



COMMISSIONER FOR HUMAN RIGHTS  
IN THE REPUBLIC OF KAZAKHSTAN

**OSCE** Organization for Security and  
Co-operation in Europe  
**Programme Office in Astana**



**CONSOLIDATED REPORT**  
**Participants of the national**  
**preventive mechanism**  
**on the results of preventive visits,**  
**performed in 2021**

Consolidated report of participants of the national preventive mechanism on the results of preventive visits conducted in 2021.

This publication is based on the reports of the 2021 visits conducted by NPM participants to the institutions.

Responsibility for the content of the reports lies with their authors.

For further information, please contact Adembaev D.O., Head of the sector of the National Preventive Mechanism of the National Center for Human Rights of the Republic of Kazakhstan, [ombudsman.npm.2022@gmail.com](mailto:ombudsman.npm.2022@gmail.com)

This report has been prepared with the support of the OSCE Programme Office in Astana. The contents of this publication do not reflect the views or policies of the OSCE Programme Office in Astana and do not imply its endorsement.

## Table of Contents

List of abbreviations and designations	
1. About some organizational issues of the national preventive mechanism in 2021	
1.1 Analysis of the Optional Protocol to the Convention Against Torture, 2002	
2.1 Situation of detainees in the Correctional Facilities of the CCES MIA RK	
2.2 The situation of detainees in pre-trial detention facilities of the CCES MIA RK	
2.3 Status of Persons Held in Temporary Detention Facilities and Other Institutions of the MIA RK	
2.4 The situation of persons held in detention facilities under the jurisdiction of the NSC of the RK	
2.5 The situation of persons detained in facilities under the jurisdiction of the MD of the RK	
2.6 The situation of those detained in the healthcare institutions of the RK	
2.7 Situation of juveniles detained in the educational institutions of the RK	
2.8 Situation of detained persons in the institutions of social security system of the RK	
3. the analysis of implementation of recommendations by governmental bodies and agencies	
4. Conclusions and recommendations	

## LIST OF ABBREVIATIONS AND DESIGNATIONS

GP RK	General Prosecutor's Office of the Republic of Kazakhstan
GAFMC	Guaranteed amount of free medical care
PD	Police Department
VHA	Voluntary helpers of the administration of institutions
DCCI	Disciplinary confinement in correctional institutions of the CCES MIA RK
TDF	Temporary detention facility of the Ministry of Internal Affairs of the Republic of Kazakhstan
NSC RK	National Security Committee of the Republic of Kazakhstan
CS MNE RK	Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan
CCES MIA RK	Committee of the Criminal Executive System of the Ministry of Internal Affairs of the Republic of Kazakhstan
TPI	Therapeutic and prophylactic institution
MES RK	Ministry of Emergency Situations of the Republic of Kazakhstan
MIA RK	Ministry of Internal Affairs of the Republic of Kazakhstan
MH RK	Ministry of Health of the Republic of Kazakhstan
LEB	Local executive bodies (akimats and structural subdivisions)
MES RK	Ministry of Education and Science of the Republic of Kazakhstan
MD RK	Ministry of Defense of the Republic of Kazakhstan
MSI	Medico-Social Institution
MLSP RK	Ministry of Labor and Social Protection of the Republic of Kazakhstan
MF RK	Ministry of Finance of the Republic of Kazakhstan
MJ RK	Ministry of Justice of the Republic of Kazakhstan
NPM	National Preventive Mechanism
NCHR	National Center for Human Rights
PS	Police station
RD	Reception-distribution center of the Ministry of Internal Affairs of the Republic of Kazakhstan
NMR	The Nelson Mandela Rules (UN Rules for the Treatment of Prisoners)
DED	Design and estimate documentation
RK	Republic of Kazakhstan
DC	Detention center
SDFA	Special detention facility for administrative detainees of the Ministry of Internal Affairs of the Republic of Kazakhstan
SR	Special room
OHR RK	Ombudsman for Human Rights in the Republic of Kazakhstan
PNPM	Participants of the National Preventive Mechanism
CC RK	Criminal Code of the Republic of Kazakhstan
CPC RK	Criminal Procedure Code of the Republic of Kazakhstan
CEC RK	Criminal Executive Code of the Republic of Kazakhstan
OPCUNT	Optional Protocol to the UN Convention Against Torture
CAM	Center for Adaptation of Minors of the Ministry of Education and Science of the Republic of Kazakhstan

CSC	Center for Supporting Children in Difficult Life Situations of the Ministry of Education and Science of the Republic of Kazakhstan
CSSS	Center for Special Social Services
CSS	Center for Social Services
MHC	Mental Health Center

## 1. ABOUT SOME ORGANIZATIONAL ISSUES OF THE NATIONAL PREVENTIVE MECHANISM IN 2021

The year 2021 saw significant developments for the entire human rights community in Kazakhstan, including the National Preventive Mechanism.

Our state was elected to the UN Human Rights Council, composed of 47 states responsible for the promotion and protection of all human rights around the world. Kazakhstan's membership in this UN body demonstrates the country's readiness to take effective measures to promote and protect human rights and freedoms.

In June of the reporting year, a Human Rights Priority Action Plan was approved. This Plan includes various measures to improve the human rights situation in Kazakhstan, including the prevention of torture and ill-treatment. Under Section 9 of the Plan in 2022 it is planned to:

- ensuring video recording of interrogations, as well as of court hearings;
- clarifying the definition of "torture" and introducing a definition of "ill-treatment" (social institutions with children and persons with disabilities);
- Ensuring separation of previously convicted persons from first-time offenders by abolishing emergency security facilities.

The need to clarify the definition of "torture" has been discussed for many years by Kazakhstani human rights defenders and was the subject of recommendations by the UN Human Rights Committee to bring the national legislation in line with Kazakhstan's international legal obligations. The NPM fully supports the proposed measures, which should increase the effectiveness of criminal prosecution of **all categories of perpetrators of torture**.

The criminalization of ill-treatment in social institutions **of children and persons with disabilities** is a necessary measure for the effective protection of the rights and freedoms of socially vulnerable categories of the population.

We also consider **accession to the Optional Protocol to the Convention on the Rights of Persons with Disabilities** to be an important step. Completion of the procedure for ratification of this Protocol will increase the effectiveness of the protection and restoration of the rights of persons with disabilities, whose right to a barrier-free environment, unfortunately, continues to be violated in institutions of mandate.

It should be emphasized that the expansion of the NPM mandate in 2019 contributed to the strengthening of national institutions for the protection of the rights of children and persons with disabilities. It is important to note that there were no cases of child abuse in children's MSIs in 2021 - there were no special visits to children's MSIs in **2021** (there were four special visits in 2020).

The decision on the gradual transfer of the functions of medical care for convicts and detainees under investigation from the system of the MIA to the MH of the RK is of essential importance. The mentioned reform has been repeatedly recommended by the PNPM in order to improve medical care of convicts and remand prisoners. This vector of the state policy in the area of increasing the efficiency of ensuring human rights in Kazakhstan should certainly be supported by the human rights community.

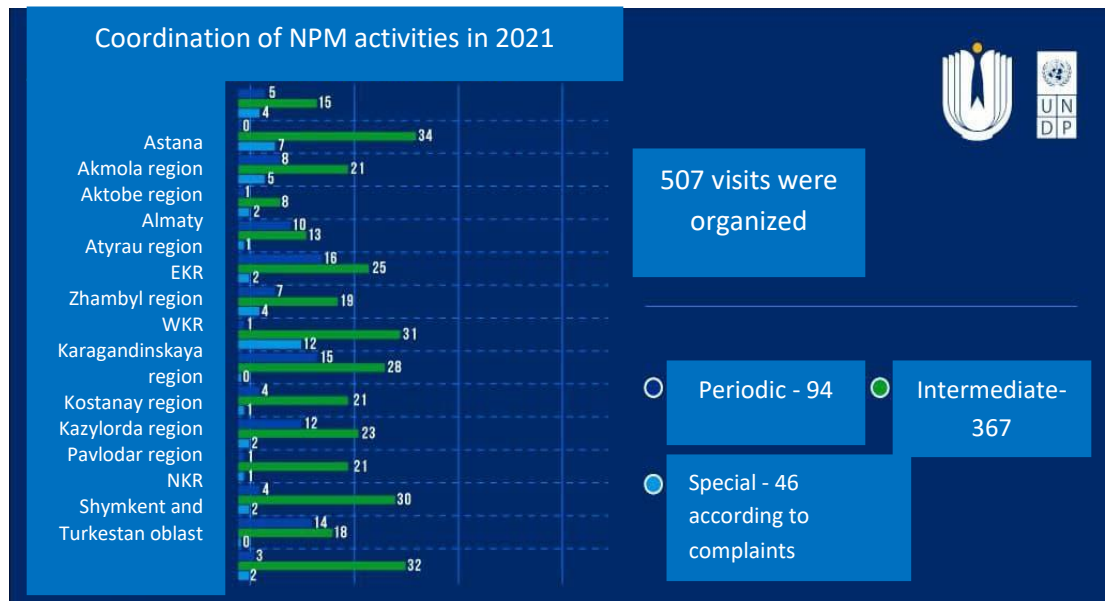
The year 2021 marked **seven** years since the beginning of the NPM in the Republic of Kazakhstan.

Over the past years, a lot of work has been done, which has **had a positive impact** on the situation with respect for the rights and freedoms of persons held in closed institutions. With the creation of the NPM in Kazakhstan, a new, independent tool appeared in its activities, which allows not only to monitor the material and domestic conditions of detention in institutions of concern, but also to hear the voice of those held in them.

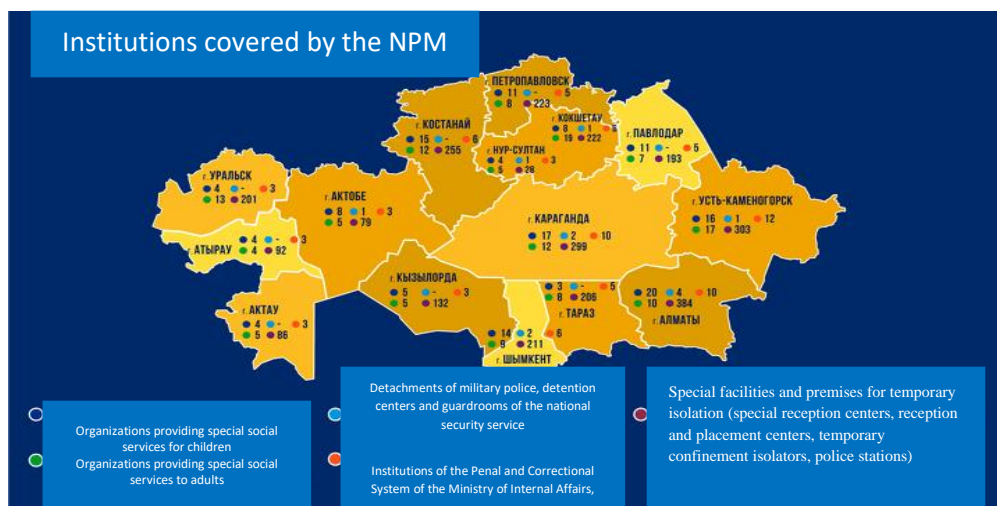
In the reporting year, the NPM continued its work on monitoring institutions of concern and responding to signals of violations of human rights and freedoms in them.

**In 2021, PNPM carried out 507 preventive visits to institutions under the jurisdiction of:**

- CAP 150;
- CCES 116;
- MH 75;
- MES73;
- MLSP RK 85;
- MD 3;
- NSC 5.



In total, the number of institutions currently covered by the NPM is more than 3,000 nationwide.



Since 2020, a new model of interaction with state bodies and institutions has been applied, according to which recommendations are sent directly to the institutions in respect of which they were issued. Whereas previously the majority of state bodies provided information to the OHR on the implementation of the general recommendations for the central offices set out in the consolidated reports, in 2020 the responses of the heads of institutions on the status of recommendations issued by the NCHR were provided based on requests from the PNPM. Work in this format continued in 2021.

The highest number of recommendations in 2021 was received by the institutions subordinate to the MIA of the RK (1201 recommendations), the CCES of the MIA of the RK (778 recommendations) and the MHS of the RK (623 recommendations). Analysis of the implementation of PNPM recommendations is presented in detail in section 3.



Proposals to improve national legislation in the field of torture prevention and increase the effectiveness of NPM activities, voiced in the Consolidated Report 2019-2020, are still relevant.

Thus, the existence of alternative investigative jurisdiction when investigating cases of torture reduces the likelihood of bringing perpetrators to justice, as the official statistics can testify. According to the latest figures, in the first 11 months of 2021, 655 criminal cases were pending under article 146 of the Criminal Code ("Torture"). The number of offenses for which criminal cases were terminated under paragraphs (1), (2), (5), (6), (7) and (8) of part 1 of article 35 of the Criminal Procedure Code of the Republic of Kazakhstan amounted to 495 of the above 655.

Overall, in the reporting year, seven employees of the MIA of Kazakhstan were convicted under the article "Torture" (of which one employee of the CCES MIA RK). In this regard, the

investigation of torture should be carried out exclusively by an independent body (for example, the service of special prosecutors).

It was also recommended to regulate in the national legislation the right of the PNPM to carry out photo, audio and video shooting, taking copies of documents received from the administration of the place of detention and restrictions of freedom, taking into account the requirements of national legislation on state secrets. This proposal is still current.

The present Consolidated Report was prepared in accordance with subparagraph 13) of paragraph 14 of section 4 of the Order of the Commissioner for Human Rights of September 26, 2013 № 18 "On approval of the Regulation on the Coordinating Council under the Commissioner for Human Rights.

## **1.1.ANALYSIS OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE**

**Scope of regulation:** The OPCUNT was drafted as a supplementary treaty to the 1984 UN Convention against Torture, creating a system of inspection of places of detention. The Optional Protocol, like the Convention against Torture, aims to prevent torture and ill-treatment, as well as to provide redress for victims of torture.

**Purpose** — establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

**Participants:** according to an official UN source, 76 countries are signatories and about 91 have ratified the protocol. The Republic of Kazakhstan ratified the protocol on June 26, 2008.

**Protocol mechanism:** The Optional Protocol establishes a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture. Each State party, in order to maintain the preventive mechanism, shall establish, designate or maintain at the national level one or more bodies to visit the penitentiary system or any other place that a person is not permitted to voluntarily leave. Each State party shall authorize the Subcommittee on Prevention to visit any place where persons are or may be deprived of their liberty by order of a public authority or at its instigation or with its consent or acquiescence.

### **Functions of the Subcommittee on Prevention, Mandate:**

1) Visiting places where a person is deprived of liberty by virtue of detention or imprisonment, or is placed in a public or private place of detention which he cannot leave of his own free will, by order of any judicial, administrative or other authority.

2) Provides guidance to participating States on the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment; advises, supports participating States in establishing national preventive mechanisms.

**Types of visits by members of the Subcommittee:** visits are carried out by at least two members of the Subcommittee, they may be accompanied by experts as needed, experts selected from a list proposed by States parties, the Office of the UN High Commissioner for Human Rights and the UN Centre for International Crime Prevention. The program of visits is established by a drawing of lots. States parties may propose up to five national experts.

There are four types of visits:

1. Country visits by the Subcommittee.
2. Subcommittee's subsequent country visits.
3. Advisory visits to support national preventive mechanisms.
4. Consultation visits to implement the optional protocol.



**The NPM functions:** One or more NPMs shall be established no later than one year after ratification of the optional protocol. States Parties shall guarantee the independence of national preventive mechanisms as well as the independence of the personnel. NPMs make recommendations to bodies in order to improve the treatment and conditions of persons deprived of their liberty and prevent torture and other inhuman or degrading treatment or punishment, taking into account UN standards, as well as providing recommendations, comments on existing legislation or draft legislation. NPMs regularly review the treatment of persons deprived of their liberty.

States Parties undertake to provide the Subcommittee on Prevention and NPMs with the following:

- a) access to any information concerning the number of persons deprived of their liberty and the number and location of their places of detention;
- b) access to any information concerning the treatment of those persons as well as their conditions of detention;
- c) access to any place of detention, facilities or installations;
- d) private interviews with persons deprived of their liberty, without witnesses, in person.

The Protocol establishes that the Subcommittee has unrestricted access in relation to all of the above, whereas this point is omitted in relation to NPMs.

Issues of national defence, national security, natural disaster or serious disorder in the place of proposed visit may be considerations for objecting to a visit by the Subcommittee on Prevention to specific places of detention.

**Composition of the Subcommittee:** A gender- and geographically-balanced Subcommittee of 10 highly qualified independent professionals in the fields of justice, criminal procedure, corrections and policing. Each State party may nominate two candidates who meet certain qualifications. The members of the Subcommittee are elected in secret by the States Parties for a term of four years and are eligible for re-election.

The following is an excerpt from the MJ's 2020 Annual Briefing Paper on Human Rights Protection in the Republic of Kazakhstan.

*“Protection from torture. The President's initiative to improve legislation on torture and bring it in line with international standards”.* Kazakhstan has a zero-tolerance approach to torture and has adopted a law that toughens penalties for the crime of torture.

The maximum term of imprisonment for those convicted of torture was increased from 10 to 12 years. In addition, Kazakhstan repealed the exemption from criminal liability for torture on the grounds of amnesty, statute of limitations and repentance and reconciliation of the parties.

An alternative jurisdiction for the investigation of allegations of torture was introduced. An electronic record of persons brought before the law enforcement authorities had been introduced. The process of delivering and detaining suspects was detailed and "Miranda Rules" on explanation of rights during detention, access to a lawyer, medical assistance were introduced. At the same time, the prosecutor is empowered to immediately release illegally detained and illegally held persons.

In addition, mechanisms for compensation of victims of torture from the state fund have been introduced. Crisis centers provide them with free social, medical and psychological assistance. As for interaction with prisoners, public monitoring commissions and the National Preventive Mechanism can visit prisons at any time, talk to inmates and receive complaints. At the beginning of the year, 253 visits had been made. Video surveillance systems have been installed in prisons and staff are provided with video recorders. Provision has been made for the filing of electronic complaints by detainees, so that such complaints can be forwarded outside the administration of the penitentiary institution".

## **2. RIGHTS OF INMATES IN CORRECTIONAL FACILITIES OF THE CCES MIA RK**

Implementation of the rights of convicts and persons under investigation is in the particular focus of NPM's attention, since almost unchanged from year to year practice of non-implementation of most recommendations and lack of significant effective transformations in combating torture both at the stage of pre-trial investigation and in penitentiary institutions testify to the presence of serious systemic problems. Statistics on complaints received by the OHR, the coordinator of the NPM institute in Kazakhstan, may serve as a proof of this.

In 2021, the OHR received 356 complaints about the action or inaction of the police and prosecutors, 205 complaints were about illegal actions against inmates in correctional institutions (including torture and cruel treatment) and 198 complaints were about the general issues of the penal and correctional system.

It is fair to say that in 2021 foundations were laid for the implementation of significant measures to improve national legislation on the prevention of torture and respect for the rights of convicts and those under investigation. Thus, the Plan of priority measures in the sphere of human rights (hereinafter referred to as the Plan) was approved by the Resolution No. 405 of the Government of Kazakhstan of June 11, 2021. Section 9 of the Plan is devoted to human rights in the field of criminal justice, execution and prevention of torture and ill-treatment. In accordance with the provisions of the Plan, amendments and additions to the Criminal, Criminal Procedure and Criminal Execution Codes of the Republic of Kazakhstan are envisaged in terms of:

- Granting a postponement of serving the sentence in case of a serious illness of the convicted person;
- Immediate execution of a court order for release or replacement with a milder type of punishment due to serious illness;
- Extending the period of a child's stay with his or her mother after the child reaches the age of three years in the event of her release at the end of the sentence or parole or commutation of the outstanding part of the sentence to a less severe form of punishment within one year;
- Ensuring video recording of interrogations as well as of court hearings;
- Clarifying the definition of "torture" as well as the introduction of the definition of "cruel treatment" (social institutions with children and persons with disabilities)
- Ensuring separation of previously convicted persons from first-time offenders by abolishing emergency security facilities.

Medical care in institutions of the penitentiary system will undergo major reforms. Thus, it is planned to gradually transfer the functions of medical care of convicts and detainees under investigation from the system of the MIA to the MH RK. This reform is of special significance for prevention of torture and cruel treatment in penal institutions of the MIA RK since an independent and complete record of bodily injuries may serve as essential evidence of wrongdoing towards convicts and remand prisoners. The majority of NPM reports, both on special preventive visits and on periodic/interim visits, year after year indicate a low level of medical care, and in some cases (most often during special visits on torture reports) the lack of reasonable explanations from the medical staff of MIA penitentiary institutions regarding inadequate fixation of injuries of victims or absence of such injuries at all is pointed out. Gradual transfer of medical care functions for convicted and remand prisoners to the jurisdiction of the MH RK should ensure full independence of medical personnel and improve the quality of medical care.

Also based on the Plan, within the next two years the provision of communication channels for penitentiary institutions to display video data to higher and supervisory authorities, as well as further connection to the National System of Video Monitoring in order to ensure the safety of prisoners and minimize offences should be carried out. This innovation should have a positive effect

on the prevention of torture in penitentiary institutions, since PNPМ when conducting preventive visits were faced with the lack of recordings from video recorders of employees, surveillance cameras due to their malfunction, absence or lack of power in the building. The release of video data to higher and supervisory authorities should eradicate the practice of concealing evidence of unlawful acts in penitentiary institutions of the CCES MIA RK .

The above reforms can and should contribute to the solution of some existing systemic problems in the sphere of ensuring the rights of persons detained in the institutions subordinate to the MIA RK.

In the reporting year, PNPМ carried out 116 preventive visits to correctional institutions and pre-trial detention facilities, similar to the indicators of 2020. Based on the results of these visits it can be concluded that at the moment the problems with ensuring the conditions of detention and implementation of the rights of convicted and remand prisoners, which existed in previous years, are not solved.

*For reference: according to the data of the Ministry of Internal Affairs of the RK in 2021 more than 34 thousand people were kept in 64 establishments and 16 pretrial detention facilities, 30 thousand of them were sentenced and 4000 people were arrested and investigated (in 2020 - 31 thousand people). In addition, more than 32,000 people were registered with the probation service. An amnesty was held in honor of the 30th anniversary of Kazakhstan's independence. According to the head of the Ministry of Internal Affairs of the RK, more than 14 thousand people will fall under the amnesty. About 1 thousand people will be released from detention facilities, 3.8 thousand people will be removed from the records of the probation service. Differential reduction of the unexpunged term of punishment will be applied to 9 thousand convicts<sup>1</sup>.*

## **2.1. RIGHTS OF INMATES IN CORRECTIONAL FACILITIES OF THE CCES MIA RK**

There comes a point when we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling.  
Desmond Tutu

The CEC of the RK stipulates basic rights of convicted persons (Article 10 of the CEC of the RK), among which are the right to recognition of human dignity, protection from torture, violence, other cruel, degrading treatment or punishment, personal safety while serving the sentence, the right to health protection and receiving qualified medical care, psychological assistance. According to Article 13 of the CEC of the Republic of Kazakhstan, “convicts are guaranteed the right to freedom of conscience and religion. The administration of the institution or body executing the sentence shall create conditions for the performance of religious rites, as well as ensure personal safety of clergymen”.

In accordance with the NPM objectives, ensuring the mentioned rights of inmates is crucial for compliance with Kazakhstan's international commitments in the field of combating torture and ill-treatment. This section of the Consolidated Report is devoted to the complex of these issues and was prepared on the basis of information provided in the reports of NPM participants following their visits to correctional facilities.

According to the CEC of the RK, the PNPМ has the right to have access to information related to the treatment of convicts held in penitentiary institutions and bodies subject to preventive visitation, as well as conditions of their detention. Therefore, the authors of this report proceed from the

---

<sup>1</sup>President signed the amnesty law: <https://kapital.kz/gosudarstvo/100975/prezident-podpisal-zakon-ob-amnistii.html>

presumption of bona fides of persons reporting on the results of preventive visits, which does not exclude the possibility of recommendations to improve their detention.

There are 80 institutions in the republic: 64 for the execution of custodial sentences and 16 pre-trial detention facilities. They house 33 thousand people, of which 28.7 thousand convicts and 4.5 thousand arrested on remand, 94% are serving their sentences for grave and especially grave crimes, and about 47% are those previously convicted. There are four thousand people held in nine facilities for pre-trial detention.

Within the framework of the law on improvement of criminal legislation and strengthening the protection of individual rights, amendments aimed at improving the legal status of convicts were introduced.

The period of consideration of a request for release on sick leave was reduced from one month to 10 days; the number of visits was increased, as well as the right to file complaints electronically, and others.

The nutritional standards per convicted person per day were increased by 40 percent from 630 to 1018 tenge. Electronic stores for the purchase of groceries and necessities have been introduced. Terminals for complaints and appeals are in operation in all institutions. Video conversations, which showed their effectiveness during the quarantine period, when long and short-term visits were suspended, are being carried out.

There are 65 medical units in the penitentiary system, 15 medical posts, as well as 2 somatic, 3 anti-tuberculosis and 1 psychiatric hospital. It is worth noting that penitentiary medicine has developed a positive practice of treating tuberculosis. As a result, over the past three years the number of TB patients decreased by 51%. Inmates with progressive chronic diseases are under special control in the medical unit.

Measures taken to prevent the spread of coronavirus infection have shown their effectiveness. Together with territorial health authorities, relevant plans were developed and the necessary stock of medicines was formed. The necessary medical equipment was purchased. More than 95% of the personnel and 92% of the inmates were vaccinated. Mass infection with coronavirus infection in places of detention was prevented.

The issue of transfer of the medical support function to the Ministry of Health of the Republic of Kazakhstan was finally resolved. Since July 1, 2022, - transfer of medical services of pre-trial detention facilities and since January 1, 2023 - all remaining facilities.

With the active cooperation of law enforcement agencies with civil society institutions the facts of illegal actions against inmates were minimized. As a result of recommendations by the participants of the NPM, PMCs and non-governmental human rights organizations, a lot of work was carried out in the penal and correctional system to improve the legal status of convicted persons.

Kazakhstan continues to strengthen its positions in the Prison Population Index. Many institutions, despite insufficient funding, have managed to achieve improvement of detention conditions, modernization of medical rooms, gender-sensitive staff selection.

Recommendations of NPM participants for closed institutions contributed to the development of special infrastructure for people with disabilities.

Due to reforms and organizational measures, it was possible to halve the number of prisoners in seven years (from 57,000 in 2012 to 30,000 in 2021). According to the information of the GP of the RK, this did not worsen the criminal situation.

Since 2013, 14 colonies have been closed, and nine cell-type colonies are in operation (4,000 inmates).

The Nelson Mandela Rules have been implemented into national law.

To effectively reduce reoffending, criminal justice systems must prioritize the rehabilitation and social reintegration of offenders by creating appropriate conditions in prisons, adopting and

implementing community-based approaches that reduce reoffending, and a multidisciplinary and multi-stakeholder approach.

The leadership pays attention to the observance of human rights and the harmonization of international standards with national practices, which is reflected in strategic documents. At the same time, there is still a lot of work to be done to reform the penitentiary system, since, according to the 2021 NPM participants' reports, in many penal colonies the conditions in which convicts are held leave much to be desired.

The new Kazakhstan must take a new look at its citizens who have been convicted. The worldwide trend to humanization of the law-enforcement system should become a part of the national policy.

A total of 88 visits to correctional facilities in the penitentiary system were made in 2021, of which 27 were special visits. There has been an increase in reactive visits, which should tell the public that, while the prison population is declining and there is no overcrowding, there are problems in the institutions.

### **Material and domestic situation of inmates in penitentiary institutions**

Every year, the PNPM notes that a number of institutions do not meet the minimum standards for the detention of prisoners. Many of the buildings were built at the beginning of the last century, and the recommendations to bring them into compliance with the NMR are not implemented due to the lack of adequate funding.

Repairs "at their own expense" carry many additional risks. NPM participants verbally received complaints from inmates that inmates were forced to participate in the purchase of construction materials and unpaid labor associated with the repair of facilities. Even if one imagines that the funds were found at the expense of savings, self-repair may not take into account the full range of requirements of GOST and SanPiN. Such facts can lead to tragic consequences, as opportunities to save money at institutions have decreased. Previously, "savings" were due to the fact that catering was carried out directly by institutions, now with the transfer of this service to RSE "Enbek" the institutions were left to overhaul the canteens, and "savings" institutions make at the expense of vacancies of specialists. Accordingly, institutions are even less motivated to find these specialists.

For example, in the facility GM-152/6, when part of the residential building, where inmates lived, collapsed, 11 people were injured, three of whom died. The building was built in 1960-70, which is not the oldest building in the penitentiary system.

Violations of sanitary norms were detected by the Department of the National Penitentiary Service in Zhambyl region. In the canteen, food is cooked in two cauldrons outside under a shed in unsanitary conditions, next to a sewage well filled with feces. It is covered only halfway, but not with a special sewer cover, the organic waste tanks are dirty, and there is an unpleasant smell of sewage. There are no trash containers. All garbage is not taken out in a timely manner. In addition, according to workers, there are rats in the kitchen.

Unsatisfactory condition of the canteen is in the institution AK-159/25, current repairs are required in the institution AK-159/7. A similar situation is in the facility RU-170/2 in Uralsk. The same situation is observed in facilities AK-170/2 in Uralsk, AK-159/25 in Zhezkazgan, and AK-159/7. A similar situation was observed in facility No. 170/2 in Uralsk, No. AK-159/25 in Zhezkazgan, minimum security facility AP-162/10 in Pavlodar province, facility No. 158/5 in Zhambyl province and other facilities where the PNPM had observed unsanitary conditions.

Inmates complain about the poor quality of clothing, footwear, bedding in the NKO, Akmola region, East Kazakhstan region and other regions.

In the institution LA-55/4 in the village of Zhaugashty, despite the fact that there is a gas pipeline nearby, heating and water heating is still done by a solid fuel coal-fired boiler. Connecting to gas heating would reduce costs and associated corruption risks.

In women's colonies UG-157/11 in Atyrau region, LA-155/4 in Almaty region, Shymkent women's colony ICH 167/4, located in a XIX century stable, which is long called for closure, do not comply with the NMR and the UN Bangkok Rules on Women Offenders.

In IG-167/4 the aisles are narrow, there are no technical aids, the toilets in the cell are three steps high, and the living space standards per inmate are not respected. In UG-157/11 there is insufficient natural lighting, the bathing and laundry room is oriented only for washing bed linen, the roof of the canteen leaks. In the facility LA-155/4 the premises are from 1937.

Female prisoners should have access to a supply of water and free hygiene products, especially during the menstrual cycle, menopause and lactation. The PNPM regards the need to request hygiene products from institutional staff, causing embarrassment and discomfort, as degrading treatment.

All these institutions are under the control of authorized and supervisory bodies. Every year the sanitary and epidemiological service and the Ministry of Emergency Situations conduct inspections, which also record these violations. In this regard, we see the need for the prosecutor's office to strengthen control over these agencies.

### **Problems of realization of the right to inviolability of human dignity**

The right to human dignity and its integrity is a key rule, a red thread running through the NMR and national legislation.

The NMR has adopted new regulations governing searches of cells and prisoners and describing the role and involvement of health care providers in disciplinary investigations.

Specifically, the new regulations call for detailed guidance on how to comply with legal and regulatory requirements governing searches of inmates and cells, the use of restraints to ensure prison security while respecting the human dignity of inmates.

It also states that health care workers should pay special attention to the health of prisoners subjected to any form of involuntary isolation and should not be involved in the imposition of disciplinary sanctions.

The rules suggest encouraging prison administrations to use conflict prevention, conflict mediation, and other alternative dispute resolution mechanisms to prevent or resolve conflict situations as much as possible.

According to the Rules, "searches shall not be used for the purpose of intimidating, intimidating, or unduly interfering with an inmate's privacy."

**The presence of the penitentiary system under the jurisdiction of the Ministry of Internal Affairs of the RK, due to the specific goals and objectives of this agency will not allow to achieve socially oriented and socially rehabilitative goals of the penitentiary legislation and will maintain the militarized and repressive nature of the penitentiary policy.**

**The return of the penitentiary system into the jurisdiction of the Ministry of Internal Affairs of the Republic of Kazakhstan reduced the effectiveness of the reform, since the main tasks of this agency are the fight against crime, its prevention and maintenance of public order.** Under such objectives, it is difficult to expect that the relevant services of the penal and correctional system will effectively deal with the resocialization of convicts, even if this is made the main objective of the penal and correctional policy in the Republic of Kazakhstan.

They would rather focus on crime prevention, ensuring the regime of serving punishment and order in places of incarceration.

*A clear example is systemic complaints from inmates serving their sentences in Penal Institution RU-170/3 in Uralsk (built in 2015). Uralsk (built in 2015 with inmates in a cell). Thus, in 2021, in response to the complaints of prisoners from this institution, the PNPM according WKR made three special visits, where prisoners complained about extortion by the staff, humiliating treatment and torture. Torture and beating took place at the time of search activities. During the inspection the NPM members found out that the video recording by the officers during the application of special means was not functioning.*

*Thus, the statement of convict B. indicates psychological pressure from the officers and extortion, bringing to myocardial infarction and obstruction of medical treatment.*

*Convict C. stated that the reason for his suicide attempt was the humiliating attitude of the deputy head of the institution.*

*Convict K., who suffers from chronic diseases, drew attention to the proper medical care.*

*Another special visit was caused by the appeal of relatives of convict K. to find traces of beating. It was established that at the time of the search activities, as a result of which this convict suffered, video cameras were not functioning.*

*Similar actions took place in this institution in January 2020 during the mass beating of convicts, after which no one was prosecuted and all criminal cases were closed on rehabilitative grounds.*

*This facility is relatively new, does not require major repairs, the convicts in it are kept in a cell, has everything that is necessary, according to representatives of law enforcement agencies, for the reform and humanization of the penitentiary system. However, the facts show that only demilitarization of the penitentiary service and the change of the vector from repressive to rehabilitative can help the society solve the problem of torture and recidivism. Moreover, in barracks-type institutions the risks of torture and ill-treatment increase many times over.*

*In the facility AK-159/6 in the Dolinka settlement, the convicts were threatened with rape in a perverted form and were beaten during the admission and accommodation in the quarantine section.*

*The practice of vesting DPAs, who "monitor and report information to the administration of the institution", eat separately from inmates, do not perform two-hour work, do not get up in the morning, and move freely around the institution at any time, continues in the facility EC-166/5.*

*During a special visit to ZhD-158/2 facility, the NPM team in Zhambyl region, having studied the inmates' statements, listened to their arguments during a confidential conversation, as well as carefully watched video recordings of the incident that took place on 30.04. 2021 during the evening general card inspection of the colony, the NPM team collected material in which the inmates wrote that the conflict between the inmates and the institution staff had occurred due to the rude attitude towards inmate M. who was ill at that time and required a doctor by the deputy head of the institution for educational work, D.*

*The fact of rude attitude, according to the convicts, was expressed in obscene insults, orderly tone, attempts to use force to lift them from the bench and forcefully remove them from the exercise yard. In addition, these actions, according to the convicts, were committed by the officers in response to the request to provide a doctor.*

*The testimony of the convicts was confirmed in terms of the use of means of restraint, which were not used at the time of the suppression of resistance. This fact is confirmed by video records. To suppress the resistance and release of some convicts outside the local area, only physical force, methods of struggle, kicks and punches were used. Despite these circumstances, the head of the colony in a special report and in the ruling on punishment mentions the use of special means at the very moment of suppressing the resistance, which does not correspond to the facts.*

*The fact that convicts M., K., N., O., J. and A. were taken not to the administrative premises of the institution, as indicated in the orders for placement in the DCCI and the special report, but to the*

*territory of the household yard, where there are no video recording cameras, is also confirmed. According to these convicts and judging by the bodily injuries found by the group, the use of means of restraint took place in that part of the institution. At this point, none of these convicts put up any resistance.*

*However, the facility staff, according to the prisoners, after putting them on the concrete floor, continued beating them with their hands, feet, and rubber truncheons. According to the aforementioned convicts, the beating was carried out as punishment for alleged disobedience. They consider the actions of the officers as cruel and degrading treatment.*

*According to the testimony of the convicts, as well as according to the data of video recording, the staff members of the institution, who can be recognized in the video, were actively involved in the beating and in the cruel and degrading treatment.*

*The convicts believe that cruel and degrading treatment of them was expressed in the following actions of the institution staff: treatment in a rude ordered tone, foul insults, beating with feet and hands, strangulation, unreasonable use of rubber truncheon on bare buttocks after extinguishing resistance, in public and forced removal of pants and underwear, in extremely obscene and humiliating gesture of DPNU E., imitating a sexual act with the convict's face, in the long squatting with handcuffed hands from behind facing the wall, in the subsequent ruling for all six of them to be placed in the DCCI for different periods of time.*

*The inmates suspect the staff of the institution and the visiting ambulance team of collusion in covering up bodily injuries. Namely, on 07.05.2021 the physical examination of the convicts revealed multiple bodily injuries on different areas of the body and clothing damage. These objective circumstances were not reflected in medical documents (call-up card, outpatient card of the institution and trauma center of GRB № 1), despite their obvious presence and severity.*

*Imitation of sexual intercourse with the face of convict N. by employee of DPNU B. is of degrading nature, which should be legally assessed. In the subculture of correctional institutions such actions among inmates are regarded as a demotion in status.*

*Participants of the NPM group also revealed the facts of discrepancies between the special reports of the head of the establishment 158/2 O. and the actual circumstances of the incident which took place on 30.04.2021, including the place of the incident, as well as the facts of distortion of the factual data in determining the sentence indicated in the ruling on the placement of the convicts in the DCCI. According to the NPM group, this artificial and deliberate distortion of facts by the head of the institution influenced the degree of severity of the punishment applied.*

#### **The NPM Team has recorded:**

1. The use of special means was deliberately carried out by the officers in the economic yard, where there were no video surveillance cameras. In other words, this is the place where beatings of convicts had repeatedly taken place before.

2. There was no video-fixation with the use of badges at the moment of using special means. Video recorders were either switched off or covered with hands. This circumstance can be established by the objective investigation.

3. Video surveillance camera in the exercise yard recorded the fact of "pulling" a calmly standing convict through the entrance gate by a member of the paramilitary guards for the subsequent execution against him in the premises of the economic yard.

4. There are witnesses to the beating of the convicts lying in a helpless position.

*In ZhD-158/7 after a special visit the group held meetings, after which recommendations were given to the Prosecutor's Office of Zhambyl region to investigate the cases of self-harm and humiliation of human dignity presented by V.*



*On 29 November 2021, in response to a statement by the sister of convict T., the PNPM in Pavlodar province specifically visited facility AP-162/3 in Pavlodar. Pavlodar, where they met with convict T. During the conversation convict T. said that on 17.06.2021 upon arrival in quarantine he was tortured in the form of asphyxiation ("Submarine") in the room of the bathing complex. Several staff members held his arms and legs, and one of them, holding his nose, poured liquid into T.'s mouth and prevented him from breathing. After the convict lost consciousness and regained it, the torture continued. After they started pouring disinfectant liquid into his mouth, he agreed to sign a confession that in 2018 he stole 90 head of cattle in Bayanaul district. On 27.06.2021, realizing the injustice of the situation, T. cut his stomach with a tile. He asked to call an ambulance, but no one called an ambulance, and the wound was stitched by the doctor on duty at AP-162/3 without the use of anesthesia. Subsequently, the stitches were treated once every three days. During one of the dressings the operative asked to say on video camera that he had no claims against the AP-162/3 staff. After two takes of the videotape, where the convict did not deny his words and blamed the AP-162/3 staff for the incident, the operative left. On 28.11.2021 at about 21.00 convict T. was invited to the headquarters on the territory of the institution AP-162/3, where employee M. (deputy chief of the regime part of AP-162/3) demanded to take a statement on the staff, in which convict T. asked to bring them in for torture. M. "backed up" his demands with several strong blows on his back with a truncheon through his clothes. As T. explained, he was constantly subjected to psychological and physical pressure from the staff of the institution in order to force him to withdraw his statement.*

*During a special visit to the PNPM in Almaty region on 2 August 2021 the LA-155/8 team met with the complainant, convict B., born 1979, who complained about torture and degrading treatment in the form of beatings resulting in a broken hand, an attempt to stick a rubber baton in his anus and placement in a cell with prisoners rejected by the prison environment. All documents confirming the fact of treatment in the medical unit, an excerpt from the journal of injuries, X-ray data, photofixation of marks of beatings and the inmate's treatment were selected by the PNPM for attachment to the report.*

*Egregious violations were revealed by the group in UCA-168/2, where a group of convicts led by convict A. with the tacit consent of the administration of the institution engaged in extortion and exerted psychological pressure on the convicts. Convict A. himself is in the unit, where there is an air conditioner near his bunk. Not hiding his "special" relationship with the administration, convict A. told the PNPM that there is a "partnership relationship" between the convicts and the administration. According to inmates, "you can buy everything in the institution: from food to smartphones and drugs. The administration's loyalty is paid for. Convicts from the privileged part of the prison population pay the administration 200,000 tenge per month. According to convict M., inmates who refer to themselves as believers do not eat in the canteen, and food is prepared for them by squads of high-quality products.*

*In CC-161/12 of the city of Arkalyk. In the city of Arkalyk, convict G. complained about systematic torture, after which he attempted suicide.*

## **Problems of realization of the right to freedom of conscience and religion**

Freedom of conscience is a constitutional right of citizens and cannot be limited by other normative legal acts.

Contrary to the norms of the Constitution and the CEC, in most correctional institutions the rooms for religious worship are closed.

The reference to part 6 of Article 13 of the CEC of the RK (prohibition of construction of religious buildings (constructions) on the territory of institutions and bodies executing punishments) does not contradict the obligation to create conditions for religious rites.

However, this problem remained unresolved in 2021. Moreover, verbally, inmates complain that in order to perform namaz even at the permitted time, approval from the operational staff is required. Many PNPM reports note that the administration of the institutions allows the rituals to be performed "according to the daily schedule" during "personal time."

Order No. 819 of the Ministry of Internal Affairs of the Republic of Kazakhstan stipulates that "the daily routine includes time for waking up, checking in, going to bed, toileting, physical exercise, eating, going to work, studying, educational and sports events, visiting rooms, the store, the medical unit, and telephone conversations."

Provision is made for a continuous eight-hour sleep for the convicts and providing them with personal time. It is not a secret that the actual work placement is less than 1/3 of the total number of convicted persons, the number of students and those participating in educational activities is another 1/3, which means that at least 1/3 of convicted citizens are not included in the activities of the educational process. They spend all their time in the unit. In addition, while these inmates used to be allowed to watch TV, as of 2019 they can only watch it on "personal time." It is the same with performing rituals for religious inmates. If previously they were allowed to perform namaz (except for night hours), then since 2019, according to the order № 503 of the Ministry of Internal Affairs of the RK, they are allowed to read namaz only in "personal time", it is actually once a day, thereby violating the constitutional right of people to freedom of conscience.

Moreover, citizens who try to perform namaz in their free time, which is not related to personal time, but does not interrupt the educational process, are punished. As a result, believers receive reprimands and negative degrees of behavior. At the same time, convicts who do not practice religious rituals, reading books, walking around the yard, being in the smoking room, also do not participate in the educational process, but they are not sanctioned.

Consequently, when there is a negative degree of behavior by convicted citizens, the number of phone calls, visits and shopping decreases.

For example, for convict N., serving his sentence in the institution SC-169/5, who has a positive degree, a positive characteristic from the administration of the institution, who repaid the claim voluntarily, the court did not grant the request to replace the punishment due to the fact that he had a repaid violation, which he received while serving his sentence in EC 166/25 of Granitny settlement, for performing namaz during daytime, which is not a "personal time".

We believe that such practice may provoke conflicts on religious grounds between the convicts and the staff of the bodies and institutions executing criminal punishments. Moreover, according to the operatives and theologians, imams refuse to come to the institutions because they cannot explain to the convicts how to behave in this situation. This is seen as discrimination of believers on religious grounds. Such actions may lead to the growth of religious extremism in places of confinement. Therefore, we believe that it is necessary to revise the orders regulating the daily routine of inmates to include norms allowing them to perform prayers at the time appropriate to their beliefs.

### **Problems in the protection of women's rights**

The Convention on the Elimination of All Forms of Discrimination against Women defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

The most extreme form of discrimination that women face is gender-based violence, that is, violence perpetrated against a woman because she is a woman.

This includes acts that cause harm or suffering of a physical, mental or sexual nature, or the threat of such acts. Women can be raped in prison for the purpose of obtaining confessions from them, to humiliate or strip them of their human dignity, or simply because the rapist has decided to take advantage of their utterly powerless situation.

Rape can also take the form of sexual favors those women prisoners are forced to provide in exchange for access to products or privileges, or simply for the opportunity to exercise their most basic human rights. In addition, sexual violence against women can be perpetrated by male prisoners, sometimes even with the complicity of prison officials.

Violence against women in detention includes many types of acts other than rape. Such acts include threats of rape, physical touching, insults and humiliation of a sexual nature, use of physical restraints during childbirth, virginity tests, and others. Other practices and actions can also be considered abuse, depending on how and how often they occur.

Women are also subject to many other types of discrimination in detention, both on the basis of their gender and because women are a minority in all prison systems worldwide, comprising between 2% and 9% of the prison population in the vast majority of countries.

Thus, women's specific needs are often not taken into account in policy and programming, and their security needs are often overlooked. While more attention is given to women's needs in women-only prisons, the lack of attention and mainstreaming of women's specific needs in strategies, policies, programmes and budgets still affects conditions in women's prisons.

In addition, since there are far fewer women's prisons than men's, women are often imprisoned far away from their families. As a result, one of the primary needs of women - maintaining family ties - is compromised.

Discrimination in the form of lack of access to special programs and services for women, as well as restriction of contact with family, does not always constitute abuse, but in some circumstances, such forms of discrimination can escalate into ill-treatment.

As we have noted above, the material and living conditions in which women are held in detention facilities do not meet the minimum standards of detention. Old buildings, lack of hot water, and a bath once a week are a reality of our penitentiary system.

Unfortunately, if male staff members are involved in supervising them, especially if they are in direct contact with female inmates in the performance of their functions, the risks of violence against women increase.

At best, such activities may include peeping on women while they are in their quarters, in showers or toilets, entering women's quarters while women are changing clothes, and at worst, demanding sex from female prisoners in exchange for food or services, as well as systematic rape.

*There was a similar case in the institution LA 155/4. Convict D., serving her sentence, was three months pregnant when she arrived at the institution. On 04.06.2020, she gave birth in the Central Regional Hospital of Iliyskiy district of Almaty region. On 10.06.2020, the child died because of the lung not opening. On the same day, D. was returned to LA 155/4 for further serving her sentence. The state of depression in connection with the death of the child was perceived by the administration of the institution as a violation of the regime. She was subjected to disciplinary measures in the form of placement in the CSS for a period of six months. Throughout the entire period of serving her additional sentence in the CSS, according to her words, D. was constantly put under pressure, including psychological pressure, by operative N. Resenting her detention in the CSS illegally and the constant pressure on her by operatives, convicted D. received another violation and was placed in the DCCI. Moreover, an officer of the DCCI raped her, after which prisoner D. was kept in the SS remand prison in order to prevent her from filing a complaint. Unable to bear it, on 6 March 2021 convicted D. committed an act of self-harm by swallowing a spoon. On March 11, 2021,*

*she underwent surgery to remove the spoon from her duodenum. The complaints filed by her were not accepted by the administration of the institution.*

*In addition, fearing for her safety, life, and health, convicted D. also filed a written request for security measures to be applied to her. The woman, who found herself in a difficult situation, was not provided with professional psychological assistance. Instead, she was locked first in the SMS and then in the DCCI. A criminal case under Art. 120 part. 2, and the investigation of the case is being completed and sent to court with the accusatory bias towards the employee of the institution. Unfortunately, similar crimes have already been committed in the institutions of the republic.*

In violation of the UN Bangkok Rules, men continue to work in women's institutions and risks remain for similar cases to arise in the future. Therefore, special attention should be paid to the prevention of such crimes in places of isolation from society, their early and timely investigation and fair punishment of the perpetrators. The human resources service of the CCES should take into account the gender aspect when appointing staff to work in women's institutions.

In EC-164/6 of Petropavlovsk city. At the time of the visit, inmate B. was in the CSS due to malicious violation of the established order of serving her sentence (according to the attendants). At the moment of the visit, she was independently making repairs in the day cell of the SMS. She refused to get in touch with the NPM participants. She was exhausted, lethargic and apathetic. Convict B. was twice taken to the Mental Health Center of the SSJC for consultations with a psychiatrist. She was repeatedly invited to talk to a psychologist, but did not generally cooperate. She is on the preventive registry as prone to suicidal behavior. When she arrived at the colony, she was diagnosed with F11.21 - Mental and Behavioral Disorders Caused by Opioid Use, currently abstinent, but in an environment that excludes use. Most recent diagnosis: personality and behavioral disorder due to brain damage or dysfunction. She last received treatment from a psychiatrist in late 2020. Facility staff speculated that the behavioral disorders began because her partner was released and she was not. Immediately thereafter, she began to clash with inmates and argued with her mother. According to PNPM, the staff were not familiar with the mental characteristics of the convict, they were not aware of the diagnosis, and they did not receive recommendations from the psychiatrist on the treatment of the convict.

This is despite the fact that the Bangkok Rules on Women Prisoners with Mental Health Problems call on staff to ensure that this category of prisoners is given the necessary support and sensitivity to their situation. The rules require a thorough assessment of a woman's mental health and individual needs on arrival and the provision of individual, gender-sensitive and trauma-informed, comprehensive mental health treatment and rehabilitation programmes.

Women prisoners with mental health problems should be held in the least restrictive environment possible and never placed in solitary confinement.

In the facility ICH-167/4 in Shymkent, restrictions for inmates to serve their sentences in maximum security facilities are added to the domestic problems experienced by women in this facility. They mainly concern the number of visits, parcels, phone calls and terms of imprisonment. Communication with relatives and access to personal hygiene items should not be instruments of the educational process.

The law enforcement system needs to abandon the existing classification of penitentiary institutions. To begin with, having closed the maximum security facility for women in Shymkent as not conforming to minimum standards of detention, this experience can then be applied to the facilities where men are serving their sentences.

### **Problems of catering**

Nutrition of inmates in the majority of reports, despite the increase by 40%, does not meet the standards of physiological needs in all institutions.

Unfortunately, the transfer of nutrition to inmates by RGP "Yenbek" has not reduced all the violations reported by the PNPM in previous years.

The large amount of food waste reported by the PNPM indicates that the quality of food is not high.

Moreover, according to information from verbal communications from inmates working in the household and camp services, the department plans to produce animal feed from waste. Apparently, they will need even more waste for that.

In the institution of ZK-169/5 they allow the substitution of food in violation of the Decree of the Government of the Republic of Kazakhstan No. 1255 dated November 28, 2014. The natural norm No. 5 of food for inmates in the institutions of the penitentiary system is in strict compliance in terms of cheese, cooking fat, sour cream. During the monitoring it was revealed that instead of natural sour cream people were given sour cream substitute, ghee was replaced with a mixture of palm and sunflower oil.

**In the facility ZK-169/4 instead of 72% fat oil, they use a product whose fat content does not exceed 60%. Non-compliance with the commodity composition of food products, storage conditions, expiration dates of products, outdated material and technical base of canteens in the institutions, the repair of which was left to the institutions despite the fact that RGP "Enbek" works there - all this will continue until the food is given to a competitive environment.**

#### **Problems of realization of the right to health protection and qualified medical care**

The situation with receiving qualified medical care did not change much during 2021. Examples are given above.

Complaints about the failure to provide medical assistance to non-resident convicts, as well as to HIV patients, continue.

In MH-167/2 with the introduction of the MSHI, foreigners stopped receiving free medical care.

In Inmate S. complained that he was discriminated against in facility IG-167/3.

In the facility UG-157/11, there were complaints about the rude attitude of a paramedic, untimely treatment.

In the UZhD-158/7 institution, due to shortcomings of the institution administration and the Zhambyl region Department of Penitentiary Institutions, inmates in the terminal stage of illness cannot pass the commission for release on illness. Convict O. has complete blindness, and convicts N., M. and T. have terminal chronic renal insufficiency. In all three cases there is a clinical diagnosis confirmed by the results of a comprehensive examination. It should be noted that the legislator gives a three-month period for treatment only in those cases where CKD developed against the background of general poisoning, including alcohol and drug intoxication. Inmates are in isolation with the disease for much longer than three months. Thus, the administration of the institution must not only administer the punishment, but also inform and protect the interests of inmates in all instances, since they are under their guardianship.

In the facility EC-166/25, convict A. complained that he was not released from community service in the wintertime, despite objective medical indications (transplanted liver). After his relatives appealed, the facility administration and medical staff granted him a medical exemption.

There are numerous complaints about the untimeliness and poor quality of medical services in the EC-166/5 in Arshaly and EC-166/4 in Atbasar. Appeals to the medical staff are ignored, medications are not provided at the proper level.

According to inmate K., the confidentiality of data about his illness was violated in the institution ZK-169/4.

In facility, ZK-169/5 inmate H. is given medications that make him feel worse, his sugar level does not go down, and his eyesight deteriorates. In the same facility inmate B., timely correction of his Elizarov apparatus is hampered by the absence of a traumatologist. There are also cases of untimely consultation with narrow specialists.

### **A mass rejected by the prison subculture**

Citizens who have acquired the status of "outcast prison subculture" are exploited everywhere in the penitentiary system in the dirtiest jobs: cleaning cesspools, sewers and toilets, and the labor of convicts is not always paid.

The existence of such discrimination provides the prison administration with an opportunity for blackmail and humiliation of human dignity and is undoubtedly an instrument of torture. The legacy of the Soviet executive system - the existence of a prison hierarchy - has been adopted by the penitentiary services of Kazakhstan, which use these quasi-laws to control the convicts, blackmailing them with threats of being relegated to the status of "a subculture excluded from the masses".

LGBT inmates, who are automatically included in the rejected prison subculture, should be singled out separately. In some institutions, this group of inmates lives in a separate unit. They sit at separate tables in the canteens, which suggests that the prison administration has come to terms with the fact that inmates exclude the "offended" from their environment.

It is necessary for the prosecutor's office to strengthen the fight against discrimination and ill-treatment of this vulnerable group, including through the strict application of relevant legislation and penal provisions. Also, ensure prompt, impartial and thorough investigations into all such motivated acts and bring perpetrators to justice and impose appropriate penalties, provide adequate training and instruction to law enforcement agencies and orient the judiciary accordingly.

Every change in the status of a convict in the prison hierarchy must be taken under special control and the practice of discrimination against this category of convicts in the allocation of jobs in institutions and the exploitation of them for unpaid work must be eradicated.

### **Problems of protecting the rights of people with disabilities**

In their reports, PNPM points out the lack of adaptive facilities for inmates with disabilities and the creation of an accessible environment in many institutions. The issue of social assistants for people with disabilities has not been solved. Provision of disability, holding commissions inviting narrow specialists to "activate" inmates continues to be a problem in the institutions. The transfer of medicine to the civil sphere will not immediately solve the problem of the inmates' access to high-quality and timely medical assistance, because the civil medicine has the same problems of staffing with corruption and transparency of allocated funds for medicine. Therefore, it is necessary to ensure the transparency of allocated funds with the involvement of public organizations.

### **Problems in the exercise of functions by NPM participants**

Despite the recommendations made by the PNPM in previous reports, not all institutions adequately train their staff on NPM regulations.

Thus, at the institution UZhD-158/7, at the time of the visit at the checkpoint on March 9, 2021, there was no updated list of PNPM. Despite the timely notification, the staff turned out not to be informed about the right of NPM participants to freely visit the institutions.

The acting head of the institution refused to provide information about the number of foreign prisoners in the institution and the staff list.

Unfortunately, these facts testify to the formal attitude of the head and the staff of the institution towards studying the normative acts in the sphere of human rights protection. Their actions

hamper effective operation of the NPM institute and infringe upon the authority of the Ombudsman for Human Rights in the RK as one of the most important institutions of a democratic state.

**The possibility for convicts to complain about unlawful actions (inaction) of the administration of institutions and bodies executing sentences is essential in the context of combating torture and ill-treatment.**

As noted in the NPM, safeguards should be in place to ensure that inmates can file an application or complaint in a safe and confidential manner without any risk of retaliation, intimidation or other negative impact.

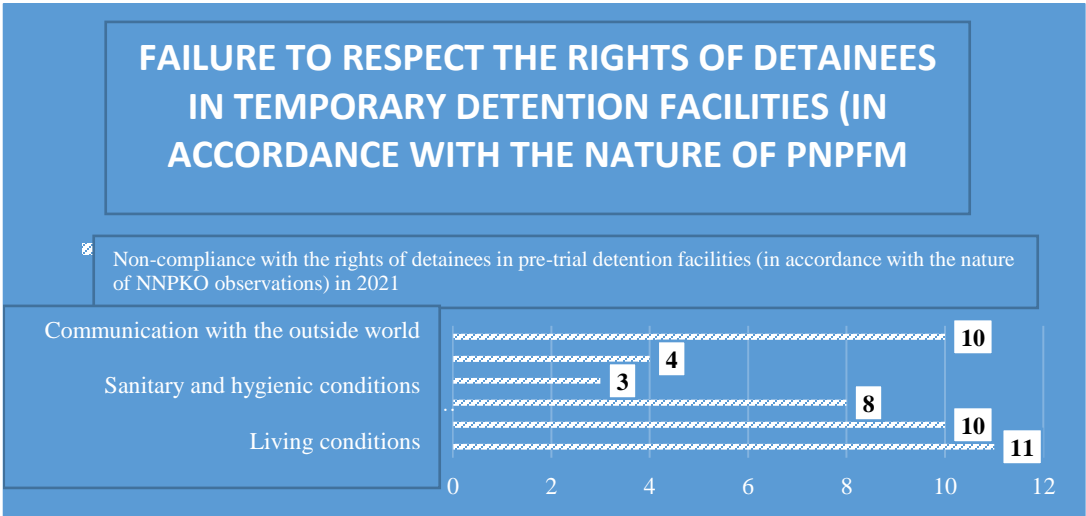
In many reports, the NPM writes that inmates complain that their appeals do not go outside the institution, they are not assigned outgoing numbers, and the deadlines for consideration of their appeals are violated.

The work of the terminals for filing complaints causes great criticism. They either do not function or work with problems. The algorithm of filing a complaint through the terminal is complicated, and many convicts find it difficult to remember the procedure of filing complaints. In addition, if the terminals work, confidentiality is difficult to maintain.

**2.2. THE SITUATION OF PERSONS HELD IN PRE-TRIAL DETENTION FACILITIES OF CCES MIA RK**

In 2021, the DNPM conducted **27** visits (interim, preventive, special) to the investigative isolation facilities of the MIA RK. In comparison with the indicators of 2020 (32), the quantitative indicator decreased by **five** visits.

With regard to detention conditions and ensuring the rights of remand and convicted persons, we note that the largest number of observations of the PNPM regarding non-compliance with national legislation and international standards was made in relation to housing conditions, medical care, sanitary and hygienic conditions, implementation of rights in detention centre of CCES MIA.



In 11 detention centres, the living conditions were found to be inconsistent with the requirements of national legislation and the provisions of international standards. Thus, PNPM noted the presence of dampness, faulty heating systems, insufficient lighting, inadequate square footage per inmate/convict in the cells, etc.

Low level of medical services (insufficient staff, lack of access to timely medical care, etc.) was registered during preventive visits to 10 pretrial detention facilities.

Problems with the implementation of the rights of detainees under investigation were also the subject of observations during visits to 10 pre-trial detention facilities. Mainly, the lack of conditions for people with disabilities and women was noted.

Further, attention should be paid to the most problematic aspects related to the implementation of the rights and freedoms of persons held in pre-trial detention facilities in the context of specific institutions. Based on the results of the visit to the facility RU-170/1 of the Penal Enforcement Directorate of the WKR, the NPM team stressed that the rights of the detainees and defendants are not fully respected. For example, living quarters of cells have insufficient lighting, paint and plaster is crumbling in places, and window sizes for these living quarters do not meet sanitary standards and hardly allow sunlight in. Search rooms are not equipped with drinking cisterns with boiled water.

The DNPM noted that during a scheduled periodic visit on February 18, 2019, recommendations were made to provide hot water to the cells of this detention facility, but so far they have not been implemented. In this regard, it was repeatedly recommended to the Penitentiary Department for WKR to take measures to provide cells of the institution with a hot water supply system.

There are cases when complaints of detainees under investigation are sent with a long delay. For instance, investigator-arrestee B. appealed to the NPM for WKR. She submitted her complaint to the KIBHR branch on July 26, 2021, but the addressee received it on August 20, 2021, i.e. almost a month after it was submitted. Meanwhile, in accordance with the norms of para. 86 of Order No. 505 of the Minister of Internal Affairs of the Republic of Kazakhstan dated July 26, 2017 "On Approval of the Rules of Internal Order in Detention Facilities of the Criminal Executive System" established that: "Suggestions, statements and complaints addressed to state bodies shall be sent to the sender as per their belonging within twenty-four hours from the time of their submission".

Based on the results of the visit to the detention facility, PNPM were recommended to take a number of measures to improve detention conditions, including the need to eliminate insufficient lighting in the cells, as well as to make cosmetic repairs and replace sanitary and technical equipment in the cells, increase the size of the windows of these living quarters, strengthen control over the procedure for reviewing complaints by detainees under investigation, as violation of the terms of consideration and sending them as assigned is a violation of the right to defense.

Of particular concern is the fact that five special preventive visits to this detention center were conducted. Let's look at two of them in more detail.

On 1 April 2021, the NPM group for WKR conducted a special visit to the Uralsk pre-trial detention facility in connection with the received information about torture applied to the investigator I. T. During a personal visit, the investigator I. T. stated that he had been beaten in the toilet room of the Abay police department in order to force him to confess. The facts of torture are objectively confirmed, the presence of bodily injuries was recorded.

As a result of the visit, the NPM team concluded that the actions of police officers had elements of a criminal offense, liability for which is provided by part 2 of Article 146 of the Criminal Code of the RK ("Torture"). In this regard, recommendations were made to conduct a proper investigation into this fact, to carry out a forensic medical examination for internal injuries, and to ensure the safety of the investigator-arrestee I. T.

On 16 April 2021, the NPM team for WKR conducted a special visit in relation to the received information about the beating by the officers of the facility RU-170/1 of the Penal Enforcement Department on WKR of the investigator-arrestee A. R. During the personal visit, the investigator-arrestee A. R. confirmed the information about his beating in the examination room of the PDF on 28 March 2021, although in the personal file the date of arrival to this facility is indicated as 29 March 2021. The detainee stated that approximately seven officers of the institution used physical force against him, striking him in the head and chest area. In order to collect information on the state of health of the investigator-arrestee A.R., the PNPM examined his medical file. However, the medical



records do not record the presence of bodily injuries. The medical worker of the facility could not explain the reason for the absence of the above-mentioned records.

As a result of the visit, the NPM team concluded that there were indications of criminal offence in the actions of the detention facility staff, liability for which is stipulated by Part 2, Article 146 of the Criminal Code of the Republic of Kazakhstan ("Torture"). In this regard, recommendations were made to conduct a proper investigation into this fact, to carry out a forensic medical examination for internal injuries and brain contusion, to ensure the safety of the investigator-arrestee A.R.

Extremely unsatisfactory level of medical care (along with remarks about the living conditions and communication with the outside world) was found following a special visit to the facility of EC-166/23 of the Penitentiary Institution of the Penitentiary Service for the Akmola region.

On 28 May 2021, the NPM team in Akmolinsk province conducted a special preventive visit to the institution EC-166/23 of the Penal Enforcement Department in Akmolinsk province in response to the death of suspect Zh. in this detention facility.

According to a death certificate dated May 24, 2021, the cause of death of suspect J. T.: "Unspecified cardiac insufficiency. Atherosclerotic heart disease." The PNPM noted that the actions of the administration and the head of the medical unit during the last 10 days of suspect J.T.'s life raised many questions. Thus, according to the cellmates of the deceased, about 10 days before his death he started feeling worse, he was vomiting several times, he had headaches, and there was obvious malaise. Although he was taken daily to the infirmary, he did not improve. There was no timely response from the administration. The therapist only examined J.T. on 20.05.2021, i.e. on the sixth day after his condition worsened. This patient with decompensated and complicated diabetes should be seen if not by an endocrinologist, then at least by a general practitioner immediately or urgently if his condition deteriorates. Unfortunately, this was not done.

This case once again revealed systemic errors in the medical care of the pre-trial detention facility.

Such serious violations include:

- 1) Failure to staff the detention center with medical personnel.
- 2) Superficial (formal) examinations and incomplete provision of medicines.
- 3) Complaints about the lack of medical assistance from narrow specialists.
- 4) Lack of control over people with diseases that require continuous treatment (diabetes mellitus, HIV, tuberculosis).

Thus, in the institution a therapist works part-time and visits the institution twice a week: on Monday and Thursday. Almost all doctors are part-timers and work according to this schedule. With a facility limit of 350 people and a large number of people on the medical registry (30 people), physician appointments must be made daily to ensure proper medical care.

As a result of the PNPM visit, the following recommendations were made:

1. 1. Artificial ventilation in the cells should be improved. 2. Arrange for a nurse or a paramedic to be on duty 24 hours a day.
3. To ensure proper medical examination, to hire full-time doctors.
4. Controllers should be trained in first aid and cardiopulmonary resuscitation, following the example of civilized countries.
5. The administration of the institution to strengthen control over the work of the MSCH and to constantly monitor the condition of investigative detainees with chronic decompensated diseases and ensure timely hospitalization in a situation that threatens the health and life of a person.

During the visit to the facility EC-166/1 of the Department of Correctional System in Astana, some investigative detainees reported that the staff of the facility used foul language against them. In addition, they noted that staff members use force and exert pressure on the detainees, especially those who have come to the facility for the first time. Most often, such actions take place in rooms that do

not have video surveillance cameras - in the mess hall, stairwells, and showers. The investigators-arrestees refused to file complaints and said that there was no evidence. PNPM did not find any facts to support the words of the interviewed investigators-arrestees. However, there is a possibility of pressure and use of force in "blind" areas.

The living conditions in this pre-trial detention facility are unsatisfactory. At best, the solution to this problem is the construction of a new model building. As for the "blind" zones, the Committee of the Criminal Executive System is taking measures to eliminate them and to cover all the premises with video surveillance. At the time of the visit to the institution, the suspects and accused were not receiving qualified legal assistance provided by the Constitution of the Republic of Kazakhstan due to the ruling of the sanitary doctor, which is unreasonable, since there is access for investigators and lawyers to carry out investigative actions.

As a result of the visit to the detention facility in Astana, 14 recommendations were prepared by PNPM to improve conditions in the detention facility, including informing the personnel about the absolute prohibition of torture, continued work on installation of video cameras to ensure 100% coverage of all areas with video surveillance, ensuring the transfer of persons staying in the quarantine unit for over 15 days to other units, replacement of bed linen, etc.

The detention conditions (housing, sanitary and hygienic conditions, food conditions, medical care, communication with the outside world, realization of rights) in the facility UG-157/1 of the Penal and Correction Department in Atyrau region are also assessed as unsatisfactory. The PNPM stressed that the building does not meet the standards of accommodation. Detainees experience discomfort and are bitten by various insects. In addition, there is a waste dump outside the facility, there is a foul odor, it is mixed with the stuffiness in the cells where there are six or eight people, and as a result, people have difficulty breathing. In addition, detainees are in dire need of cooling units and refrigerators. There are many complaints from those under investigation that they are taken to the baths once a week, even though it is stuffy in the cells and there are no showers in the cellblock.

Numerous complaints were also received about the fact that the library did not work. One detainee has been writing an application every day since April 2021 asking for books, but there has been no response. The librarian is never at her workplace. During her three months in the detention center, she was given one facemask, one roll of toilet paper and one tube of toothpaste.

As a result of the visit, 33 recommendations were prepared by PNPM to improve conditions in this detention facility, including the construction of a new model building, provision of psychological support, training on combating torture and humiliation of human dignity with the institution staff, provision of drinking water in cells, provision of full hygiene products, etc.

Similarly, detention conditions in the PDF No. 156/1 under the KR Department of the Interior Ministry do not meet applicable standards: the premises of the PDF are outdated, and the Interior Ministry is recommended to prepare documentation for the construction of a new PDF as soon as possible. In this pre-trial detention facility, the air quality is poor, the outlets are defective, and the lack of overhaul for more than 20 years, and the inmates are addressed in a command voice. Beds installed side by side force people to climb over each other.

The NPM group for EKR notes that in 2020, according to the official data, about 10 million tenge is allocated for cosmetic repairs. This is clearly not enough. Constant repair of the premises of the PDF is due to the fact that the buildings are old, built almost 300 years ago (the buildings of the regime buildings were built in 1720) and require constant investment of funds.

### **2.3. SITUATION OF PERSONS HELD IN TEMPORARY DETENTION FACILITIES AND OTHER INSTITUTIONS OF THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF KAZAKHSTAN**

In 2021, UNPKO conducted 150 preventive visits to special facilities under the Ministry of Internal Affairs of the Republic of Kazakhstan, where suspects, administrative detainees, persons of no fixed abode and (or) identity documents, foreigners and stateless persons subject to compulsory expulsion were held, the procedure and conditions of holding which are defined in the law of the Republic of Kazakhstan.<sup>6</sup>

During the period under review, the PNPM carried out preventive visits (periodic, interim, and special) to 86 TDFs, 34 SPAs and PRs, and 30 OPs, PPs, and PPPs. In comparison with the number of preventive visits to the above-mentioned types of institutions in previous years, there is a decrease in the quantitative indicators. Thus, in 2019 there were 174 preventive visits to TDF, SDFA, PR, OP, UP, in 2020 - 158 visits. The figure for 2021 decreased by eight visits compared to last year's data.

A gradual decrease in the number of preventive visits to institutions, including those responsible for the pre-trial stage of investigations of criminal offenses, is cause for concern. Analysis of citizens' complaints sent to the UHRC and NPM demonstrates that it is at the stage of pre-trial investigation that the risks of violations of human rights and freedoms expressed in the use of torture, coercion to confess, etc. are extremely high. In addition, in 2021, seven employees of the MIA of Kazakhstan were convicted under Art. 146 of the Criminal Code "Torture" (one employee of the CCES of the MIA of Kazakhstan). In this regard, in subsequent years, it is necessary to pay special attention to preventive visits to temporary detention facilities, police departments

In this regard, in subsequent years special attention should be paid to preventive visits to temporary detention facilities and police stations.

In general, in 2021, the situation with respect for human rights and freedoms in the institutions of the MIA RK has not changed in comparison with previous years. There are still acute issues of providing material and living and sanitary-hygienic conditions, quality medical care. Drinking water supply is also a widespread problem that has not been solved for years. According to the PNM (paragraph 20), every prisoner should have drinking water when he needs it<sup>2</sup>.

The issues of location of some institutions in the basement are still relevant (e.g., the TDF of Ridder, East Kazakhstan region). PNPM prepares recommendations on the relocation of the above-mentioned institutions year after year, which are subsequently reflected in the annual Consolidated Reports. However, there has been no progress on the implementation of the recommendations.

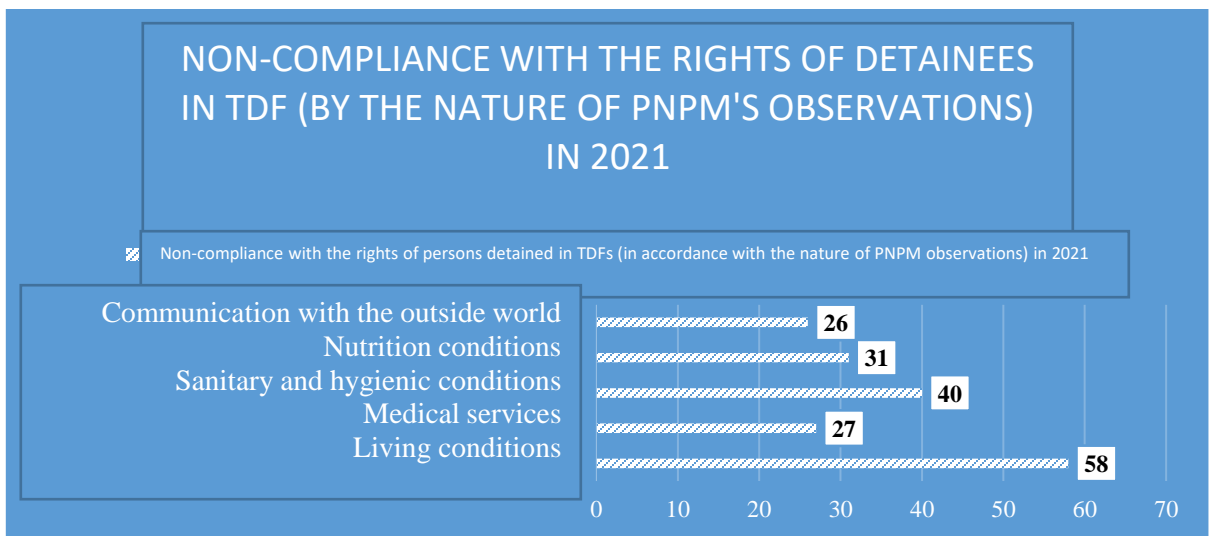
Below we will look in more detail at the situation of persons held in TDFs, SPAs, and PRs in terms of institutions.

## **TEMPORARY DETENTION FACILITIES (TDF)**

As part of preparation of this subsection of the Consolidated Report, all preventive visit reports for 2021 were analyzed to identify the most urgent problems related to the observance of rights and freedoms of persons detained in TDFs of the MoI of the RK. As follows from the diagram below, the housing, sanitary and hygienic conditions, food conditions, and medical care were assessed as unsatisfactory.

---

<sup>2</sup>The Standard Minimum Rules for the Treatment of Prisoners were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977: [https://www.un.org/ru/documents/decl\\_conv/conventions/prison.shtml](https://www.un.org/ru/documents/decl_conv/conventions/prison.shtml)



For example, in 58 TDFs of the country the living conditions are not provided at the appropriate level, in violation of international standards and national legislation on detention of persons in special institutions that provide temporary isolation from society. PNPM in their reports pointed out to insufficient lighting, worn-out bedding, non-compliance with minimum space standards, etc.

As regards sanitary and hygienic conditions in isolation wards, it was noted that 40 TDFs have problems with cold and/or hot water supply, personal hygiene products, maintaining cleanliness, etc. In the building of the TDF of the Zhambyl Regional Police Department of the Zhambyl region Police Department, there was no toilet at all, and the toilet available in the courtyard of the institution with a cesspool does not meet the requirements of infection safety.

The problems with ensuring sufficient food and creating conditions for unhindered access to food for TDF detainees were identified as a separate group. In some TDFs, the poor quality of food was pointed out. However, most of the recommendations related to the provision of drinking water. These recommendations were voiced by the PNPM in 2020 as well, but they still remain unimplemented. This practice is a gross violation of both p. 20 of the PNM and the Internal Regulations for TDFs of internal affairs bodies, approved by the Order of the Minister of Internal Affairs of the Republic of Kazakhstan. In particular, in accordance with the provisions of par. 45 of the above Rules, temporary detention cells shall be equipped with a tank for drinking water, and boiled water shall be provided to the cells for drinking as needed daily<sup>3</sup>.

Further, in reports on the results of visits to TDFs, PNPM note the failure to meet standards in the area of medical care (insufficient provision of medicines), provision of detainees with communication with the outside world (lack of radio stations, library fund).

Particular attention should also be paid to the lack of conditions for the detention of persons with disabilities in most TDFs.

We believe it is necessary to separately highlight the problem of lack of awareness among staff members of some detention facilities about NPM activities and the existence of this institution. The National Preventive Mechanism has been in place in Kazakhstan since 2014. At the same time, as of 2021, seven years after its launch, there are cases of obstruction of the NPM activities due to lack of awareness of TDF personnel about the existence of such a human rights institution. For instance, staff members of the TDFs in the Karasai District Department of the Almaty region (Kaskelen city), the

<sup>3</sup> Order No. 95 of the Minister of Internal Affairs of the Republic of Kazakhstan dated February 5, 2018. Registered with the Ministry of Justice of the Republic of Kazakhstan on February 20, 2018 No. 16389 "On Approval of the Internal Regulations for Temporary Detention Facilities of Internal Affairs Bodies": <https://adilet.zan.kz/rus/docs/V1800016389>

TDFs in the Panfilov District Department of the Almaty region (Zharkent city), and the TDFs in the Koksus District Department of the Almaty region were not aware of the NPM activities.

We believe it is fair to stress that, following visits to some facilities, the MPCID also noted positive practices of ensuring detention conditions in TDFs that mostly meet the requirements of the national legislation. Such positive examples of the institutions include the Stepnogorsk city TDF in the Akmola region, the Burlin District IAB TDF in the WKR, and the Aktau City IAB TDF in the Mangistau region.

Further, attention must be paid to the most problematic aspects related to exercising the rights and liberties of TDF detainees in terms of specific facilities.

As a result of the preventive visit to the Taraz City IAB TDF, sanitary and hygienic conditions were assessed as extremely unsatisfactory, since there are no conditions for taking a shower, detainees are not provided with a sufficient range and quantity of personal hygiene products, the fencing of sanitary facilities in the cells do not comply with minimum international standards. PNPM in Zhambyl region noted the cold and dampness in the premises of the institution, the lack of temperature control, the presence of broken furniture, the lack of the possibility to independently regulate the flow of fresh air in the cells. According to the results of previous visits to the detention facility, PNPM also assessed detention conditions as unsatisfactory.



*Shower room in the Taraz TDF*



*Furniture in the Taraz TDF*

As a result of the visit, the following recommendations were made:

- 1) Seek opportunities to build a new specialized building that meets all modern requirements.
- 2) Create favorable conditions for washing detainees and infection-free conditions for laundry, in particular, for tuberculosis patients.
- 3) To provide the institution with heating devices to be installed in the distribution room, TDF duty officer, search room, and cells to maintain the temperature within the norm during the period when the heating system is inactive.
- 4) To provide the institution with chairs and heat kettles to distribute boiled water among the cells.
- 5) Provide the institution with legal literature (Criminal and Civil Codes, including procedural codes), periodicals, board games.

In the TDF of Rudny DP of the Kostanai region, sanitary and hygienic conditions (there was no hot water), as well as the level of maintenance of human dignity due to the support of elements of prison subculture in this institution were assessed as unsatisfactory. Thus, in the course of the monitoring,

the handout was allocated for the "offended". As a result of the visit, recommendations were given to the management of the institution to overhaul the building, replace sanitary facilities in the cells, install an electric heater for water in the shower room, conduct regular training sessions with the staff on the prevention of torture, cruel treatment and respect for the rights of persons subjected to any form of detention, as well as information about the NPM institution.



*Shower room in Ekibastuz TDF*

As a result of the visit to the TDF in Ekibastuz, the PNPM in the Pavlodar region stressed the lack of compliance with national and international standards in terms of medical care, sanitary and hygienic conditions, and filing complaints. Thus, there are no curtains in the shower rooms, mats need to be replaced. The bathroom is in poor condition. There is no radio broadcasting system. At the time of the visit to the NPM, as well as for two years there is no medical worker, according to the staff of the institution, the medical worker is on sick leave. There is no information about the NPM and no list of NPMs.

Based on the results of the preventive visit, the PNPM in the Pavlodar region prepared the following recommendations for observing and restoring the rights and freedoms of detainees:

1. Provide privacy in the shower room (curtains), replace mats, and make repairs.
2. equip radio points in the cells.
3. Consider the issue of access for NPM participants to all premises of the TDF (medical room) and appoint responsible persons.
4. To conduct prompt medical examination of detainees.
5. To keep a register of complaints and appeals, and to install a complaint box that meets the requirements of confidentiality.
6. To provide sufficient artificial as well as natural light in the cells.
7. To bring in line the first aid kit, according to the Order of the Ministry of Health of the RK of 08.10.2020, No. KP DSM-118/2020 "On approval of the kit for first aid".
- 8 Place information on the stand about the possibility of applying to the National Preventive Mechanism and the list of its participants.

Medical services, housing, sanitary and hygienic conditions of detention in the Karmaksha District IAB TDF of the Kyzylorda region were found to be unsatisfactory. The PNPM noted that artificial and forced ventilation do not work in the cells. The cells are not ventilated, due to this there is a smell of sewage. There is a sink and a wash sink in each cell, but there is no water. The temperature in the cells did not correspond to the season. The heating was turned off.

The institution has a meager list of drugs against anaphylactic shock: there is no adrenaline 0.18% 1 ml #10, lysaton, strophantine, corglicon, prednisalon, sodium chloride, caffeine and euphylline 2.4% 5\*10. Medicines are purchased in insufficient quantities.

In this regard, the following recommendations were made as a result of the preventive visit:

1. To suspend the activities until all the detected violations will be eliminated.
2. To provide all cells and respective premises of TDFs with running water and sewage.
3. To make the washing tap operational.
4. To make working the cistern in the toilet.
5. Provide the medical station with a complete set of first aid medicines for anaphylactic shock.

6. To bring the food norms per person per day in accordance with the Decree of the Government of the Republic of Kazakhstan dated November 28, 2014 No. 1255.
7. To hang the approved daily menu in the distribution room.
8. Artificial ventilation to bring in working condition, turn on periodically.
9. Connect the heating in the cells, bring the temperature in accordance with the norms.

Participants of the NPM for the EKR note that detention conditions in the TDF of Ridder do not meet international standards for the treatment of prisoners due to the fact that the facility is located in the basement, with poor ventilation and poor artificial lighting, as well as lack of natural light. The cells are smoky and lack air. The urine tanks in the cells were used and the communal toilet was under renovation, which worsened the conditions for the detainees. PNPM emphasized: the staff of TDFs should be made aware of the fact that choral reports at the entrance of the management of inspectors and NPM (including cells with administrative convicts) about the absence or presence of complaints are meaningless. Reports about the absence of complaints from the cell duty officer for all inmates are also meaningless.



*Toilet in the Ridder TDF*

This approach should be changed. Based on the results of the visit to the EKR PNPM, it was once again recommended to address the issue of constructing a new

standard building for the TDF. Also, the recommendations were to pay attention to recording the actual time of detention, excluding its rounding, to take measures to fully staff the TDF, to take measures to replace the lighting devices in the cells with modern ones, to conduct training with the staff of the institution on respect for the rights and freedoms of detainees in the detention facility.

In the TDF of the Alginskiy District Police Department of the Aktobe region, the living conditions were found to be unsatisfactory due to the poor condition of the cells. Some of the recommendations voiced in 2020 have been implemented: in particular, cosmetic repairs have been made. However, the law requirements that TDF cells must be equipped with a table and benches according to the limit of places in the cell, a cabinet for storing food and personal belongings, a container for drinking water, radio equipment, and a coat rack for outerwear are not fully met. Of course, it is very difficult to write a letter to relatives, a statement, a complaint, including to the court, on the legality and validity of the detention and the violation of his legal rights in conditions of insufficient lighting of the cell room, as well as to eat for detainees. Similarly, the medical care was assessed as unsatisfactory.

Based on the results of the visit to the Aktobe region PNPM prepared the following recommendations for improving detention conditions in this facility:

1. To equip the cells with a table and benches according to the limit of places in the cell, a cabinet for storing food and personal belongings.
2. Provide funding for subscriptions to periodicals and the purchase of books.
3. Take measures to provide food to detainees in the temporary detention cell.
4. Consider the possibility of opening a medical office/medical station and provide the department with first-aid kits.
5. Take measures to install window openings in accordance with the norms, provide access to

natural light.

6. To equip the cell for people with disabilities with the necessary reasonable accommodations.

The detention conditions in the TDF of the Khromtau District Police Department in the Aktobe region are of great concern. In the course of the monitoring, the monitoring revealed violations of the national legislation on providing bedding for individual use for the period of stay in the TDF. Bedding (duvet covers, sheets, and pillowcases) is in poor condition and needs to be replaced. At the same time, there are sets of bed linen in the warehouse of the detention facility.

The cell has a bathroom and a sink, but due to the lack of water supply the detainees have to ask the staff of the TDF to take them to the toilet outside. The toilets and sinks are in poor condition and need to be replaced.



*Sink in the cell of the TDF in Khromtau*

There is a shower room in the TDF, but due to the lack of water the detainees cannot take a shower. The facility also did not comply with the legal requirements of the mandatory availability of a universal medical kit, which must be replenished by the medical service as it is used up. The room, which is also a warehouse, did not have a complete list of medicines necessary for first aid. The medications available corresponded to their expiration dates, and some medications were stored in the refrigerator. The office was dirty and dusty.

As a result of the preventive visit to the TDF in Khromtau, PNPM in the Aktobe region developed a number of recommendations:

- 1) Ensure that cells are illuminated in the evening so that one can be in them without impairing one's eyesight.
- 2) To make a written acquaintance with the Rules of detention in the institution. To post information about the rights of detainees/detainees and the possibility for them to apply to the PMC and NPM.
- 3) To install sports and physical training equipment.
- 4) To duly inform detainees of their right to appeal against the actions of the administration and file complaints.
- 5) To bring sanitary and hygienic conditions in line, take measures to ensure access to drinking water.
- 6) To take measures to replace the equipment of living quarters.
- 7) To bring the exercise yards into compliance, to install sports and physical education equipment.
- 8) To conduct explanatory work with a paramedic on the issues of respecting the rights of detainees and observing order in the entrusted area of work (medical office, medical drugs, expiration date, lack of medicines).

Similarly, detention conditions are problematic in the TDF of the Mamlyut district detention facility in the North-Kazakhstan region. Due to the fact that the TDF is located in a building originally built not for this purpose, it cannot in any way meet the sanitary standards for the minimum size of



the area with a limit of even eight people. The reduction of personal space has a negative impact on health and violates a number of rights of citizens. For example, when placing some persons in TDFs who cannot afford clothes. In correctional institutions, there are standards for providing clothes according to the season, but there are no such standards for TDFs, which is contrary to Article 10 of the International Covenant on Civil and Political Rights. All the toilets are located on a pedestal with high steps exceeding 20 cm, and access for people with limited mobility is difficult. In cell No. 2, equipped with handrails for persons with low mobility, there is no possibility for a wheelchair or a person with auxiliary aids to turn around. PNPM for NKO has repeatedly noted the presence of the above deficiencies in detention conditions as part of preventive visits in previous years. However, the situation has not changed positively.

As a result of the visit, the following recommendations were made:

- 1) Eliminate faults in the ventilation system.
- 2) Provide stairs (steps) to the second tier of beds.
- 3) To equip plastic windows with a supply valve, according to paragraph 10.24 of SP RK 3.02-126-2014.
- 4) In the cells to treat the formation of mold fungus with a special agent to prevent the reappearance of mold spores. Exclude the lack of ventilation and high humidity.
- 5) In the medical kit update all medicines, write a list with a complete list of all medicines (exclude syringes and needles of single use).
  - 1) Equip the exercise yard with sports equipment, according to paragraph 23 of the PNM, as well as 6.6.7 SP RK 3.02-126-2014.
  - 2) To consider the possibility for detainees and arrestees to independently regulate the sound of the radio broadcasting.
  - 3) To equip a toilet in the exercise yard for TDF detainees.

Thus, based on the analysis of reports on TDF visits in 2021, it can be concluded that most of the recommendations of the NPM to improve detention conditions in TDFs in order to bring them in line with national legislation and international standards remain unheeded and, consequently, unimplemented.

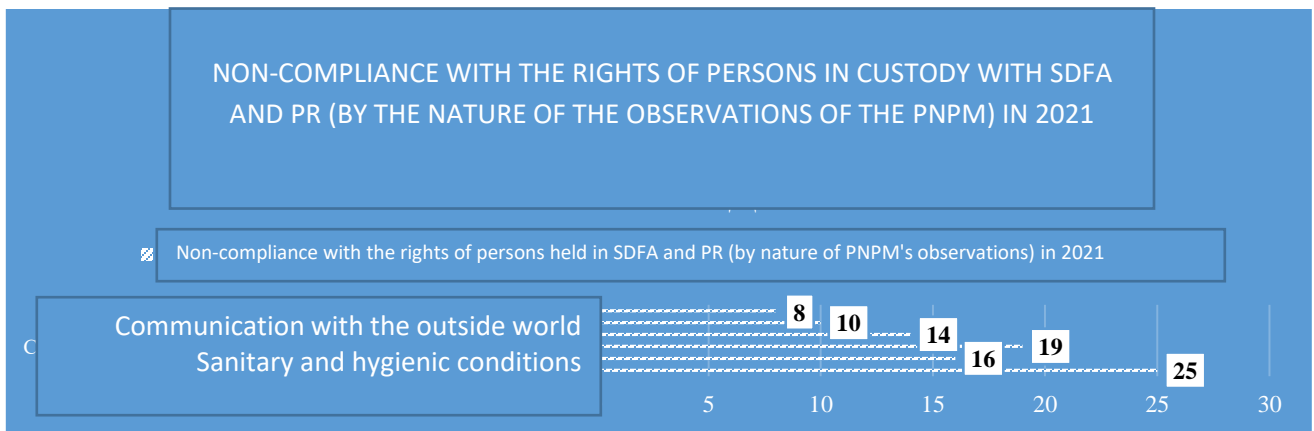
There are a number of recommendations that have not been implemented since 2014, when the NPM started functioning. Taking into account that our state has assumed obligations under the fundamental international documents in the field of human rights, such inaction of authorized bodies is unacceptable. In this regard, it is necessary to strengthen and accelerate the work on improving the living, sanitary and hygienic conditions of detention, nutrition, and medical care; to ensure access to drinking water in the TDFs of the MIA RK.

### **Special detention facility for administrative detainees of the Ministry of Internal Affairs of the Republic of Kazakhstan (SDFA) and reception-distribution center (RP)**

Based on the analysis of reports on preventive visits to SDFA and PRs in 2021, problematic aspects such as poor housing and sanitary conditions, medical care, filing complaints, communication with the outside world and food conditions should be highlighted.

The lack of free access to drinking water in most institutions is of great concern. Within the meaning of PNM Rule 43, reducing a prisoner's diet or drinking water is a restriction that amounts to torture or other cruel, inhuman or degrading treatment or punishment.

The largest number of recommendations of the NPM continues to be related to the failure to comply with national and international standards to ensure the rights and freedoms of persons held in these institutions in terms of housing and sanitary and hygienic conditions, as well as medical care.



Similarly to TDFs, the location of some SDFA and PRs located in semi-basement premises (for example, AVAs and PRs of Ust-Kamenogorsk DP of Internal Affairs) is of great concern.

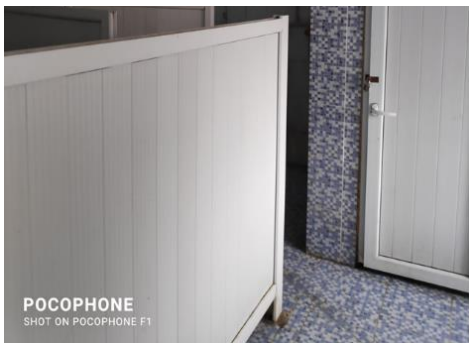
As for the SDFA, according to the Order of the Ministry of Internal Affairs of the RK № 232 dated May 23, 2011 "On Approval of the Rules of organizing activities of special reception centers of internal affairs bodies" a special reception center is a special institution of internal affairs bodies designed to receive and hold persons subjected to administrative detention.

In 2021, NPM teams visited 17 SPAs. In general, the situation with SDFA a in the period under review is still difficult due to a large number of problematic aspects related to the implementation of housing conditions, sanitary and hygienic conditions, medical care.

However, in addition to the negative aspects, it should be noted that compared to 2019, the situation in some SDFA has significantly improved. For example, the SDFA of Shymkent. PNPM noted that there are significant improvements in repairing the building and conditions of detention of administrative detainees. The roofing in the SDFA was completely replaced, the sewage system and heating system were repaired. Two gas-fired water heaters have been installed in the shower room after repair, which provide uninterrupted warm water supply in winter and summer time. The shower room is also equipped with underfloor heating.



*Shower room of the Shymkent SPA after repair*



In the window openings there are small plastic windows with a sash that opens outward, with access for administrative detainees to independently ventilate the room. There are bars on the inside of the window openings. Artificial lighting was constantly switched on in all cells, as the small window apertures did not sufficiently illuminate the premises. Almost all bedding: mattresses, pillows and blankets were replaced. Each administrative detainee had a separate bed with visually clean bed linen, which was replaced once a week.

The toilets in each cell are separated by plastered and painted brick walls, with a plastic door.

The detention center has a separate room for food distribution, which meets all sanitary and hygienic standards. The room is equipped with a sink for washing dishes, an electric stove, and an electric water heater. Meals are provided three times a day. At the same time, additional measures are required to implement previous NPM recommendations to improve the conditions of nutrition and communication with the outside world (a visiting room and a library are needed).

During the preventive visit to the detention facility, current repairs were carried out.

During their visit to the Atyrau SDFA, the NPM participants inspected all the offices, the reception office, the canteen, the exercise yard, and talked with the detainees about the conditions of detention, the quality of food, and medical care.



Based on the results of the visit, there were no recommendations from PNPM in Atyrau region, as the living conditions meet all standards, there are no negative manifestations related to humiliation of human dignity, ill-treatment, punishment or torture. There were no complaints from detainees, only positive feedback.

Taking into account the above-mentioned positive experience of implementing recommendations to improve conditions in the SDFa, we consider it appropriate to also identify institutions where conditions of detention and the realization of human rights and freedoms are at an unsatisfactory level.

Thus, based on the results of the visit to the Petropavlovsk SDFa, the recommendations of the previous visit were not 100% implemented. In this establishment the adjacent territories (ramp, passages, service area) are not brought in conformity with SP RK 3.06-02-2012 "Design of buildings and facilities taking into account the access of physically challenged people".

The norm of sanitary area in the cells is set at the rate of at least 2.5 square meters per person. With the deduction of the area of the sanitary unit the norm of space per person in the cells is not met. PNPM has repeatedly been recommended to resolve the issue of compliance with the space per person norm in this facility.

The threshold to the shower room and the door to the exercise yard still do not meet the requirements of national standards (according to the norms for groups with low mobility, the permissible height of the threshold is 14 cm). The chamber for people with low mobility is not equipped, there are no handrails in the area of the sanitary unit in accordance with the standards of SP RK 3.06.101-2012.

In addition, personal hygiene products (soap, toothpaste, toothbrushes, toilet paper, sanitary pads for women) are still not issued in full. As a result of the NPM visit, 38 recommendations were prepared by the NPM participants to improve the situation of the detainees in this SPA in accordance with the norms of the national legislation.

In the Karaganda NPM's SDFa, they noted that there were no bedside tables to store personal belongings, medicines, mattresses, blankets, sheets, towels and pillowcases were not suitable for use in the institution. In the SDFa there is no daily sampling and no rejection log, there is no full-time janitorial staff, and there are no radio sets in the cells.

In the course of the monitoring of the Pavlodar city SDFa, NPM participants visited cells and the exercise yard, conducted a partial inspection of documentation, checked lighting and ventilation of cells, living and sanitary conditions.

Sanitary and hygienic conditions of detention were satisfactory. Conditions of detention indicative of humiliation of human dignity and torture were not revealed. However, the facility does not have conditions for holding persons with disabilities - no ramps or reasonable accommodation that meets international standards.

There are no drinking water tanks in the cells, no radio broadcasting facilities, and insufficient lighting. There are no thematic stands on human rights and ways to file complaints in the institution, as well as a list of NPM participants in the Pavlodar region.

The eating room of the Pavlodar city SDFa is not provided with cutlery, there are no daily samples.

As a result of the NPM visit, 11 recommendations were prepared to improve the conditions of detention of persons in this SDFa. In particular, it was recommended to provide special conditions for holding people with disabilities, ramps and reasonable accommodation, to provide sufficient lighting in the cells, to install radio broadcasting points, etc.

In the Taraz PNPM SDFa, they noted a lack of compliance with sanitary and hygienic conditions, although the overhaul of the building was carried out in 2016. Currently, a new overhaul is required, as the bathrooms in the cells on the second floor are leaking, the ceilings on the first floor are leaking, in some cells the plaster on the walls has fallen off. The detainees also complained that they had no possibility to shave, because no shaving sets were issued in the SDFa. The PNPM emphasizes that, according to Clause 25 of the Internal Regulations for Special Reception Centers of the Internal Affairs Bodies, shavers are issued to persons subjected to administrative detention, foreigners and stateless persons subject to forcible expulsion, at their request.

The PNPM for WKR on the results of the visit to the SDFa of Uralsk came to the conclusion about the need to build a new special reception facility, as this building does not allow to fully realize the rights of the citizens held there. Thus, PNPM considers the housing, sanitary and hygienic conditions, as well as the level of medical care to be unsatisfactory.

In relation to the PR in 2021, the NPM carried out 16 preventive visits. Based on the results of the analysis of NPM teams' reports, we can conclude that the situation in the PR has not changed significantly compared to last year's situation: the issues of housing, sanitary and hygienic conditions, medical care of persons held in reception centers remain acute.

For example, the PR of Ust-Kamenogorsk, as last year, is located in a semi-basement room, which does not meet national and international standards. The recommendation of PNPM for UR of Ust-Kamenogorsk and DP EKR to move the receiver-distributor from the semi-basement and place it on the first floor has not been implemented.

Serious concern is caused by the situation of persons in the DP of Aktobe. During the preventive visit, facts of non-compliance with national standards in terms of housing conditions, sanitary and hygienic conditions, service, effective complaint mechanisms were revealed. In addition, the institution is not documenting admissions at the proper level due to the lack of sufficient funding. It was recommended that PNPM should overhaul the building of the reception center, replace bedding, mattresses, bring sanitary installations in line, as well as solve the issue of allocation of funding for documentation of persons of no fixed abode and medical.



*PR in Aktobe*



*PR in Aktobe*

The conditions of detention in the PR in Kokshetau were found to be unsatisfactory. PNPM in Akmola region stressed that it is necessary to allocate a specialized room with a normal sewage system and water supply, and not to install bio-toilets and mounted hand-washing facilities in the wards. Corresponding recommendations were prepared to improve sanitary and hygienic conditions in this institution.

With regard to some PRs, NPM teams expressed opinions about the need to close these institutions due to the extremely unsatisfactory assessment of their condition. For example, as a result of the visit to the PR in Petropavlovsk, the NPM recommended that the Ministry of Internal Affairs of Kazakhstan close the facility, as it does not meet basic hygiene standards, and that money be allocated for the construction of a new building. The PNPM stressed that the facility is very small for its intended purpose, as there are more detainees than beds, the minimum area of 2.5 square meters is not respected, and there is no possibility for separating men, women and women with children, foreigners and stateless persons; for new detainees who have not been sanitized, and for the sick. Foreigners are held together with citizens of Kazakhstan. There is no quarantine, as there is no possibility of assigning a separate room for it.

A similarly complicated situation existed in the PR in Almaty. Having visited this facility, the NPM group once again came to the consensus that closing the facility would be the best solution. Elementary international standards and standards of national legislation are not observed in the institution. According to the provisions of Order #233 of MIA of May 23, 2011 "On Approval of the Rules for organizing activities of reception centers of internal affairs bodies", the operation of reception centers is allowed only if the premises that meet sanitary and hygienic standards and fire safety requirements and are suitable for safe keeping of persons with no fixed abode and (or) identity documents.

According to the PNPM, the detention of persons in this institution is degrading, inhuman in nature, related to ill-treatment.

In this regard, there is an urgent need to build a new receiver-distributor that meets national and international standards.

In addition, PNPM developed the following recommendations:

1) Given the size of the detainee population, request an industrial washing machine for regular washing and drying of bedding. Thus, in accordance with par. Article 17 (2) of the PNM, clothing shall be kept clean and in good working order. Washing and dispensing of fresh linen shall be ensured in accordance with hygiene requirements.

2) Include in the BSP plan topics on combating torture and humiliating treatment, international instruments on human rights protection, NPM, etc.

3) Consider purchasing a refrigerator to store food quality samples.

4) Equip radio sets for arrestees.

5) To get board games for each cell.

6) To equip additional lighting in the cells for reading literature.

7) To replace worn mattresses in the cells.

8) To purchase tables, bedside tables, shelves, replace bunks on beds.

In our opinion, we should also note the positive experience of implementing PNPM recommendations to improve conditions in the PDFs.

Based on the results of the visit to the PR of Uralsk, the NPM participants in WKR stated that in this facility the rights of persons in custody are fully implemented. The building of the penal colony in Uralsk is not a typical building, but the area of cells meets the standards established by law.

Shower room meets sanitary standards, exercise yard is spacious, equipped with benches and above-ground toilet.

In Turkestan DP the detention conditions were also assessed positively. In this facility the living space norms comply with the national standards. Persons detained in the reception centre have a separate sleeping place with bedding (mattresses, pillows and blankets), as well as visually clean bed linen, sheets and pillowcases. The windows in the cells are plastic and open to the outside, which allows the detainees in the reception center to self-regulate access to fresh air. In accordance with the Mandela Rules (Rule 43), detainees in the facility have access to cold water - each cell has a sink.

According to the provisions of national legislation, the reception centers are designed to receive and hold persons with no place of residence and/or identity documents, if there are no signs of administrative offenses or crimes in their actions and it is impossible to identify them by other means. The UNPM has repeatedly expressed the view that the institution of reception centers in Kazakhstan currently fulfills more of a penitentiary function. Moreover, as part of the 2019-2020 Consolidated Report, it was recommended that the functional affiliation of PRs be reconsidered and that they be transferred to a civilian agency. However, this recommendation was not implemented in 2021 and, accordingly, remains in force.

## **POLICE DEPARTMENTS, POLICE STATIONS, SPECIAL PREMISES**

In 2021, NPMs conducted 30 preventive visits to OPs, OIs and PIs. One of the most common problems in conducting preventive visits to these institutions was the lack of awareness of police officers about the functioning and tasks of NPM, and in some cases - about the existence of such a monitoring institution at all. Such negative examples include the following institutions:

- OP of Baizak district of DP of Zhambyl region;
- OP No. 2 of Astana region DP of Aktobe DP of Aktobe region. Aktobe DP of Aktobe region;
  
- OP of Beimbet Mailin district DP of Kostanay region;
- OP No. 1 of Taraz DP of Zhambyl region;

- DP of Petropavlovsk city;
- OP of Saryarka district DP of Astana.

As a result of the visits to the above-mentioned institutions, PNPМ recommended to strengthen the practice of conducting training sessions with personnel on studying the norms of the law of the Republic of Kazakhstan "On amendments and additions to some legislative acts of the Republic of Kazakhstan on the creation of a national preventive mechanism aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment".

Of particular concern is the availability of premises that can be used for unlawful actions against detainees. For example, the OP of Baizak district of DP of Zhambyl region. On the first day of the visit to the above-mentioned OP, the NPM team in Zhambyl region descended into the basement of the institution. The police officers initially did not allow to go down there. However, after a pause, they still reluctantly allowed us to examine the basement. There are stairs to the left of the entrance to the basement. The basement is quite large and is half the length of the entire building. Only one part of the room was lit. During the inspection, the NPM team observed a number of offices. When asked to open the doors, the staff refused to open them, citing the lack of keys. At the same time, to the right of the entrance to the basement, it was possible to enter the room of the alleged gymnasium. In fact, there were pieces of furniture, broken chairs, and three weight machines on the floor in this room. According to the NPM team, as well as from the visual appearance, this room is not used as a gym. However, only this room is illuminated. There were a large number of randomly scattered cigarette butts in several places, so we can conclude that this room is frequented by people. The NPM team concluded that the basement of the Baizak District Police Department, having a hidden location from public view, as well as good soundproofing, could be used for illegal detention and carrying out illegal investigative and operational activities. It was not possible to examine the remaining premises of the basement due to the refusal of the officers to open them.

The functioning of such rooms in police stations is unacceptable. In this regard, it is advisable to immediately close premises that can be used to commit unlawful acts against detainees.

Regarding special premises, in 2018 amendments were made to the law "On the procedure and conditions of detention in special institutions providing temporary isolation from society", on the basis of which special premises in police units for temporary detention, the so-called "special premises" (SP) / "rooms for temporary detention" (RTD) are functioning in the police bodies. Vice-Minister of Internal Affairs Rashid Zhakupov in 2018 reported the following about the future improvement of detention conditions for temporary detainees<sup>4</sup>:

*“As you know, today there are temporary detention rooms (in duty units), where persons are placed for up to three hours. With the relevant amendments made on the initiative of the Ministry of Internal Affairs of Kazakhstan, we give these rooms the status of special premises, which will provide for the same requirements for equipping these rooms with bedding and other sanitary conditions, which are provided for temporary detention isolators”.*

---

<sup>4</sup><https://kursiv.kz/news/obschestvo/2018-03/usloviya-soderzhaniya-zaderzhannykh-uluchshat-v-kazahstane>



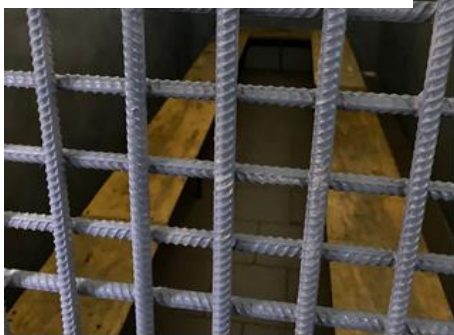
However, as of 2021, there is still an acute problem with the provision of conditions of detention in special premises. When visiting the police stations, where special premises were functioning, the PNPM noted unsatisfactory conditions of detention.

It should be emphasized that, in accordance with the provisions of the Standard Internal Regulations of Special Facilities, special premises are equipped with a sanitary unit, as well as equipment for hygienic procedures (if there are appropriate communications in the building). If there is no possibility of equipment inside the toilet room, an outdoor toilet or bio-toilet shall be equipped in the joint venture. Benches shall be installed in the recreation center, which can be used as sleeping places at night. Food is provided for those brought to a recreation center and kept for more than three hours.

At the same time, during the visit to the PS No. 1 of the Aktobe City Department of Internal Affairs with the Aktobe province, it was noted that there is no possibility to accommodate detainees in the SS, as there are no windows, place for eating and going to bed, as well as a bathroom. However, detainees are held in these rooms for up to 24 hours, which is a gross violation of human rights. Meals for detainees are not provided. Bedding is not provided. Police officers on duty state that detainees interfere with their basic duties, when they ask for water, to take them to the restroom. There is no information about NPM participants, police officers have no knowledge about the existence of NPM.



*RTD in OP No. 1 UP of Aktobe*



As a result of the visit to this police station, the PNPM in Aktobe region prepared recommendations, including the improvement of conditions in the RTD, including the possibility to install sanitary facilities, ventilation, heating system, as well as the possibility of people with disabilities, pregnant women and minors to stay for more than three hours.

Similarly, during a visit to the OP of Amangeldy district of DP of Kostanay region, the PNPM made observations about the inadequate conditions of detention in the RTD of this institution. Thus, PNPM noted that the room is a room with a concrete floor, a window, barred with fine bars, and a bench bolted to the floor. In addition, there were bars from other rooms in the room. There is no sanitary unit, equipment for hygienic procedures.



In the RTD of Moyinkum district of DP of Zhambyl region, a wooden bench bolted to the floor was installed based on the recommendations of the NPM participants following previous visits, but there is still no table, as well as direct access to drinking water. The floor is concrete, there are no windows - temporarily detainees do not have an opportunity to air the room on their own. There was no artificial hood or natural light in the room. As in the previous visit, the NPM participants concluded that the cell did not comply with the minimum standard rules, which creates potential opportunities for the humiliation of human dignity of persons placed there for temporary detention.

The NPM in Astana also pointed out the need to bring the conditions of detention in the RTD in accordance with the requirements of national legislation. For instance, upon the findings of the visit to the MA of Almaty, the Astana Department was recommended to ensure detention conditions in KBCs that are sufficient for respecting the honor and dignity of individuals and do not cause physical or moral suffering in accordance with Art. 4 of Law No. 353-I of 30 March 1999 "On the Procedure and Conditions of the Detention of Persons in Special Institutions and Special Premises Providing Temporary Isolation from Society".

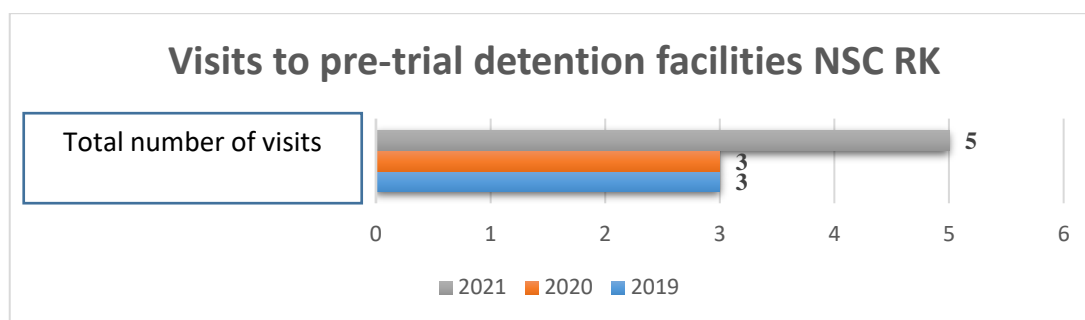
In the Consolidated Report for 2019-2020, it was noted that the Model Rules of internal order of special premises pay special attention to security issues rather than to sanitary and living conditions of detainees. These Rules describe in detail the minimum width of the outer wall, the diameter of the fittings used to make the bars on the windows, the thickness of the front door, and the lock. A bench is suggested as a sleeping place as a mandatory attribute. However, the parameters of the bench are not described. The rules also provide for the availability and issuance of bedding at night to detainees, but it is unknown how it will be used if the bench is not the size of the bedding.

Based on the above, it is once again recommended to revise the Standard Rules for the internal order of special premises in discussion with the public.

#### **2.4. THE SITUATION OF PERSONS DETAINED IN INSTITUTIONS UNDER THE JURISDICTION OF NSC RK**

According to the list of state institutions of the KNB, there are four pre-trial detention facilities: in Almaty, Karaganda, Astana, and Shymkent. In 2021, five visits were carried out by the PNPM:

- three interim visits in the cities of Astana, Almaty, Karaganda;
- one periodic visit to Karaganda;
- one special visit in the city of Almaty.



Analysis of the PNPM reports shows that the leadership of the NSC has carried out significant work to implement the recommendations provided by the PNPM and to bring the detention conditions of those under investigation and convicted to the PNM.

Most of the recommendations from previous years have been implemented.

In general, the legal status and conditions of detention of remand and convicted persons in the cells of the PDFs are satisfactory and meet the sanitary requirements and standards. No complaints about living conditions were voiced during the interviews with the detainees under investigation.

Detention conditions in the cells of the pre-trial detention facility of the DKNB are satisfactory and meet the sanitary requirements and standards. No complaints about the living conditions were voiced during the interviews with the detainees/convicts. In connection with the pandemic in 2020 there were a number of restrictions - for example, visits were prohibited, and in the detention center, where there were no special facilities for video visits with relatives, untried/convicted persons had interrupted communication with their relatives. The situation changed in 2021, when the restrictions were lifted and family visits were restored.

In detention facilities in Astana and Karaganda the staff familiarizes detainees with the rights, obligations and specifics of detention in the institution (printed information about obligations is available in each cell, except for the detention facility of the DKNB in Almaty), all persons admitted to the detention facility are examined by medical examiners upon arrival to the institution.

However, according to the reports of the NPM visit, there are still some recommendations specified in 2019 and 2020 that need to be implemented.

The Astana detention facility has three exercise yards, one of which is in poor condition. The walls are in need of repair and cleaning. PNPM noted during the visits that there are nine rooms (cells) and one punishment cell for detainees in the regime section. The capacity of the pre-trial detention facility was 24 persons. The cells are of the same type and measure approximately 7-10 square meters, which complies with the requirements of the Law No. 353-I of March 30, 1999 "On the Procedure and Conditions of the Detention of Persons in Special Institutions Providing Temporary Isolation from Society". Thus, according to Article 22 (2) of the Law, "Persons should be accommodated in premises based on the norm of sanitary space per person of at least 2.5 sq.m.". The condition of the sleeping places in the cells (mattresses, linen, beds) is satisfactory. There were standard bunk beds in the cells, except for cell #9, where there were single tier beds. The detainees were allowed to have their own bedding, which was taken by the detainees from their relatives. The floor of the cells was concrete and covered with linoleum on an insulated base. The cells are equipped with sanitary facilities (all cells have Genoa Bowls, except for cell #9 - there is a faience toilet) with sinks. The windows of the cells and the punishment cell do not provide sufficient natural light due to the small size of the windows, which are located closer to the ceiling.

Pre-trial detention facility in Karaganda. The reports on the visits indicate that the cells are located in the basement (semi-basement) part of the building. The maximum capacity of the pre-trial detention facility is 28 people. The cells have isolated sanitary facilities (toilet with a partition - Genoa

bowl), a washbasin, and water fixtures in a satisfactory condition. Lighting is satisfactory, with sufficient natural light. The inmates were able to independently ventilate their cells. The cells were equipped with radios. Emergency call of the staff is envisaged.

Food is stored and given out in accordance with the established norms of nutrition. Equipment for heating food (microwave) and refrigeration equipment are in good condition. Dining utensils are processed in accordance with established instructions. There are refrigerators in the food distribution room, where the detainees can store the food received through the visiting room.

The PNPM also noted that the quality of the food distributed is monitored daily by a medical officer, and a record of this is made in the ration book. Employees engaged in food distribution are familiar with the sanitary rules and have health record books. Food is delivered in ready-made form from the canteen for employees of the institution. There are no complaints about the quality of cooked food.

Sports activities are not envisaged. There are two exercise yards for the detainees, each with an approximate area of 8-9 sq. m. Walks are taken regularly, the minimum required by law is met (one hour a day). There were no complaints from the detainees under investigation about the lack of walks. The exercise yards are equipped with shelters against rain and snow, as well as a bar. However, the exercise yards are not equipped with bars and other devices for physical training.

Pre-trial detention facility in Almaty. The facility has a capacity to hold 100 persons; there are 44 cells for the detention of suspected and accused persons, including 22 cells for two or three persons. The building of the pretrial detention facility in Almaty was built over 80 years ago (commissioned in 1936), the design did not provide for sinks and toilets in the cells. Currently, as a result of previous recommendations of the PNPM, repairs have been made and Genoa bowls and washstands have been installed in each cell, the daylight lamps have been replaced with diode lights, which gives much more light in the cells. Forced (artificial) ventilation of the cells was also installed. PNPM noted that in the absence of connection to the city centralized heating, the cells are warm and dry. The only thing: in 2021 the recommendation noted back in 2020 remains unfulfilled, there are no doors in the cells in front of the Genoa Bowls, which humiliates human dignity if there is more than one person in the cell. The issue of constructing a new building for the pre-trial detention facility in Almaty, taking into account the international requirements for the detention of remand and convicted prisoners, remains relevant. According to the administration, land was allocated for the construction of a new building of the pre-trial detention facility in 2019. However, due to the coronavirus pandemic and the changed budgetary costs, the construction of the new building was frozen indefinitely.

According to the current legislation, the area per detainee and convicted person in the cell should be at least 2.5 square meters, which meets the standard stipulated by the RK law "On Procedure and Conditions of Keeping Persons in Special Institutions Providing Temporary Isolation from Society". When constructing the buildings of pre-trial detention facilities these standards were not technically laid down, or they simply did not exist yet, and therefore not in all cells there is a possibility to put stools for the number of detainees. The solution of this issue is not within the competence of the administration of the institution. We need a new building, the design of which will incorporate all international standards.

In 2020, some detainees/convicts noted unlawful actions on the part of operatives. For example, detainee/convict I.R. stated that unlawful actions were used against him during his detention, which he stated in his complaints to higher authorities and prosecutor's offices. PNPM examined the log of visits and noted that the prosecutor for the supervision of lawfulness visits the detention facility regularly, as noted in the log of visits, no complaints of this kind were received in 2021.

PNPM noted that there is a menu chart with information about the dishes and the weight of each dish, approved for the quarter and certified by the seal of the supplier. The menu and food samples are monitored by a medical officer of the institution, and there is a quality control log of the

prepared food. There are microwave ovens, sinks for washing dishes, dining tables and chairs in the rooms equipped as canteens. There were no complaints about the food.

Medical and sanitary provision of suspects and accused is regulated by Order No. 19 of the Chairman of the NSC of the RK dated April 6, 2015 "On Approval of the Rules for Protection and Supervision of Persons in Detention Facilities of National Security Bodies of the Republic of Kazakhstan". The situation with medical care in the above pre-trial detention facilities complies with national legislation and international standards for the treatment of prisoners. Each pre-trial detention facility has a medical unit where medical care is provided by a paramedic. There is a necessary supply of medicines and medical devices to provide assistance within the guaranteed scope of free medical care. There are journals of admissions, examinations and complaints with an indication of the time of examination. In cases where treatment is prescribed that is not part of the guaranteed scope of free medical care, it is permitted to transfer the necessary medicines through relatives of convicts and remand prisoners. The disinfection regime is observed and modern disinfectants approved for use in Kazakhstan are used. Emergency care units are equipped.

According to the PNPM team, the right to submit complaints and applications is exercised in all pre-trial detention facilities in writing. Upon arrival, all detainees under investigation are acquainted against signature with the rules of detention, their rights, obligations, including the procedure for filing complaints. All pre-trial detention facilities have boxes for filing complaints to the prosecutor's office, NPM and other human rights institutions, and, as a rule, these boxes are placed in the corridors. In the reports of the NPM on the results of the visits, it was recommended to install terminals for filing complaints in a place accessible to the detainees, similar to the institutions of the penitentiary system of the Ministry of Internal Affairs of the Republic of Kazakhstan.

Communication with the outside world is maintained in accordance with the regulations. They receive parcels from their relatives. The procedure for granting visits is set out in the Internal Regulations. Cell phones are prohibited in the facility, and pay phones are not installed in institutions of this type. In order to make a phone call, you need permission from the investigator in charge of the criminal case or the judge in charge of the criminal case. There are rooms for meeting with lawyers and defense attorneys. All pre-trial detention facilities have libraries with fiction, science and other literature. Subscriptions to periodicals are available. Books from the library are issued by the duty officer of the pre-trial detention facility at the request of the detainees. In accordance with paragraph 4 of Art. 22(4) of the Law No. 353 of the Republic of Kazakhstan, all cells are provided with radio broadcasting facilities. At the request of detainees, board games are provided.

There are four exercise yards in Almaty pre-trial detention facility equipped with a bench, a garbage box and a horizontal bar. Each exercise yard is a trapezoidal-shaped room about six meters long and about two meters wide at the entrance and about a meter at the end. There are no canopies to prevent rain.

Discrimination against inmates on the basis of race, color, sex, language, religious, political and other beliefs, national or social origin, property status, social status or other circumstances is not allowed. There have been no unjustified transfers from one cell to another. Upon request, a person may be transferred to a solitary confinement cell for HIV/AIDS or for any.

The right to practice one's religion is respected in all pre-trial detention facilities. The administration of pre-trial detention facilities does not prevent them from having religious literature that has undergone religious examination. There is no prohibition to perform religious rites, but there is no special room for religious rites. It is allowed to perform religious rites near the sleeping place. There are religious books in the library.

In 2021, in Almaty, most pretrial detainees were placed in pre-trial detention facilities under religious articles. Theologians from DKNB and Almaty City Akimat work with the detainees under investigation for terrorist crimes on a permanent basis. Psychologists and theologians from the

Counseling and Rehabilitation Center under the Department of Religious Affairs of Almaty work with people caught under the influence of destructive religious movements.

Positive aspects include, as part of combat and service training, work (training, testing) with the staff of the psycho-consultative group of the DKNB in Almaty on the development of stress resistance (self-development, desire for success), self-esteem - as a factor of professional development, psychological basics of financial literacy.

PNPM noted that it is not enough for women to go to the baths once a week. The institution was recommended to consider increasing the number of visits to the women's baths, since women's special health care needs in places of detention are often unmet. The house rules allow women to take a shower once a week. However, paragraph 13 of the PNM establishes that "every prisoner can and shall be obliged to bathe or take a shower as often as necessary for general hygiene. Paragraph 4 of the PNM establishes that they apply to all categories of prisoners, regardless of whether the latter are in criminal custody or only under investigation.

The institution has a high turnover problem due to the low salaries of junior commanders.

Employees serving in the national security agencies have had their pension contributions stopped since 2014. As a result, if an employee is dismissed from the agencies before retirement, he or she will not have any pension accruals for the entire period of employment. This makes the employee a hostage of the system. This issue is especially important for junior command staff. It should also be noted that the available pension savings of the employees of this system before 2014 were cut in half, so many cannot exercise the right to withdraw their pension savings to improve housing conditions or special types of treatment (dental implants, vision correction, etc.).

At the same time, in June 2021, a special visit was made to the pre-trial detention facility in Almaty on the fact of allegations of torture against a detainee.

According to the administration, D. complained about physical and psychological pressure from the investigation. D. attempted suicide by cutting himself with a razor blade, which he took into his cell. At 4.25 a.m. he was discovered by a fellow inmate, who informed the guards on duty, and the guards called an ambulance. The ambulance admitted D. to the regional military hospital of the National Security Committee, where he was under observation for five days, after which he was released and sent to a psychiatrist at the local polyclinic. According to the paramedic, the psychiatrist prescribed him amitriptyline, and the prescription was given to D.'s relatives, but the relatives did not provide him the medicine. Since his discharge on June 1, 2021, D. has been in a cell under video surveillance. According to the administration, a former cellmate refused to be in the same cell with him. According to information available to the UNPKO, a criminal case under Article 146 of the Criminal Code ("Torture") has been opened and is being investigated. UNPKO notes that this situation was not concealed by the head of the institution, full cooperation was provided, the necessary documents were submitted for study. There were no obstacles in conducting personal interviews. Recommendations were given to improve the living and sanitary and hygienic conditions of the investigators-arrestees (to ensure storage of daily samples according to paragraph 163 of the Order of the MH RK 3186 of 23.04.2018, to take control of drawing up, approval of a daily or weekly menu of food preparation).

## **2.5. THE SITUATION OF PERSONS DETAINED IN INSTITUTIONS UNDER THE JURISDICTION OF THE MD RK**

- In 2021, PNPM visited **three** brigades subordinate to the RK Ministry of Defense:
- The military police brig of the Semey garrison.
- The brig of the military police of the Aktobe garrison.
- The brig of the military police detachment of the Akmola regional garrison (Astana).

At the time of the NPM teams' visits, there were no suspected or accused military personnel in the brig.

In general, it should be noted that the recommendations of the PNPM remain similar to those of the previous year and consist of the need to take measures to improve living conditions, raise awareness of the employees of the institutions regarding the activities of the NPM, sanitary and hygienic conditions, and complaint mechanisms.

Among the positive aspects, it is worth noting the activities of the brig of the military police detachment of Akmola regional garrison (Astana). The recommendations made earlier have been implemented. For example, drain cisterns have been installed inside the cells, water leaks on the floor in the shower room have been eliminated, the cells are equipped with bedside tables for personal belongings of inmates. The only complaint regarding the concrete floors was in the process of being corrected; at the time of the visit, work was underway to install laminate flooring.

Regarding the living conditions there are still problems with the lack of possibility to ventilate the cells from the inside, there is no supply and exhaust ventilation in the cells, the concrete floor is not provided. In addition, in some institutions there are no conditions for eating, as there are no chairs in the cells (the brig of the military police of the Aktobe garrison, the brig of the military police of the Semey garrison).

With regard to sanitary and hygienic conditions, it should be noted that the cells for male soldiers are not equipped with toilets and sinks (the Aktobe garrison military police guardroom, the Semey garrison military police guardroom).

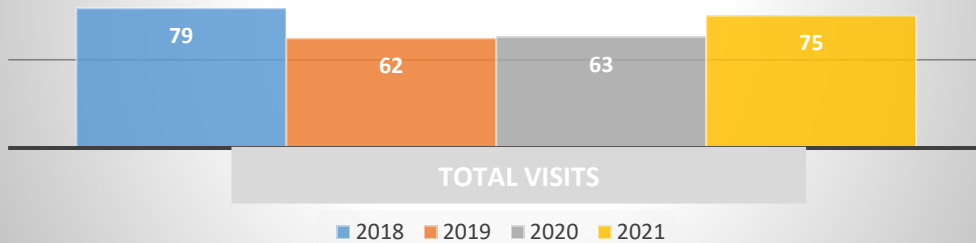
With regard to complaints, it should be noted that in the Semey garrison's Military Police Brigade and the Akmola garrison's Military Police Brigade, detainees have an opportunity to complain about violations of their rights and freedoms. However, there is no such possibility in the guardroom of the military police of the Aktobe garrison.

## **2.6. THE SITUATION OF PERSONS DETAINED IN HEALTH CARE INSTITUTIONS OF THE RR**

### ***ADULT STATUS***

In 2021, PNPM made 75 visits to the institutions subordinate to the MH RK, of which 44 visits were made to narcological and psychiatric dispensaries (one special visit to the Republican psychiatric hospital of specialized type with intensive care in Aktas village of Almaty region), 12 - to TB dispensaries, 19 - to children's institutions. The number of visits increased by 16% compared to the previous year.

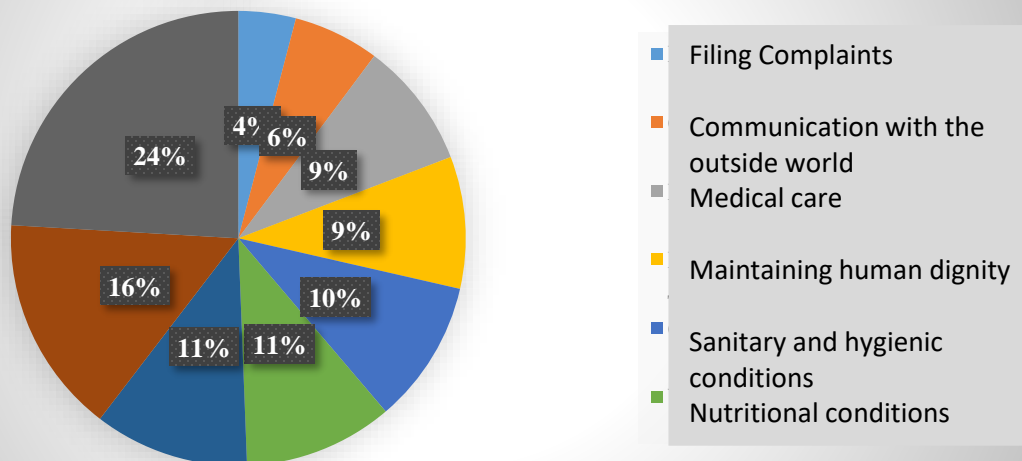
## Visits to institutions subordinate to the Ministry of Health of the Republic of Kazakhstan, PNPM



The analysis of PNPM reports reveals and shows a reliable picture of the human rights situation in NPM-mandated institutions under the jurisdiction of the MH RK.

According to the analysis of the PNPM recommendations on the results of visits to psychiatric and drug treatment facilities, we can conclude that the biggest share of violations is in the level of implementation of statutory rights (25%) and ensuring living conditions (16%). Last year these aspects also received the highest number of comments (20% of comments on living conditions, 18% on realization of rights).

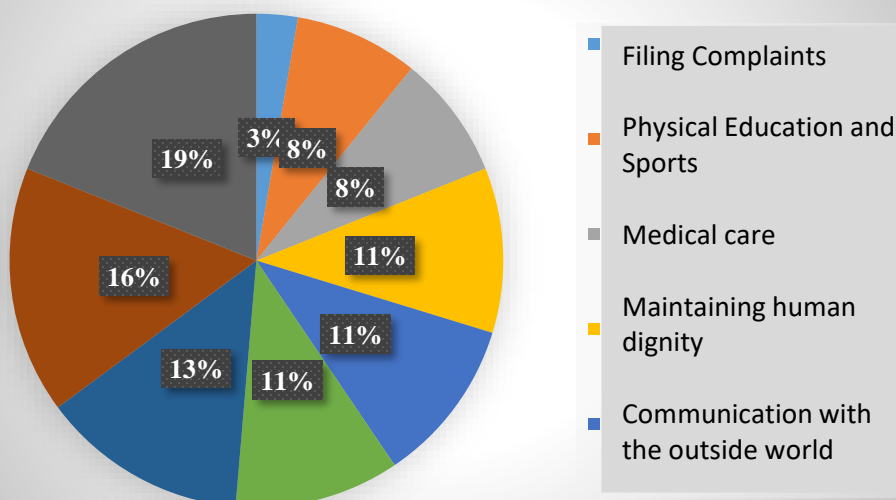
## Contents of the recommendations



Analysis of the recommendations made by PNPM on visits to TB dispensaries showed that the biggest problem for institutions is the maintenance of sanitary and hygienic conditions.

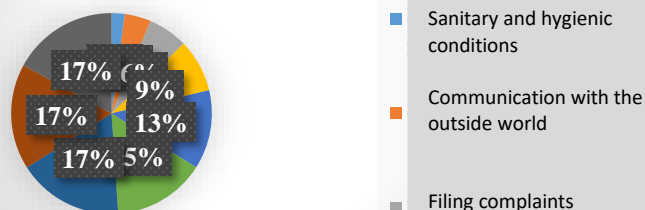


## Contents of the recommendations



Analysis of the implementation of PNPB recommendations by children's medical institutions.

## Contents of the recommendations



Over half of the institutions are located in buildings and premises that require major repairs or transfer to standard buildings specially built for medical needs. Cosmetic repairs are needed in 80% of visited institutions.

Since patients' rights are mainly violated in psychiatric institutions, the majority of preventive monitoring visits were to psychiatric institutions. It should be noted that common problems in almost all psychiatric institutions are problems of feeding patients, violations of space standards per patient, limitation of patients' right to daily walks and the right to privacy. The issue of the rehabilitation component of the therapeutic process is still unresolved in domestic psychiatry.

For a long time, there has been a negative practice of applying the procedure of hospitalization of psychiatric patients on an emergency basis. Thus, persons deprived of legal capacity, accompanied by their guardians, may be admitted in an emergency order.

National legislation, contrary to international law, deprives incapacitated persons of the opportunity to sign a waiver or consent to hospitalization. Such a state of affairs does not guarantee reliable consent for hospitalization of the above patients.

At the same time, the psychiatric hospital, where the patient is admitted for treatment, can simultaneously act as a place of incarceration with respect to such a citizen, if it is an involuntary hospitalization or compulsory treatment. This creates a situation of a conflict of interest between an incapacitated citizen - a ward of a medical organization, which combines in relation to such a citizen the functions of a guardian, a medical institution and a place of compulsory detention.

In contrast to international norms, law enforcement practice in Kazakhstan does not see such a situation as a conflict of interest. Meanwhile, according to cl. 4, art. 12 of the Convention on the Rights of Persons with Disabilities, ratified by Kazakhstan, States parties shall ensure that all measures connected with the exercise of legal capacity contain appropriate and effective guarantees for the prevention of human rights abuses. Such guarantees must ensure that measures related to the exercise of legal capacity are guided by respect for the rights, will and preferences of the person, and are free from conflict of interests. Consequently, granting a psychiatric hospital the power of guardian over an incapacitated patient is contrary to international standards.

In practical terms, this means that the administration of a psychiatric hospital does not have the right to limit an incapacitated patient's contacts with an attorney, citing the fact that the protection of such a patient's rights is performed exclusively by the psychiatric institution itself as a guardian.

Capable persons suffering from mental illness are practically deprived of their rights to free will and remain unprotected from family members, being stigmatized by society and relatives on the basis of the presence of mental illness.

There remains the problem of long-term stay in psychiatric hospitals of patients who no longer need inpatient treatment and observation, but still remain there solely because there are no conditions in society for their integration and independent life with the necessary support and care. This also includes the problem of restoring documents for single patients. As a result, patients stay in the hospital indefinitely.

There is a growing trend in medical institutions to replace natural products with various substitutes: for example, instead of sour cream - "sour cream-containing product", instead of juice - "apple-flavored soft drink", instead of milk - "product with milk", instead of cheese - "processed sausage cheese", etc.

Everywhere not complied with provisions of Order of the MH RK No. KP DSM-96/2020 of August 11, 2020, Chapter 3, "Sanitary-Epidemiological Requirements to Water Supply and Sanitation of Health Facilities", paragraph 21. All wards are provided with sinks with cold and hot water supply.

At the same time, positive changes have been made in equipping health care facilities with infrastructure for people with special needs: individual wards are being re-equipped and a route through the facility is being laid out, taking into account people who use wheelchairs. But some heads of medical institutions never responded to PNPM's recommendations to create an appropriate structure for people with special needs, or they do not meet the RK 3.06-101-2012 "Design of buildings and facilities with regard to accessibility for people with low mobility. General provisions" (including additions and amendments of November 7, 2016, February 26, 2018, August 1, 2018, April 1, 2019).

## **Assessment of the situation**

### ***Psychiatric and drug treatment facilities***

I would like to draw attention to the long-standing problems of the Novo-Kanayan department of the East Kazakhstan Regional Mental Health Center. Novo-Kanayka of the East Kazakhstan Regional Mental Health Center. Every year the NPM participants state that the conditions in this medical facility in buildings that are deteriorating, with pit latrines inside the department, in the absence of water, books, sports equipment, necessary clothing and shoes, and the extremely unaesthetic serving of food is in itself cruel and degrading treatment.



Walking Courtyard, Men's Department Building

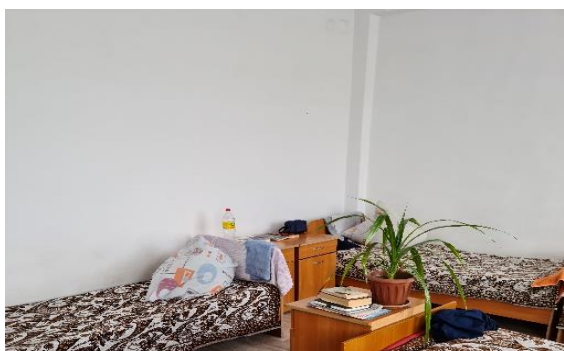
The buildings are adobe, barrack-type, obsolete, built in the 1940s. According to sanitary and epidemiological condition does not meet any standards, so it is recognized as emergency.



Women's Department Bathroom

The mentally ill in both the women's and men's departments, showing aggression, meeting in the intensive care unit, the department of the lattice door, which, but the patients are not separated from each other in any way, hence the dangerous danger that aggressive patients can be especially

harmful to friend. The hospital toilets in all visited departments do not contain kits. Toilet facilities in a separate private house (two or three holes in the wooden floor for 30–45 people, undivided partitions, cubicles). There is no sewerage, a cesspool is used. Toilet paper is missing. There are no conditions for washing. The smell of the rack, unpleasant. In the departments, there is one sink for 30 or even 45 people. There is no water in all compartments except one. Women were respected that, without access to water, it was not always possible to carry out sanitary and hygienic procedures. Patients do not have personal hygiene items (toothbrush, soap, towel), the bedside table is empty. Among specialists, patients have no relatives who could buy these supplies. Opportunities to purchase personal hygiene items. The hospital staff tries to observe the rules of personal hygiene of patients, adapting to such conditions. CSE on REM "East Kazakhstan Regional Center for Mental Health". Branches of the impression of the impression of an obscure mode. Patients have not had the opportunity to become irritable for a long time, absenteeism, the exercise yard does not even make sense to examine, the investigators do not have any board games or sports equipment, there is no ventilation, the ventilation is disgusting, while many patients smoke in the toilets, in The counters smell of tobacco. At least one ward does not meet the standards in terms of dimensions: ward 9 of the women's department - beds on a total area of 10 sq. m, this is 1.11 square meters per person, which is unacceptable. There is a lack of bedside tables in one ward of the men's department. Chamber types are everything, there are no hints of making homemade products. The material and technical condition of the VKTsPZ is not at the proper level, many issues have not been resolved for years. The administration of the VKCPZ says that there is not enough space for financing health care. Also, patients of the Pavlodar branch of the Republican Scientific and Practical Center for Mental Health are in not very comfortable conditions. Participants of the national preventive mechanism note the violation of the rights of patients: insufficient amount of sanitary and hygienic equipment, lack of stands with suspected infection in patients (available mainly in Russian, i.e. there is no equivalent information at two levels), lack of smoking rooms in all offices, placement of smoking areas in places unsuitable for this (toilet and emergency stairs). Numerous defects in the flooring and cracks in the walls. Lack of a sink with hot and cold water supply in the wards. The absence of the "Free" stamp on the packaging of medicinal products may meet the requirements for this drug in the secondary market. The PF "RSPC PZ" does not provide for certain conditions for the maintenance of people with disabilities and other citizens with limited mobility, there are no restrictions and devices for the movement of people with disabilities in departments, which applies the provisions ratified by the Republic of Kazakhstan, the UN Convention "On the Rights of People with Disabilities", in accordance with which participating States should take appropriate measures to eliminate barriers and phenomena that hinder accessibility, which are unacceptable on an equal basis with others to the conditional environment, transport, information, other objects and services.



## Beds for patients



Smoking area located on the fire escape. The grate is clearly visible, which will prevent patients from escaping in case of fire.

In the Republican State Enterprise on the REM “Republican Scientific and Practical Center for Mental Health” of the Ministry of Health of the Republic of Kazakhstan in Almaty, which should be a positive example for regional mental health centers, NPM participants noted the lack of legally secured rights of patients (whose freedom is not legally limited) to telephone conversations and walks (including in winter) as a potential basis for possible human rights violations bordering on degrading treatment. The living quarters of the men's department, which require cosmetic repairs, require special attention. There are no toys in the children's section, there are no other entertainments except for the

TV, there is no ventilation and air conditioning system. The rooms have bedside furniture that needs to be repaired or replaced. There is no stationary substituting link of psychiatric care in the form of medical and labor workshops.

In general, the living conditions in the RNPCPZ can be described as satisfactory, most of the identified shortcomings are due to the dilapidation of the buildings of the center, the need to bring them in line with the sanitary rules: “Sanitary and epidemiological requirements for healthcare facilities” (order of the Ministry of Health of the Republic of Kazakhstan No. ҚР DSM-96/2020 dated 11.08.2020).



Sanitary and hygienic conditions in the women's department

All wards, in violation of the “Sanitary and epidemiological requirements for healthcare facilities” (order of the Ministry of Health of the Republic of Kazakhstan No. ҚР DSM-96/2020 dated 11.08.2020), are not equipped with sinks with cold and hot water supply. When visiting the Republican State Enterprise "Atyrau Regional Mental Health Center", the participants of the NPM noted that psychiatric hospitals have practically turned into boarding houses for the mentally ill, that is, they have replaced boarding schools for permanent residence. In a medical institution there is no contribution to the process of recovery of patients and their social adaptation. In addition to medication, no other forms of therapy are carried out. The center does not use modern methods of treating schizophrenia and other psychiatric diseases, and does not use long-acting drugs that would improve treatment. The effectiveness of such treatment is very doubtful, it is costly for the state, the funds are spent inefficiently and are detrimental to the health of the patient, since the constant use of potent drugs has many side effects. There is no work with guardians and relatives of the mentally ill. There is no connection of patients with the outside world, patients are almost deprived of access to television (it is limited) and the press (completely). There is no employment of patients, including employment, patients are deprived of the opportunity to engage in physical education, sports, and do not walk in the fresh air. Patients are deprived, even in the toilet, of the right to privacy. No opportunity to have personal belongings. These circumstances are factors that negatively affect the social adaptation of people and their recovery.

Persons with mental disorders are entitled to high quality medical care and responsive treatment by health officials. They must be protected from any form of discrimination and inhumane treatment.



*Toilet and shower*

In the Arkalyk branch of the KSE "Kostanay Regional Mental Health Center" there is no useful pastime, occupational therapy, patients constantly watch TV in their free time from procedures and walks in the fresh air. In the children's department, apart from the TV, there are no games, no books, no didactic materials, which directly violates the provisions of the Convention on the Rights of the Child.

From the Pavlodar Regional Mental Health Center, a branch of the city of Ekibastuz, complaints were received from patients about nutrition (lack of meat, fruits, sweets, juices), the walking yard is not equipped with sports equipment, there is no infrastructure for people with special needs, there is no library.

At the Taldykorgan Mental Health Center, during a visit by NPM participants, one patient was tied to a bed with ropes; according to the patient, she stayed in this position for a day, they tied her by her hair, and when examining the patient, it turned out that she had cyanotic furrows on her hands from the ropes. This case can be considered as maltreatment, since the fixation is performed according to the established rules, and for this purpose wide fabric bands are used to avoid bedsores.

"Mental health center of the Turkestan region", Shymkent city. At the time of the PNPM visit, the dispensary did not have a split system at all, none of the wards for patients had air conditioners, which is extremely necessary in the southern region in summer, when the air temperature is above 40 degrees Celsius.

There are no partitions between Genoa bowls and toilet bowls in the latrines, so in the dispensary, patients are deprived of the opportunity to cope with their physiological needs in privacy, which humiliates human dignity.

In the children's department, children do not have toys, in the playroom there were items that develop productive, communicative, labor activity, creativity and imagination, but children do not have access to all this. The administration of the dispensary and the staff of the children's department need to understand that the purpose of the playroom is not just to have it for various commissions, but to make children feel comfortable within the walls of the institution and come to the cozy playroom at any time to relax and get distracted from treatment, NPM participants believe in the South Kazakhstan region.

Mental Health Center of Almaty. PNPM note that the center has a state-owned environment: bare walls, lack of household items, decorations. However, the Principles for the Protection of the Mentally Ill and for the Improvement of Mental Health Care, adopted by General Assembly resolution 46/119 of 17 December 1991, state in paragraph 2 of principle 13: normal life."

The participants of the NPM noted the need for cosmetic repairs in the women's department. The linoleum in the wards in the women's department is in some places very dilapidated, patched up and in general needs to be replaced.

The MSE "Almaty Regional Center for Medical and Social Rehabilitation and Psychotherapy" PNPM notes that there is a problem associated with providing patients with bed linen and bedding. So, the bed linen is torn in places, the mattresses are dense on the sides, the middle is leaky, and some patients sleep on metal nets. As a result, a recommendation has been made. According to the assurances of the administration, this situation will be corrected. The administration pointed out the quality of bedding, that they quickly become unusable. At the same time, PNPM did not fully understand why the administration does not write off such bedding, but simply processes them, sews them up and re-provides them to patients. No clear answer was received from the administration staff.

State Institution "Republican Psychiatric Hospital of a Specialized Type with Intensive Observation" p. Aktas of the Talgar district of the Almaty region. Buildings outside are falling apart in places, the foundation is moving away. The internal condition of the buildings is unsatisfactory, there are few toilets in the department compared to the number of patients. Considering that such rooms are intended for common use, this moment is in the nature of degrading treatment.

In some compartments in the toilet rooms, Genoa bowls are installed, between which there are no partitions and which are not fenced off by a door from the main room of the toilet room. PNPM noted that at the entrance, near the checkpoint, there is no information about the institution, visiting rules, rules for the transfer of parcels, contacts who can be contacted for questions of interest, a call center phone number, and the health department. Relatives who arrived at the institution are deprived of the opportunity to contact the administration of the institution and higher health authorities. Recommendations were made to equip an information stand, and the Almaty City Bar Association to prepare a letter on the exclusion of the formal participation of lawyers in cases of termination, extension or change of compulsory medical measures, on a real meeting with the defendants before the court session, to ensure their real, not formal protection in a court.

Due to the specifics of the underlying disease, narcological hospitals differ from traditional psychiatric hospitals by a special subculture, this is clearly seen in the example of the CSE on the REM "Center for Mental Health", Narcological Department of Compulsory Treatment of the Health Department of the Akimat in the North Kazakhstan Region. The participants of the NPM in their general conclusions noted that those held in the department impose their rules on the administration, which, in turn, accepts them. The administration says they are afraid of a riot, and the police are also powerless. Therefore, there are heaters, money, mobile phones in the wards, and patients do not obey the rules.

In the Center for Compulsory Treatment of Patients with Alcoholism, Drug Addiction and Substance Abuse, Kostanay region, Tobyl, there is also a tense situation that is not conducive to the therapeutic process. In 2021, there was a case of a group hunger strike and a case of protest in the form of sewing up mouths.

During interviews with patients, the following problems were identified:

- Patients are treated like prisoners, the guards have set up a "spy network" (snitching), the guards forbid gathering in groups of more than three people;
- Inspection of personal belongings is carried out twice a day, this is a violation of the inspection schedule, inspection is carried out not only by security officers, but also by nurses;



- Lack of provision with sanitary and hygienic means (especially for people who have no money and/or relatives), etc. (details in the report).

Department of Compulsory Treatment "Regional Mental Health Center" under the Health Department of the Akmola region, p. Seletinskoye, Yereymentausky district. There is a subculture in the medical institution, since most patients had previously served a sentence and belonged to the so-called outcast prison subculture.

There is no concrete fence provided by regulatory documents. Security is provided by civilians. Accordingly, the access of alcohol to patients does not stop. According to the patient support service, facts of bringing alcohol by junior staff and security guards have been established. The material and technical base is deteriorating and requires major repairs, primarily the heating and water supply systems. There are no rehabilitation programs.

The lack of rehabilitation programs is a common problem for all psychiatry and drug treatment services in particular. The patient must form healthy habits of life without alcohol, form new attitudes, the person must return to a full-fledged social life, understanding the impossibility of returning to the past behavior pattern. But, as the analysis of patient treatment shows, the recurrence rate remains high. A large percentage of patients returning for re-treatment, according to the staff of the institution - 99%. All this indicates that rehabilitation is not taking place, there is no contact with relatives, and work on rehabilitation is not being carried out.

Since the form of the establishment of the PKP on REM, it is necessary to revise the rehabilitation programs with an emphasis on the involvement of family members in the rehabilitation process, the opening of rehabilitation centers, which are currently absent, the participants of the NPM in the Aktobe region note.

The situation in the State Enterprise "Specialized Treatment and Prevention Enterprise", Aktobe region, Mugalzhar district, Kandyagash, does not change. Past consolidated reports have detailed the situation in this institution. It contains persons who evade treatment or continue to take alcohol, drugs after treatment, violate public order and hostel rules, despite the measures of disciplinary or public and administrative influence taken against them.



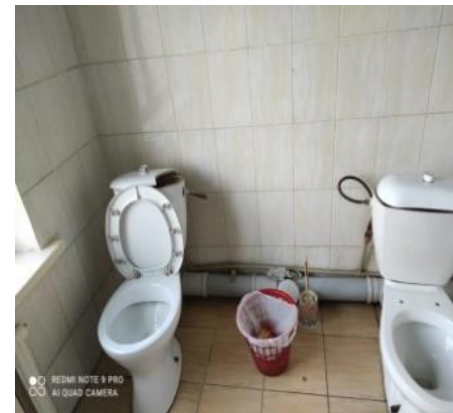
A major overhaul is required, dampness is observed in all shower rooms, toilets, and in some wards. Requires replacement of dishes, furniture, bathrooms, sinks.

In the institution, it is necessary to carry out work aimed at educating people in the spirit of observing laws, the rules of the hostel, raising the cultural level, as well as convincing them of the need for treatment.

There are complaints about the court's decisions, following the results of the visit, the district prosecutor was recommended to meet with the detainees, in particular, with women, in order to accept appeals from them. Medical assistance is not provided, there are no medicines.

During monitoring visits to temporary adaptation and detoxification departments, NPM participants noted an undeveloped mechanism for discharge of patients who can be brought not only from the city, but also from nearby villages. Department staff are not allowed to hold patients for more than 24 hours. Therefore, there are situations when the patient finds himself on the street at night, in severe frost, without money to get home, or in clothes that are not suitable for the weather. There was a situation when a visually impaired young man was hit to death by a car on the highway when he was walking back from the sobering-up station to his village (SKO).

The sanitary and hygienic condition of narcological institutions is the same as in psychiatric institutions of a general type, the same problems that can be demonstrated by the example of the city narcological center for medical and social correction in Almaty, st. Makataeva, 10.



Conditions in the bathroom / shower do not meet sanitary standards. Shower cubicles have a high ledge, no support rails, are uncomfortable for patients, and there are no mats. No hangers for towels. There are no antiseptics and soap near the washbasins in the toilet rooms.

### ***Antituberculosis organizations***

CSE "Kostanay Regional Center for Phthisiopulmonology", Rudny Department of Compulsory Treatment. In the course of a survey of patients, NPM participants found a violation of the procedural rights of patients; patients are not provided with a court decision on compulsory treatment to appeal against it.

Patients are mixed. Patients with TB (+) and TB (-) can live on the same floor. Also, not all patients observed the mask regime, which exposed other patients and medical workers to infection. In accordance with paragraph 104 of the Order of the Minister of Health of the Republic of Kazakhstan dated August 11, 2020 No. KR DSM-96/2020 on the approval of the sanitary rules "Sanitary and epidemiological requirements for healthcare facilities", separate hospitalization of tuberculosis patients is provided in the compulsory treatment department, depending on drug sensitivity.

According to patients, the institution has poor nutrition, hygiene products are not issued, and there is no legal awareness at the stage of admission to the institution. Patients are dissatisfied with the constant consumption of cabbage, claim that they do not give meat, only fish.

In addition, there was an electric stove in the women's section, and there was a smell of cooking meat on the floor. When asked what it is, the staff said that the patient cooks food right in the ward.

In the regional anti-tuberculosis hospital, department of compulsory treatment, Atyrau region, pos. Dossor, the hospital management tried to hide the absence of the patient from the NPM participants: they said that she was sent to Atyrau for one day to undergo an ultrasound scan, but an examination of her ward showed that she was not in this ward, there were no personal belongings in the ward, the bed is not made. A bag, clothes, personal hygiene items - none of this was in the ward, that is, it was impossible to determine whether A.N. was here at all, if so, since when she has not been.

The director of the institution, Sh. Zhumanalieva, explained that the sick A.N. took time off to go home to her grandmother, who fell ill. There was no personal statement from the patient, as well as her representatives, there was no act of temporary discharge.

Repeated visits to the TB dispensary in the Atyrau region (Dossor village) show the problem of inadequate provision of medical care for tuberculosis in the region. There are many seriously ill people who had tuberculosis a few years ago and were treated in the regional anti-tuberculosis hospital.

In general, the general condition of anti-tuberculosis organizations is better than psychiatric ones; perhaps this is due to better funding for patient nutrition and infrastructure in general.



## **STATUS OF THE CHILDREN**

This subsection is devoted to the analysis of the situation with respect for the rights and legitimate interests of minors held in organizations subordinate to health authorities (hereinafter referred to as TPI).

In 2021, NPM participants visited 19 TPI.

The main recommendations of the NPM participants were to carry out major and cosmetic repairs of buildings and facilities for children's healthcare facilities. Not everywhere there is an infrastructure for children with special needs (Regional children's TB sanatorium, Atyrau, specialized Children's Home for children with lesions of the central nervous system, Atyrau). It is recommended to observe the temperature regime in the building and in the rooms, to find funds for the purchase of special equipment for the rehabilitation of neurological patients with movement disorders, to install air conditioners in the bedrooms, to update the furniture, to provide a variety of toys in the playrooms, and not to allow the replacement of natural products for children. It is necessary to purchase and install new equipment in the laundry and kitchen (equipment from the Soviet times is in the laundry), the Children's Home in Taldykorgan.

I would especially like to note the wishes of the NPM participants to expand the opportunities in the rehabilitation of children with mental and musculoskeletal disorders to regularly engage in developing games and exercises with children, since often the main pastime of children is watching TV.

During a visit to the playroom in the children's department of the Central Health Center of the Turkestan region (Shymkent), the PNP came to the conclusion that, unfortunately, children do not have access to this room, since all items for creativity, educational games, puzzles, etc. were in packages, new.



PNPM also noted the low wages of employees of institutions for children's health facilities, the lack of opportunities to improve their skills.

It is gratifying that in 2021 there were no recorded cases of beating children and, as a result, criminal prosecutions of employees of children's healthcare facilities.

There is a problem of a legislative nature in relation to children placed in guardianship, under patronage and in a guest family. In the legal acts on the guest family, it is necessary to make changes to take into account the age characteristics of the child and his physical and psychological development. By transferring young children to a guest family, the state endangers their life, health, psychological and mental state. Often, children cannot tell when they return to institutions about what happened to them in the host family..

### **Positive Examples**

As an exemplary institution, one can single out the Specialized Children's Home of the Akimat in Astana.

The atmosphere in the groups is as close to home as possible. Photos of the children of the group hang on the walls, furniture and interior items are new and functional. Refurbishment done in 2020.



*Bedroom in the Specialized Children's Home of the Akimat in Astana*

Kitchen areas are adapted for distributing food to children, there are also household items for employees.



*Kitchen area in the Specialized children's home of the Akimat in Astana*

The practice and methodology used in the institution is favorable for the development of children. The formation of family-type groups will allow children to live in a family, have brothers and sisters. Such an atmosphere reduces the level of aggression, feelings of loneliness and discomfort.

In addition to living quarters, the institution has gyms, a gymnasium, Montessori development rooms, a swimming pool, a sauna, rooms for psychologists, offices for methodologists, lawyers and sociologists, a medical unit.



*Montessori development room in the Specialized orphanage of the Akimat in Astana*

Sanitary and hygienic conditions were highly appreciated by the NPM group in Astana. Each group has its own bathroom, each equipped with a shower, bath, washbasin, bidet and toilet, baths for bathing children. There are also changing tables, cabinets with clean baby clothes, a shelf with pots. The bathroom has baskets for dirty laundry. Each child has their own personal hygiene products. Towels near the washbasin are hung according to the number of children in the group, multi-colored toothbrushes for each are stored in open cells.



*Bathroom in the Specialized Children's Home of the Akimat in Astana*

PNPM believe that the experience of the State Institution "Specialized Children's Home" of the Akimat in Astana should be adopted by other similar institutions in all regions of the country.

Cozy atmosphere in the Specialized Children's Home in Shymkent. Here, the group on the project "Like at home" is working in pilot mode, the premises are equipped close to home conditions. In this group, children undergo adaptation to family conditions. The walls in the group are covered with wallpaper, the floors are covered with carpets, and chandeliers are hung from the ceilings. The rooms are light and cozy.



*Room of the "Like at Home" group in the Specialized Children's Home in Shymkent*

I would also like to note significant positive changes in the Regional Specialized Orphanage (Kyzylorda) that occurred after visiting the PNPM in 2020.

Separate classrooms for physical education and music were equipped. The equipment in the laundry room has been completely renewed - two tubs for soaking clothes, three automatic washing machines and one semi-automatic were installed instead of the old and inactive one. Ironing boards and irons are sufficient. Bed linen in the required quantity in good condition. Three new industrial-

style refrigerators were purchased and installed in the kitchen and warehouse for food storage. All products are fresh and in sufficient quantity. Special rooms for relaxation with sensory equipment are equipped, there is a room for the prevention of diseases of the musculoskeletal system of children.

### **The issues raised by the employees of the children's TPI**

In four of the institutions visited, staff complained about low salaries.

Teachers at the Specialized Children's Home for Children with Central Nervous System Disabilities in Atyrau noted that teachers at the children's home have no opportunity to improve their skills due to the fact that they are not in the MES structure (as they are assigned to the MH of Kazakhstan), they remain uncategorized and therefore have low salaries. Due to excessively low salaries of the teaching staff, cooks and administrative staff compared to the medical staff, there is a high turnover of staff in the institution.

The staff of the "Dolphin" Kostanay orphanage complained about the lack of wage increases since 2015, since the institution is a medical institution, the teachers do not get a wage increase. In addition, the institution does not have a psychologist who would work with the staff on the issue of professional burnout and with incoming children on psychological adaptation.

As a result of the visit to the Specialized Children's Home in Astana, the NPM also made a recommendation to the authorized body to consider the issue of additional payment for psycho-emotional stress for the staff and increasing the salaries of the institution's staff.

During the visit to Taraz Specialized Children's Home "Omit", PNPM received a letter from the head doctor, addressed to the Vice-Minister of Health of the RK and the Budget Department of the RK Ministry of Health, with a request to assist in solving the problem. In particular, the letter concerned the Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 № 1193 "On the system of remuneration of civil servants, employees of organizations, maintained at the expense of the state budget, employees of state enterprises" (hereinafter - PP RK dated December 31, 2015 No.1193). According to the draft Resolution of the Government of the RK on amendments to PP RK of December 31, 2015 № 1193 , teachers of the Children's Home (that is, teachers working in health care organizations) in 2021 remain without salary increase. With regard to them, according to the draft Resolution of the Government of the Republic of Kazakhstan, it is impossible to apply a correction factor to the DO to increase salaries. In the point of application of additional payment for special conditions (work in the Children's Home) the amount of additional payment is not increased (120% of the BOD, used only since July 2020), which does not give an increase in wages in 2021.

Teachers in child care homes are not classified as caregivers by the MES RK. According to MES Order No. 145, dated April 15, 2020, "On Approval of the List of Positions of Teachers," the category of educators includes: senior educator, educator (in educational organizations) of dormitories, mother educator. Thus, due to the uncertainty of the status of teachers at children's homes, teachers at children's health care facilities are often left out when salaries in state institutions are increased.

## **2.7. THE SITUATION OF MINORS DETAINED IN EDUCATIONAL INSTITUTIONS OF THE RR**

More than six million children live in Kazakhstan, which is practically a third of the country's population. Of these, more than two million are of preschool age, more than three million are of school age, and about 500,000 are students under the age of 18.

Every child has the right to a happy and carefree childhood, and the realization of this right is entrusted to various institutions, from the state to the family. Unfortunately, however, not all children can grow up in families in which their interests will be taken into account. In such cases, the state is

**obligated** to provide children with special protection and assistance. In particular, according to the provisions of the Convention on the Rights of the Child, States Parties shall ensure that the institutions, services, and bodies responsible for the care or protection of children meet the standards established by the competent authorities.

Monitoring of the quality of implementation of this obligation in terms of prevention of torture and cruel treatment of children in special institutions in Kazakhstan is carried out by the NPM.

In Kazakhstan, work is actively underway to transform educational organizations for orphans and children left without parental care. As of today, the concept of "orphanage" has been abolished in Kazakhstan. In 2016 orphanages began to be reorganized into support centers for children in difficult life situations, in order to maximize assistance in placing children in families of Kazakh citizens.

According to the NOBD MES, there are 23,063 orphans and children left without parental care in the republic, with 18,805, or 81.5%, in families. Over the last 10 years the number of orphanages in the republic has decreased twice (for 10 years - by 114 units, for three years - by 42 units). Also the contingent of children's homes has decreased by three times. For example, there are currently more than 4,000 children in 96 organizations for orphans. The following measures have been taken:

- The institution of the Foster Parents School was introduced (54 Foster Parents Schools were opened);
- a republican database of orphaned children was created in order to ensure transparency);
- new forms of family placement were introduced (foster and guest families);
- trustee councils were established in orphanages;
- 18 orphanages were transformed into Children's Support Centers.

Since 2020, there are five types of educational organizations for orphans and children left without parental care:

1. A support center for children in a difficult life situation.
2. A family-type children's village.
3. Center for adaptation of minors.
4. Youth House (social adaptation center).
5. Support center for children with special educational needs.

Orphans and children without parental care, with the exception of the Youth House (Center for Social Adaptation), are admitted to educational organizations for orphans and children without parental care between the ages of three and 18.

Taking into account that orphans, children left without parental care, and children with special needs represent one of the most vulnerable categories of the population, comprehensive monitoring of the provision and realization of their rights and freedoms is of paramount importance for strengthening national human rights institutions in the sphere of child rights protection.

The UN Subcommittee on Prevention of Torture, in its report on the situation in Kazakhstan, emphasized that, according to Article 4 of the OPCAT, a State must allow visits to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by order or at the direction of a State authority or with its knowledge or acquiescence. Therefore, any place where any person deprived of liberty is or may be held, in the sense that they cannot leave the place of their own free will, must be within the scope of the national preventive mechanism.

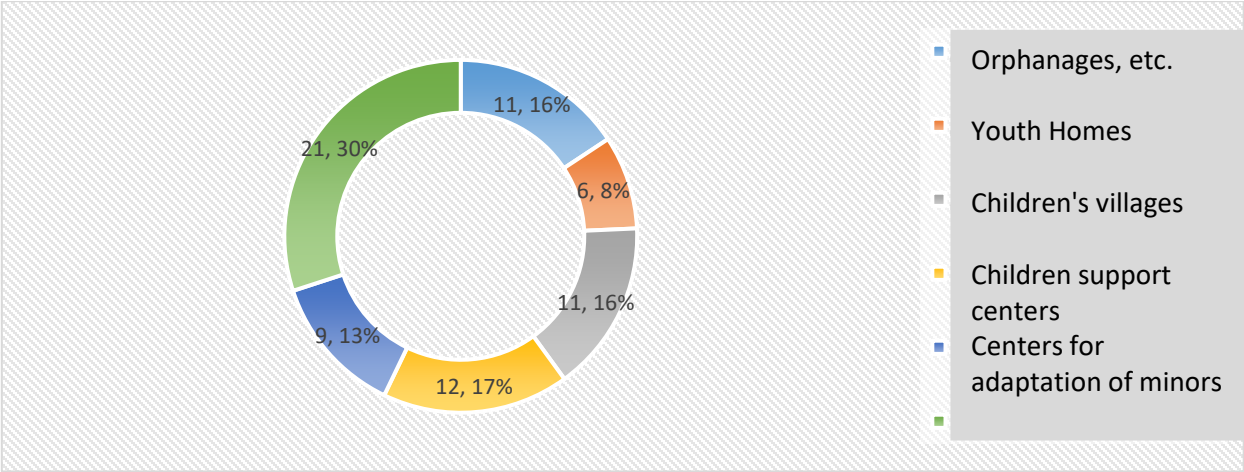
It is under Article 4 of the Optional Protocol that the PNPM's mandate was extended to virtually all children's institutions that children cannot leave of their own free will through the adoption of the Law of the Republic of Kazakhstan of April 1, 2019 "On Amendments and Additions to Certain Legislative Acts of Kazakhstan on Issues Related to the Activities of Organizations Performing the Function of Child Rights Protection".



The PNPM’s carry out an independent assessment of the conditions of detention and implementation of the rights of children in closed institutions for their compliance with national and international standards.

In general, two years after the adoption of the law of the Republic of Kazakhstan that expanded the NPM mandate, the situation with the rights of children in closed institutions has not changed. Unfortunately, the issues of providing decent living conditions, sufficient level of sanitation and hygiene, medical care, filing complaints, etc. are still acute.

In 2021, PNPM conducted 73 preventive visits to children's closed institutions of the RK educational system. The figures compared to 2020 (94 visits) decreased by 21 preventive visits.

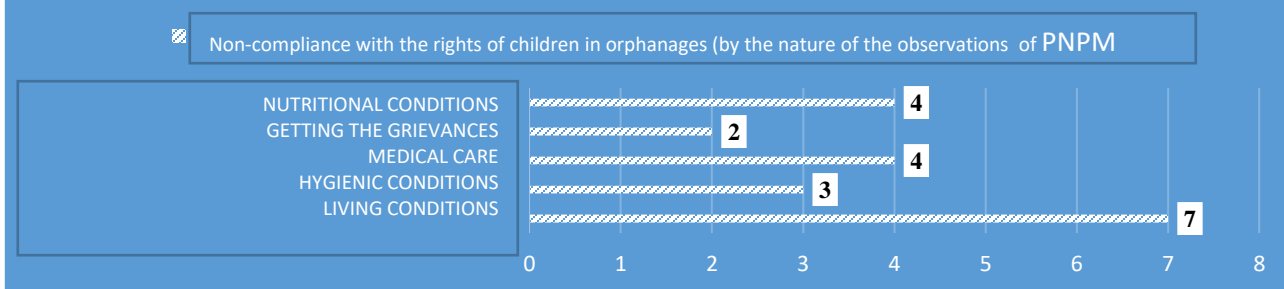


The situation in the aforementioned educational institutions of Kazakhstan, where juvenile children are held, is generally assessed as satisfactory, but, as noted in the previous report, despite the efforts made by the MES, there are still buildings (most of them old, some over 30 years old) where children are held, which **can be classified as cruel and degrading treatment of children who are in a difficult life situation.**

**SUPPORT CENTERS FOR CHILDREN IN DIFFICULT LIFE SITUATIONS**

In 2021, 11 centers (formerly orphanages) were visited by PNPM. Based on the analysis of reports on preventive visits to orphanages, we can conclude that in most cases, similar to the situation in 2020, PNPM made observations about the living conditions. The quality of medical care and nutritional conditions should also be emphasized. Below is a chart showing the number of observations and recommendations made by the PNPM as a result of visits to orphanages in 2021 to bring conditions for children into compliance with national and international standards.

## NON-COMPLIANCE WITH THE RIGHTS OF CHILDREN IN ORPHANAGES (BY THE NATURE OF THE PNPM'S OBSERVATIONS)



In general, the situation with the implementation of the rights of children in institutions can be assessed as satisfactory, almost all reports indicate that the administration of LFSCs basically tries to implement the recommendations that are given during visits, with the exception of some institutions. It should be noted that the monitoring has identified both positive and negative practices of implementing the rights of children held in THB centers and the results of both positive and negative practices in the form of recommendations have been communicated to the administrations of institutions and relevant government agencies in charge of these institutions.

Among the positive examples compared to other institutions that PNPM monitored in 2021 were Orphanage No. 1 for orphans and children left without parental care in Akkol (Akmola province), Shakat family-type orphanage (Pavlodar province), Orphanage named after Maru Kulusheva (Karaganda province), Orphanage for orphans and children left without parental care (Karaganda province). Maruya Kulusheva orphanage (Karaganda province).

For example, after visiting Orphanage No. 1 in Akkol, the Administration of Education of Akmolinsk province, a visit was made to the Maru Kulusheva orphanage in Karaganda province. Akkol Department of Education in Akmola province, PNPM stressed that the overall condition of the premises and living conditions were assessed as very good. The staff is friendly, everyone performs their work according to their job description and requirements in accordance with their positions. Work with children is conducted at the proper level, as evidenced by the presence of awards, cups, diplomas, certificates. There is a soccer stadium on the street. In winter the lawn is cleaned and a hockey court is set up in its place. A basketball court and a training ground are equipped separately. There are playgrounds for toddlers. There are two gyms, they are equipped with professional equipment. In 2020 the situation with the quality of medical care of children in this institution was of concern. In particular, according to the NPM group, the medical examinations were conducted very formally and were assessed as unsatisfactory. There was no doctor's control over the night duty personnel and the quality of medical care at night. As a result of the visit, the management of the orphanage was recommended to strengthen control over the work of medical workers. In the current year, PNPM concluded that conditions for children's health improvement were created in this institution in accordance with the requirements of the NLA.

As a result of the visit to the Shakat family-type children's home of the Pavlodar region Department of Education, the regional PNPM noted that all premises were in a satisfactory condition. Living, sanitary and hygienic conditions of the children are also satisfactory. Annual cosmetic repairs are carried out in the buildings. The PNPM interviewed the children, and there were no complaints about the accommodation and attitudes of the staff. The use of methods of mental and physical violence against the pupils is not allowed.



*Dormitory in the Shakat family-type orphanage*

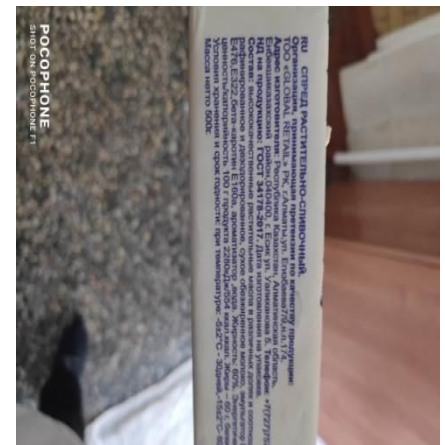
However, there are the following correctable violations: the prospective menu is three days old; the complaint box does not meet confidentiality requirements; there is no list of NPM participants.

At the Maru Kulusheva Orphanage in Zhezkazgan, Karaganda region. Maruya Kulusheva (Zhezkazgan, Karaganda region) housing conditions are assessed positively. The orphanage also has a music room, an equipped vocal studio, a robotics room with three monoblocks and 12 robotics construction kits. The institution has a separate psychologist's room, equipped with everything necessary for work. All children are provided with five meals a day. In May and June there is koumiss therapy (supplier IE "Dauletpaeva").

With respect to negative practices, the situation of children in the following institutions is of

particular concern.

For the second year in a row, the Children's Home No. 3. For the second year in a row, the recommendations of the PNPM to improve the living conditions of children were ignored. In particular, the bedside cabinets and nightstands were not updated. Nutritional conditions are also a cause for concern. Thus, during the inspection of the food warehouse the NPM participants noted that instead of butter there was spread, instead of sour cream there was sour cream product. The NPM emphasizes that the national legislation establishes certain requirements to the organization of food for children in orphanages. For example, Appendix 4 to the size, sources and types of social assistance for citizens receiving social assistance "Norms of nutrition for children being raised in organizations for orphans and children boarding organizations and children in centers for the isolation, adaptation and rehabilitation of minors" approved by government Decree No. 320 of March 12, 2012. According to this law, children's diet must include a variety of products, including butter and sour cream, but not vegetable analogues of these products. PNPM prepared the relevant recommendations and addressed them to the management of the institution.



left without parental care in Substitutes for natural products in orphanage #3 of the city of Shymkent. *Shymkent*

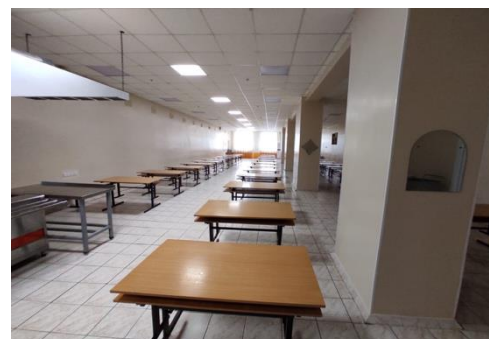
An ambiguous situation with the implementation of children's rights was noted in the state institution "Rudny orphanage" of the Department of Education of the akimat in the Kostanai region. First of all, PNPM notes that the previous recommendations were fully implemented:

- 2,000 disposable cups were purchased at a cost of 6,000 tenge.
- Equipped with an emergency kit for anaphylactic shock (adrenaline 0.18%, prednisolone, antihistamines).
- Ceramic dishes were bought for the canteen: 450 plates for 140 500 tenge and 400 ceramic mugs for 160 000 tenge, plastic dishes are not used in the canteen at present.
- The scheme of receiving complaints and suggestions from pupils has been changed, all helplines are available to children.
- Purchased a sufficient number of a variety of board games for older students: checkers, chess, backgammon, "soccer", "hockey", development and economic games, sports equipment in the amount of 211 620 tenge.

- The library is connected to the Internet, which gives the students the opportunity to prepare essays.
- Water sprayers have been replaced in the bath and laundry department.

However, participants of the NPM group in Kostanay region found out that children were involved in painting and cleaning the graves of WWII veterans. The use of child labor is inadmissible in any form in accordance with the provisions of Article 36 of the Convention on the Rights of the Child. The PNPM emphasize that the involvement of children in cleaning and painting World War II veterans' graves cannot be considered socialization or patriotism.

Moreover, the institution had a long break between breakfast and lunch - more than three and a half hours. Throughout the visit, group members came to the cafeteria several times and on each inspection there were no chairs. The PNPM concluded that the children were eating standing up. This is a fact of abuse. As a result of the visit, the administration of the institution was recommended to eliminate the practice of cleaning the burial places of lonely veterans by the pupils of the orphanage, since this form of "patriotism" is a form of exploitation of child labor. PNPM also stressed that it is necessary to provide children in the dining room with chairs during meals, since it is unacceptable to consume food in a standing position.



*Dining room without chairs at the Rudny orphanage*

In the Khromtau family-type children's home of the Aktobe region Department of Education, the failure to implement the 2019 and 2020 recommendations to improve conditions for children is also a cause for concern. For example, as of 2019, the PNPM, based on the results of its visit to this institution, recommended to overhaul the building, install a playground, and take measures to organize recreational activities for children. As of 2021, the recommendations remain unimplemented. The NPA again noted that in their free time the children are left to themselves, they do not attend circles and sections, especially during the restrictive measures in connection with the CVI pandemic. Disinfectants and antiseptics were not observed in the institution.

Failure to respect the inalienable rights of children to decent living conditions, quality food and freedom from exploitative labor is unacceptable in a state of law. The PNPM will continue to identify problems in the realization of children's rights in orphanages and take possible measures to resolve them.

## **JUVENILE REHABILITATION CENTERS**

According to the child protection website, there are 18 Centers for Adaptation of Minors (CASs) in the Republic of Kazakhstan, of which 13 are in regional centers, and five are in the cities of Astana, Almaty, Semey, Zhezkazgan and Temirtau. The order of activity of CANS is regulated by the Order of the Ministry of Education and Science of the RK from June 18, 2013 № 229 "On approval of standard rules of activities of types of educational organizations for orphans and children left without parental care" (Appendix 6 "Standard rules of keeping minors in Centers for Adaptation of Minors").

In 2021 NPM teams made 10 visits to the Centers for Adaptation of Minors. Analyzing the recommendations of the NPM participants and comparing them with the recommendations of 2019 and 2020, we can say that the situation in the Centers for Adaptation and Support of Minors of the MES RK, despite the repeated recommendations from the NPM participants, is changing positively. But questions remain. Location of institutions: for example, in Ust-Kamenogorsk the institution is located in an industrial area, the same problem in the city of Taldykorgan - the institution is

recommended to move to a more livable area. Almost all reports indicate the need for improvement, and in some institutions - to create sports and playgrounds. The situation of the CAM in Kyzylorda draws particular attention, where the NPM group members identified a large number of violations. Among the positive examples is the CAM in Aktau, Mangistau region, which was transferred to a new building, has equipped playgrounds, access to the Internet, etc.

**The recommendations remain virtually identical to those in previous reports:**

1. Allocate funds from the state budget for the construction of model buildings or transfer, where required, to buildings adapted for such centers, which must meet all norms and standards to create favorable conditions for children.
2. Provide conditions for physical and athletic training, as well as for a healthy and safe outdoor environment.
3. to provide the above institutions with a sufficient number of computers with Internet access for children's learning and general development.

**SPECIAL EDUCATIONAL ORGANIZATIONS**

For reference: according to the data of the CC of the MNE RK, as of the beginning of 2021 there were 273 people in boarding schools for children with deviant behavior and special educational regimes. In 2021 NPM teams visited 12 special education institutions.

In general, the situation in special schools for children is satisfactory. According to the results of visits to special educational institutions for children with deviant behavior the recommendations remain the same: to provide children with communication with the outside world (no possibility of regular telephone conversations with parents, watching TV programs, listening to the radio, access to libraries, access to the Internet). In addition, it is necessary to draw the attention of the administration of the institutions to sanitary and hygienic standards, current repairs, wear and tear of solid equipment for its timely replacement.

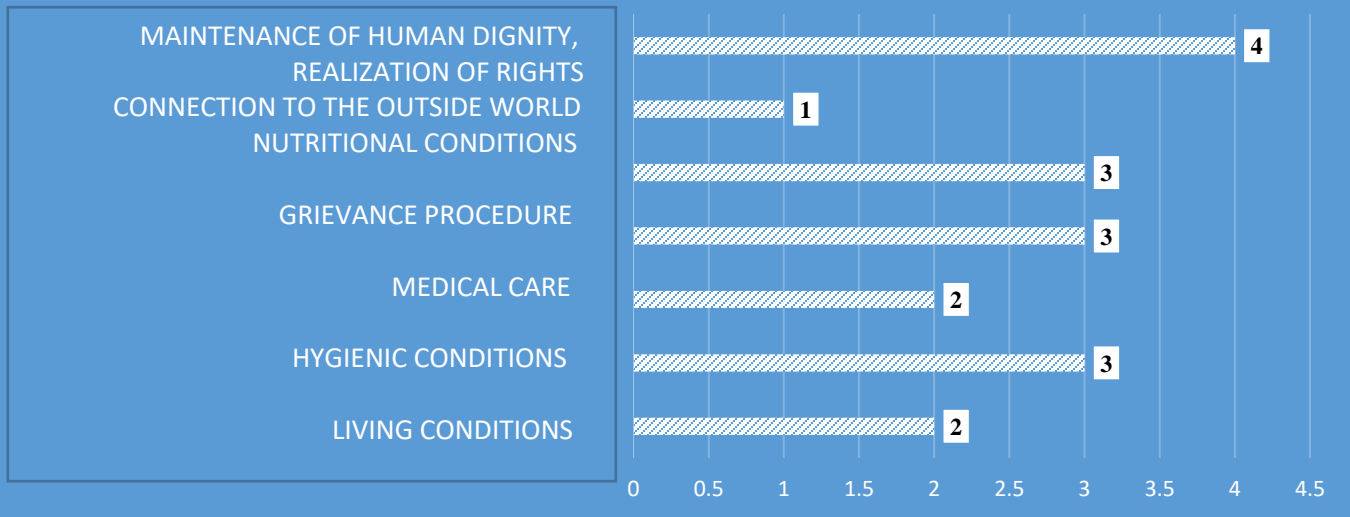
**FAMILY-TYPE CHILDREN'S VILLAGES**

In 2021, PNPM visited 11 family-type children's villages. The living conditions and the realization of children's rights were assessed as satisfactory. However, a number of measures need to be taken to comply with international and national standards in some institutions of this type.

Below is a chart showing the number of observations and recommendations to bring conditions for children into compliance with national and international standards.

## NON-COMPLIANCE WITH THE RIGHTS OF CHILDREN IN FAMILY-TYPE CHILDREN'S VILLAGES (ACCORDING TO THE NATURE OF PNPM'S REMARKS)

▨ Non-compliance with the rights of children held in children's villages (by the nature of the PNPM's comments)



In two institutions comments were made about the need to improve living conditions (Mangistau regional family-type children's village, MSE "Family-type children's village "Bauyrzhan" of the Department of Family, Children and Youth Affairs of Turkestan region). In three institutions there are no conditions for effective submission of complaints due to the absence of complaint boxes and/or information about the human rights institutions of Kazakhstan which consider complaints of children and NPM (MSE "Pavlodar city family-type children's village", MSE "Bauyrzhan" family-type children's village" of the Department of Family, Children and Youth Affairs of Turkestan region, MSE "Tolebi family-type children's village" of Human Development Department of Turkestan region). PNPM emphasize that the mentioned institutions did not provide an effective way of filing complaints by children last year as well. Recommendations remain unimplemented.

Of great concern to the PNPM are the conditions for children in the "Bauyrzhan" family-type children's village" MSE of the Department for Family, Children and Youth Affairs of Turkestan province. None of the recommendations of the CNPM based on the results of previous preventive visits have been implemented. In the institution, the housing, sanitary and hygienic conditions, food conditions, communication with the outside world, the implementation of children's rights can be assessed **as extremely unsatisfactory**.

First of all, the PNPM stressed that the director of the institution, N.S., was hindering the actions of the NPM participants in every possible way: he did not allow confidential communication with the inmates, he stood between the conversations, so the children did not say anything. Expressing his dissatisfaction with the presence of the NPM, the director threatened to take away the phone from the group member, who was taking pictures of the overground toilet at the same time. In the Children's Village, the furniture is old and shabby. Plastic dressers and plastic nightstands are dirty. Detergents are stored in cabinets along with food.

The recreation room has a table, chairs, lounge corner (sofa, chairs), TV, there are bookshelves with books, ironing board. However, the TVs and computers are not connected to the network and are not used for the interior. According to the director of the institution, the children do not have access to the Internet, so "they do not watch unnecessary information".

The above-ground toilet used by the children is very dirty, full of paper and dirt.

There is no toilet paper, there are scattered pieces of notebook paper. In the boys' and girls' toilets there is a lack of conditions for the decent exercise of the toilet.

The analysis of food products showed a lack of quality certificates.

PNPM consider it necessary to note that a confidential conversation with the children did not work, the director interfered. All the children just kept quiet.

Thus, the conditions in the MSE "Bauyrzhan Children's Family Village" of the Department for Family, Children and Youth Affairs of Turkestan region violate the rights of children to decent living conditions. The administration of the institution does not take any measures to improve conditions for children, while hindering the activities of the NPM. As a result of the preventive visit PNPM prepared a number of relevant recommendations for the institution.

The situation with the observance of children's rights is also extremely unsatisfactory in the Kazakh State Institution "T. Tazhibayev Children's Village of Family Type" of the Human Development Department of Turkestan region. Of great concern are the nutritional conditions and sanitary and hygienic conditions.

At the time of the visit, no food was observed in the pantry, the dietary nurse did not provide a proof book. She could not provide a dated menu for the day of the visit, she chose a menu from among those available without a date. The menu did not include the age of the children. Given that the family has children from three to 16 years old, the ration for all is prescribed the same. The lunch prepared did not match the menu shown to the NPM participants. There were no vegetables, fruits and juices in the fridge.

There were no dairy products of any kind in the refrigerator: no milk, cottage cheese, or sour cream, only a jar with a small amount of tomato paste, a small jar labeled "Salad" and covered with mold, in which there was leftover shredded cabbage, a container with obscure contents, which was presented as butter, a container of eggs, and a piece of cheese, which was actually called "Dairy product with substitute milk fat, produced using cheese technology".

PNPM was unpleasantly impressed with the children's lunch, which had a minimal amount of meat in it.

Regarding sanitary and hygienic conditions, the PNPM noted that none of the toilets had toilet paper or toilet seats.



*Yard toilet of the Children's Village of the family type "Bauyrzhan"*



*The contents of the refrigerator of the family-type Children's Village named after T. Tazhibayev*

We would like to draw your attention to the fact that after PNPM visited the kitchen of one of the families and saw what products were available and what children were eating, the head of the institution, S.M., demanded that PNPM leave the territory of the institution.

As a result of the visit, PNPM M prepared relevant recommendations on the need to respect the rights of children in this children's village for the management of the institution and the Human Development Department of Turkestan province.

In the "Family-type Children's Village" MSE of the Department of Education of Kyzylorda province, nutritional conditions are of concern. In this institution, PNPM recommends bringing the procurement of products into compliance and eliminating the substitution of natural products: instead of natural milk, milk product "Milkovo" was purchased, sour cream was replaced by milk product "Village motives".

Among the positive examples should be given the activities of the MSE "Regional Children's Village of the family type" of the Department of Education of the WKR Akimat. According to the results of the visit to the WKR children's village, the administration of this institution fully realizes the rights of minors detained in the institution. There are newspapers and magazines, books, television. The children are provided with everything they need. All children of school age go to school. Care, education and treatment are at an appropriate level.

In SOS Children's Village of Astana NPM participants noted friendly and attentive attitude to children from the staff and administration.

Thus, in comparison with 2020 the situation with respect for children's rights in the Children's Villages is of particular concern for the NPM due to the flagrant cases of non-compliance with children's rights. Authorized bodies are obliged to take control of the above institutions (MSE "Bauyrzhan" family-type children's village" of the Department of Family, Children and Youth Affairs of Turkestan region, MSE "T. Tazhibayev family-type children's village" of the Human Development Department of Turkestan region) to prevent the use of cruel, degrading treatment against children in closed institutions, where the risk of such violations is particularly high.

## **YOUTH HOUSE**

In 2021, NPM participants visited six juvenile homes. In general, the situation in them can be assessed as satisfactory. However, as a result of preventive visits, some institutions were given recommendations to improve the living conditions of inmates (housing conditions, sanitary and hygienic conditions, medical care) and the implementation of their rights, as well as to file complaints.

The House of Youth in Atyrau can be singled out as a positive example. In 2021 a new building was built for it, on the same site as the previous one, it is located in the center of the city, which facilitates the movement of students and working children.

At the time of the NPM group's visit, construction was almost complete.

Water, electricity, heating and sewage systems work smoothly in the institution. There is hot water. Each room has a separate toilet with a toilet, bathtub, sink with a mirror and bedside table.

All rooms are naturally ventilated by opening vents. Cleaning of the rooms is done by the children themselves.

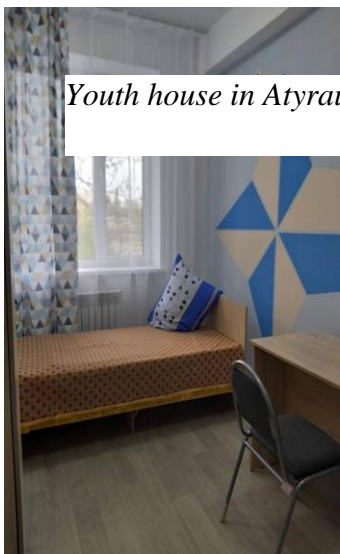
For laundry there are two washing machines and one dryer located in the laundry room, which is



*Youth house in Atyrau*



equipped with metal floor dryers, ironing boards, and irons. However, there is no book of complaints and suggestions and no complaint box. The head of the institution promised to implement the corresponding recommendation of PNPM.



*Youth house in Atyrau*

In our opinion, special attention should be paid to such institutions as MSE "Regional Youth House" of Human Development Department of Turkestan region, MSE "Youth House" of Ust-Kamenogorsk city of EKR Education Department.

As a result of the visit to MSE "Regional Youth House" of Human Development Department of Turkestan region (Shymkent), PNPM provided recommendations on improving sanitary and hygienic conditions, nutrition conditions and complaint mechanisms. Disorder and garbage were noted in the institution during the visit. The sanitary condition was assessed by the CNPM as unsatisfactory.

One shower room is not enough for 103 people. The inmates complained that in the evening it was almost impossible to wash in the shower, as everyone returned from classes and work, and one shower room was not enough, the water ran out. There is only one toilet per section (three or four rooms).

NPM participants noted that there was a lack of food in the refrigerator, in some sections the stove was not used, there were no utensils for cooking.

At the time of the visit of the NPM participants, the box "For complaints and suggestions" was installed in the institution, but it was not intended to be opened, i.e. it is possible to attach a letter, but not to open the box, it is blocked from all sides. There is no information about the mechanism for filing complaints and there is no stand with phone numbers about the NPM activities. The logbook of complaints and suggestions was not provided to the NPM.

As a result of the visit, recommendations were prepared for the management of this Youth House and the Turkestan region Human Development Department under the Akimat in Turkestan region.

Of particular concern to the PNPM is the situation with finding persons with disabilities, the problem of keeping a place on the waiting list for housing for children, escapes and suicide attempts in the MSE "House of Youth" of Ust-Kamenogorsk, the Department of Education of EKR.

The first of the most important issues is the maintenance in the "Youth Home" of children with various disability groups. This contradicts the Statute of the Youth Home, which does not provide for the maintenance of this category of children. Thus, six adolescents held in the Youth Home have

disabilities. Of these, four are of the psychiatric type (three of the inmates have group II disabilities and one inmate has group III disabilities), and two inmates have group III disabilities for other illnesses.

According to the PNPMEKO, the fact that people with mental illnesses reside in the institution most likely affects the psycho-emotional state of the other residents of the institution. Their possible deviant behavior, various external manifestations and actions can have a negative impact on the inmates capable of adopting such behavior or committing similar actions.

There are facts of runaways, suicide attempts in the institution, which may indicate hidden systemic violations of the rights of inmates, or unreasonable restriction of their rights. The absence of complaints raises persistent doubts about the effectiveness of the mechanism for informing inmates of their rights.

The next most difficult problem is providing housing for the inmates of the Youth House. Information from employees and analysis of documents show that as of March 2021, 83 pupils of this institution are on the waiting list for public housing, and four have their own housing. For the period from 2011 to the present time 51 pupils were assisted in getting housing. Since 2013, 254 graduates of the Youth House have received housing from the state housing fund.

However, there is a conflict with the norms of the law of the Republic of Kazakhstan "On Housing Relations". Thus, according to article 71 of the law, "registration of citizens of the Republic of Kazakhstan, who may be provided with housing from the communal housing fund or housing rented by the local executive body in the private housing fund, is carried out at the place of residence by the local executive body of the district, city of regional significance, city of republican significance, the capital. However, within the meaning of article 73 of the above law orphans and children left without parental care are not subject to de-registration.

Since children who have been in state institutions since birth or due to various circumstances after being placed in care change their place of residence during their adulthood as a result of being transferred from an institution in one settlement to an institution in another, they are removed from the place of residence and placed again in the place of residence, which makes it impossible for them to receive housing in their home country upon reaching the age of majority. Not only that, but moving from one queue to another "moves" the child in the queue away from receiving housing.

Numerous requests and appeals of MSE "Youth House" to the State Institution "Department of Housing, Passenger Transport and Highways" in Ust-Kamenogorsk, Semey regarding obtaining information about the number in the queue for public housing of the institution's pupils remain unanswered.

The management of the MSE "Youth House" explained: the problem is due to the fact that students come to the Youth House not for permanent residence, but for the period of study. During their studies, the pupils are registered in the institution, because with a temporary registration the Youth House cannot issue a survivor's benefit, disability benefits, or attach them to medical organizations in Ust-Kamenogorsk. After graduation, the pupils are discharged from the institution and return to their districts, in which they are on the waiting list for public housing. During pupils' stay in the institution, the executive bodies at the place of previous residence remove the pupils from the queue.

At the same time, on March 17, 2021 the acting head of housing and communal services of Altai district answered that the inmates who were on the list for housing from the state fund in Altai district, and who were removed from it, will be restored to the list.

Thus the law enforcement practice on putting orphans and children without parental care on the waiting list and keeping/removing them from the list is not uniform and needs to be improved. First of all it is necessary to analyze the norms of Article 71 and Article 73 of the Law of the Republic of Kazakhstan "On Housing Relations" to see if there is a conflict. In case of confirmation of the

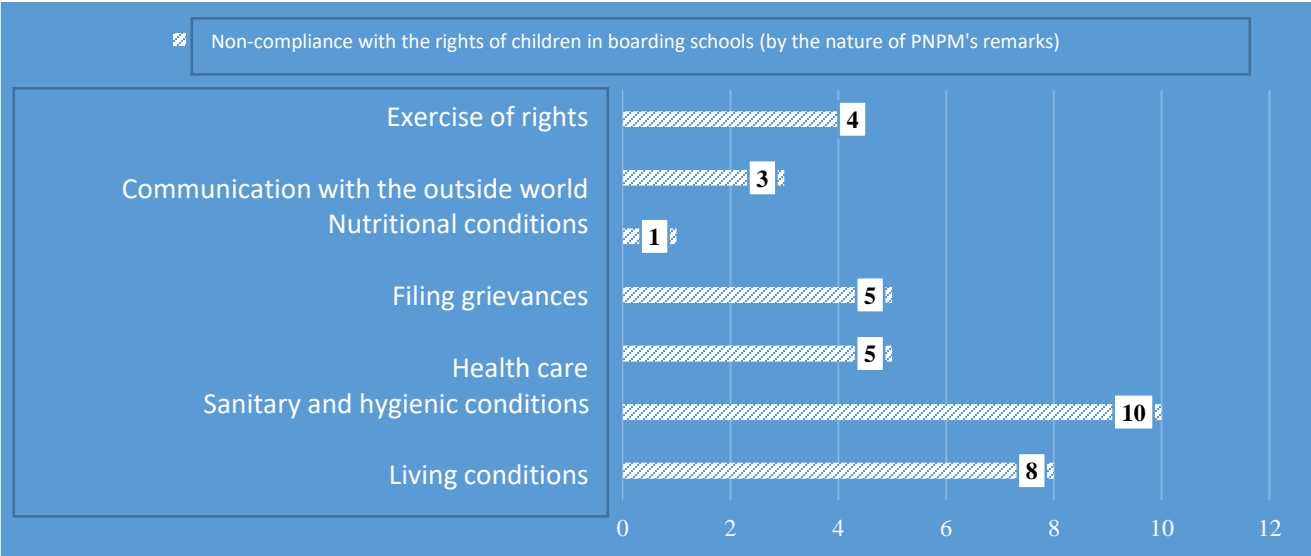
contradiction in the current national legislation it is necessary to make appropriate changes and additions in order to observe the rights of orphans and children left without parental care.

Taking into account the above, there is a systemic problem that affects the rights and interests not only of orphans and children left without parental care, but also other organizations responsible for orphans and children left without parental care.

**RESIDENTIAL SCHOOLS**

In 2021, PNPM visited 20 boarding schools and four special educational organizations under the jurisdiction of the Ministry of Education and Science of the Republic of Kazakhstan. According to the results of the analysis of PNPM reports on preventive visits to the above institutions, the situation with the realization of the rights of children studying and living in these boarding schools should be assessed as unsatisfactory as in 2020.

Thus, there are still unresolved issues of improving housing conditions, sanitary and hygienic conditions of institutions, medical care and the possibility of filing complaints to authorized bodies and human rights institutions. Below is a diagram showing the number of observations and recommendations to bring the conditions for children studying in specialized residential institutions in accordance with national and international standards, prepared by PNPM as a result of preventive visits in 2021.



Also of particular concern is the lack of awareness among the staff of some boarding schools about the functioning of the NPM, despite the fact that more than two years have passed since the adoption of the law that expanded the NPM mandate.

In 2021, preventive visits by the PNPM questioned the legality of the presence of children in some institutions in this category. This is due to the fact that children's personal files did not meet the requirements of national legislation - there were no necessary documents, the list of which is established by the Order of the Minister of Education and Science of the Republic of Kazakhstan dated October 30, 2018 No. 595 "On approval of the Standard Rules of activities of educational organizations of relevant types".

In comparison with 2020 in some institutions the situation with observance of children's rights and providing them with decent living conditions has changed for the better. For example, in the Consolidated Report for 2020, the PNPM assessed unsatisfactory sanitary and hygienic conditions in MSE "Peschansk special general education boarding school No. 2" of the Pavlodar region Department

of Education due to the street toilet, which was in an emergency condition (doors, walls, backing were broken, privacy was not observed, there were two holes in the cabin, pungent smell). During the 2021 visit, PNPM noted the absence of this street toilet. As a result of the visit, it was concluded that MSE "Special Boarding School No. 2" of the Pavlodar region Department of Education partially meets the requirements for the maintenance of children. PNPM prepared several recommendations to improve the living conditions of children. In particular, it was recommended to overhaul the building of the bathing and laundry facility with the replacement of windows, floor and exhaust ventilation, to replace the existing water heaters of flowing type with larger in volume.

Also in the S. Nuriyazuly boarding school (Zhyngyldy village, Mangistau region), all of the PNPM's recommendations were implemented. The institution is in good condition. Since last year, the dormitory buildings were overhauled, beds and bedside tables for personal belongings were purchased and installed, and the furniture was renewed.

Based on the analysis of preventive visit reports, the following institutions should be singled out, whose situation is assessed as unsatisfactory and requires immediate elimination of violations of national and international standards for the protection of children's rights:

1. Regional boarding school for children with deviant behavior of the Department of Education of Kyzylorda region. At the time of the monitoring the PNPM noted positive changes in terms of food procurement. After repeated recommendations of the PNPM in Kyzylorda region, for example, the range of natural juices, compotes, fruits, vegetables fresh in good quality was expanded. However, there are no changes in terms of replacing natural products, when instead of natural butter they buy vegetable fat spread "Stanichnoye special", sour cream substitute, dairy product "Rural motives", instead of natural cheese cheese smoked cheese product. At the time of the monitoring, the boarding school had no office equipment (computer) and no Internet connection. Recommendations of PNPM to equip living rooms with hard and soft inventory, to provide children with standard clothing and footwear in accordance with the Resolution of the Government of the Republic of Kazakhstan from 12.03.2012 No. 320 remain unimplemented.

2. Sokolovsky special boarding school for orphans and children left without parental care" of the Department of Education of the North-Kazakhstan region. Unfortunately, the situation in the institution compared to previous years has not changed positively. Only four out of the 17 recommendations of PNPM based on the results of the previous visit were implemented. Thus, the institution held a seminar with its staff to familiarize them with the norms of national legislation on NPM issues. Also the state procurement of bed linen at the rate of at least three sets of bed linen per bed was planned, individual toothbrushes and washcloths are now stored in open cells in the washrooms. However, 13 recommendations have not yet been implemented. In particular, information on the activities of the UHR and NPM has not been placed, the supply and exhaust ventilation system has not been installed, there are no thermometers, the level of artificial lighting remains insufficient. Moreover, the broken window in one of the living rooms has not been replaced, but on the contrary, the number of broken windows in the institution has increased. Of great concern is the placement of children in this Center without the full package of necessary documents established by Order No. 595 of the Minister of Education and Science of the Republic of Kazakhstan dated October 30, 2018 "On

*Broken windows in the Sokolovsky special boarding school*



Approval of the Standard Rules for the Activities of Educational Organizations of the Relevant Types".

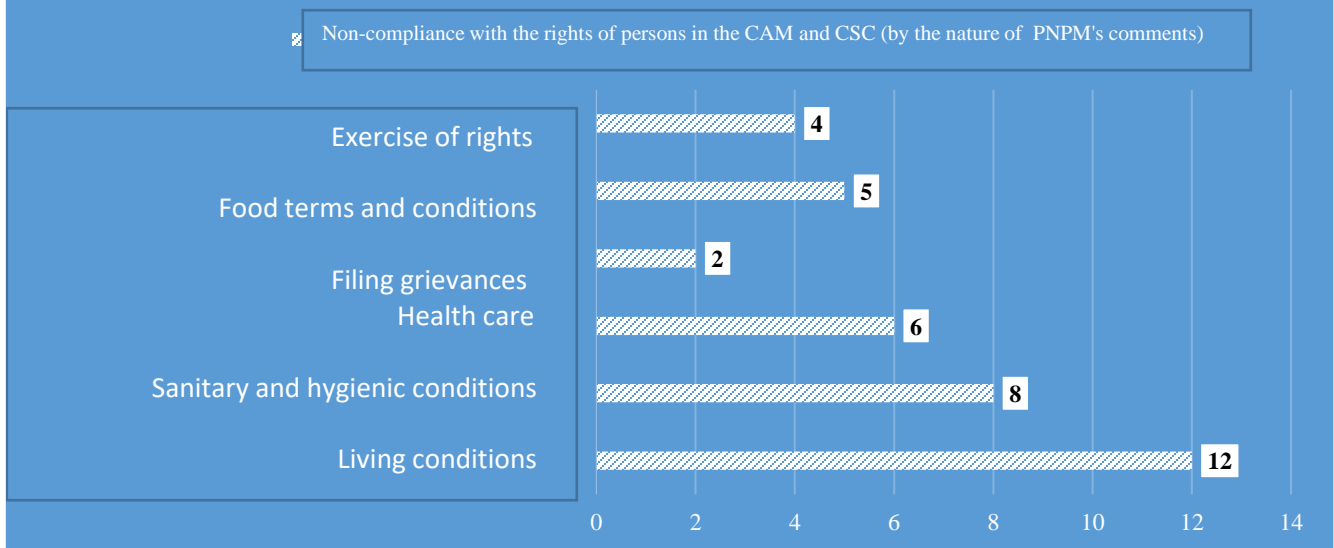
3. MSE "Chkalovskaya special (correctional) boarding school for children with developmental disabilities" of the Department of Education of North-Kazakhstan region. As a result of the visit to this boarding school, PNPM made 19 recommendations to improve housing, sanitary and hygienic conditions, medical care, as well as communication with the outside world. For example, to respect privacy and human dignity, it was recommended that the windows in the toilets and shower rooms be tinted and screens installed between the sanitary facilities. Additionally, it was recommended to place legal information on the stands with examples of writing complaints, appeals in two languages - Kazakh and Russian, information about the procedure for filing complaints and addresses of human rights organizations, attach samples of appeals to the national human rights institutions in accordance with paragraph 2 of Article 20 of the Constitution, telephone hotlines 111, 150, phones of inspectors on minors' affairs. As a result of the visit to PNPM indicated the need to replace the broken window in the living room No. 4. Separate attention should be paid to the fact that the staff of the boarding school is not aware of the activities of the National Preventive Mechanism. PNPM recommended to strengthen work with the staff and to include seminars on NPM activities and torture prevention in the institution's work plan. Similarly, during the preventive visit, the staff of the East Kazakhstan regional specialized boarding school with a special treatment regime of the Department of Education of the East Kazakhstan region were unaware of the NPM activities.

4. MSE "Shoptykol special (correctional) boarding school for orphans and children left without parental care, with developmental disabilities" of the Department of Education of the North-Kazakhstan region. During the visit to this institution, the NPM participants were concerned about the use of various types of punishment (washing the corridors and floors, having to stand in the corner) in relation to the inmates who told about such cases during a confidential conversation. UNSM stressed that the deputy disciplinary officer shouted at the children. Also, at her instruction, the pupils were prohibited access to Wi-Fi. NPM participants noted that the entrances to the basement were not covered by video cameras, thus creating "blind spots", which could allegedly be used to violate the rights of the students. It is also of concern that there is confrontation among teachers, which affects the students. Children do not know their rights, what they can and cannot do, and where to complain. There are no stands with samples of complaints and applications, as well as information about the NPM group and the Human Rights Ombudsman. As a result of the visit to the PNPM, more than 30 recommendations were prepared to bring the detention conditions in the institution in compliance with the requirements of national and international standards.

## **ADAPTATION CENTERS FOR MINORS, SUPPORT CENTERS FOR CHILDREN IN DIFFICULT SITUATIONS**

In 2021, PNPM carried out nine visits to ASD and 12 visits to Support Centers for Children in Difficult Circumstances (SCDC). The issues of improving housing conditions, medical care, filing complaints, and nutritional conditions remain acute. Below is a chart showing the number of observations and recommendations made by the PNPM as a result of visits to CAM and CSC in 2021 to bring them in line with national and international standards for children's living conditions.

## NON-COMPLIANCE WITH THE RIGHTS OF PERSONS DETAINED IN THE CAS AND CDC (BY THE NATURE OF PNPM'S COMMENTS)



This year, the number of comments on the lack of decent living conditions for children in these institutions has increased significantly: the material and technical base is becoming obsolete, the CAMs and CSCs are not located in the buildings designed for their purposes and tasks. For example, for several years, PNPM in the Almaty region has raised the issue of the need to change the location of the Center for Adaptation of Minors in Taldykorgan. This CAM is located outside the city in the industrial zone in the left wing of the "Bazalt" plant building. It is difficult for parents to reach it: it takes 30 minutes to walk from the last bus stop, and a cab from the city costs about 1,000 tenge. Also, such a considerable distance from the city can have a negative impact in emergency cases, when a child may need urgent medical care, in case of fire or other emergencies. In addition, the location of the CAM building does not meet sanitary standards. Emissions of formaldehyde vapor from the plant can have a negative impact on the health of children. As a children's institution, the CAM should be located in an ecologically clean area, surrounded by greenery. However, it is located in an industrial zone, among roads and in the open steppe. For several years, the PNPM has repeatedly recommended changing the location of this center, but to this day no measures have been taken by the authorized bodies.

A similar problematic situation with the location needs to be resolved in the EKR with regard to the Center for Adaptation of Minors in Ust-Kamenogorsk. PNPM has repeatedly stressed that the most acute issue is to change the location of the CAM to a more accessible place. First, the center is on the balance sheet of the EKR Police Department, and this causes a number of problems: the treatment room does not have a license, as the building does not belong to the center. Secondly, the CAM is located on the territory of the industrial zone of Ust-Kamenogorsk. Ust-Kamenogorsk, heat supply comes through the vector system of Ulba Metallurgical Plant through a 1.5 km long heating main. For this reason, during the heating season in the building of the institution the temperature regime is below the norm, as there is a heat loss through the above-mentioned heating main. For several years, PNPM for East Kazakhstan region has been giving appropriate recommendations, which have not been implemented yet.

The greatest concern of the NPM participants is the situation of the children in the Ayala Center for Children in Difficult Life Situations in Aktobe Region. In the course of the discussion, the

children reported that R., the educator, was beating them with a jump rope and a stick for disobedience. Such behavior of an employee of the institution is unacceptable. The NPM participants recommended an official investigation into these facts.

The minors also complained about the lack of walks, about the educators, who do not allow them to call their families. Many children who come from dysfunctional families, deprived of parental care, have major problems with speech impairment. However, there is no speech therapist or defectologist in the institution, and children are taken to a correctional room.

It was found out that the staff members were not aware of the NPM activities.

At the end of the visit, the NPM team in Aktobe region prepared a number of recommendations on strict observance of children's rights contained in the Center, in accordance with the norms of national legislation of Kazakhstan and existing international standards on observance of children's rights.

Special attention, according to PNPM, deserves the situation in the CAM in Kyzylorda. The center's building requires major repairs. The dormitories for children from eight to 18 years old (boys and girls) are equipped with "BK-2000" air conditioners, which have already exhausted their technical resources. There is no air conditioner in the dormitory for children from three to eight years old. Hard equipment (cabinets, beds) needs to be replaced. There is no laundry room in the institution. Books are not updated, the state budget does not provide funds for new books. The center does not have a gym. The staff positions of sports instructor, music teacher and choreographer are not provided.



*Broken furniture in CAM  
In Kyzylorda*

As a result of the visit, the PNPM prepared a number of recommendations on the need to bring the living conditions of children in the center into compliance. In particular, it was recommended to find funds to replace solid equipment in accordance with the sanitary and epidemiological requirements for educational facilities, to consider the issues of major repairs inside the building, to equip the gym.

The conditions at the Center for Support of Children in Difficult Circumstances in Ayirtau district of North Kazakhstan region are of concern. As a result of the visit, PNPM identified unsatisfactory living conditions consisting of a problem with the heating networks (rotten pipes), as well as the need to replace the windows.

PNPM were also concerned about the situation of children held at the Center for Supporting Children in Difficult Life Situations of the Department of Education of North-Kazakhstan region (Arkhangelskoye village). Only seven out of 12 recommendations from the last visit have been implemented, the recommendations on the placement of information on NPM and OHR, installation of partitions in the sanitary units, supply and exhaust ventilation system, etc. remain unimplemented. During the familiarization with the documentation of the PNPM came to the conclusion that the normative requirements (in terms of the list of documents) are not observed both by the Department

of Education of North-Kazakhstan region when sending a minor child to the center, and by the center itself when admitting a minor child to the center. For example, the personal file of L.'s pupil lacked the following documents, the list of which was established by Order No. 229 of the Minister of Education and Science of the Republic of Kazakhstan of 18 June 2013 "On Approval of the Standard Rules for Types of Educational Organizations for Orphans and Children Left Without Parental Care":

- Conclusion of the guardianship and custody agency;
- An application from the parents (legal representatives) to be placed in the center, indicating the reason for being in a difficult life situation (in any form);
- Medical documents about the child's health status and vaccinations (if available);
- Documents confirming the child's education (if any);
- An act of examination of the family's living conditions (if any).

This fact casts doubt on the legality of the children's stay in the institution.

In this regard, the PNPM has made a number of recommendations to respect the rights of children in the center, including recommendations to admit minors only in accordance with the current legal norms.

In order to avoid duplication of information regarding general systemic problems and recommendations regarding the CAM and CSC in 2020, we note that the issues of recreational activities, communication with the outside world (Internet, meetings and phone calls to parents) remain unresolved).

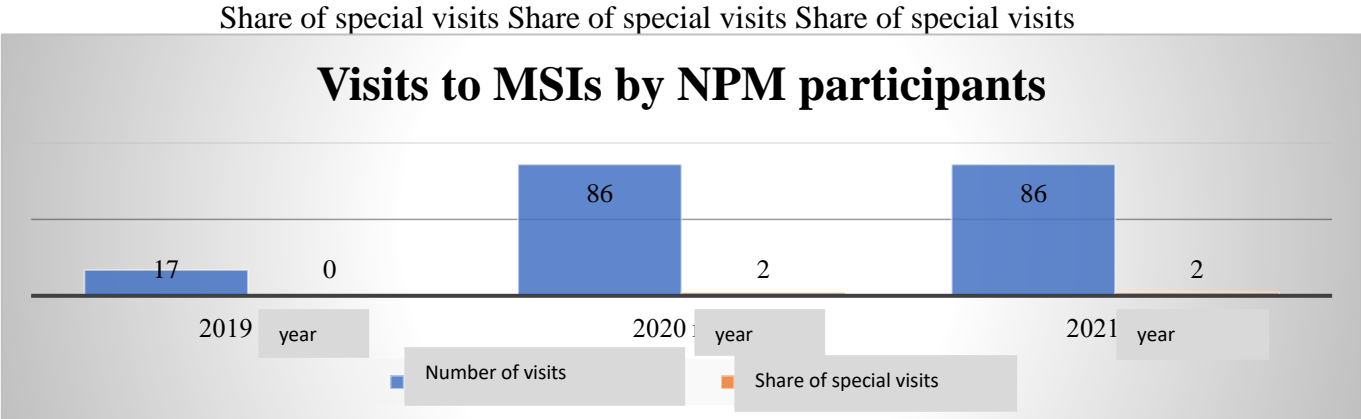
**2.8. THE SITUATION OF PERSONS HELD IN SOCIAL PROTECTION INSTITUTIONS OF THE REPUBLIC OF RUSSIA**

**ADULT POSITION**

Medical and social institutions of MLSP RK are specialized institutions designed for temporary or permanent residence of the elderly and disabled people of the first and second group, requiring permanent extraneous care and medical care for health reasons, creating favorable living conditions, improving the quality and efficiency of social services for the beneficiaries. The standard establishes requirements for the quality, scope and conditions for the provision of special social services in state and nongovernmental organizations of stationary type:

- disabled people over 18 years of age with psychoneurological diseases;
- Persons with disabilities of groups I and II;
- Persons unable to take care of themselves due to advanced age.

In 2021, PNPM made 85 visits to medical and social institutions for adults, of which two were special visits, 20 visits to MSIs for minors.





The fact of obstruction was recorded for one institution.

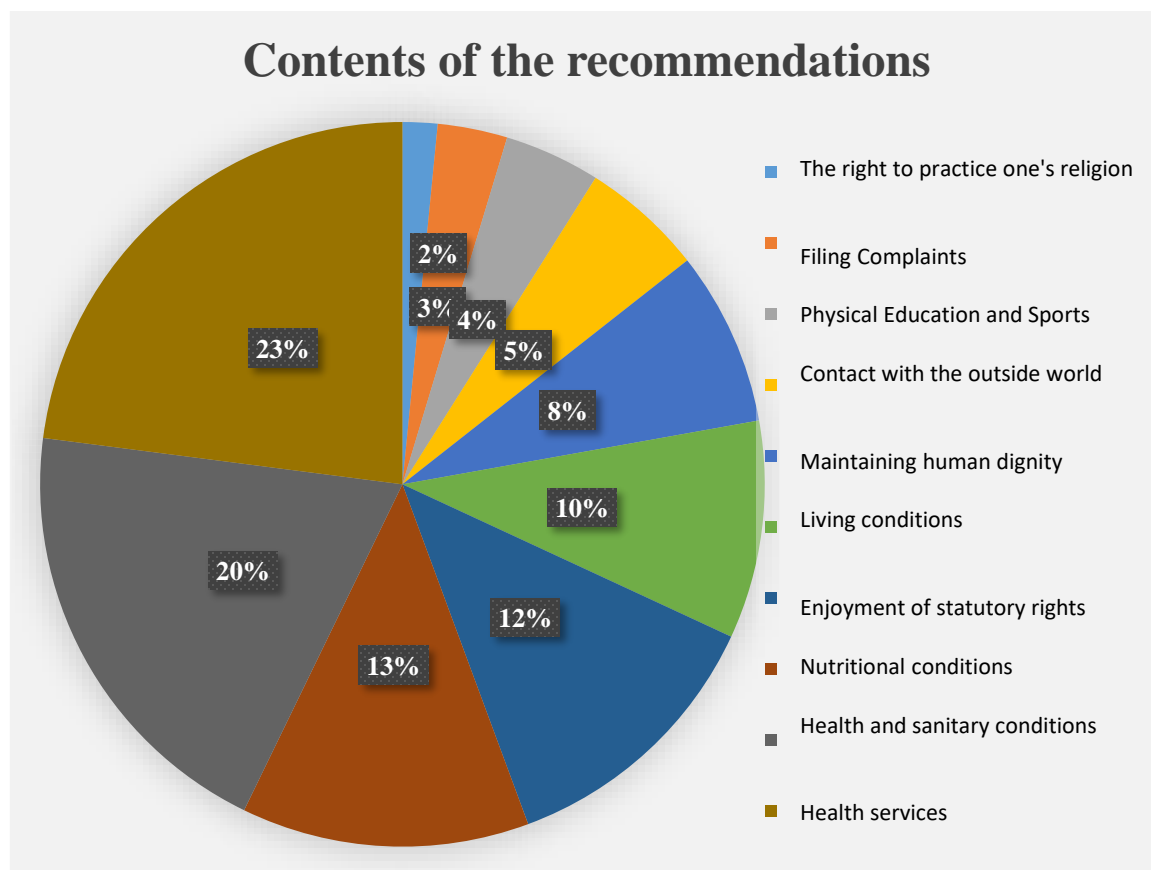
The visit to the CSSS No. 5 in Taraz was disrupted due to the fact that UNPKO was not allowed to enter the territory of the institution by its staff. Taraz was disrupted due to non-admission of UNSMC to the territory and the building of the institution by the staff of this organization. The reason for the refusal of admission was explained by the categorical ban of the director of the center on any visits, which indicates that the management of the institution is not familiar with the legal norms regulating the NPM activities or ignores them. The NPM participants were not let in until four hours later. Due to obstacles on the part of the center's management (untimely access to the institution's territory and failure to provide technical and other necessary information about the building, premises, staff lists, etc.), the NPM team was unable to fully investigate the institution's activities.

For the second year in a row, the administration of the CSSS No. 1 of Saraychik village. Saraichik has a hard time letting the PNPM in. The employees are not aware of the PNPM activities.

The director of Petropavlovsk Center of Social Adaptation is not familiar with NPM activities. He hardly remembered that there was a visit last year. Moreover, according to the administration, the institution did not receive recommendations from the last visit.

The management of the Petropavlovsk Center for Social Adaptation was also unaware. Despite the fact that there was a seminar on NPM activities, the director of the institution asked about the purpose of the visit, was hostile and asked for contacts of the Human Rights Ombudsman. Considering the above, the work of the Department for Coordination of Employment and Social Programs in informing institutions raises questions.

Analysis of the PNPM's comments and recommendations based on the results of visits to the institutions subordinated to the MLSP of the RK in 2021 showed that the biggest gap in the institutions is observed in ensuring the proper level of medical care.



Of the 64 institutions visited, 11 (17%) lacked medical personnel and nurses.

A separate block of problems is the **state of psychological service** in the institutions.

The following deficiencies were identified during the visits:

**1. It is important for MLSP of the RK to pay more attention to the development of infrastructure and material and technical base of subordinate institutions, the availability of which affects the creation of favorable conditions for the stay of service beneficiaries and their socialization. MSE "Koksayek Center of Special Social Services No. 3". Turkestan province , Tasaryk center for providing special social services No.4". Turkestan region, Ural Center for Special Social Services of the Department for Coordination of Employment and Social Programs of West Kazakhstan region" MSE, MSE "Medical and Social Institution for the Elderly and Disabled, Makinsk, Bulandinsky district" of Akmola region, MSE "Arkalyk Center for Special Social Services" of Kostanai region akimat coordination department of employment and social programs need to urgently repair the buildings, the surrounding area of the institution and provide for the construction of sports and playground, install dividing walls between the toilets in the toilets. The same situation is in MSE "Center for Special Social Services No. 5". The same situation is in the CCS "Center for Special Social Services" of Zhambyl Region akimat, on the territory of which two outdoor toilets are located, each for two places. One of them is equipped with toilets and flushing cisterns, and the other only with a cesspool. Both toilets are in extremely unsatisfactory unsanitary condition. "Rudny Residential Care Home for the Elderly and Disabled of General Interest" MSE of Coordination of Employment and Social Programs Department of Kostanay Region Akimat needs to buy a modern dental chair for the recipients of services Replace kitchen equipment, repair refrigeration equipment, buy large capacity washing machines in the Center of Special Social Services No. 2 in Aktau.<sup>36</sup>**

2. In MSE "Center for Special Social Services for the Elderly and Disabled of Pavlodar region" of the Department of Coordination of Employment and Social Programs of Pavlodar region there is no accessibility to all premises for people with different categories of disabilities.

3. During the monitoring of MSE "Center for Special Social Services No. 1" of the Department for Coordination of Employment and Social Programs of Atyrau region". PNPM paid attention to the fact that before coming to the Center for Special Social Services No. 1 service beneficiaries had active savings accounts in JSC "Zhilstroysberbank", which after their relocation to this institution are transferred to the current account of JSC "Kazpost", and they are managed by the director of the institution on the basis of the legal right of the service beneficiaries' custodian. The account loses its cumulative status.

4. There is no control on the part of MLSP of the RK on filling of these institutions by service recipients, and there is no analysis of causes of such situation. For example, in MSE "Center for provision of special social services No. 4". At the time of the visit the group of the Department of Social Services and Social Security of Atyrau region, there were 93 service beneficiaries with 150 beds in the nursing home. With a planned capacity of 220 beds at the time of the visit to PNPM there were 166 people in the MSE "Center of resocialization of people in difficult life situations" of the Department of employment and social programs of Pavlodar city akimat of Pavlodar. At the same time, the funds allocated for the maintenance of missing beneficiaries are not returned to the budget, and the activities of these institutions are ineffective. One of the reasons for insufficient number of service recipients is a bureaucratic attitude during collection of documents to these institutions.

5. There is a shortage of personnel, because nurses and sanitation workers, who do most of the work, do not receive salary increases; moreover, they have been denied extra pay for psycho-emotional hazards. Given that their salaries do not exceed 50,000 tenge, the administration of the

institutions is concerned that the situation with staff shortages will further worsen. Currently, there are 41 vacancies in the CSS. Understaffing is also observed in the MSE "Center for Special Social Services of the village of Zholymbet in Shortanda district".

6. There was a shortage of personal hygiene products (toilet paper, toothpaste and toothbrush, liquid soap) by the number of caregivers and lack of control over the frequency of their use in the MSE "Social Service Center No. 1" of the coordination department of employment and social programs of Aktobe region.

7. The requirements of the law of the Republic of Kazakhstan from July 11, 1997 "About languages in the Republic of Kazakhstan" were not observed - when filling out documentation, explaining rights and responsibilities, including filling out contracts, the language spoken by the service beneficiary was not taken into account, which reflected in the fact that the beneficiaries did not have a full understanding of their rights and responsibilities. Such facts took place in Pavlodar Regional Psychoneurological Center of Special Social Services, Pavlodar Regional Department for Coordination of Employment and Social Programs, Pavlodar Regional Department for Coordination of Employment and Social Programs, Pavlodar Region Center of Special Social Services for the Elderly and Disabled of the General Type 5.

8. All PNPМ groups noted the importance of strengthening control over the quality of food preparation, compliance with the menu for the day, providing recipients of special social services with an accessible drinking regime.

9. WCSU "Kostanay Center for Special Social Services" in order to increase recognition and increase service beneficiaries it is important to create and maintain a website of the center and a page in social networks <sup>6</sup>.



*The building of the CSS No. 1 in Aktobe.*

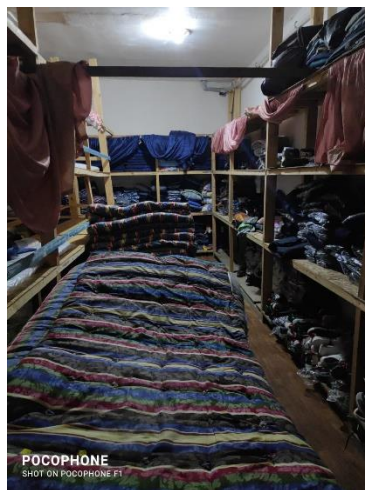
---

<sup>5</sup>PNPM report dated March 17, 2021.

<sup>6</sup>PNPM report dated March 05, 2021.



*Lack of privacy in the sanitary facilities of the Center for Resocialization of Persons in Difficult Life Situation in Pavlodar*



*Warehouse for storing belongings of CSSS No. 2 (Shymkent)*



*Substitutes for natural products in the canteen of the Kazaly CSSS*



*Bed in the Shaldaysky Psychoneurological Center*



*Residential premises of the Sharapat center CSS in Astana*



*Kyzylorda CSSS No. 1*

## **MINORS STATUS**

In 2021, NPM participants visited 18 children's organizations providing special social services in the cities of Astana, Almaty, Shymkent and in 12 regions.

There were no preventive visits to children's institutions in Aktobe and Turkestan regions.

The main objectives of children's centers providing special social services are to provide special social services in conditions of 24-hour permanent or temporary (up to three months) stay of service beneficiaries in the organization - for residential type organizations; provision of special social services in conditions of long day or temporary (up to six months) stay of service beneficiaries in the organization - for semi-permanent type organizations (according to paragraph 3 of the Order of the Minister of Labor and Social Protection of the Population of the Kyrgyz Republic).

Institutions provide the following types of special social services: social and domestic services, social and medical services, social and psychological services, social and educational services, social and labor services, social and cultural services, social and economic services, social and legal services (in accordance with Order No. 165 of the Minister of Health and Social Development of the Republic of Kazakhstan dated March 26, 2015).

When assessing the condition of buildings with children, UNPM made the following recommendations:

1. Construction or purchase of buildings that meet the needs of children:
  - MSE "Ayagoz Children's CSSS" UKZiSP of the East Kazakhstan region (there are no ramps and elevators for children to safely descend to the first floor and the street);

- Kokshetau City CWCSI of Akmola region (there is not enough space for individual sessions by narrow specialists (speech therapist, defectologist, psychologists, occupational therapy instructors), not enough space in the dormitories);

- Pavlodar region Children's Psycho-Neurological Center (the institution is located in an industrial zone, far from bus stops).

2. Repair of institutions:

- Nurly zhurek" CSSS of Akimat in Astana (there has been no repair for a long time);

- MSE "CSSS No. 4" The Department of Health and Social Services of Zhambyl region akimat (the sewerage system needs to be reconstructed);

- "CSSS No. 6" of akimat in Shymkent (needs major repairs, elevator installed only in the new building, employees are forced to carry service recipients on their hands to walk);

3. safety analysis:

- MSE "CSSS No. 4" UKZiSP of Akimat in Zhambyl region (30 meters from the children's institution there is a transmitting antenna of cellular communication, the radiation of which can have a negative impact on the children and staff of the boarding school);

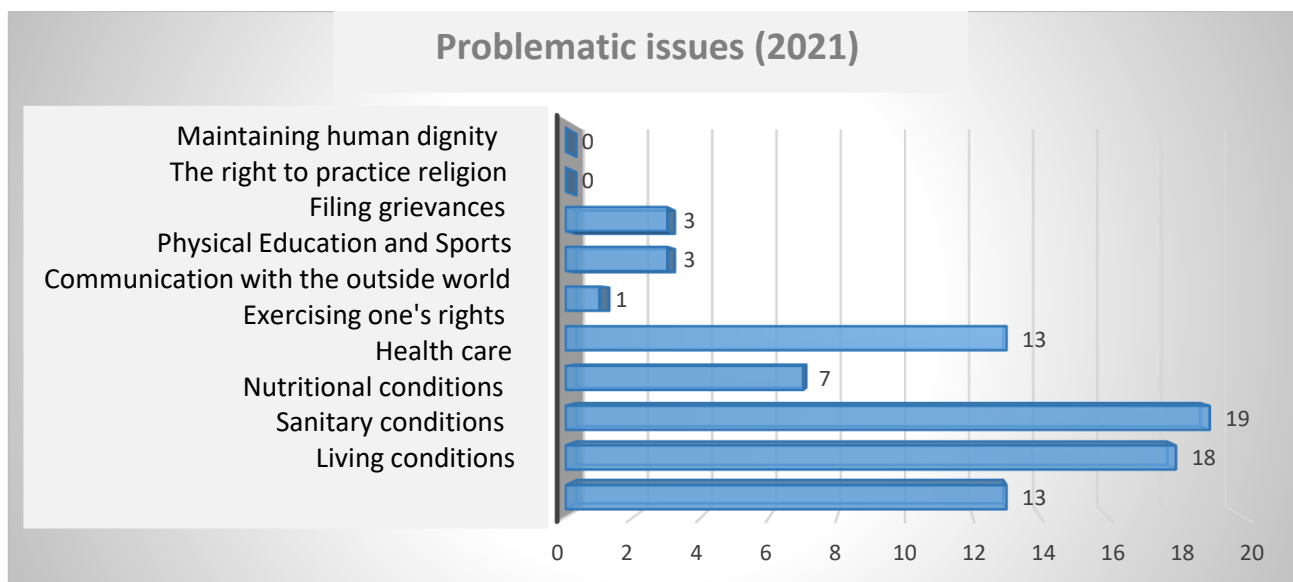
- Kurdzhar Children's Center of Children's Residential Care in East Kazakhstan region (there is a petrol station next to the institution).

Staffing: nine institutions (50%) have 91 vacancies.

<b>No.</b>	<b>Institution</b>	<b>Number of vacancies</b>
1	MSE "Central Social and Health Care Centre No. 3 of Aktau, Mangistau Region. Aktau" Mangistau Region Department of Health and Social Protection	7
2	MSE "CSSS No. 3" MANGISTAU REGION Territorial Department of Health and Social Service of Atyrau Region	7
3	MSE Ayagoz Children CSSS UKZSPD of the East Kazakhstan Region	32,5
4	Karaganda region Administration for Health Care and Social Services for Children CSSS	2
5	Kushum Children's Center for Social Welfare and Social Development UKZSP of the West Kazakhstan Region	22
6	Region Children's Psycho-Neurological Center for Children, Pavlodar Region Health and Social Service Administration	8
7	MSE "Petropavlovsk Children's Center for Social Services for Children" Regional Department of Health and Social Services of Akimat in North-Kazakhstan Region	2
8	Talgar CCSSI "Ayala" CSSS of Almaty Region Akimat in North Kazakhstan Region	6
9	Urjar Children's Center for Social Welfare and Social Protection of Children, Eastern Kazakhstan Region Administration of Health and Social Protection	4,5
	<b>Total</b>	<b>91</b>

Six institutions require medical specialists (neurologists, physiotherapists, etc.), five require pedagogical specialists, and three require ward attendants.

As a result of monitoring visits to PNPM, 77 observations were made, the analysis of which showed that the main problem areas are food conditions, sanitary and hygienic conditions, living conditions and realization of the rights provided by law.



### Food conditions

Violations of the requirements of nutrition standards and sanitary rules approved by Order No. 896 of the Acting Minister of Health and Social Development of the Republic of Kazakhstan dated November 27, 2015 “On approval of natural nutrition standards for people living in medical and social institutions, rehabilitation centers, educational institutions for children with disabilities, territorial social service centers, day care centers, social adaptation centers” and by Order No. 186 of the Minister of Health of the Republic of Kazakhstan dated April 23, 2018 were revealed”:

Lack of free access to water:

- The Nurly Zhurek CSS of the Astana City Akimat (there are no coolers or bottles with drinking water in the corridors and premises).

2. Violation of nutritional standards - lack of food:

- MSE Center of Social Services "Senim" of the Department of Social Welfare of Almaty (there is no cottage cheese, cheese, fruit juice and fresh fish in the procurement log for weeks, which is a violation of children's rights to receive a balanced and fortified meal);

- MSE "CSSS No. 3". Atyrau region CCS&SP (out of stock beet, fresh cucumbers, kefir, shubat);

- Children's Center for Social Services for Children (AYAGOZ) of the Department of Health and Social Services of the East Kazakhstan region (inspection of warehouses, discussions with employees of the institution, studying documentation on public procurement showed a lack of confectionery, caviar, candy in the summer health period, Sundays, holidays and vacations);

- MSE "Children's Center for Children's Social Services" UKZiSP of Kyzylorda region (there were no semolina, spices, herring, and potato starch in the food storage warehouses).

Violation of natural nutrition norms:

- "Children's Center for Social Welfare and Social Services of Kyzylorda region" (butter was replaced by spread "Dobroe", ayran, kefir, ryazhenka, yogurt, acidophilus - by drinking yogurt "Aktivia");



- The "CSSS No. 6" of Shymkent city akimat (instead of butter, creamy spread is used).
- 4. Violation of storage norms for food products:
  - CCSSU "Ayagoz Children's Center for Sick and Disabled Children" of the Department of Health and Social Services of the East Kazakhstan region (raw meat was found in the refrigerator for dairy products);
  - "CSSS No.6" of Shymkent city akimat (a large stock of sausage, but none of the sausage loaf had its expiration date indicated on it).
- 5. Violation of sanitary norms of food preparation:
  - The Kokshetau City CSSS of the Akmola Region Department of Health and Safety (involving a cleaner in food preparation - peeling and washing vegetables).
- 6. Violation of food preparation control norms:
  - Almaty City Social Welfare Department "Senim" Social Services Center CSSS (lack of daily control over the quality of food; in the approved menu there is no breakdown by age of children (under 10 years and from 11 to 18 years), providing a difference in ration and food products);
  - Kokshetau city CSSS of Akmolinsk region (food samples are stored for 24 hours instead of 48 hours);
  - MSE CSSS No.3 Atyrau region UKZSPD (daily breakfast and lunch samples were not labeled);
  - "Psychoneurological Medical-Social Institution for Children" KCHSiSP of Karaganda region (daily samples available, but no date; not all dishes were entered in the Journal for organoleptic assessment of the quality of meals for 05.08.2021);
  - "CSSS No. 6" of Shymkent city akimat (no daily sample of third dishes);
  - Petropavlovsk Children's DSSO" MSE of the North Kazakhstan Akimat (the daily menu does not indicate the output of products in grams);
  - Urjar Children's Center for Social Services for Children of the Department of Health and Social Services of East Kazakhstan Region (the menu is posted without a date).

In the CCS "Nurly zhurek" of Akimat in Astana since 2019, the PNPM note the lack of access to water and consider this fact as a manifestation of ill-treatment and torture.

In the MES "Senim" Social Services Center of the Social Welfare Department of Almaty, 750 tenge is allocated for food for each child on outsourcing, which is extremely low and is also considered to be ill-treatment.

MES "Senim" is provided with food by IE "Smart Food Service", which won outsourcing by competition. It should be noted that in the previous report of 2020, the PNPM mentioned that the management of the center constantly expressed dissatisfaction with the quality of services provided by the company. The administration of the center has repeatedly made complaints to the "Smart Food Service" on the quality of food, filed a complaint with the state authorities, but, according to representatives of the administration, they have not been heard. The NPM participants familiarized themselves with the claims to the outsourcing company, as well as the letter to the state authorities, which remained unheeded. According to representatives of the administration, their own cooking, the ability to control the quality for these types of institutions is more convenient form than outsourcing. At the time of the visit to the center, a vacancy for a dietitian was open. The administration explained that the previous dietitian had quit a month ago due to violations by the outsourcing company, and they were looking for another. At the same time, the barn log available in the food service is very arbitrary, not always indicating the amount and weight of products purchased. Groceries are purchased by an outsourcing company, but the menu is approved jointly with the director of the center. Having studied the Weekly Prospective Menu for spring-summer, the NPM participants noticed that among fruits the service beneficiaries are entitled to an apple only once a week. Other types of fruit specified in the norms, such as pears, apricots, bananas, and citrus fruits (lemons, oranges, etc.) were absent

from the menu.

Upon reviewing the canteen, PNPM was surprised by the lack of the proper amount of food in it, as well as the refrigerators being almost empty.

The following refrigerators were empty of foodstuffs:

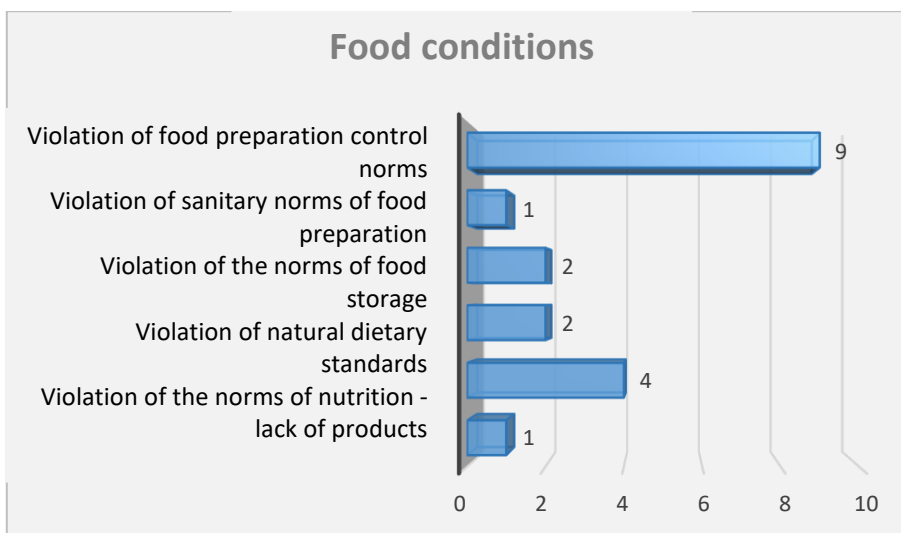
- for eggs,
- for milk and yogurt (there were several packs of yogurt for
- chicken,
- for kefir,
- for fish,
- for gastronomy
- - for cabbage.
- There were about 15 kilograms of frozen dark brown meat in the refrigerator.
- In the refrigerator for cheese and dairy products there were about 100 yogurts, no cheese was found.
- The contents of some bulk food containers were also incomplete. Tea was not found. At the same time, the tea served for afternoon tea was weakly brewed, indicating savings on brewing. The NPM participant, having tasted the tea, concluded that it was poorly brewed and did not have the necessary strength.

In the wards with heavy children (mostly bed-ridden children) educators and nannies feed the children by blending their food beforehand. The NPM participant visited all four palliative wards (for those in need of special care, in serious condition). A blender is an indispensable tool for children who cannot chew solid food on their own. It is available in each of the four rooms. At the same time, blenders periodically break due to constant use and heavy loads. The administration has limited resources to purchase blenders for the palliative wards. To solve this problem, the administration is forced to constantly ask for help from charitable organizations.

According to the employees of the administration, 750 tenge is allocated for each child's food by outsourcing, which is extremely low. The canteen was transferred to private hands under the program of public private partnership, the inspection of this organization is possible only with the permission of the prosecutor's office. In the report, the past PNPM reflected the obstruction of employees of the outsourcing company to monitor the canteen.

The institution does not conduct daily monitoring of the quality of food in accordance with the standards (Order No. 186 dated 23.04.2018 "Sanitary and epidemiological requirements for catering facilities" and Order No. 357 dated 31.05.2017 "Sanitary and epidemiological requirements for health facilities").

Thus, most of the observations relate to the organization of quality control of food preparation (nine observations) and the availability of products in accordance with nutrition standards.



Two facts of cruel treatment were revealed - in the "Nurly zhurek" Social Service Center of Akimat in Astana and the "Senim" Social Services Center of Almaty Social Welfare Department.

### **Sanitary and hygienic conditions**

18 comments on the sanitary and hygienic conditions for children in institutions.

Lack of adaptations for children with special needs:

- MSE "Ayagoz Children's Center for Sick and Disabled Children's Services" UKZiSP of the East Kazakhstan region (no devices for disabled children in the quarantine and isolation ward);
- Kokshetau City CSSS of Akmola region (no devices for bathing and washing, 25 baby carriages instead of 26);
- Children's Center for Social Welfare and Social Services in Kyzylorda Region (three isolation rooms (boxes) do not have handrails for persons with locomotor disabilities).

Lack of privacy:

- Regional Children's Psycho-Neurological Center of Social Services in Pavlodar Region (bathrooms and showers are not separated by curtains);
- Talgar CSSS "Ayala" of the Department of Health and Social Welfare of Almaty Region (sanitary units do not have partitions));
- The State Enterprise "Central Sanitary and Epidemiological Station No. 6" of Akimat in Shymkent (there are no partitions between the toilets).

1. Violation of sanitary and hygienic living conditions:

- MSR "CSSS No. 3" Atyrau Region DHSS (poor lighting throughout the building);
- MSE "Ayagoz Children's Center for Social Services" UKZiSP of East Kazakhstan region (poor lighting in the rooms of the defectologist and labor lessons);
- The Social Services Center "Senim" of Almaty Social Welfare Department (there is no forced ventilation in the showers and bathrooms, the room is very damp).

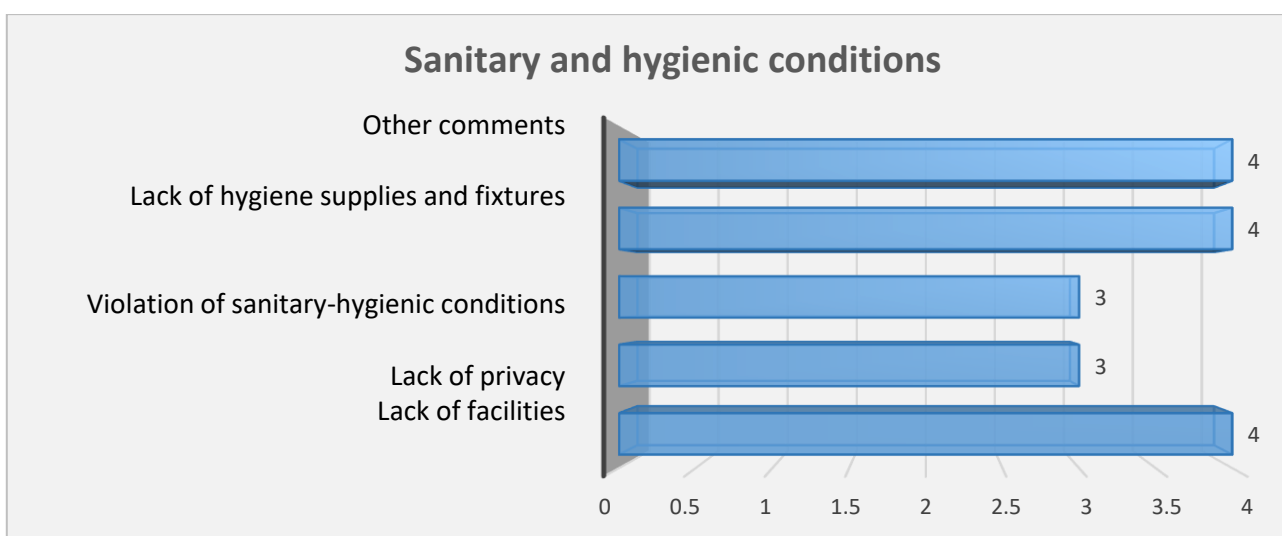
2. Lack of hygienic accessories and devices:

- MSE "CSSS No. 3" Atyrau region (no soap or shampoo in the bathhouse; there was no toilet paper in any of the toilets);
- MSE "CSSS No. 4". Zhambyl Province Administration of Health and Social Services (no toilet paper and toothpaste in the toilets);
- Petropavlovsk Children's Centre for Social Services of the Department of Health and Social Protection of the Akimat in the North Kazakhstan region (the shower had no fixtures and shelves for hygiene items).

3. Other comments:

- Children's Central Sanitary and Epidemiological Facility of Ayagoz Children's Centre of Social Services of the Department of Health and Social Services of the East Kazakhstan region (girls and boys cannot live separately in quarantine and isolation ward; sanitary units show signs of obsolescence and need to be repaired);
- PENITENTIARY INSTITUTION "CSSS No. 4". The same study was conducted by the Ministry of Health and Social Welfare of Zhambyl province (one synthetic underwear was found among the children's clothes);
- Shymkent city municipality (washing machines need to be replaced, as their metal part has corroded and water flows out of them when washing).

Thus, the recommendations of PNPM were the lack of accommodations for children with special needs, lack of hygiene supplies and fixtures, lack of privacy and violations of sanitary and hygienic standards.



### Living conditions

In residential care organizations, the most age- and health-appropriate conditions close to home are ensured (according to clause 7 of Order No. 379 of the Minister of Health and Social Development of the Republic of Kazakhstan of August 29, 2018).

Quality of provision of special social services in residential care organizations: provision of living space, including for sleeping rooms not less than four square meters per child (according to paragraph 25 of Order No. 165 of the Minister of Health and Social Development dated March 26, 2015; according to paragraph 94 of Order No. 611 of the Ministry of Health of the RK dated August 16, 2017).

Violations of the standards for the provision of social welfare services approved by Order No. 165 of the Minister of Health and Social Development dated March 26, 2015 "On Approval of Standards for the Provision of Special Social Services in the Field of Social Welfare" were detected:

1. Overcrowding of sleeping rooms:

- Senim Social Services Center, Almaty Social Welfare Department (there are 16 beds in each room, the total area of the room is 40 sq.m., i.e. 2.5 sq.m. per child instead of 4 sq.m.);
- MSE "Ayagoz Children's Center for Social Service of Social Protection and Family Counseling" of the East Kazakhstan region (nine to 15 children live in a dormitory room);
- Talgar CSSS "Ayala" DCCHSA of Almaty region (there are five or six beds in rooms

measuring 18-20 square meters, i.e. 3.3 square meters instead of 4 square meters);

- MAIN COMPREHENSIVE HEALTH CARE AND SOCIAL SERVICES DEPARTMENT NO. 4 OF THE ALMATY REGION ADMINISTRATION. The Zhambyl Provincial Administration of Health and Social Services (3.7-3.8 sq. m. of living space for each student instead of 4 sq. m.);

- Ust-Kamenogorsk Children's Center for Children's Social Services of the EKR Department of Health and Social Services (each group is designed for 10 children);

- No. 6 CSSS of akimat in Shymkent (there are wards for 11-12 children). 2.

Lack of a home environment:

- Senim Social Services Center of Almaty City Social Welfare Department (standard meager furniture, the room does not look like a child's room);

- MSE "Ayagoz Children's Center for Social Services" of the Welfare Administration of East Kazakhstan region (living quarters are more reminiscent of hospital wards than housing);

- Nurly zhurek CSS MSE of Akimat in the Astana (there are no places to store personal belongings). 3.

3. safety of residential premises:

- Social Services Center "Senim" of Almaty Social Welfare Department (all rooms did not have plugs for sockets, windows and balconies of the second floor did not have protective devices to prevent falling out of the windows);

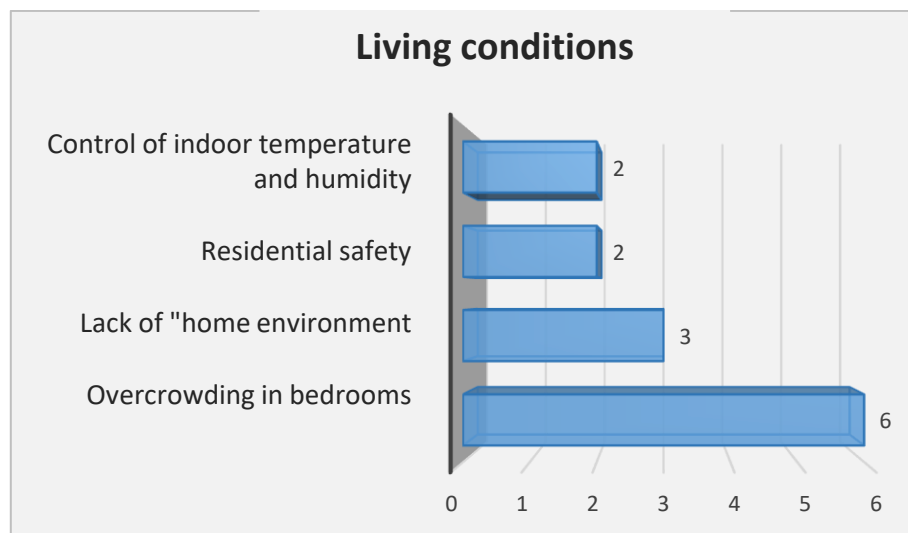
- Talgar CSSS "Ayala" of the Department of Health and Social Welfare of Almaty region (expired fire extinguishers, some of which were discharged (low pressure)).

4. Control of temperature and humidity in the premises:

- Kokshetau City Central Sanitary and Epidemiological Facility of the Ministry of Health and Social Welfare of the Akmola region (no measurement and recording of relative humidity, not even an appropriate log; it is hot in groups 2, 4, 6, and in dormitories 25, 27 and 26 degrees Celsius);

- Petropavlovsk Children's Center of Social Services of the Department of Health and Social Services of the Akimat of North Kazakhstan region (the temperature in the medical center was +29 degrees Celsius at the time of the visit).

Thus, six institutions (30%) have overcrowded rooms, three institutions do not have a home-like environment, two have a security problem, two more need to control the temperature and humidity of the rooms.



### **Exercising the rights provided by law**

With regard to the exercise of statutory rights, the PNPM made 13 observations:

#### 1. informing about rights:

- MSE "Ayagoz Children's CSSS" of the Department of Health and Social Services of the East Kazakhstan region (no one in the institution is familiar with the NPM activities; there are no stands with information about the rights and freedoms of inmates in a form accessible to inmates);
- Nurly zhurek" CSS MSE of Akimat in Astana (no information about the national preventive mechanism);
- Kokshetau City Centre for Combating Torture, Akmola region Department of Health and Social Welfare (no separate training for staff on the prevention of torture was conducted, no information on NPM is available);
- KOKSHETAU CITY MUNICIPAL HEALTH AND SOCIAL SERVICE DEPARTMENT NO. 4 UKZSPA Akimat of Zhambyl region (the Law of the RK "On languages" is not implemented, i.e., most of the signs of offices and rooms are only in the state language, which causes certain difficulties in orientation).

#### 2. Access to social and pedagogical services:

- Talgar Center of Social Services "Ayala" CSSS of Almaty region (children are not covered by pre-school and school education; experts say that children with severe, profound mental retardation are unteachable);
- Senim Social Services Center of Almaty Social Welfare Department (one-third of the children are covered by the services of a defectologist; children's toys are upstairs in the closet);
- Children's Center of Social Services "Ayagoz" MSE of the Welfare Department of East Kazakhstan region (few toys, no children's art books and board games).

#### 3. Access to social and psychological services:

- MSE "Ayagoz Children's Center for Social and Psychological Services for Children" UKZHSE of the East Kazakhstan region (there are no special rooms for psychologists and material and technical support to carry out these works, as well as a large number of pupils per psychologist).

#### 4. Respect for employee rights:

- MSE "CSSS No. 4" UKZiSP of Akimat in Zhambyl region (violation of workers' rights - forcing employees to take PCR tests at their own expense));
- Talgar CSSS "Ayala" MSE of the Department of Health and Social Services of Almaty region" (the consequences of subordination to different agencies lead to differences in remuneration and medical leave of teachers-defectologists, lack of coverage of professional development courses in the system of remedial special pedagogy of the Ministry of Education and Science of the Republic of Kazakhstan).

Thus, with regard to the statutory rights of PNPFM, most comments were made about informing the legal representatives of children and staff about the rights of children to receive social and educational services.



### Medical care

There were seven comments regarding the medical care of UNPM.

1. Traumatism control:

- MSE "Kokshetau city CSSS" UKZiSP of Akmola region (no record of injuries is kept: the relevant logs for 2019 and 2020 are empty);
- MSE "CSSS No. 3" UKZHSA of Atyrau region (trauma logs are not numbered; personal files and medical records do not contain protocols of official investigations on the facts of injuries and bruises of patients, only certificates from the trauma center);
- MSE "Ayagoz Children's CSHCU" of the Department of Health and Social Services of the East Kazakhstan region (there are gaps in the injury log - blank spaces);
- Petropavlovsk Children's Center for Social Services for Children of the Department of Health and Social Services of Akimat in North-Kazakhstan region (records in the trauma log have no description of the situation and circumstances under which the injury was sustained, and the time of treatment).

2. Control of causes of death:

- MSE "CSSS No. 3" UKZiSP of Atyrau region (medical records and personal files of deceased patients have no copies of the autopsy report of forensic medical examination, there is only a certificate of death indicating the cause of death).

3. The availability of medical drugs:

- Petropavlovsk Center for Children "Arman" MSE CSS of the Department of Health and Social Services of Akimat in North-Kazakhstan region (there is no antishock medicine epinephrine).

In the Kokshetau City MSE CSSS of the Department of Health and Social Services of Akmola region no records of traumatism are kept: the relevant registers for 2019 and 2020 are empty. At the same time, in the register of referrals to narrow specialists records were found about assistance to traumatized children:

J. T. Year of birth 2005. On August 27, 2020, was hospitalized at MDOB with a fracture of the n/c of the right tibia. The injury occurred on August 26, 2020. The child was delivered to the emergency room only the next day - this fact can be regarded as a manifestation of abuse. On admission, there was a record in the medical history of the doctor on duty that the staff of the Center for the treatment of injuries did not know the circumstances of the injury. The injury log does not note this fact. There is no record in the outpatient chart about the further course of the injury (term of immobilization, what treatment, rehabilitation).

L. M., born in 2007. Injury on October 1, 2020 - contusion of the right ankle. No record in the trauma registry. The recommendation of the trauma surgeon at the admission ward of the children's regional hospital for dynamic observation of the child by a traumatologist or surgeon was ignored. There was no record in the outpatient record of any treatment or epicrisis of improvement or cure.

V. M. - the outpatient records show an injury dated March 17, 2020, a contusion of the right elbow joint. The injury was not noted in the trauma log or in the log of care by narrow specialists.

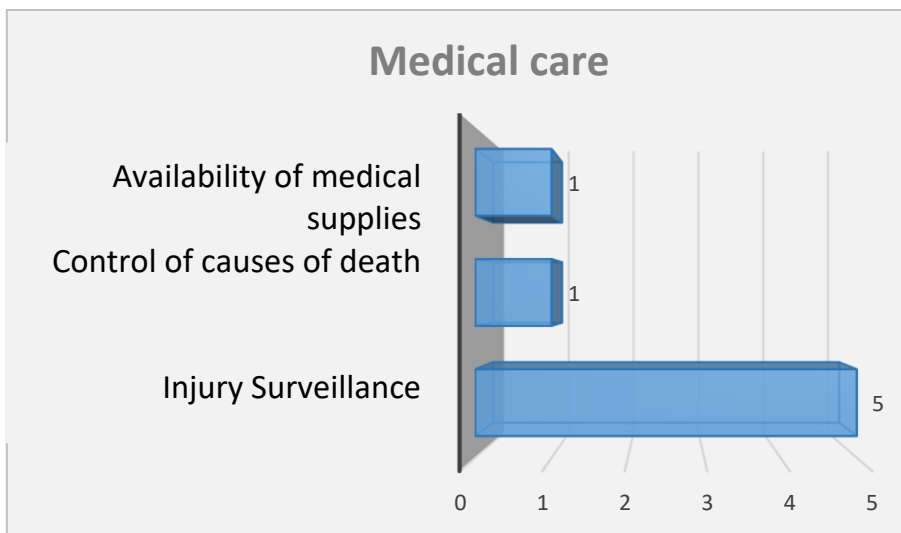
D. B. Born in 2007, the record in the log of care by narrow specialists, dated September 23, 2020: bruised ankle joint. In the outpatient record, the ENT doctor of the emergency room wrote: foreign body in the left ear. An examination by a trauma surgeon is not recorded anywhere.

B. I., born in 2007, the record in the log of care of narrow specialists, dated September 25, 2020: bruised ankle joint. He was examined by an emergency room traumatologist, underwent R-examination. No records on this injury (treatment or recovery) in the outpatient record.

I. D., born in 2011, has a record in the narrow specialists' assistance log dated December 28, 2020, with no indication of the diagnosis. From study of the outpatient records, we see that the trauma occurred dated December 16, 2020, at home. On December 17, 2020, he was admitted to the admission room of MDOB by referral from the pediatrician at the CSSS with a diagnosis of "closed fracture of the n/z bones of the right forearm. There is no record in the trauma log, and there is no record in the narrow specialists' assistance log dated December 17, 2020. There is only one entry in the outpatient record dated 12/28/2020. The outpatient records contain no records about dynamic observation, no information about when the cast was removed, what treatment was given to the fracture, how long the immobilization lasted, and what rehabilitation measures, if any, were taken.

These cases raise the question of controlling the quality of medical care in the institution.

Thus, most of the comments on medical care were related to the organization of trauma control of service recipients.



### Physical Education and Sports

Regarding children's opportunities to go for walks, do physical education and sports, PNPM noted that, according to their observations, children who were not able to move independently were not taken out for walks (MSE "Senim" Social Services Center of the Social Welfare Department of Almaty. Almaty), the large number of children with a small number of staff and the lack of ramps or elevators to safely take children down to the first floor and outdoors (MSE "Ayagoz Children's Social Service Center" of the Department of Health and Welfare of the East Kazakhstan region) prevented walks.



In MSE Psychoneurological Medical-Social Institution for Children of Karaganda Region Karaganda Regional Department of Health and Social Services of Karaganda region has no separately equipped sports grounds, there is no sports equipment on playgrounds and playgrounds for walks.

### **Filing Complaints**

Two institutions have no information about telephone hotlines (Kostanai Children's Psycho-Neurological Center for Children, Kostanai Region Administration of Health and Social Services and Shymkent City Administration of Health and Social Services) and one institution has no box for citizens to call (Regional Children's Psycho-Neurological Center for Children, Pavlodar Region Administration of Health and Social Services).

### **Communication with the outside world (including social ties)**

There is no room for visits with relatives at the MSE "Ayagoz Children's Center for Children's Social Services" of the Department of Health and Social Services of the East Kazakhstan Region.

### **Conclusions on visits to children's institutions providing special social services**

As for three institutions, the PNPM noted unsuitability and inadequacy of buildings for the needs of the children in them, as for two - safety problems.

Facts of abuse were identified in three institutions: lack of free access to water, lack of adequate nutrition, lack of adequate medical care.

It is noteworthy that the administration of CSSS "Nurly Zhurek" of Astana Akimat ignores the recommendations of the PNPM regarding the organization of free access to water for children, although this recommendation has been voiced since 2019.

The issue of organizing proper nutrition for children in the "Senim" Social Services Center of Almaty City Social Welfare Department is not solved: claims to the outsourcing company and complaints to the competent authorities remain unaddressed.

In the MSE CSSS of Kokshetau City UKZiSP of Akmola region there is an acute issue of quality control of medical care.

The problem areas of children's institutions providing special social services in 2021 are nutritional conditions, sanitary and hygienic conditions, living conditions and realization of statutory rights.

In terms of nutrition, most of the observations concerned violations of food preparation control norms and violations of nutritional standards - lack of products approved by the NLA.

Regarding sanitary and hygienic conditions, the PNPM complained about the lack of facilities for children with special needs, lack of hygienic accessories and devices, lack of privacy and violations of sanitary and hygienic living conditions (lighting and lack of forced ventilation).

Regarding the living conditions - in six institutions (30%) there is overcrowding of rooms (from 10 to 16 people per bedroom), in three institutions the environment is not similar to home, in two institutions there is a security problem, in two institutions the temperature and humidity of rooms must be controlled.

Regarding the implementation of the statutory rights of PNPM the most comments were made about informing the legal representatives of children and staff about the rights and implementation of children's rights to receive social and educational services.

It is necessary to pay attention to injury control in four child care institutions (medical care).

### **On implementation of recommendations in children's institutions providing special social services in 2021**

PNPM presents data on six institutions.

No.	Institution	Total	Perfor med	Partial ly compl eted	In the proces s of perfor ming	Not fulfill ed
1	MSE "Ayagoz children's CSSS" UKZiSP East Kazakhstan region	11	2	2	1	6
2	MSE "Kostanay children's CSSS" UKZiSP of Akimat in Kostanay region	10	8	2	0	0
3	MSE "Children's CSSS " UKZiSP Kyzylorda region	8	6	2	0	0
4	MSE "Petropavlovsk children's CSS" UKZiSP of Akimat in the North Kazakhstan region	8	6	0	0	2
5	MSE "Peter and Paul children's CSS "Arman" UKZiSP of Akimat in the North Kazakhstan region"	4	4	0	0	0
6	MSE " CSSS No. 6" of the Akimat in Shymkent	8	7	0	0	1
	<b>Total</b>	<b>49</b>	<b>33</b>	<b>6</b>	<b>1</b>	<b>9</b>

Of the 49 recommendations, 33 have been implemented, six have been partially implemented, one is being implemented and nine have not been implemented. Thus, in six institutions, 67% of the recommendations are accepted for work and are being implemented.

The following recommendations are being implemented:

- Installation of information boards on patients' rights, the NPM mandate and the list of participants, with examples of complaints in two languages;
- Holding trainings for staff on countering torture, cruel and degrading treatment and on the NPM mandate;
- Ensuring the safety of children on the premises and in the playgrounds;
- Bringing medical journals up to date;
- Carrying out minor routine repairs;
- Bringing the nutritional conditions into compliance;
- Replacing hard and soft equipment;
- Installing partitions in the toilets and showers;
- Installation of ramps;
- Improving the quality of social and educational services.

On execution - increasing educational activities, taking into account the age of children in the MSE "Ayagoz CSSS" of the Department of Health and Social Services of the East Kazakhstan region.

The following recommendations have been partially implemented:

- Installation of ramps or an elevator for children to get down;
- Equipment of rehabilitation rooms;
- Improvement of the territory of institutions;
- Exclusion of public procurement of products not included in the list of products approved by the NLA;
- Conducting activities to prevent professional burnout of the staff.

The following PNPM recommendations have not been implemented:

1. MSE "Ayagoz Children CSSS" UKZiSP of the East Kazakhstan region:
  - Transfer of the institution to the territory of the cities of Ust-Kamenogorsk or Semey;
  - Placement of information stands with information about the rights of the inmates;
  - Equipping a room for visits with relatives;
  - Increasing the staff of psychologists, opening a psychologist's office;
  - Replacing the numerical designations of the groups with children's names;
  - Providing children with free access to toys.
2. MSE "Petropavlovsk Children CSS" of the Akimat in North-Kazakhstan Region:
  - equipping the medical cabinet in the dentist's office with first-aid medicine for anaphylactic shock - not necessary, since no procedures are performed, only examinations;
  - installation of the thermostat for the heating radiator in the workshop on the second floor (the room above the boiler room)).
3. MSE "CSSS No. 6" of akimat in Shymkent:
  - replacement of faulty washing machines.

No corresponding changes have yet been made to Government Decree No. 320 dated March 12, 2012 "On Approval of the Amount, Sources, Types, and Rules for the Provision of Social Assistance to Citizens Granted Social Assistance.

In accordance with the "Rules for Providing Social Assistance to Citizens Granted Social Assistance," Appendix No. 4 "Norms of Meals for Children Being Raised in Organizations for Orphans and Children without Parental Care and Boarding Organizations, and Children in Centers for the Isolation, Adaptation and Rehabilitation of Minors," approved by the Decree No. 320 of the Government of the Republic of Kazakhstan dated 12.03.2012, the food section says: 95 g of meat a day, etc. per child, which is clearly insufficient for a child aged 12 to 18 years, especially for children who attend sports clubs. Therefore, the nutritional standards should be revised by increasing the weight of meat and other products per day per child.

Further, as stated in Appendix No. 1 to the rules "Norms for providing orphans and children left without parental care with clothing, footwear, and soft furnishings, studying and/or being raised in organizations for orphans and children, The "Uniforms" section lists clothing that was worn during the Soviet period - "Winter coat, fur coat," "Demi-season coat, fur coat," etc. These types of clothing do not meet modern requirements. Children in orphanages and family-type villages refuse to wear the clothes that are specified in this normative-legal act. Therefore, it is necessary to make changes to the "Rules for Providing Social Assistance to Citizens on Social Assistance", specifying clothing that meets modern requirements.

On November 27, 2015, by Order No. 896 of the Acting Minister of Health and Social Development of the Republic of Kazakhstan, "Natural norms of nutrition for people who live in medical and social institutions, rehabilitation centers, educational institutions for children with disabilities, territorial social service centers, day care centers, social adaptation centers" were approved.

Thus, according to the subsistence standard No. 3 "Meals for children under 10 years of age in medical and social institutions, for children with locomotor disorders and in children's psychoneurological medical and social institutions", the food includes the following vegetables: potatoes, cabbage, onions, carrots, beets, tomatoes, cucumbers and sweet green peppers. The assortment is quite sparse, the menu for children with disabilities aged 10 mostly uses the same vegetables, which leads to the fact that children are very reluctant to eat them.

Based on Natural Norm No. 4 "Nutrition for adolescents (11-18 years old) in medical and social institutions for children with locomotor apparatus disorders and in children's

psychoneurological medical and social institutions", the menu includes the same vegetables, which leads to its monotony. At the same time, the nutritional standards include only waffles. Therefore, the management of the center does not have the right to buy children, cookies, gingerbread, etc. Therefore, it is necessary to make changes to the natural dietary standards No.3 and No.4, diversifying the meals of children with disabilities with other vegetables, such as broccoli, seaweed, as well as cookies, gingerbread, etc.

According to subparagraph 1 of paragraph 93 of Annex 3 to Order No. 26 of the Minister of Health and Social Development of the Republic of Kazakhstan dated January 22, 2015, compulsory hygiene products are issued to disabled people for a year in the following quantity: diapers for disabled people with locomotor system disorders - 730 pieces. That is only two diapers a day, which is clearly insufficient. This order must be amended to increase the number of diapers per year for each disabled person with a locomotor apparatus disability.

### **3. ANALYSIS OF IMPLEMENTATION OF NPM RECOMMENDATIONS BY GOVERNMENT BODIES AND AGENCIES**

#### **ANALYSIS OF THE IMPLEMENTATION BY GOVERNMENT AGENCIES OF RECOMMENDATIONS FROM PREVENTIVE VISITS IN 2021 AND RECOMMENDATIONS SENT AS PART OF CONSOLIDATED REPORTS FROM 2017**

Since 2020, recommendations on improving the conditions of detention and the realization of the rights of persons have been sent directly to the institutions of concern, whose preventive visits have been carried out by PNPM. This practice has been implemented in order to follow up not only with the central public authorities (following the review of consolidated reports of the PNPM), but also with the administrations of the institutions as direct recipients of most of the recommendations resulting from the preventive visits.

In 2021, NCHR sent 3,667 recommendations from PNPM to institutions of concern. The largest number of recommendations was sent to the institutions subordinate to the MIA of the RK (TDF, SDFA, PR, OP, UP, DP) and amounted to 1,301 recommendations, which is 8% more than the previous year. 778 recommendations were sent to correctional institutions and pretrial detention facilities under the jurisdiction of the Correctional Committee of the Ministry of Internal Affairs.

More detailed information on the number of sent recommendations is presented in Table 1.

*Table 1: Total number of recommendations forwarded to PNPM in 2021 by region and agency*

<b>Total amount</b>								
	<b>CCES</b>	<b>MIA</b>	<b>MES</b>	<b>MH</b>	<b>MLSP</b>	<b>MD</b>	<b>NSC</b>	<b>By regions</b>
Astana	46	33	8	23	18	2	3	<b>133</b>
Akmolinsk region	63	70	18	20	53			<b>224</b>
Aktobe region	32	125	27	56	20	5		<b>265</b>
Almaty	31	33	42	61	23		11	<b>201</b>

Almaty region	27	23	11	43	27			<b>131</b>
Atyrau region	59	70	16	40	16			<b>201</b>
EKR	88	84	66	71	48	5		<b>362</b>
Zhambyl region	73	100	32	24	26			<b>255</b>
EKR	24	11		3	4			<b>42</b>
Karagandy region	61	49	7	11	14		2	<b>144</b>
Kostanay region	46	99	21	66	48			<b>280</b>
Kyzylorda region.	45	78	29	38	23			<b>213</b>
Mangistau region, Pavlodar region, Pavlodar region.	7	22	2	3	16			<b>50</b>
Pavlodar region, Pavlodar region, Kyzylorda region, Kyzylorda region.	30	92	25	30	47			<b>224</b>
NKR	84	250	146	106	145			<b>731</b>
Turkestan region	62	62	42	28	17			<b>211</b>
<b>By department</b>	<b>778</b>	<b>1201</b>	<b>492</b>	<b>623</b>	<b>545</b>	<b>12</b>	<b>16</b>	<b>3667</b>

As in the past year, by the number of sent recommendations the institutions of North-Kazakhstan region are leading (731). Next come East-Kazakhstan region (362), Kostanay region (280), Aktobe region (265) and Zhambyl region (255). Due to the fact that the greatest number of PNPM recommendations in the above-mentioned leading regions concerned institutions under the Ministry of Internal Affairs of the RK (TDF, SPA, PR), we believe that conditions of detention and realization of rights of people in these types of institutions located in NKR, East Kazakhstan region, Kostanai, Aktobe and Zhambyl region should be kept under special control and taken into account when allocating the budget for the following years.

In this case, the indicators of recommendations in the context of institutions in NKR are many times greater compared to other regions. Only for the institutions of the Ministry of Education and Science of the Republic of Kazakhstan the share of recommendations for NKR institutions is about 30% of the total number of recommendations for institutions. We believe it would be advisable for the authorized body to take control of the conditions of detention and implementation of the rights of people held in the NKR institutions.

As for the status of recommendations, three groups were identified during the analysis:

- 1) Executed recommendations.
- 2) Recommendations under implementation.
- 3) Unimplemented recommendations.

Based on the analysis of responses received from the institutions, we can conclude that the greatest number of recommendations is in the execution stage (2,361) and accounts for 64% of the total number of recommendations sent. Regarding the implemented recommendations, it should be noted that 1,193 recommendations sent (33%) were accepted by the institutions and were executed. The number of recommendations that have not been executed is 113 (3 per cent).

More detailed statistics regarding the status of recommendations by region are presented in Table 2, Table 3 and Table 4.

*Table 2. Number of recommendations implemented*

<b>Implemented recommendations</b>								
	<b>CCES</b>	<b>MIA</b>	<b>MES</b>	<b>MH</b>	<b>MLSP</b>	<b>MD</b>	<b>NSC</b>	<b>By regions</b>
Astana	31	7	0	19	13	0	3	<b>73</b>
Akmolinsk region	6	13	13	4	28			<b>64</b>
Aktobe region	25	20	25	14	4	0		<b>88</b>
Almaty	16	6	15	0	19		8	<b>64</b>
Almaty region	6	6	5	16	21			<b>54</b>
Atyrau region	32	31	8	0	14			<b>85</b>
EKR	17	23	34	6	29	0		<b>109</b>
Zhambyl region	38	5	7	0	11			<b>61</b>
WKR	9	5		3	1			<b>18</b>
Karaganda region	14	7	5	5	0			<b>31</b>
Kostanay region	12	14	16	28	32			<b>102</b>
Kyzylorda region	8	10	4	11	6			<b>39</b>
Mangistau region	0	7	1	0	2			<b>10</b>
Pavlodar region	16	15	7	8	22			<b>68</b>
NKR	61	57	41	1	83			<b>243</b>
Turkestan region	26	14	26	7	11			<b>84</b>
<b>By department</b>	<b>317</b>	<b>240</b>	<b>207</b>	<b>122</b>	<b>296</b>	<b>0</b>	<b>11</b>	<b>1193</b>

*Table 3: Number of recommendations under implementation*

<b>Recommendations in the execution phase</b>								
	<b>CCES</b>	<b>MIA</b>	<b>MES</b>	<b>MH</b>	<b>MLSP</b>	<b>MD</b>	<b>NSC</b>	<b>By regions</b>
Astana	13	26	8	4	5	2	0	<b>58</b>
Akmolinsk region	57	57	4	15	25			<b>158</b>

Aktobe region	7	101	0	40	16	5		<b>169</b>
Almaty	13	24	27	61	2		0	<b>127</b>
Almaty region	20	17	6	25	6			<b>74</b>
Atyrau region	19	39	8	40	2			<b>108</b>
EKR	71	54	22	64	15	5		<b>231</b>
Zhambyl region	33	95	24	24	12			<b>188</b>
WKR	12	6		0	2			<b>20</b>
Karagandy region	46	40	2	6	14		2	<b>110</b>
Kostanay region, Kyzylorda region	34	84	4	36	9			<b>167</b>
Kyzylorda region	37	66	25	26	17			<b>171</b>
Mangistau region, Pavlodar region, Pavlodar region.	7	15	1	3	14			<b>40</b>
Pavlodar region, Astana region	14	77	16	22	25			<b>154</b>
NKR	20	177	105	105	55			<b>462</b>
Turkestan region	33	48	16	21	6			<b>124</b>
<b>By department</b>	<b>436</b>	<b>926</b>	<b>268</b>	<b>492</b>	<b>225</b>	<b>12</b>	<b>2</b>	<b>2361</b>

Table 4: Number of unimplemented recommendations

Unimplemented recommendations								
	CCES	MIA	MES	MH	MLSP	MD	NSC	By regions
Astana	2	0	0	0	0	0	0	<b>2</b>
Akmolinsk region	0	0	1	1	0			<b>2</b>
Aktobe region	0	4	2	2	0	0		<b>8</b>
Almaty	2	3	0	0	2		3	<b>10</b>

Almaty region	1	0	0	2	0			<b>3</b>
Atyrau region	8	0	0	0	0			<b>8</b>
EKR	0	7	10	1	4	0		<b>22</b>
Zhambyl region	2	0	1	0	3			<b>6</b>
WKR	3	0		0	1			<b>4</b>
Karagandy region	1	2	0	0	0			<b>3</b>
Kostanay region, Kyzylorda region	0	1	1	2	7			<b>11</b>
Kyzylorda region	0	2	0	1	0			<b>3</b>
Mangistau region, Pavlodar region, Pavlodar region	0	0	0	0	0			<b>0</b>
Pavlodar region, Pavlodar region, Kyzylorda region, Kyzylorda region	0	0	2	0	0			<b>2</b>
NKR	3	16	0	0	7			<b>26</b>
Turkestan region	3	0	0	0	0			<b>3</b>
<b>By department</b>	<b>25</b>	<b>35</b>	<b>17</b>	<b>9</b>	<b>24</b>	<b>0</b>	<b>3</b>	<b>113</b>

Taking into account the content of these tables, the highest percentage of implementation of recommendations is shown by the institutions subordinated to the NSC (69%), MLSP of the RK (54%) and the MES of the RK (42%). In terms of the number of implemented recommendations, the leaders are the institutions subordinate to the Committee on Statistics of the Republic of Kazakhstan (397) and the Ministry of Labour and Social Protection of the Republic of Kazakhstan (296). In terms of regions the best performance indicators show Astana city. Astana (55 %), WKR (43 %) and Atyrau region (42 %). Below is the analysis of implementation of PNPM recommendations by institutions since 2017.

#### **Analysis of recommendations sent as part of the Consolidated Reports from 2017 to the Ministry of Internal Affairs of the Republic of Kazakhstan**



Recommendations on the results of the analysis of the situation of persons held in TDFs, SPAs, PRs, and OPs set out as part of the PNPM Consolidated Reports for the period from 2017 to 2020 are almost identical in nature and remain relevant to this day. In the subsection devoted to the situation of persons detained in the facilities under the MIA RK in 2021, examples of recommendations that have not been implemented since the start of the NPM in 2014 were given.

Thus, within the framework of the period under review, the **Ministry of Internal Affairs of the Republic of Kazakhstan** was recommended to:

1. To accelerate the process of construction of new buildings, as well as major and cosmetic repairs of TDFs, SPAs, and PRs in order to comply with national and international standards of detention conditions and the implementation of the rights and freedoms of persons detained in these institutions.

2. To take more active measures to address issues of compliance with international and national standards of medical care (staffing with competent personnel and material and technical support), sanitary and hygienic conditions, and catering.

3. To introduce a unified regular methodology for conducting training sessions and drafting methodological materials with a reporting system to confirm that seminars on international and national standards related to the prevention of torture and other cruel, inhuman and degrading treatment and punishment are conducted, including with the involvement of external experts from NPMs and other human rights structures, with all employees of institutions.

4. To make additions to paragraph 76 of Order No. 95 of the Ministry of Internal Affairs of the Republic of Kazakhstan dated February 5, 2018 "On approval of the internal regulations of temporary detention facilities of internal affairs bodies" and to state it as follows: "Proposals, statements and complaints addressed to the Commissioner for Human Rights, the prosecutor and the court are not subject to censorship and are immediately sent to the addressee in sealed form".

5. To develop and amend the relevant regulations at the level of orders of the Minister of Internal Affairs to ensure the right of administrative detainees to meet with a lawyer, as well as relatives and other close persons, including arrangement of premises in the SPA for such purposes.

6. To initiate a review of the functional affiliation of reception centers in order to transfer them to the civil department and return detainees to society.

7. To initiate appropriate amendments to national legislation regarding provision of personal hygiene products for TDF, ATS and PR detainees.

8. To take special control over the implementation of recommendations following NPM group visits and introduce regular reporting on the results to the Human Rights Ombudsman and, in the future, posting information in open sources.

Regarding recommendations related to the construction of new model buildings and improvement of material and living conditions in the facilities of the MIA of the RK, in 2018 the Ministry reported on the decisions made to build new institutions. For example, in the East Kazakhstan region, according to the action plan for the implementation of the Regional Development Program for 2016-2020, the construction of new TDFs in Ridder, Serebryansk and Katon-Karagai district was envisaged in 2020. However, as of **2021**, based on the report on the results of the PNPM visit to the Ridder TDF, this facility is still in **the basement** and does not meet international standards. In this regard, the recommendation to build a new model building still stands.

The reasons for the failure to implement recommendations related to improving the material and living conditions of detention, as well as the timely construction of new model buildings for special institutions, in our opinion, lie in the lack of publicity of the above problems at all levels of government and the insufficient level of funding allocated to the MIA RK from the national budget.

According to the official website of the Ministry of Internal Affairs of the Republic of Kazakhstan, the budget item for logistical support and major repairs of facilities in the period from 2018 to 2021 was as follows:

- 2018 - 29 billion 125 million tenge,
- 2019 - 51 billion 925 million tenge,
- 2020 - 44 billion 798 million tenge,
- 2021 - 26 billion 080 million tenge.

In the 2022 MIA budget note, the expenditure item was reduced to "material and technical support" (without major repairs) and amounts to 12 billion 568 million tenge, which is more than half of the funding allocated for 2021. Among the planned projects are the construction of the Korday District Police Department of the Zhambyl Region for 150 people in the Korday village and the Korday District Police Department of the Zhambyl Region for 75 people in Sortobe village.

Taking into account the above facts, PNPM still recommends that the MIA of the RK conduct a comprehensive assessment of the condition of all subordinate institutions in order to determine the urgency of major repairs/construction of a new building and establish the necessary amount to improve conditions in the subordinate institutions and submit a request for the allocation of budgetary funds to the authorized bodies for consideration.

As for the ongoing training on the prevention of torture with the staff of the institutions subordinated to the MIA RK, it can be argued that not all employees are aware of the existence and activities of the NPM. Numerous facts of ignorance of the staff of MIA RK institutions mentioned in Section 3 of this Consolidated Report may serve as evidence. Accordingly, the work on improvement of employees' knowledge in the field of torture prevention and ensuring the rights and freedoms of citizens is not carried out at the proper level. In this regard, we again note that a possible solution to the problem seems to be the introduction of compulsory certification of MIA employees on knowledge of norms of national legislation and international legal documents that constitute international obligations of the Republic of Kazakhstan in the field of respect for and protection of human rights. It is also recommended to actively involve representatives of human rights institutions in this work, which guarantees the independence of assessment of knowledge of employees.

Recommendations to review the functional affiliation of reception centers in order to transfer them to a civilian agency and return detainees to society are still relevant. This problem should be considered systemic, as it has long remained unresolved. In our opinion, the objective reasons for non-implementation are the need for significant changes in the national legislation on the activities of reception centers, retraining/training of special personnel to work with a certain range of persons, as well as the need to allocate additional funding from the state budget for the authorized body, which will be responsible for the functioning of these institutions. To solve the problem, it seems advisable to assess the current state of reception centers throughout the country, analyze national legislation and study international best practices for the return of detainees into society.

### **Analysis of recommendations sent as part of the Consolidated Reports from 2017 to the MIA's CCES of the RK**

Recommendations based on the results of visits to MIA's CID facilities, as outlined in the NPM Consolidated Reports for 2017-2020, have remained relevant for several years. Thus, the CCES MIA RK was recommended to:

1. Given the importance of the PNM in the formation of the modern image of the penal and correctional system of Kazakhstan and its development, it is advisable to develop a mechanism of activities of institutions and bodies executing sentences in the form of imprisonment.

2. to train the employees of institutions in the mechanism of implementing the PNM and the provisions of the penal legislation of Kazakhstan in the field of prevention of torture and degrading treatment and punishment.

3. To hold training seminars in the training format on effective interaction between the staff of correctional institutions and NPM members in the process of public oversight.

4. Taking into account the decision of the Security Council of the Republic of Kazakhstan of 25.05.2011 on construction of new correctional facilities with cell-like detention, it is necessary to continue the modernization of detention facilities for convicted persons, renovation of sanitary facilities, expansion of bedding network and ensuring conditions for normal socially adequate living standards for convicted persons in places of detention.

5. 5. Ensure confidentiality of medical records in correctional institutions and continue the work aimed at providing conditions for access to civil healthcare services for inmates held in correctional institutions.

6. Ensure true independence of medical personnel in detention facilities through transfer from the Ministry of the Interior of the RK to the Ministry of Healthcare of the RK.

7. To make torture and ill-treatment prevention more effective, provide inmates with legal access to the Internet and make it possible to use video-conferencing and Skype technologies which assist in increasing the transparency of conditions of detention of convicted persons.

8. Considering the social importance of the constitutional right to freedom of conscience and religion and its role in the prevention of torture and ill-treatment and re-socialization of convicts, consider the possibility of lifting the ban on the performance of religious rites in correctional institutions and inviting clergymen representing the traditional confessions of Kazakhstan to visit the convicts.

9. Exclude the possibility of granting disciplinary and other authority to certain convicts over other convicts with the knowledge of the administration of correctional institutions.

10. To develop social, psychological, victimization and legal assistance programs for convicted persons who have become victims of torture and to implement such programs in the correctional system of Kazakhstan.

11. Enhance control over the procedure of registration and timely delivery of complaints and suggestions submitted by the convicted persons.

12. Work with convicted persons on legal issues, in particular, on the activities of the NPM.

We consider it important to emphasize that in 2021, a decision of significant importance for the realization of the right to health of convicts and remand prisoners was made on the gradual transfer of medical care functions for convicts and remand prisoners from the MIA RK system to the MH RK. The Penitentiary Institutions have repeatedly recommended the above reform in order to improve the medical care of convicts and detainees under investigation.

From the responses of the Correctional Institutions of the MIA RK to the recommendations of the 2017-2018 Consolidated Reports, it can be concluded that practically all correctional institutions of the penitentiary system have buildings and facilities erected from 1937 to the 2000s, of which more than 50% have 100% deteriorated buildings. The buildings of the facility OW 156/1 (pre-trial detention facility) of the SSEP were built in the early 18th century.

At the same time, there is a big problem of underfunding of current repairs of buildings and premises of penitentiary institutions. Thus, for the last five years not more than 10 % of total need has been allocated. The 2021 budget of the Committee of the Correctional System of the RK does not allocate 22 mln tenge for current repairs. In order to maintain these facilities in a satisfactory condition, scheduled current repairs are carried out at the expense of own funds saved as a result of public procurement.

In addition, every year the administration of correctional institutions submits a request to the national budget for the purchase of furniture at the beginning of the year, but these requests are also often not supported by the national budget commission.

Every year, applications for the purchase of office equipment for employees are submitted to the republican budget commission for consideration. However, funding is not allocated.

The lack of medical personnel remains a pervasive problem.

A lot of recommendations are related to the need to strengthen the psychological service in the institution, both for inmates and staff. There should be psychological and psychiatric training of correctional facility personnel in order to work with suicidal inmates. In order to prevent emotional burnout of the staff and to prevent cruel treatment of inmates, it is recommended to organize systematic work in mini groups with the entire staff in the format of intervisions, supervisions, psychological debriefings, trainings, individual and group psychodiagnostics. In order to implement these recommendations, the DFID requires control of the moral and psychological climate among the staff of the institution.

The practice of separate accommodation of convicted "outcast" inmates continues, since in practice the ideology of their accommodation with the main mass of prisoners has not been worked out yet. Probably, it is necessary to work out a general strategy of solving this issue, since at the high-level meetings this practice is denied, while in reality it exists.

As for the implementation of rights, the recommendation to provide a barrier-free environment for prisoners with disabilities remains problematic for the institutions. The administration of a number of correctional institutions justifies it by the impossibility to install ramps, because the staircases of the administrative buildings were designed without taking into account the installation of various structures. All staircases for entering and moving inside the building do not meet the requirements for installation of ramps (the width of the stair opening and the angle of inclination of the staircase is 45°), because it is necessary to ensure safety of movement, install handrails and fences, comply with the standards for maximum permissible inclination. Also, the administration of these institutions believes that the installation of such a design will have a negative impact on the general regime activities (walking, taking inmates to the DPT, taking them to the MSC, the BOD, etc.).

However, even taking into account the above, institutions also do not purchase devices for temporary or occasional use (collapsible, retractable, hinged and other ramps), which do not require significant changes in the structure of the building. Many institutions still lack wheelchairs.

To date, the Republic of Kazakhstan is actively working to ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities. Ratification of this Protocol will provide persons with disabilities with an opportunity to claim at the level of the UN Committee on the Rights of Persons with Disabilities about the rights violated by the State. The Republic of Kazakhstan has taken a course to improve the efficiency of implementation of the decisions of the UN Committee on Human Rights - each decision on the appeal in connection with the violation of the rights will be given special attention. Correctional institutions are the least adapted for people with low mobility and persons with disabilities, so it is necessary to promptly bring the institutions into conformity with the requirements of the UN Convention on the Rights of Persons with Disabilities as much as possible.

### **Analysis of recommendations sent as part of the Consolidated Reports from 2017 to the Ministry of Health of the Republic of Kazakhstan and health care institutions**

A number of recommendations have remained unchanged for several years.

1. "Continue systematic information work among the staff of both central authorities and subordinate, territorial, local units and institutions on the mandate of the national preventive mechanism.

Year after year, PNPM is confronted with a lack of awareness not only among the staff of the institutions, but also among their management. Every year, PNPM recommends training sessions on the NPM mandate and the design of information boards with contact information for the group - most institutions comply with these recommendations. On the other hand, given that some employees continue to show ignorance in this area, we can conclude that such information work is not systematic. In other words, the recommendation is implemented for the current staff of the institution, but the instruction of new employees is probably not carried out. This is confirmed by the case of a visit of the NPM to the admission room in the Rudnyi ward of the Kostanay regional CPH - the staff had no idea about the activities of the NPM, despite the fact that the stand had comprehensive information. It is impossible to say with certainty whether this lack of awareness is a gap in the work of the administration of the institution or the local health department, since sometimes the hospital administration itself is not aware of the NPM, which, however, does not hinder the work of the PNPM.

If the low level of awareness among staff causes temporary hiccups at the entrance before the PNPM receives permission from the administration, the lack of awareness among hospital administrations themselves, represented by chief physicians, deputy chief physicians or heads of departments, is much more of an obstacle to a full-fledged visit. Thus, during the visit to the CPH in Petropavlovsk, the chief physician of the CPH refused to let the monitoring group in, and subsequently did not show any particular desire to provide information about the activities of the institution.

If ignorance of rank-and-file employees can be justified by insufficient level of information work with the staff in the institution itself, in case of obstruction on the part of chief doctors there are omissions on the part of local health departments.

2. "Consider including elements of occupational therapy, psychotherapy, social work with patients, i.e. rehabilitation direction, in the inpatient treatment process".

Despite the requirements of Article 165 of the Code of the RK on Public Health and Health Care System, the Standard of Organization of Medical and Social Assistance in Mental Health to the Population of the Republic of Kazakhstan, the level of medical and social rehabilitation of adult patients with PPD remains at a low level.

Institutions that are engaged in medico-social rehabilitation develop an individual patient rehabilitation plan, have a sufficient number of social workers on their staff, and have special facilities for occupational therapy and various trainings on their premises. However, these institutions are in the minority. In most cases, patients are left to themselves. Often, treatment is conducted only with medications, which contributes little to the perspective improvement of patients' condition and their re-socialization.

The widespread use of the rehabilitation approach in the treatment of patients requires wide awareness of institutions about advanced rehabilitation methods and techniques (which is possible through the organization of conferences, development of guidelines and standards in this area), staff expansion and the purchase of necessary equipment and tools (which requires additional budgetary expenditures). The recommendations for organizing and equipping psychologist's, occupational therapy and art therapy rooms are practically not fulfilled, which can be explained by the lack of free space in the building and insufficient budget.

3. "Ensure the accessibility of all rooms for people with disabilities and other low mobility groups, including inside the premises".

In 2015 the Republic of Kazakhstan ratified the UN Convention on the Rights of Persons with Disabilities (hereinafter - the Convention), which establishes basic requirements for the observance of the rights and freedoms of persons with disabilities. To date, active work is underway to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, under which the state recognizes the competence of the Committee on the Rights of Persons with Disabilities to receive and consider communications from persons or groups of persons under its jurisdiction who claim to be

victims of violations by this state party of the provisions of the Convention. In other words, citizens and other persons will be able to submit complaints to the Committee if their rights as defined in the Convention are violated.

Lack of or inadequate facilities for patients with low mobility and persons with disabilities was reported in half of the facilities visited in 2021.

Based on the visit reports, we can conclude that institutions do not conduct their own comprehensive assessment to ensure a barrier-free environment and take a more targeted approach to addressing this issue - they eliminate only those observations that were identified during the visits and inspections. Sometimes the recommendations are implemented formally. For example, a ramp is installed, but with violations. This indicates ignorance of the requirements of SP RK 3.06-101-2012. "Design of buildings and structures taking into account accessibility for groups of people with low mobility. General provisions".

It appears that local health departments and the MH RK pay little attention to ensuring the conditions and accessibility of persons with disabilities to health care facilities, since the problem of lack of special adaptations and ramps is only started to be solved by facilities after visits to UNPM. At the same time, it is worth noting that the recommendations on this part are mostly implemented by health care facilities rather quickly.

4. "Increase the efficiency of budget planning, ensure that the hospital budget is sufficient (to overhaul buildings, rooms, wards, improve the territory, equip rooms such as rest rooms, etc.)".

Recommendations of the PNPM, which require medium to large budgetary expenditures, are practically never implemented. For example, year after year the issue of constructing a new building for the East Kazakhstan regional psychiatric hospital in the village of Novo-Kanayka is raised in the reports of PNPM. The impossible conditions in which the patients and staff live constitute cruel and degrading treatment. The situation with the hospital buildings observed year after year shows that there are other priorities in health care.

5. For several years, some institutions have ignored the recommendations of the PNPM, such as the Specialized Medical and Preventive Enterprise of Novo settlement, the Mental Health Center of Petropavlovsk. Petropavlovsk.

PNPM recommendations are based on the requirements of national legislation. Most of them do not require large budget investments. Some recommendations do not require any financial costs at all. For example, to provide daily walks in the fresh air. Many institutions do not respect the right of patients not to walk. Whereas previously this was due to staff fears that patients would catch a cold, in the new realities of the coronavirus pandemic, the restriction is justified by quarantine requirements.

The disregard of PNPM recommendations indicates a disinterest on the part of facility administrators in improving the situation of patients. In addition, repeated recommendations also serve as a marker of the fact that in the framework of state inspections, inspectors either do not pay attention to these violations, or state agencies do not monitor the elimination of violations.

6. Recommendations to amend national legislation go unheeded.

### **Analysis of recommendations sent as part of the Consolidated Reports from 2017 to the MES RK**

In the 2017-2018 PNPM Consolidated Reports, recommendations were exclusively for CAM, CPAs, and specialized education organizations. Due to the expansion of the NPM mandate in 2019 to include more than 200 children's institutions, the 2019-2020 Consolidated Report made recommendations for all types of closed organizations under the MES RC.

For example, from 2017 to 2020, the MES RC recommended that:

1. Develop a model building project with design and estimate documentation for the construction of new or reconstruction of existing buildings in accordance with modern requirements

for the conditions of detention, sanitation and hygiene of minors, with a list of necessary technical equipment.

2. To develop a unified standard of quantitative and qualitative indicators of specialists required to work with juveniles in CAM, to determine the workload of specialist, to determine the hourly cost of their rehabilitation.

3. To develop information stands about children's rights, complaint mechanisms, to provide access for minors to the service "National helpline for children and youth № 150", with samples of writing complaints and applications for parents or other legal representatives in Kazakh and Russian languages. Stands should be placed at the readability level.

4. Provide for additional budgetary funds for salaries of specialists of the CAM Family Support Service, providing transport for departure of the organization to work with family members, taking into account distances.

5. To develop a strategic plan for improving the quality of life of children in Kazakhstan based on a policy of the best interests of the child, providing for effective mechanisms for its implementation, provided with sufficient human, technical and financial resources, with mandatory inclusion of issues of improving juvenile justice

6. To consider the possibility of conducting an analysis of the situation regarding the rights and legitimate interests of minors in specialized boarding schools and schools for children with deviant behavior (grounds for placement, including the judicial procedure, delivery and allocation of a person to the institution).

7. To create family and living conditions close to the family-type model: dormitories for two or three children, increase the number of social pedagogues, introduce best practices in the interests of the child.

8. When deciding to place a child in a specialized educational organization, the court should take into account the place of residence of family members or legal representatives to maintain contact with relatives, relatives, family members.

9. Ensure realization of the right to communication with parents and the outside world through video communication, Skype conferences and other forms.

10. To continue work on the plan of training for torture prevention staff: not all institutions are informed about NPM's activities, its aims and objectives, there is no systematic training and professional development for specialists in working with children, development of communication skills, identification of victims of cruel and degrading treatment.

11. Revise norms concerning the distribution of provision of clothing, footwear, soft equipment in accordance with the needs of children.

12. To conduct examinations at the time of referral and admission to such institutions to identify the level of knowledge and to adjust educational programs in accordance with the identified base of education.

13. To analyze the national legislation for compliance with the provisions on mandatory psychological, medical and pedagogical consultations (PMPC) for children with disabilities to receive pre-school, primary and secondary education in accordance with the international obligations of the Republic of Kazakhstan in the field of inclusive education for all children. As a result of the analysis, consider the possibility of initiating amendments to the RK legal acts to exclude the mandatory requirement of PMPC conclusion for enrollment in a general education school. In our opinion, the PMPC conclusion is actually a permit to study in a general education school, which essentially contradicts Kazakhstan's obligation to guarantee the right to education for children with disabilities on an equal basis with others without discrimination.

14. Consider providing the services of assistants for children with disabilities who will provide the necessary assistance in mastering school material and taking care of themselves.

15. Allocate funds in the form of a transfer from the budget of the MES RK for the purchase of modern special educational materials, teaching materials depending on individual educational needs, including Braille and light text versions, as well as digital and audio-visual; assistive technologies.

16. Explore best practices in providing children with disabilities with quality inclusive education on an equal basis with others and at all levels of the education system.

17. To conduct an analysis of the current national legislation on the approval of the form of a certificate of secondary education for children who graduated from special boarding schools for children with deviant behavior for the presence of elements of stigma. Because, according to the staff of some institutions, children who become graduates of special boarding schools receive a certificate of "School for Children with Deviant Behavior," and this fact further complicates or may complicate their admission to universities, jobs, etc.

As of 2021, most of the recommendations have not been implemented. For example, the norms regarding the provision of children with clothing, footwear, soft equipment are still not revised, the practice of stigmatization of children with deviant behavior continues, the issues of quality inclusive education for children with special learning needs remain relevant, etc. Separately, it is necessary to highlight the problem of low level of awareness about the activities of NPM and CHR among not only the staff of children's institutions, but also among children themselves. Thus, in 2021 a sociological survey was conducted at the request of the PPCR of the RK Ministry of Education and Science, with participation of 20,000 children and 2,000 parents. The results showed that 44.7% of children and 39.8% of parents are not familiar with the institutions of the UPR and the Ombudsman for Children's Rights.

As stated in the 2019-2020 Consolidated Report, the objective reasons for not implementing these recommendations is the lack of an effective annual systematic analysis of the problems in closed institutions for children, which would allow to determine the real picture of conditions and would serve as a justification in the formation of the relevant budget. Until there is a comprehensive assessment of the conditions of children's detention and observance of their rights in closed institutions with corresponding conclusions on financing and taking measures (legislative, organizational) in the context of each type of institution (orphanages, children's villages, CAM, CPDs), we cannot speak of a positive trend in protecting children's rights and freedoms and implementing the principle of the interests of the child.

It is fair to say that the recommendation to develop a Strategic Plan to improve the quality of life of children in Kazakhstan, based on a policy of the best interests of the child, has been partially implemented. In particular, on the instructions of the President of the Republic of Kazakhstan, K.K. Tokayev, the Ministry of Education and Science developed the Child Well-Being Index of the Republic of Kazakhstan (hereinafter referred to as the Index). The main task is to develop an adapted model of the Index, based on the global methodology of the UNICEF Research Office, comparing OECD countries and Europe, with the further aim of making decisions in public policy to improve the lives of children in Kazakhstan. UNICEF and the IEI are partners of the Ministry of Education and Science in the development of the Index calculation methodology and testing. The testing of the Index and the development of the manual are currently underway. The work will result in a legal act of the Government of the Republic of Kazakhstan on the implementation of the Index<sup>7</sup>.

## **Analysis of recommendations sent as part of Consolidated Reports from 2019 to MLSP RK**

---

<sup>7</sup>Decree of the Government of the Republic of Kazakhstan No. 942 of December 28, 2021 "On Approval of the Fifth and Sixth Consolidated Periodic Report on the Implementation of the Convention on the Rights of the Child by the Republic of Kazakhstan" <https://adilet.zan.kz/rus/docs/P2100000942>



In 2019, the mandate of the national preventive mechanism in the form of the system of prevention of torture and other cruel, inhuman or degrading treatment or punishment was expanded to organizations protecting the rights of the child, as well as actors providing special social services. However, the 2019-2020 consolidated PNPM report was not submitted until September 2, 2021. The PNPM's recommendations regarding changes to the RK NPA were not implemented, which can be justified by the deadline for submission of the 2019-2020 consolidated report.

Regarding recommendations to administrations, we note the following. Based on the analysis of PNPM responses following visits to institutions, PNPM recommendations that do not require significant financial expenditures are immediately and promptly implemented in relation to:

- Installation of information boards about patients' rights, the NPM mandate and the list of participants, with examples of complaints in two languages;
- Installation of boxes for complaints and appeals;
- Training of staff on the prevention of torture, cruel and degrading treatment and on the NPM mandate;
- Bringing medical journals up to date;
- Minor maintenance;
- Bringing food conditions into line;
- Replacement of hard and soft commodities;
- Installation of partitions in lavatories and showers;
- Installation of ramps;
- Compliance with sanitary and epidemiological norms during quarantine.

A number of institutions stubbornly fail to implement the recommendations of the PNPM, even those that do not require any cost. A striking example is the provision of a drinking regime, the implementation of which requires a water dispenser and plastic cups.

Non-implementation of recommendations is often justified by a lack of funding. Such recommendations mainly include recommendations to move to a new building, carry out capital repairs, purchase medical and sports equipment and equip medical and psychological consulting rooms.

Recommendations that require the allocation of new premises (for example, the allocation of premises for religious needs) are not implemented - the administration justifies this by a lack of space and a lack of available premises.

Unfortunately, there have been no significant changes in the implementation of recommendations related to the intended use of institutions, especially in terms of the development of rehabilitation and the improvement of psychological services at the institution. This is partly due to a shortage of social workers and psychologists - expanding staffing levels is a problem for the centers. On the other hand, even if the necessary specialists are on staff, there are no attempts to improve psychological care, to introduce an individual approach to work with the cared for, to approve a psychodiagnostic package, on the basis of which psychological diagnostics of the recipients of services is performed.<sup>52</sup>

For three years in a row, during inspections of the PNPM's food unit, substitutes for natural products have been found in violation of the requirements of Order No. 896 of the Acting Minister of Health and Social Development of the Republic of Kazakhstan dated November 27, 2015. This problem in some institutions is accompanied by a decrease in the cost of food. For example, in the Center of Social Services "Senim" for four years the cost of services for food decreased from 2000 tenge (before outsourcing) to 750 tenge.

The facts of unscrupulous provision of social and domestic services continue to be recorded - wards are not provided with sanitary and hygiene facilities and clothes in a timely manner, there are

no detergents in the bathrooms, which can be explained either by ignoring the needs of patients or embezzlement among the staff of the institution.

Recommendations for staffing are difficult to implement for institutions located far from large cities. The problem of attracting specialists to rural areas is systemic in nature, which is facilitated by the lack of housing in rural areas for specialists, low wages, the outflow of young people and young specialists to cities or outside the Republic.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **RECOMMENDATIONS ON THE RESULTS OF VISITS TO THE INSTITUTIONS OF THE MINISTRY OF INTERNAL AFFAIRS**

#### **To the Ministry of Internal Affairs of the Republic of Kazakhstan:**

1. To accelerate the process of construction of new standard buildings of correctional institutions and pre-trial detention facilities in order to avoid a repetition of the tragic events in the facility GM-172/6 of the Penal and Correctional Department of Mangistau Region (the collapse of a part of the building which resulted in the death of convicted persons).

2) To ensure 100% coverage of all subordinate institutions by the video surveillance system; to exclude "blind zones".

3. Strengthen control over the right to complain, because not all terminals work.

4. To supplement the UEC of the RK with a new section 7 - "Order and conditions of detention of persons in special institutions providing temporary isolation from society".

5. To treat HIV-positive foreigners in the penitentiary system institutions it is necessary to make a special addition to the current criminal and penitentiary legislation.

6. To develop and approve an order on the procedure of interaction between the administration of penitentiary institutions and the PNPM on the basis of international standards and international practice of such cooperation.

7. Provide in the qualification requirements for persons applying for a vacant position in institutions of the penitentiary system, provisions on passing a special exam for psychological stability to exclude personality disorders characterized by a tendency to physical and mental violence, increased suspicion, sudden and sharp mood swings, lack of self-control, a tendency to justify violence and aggression.

8. Strengthen the work of the psychological service, psychological and psychiatric training of staff to work with inmates who are prone to suicide and self-harm.

9. Strengthen supervision of ongoing training of institutional personnel on the prevention of torture and respect for human rights and freedoms.

#### **To the GP RK:**

1. Initiate the elimination of alternative jurisdiction for investigating cases of torture and assign this function to special prosecutors.

2. Provide for liability in the criminal legislation of the Republic of Kazakhstan for obstructing the legitimate activities of the PNPM, including for obstruction resulting in serious consequences. The forms of such obstruction shall include unjustified refusal of access to PNPM to correctional facilities, evasion from such access, threats to NPM participants and other interference with their activities. 3.

3. to exclude the criminal liability stipulated by part 3 of Article 428 of the Criminal Code of the RK. 3. To exclude the criminal liability stipulated by Part 3 Art. 428 of the Criminal Code of the RK for "organizing a group disobedience to the lawful requirements of the administration of an

institution ensuring isolation from society as well as participation in the group disobedience involving violence or intentionally causing any harm to oneself or causing any other grave consequences". This norm of the Criminal Code of the RK has a pronounced evaluative nature and excessive restrictions in relation to convicts who have no grounds for criminalization.

## **RECOMMENDATIONS ON THE RESULTS OF VISITS TO THE INSTITUTIONS BY THE APC (ADMINISTRATIVE POLICE COMMITTEE) OF THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF KAZAKHSTAN**

### **To the MIA RK:**

1. To accelerate the process of construction of new buildings, as well as major and cosmetic repairs of TDFs, SPAs, and PRs in order to comply with national and international standards of detention conditions and the implementation of the rights and freedoms of persons detained in these institutions.

2. To undertake more proactive efforts to address issues of compliance with international and national standards of medical care (staffing and material and technical support), sanitary and hygienic conditions, and catering.

3. Introduce a unified regular methodology for training and drafting methodological materials with a reporting system to validate the conduct, including by involving external experts from NPMs and other human rights structures, with all staff of institutions to study international and national standards on the prevention of torture and other cruel, inhuman and degrading treatment and punishment.

4. To make additions to paragraph 76 of the Order of the Ministry of Internal Affairs of the Republic of Kazakhstan dated February 5, 2018 No. 95 "On approval of the internal regulations of temporary detention facilities of internal affairs bodies" and to state it as follows: "Proposals, statements and complaints addressed to the Commissioner for Human Rights, the prosecutor and the court are not subject to censorship and are immediately sent to the addressee in sealed form".

5. To initiate a review of the functional affiliation of the reception centers with the purpose of transferring them to the civil department and returning the detainees to society.

6. To initiate appropriate amendments to national legislation regarding the provision of personal hygiene products for persons held in TDFs, SPAs and PRs.

7. Take special control over the implementation of recommendations following visits to NPM groups and introduce regular reporting on the results to the Human Rights Ombudsman and, in the future, the posting of information in open sources.

8. To amend Article 115 of the CEC of the RK and Article 22 of Law No. 353 of the RK "On the Procedure and Conditions of Keeping Persons in Special Institutions, Special Premises Providing Temporary Isolation from Society" in terms of increasing the area per person to four to six square meters.

9. To revise standard internal regulations of special premises in order to improve sanitary and living conditions of detainees.

### **To GP RK:**

1. Conduct regular training and instruction for prosecutors on international and national standards on the prevention of torture, cruel, inhuman treatment or punishment.

### **To LEB:**

1. Conduct a budget analysis on the possibility of finding funds for logistics, capital, current repairs and construction of new SDFA and PR, taking into account all letters of request for previous years.
2. To send the results of the analysis and consideration of budget issues with explanations to the Ombudsman of the RK.

## **RECOMMENDATIONS ON THE RESULTS OF THE VISITS TO THE INSTITUTIONS OF THE NSC (NATIONAL SECURITY COMMITTEE) OF THE REPUBLIC OF KAZAKHSTAN**

1. Move detention cells from basements or semi-basements to standard buildings that would comply with the PNM and the national legislation of the Republic of Kazakhstan.
2. Consider the possibility of installing terminals for submitting appeals in a place accessible to remand prisoners, similar to the CID program for pre-trial detention centers.
3. To include a psychologist in the staff of pre-trial detention centers to work with both those under investigation/convicts and employees of pre-trial detention centers.
4. To form the practice of training seminars in a training format on the effective interaction of employees of pre-trial detention centers of the KNB of the Republic of Kazakhstan and the UNPM in the process of exercising public control.
5. Continue work to prevent violation of the constitutional right not to be subjected to torture, violence, other cruel or degrading treatment or punishment.
6. Continue to create and provide a barrier-free environment for disabled convicts from among those under investigation/convicts.
7. Equip sanitary facilities with sinks and toilet bowls with handrails for wheelchair users, ensure privacy for the administration of natural needs.
8. Equip shower rooms with separate places with flexible hoses and stools for disabled convicts.
9. Create gyms or equip exercise yards with sports equipment.
10. Daily monitor the maintenance of the rejection log and the selection of daily samples.
11. Conduct daily cleaning of exercise yards, and consider major repairs to exercise yards.

## **RECOMMENDATIONS ON THE RESULTS OF VISITS TO INSTITUTIONS OF THE MD RK**

1. Consider the possibility of developing design estimates for a typical design of a guardhouse for military personnel that would comply with international UN human rights standards.
2. Include in the development program of the Ministry of Defense of the Republic of Kazakhstan the construction of new standard guardhouses for military personnel.
3. Continue work to improve the conditions of detention (housing, sanitary and hygienic) and the realization of the rights of persons held in guardhouses (filing complaints), taking into account the recommendations of the NPM participants, made as a result of preventive visits.

4. To continue, on a permanent basis, conducting classes with the personnel of the guardhouses of the military police on the topic of prevention of torture, cruel or degrading treatment and punishment, and the activities of the NPM.

## **RECOMMENDATIONS ON THE RESULTS OF VISITS TO HEALTH AND SOCIAL INSTITUTIONS**

### **To the Ministry of Health of the Republic of Kazakhstan:**

1. Continue information work on a systematic basis among employees of both central authorities and subordinate, territorial, local divisions and institutions about the mandate of the national preventive mechanism.

2. Consider the issue of recruiting patients of the narcological compulsory department and developing a common practice of interaction between institutions (regional akimat, Social Protection Center, Employment Center, Mental Health Center, Forced Treatment Center) for the purpose of rehabilitation and socialization of persons who are under treatment by court order .

3. Consider the issue of introducing into Article 134 of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 413-IV “On State Property” the following paragraph: “Implementation of production activities and organization of employment for patients of the compulsory treatment departments and the department of medical and social rehabilitation of narcological dispensaries ”, since the treatment of patients with alcoholism is impossible without occupational therapy.

4. Consider the issue of amending the Order of the Minister of Health and Social Development of the Republic of Kazakhstan dated April 1, 2015 No. 197 “On approval of nutritional standards and material and domestic support for patients with alcoholism, drug addiction and substance abuse in a narcological organization for compulsory treatment” in terms of the term of service of some bedding (for example, a feather pillow - 10 years to change to three years; a mattress - five years to change to 2.5 years), as well as the inclusion in this order of a sanitary-hygienic set of patients (toothbrush, toothpaste, toilet paper, soap, comb).

1. Approve programs for the rehabilitation of drug and alcohol addicted patients according to the criteria of curability.

2. Change the approach in psychiatry from the method of complete isolation to the method of adaptation to life in society.

3. Consider the issue of increasing wages in terms of bonuses for psycho-emotional stress and creating a system for preventing emotional burnout among employees of psychiatric and narcological organizations.

4. Conduct an analysis and assessment of the situation based on the results of the activities of psychiatric and narcological organizations, the prospects for their development.

5. Reconsider the practice of hospitalization of children with Down's syndrome in the order of examination/re-examination for disability and lack of indications for treatment (except in exceptional cases) and transfer to observation on an outpatient basis.

6. According to paragraph 3 of Art. 163 of the Code on the health of the people and the healthcare system, persons with mental, behavioral disorders (diseases), in respect of which compulsory medical measures are applied in psychiatric organizations of a specialized type with intensive supervision, have a number of rights, including the right to use long-distance communications. In the Order of the Minister of Health of the Republic of Kazakhstan dated December 8, 2020 No. KP DSM-237/2020, this right is absent. In this regard, it is necessary to

supplement clause 10 of the above Order.

7. The Order of the Minister of Health of the Republic of Kazakhstan dated December 8, 2020 No. KR DSM-237/2020 does not reflect the list of prohibited items that are not allowed to be stored by narcological patients in a narcological organization, which was enshrined in clause 15 of the Order of the Minister of Health of the Republic of Kazakhstan dated 10 June 2011 No. 383 (no longer valid). It is recommended to make an addition to the Order of the Minister of Health of the Republic of Kazakhstan dated December 8, 2020 No. KP DSM -237/2020 in terms of establishing a list of items prohibited for storage.

8. Pay attention to concomitant diseases of patients resulting from side effects from taking anti-tuberculosis drugs, provide an opportunity for their treatment, as there are patients who have lost their hearing, vision, have kidney, liver failure and other diseases of internal organs. In particular, a patient with an almost complete loss of vision cannot be provided with ophthalmological care due to the fact that there is no contract for the provision of services between the TB dispensary and the ophthalmological clinic.

9. Consider organizing separate accommodation for patients with mental disorders in order to ensure the safety of patients and medical personnel, as well as to provide a full range of medical care.

10. Together with the Ministry of Finance of the Republic of Kazakhstan on the basis of clause 166 of the Order of the Ministry of Health of the Republic of Kazakhstan dated August 11, 2020 No. KP DSM-96/2020 (“It is allowed to stay in the hospital for patients in home clothes, with the exception of patients who are being treated in anti-tuberculosis organizations ...”) develop minimum standards for the material support of patients undergoing compulsory treatment in hospitals for phthisiopulmonology centers.

11. Study the shortcomings and comments of the NPM participants given in the analysis and take a set of measures to eliminate them.

1. On an ongoing basis, carry out preventive and educational work in all children's health facilities to prevent the treatment, behavior correction, and restriction of children's rights and freedoms in their own interests from actions bordering on signs of torture and ill-treatment;

2. Amend the Decree of the Government of the Republic of Kazakhstan dated March 12, 2012 No. 320 in terms of increasing the standard for issuing diapers per day. Taking into account the fact that there are disabled children with urinary and fecal incontinence in institutions, there is a need for more diapers.

3. Review the salaries of employees of orphanages, and, together with the Ministry of Education and Science of the Republic of Kazakhstan, consider the possibility of introducing a system of advanced training for teachers of orphanages in order to increase the efficiency of their work.

4. Conduct an analysis and assessment of the situation based on the results of the activities of psychiatric and narcological organizations, the prospects for their development. Change the approach in psychiatry from the method of complete isolation to the method of adaptation to life in society. To do this, study the experience of the NGO "Alrami" in Pavlodar with the possibility in the future to organize a training center on the basis of the NGO "Alrami" (<https://alrami.kz>).

5. Initiate a large-scale audit of medical organizations by authorized state bodies with the involvement of the Anti-Corruption Agency of the Republic of Kazakhstan for the rational use of budgetary funds, and also involve relevant public organizations in the regions for this.

6. Revise the requirements for candidates for the position of heads of medical organizations, in particular, to exclude the mandatory condition to have a certificate in healthcare organization. Any medical worker with a higher education in the profile of the organization headed, respected by colleagues and possessing business qualities, may have the right to lead a medical organization.

7. Open a rehabilitation department in each psychiatric organization. Rehabilitation should begin already in the hospital.
8. Ensure the possibility of obtaining education under the program of a general education school or a special school for children with intellectual disabilities if the patient is under 18 years old and is in a psychiatric institution.
9. Consider the possibility of paying medical staff for psycho-emotional stress in accordance with Decree of the Government of the Republic of Kazakhstan dated December 31, 2015 No. 1193 "On the system of remuneration of civil servants, employees of organizations supported by the state budget, employees of state-owned enterprises", Appendix 5, clause 2) "Supplementary payment to employees engaged in heavy (especially heavy) physical work and work with harmful (especially harmful) and dangerous (especially dangerous) working conditions", sub-clause No. 8 - for work in specialized medical institutions (SLPU) for compulsory treatment of patients with alcoholism, drug addiction and substance abuse - 35% of the BDO, and also see notes: in narcological organizations and narcological organizations for the compulsory treatment of patients with alcoholism, drug addiction, substance abuse - in the amount of 40% of the BDO.
10. Due to the specifics of their professional activities, psychologists need continuous professional development - an educational process aimed at maintaining and developing the professional level of qualification of personnel to meet the needs of patients (Order of the Ministry of Health of the Republic of Kazakhstan dated December 21, 2020 No. KR DSM-303/2020 "On approval of the rules for additional and non-formal education of health professionals, qualification requirements for organizations implementing educational programs of additional and non-formal education in the field of health, as well as the rules for recognizing learning outcomes obtained by health professionals through additional and non-formal education"), for which to encourage and enable systematic, at least once a year participation in educational events that contribute to continuous professional development.

**To medical institutions:**

1. The management of medical institutions shall strictly observe the rights of patients (Article 91 of the Code on the health of the people and the healthcare system), the current SanPiN standards for providing patients with soft and hard equipment. Observe the norms of nutrition, the issuance of detergents and other hygiene products. Not infringe on patients' right to daily walks and to communicate with the outside world, especially in psychiatric institutions, where patients do not have the opportunity to freely communicate with relatives by phone.
2. The administrations of medical institutions should bring hospitals in line with the rules "Sanitary and epidemiological requirements for healthcare facilities" dated August 11, 2020, especially sanitary facilities, plumbing communications and appliances (both in terms of quality and quantity).
3. Consider the issue of including elements of occupational therapy, psychotherapy, social work with patients, i.e., a rehabilitation direction, into the treatment process of a hospital.
4. Raise a question to the local akimat / health department about increasing the staff of social workers, including staff positions in each department of the hospital. With the established practice, the heads/doctors of the department are forced to deal with the social and domestic issues of patients (search for relatives, restoration of documents, preservation of ownership of housing, etc.). It is necessary to switch to the model of a therapeutic team: doctor + social worker + psychologist.
5. Increase the efficiency of budget planning, ensure that the hospital budget is sufficient (for the overhaul of buildings, premises, wards, landscaping, equipping such premises as rest rooms, etc.).
6. Properly control the rights of patients to receive information about the diagnosis, health status, walks, freedom and personal integrity, respect for human dignity and the prohibition of torture.
7. Carry out work on the improvement of the exercise yard.
8. Install visors to protect from rain, snow and sun.

9. Provide regular walks for patients all year round.
10. Solve the issue of providing patients with warm clothes.
11. Solve the problem of smoking in the departments of patients, as they currently smoke in the toilets. Designated smoking rooms should be provided.
12. Solve the issue of providing personal hygiene items (soap, shampoo, toilet paper, shaving accessories) to patients who do not have relatives and friends.
13. In each department, if possible, equip a library with periodicals and fiction, including in the state language, so that patients do not lose touch with the outside world.
14. Include in the work plan of the psychiatric hospital activities such as board games (checkers, chess, didactic games), outdoor games, healthy lifestyle talks, disease prevention, self-help groups, etc.
15. In the rest rooms, install board games and other items to organize patients' free time.
16. Allocate funds for the construction of dormitories for patients to live according to social indications (lonely, without housing).

**To the administrations of specialized orphanages:**

- 1) In the best interests of the child, carefully consider the adoption of children with biological parents who have not legally abandoned the child.
- 2) Take all possible measures to keep the child in the family. To this end, open departments for the residence of parents with a child.
- 3) Maintain continuous contact with the child's relatives, use alternative sources of communication (video, audio calls) during the quarantine period.
- 4) Continue to develop preventive measures to prevent families from abandoning a child, especially a child with a pathology, through working with parents of a psychologist, social worker, providing information on the work of special social centers, parent NGOs.

**To GP RK:**

1. Strengthen high-quality supervision over the observance of human rights among persons placed in a hospital, as well as over the prevention of overlimiting the departments of a medical institution, the sufficiency and provision of the prescribed space, the opportunity to walk and other rights, including the right to file complaints.
2. To work out the issue of a mechanism for protecting the rights of patients, if necessary, in judicial, law enforcement and other state bodies in order to exclude cases of ignoring their interests, violations of their rights, a formal approach.

**To the Local Bar Association:**

1. Exclude the formal participation of lawyers in cases on the termination, extension or change of compulsory medical measures, on a meeting with clients before the court session, providing them with protection.

**RECOMMENDATIONS ON THE RESULTS OF VISITS TO INSTITUTIONS OF THE MES RK**

**To the MES RK:**

1. Taking into account the lack of a uniform practice for placing orphans and children left without parental care in the queue and keeping/removing them from the queue, as well as the low level of



housing for orphans (1.5% of the total number of those in need of housing for orphans in 2020), first of all, it is necessary to analyze the norms of Art. 71 and Art. 73 of the Law of the Republic of Kazakhstan "On Housing Relations" for the existence of a conflict. If a contradiction is confirmed in the current national legislation, it is necessary to make appropriate changes and additions in order to respect the rights of orphans and children left without parental care.

2. Keep under constant control the issues of the legality of placing children in special institutions subordinate to the Ministry of Education and Science of the Republic of Kazakhstan, in view of the facts of placing children in such organizations without a complete package of documents defined by the relevant legislative acts.

3. Taking into account that the analysis of reports on the results of preventive visits in 2021 showed that the awareness of the staff of institutions is still at a low level, in order to increase the level of legal awareness of employees about the prevention of torture and cruel or degrading treatment of minors held in special institutions, it is recommended:

- hold seminars on Kazakhstan with the invitation of members of the Coordinating Council and regional participants of the NPM groups of Kazakhstan with employees of institutions on the topic "Law of the Republic of Kazakhstan dated July 02, 2013 on amendments and additions to certain legislative acts of the Republic of Kazakhstan on the creation of a national preventive mechanism aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment", to include these seminars in the action plan of the Ministry;
- hold seminars on Kazakhstan with the invitation of members of the Coordinating Council and regional participants of the NPM Kazakhstan groups to explain the new law No. rights of the child", to include these seminars in the action plan of the Ministry.

1. Inspect all residential institutions in the country, develop design and estimate documentation for the overhaul (more than 70%) of children's institutions, renewal of the material and technical base - 90%, construction of a new special standard building (bath and laundry complex) in accordance with the current sanitary and epidemiological requirements and building codes and regulations, water supply and sewerage.

2. Initiate amendments to the national legislation that establishes the norms for the provision of clothing, footwear and soft equipment for orphans and children left without parental care, who study and (or) are brought up in organizations for orphans and children left without parental care (regardless of the type and departmental subordination) in terms of reducing the service life of clothing, footwear and soft furnishings (pillows, bedspreads).

3. Conduct an analysis of national legislation for compliance with the provisions regarding the mandatory passage of psychological, medical and pedagogical consultations (PMPC) for children with disabilities to receive preschool, primary and secondary education for them in accordance with the international obligations of the Republic of Kazakhstan in the field of ensuring inclusive education for all children. Based on the results of the analysis, consider the possibility of initiating changes in the NLA of the RK in terms of eliminating the mandatory requirement for the conclusion of the PMPC for enrollment in a secondary school. In our opinion, the conclusion of the PMPC is actually a permission to study in a general education school, which significantly contradicts the obligation of Kazakhstan to guarantee children with disabilities the right to education on an equal basis with others without discrimination.

4. Consider the issue of providing the services of assistants to children with disabilities who will provide the necessary assistance in the classroom in mastering the school material, taking care of themselves.

5. Allocate money from the budget of the Ministry of Education and Science of the Republic of Kazakhstan for the purchase of modern special educational materials, educational materials depending on individual educational needs, including in Braille, and lightweight text versions, as well

as digital and audiovisual assistive technologies.

6. Study best practices in providing children with disabilities with quality inclusive education on an equal basis with others and at all levels of the education system.

7. Conduct an analysis of the current national legislation in the field of approving the form of a certificate of secondary education for children who have graduated from special boarding schools for children with deviant behavior for the presence of elements of stigmatization. Since, according to the employees of some institutions, children who become graduates of special boarding schools receive a certificate of "Schools for children with deviant behavior", and this fact further complicates or may complicate their admission to universities, to work, etc.

**To the MH RK:**

1. Revise the sanitary rules and consider developing a unified SanPiN standard for family-type children's villages and youth homes.

**To the institutions of the education system of the Republic of Kazakhstan:**

1. Provide ongoing training to staff on national and international standards for the implementation of children's rights in closed institutions.

2. Oblige medical staff to examine students daily for bodily injuries, using diagrams based on the Istanbul Protocol.

3. Provide students with unimpeded access to professional psychological assistance (in this regard, each institution should be staffed with a psychologist).

**RECOMMENDATIONS ON THE RESULTS OF VISITS TO INSTITUTIONS OF THE SOCIAL PROTECTION SYSTEM OF THE RK**

**To MLSP RK:**

1. Together with the Ministry of Finance of the Republic of Kazakhstan, amend the "Rules for the use by medical and social institutions (organizations) of retirement, seniority and state social benefits for disability and loss of breadwinner" in terms of expanding the list of purchased medical drugs and medical devices for persons and guardians recognized by court as legally incompetent and in need of guardianship.

2. To amend the Standard for the provision of special social services in the field of social protection of the population in inpatient care, in terms of changing the period of wear and tear of wearable clothing and increasing their number per person.

3. To make changes to the Standard for the provision of special social services in the field of social protection in inpatient care in terms of increasing the number of sanitary and hygienic items issued.

4. Together with the Ministry of Health of the Republic of Kazakhstan to develop sanitary and epidemiological requirements for social protection facilities.

5. To develop a comprehensive program on adaptation for the period when a disabled person is admitted to MSIs, as well as to include preliminary work with parents to prevent the traumatic and stress factor, which leads to reluctance to eat, sleep, be in MSIs and more severe consequences for the person in care. This program will help to more quickly and

painlessly adapt the disabled person into the institution's system, avoid negative consequences, and facilitate the work of staff with this category of wards.

6. Increase the number of nurses in the MSI staffing table by the number of people with severe pathologies being served, since one nurse for 50 people in care who have severe pathologies is not able to provide the full range of services within her duties (to feed, wash, change clothes, take them out for a walk, etc.).
7. Include in the standards of SSA the annual classes/trainings for de-emotional burnout of LSG specialists.
8. Amend the regulations on dental treatment and prosthetics for people with mental illnesses, broken down by diagnosis. When people with mental illnesses have dental disease, there is no provision for treatment and prosthetics, and only extractions are used. These standards were developed during the Soviet era and do not take into account the development of medical technology, which has made dental treatment for these patients possible.
9. Amend Order No. 379 of the Minister of Labor and Social Welfare of August 29, 2018 "On Approving the Rules for the Activities of Organizations, providing special social services" in terms of establishing a threshold age for children with intellectual disabilities to be in need of special social services in an inpatient setting. Children with impaired impairments can enter school later than seven years of age due to health conditions. Often, due to the necessary treatment of surgery, children may miss the school year, so they may reach adulthood before the end of high school. In this connection, subparagraph 2 of paragraph 6 of the Rules for the Activities of Organizations with Disabilities. 2, clause 6 of the Rules for the Activities of Organizations Providing Special Social Services shall be amended to read as follows: "2) children with impairments of the ODE from three to 18 years old (if necessary for those who have reached the age of 18 before they finish secondary school) with preserved intellect, who need special social services in an inpatient setting".
10. In Appendix 3 to the Standard for the provision of special social services in the field of social protection in residential settings (Order No. 165 of the Minister of Health and Social Development of the Republic of Kazakhstan dated March 26, 2015), add a list of sanitary and hygiene items to shampoo, soap, toothpaste, toothbrush, deodorant.
  1. In Annex 3 to the Standard of providing special social services in the field of social protection in residential conditions (Order of the Minister of Health and Social Development of the Republic of Kazakhstan on March 26, 2015 No. 165) to make the following changes in the terms of use and standards of soft equipment (sweater, jacket, sweater, sweater or vest of knitted fabric 1 piece for two years): turtleneck 2 pieces for one year, sweater, jacket, sweater, jacket or vest of knitted fabric 3 pieces for two years.
  2. To make changes to Annex 1 to the Rules of Organizations Providing Special Social Services (Order No. 379 of the MTSZN RK dated August 29, 2018). On provision of social and pedagogical services, especially in semi-permanent conditions, to provide for two rates of educator per training group (instead of 1.5 rates), speech therapist for every 20 service

- recipients (instead of 1.2 units per 100 service recipients), psychologist for every 20 service recipients (instead of 1.2 units per 100 service recipients).
3. To make changes to Annex 1 to the Rules for the Activities of Organizations Providing Special Social Services (MLSP Order No. 379 dated August 29, 2018) . Provide in the minimum staffing standards for the provision of social and domestic services in a semi-permanent care facility the introduction of the position of ward attendant for one training group of 1.25 units (instead of 1.2 rates for every 20 recipients of services). Housekeeping staff: janitor 1.25 rate per institution (instead of one rate).
  4. To consider for efficiency and expediency the issue of acquisition of medicines by LSG in the framework of state procurement. Currently, the purchase of drugs through public procurement is a very long process. In this case there may be emergency situations when patients need drugs that are not budgeted. While the application goes through all the competitive procedures and procurement takes place, the beneficiaries remain without medications for a long time. Institutions solve these problems by searching for sponsors. However, this is not a systematic solution to the problem. A similar situation is observed with the purchase of soft equipment (clothing). Several months pass before the tender for the purchase of soft equipment (underwear, socks, etc.) is held. In this situation, the administration is again forced to turn to sponsorship. Thus, institutions experience difficulties in the timely provision of services guaranteed by law. We believe that the acquisition of medications and items necessary for the children under care should be done in the shortest possible time.
  5. To consider the possibility of amending the Order of the Acting Minister of Health and Social Development of the Republic of Kazakhstan dated February 24, 2016 No. 139 "On approval of the rules for the use by medical and social institutions (organizations) of pension payments for age, seniority and state social benefits for disability and loss of breadwinner" in terms of distribution by medical and social institutions (organizations) of the volume of pension payments. According to PNPM, the existing system of withholding of pension funds discriminates those service beneficiaries, who earned high pensions by a long work record and qualification. It turns out that such individuals pay the most in public contributions to the detriment of their own interests. Since service recipients' pensions vary in size, we think it is necessary to ensure fair withholding from them. At the same time for service recipients with very small pensions it is necessary to determine the minimum of funds which they should necessarily receive in their hands, so that they would have an opportunity to manage the money independently.
  6. Develop programs to deinstitutionalize children with disabilities and return them to their families, place them in foster care with extended families, or place them in foster care.
  7. To introduce in clause 7 of Order No. 379 of MLSP dated August 29, 2018 the wording "creation of the most age- and health-adequate living conditions for recipients of services under the age of 18 that are close to family-like: residential groups for orphans and OBPD children - no more than six people with two permanent caregivers. The transfer of children from one educational group to another is not allowed, except in cases where it is contrary to the interests of the child.

8. To introduce amendments to the minimum staff regulations for staff in residential and semi-residential organizations to provide social-pedagogical and social-psychological services: two tutor rates per training group (instead of 1.5 rates), one psychologist rate for every 20 service recipients (instead of one unit per 100 service recipients)<sup>8</sup>.

**To the departments of coordination of employment and social programs, LEB (regions and cities of national importance):**

1. Ensure that agencies receive PNPM recommendations in a timely manner as a result of facility visits.
2. On an ongoing basis to inform the institutions about changes in the legislation and conduct explanatory work on the provisions of the Law of the Republic of Kazakhstan dated July 2, 2013 No. 111-V "On amendments and additions to some legislative acts of the Republic of Kazakhstan on the establishment of a national preventive mechanism aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment".
3. Resolve the issue with the local health department on inclusion of MSIs in the mailing of information about orders on medical activities, their changes, proposals for training of medical personnel, news.
4. Encourage the dynamics of development and rehabilitation of children with mental disabilities with further transition to remedial, special schools for children with intellectual disabilities.
5. Improve the management of social services and NGOs working in the field of social care so that they are transparent and accountable to the children and families to whom they provide services.
6. Develop social protection measures to overcome poverty and reduce social exclusion so that families can effectively support their children in the community.
7. 7. On the basis of the MLSP of the RK to provide on a systematic basis advanced training for specialists of children's organizations providing special social services.

**To MSI institutions:**

**For adult patients:**

- 1 To design stands for legal information in Russian and Kazakh languages, containing samples of applications and appeals with addresses and telephone numbers, and to install trust boxes on the quality of special social services in each department of the CSSS.
2. Resolve the issue of allocation of separate wards for palliative care.
3. to ensure procurement of products in accordance with the Order of Acting Minister of Health and Social Development of the Republic of Kazakhstan dated November 27, 2015 No. 896 "On approval of natural norms of nutrition for people who live in medical and social institutions, rehabilitation centers, educational institutions for children with disabilities, territorial social service centers, day care centers, social adaptation centers".
4. to exclude replacement of natural products with substitutes and bring in accordance with the Order of Acting Minister of Health and Social Development of the RK dated November

---

<sup>8</sup>Order No. 379 of the Minister of Labor and Social Protection of the Republic of Kazakhstan dated August 29, 2018  
<https://adilet.zan.kz/rus/docs/V1800017467>

27, 2015 № 896 "On approval of natural norms of nutrition for persons being treated in medical and social institutions, rehabilitation centers, educational institutions for children with disabilities, territorial social service centers, day care centers, social adaptation centers".

5. Develop a comprehensive program for the socialization of cared for persons with disabilities using various forms of art therapy, creative development, occupational therapy, etc. To consider forms of cooperation and interaction for the involvement of specialized public organizations for the development of socialization.
6. Ensure the availability of individual means of sanitary hygiene (toilet paper, toothpaste and toothbrush, liquid soap) for the number of children in care, monitor the periodicity of use. Install non-slip floor coverings (mats) in all bathrooms and shower rooms).

### **For minor patients:**

1. Place legal information on the stands in accessible and visible places of the housing block with examples of writing complaints, appeals in Kazakh and Russian to the Commissioner for Human Rights of the Republic of Kazakhstan.
2. Post information about the NPM activities, the list of the group.
3. To conduct a seminar with employees to familiarize them with the Law of the RK dated 02 July 2013 "On amendments and additions to some legislative acts of the Republic of Kazakhstan on establishment of a national preventive mechanism aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment", to include this seminar in the action plan for 2019-2020.
4. To hold a seminar to explain the law No. 240 dated April 01, 2019 "On amendments and additions to some legislative acts of the Republic of Kazakhstan on issues related to the activities of organizations that carry out the functions of the protection of the rights of the child".
5. To bring in compliance with clause 25 of the Order of the Ministry of Health and Social Development of the RK dated 13.05.2019 No. 238 "On amendments to the Order of the Minister of Health and Social Development of the Republic of Kazakhstan dated March 26, 2015 No. 165 "On approval of standards of special social services in social protection" in terms of quality of social services - providing living space in a sleeping room of at least 4 square meters per child <sup>9</sup>.
6. To bring in accordance with clause 7 dated Order No. 379 of the MLSP RK dated August 29, 2018 "On approval of the rules of organizations providing special social services" in terms of the operation of residential organizations - to ensure that living conditions were close to home, consistent with age and health status.
7. To bring in accordance with clauses 11.3-4 of Order No. 379 of the MLSP dated August 29, 2018 "On approval of the rules of activity of organizations providing special social

---

<sup>9</sup>[Order No. 165 of the Minister of Health and Social Development of the Republic of Kazakhstan dated March 26, 2015 "On Approval of Standards for the Provision of Special Social Services in the Field of Social Welfare"](http://adilet.zan.kz/rus/docs/V1500011038)

<http://adilet.zan.kz/rus/docs/V1500011038>

services" in terms of developing an individual plan and conducting monitoring of the individual plan of the recipient of services.

8. To bring in line and exclude state procurement of products not included in the list of products approved by the Order of Acting Minister of Health and Social Development of the Republic of Kazakhstan dated November 27, 2015 No. 896 "On approval of natural norms of nutrition for persons in medical and social institutions, rehabilitation centers, educational institutions for children with disabilities, territorial social service centers, day care centers, social adaptation centers" in terms of replacing the natural norms.

**To MH RK:**

1. Develop sanitary and epidemiological requirements for medical and social facilities.