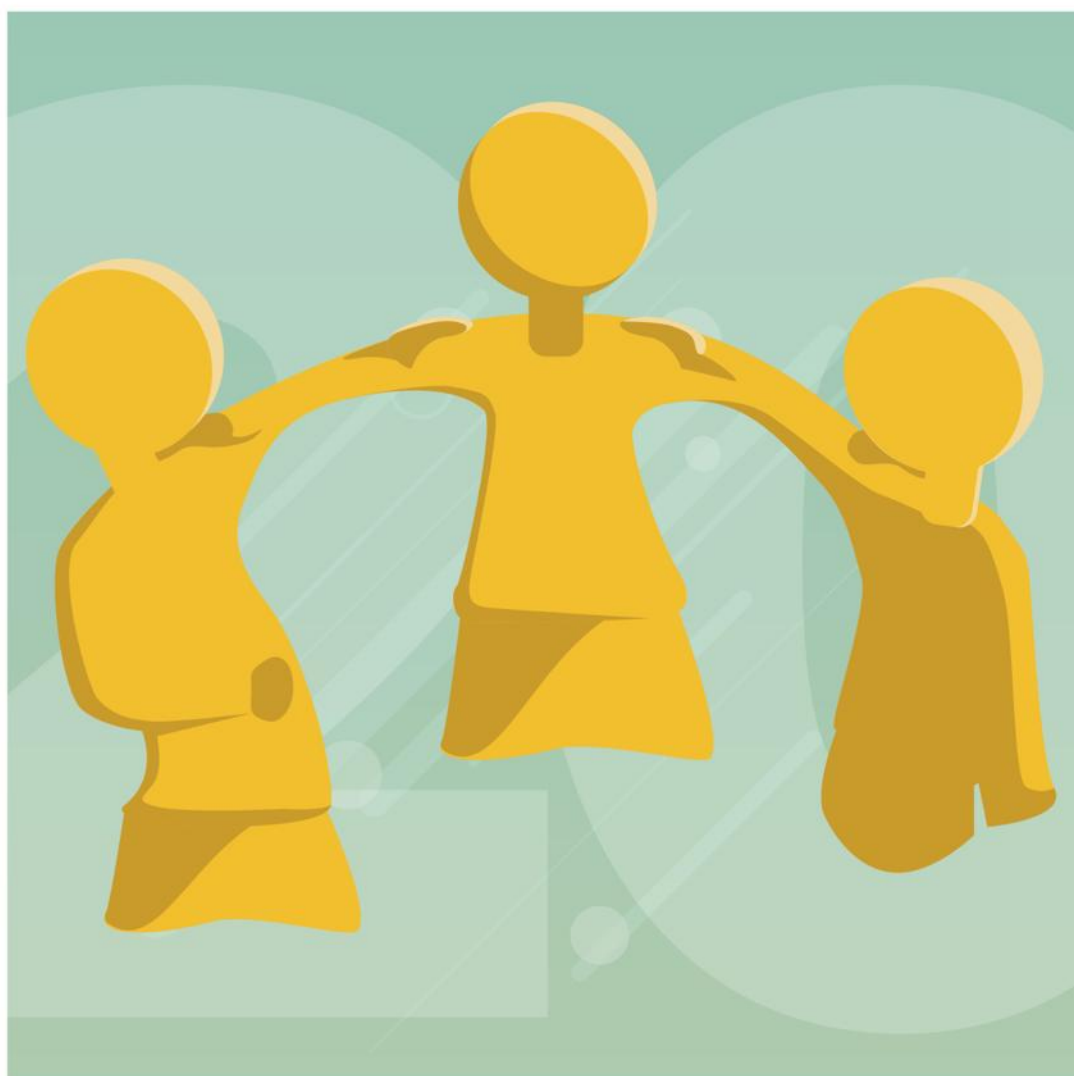


# REPORT

## on Freedom of Peaceful Assembly in Kazakhstan in 2017





# *From the authors*

The Kazakhstan International Bureau for Human Rights and the Rule of Law has been monitoring Kazakhstan's observance of the right to peaceful assembly continuously since 2010. Monitoring was conducted using special methodology that allows year-on-year comparison of tendencies in the exercise by Kazakhstan's citizens of their right to peaceful assembly.

The primary objective of monitoring is to study the law-enforcement practices relating to the right to peaceful assembly in Kazakhstan, by observing directly the peaceful protests that take place in the country.

The situation with peaceful assemblies has been monitored in all regions of Kazakhstan. However, since the monitors' capabilities are limited, there remains possibility that some peaceful assemblies were not covered by monitoring.

The monitoring mechanism records citizens' peaceful assemblies using standard parameters. In particular, it collects quantitative data and determines issues raised at assemblies, the degree of their lawfulness, authorities' reaction, and consequences if the assemblies were unpermitted. The results are presented against data for previous years for the sake of comparative analysis and help to understand changes in the situation with the right to peaceful assembly in Kazakhstan.

The observation of peaceful assemblies by the Kazakhstan Bureau for Human Rights involved the use of observation charts, which, when filled in, were regarded as primary documents to produce summarised statistics and carry out analysis.

This report presents the results of monitoring conducted from 1 January to 31 December 2017.

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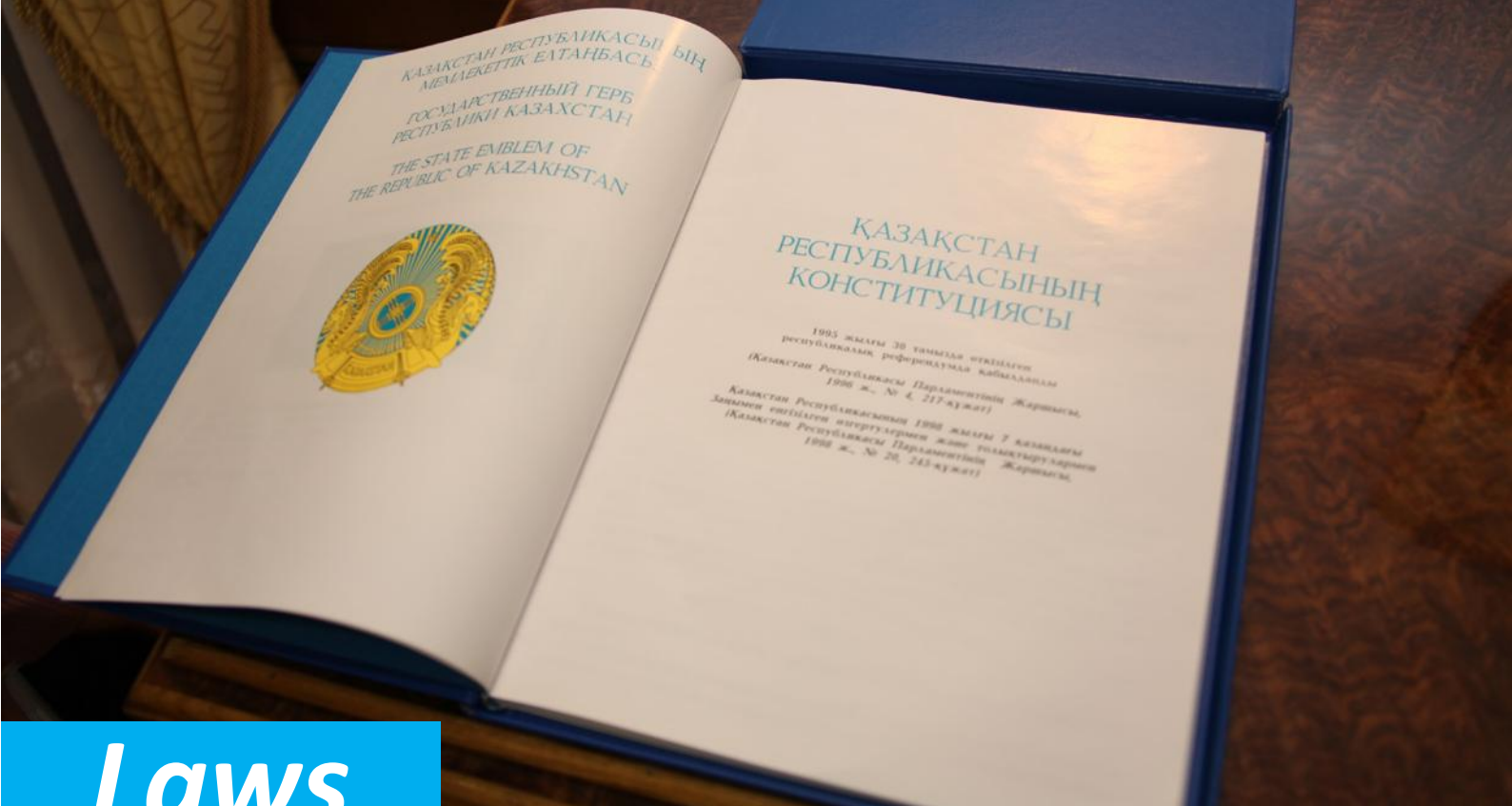


## *Introduction*

The monitoring procedure envisions that a monitor is present at the location where a peaceful assembly takes place to make photographs and video records, including the recording of the location, the number of participants, duration, the use of visual materials (posters, banners, flyers, etc.), and the presence of prosecutors and the police, and their actions. A monitor was to obtain oral information about whether an assembly was permitted or, if not, the causes for permit denial. It was also found out how assembly participants had been notified.

In addition, if there were hindrances to a peaceful assembly or detentions, the monitors recorded the legal consequences for the protesters, including the follow-up of proceedings against them. All this information was included in the observation charts, which were then used to produce the final report. In some instances, where the monitor could not attend an assembly for objective reasons, information was collected from the media, social networking services, or the participants.





# Laws

**The procedure for holding peaceful assemblies in Kazakhstan is governed by three laws and one bylaw:**

**Constitution of Kazakhstan. Article 32. “Citizens of the Republic of Kazakhstan shall have the right to peacefully and without arms assemble, hold meetings, rallies and demonstrations, street processions and pickets. The use of this right may be restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons.”**

**International Covenant on Civil and Political Rights (in accordance with the Constitution of Kazakhstan, this law applies directly and prevails over the laws of Kazakhstan). Article 21. “The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”**

**Law 2126 of Kazakhstan dated 17 March 1995, On the Procedure for Organising and Holding Peaceful Assemblies, Meetings, Street Processions, Pickets and Demonstrations in the Republic of Kazakhstan.**

**Resolutions by city and oblast maslikhats (local representative agencies) to provide special places to hold a peaceful assembly (in the form of recommendations).**

## **The punishments for breaching the Law on Peaceful Assembly are envisioned by:**

### **- Code on Administrative Offences (Article 488)**

Violations of the laws of the Republic of Kazakhstan on the procedure for organising or holding an assembly, rally, street procession, picket, demonstration or another public event, or hindering their organisation, or holding or participating in unlawful assemblies, rallies, street processions, demonstrations or other public events, unless such actions do not have signs of a criminal offence shall be subject to a caution or a fine of twenty-five monthly calculation indices for individuals, or a fine of fifty monthly calculation indices or an arrest for up to ten days for officials.

The provision by heads or other officials of organisations to the participants in an unauthorised assembly, rally, picket, demonstration or another public event of premises or other property (communication technology, copiers, equipment, transport) or the creation by them of other conditions for the organisation and holding of such events shall be subject to a fine of twenty-five monthly calculation indices.

The actions described in the first and second parts of this article, if committed again over a year after the administrative fine had been imposed on an organiser of an assembly, rally, street procession or demonstration shall be subject to a fine of fifty monthly calculation indices or an administrative arrest for up to fifteen days.



### **- Penal Code of Kazakhstan (Article 400)**

Violation of the procedure for organising and holding assemblies, rallies, pickets, street processions and demonstrations

The organisation, holding of, or participation in, an illegal assembly, rally, street procession, picket, demonstration or another illegal public event, as well as rendering assistance to the organisation or holding of such events by providing premises, communication technology, equipment or transport, if such actions have caused material damage to the rights and legal interests of citizens or organisations, or the legally protected interests of society or the state, shall be punished by a fine of up to three hundred monthly calculation indices or correctional work for the same value, or community service for up to two hundred and forty hours, or an arrest for up to seventy-five days.



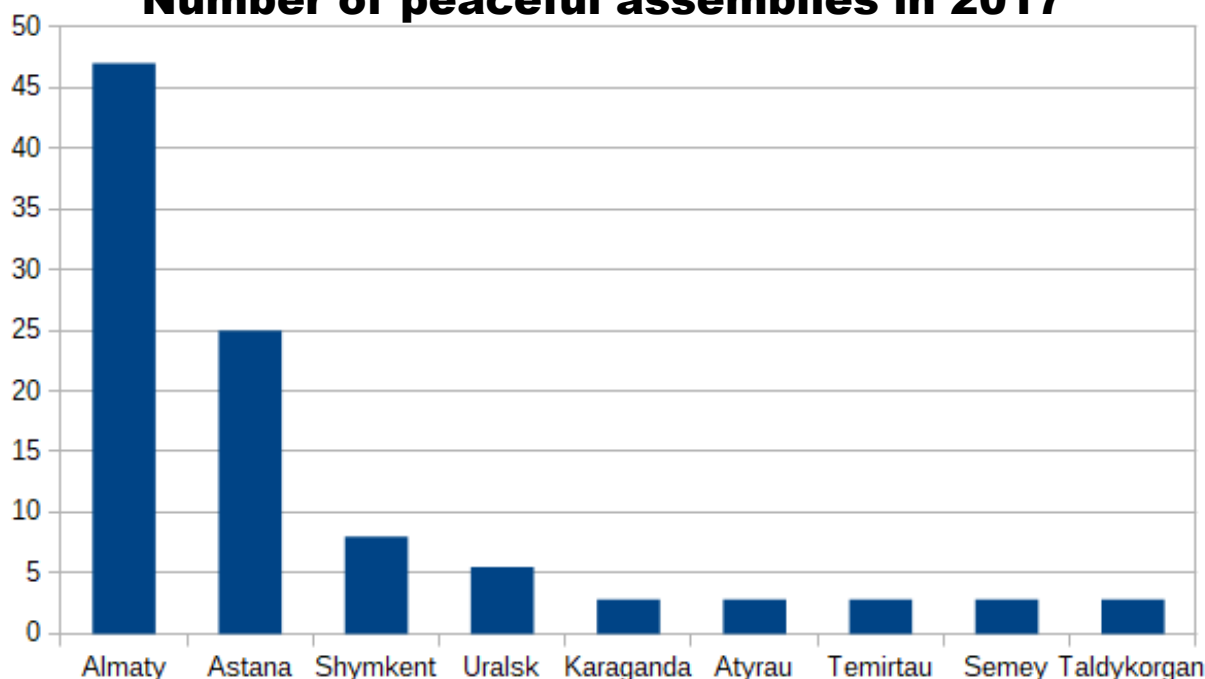
## Overall monitoring results

Over the period of observation, from January to December 2017, 36 peaceful assemblies took place in nine cities and towns of Kazakhstan (Table 1).

The data for 2017 adds to the overall seven-year dynamics of peaceful assemblies in Kazakhstan (Table 2).

The table above shows that, since 2011, the number of public protests in Kazakhstan has been declining stably. Over five years, the yearly number of peaceful assemblies decreased fivefold.

**Number of peaceful assemblies in 2017**





*Table 1. Number of peaceful assemblies in 2017*

Almaty	17 (47%)
Astana	9 (25%)
Shymkent	3 (8%)
Uralsk	2 (5,5%)
Karaganda	1 (2.8%)
Atyrau	1 (2.8%)
Temirtau	1 (2.8%)
Semey	1 (2.8%)
Taldykorgan	1 (2.8%)
<b>TOTAL</b>	<b>36 (100%)</b>

*Table 2. Overall seven-year dynamics of peaceful assemblies*

	2010	2011-2012	2012-2013	2014	2015	2016	2017
<b>TOTAL</b>	64	162	119	114	71	52	36
<b>Almaty</b>	47	67	58	43	29	21	17
<b>Astana</b>	7	16	26	26	37	9	9
<b>Uralsk</b>	4	28	22	15	9	4	2
<b>Aktau</b>	-	26	4	2	1	1	-
<b>Karaganda</b>	4	7	6	5	1	-	1
<b>Shymkent</b>	-	7	2	-	1	-	3
<b>Atyrau</b>	-	-	-	2	1	4	1
<b>Pavlodar</b>	1	-	1	2	1	1	1
<b>Ust-Kamenogorsk</b>		2	-	-	-	3	-
<b>Kostanai</b>	-	-	-	1	-	1	-
<b>Aktobe</b>	-	-	-	3	-	2	-
<b>Taldykorgan</b>	-	-	-	-	1	-	1
<b>Kyzylorda</b>	-	-	-	-	-	1	-
<b>Zhezkazgan</b>	-	-	-	-	1	-	-



# Protest activity engagement (quantitative data)

The quantitative data on peaceful assemblies allows calculating protest activity by region and for the country as a whole, compared with previous years.

The protest activity index refers to the number of peaceful assemblies (rallies, pickets, flash mobs and demonstration) per unit of time. In our case, the unit of time is a month.

Note: Why is this index needed? The index describes the situation with peaceful assemblies more precisely than data on the public protests held. Therefore, indexes are preferred as a means for comparison.

Table 3 shows the protest activity index by city/town over the monitoring period, as well as the overall dynamics of protest activity in Kazakhstan.

*Table 3. Protest activity index, by year and city/town*

	<b>2010</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Almaty	4,0	6,4	4,0	3,5	2,4	1,7	1,4
Astana	0,6	1,5	2,3	3,1	1,8	0,7	0.75
Uralsk	0,2	2,6	2,8	1,2	0,75	0,3	0.2
Karaganda	0,4	0,6	0,5	0,4	0,1	-	0.1
Aktau	-	2,4	0,5	0,1	0,1	0,1	-
Pavlodar	0,1	6,4	4,0	0,17	0,1	0,1	-
Ust-Kamenogorsk	0,2		0,17	0,1		0,25	-
Taldykorgan					0,17		0.1
Aktobe				0,25	0,1	0,17	-
Atyrau				0,17	0,33	0,33	0.1
Shymkent			0,17		0,1		0.3
Kostanai				0,1		0,08	-
Zhezkazgan					0,17		0.1
Semey						0,08	0.1
<b>TOTAL</b>	5,8	15,4	10,5	9,5	5,9	4,3	3,0

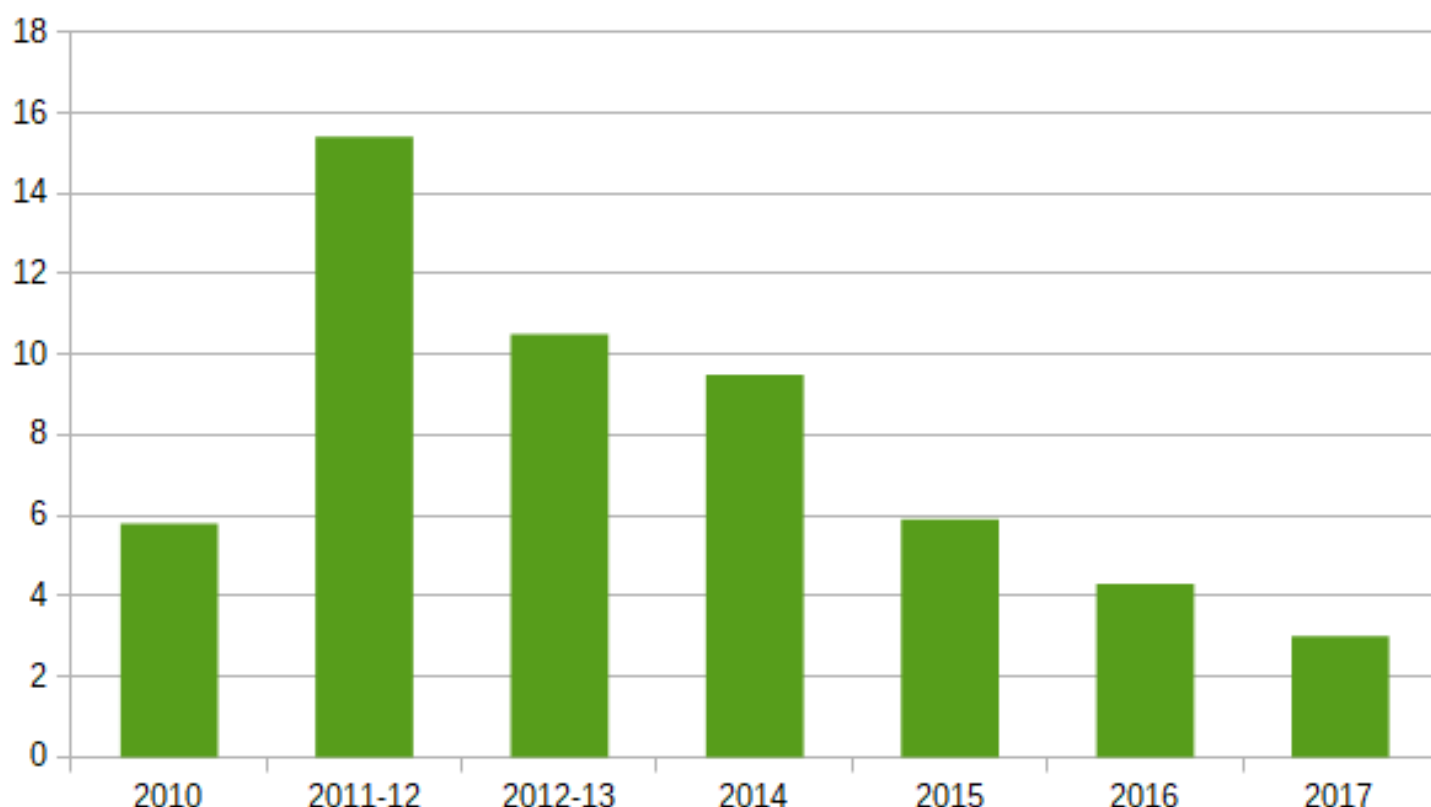
In 2017, the protest activity index was 3.0, down 30% on 2016 and five times less than the record highs of 2011 and 2012. The average number of peaceful assemblies held in 2017 was three, and half of them took place in Almaty.

Traditionally, the highest activity was recorded in Almaty (17 peaceful assemblies, or 38% of all assemblies in Kazakhstan over the year). Almaty had one to two public protests on average in 2017. However, as in other regions of the country, protest activity in Almaty has also been declining. In 2017, it dropped by 19% year-on-year.

In Astana, protest activity is significantly lower – only nine assemblies (25% of the country's total) were held over the year. However, protest activity did not change compared with the previous year.

The number of peaceful protests in other cities and towns of Kazakhstan was insignificant. Shymkent had three peaceful assemblies, Uralsk two, and other cities or towns one or none in each case (Table 2).

### ***Concerns raised at peaceful assemblies (qualitative data)***



# Concerns raised at peaceful assemblies (qualitative data)

All peaceful assemblies held are divided into three groups.

The first group are those assemblies that raise political concerns. These are, in the first place, disagreements with governmental actions, the expression of political disloyalty, or protests addressed to the government.

The second group includes the assemblies concerning all types of social problems.

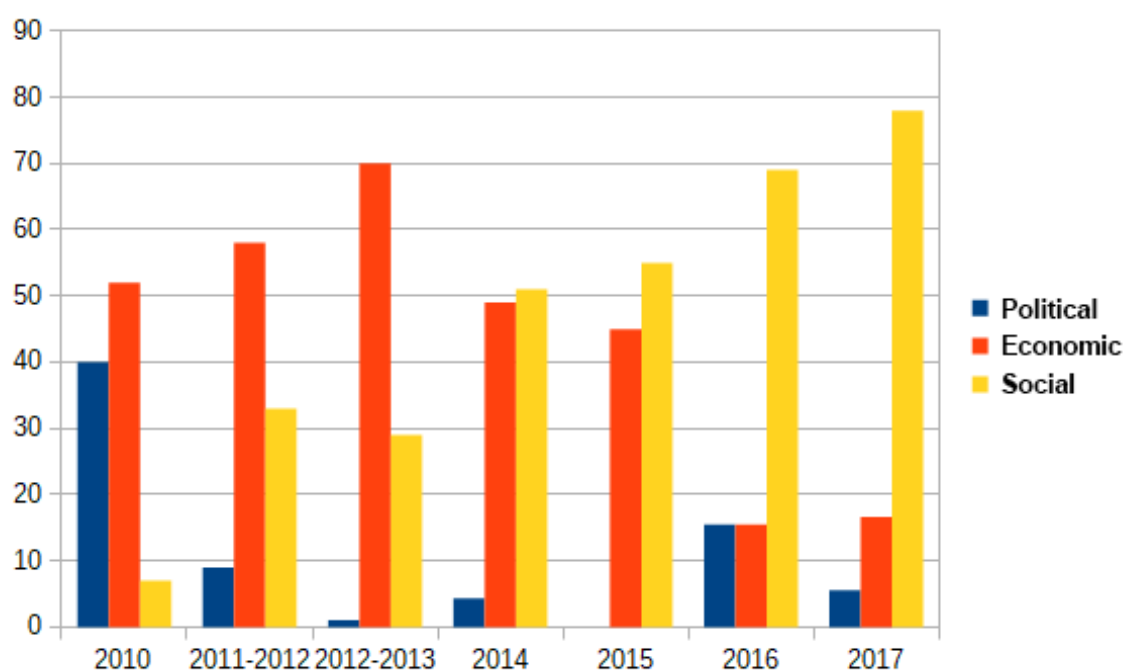
The third one are protests concerning economic issues. These include disputes with employers, mortgage issues, and housing and utility problems.

Since 2010, there has been a stable tendency towards depoliticisation of peaceful assemblies in Kazakhstan (Table4).

Table 4. Concerns raised at peaceful assemblies by year

	<b>Political</b>	<b>Economic</b>	<b>Social</b>
2010	40%	53%	7%
2011-2012	9%	58%	33%
2012 -2013	(1 protest action)	70%	29%
2014	-	49%	51%
2015	-	45%	55%
2016	15.5%	15.5%	69%
<b>2017</b>	5,5%	16,6%	78%

Concerns raised at peaceful assemblies by year





The table shows that, after the complete lack of political protests in 2013, 2014 and 2015, they reappeared in 2016 (15.5%) and 2017 (5.5%). However, our analysis suggests that the protests in 2016-2017 were seriously different from those held before 2013. The political rallies of 2013-2014 were usually organised by the opposition. They were more about political protests and better organised. They also were larger and had serious public impact.

As for the public protests that took place in 2017, only two of them can be described as political.

These are:

- a single picket by pensioner Raisa Dyusenbayeva against political repressions held on 25 August in Astana, near the building of the president's executive office; and
- a march in Almaty on 1 December (with around 300 participants) in support of the current president.

The reasons for the lack of political assemblies are as follows:

First, the clean-up of the political field from the opposition and disloyal civil society organisations. All parties that really opposed the current political regime were closed in Kazakhstan; Second, the Law on Peaceful Assemblies that stringently regulates the conduct of assemblies creates serious obstacles to those who would like to hold an assembly, and permits the authorities to punish those who have failed to comply with the established procedure for organising one.

This mechanism is particularly rigid in respect of the potential organisers of political rallies. Civil society activists that oppose the government and try to arrange political protests are put under serious pressure, including denial of assembly permits, detentions at attempted single pickets (not governed by law), and even preventive detentions prior to an assembly.

All these factors have significantly impacted people's readiness to voice their political demands and criticism of the government.

In addition to the closed opposition parties, the country also has parties that position themselves as the "opposition" (the Confederation of Independent Trade Unions, Ak Zhol, the All-Nation Social Democratic Party). However, they do not resort to peaceful assemblies as a method of political activity.

Therefore, as regards political assemblies, there is a tacit prohibition on peaceful assemblies of all those who express political disloyalty. This is the main reason for the minimal number of political protests in Kazakhstan.

In 2017, only six assemblies raised economic issues (16.6% of the total).

The main concerns discussed at these assemblies were as follows.

<b>Concerns</b>	<b>Number of assemblies</b>
- late salary payments	1
- protest against the seizure of shops because of a debt to a bank	1
- protest against increased prices	1
- protest against an unfair tender	1
- protest against increased tariffs	1
- demands to improve working conditions and raise salaries	1
<b>Total</b>	<b>6</b>

The majority of peaceful assemblies in 2017 (78%) was about social issues. This suggests that the recent tendency towards an increase in social assemblies continues (Table 4).

Below is the list of concerns raised at social assemblies in 2017:

<b>Concerns</b>	<b>Number of assemblies</b>
- march against sexism and violence against women	1
- assembly to commemorate the mortgagors who died during the confrontation with banks	1
- protest against the construction of a motor road	2
- protest against radical actions by mortgagors	1
- protest against amendments to the law on the media	1
- demand not to help an opposition blogger (addressed to the Kazakhstan International Bureau for Human Rights and the All-Nation Social Democratic Party)	2
- protest against the court's having found Judge Serimov not guilty	1
- protest against unfair actions by judges	8
- protest against the arrest of film director Talgat Zhanybekov	2
- protest against the winding up of independent trade unions	1
- against marriages between Kazakh women and Chinese men	1
- demand to grant citizenship to a child	1
- demand to see a prosecutor	1
- demand to ensure the safe crossing of a street	1
- protest against compulsory registration of temporary residents	1
- complaints from parents whose children have not received education grants	1
- demand to punish a driver for having run over pedestrians	1
- against illegal distribution of housing	1
<b>TOTAL</b>	<b>28</b>





On 10 January, around fifteen people in expensive clothes arrived in good cars to one of the marriage agencies in Astana and took out printed posters. They protested against the agency's organising acquaintances for Kazakh women with Chinese nationals. Despite the protesters' aggression (they entered the agency's office), two police officers who stood nearby did not interfere. After the protest some participants were called to the prosecutor's office to write explanations.

On 3 May, some 15 picketers gathered in Almaty near the building where the Kazakhstan International Bureau for Human Rights has its office. The protesters were discontent with the fact that the Bureau had provided information about the prosecution of Zhanara Akhmetova, a blogger who had fled to Ukraine, to international organisations. They stated that Akhmetova was a fraudster and had evaded justice. After a twenty-minute protest, they organised a similar assembly near the office of the All-Nation Social Democratic Party, which had also made reports on the situation with the blogger.

On 30 November, deputies of the Almaty maslikhat (municipal council) passed a unanimous resolution to give the city's largest Furmanov Avenue the name of the current President Nazarbayev. The very next day, according to the municipal authorities, the city's youth organisations held a flash mob (a spontaneous assembly) to support this decision. Several hundreds of young people marched along the avenue of, now, Nazarbayev with a giant flag of Kazakhstan. The police blocked road traffic so that transport does not prevent young people from expressing their consent.

On 4 December, Ruslan Muldagaliyev held a single picket near one of the offices of Halyk Bank "against protests organised by defaulting debtors." The printed posters listed demands to bring two known activists of the mortgagors' movement to justice. Three police officers who were nearby did not interfere with the picketer's communication with the press.

In 2017, the number of peaceful assemblies held by civil society organisations decreased. While in 2016 there was a rather active movement of mortgagors titled Let's Provide People with Housing (5 assemblies), the Spravedlivost (Fairness) civic initiative (2 assemblies), and the KazFem feminist movement (2 assemblies), in 2017 mortgagors did not organise any protests (except for the protest "against protests by mortgagors").

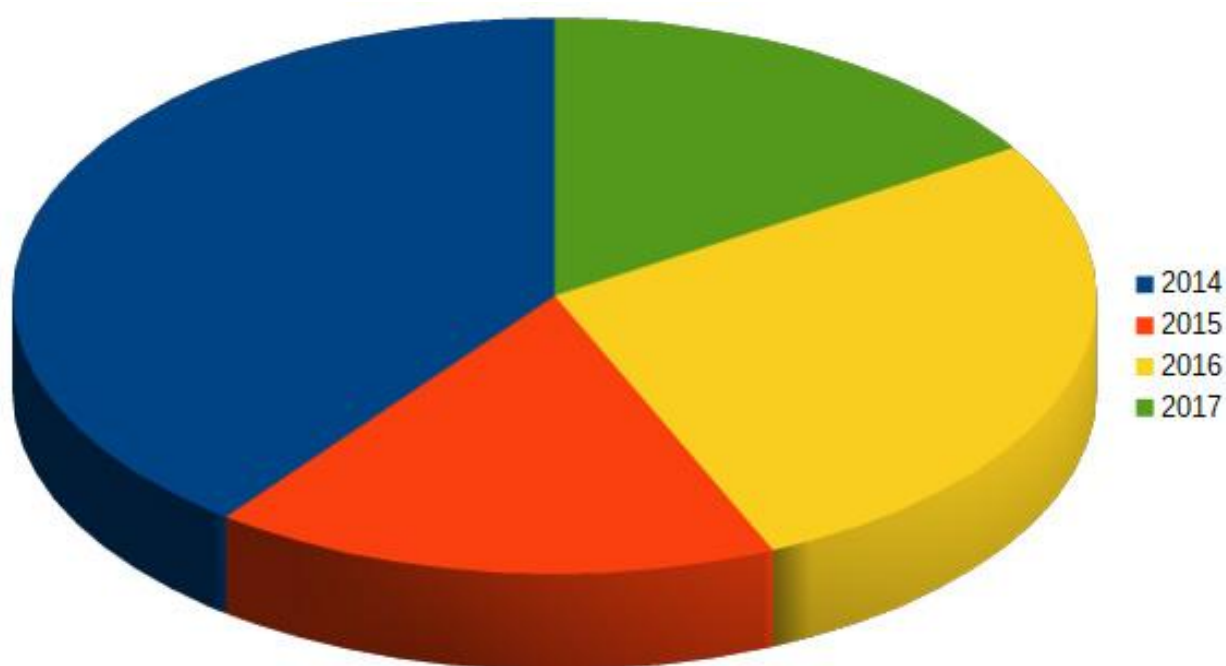
Spravedlivost was more active than the year before and held four protests. The feminist and trade unions had one public protest each. These were all peaceful assemblies arranged by civil society organisations.

As for spontaneous public protests, the year was very calm. No events happened in the country that could give rise to spontaneous mass protests. The situation was different in 2016 when the government's attempt to pass a law permitting the sale of land to foreigners became a huge irritant. This was a serious check of civil society for maturity and its readiness to defend its interests and values.

Compared with the previous year, the activity of civil society organisations in arranging public protests almost halved (Table 5).

*Table 5. Civil society organisations' activity in holding peaceful assemblies*

<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
42%	18%	29%	17%





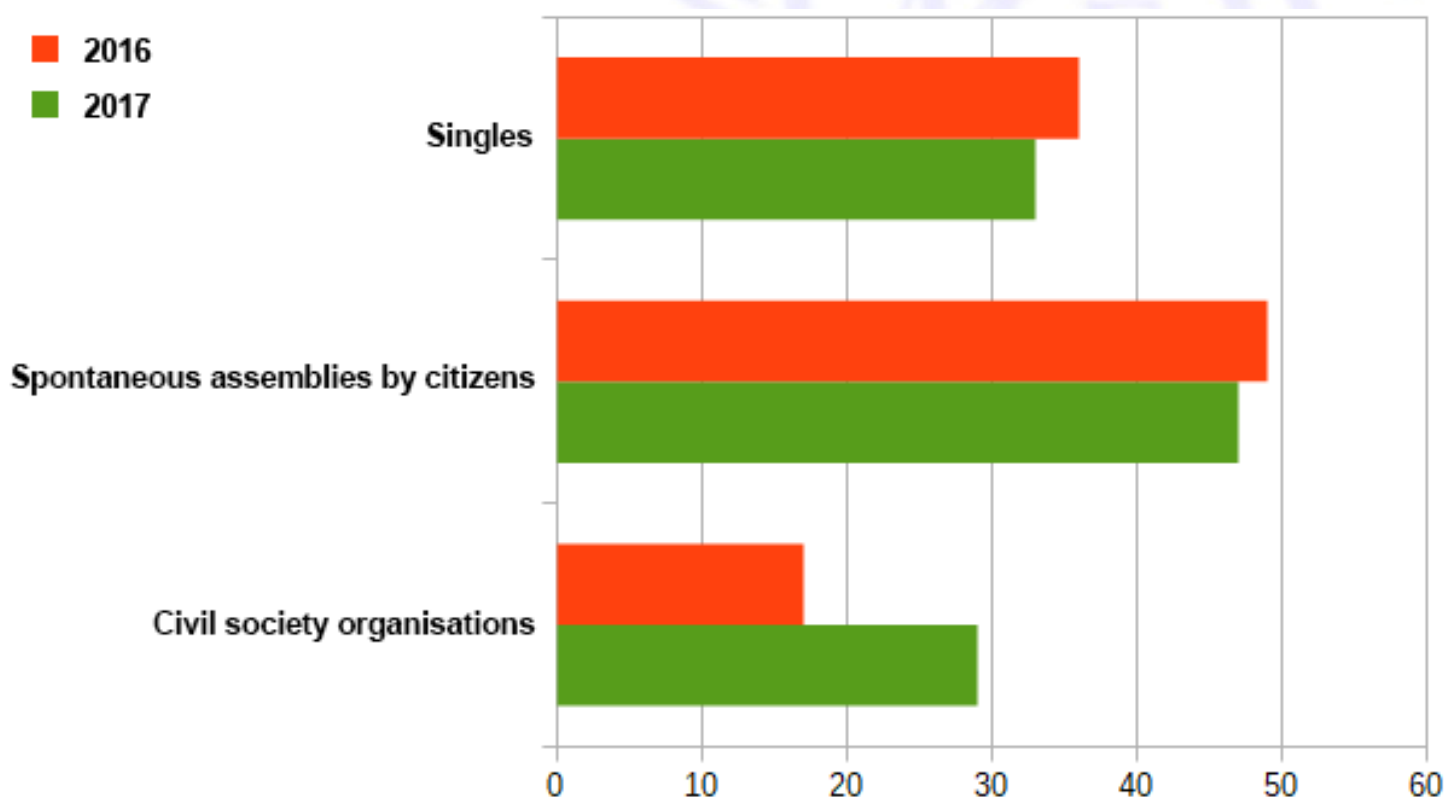
Almost a half (47%) of all peaceful assemblies were organised spontaneously by people who had gathered together driven by a common concern.

The other protests (36% of all peaceful assemblies over the year) were single (held by one person). Strictly speaking, a single protest by a person who, as a rule, tries to draw attention to their personal problems can hardly be called an assembly.

A comparison with the previous year (Table 6) shows that the activity of civil society organisations declined, while the number of spontaneous and single protests grew. This is very different from the situation in 2011-2014 when rallies were mainly organised by political parties and civil society organisations.

*Table 6. Peaceful assemblies' organisers*

	2016	2017
<b>Civil society organisations</b>	29%	17%
<b>Spontaneous assemblies by citizens</b>	47%	49%
<b>Singles</b>	33%	36%



# Types of peaceful assemblies (qualitative data)

“Peaceful assemblies” is the general name for various forms of public protests. The most widespread among them are rallies and pickets.

The laws of Kazakhstan regard only those public events as peaceful assemblies that are held by a group of citizens or an organisation.

Therefore, the Law on Peaceful Assemblies does not govern single pickets. This legal conflict makes it possible in some instances to circumvent the constraints placed by law on protesters. This is the reason why local authorities and law-enforcement agencies in different regions have different approaches to single protesters each time an assembly takes place. In some instances, they are forced to comply with the procedure for having a protest permitted as envisioned for peaceful assemblies. In other places, single pickets are not given any attention.

*Table 7. Types of peaceful assemblies in 2017*

Rallies	Pick-ets	Single pickets	Proces-sions	Roadblock	Chaining or handcuffing	Hunger strike	Climbing a building crane
17%	33%	25%	8%	8%	3%	3%	3%
<b>TOTAL: 100%</b>							

In recent years, new forms of public protests such as hunger strikes, happenings, roadblocks and chaining, became increasingly popular.

*Table 8. Types of peaceful assemblies compared with 2016*

	2016	2017
Rallies	21 (38%)	6 (17%)
Pickets	10 (19%)	12 (33%)
Single pickets	9 (16%)	9 (25%)
Happenings	6 (11%)	-
Processions	4 (7%)	3 (8%)
Roadblocks	4 (7%)	3 (8%)
Chaining or handcuffing	1 (2%)	1 (3%)
Hunger strike	-	1 (3%)
Climbing a building crane	-	1 (3%)
	100%	100%



- Meirambek Kuantayev spent almost 24 hours, from 11 to 12 January, on a building crane at the Kalamkas oil field in Mangistau Oblast. He protested against the court judgement to close the Confederation of Independent Trade Unions of Kazakhstan, the only independent trade union association in the country. As far as it is known, he was not held accountable in any way after having voluntarily come down from the crane.
- On 23 January, around 25 residents of the settlement of Tassay in South Kazakhstan Oblast began to spontaneously cross a road on an uncontrolled pedestrian crossing in order to block road traffic. This way they responded to a road accident with a child who had been hit by a car at the road that had no traffic lights. Twenty minutes was enough for the akimat to promise to solve the problem within 24 hours.
- On 14 April, in Astana two women handcuffed themselves to the fence of the General Prosecutor's Office. They required meeting with the prosecutor as they believed that their children had been condemned illegally. An official came to invite them in to talk to a representative of the prosecutor's office.
- On 18 May, one of large avenues was blocked by more than 40 workers of Exclusivestroy, a construction company. They required their overdue salaries to be paid. After the police had forced the protesters to move to the roadside, representatives of the akimat and the construction company promised that all of them would be paid in the nearest future.
- On 29 June, 16 residents of the settlement of Baktybai in Almaty Oblast blocked the road to protest against the construction of a highway near their houses. Although the protest lasted for 20 minutes only and people dispersed on their own, four out of 16 participants got cautions a week later by a court judgement.



The decrease in the number of assemblies can be due to restricted opposition activities and hindrances created for those who want to hold an assembly. Trying to draw the authorities' and public attention to their problems, people resort increasingly to unusual and scandalous forms of protests such as roadblocking, chaining or handcuffing, hunger strikes and happenings. A typical example here is the protest against the winding up of independent trade unions by an employee of the Oil Construction Company who climbed a crane and refused to come down.

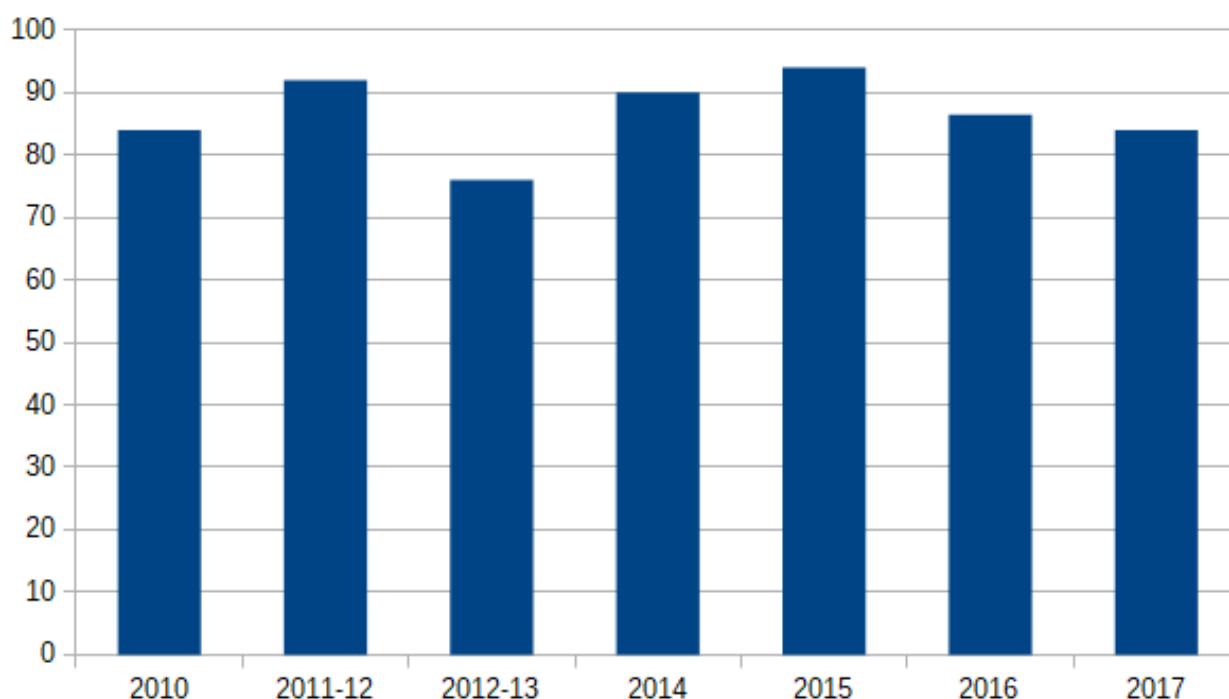
## *Citizens' abidance by law at peaceful assemblies*

In accordance with the current laws, to hold a peaceful assembly, Kazakhstan's citizens need to obtain a permit from the authorities. The procedure for obtaining an assembly permit envisions having it approved by local executive bodies. Officials have ten days from the application date to permit an assembly or deny permission. However, most of the citizens who arrange public protests usually ignore this requirement and this leads to conflicts with the authorities.

Table 9 provides comparative data on unpermitted rallies held in recent years.

*Table 9. Unpermitted rallies by city or town (percentage)*

2010	2011-12	2012-13	2014	2015	2016	2017
84%	92%	76%	90%	94%	86,5%	84%
<b>Average</b>		86%				





As shown above, the overwhelming majority of peaceful assemblies in Kazakhstan (86%) are held with violations of the current law that requires obtaining a permit from local authorities. However, people continue to defy this law persistently.

In part, this can be explained by the fact that the authorities are not very zealous, but rather selective about punishing violators of the law on peaceful assemblies. Experience has shown that the law is usually used only when the government sees an assembly as a threat to the interests of the officials and the current political regime.

In these instances the law-enforcement agencies launch their repressive mechanism and do their best to prevent an assembly or, if it takes place, to cancel it and detain its participants who will then be prosecuted.

The administrative liability for the organisation of and participation in an unpermitted assembly includes significant fines and arrests for up to 15 days.

In all other instances, the authorities usually try not to react to assemblies, or their reaction is purely formal and limited to oral warnings, without bringing in protesters to a court.

In 2017, out of 31 unpermitted assemblies, the police hindered only six events. Assembly participants were detained in eight instances. In five instances, the cases were brought to a court, and the protesters were given administrative punishments.

Over the year, the organisers of peaceful assemblies filed applications for their conduct in five recorded cases only. All of them received the requested permits. Interestingly, the respective events included:

- 1) a march in support of the current president of the country;
- 2) a picket against marriages between Kazakh women and Chinese men (held by unknown persons who came in expensive cars);\*
- 3) a rally by the All-Nation Social Democratic Party (a conventional opposition party) against increased tariffs;
- 4) a rally by the owners of trading floor areas in a business centre concerning their claims against a bank; and
- 5) a woman's picket against "controversial judgements by courts."

*\* Note: This protest could be unpermitted, but with tacit approval from the authorities.*

Below is the list of assemblies that were hindered by the police:

- 1) a single pensioner's picket against political repressions;
- 2) a single picket by a school teacher near the akimat building in Uralsk against the illegal distribution of housing by the akimat;
- 3) a picket by a woman living in Astana who demanded citizenship for her child near the Government House;
- 4) a single picket against the arrest of film director Talgat Zhanybekov near the city court; and
- 5) a single picket by journalist Daniyar Moldabekov against antidemocratic amendments to the law on the media.

**On 9-10 October 2017, the All-Nation Social Democratic Party filed applications, through its branches and representative offices, to akimats in 18 cities and towns of Kazakhstan to hold a rally against increased prices. The events were scheduled on 21 October, but all the akimats denied permits, except in Semey where the rally was permitted to be held on the remote Polkovnichy Island. The city administration also planned around ten events on that day, as well as fairs with reduced prices, to minimise people's interest in the protest. As a result, only 15 citizens responded to the call by the party. Moreover, despite the permission, the authorities ensured that repairs should be conducted on the island with a megaphone to mute the protesters.**

Five protesters were prosecuted:

1. In Astana, Muratbek Argynbekov was sentenced to a ten-day arrest for the attempt to hold a rally "on land laws and increased prices" and calling others to take part in it.
2. Zhanara Akhmetova was adjudged a fine of 50 monthly calculation indices (ca. EUR 300) for having held an unpermitted single picket against the arrest of film director Talgat Zhanybekov.

3. Sagida Sultaniyazova was sentenced to a fine of 50 monthly calculation indices (ca. EUR 300) and Arzygul Tillyabayeva was given a caution for having held an unpermitted event to commemorate the mortgagors who had died during their confrontation with banks.

4. Four participants in a roadblock in the settlement of Baktybai in Almaty Oblast were given cautions.

5. Ruslan Urazaliyev, a resident of Uralsk, was given caution for having organised a picket against the illegal distribution of housing.

In the framework of monitoring, we tried to analyse the reasons for citizens' disregard for the Law on Peaceful Assemblies.

Table 10 lists the reasons for protest organisers' failure to request permits from akimats.

*Table 10. Reasons for citizens' failure to apply for protest permits*

	2011	2011-12	2012-13	2014	2015	2016	2017
As a matter of principle, not to obey an undemocratic law	25%	41%	-	25%	12%	25,5%	-
Believing that the protest would not be permitted in any case	55%	42%	32%	31%	27%	24%	28%
Didn't know a permit is required	19%	16%	68%	44%	61%	11%	11%
Spontaneously	-	-	-	-	-	11%	13%
Reason unknown	-	-	-	-	-	18%	48%

Unfortunately, when gathering information for previous years, we did not manage to collect all reasons why the organisers of peaceful assemblies had not obtained permits. The lack of such data on 50% of the assemblies prevents us from making any conclusions or providing year-on-year comparisons.

The available data allows calculating the index of law abidance by citizens when holding peaceful assemblies in Kazakhstan. This indicator shows the percentage of permitted protests among all peaceful assemblies held. We call it the "law abidance index." The indicator demonstrates the degree of protest organisers' compliance with the Law on Peaceful Assemblies, which sets forth a special procedure for obtaining a permit to hold a public protest. If all protests in a country (city or town) were permitted by the authorities, the law abidance index is 100%. This is the highest value. Accordingly, the lower the index, the lower abidance by law as regards the holding of peaceful assemblies.

Table 11 provides statistics on unpermitted assemblies by city/town, with the law abidance index, in 2017.

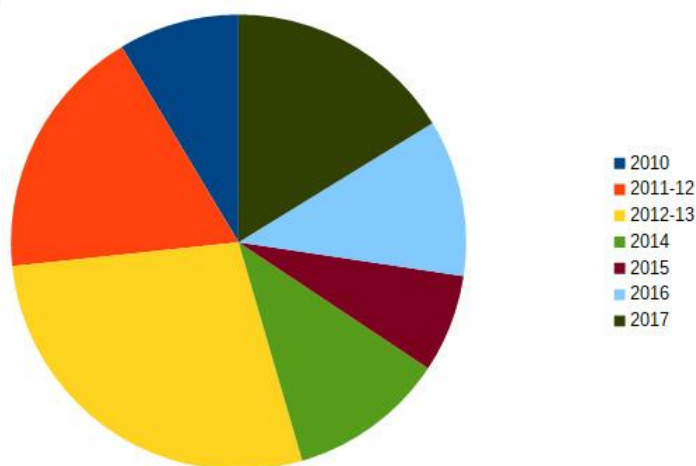
Table 11. Law abidance index by city/town in 2017

	Total peaceful assemblies	Unpermitted assemblies	Permitted assemblies	Law abidance index
Almaty	17	16	1	6%
Astana	9	7	2	22%
Shymkent	3	3	0	0%
Uralsk	2	2	0	0%
Karaganda	1	0	1	100%
Temirtau	1	1	0	0%
Semey	1	0	1	100%
Taldykorgan	1	0	1	100%
Atyrau	1	1	0	0%
TOTAL	36	31	5	100%

Table 12 below demonstrates abidance by law as regards the holding of peaceful assemblies in the past seven years.

Table 12. Law abidance index by year

2010	7.4%
2011-12	15.6%
2012-13	24.0%
2014	9.6%
2015	6.0%
2016	9.6%
2017	14%



As we can see, law abidance in respect of peaceful assemblies over these years was low, at 10% on average. In other words, one out of ten public protests that took place in Kazakhstan complied with the law. This suggests that, in fact, the Law on Peaceful Assemblies is inoperative, as the majority of public events are held without permission. That said, the law is only used when the authorities need it to prevent the events that they don't like or are afraid of.





## *Government reaction to unpermitted peaceful assemblies*

In accordance with the Law On the Procedure for Organising and Holding Peaceful Assemblies, akimats must warn the organisers of or participants in an unpermitted public assembly that the holding of protests unapproved by local executive bodies is not permitted.

Prosecutors' offices, in turn, must explain to citizens why their actions are unlawful. However, as already stated, local authorities and prosecutors' offices are very selective in their reaction to public protests. They appear at some assemblies to warn their participants, but do not attend others, or don't interfere.

In addition, akimats, prosecutors' offices and the police may warn that a peaceful assembly should be ended (the latter two are, however, not mentioned in the laws as authorised to do so).

In some instances, protests are prevented or even broken up without any warning. Sometimes the organisers of and participants in unpermitted protests are detained even before the assembly begins. This is a violation of the current law.

In particular, in 2017, Muratbek Argynbekov who had declared his intention to hold an unpermitted rally on "the land law and increased prices" was preventively detained in Astana and sentenced to a ten-day administrative arrest in spite of the fact that he had

not committed the offence he was held liable for.

Table 13 presents the cases when local authorities or prosecutors' offices were present at peaceful assemblies and the number of cautions made in 2017.

*Table 13. Presence of authorities and cautions made in 2017*

	<b>Presence</b>	<b>Cautions</b>
Prosecutors' offices	12	4
Akimat	5	3
Police	41	5

Therefore, out of 31 public protests, prosecutors were present at 16. They made eight warnings about the unlawfulness of protesters' actions. This is to say that prosecutors attended almost 50% of assemblies and made warnings at 25% of them.

The analysis suggests that in most cases prosecutors' actions were purely formal and depended on the nature of the protests and concerns raised. Peaceful assemblies raising social and personal concerns, as well as single pickets, are often ignored by prosecutors and akimats.

At the same time, the authorities are very attentive to any protests of political or extreme social nature. In these instances, a prosecutor or an akimat always issues a warning. Another factor that influences whether the authorities will get involved is the location of a protest. If peaceful assemblies are planned to take place in the centre of a city or town, near governmental institutions or just in a crowded place, the law-enforcement agencies pay particular attention to them.







## *Presence of police*

The reaction from the police is a special issue. It should be noted that the police is present at almost all peaceful assemblies. Even when police officers are not visible, this does not mean they are not there – they simply observe the situation wearing plain clothes or from afar.

According to monitoring data, in 2017, 104 police officers were involved in observing peaceful assemblies.

The average for all peaceful protests was three police officers per assembly.

This data may be not accurate as, in practice, sometimes the police only sends observers to a protest, while buses with police officers are located out of sight.

In our monitoring, we calculate a special “police control index” for peaceful assemblies, measuring the police to protesters ratio (Table 14).

Table 14. Police control index in 2017 by city/town

	Number of participants	Number of police officers	Police control index
Almaty	491	41	0.1
Astana	138	49	0.4
Shymkent	44	19	0.4
Uralsk	2	2	1
Karaganda	1	0	0
Temirtau	1000	0	0
Semey	14	23	1,6
Taldykorgan	1	0	0
Atyrau	6	0	0
TOTAL	1697	104	0.06

Table 14-1. Overall police control index in 2017 (excluding permitted assemblies)

Number of participants	Number of police officers	Police control index
327	104	0.32

The table above suggests that Semey, with three police officers for two protesters, had the strictest level of police control. In Uralsk, one police officer observed each participant in a protest. In Astana and Shymkent, the degree of police attention was also high, with one police officer observing two participants.

The lowest relation between police officers and protesters, one to ten, was recorded in Almaty.

A year-on-year comparison suggests that the level of police control over peaceful assemblies has been declining (Table 15). However, an analysis of the situation shows that the main reason for this was the clean-up of the political arena from the opposition and weaker civic engagement. The facts that most of the assemblies raise social and personal concerns, as well as that there are few of them and that the participants are, mostly, politically loyal decrease the risk that these events may transform into massive social protests the government is afraid of and tries to control with the police.

Table 15. Police control index in 2017 by year

2012	2013	2014	2015	2016	2017
0.53	0.50	0.41	0.35	0.14	0.32





## Detentions of participants in peaceful assemblies

In 2017, participants in eight protests (19.4% of all peaceful assemblies) in Kazakhstan were detained (Table 16). This is almost two times less than the year before.

*Table 16. Detentions at peaceful assemblies in 2017*

	Detentions	Number of persons detained
Almaty	3	3
Astana	3	4
Shymkent	-	-
Uralsk	1	1
Karaganda	-	-
Temirtau	-	-
Semey	-	-
Taldykorgan	-	-
Atyrau	-	-
<b>TOTAL</b>	<b>7</b>	<b>8</b>

As for interactions between protesters and the police, the year was very peaceful. There was not a single case of confrontation between protesters and the police or dispersal of peaceful assemblies.

# Convictions of participants in peaceful assemblies

Administrative courts in Kazakhstan heard five charges of participation in unpermitted peaceful assemblies in 2017.

In the course of those proceedings six persons got cautions, two were adjudged fines of 50 monthly calculation indices (ca. EUR 300), and one was placed under a ten-day administrative arrest. Four persons detained at unpermitted rallies were released after they had written explanations.

This means that, in 2017, 16% of all unpermitted peaceful assemblies ended in courts where their organisers and participants were held accountable under Article 488 of the Code of Administrative Procedure (violation of the procedure for holding peaceful assemblies).

Table 17 demonstrates changes in this indicator by year.

*Table 17. Percentage of unpermitted peaceful assemblies that ended in courts, by year*

2015	2016	2017
18%	25%	16%

As can be seen from this data, approximately 20% of all unpermitted peaceful assemblies end in protester prosecution by courts. The remaining 80% are not given any attention in the context of the Law on Peaceful Assemblies. The officials that control the public activity of citizens believe that these assemblies pose no threat to the political system, governmental officials, or their interests. This is the possible reason for their disregard on the part of the authorities, although they do violate the law.

Muratbek Argynbekov, a resident of the settlement of Ilyinka in Akmola Oblast, made a call on his Facebook page for his fellow citizens to gather on 1 October at the Baiterek monument in Astana to raise concerns in respect of “the land law and increased prices” (“without a permit from the local executive body,” as stated in the files of the case). That day he prepared several posters for the protest and went out to go to the monument or elsewhere. On 11 September, he posted his call on Facebook but got no response. The hearing took place on the night of 2 October at the Astana Specialised Interdistrict Administrative Court, and the judge sentenced Argynbekov to a ten-day administrative arrest.

# General statistics

1. The total number of participants in peaceful assemblies in 2017 was 1,697 (the permissible error is 10%). This figure includes participants in both permitted and unpermitted assemblies. If to deduct from it the number of participants in permitted assemblies and those admittedly organised by the authorities, the remainder will be as low as 312. Therefore, the average number of protesters per assembly (without counting those who were “voluntarily forced” to take part in them) was a mere 44. Table 18 provides data on citizens’ participation in peaceful assemblies by city/town.

*Table 18. Number of participants in peaceful assemblies*

	Total participants in peaceful assemblies				Average number of participants per assembly			
	2014	2015	2016	2017	2014	2015	2016	2017
<b>Almaty</b>	1838	569	1120	491	43	19,5	53	28
<b>Astana</b>	541	357	55	138	14	32	6	15
<b>Uralsk</b>	441	118	77	2	31	13	19	1
<b>Aktau</b>	6	1	75	-	-	1	15	-
<b>Karaganda</b>	159	1	-	1	35	1	0	1
<b>Shymkent</b>				44				
<b>Atyrau</b>	80	113	2500	6	40	29	500	6
<b>Pavlodar</b>	51	70	40	-	25	70	40	-
<b>Ust-Kamenogorsk</b>	2	-	6	-	-	-	2	-
<b>Kostanai</b>	2	-	22	-	-	-	22	-
<b>Aktobe</b>	3	1	1500	-	1	1	750	-
<b>Taldykorgan</b>	9	-	-	1	4,5	-	-	1
<b>Kyzylorda</b>	-	-	350	-	-	-	350	-
<b>Temirtau</b>	-	-	-	1000	-	-	-	1000
<b>Semey</b>	-	-	1	14	-	-	-	14
<b>TOTAL</b>	3132	1230	5745	1697	24	21	76	133
<b>TOTAL (less permitted assemblies in 2017)</b>				312				44

2. The average duration of a peaceful assembly in Kazakhstan in 2017 was 24 minutes. This figure may be a little bit overstated because of several protests that lasted for hours. Not counting these cases, the actual average duration of protests was around 15 minutes. Table 19 demonstrates changes in this indicator by year.



Table 19. Duration of peaceful assemblies by year

	Total duration of peaceful assemblies			Average per assembly		
	201	2016	2017	2015	2016	2017
<b>Алматы</b>	1586 minutes	1013 minutes	880 minutes	37 minutes	48 minutes	18 minutes
<b>Астана</b>	763 minutes	192 minutes	205 minutes	26 minutes	21 minutes	23 minutes
<b>Шымкент</b>			55 minutes			18 minutes
<b>Уральск</b>	595 minutes	180 minutes	25 minutes	42 minutes	45 minutes	12.5 minutes
<b>Караганда</b>	.		15 minutes	.	-	15 minutes
<b>Темиртау</b>			20 minutes			20 minutes
<b>Семей</b>			30 minutes			30 minutes
<b>Талдыкорган</b>			240 minutes			240 minutes
<b>Атырау</b>			20 minutes			20 minutes

## CONCLUSIONS:

An analysis of monitoring data on public protests held in recent years shows that the country's government continues with its practice of restricting the rights and freedoms of Kazakhstan's citizens, in particular as regards their right to peaceful assemblies.

Frightened with protest activity in other countries where public rallies have led to the change of political regimes, Kazakhstan's government preferred to introduce serious restrictions on peaceful assemblies.

1. In particular, the Law On the Procedure for Organising and Holding Peaceful Assemblies permits the holding of assemblies and sets forth the procedure for having them agreed with the authorities.

1.1. In fact, the procedure for having peaceful assemblies agreed with the authorities deprives Kazakhstan's citizens of the possibility to hold assemblies where they want to. Now the locations of all proposed peaceful assemblies are strictly regulated. Special places were designated in all cities of the country to hold permitted peaceful assemblies. As a rule, they are situated in low-populated and remote areas, which makes the holding of a public protest there nonsense. And, although this is only a

recommendation for executive bodies set by law, the police, prosecutors' offices and courts regard it as a requirement.

1.2. In addition, Kazakhstan's citizens may not hold urgent peaceful assemblies, as the time for considering an application is ten days.

1.3. Officials may deny a permit to hold an assembly for any of the host of reasons stated in the law. Permits are often denied in violation of the law: the authorities fail to consider an application within the prescribed time, or deny permission without explaining reasons or providing an alternative location and time; or they claim that the chosen location and time are busy with another public assembly, which is often not the case, or such an event is quickly organised by municipal and district administrations.

1.4. In addition, the Law on Peaceful Assemblies does not envision the right to a single picket and requires that an application for holding a protest be submitted by an organisation or a group of persons.

1.5. However, even if all the procedures are complied with, and protesters agree to hold an assembly at the designated place, this does not mean that the permit will be granted, as there is another important factor – the issues to be raised at the assembly and the political loyalty of its organisers.

2. As regards the situation with peaceful assemblies in 2017, there was an even stronger decline in protest activity compared to previous years.

2.1. There was not a single political public protest. This is explained by the clean-up of the actual political opposition in Kazakhstan.

2.2. NGOs do not organise peaceful assemblies. The reason for this is that negative attitudes towards rallies have formed among the public and they are regarded as something intended to undermine social stability. The organisations that arrange public events get under pressure from the authorities and law-enforcement agencies.

3. In 2017, protests remained the means to influence the authorities for separate persons who sought justice and temporary groups of citizens desperate with the impossibility to overcome bureaucracy or the unfair judicial system, or indignant with social injustice.

3.1. Several groups of civil society activists that want to solve some social and common issues also try to arrange peaceful assemblies, although the share of these is insignificant. Their number also declined considerably compared with previous years.

3.2. There was a relative growth in the number of single protests when desperate people tried to voice their problems. In 2017, they accounted for a third of all recorded assemblies.

3.3. Taking into account the decline in peaceful assemblies organised by civil society organisations, it may be said that rallies in Kazakhstan become less and less predictable and planned. The number of spontaneous protests is growing. This means that spontaneity and unpredictability become increasingly frequent in peaceful assemblies.

4. The development of the situation with peaceful assemblies suggests that the government has managed to limit and reduce protest activity.

4.1. This became possible because of, in the first place, liquidation of the political opposition and the exertion of pressure on disloyal civil society organisations and certain activists.

4.2. Today, protests by various groups and persons are not political, but predominantly household, social and economic. This determines the specific attitude towards the organisers of and participants in such protests: they are not arrested before the event and are usually not dispersed, detained or imposed administrative punishments.

5. The general trend among the public is the fear of rallies and the lack of belief that public assemblies can help to solve pressing social issues.

The prevailing group among those who arranged rallies in 2017 were people who can hardly be regarded as the advanced and proactive part of civil society. These are primarily those who tried to solve their personal or corporate problems. Only a few of them raised concerns that were of social and political importance. However, as others are afraid of expressing support to them, their voice gets sunk in the allegations that they try to destabilise the situation in the country.





**The monitors and authors are responsible for the reliability of information presented in this report, as well as for their opinions and findings.**

