



MONITORING REPORT

on Freedom of Peaceful
Assembly in Kazakhstan
in 2018



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 2018.

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

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1. 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. In addition, if there were hindrances to an 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 media, or the participants.

In 2017–2018, the authorities toughened the criteria for determining participation in peaceful assemblies and began to qualify as participants even those who gathered at an agreed place, however without stating any claims, or shouting, or demonstrating any protest signs. For this reason, this paper also reports cases where participants did not have time to voice their claims or unfold protest signs. In addition, a number of peaceful protests failed to take place in Kazakhstan as their potential participants were detained near the assembly point or when leaving home. Although some protesters faced charges later as if the protests had actually taken place, this report does not cover these incidents.

2. 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.

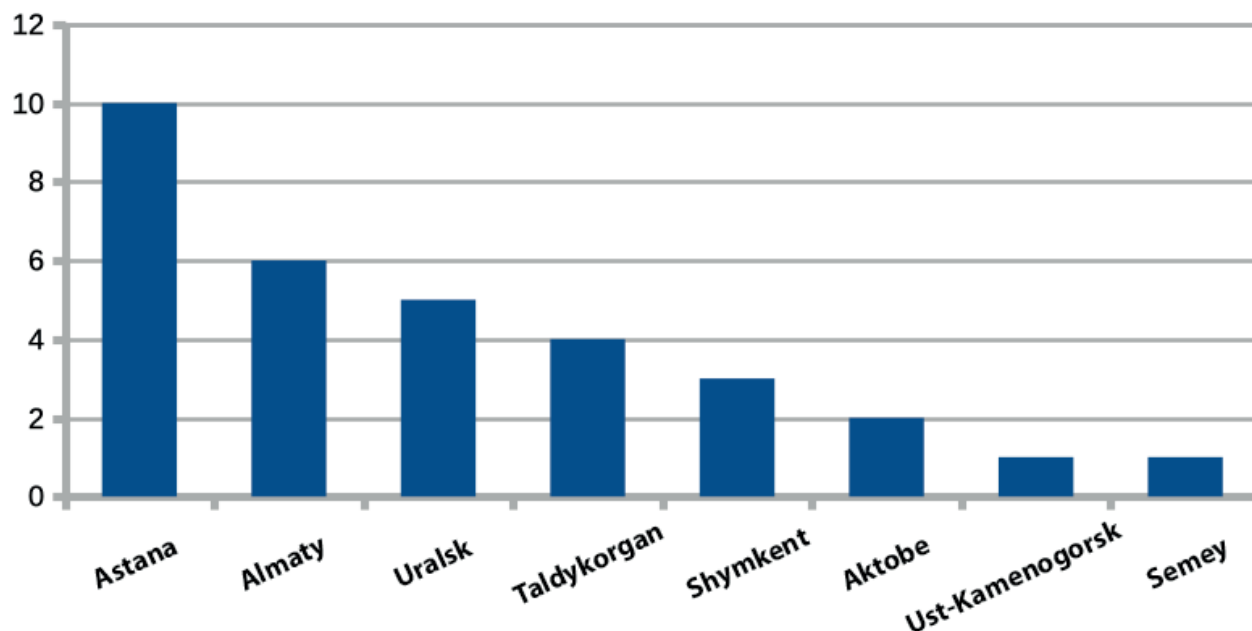
3.OVERALL MONITORING RESULTS

In 2018, the monitors recorded 32 peaceful assemblies in eight cities of Kazakhstan (Table 1).

Table 1. Number of peaceful assemblies in 2018

Astana	10 (31.2%)
Almaty	6 (18.7%)
Uralsk	5 (15.6%)
Taldykorgan and Almaty Oblast	4 (12.5%)
Shymkent	3 (9.4%)
Aktobe	2 (6.2%)
Ust-Kamenogorsk	1 (3.2%)
Semey	1 (3.2 %)
TOTAL:	32 (100%)

Picture №1



Astana, with a third of all peaceful assemblies, recorded the highest number of protests this year, followed by Almaty with 18.2% and Uralsk with 15.5%.

The data for 2018 adds to the eight-year dynamics of peaceful assemblies in Kazakhstan (Table 2).

Table 2. Eight-year dynamics of peaceful assemblies

	2010	2011-2012	2012-2013	2014	2015	2016	2017	2018
TOTAL	64	162	119	114	71	52	36	32
Almaty	47	67	58	43	29	21	17	6
Astana	7	16	26	26	37	9	9	10
Uralsk	4	28	22	15	9	4	2	5
Aktau	-	26	4	2	1	1	-	-
Karaganda	4	7	6	5	1	-	1	-
Shymkent	-	7	2	-	1	-	3	3
Atyrau	-	-	-	2	1	4	1	-
Pavlodar	1	-	1	2	1	1	1	-
Ust-Kamenogorsk	-	2	-	-	-	3	-	1
Kostanay	-	-	-	1	-	1	-	-
Aktobe	-	-	-	3	-	2	-	2
Taldykorgan and Almaty Oblast	-	-	-	-	1	-	1	4
Kyzylorda	-	-	-	-	-	1	-	-
Zhezkazgan	-	-	-	-	1	-	-	-
Semey	-	-	-	-	-	1	-	1

As follows from the table above, protests peaked in 2011, declining yearly thereafter. Over six years, the annual number of peaceful assemblies decreased fivefold.

There were several reasons, including Kazakhstan's government building of a system of prohibitions and restrictions against people's exercising of their right to peaceful assemblies.

The first initiative by the government was the adoption of Law 2126 on 17 March 1995 *On the Procedure for Organising and Holding Peaceful Assemblies, Rallies, Street Processions, Picketings and Demonstrations in the Republic of Kazakhstan*. The law sets forth a stringent procedure for arranging peaceful assemblies, requiring that the consent of the authorities must be obtained well beforehand.

Another important aspect is that the government simply withholds permissions to arrange politically-motivated protests and rejects applications from disloyal persons and organisations.

The third factor is that punishment for arranging unpermitted protests has been toughened. In 2018, rallies were forbidden for various reasons, including questionable and ridiculous ones.

4. PROTEST ACTIVITY (QUANTITATIVE DATA)

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

The protest activity index refers to the number of peaceful assemblies (rallies, picketings, flash mobs and demonstrations) held per unit of time. In our case, the unit of time is a month. The index helps to compare the dynamics of peaceful assemblies by year and see the trend.

Table 3 breaks down the protest activity index by city over the monitoring period and



shows the dynamics of protest activity in Kazakhstan.

Table 3. Protest activity index, by year and city

	2010	2011-12	2012-13	2014	2015	2016	2017	2018
Almaty	4.0	6.4	4.0	3.5	2.4	1.75	1.4	0.5
Astana	0.6	1.5	2.3	3.1	1.8	0.75	0.75	0.83
Uralsk	0.2	2.6	2.8	1.2	0.75	0.3	0.2	0.42
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	0.2	0.1	0.1	-	-
Ust-Kamenogorsk	0.2	-	0.17	0.1	-	0.25	-	0.08
Taldykorgan	-	-	-	-	0.1	0.2	0.1	0.33
Aktobe	-	-	-	0.25	0.1	0.3	-	0.08
Atyrau	-	-	-	0.2	0.3	-	0.1	-
Shymkent	-	-	0.2	-	0.1	0.1	0.3	0.25
Kostanay	-	-	-	0.1	-	0.1	-	-
Zhezkazgan	-	-	-	-	0.2	-	0.1	-
Semey	-	-	-	-	-	-	0.1	0.08
TOTAL	5.8	15.4	10.5	9.5	5.9	4.3	3.0	2.67

The table shows that in 2018 there were less than three peaceful assemblies on average in Kazakhstan. Compared year-on-year, there were fewer protests and protest activity decreased by 10%. This suggests that protest activity in Kazakhstan continues to decline.

The highest activity was recorded in Astana, with 31% of all peaceful assemblies that took place in Kazakhstan. In previous years, Almaty was the most active city in terms of protests. This year, Astana outran Almaty with an index of 0.83 (against 0.5), with Almaty occupying the second line with six peaceful assemblies, which is followed by Uralsk with five protests.

Interestingly, the protest activity index in Almaty, which was the main place for protests in previous years, declined, while Astana, Uralsk and Taldykorgan demonstrated a slight increase in the number of protests.

Semey and Ust-Kamenogorsk had one protest each.

In the majority of other cities and towns, including Kyzylorda, Karaganda, Petropavlovsk and Turkestan, there were no peaceful assemblies arranged, and this trend continues from previous years.

5. CONCERNS RAISED AT PEACEFUL ASSEMBLIES (QUALITATIVE DATA)

All peaceful assemblies are divided into three groups.

The *first group* are the protests that raise political concerns. These include all events where people express their dissent with the actions by the government, political disloyalty, or open protests against the authorities.



The *second group* comprises the events that raise civil society issues without political background.

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

In our past reports, we pointed out to the continual decrease in the number of political protests. This year the trend was reversed, as the number of peaceful assemblies with a political agenda grew sixfold, a significant increase year-on-year.

Overall, there were 14 political protests, four economic and 14 social ones. The number of political protests reached the figure recorded in 2010 (Table 4).

Table 4. Concerns raised at peaceful assemblies by year

	2010	2011-2012	2012-2013	2014	2015	2016	2017	2018
Political	40%	9%	1% (1MC)	-	-	15.5%	5.5%	43.75%
Economic	53%	58%	70%	49%	45%	15.5%	16.6%	12.5%
Social	7%	33%	29%	51%	55%	69%	78%	43.75%

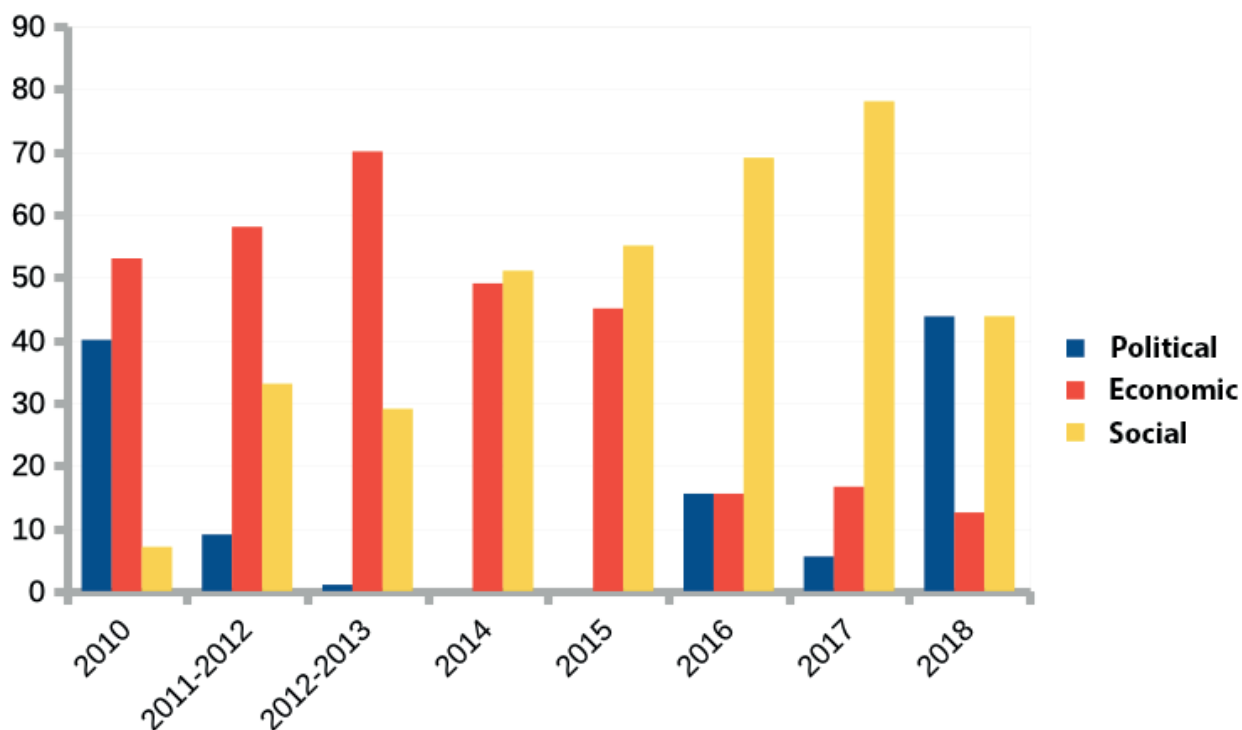
The table above shows the dynamics of concerns raised at peaceful assemblies over the monitoring period.

It shows, in particular, that, after the lack of political protests in 2013, 2014 and 2015, they reappeared in 2016 (15.5%) and 2017 (5.5%). It should be noted, however, that the protests of 2013 and 2014 were significantly different from those held in 2016 and 2017. The rallies of 2013 and 2014 were, as a rule, organised by the opposition and were more about political claims and better organised. They also were larger and had

serious public impact. The political protests of 2016 and 2017 were mainly arranged by single individuals and the majority of them were in the form of small picketings. The political protests in 2018 were special in that the majority of them were associated with the activities of the Democratic Choice of Kazakhstan (DVK) movement banned in Kazakhstan. Called by its leader Mukhtar Ablyazov, who is staying abroad, members of this organisation held protests in different cities and towns. The police stopped these gatherings and detained their participants. Several administrative and even criminal cases were initiated.

In an attempt to prevent the protests by DVK, the police worked with the persons included in the non-official lists of those loyal to the banned organisation. Some of them were paid home visits and warned against participation in rallies. Others were required to come to police departments and got warned they would face charges if they take part in the activities of the extremist organisation banned in Kazakhstan. Those most active on social media saw criminal charges brought against them, and some of them were sentenced to restraint and imprisonment for various terms.

Picture №2



On 22 March, the police in Astana detained people who came to the city square to celebrate Nauryz with blue balloons in their hands. The police failed to explain the reason for detention, referring to some sort of “strengthening control.” The detained people included those who had blue balloons with the emblem of Kazakhstan or other national symbols on them. A number of blue balloons were even confiscated. On the same day, the police used force in Almaty and, in particular, hit Sakhib Zhanabayeva, a pensioner, on the city square, damaging her clothes and things, because she had blue balloons with an advert printed on them, although the balloons were distributed at the very location. “I stood up, my hand totally cut and bleeding, my bag missing. I cried and cried because my keys and documents were missing. One of them ran back and threw the torn bag to me, half of it already missing, they searched it through,” the woman tells. She filed complaints to the police and the prosecutor’s office, but none of the authorities investigated the case.

On 28 July, in Kostanay, the police forced to get into a bus and hit sight-impaired Alexey Plyaskovsky. The man was sitting on a bench in a park waiting for his minor son when he was approached by the police. Alexey’s only guilt was that he wore a blue T-shirt. At the police department he said he needed medical assistance, but, after he was seen by a doctor, he was returned to the facility and then judged to three days of administrative arrest for having allegedly resisted the police. Although the judge had been provided with a video record that proved Alexey’s testimony, he agreed with what the police officers said.

This attitude to the blue colour is associated with the fact that it is the official colour of DVK.





All these events, as well as the breaking up of protests initiated by DVK have resulted in that the number of participants in these protests decreased continuously, every time they were held. While the first protest where the participants demanded that political prisoners should be released gathered some 300–350 people in some cities, the subsequent ones had under 100 protesters.

It should be also said that in 2018 the police detained dozens of activists to prevent protests by DVK.

In Astana, Maksat Ilyasuly was arrested for five days on 17 May. He was convicted of having violated the law on the arrangement and holding of assemblies and rallies. Maksat Ilyasuly reported that, on 10 May, he with a number like-minded persons, filed a request for arranging a rally concerning “land issues” on 21 May in Astana, but received no written response. The same day, another activist, Raushan Kalmomynuly who signed the same request, was also arrested for five days. On 18 May, Kaiyry Omar, an activist who was present at the hearings of Maksat Ilyasuly and Raushan Kalmomynuly’s cases, was taken to the police department. A paper, which was shown to Omar by people in plain clothes, said that the interior authorities investigated the case of “stirring up social hatred and distributing negative materials” by some participants in a Telegram chat. However, when taken to the police department, Omar was just warned against calling up people to the rally. Kairly Omar refused to talk without a lawyer and then left the department. Another two people who signed the request for holding the rally concerning “land issues,” Inkar Tishtybayeva and Abduali Tagai, were called to the police department on 18 May. This happened when they received a written response to their request at the mayor’s office. They both were warned against holding the rally.

Below is the list of concerns raised at political protests.

Concerns	Number of protests
Freedom for political prisoners	9
Free education	3
Against deportation of Muratbek Tungishbayev, a member of the opposition, by Kyrgyzstan	1
Against selling land to foreigners	1
Total	14

Four economic protests were recorded in Kazakhstan in 2018.

Concerns	Number of protests
Dissatisfaction with the size of pensions	1
Against increased prices of gas at filling stations	1
Unit holders' demands to complete the construction of a housing estate	1
Against an unlawful accrual of a debt by a condominium	1
Total	4

Compared to social and political topics, economic issues in 2018 were of significantly lower concern to the protesters, while in 2017, 78% of all protests held in the country were around economic issues. This suggests that the situation has changed drastically.

Below is the list of social concerns raised at peaceful assemblies in 2018:

Concerns	Number of protests
Protest against unfair judgements	6
Against actions by the police	2
Feminist protest against the stigmatisation of women	1
Against dispossession	1
Dissent with the mayor's actions	1
Against unlawful dismissal	1
A pensioner's protest against the size of his pension	1
Demand to ensure the safe crossing of a street	1
Total	14

As in the previous year, there were no protests initiated by civil society organisations in 2018. For several years after political parties had been liquidated in Kazakhstan, different organisations arranged protests, but their activity decreased gradually. While



On 9 August, in Almaty, three activists from the Feminista Initiative arranged a protest on the pedestrian street of Zhibek Zholy in Almaty. They attached menstrual pads with red stains on them to their clothes in an attempt to draw attention to the issues of sexual education. They also carried posters reading “Menses are women’s superpower” and “Why are menses yuat [the Kazakh word for shame], while violence is not?” It was only on 20 August when one of the protesters, Zhanar Sekerbayeva, was charged with disorderly conduct and judged to a penalty of five monthly calculation indices.

in 2016 there was a rather active movement of mortgagors titled Provide People with Housing (5 protests), the Spravedlivost (Fairness) civic initiative (2 protests), and the KazFem feminist movement (2 protests), in 2017 only Spravedlivost (4 protests), trade unions (1 assembly) and feminists (1 assembly) took part in the rallies.

In 2018, the only civil society organisations that arranged public protests were KazFem (1 assembly) and Provide People with Housing (1 assembly).

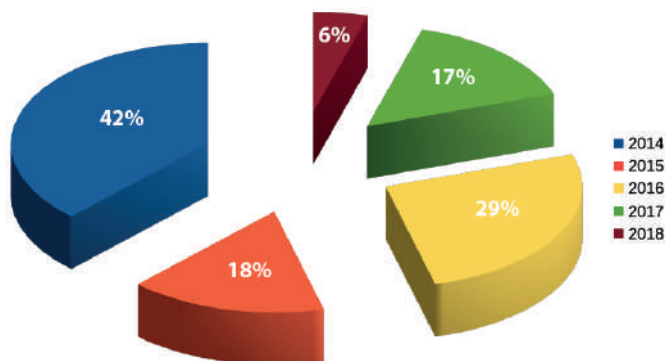
Compared with the previous year, the activity of civil society organisations in arranging public protests declined by almost three times (Table 5).

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

2014	2015	2016	2017	2018
42%	18%	29%	17%	6%

Almost a half (61%) of all protests were arranged spontaneously by people who gathered around a certain issue, or by a group of people aiming to solve a certain problem.

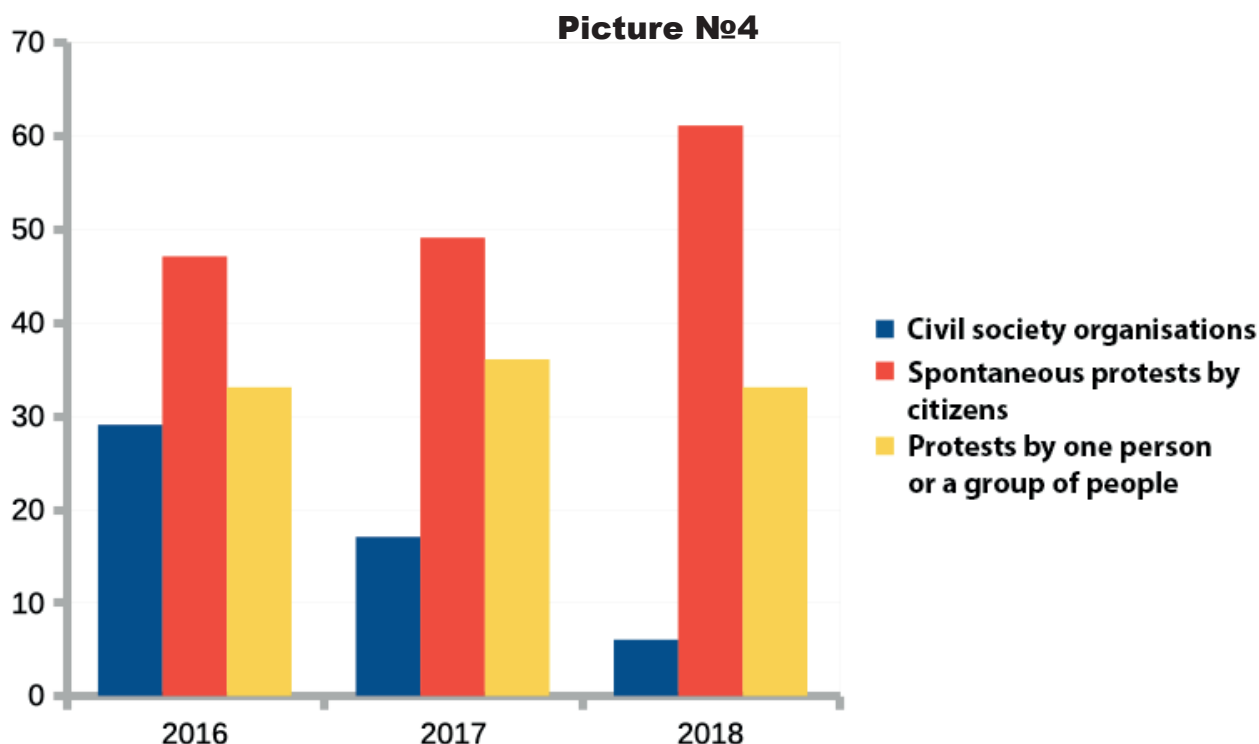
Other protests (36% of all peaceful assemblies over the year) were arranged by one person. Strictly speaking, a one-person protest by a person who, as a rule, tries to draw attention to their personal problems, can hardly be called an assembly.



Compared with the previous year (Table 6), 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	2018
Civil society organisations	29%	17%	6%
Spontaneous protests by citizens	47%	49%	61%
Protests by one person or a group of people	33%	36%	33%



6. 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 picketings.

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 picketings. 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, protesters are forced to comply with the procedure for having a protest permitted as envisioned for peaceful assemblies. In other locations, single picketings are not given any attention.

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

On 16 October, the residents of the settlement of Melkombinat (Almaty Oblast) blocked a highway, requiring that traffic cameras should be installed at the crossing and that the drivers who violate the speed requirements should be punished with fines. The reason for the protest was the death of a 17-year-old girl who had been hit by a car. Schoolchildren also had to cross the dangerous section of the road every day. Prosecutors, police officers and other officials who came to the assembly began to search for its organiser, as the protest had not been permitted. They, however, promised to remedy the situation. None of the participants in the protests faced any charges.

In addition, there are still cases of the extreme forms of protests in Kazakhstan such as a public suicide or attempted suicide. At least three such protests were recorded in 2018. However, just the Shymkent case was included in this report, as it was the only one that met the criteria for public protests in its initial phase.



On 10 July, Nurzhan Mukhammedov, an activist, came to the mayor's office building to require that the police should stop shadowing and persecuting him. He took his wife and five children with him whom he arranged to stand in a row, each holding a paper that altogether formed the phrase, "We are not slaves. Stop persecution." Mukhammedov had earlier been arrested for 10 days for having participated in a rally on 10 May, requiring that political prisoners should be freed. From that time on, he repeatedly stated that he was shadowed and pressurised by the police. Mukhammedov demanded a meeting with the mayor. His requirements disregarded, he doused himself with some flammable liquid and threatened to set it alight. A deputy mayor came out after that and proposed that they should talk inside. When the activist and his family entered the building, the prosecutor of the city and the head

of the local police department also appeared. The mayor of the Al-Farabi District of Shymkent also joined the talk. The deputy mayor stated that an internal check into the police officers' actions would be arranged based on Mukhammedov's allegations.

On September 24, a man tried to burn himself in one of the shopping centers of Pavlodar-city. The reason for this behavior was the dissatisfaction with the lack of financial compensation for the sold private house, in the place of which the shopping center is located today. At the time of the incident, the shopping center was cordoned off, all people were evacuated.

On August 14, in Astana, Pavel Cherepanov immolated himself when a bailiff demolished his garage for the construction of a public garden. When he was extinguished, the man had a 3rd degree burn. On February 1, 2017, the city administration of Astana issued a decree on the forced seizure of land plots, which included the territory of the garage company for the construction of a public garden. But on April 28, 2017, the city administration issued another decree, which canceled the construction of the public garden. At the same time, the land acquisition procedure was not stopped.

Finally, the authorities began to regard any attempt of gathering aimed at communication with a government body as an unpermitted peaceful assembly.

On 10 January, in Astana, around 25 residents of the Makhabbat and Makhabbat 2 housing estates came to the government’s building, requiring a meeting with the president, in order to stop their scheduled dispossession after the heating season ends. Agrofirma Kazexportasttyk, the owner of the estates, had earlier provided housing to these people on the terms of rent with a purchase option. The flats had been provided in “base build,” with the tenants fitting out the interior at their own expense. Later, however, the developer collected the rent agreements to have them registered, as it claimed, but failed to return them, whereafter the owner of the estates changed. The new owner, Kazagroholding, required that the residents leave the apartments. The residents applied to courts, but not succeeded, and they are currently arranging different protests. All the participants in the protest on 10 January were detained by the police. In the night of 11 January, the Astana Administrative Court sentenced 20 women to penalties of EUR 30 each and one of them, Svetlana Shelgibayeva, to a five-day arrest. All the protesters were convicted of disorderly conduct.

Table 7. Types of peaceful assemblies in 2018

Rallies	10	31.2 %
Single picketings	9	28.1 %
Picketings	4	12.5 %
Chaining or handcuffing	3	9.4 %
Threat of self-immolation	1	3.1%
Laying of flowers	1	3.1 %
Roadblocks	1	3.1 %
Hunger strike	1	3.1 %
Collecting signatures	1	3.1 %
Attempt to see the president	1	3.1 %
	32	100%

Picture №5



Table 8. Types of peaceful assemblies compared with 2017

	2017 год	2018 год
Rallies	6 (17%)	10 (31.2 %)
Picketings	12 (33%)	6 (18.7 %)
Single picketings	9 (25 %)	9 (28.1 %)
Processions	3 (8%)	-
Roadblocks	3 (8%)	1 (3.1%)
Chaining or handcuffing	1 (3%)	3 (9.4%)
Hunger strike	1 (3%)	1 (3.1%)
Refusal to descend from a building crane	1 (3%)	-
Collecting signatures	-	1 (3.1%)
Picketing with a threat of self-immolation	-	1 (3.1%)
Attempt to see the president	-	1 (3.1%)
	100%	100%

An analysis of the forms of public protests suggests that, after the political parties and large civil society organisations have abandoned the field of politics and significant pressure on activists has begun to be built, the main players in the segment of political activity are primarily individual protesters and informal groups who find it more difficult to arrange a rally and, for that reason, choose simpler forms and approaches to speak about their problems. One of the forms of such protests is chaining oneself in order to remain visible to the press and other people for a longer time, until the chain is broken. Another example was the protest against the winding up of independent trade unions in 2017, when an employee of Oil Construction Company climbed a building crane and refused to descend.

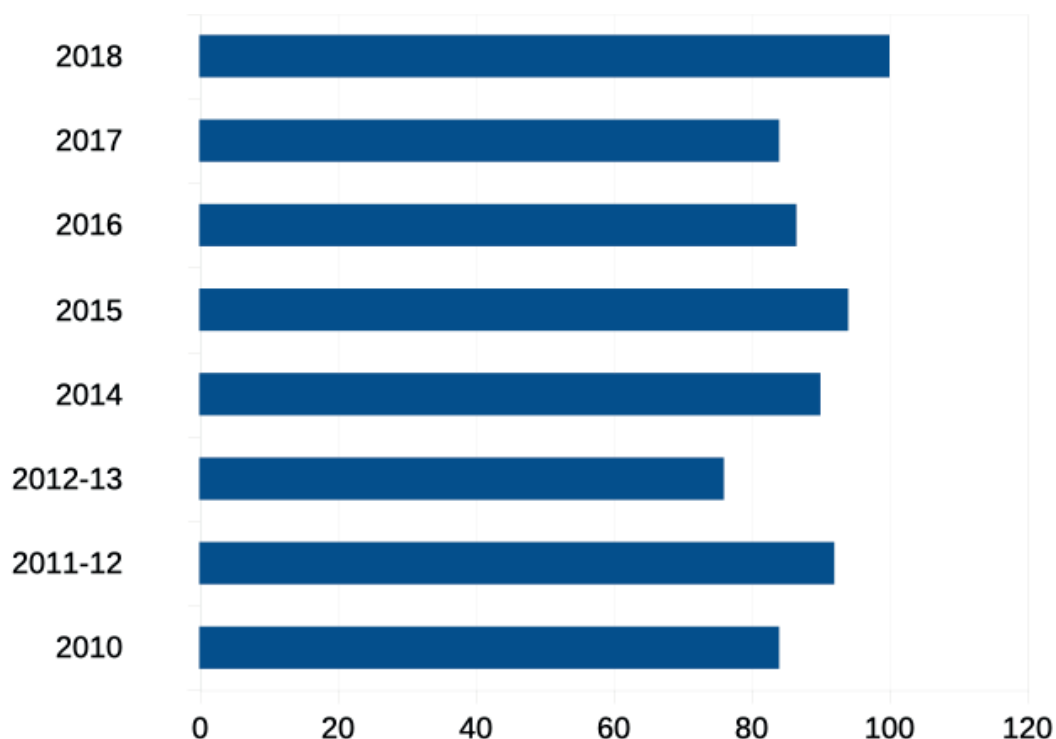


7. CITIZENS' ABIDANCE BY LAW AT PEACEFUL ASSEMBLIES

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, the majority of the protesters disregard this procedure, as they know that such permits are usually not granted. For this reason, most peaceful assemblies in Kazakhstan are arranged without permits, causing conflicts with the authorities.

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

Picture №6



As shown above, the overwhelming majority of peaceful assemblies in Kazakhstan (88.3%) 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 its interests 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 implies significant fines and arrests for up to 15 days.

In all other instances, the authorities usually try not to react to protests, or their reaction is purely formal and limited to oral warnings, without bringing any charges against protesters.

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

The situation in 2018 was different. As stated above, all the protests held over the year were unpermitted. Moreover, there was not a single case in 2018 where a local executive body would permit a peaceful assembly even in a place specifically selected for these purposes. For this reason, protesting without a permit is just a last resort.

Twenty-one unpermitted protests (63.6% of all unpermitted protests) ended in the detention of their participants. The other twelve were unhindered, although the participants in three of them faced charges under the law on administrative offences. There were only twelve (36.4%) protests that had no consequences for the participants, their only communication with the police being in the form of warnings.



The police reaction to unpermitted protest has grown significantly tougher compared with previous years. While in 2017, every fifth participant in an unpermitted protest was detained, in 2018 their number grew to two thirds of all the protesters. The police pay special attention to the activists and supporters of the Democratic Choice of Kazakhstan (DVK) movement. From the very beginning, all potential participants in the DVK events had interactions with the police where they received official warnings. Many of them were detained, including on their way to

the respective gatherings. A total of six intended DVK protests were prevented in this manner. The police began to drag the protesters into buses as soon as they appeared at the location. Most of those detained were charged with administrative penalties.

Other protesters were also detained, including those who took part in the following protests:

- requiring to release political prisoners (1 protest);
- expressing dissatisfaction with the work of courts (5 protests);
- against the sale of land to foreigners (1 protest);
- against unlawful dismissal (1 protest);
- expressing dissatisfaction with the size of pensions (1 protest);
- expressing dissatisfaction with the resolution of housing issues (3 protests);
- against arbitrary actions by the police (2 protests); and
- against actions by the mayor's office (1 protest).

The monitoring efforts envision measuring the reasons for protesters' failure to apply for permits from local authorities.

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

	2011	2011-12	2012-13	2014	2015	2016	2017	2018
As a matter of principle, not to obey an undemocratic law	25%	41%	-	25%	12%	25.5%	-	16%
Not worth trying, as the protest would not be permitted in any case	55%	42%	32%	31%	27%	24%	28%	41%
Didn't know a permit is required	19%	16%	68%	44%	61%	11%	11%	9%
Spontaneous protest, no time to get the permit	-	-	-	-	-	11%	13%	9%
Reason unknown	-	-	-	-	-	18%	48%	25%

As follows from the table, the number of those who considered that applying for a permit was not worth trying increased. The reason for this is that the authorities have not granted any permits in recent years, and people prefer not to waste their time on bureaucracy. Another trend worth mentioning is that there was an increase in the number of protesters who joined protests spontaneously or for unknown reasons. These accounted for a third of all protesters in 2018 and for more than a half in 2017, which suggests that protests become increasingly unpredictable. They don't always have organisers, or a preparatory stage, and are not backed by any political forces or interested persons. The factors of spontaneity and unpredictability become increasingly widespread in public protests.

In Almaty, Alnur Ilyashev filed 32 requests for holding a rally in a park behind the Saryarka film theatre from August to September 2018. The rally was intended to be for the reform of the Ministry of Internal Affairs. All his requests were denied because of the alleged repair in the park. However, the city authorities have also failed to offer another location, as required by law. Alnur Ilyashev tried to contest the mayor's office's decision in a court, but the court ruled in favour of the authorities. He also found out that the maslikhat's (municipal council) decision on providing a certain location for holding peaceful assemblies (the park behind the Saryarka film theatre in Almaty) had not been registered with the justice authorities and is, therefore, null and void. Ilyashev tried to contest this violation in the court as well, but the judge considered the maslikhat's decision was a recommendation and dismissed the claim.

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 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 protests by city, with the law abidance index, in 2018.

Table 11. Law abidance index by city in 2018

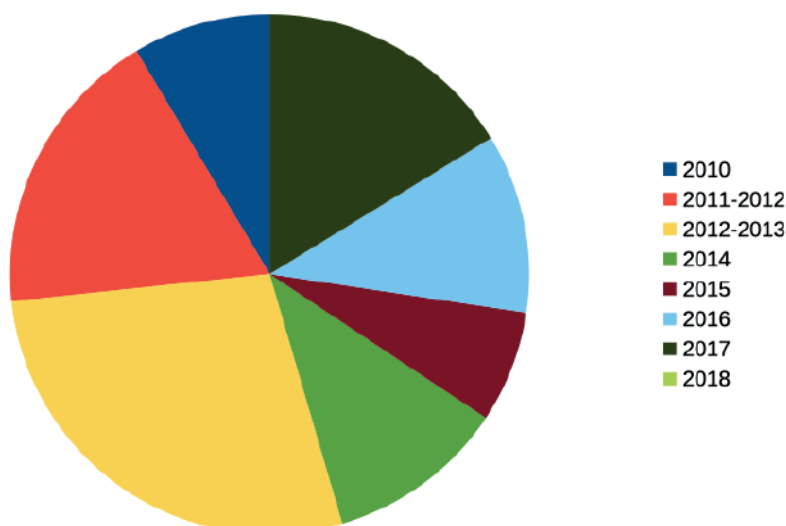
	Total peaceful assemblies	Unpermitted protests	Permitted protests	Law abidance index
Almaty	6	6	0	0%
Astana	10	10	0	0%
Shymkent	3	3	0	0%
Uralsk	5	5	0	0%
Aktobe	2	2	0	0%
Ust-Kamenogorsk	1	1	0	0%
Semey	1	1	0	0%
Taldykorgan and Almaty Oblast	4	4	0	0%
TOTAL	33	33	0	0%

Given the fact that rallies are de facto forbidden in Kazakhstan, all peaceful assemblies held in 2018 did automatically violate the current law, as they were unpermitted. This means that there was no law abidance in terms of the arrangement of peaceful assemblies in 2018.

The table below describes law abidance over the entire monitoring period.

Table 12. Law abidance index by year

2010 год	7.4%
2011-2012	15.6%
2012-2013	24.0%
2014 год	9.6%
2015 год	6.0%
2016 год	9.6%
2017 год	14%
2018 год	0%



As we can see, law abidance in respect of peaceful assemblies over these years was low, at approximately 9%, suggesting that over 90% of all protests in Kazakhstan were unpermitted. This means that people disregarded the Law on Peaceful Assemblies and, in particular, its requirement that a permit must be obtained to arrange a protest, throughout the observation period.

8. GOVERNMENT REACTION TO UNPERMITTED PEACEFUL ASSEMBLIES

In accordance with the Law On the Procedure for Organising and Holding Peaceful Assemblies, akimats (mayor’s offices) must warn the organisers of or participants in an unpermitted public assembly that the holding of protests unapproved by local executive bodies is forbidden.

Prosecutors’ offices, in turn, must explain to protest organisers why their actions are unlawful and what penalties apply in case of failure to obey the law.

However, local authorities and prosecutors’ offices are very selective in their reaction to public protests. They appear at some protests 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 gross violation of the current law.

In particular, in 2018, in all instances where DVK announced forthcoming protests, there were mass detentions of the activists who headed for the location.

Table 13 presents the cases where local authorities or prosecutors’ officers were present at peaceful assemblies and the number of warnings made in 2018.

Table 13. Presence of authorities and warnings made in 2018

	Presence	Warnings
Prosecutors’ offices	8	6
Akimat (mayor’s office)	8	8
Police	27	-

Therefore, prosecutors were present at eight out of 32 public protests. They made eight warnings about the unlawfulness of protesters’ actions. 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 one-person picketings, are often ignored by prosecutors and akimats.

At the same time, the authorities are very attentive to any protests of political or ex-²⁵

treme 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 protests are planned to take place in the centre of a city, near governmental institutions or just in a crowded place, the law-enforcement agencies pay particular attention to them.

9. REACTION BY THE POLICE

The reaction by 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, 536 police officers were involved in observing peaceful assemblies in 2018, suggesting there were on average 16 officers at each protest.

This data may be not accurate as, in practice, sometimes the police only send 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 2018 by city

	Number of participants	Number of police officers	Police control index
Almaty	210	155	0.7
Astana	130	180	1.4
Shymkent	70	70	1.0
Uralsk	33	37	1.0
Aktobe	26	25	1.1
Semey	25	10	0.4
Taldykorgan	29	22	0.7
Ust-Kamenogorsk	2	0	0
TOTAL	535	499	1.07

As follows from the table above, the greatest control by the police was recorded in Pavlodar where a one-person protest was “attended” by more than ten police officers. The reason for this was, however, that the man threatened to set himself on fire in a mall.

The toughest control by the police of peaceful assemblies was recorded in Astana, with an average of three police officers per two participants in a protest, while in Almaty it

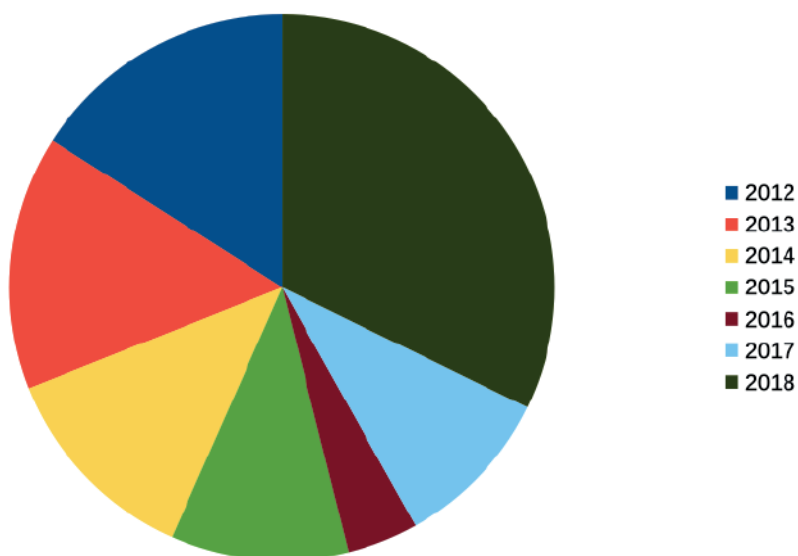
was two times less – two police officers per three protesters.

The figures for the other cities of Kazakhstan are similar, with one police officer per protester on average.

However, compared with the previous years, the decrease in the police control over peaceful assemblies reversed in 2017, with the number of police officers that are present at any protest growing (Table 15).

Table 15. Police control index by year

2012 год	0.53
2013 год	0.50
2014 год	0.41
2015 год	0.35
2016 год	0.14
2017 год	0.32
2018 год	1.07



As follows from the table above, the police control index tripled in 2018. This also confirms that the authorities have strengthened their attention to protest activities.

10. DETENTIONS OF PARTICIPANTS IN PEACEFUL ASSEMBLIES

In 2018, participants in 69% of all peaceful assemblies in Kazakhstan were detained (Table 16).

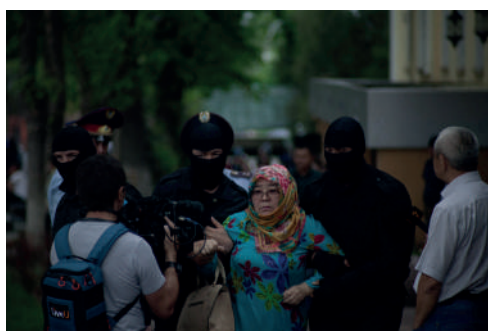
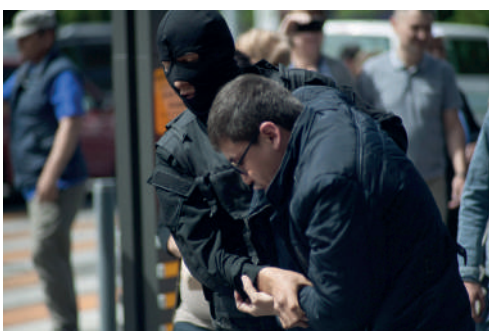
Table 16. Detentions at peaceful assemblies in 2017

	Detentions	Number of persons detained
Astana	8	116 чел.
Uralsk	4	8 чел.
Almaty	3	158 чел.
Taldykorgan	3	3 чел.
Aktobe	2	15 чел.
Shymkent	1	20 чел.
Semey	1	10 чел.
TOTAL	22	330 чел.

This is three times more than the year before. The total number of those detained was 331, which is 60% of all protesters.

In accordance with Article 19.3 of the Law of Kazakhstan On the Bodies of Internal Affairs of the Republic of Kazakhstan, “An employee of the bodies of internal affairs who needs to temporarily restrict the rights of an individual must accompany their actions with the words In the name of the law.” This means that any detention of a protester must be preceded by these words or, failing this, it will be considered an arbitrary one. However, there was not a single case recorded where law-enforcement officers would accompany their actions with the words In the name of the law.

In 2018, there were several cases of the police using violence against the protesters without a reason. There were also cases where minors were detained by the police.



11. CONVICTIONS OF PARTICIPANTS IN PEACEFUL ASSEMBLIES

In 2018, 119 administrative cases were brought against participants in peaceful protesters to the courts of Kazakhstan. There could be more, however.

	Number of persons convicted	Warnings	Fines	Arrests
Astana	67	5	56	6
Almaty	19	1	9	9
Aktobe	15	12	-	3
Semey	10	-	3	7
Uralsk	5	1	-	4
Taldykorgan	3	1	-	2
TOTAL	119	20	68	31

This means that 69% of all unpermitted protests ended in courts where their organisers and participants were charged with having violated Article 488 of the Code of Administrative Procedure (violation of the procedure for holding peaceful assemblies). The other charges against protesters were rather arbitrary, including “disorderly conduct” or “failure to obey a lawful instruction or requirement by a law-enforcement officer” (these, however, were used in Astana only, with 21 persons convicted of disorderly conduct and 29 ones of failure to obey). A total of 119 protesters, out of 331 detained, faced trials. All of them charged with having committed administrative offences, either in the form of warnings (20%), fines (86%), or administrative arrests for between 1 and 15 days (31%).

That said, we recorded only those trials that involved the participants in the protests that had either taken place or could be deemed to have taken place, while at least 30 more people were sentenced (predominantly to administrative arrests) just for an intention to arrange or take part in a protest.

In 2017, only 16% of all those detained faced trials, suggesting that in 2018 the law-enforcement bodies and courts toughened their approach to protesters significantly.

Table 17 shows how punishments for unpermitted protests toughened over the monitoring period.

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

2015	2016	2017	2018
18%	25%	16%	69%

As can be seen from this data, approximately 20% of all unpermitted peaceful assemblies end in protesters being prosecuted by courts. The remaining 80% are not given any attention in the context of the Law on Peaceful Assemblies. The officials that control citizen activity seem to believe that these protests 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.

However, if protests concern political issues, as in the case of the banned DVK movement, the police and courts pay particular attention to the protesters' compliance with the Law on Peaceful Assemblies.

12. GENERAL STATISTICS

1. The total number of participants in peaceful assemblies in 2018 was 536. Table 18 provides data on citizens' participation in protests by city.



Table 18. Number of participants in peaceful assemblies

	Total participants					Average per assembly				
	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
Almaty	1838	569	1120	491	210	43	19.5	53	28	40
Astana	541	357	55	138	130	14	32	6	15	22
Uralsk	441	118	77	2	33	31	13	19	1	6
Aktau	6	1	75	-	-	-	1	15	-	-
Karaganda	159	1	-	1	-	35	1	0	1	-
Shymkent				44	70				15	24
	80	113	2500	6	-	40	29	500	6	-
Pavlodar	51	70	40	-	-	25	70	40	-	-
Ust-Kamenogorsk	2	-	6	-	2	-	-	2	-	2
Kostanay	2	-	22	-	-	-	-	22	-	-
Aktobe	3	1	1500	-	36	1	1	750	-	18
Taldykorgan and Almaty Oblast	9	-	-	1	29	4.5	-	-	1	7
Kyzylorda	-	-	350	-	-	-	-	350	-	-
Temirtau	-	-	-	(1000)	-	-	-	-	(1000)	-
Semey	-	-	1	14	25	-	-	-	14	25
TOTAL	3132	1230	5745	697	535	24	21	76	44	17

The right section of the table provides the average number of citizens who intended to take part in a protest. In 2016, this figure was the lowest over the entire observation period. In 2018, 17 persons on average participated in a protest in Kazakhstan.

The average duration of a protest in Kazakhstan in 2018 was 26 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			
	2015	2016	2017	2018	2015	2016	2017	2018
Almaty	1,586 minutes	1,013 minutes	880 minutes	130 minutes	37 minutes	48 minutes	18 minutes	26 minutes
Astana	763 minutes	192 minutes	205 minutes	150 minutes	26	21 minutes	23 minutes	17 minutes
Shymkent			55 minutes	90 minutes			18 minutes	30 minutes
Uralsk	595 minutes	180 minutes	25 minutes	145 minutes	42 minutes	45 minutes	12.5 minutes	24 minutes
Karaganda			15 minutes	-			15 minutes	-
Temirtau			20 minutes	-			20 minutes	-
<u>Semey</u>			30 minutes	20 minutes			30 minutes	20 minutes
Taldykorgan			240 minutes	45 minutes			240 minutes	11 minutes
Atyrau			20 minutes	-			20 minutes	-
Aktobe				130 minutes				65 minutes
Ust-Kamenogorsk				20 minutes				20 minutes

CONCLUSIONS:

As in previous years, there were few protests in Kazakhstan's largest cities. The continuing trend is that protests are usually held in certain cities (for example, Almaty, Astana, Uralsk and Aktobe), while there are none in others (Petropavlovsk, Kyzylorda, Kostanay). There are also cities where protests occur occasionally when a particular problem arises.

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

Frightened with protest activity in other countries where public rallies have led to the change of political regimes, Kazakhstan's government has continuously pursued the policy of restricting citizens' right to peaceful assembly. The monitoring efforts in 2018 confirmed that this trend persists.

1. The Law On the Procedure for Organising and Holding Peaceful Assemblies requires that a permit for the holding of an assembly be obtained and sets forth the procedure for having these activities agreed with the authorities, which complicates their arrangement.

In fact, the procedure for having peaceful assemblies agreed with the authorities de-



prives Kazakhstan's citizens of the possibility to protest 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 protests. 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 an obligatory requirement.

The law excludes the possibility of ad-hoc public protests, as the time for considering an application is ten days.

Officials are also entitled to deny a permit to hold a protest for any of the host of reasons stated in the law. In addition, they often refuse to grant permits in violation of the law, including failure to consider requests within the prescribed time or refusals without providing a reason or another location and time. Sometimes, rejections are explained by the fact that another public assembly should be arranged at the same place and time (often, municipal and district authorities are instructed to do so hastily).

In 2018, however, the authorities have practically deprived the citizens of the slightest opportunity to express their opinion in respect of even "non-sensitive" issues by denying permits to hold protests in designated places. In other words, they just discontinued to comply with the minimal rules of the game they had themselves invented.

In addition to this, the Law on Peaceful Assemblies does not differentiate between forms of peaceful assemblies, allowing officials to regard even one-person protests as subject to the requirements for peaceful assemblies, while the law requires that a respective request should be filed by an organisation or a group of people.

2. The civil society activity continued to decline in Kazakhstan in 2018 as regards participation in peaceful assemblies. This was despite that fact that the DVK movement, which is banned in Kazakhstan, became more active. Yet, although the activists of this

movement tried to arrange and, in part, gathered their followers at protests, the protest activity still demonstrated a downward trend.

At the same time, the protesters who took part in the DVK rallies did express more pressing political concerns. This enlivened the political situation in the country and made people discuss the rallies on social media and debate about the persecution of DVK activists by the authorities.

3. The year 2018 continued the trend that emerged in Kazakhstan after the political field had been cleared from the opposition and proactive civil society organisations that had previously dominated the sphere of peaceful assemblies.

Non-governmental organisations have also excluded protests from their interactions with the authorities. Compared with the previous year, the protest activity by civil society organisations (including those unregistered) fell by seven times. 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. On the other hand, based on their experience, civil society activists have arrived at the understanding that the authorities, law-enforcement bodies and the National Security Committee are very sensitive to public protests, and they simply don't want problems.

If to disregard the protests arranged by the banned DVK movement, the protest activity in 2018, albeit weak, was that by single persons and temporary groups who were desperate about overcoming bureaucracy, the unfairness of the judicial system, or social injustice. This is a steady trend that formed in Kazakhstan in recent years.

At the same time, the movements of unitholders in residential estates and mortgagors, as well as some other groups that raised various social and economic concerns in previous years, became all but invisible. On the one hand, the government does try to solve certain economic issues and those people who have achieved some success in their claims just stop protesting. On the other hand, they, too, have felt the tough pressure on the part of law-enforcement bodies and associated higher risks and prefer to

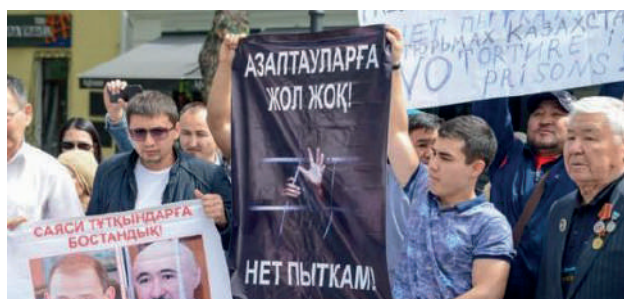


abstain from public protests.

However, since political parties and civil society organisations avoid protests, these events become increasingly unorganised and unpredictable. This means that spontaneity and unpredictability become increasingly frequent as regards peaceful assemblies.

4. The prevailing concerns raised at peaceful assemblies were social and personal. As a result, protests increasingly become a tool for some people that they hope will help them solve their personal issues. The protests by civil society result more often from scandalous or tragic events that are widely discussed in social media. In these instances, the risk of purely spontaneous protests inspired by frustration or anger is growing.

5. The actions by law-enforcement bodies, prosecutors' offices and courts are also unpredictable and often lack minimal legal substantiation. Any detention of a protester without the phrase In the name of the law, which should be said by a police officer before the detention, is deemed unlawful.



In other words, 100% of the detentions of protesters were arbitrary. In addition, the police also started to detain all people who appeared to be near a protest location. For this reason, dozens of people who had no relation to a protest could be taken to a police department, or even to a court. The courts'

judgements are in all instances those of conviction, even when people could prove they had no connection to protests. Even where detentions were preventive, the courts, in all cases, sentenced the persons detained to a fine or an administrative arrest under the Code of Administrative Offences, as if they had actually taken part in an unpermitted protest.

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

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.

In 2018, however, the opposition reappeared in Kazakhstan's politics, represented by the underground DVK movement. Yet, their attempts to involve their followers in nationwide protests failed. DVK did not manage to gather enough participants, and this made it possible for the police to prevent them and detain the majority of actual and potential protesters. Kazakhstan's civil society stayed aside from the confrontation between the government and DVK.

The government still manages to maintain negative attitudes among the public towards any protest activity. There is a strong stereotype among the population of Kazakhstan that social and economic issues cannot be solved by rallies. If asked, "Do you want it like in Ukraine?", the majority of Kazakhstan's citizens would definitely consider this scenario as negative for the country. For this reason, the public at large is patient about repressions against protesters or even approves them.