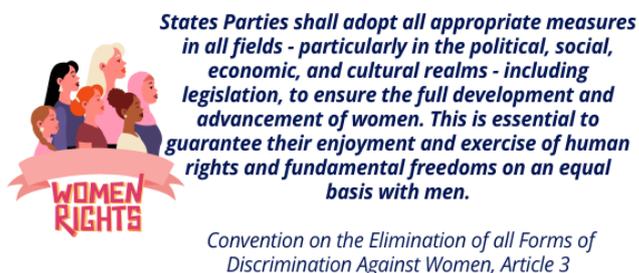
The spring floods of 2024 demonstrated the effectiveness of the State's response to such crises, including the provision of housing for those affected. However, the substantial number of citizens on the waiting list for public housing underscores the need for further reforms.

Recent legislative changes are aimed at enhancing the system of housing registration and distribution, as well as protecting the rights of socially vulnerable groups, including large families, veterans, individuals with disabilities, and widows. Nevertheless, challenges remain concerning lengthy waiting times and unjustified removals from the housing waiting list.

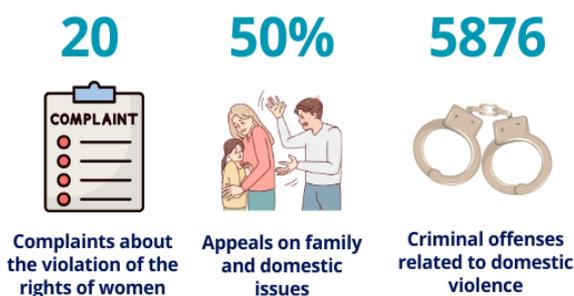
Moving forward, emphasis should be placed on the sustainable development of housing policy, preventing the deterioration of citizens' living conditions, and strengthening social protection. Only through coordinated efforts between the state and human rights institutions can we ensure that all citizens have access to decent living conditions.

4. ASSISTANCE IN RESTORING THE RIGHTS OF CERTAIN CATEGORIES OF CITIZENS

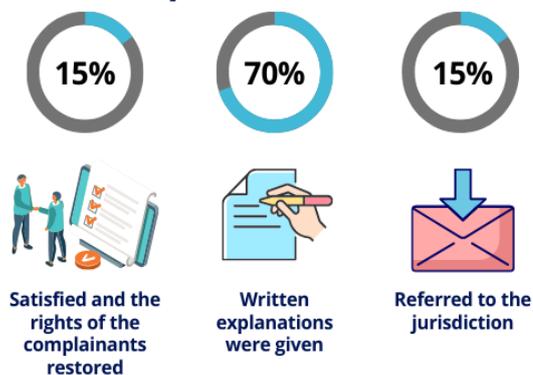
4.1 Rights of women



Key data for 2024



Complaint outcomes



Kazakhstan is a party to fundamental international human rights treaties, particularly those that ensure the rights of women.

To implement the fifth UN Sustainable Development Goal, the Republic of Kazakhstan has enshrined full equality of rights for men and women at the legislative level, focusing on eliminating all forms of gender-based discrimination and ensuring equal opportunities for girls and women.

According to the UN Declaration, violence against women is defined as «any act of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.»¹⁹

As of June 16, 2024, national legislation has been amended to increase accountability for any manifestation of violence against women and children, as well as to strengthen the institution of the

family.

The Action Plan of the Government of the Republic of Kazakhstan for the Promotion of Equal Rights and Opportunities for Men and Women for 2024-2027 has been approved.²⁰ This document includes 46 measures to promote gender

¹⁹ Declaration on the Elimination of Violence against Women Adopted by General Assembly resolution 48/104 of December 20, 1993 // Mode of access: <https://adilet.zan.kz/rus/docs/O9300000006> (11.01.2025).

²⁰ On approval of the Action Plan of the Government of the Republic of Kazakhstan to ensure the promotion of equal rights and opportunities for men and women for 2024-2027 // Mode of access: <https://adilet.zan.kz/rus/docs/P2400000759> (11.01.2025).

equality across various sectors, including education, healthcare, social protection, marriage and family relations, and child-rearing.

Additionally, amendments and additions have been made to the Criminal Procedure Code of the Republic of Kazakhstan concerning the right of victims to receive special social services, as well as to the Law of the Republic of Kazakhstan «On the Victims Compensation Fund,» expanding the list of crimes for which victims are entitled to compensation.

To ensure the quality of investigations into violent crimes against women and children, permanent operational investigative groups have been established in all Departments of Police. These teams include more than 260 female investigators, as well as personnel from units dedicated to protecting women from violence, operational and forensic units, and criminal and juvenile police.

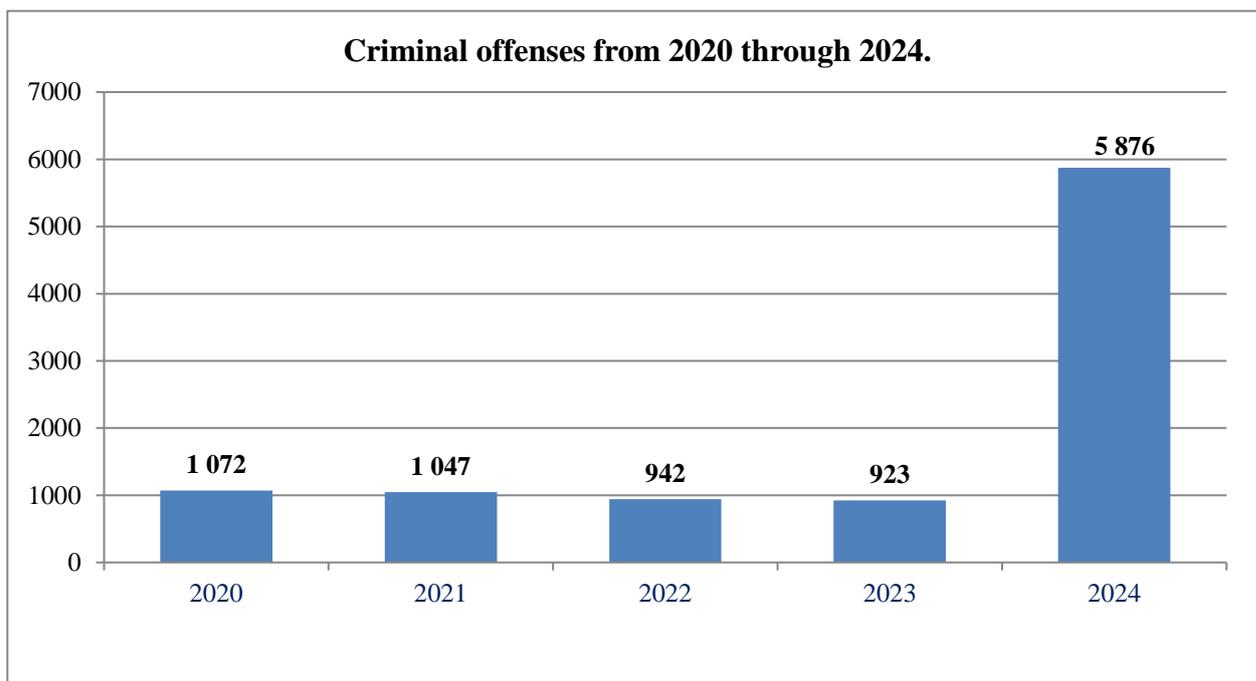
The country hosts 69 crisis centers that provide SSS to victims of domestic violence, receiving 5,500 appeals from women in 2024, 3,700 of whom had children accompanying them.

In 2024, Kazakhstan successfully completed its three-year term on the UN Human Rights Council. In light of the new legislation and law enforcement practices regarding domestic violence in Kazakhstan, a resolution titled «Elimination of Domestic Violence» was presented at the 57th session of the Human Rights Council. This document was adopted by consensus and garnered broad international support.

The issue of domestic violence, which has intensified in recent years, has further highlighted the efforts of the national human rights institution in this area.

In 2024, the Institute of the Ombudsman prepared a special report on combating domestic violence and transmitted a package of legislative measures to members of Parliament. This special report analyzes the criminogenic situation in the realm of family and domestic relations, compares international standards with national mechanisms for addressing this issue, presents the results of a social survey, and offers recommendations for counteracting domestic violence in Kazakhstan.

Currently, liability for offenses related to domestic violence is enshrined in the Code of Administrative Offenses and the Criminal Code of the Republic of



Kazakhstan. According to the statistical data from the report of form No. 1-M «On Registered Criminal Offenses,» as well as information from the Committee on the legal statistics and special accounts, a total of 9,860 criminal offenses in the family and domestic sphere were reported from 2020 to 2024²¹ (see Figure 38).

Figure 38

In 2024, a total of **5,876** criminal offenses were registered, comprising 3,382 misdemeanors and 2,494 felonies. This marks a significant increase in the number of criminal offenses in the family and domestic sphere, reflecting more than a sixfold rise compared to 2023, when only 923 offenses were recorded. One contributing factor to this increase is the shift from a **declarative to a more proactive approach in the registration of domestic offenses.**

Within the Mazhilis of the Parliament, there is an initiative led by the Ombudsman concerning the criminalization of the abduction of individuals for the purpose of marriage. The issue of «bride theft,» which is sometimes accompanied by other crimes such as illegal deprivation of liberty and rape, remains relevant in several regions. We are convinced that criminalizing this act will have a significant preventive effect, enabling society to finally eradicate this archaic practice.

In 2024, the Ombudsman received 20 complaints regarding violations of women's rights, nearly double the number from 2023, which had only 11 complaints. The distribution of complaints across regions was relatively even (see Figure 39).

²¹ <https://qamqor.gov.kz/crimestat/statistics>

Appeals on violation of women's rights in the different regions

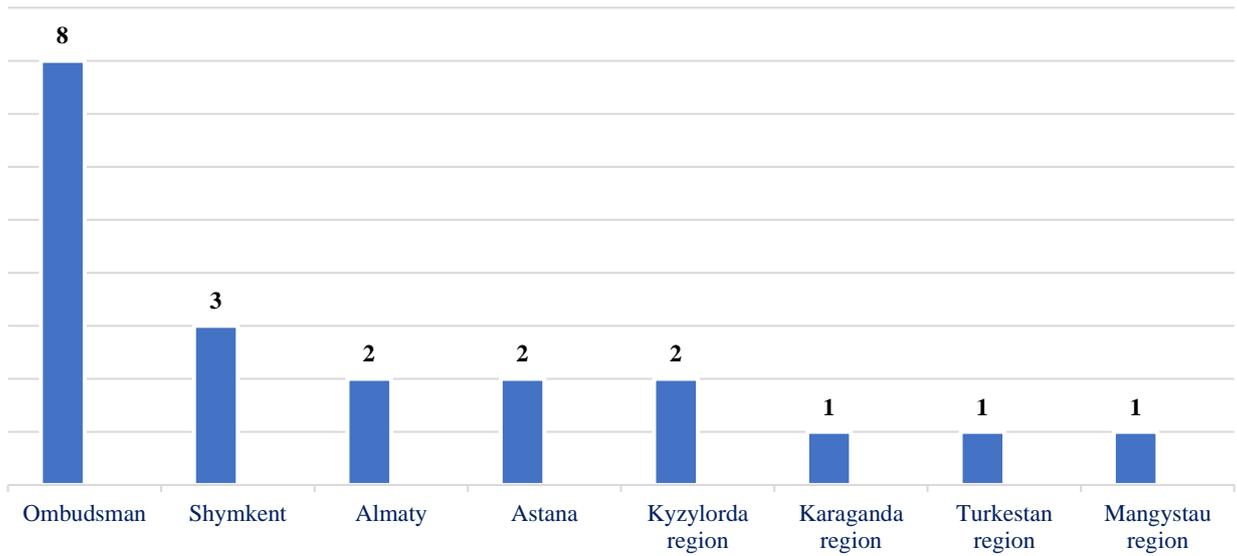


Figure 39

When evaluating the effectiveness of the consideration of appeals, the outcomes were as follows: **3** complaints were fully satisfied, **14** complaints received explanations, and **3** were forwarded to authorized bodies for further action.

There were also appeals concerning issues that were the subject of ongoing disputes in court or under judicial review; explanations were provided to the complainants regarding these matters (*see Figure 40*).

Results of consideration of appeals on violations of women's rights

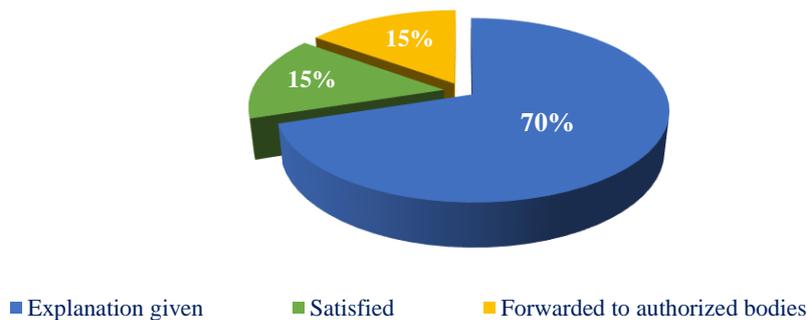


Figure 40

The analysis reveals that half of the appeals regarding violations of women's rights (**10 cases**) are associated with conflicts in the family and domestic sphere, stemming from various issues such as property disputes, alimony obligations, and the determination of custody over children (*see Figure 41*).

Content of appeals on the protection of women's rights in the family and domestic sphere

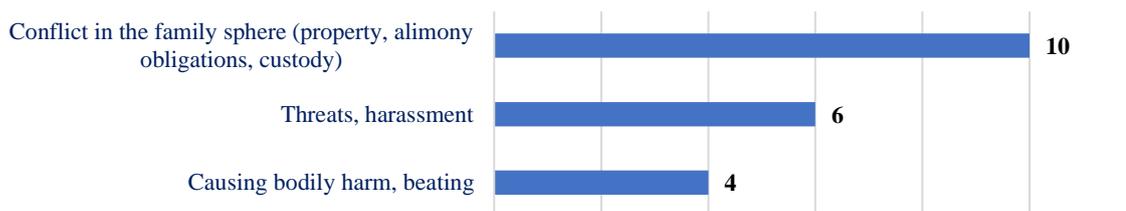


Figure 41

Here is a case study on the collection of alimony obligations.

Ms. K.E. filed a complaint with the Almaty representative regarding the inaction of a private court bailiff in the enforcement proceedings related to her alimony case.

She expressed concern that no effective measures had been taken by the private bailiff to address the existing debt owed to her.

Following an inquiry sent to the Regional Chamber of Private Court Bailiffs in Almaty, it was determined that the private bailiff was held accountable and subjected to disciplinary measures for their lack of action in this matter.

The appeal from a woman regarding unlawful deprivation of liberty and her placement in a healthcare organization for compulsory treatment was thoroughly reviewed.

The representative for Turkestan region was approached by Ms. I.D., who reported unlawful actions taken by her spouse, who forcibly committed her to the "Regional Center of Mental Health" under the Health Department of Turkestan region. Ms. I.D. expressed her disagreement with the unjustified termination of the pre-trial investigation concerning the illegal deprivation of her liberty.

Following the representative's appeal to the Prosecutor's Office, the investigator's decision to terminate the criminal case was overturned, and the course of the investigation was brought under scrutiny.

There were also appeals on the fact of causing harm to health (4 cases).

Ms. Z.A., who suffered from systematic beatings by her ex-husband D.S., an employee of the Department of Police for Shymkent city, approached the representative for Shymkent city for assistance. Her repeated appeals to the Department of Police and the district prosecutor's office in Shymkent city requesting action against D.S. did not produce positive results.

At the initiative of the representative, the Office of the Ombudsman sent a letter to the General Prosecutor's Office of the Republic of Kazakhstan to verify the allegations presented in the appeal. As a result of this inquiry, a pre-trial investigation was initiated against D.S. under Part 1 of Article 107 of the Criminal Code of the Republic of Kazakhstan.

In 2024, Kazakhstan has made significant strides in protecting women's rights, including increased penalties for domestic violence and measures aimed at safeguarding victims of violence.

We believe it is essential to continue actively informing and educating women about their legal options, as well as providing access to mechanisms for protection from domestic violence. These efforts will enhance their legal awareness and help prevent conflict situations.

The Institute of the Ombudsman, in collaboration with state bodies and civil society organizations, will undertake further measures to foster a culture of gender equality and eliminate gender stereotypes.

4.2 Rights of minors



"The best way to make children good is to make them happy."

Oscar Wilde

Key data for 2024

6,7 thous.



Children's Population of the Republic of Kazakhstan

36,8%



Increase in criminal offenses against minors

230



Complaints about violation of the rights of minors



Since January 1, 2024, the project "National Fund for Children" has been launched under which 50 percent of the investment income of the National Fund is distributed among all children under the age 18.

Complaint outcomes

6,5%



Satisfied and the rights of the complainants restored

88,3%



Written explanations were given

5,2%



Referred to the jurisdiction

The rights of minors are an integral part of the human rights system, and their protection should be a priority for any state.

Kazakhstan has established a robust legislative framework for the legal protection of children, based on international standards and agreements, and has ratified 16 international instruments, including the Convention on the Rights of the Child.

The child population in Kazakhstan totals 6.7 million, which includes 3.7 million schoolchildren, over 2.5 million preschool children, and more than 400,000 college students.²² With the young generation making up more than a third of the country's population, ensuring the rights of children serves as a foundation for the successful and stable development of the state.

In 2024, Kazakhstan continued to enhance its legislation aimed at protecting children's rights. In April 2024, a law was adopted²³ that introduced significant changes to the legislation concerning women's rights and child safety. Key changes included the reinstatement of criminal liability for causing minor harm to health and battery, which had been abolished in 2017; increased penalties for battery committed with particular cruelty, driving someone to suicide, sexual molestation of children under 16,

²² Постановление Правительства Республики Казахстан от 31 августа 2023 года № 748 «Об утверждении Комплексного плана по защите детей от насилия, превенции суицида и обеспечению их прав и благополучия на 2023 – 2025 годы» // Режим доступа: <https://adilet.zan.kz/rus/docs/P2300000748> (15.01.2025).

²³<https://adilet.zan.kz/rus/docs/Z240000072/history//>
<https://adilet.zan.kz/rus/docs/P2300000748> (15.01.2025).

abduction, and the illegal deprivation of liberty of children. Life imprisonment was introduced for crimes against the sexual inviolability of minors, as well as for the murder of minors. Administrative fines were also implemented for bullying (including cyber-bullying) of minors and for forcibly removing children from public transportation without adult accompaniment.

The regulations concerning human trafficking and the involvement of minors in prostitution have been reinforced. Crisis centers are actively operating in Kazakhstan, providing necessary assistance and protection to children affected by violence. In 2024, the number of such institutions increased to 69, ensuring broader coverage for children in need of social protection and support throughout the country.

Ensuring the rights of children with disabilities is another important focus area. Inclusive education is being developed, with more than 86% of schools in the country adapted for the education of children with disabilities. Modern social services for children with disabilities have been implemented through a digital platform, enhancing access to essential assistance and resources.

There are 115 organizations dedicated to orphans and children left without parental care, including 77 within the education system, 20 within the healthcare system, and 18 within the social protection system.

On January 1, 2024, the National Children's Fund project was launched, whereby 50 percent of the investment income of the National Fund is distributed among all children under the age of 18.

However, there is concern regarding the increase in registered criminal offenses against minors in 2024. According to official information from the Committee on the legal statistics and special accounts, the number of criminal offenses against minors in Kazakhstan increased by **36.8%**, with a total of **3,356** such offenses registered in 2024 compared to **2,452** in 2023.²⁴

The analytical units of law enforcement agencies should prioritize this issue. We will continue to investigate the underlying reasons for this increase.

During the reporting period, the Ombudsman received **230** appeals regarding the protection of minors' rights, of which **131** pertained to measures for protecting a 16-year-old girl who had suffered sexual violence in Kyzylorda region. After excluding these cases, the remaining number of complaints in this category amounted to **100**, which is slightly higher than in 2023, when there were 92 complaints (*see Figure 42*).

²⁴ Internet-portal of legal statistics of the Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan // Mode of access: <https://qamqor.gov.kz/crimestat/statistics> (15.01.2025).

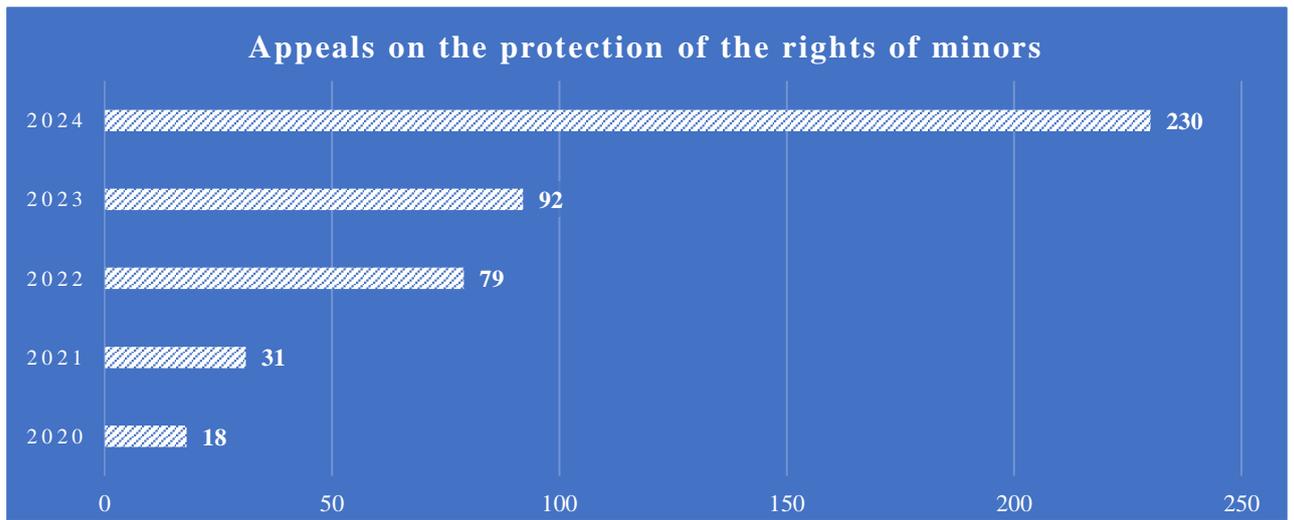


Figure 42

The largest number of appeals was received by the Ombudsman, totaling **171** cases, while the representatives from Almaty city and Kyzylorda region each received **8** appeals (see Figure 43).

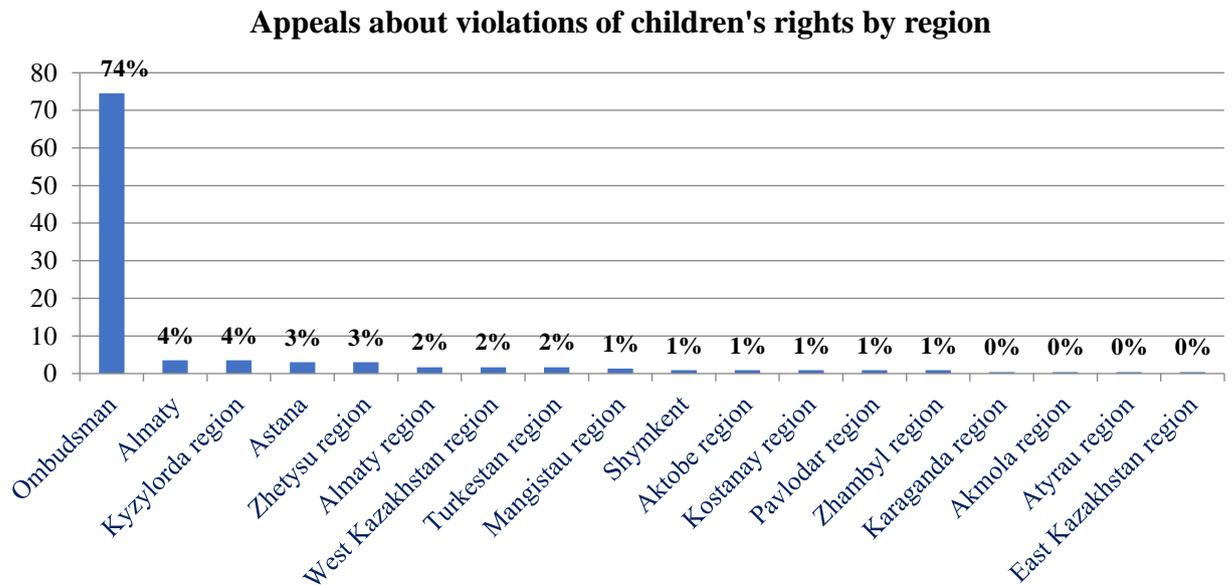


Figure 43

Written and oral explanations were provided for the majority of the appeals received, totaling **203** cases. In **15** instances, the rights of children were partially or fully restored. Additionally, **12** complaints were forwarded to state bodies for consideration based on their respective competencies (see Figure 44).

Results of consideration of appeals on violations of children's rights

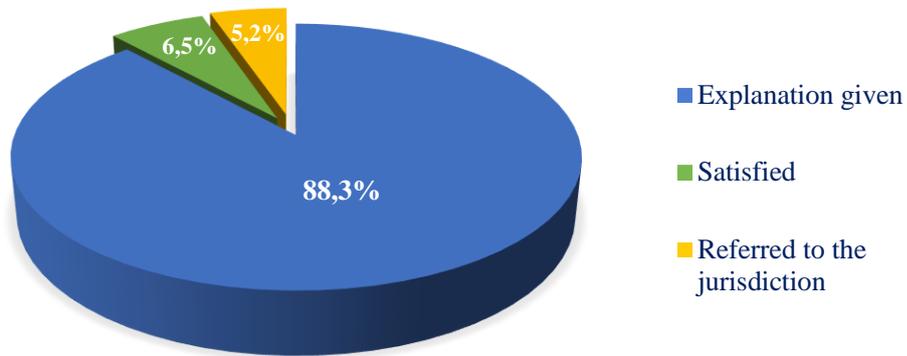


Figure 44

The statistics regarding appeals for the protection of the rights of minors, categorized by **the nature of the inquiries**, are presented below (*see Figure 45*).

Contents of appeals on the protection of the rights of minors

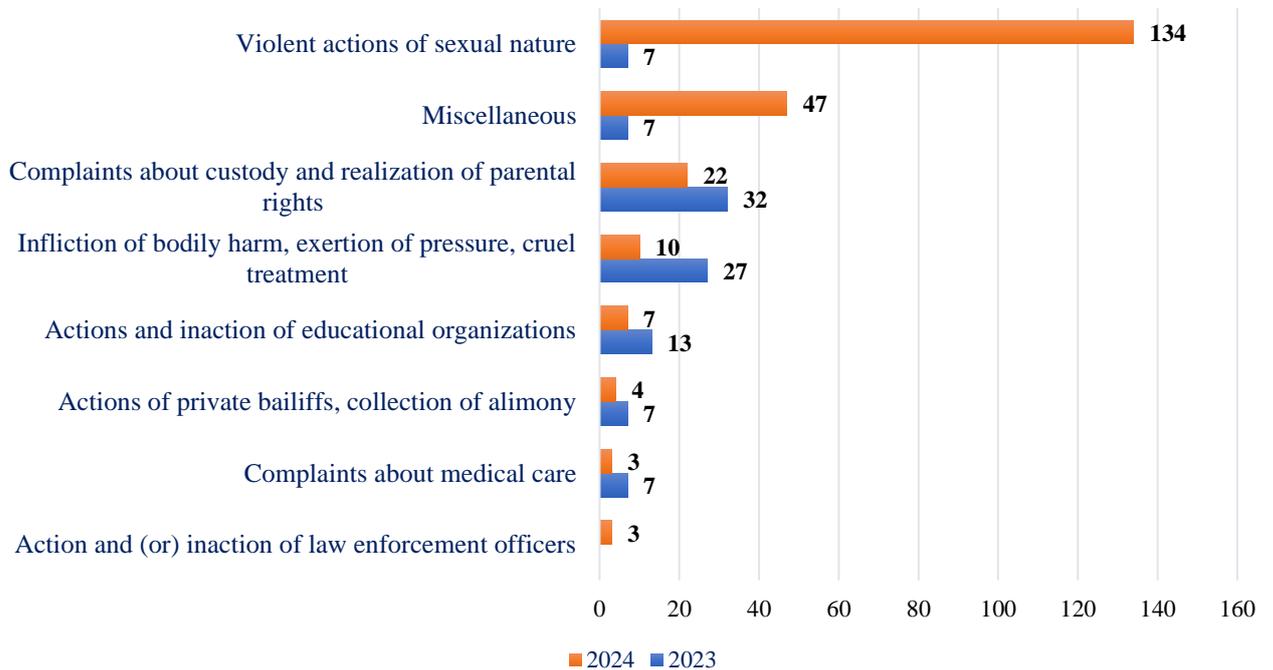


Figure 45

As illustrated in the diagram above, the leading category of appeals pertains to issues involving violent acts of a sexual nature, with a total of 134 complaints. This surge is largely associated with a significant number of appeals (131) from citizens advocating for measures to protect the rights of a 16-year-old girl who suffered from sexual violence in the Kyzylorda region. Consequently, the actual

number of appeals in this category is 4, which includes 1 appeal regarding the 16-year-old girl herself.

In matters concerning **custody and the exercise of parental rights** (22 appeals), citizens expressed concerns regarding parents' failure to fulfill their obligations to care for their children, to establish their place of residence, and to adhere to the order of communication between children and one of their parents.

Moreover, appeals related to bodily harm, pressure, and cruel treatment **decreased by 63%** compared to 2023 (with 27 cases reported in 2023 and only 10 in 2024).

Among the positive cases, the following can be noted.

In response to the difficult life situation of minor L.A., a commission was established upon the recommendation of the Zhetisu regional representative. This commission included the heads of the education and health departments of Taldykorgan, the regional children's ombudsman, representatives from social services, and the police.

The investigation revealed that the mother had failed to fulfill her obligations to care for her children, maintained her home in an unsanitary condition, abused alcohol, and physically abused her son by beating him and locking him in a cold shed.

As a result, the Specialized Juvenile Court of the Zhetisu region ruled to deprive both L.A.'s mother and father of parental rights. The child was subsequently placed in a specialized boarding school for care and support.

Assistance in protecting the rights of minors is offered through both written and oral appeals, as well as through monitoring visits to institutions of concern.

During a visit to the "Children's Center for Special Social Services," the representative for Shymkent city, upon reviewing video recordings, discovered instances of harsh treatment of a child. Following the consideration of the representative's recommendation, several employees of the Center were held accountable and faced disciplinary action.

Systemic violations of children's rights to receive SSS were identified.

During the visit to the Children's Rehabilitation Center "Merey" the representative of the Zhetisu region revealed the facts of unlawful expulsion of children after the establishment of the 3rd disability group.

The representative sent a recommendation to the akimat to submit to the MLSPP proposals for amendments to the Standard for the provision of social services in semi-permanent organizations.

Based on the results of the review, the Ministry sent an explanation of the legislation to all LEAs - children with disability group 3 have the right to receive social services in semi-permanent organizations.

Thus, the fact of systemic violation of children's rights was revealed. The LEA sent a letter to communicate this information to all subordinate institutions.

Citizens' complaints also included the **actions and inactions of employees of educational organizations** (totaling 7 cases).

The representative for Kyzylorda region received an appeal from Ms. M.T. on behalf of her minor son, who complained about inappropriate behavior, including threats, from his class teacher.

As a result of the inquiry sent to the Department of Education in Kyzylorda region, both the deputy director of the school and the class teacher were held accountable and faced disciplinary action.

Additionally, **4** complaints were specifically related to the **payment of alimony**.

For each appeal, requests were submitted to the authorized bodies for further action.

The representative for Shymkent city received an appeal from S.K. requesting assistance in enforcing a court decision to recover additional amounts from her former spouse for expenses related to the treatment of her child with a disability.

According to the appeal, the Private Bailiff had not taken effective measures to collect the amounts owed.

In response to the appeal, a representative of the Ombudsman organized a joint meeting for the applicant with the management of the Department of Justice in Shymkent, where measures were taken to establish and recover the outstanding debt.

During the reporting period, efforts were successfully made not only to protect the rights of individual applicants but also to safeguard the rights of an unlimited number of individuals.

We received an appeal from M.A., a mother of multiple children, who reported that her daughter was refused enrollment in the specialized gymnasium No. 8 in Shymkent due to the requirement to pass the general competition, as outlined in the Model Rules.

According to paragraph 18-1 of the Model Rules, a list of socially vulnerable segments of the population is established, from which 15% of students are selected for admission to the specialized educational organization. Notably, this list does not include children from large families. The author of the appeal requested that children from large families be added to this list.

Clause 4 of Article 8 of the Law of the Republic of Kazakhstan "On Education" specifies that children from large families are considered part of the socially vulnerable population, and the state provides full or partial compensation for certain expenses incurred during their education.

In response to the recommendation made to the Ministry of Education of the Republic of Kazakhstan, it was reported that this issue is being positively addressed. By the order of the Ministry of Education and Science of the Republic of Kazakhstan dated April 29, 2024, No. 94, corresponding changes were made to paragraph 18-1 of the Model Rules, thereby including children from large families in the list of socially vulnerable categories from which 15% of students are selected.

In accordance with paragraph 2 of Article 12 of the Constitution of the Republic of Kazakhstan, human rights and freedoms are **inherent to all individuals from birth**, recognized as absolute and inalienable, and serve to shape the content and application of laws and other normative legal acts.

The Human Rights Ombudsman and his office will continue to focus on the promotion and protection of children's rights in 2025.

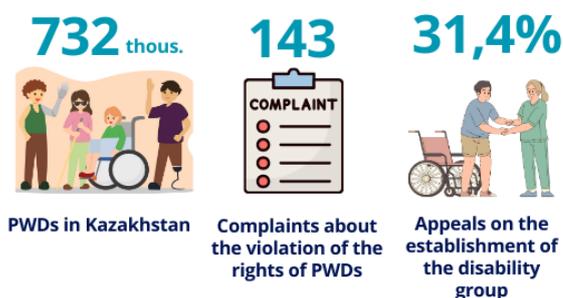
4.3 Rights of persons with disabilities



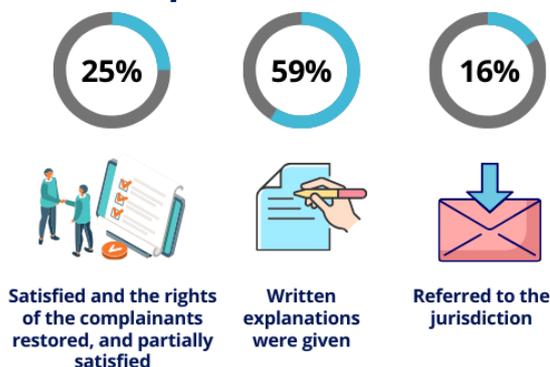
States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities, without discrimination based on disability.

Convention on the Rights of Persons with Disabilities, Article 4

Key data for 2024



Complaint outcomes



The Convention on the Rights of Persons with Disabilities is the key international instrument that establishes human rights standards for persons with disabilities (PWDs). It was adopted by the UN General Assembly on December 13, 2006, and entered into force on May 3, 2008.

On June 7, 2023, Kazakhstan ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Consequently, our country has committed to ensuring the protection of the rights of citizens with disabilities in accordance with international standards.

Ensuring the rights and creating equal opportunities for people with disabilities is one of the most important priorities of modern society. Kazakhstan, like many other countries around the world, is actively working to create an inclusive environment where every individual, regardless of their specific needs, can realize their potential.

Currently, there are approximately **732,000 people** with

special needs in Kazakhstan,²⁵ accounting for **3.6%** of the total population. This means that individuals with disabilities constitute a significant segment of the population, and their economic activity can substantially contribute to the country's development.

Moreover, the social integration of people with disabilities is a key indicator of societal progress. The quality of life for all citizens is influenced by how effectively we integrate individuals with special needs into social life.

In recent years, our country has made significant progress in protecting the rights of PWDs.

Legislation is in place to guarantee the realization of the rights of PWDs to education, work, medical care, social assistance, rehabilitation services, and participation in political and public life, among others. Measures are being

²⁵The Day of Persons with Disabilities is celebrated in Kazakhstan // Mode of access: <https://www.gov.kz/memleket/entities/enbek/press/news/details/863470?lang=ru> (13.01.2025).

implemented in all regions to create an accessible environment, provide employment opportunities, and offer SSS and technical aids, as well as special means of transportation for individuals with special needs.

Since the beginning of 2024, **79,700 persons** with disabilities²⁶ have benefited from health resort treatment services, and taxi services for PWDs have been utilized more than **207,000 times** through aggregators.²⁷ Furthermore, over 1.1 million services were provided to persons with disabilities through the Social Services Portal in 2024.²⁸

Each year, expenditures from the national budget allocated for social security for individuals with disabilities increase **by an average of 22%**. In 2024, these expenditures amounted to **748.5 billion tenge**.²⁹

A significant development in 2024 was the consideration of Kazakhstan's **first report on the implementation of the Convention on the Rights of Persons with Disabilities by the UN**. Additionally, the implementation of the National Plan to ensure the rights and improve the quality of life for people with disabilities was completed in 2024. Launched in 2019, this plan included 95 measures aimed at enhancing the living conditions of individuals with special needs, with a significant portion of these measures completed by 2024.

In line with the Head of State's directive, **the Concept of Inclusive Policy until 2030 was approved in December 2024**.³⁰

It is noteworthy that this concept was developed with consideration of international experience, recommendations from the UN Committee on the Rights of Persons with Disabilities, and public proposals.

The primary innovation of the document is the creation of conditions for the transition from a medical and social model to a social and human rights model of disability. The new approaches to implementing inclusive policy include the adoption of a comprehensive set of effective measures aimed at realizing the rights and empowering individuals with disabilities, as well as creating the necessary conditions for their full social integration into society.

In June 2024, amendments were made to the Law of the Republic of Kazakhstan «On Housing Relations,» which prohibit the eviction of citizens belonging to socially vulnerable segments of the population, as well as families with minor children and/or individuals with disabilities of the first or second group with permanent or temporary registration at their place of residence, during the

²⁶ Almost 80 thousand persons with disabilities have been covered by sanatorium-resort treatment since the beginning of the year // <https://ortcom.kz/ru/novosti/1729653932> (13.01.2025)

²⁷ More than 207 thousand times persons with disabilities used the services of taxi for PWDs through aggregators in 2024 // <https://www.gov.kz/memleket/entities/enbek/press/news/details/917110?lang=ru> (14.01.2025)

²⁸ More than 1.1 million services received by persons with disabilities through the Social Services Portal in 2024 // <https://www.gov.kz/memleket/entities/enbek/press/news/details/917868?lang=ru> (14.01.2025)

²⁹ State support for citizens with disabilities is provided in a proactive format in Kazakhstan // <https://ortcom.kz/ru/deyatelnost-pravitelstva/1730867358> (14.01.2025)

³⁰ Resolution of the Government of the Republic of Kazakhstan dated December 30, 2024 № 1143 “On Approval of the Concept of Inclusive Policy in the Republic of Kazakhstan for 2025 - 2030” // <https://adilet.zan.kz/rus/docs/P2400001143> (15.01.2025)

heating season in the event of forced termination of ownership of their only dwelling.

In addition, the aforementioned law expands the list of privileged categories of citizens eligible for housing. Specifically, widows, veterans of combat operations, families with disabled children, and individuals with disabilities classified as Group I and II will now have access to housing.

In July 2024, amendments were made to the Code of Criminal Procedure of the Republic of Kazakhstan that defined the competence of the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan. In the same year, the Ombudsman for Human Rights in the Republic of Kazakhstan and the Commissioner for the Rights of Socially Vulnerable Categories of the Population signed a Memorandum of Mutual Cooperation aimed at strengthening collaboration in the area of human rights observance and protection, particularly for vulnerable groups.

Despite the existing normative legal acts and international documents that guarantee the rights of individuals with disabilities, as well as the series of measures implemented by the state to protect the rights and freedoms of persons with special needs, the practical realization of these rights requires additional efforts from both the state and society.

Individuals with disabilities continue to encounter challenges related to limited access to education, medical services, employment, and various other aspects of life. This is underscored by the appeals received from citizens with disabilities and their representatives to the Ombudsman, which **increased by 19.1%** compared to 2023 (rising from 120 to 143) (see Figure 46).

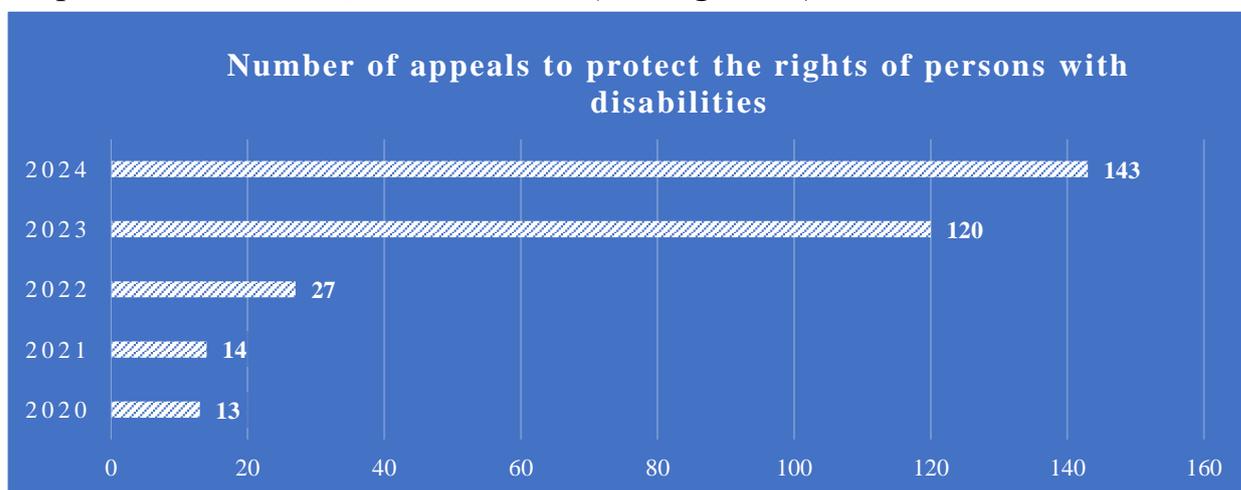


Figure 46

The majority of the appeals were addressed by Ombudsman, with a total of **40 cases**, followed by the representative office for Pavlodar region, which handled **27 cases** (see Figure 47).

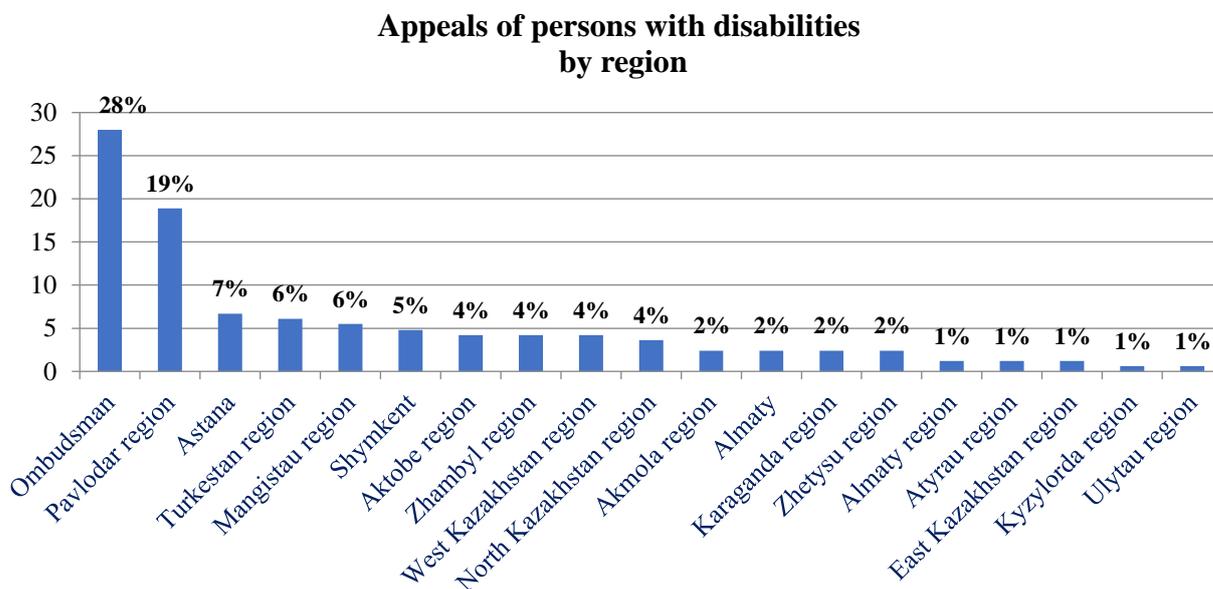


Figure 47

Overall, there is a noticeable **trend toward clarifying the rights of citizens with special needs** (see Figure 48). Out of the **143** appeals received, **84** were provided with explanations, **28** were satisfied, **23** were redirected, and **8** were partially satisfied.

**Results of consideration of appeals on violations of the rights of
persons with disabilities**

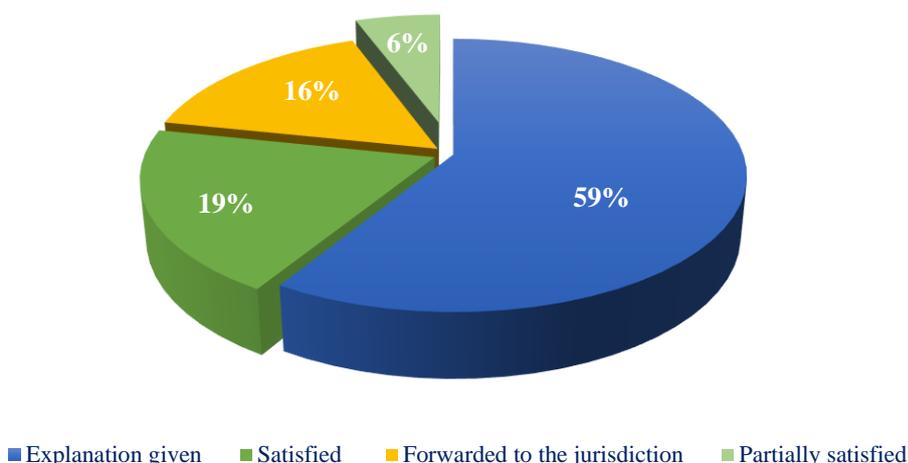


Figure 48

In 2024, the most pressing issues for persons with disabilities were related to social protection (41 cases), the establishment of disability groups and assessment of the degree of loss of working capacity (45 cases), and violations of their rights by officials (29 cases) (see Figure 49).

Essence of appeals of persons with disabilities

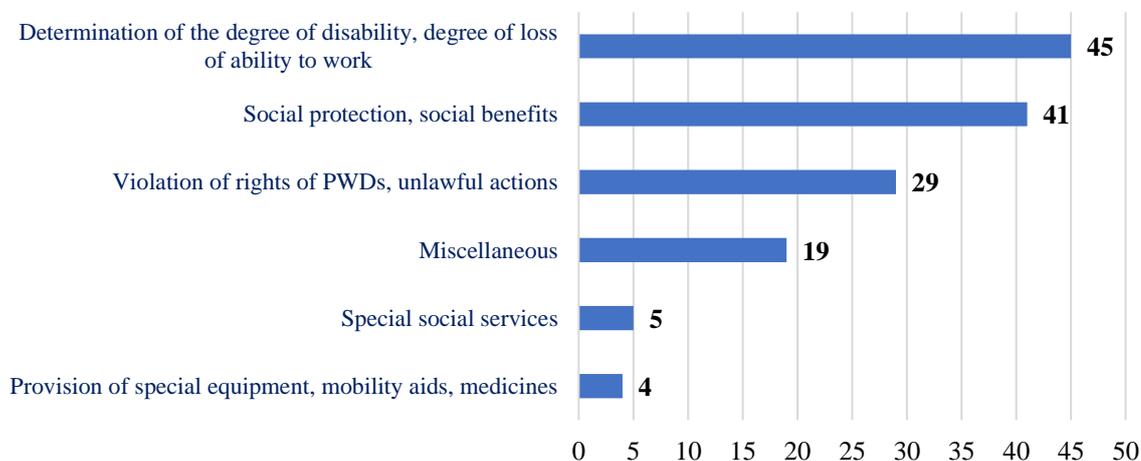


Figure 49

Despite the high percentage of citizens' appeals requesting a revision of the results of MSE, re-examinations in most cases confirmed the initial diagnoses. Consequently, the percentage of successful appeals was relatively low. Out of 45 requests to establish or change the disability group, positive decisions were made in favor of 17 applicants, the majority of which stemmed from initial appeals.

Ms. A. approached the representative office in Aktobe region on behalf of her brother regarding the confirmation of his degree of disability. As a result of the representative's efforts, Mr. B. received appropriate treatment, underwent a thorough examination, and was assigned a disability group.

During the VI meeting of the National Council of Public Trust, the Head of State instructed the creation of more favorable conditions for individuals with special needs, aiming to eliminate unnecessary bureaucratic hurdles and paperwork.

To fulfill this directive, authorized state bodies across all regions of Kazakhstan are piloting a project for the absentee format of the MSE.

Under this new system, applicants seeking to have their disability group established only need to visit their local polyclinic to undergo the necessary examination. The subsequent processes are conducted without their participation, thanks to the integration of information systems.

As part of the pilot project for the absentee format of the MSE established in 2024, over 96.9 thousand applications from all regions of Kazakhstan were reviewed.

Mr. G. approached the Representative Office in Shymkent, seeking assistance in obtaining qualified medical assistance and a referral for a MSE to establish disability. The applicant reported vision problems, noting that he was completely blind in his left eye, with only 30% vision remaining in his right eye.

As a result of the representative's efforts, Mr. G. underwent a comprehensive medical examination at the polyclinic near his temporary residence, followed by inpatient treatment at the hospital. Following the evaluation by the MSE commission, Mr. G. was granted a first-group disability status for a duration of 5 years.

A separate category of appeals consisted of citizens who disagreed with refusals to establish disability status (9 cases). The analysis revealed that, in most instances, the reasons for these refusals were justified, and subsequent reviews of the applications did not result in changes to the initial decisions.

At the same time, citizens applying for disability status for the first time received detailed explanations regarding the process for undergoing the MSE from representatives of the Ombudsman and the relevant authorities, which helped raise awareness and reduce the number of applications.

We believe it is essential to continue efforts to inform the public about the MSE procedure, its objectives, and evaluation criteria. Citizens should be provided with more thorough explanations regarding the reasons for decisions, particularly in cases of refusal.

The next largest group of appeals (41 cases) pertained to social protection and social benefits. The social protection of persons with disabilities constitutes a complex system of measures aimed at ensuring equal opportunities for individuals with disabilities.

International research in this area reveals common trends and challenges faced by various countries. One key focus of research is the effectiveness of different models of social protection. Findings indicate that the most successful models combine government support programs, services offered by non-governmental organizations, and the active participation of people with disabilities in decision-making processes. Additionally, the accessibility of information regarding social services and the mechanisms for obtaining them is a crucial aspect.

Adequate social protection enables individuals with disabilities to participate in society on an equal basis with others, thereby improving their self-esteem and quality of life.

In 2024, citizens requested social support, including assistance with sanatorium-resort treatment (3 cases).

The representative for Pavlodar region was approached by a resident of Ekibastuz city regarding the provision of sanatorium-resort treatment.

The applicant indicated that her scheduled period for receiving this treatment was set for November-December 2024. However, as a person with a second-degree disability, she experiences certain difficulties with mobility during the fall and winter months.

As a result of the representative's efforts, the issue of receiving the service during a more comfortable period was resolved positively.

Additionally, there were appeals from persons with disabilities seeking assistance in exercising their legitimate interests and rights through the establishment of an accessible environment, requesting this support without any restrictions (3 cases).

The representative for Atyrau region was approached by Mr. S., a visually impaired person classified as group I.

The applicant highlighted that mosques in the region lack facilities accommodating individuals with visual disabilities.

In response, the representative submitted recommendations to the Akim and the Department of Religious Affairs of Atyrau region, urging them to enhance the quality of life for persons with disabilities and to explore the possibility of incorporating Braille fonts for visually impaired individuals.

The Ombudsman received appeals on behalf of PWDs (35 cases) related to various issues, including the provision of social services.

The guardian of a person with a disability from childhood approached the representative of the Ombudsman in Abay region for assistance in the rehabilitation of Ms. A.

At the representative's request and with the guardian's consent, the Regional Center for Mental Health of the Abay region submitted Form 031U in an absentee-active format for patient A., facilitating the development of an Individualized Rehabilitation Program for her visit to the Rehabilitation Center. Following this, the necessary corrections were made, and the IRP for visiting the Rehabilitation Center was finalized.

Additionally, at the representative's request, a favorable resolution was adopted by the akimat of Semey city to provide Ms. A. with a referral to the "Center for Habilitation and

PWDs, particularly those facing challenging life situations, often experience isolation from society and require additional support. Unfortunately, the existing social protection systems do not always adequately cover all individuals in need, making appeals from concerned citizens crucial for identifying such cases and providing the necessary assistance.

In this regard, we believe it is essential for authorized state bodies and services to adopt a proactive policy aimed at identifying the needs of persons with disabilities and developing targeted programs to enhance their quality of life.

In 2024, the Ombudsman and its representatives continued to receive requests from PWDs regarding the provision of technical auxiliary (compensatory) aids and special means of mobility, as well as rehabilitation and habilitation services (5 cases).

The lack of necessary technical rehabilitation aids significantly restricts the opportunities for individuals with disabilities to lead a full life and integrate into society. The state must ensure a continuous supply of such aids for persons with disabilities, enabling their active participation in community life.

The issue of providing individual assistant services remained a significant concern for PWDs (5 cases).

The representative for Aktobe region addressed the appeal of Mr. B.B. concerning a change of his individual assistant.

With the representative's assistance, the applicant met with the akim of Karakuduk rural district, who helped facilitate the preparation of the necessary documents to replace the former assistant with his spouse. As of September 1, 2024, the spouse of the applicant was officially registered as the new individual assistant.

In 2024, citizens expressed interest in expanding the range of individuals qualified to serve as individual assistants.

Thus, PWDs submitted a collective petition requesting the inclusion of spouses and retirement-age partners of persons with first-group disabilities in the list of those entitled to provide individual assistant services.

Article 163 of the Family Code of the Republic of Kazakhstan prohibits the appointment of a retirement-age spouse as an individual assistant. While the law allows close relatives of retirement age to serve as individual assistants, it seems unreasonable to deny this right to a spouse. Several countries, such as Germany, France, and Norway, have similar provisions that permit spouses to provide individual assistant services regardless of their age, which contributes to enhancing the quality of life for persons with disabilities and their families.

Under Article 4 of the Convention on the Rights of Persons with Disabilities, States Parties are obliged to ensure and promote the full realization of all human rights and fundamental freedoms for all individuals with disabilities, without discrimination based on disability.

In light of this, the Ministry of Labor and Social Protection of Population has been requested to consider making appropriate amendments to Article 163(2)(5) of the Family Code of the Republic of Kazakhstan. According to information from the Ministry, proposals for these amendments were submitted to the Mazhilis of Parliament at the end of the reporting year.

The practice of reviewing appeals and conducting monitoring visits has revealed several problematic issues regarding the establishment and revocation of guardianship for incapacitated persons.

Kazakhstan has made significant progress in ensuring the rights and social protection of people with disabilities. However, the realization of these rights in practice faces various challenges. The results of the review of appeals indicate that

individuals with disabilities continue to encounter difficulties in accessing medical services, navigating disability group procedures, obtaining employment, and addressing other aspects of life. The annual increase in appeals from this category underscores the need to improve the existing system.

To achieve these goals, further measures are required to ensure effective cooperation between government agencies, public organizations, and the community of people with disabilities themselves, as well as to enhance the transparency and responsiveness of the social support system.

5. NATIONAL PREVENTIVE MECHANISM

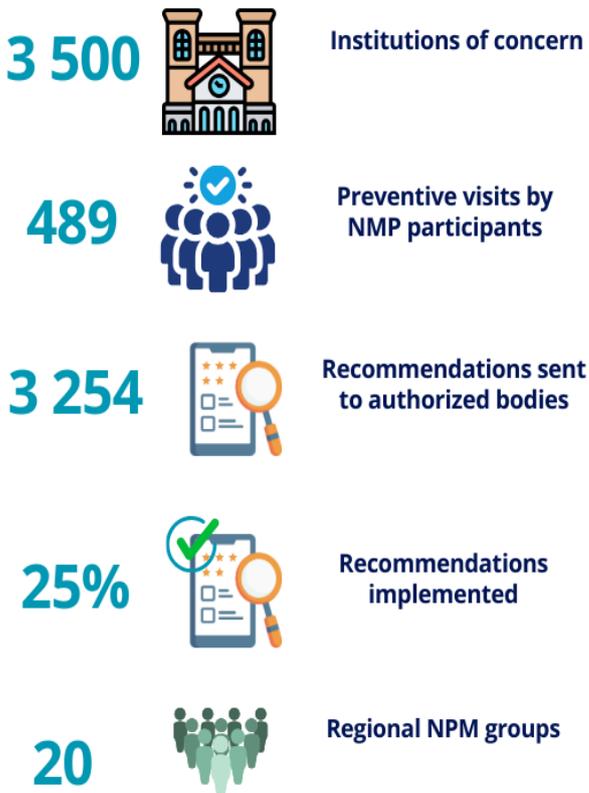


National Preventive Mechanisms (NPM) are independent bodies established to conduct visits aimed at preventing torture and other cruel, inhuman, or degrading treatment or punishment.

Kazakhstan joined the Convention against Torture in 1998. In 2005, the country ratified the International Covenant on Civil and Political Rights, followed by the Optional Protocol to the Convention against Torture in 2008.

In alignment with its international obligations, amendments were made in 2013 to three codes and three laws establishing the National Preventive Mechanism — a system for conducting regular visits to places designated for the temporary isolation of individuals from society. (Relevant legislation includes the Criminal Executive Code, the Criminal Code, the Code «On Public Health and the Healthcare System,» and the laws «On the Procedure and Conditions of Detention of Persons in Special Institutions, Special Premises Ensuring Temporary Isolation from Society,» «On the Rights of the Child in the Republic of Kazakhstan,» and «On the Prevention of Juvenile Delinquency and the Prevention of Child Neglect and Homelessness»). During this period, the number of mandated institutions *increased nearly sixfold*, rising from 597 to 3,500.

Key data for 2024



In 2024, 20 regional NPM groups were operational, consisting of 146 participants who were elected in 2022 for a two-year term. These participants include human rights defenders, doctors, teachers, and social workers. As experience shows, over 80% of NPM participants are re-elected following the expiration of their mandate.

In 2024, NPM participants conducted a total of **489** preventive visits, which included 149 periodic visits, 307 intermediate visits, and 33 special visits, covering the following institutions (*see Figure 50*):

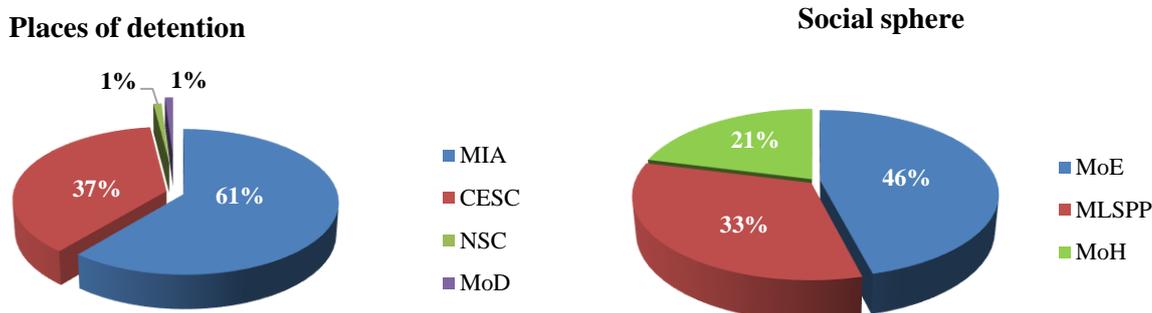


Figure 50

As a result, **3,254** recommendations were submitted to the authorized bodies, of which **25% have been implemented**, while the remaining recommendations are currently in the process of implementation. The highest percentage of implementation of NPM recommendations is observed in Aktobe region (**83.4%**), Turkestan region (**72%**), Kostanay region (**59%**), and Pavlodar region (**55%**).

The primary nature of the recommendations is as follows (*see Figure 51*):

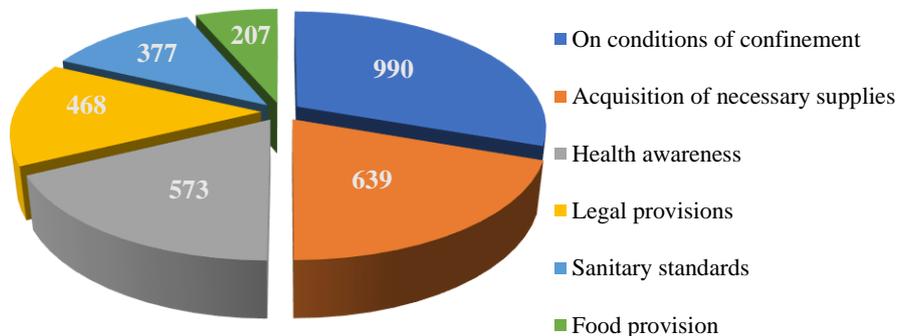


Figure 51

Unfortunately, there remains a lack of understanding among some state bodies regarding the tasks and functions of NPM participants. NPM representatives often face obstruction during their activities, including denials of access to closed institutions, even when they present valid identification.

For instance, following the order from the Ombudsman regarding special preventive visits, a group of NPM participants in Almaty region attempted to visit the Temporary Detention Facility of the Konayev Police Department on July 20, 2024. However, upon arrival at the facility, the participants were denied entry. An oral appeal addressing the obstruction to the prosecutors on duty in the city of Konayev and the Almaty region did not yield any results.

In response, the NPM participants sent a letter to the Almaty regional prosecutor's office requesting the initiation of administrative proceedings under Article 507 of the Code of Administrative Offenses, attaching the act of non-admission as evidence.

Similarly, on September 21, 2024, the NPM group in Zhambyl region visited the TDF of the Talas district police department, but, again, the participants were not allowed to enter the facility.

Following these incidents, the Ombudsman submitted petitions to the prosecutors of Almaty and Zhambyl regions, urging the initiation of disciplinary proceedings against the officials who obstructed the NPM's activities.

As a result of these interventions, disciplinary measures were taken against two officers from the TDF in Konayev city and the police department of Talas district.

This situation highlights a notable lack of awareness among the staff and management of institutions subject to preventive visits, as well as among supervisory bodies. Although recommendations regarding this issue were provided to law enforcement and relevant state authorities in the Annual Report of the Ombudsman for 2023 (specifically to ensure the management and staff of institutions are informed about the NPM's activities, including the right to unhindered access based on valid identification of NPM participants) the Ministry of Defense of the Republic of Kazakhstan and the State Enterprise of the Republic of Kazakhstan reported that relevant work has been implemented. We believe that it is important to reiterate this recommendation for the internal affairs bodies.

Beginning in 2024, the Ombudsman's office has transitioned to a new operational format. In the event of non-implementation of NPM recommendations by state bodies, specific recommendations will now be submitted to the relevant ministries.

One notable example is the situation at the psychiatric hospital in the East Kazakhstan region, where the sanitary and living conditions for patient treatment clearly did not meet established requirements. The NPM monitoring group has visited this institution for the past three years, yet the recommendations issued during those visits were not implemented.



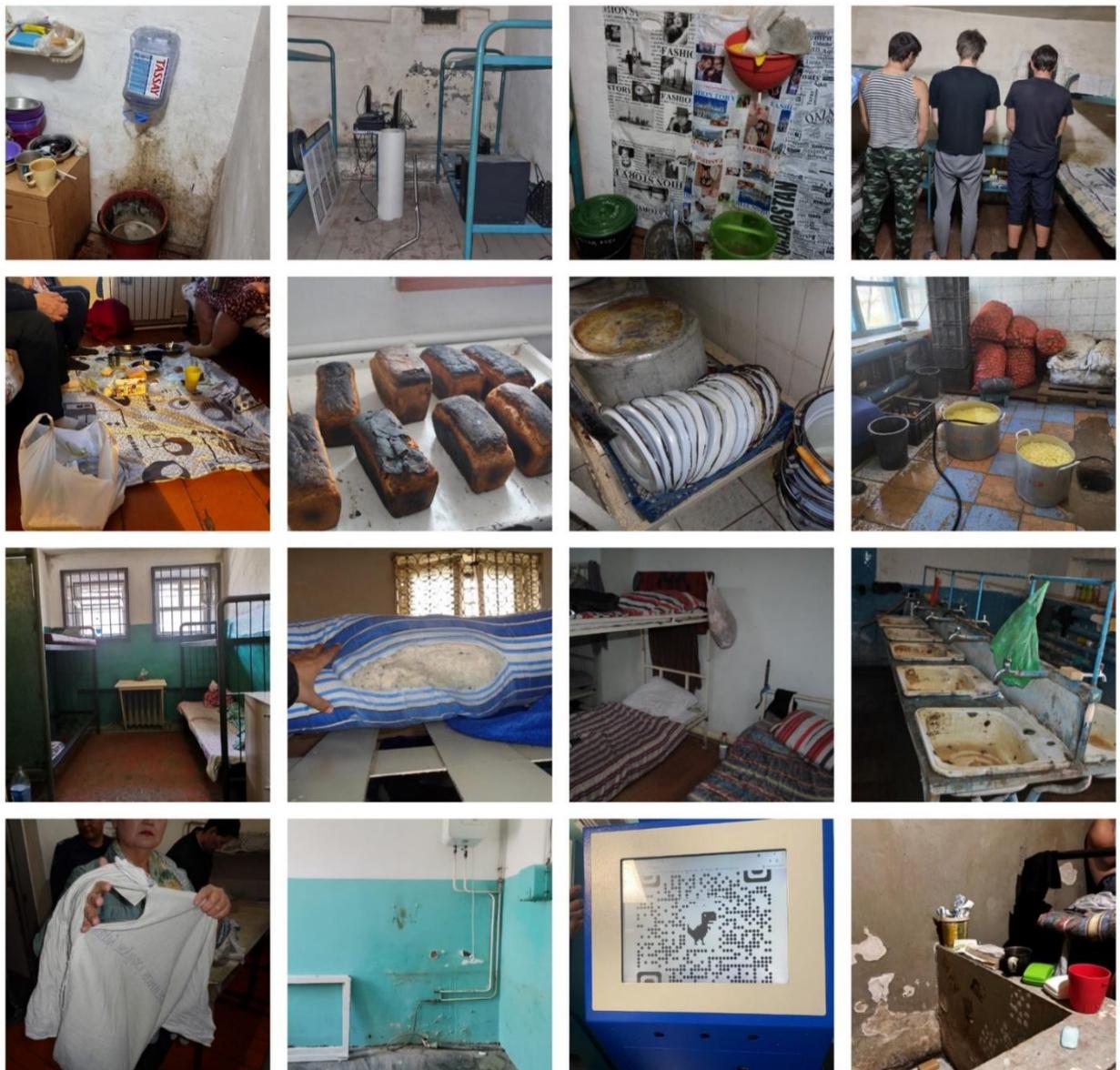
As a result, the materials submitted by NPM members formed the basis for the Ombudsman's recommendations to the Ministry of Health of the Republic of Kazakhstan to close the medical institution.

Joint efforts with NPM members also demonstrate effectiveness. For example, in March

2023, during a visit by the UN Subcommittee on Prevention of Torture to Kazakhstan, an inspection of the pre-trial detention center in Karaganda was conducted. During this visit, interviews were held with inmates, one of whom, S.A., later reported experiencing unlawful actions by the administration of the institution.

Through the collaborative efforts of NPM participants, the Ombudsman's office, and supervisory authorities, the disciplinary sanctions imposed on S.A. were lifted, and his positive behavior was reinstated. Consequently, S.A. was given the opportunity to apply to the court for parole, which was granted on November 15, 2024.

NPM participants annually identify shortcomings in the activities of state bodies, most of which are related to issues such as the material and technical infrastructure of institutions, conditions of detention, access to medical care, rights of persons with disabilities and vulnerable groups, non-functioning terminals, and



the quality of food (see Figure 52).

Figure 52

Particular attention is being directed toward fostering values among the staff of institutions that aim to protect human dignity and emphasize the inadmissibility of humiliating treatment.

These recommendations will be elaborated upon in detail in the annual Consolidated Report of NPM participants, which is developed by members of the Coordination Council under the Ombudsman. The report will be officially presented to relevant stakeholders and the public.

6. LEGAL EDUCATION IN THE AREA OF HUMAN AND CIVIL RIGHTS AND FREEDOMS, INTERACTION WITH STATE BODIES AND PUBLIC ASSOCIATIONS



Key data for 2024



In accordance with paragraph 1 of Article 10 of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan,» one of the primary focuses of the Ombudsman's activities is to promote legal education in the field of human rights, participate in the development of educational programs, and enhance the population's understanding of the legislation of the Republic of Kazakhstan and the key international instruments in this area.

To popularize the activities of the Institute of the Ombudsman and raise legal awareness, a **large-scale campaign** covering all regions was conducted in 2024. This campaign included appearances on television, publications in print media, posting materials on regional media websites, and maintaining an active presence on social media. These measures significantly raised citizens' awareness of the Ombudsman's activities and underscored the importance of his work in protecting human rights.

As a result, a total of **1,260** legal education and awareness-raising events were held, representing an increase of more than sixfold compared to 2023, when only 196 events were conducted. These initiatives reached **667,741** individuals, reflecting an increase of over 40 times compared to 2023, when 16,512 people were engaged.

Representatives of the Ombudsman's Office participated in **308** meetings of consultative and advisory bodies (an increase of more than sixfold compared to 2023, which had only 51 meetings).

In particular, in 2024, systematic efforts were made to inform the population through media channels, official websites, and social networks of the Ombudsman and his regional representatives, focusing on **explaining the norms of legislation pertaining to the protection of women's rights and child safety.**



Ombudsman on platforms such as Instagram, Facebook, and Telegram.

On September 13, 2024, a large-scale general education event was conducted in the format of a legal hour, covering several regions, including Aktobe, Almaty, West Kazakhstan, North Kazakhstan, Karaganda, East Kazakhstan regions, and Zhetysu region.

Additionally, efforts were made to educate citizens about their rights, obligations, and responsibilities under the President's concept of «Adal Azamat» (responsible citizen). During this initiative, **186** events were organized and held, benefiting over **11,000 individuals**. All events were publicized through the social media pages of the representatives of the Office of the



The primary target audience for the legal hour consisted of more than **14,000 pupils** in grades 10 and 11, as well as university and college students. Additionally, **6,000 citizens**, including representatives of labor collectives and pensioners, participated in the event.

Similar «Legal Hour» events were organized by all regional representatives on behalf of the Office of the Ombudsman, reaching a total of **57,865 pupils, students, and citizens.**

On August 16, 2024, an online conference was organized on behalf of the Ombudsman, featuring the head of the National Commission on Human Rights (NCHR) and the akims of rural districts in

Aktobe region. During the meeting, local executive body heads were informed about the activities of the Ombudsman's office, as well as state-wide policies, including the President's initiatives on legal education for citizens.

Efforts were made to maximize the engagement of **heads of LEAs and the civil sector**, with participation exceeding 140 individuals. **Representatives of the Ombudsman** also conducted various legal education activities, including meetings, lectures, and seminars aimed at both citizens and labor collectives.

For example, a representative of the Ombudsman for **East Kazakhstan Region** moderated a meeting on the results of the operational and preventive measure «Household.» The purpose of this event was to develop an algorithm for interaction between government agencies to effectively address the issues facing socially vulnerable groups, including subordinate families and the protection of children's rights. The meeting was attended by the leadership of the Akimat of Ust-Kamenogorsk city, representatives of the local police service, the Health Department of the East Kazakhstan region, the Employment Coordination Department, the Inspectorate for Juvenile Affairs, the «Amanat» party, guardianship and trusteeship bodies, the Commission on Juvenile Affairs and Protection of Their Rights, as well as the regional Council on Family and Social Protection of the Population. As a result of the meeting, specific recommendations were developed.



During visits to the districts of the region, the representative of the Ombudsman for **Aktobe region** engaged with a wide range of target groups, including employees of various institutions, pensioners, recipients of Targeted Social Assistance, individuals with disabilities, and police officers. Specifically, on March 26 and April 24, 2024, the representative conducted official

visits to Khromtau and Aytekebiy districts, where she met with the population, labor collectives, service recipients, persons with disabilities, and pensioners in a series of cascade group meetings.

On May 16, 2024, the representative of the Ombudsman for **Shymkent city**, along with a judge from the Almaty City Court and representatives from NGOs, conducted a cascade seminar-training on the topic «Rights to Presumption of Innocence» at the training center of the Ministry of Internal Affairs of the Republic of Kazakhstan. The event was attended by the management of the training center, teachers, and more than 400 cadets.



On May 30, 2024, the representative of the Ombudsman for **Karaganda region** held a legal education event for employees of the Department of Criminal Executive System in Karaganda region, as well as for subordinate institutions and convicts. This event reached a total of 2,000 participants.



On September 30, 2024, the representative for **West Kazakhstan region** held the first unified parental hour at the School-Gymnasium of Aesthetic Direction. This event was attended by representatives of the regional akimat, the regional department of social development, the prosecutor's office, juvenile police officers, the drug trafficking department of the West Kazakhstan Department of Police, and the regional health department.

The prevention of gender-based violence, along with the observance and protection of women's and children's rights, remains a central focus for the Institute of the Ombudsman.

As part of the international campaign «16 Days of Activism against Gender-based Violence,» which took place from November 25 to December 10, 2024, a total of **35** events were organized. These included meetings with school and university students, engagements with the public and members of the Department of Criminal Executive System, as well as roundtable discussions involving state bodies and the non-governmental sector. The aim of these activities was to raise public awareness about the existing measures to prevent and combat gender-based violence.

The total outreach to target groups amounted to **10,170** individuals.

It is noteworthy that all regional representatives of the Office of the Ombudsman conducted a combined total of **300 additional proactive awareness-raising activities** throughout 2024, exceeding the objectives outlined in the Media Plan.

Interaction with Mass Media

A total of **398 press releases** were disseminated during the reporting period. The Ombudsman and his office initiated publications in **731** national media outlets, while regional representatives contributed **754** publications, ensuring significant visibility in the information space.

9 exclusive materials were published in the media, including an interview with the Ombudsman regarding the year's outcomes, an exclusive piece on the special report of the Ombudsman, and an interview with the head of the National Commission on Human Rights (NCHR).

Comments were provided to various national television channels, including «Zhibek Zholy,» «KTK,» «Qazaqstan,» «First Channel Eurasia,» «Khabar24,»

«31kanal,» and «Atameken Business.» Additionally, materials were successfully featured on well-known online portals such as TengriNews, zakon.kz, KazAkkarat, NewTimes, InformBuro, BAQ.KZ, KazLenta, KazTAG, Arbat Media, Nur KZ, Astana Times, Azattyq Ryhy, Halyq Uni, and Golos Naroda, Yegemen Kazakhstan and Kaz Reporter etc.

In addition, the Ombudsman published articles addressing the issue of domestic violence, along with explanations of the new law aimed at protecting women and children, in various international news agencies and publications. These include the pan-European media network «Eurastiv.com,» the European multimedia news platform «EU Reporter,» the Swiss publication «Geneva Times,» the Geneva magazine «Diva International Diplomat,» the Spanish news agency «EFEComunica,» and the Italian online publication «Opinione-Pubblica.com.»



A total of **1,244** content posts were prepared for social networks such as Instagram, Facebook, TikTok, and Telegram. Additionally, **1,319** visuals were created, tailored to the specific requirements of each social network.

Furthermore, **245** videos were produced, taking into account the unique features of Facebook, Telegram, Instagram, and TikTok. A survey was also conducted among the population, involving more than 100 respondents.

The average audience coverage on social networks over the past 12 months is as follows: Facebook - 156,700 users, and Instagram - 472,283 users, *with the number of subscribers increasing by 32.8%.*

Monitoring of the activities of the regional representative offices in the media, on the official website, and across the representative offices' social networks is detailed below (see Figure 53).

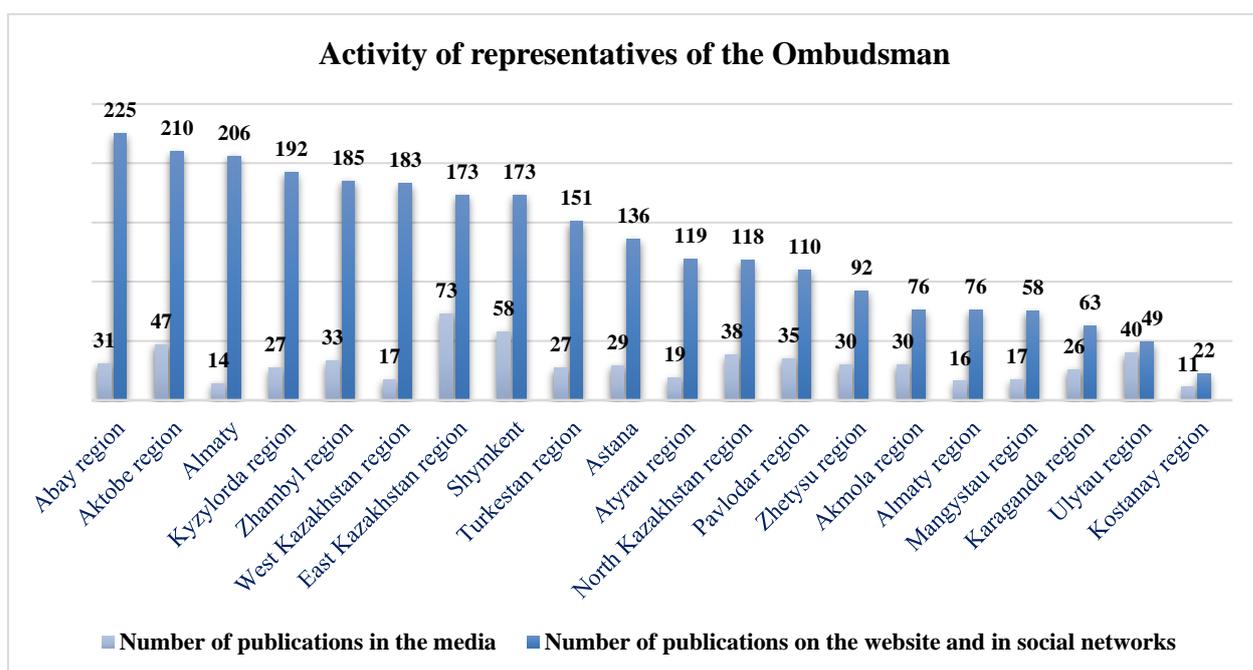


Figure 53

Representatives from **Abay region (225)**, **Aktobe region (210)**, **Almaty (206)**, **Kyzylorda region (192)**, **Zhambyl region (185)**, and **West Kazakhstan region (183)** demonstrated strong performance in terms of the number of publications on websites and social networks. In contrast, representatives from **East Kazakhstan region (73)**, **Shymkent (58)**, and **Aktobe region (47)** reported high results in terms of the number of publications in mass media.

The information on the number of subscribers for regional representatives on social networks is presented below (see Figure 54).

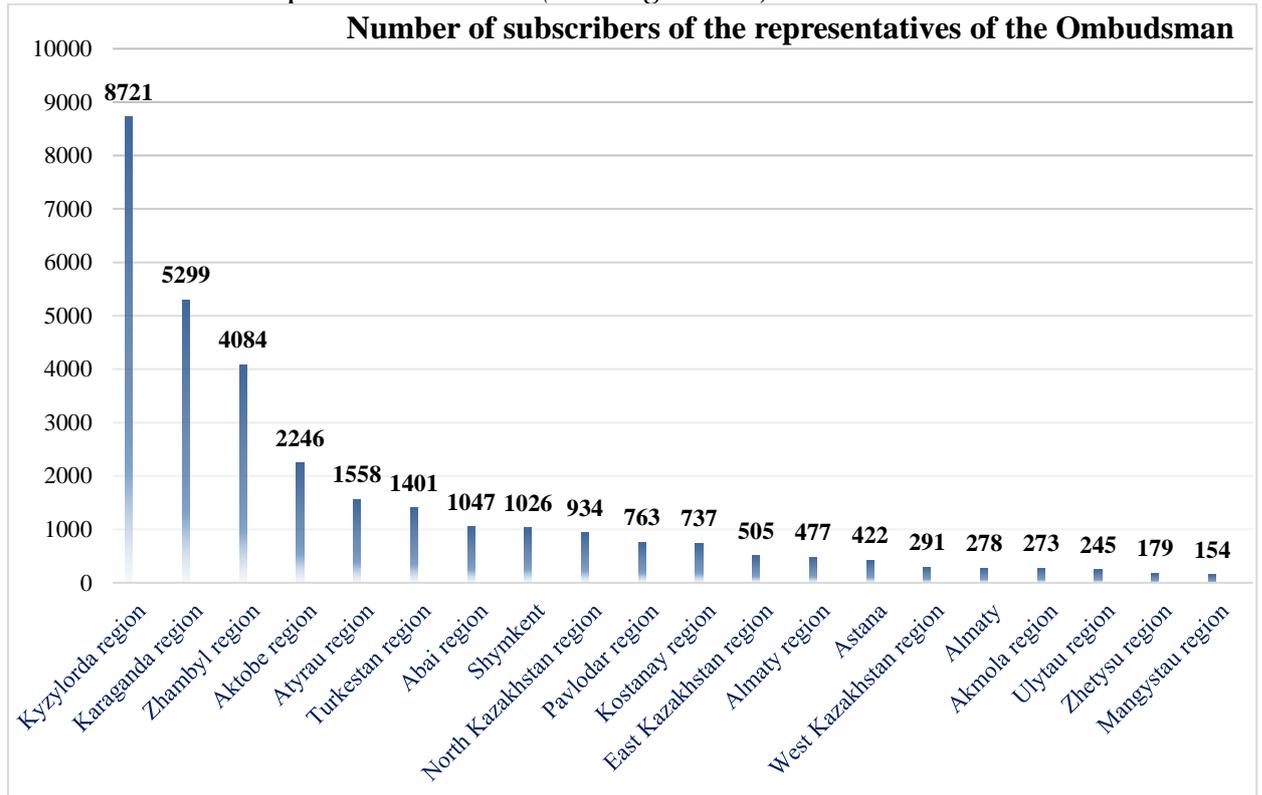


Figure 54

The representatives leading in the number of subscribers are those in **Kyzylorda (8,721)**, **Karaganda (5,299)**, and **Zhambyl (4,084)** regions.

Interaction with State Bodies and Public Associations

March 14, 2024



The Ombudsman participated in the third session of the National Kurultai, chaired by the Head of State. In his address, the Ombudsman discussed the work of the national human rights institution and highlighted the main achievements in the field of human rights protection.

During his speech, the

Ombudsman emphasized that the formation of a sustainable legal culture in the country is one of the primary objectives of the Ombudsman. He underscored that the public is the most important partner in the human rights system. The Office of the Ombudsman and its field offices ensure that no appeal goes unattended, making every effort to uphold the legal rights of citizens.

The Ombudsman also drew attention to the significant steps taken in the country to demonstrate respect for human rights and freedoms. Concluding his address, he expressed confidence that «uniting our forces and resources in the protection of human rights will enable us to achieve results more swiftly.»

March 19, 2024



The Ombudsman held a working meeting with representatives of the Kazakhstan International Bureau for Human Rights and Rule of Law, as well as the Coalition of NGOs of Kazakhstan against Torture.

During this meeting, the issues surrounding the activities and future development of the NPM were discussed. The Ombudsman emphasized the critical role of the NPM in preventing torture and noted that, over the ten years of its existence in Kazakhstan, this mechanism has significantly enhanced the effectiveness of the fight against torture and ill-treatment.

The coalition of NGOs proposed the need to appoint NPM team leaders from among the members of the Coordination Council, for which an initial draft law was developed. By the end of 2024, these proposals were implemented, with six members of the Coordination Council appointed as heads of regional NPM groups, without waiting for amendments.

March 29, 2024

The Ombudsman participated in a thematic meeting of the Committee on Legislation and Judicial and Legal Reform of the Mazhilis of the Parliament of the Republic of Kazakhstan, which focused on the legal status of refugees in Kazakhstan.

In his address, the Ombudsman noted that by acceding to the Convention relating to the Status of Refugees in December 1998 and adopting a special law in 2009, Kazakhstan has demonstrated its commitment and readiness to take systemic measures that strengthen global and regional security, crisis management, intercultural dialogue, and sustainable development.



The Office of the Ombudsman conducted an analysis of both domestic legislation and international treaties ratified by Kazakhstan, resulting in several recommendations aimed at ensuring compliance with the international principle of «non-refoulement» and the introduction of alternative measures of restraint when considering extradition.

The principle of non-refoulement mandates that the state refrains from forcibly returning individuals to a country where they may face unjust persecution based on race, political opinion, religion, or any other grounds, or where there is a potential risk of torture and other unlawful forms of treatment and punishment.

Kazakhstan's criminal procedural legislation utilizes temporary detention and extradition arrest solely in extradition cases. However, practical experience has demonstrated that the lack of alternative measures is not always justified and often infringes on the principle of equality before the law.

In this regard, after an extensive study of the issue in collaboration with the Ministry of Internal Affairs of the Republic of Kazakhstan, shift has been made. According to the Ministry of Internal Affairs, in 2024, assistance was provided to 25 foreigners to leave the country for third countries, as their expulsion to their country of citizenship could pose a threat to their life and health.

In 2025, we will continue to monitor the work of the Ministry of Internal Affairs in this area.

April 29, 2024



During a working visit to Pavlodar region, the Ombudsman met with the Akim of the region, representatives of non-governmental organizations, the legal community, and participants of the NPM.

In his meeting with Asain Baykhanov and regional activists, the Akim emphasized the importance of focusing on the concept of building a Just Kazakhstan. He highlighted that the role of government agencies and public institutions is to strengthen national harmony, aligning with the «listening state» concept.

Ombudsman A. Lastayev spoke about his activities, noting that a primary area of focus is promoting the restoration of violated rights. He acknowledged the challenges faced by citizens and regional representatives in obtaining prompt responses from criminal prosecution bodies and emphasized that complaints should be resolved locally whenever possible.

As a result of the meeting, a Memorandum of Cooperation was signed between the Ombudsman and the Akimat of Pavlodar region. The visit also covered issues related to legal education for the population, as part of a joint project between the Office of the Ombudsman and the United Nations Development Programme.

On the same day, the Ombudsman engaged with representatives of non-governmental organizations, the legal community, and NPM participants. The meeting attendees were briefed on the main activities of the Ombudsman's office. It was noted that in the previous year, 5,773 appeals were considered, a figure one and a half times greater than in 2022. The Pavlodar region office received 256 appeals in 2023, with applicants most frequently complaining about the actions or inaction of investigative authorities (19.1%) and violations of convicts' rights (14.8%).



Additionally, NPM participants discussed efforts to prevent torture in closed institutions in Pavlodar region. A. Lastayev expressed a keen interest in the effective functioning of the NPM. NPM participants commended the assistance provided by the Akimat and state structures but pointed out issues with penitentiary institutions that do not actively address the problems identified by the NPM, often sending standard responses.

In discussions with the public, the Ombudsman addressed concerns raised by NGO representatives, providing answers within his competence. A. Lastayev also highlighted the necessity of clarifying the new law focused on protecting women's rights and children's safety, denouncing misinformation from destructive organizations about the removal of children from families as entirely false.

During the conversation with regional NGO representatives, a proposal was made to hold a legal education meeting with kandas (ethnic Kazakhs returning to Kazakhstan).

In a meeting with lawyers, key issues related to human rights protection in the region were discussed. Lawyers expressed concerns about certain aspects of legal practice and actively contributed to the dialogue, presenting important issues and suggesting ideas for improvement.

The Ombudsman expressed a commitment to cooperation with the legal community to protect citizens' rights and strengthen the legal framework in the region.

During the visit, the Ombudsman and his office representatives also toured several institutions, including Institution No. 45 of the Ministry of Internal Affairs of the Republic of Kazakhstan, and centers for special social services for the elderly, children, and people with disabilities in Pavlodar and Aksu.

April 30, 2024



The Ombudsman visited Ekibastuz, where a meeting was held with deputies of the city maslikhat and representatives of the civil sector.

During the meeting with the city activists, A. Lastayev presented the Special Report on combating domestic violence. He highlighted the increasing relevance and significant public resonance of issues in family and domestic relations, which stem from a wide range of unresolved socio-economic and cultural challenges.

The Ombudsman also pointed out to the participants that, following the adoption of the law on ensuring the protection of women's rights and child safety, there has been a group of individuals spreading false information aimed at discrediting the efforts to align national legislation with international human rights standards.

In addition, during the visit, the Ombudsman and representatives of his office visited several social institutions, including the Special Reception Center for persons arrested under administrative procedures in Ekibastuz city, the «Alem» Children's Rehabilitation Center, and the «Umit» Support Center for Children in Need of Special Social Services.

Following these visits, the representatives of the Office of the Ombudsman prepared appropriate recommendations based on their findings.



May 15, 2024

The Ombudsman participated in the International Scientific-Practical Conference on «Independent and Fair Court - a Condition for the Approval of the New Kazakhstan,» organized by «Turan» University. The conference aimed to further improve the activities of the judicial system to enhance the effectiveness of justice and bolster citizens' confidence in the courts.



The event was attended by representatives from Kazakhstani scientific community, government agencies, civil society, prominent government and public figures, as well as foreign experts. Discussions focused on topics such as the peculiarities of constitutional proceedings, the role of courts of general

jurisdiction in establishing a just Kazakhstan, international legal proceedings and

Kazakhstan's participation in the activities of the EAEU court, and issues regarding the relationship between international and national courts, among others.

The Ombudsman emphasized the relevance of the topics under discussion and the importance of adhering to the principle of openness within the judicial system, including through digital means, as a key condition for increasing trust in the courts and establishing a fair and independent judiciary.

July 22, 2024

Ombudsman A. Lastayev paid a working visit to the East Kazakhstan region and met with the Akim, Yermek Kosherbayev. The parties discussed priority issues in the field of human rights and explored prospects for further cooperation.

During their meeting, the Ombudsman shared information about the activities of the Ombudsman's office and its regional representatives. They discussed additional steps to enhance human rights activities in the region. Yermek Kosherbayev expressed his readiness to support the initiatives of the Ombudsman and highlighted the importance of joint efforts to effectively address issues related to the violation of citizens' rights.



The discussion also covered the topic of improving legal literacy among the population and the necessity of conducting legal education activities for both citizens and government employees. The Ombudsman emphasized that educational work is a key area of focus for his office. Akim of the East Kazakhstan region

supported this perspective and mentioned that the akimat would prepare a plan of measures to improve legal literacy in educational institutions within the region.



As a result of the meeting, a Memorandum of Cooperation was signed between the Ombudsman and the Akimat of the East Kazakhstan region. The main objective of the Memorandum is to consolidate efforts

in the observance and promotion of human rights and freedoms, as well as to assist in their protection.

Under the Memorandum, plans are in place to collaborate on organizing operational interactions and systematic work to prevent non-compliance with the rights and legitimate interests of citizens, in addition to exchanging experience and information, and engaging with human rights institutions and civil society.

July 23, 2024

During his working visit to the East Kazakhstan region, the Ombudsman engaged in discussions with the NPM participants regarding the current issues encountered in their work and explored mechanisms to enhance the effectiveness of monitoring visits to institutions.

The Ombudsman emphasized that the NPM is transitioning to digital reporting, highlighting that all reports should now be prepared electronically, which will significantly streamline their operations.

In response, the NPM participants expressed their appreciation for the productive cooperation with authorized bodies. They also proposed conducting an inventory of mandated institutions, emphasizing the need to improve the quality of medical services and ensure access to the internet.

Additionally, concerns were raised regarding the reconstruction of institutional buildings, some of which were constructed in the early 20th century. Special attention was given to the issues of transparency and accountability on the part of institution administrations.

The meeting also addressed the professional development of NPM participants and the necessity for regular training sessions.

At the conclusion of the meeting, the Ombudsman thanked the NPM participants for their dedicated efforts in protecting human rights.

September 12, 2024



The Ombudsman held a meeting with prominent human rights experts and representatives from civil society.

During the meeting, participants discussed current issues related to human rights development, the application of international standards, and mechanisms and tools aimed at improving legislation.

Special attention was given to practical steps designed to strengthen the protection of citizens' rights and ensure transparency in law enforcement processes.

The attendees emphasized the importance of open dialogue and cooperation between government agencies, the expert community, and civil society to advance the human rights agenda further.

At the conclusion of the meeting, participants agreed to continue their collaboration in developing proposals to enhance the legislative framework and improve the practice of its implementation.

September 26, 2024



The Ombudsman participated in the II Republican Forum of State Prosecutors, during which key issues pertaining to the role of the State prosecution in jury trials were discussed.

The Ombudsman identified problematic issues within law enforcement practices and emphasized the necessity of implementing a pilot project for jury trials in parole and punishment substitution cases. This initiative is an important step towards enhancing the transparency of court procedures, promoting humanization, and ensuring a balanced protection of the rights of all participants in the process.

December 18, 2024



The Ombudsman met with deputies who are members of the Committee on Constitutional Legislation, Judicial System, and Law Enforcement Agencies of the Senate of the Parliament of the Republic of Kazakhstan.

The Ombudsman expressed gratitude to the deputies for their support of legislative initiatives aimed at introducing an alternative to extradition arrest in the form of bail, eliminating indefinite restrictions on the rights of military personnel dismissed for negative reasons, and extending special thanks for their commitment to protecting the rights of women and children.

The senators were briefed on the activities of the Ombudsman. During the meeting, the Ombudsman presented several initiatives focused on human rights protection, including the construction of multidisciplinary colonies for various categories of prisoners, the building of new facilities for specific psychiatric clinics, and addressing the legal status issues of citizens who have returned from conflict zones.

Additionally, the senators were informed about the research activities conducted by the Ombudsman's office.

In turn, the Senate deputies expressed their interest in improving the work of regional representative offices, particularly in terms of interaction with local executive and representative bodies.

At the conclusion of the meeting, participants expressed their readiness to engage in further discussions regarding legislative improvement and the enhancement of human rights protection in Kazakhstan. Special focus will be placed on integrating modern technologies and communication methods, organizing specialized training events, and developing initiatives aimed at deepening the understanding of key issues and pressing challenges.

7. IMPROVEMENT OF LEGISLATION



Key data for 2024

34		Sessions of the interagency working group
20		Proposals submitted to state bodies
8		Sessions of the Constitutional Court
7		Special recommendations sent to state bodies and Government apparatus
5		Sessions of the working groups of the Parliament
2		Amendments made to laws and regulations

In accordance with Article 12 of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan,» the Ombudsman has several key responsibilities:

1) Sending proposals to interested state bodies aimed at improving legislation;

2) Considering proposals from state bodies, organizations, and citizens;

3) Appealing to the Constitutional Court regarding the compliance of regulatory legal acts with the Constitution, particularly those affecting the rights and freedoms of individuals enshrined in the Constitution;

4) Appealing to the courts in defense of the rights and freedoms of an unlimited number of individuals.

In exercising these powers, the Institute of the Ombudsman engages in the preparation of draft laws, collaborates with government agencies and organizations, and makes proposals to enhance the protection of human rights and freedoms.

The following work was accomplished in this area in 2024:

The Ombudsman participated in meetings of **five working groups** of the Parliament of the Republic of Kazakhstan (focusing on the Optimization of the Criminal Code, Criminal Procedure Code, and Criminal Executive Code; Education and protection of children's rights; Combating human trafficking; Ensuring women's rights and children's safety; Aligning certain legal acts with the Constitution).

In 2024, **over 20 proposals** were made to state bodies on various issues, including:

- 1) Establishing accountability for stalking;
- 2) Allowing suspects and accused persons to use sleeping accommodations during times not allocated by the daily schedule;
- 3) Introducing free mother's rooms;
- 4) Establishing free mother and child rooms at railway stations;
- 5) Prohibiting the seizure and foreclosure of benefits and social payments;

6) Preventing the interception of conversations between prisoners and defense attorneys during visits;

7) Granting parents of children under the age of 13 the right to a shorter working day;

8) Recognizing individuals missing or deceased in areas of terrorist activity and determining the birthplace of children born in zones of armed conflict;

9) Including within draft orders the necessity for state bodies to consider the annual and special reports from the Ombudsman when conducting monitoring;

10) Recalling a convicted person from their place of employment if the employer fails to meet contractual obligations;

11) Defining the competence of the Ombudsman and his regional representatives in the draft Law of the Republic of Kazakhstan «On Prevention of Offenses,» among others.

In 2024, **seven special recommendations** were sent to state bodies and the Government Office of the Republic of Kazakhstan, which include:

1) Criminalizing the abduction of women for the purpose of marriage;

2) Ensuring the principle of non-refoulement for foreigners and stateless persons to countries where they may face threats of prosecution;

3) Prohibiting discrimination based on height against individuals in law enforcement;

4) Addressing the problem of the indefinite ban on entry into military and law enforcement services for individuals previously discharged from military service;

5) Improving palliative care for children;

6) Installing video cameras in the living quarters (dormitories) of service recipients at Special Social Service Centers;

7) Protecting the rights of immigrant minors.

Additionally, the Ombudsman participated in 8 sessions of the Constitutional Court of the Republic of Kazakhstan, providing 15 opinions regarding appeals from citizens concerning the constitutionality of various norms, including:

1) Withholding alimony for the maintenance of minor children from the income of entrepreneurs;

2) Prohibition of adoption by male individuals who are not in a registered marriage;

3) Prohibition of parole for individuals convicted of crimes against the sexual inviolability of minors;

4) Prohibition of parole for individuals whose death sentences have been commuted to life imprisonment through pardon;

5) Requirement for property censoring prior to cassation review of judicial acts;

6) Prohibition of compulsory insurance contracts for citizens of Kazakhstan who possess residence permits abroad;

7) Determining the nationality of a child based on the nationality of their parents;

8) Establishing the prejudicial validity of a court's decision to terminate a criminal case made by the criminal prosecution body;

9) Suspending the participation of defense counsel in criminal proceedings if they have provided, or previously provided, legal assistance to a person with interests opposing those of the defendant or client, as well as having close personal relationships with such individuals;

10) Collection of alimony if it exceeds the 50% threshold;

11) The possibility to terminate an employment contract without prior notice to the employee and without specifying a termination date;

12) Prohibition of telephone conversations for individuals held in disciplinary cells and under strict detention conditions;

13) Establishing the legal fact of caring for a child under the age of three;

14) Carrying out missionary activities without registration;

15) Transfer of pension savings to the ownership of an insurance company.

Amendments have been made to **two regulatory legal acts** (the Resolution of the Government of the Republic of Kazakhstan dated March 26, 2014, No. 266, «On Approval of the Rules for Preventive Visits by Groups Formed from Participants of the National Preventive Mechanism,» and the Resolution dated April 2, 2014, No. 301, «On Approval of the Rules for Reimbursement of Expenses of Participants of the National Preventive Mechanism on Preventive Visits»). These amendments propose the exclusion of accompaniment and coordination of preventive visits by representatives of the Ombudsman, as well as the specification of grounds for the extension of the duration of preventive visits. The proposed amendments have been submitted to the Ministry of Justice of the Republic of Kazakhstan for approval.

Participation in Interdepartmental Working Groups

The representatives participated in 5 meetings of the permanent working group focused on anti-discrimination legislation and the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. During these meetings, proposals from government bodies and NGOs aimed at improving anti-discrimination legislation and conceptual approaches to law drafting were discussed.



Additionally, representatives of the Center participated in five working group meetings for the preparation of Kazakhstan's report under the fourth cycle of the Universal Periodic Review, where alternative reports prepared by the NGO Coalition were considered.



Furthermore, they took part in **34 meetings** of interdepartmental working groups, round tables, and seminars on various topics (including draft legislation, the criminalization of abduction of women for the purpose of marriage, and the protection of human rights in business activities).

Representatives of the Ombudsman are actively engaged in efforts to improve legislation.

For instance, based on the outcomes from their consultations, the following recommendations were sent to state bodies:

- **At the suggestion of the representative of the Ombudsman for Turkestan region**, a recommendation was submitted to the Ministry of Labor and Social Protection of Population regarding the installation of video cameras in the sleeping quarters of Special Social Service centers. The MLSPP reported the formation of a working group to consider this issue.

- **Following the suggestion of the representative of the Ombudsman for the city of Almaty**, a recommendation was directed to the Government Office concerning amendments to existing legislation to protect the rights of underage children of migrants. The Ministry of Internal Affairs and relevant government agencies were instructed to address this matter.

- **Based on the input of the representative of the Ombudsman for Karaganda region**, a recommendation was sent to the Ministry of Internal Affairs regarding amendments to the internal regulations of temporary detention facilities to ensure unimpeded access for the Ombudsman and his representatives. After reviewing the recommendation, the Ministry of Internal Affairs indicated that amendments to the relevant by-law would be introduced following the adoption of the draft law aimed at optimizing the Criminal Code, Criminal Procedure Code, and Criminal Executive Code, which is currently under consideration by Parliament.

- **At the suggestion of the representative of the Ombudsman for Zhetysu region**, a recommendation concerning prosthetics for beneficiaries of the Centers for Special Social Services was forwarded to the Ministry of Labor and Social Protection.

- **The representative of the Ombudsman for Karaganda region also proposed a recommendation** regarding the right of convicts in disciplinary cells to receive visits from a lawyer, which was sent to the CESC and a deputy of the Mazhilis of Parliament.

- **Following the suggestion of the representative of the Ombudsman for Shymkent city**, a recommendation was made to the Ministry of Justice regarding the necessity of introducing amendments to the Law of the Republic of Kazakhstan «On Operative-Search Activity.»

- **At the suggestion of the representative of the Ombudsman for East Kazakhstan region**, a proposal concerning the expulsion of foreigners for violations of the law was forwarded to the Ministry of Internal Affairs and the Ministry of Justice.

Ongoing efforts to enhance legislation will focus on ensuring a balance between the development of human rights mechanisms and the protection of each

citizen's rights. This will require a systematic approach and close collaboration with government agencies, non-governmental organizations, and international bodies.

8. INTERNATIONAL COOPERATION



Key data for 2024

23



Meetings of the Ombudsman and his Office with ambassadors and representatives of foreign countries, international organizations and international NGOs

22



Participation of the Ombudsman and his Office in international conferences, including the organization of 1 conference by the Office of the Human Rights Commissioner

10



Working visits to the foreign states:
Uzbekistan (3 times), Poland, Finland, Norway, Austria, Turkey, Turkmenistan, Thailand.

1



Side event during the OSCE ODIHR Warsaw Human Dimension Conference on combating torture

In 2024, the Ombudsman's work in international cooperation is focused on strengthening interaction with all stakeholders in the field of human rights protection, including international institutions, public organizations, and academia.

During the reporting period, several meetings were conducted with representatives of international organizations to enhance strategic cooperation and implement key objectives of the Action Plan on Human Rights and the Rule of Law, adopted on December 8, 2023. The main areas of focus included:

- The development of corporate responsibility to respect human rights;
- Access to legal remedies;
- Reintegration into society for children who have spent part of their lives in conflict zones;
- The rights of women and girls in closed social institutions;
- Combatting torture and other cruel, inhuman, or degrading treatment or punishment.

The Ombudsman and representatives of his office held meetings with ambassadors and representatives of foreign states, international organizations, and NGOs. They also participated in international conferences, forums, and seminars, and conducted

working visits to Uzbekistan, Austria, Finland, Norway, and Thailand.

International events with the participation of the Ombudsman

February 23, 2024

The Ombudsman participated in an international conference titled «Human Rights - An Important Factor in the Sustainable Development of States» commemorating the 29th anniversary of the establishment of the Institute of the Ombudsman of the Oliy Majlis.

The event attracted ombudsmen from various



countries, members of Parliament, representatives from international organizations, the non-governmental sector, and civil society. In his report, the Ombudsman highlighted that every state strives to create conditions conducive to the effective functioning of human rights mechanisms. The international community was informed about the reforms underway in Kazakhstan, including the enshrinement of the Ombudsman's status in the Constitution and the adoption of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan.»

March 6, 2024



Demographic Policy under the President of the Republic of Kazakhstan.

During the forum, the Ombudsman emphasized the essential role of modern women in family, societal, and state life, noting that their influence continues to grow daily. He highlighted the increasing involvement of women in the country's economy, politics, and public activities, underscoring their significant contributions in these areas. The Ombudsman remarked that Kazakhstan is a leader in advancing gender equality among Central Asian countries.

The Ombudsman also participated in the Forum of Women of Kazakhstan on the theme «Protection of Women's Rights: International and European Approaches,» which was dedicated to the 25th anniversary of the National Commission on Women's Affairs and Family and

April 7, 2024



The Ombudsman met with Katarzyna Wawiernia, the UNDP Resident Representative in the Republic of Kazakhstan. During the meeting, the parties discussed current issues related to the international and regional human rights agenda, including the implementation of a joint project aimed at strengthening the capacity of the National Commission on Human Rights and its regional representatives.

The Ombudsman provided the Resident Representative with an overview of the activities of the national human rights institution and its priorities.

In turn, Katarzyna Wawiernia expressed her strong appreciation for the constitutional reforms undertaken in Kazakhstan, which enhance the institutional capacity for the protection of human rights.

Following the meeting, an agreement was reached to reinforce cooperation and support the efforts of the Office of the Ombudsman in protecting and promoting human rights in Kazakhstan.

April 8, 2024

The Ombudsman met with Victor Zakharia, a member of the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, as well as a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.



During the meeting, the Ombudsman discussed the reforms that have taken place in Kazakhstan in recent years concerning human rights protection and outlined plans for further efforts to prevent torture.

The conversation also addressed the fulfillment of human rights obligations, particularly in the context of the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Mr. Zakharia shared his practical experience in combating torture.

As a result of the meeting, both parties expressed their willingness to provide technical support for seminars and training sessions for practitioners focused on combating torture and facilitating peaceful assemblies.

April 23, 2024

The Ombudsman, together with the Commissioner for the Rights of Socially Vulnerable Categories of the Population, Kenzhegul Seytzhan, held a working meeting with representatives of the Office of the UN High Commissioner for Human Rights (OHCHR).



The agenda included discussions on pressing issues related to the activities of the Institute of the Ombudsman in ensuring and protecting citizens' rights to an environment conducive to human life and health. The Ombudsman provided updates on the ongoing work of the Expert Council under the Ombudsman, which is focused on conducting research in this important area.

April 24, 2024



The Ombudsman was honored to be invited as a guest to a meeting with EU ambassadors, including the EU Ambassador to Kazakhstan, Kestutis Jankauskas. The meeting took place at the National Institute of Intellectual Property «Qazpatent.» During this gathering, A. Lastayev presented the work undertaken by the Institute in the field of human rights

protection, particularly in combating torture.

May 3, 2024

The Ombudsman, together with representatives from the U.S. Embassy, participated in the twenty-ninth meeting of the working group focused on discussing human rights issues. During this meeting, a wide range of topics related to bilateral cooperation in the sphere of human rights protection were addressed. The Ombudsman highlighted the measures taken by Kazakhstan to improve detention conditions, prevent torture, and facilitate the re-socialization of convicts. U.S. Ambassador to the Republic of Kazakhstan, Daniel Nathan Rosenblum, acknowledged the high level of cooperation between the two countries and expressed readiness to continue collaborating on joint projects aimed at strengthening the rule of law and protecting citizens' rights.



May 21, 2024



The Ombudsman met with Renata Alt, Chairperson of the Committee and Commissioner for Human Rights of the Bundestag of the Federal Republic of Germany. The discussion focused on the institutional development of the human rights system and the overall human rights situation in Kazakhstan. The Ombudsman spoke

about the reforms that have been implemented and the main areas of focus, including the increase in appeals that resulted in more than 900 individuals receiving assistance in restoring their rights. He emphasized the importance of strengthening preventive measures and reinforcing the policy of zero tolerance for torture. Additionally, he noted that the number of complaints related to torture has been decreasing, along with active cooperation with non-governmental organizations. In turn, Renata Alt positively acknowledged the adoption of the law on combating domestic violence in Kazakhstan.

May 22, 2024

The Ombudsman conducted a meeting with the heads of the Democratization Department of the OSCE Office for Democratic Institutions and Human Rights, Konstantin Vardzelashvili, and the Rule of Law Department of the OSCE ODIHR, Gennady Barba. During the meeting, the Ombudsman emphasized



the importance of close interaction with the OSCE ODIHR and its institutions, sharing details about his activities and informing them about the constitutional reform and the subsequent systemic efforts aimed at strengthening human rights in the country. Konstantin Vardzelashvili recognized positive trends in the protection of human rights in Kazakhstan and expressed readiness to expand cooperation and provide technical support to OSCE/ODIHR experts in furthering the rule of law and safeguarding human rights and freedoms.

May 31, 2024



The Ombudsman met with Robert Blum, President of the Geneva Diplomatic Circle. During their meeting, the Ombudsman discussed his activities and provided updates on the constitutional reform and efforts to enhance capacity in the field of human rights. In turn, Robert Blum acknowledged the positive trends in the protection of human rights in Kazakhstan and expressed gratitude for the information shared, noting that it would be an excellent addition to his book on the history of Kazakhstan, titled «From Genghis Khan to Baikonur.»

June 27, 2024

The Ombudsman participated in the regular meeting of the CIS Commission on Human Rights, held online as part of the St. Petersburg International Legal Forum. The meeting focused on the results of an analysis of legislative acts regulating the rights of migrants in CIS member states, as well as the potential for creating joint working groups to study these issues in greater detail.



September 11, 2024



The Ombudsman met with Teri Hakala, the European Union Special Representative for Central Asia. During the conversation, the Ombudsman provided an overview of his office's activities, emphasizing that representatives are now working in every region of Kazakhstan. He also highlighted the existence of Coordination and Expert Councils, which hold regular meetings to discuss

relevant human rights issues.

The Ombudsman noted the growing level of public confidence in the institution, as reflected in the number of submitted appeals. In the first six months of 2024, the Ombudsman and his representatives received more than 3,000 complaints, representing a 13% increase compared to the same period last year.

During the meeting, the Ombudsman stressed that Kazakhstan had adopted a law aimed at protecting the rights of women and ensuring the safety of children, underscoring the importance of strengthening accountability for domestic violence and creating effective mechanisms to support victims. Additionally, he discussed a

joint initiative with the Children's Ombudsman aimed at preventing and combating child harassment, emphasizing the need for a legal stipulation regarding accountability for such violations.

In response, Teri Hakala stated that Kazakhstan is a strategic partner for the EU and welcomed the adoption of the law to protect the rights of women and children, recognizing it as a significant advancement for the country in strengthening human rights, enhancing social justice, and aligning with international standards in the protection of vulnerable groups.

September 23, 2024



The Ombudsman met with representatives from the international human rights organization Human Rights Watch (HRW), including M. Rittman, Senior Researcher for Central Asia, and H. Williamson, HRW Regional Director. During the meeting, they discussed various

issues concerning the protection of human rights in Kazakhstan. A. Lastayev elaborated on the key areas of work for his office, including the activities of the regional representatives of the Ombudsman.

October 1-3, 2024

The Ombudsman participated in the Warsaw Conference on the Human Dimension, where he addressed key issues related to the development of democracy and the protection of human rights in Kazakhstan. In his speeches, the Ombudsman touched on important



topics such as the fight against torture, the rights of convicted persons, ensuring information security, and challenges relating to international disinformation.

He paid special attention to the fight against torture, assuring attendees that Kazakhstan's policy on this issue strictly aligns with its international obligations. Additionally, the Ombudsman emphasized the state's commitment to ensuring the rule of law and accountability for law enforcement agencies, asserting that no crime should undermine efforts to reform the system and reinforce democratic processes in Kazakhstan.

October 3, 2024



The Ombudsman held a side event during the OSCE/ODIHR Warsaw Human Dimension Conference focused on combating torture. He outlined Kazakhstan's serious efforts to eradicate torture, including the ratification of the Convention against Torture

in 1998, the introduction of the offense of «Torture» in the Criminal Code, and the implementation of increased penalties for ill-treatment. Additionally, the Ombudsman highlighted improvements in medical care for detainees and noted a reduction in the number of complaints regarding torture. In 2023, there was a 50% reduction in such complaints, with further decreases anticipated in 2024. The installation of video cameras and complaint terminals in prisons has enhanced oversight and helped to prevent torture. The Ombudsman emphasized the ongoing need to comply with international standards and continue efforts to prevent torture in Kazakhstan.

October 9, 2024

The Ombudsman participated in the IX meeting of the Eurasian Ombudsman Alliance, where vital issues related to human rights protection in the context of digitalization were discussed. In his speech, he noted that while digital technologies greatly simplify daily life, they also pose threats to human rights—such as cyber fraud, identity theft, violations of correspondence secrecy, cyberbullying, and online violence.



He stressed the importance of protecting privacy, freedom of speech, and the rights to education and health, particularly when technical problems hinder access to medical care or training. The Ombudsman emphasized that Kazakhstan is actively addressing these concerns by adopting laws on the protection of personal data, access to information, and safeguarding children from negative online content, with established liabilities for violations of these rights. However, given the rapid development of IT technologies, he indicated that legislative modernization is necessary. The Ombudsman proposed creating a consolidated act to enshrine all fundamental digital rights.

He also highlighted the necessity of increasing the digital literacy of the population, emphasizing that the digital landscape should comply with

constitutional norms regarding human rights, ensuring a balance between technological advancement and the protection of citizens' rights.

October 10, 2024

The Ombudsman participated in the VIII International Scientific and Practical Conference on «Problems of Human Rights Protection: Exchange of Best Practices of Ombudsmen,» organized by the Ombudsman in the Russian Federation. During the event, he presented on «The Right of Convicts to Quality Medical Care.» In his speech, he underscored critical aspects related to the realization of the right to medical care for convicts.



He identified a significant step in the reform of prison medicine - the transfer of medical care responsibilities from the police to the Ministry of Health. This transition to the civilian sector has markedly improved access to medical care for inmates, even though the number of complaints regarding the quality of care has also risen. The primary complaints focus on medical negligence, the provision of medications, and the overall quality of care offered. The Ombudsman noted that regular visits to correctional facilities are conducted to identify shortcomings, and recommendations are sent to enhance medical care.

Ongoing efforts are being made to address issues related to medical care for foreign nationals and to train doctors in the principles of the Istanbul Protocol.

October 31, 2024

The Ombudsman met with delegates from the European Parliament focused on cooperation with Central Asia and Mongolia. He discussed the key areas of the Ombudsman's work, highlighting the amendments made to the Constitution of the Republic of Kazakhstan that strengthened the independence of the Ombudsman institution. The Ombudsman emphasized the growing trust of citizens, which is reflected in the increased number of personal meetings and complaints received.

Special attention during the meeting was given to the fight against torture. The Ombudsman elaborated on the work of the NPM and the results achieved in



this area, noting the introduction of new measures, including the criminalization of torture and ill-treatment. As a result, the number of reported cases of torture has decreased. The Ombudsman assured the delegates that the protection of human rights and support for human rights organizations remain priorities for the institution.

November 5, 2024

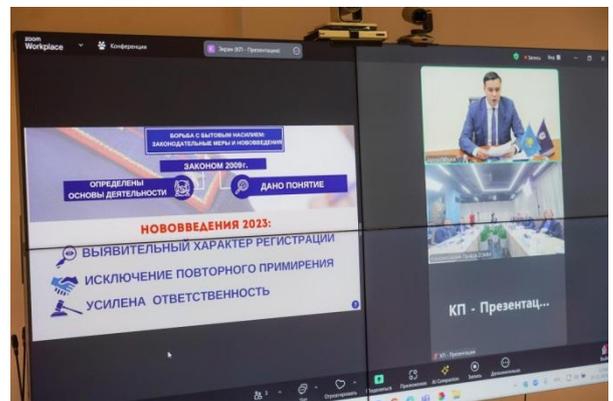


The Ombudsman met with Ruvendrini Menikdiwela, the Assistant UN High Commissioner for Refugees. During the meeting, they discussed the results of the Ombudsman's office's work, as well as Kazakhstan's legislation regarding refugees, which is grounded in the principles of rights protection and family unity. The Ombudsman emphasized that the protection of refugees' rights is a

priority for the country, and cooperation with the UNHCR facilitates adherence to international standards. They also discussed proposals to introduce alternatives to extradition arrest. Mrs. Menikdiwela expressed her support for Kazakhstan's initiatives concerning refugees and her readiness to provide assistance.

November 20, 2024

The Ombudsman participated in a roundtable titled «Experience of Kazakhstan and Russia in Strengthening the Institution of Family: Preservation of Traditional Values,» organized by the Embassy of Kazakhstan in the Russian Federation. During this event, discussions were held on the protection of motherhood and childhood, family and demographic policy, and new approaches to family support.



The Ombudsman underscored the significance of ratified international documents and national legal acts that regulate family relations. He highlighted measures taken to protect the rights of women and children, as well as the necessity of enhancing prevention efforts and interagency cooperation. The Ombudsman concluded by emphasizing the importance of safeguarding the institution of family and family values.

November 22, 2024

The Ombudsman held a meeting with Lilja Gretarsdottir, the Head of the Office of Cooperation Programs of the Department for the Implementation of Human Rights Standards of the Council of Europe, along with Strategic Cooperation Development Advisor Sergey Dikman and Deputy Head of the Office Lilit Daneghyan.



During the meeting,

representatives from the Council of Europe presented potential directions for cooperation for 2024-2027. They discussed various issues, including the institutional strengthening of the Ombudsman's office, improvements to NPM activities, the organization of educational seminars and training sessions, and enhancing engagement between the Ombudsman's Institute and state bodies and NGOs.

Following the meeting, the parties agreed to continue developing collaboration in the field of human rights.

November 29, 2024



The Ombudsman, alongside the Chairman of the Senate of the Parliament of the Republic of Kazakhstan, participated in the conference titled «Protection of Children's Rights in the Republic of Kazakhstan: Achievements and Prospects for Further Development.» This conference was attended by heads of state bodies and institutions, representatives from international and non-governmental organizations, as well as members of the legal and scientific communities.

Supported by the UN Children's Fund and the Ombudsman for Children's Rights, the conference coincided with the 30th anniversary of the ratification of the UN Convention on the Rights of the Child.

December 5-6, 2024

The Ombudsman held a meeting with the Russian Ombudsman, Tatyana Moskalkova, during her visit to Kazakhstan. In their discussion, the Ombudsman highlighted significant transformations within Kazakhstan's Ombudsman Institute, including the consolidation of its status at the constitutional level and the establishment of regional representative offices. Tatyana Moskalkova acknowledged the progress made by the Institute and expressed her readiness to exchange experiences.



Following the meeting, a protocol on cooperation was signed between the Ombudsman of Kazakhstan and the Ombudsman of the Russian Federation.

December 10, 2024



In collaboration with UNDP in Kazakhstan, the Commission on Human Rights under the President of the Republic of Kazakhstan, the Prosecutor General's Office of the Republic of Kazakhstan, the Ministry of Foreign Affairs of the Republic of Kazakhstan, and the Ministry of Culture and Information of the Republic of Kazakhstan, the Ombudsman hosted an

international conference titled «Protection of Human Rights in the Republic of Kazakhstan: Challenges and Prospects.»

The goal of this conference was to enhance cooperation among government agencies, international organizations, and civil society in the realm of human rights protection while providing experts with the opportunity to share insights based on five National Commission on Human Rights studies: «Issues of Medical Care for Persons Detained in Closed Social and Penal Institutions: Problems and Solutions»; «Review of International Experience and Analysis of National Legislation and Law Enforcement Practices on the Prevention of Torture and Other Forms of Cruel Treatment»; «Review of International Experience and Analysis of National Legislation and Law Enforcement Practices on the Prevention of Torture and Other Forms of Ill-Treatment»; «Review of National Legislation and Law Enforcement Practices on the Prevention of Torture and Other Forms of Ill-Treatment»; «Ensuring appropriate conditions for serving sentences for women, including those with children born in closed institutions, while also preventing sexual and gender-based violence against women in detention.»

At the conclusion of the conference, an award ceremony was held in honor of International Human Rights Day to recognize individuals who have made significant contributions to the protection of citizens' rights. The Ombudsman presented letters of appreciation, emphasizing their roles in advancing human rights and democratic values in Kazakhstan, and underscoring the importance of collective efforts in driving meaningful change.



December 11, 2024

The Ombudsman participated in the Legal Dialogue on Digitalization, Artificial Intelligence, and Human Rights. The event was organized by the Kazakh National Pedagogical University named after Abay, in collaboration with the Commission on Human Rights under the President of the Republic of Kazakhstan, coinciding with the opening of a branch of the University of Lorraine.

The Legal Dialogue served as a platform for sharing experiences between representatives from Kazakhstan and France, facilitating discussions on the legal aspects of digital transformation and the development of joint initiatives in the field of law and technology.

Key topics addressed during the event included the impact of digitalization on legal systems, the ethical and regulatory aspects of artificial intelligence, and the protection of human rights within a rapidly evolving digital environment.

In his remarks, A. Lastayev emphasized the dual nature of digitalization: while it presents vast opportunities by simplifying processes, saving time, and enhancing convenience, it also introduces new challenges - such as the rise of cyber fraud, violations of personal data, breaches of correspondence

confidentiality, and the use of surveillance technologies that can lead to acts of violence online.



According to the Ombudsman, the integration of IT technologies into various aspects of life poses threats to nearly all fundamental human rights, particularly the right to privacy and freedom of speech. He underscored the need to pay special attention to digitalization's impact on the right to education and health, as well as the potential for technology to facilitate traditional crimes in the virtual environment, including

fraud and defamation.

Participants in the Dialogue highlighted the importance of international cooperation in combating internet crime and developing effective measures to protect against fraud and violence.

International events with the participation of Representatives of the Office of the Ombudsman

February 8, 2024

The head of the National Human Rights Center held a meeting with George Mirogiannis, the head of the EU project «Enhanced Partnership and Cooperation Agreement between the EU and the Republic of Kazakhstan,» along with the National Coordinator of the project, Altynai Valiyeva.

George Mirogiannis noted that cooperation between Kazakhstan and the EU encompasses almost all spheres, including the protection of human rights. He mentioned that the Enhanced Partnership and Cooperation Agreement with Kazakhstan is the first project implemented at the national level and financed by the EU in the last eight years. The EU plans to prepare terms of reference in three areas, including human rights and the rule of law.



February 12, 2024



A presentation and discussion were held regarding the recommendations developed by the UN Development Program on business and human rights. This event was organized by UNDP in partnership with the NCHR. The discussion focused on UNDP's recommendations concerning the three pillars of

the UN Guiding Principles: the state's obligation to protect human rights from the negative impacts of business; corporate responsibility to respect human rights; and access to remedy.

UNDP proposed the formation of a working group consisting of representatives from the government, business, and civil society to analyze these recommendations for further harmonization of national legislation with international human rights obligations.

We expressed our willingness to participate in the Working Group to work on these recommendations.

February 13, 2024

The head of the NCHR met with Dina Amrisheva, the acting head of the UN Women office in Kazakhstan. During the meeting, the parties discussed building strategic cooperation and interaction within the framework of the Plan for the Realization of Human Rights in the Republic of Kazakhstan. They explored the possibility of preparing joint studies on various topics, including the conditions of sentences served by women and the rights of children born in closed institutions, the rights of women and girls held in closed social institutions, and issues related to countering all forms of discrimination, particularly against women and girls.



It was noted that focused efforts are being made to achieve gender equality and empower women, with the appointment of the Ombudsman under the President of the Republic of Kazakhstan for Women's Affairs and Family and Demographic Policy as the national coordinator for the implementation of state policy in this area recognized as an important step.

February 27, 2024



The head of the NCHR participated in a coordination meeting regarding the joint program of the UN Children's Fund, the EU, and the Government of the Republic of Kazakhstan, titled «EU-UN Support to Central Asian States for Their Citizens Who Have Returned from Conflict

Zones.»

This program is designed to support women, children, and families returning from conflict zones and to facilitate their successful reintegration into local communities. The project focuses on ensuring strategic management, information sharing, coordination, and mutual support among partners for the reintegration and protection of children returning from conflict zones, as well as ongoing efforts to strengthen the child protection system in Kazakhstan.

During the meeting, issues regarding the enhancement of the child protection institution and social support for the further reintegration of children who have spent part of their lives in conflict zones were addressed. Joint activities were discussed to assist local executive bodies and schools in their efforts related to the re-socialization and education of these children.

March 5, 2024

The Head of the NCHR held a meeting with representatives from Winrock International regarding the project «Safe Migration in Central Asia.» The project, led by Eleanor Judith Valentine, aims to promote safe migration, prevent human trafficking, protect victims of human trafficking, and reduce the vulnerability of individuals to all forms of exploitation. In addition to Kazakhstan, the project is being implemented in Kyrgyzstan, Turkmenistan, and Uzbekistan.



Winrock International works closely with governments in the region, civil society, international organizations, the business sector, and the expert community. The parties discussed potential cooperation in organizing special measures to prevent, deter, and combat crimes related to human trafficking. They also addressed further collaboration on a new three-year project titled «Kazakhstan's Action to Combat Child Trafficking,» which aims to improve the system for identifying and providing individualized comprehensive assistance to child victims of trafficking and to children from vulnerable families of labor migrants in southern Kazakhstan.

March 7, 2024

The Head of the NCHR participated in the kickoff event for the project «Framework Contract for Cooperation between the EU and Kazakhstan.» The objective of the project is to support the implementation of the Enhanced Partnership and Cooperation Agreement in the Republic of Kazakhstan (ratified by the Law of March 25, 2016, and entered into force on March 1, 2020), focusing on two priority areas: sustainable economic growth and the rule of law.



The event was attended by Kestutis Jankauskas, the EU representative in Kazakhstan; project manager George Mirogiannis; representatives from the Constitutional Court of the Republic of Kazakhstan, the Supreme Council of the Republic of Kazakhstan, the Ministry of Foreign Affairs of the Republic of Kazakhstan, the Academy of Law Enforcement Agencies under the State Prosecutor's Office of the Republic of Kazakhstan, and others.

During the event, participants discussed the goals and objectives of the project and outlined the main stages of its implementation. The project will identify and support targeted measures to enhance the legal framework, ensure the availability of effective mechanisms for implementing legislation, and empower key institutions, including partners in the justice chain and national human rights institutions. Special attention will be paid to gender integration and ensuring justice, particularly for vulnerable groups.

April 15-16, 2024



The Head of the NCHR participated in the 24th Anti-Trafficking Alliance Conference titled «More than Awareness Raising: Rethinking Approaches to Preventing Human Trafficking» held in Vienna, Austria.

The conference was attended by representatives from 57 countries, 11 partner organizations, as well as major international organizations, civil society, professional associations, the private sector, and academia.

This conference provided a unique platform for the exchange of best practices and the development of various anti-trafficking strategies, focusing on reviewing prevention strategies for both existing and emerging forms of trafficking in persons. Participants engaged in discussions with international partners and colleagues, exploring areas for further cooperation and outlining steps for joint efforts.

The delegation from the Republic of Kazakhstan presented the measures taken in this area, particularly highlighting the draft law «On Combating Trafficking in Persons in the Republic of Kazakhstan and emphasizing the importance of innovative and collaborative approaches in addressing human trafficking.

April 15-19, 2024

Representatives of the NCHR participated in a seminar for Central Asian Ombudsman Offices held in Helsinki, Finland. The seminar was organized by the EU in collaboration with the Rule of Law Center at the University of Helsinki and the Finnish Ministry of Justice. Ombudsmen from Central Asian countries and their staff also attended the event.



The main objective of the seminar was to foster international cooperation in the field of human rights protection between the ombudsmen of Finland and

Central Asian countries, to exchange experiences on modern human rights protection mechanisms, and to engage in discussions about pressing issues.

During the seminar, Zh. Bakashbayev, the deputy head of the NCHR, noted that the NCHR's work is increasingly focused on proactive approaches to human rights protection, for which an information and analytical unit was established within the organization.

NCHR representatives provided updates on the progress of ongoing reforms in the Republic of Kazakhstan, highlighting the interaction between state authorities and civil society through the lens of the «Listening State» concept and its further prospects. They explained provisions that significantly expand the country's human rights potential.

Meetings were held with several high-ranking officials, including Mikko Kivikoski, Deputy Director General of the Department of the Ministry of Foreign Affairs of Finland; Johanna Suurpää, Director General of the Department of the Ministry of Justice of Finland; Tuya Brax, Director of the Rule of Law Center; Maja Saxlin, Vice-Ombudsman; Mikko Puumalainen, Vice-Chancellor of Justice; Ari-Pekko Koivista, Prosecutor General of Finland; and Kari Kuusinemi, President of the Supreme Administrative Court of Finland. Additionally, a visit to a facility within the Finnish penitentiary system was organized.

The information presented generated significant interest and support from foreign colleagues. As a result of the meetings, agreements were reached regarding further joint cooperation.

April 17-19, 2024



Representatives of the NCHR participated in a meeting with representatives of the mission of the Office of the UN High Commissioner for Human Rights. The purpose of this meeting was to discuss practical guidance on the development of comprehensive anti-discrimination legislation.

The technical mission included Claude Kahn, Human Rights Officer of the Indigenous Peoples and Minorities Branch of OHCHR; Claudia Mahler, UN independent expert on the rights of older persons; and Jim Fitzgerald, expert on equality law and Director of the Equal Rights Trust, a partner of OHCHR in promoting comprehensive anti-discrimination legislation.

The NCHR representative shared information regarding measures taken in the country related to anti-discrimination legislation, systematic efforts to strengthen and develop national mechanisms and institutions for human rights protection, including the establishment of the Constitutional Court, enhancing the role of the Institute of the Ombudsman, enshrining its powers and guarantees at the constitutional level, and opening regional offices. The representative also mentioned the law signed the day before by the President, which increases penalties for domestic violence and protects the rights of women and children.

Further, it was noted that as part of the Action Plan in the field of human rights and the rule of law, efforts are underway to establish a permanent working group on anti-discrimination legislation and the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The parties discussed areas for further cooperation and outlined steps for joint efforts.

May 22-24, 2024

A representative of the NCHR participated in the Regional Event on Mainstreaming Gender and Human Rights in Preventing and Combating Organized Crime, held in Samarkand, Republic of Uzbekistan, organized by the UN Office on Drugs and Crime. The event brought together experts from Central Asia and the South Caucasus.



During the event, participants reviewed key recommendations, discussed challenges and opportunities for integrating gender and human rights into efforts to prevent and combat organized crime, and exchanged best practices in this

area.

The NCHR representative proposed several initiatives to improve the situation in the field of crime prevention and combatting organized crime, including the establishment of a National Coordination Council for Combating Organized Crime and the development and enhancement of tactics for data exchange and implementation of coordinated operational and procedural actions across different countries.

June 6, 2024

The Head of the Ombudsman's Office met with the British Ambassador to Kazakhstan, Cathy Leach. During the meeting, both parties discussed the priority areas of the Ombudsman's activities in Kazakhstan, as well as current issues within the law enforcement sphere. The British Ambassador was briefed on the unique aspects of the Ombudsman's work, the roles of his regional representatives, and the activities of the National Preventive Mechanism. They also addressed human rights issues and the empowerment of women, highlighting the role of women in modern society and initiatives aimed at ensuring their participation in the political life of the country.



June 11, 2024



Deputy Head of the NCHR, Sabirov A.Z., participated in the Final Regional Conference organized by the Council of Europe in collaboration with the EU. The event brought together representatives from the EU, the Council of Europe, government agencies and organizations, as well as experts from Central Asian countries, to summarize the results and

outcomes of the program, assess four years of cooperation, and discuss the benefits of the program and future collaborations in the region.

The program aims to strengthen human rights, the rule of law, and democracy in line with European and other international standards. Speaking at the session devoted to international human rights standards, a representative of the Ombudsman's office underscored the importance of ongoing efforts and their positive impact on the development of human rights institutions and the enhancement of citizens' rights protection.

At the conclusion of the conference, participants summarized the results of the program and evaluated the experiences gained over four years of cooperation within the project.

June 13-14, 2024



The Head of the NCHR participated in the IV Samarkand Forum on Human Rights, dedicated to the theme «Environmental Challenges: The Future of Human Rights in a Changing World, Search for Sustainable Solutions.»

The primary objective of the Samarkand Forum was to discuss the impact of climate change on human rights. Forum participants exchanged experiences and familiarized themselves with best practices within the international community.

In the session titled «Environmental Issues: The Future of Human Rights in a Changing World, Search for Sustainable Solutions,» the Head of the NCHR emphasized to attendees that the destructive activities of humanity and the inaction of states in environmental protection lead to violations of human rights. She shared Kazakhstan's legislative and practical experiences in this area, highlighting the adoption of the Concept on Transition to a «Green Economy» and the Strategy for Achieving Carbon Neutrality by 2060. She also discussed the establishment of specialized agencies, including the Ministry of Water Resources and Irrigation, along with the implementation of Environmental, Social, and Governance (ESG) principles.

The Head of the NCHR presented several proposals aimed at improving environmental protection efforts (including strengthening regional cooperation among all Central Asian countries, directing investments into water-saving technologies, transitioning to new and efficient farming methods, considering the adoption of regenerative agriculture in the

regions, providing state grants to promote this type of farming, developing effective interstate cooperation for the harmonization of migration policy).

June 18, 2024



The NCHR hosted a meeting with Steve Swerdlow, Associate Professor of Human Rights at the Department of Political and International Relations at the University of Southern California, along with a group of his students who were visiting Kazakhstan.

The purpose of the event was to further develop partnerships and cooperation in the field of education between Kazakhstan and the United States.

During the meeting, the students were provided with a detailed overview of the Ombudsman's activities, particularly the ongoing efforts to strengthen the capacity of the national human rights institution, the constitutional reforms, recent innovations aimed at preventing and combating torture, and various initiatives undertaken by the Ombudsman.

In turn, the students expressed a keen interest in the history and functions of the Ombudsman, engaging in thoughtful discussions, asking questions, and sharing their opinions.

July 23, 2024

The Head of the Center held a meeting with Noura Zaid Alrshud, the Executive Director of the Secretariat of the Independent Permanent Commission on Human Rights of the Organization of Islamic Cooperation.



During the meeting, the parties discussed Kazakhstan's interaction with the OIC and its institutions, as well as the activities of the Office of the Ombudsman. Ms. Alrshud was informed about the ongoing constitutional reform in the country and the measures taken to strengthen human rights protection. She noted the positive trends in human rights protection in Kazakhstan and expressed a willingness to expand cooperation by signing a Memorandum of Cooperation between the Ombudsman of Kazakhstan and the Independent Permanent Commission on Human Rights of the Organization of Islamic Cooperation.

July 30, 2024

The Head of the NCHR participated in a roundtable discussion titled «Preparing for the Fourth Cycle of the Universal Periodic Review: Discussion on the Implementation of Recommendations Supported by the Results of the Third



Cycle of the Review.» The event was organized by the Ministry of Justice of the Republic of Kazakhstan with support from UNDP, the Office of the UN High Commissioner for Human Rights, and the Office of the UN Resident Coordinator in Kazakhstan.

The roundtable was attended by representatives from international organizations, government agencies, civil society, and academia. During the discussion, participants addressed UPR recommendations focused on strengthening the national human rights institution in accordance with the Paris Principles, effectively preventing and investigating torture and other forms of cruel treatment and punishment, ensuring the independence of judges and lawyers, and upholding the right to an adequate environment.

Participants exchanged views and suggestions, along with critical comments aimed at improving current processes and actions related to implementing the UPR recommendations from the 2019 review.

It should be noted that out of 245 recommendations made by member states of the UN Human Rights Council, the Government of Kazakhstan has supported and is implementing 214 of these recommendations, including those related to the Ombudsman Institute.

August 8, 2024

The Head of the NCHR held an online meeting with Pip Dargan, Chief Advisor of the Asia-Pacific Forum Secretariat. The meeting included representatives from UNDP in Kazakhstan, the UNDP regional office in Istanbul, and staff from the Center's International Cooperation and Migrants' Rights Protection Division.



During the meeting, the Head of the Center emphasized the importance of maintaining close cooperation with the Asia-Pacific Forum and discussed ongoing efforts to build capacity, considering the recommendations provided by APF experts. He highlighted the need for continued improvement in activities aimed at promoting the protection and restoration of violated human rights and freedoms in Kazakhstan.

In turn, the Chief Advisor of the APF Secretariat recognized the positive trends in human rights protection in Kazakhstan and offered to provide expert support to the Office of the Ombudsman in the development of the Strategy for the Protection and Promotion of Human and Civil Rights, which is being developed collaboratively with UNDP.

Additionally, representatives from the APF and UNDP expressed their willingness to expand cooperation in strengthening the rule of law through expert support.

December 11-12, 2024

The Ombudsman, in collaboration with UNDP, organized a two-day training seminar for representatives of the Ombudsman's office. The objective of the training was to enhance the qualifications of regional representatives, facilitate the sharing of experiences among international and national experts, and address a broad range of issues related to human rights.



Experts provided practical knowledge on engaging with international human rights standards and documents ratified by the Republic of Kazakhstan. They discussed the role of National Preventive Mechanisms in monitoring closed state institutions for instances of torture and ill-treatment, as well as the potential use of artificial intelligence in the field of human rights.

December 20, 2024



The Head of the NCHR participated in a UNDP meeting with key partners. During the meeting, the structure of the new 5-year UNDP country program for 2026-2030 was presented. Discussions centered on improving the quality of life, enhancing the environment, and promoting economic growth with a focus on equity and inclusion.

The partnership with UNDP aims to strengthen Kazakhstan's sustainable development and foster international cooperation. The Institute of the Ombudsman and UNDP have already implemented several successful projects designed to uphold and respect human rights.

9. CONSULTATIVE AND ADVISORY BODIES UNDER THE OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN, AS WELL AS PARTICIPATION IN OTHER CONSULTATIVE AND ADVISORY BODIES



Key data for 2024



In accordance with Article 11 of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan,» an Expert Council with advisory and analytical functions, as well as a Coordination Council, have been established under the Ombudsman to ensure effective coordination of the activities of NPM participants.

These two councils actively operate under the Ombudsman, enabling broader coverage and a comprehensive approach to addressing human rights issues.

The primary objective of the **Expert Council** is to assist in ensuring that human rights guaranteed by the Constitution are observed and respected. The council comprises well-known public figures, human rights defenders, lawyers, opinion leaders, academics, researchers, and other engaged citizens.

The Expert Council conducts its activities through general or sectional meetings.

The **Coordination Council**

works in collaboration with the Subcommittee on Prevention of Torture, selects NPM participants, forms regional groups, and appoints their leaders. It also determines the plan for visits, accepts reports on those visits, prepares a consolidated NPM report, and otherwise supports the implementation of the Ombudsman's mandate within the framework of the NPM.

Sessions of the Expert Council



On April 12, 2024, the Expert Council meeting approved the work plan for 2024, which includes 23 activities. This plan is organized into three blocks: initiatives aimed at realizing the main directions of the Ombudsman's activities; advisory, analytical, and research activities; and the organization of scientific and practical conferences, along

with other related events.

Additionally, during the meeting, members of the Expert Council provided further proposals and recommendations regarding the implementation of the work plan.

On August 14, 2024, under the chairmanship of the Acting Head of the Center, another meeting of the Expert Council was held. During this meeting, methodological manuals on compliance with international standards in human rights activities, the drafting of reports by NPM participants, and the consideration of appeals were discussed.



The experts deliberated on tools to enhance the capacity of NPM participants when visiting correctional and medical-social institutions. They provided recommendations regarding the structure of the manuals and algorithms for actions to be taken when addressing appeals.

The members of the Expert Council proposed that the methodological manuals include generalized information about the decisions of UN treaty bodies concerning individual complaints against the Republic of Kazakhstan, highlighting the main conclusions.

Moreover, the members expressed their views on the involvement of the Ombudsman in the preparation of conclusions related to petitions concerning human rights and freedoms. At the conclusion of the meeting, participants expressed their readiness for further cooperation and emphasized the continued importance of compiling methodological manuals in accordance with international standards.



On November 13, 2024, at another meeting of the Expert Council, interim results of a study on the medical care of individuals detained in closed institutions within the social sphere and criminal justice were discussed. This study involved a

review of international documents, analysis of normative legal acts, the formation of checklists, an analysis of expert responses, and a large-scale questionnaire survey. The data collected were subsequently analyzed, modeled, and used to formulate recommendations.

On November 22, 2024, at the meeting of the Expert Council, interim results of an additional study on the conditions of women's detention in penal institutions - including women with children born in these facilities - and the prevention of sexual and gender-based violence against women in isolation were presented.



To assess the situation, a methodology was employed that included analyzing official data provided by the Prosecutor General's Office of the RoK and the Committee for Criminal Executive System. A key element of the study was the conduct of surveys among convicted women, which allowed for a more detailed examination of their detention conditions, both with and without children. This data helped identify the specific legal status of women in detention facilities, providing a more comprehensive understanding of the current state of the criminal justice system concerning women. Specific proposals were developed based on the findings of the study.



On November 27, 2024, during the meeting of the Expert Council, the interim results of a study on the review of international experience, analysis of national legislation, and law enforcement practices in combating discrimination were discussed.

The study encompasses a broad spectrum of issues, including a comparative analysis of national legislation against international standards

and UN recommendations. Special attention is focused on anti-discrimination legislation in various sectors, as well as on examining law enforcement practices, judicial decisions, and mechanisms for accessing justice. Additionally, the study considers the experiences of foreign countries to explore the potential adaptation of best practices in Kazakhstan.

On December 5, 2024, during the meeting of the Expert Council, the interim results of a study on the review



of international and foreign experience, coupled with an analysis of national legislation and law enforcement practices regarding the prevention of torture and other cruel, inhuman, or degrading treatment or punishment, were discussed. The study also aimed at developing practical recommendations based on the findings.

Sessions of the Coordination Council

On February 9, 2024, the Commission on the Election of Coordination Council Members convened due to the expiration of the term of office for 16 out of the 25 Council members in January 2024. Following the voting process, 37 members joined the Council (including 9 from the previous membership and 28 new members).

On February 15, 2024, the first meeting of the newly reconstituted Coordination Council was held, during which the Ombudsman congratulated the elected and re-elected members. The meeting addressed plans for preventive visits in 2024, discussed the development of the plan to prepare the Consolidated Report on the results of preventive visits conducted in 2023, and elected participants from the NPMs of Atyrau, Kostanay, Turkestan and Ulytau regions.



On February 28, 2024, at a subsequent meeting of the Coordination Council, the Plan for Preventive Visits in Kostanay region for 2024 was approved, while similar plans for other regions were adjusted. Heads of the NPM participant groups in Kostanay and Turkestan regions were appointed. K. Rakhimberdin, a member of the Council, presented the draft Action Plan for preparing the Consolidated Report on the results of preventive visits for 2023.

The Ombudsman also announced a gradual transition of NPM activities to a digital model, which will be piloted in Astana and Akmola region. The digitalization of NPM participants' work will enhance the capacity for detailing and systematizing information related to past and upcoming visits.

On June 11, 2024, the Coordination Council convened to summarize the results of the pilot project in Astana and Akmola region regarding the transition to a digital model of NPM participants' activities using the information system. It was decided to implement a phased complete transition to an electronic reporting format by July 1,



2024. The meeting also addressed organizational issues, including the preparation of the Consolidated Report of NPM participants on the results of preventive visits conducted in 2023.



On September 12, 2024, the Coordination Council discussed the draft Methodological Guide «Algorithm of Actions (Checklist) for Reporting by NPM Participants,» which was developed by UNDP. The agenda also included the upcoming expiration of the two-year terms of office for 146 NPM participants and the preparation of the Consolidated Report based on the

results of preventive visits for 2023.

On November 8, 2024, the Coordination Council held a meeting where the annual Consolidated Report of NPM participants on the results of preventive visits for 2023 was presented. The presentation focused on the outcomes of the NPM for 2023, including monitoring results from 474 institutions of concern, statistics on visits, recommendations, and their implementation. Notable instances of successful resolutions to systemic problems, such as the closure of facilities that do not meet established standards and the collaborative efforts of Ombudsman representatives and NPM participants in documenting incidents of torture, were highlighted. Furthermore, plans to advance the digitalization of reporting, enhance the protection of convicts' rights through complaint terminals, transfer video recordings to independent bodies, and improve the compensation system for victims of torture were discussed. The importance of collaboration with international partners and the continued enhancement of standards for preventive activities was emphasized.

On December 19, 2024, the agenda addressed the selection of NPM participants for the years 2025-2026. According to the Rules for the Selection of NPM participants, the two-year term of office for current participants will expire in 2024, necessitating the selection of new members by the Coordination Council.



As a result of the meeting of the Coordination Council, 105 NPM participants were selected. In the newly elected composition, 38% are new participants, while 62% are from the previous

composition. Leaders for the regional groups were appointed from among the newly selected NPM participants.

Participation of the Ombudsman and the head of his office in other advisory and consultative bodies

February 16, 2024



Rogov, head of the **Commission on Human Rights under the President of the Republic of Kazakhstan.**

The event was attended by notable figures such as General Prosecutor Berik Assylov, Minister of Labor and Social Protection Svetlana Zhakupova, Minister of Justice Azamat Yeskarayev, First Deputy Minister of Internal Affairs Marat Kozhayev, President of the Civil Alliance Banu Nurgaziyeva, and representatives from human rights organizations.

During the discussion, the Ombudsman highlighted the reforms undertaken by the Institute of the Ombudsman, focusing on domestic human rights tools and emphasizing the role of the NPM.

June 7, 2024



The Ombudsman participated in a discussion regarding the implementation of the recommendations from the Universal Periodic Review and the activities of the Ministry of Internal Affairs aimed at ensuring the constitutional rights of individuals under investigation and arrest, as well as convicts and the conditions of their detention in penitentiary institutions. The meeting was held at the Central Communications Service and chaired by I.



The Head of the Ombudsman's Office took part in a regular meeting of the **Human Rights Commission under the President of the Republic of Kazakhstan**, chaired by I. Rogov. During this meeting, participants discussed citizens' rights to higher education and the protection of consumer rights. Head of the Ombudsman's Office addressed the issue of access to higher education for young people serving sentences in penitentiary institutions, urging the relevant ministries to prioritize the realization of the right to higher

education for those incarcerated. The Ministry of Internal Affairs, in collaboration with interested state bodies, is actively working to facilitate opportunities for convicts to pursue higher education while in isolation from society.

June 27, 2024



The Ombudsman also participated in the meeting of the **Commission on Pardons under the President of the Republic of Kazakhstan**. During the reporting period, the Commission received 63 motions from convicts; 27 motions were considered, resulting in 4 individuals being pardoned, one of which was initiated by the

Ombudsman.

September 27, 2024

The Ombudsman attended a **meeting of the Commission on Human Rights under the President of the Republic of Kazakhstan**, during which two key issues were discussed: the health protection of citizens and the assurance of their constitutional rights, particularly in relation to access to qualified medical care, as well as the development of the advocacy institute.

Special emphasis was placed on improving the accessibility of medical services and the legal protection of patients.

November 29, 2024

The Ombudsman participated in the regular meeting of the **Commission on Human Rights**, chaired by I. Rogov. The agenda included discussions on two primary topics: the activities of the Ministry of Defense of the Republic of Kazakhstan in ensuring the rights and freedoms of servicemen and the Commission's activities in recognition of World Human Rights Day, as well as the draft work plan for the Commission for 2025.

Regional expert councils

The activities of the Ombudsman's representatives are centered around close collaboration with civil society.

A key role in consolidating NGOs is played by the expert councils affiliated with the Ombudsman's representatives. These councils are comprised of civil society activists, human rights defenders, NGO representatives, academics, lawyers, and other specialists in the field of human rights protection.

The composition of the expert councils was selected based on members' life and professional experiences, gender considerations, areas of activity, public engagement, and their specific support for the activities of the Ombudsman institution within their respective regions.

For example, the Expert Council under the Ombudsman representative for various regions includes the following members:

- **Pavlodar region:** The chairman of the Territorial Association of Trade Unions «Trade Union Center of Pavlodar Region,» the head of the conciliation center «Tatulasu Ortalygy,» and a veteran of the judicial system of Pavlodar region.

- **Aktobe region:** The head of the NGO «Agrarian Union of Women of Aktobe Region,» the chairman of the regional organization of veterans in education, the head of NGO «Kogam Tiregi,» a member of the public council, and the deputy director of the psychological help center «JAN AHUAL.»

- **Almaty city:** The director of the branch of «National Alliance of Professional Social Workers of the Republic of Kazakhstan» and the head of the NPM for Almaty city.

- **Mangistau region:** The chairman of the NGO «Mediators of Mangystau,» the chairman of the NGO «Meyirim,» and the head of the branch of the NGO «Adilet zhane Orkendeu.»

Almost all expert councils include representatives from regional alliances of the Civic Alliance of Kazakhstan, as well as lawyers and human rights activists.

In 2024, the work plans of the regional expert councils outlined **80 activities**, all of which were successfully realized.

At the meetings of the expert councils, issues related to the protection of the rights of vulnerable groups - such as children and women, as well as those in closed institutions and organizations - were discussed. Special attention was given to the rights of individuals placed in reception centers for the homeless, citizens without social status, and those without health insurance. Topics related to access to free medications and various pressing issues affecting different regions were also discussed.

Such discussions play a crucial role in formulating recommendations and proposals aimed at enhancing social security and legal protection for all categories of citizens.

Additionally, together with the members of the Expert Council, personal meetings for citizens were held, along with legal education efforts and visits to



institutions and organizations. For instance, on June 6, 2024, the representative for **Aktobe region**, along with members of the Expert Council, held a meeting with active women in Temir district, including Shukurova E. Zh., the head of the NGO «Agrarian Union of Women of Aktobe Region.» During this meeting, they discussed measures to support entrepreneurial initiatives for rural residents, particularly women.

Alongside Council members, two live broadcasts were conducted via the Instagram social network, during which questions from local residents were addressed. The broadcasts also highlighted the goals and objectives of the Council's work, as well as the significance of the meetings held to tackle pressing issues in the realm of human rights protection.

To collect empirical data essential for identifying problems and developing recommendations for the prevention of torture and other forms of cruel, inhuman, or degrading treatment or punishment, the representative for **Kyzylorda region** actively utilized the resources and potential of the Council members during the survey.

Similarly, members of the Expert Council, together with the representative of the Ombudsman in **Aktobe region**, participated in a survey as part of the research titled «Legal Status of Graduates of Orphanages, Boarding Schools for Orphans, and Children Left Without Parental Care.»

On August 20, 2024, the NGO «Kadyr Kasiet,» in collaboration with the **representative for Shymkent**, organized a live marathon themed «Rights and Constitutional Guarantees of Children.» The event featured speakers from the Expert Council focused on the protection of children's rights, with participation from law enforcement agencies, government bodies, non-governmental organizations, lawyers, and parents of children with special needs.



The goal of the event was to promote international standards and raise awareness about the observance of children's rights. As a result of the marathon, numerous proposals and solutions were generated, and participants expressed their willingness to contribute to the protection of children's rights.

The representative from West Kazakhstan region, along with members of the Expert Council, analyzed the current challenges faced by individuals with disabilities. As part of this effort, meetings were conducted with representatives of the disabled community to discuss issues related to the accessibility of city infrastructure and public transportation, as well as employment concerns. These topics were further addressed in discussions with representatives



of the Akimat.

During the final meeting of the regional expert councils, the work plans for 2025 were considered and approved.

The plans include the development of analytical materials, monitoring the human rights situation, conducting joint activities aimed at improving the human rights landscape, enhancing transparency and accountability, and developing mechanisms to protect the rights of citizens at the regional level.

Participation of Regional Representatives in Consultative & Advisory and Supervisory Bodies

During the reporting period, representatives participated in **308 meetings** of consultative & advisory and supervisory bodies (*see Figure 55*).

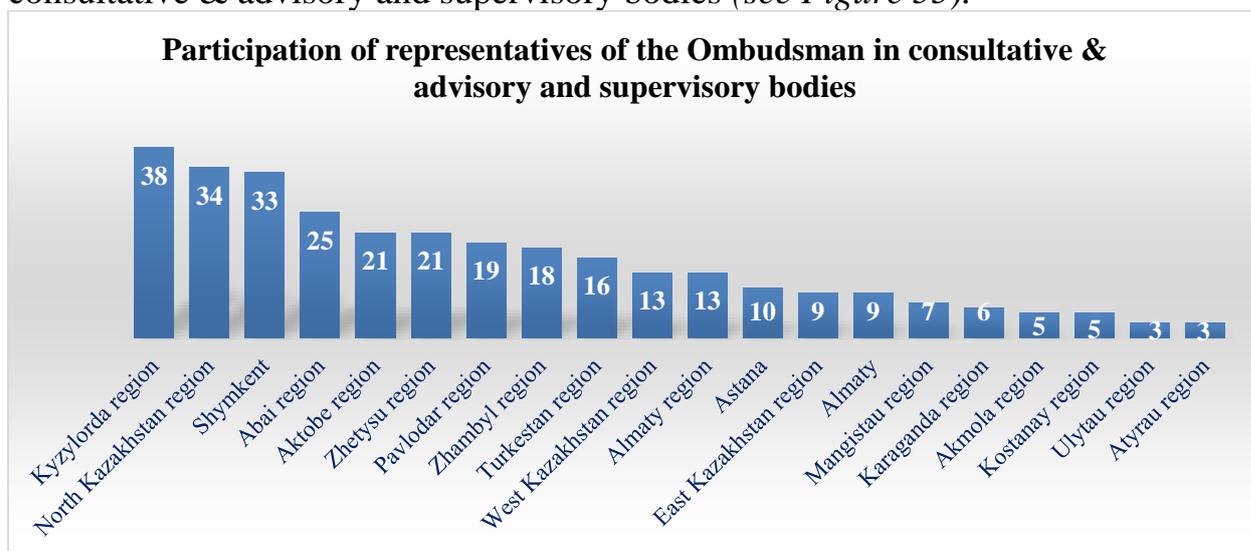


Figure 55

На заседаниях представителями УПЧ внесено **137** предложений, **103** из которых поддержаны. (*Рис.56*)

At the meetings, 137 proposals were made by representatives of the Ombudsman, 103 of which were supported (*See Figure 56*).

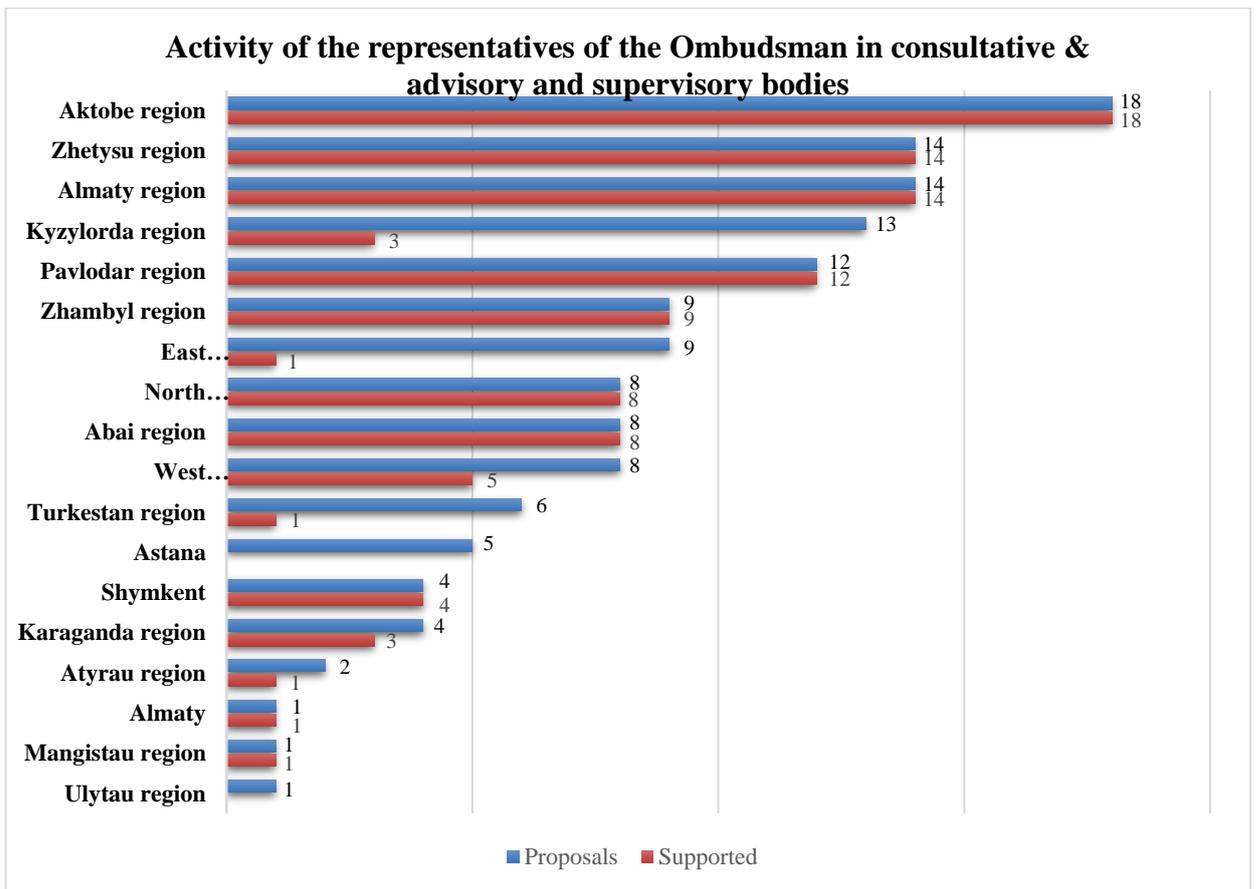


Figure 56



For example, the proposal made by the **representative of the Abai region** to establish a single call center for persons with disabilities received support. Additionally, at the suggestion of the representative of the Commission on Juvenile Affairs and Protection of Their Rights, the Regional Methodological Center for Psychological Support developed psychological tests and

conducted a questionnaire survey among students at the specialized school-lyceum «Zhas Ulan» regarding incidents of bullying, harassment, or extortion.

In Zhetysu region, the representative's proposal to provide dental services to individuals with disabilities in groups 1 and 2 who are held in closed institutions was unanimously supported. This initiative aims to improve access to medical care for persons with disabilities, particularly those in closed institutions, as they often face limited access to medical facilities and may struggle to manage their own health.





In **Zhambyl region**, following the suggestion of a representative from the Ombudsman, psycho-correctional work has been organized to modify the behavior and legal consciousness of aggressors. Furthermore, a proposal was made to install MRI machines in district polyclinics.

The representative for **East Kazakhstan region** proposed ensuring the validity of visas for Kandas and confirming their labor experience from the country of departure. Additionally, during a meeting of the Coordination Council on Ensuring the Rule of Law, the representative initiated a request for the Health Department to review the number of isolation wards equipped with collapsible security devices in hospitals providing inpatient care. The representative also proposed introducing night shifts for medical workers in penitentiary institutions and implementing online consultations (telemedicine).

Following the instructions of the Ombudsman, training seminars have been organized for doctors assigned to penitentiary institutions regarding the fundamental provisions and requirements of the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment). On November 8, 2024, the prosecutor's office sent a memo to the provincial akim regarding the state of legality in ensuring the rights of convicts and detainees to access healthcare.



At the meeting of the Commission on Juvenile Affairs, the representative from **West Kazakhstan region** proposed monitoring summer camps to ensure the safety of children, as well as the adequacy of utilities and living conditions. In response, members of the Commission conducted an inspection visit to assess the situation.

The proposals put forth by the representative for **Aktobe region** were implemented, particularly concerning the discussion of the sanitary and epidemiological situation in the region following the floods. As a result, a recommendation was made to provide water supply entities in Aitekebiy, Kargali, Martuk, Mugalzhar, Temir, Khromtau, and Shalkar districts with vehicles for delivering drinking water, funded by the local budget. Furthermore, a round table was held involving the Public Foundation «DARIS-2016» and the branch of the «Kazakhstan International Bureau for Human Rights and Rule of Law» to address the documentation issues faced by stateless persons. The representative also successfully resolved the issue of halting

public transport near Medical and Social Institution Center for Social Services No. 1, as well as securing the attachment of children from boarding schools and specialized organizations to primary medical and sanitary care institutions (polyclinics). During the meeting of the Inter-agency Commission on the Prevention of Offenses, the representative raised concerns regarding the accountability of school psychologists, leading to the organization of 10 workshops for teacher-psychologists in the region.

At the suggestion of the representative for **Karaganda region**, a round table titled «School Mediation and Prevention of Crime Among Young People» was held on October 15, 2024, during the meeting of the Commission on Juvenile Affairs and Protection of Their Rights. This event focused on the introduction of school mediation as a tool for conflict



resolution among students and the prevention of delinquency among youth. Participants of the round table considered ways to enhance the effectiveness of crime prevention among adolescents and discussed the roles of educational institutions and law enforcement agencies in this process.

The Ombudsman's advisory and consultative bodies play a crucial role in protecting and promoting the rights and freedoms of citizens. These bodies include councils and working groups dedicated to enhancing the effectiveness of human rights functions, monitoring the human rights situation, and preparing recommendations for state authorities.

The activities of these bodies are grounded in the principles of consensus, scientific validity, and inclusiveness, allowing for the consideration of diverse interests and viewpoints from various social groups in Kazakhstan.

Overall, the Ombudsman and its representatives actively engage in numerous consultative and advisory bodies, where issues related to human rights protection, the improvement of human rights practices, and the enhancement of legal awareness are discussed.

10. RESEARCH ACTIVITY



"Discovery is simply seeing what everyone else has seen - but thinking what no-one else has thought."

Albert Szent-Györgyi

Key data for 2024



Special report of the Human Rights Commissioner in the Republic of Kazakhstan «On Combating Domestic Violence»



Study on «Provision of conditions for serving women's sentences and prevention of sexual and gender-based violence in isolation centers»



Study on «Issues of medical care for persons detained in closed institutions of the social sphere and penal system»



Study on «Review of international experience and analysis of law enforcement practice in the prevention of torture and ill-treatment»



Study on «Review of international experience and analysis of national legislation on countering discrimination»



Study on «Legal status of graduates of orphanages and boarding schools for orphans and children left without parental care»



Study on «The problem of labor discrimination and ways of solving it»



Sociological research on «Determination of the level of legal education of the population of Kazakhstan»



Educational publication on «National human rights institutions of foreign countries and the Republic of Kazakhstan»

In accordance with paragraph 2 of Article 10 of the Constitutional Law of the Republic of Kazakhstan «On the Commissioner for Human Rights in the Republic of Kazakhstan,» the Ombudsman is responsible for organizing scientific and applied research.

In his address to the people of Kazakhstan, Head of State K. Tokayev emphasized that «deep socio-economic transformations and comprehensive measures in the field of human rights protection are primarily aimed at building a just society, which serves as the foundation for the comprehensive progress of our country.»³¹

Based on these strategic directives, it is important to note that «modern science acknowledges the changes occurring within society. A significant development in this regard is the recent transformation of society into an information society.»³²

In this context, the research activities of the Ombudsman are particularly relevant for further ensuring the rule of law in the realization of citizens' rights, as well as addressing societal demands that arise due to new elections, referendums, programmatic and strategic documents, and the

establishment of new institutions for the protection of human and civil rights.

In 2024, with the assistance of UNDP in Kazakhstan, the Office of the Ombudsman undertook efforts to study human rights issues, focusing specifically on:

³¹ Message of the Head of State K.-J. Tokayev to the people of Kazakhstan "Fair Kazakhstan: law and order, economic growth, social optimism" from 02.09.2024. // <https://akorda.kz/ru/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana-spravedlivyy-kazahstan-zakon-i-poryadok-ekonomicheskij-rost-obshchestvennyy-optimizm-285014> (22.12.24).

³² Decree of the Government of the Republic of Kazakhstan dated March 28, 2023 № 248 "On approval of the Concept of development of higher education and science in the Republic of Kazakhstan for 2023 - 2029" // <https://adilet.zan.kz/rus/docs/P2300000248#z172> (25.12.24).

1. «Ensuring Conditions for Serving Sentences for Women and Preventing Sexual and Gender-Based Violence in Isolation Facilities»

The purpose of this study is to assess the conditions for women serving sentences, including those with children born in closed institutions, and to develop recommendations for preventing sexual and gender-based violence against women in isolation. The aim is to improve their conditions of detention and safety.

During the course of the study:

1) National and international legislation related to ensuring suitable conditions for women serving sentences, including those with children, and preventing sexual and gender-based violence was analyzed.

2) Surveys were conducted among women in isolation, their relatives, and staff members to explore the conditions of detention and strategies for preventing violence.

3) Conditions for women in closed institutions were examined, including medical care, security, arrangements for children, and access to education and employment opportunities.

4) Cases of sexual and gender-based violence in detention facilities, including interventions by staff, were analyzed, and opportunities for enhancing the protection system were identified.

5) Recommendations were developed to improve the conditions of detention for women, including those with children, and to prevent violence, as well as suggested changes to legislation based on international experience.

2. «Issues of Medical Provision for Persons Detained in Closed Institutions of the Social Sphere and Penal System»

The purpose of this study is to assess and analyze the state of medical provision for individuals detained in closed institutions within the social sphere and the criminal justice system in Kazakhstan, in line with international standards. The study focuses on identifying existing problems and developing proposals to improve the legislation and practices surrounding medical care in these institutions.

Within the framework of the study:

1) Access to medical services for inmates, including diagnosis, treatment, and disease prevention, was evaluated, highlighting problems in the organization of medical care such as shortages of equipment, medications, and personnel.

2) The condition and quantity of medical facilities and equipment were analyzed to identify needs for new facilities or the modernization of existing ones, in accordance with international standards.

3) The quantity and quality of medical personnel in closed facilities were assessed, addressing issues related to specialist shortages, working conditions, and measures to ensure the safety and social protection of medical workers.

4) The condition of transport vehicles used for escorting convicts was examined, including their equipping with medical devices and compliance with sanitary norms, as well as the transportation conditions for people with disabilities, women, and children.

5) The organization of medical care in pre-trial detention facilities, reception centers, and temporary detention facilities was analyzed, identifying problems in the provision of primary care and the organization of hospitalization.

6) The availability of medical facilities, personnel, and equipment in social care institutions was assessed, along with the effectiveness of oversight for compliance with sanitary and epidemiological norms.

7) The introduction of digital technologies into the medical care system for inmates and their impact on the quality of medical care were analyzed.

8) A comparative analysis of international practices in the provision of medical care in closed institutions was conducted, identifying potential applications of these practices in Kazakhstan.

9) Recommendations were developed to enhance medical care for individuals detained in closed institutions within the social sphere and penal system.

3. «Review of International Experience and Analysis of Law Enforcement Practice on the Prevention of Torture and Ill-Treatment»

The purpose of this study is to provide a systematic approach to the development of legislative and organizational measures that strengthen the protection of human rights in the Republic of Kazakhstan. It involves an analysis of both the national and international legal frameworks concerning the respect for human rights, as well as protections against torture and cruel, degrading treatment.

Within the framework of the research:

1) The practices surrounding the prevention of torture and other forms of cruel treatment in countries with varying approaches to international agreements were analyzed, and comparisons were made with the national legislation of Kazakhstan.

2) Legal statistics and judicial and investigative practices were analyzed, along with the activities of institutions and organizations, to identify conditions and factors that contribute to the use of torture against detained individuals.

3) Interviews with employees and convicts were developed and conducted to uncover psychological factors that contribute to ill-treatment.

4) A criminological profile of offenders and victims of torture was compiled based on an analysis of criminal cases and interviews.

5) Materials, reports, and recommendations from law enforcement agencies over the last five years regarding torture prevention were examined.

6) Recommendations for improving legislation and law enforcement practices were prepared, including justifications and comparative tables of proposed changes.

4. «Review of International Experience and Analysis of National Legislation on Combating Discrimination»

The purpose of this study is to conduct a comparative analysis of international experiences, national legislation, and law enforcement practices related to combating discrimination in Kazakhstan, with the aim of preparing a draft law on this subject.

During the study, the following activities were undertaken:

1) National legislation on non-discrimination was analyzed in the context of international standards, and foreign experiences were studied for potential adaptation in Kazakhstan.

2) Recommendations for improving human rights protections and compensation for damages were developed, taking into account the assessment of the application of the principle of non-discrimination across various legislative areas.

3) Judicial practices regarding discrimination were examined, including decisions from the Constitutional Court of the Republic of Kazakhstan and the Supreme Court of the Republic of Kazakhstan, alongside an evaluation of the work conducted by the Ombudsman for Human Rights.

4) Proposals for enhancing legislation were formulated.

In addition, in 2024, the Ombudsman's office and its representative offices conducted a series of independent research activities aimed at protecting the rights and interests of various social groups, enhancing legal awareness, and addressing pressing social issues. Notable studies and projects include:

1. Special Report of the Ombudsman in the Republic of Kazakhstan «On Combating Domestic Violence»

In February 2024, the Ombudsman prepared a Special Report dedicated to the issue of domestic violence, which includes:

- An analysis of the criminogenic situation surrounding family and domestic violence, encompassing statistics and trends;
- An assessment of the compliance of national mechanisms for combating violence with international standards;
- Recommendations for enhancing the fight against domestic violence, aimed at improving legislation, raising human rights awareness, and strengthening support for victims.

The Special Report represents a significant step toward enhancing human rights practices and increasing awareness of domestic violence issues.

2. Sociological survey «Determination of the Level of Legal Education of the Population of Kazakhstan»

The NCHR conducted a sociological survey to assess the level of legal education among the population of Kazakhstan. This **survey**, conducted using the online platform «Google Forms,» **included approximately 5,000 respondents.**

The study analyzed demographic data, revealing that women are highly active in human rights issues, indicating their greater involvement in public processes. The sample of respondents encompassed representatives from all regions of Kazakhstan, allowing for a comprehensive understanding of the population's legal knowledge.

During the study, the following findings were obtained:

1) The overall level of legal education among the population was determined;

2) The most significant human rights concerns for citizens were identified;

- 3) The most frequently violated rights were highlighted;
- 4) The interaction of citizens with the Ombudsman and his regional representatives was analyzed;
- 5) Proposals for improving legal education and strengthening human rights protections were developed.

This study is an essential step toward enhancing the legal education of the population in Kazakhstan and helped identify both current challenges and potential pathways for their resolution.

3. Training Publication: «National Human Rights Institutions of Foreign Countries and the Republic of Kazakhstan»

The manual provides detailed information on the structure, competencies, regulatory frameworks, and financing of human rights institutions both in foreign countries and Kazakhstan. The publication aims to familiarize readers with international best practices in legal protection, adapting these experiences for implementation in Kazakhstan. It is designed for students, specialists, scholars, practitioners, and anyone interested in enhancing human rights mechanisms within states.

4. The Problem of Labor Discrimination and Methods to Address It

In 2024, a representative of the Ombudsman in Aktobe region conducted a study addressing labor discrimination issues. An analysis of citizens' appeals revealed that, out of 177 complaints received over 11 months, 22 (12.4%) concerned violations of labor rights. This information served as the basis for organizing a round table to discuss discrimination based on sex, age, and health status.

Proposals discussed included enhancing monitoring of labor rights, fostering the development of an inclusive corporate culture, and amending relevant legislation.

5. Legal Status of Graduates of Orphanages and Boarding Schools for Orphans and Children Left Without Parental Care

A representative of the Ombudsman in Turkestan province conducted research on the legal status of graduates from orphanages and boarding schools lacking parental care. The research project focused on identifying measures to improve the social adaptation of graduates aged 16 to 24. Key problems identified included employment, housing, education, and social support, all of which were deemed critical issues that need to be addressed at the local authorities and educational institution levels. It was also suggested that additional measures be introduced to enhance the legal awareness of this demographic.

Overall, the work of the Institute of the Ombudsman exemplifies a systematic approach to researching and addressing fundamental human rights challenges, which includes legislative initiatives, the development of recommendations, and raising awareness among citizens. This reflects Kazakhstan's aspiration to build a just society and a sustainable legal system.

11. ON THE WORK OF THE OFFICE OF THE OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN AND ITS REPRESENTATIVE OFFICES



The National Centre for Human Rights serves as the working body of the Ombudsman, providing information and analytical support, organizational assistance, legal guidance, and other forms of support for the Ombudsman's activities.

Since 2024, the full composition of the Ombudsman's representatives has been established, functioning in all regions of the country. This expansion enables the institution to respond effectively to potential violations of citizens' rights.

By Order No. 02-3-03/109 of the Ombudsman, dated September 3, 2024, the new structure of the National Centre for Human Rights and its representative offices was approved.

In accordance with paragraph 24 of the Action Plan in the Field of Human Rights and the Rule of Law, approved by Presidential Decree No. 409 on December 8, 2023, a sector dedicated to the prevention of all forms of discrimination and the improvement of legislation has been established within the Legal and Organizational and Analytical Work Department.

The Institute of the Ombudsman is systematically working toward obtaining «A» accreditation status in the Global Alliance of National Human Rights Institutions.

For the first time, a draft Strategic Plan for the Development of the Institute of the Ombudsman for 2025-2027 has been developed. This plan includes measures aimed at enhancing legal protection, promoting international human rights standards, ensuring equality and inclusiveness, preventing discrimination, and fostering a culture of human rights through education and outreach efforts in Kazakhstan.

The main directions of the Strategic Plan are as follows:

1. Improvement of Legal Protection: Development and implementation of new mechanisms to protect citizens' rights, strengthening monitoring of rights observance, and ensuring access to justice.

2. Promotion of International Human Rights Standards: Adapting national legislation to meet international requirements and standards, while promoting Kazakhstan's integration into international human rights structures.

3. Ensuring Equality, Inclusiveness, and Anti-Discrimination: Implementing measures to prevent discrimination based on gender, race, nationality, disability, and other factors, as well as developing inclusive practices.

4. Developing a Culture of Human Rights Through Education and Awareness-Raising: Organizing educational and informational campaigns to raise citizens' awareness of their rights, the role of human rights in society, and the importance of upholding these rights.

Headcount and Structure of the NCHR

The staff count of the National Centre for Human Rights consists of **105** individuals, with **61** working at the Center and **44** serving in the representative offices across regions and cities of republican significance, including the capital (20 representatives and 24 chief specialists of the representative offices).

The updated structure of the NCHR encompasses 5 departments (*see Figure 57*).



Figure 57

Document Flow of the NCHR

With the establishment of 20 fully operational representative offices, the volume of document turnover has significantly increased. In 2024, a total of **9,768** incoming documents and **15,922** outgoing documents were registered (compared to

2023, which saw 9,194 incoming documents and 12,829 outgoing documents) (see Figure 58).



Figure 58

Professional Development of NCHR Staff

In 2024, the appointment of new specialists created a need to familiarize staff with the activities of the NCHR, as well as national and international systems of human rights protection.

Representatives of the Ombudsman participated in several training seminars:

August 5-6, 2024: A two-day course on «Effective Communication between State Institutions and Media,» organized by the Ministry of Culture and Information of the Republic of Kazakhstan in Astana.

September 26, 2024: A seminar on «Problems of Detection and Investigation of Hidden Crimes Related to Gender Violence and Sexual Exploitation,» organized by the Academy of Law Enforcement Agencies under the Prosecutor General’s Office of the Republic of Kazakhstan.

November 4-22, 2024: Special retraining courses for civil servants of the «A» corps at the Academy of Public Administration under the President of the Republic of Kazakhstan in Astana.

December 5, 2024: A seminar on «Fundamentals of Gender Equality,» organized by the Ministry of Culture and Information of the Republic of Kazakhstan in Astana.

December 11-12, 2024: A seminar titled «Improving the Effectiveness of the Activities of Representatives of the Ombudsman in the Republic of Kazakhstan» was conducted specifically for Ombudsman representatives.



The purpose of the seminar was to enhance the qualifications and effectiveness of the representatives of the Ombudsman.

During the event, key issues related to the protection of human rights, social policy, and human rights activities in the Republic of Kazakhstan were discussed. The main topics included:

- 1) **Application of Civil Procedural Legislation:** The seminar explored the interaction between civil legislation and human rights initiatives aimed at improving human rights practices through the lens of the Ombudsman's mandate.
- 2) **Social Code as a Tool for Enhancing State Social Policy:** Participants discussed ways to enhance the social protection of the population and increase the effectiveness of social legislation.
- 3) **International Standards of Human Rights Activities:** Attention was directed toward the international standards governing human rights protection and the mechanisms for integrating these standards into national legislation.
- 4) **Human Rights and Worldview:** The seminar examined the influence of worldview aspects on the perception and protection of human rights, including the role of awareness in facilitating the success of the Ombudsman institution's activities.
- 5) **New Approaches in the Consideration of Complaints and Appeals:** Current methods and practices for addressing complaints from citizens and organizations received by the Ombudsman were analyzed.
- 6) **Constitutional and Legal Aspects of Human and Civil Rights Protection:** The seminar considered strategies for improving human rights practices within the framework of Kazakhstan's constitutional norms.
- 7) **Modern Challenges of Artificial Intelligence Implementation:** Discussions focused on the legal and ethical challenges associated with the development and application of AI technologies in the context of human rights and freedoms.
- 8) **The Right to Health Care:** The protection of citizens' rights to medical care and access to quality medical services was addressed.
- 9) **Legislative and Practical Aspects of Countering Torture and Ill-Treatment:** Measures to combat torture and ill-treatment in both legal and practical contexts were discussed.



10) **Application of the Code of Administrative Procedure:** The seminar analyzed the application of administrative procedures concerning the protection of citizens' rights and the enhancement of human rights mechanisms.

In 2024, the NCHR has undergone significant changes that have impacted all aspects of its work. These changes encompass a wide range of areas, including the handling of citizen complaints, legislative improvements, legal education, and the organization's presence in the media. A key factor contributing to these advancements has been the enhancement of staff quality and the introduction of new structural elements within the central apparatus.

In light of the evolving political, social, and economic context, the NCHR is committed to transforming these challenges into new opportunities to enhance the human rights situation in Kazakhstan.

12. RIGHTS AND FREEDOMS ACCORDING TO PUBLIC PERCEPTION



Sociological research

Key data for 2024

Sociological research
«Assessment of the level of legal
education of the population of
Kazakhstan»



4 965

Respondents



64,3%

Urban population



35,7%

Rural population



Level of legal education

21%

High

64%

Medium

9%

Low



«We must build a society based on law and order, knowledge, and pragmatism. The key to the success of the nation lies in the culture, solidarity, and creativity of its citizens.»

(K. Tokayev, Message to the People of Kazakhstan «Fair Kazakhstan: Law and Order, Economic Growth, Social Optimism,» dated September 2, 2024.)

The Constitution of the Republic of Kazakhstan asserts that the highest values are the individual, his or her life, rights, and freedoms. The protection of citizens' rights is undoubtedly a key function of a state governed by the rule of law; a designation Kazakhstan embraces.

In this context, measuring public sentiments regarding rights should address questions concerning the issues that concern citizens, where there is a need to strengthen the law-expository work of state bodies, and which rights and freedoms - social, economic, or political - are prioritized by the population.

One effective method for studying the level of legal knowledge and the violations of human rights is the conduct of sociological research.

To this end, a live survey was carried out among the population to determine their understanding of human rights. Additionally, the Office of the Ombudsman conducted a sociological survey using the Google Forms³³ online platform, which allowed for reaching a wide audience, including residents of rural areas. This research aimed to identify the current level of legal knowledge and the most frequently violated human rights, enabling an assessment of the effectiveness of existing legal education initiatives.



One effective method for studying the level of legal knowledge and the violations of human rights is the conduct of sociological surveys.

³³ Google Forms is survey administration software that is part of Google Docs, Google's web-based suite of Google Docs editors.

A total of **4,965** respondents participated in the survey, of whom **3,941** (79%) were women and **1,024** (21%) were men.

Among the respondents, **1,773** (35.7%) indicated that they lived in townships, villages, or rural districts, while **1,662** (33.5%) resided in cities of district significance or district centers. The remaining **1,530** respondents (approximately 30%) lived in cities of regional or republican significance.

The overwhelming majority of respondents were employed - **4,738** individuals (95.5%).

Assessment of the Human Rights Situation by the Country's Population

The results of the sociological survey revealed that, although the majority of Kazakhstanis possess basic legal knowledge, there is a pressing need for further measures to enhance the population's legal literacy.

Data regarding their level of legal knowledge indicated that **64%** of respondents rated their legal understanding as average, suggesting that they possess some foundational knowledge of legal concepts (*see Figure 59*).

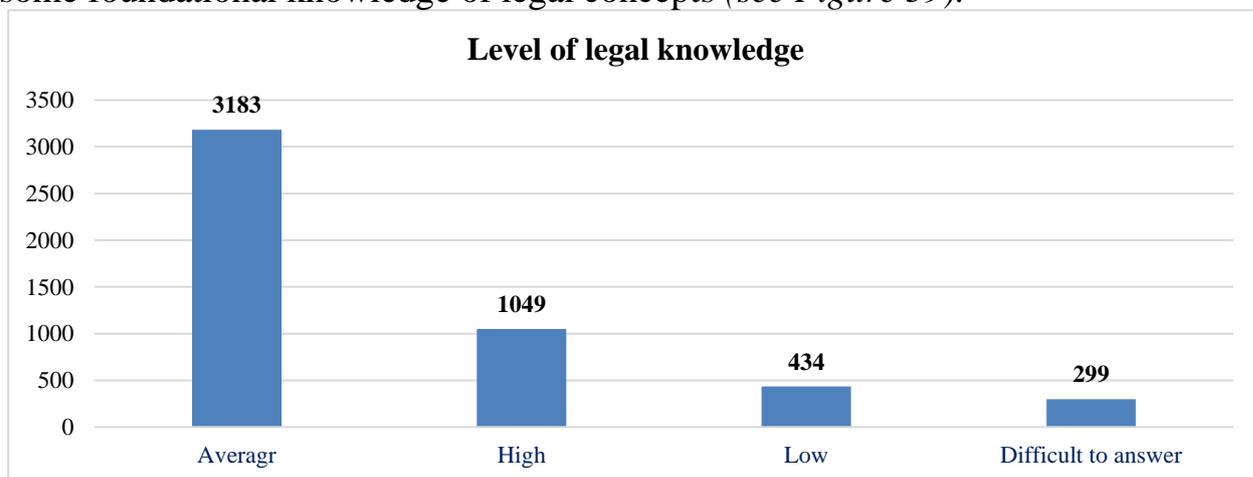


Figure 59

In contrast, only **21%** of respondents demonstrated a high level of legal knowledge. A low level of legal knowledge was reported by just **9%** of respondents, while **6%** found it difficult to answer the question.

It is important to note that **40%** of respondents believed that the situation regarding respect for human rights has changed for the better over the past five years, indicating positive trends in this area (*see Figure 60*).

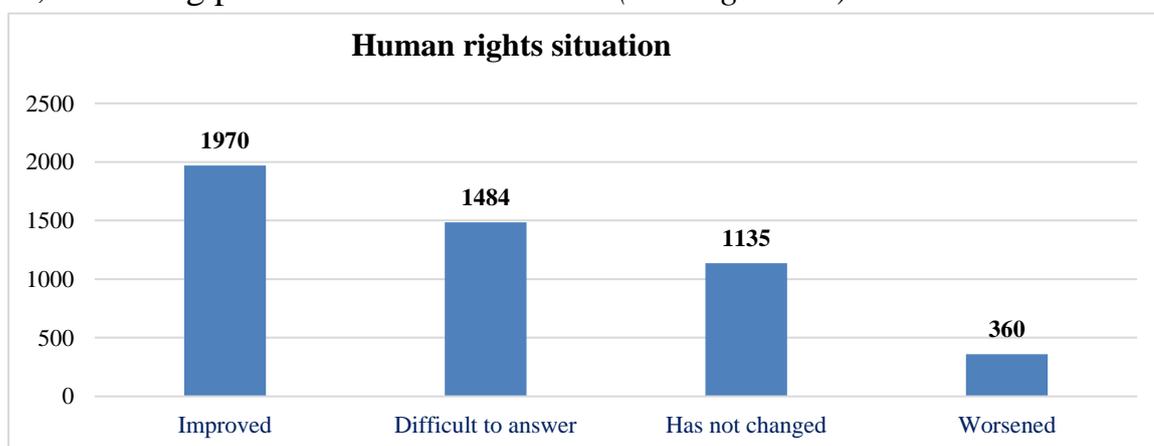


Figure 60

Conversely, **7%** of respondents indicated that the observance of human rights has deteriorated. While the general optimism among respondents is encouraging, the presence of negative assessments necessitates a deeper analysis to identify specific causes and develop targeted measures to address them.

Furthermore, **23%** of respondents who felt that the human rights situation had not changed emphasized the need to continue efforts to improve mechanisms for protecting human rights.

The issue of respect for human rights is intrinsically linked to their protection. In this context, it is noteworthy that there has been an increase in appeals to the Ombudsman in recent years. In 2024, the Ombudsman and his representatives received **6,748** appeals, nearly *double the number* received in 2022 (see Section 1 of this Report for further details).

This increase in appeals can be attributed to the presence of the Ombudsman's representatives in the regions, the introduction of new forms and mechanisms for interacting with citizens, and the broader engagement of the public in the protection of citizens' rights and freedoms.

What Rights Do Kazakhstanis Value Most?

As part of a comprehensive assessment of compliance with citizens' constitutional rights and freedoms, special attention is given to analyzing the ranking of the importance of various rights and freedoms.

Public opinion research has demonstrated that personal and socio-economic rights are the most significant for the majority of Kazakhstanis. The right to privacy, personal, and family secrecy is regarded as the most important right by 3,303 respondents (see Figure 61).

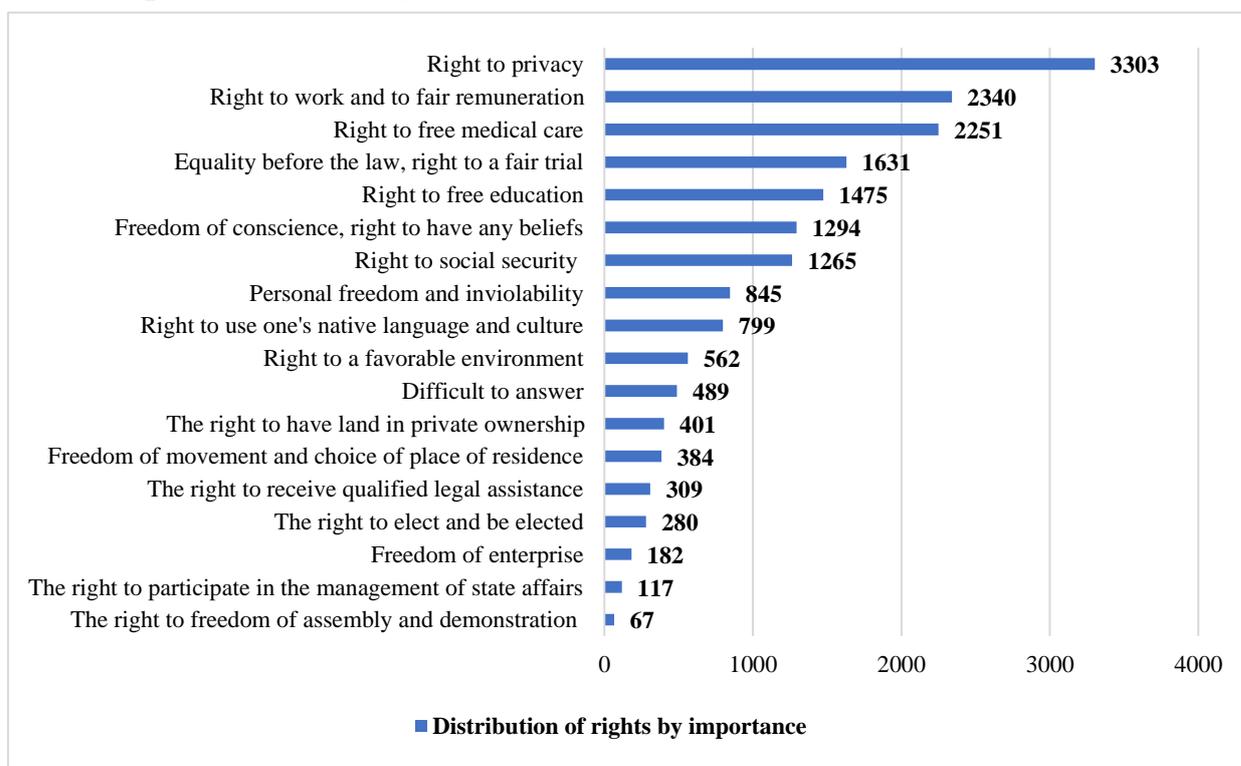


Figure 61

This heightened concern for the right to privacy may be linked to the increasing number of personal data leaks, which have generated considerable public anxiety. Citizens express fears regarding their privacy due to the advancement of digital technologies and the mass collection of personal data. The survey results confirm that this issue is pressing for a significant portion of the population.

Following this, the right to work and receive fair remuneration was identified as the second most important right, with **2,340** respondents highlighting it. This reflects the sentiments of individuals concerned about employment opportunities and fair wages, which are fundamental to well-being and social security.

The traditional right to free, guaranteed education ranked next, with **2,251** respondents recognizing its importance. This right is upheld by the public, as evidenced by the high level of support for it.

Respondents also emphasized the significance of equality before the law and the right to a fair trial, with **1,631** individuals acknowledging these fundamental principles that ensure everyone can live in a safe and just society.

When asked, «Have you faced violations of your constitutional rights?» a substantial proportion of respondents (**4,193**) indicated that they had not encountered such violations, while **772** respondents reported experiencing violations (*see Figure 62*).

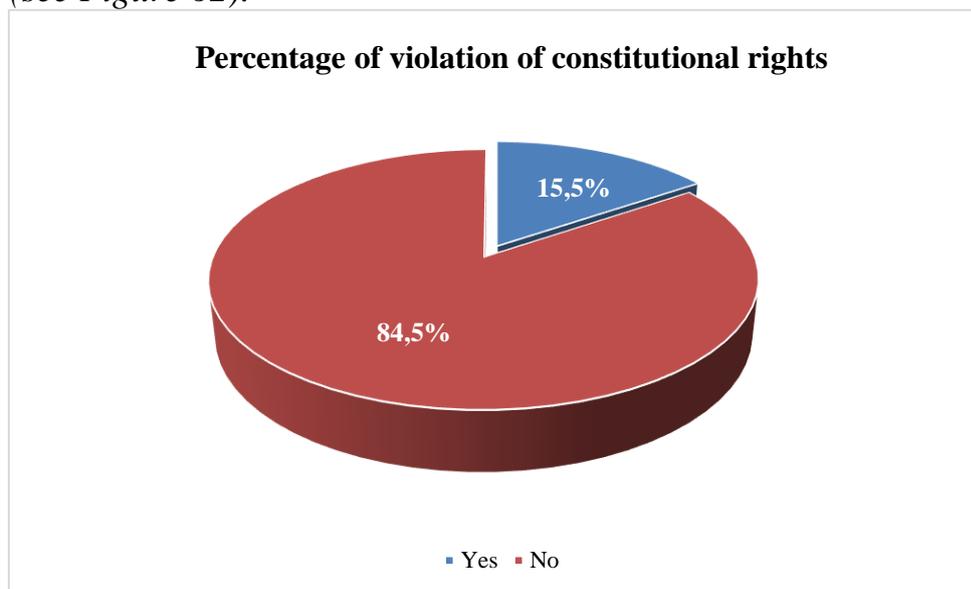


Figure 62

This indicates that, overall, the legal system of the country functions effectively and safeguards the rights of citizens.

Regarding specific rights that have been violated, citizens indicated that the right to labor and fair remuneration was the most frequently infringed upon, with **133 reported violations** (*see Figure 63*).

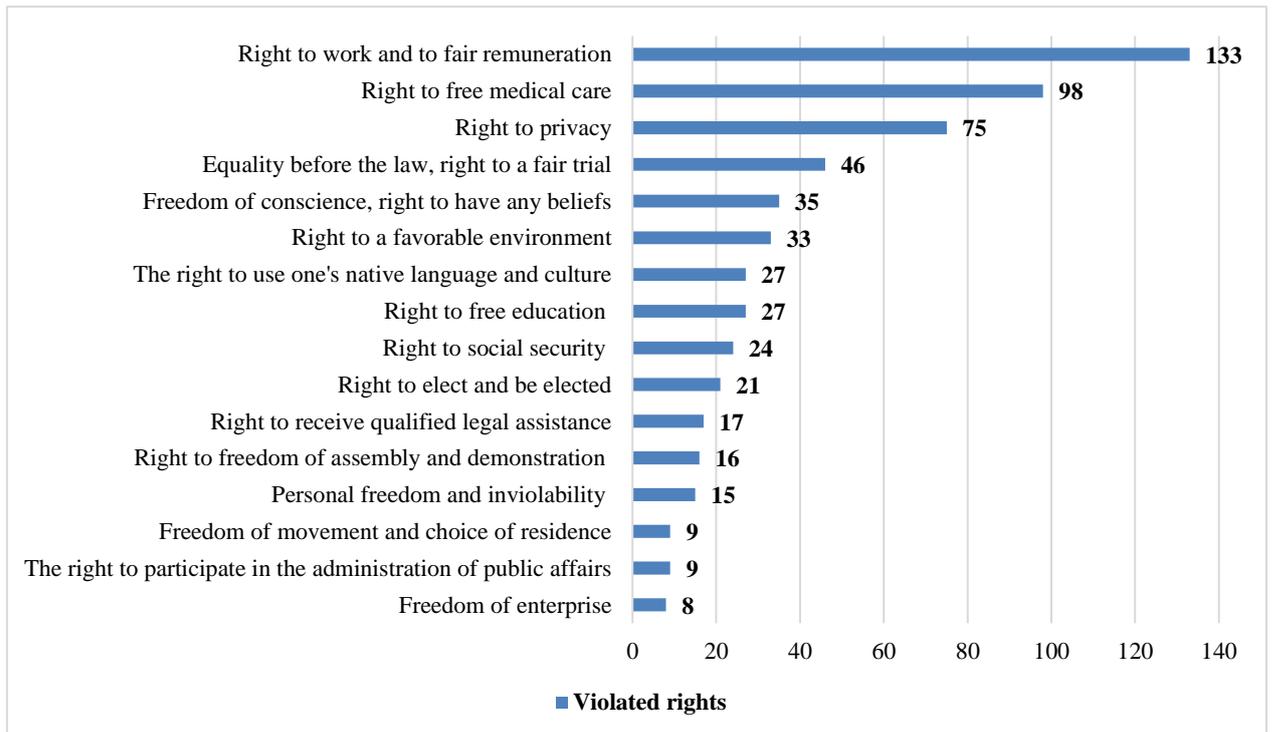


Figure 63

This suggests problems within labor relations, which may be attributed to various factors, such as corruption, imperfect labor legislation, and ineffective law enforcement practices.

A significant number of respondents also reported violations of the right to free, guaranteed education, with 98 cases noted. This may indicate issues related to unequal access to quality education, inadequate funding for educational institutions, or bureaucratic obstacles.

The right to privacy was identified as one of the three most frequently violated rights, with 75 reported violations. Insufficient protection against the illegal collection, use, and disclosure of personal information may result from flawed legislation in personal data protection, as well as a lack of effective mechanisms for control and accountability for violations.

Ways to Improve Legal Literacy Among the Population

The enhancement of legal education measures is directly influenced by the channels of information that citizens most frequently utilize to obtain legal knowledge.

The study revealed that Kazakhstanis receive information about their rights from various sources. Mass media continues to hold a leading position, with **2,591 respondents** indicating this as their primary source, particularly in regions with limited Internet access. However, the objectivity of this information may be called into question due to state regulation (*see Figure 64*).

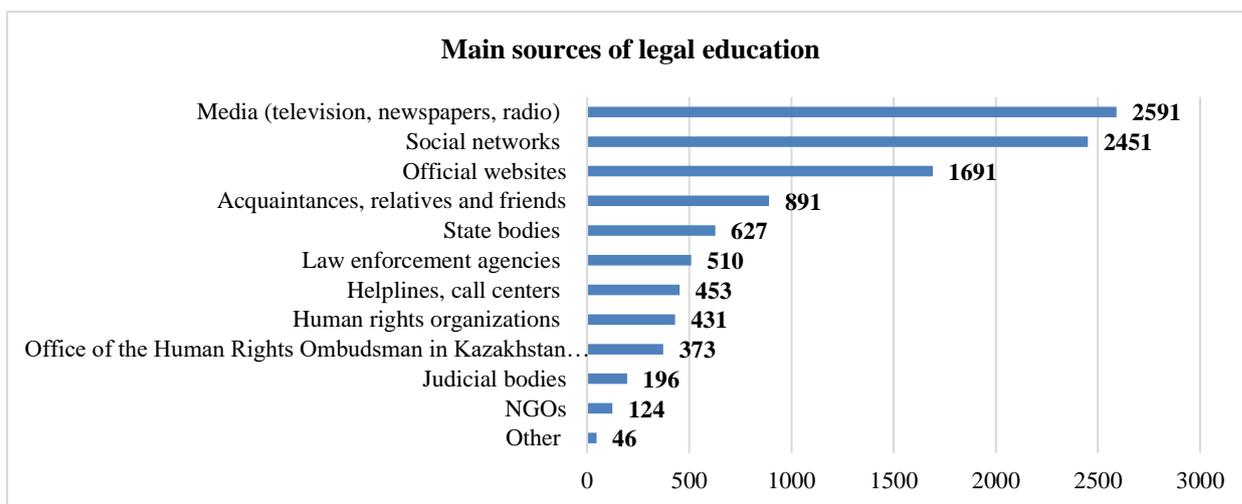


Figure 64

Social networks are rapidly gaining popularity, with **2,451** respondents indicating they provide users with quick access to information and opportunities for discussion. Due to their interactive nature, social networks contribute to the formation of civil society and mobilize the population to protect their rights. However, it is important to acknowledge the risks associated with the dissemination of inaccurate information through these channels.

Official websites of government agencies and human rights organizations, cited by **1,691** respondents, are considered the most reliable sources of information regarding legislation and human rights. These platforms provide access to regulatory legal acts, judicial practices, and current news in the field of human rights.

The personal circle of communication, reported by **891** respondents, also plays a role in informing the population. Nevertheless, this source can be influenced by personal beliefs and prejudices, which may lead to a distorted understanding of human rights.

When asked about the most effective measures to improve the legal literacy of the population, respondents identified several key directions, with the option to select no more than three answers (*see Figure 65*).

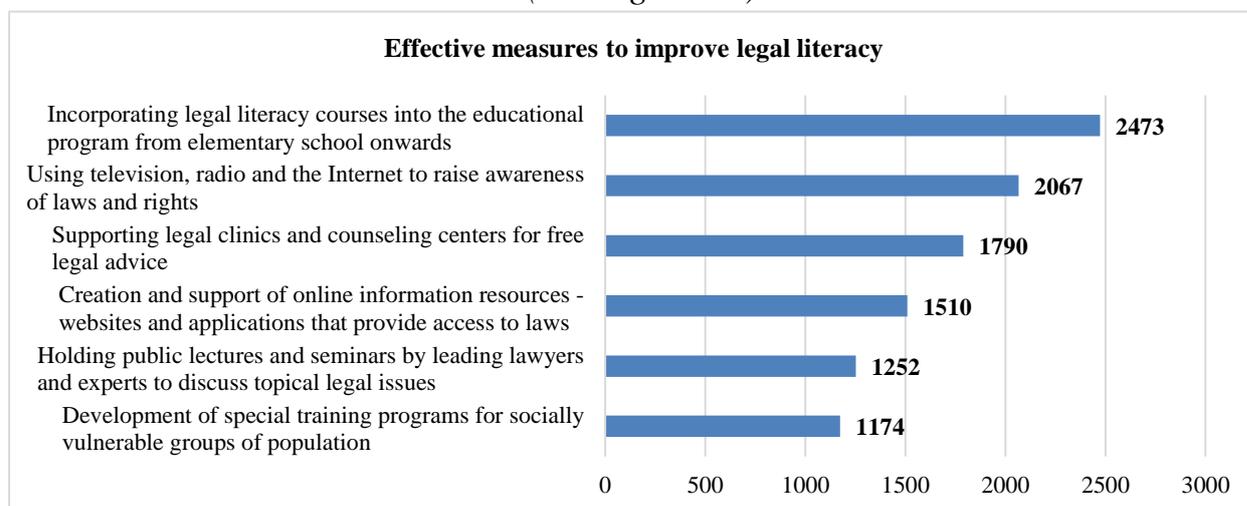


Figure 65

The majority of respondents (**24.5%**) believe that the formation of legal culture should begin as early as school age to establish a solid foundation for understanding one's rights and obligations.

Mass media and the Internet were identified as the second most effective tools for disseminating legal information widely, especially in remote regions, with **20%** of respondents endorsing this view.

A significant portion of respondents (**17.5%**) noted that counseling campaigns and events could enhance accessibility to legal aid for all segments of the population, particularly socially vulnerable groups.

According to **15%** of respondents, the development of digital technologies, including online resources and applications, will simplify access to legal information for a broader audience.

12% of respondents expressed support for educational lectures and seminars led by prominent lawyers and experts, which could aid in the in-depth study of legal issues and the cultivation of critical thinking regarding legal matters.

The smallest group of respondents (**11%**) believed that emphasis should be placed on developing specialized training programs for socially vulnerable groups, including the elderly, individuals with disabilities, and low-income families. These programs could include tailored courses that address the specific needs of these groups.

Thus, the results of the sociological research indicate that the level of legal literacy among the population of Kazakhstan is at a satisfactory level; however, it requires further development.

An important conclusion of the study is the recognition that the right to work and receive fair payment remains one of the most frequently violated rights. Additionally, a significant number of citizens face violations of their right to receive free medical care and to maintain privacy.

The research highlights the necessity of interaction between government agencies and public organizations, along with the active involvement of the media and social networks in disseminating legal information.

To further enhance the level of legal literacy and the protection of citizens' rights in Kazakhstan, a comprehensive approach to legal education, along with the analysis and monitoring of the human rights situation, is required.

CONCLUSIONS AND RECOMMENDATIONS:

In 2024 the Human Rights Commissioner in the Republic of Kazakhstan has intensively worked to protect and restore the rights of citizens, strengthen the legal framework, improve national legislation, and enhance international cooperation. The Institute has served as an intermediary between civil society and state structures, facilitating the resolution of issues related to human rights violations.

16.8 % increase in the number of appeals compared with the previous year, along with the increase in the number of complaints examined, reflects the growing confidence of citizens in the Institute. Positive developments have been recorded in areas such as ensuring the rights of convicted prisoners, and protecting the rights of minors, women, and persons with disabilities.

Systemic measures aimed at preventing torture, improving prison conditions, and enhancing access to quality medical care have laid the foundation for further strengthening the human rights infrastructure.

Nevertheless, challenges remain that require a comprehensive approach, including improving judicial protection mechanisms, raising citizens' awareness of their rights, and combating discrimination.

Given the importance of adhering to international standards and Kazakhstan's active participation in international human rights initiatives, the future work of the Institute of the Ombudsman will focus on deepening cooperation with state bodies, NGOs, and international organizations, and on implementing the recommendations provided in this report.

To promote human and civil rights and freedoms, we have developed the following **RECOMMENDATIONS**:

GPO of the RoK:

1) Strengthen departmental control and prosecutorial supervision over the initiation of pre-trial investigations in cases involving torture, ensuring strict adherence to the Istanbul Protocol, accurate qualification of crimes, and the legality of terminating criminal cases in this category.

2) Enhance the effectiveness of preventing and investigating cases of ill-treatment by altering the jurisdiction of such cases, specifically those involving abuse of power with the use of violence, by transferring them to the prosecutor's office.

3) Mandate the transfer of prisoners who report facts of torture and ill-treatment to other institutions during the verification period (*official investigation, pre-trial investigation*) to prevent pressure and harassment from officials whose actions are being challenged.

4) Prevent the restriction of terminal operations by exploring technical solutions to facilitate their use and conduct educational initiatives among penal enforcement system employees and institutionalized individuals.

5) In extradition cases of citizens (*including foreigners and stateless persons*), adhere to the principle of non-refoulement, as enshrined in key international acts and agreements in this domain.

1) Collaborate with law enforcement, special government agencies, and the Armed Forces to develop amendments to regulatory legal acts on law enforcement, special, and military service. These amendments should stipulate the prohibition of promotion to regular and higher special or military ranks and qualification classes, as well as the mandatory dismissal of department heads (in the absence of *corpus delicti*) whose employees have been convicted of using torture or cruel treatment, or in cases where criminal prosecution has been terminated on non-rehabilitating grounds, following a framework similar to anti-corruption legislation.

MIA of the RoK:

1) Take measures to ensure the rights of convicts, suspects, and accused individuals to purchase goods through electronic trading platforms in all institutions of the penal system.

2) Continue to collaborate with relevant departments to address the issue of constructing multidisciplinary institutions for serving sentences in the form of imprisonment.

3) Proactively forecast the timeline for replacing identity documents of convicts to ensure they can promptly access the necessary benefits, treatment, and payments provided for by law.

4) Maintain ongoing efforts to ensure the timely registration of compulsory medical insurance for defendants and convicts.

5) Consider the possibility of establishing day hospitals and/or round-the-clock beds in penal institutions.

6) Review the timeline for detaining convicts in the quarantine department, proposing a reduction from 15 days to 3 days for individuals arriving at penal system institution.

7) Explore options for increasing the number of psychology staff positions within penal system institutions and consider subordinating these personnel to a higher department within the penal system.

8) Provide continuous psychological support to employees in positions associated with a high risk of torture.

MoJ of the RoK:

1) Expand the range of cases requiring the mandatory participation of a lawyer for all serious and very serious crimes.

2) Intensify efforts to enhance the legal literacy of the population and raise awareness of existing human rights mechanisms, including the Institute of the Ombudsman.

3) In collaboration with law enforcement agencies, consider the amendment of the Civil Code of the Republic of Kazakhstan, the Civil Procedure Code of the Republic of Kazakhstan, and the Law of the Republic of Kazakhstan «On the Victims' Compensation Fund» by:

- Including victims of torture in the list of individuals with an unconditional right to compensation for damages;

- Increasing the compensation amount from the Victims' Compensation Fund to 300 MCI.

MoH of the RoK:

1) Consider the licensing of medical departments within penal institutions to provide inpatient treatment services.

2) Address the necessity of ensuring the presence of medical personnel during nighttime hours to mitigate the risk of death resulting from the failure to provide emergency medical care.

3) Develop incentive measures (such as overtime pay, increased coefficients, bonuses, etc.) to encourage medical personnel to work in penal institutions, including for examinations and medical and social expertise. Additionally, consider facilitating their relocation near the penitentiary institutions.

4) Intensify efforts to reduce the incidence of cancer, HIV, AIDS, tuberculosis, and infectious and parasitic diseases within penitentiary institutions.

5) Consider the formulation of a specific policy for medical care in prisons, aimed at ensuring the rights of prisoners to health and access to medical services, while addressing the key needs of individuals in places of deprivation of liberty.

6) Explore the possibility of establishing a national state (non-profit) institution titled «Penitentiary Medicine Center» under the jurisdiction of the Ministry of Health of the Republic of Kazakhstan.

7) Implement measures to comply with the UN Bangkok Rules (2010), addressing the specific medical care needs of women in places of deprivation of liberty and creating conditions for child care while documenting any instances of violence by prison staff.

8) Ensure that women have access to the specialized medical care, including services related to maternity, reproductive health, and the effects of sexual violence.

9) In light of the increase in infant mortality, take organizational and practical measures to prevent delays in hospitalization, and address issues related to the insufficient material and technical resources of healthcare organizations.

10) Implement measures to enhance and expand the availability of high-quality palliative care for the child population in the country.

MLSPP of the RoK:

1) Explore the possibility of introducing relevant amendments to subparagraph 5, paragraph 2, Article 163 of the Family Code of the Republic of Kazakhstan, aimed at expanding the subjects of individual assistants.

2) Address the placement of individuals with B-20 (HIV) disease, who have been released from penitentiary institutions, in organizations providing special social services.

3) Consider reforming the guardianship system by replacing it with supportive decision-making measures that ensure the autonomy, will, and preferences of individuals with disabilities. Additionally, introduce the practice of reviewing the appointment of guardians, accompanied by the provision of legal support and counseling for individuals with mental disabilities.

MSHE of the RoK, GPO of the RoK, NSC of the RoK, MIA of the RoK, MoD of the RoK, HJC of the RoK shall ensure that training materials and information pertaining to the respect for human dignity and the prohibition of torture are included in the training programs for personnel within the penal system, law enforcement agencies, judges, lawyers (civilian and military), medical personnel, government officials, and other individuals who may be involved in the custody, interrogation, or treatment of persons subjected to any form of arrest, detention, or imprisonment.

MCI of the RoK shall strengthen information and awareness-raising efforts among women regarding their legal rights and opportunities. This includes providing access to consultations on issues related to the protection of their rights, offering mechanisms for protection against domestic violence, and providing support in addressing domestic challenges.