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Civil Society and Non-Governmental Organizations in the Republic of Kazakhstan

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Civil Society and Non-Governmental Organizations in the Republic of Kazakhstan

This book is a collection of articles on a wide range of issues concerning CSOs and civil society development in Kazakhstan. The publication is designed for non-governmental organizations, government agencies, Academia includes students and general readers.

Chief Editor, Project Leader:

Jamila Asanova, executive director, Civil Society Development Association (ARGO)

Authors:

Madiyar Kozhakhmet, Evgeny Zhovtis, Dosym Satpayev, Roman Podoprigora, Natalia Yantsen, Kaisha Atakhanova, Vadim Nee, Banu Nurgaziyeva, Zulfiya Baysakova, Shakhnoza Khasanova, Saken Zhanazarov, Diana Okremova, Gulmira Birzhanova, Lyazzat Kaltayeva, Saniya Arapova, Sergey Gulyaev, Sergey Khudyakov, Vitaly Kulik

Editorial Staff:

**Kaisha Atakhanova, Damira Bekturova, Marina Budienskaya,
Natalya Yakovleva**

Design: Erlen Abdulmanov

Translation:

Damira Bekturova (Kazakh and English), **Jessica Howard** (English)

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Foreword



Aida Balayeva

Minister of Information and Social Development
of the Republic of Kazakhstan

Dear readers and civil society representatives,

This book describes the history of civil society formation in Kazakhstan. The institutionalization of the country's 'third' sector is a process 30 years in the making and owes its success to the global changes associated with independence.

Today civil society organizations (CSOs) are actively involved in legislative processes. Many civil sector leaders are represented in governance structures, including the Maslikhat and Majilis of Parliament.

Trust in civil society institutions and their influence on decision-making in the state and corporate sectors are growing. The functioning of the non-governmental sector is facilitated by relevant regulations and forms of state support.

Successful implementation of strategic frameworks at the national level has facilitated both the quantitative and qualitative growth of CSOs. Today, more than 22,000 non-governmental organizations are registered in Kazakhstan.

Through the implementation of social partnership policies, the state creates favorable conditions for the sustainable development of the non-governmental sector. In the years since independence, the total value of public investments in the sector through state social contracting mechanisms, grants, and bonuses has amounted to more than 140 billion tenge.

The country has also developed a system of national dialogue with the civil sector. A Civic Forum is held on a regular basis, during which the Government reports to CSOs.

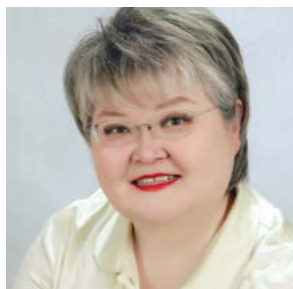
Kazakhstan's 10th annual Civic Forum is planned for this November, and will culminate in the development of specific recommendations for even stronger cooperation between civil society institutions in our country.

I was glad to receive word from the ARGO Civil Society Development Association about the creation of a book dedicated to the formation of civil society and CSOs in Kazakhstan. This is an important work of historical value. The authors of the book took on the challenge of presenting a comprehensive and systematic study of civil society in the context of our country's realities.

It is symbolic that the release of the book coincides with the final celebrations of the 30th anniversary of Kazakhstan's independence. This is a time to reflect on the entire period of our independence, including the contributions of civil society.

I am sure that this work will enable readers to find answers to fundamental questions and gain a clear vision of the concept of civil society in Kazakhstan and its ability to develop into a nationwide idea.

I sincerely thank the creators of the book and the authors of the articles for their fruitful endeavors.



Jamila Asanova

Executive Director of the ARGO Civil Society Development Association

On behalf of the ARGO Civil Society Development Association, we are happy to present this unique publication, published for the first time in three languages in Kazakhstan. The book is a product of the fundamental work carried out by our colleagues, friends, and like-minded people who have made positive and significant contributions to civil society development in Kazakhstan.

We extend our sincere thanks to the Ministry of Information and Social Development of the Republic of Kazakhstan and Minister Aida Galymovna Balayeva personally for their full support in the creation of this book. We also want to express our gratitude to the Konrad Adenauer Foundation in the Republic of Kazakhstan and its Resident Representative, Johannes D. Rey, for their collaboration in writing and publishing the first edition of this book.

In the years since independence, a cohort of CSO experts and leaders has emerged in Kazakhstan with unique knowledge and extensive experience in civil society development, ranging from

fundamental theories to specific case studies. We thank the members of this cohort for their participation in the creation of this book.

The book consists of three parts. Part one is dedicated to the history of CSO formation and an overview of the current status of civil society and related legislation. The second part presents real CSO case studies, analysis of civic initiatives, and success stories that inspire CSOs. Part three provides practical recommendations for the creation and operation of CSOs in Kazakhstan.

Part 1. Legislative framework for the activities of civil society and CSOs, an overview of the formation and state of development, prospects

In the article by **Madiyar Kozhakhmet**, Chairman of the Civil Society Committee of the

Ministry of Information and Social Development, you will find a structured analysis of the legislative framework: declarations, laws, international conventions, one way or another related to the civil sector.

Step by step, since the adoption of the Constitution of the Republic of Kazakhstan in 1993, the legislative system of our state has been built taking into account the participation of non-governmental organizations in it. The laws on political parties, public associations, trade unions, non-profit enterprises - these were the laws of the young republic that began its independent path in the world community. The issues of financing non-governmental organizations were regulated by law. The article presents data that demonstrate the variety of forms of financial support and the dynamics of increasing the volume of assistance provided to CSOs. Much attention is paid to new forms of interaction between civil society and the state, which characterize the current stage of development of independent Kazakhstan. These include the institution of the Ombudsman, the Coordination Council, regional councils for interaction with CSOs, the CSO Academy, and the National Council of Public Trust. The country has adopted laws 'On Public Councils', 'On Volunteer Activities.'

The author noted that at present a fairly wide range of issues have been identified that need to be implemented in the field of civil society development. In particular, mechanisms are being developed for the direct participation of civil society institutions in the process of state governance.

Part 1 presents the articles by lawyers and human rights activists whose constructive criticism of the legislative system, the demand for the implementation of laws and the observance of human rights are a kind of driving force behind the activities of legislative institutions.

The authors analyzed the most important characteristics of the legal environment for the development of civil society, state priorities and key initiatives, including financing and other types of support for civil society organizations in Kazakhstan; paid attention to issues of public participation, including an analysis of the advantages and limitations for effective interaction between CSOs and the state, as well as political mechanisms at the local and national levels to strengthen the role and influence of CSOs.

Yevgeny Zhovtis in his article listed and characterized the main stages of the formation and development of civil society in Kazakhstan; told how 'civil society' differs from 'civic space', what is the need to expand civic space and what opportunities there are for this. He dwelt in detail on the main key institutions of civil society: political parties, trade unions, independent and free mass media, independent public organizations – non-governmental organizations.

Dosym Satpayev described the current situation of civil society in Kazakhstan in the light of the key characteristics that a civil society should possess and the main functions that it should perform. He focused on how the situation in civil society in Kazakhstan can develop and on what factors the likelihood of a particular development scenario depends. Considering civil society as a political phenomenon as an object of research, he warned against the pitfalls of conceptual radicalism, which has generated several popular myths that mislead many researchers, and debunked these myths. He also listed and described the main indicators that determine the level of development of civil society.

The article by **Roman Podoprigora** is devoted to the issues of legal regulation of the activities of CSOs in Kazakhstan. He examines the legal concept of 'non-profit organization' and its difference from other types of organizations; analyzes the normative legal acts regulating the activities of CSOs. One of the important issues that he discusses in the article is what restrictions exist on the activities of CSOs and, at the same time, talks about legal opportunities for the development of non-profit organizations.

All speakers unanimously believe that the further development of the state and society is impossible without strengthening the civil sector and CSOs.

Part 2. Real stories of civil society organizations, practical cases

The second part of the collection is the living stories of civil society leaders: national networks and coalitions, public organizations, funds, leaders of local communities about successful civic initiatives. The path of each of them is the path of trial and error, doubts and searches, but ultimately - success and victories. And most importantly, all these people are builders of civil society in Kazakhstan.

Readers will undoubtedly benefit from valuable positive experience and lessons learned from the interaction of CSOs with government agencies, business and the media. Among the authors there are representatives of organizations that were at the origins of the women's movement in the country. Today there are more than a hundred women's CSOs in Kazakhstan; there is a core of permanent leaders working professionally in the field of gender issues.

The article by ARGO Regional Development Advisor, winner of the Goldman Environmental Prize **Kaisha Atakhanova** summarizes the successful experience of ARGO in implementing the Partnership for Innovation - P4I Program, the only platform in Central Asia aimed at developing regional cooperation between civil society organizations from six countries: Azerbaijan, Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. A special place in the implementation strategy of the Partnership for Innovation - P4I program is occupied by the regional infrastructure – the Central Asian network of national non-profit organizations, which interacts on the basis of a 10-year Memorandum of Cooperation with ARGO. Kaisha elaborated on the advantages of the regional infrastructure and the changes that have occurred due to the creation of the network. The program gained access to the most remote regions of Central Asia and involved

thousands of active members of civil society. The Program activated more than 40 regional networks and alliances, and thanks to 101 small grants management it turned out to be very successful in ensuring a real, long-term and sustainable impact, made an evolutionary step for civil society institutions in the application of innovations in the social sphere, becoming a pioneer in this field.

It is difficult to overestimate the initiative of the environmental magazine 'Liven. Living Asia', published by **Vadim Nee**, Chairman of the Board of Trustees of the Social and Environmental Fund. Thanks to the information campaign organized by the magazine's team and the support of the public, it was possible to defend the right to a favorable environment in Kazakhstan. On January 2, 2021, a new version of the Environmental Code was adopted, in which paragraph 1 of Article 13 recognizes the right of everyone 'to a favorable environment.'

The article by **Banu Nurgaziyeva** summarizes the experience in creating the Civil Alliance of Kazakhstan that over the years of independence has united about 3,000 non-governmental organizations of Kazakhstan with the aim of sustainable development and promotion of democratic processes in Kazakhstan, development of mutually beneficial partnership between civil society, businesses, international organizations and government agencies.

Zulfiya Baysakova, the 'Union of Crisis Centers of Kazakhstan' ALE, Chair of the Board, 'Women's Rights, Human Rights', 'Identification of Victims of Violence and Abuse' programs' trainer. She is a member of the Human Rights Commission under the President of the Republic of Kazakhstan.

The prevention of domestic violence, the development of gender equality, the formation of a culture in society based on the values of nonviolent relations are tasks that have been solved since 2000 by the Union of Crisis Centers of Kazakhstan, a professional network uniting 13 organizations from 11 regions. Promoting the ideas of gender equality in our country, according to Zulfiya, is not an easy task: "The official recognition of gender equality as a principle of democratic policy of the state, achieved under pressure from the international community and women's CSOs, in reality does not mean the penetration of the idea of gender equality into the everyday life of Kazakhstanis." Therefore, the Crisis Centers of the Union have a lot of work. Zulfiya Baysakova told about one of the initiatives – the Service 'National Hotline for Children and Youth' #150, which has been actively working since 2005, has reached the level of compliance with international standards for the organization of the activities of helpline services for children and was recognized by Child Helpline International as one of the best in the Pacific Region.

The gender topic is also covered in the article by **Lyazzat Kaltayeva**, a well-known public figure, deputy of the Maslikhat of Almaty since 2016, member of the National Commission for Women, Family and Demographic Policy under the President of the Republic of Kazakhstan, winner of the Asia-Pacific Prize of Fighters for the Rights of People with Disabilities, Chairman of the 'Shyrak' Association of Women with Disabilities, Chairman of the 'Association of Organizations of People with Disabilities of Almaty' Association of Legal Entities, the creator of the Central Asian Network of Women with Disabilities, which today has about 60 organizations in five countries of the region. This woman's leadership path went through overcoming double discrimination. And now, when there are so many victories on the account, including legislative ones to correct the situation regarding the rights of people with disabilities, we can talk about the uniqueness of the experience that Lyazzat shares in her article.

Another article of our book was written by **Shakhnoza Khasanova**, Director of the Legal Center for Women's Initiatives 'Sana Sezim' PF. The public initiative that Shakhnoza spoke about can't help but arouse emotions, because the recent events in the country related to the global COVID-19 pandemic are too fresh in memory. During the most dangerous period of the lockdown announced in the country, the employees of Sana Sezim were at the border checkpoint between Kazakhstan and Uzbekistan, solving the problems of labor migrants who were hostages of quarantine restrictions; providing them with food, personal protective equipment, hot lunches; providing legal advice and a psychologist; in cooperation with government agencies, providing an opportunity for people to cross the border.

The problems of rights protection during the COVID-19 pandemic were raised in his article by **Saken Zhanazarov**, the 'Aman-Saulyk' Public Fund. His story is about people who use drugs, patients of substitution maintenance therapy (SMT) program. Lack of work, material and financial difficulties, restrictions on the work of transport and clinics during the lockdown - all this could negate the already achieved success in treatment. The activities of the fund in this situation contributed to the fact that all program participants continued their treatment; moreover, the number of SMT patients not only did not get down, but even increased.

Saniya Arapova, Vice President of the Association of Friends of Tel Aviv University in the Republic of Kazakhstan, told about successful experience of implementing the popular and currently widely known initiative of Tel Aviv University Makeathon TOM in Kazakhstan. Makeathons have been held in the world since 2014; and in 2017, Saniya brought this idea to Kazakhstan, implementing it for the first time in Pavlodar on the basis of Pavlodar State University. And now this proven and adapted to our realities methodology has been transferred to universities for regular and systematic use.

As we know, independent and free mass media are key institutions of civil society. Therefore, it is very important to strengthen their influence on decision-making at all levels. **Diana Okremova** and **Gulmira Birzhanova**, Kazakhstani journalist, media lawyer, expert in the field of access to information, Director of the 'Legal Media Center' Public Fund, and Gulmira Birzhanova, lawyer of the fund, can give many examples of successful and not very successful struggle for the rights of journalists, for access to information, pros and cons related to the adoption of laws, etc. In their article, they cited a number of

successful cases when the influence of the media and the public could contribute to the correct decision of the authorities.

Financing and taxation of non-profit organizations activities: challenges and ways to solve them - the topic of research by **Natalia Yantsen**. To what extent are non-profit organizations in Kazakhstan able to ensure their financial stability? What helps and what prevents it? To what extent does the current taxation system contribute to the financial stability of non-profit organizations? Natalia raises these questions in her article and gives a reasoned analysis of the situation.

Part 3. Practical advice on the establishment and operation of CSOs in Kazakhstan

The final part of the book contains practical advice and recommendations from experts and lawyers in the field of civil society development on the creation and operation of CSOs in Kazakhstan.

Sergey Gulyaev and his team of the 'Decenta' Public Fund share their experience and give practical advice on the implementation of the participatory design method. The method was tested in Pavlodar within the framework of the 'Center for Urban Change' project with the financial support of the Soros-Kazakhstan Foundation.

Sergey Khudyakov, Director of the Institute for the Development of Local Self-Government, gives advice on the mobilization of active citizens in rural areas and cities of Kazakhstan in his article and gives a practical example on the formation of local self-government within the framework of the social project 'Citizens' Participation in Decision-Making' with the support of the Ministry of Information and Social Development of the Republic of Kazakhstan.

Vitaly Kulik, Director of the ZUBR Social Corporate Fund, explains in his article how and why

to assess the contribution of the non-profit sector to the country's development. While the aggregate nonprofit sector is the seventh largest economy in the world, one of the largest employers, and an effective practical example of mobilizing public resources, there is the problem of the 'economic invisibility of the Third Sector', according to Johns Hopkins University. Specialists of the ZUBR SCF during the analysis came to the conclusion that the connecting 'thread' in this case can and should be the System of National Accounts, which is currently used in more than 150 countries of the world, including Kazakhstan. There are many useful links in the article.

We tried very hard to make this book interesting and in demand, inspiring and useful. We are grateful to everyone who contributes to the formation and development of civil society in Kazakhstan, because every project, every step on this path is important and invaluable. Special thanks to the authors of the articles who supported our initiative, for their sincere desire to share their knowledge and experience, for comments, valuable advice, support and inspiration.

We are ARGO, an organization that has been supportiinnng the development of civil society in Kazakhstan for nearly 30 years.

Through development programs, we contribute to the creation and growth of CSOs by establishing and advancing partnerships. We have implemented a number of large-scale projects supporting CSO capacity development, partnership building, social innovations, project monitoring and evaluation, civic engagement in decision-making, and the development of local self-governance. Currently, ARGO is actively working to develop partnerships at the global, regional and local levels.



Johannes D. Rey
Resident Representative
of the Konrad-Adenauer-Foundation
in Kazakhstan

Dear Readers!

On behalf of Konrad-Adenauer-Stiftung (KAS) welcome to the first issue of the new book, dedicated to the development of Civil Society in Kazakhstan, the establishment of NGOs and the status of their development nowadays. This publication is the result of the joint efforts of the Civil Society Development Association 'ARGO' and the Representative Office of the KAS in Kazakhstan.

The idea to publish this book did not emerge by accident. As a result of a preliminary desk review of the topic, we came to the conclusion that there are currently very few studies on the development of Civil Society and public associations in Kazakhstan. Nevertheless, it seems to us that in order to carry out relevant reforms to create a 'hearing' state, such studies are necessary as initial data.

As we know, a strong Civil Society is the basis for the development of any democracy and the most important prerequisite for building a rule-of-law state based on equal partnership. Civil participation, functioning on the principles

of pluralism, is able to unite broad segments of the population for necessary democratic transformations. The contribution that Civil Society organisations can make includes both raising public awareness and developing local self-government and otherwise preventing abuses of power by those with decision-making power.

Speaking of the experience of the Federal Republic of Germany, it must be emphasised that Civil Society institutions are very active there. It has been estimated that a third of German citizens are actively involved in social life and give their time and effort to it. Many of them are doing this on a voluntary basis. The forms of civic engagement are varied and the addressees come from different social groups. The majority of active citizens are involved in sports projects, but there are also many projects in the field of social sphere, culture, school and preschool education and upbringing. In Germany, Civil Society forms the backbone of the third sector and participates voluntarily in public

and political issues, but it operates independently of the state and political parties.

In order to see how Civil Society exists and how it lives in Kazakhstan, what legislative framework has been set for it and what development prospects it has, as well as to get to know more closely the heroes of real practical cases, the release of this book was conceived for this. In addition, it provides practical advice and recommendations for existing NGOs and those who are just planning to take the plunge into active community work. We think that our book will be of interest to a wide range of readers and contribute to the further development of Civil Society organizations and initiatives.

We would like to take this opportunity to thank all contributors and the ARGO editorial board and encourage readers to actively participate in the discussion.



**Legislative framework for
the activities of civil society
and CSOs**, an overview of
the formation and state of
development prospects

Civil society in Kazakhstan: figures and key development factors



Madiyar Kozhakhmet
Ministry of Information and Social Development
of the Republic of Kazakhstan

Since gaining independence, the civil society of Kazakhstan has gone from several organizations to an entire institution, which has become a reliable partner of the state in maintaining stability and institutional traditions.

The development of any institution in the country requires, first of all, legal regulation to ensure its activities.

The first steps of legislative consolidation of the basic rights and obligations of civil society entities were laid down in two fundamental documents — the Declaration on State Sovereignty of the Kazakh SSR of October 25, 1990 and the Constitutional Law of the Republic of Kazakhstan of December 16, 1991 'On State Independence of the Republic of Kazakhstan.'

The main document of the country

As we know, the first and main document of the state that has supreme legal force is the Constitution.

The first Constitution of the Republic of Kazakhstan was adopted on January 28, 1993. It defined the priorities of the state: "The Republic of Kazakhstan recognizes a person, his life, freedom and inalienable rights as the highest value and carries out its activities in the interests of a citizen and society." The foundations of the constitutional system also included a guarantee of equal and legal opportunities for public associations operating within the framework of the Constitution and laws of the Republic.

The Constitution of the Republic of Kazakhstan, adopted at the republican referendum on August 30, 1995, declared Kazakhstan "... a secular, legal and social state, the highest values of which are a person, his life, rights and freedoms" and consolidated the basic principles of the social and state structure of independent Kazakhstan, which provide for equality of public associations before the law, and also do not allow illegal state interference in the affairs of public associations and in the affairs of the state, the assignment of functions of state bodies to public associations, state financing of public associations.

Public Associations

It is worth noting that despite some spontaneity in the early years of the development of our country's independence in the creation and activities of public organizations, which were mainly financed from foreign sources, it was necessary to take measures to regulate the activities of the public sector. As a result, on June 27, 1991, the Law of the Kazakh SSR 'On Public Associations in the Kazakh

SSR' was adopted, which provided for the right to association as one of the most important and inalienable constitutional rights of man and citizen.

A huge step in the development of the civil sector was the adoption on May 31, 1996 of the Law of the Republic of Kazakhstan 'On Public Associations', which regulates public relations arising in connection with the exercise by citizens of the right to freedom of association, as well as the creation of activities, reorganization and liquidation of public associations.

Political Parties

Taking into account that one of the elements of a democratic political system are political parties, which have a significant impact on many aspects of political and public life, a multi-party political system is legally enshrined in Kazakhstan.

On July 2, 1996, the Law 'On Political Parties' was adopted, which determined the legal basis for the creation of political parties, their rights and obligations, guarantees of activity, and which was intended to regulate the relations of political parties with state bodies and other organizations. It should be noted that the amendments and additions made on October 7, 1998 to the Constitution of the Republic of Kazakhstan regarding elections by party lists, contributed to the further development of party building. A few years later, on July 15, 2002, a decision was made to revise and issue a new edition of the Law 'On Political Parties'.

Trade Unions

The history of the trade union movement of independent Kazakhstan dates back to October 10, 1990, when the Declaration 'On the Formation of the Federation of Trade Unions of Kazakhstan' was adopted. The Federation includes 24 branch trade unions, 19 regional trade union councils, 48 thousand primary trade unions. On April 9, 1993, the Law of the Republic of Kazakhstan 'On Trade Unions' was adopted. Two decades later, despite the fact that the state had created a legislative framework for the development of civil society, taking into account changes in the forms and principles of the activities of non-governmental organizations, it was decided to revise the Law, the amended version of which appeared in 2014.

NGO — NCO

Summing up the results of the ten-year development of the civil sector and taking into account the urgent need for legal regulation of issues related to it, the President of the country in his Address-2000 pointed out the need to support the non-governmental sector for its further development. The result was the adoption on January 16, 2001 of the Law On Non-Profit Organizations, the purpose of which was to regulate relations arising in connection with the creation of activities, reorganization and liquidation of non-profit organizations.

Forms of Financing

In 2002, the Concept of State Support for Non-Governmental Organizations of the Republic of Kazakhstan was adopted. The document became a fundamental tool of that time. The time when the issue of organizational and legal forms of non-profit organizations was acute. Special laws have been adopted on some of them, in particular, on public and religious associations, political parties, consumer cooperatives.

The result of the measures was the adoption of regional programs, the state support program and, most importantly, the Law 'On State Social Order' of April 12, 2005. The adopted Law has played an important role in the issues of stability and targeted financing of non-governmental sector projects by the state.

A decade later, the status and recognition of civil society institutions are marked by drastic changes in the financing of public associations. The Law of the Republic of Kazakhstan dated December 2, 2015 'On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Activities of Non-Governmental Organizations' provides for the introduction of new forms of funding for civil society organizations in the form of grants and awards. The former Law of the Republic of Kazakhstan 'On State Social Order' has received a new title and is now referred to as the Law of the Republic of Kazakhstan 'On State Social Order, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan.'

The state social order is characterized by:

- annual increase in the amount of funding for social projects of CSOs;
- expansion of the number of state bodies implementing joint projects with CSOs;

- expansion of the scope of implementation of the state social order;
- increase of the number of recipients of CSO services implementing the state social order.

The law 'On State Social Order, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan' has become a reliable support for non-governmental organizations. Thanks to it:

- for the first time, the sectoral principles of state social order were introduced, an authorized body regulating the processes of state social order was determined;
- jointly with CSOs, projects are implemented both at the level of oblasts and cities, and at the level of regions and villages;
- government agencies began to include in their planning process long-term schemes for financing social projects, calculated for a period of up to three years;
- the process of implementing the state social order was facilitated for both CSOs and state bodies;
- the processes of state social order have become fully open and transparent;
- work has been carried out to reduce price dumping by up to 20%, which contributes to the significant interest of the non-governmental sector in the implementation of the state social order;
- new mechanisms have been introduced for the formation of state social order topics based on public discussion on the bottom-up principle;
- based on international experience and project approach, a new procedure for evaluating the effectiveness of projects with the participation of public experts has been introduced.

The introduction of new mechanisms had a positive effect on the dynamics of the implementation of the state social order in the regions of the country. Thus, if since 2003 the central government bodies have been in the lead in terms of the volume of financing of the state social order, then since 2017 the volume of the state social order in the regions has been actively increasing.

Overall, 132.4 billion tenge have been allocated for the implementation of social projects since 2003, including 13.5 billion tenge from the republican budget and 118.9 billion tenge from local budgets.

During this time, the geography and industry representation of the state social order of local executive bodies have expanded. Work with CSOs is built not only at the level of regional centers and cities, but also in districts, rural districts.

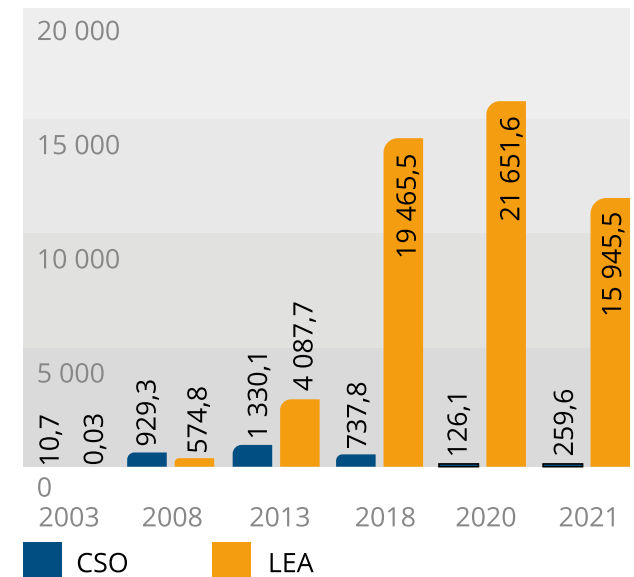
To date, the administrators of the state social order are more than 100 regional departments, over 300 city and district departments.

Jointly with CSOs, projects are implemented by all local departments of social work: health care, social protection, education, sports, tourism, and interaction with young people. Most of them are implemented by state bodies in the field of supporting socially vulnerable segments of the population, strengthening social harmony, youth policy.

- In general, with the introduction of the state social order mechanism, significant progress has been noticed in the socio-economic space of the country, thus:
- annually more than 2,000 people implement projects in socially significant areas;
- the number of employed in the civil sector has reached 37,000 people;
- the number of active CSOs has been increased to 17,000.

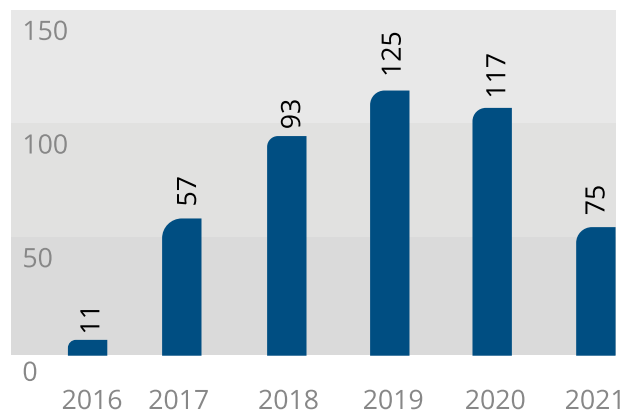
The state social order continues to be an effective classical mechanisms of interaction with CSOs today. It has made it possible to increase the amount of funding for CSOs by 99.9% over the past 18 years.

Dynamics of increase in the volume of state social order from 2003 to 2020 in million tenge

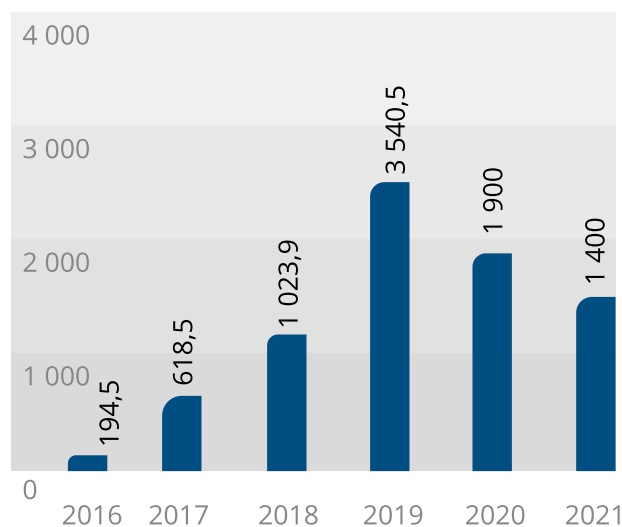


Grant funding – an improved form of implementing joint projects with CSOs has been implemented since 2016. This mechanism was introduced in order to implement sectoral projects and CSO initiatives. Thanks to it, a significant leap was noticed in the project cooperation of the state with CSOs. Over the past 6 years, the volume of grant projects has increased 7.2 times. The portfolio of social grant projects totaled to more than 450 ones.

2016-2021 Projects: Amount in mln Tenge



Number of Projects



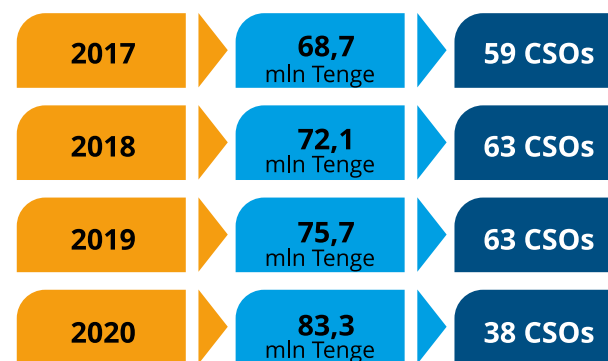
The introduction of the grant policy has shown itself to be one of the most effective measures of state support for CSOs. The operator of the grant funding is the Center for Support of Civil Initiatives (hereinafter referred to as the Center). The Center itself can receive support both from the state and from extra-budgetary sources, for example, from

foreign donors. At the same time, the Center-Operator is obliged to publicly report annually to the public on the work done. The practice of grant funding by a specially created legal entity separate from the state is popular abroad. In countries such as Russia, USA, Croatia, Hungary, Romania, Estonia, grants are provided by a separate legal entity created in the form of a non-profit organization.

An Award for CSOs, which has been introduced in 2017, is one of the ways to motivate CSOs. The mechanism foresees monetary encouragement of CSOs for a significant contribution to solving social problems.

The support is aimed at developing and strengthening the capacity, material and human resources of CSOs. In total, 223 CSOs have become awardees over these years.

AWARDS for CSOs (2017-2020)



Awards are granted on a competitive basis in accordance with the Award Rules for Non-Governmental Organizations:

- There is a completely transparent procedure for granting awards (from the acceptance of applications to the end of the competition);

- Each application for the award undergoes a two-stage assessment: first, CSO applications are considered by representatives of the working group, after which the decision of the working group is submitted for discussion by the expert commission;
- The evaluation criteria are the social contribution to the development of the industry, region, republic; the experience of the organization; public recognition; innovation; performance efficiency;
- In 2021, in order to simplify the application processes and for the convenience of applicants, an electronic application format was introduced

The introduction of new forms of CSO funding in the form of grants and awards was the result of recognition of the non-governmental sector as one of the active civil society institutions in solving social problems.

Public Councils

If we talk about the current stage of development, it is characterized by new forms of interaction between civil society and the state, support for civil initiatives. It is very important to note here the Law 'On Public Councils', which was adopted on November 2, 2015.

The document defined the legal status, the procedure for the formation and organization of the activities of public councils aimed at implementing state policy on the formation of a state accountable to the population; ensuring broad participation of non-profit organizations and citizens in decision-making by state bodies at all levels. Public councils have become another tool for interaction between state bodies and the public sector, as well as citizens of the Republic of Kazakhstan.

To strengthen the role of public councils, based on the recommendations of NGOs and the expert community, on January 3, 2021, the Law 'On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Activities of Public Councils' was adopted.

Amendments to the Law are aimed at further improving and increasing the efficiency of the activities of public councils, ensuring their openness, independence and autonomy.

The procedure for forming the composition of public councils has been improved, which makes the competitive selection of members more transparent and accessible, the quantitative composition of public councils has been determined, their powers, rights and obligations have been expanded.

The analysis of the qualitative composition of the members of public councils showed that the number of representatives of civil society in the composition of public councils is 2,482 people (on average 69%).

Now public councils will be created in 13 subjects of the quasi-public sector, which will ensure the openness and transparency of their activities for society.

Volunteer Activities

Major events of recent years have shown the high awareness of citizens and the active development of volunteer activities, which over several years has become one of the key mechanisms for the functioning of civil society. Strengthening the role of volunteers in the civil space was the adoption on December 30, 2016 of the Law of the Republic of Kazakhstan 'On Volunteer Activities'.

2020 was held under the auspices of the Year of Volunteers in Kazakhstan. The Year of

the Volunteer, initiated by the head of state, contributed to the dynamics of the growth of volunteer organizations by 3 times (today there are more than 600) and the growth of the number of permanent volunteers by 4 times. Currently, there are about 200 thousand active citizens in the ranks of volunteers.

The country has created an infrastructure to support volunteering, including in the regions. In particular, the Republican front office and 17 regional volunteering support centers were created, which were able to unite more than 500 organizations..

A single Kazakhstani information platform QazVolunteer.kz has become an innovation in the field of volunteering. About 50 thousand volunteers and more than 3 thousand organizations are registered on the platform, implementing various volunteer projects.

For the further systematic development of volunteerism and charity, the Ministry, together with representatives of the public, has developed a number of amendments to the current legislation. The draft amendments include incentive measures aimed at expanding the rights of volunteers and philanthropists in terms of obtaining benefits when enrolling in higher education institutions, as well as when entering the civil service; the possibility of presenting state property to volunteer and charitable organizations on preferential terms, etc.

At the same time, the Ministry of Information and Social Development of the Republic of Kazakhstan has developed a Roadmap for the development of volunteerism for 2021–2023, which will contribute to the further development of volunteer initiatives, will allow citizens to step up their participation in volunteer activities, create conditions for further strengthening the culture of volunteerism.

In addition, work is underway to build a modern scheme of interaction between government agencies and the organizers of the volunteer movement. The volunteer activity will be based on the Standard of Support for Volunteering, which is in the process of being developed.

One of the incentive measures is the International Volunteer of the Year Award, which was established as part of the Year of the Volunteer. Last year, 48 active volunteers from Kazakhstan, Russia, and Kyrgyzstan received it. This year it is also planned to organize and hold this award.

Kazakhstan is actively working on the development of international volunteering. Today, 71 volunteers from Kazakhstan serve in the UN system, 42 of them are women, including 7 volunteers sent to various UN agencies under the Partnership Agreement between the Ministry of Information and Social Development and UNV. They work for the World Health Organization, the United Nations Development Program, UNICEF, UN Women, in UN offices in Turkey, Kenya, Jordan and Thailand.

Thus, we can say that the formation of civil society as an institution took place taking into account the development of individual industries and civic engagement in general. Although today it is a mistake to think that civil society is institutionalized, as this process will take place constantly. Moreover, our country has created and is improving the necessary legislative framework for the full development of the non-governmental sector.

International Conventions

Kazakhstan is a party to more than 200 international conventions and multilateral agreements. Currently, the country has introduced the institution of independent monitoring in relation to several conventions, in particular, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Kazakhstan acceded on June 29, 1998. The participation of civil society in this process is a valuable tool and supports the State in the effective implementation of the Convention at the national level.

New Forms of Interaction with NGOs

Taking into account international experience, in 2019 the Ministry introduced the institution of the Commissioner for Interaction with CSOs. To date, 376 Commissioners have been identified at the central and local levels. The uniqueness of this new institution lies in the fact that responsible employees of state bodies will deal with issues of ensuring interaction with CSOs.

There is a Coordinating Council for Interaction with CSOs, which is a consultative and advisory body in the field of interaction with CSOs, where issues of improving legislation are considered, reports of ministries, akimats of regions on the implementation of strategic documents, recommendations of Civic Forums are heard.

Civic Forums have been held since 2003. They address strategic issues of the development of cooperation between the state and civil society. This year it is planned to hold the anniversary 10th Civic Forum, which will present the results of the development of civil society and its interaction with the state over 30 years of Independence.

It should also be noted the work of regional councils for interaction with CSOs at the regional,

city and district levels, where issues of interaction of state bodies with civil society institutions are discussed.

Work is underway to improve the mechanisms of state support for the non-governmental sector, in particular, the format of the bottom-up project planning focused on the needs of the population is being revised. Efficiency openness and publicity assessment is introduced at all stages of project implementation, and sectoral approaches are expanded.

As part of strengthening the capacity of civil society institutions, measures are being taken to professionalize CSOs. The Ministry of Information and Social Development of the Republic of Kazakhstan launched the project 'CSOs Academy'. This is the first systematic course in legal and management knowledge required for leaders of CSOs in Kazakhstan. Last year, over 300 non-governmental organizations completed the training, with over 800 participants in total. This year it is planned to increase the number of students.

The National Council of Public Trust, an advisory body under the President of the Republic of Kazakhstan, has become one of the instruments of joint work of state bodies and representatives of civil society. It is one of the sources of ideas for socio-political modernization and further strengthening of multiparty system, political competition and pluralism of opinions in the country.

Outcomes

Over 30 years of Kazakhstan's independence, there has undoubtedly been a positive trend in the activities of the civil sector.

As you know, at the dawn of independence, only a couple dozen CSOs worked in the country, and today it is difficult to imagine a sphere that remains without attention of the civic initiative.

Currently, 6 political parties, 22,763 CSOs of various orientation, 3,738 religious associations representing 18 confessions, 3,494 mass media of various forms of ownership, 249 public councils, 3 large republican associations of trade unions, which include 36 branch and 19 territorial organizations, are officially registered and operate in Kazakhstan.

- During the period from 2011 to 2021, the following results were achieved:
- First of all, a single mechanism for financial support of the non-governmental sector has been built in the form of a state social order, grant funding and awards for CSOs.
- The State annually increases its partnership with CSOs through the implementation of joint social projects. The legal framework for the activities of civil society organizations has been created and continues to be improved.

Key partners of civil society take part in national working groups, interstate negotiations organized by the United Nations (hereinafter the UN).

Prospects and Plans

The Republic of Kazakhstan supported the 2030 Agenda for Sustainable Development and presented the first Voluntary National Review on the implementation of the 2030 Agenda at the Political Forum on Sustainable Development in New York in July 2019.

The President's Address to the People of Kazakhstan dated September 2, 2019 'Constructive Public Dialogue is the Basis of Stability and Prosperity of Kazakhstan' noted the need to introduce the concept of a 'hearing state' — a model of prompt and effective response to constructive requests of citizens to form feedback between citizens and government agencies. The idea of a 'hearing state' involves increasing the sensitivity of the state apparatus to the needs of the population, developing the best technologies and practices of communication between the government and society.

In 2020, in his Address, the head of state outlined a fairly wide range of issues to be introduced in the field of civil society. In particular, mechanisms are being developed for the direct participation of civil society institutions in the process of governing the state.

To date, the Ministry of Information and Social Development of the Republic of Kazakhstan is developing a draft law 'On Public Oversight', which is being actively discussed on many platforms. Public oversight is a tool that will directly affect the transparency of the state and quasi-state sectors of the country.

The adoption of the law will make it possible to legislate subjects and objects, principles and forms of public oversight, to ensure the broad participation of citizens and non-governmental organizations in the processes of managing the affairs of the state.

Conclusion

Since gaining independence, Kazakhstan has taken a course to build a democratic, social, secular and legal state, recognizing the highest value of the state of man, his rights and freedoms.

The implementation of constitutional provisions concerning human and civil rights and freedoms has created the need for deep legal reform of the legal sphere, the creation of an adequate legal infrastructure, the development of civil society institutions.

We are constantly trying to improve our work, find new solutions and mechanisms with the involvement of the public. Therefore, taking this opportunity, we call on civil society and all concerned citizens to engage in a constructive dialogue. We are all moving towards one single goal — the prosperity of our motherland, our Kazakhstan!

Analysis of the formation and development of civil society, opportunities for expanding the civic space in Kazakhstan



Evgeny Zhovtis

Kazakhstan International
Bureau for Human Rights and Rule of Law

Stages of Formation and Development of Civil Society in Kazakhstan

A strong civil society is characteristic of democratic states. In dictatorships, it simply cannot exist, and in authoritarian states, depending on the degree of rigidity of authoritarianism, it has more or less space for development, although very limited. It is essential for democracy that society be the subject of politics and not its object.

In essence, **civil society** is a collective concept: institutions, active citizens, social initiatives, and connections between people — the living tissue of social development. This is an area that, in fact, opposes the state, because its main task is to control and monitor the state, which society itself created. People as citizens have created the state, empowered bodies and officials, and therefore, want to control how laws are passed, how they are implemented, how rights are respected, and how common problems are resolved. By and large, this is the main function of civil society.

For these reasons, its key institutions are, **first** and foremost, political parties operating in conditions of political pluralism, because the formation of power and how political interests are channeled into representation at the level of state policy depends on them. **The second** critical institution of civil society is trade unions, which allow for the protection of labor rights and the interests of workers who make up the bulk of society. **The third** is independent and free mass media, which

are a key instrument of public oversight. **The fourth** is independent public organizations — CSOs.

Starting with key concepts, definitions, and ideas that characterize the phenomenon of civil society in the modern world, we can talk about the stages of its development. Here it is important to understand the differences between civil society and society at large.

Societies have existed since primitive times. Because humans are social beings, and where there is a human — there will be a society, a *socium*. Having undergone a certain evolution, societies have moved to create states. The existence of the state always entails questions and claims against it. At this stage, civil society begins to be formed. Civil society is a sign of democracy, i.e. the transition from a society in which people are simply members of a group to an organization in which people are citizens, individuals who make claims to the state, and understand and accept the state as something that they themselves have created and from whom they have the right to demand.

Modern concepts of civil society have been reduced to describing the political organization of society as if it were distinct from the state, including various institutions, structures, social norms, as well as non-state horizontal ties and relationships. Many researchers understand it as a set of non-state, social, ideological, religious, moral, family, interethnic and other relationships, as well as a sphere for the self-realization of free individuals, through voluntarily-created associations of citizens and other public structures that protect themselves from direct state interference and arbitrary regulation of their activities, and which require autonomy.

Being separate from the state, this sphere is also separate from business. Nevertheless, being one corner of the three-part system (state, business, and civil society), a developed civil society in modern concepts of political governance is an integral element of effective governance which performs monitoring functions in relation to the state.

What follows from these theoretical arguments? We can recognize in our own society a number of the elements outlined above. First, this is not just a society, but a civil society, where the word 'civil' appears to not only reflect the political and legal relationship between a person and the state (as we are all citizens of our states), but also a specific civic relationship that distinguishes us from simply members of a group bound by a shared document. Secondly, in my definitions of civil society appear the words "self-realization", "free individuals", "voluntary association", "horizontal ties", "certain independence from the state", "protected from direct state intervention and arbitrary regulation of its activities." All this, as well as critical thinking, freedom, and active engagement are necessary

conditions for the development of civil society. As the ancient Latin proverb says, 'ubi dubium ibi libertas' — 'where there is doubt, there is freedom.'

The formation of civil society in Kazakhstan began in late 1980s — early 1990s with the emergence of public structures independent of the state and was associated with political and economic processes in the USSR, as well as with the collapse of the Soviet Union. The following stages of the evolution of civil society in Kazakhstan can be distinguished: 1989–1995, 1995–2005, 2005 — present.

The end of the 1980s, the period of 'perestroika', was marked by rumblings in the public environment, as signs of freedom suddenly appeared on the horizon. From that moment, the beginnings of civil society began to appear, manifesting itself through claims to the state, independent initiatives, and the promotion of ideas.

In early 1990s, independent elections of people's elected representatives were held in the USSR and the Kazakh SSR. There were no organized political structures in the form of established political parties, but the first independent political institutions of civil society were created: the Social Democratic Party of Kazakhstan, the Alash party, the Zheltoksan organization, and later the People's Congress of Kazakhstan party, among others. Political initiatives began to emerge — the first independent media: newspapers, TV channels, and independent trade unions: the Birlesu trade union, the Independent Trade Union Center of Kazakhstan, and the Confederation of Free Trade Unions of Kazakhstan. All these were signs of a public sphere independent of the state, from which questions began to be conveyed to the state. These new institutions began to demand answers and make claims. During this period the first non-profit organizations began to appear:

the Nevada-Semey Movement, the Interlegal Public Foundation for Political and Legal Research, the Almaty Helsinki Committee, the Democratic Committee for Human Rights, and, a little later, our Bureau for Human Rights and Rule of Law, followed by the Adil Soz Foundation for the Defense of Freedom of Expression and Transparency Kazakhstan, an anti-corruption organization. I was the founder of a number of these organizations because I understood the importance of creating organizations independent of the state. At the same time, a large number of organizations appeared in order to address social issues, and they existed on the boundary between society at large and civil society. This represented a transition to 'public politics'. The term is not to be confused with traditional 'politics'. Politics is a struggle for power, and public politics is a normal and natural state of society that aims to solve problems and use various political levers to achieve this goal, including statements, rallies, demands addressed to the state in public hearings, etc.

The first stage lasted **until 1995**. It was a promising period, with development moving in the right direction. Today few people remember and it's hard to even imagine, but in the first half of 1990s, parliament was comprised of 30% opposition members, there was a Democratic Kazakhstan fraction, a human rights committee and a committee on non-governmental organizations. Political debates with the participation of the Prime Minister took place on independent channels.

Civil society grew during this period because conditions were favorable for its development — conditions of freedom and desacralization of the state, when society understood that the state is an instrument and a partner. It is not impersonal but personified, because the state is people who at a certain historical stage hold certain positions, and

form parliaments and representative and executive powers.

We forget that Parliament is not only a legislative body. It is impossible to only write laws all the time. Our laws are being rewritten with enviable consistency, although in developed countries the stability of legislation is a prerequisite for sustainable development. In reality, the Parliament is, first of all, a representative body. Its main task is to represent the interests of society. That is the purpose for which it was created. Its members represent different views and ideas, different social groups, and different people. Through this representation, it forms a common policy based on compromise, finding a way out of conflicts, with consideration for the opinion of the minority. Democracy is no longer the rule of the majority, but instead the most effective consideration of the opinion of a minority, including even an individual. Democracy is not a status but a complex structure and a constantly evolving process.

Thanks to the civic activism of 1990s, several organizations created during this period can still be heard today. When they first emerged in early 1990s, they were essentially the first civil society organizations. They appeared because the conditions and space were favorable: parliament with 7–8 opposition parties represented peaceful meetings held without restrictions and which did not require permission from akimats.

Unfortunately, 1995 was a turning point. Justifying the need for economic reforms, which can be hindered by multiple and varied approaches, the authorities chose to centralize power and strengthen internal controls. From this time forward, the shrinking of civic space began.

It began in the second half of the 1990s with the massive closure of independent media, primarily radio and television. The 'legal' basis for these

closures was the Government decree 'On the State Interdepartmental Commission on Radio Frequencies of the Republic of Kazakhstan'. In 1996–1997, a tender was announced for broadcast frequencies, as a result of which almost all independent TV channels, both in the capital and in the regions, lost broadcasting frequencies. Thus, the short life of independent radio and television ended in Kazakhstan. Only print media survived, though additional legislation was introduced which placed increasingly restrictive requirements on print, aimed at further controlling and supervising this independent sphere. This control continues into the present day.

Political parties, including opposition, independent media, trade unions, and public organizations are the backbone of civil society. If they do not exist, it is difficult to expect that civil society will develop successfully.

A number of small political initiatives emerged in late 1990s which led to the movement then called the Azamat Party, as well as the Republican People's Party of Kazakhstan, the Communist Party, and the now-banned Democratic Choice of Kazakhstan Alga!, Ak-Zhol, and Real Ak-Zhol, among others. These bursts lasted from 2005–2006.

The turning point was 2005 — the year of the 'orange' revolution in Ukraine and the 'tulip' revolution in Kyrgyzstan, which were credited to independent civil societies funded from abroad, although there were no grounds for this. Authorities in Kazakhstan determined that it was time to put them under control. Pressure increased on independent civil organizations as new laws began to appear. One new law required new political parties to demonstrate support from 50,000 people in order to formally register, which served as a barrier to the formation of any party, and particularly opposition parties. This law was undoubtedly adopted in order to prevent

independent political activity. Further reduction of this threshold to 40,000, and then to 20,000 hardly helped, as conditions were created under which the formation of political parties became impossible. Thus, at the systems level, two important elements of civil society have ceased to exist: political parties and independent media. The same story was later repeated with independent trade unions.

Thus, civil society began to acquire a negative connotation. Independent civil society organizations promoting the protection and promotion of rights and freedoms and election observation have been cast as something frightening and dangerous to be avoided. Unfortunately, this narrative has greatly hindered the development of civil society.

It is important to understand that organizations that address social problems, i.e. concerning education, agriculture, the needs of vulnerable groups, etc., are not inherently 'civil society' because they are not in conflict with the state — they depend on it. They, like public organizations in the USSR, are trying to solve problems within the framework of state domination.

The problem is that when trying to solve problems, these organizations confront the fact that these issues are systemic, and begin to wonder how to change the system. They understand that there is no other way than to become a part of civil society and make claims to authorities, change policies, monitor them, participate in public politics and decision-making, and make demands on the state, which they themselves created. As soon as this happens, the organization begins to pose a threat to the authoritarian system, and it starts to feel pressure from the state. Many prefer not to get involved in this activity, but to sit quietly and wait for everything to resolve itself.

The beginnings of civil society are when a society wants to solve problems but realizes that they can't change the system without engaging in politics — but they can't get involved in politics. Legislators began to divide — only political parties can engage in politics all others cannot engage in politics. Then what is politics? A power struggle? Yes, that too — our whole life is politics! As soon as you leave home and start interacting with the state to solve your problems— you're in politics. Let's distinguish the terms politics and public policy! Then everything will fall into place. If they are not separated, then there is a conscious substitution of concepts. As a result, those who are trying to promote these systemic changes — even peacefully, without revolution, without a struggle for power — are depicted as political troublemakers and destabilizers.

This period of reaction, conservatism, and the perception that independent civil society organizations are a threat lasted for an extended period — until 2015–2017. By the end of this period, there are virtually no political parties which oppose the ruling regime, almost no independent media, and trade unions are tightly controlled. Only independent public organizations are presented as a threat.

Yet by the second half of the second decade of the 21st century, the prevailing international position was well-known: civil society in the modern world is most necessary and effective tool for public administration. In other words, there can be no effective public administration without a strong civil society, because there would be no feedback, no civic influence on managerial decision-making, and no politics adjustments.

Moreover, in the modern world, human rights have ceased to be strictly a humanitarian consideration, and have emerged as an economic one. Without recognition and protection of human rights, it

is impossible to be competitive, economically attractive, or sustainably developing (with the examples of China and Singapore remaining the exceptions to the rule for a number of reasons).

Standards for civil society development are now included in global economic ratings and criteria. Kazakhstan's ambitious goal to become a member of the Organization for Economic Cooperation and Development (OECD) is impossible without observing these civil standards. National authorities have begun to understand the advantages of economic competition and the need to promote innovation, and are taking some positive steps towards promoting civil society.

At first, these steps were in the form of dialogue platforms, various public councils, proposed legislation on public monitoring and public associations, and other attempts to create a favorable environment for civil society and engage society in equal dialogue with the state.

At the same time, however, authorities, have deliberately continued to substitute concepts, calling all public organizations that can participate in the dialogue 'civil society'. In Kazakhstan there are in fact two types of public organizations: independent organizations and those that are dependent on the state to implement their work and forced not to conflict. Yet if you consider yourself dependent on the state, it is difficult — if not impossible — to be part of civil society.

To return to key concepts, the notion of 'power' should not be confused with the concept of 'state', which, as is known, includes both legislative and representative authorities as well as executive and judicial authorities. The primary source of power is the people. Through elections, people influence the formation of legislative and representative authorities, which, with consideration for our interests, adopt rules and laws, and create

institutions to implement these rules and laws. Yet how these rules and laws are enforced and how our rights and interests are protected is monitored by both Parliament and a strong civil society.

Unfortunately, the process of creating conditions for the free development of civil society, which began in 2015–2016, proceeds very slowly, as political discourse continues to be dominated by questions of control, monitoring, and management. In other words, society remains the object being acted upon, and not the key actor.

Civil society can only begin to develop robustly, effectively, and perceptibly when conditions for the free development of political parties and political opposition will be created in Kazakhstan — pluralism will become an absolutely natural and normal phenomenon, independent media, including radio and television, will exist thrive, and independent trade unions will develop freely.

These are the pillars of civil society, and a huge number of independent actors are orbiting around them — civic activists, NGOs, civically - active users of social networks, bloggers, and others— representing a living and actively developing civil society.

Civic Space and Possibilities for Expansion

The concept of 'civic space' has several dimensions. The first key parameter is the legal framework. The Constitution of the Republic of Kazakhstan establishes that citizens of Kazakhstan have the right to freedom of association. Article 39 of the Constitution also says that human and civil rights and freedoms, including the right to freedom of association, may be restricted for some purpose.

The construction of the right to freedom of associations is very important, because it is

not only about the right to associate, but also about the right to freedom of association. This is a fundamental difference. The fact is that the law is a guarantee by the state, which it provides and ensures.

Classic examples are the right to health, the right to education, the right to social security — something that the state should provide. To ensure these rights, the citizens of the country collect shared resources, and the state addresses these problems. In contrast to those guarantees of the “right to”, the term “freedom of” is used in relation to speech, movement, thought, conscience, religion and beliefs, and assemblies and associations. This is a so-called ‘negative right’ or prohibition of interference by both the state and third parties in this very freedom.

Can there be restrictions? Of course, there can be. Justifications for restricting rights and freedom are strictly defined by law, and include for the protection of national (state) or public safety, public order of the rights and freedoms of others, health, and morality of the population. Legislation should be structured in such a way as not to regulate freedom of association in any way. Rights and freedoms should not be regulated — they should be respected, ensured, and protected!

When we ensure the right to freedom of association, what do we do? We act on the principle that everything is allowed that is not prohibited by law. In the civic space, we unite, convene, and communicate, expressing our opinions. In essence, civic space is a place where you can join with others, speak freely, and influence the state.

It is necessary to engage in civic space very intentionally, and only when:

1. **you believe that there is something that needs to be advanced or supported, thus providing direct or indirect help to**

public organizations through tax breaks or incentives, through the support of philanthropic or charitable activities; for example, as political parties are the only type of public associations through which one can formally come to power, then some special requirements are imposed on their creation and activity; alternately, as trade unions provide an opportunity for collective social partnership, support can include establishing collective agreements or agreements with the state on various tariffs, working conditions, protection, etc.;

2. **in exceptional cases, to achieve the four legitimate goals voiced earlier, i. e. restricting some rights and freedoms, while establishing some special prohibitions in the Criminal Code, in the Code of Administrative Offenses. These restrictions, however, must correspond to one of four legitimate goals, be necessary in a democratic society, established by law, and proportionate to the threats. At the same time, this justification must be made every time that rights and freedoms are limited to prove that restrictions are both required and proportional to the threat that needs to be repelled.**

In the overwhelming majority of democratic states of the world, there is no law on public organizations as such, except in cases when these laws were adopted specifically to help implement some narrowly-focused functions of these organizations. All public organizations are regulated through the norms of civil law, where there are commercial and non-profit organizations, and, of course, there are no Ministries of Information, Social Development, etc. What are they for? To help? To control? Unfortunately, our Ministries primarily perform control and supervisory functions.

In summary, I note **that first** and foremost attention must be paid to the design of legislation that regulates civic space. The principle ‘less is more’ applied well here. Restrictions are needed only in exceptional cases, as typically, it is help and support needed most.

Secondly, we must examine the legal and cultural-psychological framework. We are talking about the status of society itself, when society is accustomed to, knowledgeable about, and actively using civic tools. This is the transition from ‘population’ to ‘citizens’, and those who have turned into citizens are free individuals who consciously use social practices or work in the regime of power formation, control over power, and making claims to power; overall, they work with the state as equal partners and as a source of power.

To date, ‘citizenship’ among our population is determined by those who have political and legal connection with the state, as determined only by an identity card and a foreign passport. This basic concept of citizenship is common — in fact most people are not very interested in a different relationship. However, in most developed countries, citizens have already become accustomed to the fact that there are those among them engaged in politics, in environmental protection, and in other key issues impacting the collective — there are those among them who are making noise, demanding change, organizing into institutions and using these institutions to make noise and demand change on a larger scale.

Our population has no concept of civil society yet. There is some knowledge about CSOs, and who are frequently viewed negatively as ‘grant-eaters’, as they are often called. It is not widely known what they are doing — sometimes it is believed that CSOs are a form of employment, i. e. if you have not found yourself a role in commerce, business, or

in other spheres, then you find a place where you don't need to 'do anything' and you twiddle your thumbs in exchange for pay.

The third is the attitude of the state and executive authorities. Civic space is effectively developing where the government considers itself to be an equal partner of civil society, where it considers civil society as a subject of public politics and understands that, without its expert opinion, participation, or passion, the state will not function effectively.

In this case, the state says: we serve you. We forgot that we have this wonderful word — SERVICE. This is not a service to the minister or to the president, but a service to the people. Even civil servants do not serve the state, as they often believe, but the people.

These three components — the legal framework, social psychology, and state perception — determine whether civic space is expanding or contracting, and what happens to its borders.

These are all fundamental things. They are the key to development, prosperity, and competitiveness. Misunderstanding these concepts has a negative impact on the development of the state.

The modern world stands on three pillars — the three pillars of modern development. One of these is the market economy; no matter what you do or what you invent, the market economy is the most effective method of management. You can't do anything without it. It provides an opportunity for individual and group initiative. It presents possibilities to receive an additional product that can then be shared. If we do not produce, there will be nothing to consume or share. The market economy allows us ample opportunities.

YET... the market economy itself does not guarantee that social justice will be preserved, that its results will be distributed fairly, or it will work for everyone, and not just for a separate group.

Therefore, another necessary condition is the rule of law — the existence of rules, procedures and effective mechanisms that support these rules and procedures. These rules should be established fairly, be understandable to the average person, and apply equally to all people. Only then will these rules align with the framework of the market economy with all its quirks.

Yet it turns out that this also does not work if there is no democratic mechanism of governance — if there is no only working within the framework of pluralistic systems to make sure that the rules are fair and that the institutions that assert them act independently, objectively, and equally. This is why we need all the mechanisms of a strong civil society, including independent mass media, political parties, trade unions, and non-governmental organizations.

Features of the Formation of Civic Space in Central Asia

The development of civic space in Central Asia depends entirely on the political context including the dynamics of the political process in countries across the region. Almost all of them, except to some extent Kyrgyzstan, are authoritarian and headed by post-Soviet post-communist elites, who are the primary beneficiaries of the economic transition of 1990s, the transition from a state-controlled, planned economy without private property to a modern market economy with private property — the beneficiaries of privatization processes that were not always legitimate.

This has determined their policies aimed at maintaining power and control over civil society and its development. The region presents a spectrum of policy approaches; in Turkmenistan, for example, pure unalloyed authoritarianism borders on dictatorship, while Kazakhstan has an authoritarianism system with elements of imitation democracy.

There are parliaments in each country, yet, apart from Kyrgyzstan, they include no political opposition. Opposition is also missing among local representative authorities. There are multiple parties, but practically none of them are opposition parties, because it is impossible to create and register them. There is mass media, yet few independent media sources, particularly on television and radio. There is no political pluralism and no space for political competition. There are constitutions and legislative frameworks, including on non-profit organizations and public associations, but they are not conceptually aimed at the development of civil society. As noted above, their primary goal is to preserve power and ensure control.

Equally concerning, there is no rule of law. There is a classic 'Rule by Law' — that is, governance by law, which allows repressive legislation to be widely used against civil activists, independent journalists, and human rights defenders. At the same time, the freedom of association is enshrined in the International Covenant on Civil and Political Rights, ratified by all countries of the Central Asian region, and the development and establishment of a strong civil society is one of the most important indicators of the development of democracy, which, along with the rule of law and respect for human rights, is one of the three components of the 'human dimension' outlined in OSCE commitments, to which all countries of the region have pledged as members.

Ultimately, the post-Soviet societies of our region, continue to be societies, but not civil societies. For the most part, they retain elements of the Soviet system: paternalistic sentiments, the belief that all problems should be solved by the state while reinforcing 'learned helplessness' among citizens; thus if the state does not solve problems, then it is impossible for them to be solved in any other way. This model continues due in part to lack of political literacy or skills of civic activism among citizens, for whom the idea of CSOs is a foreign social phenomenon. These ideas are reinforced by Russian television, which dominates the information field in Central Asia, and propagates conspiracies that have filled social networks. This in no way diminishes the valuable work of public organizations, who continue to represent the interests of socially vulnerable groups, support education, health, and other issues of social importance.

Trends in the Development of CSO Legislation

Based on these basic assumptions, it is possible to evaluate existing legislation on CSOs, institutional development, and interactions between civil society and the state in the region.

Unfortunately, Kazakhstan's legal framework is built on the dominant principle of state control over civil society and special legal regulation, which includes a large number of restrictions, bureaucratic requirements and conditions scattered throughout the legislation. These include mandatory registration of public organizations, complicated and somewhat discriminatory bureaucratic procedures for acquiring the status of a legal entity, compared with commercial organizations, burdensome reporting requirements for public organizations, scrutiny of CSO operations by authorities combatting terrorism finance, special oversight bodies, such as the Civil Society Committee of the Ministry of Information and Social Development of Kazakhstan, and the existence in vague criminal legislation directed towards the leaders of public association, included in more than two dozen articles of the Criminal Code. Civil society organizations are considered suspicious and potentially dangerous by the state.

There have also been a range of attempts to adopt legislation on 'foreign agents' or 'undesirable organizations', following the example of neighboring Russia.

The approach to the legislation on civil society is conceptually wrong and requires fundamental reforms.

In Conclusion: The Policy of 'Compulsion to Civic Action'

My subjective assessment of the socio-political context lays the foundation for an answer to a somewhat provocative question. Are there societies in the region? Of course there are, each with its own history, traditions, development trajectory, transformations, connections, and strengths and weaknesses.

But I doubt whether the term 'civil society' plays any role in the public consciousness, with an emphasis on the multifaceted meaning of the term 'civil'. At least, for now.

At the same time, however, I believe that there is no alternative to a developed civil society if our states want to be competitive, efficient, and capable of responding to ever-increasing challenges with agility.

This increases demands on societies. A rapidly changing world will require a policy that can be described as 'compulsion to civic action Moisés Naím.' The creation of favorable conditions for civil society development the expansion of what we call 'civic space' will be one of the primary tasks of the states in the region.

Proto-civil society in Kazakhstan. Evolution or Reincarnation?



Dosym Satpayev

Candidate of Political Sciences, Ph. D.
'Risk Assessment Group' Consulting Organization

Theoretical analysis of civil society as a political phenomenon requires avoiding the common trap of extremes, i.e. looking at civil society as either completely opposed to the state, or, on the contrary, as subordinate to the government. The original meaning of civil society is lost in such extremes, or the concept itself is declared a phenomenon of Western civilization. These radical approaches have given rise to several popular myths, which continue to mislead some researchers.

Myth #1

Civil society is a group of individuals, in which all its members acquire the highest human qualities.

The fact is that since the time of the French Revolution, the status of 'citizen' assumed at least an elementary knowledge of basic rights and mechanisms for their protection. Therefore, a group of individuals, even those who are in some way independent from state control, does not in itself comprise a 'civil society' that requires more active participation in the expression and protection of their interests. An important characteristic of civil society is the achievement of a high level of self-organization and self-regulation of society.

Myth #2

Civil society is a combination of non-governmental, non-profit organizations, as well as mass media, political parties, trade unions, pressure groups, religious organizations, creative and scientific unions.

With this same reasoning we could say that the party system is a set of political parties, even if many of them do not perform their main function of representing political interests or struggling for power. Or, that a market economy is a set of economic institutions. As practice shows, thousands of NGOs, mass media, and dozens of political parties can be registered in an authoritarian state, but their influence on civic participation and the political process is usually quite low.

Myth #3

Civil society is a blessing, and the state is an inevitable evil.

Political history shows that the state can in fact exist without civil society, through civil society cannot function without the state which takes on the strategic function of managing all political, social and economic subsystems.

Civil society appears after spheres of influence are divided between the state and the citizen, as

established not only in the Constitution, but also through the formation of numerous “watchdogs” protecting private rights and public interests. At the same time, the competitiveness of state structures in the modern world is largely determined by the degree of development of civil society and its interaction with the political system, which requires a feedback loop and numerous indicators assessing the political course being pursued.

Myth #4

A competitive state can be built with a weak civil society.

There is an erroneous opinion at the highest levels of government that a country's competitiveness is determined only by the level of its economic development, GDP growth, industrial advantages, and innovative programs. However, the existence of a transparent system of rules assumes the presence of structures that facilitate maximum transparency in all spheres of public life and have the ability to monitor the implementation of these very rules. Naturally, these structures include numerous factors that shape civil society and a pluralistic environment. A competitive economy cannot exist without a competitive state apparatus, and a competitive apparatus cannot exist without a strong civil society.

Myth #5

A full-fledged civil society can be quickly formed during periods of transition.

In examining the post-Soviet space three decades after the collapse of the Soviet Union, we can see that some republics have achieved a degree of success in the formation of civil society, while others have not; more fall into the latter group than the former. At one time, the Concept of the Development of Civil Society in the Republic of

Kazakhstan for 2006–2011, approved by the Decree of the Head of State, identified the following civil society institutions: political parties, trade unions, religious associations, creative, public and scientific unions and associations, and mass media, as well as non-governmental organizations that provide a wide range of services and programs for society, and include non-governmental foundations, non-profit institutions, unions (associations) of legal entities, and other socially-oriented organizations and initiative groups.

Institutions of local self-governance, which in many countries were the first building blocks of civil society, based on the expansion of democratic rights and freedoms, were notably absent from the list.

In general, if we attempt to characterize the primary elements of civil society, its basic framework must include the following:

- non-governmental, non-profit organizations;
- non-governmental offline and online media, as well as social networks;
- an effective system of local self-governance;
- religious, political, and national tolerance of dissent;
- the existence of such a phenomenon as ‘public opinion’, which could be considered by the state and business;
- mechanisms to realize ‘social partnerships’ with business structures;
- readiness and, most importantly, the existence of legal and political avenues for citizens to participate in public life, including in the form of rallies, demonstrations, pickets, drafting and filing petitions, and participation in parliamentary hearings, among other forms of participation.

The primary indicators determining the level of civil society development:

- vertical and horizontal decentralization of power;
- the number and quality of existing access points to the political decision-making process;
- availability of a legislative framework favorable for the development of civil society institutions;
- partnership of civil society institutions with business and government;
- development of local self-governance bodies;
- active growth of the middle class.

But Kazakhstan's political structure still bears significant traces of the Soviet post-totalitarian system, the primary characteristic of which is the atrophied nature of its “inputs” at the level of perception of external impulses and information from below. Thus, states in transition, like Kazakhstan, were primarily characterized by a proto-civil society rather than contemporary civil society.

Features of Proto-civil Society in Kazakhstan

1. The subordinate role proto-civil society elements relative to the state, since the rules of the game are established by authorities.

While in some countries civil society institutions and state structures have developed almost in parallel, in other political systems, to which many post-Soviet republics belong, the state initially played a dominant role.

Until the 2000s, the authorities in Kazakhstan did not pay serious attention to the development and formation of the non-governmental sector. There are quite objective reasons — the 1990s were dominated by the process of building political and economic systems for a sovereign Kazakhstan following the collapse of the Soviet Union. In 1995, the practice of the so-called ‘rigid executive vertical’ took hold, headed by the first president and enduring for the length of his tenure. This also explains the rather interesting pattern of uneven distribution of the state’s attention to certain civil society institutions. In particular, a tougher approach was applied to political parties, trade unions and the media; these institutions, from the point of view of authorities, are potential political players who, in the context of a political monopoly, should be under strict control. As for trade unions, the experience of Poland and other Eastern European countries has well shown that they can represent a serious political force, and thus their development was purposefully weakened in our republic, with the help of foreign and local businesses.

In the early 2000s, when the process of political and economic institutionalization had already gained momentum, from the point of view of the elite, the state decided to find a place in this process for the non-governmental sector. In 2001, the law of the Republic of Kazakhstan ‘On Non-profit Organizations’ was adopted, followed in 2002 by the ‘Concept of State Support for Non-Governmental Organizations’ and the law of the Republic of Kazakhstan ‘On Political Parties’, which establishes stricter conditions for the creation and functioning of party organizations. In 2003, the Government of Kazakhstan approved a program of state support for non-governmental organizations for the period 2003–2005, marked by first Civil

Forum event, attended by the President of the Republic of Kazakhstan. In April 2005, the law ‘On State Social Order’ of the Republic of Kazakhstan was adopted, giving the state serious financial leverage to control the non-governmental sector. Notably, the passage of the law coincided with the first transition of power in neighboring Kyrgyzstan. In Kazakhstan, this event was observed with some trepidation from authorities, who began a massive audit of all CSOs that had received financial support from international foundations. It is quite possible that these external factors are what ultimately forced Kazakh authorities to change tactics with regards to non-governmental and non-profit organizations, including in terms of the use of financial leverage. At the same time, the early 2000s saw an increasingly favorable pricing environment on the world raw material markets, generating additional financial resources in the state budget that could be used to finance certain projects with the participation of proto-civil society institutions. This led to the adoption of the both the Concept of State Support for Non-Governmental Organizations of the Republic of Kazakhstan and the Program of State Support for Non-Governmental Organizations of the Republic of Kazakhstan for 2003–2005 and the cancellation of the ban on state funding of public associations outlined in the Constitution.

The culmination of the state’s regulatory activity was the creation of the numerous fake social and political structures — from parties to NGOs — described above. This period saw the rise of GONGOs (Government-Organized (or Operated) Non-Governmental Organization), created by the state or with the participation of state agencies, which were often on the receiving end of the state’s social contracting mechanism, was only a leash and a muzzle. Former editor-in-chief of Foreign

Policy and former World Bank executive director Moisés Naím designated GONGOs as instrument of domestic policy in undemocratic countries, where they create the illusion of democracy while managing political processes.¹ Based on the fact that relations between the government and CSOs have been unequal from the start, and that some non-governmental organizations could be secretly affiliated with public officials, then GONGO participation in state tenders and the implementation of state-funded grants to NGOs is fertile ground for corruption — state structures report on the next disbursement of money, corrupt officials receive kickbacks, and contracted CSOs are mainly engaged in writing beautiful reports on work allegedly performed. At the same time, the dependence of Kazakhstani CSOs on a single financial source, whether it be an international fund or the state, leads to another significant problem. This dependency has led to the so-called ‘moth effect’, when the life of many non-governmental organizations is fleeting, ending immediately after grant funds dry up.

In the background of issues facing civil society organizations and their sustainability are broader social issues that, when compared with the 1990s, signal a certain crisis of liberal pro-Western ideas in our society. This has led to the fact that many purveyors of these values, including political parties, NGOs, and individual public figures, have left the political scene. The enabling environment for a pro-Western lobby has greatly narrowed since the 1990s, when the collapse of the USSR, led to a burgeoning civil society built on Western liberal values. The era of pro-Western romanticism has also ended in Kazakhstan, along with a reduction in the number of its proponents.

1 Moisés Naím. Democracy’s Dangerous Impostors. April 21, 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/04/20/AR2007042001594.html>.

Looking into the future, a number of trends can be observed. First, the era of the Russian-speaking opposition is over, and new young Kazakh-speaking politicians and organizations will appear on the political field. Second, the ideological mainstream will advance in two directions: national-patriotic and religious. This dichotomy will have to be taken into account by all political players, including those in power as well as the opposition.

2. Low level of political and legal culture

Political culture plays a critical role in this analysis for two reasons. First, it determines whether civil society institutions are legitimate or illegitimate actors, and whether their activities are allowed to assert specific interests and influence the political process. Second, political culture influences the public's desire and ability to shape and organize their interests and participate in group politics. Yet in a political system dominated by a single domination ideology, all forms of voluntary associative activity are typically suppressed to ensure the strength of a single center of absolute power. The change of political elites in Georgia, Ukraine, and Kyrgyzstan became triggered fears among Kazakh authorities about the possible politicization of Kazakhstan's proto-civil society institutions. It is no secret that these transitions were widely painted in both Kazakhstani and Russian mass media as the product of foreign influences, exercised in part through foreign — and primarily American — funding for opposition parties and the non-governmental sector. If national authorities previously paid little attention to the activities of many local and foreign CSOs, then after 2004 the first blow was struck at foreign non-profit organizations operating in Kazakhstan.

3. Lack of sufficient socio-economic stability required for development of civil society

If we assume that one precondition for the emergence of civil society is the economic independence among citizens on the basis of private property, the protection of which is guaranteed by the state, then actually Kazakhstan has no broad social base for the formation of such a civil society.

First of all, we are talking about the middle class, which even before the global financial and economic crisis was an insignificant percentage of the population in Kazakhstan. At the same time, the proto-middle class (a social group that stands on the border between the middle class and the poor) was much larger. The crisis has indeed dealt a serious blow to the middle class in the country. Many Kazakhstanis have lost their socio-economic status, returning to the proto-middle class or to an even lower social rank to become the 'newly poor'.

The market economy, however, can act on authoritarian regimes as a powerful 'solvent'. Kazakhstan's economic growth, however, largely depends on favorable external factors — which can be quite unstable. International experience shows that it takes an average of 20–25 years for market reforms to have an effective impact on the country's political system. Economic growth requires decentralization of the economy, which is impossible without at least partial political liberalization.

4. The lack of a full-fledged infrastructure for civic initiatives and participation in public life

At the moment, existing proto-civil society institutions in Kazakhstan have only three tools to exert a limited influence on the political process:

- participation in the implementation of the state social contracting system;
- participation in rule-making activities;
- indirect lobbying through the mass media and social networks.

In the first case, institutions have direct contact with the state in the role of client, which allows a certain degree of control over the process of project implementation or service delivery, the consequences of which for the socio-political sphere can be calculated by the non-governmental organization itself.

In the second instance, proposals from state and non-state actors, including scientific institutions, are considered in the process of drafting new legislation, in accordance with the law 'On Regulatory Legal Acts'. Non-governmental organizations have the right to make proposals for the development or amendment of regulatory legal acts or submit initiative drafts of such acts to authorized agencies for consideration.

Officially, CSOs are allowed to take part in law-making activities and even contribute to the adoption of new laws. Yet these contributions are not systematic, but taken on a case-by-case basis with approval from the government within the bounds of the existing political monopoly.

5. Low level of partnerships with business

Relationships between business and society have not yet reached the stage of social partnership. Notably, the commercial sector itself benefits from having a strong civil society that defends democratic principles, which facilitate business stability, economic and political confidence in the future — a factor of progress and movement along the democratic path. Objectively, in the struggle between bureaucracy and business, society should side with the latter. The inviolability of private property, publicity, legality, and transparency

are beneficial to society, because they make bureaucracy and business understandable and controlled by it.

'Procrustean Bed' of Proto-civil Society

In general, if we attempt to analyze state policy concerning civil society institutions in Kazakhstan, which has long preserved its proto-civil level of development, we can distinguish several characteristic features:

| 1. Non-priority of Civil Society Development

Despite the fact that numerous official documents and statements speak of the need to establish a civil society in Kazakhstan, the state continues to restrain this process within the framework of political expediency. The thesis about the primacy of the economy and the secondary nature of politics has led to the fact that significant effort and enormous financial resources are primarily directed at supporting ambitious economic programs. Perhaps this explains the fact that GDP growth in the republic is usually not linked to an increase in the Human Development Index. Even Kazakhstan's chairmanship in the OSCE has not accelerated the formation of a strong civil society in the country. Few positive trends have been demonstrated in this area.

| 2. Depoliticization of Civil Society Institutions

In the presence of a political monopoly, the range of participants in the political process is always limited. Yet in Kazakhstan, unlike in other Central Asian countries such as Uzbekistan or Turkmenistan, mechanisms of control over society are more diverse. These mechanisms aim to exercise legal (through the adoption of restrictive laws) and financial control, and including filtering of potential political players, defending supporters, and punishes political opponents.

Against this background, authorities have been successful in reframing key terms, including, for example, 'managed democracy'. At one time, political scientist E. Shils called it "democracy under guardianship." Yet the essence of all of these attempts boils down to the fact that Kazakhstan is allegedly not yet ready for democracy, which remains a long way off. This was reflected in the Concept of Civil Society Development in the Republic of Kazakhstan for 2006–2011, where emphasis was placed on the fact that "society becomes civil only at a certain stage of democratic development." This was a rather vague thesis, as it remains unclear who, when and by what criteria the countries stage 'democratic development' will be assessed.

| 3. Implementation of the "Divide and Rule!" Principle

From the point of view of authorities, socio-economic and political life in Kazakhstan can be divided into 'friends' (our 'own') and 'strangers'. 'Friendly' political parties are easily registered and have a chance of entering parliament. In turn, 'stranger' party structures are purposefully relegated to the positions of outsiders and face a large number of obstacles. Our 'own' mass media quite quickly acquires radio frequencies, and television broadcasting and registration certificates in order to master state finances within the framework of a social order. 'Stranger' mass-media is fighting for survival every day. The process of artificially dividing Kazakhstani CSOs into 'friends' and 'stranger' is itself highly problematic.

Evolution or Reincarnation?

As some experts note, the official interpretation of the concept of 'civil society' has always been too institutional, as it has focused only on registered organizations, while there are also unregistered

initiative groups of citizens appearing to solve local problems. But here a key contradiction arises between the state's desire to control all players in socio-political and economic life through the mechanisms of registration and licensing, and the nature of civil society itself, which, on the contrary, tries to reduce state control. Moreover, recalling the above myths, civil society is not simply a set of institutions that have a registration certificate. Moreover, it not only includes a large number of unregistered and initiative groups, but also strengthens their activities with certain common values and principles. With the advent of social networks, it is precisely such groups, including volunteer movements, that have gradually shifted social activity from offline to online venues. Here a key question arises: Is Kazakhstan's 'proto-civil society', taking the form of a network, moving towards a higher level of development and a completely different form of civic activity, or are we simply seeing the reincarnation of the proto-civil society in social networks? Most likely, both.

On the one hand, we are witnessing that completely different forms of social mobilization are being tested, with different goals and participants. Social networks create a 'domino effect', in terms of the violent reaction of the public to certain events in Kazakhstan. In the American political science, this phenomenon is called 'grassroots', i.e. grassroots activity, which can sometimes influence the government. This bottom-up form of activity among the population in Kazakhstan is a positive trend for several reasons. First, the level of political culture is increasing, as citizens are mobilizing to address a specific problem. Second, many people are beginning to worry about issues that used to be on the periphery of their lives. Third, the culture of the volunteer movement — a cornerstone of civil society — is growing in front of us. An increasing role for social networks, including as a channel to

inform authorities about certain issues, is a sign of so-called indirect lobbying.

In the famous science fiction trilogy of the Wachowski brothers, *The Matrix*, the primary struggle is between an artificial “Matrix”, to which the bodies of people whose energy is used by smart machines are connected, and the last city of humanity, Zion, located underground. In the film, this city is the personification of freedom. In real life, certain features of Zion can be observed in social networks, which in some cases even challenge the “Matrix” in the face of non-transparent and non-competitive political systems resembling Agent Smith. Social networks are already creating the effect of a stone thrown into a pond, in terms of the violent reaction of the public to certain events. “Due to the fact that numerous specific network connections are formed between relatively autonomous elements of politics, the level of self-organization increases and, at the same time, the ability of state authorities to use technologies based on coercion is weakening. It can be stated that the communication system of political administration is developing towards decentralization and fragmentation”².

While the Kazakhstan authorities have been actively engaged in cleaning up the information field, getting rid of opposition media structures, and increasing the supply of state media, an alternative information field has gradually begun to form, which has not only begun to express its opinion, but which also attempts to exert indirect pressure on state structures through the formation of public opinion.

At the same time, the Arab Spring may have caused many post-Soviet elites to be wary of social media, seeing it as a certain political threat

in terms of mobilizing the masses and creating an information ‘blast wave’ effect that breaks through attempts to block information sources. Most likely, the evolution of Internet communities is already alarming to Kazakh authorities, as it is through social networks that a new form of civil society is emerging. Among a certain subgroup of the population, protest sentiments have moved online to social networks. Having dealt with more traditional ‘offline’ political opposition, the authorities have attempted to address this online “sofa opposition” (so named for the ease of access to Internet resources — including from the comfort of one’s sofa). The trend of demonization of social networks will continue. If sooner or later the decision is made on launch a partial or total network “blackout”, there is no need to ‘reinvent the wheel’. the procedure for suspending an internet resources is outlined in paragraph 1 of Article 41–1 of the law ‘On Communications’, which states the following: “In cases of using networks and (or) means of communication for criminal purposes that harm the interests of the individual, society, and the state, as well as for the dissemination of information that violates the legislation of the Republic of Kazakhstan on elections, containing calls for extremist and terrorist activities, mass riots, as well as to participate in mass (public) events held in violation of the established procedure, promoting the sexual exploitation of minors and child pornography, the Prosecutor General of the Republic of Kazakhstan or his deputies shall submit to the authorized body an order to eliminate violations of the law with a requirement to take measures to temporarily suspend the operation of networks and (or) means of communication, the provision of communication

services, access to internet resources and (or) information posted on them.”³

If, however, authorities begin to create new artificial barriers to social activity simply to protect themselves from criticism, then the very classic effect of a steam boiler appears. Fighting protest sentiments on the internet by increasing the number of ‘red flags’ (i.e. language or images that prompt additional scrutiny) is irrational, since the sentiments themselves will not go anywhere. This is the same as attempting to combat extremism and terrorism by forcibly shaving the beards or prohibiting the clothing worn by members of non-traditional religious groups. The measures may sound impressive, but are often ineffective. After all, social networks are now the only channel for authorities to obtain alternative information. Thanks to Kaznet, officials can gauge protest moods in society, among which subgroups, on what issues, and glean insight on how to address them. Ultimately, any civic activity within the framework of the law is better than underground antisocial aggression. The alternative is a bureaucracy based on rumors and the activities of more radical structures, which, in principle, can exist without the Internet. Thus, network censorship not only limits society’s voices and channels through which to be heard but also deprives authorities of the ability to adequately respond to current social realities, which can be destabilizing.

² Krainova K.A. The Internet as a Means of Political Manipulation in Modern Political Governance. PolitBook magazine. Issue No.2 / 2013 <http://cyberleninka.ru/article/n/internet-kak-sredstvo-politicheskoy-manipulyatsii-v-sovremennom-politicheskom-upravlenii>.

³ Law of the Republic of Kazakhstan of July 5, 2004 No. 567-II ‘On Communications’ (as amended and supplemented as of 09.01.2018). https://online.zakon.kz/document/?doc_id=1049207&mode=p&page=5#pos=0;0.

Legal regulation of the non-profit organizations in Kazakhstan: limitations and opportunities for development



Roman Podoprigora

Research Institute of Public Law,
of the Caspian University, Doctor of Law, Professor

| 1. Introduction

Issues concerning the legal regulation of non-profit organizations, unlike commercial ones, do not generally generate serious interest within the professional legal environment.

This can be attributed to a number of factors, including historical considerations. During the Soviet period, non-profit organizations were predominantly state-owned and their activities were therefore regulated by the general provisions of the Civil Code. Beyond ideological structures (i. e. the Communist party, 'Komsomol' youth movement), which were closely embedded in the state and whose legal status was not questioned, as well as collective farms, cooperatives, and trade unions, there were few voluntary societies and therefore no need for special regulation.⁴

In the post-Soviet period, a large number of diverse non-governmental, non-profit organizations emerged, including voluntary societies (public and religious associations), organizations providing services (educational and medical institutions), structures accumulating and distributing money (foundations), as well as sector-specific organizations (bar associations, notary chambers, cooperatives of apartment owners, etc.).

In Kazakhstan, these organizations were classified by the 1994 Civil Code into distinct legal entities by type based on two criteria: a) non-income generation and b) non-distribution of net income among participants.

Civil legislation, however, is based on the recognition of legal status and property ownership.⁵ Civil law does not consider whether an

organization was created to support the exercise of the constitutionally-guaranteed freedom of association or to provide services on a non-commercial basis.

Subsequently, separate laws were developed to govern non-profit organizations by type: non-profit organizations (2001), public associations (1996), religious activities and religious associations (2011), political parties (2002), trade unions (2014), and consumer cooperatives (2001).⁶ These laws not only reinforced the norms outlined in civil legislation, but also introduced provisions of an administrative and legal nature, including mandatory registration, control over the activities of non-profit organizations, and reporting to state agencies. These requirements primarily concern civil society organizations, also called non-governmental organizations in Kazakhstan. The state's cautious

⁴ See more detailed about this: Podoprigora R.A. Legislation on Non-Profit Organizations: Civil Law Problems // Civil Legislation of the Republic of Kazakhstan and other Post-Soviet Countries: Past, Present, Future. Materials of the International Scientific and Practical Conference Dedicated to the 75th Anniversary of Academician of the National Academy of Sciences of the Republic of Kazakhstan, Doctor of Law, Professor M.K. Suleimenov (Almaty, September 29-30, 2016) / Ed. M.K. Suleimenov. - Almaty: Research Institute of Private Law of the Caspian University, Kazakhstan International Arbitration, 2017. pp. 203-209.

⁵ See, for example: Klimkin S.I. Legal Monitoring of the Law of the Republic of Kazakhstan of January 16, 2001 No. 142-II Non-Profit Organizations <https://online.zakon.kz/Document/?doc_id=34713097#pos=4;-106>. Visited on October 14, 2021.

⁶ Sometimes the status of various non-profit organizations is fixed in laws dedicated to a specific area (the Code on People's Health and Healthcare System (2020), the Law on Education (2007), the Law on State Property (2011) or one or another activity (the Law on State Social Order, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan (2005), the Law on Charity (2015)).

attitude towards such organizations explains the use of administrative tools, while also forcing the state to look for other ways to influence civil society organizations, including various forms of financing, partnership, and transfer of individual functions.

Unlike Soviet-era law, modern legislation recognizes various forms of engagement by non-profit organizations in a multitude of sectors, including through property, labor relations, participation in public life, partnership with the state, social work, etc.

At the same time, however, it is also clear that legal regulations developed in the period following independence require improvement in order to more adequately respond to the challenges of the present day.

2. Legal Restrictions on the Activities of Non-profit Organizations

Kazakhstan's legislation establishes a large number of restrictions on the activities of non-profit organizations.

These include restrictions that are relevant to all types of non-profit organizations. Non-profit organizations are only allowed to carry out those types of activities that are outlined by their statute and registration documents. According to paragraph 1 of Article 32 of the Law on Non-Profit Organizations, a non-profit organization may carry out one type of activity or several types of activities not prohibited by the legislation of Kazakhstan and which correspond to the objectives of the non-profit organization as established by its constituent documents. Systematic implementation of activities contrary to these goals is considered grounds for the closure of a non-profit organization, according to paragraphs 2 and 4 of Article 49 of the Civil Code of the Republic of Kazakhstan. If a case is brought forth by the prosecutor's office, courts may also rule that 'non-statutory' activity as grounds

for suspending the activities of a non-profit organization, according to paragraph 1 of Article 42 of the Law on Non-Profit Organizations.

A non-profit organization operating with funds provided free of charge by foreign or international organizations, foreigners, or stateless persons must submit a report on the use of these funds to state revenue authorities, in accordance with paragraph 2 of Article 41 of the Law on Non-Profit Organizations. This obligation also appears in the most recent versions of the Tax Code (2008 and 2017). Notably, this separate requirement is not strictly necessary, as non-profit organizations already provide reports to government agencies and the legality of transactions is monitored by banks and the same government agencies. Moreover, the appearance of this requirement in the Tax Code appears somewhat out of place, as it has no direct relationship to tax obligations.

Notably, Article 39 of the Law on Non-Profit Organizations also requires non-profits to establish an internal governance structure which includes a supreme governing body, an executive governing body, and a control body; the law establishes the issues over which the supreme governing body must have control. Such a rigid setup does not allow non-profit organizations to use management schemes that meet their requirements.

Strict procedures for the state registration of non-profit organizations can also be considered restrictions on the work of the sector, as the registration process not only gives the state the authority to recognize an organization's legal status, but also assesses its perceived usefulness, level of 'danger' to the public, etc.

Additional restrictions may also apply to certain types of non-profit organizations; these are outlined both in the general law on non-profit organizations and in special laws.

Of particular note are prohibitions on religious associations (paragraph 11 of Article 3 of the Law on Religious Activities and Religious Associations) and public associations carrying out activities without state registration (Article 5 of the Law on Public Associations). This prohibition contradicts both the Constitution of the Republic of Kazakhstan and state's international obligations, as it hinders the full exercise of fundamental human rights.

Territorial restrictions on the activities of public and religious associations are also created when these organizations are unjustifiably and unnecessarily classified as national, regional, and local associations.

Non-profit organizations which take the form of a private institution, public association, non-profit joint-stock company, public, corporate or private foundation, or association of legal entities in the form of a union are required to annually submit information about their activities to relevant state agencies, according to paragraph 5, Article 41 of the Law on Non-Profit Organizations. This obligation is discriminatory, since it is established only for non-profit organizations.

It is also important to note those problematic articles on the administrative responsibility of public associations, which violate all principles of legal responsibility by outlining penalties for unspecified violations. Thus, according to part 2 of Article 489 of the Code of Administrative Offences (2014), public associations are subject to prosecution for actions committed by leaders or members of a public association, or the public association itself, that violate the legislation of Kazakhstan. Beyond a warning or fine, violations are also punishable with the suspension of a public association's activities for a period of three to six months. Whereas in all other cases legal entities and individuals can only be held responsible for specific offenses, public associations can be held responsible for all possible and specific offenses that fall under the broad category of 'violating the legislation of the Republic of Kazakhstan'.

3. Opportunities to Improve Legislation for the Development of Non-profit Organizations

Opportunities to improve legislation governing non-profit organizations must address the conceptual problems of legal regulation as well as problems of a legal and technical nature. In particular, they include:

1. The division of legal regulation into that which relates to issues of private law and resolves issues concerning the creation and termination of the activities of non-profit organizations, their legal status, and their property, and that which relates to issues of public law, ensuring the exercise of the right to freedom of association, interaction with government agencies, and participation in public life.
2. Establishment of a closed list of non-profit organizations without the possibility of creating new forms of such organizations.
3. Elimination of redundancies in regulatory legal acts, more characteristic of a police state. In particular, these include the requirements for mandatory registration of public and religious associations or reporting on foreign financing.
4. Elimination of the so-called 'special legal capacity' of non-profit organizations tied to statutory goals and objectives. This does not mean that all types of non-commercial activities are absolutely permitted, but would require that prohibitions on engaging in specific activities should be prescribed by laws.
5. Granting non-profit organizations the right to independently establish their own internal governance and management systems.
6. Elimination of the rigid division of public and religious associations into national, regional and local organizations, as well as territorial restrictions on the activities of local and regional religious associations.
7. Introduction of the right of public and religious associations to create multi-level associations that will be recognized not as a separate type of legal entity (i.e. association or union of legal entities), but as a public or religious association.
8. Recognition of structural subdivisions of multi-level public or religious associations not only as branches or representative offices, but also as legal entities that are part of multi-level associations.
9. Elimination of the provision on liquidation of a non-profit organization related to systematic implementation of activities contrary to the statutory goals of the legal entity.
10. Elimination of provisions on the administrative responsibilities of non-profit organizations related to:
 - implementation of actions by the leaders or members of a public association, or the public association itself, that go beyond the goals and objectives defined by the charters of these public associations (part 1 of Article 489 of the Administrative Code);
 - implementation by a religious association of activities not outlined by its charter (part 4 of Article 490 of the Administrative Code);
 - the commission by the leaders or members of a public association, or the public association itself, of actions that violate the legislation of the Republic of Kazakhstan (part 2 of Article 489 of the Administrative Code);
 - non-submission or untimely submission of reporting by non-profit organizations to relevant regulatory agencies, as well as submission of unreliable or deliberately false information about their activities (Article 489-1 of the Administrative Code);
 - violation of procedures for submitting information on the receipt of money and/or other property from foreign states, international and foreign organizations, foreigners, or stateless persons, or their expenditure (Article 460-1 of the Administrative Code);
 - violation of the order of publication, distribution and/or placement of materials by persons receiving money and/or other property from foreign states, international and foreign organizations, foreigners, or stateless persons (Article 460-2 of the Administrative Code).

Some of these proposals can be easily addressed, while others will require more complex revisions of legislation. Ultimately, however, the legislative framework for the creation and activities of non-profit organizations will be more conducive to the fulfilment of their objectives.

4. Conclusion

The complexity of the legal regulation of non-profit organizations and their activities can be attributed to a number of factors, including lack of experience regulating the social sector; the multiplicity and diversity of non-profit organizations, which excludes the use of uniform approaches to regulation; and the state's cautious attitude towards civil society organizations, which leads to excessive use of administrative controls.

In the post-Soviet history of Kazakhstan, it is already possible to identify periods associated with relatively liberal legislation (i.e. early-mid 1990s) as well as with increasing state control and supervision of non-profit organizations (subsequent years).

It is clear that the further development of the state and society requires a strong civil sector, led by empowered and effective non-profit organizations. Current approaches aimed at curbing their activities should be replaced by approaches aimed at fostering their development and expanding their cooperation with government agencies in solving public and state problems. Legislation plays a significant role in defining the legal possibilities and establishing the scope of the activities of non-profit organizations.

The involvement of non-profit organizations themselves is necessary in the process of strengthening legislation. Today, a variety of institutional and legal opportunities have been created for this purpose, including public councils under state agencies, the portal «Open NPAs (Non-profit Associations)», public discussions, a public appeal process among state agencies, etc. Yet their involvement should not be selective or formal, but instead take into account a wide spectrum of opinions and range of approaches to regulation. Only under these conditions will the legislation governing non-profit organizations facilitate the effective work of the sector, with consideration for the interests of citizens, their associations and organizations, broader society, and the state.

Financing and taxation of non-profit organizations activities: challenges and ways of their solution



Natalia Yantsen,
Formation of Tax Culture PF

Financial stability and, in general, the financial activities of non-profit organizations in Kazakhstan depend on many factors related to their special legal status as non-profit organizations.

Let's take a closer look at how the specifics of the activity affect the financial stability of a non-profit organization.

1. Non-profit organization's activities are possible only within the framework of the statutory goals and objectives

For example, if an organization is engaged in the rehabilitation of people with disabilities, then it can carry out business activities only within the framework of these goals. If it plans to receive additional income, for example, from the sale of coffee in coffee machines, this may be regarded as a violation of the charter and statutory activities.

This requirement also applies to participation in the tender for state grants and the state social order.

Therefore, if a non-governmental organization decides to expand its activities and receive funding for a wider range of tasks than was indicated in its Charter, it will need to amend the Charter. Without this, the non-governmental organization has tax risks of recognizing the income received from activities that are absent in the Charter as income not subject to preferential taxation. And this, in a negative scenario of a tax audit, will lead to additional accrual of corporate income tax (hereinafter referred to as CIT), accrual of penalties and fines.

This condition also applies to the application of tax benefits. Since all tax benefits provided for in the legislation for various types of gratuitous income received (grants, charitable and sponsorship, etc.) are provided on condition that activities are carried out within the framework of statutory goals and objectives.

Thus, this legal requirement regarding the entrepreneurial income of non-governmental organizations is a kind of limitation for the financial sustainability of non-governmental organizations.

2. Non-governmental organizations have the opportunity to receive funding from various sources

Sources of financing can be both non-profit and entrepreneurial income:

- non-profit income in the form of grants from international, foreign and Kazakhstani organizations; state grant through the 'Civil Initiatives Support Center' non-profit joint stock company; charitable and sponsorship assistance from legal entities and individuals; membership fees;
- commercial income from social activities stipulated in the Charter, including within the framework of the state social order, as well as remuneration on deposits.

The wide possibilities of a large number of different sources of financing, when successfully used, contribute to the financial stability of non-profit organizations. At the same time, in the last few years, grant funding of non-profit organizations from foreign and international donors has significantly decreased. Several representative

offices of foreign non-profit organizations that previously allocated grants to Kazakhstani non-profit organizations have closed in the country. There has been a certain flow of non-profit organizations funding from international and foreign organizations to state funding directly and through a specially created structure — the 'Civil Initiatives Support Center' non-profit joint stock company, 100% dependent on state funds and accountable to the state for its expenditures on grants issued. Thus, state funding has partially replaced foreign grant funding, but this has reduced the role and activities of non-profit organizations themselves to those goals and activities that are necessary and/or authorized by the state.

3. Availability of tax benefits

Non-profit organizations have a number of tax benefits. In particular, the income of non-profit organizations in the form of grants, charitable and sponsorship assistance, the state social order, and remuneration for deposits are not subject to corporate income tax. Activities on gratuitous income in the form of grants, charitable and sponsorship assistance are not recognized as VAT turnover.

Various payments from grant funds (except for wages) to individuals who are residents of the Republic of Kazakhstan are also exempted from individual income tax and social payments; expenses for travel, accommodation and meals paid for individuals for activities within the statutory goals of the non-profit organization. Charitable and sponsorship assistance provided by non-governmental organizations to individuals who are residents of the Republic of Kazakhstan is not subject to individual income tax and social payments. The employer's expenses in the form of employees' income received from grants are exempt from social tax; there are also other tax

benefits related to the ownership of real estate and land plots.

Tax benefits allow non-profit organizations to use the available financial resources to a greater extent through tax savings, which contributes to financial sustainability. However, in the area of taxation, there are a number of unresolved issues that make the activities of non-profit organizations vulnerable, including financial sustainability.

Let's consider some of them:

1. Inability to take advantage of the benefits of those non-profit organizations that are not recognized as non-profit for tax purposes

As stated in Article 289 of the Tax Code of the Republic of Kazakhstan, a non-profit organization is recognized as having the status of a non-profit, in accordance with the civil legislation of the Republic of Kazakhstan, with the exception of non-profit joint stock companies, institutions, consumer cooperatives, except for cooperatives of owners of premises (apartments), associations of property owners of an apartment building that carry out activities in the public interest and meet the following two conditions:

- do not have the purpose of generating income as such;
- do not distribute the received income or property among the participants.

Thus, non-profit organizations that are registered in the organizational and legal forms of a public association, a foundation, a religious association, an association of legal entities, an association (union), a cooperative of apartment owners (premises) and in another form provided for by legislative acts are recognized as non-profit

organizations for tax purposes and are entitled to enjoy tax benefits provided for non-governmental organizations. Other organizational and legal forms include chambers of notaries, bar associations, chambers of commerce and industry, chambers of auditors and chambers of appraisers. Features of their legal status are regulated by separate legislative acts. Whereas non-profit organizations registered with the justice authorities in the form of institutions, consumer cooperatives, except for cooperative of apartment owners / premises, are not recognized as non-profit organizations for tax purposes. Accordingly, they cannot use the tax benefits provided for non-governmental organizations.

2. The existence of a restrictive definition of the concept of 'grant' and, accordingly, the impossibility of applying tax benefits for grants

The Tax Code defines this type of income as a 'grant', which foresees a list of donors approved by the Government, those international, foreign and Kazakhstani organizations to which the state has allowed to issue gratuitous funds to Kazakhstani non-profit organizations in the form of grants. Consequently, not every foreign / international / Kazakhstani organization that has the ability and desire to issue a grant to a Kazakhstani non-profit organization is recognized as a grantor on the territory of the Republic of Kazakhstan. Receiving such 'grants', the non-governmental organization will not be able to take advantage of the benefits that are stipulated in the Tax Code of the Republic of Kazakhstan for grant funds.

This circumstance not only introduces unreasonable restrictions, but also contributes to the emergence of errors in the activities of the non-governmental organization and tax authorities,

which have already led to controversial issues within the framework of tax audits.

3. Difficulties in the application of benefits for charitable assistance provided by non-governmental organizations to individuals, due to legislative restrictions in the definition of charitable assistance

In accordance with the Tax Code of the Republic of Kazakhstan, charitable assistance is assistance to individuals in the form of social support. Social support refers to assistance to certain categories of individuals; lists of these categories are scattered over dozens of regulations and they still need to be isolated. The 'list' approach, which requires excavation according to regulations, has led to the fact that pensioners who find themselves in a difficult financial situation, who are not disabled at the same time, are not included in any of the certain categories, which means they cannot count on charitable assistance. Certain diseases requiring serious and expensive treatment also do not fall under this category, etc.

As a result, non-governmental organizations are forced to pay taxes for actually providing charitable assistance to people who really need it, but who, with such a 'list' approach, were not foreseen by the state as socially vulnerable persons.

4. The need to pay corporate income tax for a positive exchange rate difference

Non-profit organizations that receive grants and other funds in foreign currency for their activities are obliged to carry out their public projects strictly according to the budget and with the targeted use of funds. At the same time, the funds received are converted into the national currency (tenge) within the time required by the agreement with the donor. As a rule, this does not happen at the time of receiving them to a bank account, but in the process of implementing a social project according

to the calendar plan. As a result, there is often a positive exchange rate difference, which is not currently a preferential type of non-governmental organizations income and is subject to corporate income tax on a common basis with other legal entities.

The budgets of NGOs do not provide for the costs of corporate income tax on the exchange rate difference, it is essentially not income (actually received money), but a certain calculated amount of accounting for foreign currency, their transfer to the national currency.

All funds, regardless of the currency in which expenses for public projects are spent, a non-profit organization is obliged to spend in full on the goals and objectives agreed with the donor and report on the budget, so the income from the exchange rate difference in money remains only on paper. The need to pay the CIT is an unfair tax burden for a non-profit organization, not supported by real income. To date, this is a problematic issue that does not contribute to the financial stability of non-governmental organizations.

At the same time, there is a precedent in the Tax Code when, in a similar situation, the recalculation of foreign currency receipts as financing of branches and representative offices by head offices is not recognized as income from exchange rate differences. A similar approach to the exchange rate difference of non-profit organizations would be the solution to the issue.

5. Lack of tax incentives for businesses and individuals to support the activities of non-governmental organizations and the development of charity in the Republic of Kazakhstan

To date, the tax legislation of the Republic of Kazakhstan has only one tax benefit for business organizations, which allows to support non-

governmental organizations. But it can be called a benefit very conditionally. In fact, the state allows for a small percentage (3% for large businesses subject to monitoring, 4% for the rest of the business) of the net income of a legal entity before corporate income tax, to make an additional deduction from its income. That is, in fact, the state allows to equate the aid given to non-governmental organizations to the commercial expenses of business, and not to take corporate income tax from these expenses to the treasury. This 'benefit' can be used only by legal entities, and only those who work in a generally established tax regime and are profitable, from the point of view of the Tax Code. But almost all small and most medium-sized businesses operate in special tax regimes; not all are profitable, although, according to accounting, they may be. Therefore, the number of organizations that have the right to take into account the assistance provided as their tax expenses is very limited. In addition, such a legislative approach, in our opinion, is not an incentive to support non-governmental organizations and the development of charity, since it does not contain any benefits for business, and does not support the desire to provide assistance in any way. It is only the consent of the state that the business may have such expenses.

6. Reporting to government agencies, including reporting on foreign financing to state revenue agencies. Control over the income and expenses of non-governmental organizations by the banks of the Republic of Kazakhstan

At the moment, control over the receipt of funds to non-governmental organizations is carried out on the basis of the Law of the Republic of Kazakhstan 'On Combating Legalization (Laundering) of Illegally Gained Income and Financing of Terrorism', and the Order of the Minister of Finance of the Republic

of Kazakhstan No. 938 of September 30, 2020 'On approval of the Rules for the submission by nafficial monitoring entities of information and information on transactions subject to financial monitoring and signs of determining a suspicious transaction' adopted on the basis of this law.

According to the Order, all receipts and expenses of non-profit organizations, solely by virtue of the status of non-governmental organizations, belong to the category of 'having signs of a suspicious operation'. Banks are required to monitor all non-governmental organizations operations and transmit information to the financial control agency, which is what happens in practice. In turn, the financial control agency transmits the data to the tax authorities. Further, the information obtained is compared with information on foreign financing, which non-governmental organizations are required to provide to the tax authorities of the Republic of Kazakhstan, since the state controls the income and expenses of non-profit organizations through reporting on foreign financing, for violation of the terms or content of which administrative sanctions follow, including fines, suspension of activities and liquidation of non-profit organizations.

Such control creates huge threats to the activities of non-governmental organizations due to the fact that the legislation does not specify the types of activities for which funding is subject to control and reporting, as well as the procedure for filling out reports. These uncertainties lead to a different and ambiguous understanding of the norms both on the part of non-governmental organizations and tax authorities, which give polar different answers to the same questions.

In addition, the Tax Code lacks a clear algorithm for monitoring the fulfillment of obligations by non-profit organizations to provide information on foreign financing, and therefore control

mechanisms are applied arbitrarily. Ultimately, this leads to controversial situations, to the possibility of targeted application of punitive measures by the state through the tax authorities to those non-governmental organizations that for some reason need to be neutralized.

There are no warnings stipulated for minor violations in the reporting on foreign financing, only penalties. For example, for an error in the document number, non-governmental organizations can be punished by 200 MCIs (for 2021 this is 583,400 tenge) with the suspension of activities. For late submission of reports, the fine will amount to 100 MCIs (291,700 tenge). Despite the fact that the violations themselves are insignificant, do not entail any additional taxes, do not pose any threat to the state and society, sanctions are inadequately enormous. There are already precedents for bringing to justice and they have been applied precisely to those non-governmental organizations that were involved in monitoring the elections in the Republic of Kazakhstan.

We are also concerned about the trend towards further tightening of state control and regulation of the non-governmental organization and charity sector; in particular, amendments to the legislation on charitable activities are currently being discussed. The meaning of them is that only those organizations that are included in the list created by the state will be allowed to engage in charitable activities. In our opinion, this will not only prevent the further development of charitable activities in Kazakhstan, but significantly reduce its level, since instead of financial incentives, the state again offers strict regulation of good deeds. All this does not lead to the financial stability of non-governmental organizations, as it deprives it of the opportunity to carry out charitable assistance and receive funding for it without special state permits. A huge number

of non-profit organizations that are currently engaged in parallel social support for certain groups and charity will face the question of how to provide charitable assistance to them now.

Thus, on the one hand, the legislation contains a number of tax benefits that contribute to the financial sustainability of the non-governmental organization sector. But on the other hand, the administration of the tax activities of non-governmental organizations, huge penalties for minor offenses that can be applied to almost any non-governmental organization with foreign funding, prerequisites for state regulation and control of charity create real threats to the financial sustainability of non-governmental organizations.



2

Real stories of civil
society organizations,
practical cases

ARGO's Partnership for Innovations program: from regional cooperation practices to future development strategies



Kaisha Atakhanova
ARGO Regional Development Advisor

Despite some socio-economic growth in the development of Central Asian countries and technical donor assistance from the international community during the COVID-19 pandemic, a number of socially significant problems continue to aggravate the region, including in the field of human rights. Today, countries in the region are facing acute issues concerning regional security and cooperation, and shrinking space civic against the backdrop of the pandemic. In this context the implementation of development programs and the principles of effective cooperation for development agreed upon by donor countries in Busan, acquire special significance. Within the framework of the Busan Partnership for Effective Development Cooperation, the aid effectiveness improvement program has been changed and expanded for the first time since 2011: the word 'assistance' has given way to 'development cooperation' and 'partnership for development'; parties call each other 'partners'; 'aid effectiveness' has become 'effective development cooperation',

and 'cooperation for effective development' refers to the new reform program of the Global Partnership for Effective Development Cooperation (GPEDC).⁷

The principles agreed upon in Busan have become the principles of Effective Development Cooperation (EDC):

- **Ownership of development priorities by developing countries.** A partnership for development can only succeed if it is led by developing countries, with approaches tailored to the specific situations and needs of the country.
- **Focus on results.** Investments and efforts should have a long-term impact on poverty eradication and inequality reduction, on sustainable development and on capacity-building of developing countries in accordance with priorities and policies established by developing countries themselves.

- **Inclusive partnerships for development.** Openness, trust, mutual respect, and learning are at the core of effective partnerships in support of development goals, recognizing the diverse and complementary roles of all stakeholders.
- **Mutual accountability and accountability to the intended beneficiaries of cooperation,** as well as to our citizens, organizations, voters, and shareholders, is crucial to achieving results. Transparent practices establish the basis for enhanced accountability.

Therefore, for ARGO, the Civil Society Development Association, which has 10 years of experience in implementing donor programs in the field of civil society development in the Central Asian region, it is important not only to comply with international standards for program management, but to support donor efforts in the practical implementation of the principles of effective

⁷ <https://www.effectivecooperation.org/>.

cooperation for development. In this context, it is useful to share ARGO's successful experience in the implementation of the Partnership for Innovations — P4I Program, the only platform in Central Asia aimed at developing regional cooperation between civil society organizations (CSOs) from six countries: Azerbaijan, Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. The regional component of the P4I program was aimed at uniting CSOs, promoting and implementing social innovations, and sharing fundamental knowledge and skills in the field of inclusive participation and the formation of modern paradigms, self-identification, and vision for the development of civil society in Central Asia.

ARGO's approach to the implementation of the program was as flexible and adaptive as possible, focused on the needs of countries and the region as a whole. At the same time, a special place in the implementation strategy of the P4I program was occupied by regional infrastructure — the Central Asian network of national non-profit organizations (NPOs), builds on a 10-year Memorandum of Cooperation with ARGO. Below we present the main characteristics and features of the regional P4I infrastructure:

- The regional infrastructure of the P4I program is NOT comprised of branches or representative offices of ARGO in Central Asian countries. Instead the program works closely with ARGO's key partners, NPOs with their own histories, values, principles, and missions. These NPOs are recognized leaders in the development of CSOs in their countries, enjoy trust and access to local NPOs, cooperate constructively with government agencies and have sufficient potential in project management. It is important that

ARGO, as the prime organization of the entire program, does not undertake managerial interventions within the partner organization as part of the joint project.

- P4I program management is decentralized and the principle of collaborative design / co-design is central to the program model, in which key partners are regularly involved in the development of the program and budgets, and engage in joint decision-making and reporting.
- Key partners worked directly with USAID Country Activity Managers, who ensured horizontal, well-established communication through in-person meetings, Zoom meetings, WhatsApp, Telegram, and email. This allowed country-based USAID Activity Managers and the Program Manager from the USAID Regional Office to 'keep a finger on the pulse' of the program progress, ensure coordination, and support successful P4I implementation with USAID support.
- Program partners developed in detail the main components of the program, based on the results of joint regional studies for the launch of the program, namely: (1) common thematic issues between Azerbaijan and Central Asia; (2) identification of gaps in the promotion of the rights of people with disabilities, including children, in Azerbaijan and Central Asia; and (3) the problems of women, including the abandoned wives of labor migrants, and opportunities to address these problems through civil society organizations in Azerbaijan and Central Asia⁸.
- P4I Regional Infrastructure recognizes the crucial role of IT and social media in the CA region. P4I social media has become an

integral part of the activities of P4I partners and program participants serving as a reliable source of updated information. Online platforms such as Zoom, Facebook, Tweeter, Telegram, Microsoft Teams, BlueJeans Network, and WhatsApp have become widespread and have significantly helped to overcome travel and face-to-face meetings restrictions during the pandemic. Thanks to P4I Central Asian CSOs have significantly improved their skills in using virtual platforms, leading to improved interactions with CSOs, strengthened and timely communication and access to reliable information.

1. Key partners identified seven strengths of the regional P4I infrastructure: Management of the P4I program is adaptive, mobile, and integrated, with a focus on the real needs of CSOs in the countries, as emphasized through engagement of key in-country partners for program implementation.
2. ARGO's approach is very positive and aims to develop collegial partnerships. Collegiality in P4I means openness and networking, involving partners and colleagues without a sense of competition, and building the trust among partners, who, in turn, develop a sense of belonging to a common cause, which ultimately unites them around common goals.
3. Partners see themselves as a sustainable and progressive network at the regional level. "We operate autonomously in countries, proposing and coordinating our initiatives within the framework of the P4I program objectives, with particular attention to country priorities and regional affiliation. The program is very sensitive to the needs of the country."

⁸ (1) <http://cso-central.asia/wp-content/uploads/2018/11/P4I-Analytical-Report-women-labor-migrants-EN.pdf>; (2) Identification of gaps in advancing the rights of people with disabilities, including children, in Azerbaijan and Central Asia; and (3) Female labor migrant issues, including addressing the needs of female-headed households abandoned as a result of labor migration, and the potential for addressing those issues by CSOs, in Azerbaijan and Central Asia.

4. It is important that P4I does not have confrontation with national governments. The program took a balanced approach, taking into account the potential of both CSOs and government agencies. P4I representatives in each country established reliable partnerships with key government agencies, ministries, and parliament. The program served as a catalyst for development, facilitated dialogue and the search for solutions, as well as constructive cooperation.
5. All partners in the region work in an embedded manner, using a unified regional approach. "This is a sustainable and progressive infrastructure; the design of the program ensures autonomy and a regional approach. We have established effective partnerships in the network; we work at the level of innovations and successful practices that can be adapted in our country."
6. Partners have gained extensive regional work experience of work and transferred this experience to work within their respective countries, creating new national networks. "It is important that the Program guided us outside the box, therefore, there are always elements of an innovative, new approach in our activities."
7. The diversity of approaches to building the capacity of CSOs through national and regional initiatives, trainings, CSO Web Academy courses, grants, and reporting was valuable because it was all supported by mentorship. This cyclical support to CSOs in the Program has led to remarkable results with a multiplicative effect. The use of various innovative approaches and technologies, as well as institutional grants, is very valuable.

Bobur Bekmurodov, Member of the Legislative Chamber of the Oliy Majlis of the Republic of

Uzbekistan, and Chairman of the Yuksalish nationwide movement noted: "Working with the help of country partners is a very effective approach that allows us to immediately and accurately identify the needs of CSOs, while international organizations need more time for research and analysis. The management of P4I is progressive and successful, with an individual approach to the needs of the country and CSOs, since the Program is implemented through a partner organization that is well versed in the situation, practice and experience in the country."

What has changed thanks to the regional infrastructure?

It is important that the regional infrastructure provided CSOs with stable publicly accessible platforms: the CSO Web Academy and the Amazing People multimedia portal. CSO Web Academy (edu.cso-central.asia) and the associated platform in Uzbekistan (studyorg.uz) have far exceeded the initial expectations for online educational and training resources. This unique capacity building platform is the only one of its kind in Central Asia, filling a knowledge gap and promoting a new generation of professional CSOs leaders. Since its launch in 2018, the CSO Web Academy has reached 2,000 students from 17 countries, of which 97 percent are from the target countries of Central Asia. Since it is an accessible platform based on internet and cellular communications, the CSO Web Academy has reached civil society activists, community leaders, women, entrepreneurs, and others in cities, as well as in rural and remote areas. This helps promote access to knowledge and skill-building among those who otherwise would not have such an opportunity.

In addition, during the four-year program, the Amazing People Information Portal (cso-central.asia)

reached a more than one million visitors from 140 countries, including 798,132 people from the Central Asia region and Azerbaijan.

It should be emphasized that the some of the most remote regions of Central Asia and engaged thousands of active members of civil society, including public organizations, volunteers and activists, and leaders of local communities and government agencies, all of whom enriched the program with the multicultural, linguistic, ethnic and traditional diversity of the Central Asian region. Thanks to the management of 101 small grants (6 regional and 95 national) totaling \$773,254, the small grants program proved very successful in achieving a real and sustainable impact. The program activated more than 40 regional networks and alliances implementing joint projects to protect the right to adequate housing, reduce the production and use of mercury-containing products, improve the well-being of the elderly and people with disabilities, inform local communities about available green technologies and methods, and increase women's access to social and economic resources. Thanks to the cascade effect and the direct participation of 519 and 105 local government bodies, six regional projects ultimately reached a total of 36,533 people from remote areas. Cooperation with state authorities has not only laid the foundation for future interactions between civil society and government, but will also significantly improve the lives of more than 530,600 local residents in the target countries.

P4I also implemented regional initiatives for CSO networking in the form of Civic Forums, Insights into Development conferences, Innovation Fest, Innovation Labs, CSO Web Academy School, Public Policy School, among other formats, with the participation of CSO leaders, international consultants and mentors, representatives of academia, and the media from Central Asia,

South Asia, and beyond. Since 2016, P4I has fundamentally changed the concept of forums and meetings and has actually rebooted the CSO sector by expanding the understanding, role, and space for civic engagement and leadership. Extensive work has been done to support the self-realization of civil society. New visions, strategies, approaches, and skills were applied to share experiences and knowledge both in Central Asia and beyond. The program culminated in the development of a strategic document, 'Looking into the Future Development of Central Asian Civil Society 2025'⁹ which defines the modern role, common trends, and a self-reflective portrait of civil society, proposing new ideas and priorities.

In general, the program has made an evolutionary step for civil society institutions the region by identifying and amplifying innovations in the social sphere. The P4I program has become a pioneer in this field, as there was previously no collective vision for civil society in Central Asia, or shared knowledge about how to effectively implement innovative approaches in practice. Experts note that the P4I program has an integration value, i.e. it launched a continuous, results-oriented format of work, introducing innovative tools and approaches into CSO activities.

Key partners of the program gained tremendous practical experience and knowledge in the management of regional programs for civil society development. Moreover, P4I partners have become leading organizations for the development of CSOs in their countries, working as organizations that transfer their knowledge, experience, and practice from their respective capital cities to local CSOs in smaller communities. In Uzbekistan, for example, six Co-working Centers were created, providing workspace, resources and technical assistance to more than 3,000 members of civil society,

citizens, and government agencies. This initiative was eventually supported by the Government of Uzbekistan and the opening of future co-working centers for CSOs is planned in all regions of the country with the financial support of the state.

"It is important that the P4I Program is aimed at developing infrastructure organizations that work to create a favorable environment for the development of civil society," said **Alexey Kuzmin**, international consultant for program evaluation and organizational development with Process Consulting Company, Russia. "In fact, these are islands around which the growth and development of civil society is taking place."

It should also be noted that the P4I regional infrastructure has established strong partnerships between key implementing program partners and national governments. In Uzbekistan, this includes the Ministry of Justice, Parliament, and the Coordination Council for the Development of Civil Society under the President of Uzbekistan at the national level and departments of justice and local administration at the local level. In Kazakhstan, the program led to close engagement with the Ministry of Information and Social Development, the Ministry of Foreign Affairs, the Ministry of Economy, the Institute for Economic Research, Parliament, and local akimats. In Kyrgyzstan, the program engaged with the State Agency for Youth Affairs and Parliament. In Tajikistan, cooperation was established with the National Public Council and regional public councils, as well as with the Committee on Women and Youth Affairs, and the local administrations, or *hukumats*, of the Rasht Valley.

Central and local governments recognize the value and importance of the P4I program in every CA country, especially in Uzbekistan, and support P4I initiatives. This is due to the wide public awareness

and transparency of the P4I implementation process and successful stakeholder engagement.

According to Alexey Kuzmin, "ARGO's well-balanced, constructive line of interaction with all government agencies and stakeholders stimulated the motivation and increased responsibility of partners."

Why is the example of regional infrastructure activity the most significant?

It is clear that a unique regional infrastructure of its kind has been created in Central Asia, which has the ability to leverage 'soft power' tools to ensure a long-term, sustainable impact on strengthening a viable civil society in the Central Asian countries. At the same time, the established model for regional infrastructure provides a stable management system for the Development Program, when organizational changes in partner organizations do not negatively affect the results of the Program, thereby creating stability and supporting the program vector to achieve the goal.

The P4I regional infrastructure has gained the trust of both civil society organizations and key government agencies, so it is now important to continue developing existing partnerships, which will ensure the successful implementation of future programs to support civil society in Central Asia.

ARGO and the regional P4I infrastructure it established has demonstrated a new model of 'cooperation for effective development', through which the donor successfully implements the development program through local partner organizations, thereby ensuring inclusive partnership, considering and adapting the program to the needs of each country, contributing to sustainable results and long-term program impact.

9 http://cso-central.asia/wp-content/uploads/2020/05/Looking-into-the-Future-2025_Rus-final.pdf.

Public environmental right campaign



Vadim Nee

Social and Environmental Foundation,
Publisher of “Liven. Living Asia” environmental magazine

Background

On December 30, 2019, the Government of the Republic of Kazakhstan submitted to the Majilis of Parliament a draft of a new Environmental Code to replace the one previously adopted on January 9, 2007. The previous Environmental Code and all preceding versions of Kazakhstan’s environmental laws included a provision recognizing the right of citizens to a ‘favorable’ environment. In the Government’s version of the bill, this right was defined by paragraph 1 of Article 23.¹⁰

Today the right to a favorable environment in one form or another is enshrined in the laws of most countries in the world. On October 8, 2021, the 48th session of the UN Human Rights Council adopted resolution 48/13, which recognizes “the right to a clean, healthy, and sustainable environment as a human right that is necessary for the full enjoyment of all human rights”¹¹. For the

first time in history, a United Nations entity with the mission to promote and protect human rights around the world adopted a resolution recognizing a healthy and safe environment as a universal human right¹². As a result, this right is now recognized by international law, which implies that it should be enshrined in the laws of each country.

In Kazakhstan, however, everything happened backwards. The right to a favorable environment, which was initially recognized by the June 18, 1991 law ‘On Environmental Protection in the Kazakh SSR,’¹³ was nearly eliminated in 2021 — the very year in which it was fully recognized by international law. During review of the new draft Environmental Code, the Committee on Ecology and Environmental Management of the Majilis of Parliament proposed removing references to a ‘favorable environment for life and health’ from the draft. This proposal appeared on March 12, 2020 in parliamentary commentary to the draft Environmental Code. The legal justification for

this proposal was that this right does not have the status of a constitutional right. Paragraph 1 of Article 31 of the Constitution of the Republic of Kazakhstan reads, “The state aims to protect an environment favorable for human life and health”¹⁴. Yet not all rights established by legislation must be recognized as constitutional rights.

Until the autumn of 2020, this redacted version of the Environmental Code threatened to be adopted by Parliament without a norm recognizing the right to a favorable environment. Notably, in March 2020, strict quarantine measures related to the global COVID-19 pandemic began to be introduced in the country. They led, among other things, to limited opportunities for public participation in the review of laws by Parliament, which was restricted alongside travel and mass events. As a result, proposal to exclude the right to a favorable environment from the draft law was initially discussed in Parliament without representatives of the public present for the discussion.

¹⁰ Information and legal system of regulatory legal acts of the Republic of Kazakhstan ‘Adilet’, URL: <https://adilet.zan.kz/rus/docs/P1900001022>.

¹¹ UN Document A/HRC/48/L.23, URL: <https://undocs.org/pdf?symbol=ru/A/HRC/48/L.23>.

¹² United Nations News, URL: <https://news.un.org/ru/story/2021/10/1412262?fbclid=IwAR3yJfL1dkwZuoyvugXfnNfla4Ckwalp40xdurj8nDDUY6RC-oo8qXb8RpM>.

¹³ Information and legal system of regulatory legal acts of the Republic of Kazakhstan ‘Adilet’, URL: <https://adilet.zan.kz/rus/docs/Z910003500>.

¹⁴ The Liven. Living Asia eco-magazine, URL: <https://livingasia.online/2020/05/18/pochemu-my-mozhem-poteryat-pravo-na-chistuyu-okruzhayushhuyu-sredu/>.

Civil Society Mobilization

A number of civil society representatives were included in a working group tasked with analyzing the draft Environmental Code; the group was formed in February 2020 by resolution of the Committee on Issues of Ecology and Environmental Management under the Majilis of Parliament. On March 12, 2020, shortly before quarantine measures were announced, the draft of the new Environmental Code was discussed in a working group of the Majilis. The discussion halted just as participants were documenting commentary, including the proposal to exclude the right to a favorable environment from the draft law. Immediately after this meeting, quarantine restrictions began to be introduced in the country and open discussion of the draft Environmental Code was temporarily suspended. It was only in mid-May that discussions of the draft resumed — this time online and with the participation of members of the public. By this time, however, the parliamentary working group had already reviewed part of the draft law, and developed a recommendation to exclude references to the right to a favorable environment.

This issue was noted at the time by staff from the environmental magazine 'Liven. Living Asia' in April-May 2020. During this period, the most stringent quarantine measures were in force, sharply limiting the possibility of a public advocacy campaign. People could leave their homes only out of necessity to purchase food or medicine near their homes. With the quarantine context in mind, members of the 'Liven. Living Asia' team prepared a video message to launch an information campaign with the hashtags #LifeWithoutMasks and #LeaveUsEcoright, filmed by team members from their homes. The video was disseminated through the magazine's website

and Instagram and Facebook accounts. It was also transcribed into a written appeal to members of the Majilis and the Minister of Ecology, which was endorsed by the civic groups 'Recycle Birge' and 'Green Salvation'. The appeal ended with the words: "We express our disagreement with the proposal to exclude paragraph 1 of Article 23 of the draft Environmental Code, 'Everyone has the right to a healthy environment', and demand that it remain in the draft law under review and also insist on expanding the wording to correspond to the wording used in international treaties, namely: 'Everyone has the right to an environment favorable to his health and well-being.'

With the help of these appeals, the issue not only drew the attention of the environmental community, but also the subordinate organization of the Ministry of Ecology, Geology, and Natural Resources, which had developed relevant sections of the draft law. They began negotiations with members of Parliament based on proposals from the 'Liven. Living Asia' team. As a result, on September 18, 2020, the Government's final determination on the proposed amendments to the draft Environmental Code was issued: "The amendment concerning the revision of the paragraph 'ensuring a high level of environmental protection and ensuring an environment favorable to human life and health' to the following wording: 'aims to protect the environment favorable to human life and health' is not supported, because the right to a favorable environment is: 1) a natural human right; 2) does not contradict the Constitution of the Republic of Kazakhstan and is contained in the current Environmental Code of the Republic of Kazakhstan; 3) follows the norms of international law; 4) may cause a public outcry." Thus, the Government listened to public opinion and did not support the proposal from members

of the Majilis to exclude the right to a favorable environment from the draft law.

In October 2020, a meeting on the draft Environmental Code was held in the Majilis of Parliament under the chairmanship of its speaker and with a wide range of invited participants. As a leader of the 'Liven. Living Asia' team, I took part in the meeting to talk about the need to preserve the right to a healthy environment in the draft law. In order for this intervention to be more effective, I waited until the very end of the meeting to voice our position. It is well known that in the context of a large flow of information, the beginning and ending make the strongest impression.

Outcome

On January 2, 2021 a new version of the Environmental Code was adopted in Kazakhstan. Paragraph 1 of Article 13 of this law recognizes the right of everyone 'to a favorable environment'¹⁵. As a result of the public campaign organized by the team from 'Liven. Living Asia' with support from the public, the right to a favorable environment in Kazakhstan has been defended. This is a basic environmental right, without which the rights to access environmental information, participate in environmental decisionmaking, and access justice in environmental matters lose their ultimate meaning. They are aimed at ensuring that citizens can appeal to the government and polluters to improve the state of their local environment. Without this basic environmental right, we can only get answers to our questions, participate as observers in meetings, and waste time aimlessly in courts, without the ability to demand the basic safety and quality of the environmental conditions around us.

¹⁵ The Liven. Living Asia eco-magazine, URL: <https://livingasia.online/2020/05/18/pochemu-my-mozhem-poteryat-pravo-na-chistuyu-okruzhayushhuyu-sredu/>.

Civil alliance of Kazakhstan as a unified decentralized vertical of public power



Banu Nurgaziyeva
Civil Alliance of Kazakhstan

Preconditions for the creation of the Civil Alliance of Kazakhstan

Democratization of the Republic of Kazakhstan was the initial course of the country after gaining independence.

Without the adaptation of the archaic system of government and socio-political institutions, inherited by our state after the collapse of the all-Union system no integration into the world community in authoritative positions would be possible.

And the first president of the country, Nursultan Nazarbayev, chose a course to transform the Kazakh political organism from top to bottom, so that in the process of controlled evolution, the process of democratization took on a natural and grassroots character.

The mainstay of the new course was the purposeful cultivation of civic activism and social self-government through the mechanisms of state protectionism in relation to public interest groups — social, political, humanitarian, charitable, expert, human rights.

Unstructured management of non-governmental organizations

At the first stages of the formation of citizenship on the principle of 'economy first, then politics', the mobilization of the public was unstructured — at the level of interaction of separate disunited non-profit associations.

The next strategic step in the consolidation of the public sector was the introduction of the concept of NGOs, as a determining one for understanding the essence of public organizations, and their still weak consolidation in the format of the Civic Forum.

The 1st Civic Forum, held in 2003 at the initiative of the Head of State, marked the emergence of the third sector into a new strategically important role in society — a supporting mechanism for modernization and democratization.

On the one hand, the process was spurred on from the outside — by the influence of the international community, international donors, on the other — it was backed up by an internal political initiative

on the part of the ideological vertical of state administration.

Civil Alliance as a Collective Mind of the Non-Governmental Sector

The two trends gradually converged on one point — the creation of the Civil Alliance, when the need to consolidate the emerging civil society became irreversible.

The creation of the Civil Alliance of Kazakhstan was a logical decision that united non-governmental organizations of Kazakhstan with the aim of sustainable development and promotion of democratic processes in our country, development of mutually beneficial partnership between Kazakhstani society, business structures, international organizations and state bodies.

Structure and system of the Civil Alliance of Kazakhstan

Today more than 3,000 CSOs form the structure of the Civil Alliance, the largest representative of the non-governmental sector. In all regions, there are associations that are actively involved in the local agenda and interact with all parties to the process for qualitative changes in the life of Kazakhstanis.

The Civil Alliance, in its essence, has turned into an umbrella organization of collective self-government with the mission of building a unified civil society of Kazakhstan with gradual docking with the global non-governmental sector.

In the process of evolution, the Alliance drifted towards a voluntary union on social and strategic interests and building up the negotiating power of civil society with the outside world.

The association of legal entities 'Civil Alliance of Kazakhstan' (hereinafter SAC) is a republican

non-profit organization, which is a union of non-profit organizations and public figures, created in order to ensure favorable legal, economic and social conditions for the implementation of public initiatives and the development of mutually beneficial partnership between society and state authorities of the Republic of Kazakhstan, as well as to stimulate and support the activities of non-profit organizations.

17 regional Civil Alliances with reputable leaders, a wide network of CSOs and social partners in all regions and in three cities: Nur-Sultan, Almaty and Shymkent - constitute the unique potential of the SAC.

7 coalitions have been created on the basis of the SAC:

- Coalition of Rural NGOs
- Coalition of Active Aging
- Public Health Coalition
- Open Government Partnership Coalition
- Consumer Protection Coalition
- Coalition for the Development of Local Self-Government
- Coalition of Environmentalists.

The SAC has the following resources to carry out its activities:

- Resource potential of 17 regional Civil Alliances, uniting CSOs with broad social partnerships at the city, regional, district and village levels.
- A pool of professional trainers interested in cooperation, experts providing consulting services for the creation and development of NGOs, improving the quality of the implementation of services within the framework of the state social order, grant financing.

Civilian oversight tool

The leader of the nation in November 2018 at the VIII Civil Forum of Kazakhstan highlighted the SAC as a network organization that unites CSOs with constructive civic engagement, stressing the need to 'create an effective civilian oversight mechanism, in which the Civil Alliance of Kazakhstan will play a key role.'

The main mission AS defined is the strengthening of civil society in the Republic of Kazakhstan to ensure the socio-economic growth of the country.

Therefore, the issues of implementing and establishing the necessary mechanisms of interaction between the state and civil society are among the priority target indicators.

The Civil Alliance of Kazakhstan is a strategic partner of the Government and Kazakhstani business structures.

Consolidation patterns of civil society: local and global levels

The consolidation of the civil society in Kazakhstan is based on the natural social law of mergers and acquisitions dictated by globalization. However, the territory of civil society, unlike the economic field, has a purely horizontal specificity: there is no merger and dissolution, but the autonomous joining of small players to a global decentralized platform for the protection of interests.

Integration processes within the framework of the SAC are mergers without acquisitions: an autonomous CSO unit gets at its disposal the full power of the platform of public structures and access points to regional and global social projects and resources.

The uniting potential of the Alliance

The SAC has a cross-platform character and 'open source code': it binds together the entire social spectrum, regardless of the spheres of activity.

All forces are equally represented on the site of the SAC: CSOs, trade unions, ethnic associations, parties, religious structures, movements, creative and industry associations, any non-profit associations and public councils.

There is a similar structure in every region

Thanks to the networked basis of relations within the SAC, its subjects are able to quickly coordinate projects of any level and conduct high-precision campaigns for advocacy and lobbying.

The SAC gives an access to the formation of the agenda and becomes similar to the parliament for CSOs.

SAC in the era of the Hearing State

The latest development trend of the Alliance was its transformation into the 'executive power' of the Hearing State - a new structure and at the same time an algorithm of public self-government.

The patterns of social development of the Republic have significantly expanded the scope of understanding of civil society. If initially they meant only non-profit public associations, now elements that were previously atypical for it are working on the Alliance platform: civil activists, sectoral non-profit business associations, religious-ethnic and party structures, public councils.

A completely new subject of civil society, generated by the situation of the COVID-19 pandemic, are monitoring groups created to protect citizens from biological security threats in the actions of both legal entities and individuals. Monitoring groups are a new contour of public self-control.

Consolidation of values within civil society

Over the years of the SAC's activity, the ideological boundaries of self-awareness have actually blurred among NGOs. The structures of civic activism are no longer divided into friends and foes on the basis of financial donation, now it does not matter what kind of funding the NGO has: state or foreign.

The mentality of civil society is increasingly globalized and acquires common 'corporate' features and differences inherent in the civil sector anywhere in the world: it is acute sociality, individualism and commitment to point changes in the world and the transition of patriotism from local to global quality.

The stabilizing role of the Civil Alliance

The path of formation of the Civil Alliance was not easy. Until now, not the entire state apparatus realizes that the activities of civil activists are aimed at the development of society and improving the quality of life. Meanwhile, it is the civil sector that is the first to signal the need to change outdated legislation, emerging dangerous situations for citizens, and the need to increase the state's attention to a particular problem.

Long-term stability of the state is simply impossible without the non-governmental sector, because we help to see and correctly respond to emerging problems before they become critical for the state.

SAK in regional development

Since its foundation, the SAC has been carrying out active information and explanatory work, intensifying the interaction of government structures with activists and opinion leaders, with international foundations and partners from other countries.

Combining efforts contributes to a better growth of the life of society and, as a result, the development of the economy of the regions.

The stability of the regions is the key to investment attractiveness for both foreign investors and domestic business. Willingness to actively cooperate with civil society allows us to form the most successful models of regional development.

Protecting the interests of CSOs

The SAC actively represents the interests of its members in government agencies and international organizations, conducts explanatory work with the population, develops proposals for updating legislation in the field of civil development of non-governmental organizations, carries out expertise, monitoring and evaluation of draft laws, participates in the training and education of observers during elections, implements non-party control of electoral processes, forms a culture of charity, volunteering and forms the social responsibility of business. Any CSO, as a self-regulating organization, is initially created as a human rights organization, since it protects the rights and interests of a specific social group of people.

Convergence of business and civil society to a single non-commercial market

A completely new trend in the development of the non-governmental sector is its mutual integration with business and the commercial sector, including the quasi-state one.

For business, civil society is becoming the strongest ally in GR (interaction with government agencies), the implementation of the patronage policy, charity and social responsibility.

The entry point to world markets in the global elite business segment based on the principles of ESG (Environmental, Social and Corporate Governance).

Civil self-government under the auspices of the Alliance

We see an actively transforming world in which democratic values must be combined with the preservation of security for citizens, which requires other strategic and civilizational approaches in the formation of a long-term strategy for the development of society.

Therefore, we count on the active participation of CSOs and civil activists in setting goals and implementing them in order to maintain stability and prosperity in our society.

As Mahatma Gandhi said: "Start changing in yourself what you want to change around." In order to reduce regional risks, we need to start by transforming our own living space in order to maintain resilience in flexibility.

The modern stage of social development requires a revision of the usual forms of social life. First of all, a person must realize that he can realize his interests not only through the state and with the help of state guarantees and mechanisms, but also through full-fledged civil society institutions.

Our common task is to bring to life the concept of a 'Hearing State', which responds promptly and effectively to all constructive requests of citizens. Only through a constant dialogue between the authorities and society can a harmonious state be built, embedded in the context of modern geopolitics.

Successful case on the implementation of the state social order — preventing discrimination against women or mothers with many children



Zulfiya Baysakova,
'Union of Crisis Centers' ALE

The gained independence by Kazakhstan and the extensive socio-political transformation of the 1990s led to the development of political activity of society in Kazakhstan. The expansion of the scale and levels of political pluralism has led to the creation of new institutional forms of public participation in the management of public processes. Civil society is, first of all, a variety of relationships not mediated by the state between free and responsible citizens living in conditions of competitive market relations and a democratic state governed by the rule of law.

The women's movement in our country, like the entire civil sector, over 30 years has passed the phases of inception, development, prosperity, decline, stagnation and the stage in the development of more mature forms. Today in Kazakhstan there are more than a hundred women's CSOs, there is a core of permanent leaders who professionally work in the field of gender issues.

In order to achieve the set goals — the prevention of domestic violence, the development of gender equality, the formation of a culture in society based on the values of nonviolent relations, CSOs establish partnerships with government agencies.

Cooperation, exchange of experience and information, joint projects, information campaigns are considered as a valuable resource for the development and strengthening of each other in order to achieve common goals. Social partnership based on a sense of solidarity and mutual responsibility for a problem makes it possible to effectively implement many projects.

Another form of sustainable interaction is the involvement of CSO representatives in the activities of interdepartmental commissions: on human rights under the President of the Republic of Kazakhstan, juvenile affairs and protection of their rights; on import, export and suppression of human trafficking, etc. under the Government of the Republic of Kazakhstan.

Recently, despite the government's policy of achieving gender equality, there has been a certain accumulation of pessimism in society regarding the effectiveness of the policies of Western democratic institutions and gender equality. Arguments are often put forward in favor of the traditional (patriarchal) way of organizing gender relations, a return to polygamy, and keeping women in the household.

The official recognition of gender equality as a principle of democratic policy of the state, achieved under pressure from the international community and women's CSOs, in reality does not mean the penetration of the idea of gender

equality into the everyday life of Kazakhstan. Ideas of gender equality are difficult to assimilate even for politicians, scientists and young people to grasp.

Since the second half of the 1990s, a women's movement began to develop in Kazakhstan, aimed at protecting women from all forms of gender-based violence. The activities of crisis centers are aimed at creating a comprehensive professional system of assistance and support for women experiencing various forms of violence: from providing telephone counseling, pre-medical, psychological and legal assistance, providing safe accommodation to drawing the attention of society and the state to the problems of violence against women, adequate punishment of aggressors.

A successful example of effective network cooperation is the pooling of resources and the creation of a national professional network of the Union of Crisis Centers of Kazakhstan, which unites 19 organizations from 12 regions of the country, known as successful and active CSOs, whose activities are aimed at promoting the protection of human rights from all forms of discrimination and gender-based violence and the formation of a culture of nonviolent relations in society. Networking makes it possible to establish strong ties, involve local authorities in solving problems of protecting the rights of victims of domestic violence, and exchange information.

Thanks to the 'Union of Crisis Centers' ALE in 2005, it was possible to introduce and ensure the activities of the countrywide round-the-clock hotline '150' for children and youth to offer emergency legal and psychological assistance to children and their parents in difficult circumstances. An easy-to-remember three-digit number can be reached round-the-clock from any corner of the country to receive psychological assistance and advice on the protection of

children's rights anonymously and confidentially in Kazakh and Russian, which ensures the child's right to be heard. This became possible with the support of the Committee for the Protection of Children's Rights of the Ministry of Education and Science of the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan. The '150' Hotline has reached the level of compliance with international standards for organizing the activities of hotline services for children and has been recognized by the Child Helpline International organization as one of the best in the Pacific region. The number of calls to the hotline, both from children and from their parents, is increasing every year. Over 15 years of operation, the '150' Hotline has received more than 2.5 million calls and has won the trust of all categories of the country's population.

Thanks to the activities carried out jointly with CSOs in Kazakhstan, systemic issues were raised, recommendations were developed and results were achieved on the analysis of appeals to the '150' Hotline:

- 2006: the result of public discussion of the issue of 'school fees' was the adoption of the 'Standard Rules of the Board of Trustees and the Procedure for its Election', approved by the Order of the Acting Minister of Education and Science of the Republic of Kazakhstan on October 22, 2007.
- 2008: on the alimony obligations of the parents, a decision was made at the level of the Government of the Republic of Kazakhstan to 'prohibit the departure of debtors from the country by a court decision' until the full repayment of debts under enforcement proceedings, in accordance with the Law of the Republic of Kazakhstan 'On Enforcement Proceedings and the Status of Bailiffs'.

- 2013: Discussion of issues of child abuse in the family initiated in February 2014 the signing of the Law of the Republic of Kazakhstan 'On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on combating Domestic Violence', which introduced a norm to expand the category of minors subject to placement in Juvenile Adaptation Centers.

Through the efforts of the members of the 'Union of Crisis Centers' ALE it was possible to ensure that the issues of domestic violence were integrated into the current programs of many ministries and departments. Educational programs were introduced to train police officers in dealing with victims of violence. The principle of 'zero tolerance' for all forms of violence against women and children runs through all teaching materials.

In addition, every year specialists of crisis centers provide legal advice and psychological assistance to more than 20 thousand women and children, provide social support, more than 7,000 women with children receive shelter services.

One of the effective projects of the 'Union of Crisis Centers' ALE is the development of a roadmap for the Social Center for Large and Low-Income Families 'Bakytty Otbasy'. In order to provide comprehensive assistance to large and low-income families, to strengthen their economic independence and personal motivation to get out of a difficult life situation, since August 2019, 'Bakytty Otbasy' Centers have been operating in every district of Almaty.

The centers operate according to the 'one window' principle.

- In the centers, large and low-income families can get free consultations of
- lawyers: on housing relations, registration of targeted social assistance (TSA), restoration of documents, alimony relations, etc.
- psychologists: on the issues of raising children, conducting trainings, getting out of a difficult life situation, conflicts within the family, etc.
- social workers: to identify the needs of the family and draw up an individual work plan.

Group work for children has been established (gymnastics, mathematics and logic, chess, English); courses for mothers have been organized (English, make-up, massage, hairdressing, cutting and sewing, cooking, knitting, computer literacy), speech therapist and art therapy rooms have also been opened.

33 thousand people are registered in the 'Bakytty Otbasy' Centers. In 2021, this number increased by another 4,643 people. 35,250 members of large and low-income families received information and advisory and resource support; 3,700 participants received methodological and legal assistance; 5,694 people passed basic trainings of the 'Bakytty Otbasy' Center on personal growth, parenting, leadership, family values; 4,676 adults and 382 children studied at interest courses and groups.

Sponsors are involved in the work of the Centers and in the provision of individual assistance. 10,099 people received sponsorship in the form of grocery baskets, clothes, personal hygiene items, toys. Material assistance was provided in the amount of 11,052 thousand tenge. With the support of sponsors, trips of 2,338 children to tourist and cultural sites were organized. 370 family members are employed for permanent or temporary work.

All services, including master classes and training courses, can be obtained by members of large and low-income families by phone or online: in WhatsApp messengers and through a live broadcast on Instagram.

Other Support Programs

On the basis of the 'Bakytty Otbasy' Center, the ISKER ANA program is being implemented in each district, which provides step-by-step work on the employment of mothers with many children: from legal and psychological assistance to sending to courses on the basics of entrepreneurship, drawing up a business plan, starting own business, receiving a grant or a micro-loan.

This year, in order to employ and develop their own business for large and low-income families, four retail outlets were opened with sponsorship in the Auezov district to sell handmade products, a social sewing workshop started working in the Almayı district, an Isker Ana trading house was opened in the Turksib district to sell handmade goods of mothers with many children: national costumes in modern style, kurak-korpe (patchwork quilts), jewelries in national style, clothing for women, and services for the alteration and repair of clothing are also provided.

On the basis of 'Atameken' National Chamber of Entrepreneurs within the framework of the 'Start your own business' program 506 people were trained in the basics of business, including 290 from large families and 216 from low-income families.

COVID-19 Challenges

- Despite these achievements, many problems remain. The outbreak of the COVID-19 epidemic has exacerbated existing inequalities for women and girls in all areas — from health and economics to security and social protection.

Quarantine restrictions during the pandemic exposed many problems in modern society, including the lack of a system to combat domestic violence in Kazakhstan, and also demonstrated the failure of measures aimed at changing the behavior of the aggressor, increasing his responsibility for the illegal actions committed against loved ones. Thus, during the state of emergency in connection with self-isolation in Kazakhstan, the number of appeals from victims of violence increased. This is evidenced by official statistics: the number of offenses in the family and household sphere has increased by 25%; about 37 thousand protective orders have been issued; 4,800 special requirements for the behavior of the aggressor have been established. It is difficult for victims of domestic violence to get in touch with the police or human rights organizations because of the total control by the aggressor, so many subscribers called our short phone number or wrote to WhatsApp. During the spring of 2020, the nationwide '150' Hotline for children and youth received hundreds of complaints about domestic violence: in March — 199, in April — 503, in May — 491. More than 250 requests for help in the form of SMS, messages to WhatsApp (tel. +7 708 106 0810) and to the website (www.telefon150.kz). At the same time, every second woman who called has 2 or 3 children; every fifth woman has 4 or more children. During quarantine, from March 16 to May 2020, 57 people were admitted to the Crisis Center for Victims of Domestic Violence in Almaty, 39 of them were minors. Meanwhile, children, as potential victims or witnesses of violence, experience the same psychological consequences as the victim.

Unfortunately, despite all the efforts of the social movement, discriminatory traditions, laws and social norms are still prevalent in the country. We see a link between gender inequality and women's safety: the higher the level of inequality, the lower the level of safety. Because in conditions of inequality, a woman has fewer rights and opportunities, and this creates favorable conditions for the commission of violence and humiliation of women.

Therefore, while continuing to work towards gender equality, our Union draws attention to several important problems in the field of protecting women's rights:

1. It is necessary to implement the principle of case management — case management by one specialist. We are talking about an integrated socially-oriented approach to the organization of assistance to family members, taking into account quantitative and qualitative indicators for evaluating the effectiveness of measures. This will allow, when rendering assistance by various departments, not to pull a person (adult or child) out of the family and will contribute to the preservation and strengthening of the family.
2. It is necessary to analyze the national legislation of the Republic of Kazakhstan and bring it into line with international obligations and international standards for the development of gender policy. To join the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, No. 210, Istanbul, May 11, 2011 (the President of the Republic of Kazakhstan instructed the Government).
3. Take measures to fully implement the provisions of the Convention on the Rights of the Child, ratified by the Republic of Kazakhstan in 1994, and the Convention for the Protection of All Persons from Enforced Disappearance, ratified by the Republic of Kazakhstan in 2009, into national legislation. Introduce the concepts of sexual harassment in the workplace, discrimination, etc.
4. Change approaches to prevention as a set of measures aimed at overcoming a problem that has not yet emerged or is in its infancy at all levels. To define what we mean by prevention, what performance indicators we will evaluate.
5. To criminalize all types of domestic violence, thereby fulfilling Kazakhstan's obligations under the ratified Convention on the Elimination of All Forms of Discrimination against Women. To introduce an article in the Criminal Code of the Republic of Kazakhstan 'Domestic Violence' with the definition of punishment depending on the degree of bodily injury, harm to health, moral suffering or material or moral damage, with an alternative punishment in the form of unpaid work in favor of society, with mandatory attendance of courses to change aggressive behavior or imprisonment.

Silk road of labor migrants or 'Zhibek Zholy' checkpoint 2020



Shakhnoza Khasanova,
Sana Sezim,
Legal Center for Women's Initiatives

The coronavirus pandemic that paralyzed the world in 2020 has changed the lives of migrant workers in Central Asia. More than 80% of migrants quickly found themselves in a difficult situation — many lost their jobs and their earnings, at the same time that it became logistically impossible to return to their native countries. The closure of borders by Kazakhstan and the cancellation of air and rail links due to the spread of COVID-19 forced hundreds of thousands of labor migrants from Uzbekistan, Tajikistan, Kyrgyzstan, and other CIS countries to change their plans.

According to the migration service of the Police Department of Shymkent and the Turkestan region 41,110 foreigners and stateless persons were registered in the region in the first four months of 2020 — prior to the closure of borders and the declaration of a state of emergency in the country. Of those registered, 40,345 were from CIS countries and 765 people were from other countries.

Lockdown measures and quarantine restrictions announced in the region complicated not only the departure of migrants from the city of Shymkent and the Turkestan region, but also their re-entry into their native countries. Finding themselves without money, food, personal protective equipment to prevent the spread of the virus, or the ability to rent housing many migrants found themselves stuck at the 'Zhibek Zholy' checkpoint between Kazakhstan and Uzbekistan, waiting for the opportunity to cross the border.

Migrants from different regions of Kazakhstan flocked to the Zhibek Zholy border checkpoint, which for many served as a transit point through Kazakhstan for the Russian Federation and Belarus. The forced stop turned travelers into prisoners. All migrants, including children, were directed to stay

in a fenced parking lot. Compliance with COVID-19 preventative measures, including social distancing, mask wearing, or the use of other personal protective equipment, was out of the question. Tensions were often high, with the potential to erupt into riots and conflicts among migrants, as well as between migrants and residents of nearby villages, further complicating the epidemiological situation. The Government of Kazakhstan took measures to reduce the logjam by automatically extending the stays of foreign citizens until May 1, 2021, due to the state of emergency declaration in the country.

Despite the restrictions and the state of emergency due to the COVID-19 pandemic, the 'Sana Sezim' Legal Center for Women's Initiatives under the leadership of Shakhnoza Khasanova continued its work. Consultations with a lawyer, psychologist, and social worker were provided remotely via a phone hotline and e-mail. 'Sana Sezim' staff regularly visited the Zhibek Zholy border checkpoint to provide humanitarian assistance, including food baskets and personal protective equipment. The same support was provided for migrants located in Shymkent and in the Turkestan region.

On the border, many migrants required legal assistance on a range of issues, including the loss or expiration of a passport and documentation for the legal exit of children born in Kazakhstan. All of the legal issues migrants faced had to be addressed immediately at the border crossing. Information was promptly transmitted to the consulates of Tajikistan and Uzbekistan in Kazakhstan, which were working online at the time of quarantine.

The work of 'Sana Sezim' aims to improve the legal standing and protect the human rights of clients, including migrant workers and victims of domestic violence and human trafficking. The number of calls to the hotline and e-mails received by the organization increased significantly during lockdown. Increasingly, appeals came from foreign citizens, particularly migrant workers who wanted to leave Kazakhstan and return to their home countries.

The pandemic period was marked by an increase in the activity of non-governmental initiatives, which benefited from the help of various outside sources. 'Sana Sezim' received support from the National Chamber of Entrepreneurs of Kazakhstan 'Atameken', international organizations and foreign embassies in the country. With the financial support of the International Organization for Migration (IOM), UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR) in Kazakhstan, and Winrock International, the organization was able to purchase personal protective equipment (masks, gloves, and antiseptics), water, food (including hot meals), and hygiene products for those in need.

With IOM support, repatriation flights to Tajikistan, Moldova, and Russia were organized. As groups formed at the Zhibek Zholy border, migrant workers from Uzbekistan were given the opportunity to cross the border twice a day.

By agreement between Kazakhstan, Uzbekistan, and Tajikistan, bus caravans were organized from Kazakhstan to Tajikistan in transit through Uzbekistan. 'Sana m' staff helped migrants prepare for the journey from the Zhibek Zholy border by providing water, food, and personal protective equipment. The team ultimately provided humanitarian, legal, and psychological assistance to more than 7,000 labor migrants and their family members.

During the most difficult period for border crossing at the Zhibek Zholy checkpoint, representatives of the Consulate Generals of Uzbekistan and Tajikistan, local administrators, and law enforcement officials managed the crowds and provided assistance to migrants, forming groups to cross the border.

All migrants were safely returned to their home countries. The successful operation to return migrants home through the Zhibek Zholy border between Kazakhstan and Uzbekistan is the result of a well-coordinated effort between CSOs, government agencies, law enforcement, and international organizations, with the common goal of supporting the rights of labor migrants.

Case on ensuring access to health services for vulnerable groups of the population during the pandemic



Saken Zhanazarov,
'Aman-Saulyk' PF

Drug use has a devastating impact on the health of people around the world. According to statistics, more than 29 million people who use drugs suffer from various disorders, of which 12 million people use drugs by injection; 14% of this number are living with HIV infection.

In 2014, 207,400 people died from drugs, with a death rate 43.5 deaths per million people aged 15–64 years. This indicator has not changed much at the moment, it still remains unacceptably high. Approximately half of drug-related deaths are attributable to overdose and most of them are from opioids, particularly heroin, which causes serious concern for the health system.

In recent years, the volume of offers for the sale of drugs via the Internet has increased, including through anonymous online marketplaces, the so-called 'dark network'. Against this background, there is concern about the possibilities of the 'dark network' to attract new groups of drug users by facilitating access to drugs. And this applies equally to both developed and developing countries.

The estimated number of injecting drug users (IDU) in the Republic of Kazakhstan in 2018 was 120,000. The number of IDU registered with the drug addiction treatment amounted to 11.8% of the estimated number of IDU and had a tendency to decrease in recent years. In 2019,

9 thousand people were officially registered with opioid dependence disorders; 4.8 thousand were diagnosed with dependence on several substances; 14.2 thousand — using intravenous.

According to the United Nations Office on Drugs and Crime (UNODC), heroin was the second most common narcotic substance in Kazakhstan after cannabis.

Substitution maintenance therapy (SMT) is treatment for people with opiate dependence (opium group drugs) using special medications (methadone, buprenorphine). The use of substitution drugs eliminates the need to use illegal opium drugs, since in a certain sense it replaces their action and maintains a stable condition of the patient throughout the day, but does not lead to euphoria.

The main goal of treatment is to help drug users stop taking illegal drugs, improve their health, prevent the adverse consequences of injecting drug use (overdose, HIV infection, hepatitis B and C, purulent and septic complications, etc.), improve

relationships with relatives and friends, get away from criminal life, and have a full opportunity to work and study.

SMT is officially supported by the World Health Organization (WHO), UNODC, the Joint United Nations Program on HIV/AIDS (UNAIDS) and is considered by these international organizations as one of the most effective methods of treating opioid addiction, as well as a method of reducing the risk of HIV infection.

The use of SMT has over 50 years of history, for the first time it was applied in USA in 1964. SMT is widely used in 106 countries: all countries of America and Western Europe, most countries of Eastern Europe and Baltics, China, Thailand, Indonesia, Malaysia, Vietnam, Iran, India, Australia.

In 2013, in 27 countries of the European Union, more than 1 million people received treatment for drug addiction during the year, of which about 700 thousand people received SMT. The most commonly used medication was methadone, which was prescribed for 69% of all patients. 28% of patients received buprenorphine.

Almost all countries of the Organization for Economic Cooperation and Development (OECD) use SMT for people suffering from opium addiction, except for three countries, two of which have virtually no opium group drugs. SMT is also used in the countries of the former post-Soviet space: Ukraine, Belarus, Lithuania, Azerbaijan, Georgia, Tajikistan, Kyrgyzstan, Moldova and others, with the exception of Russia and Uzbekistan.

Proven Benefits of SMT:

- Helps stop illegal opiate drug use and, accordingly, from the use of injecting drugs;
- Eliminates criminal activity associated with illegal drug use;

- The effect of the substitution drug exceeds the duration of the effect of illegal opiates. It is enough to take it once a day in order to satisfy the body's daily need for opiates;
- The drug methadone does not cause euphoria;
- The drug (methadone) is taken orally (by mouth), which avoids the negative consequences associated with injecting illegal drugs (HIV infection, hepatitis B and C, overdoses, abscesses);
- Physical state improves. There is an opportunity to undergo a medical examination and receive treatment for other concomitant diseases. All participants of the program are offered additional services — examinations and consultations of various specialists: an infectious disease specialist, a phthisiologist, a therapist, a surgeon, a gynecologist, a psychologist, a social worker;
- There is an opportunity to participate in mutual assistance and support groups in psychotherapeutic sessions;
- There is more free time that can be used for the benefit of yourself and your loved ones (training, employment, entertainment, etc.);
- The substitution therapy program is accompanied by psychosocial support (the work of a multidisciplinary team).

SMT in Kazakhstan is considered as one of the most effective methods of treatment of opioid addiction, which includes psychosocial consultation, assistance in employment, in obtaining professional skills, and the help of a psychologist. Multidisciplinary teams consisting of narcologists, psychologists, social workers, nurses are engaged in the provision of SMT. In Kazakhstan, since 2008, the drug 'Methadone hydrochloride' has been used in the form of syrup.

By Order of the Minister of Health of the Republic of Kazakhstan No. 196 of May 8, 2019, the Roadmap for the implementation of the SMT program for people suffering from opioid addiction in the Republic of Kazakhstan for 2019–2020 was approved.

Currently, there are about 300 SMT patients in Kazakhstan, who are served in 12 health posts for the provision of this type of treatment, located in the cities of Aktobe, Almaty, Atyrau, Karaganda, Kostanay, Kyzylorda, Pavlodar, Semey, Taraz, Oskemen (Ust-Kamenogorsk), Uralsk, Ekibastuz.

COVID-19 Challenges for SMT Pandemics and health emergencies like the current COVID-19 outbreak can cost many lives and pose additional risks to the global economy, overall security and stability. Ensuring continued access to health care during a pandemic, including services for people who use drugs and treatment of drug use disorders, is a key factor not only to protect public health, but also to ensure safety and stability. Therefore, it is critically important during the current emergency situation in connection with the COVID-19 pandemic to ensure maximum continuity of access to medical services for people who use drugs and suffer from drug use disorders, particularly access to SMT

These people are forced to travel the distance from home to the clinic and back by public transport every day; very often, SMT posts operate at a restricted schedule, which creates queues and forces people to crowd into a closed space with additional risks of coronavirus infection.

During the implementation of the project 'Scaling SMT for the treatment of drug addiction and prevention of HIV infection in Kazakhstan' with the grant support to EFCA within the framework of the USAID GGIF (Good Governance Initiative Fund) program in 2018, the Aman-Sauylk Public

Foundation conducted a survey among SMT patients (268 people) in the cities of Aktobe, Uralsk, Pavlodar, Ekibastuz, Atyrau, Almaty, Taraz, Oskemen (Ust-Kamenogorsk), Semey, Karaganda, Temirtau and prepared an analytical report 'Study of the Needs of Patients of the Supporting Substitution Therapy Program in Kazakhstan'. During the survey, it was revealed that among SMT patients, 15% of respondents have regular permanent work, 34% work under contracts (outreach workers), 30% have casual earnings, 12% are unemployed and 9% are people with disabilities. Due to the COVID-19 pandemic, most of those who had regular permanent jobs or worked under contracts (outreach workers) lost their income due to the suspension of the activities of enterprises/organizations. If they are not helped, there is a risk that some of them may leave the SMT program and return to using illegal drugs, which will lead to an increase in crime.

On April 1, 2020, the Head of the Regional Office of the United Nations Office on Drugs and Crime in Central Asia, Ms. Ashita Mittal, sent a letter to the Prime Minister of the Republic of Kazakhstan, Chairman of the State Commission for Ensuring the State of Emergency under the President of the Republic of Kazakhstan, Mr. Mamin A. U., on the need to ensure maximum continuity of appropriate access to medical services for people who use drugs and suffer from disorders caused by drug use, in particular to SMT.

Patients of the SMT program belong to vulnerable groups of the population, since most of them are unemployed and need assistance during the COVID-19 pandemic, in this regard, the Aman-Saulyk Public Foundation, with the grant support of the Soros-Kazakhstan Foundation, implemented the project 'Support for SMT Patients during the COVID-19 Pandemic' from June 2020 to March 2021.

The objective of the project was to provide assistance to patients of the SMT program in the form of personal protective equipment (PPE) (disposable medical masks and personal antiseptics), funds for transportation costs, food packages, hygiene products. All this the participants of the program could receive at SMT points in drug dispensaries in the cities of Aktobe, Almaty, Atyrau, Karaganda, Kostanay, Kyzylorda, Pavlodar, Semey, Taraz, Oskemen (Ust-Kamenogorsk), Uralsk, Ekibastuz.

During the implementation of the project, the following activities were carried out:

- Letters were sent to regional Mental Health Centers (drug dispensaries) where SMT provision posts are open and operate, with a request to appoint focal points to work on the project;
- Feedback has been established with responsible persons in the regions, identity cards and bank details have been collected for the preparation of Employment agreements;
- Labor agreements, Acts of Transfer of PPE, food packages with hygiene products, funds for transportation expenses with indication of the IIN and phone numbers of the final recipients have been developed;
- Based on a survey among responsible persons in the regions and SMT patients, the names and number of necessary PPE (50 disposable medical masks and 3 individual antiseptics for a month and a half per person), funds for transportation costs (3,000 tenge per month for 1 person) were determined;

- The monitoring of prices for PPE by region was carried out. Based on the fact that prices at the peak of the pandemic were very different, and sometimes went beyond the funds allocated for them in the budget, it was decided to hold a tender for the purchase of PPE (masks and personal antiseptics) in Almaty and purchase PPE for all regions, and then send it through Kazpost JSC to responsible recipients;
- Based on a survey of responsible persons by region, a list of products and hygiene products has been prepared, taking into account the wishes of patients of the SMT program;
- Contracts for the formation and delivery of food sets and hygiene products were concluded with the retail chains of Anvar LLP, Metro Cash and Carry LLP, Skif Trade LLP, SMALL grocery market chain;
- Information about the project was regularly placed on the 'Aman-Saulyk' Facebook page;
- At the end of the project 'Aman-Saulyk' sent a letter to the Director General of the Republican Scientific and Practical Center for Mental Health of the Ministry of Health of the Republic of Kazakhstan, Negai N. A., expressing a gratitude to him, the Regional Mental Health Centers and especially to all focal points appointed in cities where SMT posts work, for their support and cooperation in the implementation of the project.

As the results of the project show, the number of SMT patients in these cities has grown from 286 to 319 people. This is a step towards achieving the long-term goal of the project — ensuring the availability and continuity of SMT for people who use drugs and the treatment of drug use disorders, which is a key factor for protecting public health, ensuring security and stability in Kazakhstan.

During the implementation of the project, partnerships of the 'Aman-Saulyk' PF with the Republican Scientific and Practical Center for Mental Health of the Ministry of Health of the Republic of Kazakhstan and Mental Health Centers in the regions, with regional CSOs dealing with the prevention and control of AIDS, assistance to people who inject drugs and patients of the SMT program, have been strengthened.

The project contributed to the updating of the main activities of the fund. In particular, in the work of the Fund for the protection of the right to health of patients of the SMT program who are a vulnerable group of the population. During the implementation of the project, the professionalism of the organization's employees increased, since we had to face a completely new activity for us.

In conclusion, I would like to note that 'Aman-Saulyk' PF received letters of thanks from patients of the SMT program from Oskemen, Temirtau, Kostanay with a request to continue the project and render them an assistance:

- "The Council of Substitution Treatment Patients of the city of Oskemen (Ust-Kamenogorsk), on behalf of all patients, expresses their gratitude for the support provided (food sets, hygiene items, money for public transport, protective equipment) during the quarantine period. We would like to ask whether there will be any more help or will there be no more?";

- "Hello everyone! I wanted to say a huge THANK YOU to 'Aman-Saulyk' PF from the patients of SMT in Temirtau. There are seven of us. The guys are very grateful for the attention, understanding and sympathy and of course for the help: for food packages and money. I am sincerely grateful to you!";
- "Good day! Thank you for the warm wishes and support from the management of our center and from myself personally, from the patients of the supportive maintenance therapy program! It was nice to work with you! Thank you, good luck in your work!"

Media advocacy campaigns that led to significant changes in the society/target group

'Legal Media Center' "Public Fund



Diana Okremova

Over the last few years, the civil society in Kazakhstan has become noticeably more active, professional and robust. Various information campaigns are conducted using social networks, mass media, with maximum involvement of CSOs. The period of the global pandemic gave a serious impetus not only to the development of technology and transition of world communications to zoom format, but also activated civil activists, CSOs, bloggers in different social spheres. We offer you some examples of civil activists' advocacy actions that led to real changes in the society.



**Gulmira
Birzhanova**

PROTECT KOK-ZHAILAU!

Background

In 2002, President of Kazakhstan Nursultan Nazarbayev told about plans to create a ski resort in Almaty called 'Zailiyskiy Alatau' that was estimated at 1.5 billion US dollars. However, according to Law 'On Specially Protected Natural Areas', it was prohibited to build such facilities in the designated area. In 2008, the Senate adopted the relevant amendments to the legislation that allowed the construction. The amount of 350 million tenge was allocated for the development of 'Kok-Zhailau' concept, and it was planned to open the resort in 2016.

Work done by civil society

At the same time, thousands of people opposed the idea of building a ski resort in the National Park. Activists joined together and launched public campaign 'Protect Kok-Zhailau!'. Later they were joined by experts, scientists, athletes and public organizations. The work of experts and environmental activists caused a wide resonance and discussions not only in Kazakhstan but also internationally, including in the context of violation of the UN Aarhus Convention. More than 30,000 people signed an open letter against construction of the resort. Activists initiated lawsuits against the government agencies, held a photo exhibition, clean-up actions in the mountainous areas and held peaceful gatherings and meetings. A huge amount of materials was published in mass and social media, and the discussion went on for a long time.

Outcome

In 2019, the President of Kazakhstan called the plans for the construction of a ski resort in Kok-Zhailau a problem and banned the project. "In order not to return to this issue every time, I forbid you to engage in this project today, that is construction of a ski resort in Kok-Zhailau. We don't need it. Moreover, all professional environmentalists and the competent public are against it," said the head of the state.

DECRIMINALIZATION OF DEFAMATION

Background

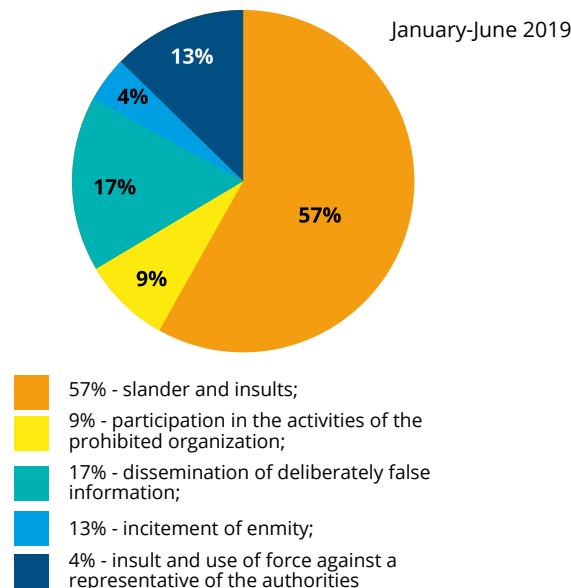
For many years, civil society has articulated the need to abolish criminal liability for defamation as it posed a threat for journalists, hindered legal reforms, and was contrary to Kazakhstan's international obligations. In 2010, Kazakhstan announced plans to exclude the article on libel from the Criminal Code by the end of the country's chairmanship in the OSCE. In 2011, in an interview to Washington Post Nursultan Nazarbayev said that the government intends to transfer libel to the Civil Code "to encourage freedom of speech and get on the same level with best international practices."

Work done by civil society

At the initiative of International Fund 'Adil Soz', Coalition '20-Bap' (20th article of the Constitution of Kazakhstan) was established, focusing on reforming the information legislation, in particular, decriminalization of defamation. The Coalition comprised CSOs 'Adil Arka', 'Adil Soz', 'Batys-info', Internews-Kazakhstan, Public Fund 'Charter for Human Rights', Kazakhstan International Bureau for Human Rights and Rule of Law, 'MediaNet', 'Minber', National Association of Teleradio Broadcasters of Kazakhstan, Legal Media Center, Union of Journalists of Kazakhstan, 'Tilshi'.

In addition to numerous publications in mass media, appeals to the President of Kazakhstan and Parliament members were prepared concerning the need for decriminalization of libel. The Coalition members attended meetings of working groups under the Kazakhstan Parliament and spoke at the OSCE, EU international platforms. The Coalition addressed the UN Special Rapporteur on the right to freedom of speech a requested to visit Kazakhstan.

CRIMINAL CHARGES



Recommendations on decriminalization of defamation and insults of this kind were reiterated many times in the reports of the UN Human Rights Committee, including the recommendations of many participating countries.

In addition to the Coalition members, journalists actively promoted the topic of decriminalization as well. They prepared a video in which the Kazakhstan journalistic community spoke out against the article about libel in the new Criminal Code.

Outcome

Finally, in December 2019, at a meeting of the National Council of Public Trust, President of Kazakhstan Kassym-Jomart Tokayev announced the decision to exclude article 130 'Defamation' from the Criminal Code and transfer it to the Code of Administrative Offences of the Republic of Kazakhstan.

LIST OF PROHIBITED PROFESSIONS FOR WOMEN



Background

For many decades in Kazakhstan the order on prohibited professions for women has been in effect. Initially, the list included 287 types of work but in 2018 it was amended, and a number of professions reduced to 191. Women were forbidden to work as a diver, subway driver, truck driver, locksmith, bricklayer. The ban was justified by the increased danger of work and harmful working conditions. However, the rapid development of technology has made it possible to change the situation.

Work done by civil society

In 2019, Kazakhstan Feminist Initiative 'Feminita' published the story of a woman working in a prohibited profession. She got a job as a heavy truck (25 tons) driver in a quarry. The company safety department told her that there is a list of prohibited professions according to which she is not allowed to work in this profession. As a result, the young woman continued to work but had to be registered as a passenger transport driver, with a corresponding salary reduction. She considered it a humiliation on the part of the state and depriving her of the right to decide for herself.

'Feminita' representatives provided this information to the UN Committee on the Elimination of Discrimination against Women, International Labor Organization, Universal Periodic Review, and made an alternative report at the 74th session of the UN Committee. Consequently, the Committee recommended Kazakhstan that "the list of professions prohibited for women be abolished, women's access to such professions be facilitated, and any kind of restrictions be applied individually and not to all women." This was widely discussed in society, with members of the Parliament and National Center for Human Rights.

The process was accompanied by information and advocacy campaigns that included preparation of an analytical review, a number of meetings and discussions, publication of a series of articles, as well as competitions held among reporters.

Outcome

In autumn 2020, the Parliament of Kazakhstan made a decision to cancel the list of jobs restricted to women. Human Rights Commissioner in Kazakhstan Elvira Azimova noted that the existence of this list is of formal nature, while some types of works are not in demand in Kazakhstan or are automated. According to her, it is more expedient and effective to create a real mechanism for the employment of women and take effective measures on health protection, especially in harmful and hazardous industries.

THE RIGHT TO BE FORGOTTEN

Background

In April 2021, the Ministry of Digital Development proposed to introduce the right to be forgotten into legislation: “In the case of an appeal by an individual or his/her legal representative, the owner of an Internet resource shall remove outdated or irrelevant personal information from the search data by the presented identifier of the Internet resource.” Immediately after publication of the document, its text was criticized by journalists, bloggers, experts because of the excessive categorical wording and the possibility of abuse of power by officials, as well as threats to freedom of speech.

Work done by civil society

The expert group on digital rights that consisted of CSO representatives, lawyers and researchers conducted an advocacy campaign to repeal the proposed norms. Experts made a number of statements, attracted international experts, prepared analytical materials and held a number of meetings with representatives of the Ministry, journalists and civil society.

According to experts, the ‘right to be forgotten’ was in conflict with the constitutional right to seek and receive information, and if adopted, it would have created an obvious imbalance between private and public interests. The introduction of this norm would have led to de facto censorship, blocked journalistic investigations and in general would have seriously slowed down the fight against corruption. Experts considered the introduction of the right to be forgotten premature and dangerous in Kazakhstan, and demanded to exclude this provision from the draft law.

The amendments were discussed in Zoom, journalists of *vlast.kz*, *radio azattyk*, *informburo*, ‘*Vremya*’ newspaper and other took part in live discussions.



INFORM, TELL, TALK, SHOW, EXPLAIN

EXPLAIN “The right to be forgotten contradicts the constitutional right to information” – experts

Kamshat Abdraiym 2021. April 20

Outcome

The norm on the right to be forgotten was excluded from the text of the draft law. A video was prepared about successful advocacy for the regional online conference on human rights protection in Central Asia during the COVID-19 pandemic.

The expert group was awarded at the Fifth Central Asian Forum on Internet Management held in Bishkek.



DIPLOMA

Central Asian Privacy Awards

Nomination:

EXPERT OF THE YEAR is awarded to Experts group on digital rights and freedoms Kazakhstan

WATER SUPPLY OF SETTLEMENTS

Background

In 2011, Kazakhstan started to implement the state sectoral water supply development program ‘Ak Bulak’. Its goal was to provide the community with potable water and wastewater disposal services in an effective and rational manner. As the program provided for the expansion of civic participation, community engagement in solving local issues and allocating local budgets, CSO ‘Angel’ (Atbasar) decided to hold public monitoring of the program, raise public awareness and provide training, advocacy and control of the situation.

Work done by civil society

Public monitoring was held in five regions of Kazakhstan. It included analysis of the information obtained as a result of official inquiries, its comparison with a real state of things, operation of a ‘hotline’, questionnaires and surveys of citizens, shooting explanatory videos and conducting training sessions. Public awareness campaigns on ways to save water in everyday life and energy saving technologies were organized.

Special website <http://ompp.kz/> was created, where CSOs accumulate experience and materials available in the field of public monitoring.

Also, CSOs sent requests to various government agencies and drafted a section of the alternative report on compliance with the Covenant the Right to Water and Sanitation.

Outcome

In several villages, the water shutdown schedule was normalized, water pressure was improved, the conflict between the villagers, the service organization and the akimat was settled. In other settlements, low-income families, using sponsorship funds, were able to carry out water supply. An unreasonably high price for permission of house owners to carry water into homes was reduced (from 30,000 to 4,200 tenge). In addition, the UN Committee on Economic, Social and Cultural Rights made recommendations to Kazakhstan on improving the situation with water and sanitation.

'KHABARSTAN'

Background

Every year Kazakhstan spends approximately 50 billion tenge for the state information policy. Transparency of expenses for mass media and efficiency of spending funds raise a lot of questions. Besides, according to experts, the existing system does not contribute to developing a competitive media market but forms the practice of dependent and non-free media. Two years ago, the state information order was withdrawn from the state procurement system, and information about which mass media received money and how much they received was classified as restricted access information. This deprives citizens of the opportunity to know what their money is being spent on, creates corruption risks and worsens the situation in the media market.

Work done by civil society

The 'Legal Media Center' Public Fund has dealt with the issue of transparency of state information order for more than ten years. An interactive database of state order recipients in mass media was developed, which is the only resource where information about funds allocated for information policy can be found.

Also, an interactive game was developed to draw taxpayers' attention to the problem of effective use of budget funds, as well as an animated video that was distributed as a viral-type video.

(<https://lmc.kz/tenders/map>)

Geoinformation policy in Kazakhstan: what can be done with this money?

How would you spend money 621,948,500 tenge Akmola region Consumer basket x 21,989; Astana 2-room apartment x 20 on the left bank; average salary x 4,139 months.

The CSO prepared several analyses, expert opinions, legislative and international experience reviews, recommendations and proposals to the country's Parliament and Government. Longread www.khabarstan.net was created that contained basic information about the situation. The Legal Media Center initiated litigation with the Ministry of Information and Social Development. The reason was classifying the information on competition results to the category 'for official use'. Unfortunately, all the trials were lost but this allowed to actualize the problem and attract the attention of members of the Parliament and the public to it.

Outcome

The topic was widely discussed in social media. Amendments were made to the legislation regulating the state information order. Thus, the Rules for placing a state information order and determining its value were approved.

Successful example experience in protecting and promoting the rights of people with disabilities through the implementation of the convention on the rights of persons with disabilities in Kazakhstan



Lyazzat Kaltayeva,

'Shyrak' Association of Women with Disabilities;
'Association of Organizations of Disabled People of Almaty'
Association of Legal Entities

The movement of people with disabilities in Kazakhstan has its roots since the Soviet Union. But at that time it was possible to talk only about two large organizations: the All-Union Society of the Blind and the All-Union Society of the Deaf. The efforts of these organizations were aimed at organizing a space in which people with visual and hearing impairments would be comfortable to live and work: entire zones with residential buildings, dormitories, industrial enterprises were created. There were even specialized rest houses, sanatoriums. Often people are nostalgic for those times, probably because for many decades they considered this order of things to be their comfort zone, where they felt protected. Later, a society for people with disabilities for all other categories appeared.

Nevertheless, it is certainly impossible to call it a social movement and, moreover, a civil society. All this was created by the state and, in fact, was a state within a state.

I believe we may start the history of the movement of people with disabilities since 1987, when perestroika began in the country. Following the example of the Baltic countries, club organizations began to appear in other republics of the Soviet Union: sports, disability, parent organizations, and also organizations protecting the interests of children. It was about protecting interests at that time.

Then organizations like ours began to appear. A little earlier, the 'Bibi-Ana' public organization of women with disabilities started working, which united single mothers with disabilities. All these organizations raised questions about social protection, which were very relevant during the period of perestroika – time of devastation, timelessness, when people lost income certainty confidence in the future.

When I joined this movement in 1987, I was 22 years old. I started working as a secretary-treasurer in the district society of the people with disabilities in Almaty. Because of my maximalism, I thought that these organizations give people the opportunity to get out of isolation. Because in the Soviet Union, people with disabilities were basically isolated and, at best, stayed at home. A large number of people have lived in homes for the elderly and people with disabilities through all their lives.

It seemed to me that this was unfair, it was necessary for our societies to provide a place where you can come and communicate. It was hard to imagine more. But after some time it became clear that these organizations are engaged in the redistribution of humanitarian aid, the flow of which at that time of great changes poured from abroad.

In 1999, my friends and I were lucky enough to take part in a seminar held in Almaty by Finnish colleagues. Next year we were invited to Finland. And that's when our eyes opened. It turned out that you don't need to be a distributor of material goods to change something in the lives of people with disabilities.

It was then that I learned that there are models of disability: a charity model, which I witnessed, when the most important thing was to distribute washing powder, sugar, flour, rice, buckwheat and it seemed that an organization fulfilled its own mission. The purpose of the medical model is to correct disability through medical intervention, and we, people with disabilities, did not agree with it. In other words, its goal is to 'fix' people, to bring them into a certain norm, but it's not clear who and why established these approach. And if you are repaired, then you can be in society, and if not, then you stay in 'standby mode'. This was what we

strongly disagreed with. Because we know that disability is often impossible to 'fix'.

Then, in Finland, I really liked the slogan on the wall 'Fix society, not me'. Inspired by this trip, we were ready to start our own organization. In 2001, we created the Shyrak Association of Women with Disabilities.

During these years, huge numbers of organizations of people with disabilities appeared in the country. The 'Zhan' Asian Society for the Rights of Persons with Disabilities, headed by the well-known lawyer Aibek Dumbayev was among them. A little later, the 'Namys' Society of People with disabilities with higher education appeared, created by an outstanding leader Kairat Imanaliev. These organizations raised issues of accessibility of the environment, access to education and employment. But the issues that concerned gender specifics - women, men - were hushed up and even denied to certain extent.

When we created our organization, we were told that we are cranky, we want to be princesses, but we knew how difficult, almost impossible, and women with disabilities have absolutely no one to share their problems with, to tell about double discrimination it was.

In Finland we saw that there is a whole organization — the Union, and in the Union there is a whole large department that deals with issues of women with disabilities. And we understood that we must work in this direction.

In the first year, we were still unknowingly, but more out of habit, engaged in the distribution of humanitarian aid. It took so much time and human resources: to write a lot of letters, to beat thresholds, to run for ten kilograms of washing powder, to distribute this powder and in exactly half a month to hear the question: 'When again?' We suddenly realized that no matter how much powder we find, it will in no way change the situation in the country, will not solve the issues of women with disabilities. And we went to study.

At that time, the American organization Counterpart Consortium was very active in Kazakhstan, whose trainings became the first stage of professional growth for us. Most of the organizations that were created and worked in those years passed through the Counterpart school. I believe, that period can be considered a starting point when the movement of people with disabilities turned into a movement for the rights of people with disabilities. It was then that we started talking not about social protection, but about the protection of the rights and equal opportunities of people with disabilities.

It was a difficult process, because neither the state authorities, nor the media, nor even the people with disabilities themselves, who continued to wait for their next ten kilograms of washing powder, understood us. When we won the first grant and began to conduct leadership trainings, we were told: 'You spend such a lot of money on what is unclear. It's better to buy food baskets and distribute them among the members of the organization.'

It was a highly crucial moment when it was necessary to change the consciousness and the idea of ourselves. And we just studied and taught, taught and studied.

This lasted until 2004-2005, when we realized that until we find ourselves associates, allies, like-minded people, we will always be misunderstood and ineffective in our activities. I must say that it was then that we began to receive the first grants.

The first institutional grant from the Counterpart Consortium helped us a lot to get on our feet. Before that, we used our own resources in our work: our relatives, husbands, brothers drove us in their cars, we used our personal Internet and our computers. This grant allowed us to show the community that we are not just a small women's organization, that we can do a major job. And that's when we realized that we had to work with the women themselves, give them tools in their hands. And we studied and taught again: psychological trainings, leadership, legal, sexual and reproductive health, sexual and reproductive rights. We were changing, gaining strength and independence.

But at some point it came to an understanding that it is necessary to change not only us – it is necessary to change the attitude of society and it is necessary to change the legislation regarding persons with disabilities. Because life around us will not change without systemic changes, no matter how we improve ourselves. Then we decided to declare that in addition to the medical and charitable models that existed, exist and will exist, and which are basic in our country, there should be a social model that changes society, and there should be a legal approach to disability issues.

There was so much to say about it then. It's much easier now. Now it costs me nothing to stand at a meeting of some working group in the Majilis and say that if only one child with disability lives in a distant village and there is a school that is inaccessible to him, then for the sake of this child alone, the school must be made accessible, no matter how it seemed unreasonable or too costly. Just because this child has the right to education, like his fellow villagers. Now this is perceived as normal. But then we had to break stereotypes and conduct a lot of information campaigns.

We spent many years on this, because we understood that 'a drop hollows out a stone'. It is necessary to write, and talk, and tell stories, and explain that people with disabilities have equal rights with everyone and want to exercise them on an equal basis with everyone; and to seek a legal approach to disability. Not because we are pitied, not because it is difficult for us, but simply because we have rights. It took a long time, but it was a part of our long-term strategy.

We held actions – on the same day, at the same hour, in all regions at the same time, we held press conferences at which we made the same statement.

It was very strong, because it was clear that this is the voice of women with disabilities that they exist. It was important for us to bring our voices together. And that was also part of the strategy. Because we were often told: "We understand you, we support you, but women with disabilities are just one social group, and we have the unemployed, the elderly, migrants, children, etc. Economically, the country is not yet strong enough to solve your issues." According to statistics, there are 3.8% of people with disabilities in Kazakhstan. Half of them are girls and women. The percentage is small, but behind it is an impressive figure, and all these women are citizens of the Republic of Kazakhstan.

It was through this strategy, through the creation of a network, through the ability to speak in all regions at the same time, that we showed that we are not a very large, but a whole layer of citizens in our country. And in 2003-2004, we created a network of women with disabilities in Kazakhstan.

Our information campaign continued for five years, and we heard all the time that women are sensitive, delicate, and defenseless; women are emotions, they are feelings. And then we realized that it is necessary to speak the language not of emotions and feelings but the language of facts. And in 2007, we conducted a study for the first time. It covered three countries simultaneously: Kyrgyzstan, Tajikistan and Kazakhstan. By that time, in 2005, we created the Central Asian Network of Women with Disabilities, because we believed that it was necessary to show that solving the issues of girls and women with disabilities is not only Kazakh content, that this is a trend, it is a global trend. Currently, about 60 organizations in five countries have joined this Network. But when we did this research, there were three countries inside this Network. The study showed that 20% of women with disabilities have never even tried to find a job, 8% of women with disabilities have attempted suicide, etc. There were a lot of figures there — they related to health, employment, motherhood, relationships, education, and cultural life. It was the first time we talked about violence. I remember when the deputies of the Majilis began to operate with our figures, we realized that we were following the right path.

That year we left the project activity and started working on programs. We had a leadership program, a network development program, a program on reproductive rights and reproductive health, employment, and later we had a program on social and political participation of women with disabilities.

Following our strategic plan, we have worked a lot in Kazakhstan and Central Asia. The network we created developed and increased. At some point, we started receiving requests and even insults from our male partners with disabilities, and we realized that we needed to open up. This will only make us stronger. Now both men and women work in our organizations. Our events are often aimed at protecting the interests of women with disabilities, but they are absolutely all accessible to both women and men. And if you look at our presentations and press releases, you can see that we rarely say 'women with disabilities', more often - gender equality and disability; or women and men with disabilities, girls and boys with disabilities.

We talked a lot about terminology, about the fact that a negative term also generates barriers, myths, stereotypes that have a bad effect on the lives of people with disabilities. In 2008-2009, together with UNICEF, we conducted a study on discriminatory terminology in relation to people with disabilities. The study was conducted based on the results of comments in the Universal Periodic Review of the Republic of Kazakhstan received from the participating countries. We have looked into many legal acts, and at the very bottom: instructions, rules, orders. We saw that the terms mostly have a medical connotation, but are extremely derogatory and discriminating. For example, defective, retarded, disabled. While the whole world is now rejecting the word 'disability'. In Kazakh, this sounds even more incorrect. And then we started to raise the issue of making changes to the terminology based on the international principle of 'man first'. That is, first we call a person by name, by status: student, passenger, director, neighbor, etc., and then, if necessary, we can say: visually impaired, speech impaired, hearing impaired, with Down syndrome, wheelchair user, etc.

All this activity on terminology has led to the fact that next year, I hope, no matter how difficult it is, to introduce new terms into our legislation, these changes will be made officially.

Probably, we can characterize our entire experience as a long period of advocacy campaign. It was based on research, on information campaigns, on such serious advocacy, when we were looking for a key person, a key body, a target that needed to be influenced and we used various methods of influence.

In 2002, when I brought the news from Japan that a new Convention on the Rights of People with Disabilities was being developed, they laughed at me, they said that our ramps here were terrible, and you were telling something incomprehensible about some convention. And it was really necessary to create a whole coalition to promote the Convention in the country. And we created, no matter what different organizations there were, but we united.

And if we talk about the history of the movement of people with disabilities, then in 2005 we united to make the new law on the social protection of people with disabilities truly operational and working, so that real services and real mechanisms for the social protection of people with disabilities would appear there. In 2008, we united in order for Kazakhstan to sign and in 2015 to ratify the UN Convention on the Rights of People with Disabilities. And it was a bright and powerful experience when we all joined together. There were a series of round tables, conferences, flash mobs. From 2008 to 2015, the country has been preparing for the ratification of the Convention for so long. We talked a lot, performed, achieved; it seemed that this would never happen. But then the Coordination Council under the Government of the Republic of Kazakhstan started working, at

that time it was very strong, and it promoted this ratification.

I can say that the ratification of the Convention has greatly changed the lives of people with disabilities even during its preparation. Because at that stage, the government was changing the legislative framework, laying budgets, developing a National Plan, launching the work of the Coordination Council – all this was focused on the ratification of the Convention. And after the ratification, when all these changes in legislation began to work, we saw that a certain system focused on the rights of people with disabilities, and not only on social protection, began to be created.

Now we are talking more about the right of people with disabilities to live in society. We have started work on public and political participation. At first we proved that we could be not just 'one-time' experts, but members of coordinating councils, then we appeared in various working groups in the government and in parliament, then our organizations began to appear in Public Councils. In 2012, we tried to run for Parliament for the first time. It wasn't the most successful experience, but it was an experience that gave us strength. We have declared ourselves. Someone then said: You lost, but it won't just go away – you were seen, you were heard. And indeed, in 2016 I successfully ran and became a deputy of the Maslikhat of Almaty. In the same year, two more people went to Maslikhats of district levels. Last year, more than 10 deputies from among people with disabilities were already elected.

When I told a female Senate deputy in 2011 that people with disabilities should be at the decision-making level to represent the interests of people with disabilities, she said wonderful words to me. She told me: "Lyazzat, you can and should be there not because you have a disability and you should represent the rights of people with disabilities, but because you are citizens and you have the right to run and be elected if you are elected." This message is very important to us.

Now we are moving on. Our organization works very hard at the international level. We have a very strong and stable Central Asian Network. We are one of the few in the post-Soviet space and in the world who promotes a gender and legal approach to issues of people with disabilities. The experience that exists in our countries is also unique. We often share this experience with other countries. Perhaps that is why in 2020 the Ministry of Foreign Affairs and our Government submitted my candidacy to the Committee on the Rights of People with Disabilities in Geneva at the UN. Unfortunately, I didn't pass. But there was a very serious selection of the strongest, respected experts from among people with disabilities from all over the world, and to be with them in the elections, of course, is a great honor for me personally and for our country.

Our work continues. The last strong advocacy campaign concerned the ratification of the optional protocol to the Convention on the Rights of Persons with Disabilities. In 2015, the Convention was ratified without an optional protocol. But we wanted Kazakhstanis with disabilities to have the opportunity, if they have exhausted all their legal opportunities to defend their right in the country, have passed all judicial instances and are not satisfied with the decision, to apply to an international body, the Committee on the Rights of People with Disabilities. We are glad that a working group has been established in the Majilis

and the President of the Republic of Kazakhstan has stated that it is already necessary to prepare for the ratification of the optional protocol to the Convention on the Rights of People with Disabilities.

In our work, sometimes it seems to me that we are rolling back, sometimes that we are marking time. But when you tell your story from the very beginning, you realize how much has already been done and you can already summarize something.

Firstly, in order to advance, you need to unite in coalitions, associations, etc. When serious important goals appear, associations, networks are very necessary. I think that as mechanisms at the stage of formation of the movement for the rights of people with disabilities, they have shown their effectiveness.

Secondly, you need to always be in the mainstream, follow global trends. It is impossible to shrink, pupate. It helped us a lot that we communicate within the network: Central Asian, CIS, we are members of many networks in South-East Asia, in the Asia-Pacific region. We have many ties with the USA and Europe. Mainstream is very important and it is also important that information about what is happening in the world is adapted for Russian-speaking countries.

Our partnership with ARGO has greatly contributed to the possibility of our organization entering the international arena. And our partnership with the Asia-Pacific region gave us the opportunity to speak twice in New York at UN sessions, where I represented our region.

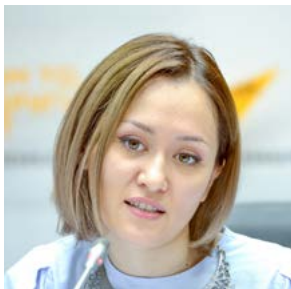
For several years now, I have been saying that civil society has changed a lot. When we were a young organization, we did a lot of PR. We wanted to show ourselves, we wanted to make our own brand, so that we would be recognizable, to be special. This helped us to work, helped to promote our ideas. And we imagined that this is civil society: organizations, CSOs, ALEs, Unions. But in the past few years, I see that civil society is also individuals. These are users of social networks, bloggers. It is amazing! I believe that CSOs are not going to die out as an organization, but they must change, they must be modern and understand that sometimes one person on a social network in one day with one post can make changes that have been given to another organization for decades. The same is with fundraising. Sometimes it takes a year to get funding for a project, to do something, sometimes someone never succeeds in raising the necessary funds. But literally a few people on social networks can collect ten such projects or more during the day.

Now we see that COVID-19 has simply immersed us in this digital space. It provided huge opportunities to people who were silent, thought that all this was not available to them, and their voice was not heard. But when everything went digital, willy-nilly these people started talking. It's only been a year and a half – these people are heard, seen, they do things that can be compared with the activities of an entire organization. Now there are completely new faces among us, a variety of people with disabilities who create new trends, and we try to be with them together, we try to use their capabilities and strength. We are trying to become such a force ourselves. I believe, this is the future of our movement!

Successful experience in the implementation of Makeathon TOM

Saniya Arapova

Association of Friends of Tel Aviv University in the Republic of Kazakhstan



This concept is called 'make-a-thon' — a marathon where participants solve a problem in a limited amount of time.

The Makeathon project appeared in 2017 and became the flagship project of our organization. Initially, the 'Association of Friends of Tel Aviv University' was created to 'make friends' universities of Kazakhstan with the leading university of Israel in the academic direction. But it so happened that the academic hypothesis did not work, but we were interested in the concept of creating a community of inventors-makers who, through technology, solve the real life difficulties of people with disabilities. This concept called 'makeathon' (from English: make-a-thon) is a marathon where participants solve the problem in a limited amount of time.

We heard about this concept during a visit to Tel Aviv University. We really liked the philosophy of Makeathon TOM. The abbreviation TOM stands for Tikkun Olam Makers. Tikkun Olam is translated from Hebrew as 'correction of the world'. TOM is a global community that aims to improve the lives of people with disabilities, regardless of their place of residence — whether it is a technically highly developed region of the United States or a small city in Vietnam.

Its main task is to create useful prototypes, give instructions on how to create them. Further, the instructions become available to the whole world so that everyone with similar physical disabilities can recreate a prototype and improve their life or the life of their community.

It was this deep value approach that made us think about bringing this innovation to Kazakhstan. With this small background, the first steps of makeathon in Kazakhstan and the CIS began.



Makeathon TOM: Kazakhstan

A TOOL TO IMPROVE THE QUALITY OF LIFE OF PEOPLE WITH DISABILITIES



In order for a product or prototype to take place, the organizers and participants need to go through several preparatory stages:

The table shows a very general sequence in order to have an idea of the timing and amount of preparatory work. The TOM community has detailed instructions, where all the processes are described in more details. But we were faced with the fact that they had to be adapted to the realities of Kazakhstan.

Of course, the concept itself is not a value if it does not solve the problems that limit the possibilities of people in their normal daily life.

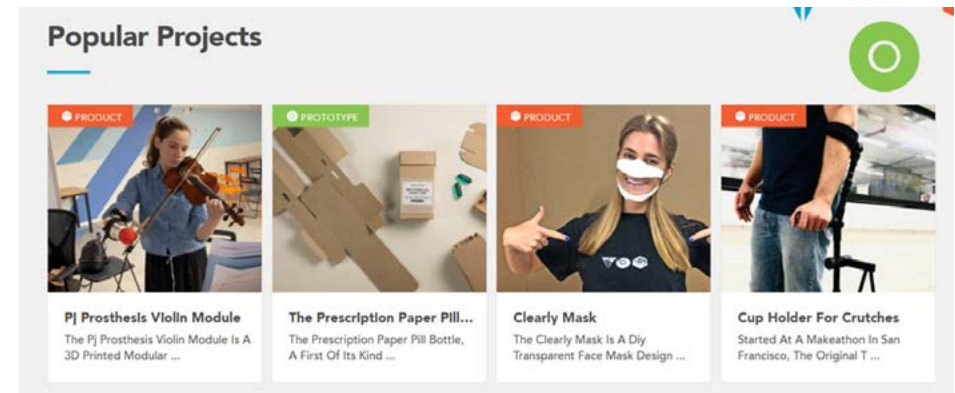
For me, this is also partly a personal story. A close relative of mine was a disabled child; it was difficult for her to move long distances on her own; taking public transport was out of the question. We spent a lot of time together, which allowed me to see her problems and her efforts to overcome barriers. Today she is not with us, but how many people can be supported and how many people can be inspired by the project developed by Tel Aviv University! Therefore, without hesitation, I brought this idea to Kazakhstan.

Having arrived from Israel in summer of 2017, our team was burning with the idea of a makeathon. There were many doubts and questions. Many people with whom we shared our thoughts did not believe in the successful implementation of our plans in Kazakhstan. But the road will be mastered by the walking one. Only two people supported us: the philanthropist Alexander Mashkevich and the rector of Pavlodar State University Aryn Orsariev. Thanks to their faith in people and in the idea, the first Kazakhstani makeathon TOM took place in Pavlodar.

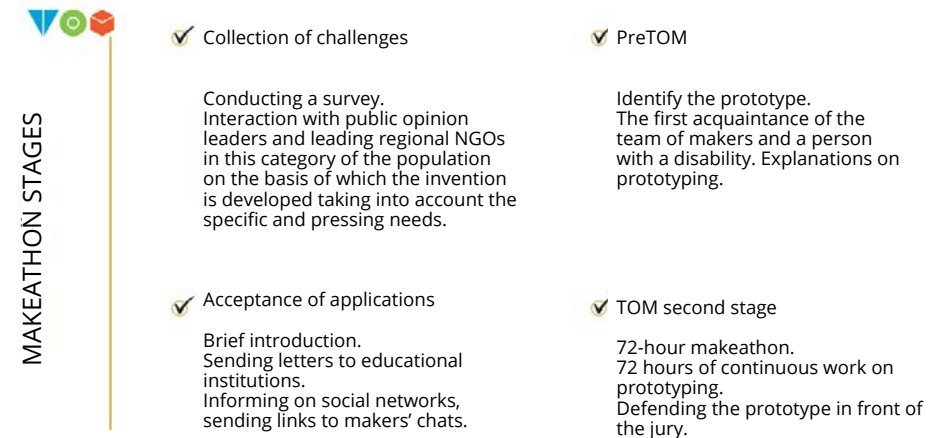
Makeathon, in essence, solves everyday problems of a person with a disability. Of course, in Kazakhstan, people with disabilities are protected socially: there is a portal of social services, on this portal there is a list of suppliers and a list of devices that a person with disabilities can purchase. But all people are different, with different restrictions, different needs, place of residence, wealth.

In total, there are more than half a million people with disabilities in Kazakhstan. The state builds a system, and we help and solve real local problems. On makeathons, we create gadgets and devices that are not on the market due to low demand and low profitability.

Of course, it also happens that prototypes created during the makeathon also solve systemic problems. For example, the accessibility of the environment for wheelchair users. Medical students made a stair walker that allows the wheelchair to be lowered down the stairs. Their solution turned out to be much cheaper than foreign analogues and is available for ordinary families and organizations that need to provide wheelchair access to the building.



MAKEATHON STAGES



What is Makeathon 'TOM Kazakhstan'



Makeathon What is 'TOM Kazakhstan'

Makeathons is a 72-hour marathon Here, makers (inventors) create prototypes that help need (people with disabilities) to improve or improve the lives of people with disabilities.

TOM: Tikkun Olam Makers

'Change the world' means a global movement that is gradually spreading across the globe.

TOMS have been conducted since 2014

In the USA, Argentina, Great Britain, Israel, Canada, Australia, Vietnam. On the territory of Kazakhstan, makeathons were successfully implemented in Pavlodar, Karaganda, Nur-Sultan, Almaty, Aktau, Shymkent.

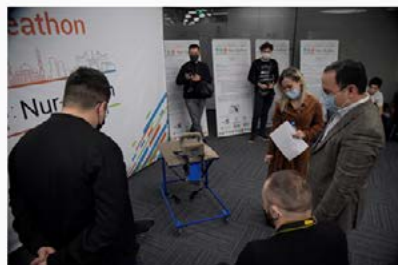


Prototypes



Wheelchair upgrades

Improvement of the electric wheelchair for disabled people with additional multifunctional options.



Walking carts

Strollers for children diagnosed with cerebral palsy

So, the problem is clear: there are many people who have all sorts of physical limitations, there is a makeathon as a solution, and this solution must be implemented. First of all, there was a question of a cultural nature — is our society ready to volunteer to help someone: get to know a person with a disability, spend time with him, listen to the story of his life, understand his request, not be afraid of responsibility, decide to do something for that person. All this was a huge challenge for us as organizers. We started by contacting all universities in the country and sent out regular letters, after which we went to regional universities, met with students and teachers, told about the project. It turned out that there are not indifferent guys and there are a lot of them! They are ready to come for a few days and immerse completely themselves in the process of creating a product that will help a person with a disability.

The second, no less important step is to find a platform for creating a prototype. It is necessary that the space where the makeathon will take place is technically equipped, including the necessary equipment. Although, as practice has shown, we overestimated the importance of this issue. The technical equipment of the site fades into the background, because the most important thing is the ingenuity, the burning eyes of the guys and the magic of interaction.

And of course, there were doubts about how to involve people with disabilities in the process. You cannot 'help someone.' A person who is open to interaction and ready to share personal things should come to the project. Experience has shown that everything here is not as difficult as we expected. In every city there are communities of people with disabilities, it is enough to come to them with an idea, tell, discuss, invite.

The fourth issue we are puzzled with is funding. It is important to find people or organizations that are truly interested in the result and will bear the running costs. For the first time, when launching a project in Kazakhstan, we conducted a makeathon at our own expense. All of the following makeatons were organized with sponsor funds or on a parity basis.

Having answered the main organizational challenges and carried out several events, we realized that the time had come to transfer the methodology, already worked out and adapted to our realities, to universities for regular and systematic use.



Prototypes



Multifunctional Swedish wall

For a wheelchair, there is the possibility of adjusting the knee support in height, a hip lift belt, a Swedish wall with a belt with rubberized handles.



Continuous passive treatment of the knee joint

Designed for rehabilitation of people in the postoperative period, it provides safe treatment of joints during recovery

Now we have accumulated an impressive experience. The Kazakhstan's Makeathon TOM community is the most active in the entire world community. We can see this from the feedback from colleagues from TOM Global. In four years we have held 11 makeathons, we have created a real healthy, self-renewing community: at least three teams formed by participants of past projects take part in each makeathon.

Thanks to ARGO, we managed to become involved in the creation of the TOM Global community in the neighboring republic — Kyrgyzstan. We helped them conduct their first makeathon and now they have joined the global TOM community.


In 2019, Makeathon TOM took the third place in the Republican contest The Best Social Projects of Kazakhstan.

In 2021, thanks to an impressive experience and an equally impressive geography of projects, we managed to attract the Ministry of Labor and Social Protection to cooperate and build links with the project office to improve the lives of people with disabilities.

Our plans are to systematize requests from people with disabilities, and to do this, make a button on the social services portal 'application for a Makeathon TOM'. The idea is for a person with a disability to get acquainted with the list of social services that the portal offers him, and if the desired device is not in the list, then he can apply for its manufacture on a makeathon.


Taking the first steps in 2017, we did not even suspect that the project could have such a geography and such a social effect. We are grateful to everyone who believed in the idea, who supported it with words, deeds, and finances. We sincerely believe that together we can 'fix' this world and make it better for those who are harder than us.

Prototypes



Paralympic racing skis

The prototype is designed for people with limited leg capabilities who want to fully ski. Paralympic racing skis-an adaptation of alpine skis for athletes with disabilities.



Application' SONUS'

An application for distinguishing the words of people with hearing problems+a quick speech simulator for deaf people
The application is downloaded on playmarket, available for use

Statistics (2017-2021)

				
11 makeathons were held	The number of teams 97 teams	The number of inventors 495 participants	The number of inventions 87	Bringing their inventions to the end 22 teams

3

Practical advice on the establishment and operation of CSOs in Kazakhstan

The Practice of Applying the Participatory Design Method



Sergey Gulyaev
Decenta Public Foundation

This article outlines the first use of participatory design in the city of Pavlodar in 2019. As part of the 'Center for Urban Change' project, supported with funding from Soros Foundation-Kazakhstan, the team from Decenta Public Foundation implemented a set of training approaches and practical measures to introduce the participatory design method to their hometown. The experience resulted in the creation of a new public space in the courtyard of an apartment building, designed with the participation of residents, an architect, a cost evaluator, local administrators, and a contractor.

About Participatory Design

Participatory design, similar to democratic architecture, is not a new concept in Kazakhstan, but remains underutilized. At the moment, its use in the development and implementation of concepts to improve open public spaces remains an exception, rather than the rule. Participatory design is a design process involving residents, local communities, activists, representatives of municipal administrations, local businesses, investors,

representatives of the expert community and other stakeholders to determine the goals of joint decision-making, conflict resolution, and improving the effectiveness of the project.¹⁶

Participatory Design in Pavlodar

The 'Center for Urban Change' project was developed by the Decenta Foundation as a culmination of years of experience. The Decenta team spent many years supporting the development of self-governance in the region, and had long experience supporting the effective management of residential apartment buildings. In 2017, the foundation launched the website smarpavlodar.kz as an information platform to connect residents of apartment buildings and management companies to foster constructive partnerships for addressing housing and communal service challenges.

The goal of the 'Center for Urban Change' project was to foster urban participation in the design of public spaces of the city of Pavlodar with the involvement of residents, representatives of the local administration, businesses, and investors. The mission of the project was to pilot participatory design principles in the city of Pavlodar.

Representatives of eight courtyards became project participants for the first design workshop, five of which ultimately responded to the call for Urban Space Transformation Projects. A prerequisite for project participation was adherence to the participatory design process in the initial development of the application. Participants conducted polls, held contests for children's drawings, and organized meetings of local residents to identify challenges and needs in shared courtyard areas. In total, more than 500 residents were interviewed and five draft landscaping projects were developed with input from architects and cost evaluators.

The courtyard located at 6 Toraigyrov Street was ultimately selected as the winner of the competition. This courtyard was the only participant in the project that brought to life the architect's conceptual design, developed jointly with local residents. The draft design of the winning concept was developed by M. Serbina, architect, master of technical sciences, and senior lecturer in the Department of Architecture and Design at Toraigyrov Pavlodar State University. According to Serbina's original design, the courtyard was divided into zones based on usage, and included a playground for preschoolers, an area for teenagers, a basketball court, and a stage. Within

¹⁶ Definition of Project Team.

the limitations of the project budget, however, only one zone could be developed, but it still had to be unique in character and benefit different age groups of residents. The project team ultimately decided to build the stage area in the courtyard.

Participatory Design Algorithm¹⁷

- 1. Initiate a public space development project: Identify supporters, conduct research, and define the goals and objectives of the project.** First, the territory for improvement is determined, groups of stakeholders of the territory are identified, methods of collecting information are established, and needs assessments for the improvement of the territory are made.
- 2. Develop and coordinate the concept of public space development.** At this stage, the collected information is analyzed and discussed, a preliminary landscaping design is developed and adjusted, and a work plan is drawn up.
- 3. Develop and approve design specifications and cost estimates.** A crucial aspect of the third stage is supervision from both the architect and a primary community leader, as unplanned edits to the design specifications and cost estimates documentation can have unintended consequences during the implementation of the project.
- 4. Conduct construction and installation work.** At this stage, the primary factor is the expertise and professionalism of the contractor coordinating the construction and installation work. At the same time, it is important to strike a balance between controlling the master version of the design and managing differing opinions among community representatives.

Therefore, two or three people can be selected from among the residents to maintain regular communication with the construction team; other interested residents can be involved if necessary in supporting the builders, i.e. giving access to electricity or water connections, providing a place in the basement to store tools and equipment during the period of construction work, etc.

- 5. Hold joint project evaluation.** At this stage, it is important to involve as many interested parties as possible in evaluating the newly landscaped space, since this will result in the most objective assessment of the work done. Here it is necessary to identify both the strengths and weaknesses of the landscaping work, discuss what could be improved and maintained by the residents themselves (i.e. planting flowers, pruning shrubs, holding clean-up events, etc.), and what work should be completed by the contractor. Develop an action plan and delegate responsibilities among the neighbors present at the meeting.
- 6. Transfer the project to the community.** By this point, the community has already accepted the idea that public space is part of their collective 'property', which has not only been landscaped through their joint efforts, but must also be preserved by the collective efforts of interested parties. Therefore, the successful completion of construction and installation projects represent not the end but the beginning of the real work of the project. The example of the landscaped courtyard at 6 Toraigyrov in Pavlodar illustrates this principle. The year after the appearance of the recreation area, a playground was installed in the courtyard at the expense of the city, after which the courtyard won the 'Budget of People's

Participation' competition. The neighborhood is currently awaiting the installation of an 'island of health' — a playground with exercise equipment for children and adults. All of these subsequent opportunities resulted from the collective initiative of local residents to further develop and maintain their courtyard.

How to work with neighbors? Who can be the initiator (CSOs, Cooperative Apartment Owners, initiative citizens, etc.)?

On communication methods and frequency, engagement and motivation: Communications is, perhaps, one of the primary issues faced by those who want to improve the shared courtyard of an apartment building as well as in the building itself. The need to communicate with neighbors may arise for a variety of reasons — noise from repair work prevents children and the elderly from sleeping; flooding from upstairs neighbors; fundraising for the repair of shared spaces, and much more. Most often, we talk about the need for communication. In other words, if there were no such need, we would not communicate with our neighbors at all.

Managing an apartment building is an activity that requires the skills of a diplomat, psychologist, economist, and lawyer, among others. No matter how much we would like to avoid conflicts with our neighbors, it is impossible to avoid the joint discussions and decision-making processes related to the management of our apartment buildings — our human settlements, our so-called high-rise 'villages', and our small states. Therefore, we should identify who can best serve in the role of 'initiator' among neighbors — not with individual neighbors (for example, those sharing the same floor), but

¹⁷ According to the methodology of Project Team 8 and the Standard for Citizen Engagement in Addressing Urban Development Issues (Agency for Strategic Initiatives).

among all residents of the apartment building, and potentially across several apartment buildings united by a shared courtyard or neighborhood.

1. The Form of Management of the Apartment Building, as the Initiator of Work with Residents

At the time of writing management organizations take one of the following legal forms: CAO (Cooperative of Apartment Owners), CCAO (Consumer Cooperative of Apartment Owners), or COP (Cooperative of Owners of Premises). After January 1, 2022, these forms will additionally include LLP (Limited Liability Partnership), SP (Sole Proprietor), APO (Association of Property Owners), and SP (Simple Partnership). In practice, the organizational and legal form does not determine the quality of management generally or work with residents in particular. Typically, communication between the CAO and residents is limited to solving issues related to building maintenance, including cleaning, preparation for the heating season, ongoing repairs, etc. At the moment, there are still a large number of 'traditional organizations' in the market of property management and maintenance of high-rise buildings. These are classic CAOs that narrowly view their activities as the provision of a limited list of services. The heads of such organizations do not particularly welcome communication with residents, and often seek to avoid it. They typically do not use the internet or virtual messengers, and are known to speak aggressively with local residents. Conflicts often arise between the employees of such organizations and apartment owners, many of whom simply stop paying for CAO services as a result.

Over the past two or three years, new type of organizations have appeared that are more customer-oriented and incorporate existing technologies into their work. They may, for example, create WhatsApp groups for each

individual house or stairwell, accept electronic payments, and post information for residents on social networks. Our observations show that this new management model fosters a high level of trust among residents, who receive prompt and effective responses to their requests. Thus, by the end of 2020, organizations that position themselves as management structures in high-rise buildings may be well placed to serve as initiators to work with local residents on shared projects. For example, during the implementation of three of its projects, the 'Decenta' Foundation, working with residents, relied heavily on partners from management/service companies (in two cases these were sole proprietors, in another case — CAO).

2. Active Citizens

One of the main counterarguments for many reform efforts in Kazakhstan, particularly in the area of local self-governance, is the fact that the population is not ready for such responsibility. A variation on this thesis is concern regarding the overall low level of civic engagement among citizens, their dependent attitude towards social services, etc. These arguments are based on general tendencies, as indeed civic activity remains low and there is evidence that citizens have little interest in taking responsibility for social challenges or their consequences.

Despite this situation, the past two or three years have seen a gradual shift in civic mindsets. Many citizens have begun to pay attention to shared problems in their courtyards, apartment buildings, and large communities; many are ready to actively defend public interests and demand accountability from private companies encroaching on city spaces, including green spaces and public land. Increasingly, residents are engaging in conflict with local authorities. Many, however, did not have the benefit of external intermediaries or

advocates, such as CSOs. This may be because CSOs themselves are still learning how to work effectively with the local population, and are not yet sufficiently prepared to represent or defend civic interests. Therefore, we are seeing cases in which concerned individuals are self-organizing, making independent decisions, and establishing their own ways of working.

Thus, at the moment we can state with confidence that active individual residents of an apartment building, shared courtyard, or neighborhood can become initiators of work with their neighbors.

3. CSOs

Overall, we must note that there are very few CSOs dealing with urban development, local self-governance in cities, housing and communal services, and property management relations in the country. At the same time, CSOs are well positioned to initiate this work within local communities. A vivid example of this is the 'Decenta' Foundation, which has been working in the field of local governance development projects since 2003 and in the housing and utilities sector since 2010. The foundation began its activities with projects on the management of shared property, the rights of residents of apartment buildings, and the relationship between residents, management, and service companies. By 2017, the foundation realized that urban development, urbanism, management of high-rise buildings, and the transformation of urban spaces requires a systematic approach, and these issues became a key strategic direction for the organization's activities.

4. State Agencies

Among local state agencies, there are a number of those that, by virtue of their function, can and should work with the population on issues of urban development. These include the Departments

of Housing and Communal Services, Housing Inspection, Architecture and Construction, Land Relations, and Internal Policy. In practice, however, 'Decenta' has observed that the work of these agencies is largely limited to the provision of services based on their respective mandates. Communication with the population occurs, as a rule, in the form of responses to inquiries. If for some reason a government agency initiates public engagement, then such a process is usually directive in nature. Employees of state agencies believe that they have the right and authority to determine what changes need to be made within a neighborhood. Yet today these methods are no longer effective. In addition, significant personnel shortages make this top-down approach difficult to execute and ultimately unsustainable.

In other words, it must be objectively recognized that the current state apparatus is not well structured to work with communities. While there are of course positive exceptions, they serve only to underscore the dominant scenario — the implementation of state activities in a particular localization often depends not on the effectiveness of the system itself, but on the effectiveness of an individual employee who is ready to communicate with the public, take responsibility, and admit mistakes.

Effective methods of involving citizens in landscaping processes

Existing literature on participatory design outlines the following methods for citizen engagement:

- 1. Conduct discussions among primary stakeholders, i.e. users or owners of real estate located on the territory of the future transformation or in the immediate vicinity.** In our experience, this method is frequently

used; a variety of issues related to planned changes for the localization were discussed with those who would be most affected.

- 2. Place temporary pavilions at the site of the future transformation to communicate with the representative developing the project and to solicit resident opinions in the form of interviews, surveys, and questionnaires.**

This method was not used in our practice, as it can be quite costly in terms of funding, time, and human resources.

- 3. Create information centers, working on an ongoing basis, for residents to discuss various projects and problems with an employee directly involved in the development of the project.**

In our case, the project was called the 'Center for Urban Change' (CUC); information could be obtained through informational brochures, as well as in electronic and online formats. The CUC emerged as the key player who initiated changes, organized discussions, sent requests, advised, and much more.

- 4. Place information stands near the target location or in the most high-visibility locations.**

This method is simple and effective. While the foundation has not used this method in practice, it has witnessed how this method works. In the summer of 2020, when carrying out landscaping work in the courtyard of 6 Toraigyrov Street, the State Housing and Communal Services Department posted a sign which not only provided basic project information (the standard 'project passport'), but also included detailed information about the proposed changes. Notably, the sign had the opposite effect in one instance, as it promised elements of the project that were not ultimately implemented. On the other hand, however, it also provided contact information

for those responsible for the project, which turned out to be particularly useful when there was a need to promptly resolve an issue with the contractor. Thus, we can endorse this method as practical and effective.

- 5. Use workshops as a participatory design tool.** Design workshops are an effective way to develop project allies; the 'Center for Urban Change' began its project with a participatory workshop in 2019. We believe that this will be the most popular method among similar projects, as it allows the project team to train residents and other interested parties, shares experiences, and discuss best practices.
- 6. Conduct surveys and focus groups in the target territory.** This is an important and necessary method used by both the foundation and partner communities in each of the neighborhoods participating in our project. Neighborhood surveys were a prerequisite condition for the CUC project because it is important to not only collect community input, but also to show interest in community input, and to demonstrate when planning changes that these changes were the result of recommendations made by residents.
- 7. Map residential neighborhoods with the help of residents as part of the territorial development planning process.** Multiple variations on this method have been used in our practice. While such a map is not required for the legal documentation of the project, local mapping was an effective tool in improving the courtyards at 347 Korolenko and 95 Chokin Streets, and took the form of a detailed layout developed by individual residents.
- 8. Use participatory budgeting as a form of planning; use part of the city budget with planning inputs from citizens.** In 2020, the

People's Participation Budget process took place for the first time in Pavlodar; this year it has been adopted as standard practice and even a legal requirement. The first public budgeting experience demonstrated that community solutions can be significantly improved and advanced with citizens' involvement.

It is also possible to involve citizens using web technologies, including questionnaires, online voting among a specific set of options; forums and blogs for collecting opinions; platforms with maps and the opportunity to add geo-referencing tags to comments on local issues in need of attention, crowdfunding platforms, and platforms for collecting ideas for further implementation.

Due to COVID-related restrictions on the organization of in-person events in 2020, 'Decenta' actively used such virtual methods to engage with project stakeholders remotely. For example, its study 'The City through the Eyes of Residents' was conducted using a questionnaire survey through the Google platform. The collection of opinions and key discussion themes is already impossible to imagine without instant messenger applications (in our case, WhatsApp groups). The 'Decenta' team also piloted a crowdfunding platform, though with limited success to date. The training courses were carried out via the Zoom video conferencing platform.

What can work when working with residents:

- A clear vision and shared understanding of the end result. This means that it is desirable to quite clearly formulate the task for residents: what specifically needs to be done, how, where, and with what resources (i. e. labor, money, knowledge, etc.). For example, instead of the

question "Do you want to improve our shared courtyard?", the most effective prompts are more direct: "We want to install a park zone for walking animals in the courtyard next to the parking lot. Are you ready to help? We need to dig holes for the pillars." This information is sufficient to understand exactly what changes are expected, and for residents to decide whether they will personally participate.

- Sincerity and openness. The goal, the process, the result — each element requires transparency, without any hidden or unspoken tasks. For example, when inviting neighbors to dig holes, they must be told up front if they need to provide a shovel, install pillars, buy materials, etc. Lack of clarity or clear expectations can end badly — even minor deceptions 'for the good of a common cause' will result in a complete loss of trust.
- Prompt and efficient communications. Someone must coordinate communication processes, be in regular communication with all key parties, respond to questions in a timely manner, manage requests, maintain visibility on any changes in the situation, etc. In this regard, once again, we can give the example of managers who use online messenger groups to work not only with whole apartment buildings, but also with individual stairwells of residents. At the same time, it is important not to overload communication channels with unnecessary information unrelated to apartment management.
- Strong leadership. You need a leader with business acumen, the ability to communicate with people, take responsibility, and make decisions. As noted above, this initiator may be a local resident (perhaps designated as a representative by his neighbors), the head of a management or service company, or a CSO.

- Coordination and administration. Someone has to do paperwork, write inquiries, negotiate, etc. A leader can perform these functions, but this role can also be delegated if possible.
- Accountability. The project team must always be ready to report on resources received, labor participation, decisions made, etc. It is desirable to take a photo or video recording of the process, which is useful for reporting purposes as well as to engage new supporters.
- Genuine assistance and support. Often it is not even about financial support, but about informational, technical, and expert support. For example, engaging the services of a professional architect or designer to help in project development.

Save and Grow: Participation is Impossible without the Community

As a result of the participatory method described above, the proposed plan was executed, with the new stage integrating very well into the territory of the courtyard. A new playground nearby quickly followed, and a new parking lot is planned for next year, thanks to the victory of the courtyard in the 'Budget of People's Participation' competition. This is what a success story looks like — the success of caring, active, creative people, ready to contribute their time and effort for the common good, which includes listening to diverse opinions and managing expectations. Ultimately, the community knows that the final result will meet their needs because they were engaged in the process.

Practical example and recommendations for the mobilization of active citizens in rural areas and cities of Kazakhstan in the current context



Sergey Khudyakov

Institute for the Development of Local Self-Government

Practical actions related to the formation of local self-government in Kazakhstan are a kind of response to the approval in 2013 of the Concept of the country's development until 2020, proposed by the President of Kazakhstan. The characteristic features of the changes being carried out are the combination of the powers of state administration and self-government by local representative and executive bodies, as well as the desire to involve citizens in the discussion of important issues of local importance, without giving the right to make decisions. In order to activate the population and increase the importance of the proposals, the practice of holding meetings and gatherings of the local community was introduced, several types of taxes were transferred, the right to monitor budget expenditures was established, and the election of rural akims was introduced.

It was expected that the increase in financial independence would increase the interest of the population in the allocation of the local budget, taking into account the specific needs and needs of its various groups, including the vulnerable, and involve the population in solving local issues.

Despite the reform, local self-government at the level of the rural district and village has not developed appropriately as expected. Citizens remain poorly interested in cooperation with akims, in participating in meetings and gatherings of the local community.

What are the reasons for passivity? The most significant reasons are:

- The negative experience of the older generation, which they pass on to their children and loved ones;
- Disbelief that their opinion influences the decision-making process;
- The habit of waiting for promises of a better life;

- Dependency, the habit of getting ready-made;
- Lack of practical experience in self-organization to protect their own interests and solve common problems;
- Lack of necessary knowledge about their own rights and opportunities;
- Lack of interest of akims in active cooperation.

Ignorance is overcome by learning, experience comes while working, distrust is overcome by examples of successful activity.

The process of development of local self-government involves not only a change in the legislative framework, but also a real increase in the civic activity of the local community. However, the practice of holding seminars for meetings of the local community and specialists working with them in the office of rural akims shows that the activity of the population remains at a very low level. Passivity leads to inefficiency of already existing civil institutions: meetings, monitoring of budget spending, the work of territorial councils of local self-government.

We have to admit that the rate of change in legislation regulating relations in the field of local self-government is higher than the level of its implementation in practice. It is this lag that prevents us from taking the next step in improving legislation. It is necessary to pay the most serious attention to the implementation of law enforcement practice.

There is no doubt among specialists about the need to develop public participation. However, for the residents themselves, the forms of participation are still obscure and not fully accessible. Meanwhile, the active participation of residents in management is a critical condition for the sustainable development of the territory. The most effective programs are those that are adopted with the direct participation of representatives of all sectors of society: business, government, non-profit sector. The process of citizens' participation in the discussion means much more than the deputies' decision to approve the program.

In order to effectively carry out the reform and expand the participation of citizens in its implementation, organizations are needed that are able to conduct training or provide advisory assistance. These can be organizations with different status, including CSOs. To improve the effectiveness of training, it is necessary to identify target groups and assess their needs. It is also necessary to introduce interactive teaching methods so that students can apply them in practice.

The training of citizens and specialists of akimats directly interacting with the local community is the main guarantee of the effective implementation of the institute of local self-government and the expansion of public participation in the discussion and resolution of issues of local importance.

To work out mechanisms for involving representatives of the local community in the decision-making process at the local level, the Institute for the Development of Local Self-Government has developed a social project 'Citizen Participation in Decision-Making'. The project was implemented within the framework of the state grant of the 'Civil Initiatives Support Center' NCJSC with the support of the Ministry of Information and Social Development of the Republic of Kazakhstan.

A socially significant problem that the project is aimed at solving is the lack of understanding by citizens of the role and importance of local self-government, as well as the mechanisms by which it can be implemented.

The project strategy is based on the background that it is possible to make progress in the development of local self-government through the involvement of the population in the budget planning process at the rural level and participation in the discussion of local issues. Solving these problems at the expense of their own budget will allow residents to feel the possibility of real change and feel responsible for their towns and villages.

The project was carried out simultaneously in five regions of Kazakhstan: North Kazakhstan, East Kazakhstan, Pavlodar, Akmola and Almaty regions. We were supported by regional partners: the 'Center for the Development of Local Self-Government' PF, the Petropavlovsk Regional Association of CCAO (Consumer Cooperative of Apartment Owners) ALE, 'Desenta' PF, 'Sara' PF, the Institute of National and International Development Initiatives PF.

Our task was to train 750 members of the local community, activists and representatives of the akimat in all areas covered by the project, as well as to involve members of the local community in planning the development of their settlements.

To achieve the goal of the project, a step-by-step algorithm of actions was developed:

- Prepare seminars and conduct training for all project participants;
- To involve members of the local community, representatives of public organizations and local authorities in promoting socio-economic development at the local level through the implementation of five pilot projects;
- To transfer the experience of involving citizens in the processes of local self-government by distributing a brochure on positive practices of participation in planning the development of a rural district.

At the initial stage of the project, a number of seminars were held in each region for members of the local community and representatives of the akim's office of rural districts on the development of local self-government, needs assessment and development of a rural district development plan. A total of 778 people were trained.

The program of 'Citizens Participation in Decision-Making' training, in addition to the main topics directly related to the objectives of the project, included informing participants about the opportunities established by law to influence the resolution of local issues through participation in meetings and gatherings of the local community.

The training also discussed the reasons for the passivity of the rural population and ways to involve them in the management of their rural district. The participants got acquainted with the procedure for developing a rural district development plan and opportunities to participate in the process of its development.

The training participants also learned how to monitor the spending of funds of the local community, received recommendations on improving the efficiency of spending funds.

One of the planned results of the training was the selection of a rural district for the implementation of a pilot project on involving representatives of the local community in the rural development planning process. To solve this problem, our partners have requested letters of interest from the participants in the implementation of the pilot project. During the discussion of the letters, one rural district was selected.

Implementation of pilot projects

To implement the pilot project, a 'Methodology for Studying Development Problems with the Participation of the Local Community' was developed.

Participation in planning

Step 1 Research of local problems with the participation of members of the community meeting

Step 2 Discussion of the survey results with key informants

Step 3 Identification of priority problems and discussion of ways to solve them

Step 4 Development of a draft program of the local community development

Step 5 Discussion and approval of the local community development program

According to the Methodology, a group of local community members, led by the performers of the pilot project, conducted a survey of residents. The sample questionnaire was included in the research methodology. The results of the survey were discussed in a focus group. Based on the results of the survey, proposals were developed to improve the development program of the local community. The recommendations were made in the form of an electronic presentation, discussed and approved at the general meeting of the village. The minutes of the meeting were sent to the akim of the rural district.

The experience gained as a result of the project was used in writing the brochure 'Positive Practice of Local Self-Government in Kazakhstan', which was presented and distributed to all regional akimats of the Republic of Kazakhstan. The brochure will enable local communities in Kazakhstan to use our experience in involving citizens in decision-making at the local level.

Recommendations that can change the situation with the passivity of villagers and involve them in decision-making are the following:

- To provide general transfers to rural districts to finance activities by decision of the local community meeting (participation budget);
- To accept the budget applications of rural level akims developed on the basis of the Local Community Development Program;
- Regularly study the opinion of the population by conducting questionnaires and focus groups;
- To publicly discuss the results of the analysis of citizens' appeals for a certain period;
- Support citizens' initiatives on improvements and other issues of local importance;

- Conduct training for members of local community meetings and gatherings;
- To organize working meetings of representatives of rural districts to exchange experience;
- To support projects aimed at involving citizens in the process of local self-government through social order and grants;
- Involve the heads of apartment buildings management bodies as representatives of residents to discuss local problems;
- To develop public control over the implementation of budget programs on the territory of the rural district;
- Organize regular meetings of deputies with members of local communities meetings and gatherings to discuss issues of local importance. To return the practice of electoral mandates;
- Systemically carry out informational and explanatory work for the population on local self-government, using the potential of CSOs

Recommendations on the involvement of the population in the process of local self-government have been submitted to the Ministry of National Economy of the Republic of Kazakhstan.

Evaluation of NGO contribution to the socio-economic development: from general to specific



Vitaliy Kulik
ZUBR Social Corporate Fund

Today the concept of not-for-profit organization (NPO) is well known to many people; however, it is not understood by everyone in the same way. Meanwhile, the state policy in developed countries is necessarily built taking into account the economic and political capacity of nonprofit organizations. The nonprofit sector is now a serious actor in the global economy. This is due to the real achievements in the economy and social sphere that NPOs demonstrate.

According to the data of the Johns Hopkins Comparative Nonprofit Sector Project¹⁸, the combined nonprofit sector is the seventh largest economy in the world, immediately following the United Kingdom and France, and ahead of Italy, Brazil, Russia, Spain and Canada; the nonprofit sector is one of the largest employers and an effective mechanism for mobilizing public resources.

Let's figure out what is implied by the concept of 'nonprofit sector' and how its input into the country's development is evaluated.

First, it is important to note that the legislation of many countries has no special legally defined concept of a 'non-governmental nonprofit organization'. This is especially true for case law countries (USA, Great Britain). At the same time, many civil law countries (countries of codified law) do not have a common legislative definition of a non-governmental nonprofit organization either (for example, Sweden). More specific definitions — 'nonprofit association', 'fund', 'voluntary organization', 'charitable organization', etc¹⁹. are used instead.

In Kazakhstan, this term is established by the law: 'A nonprofit organization is a legal entity that is not aimed at generating profits and that does

not distribute the net income gained between the participants.²⁰ Furthermore, the term 'non-governmental organizations' (NGOs) is also used in our country — 'a nonprofit organization (except for political parties, trade unions and religious associations) established by citizens and or non-governmental legal entities on a voluntary basis to achieve their common goals in accordance with the legislation of the Republic of Kazakhstan.'²¹

For example, public schools, hospitals, libraries, notary chambers, bar associations are nonprofit organizations in our country but they are not referred to NGOs.

Why is it so important to understand the concepts? This has a direct impact on what and how we count. Speaking of a contribution to the country's development, we are 'stepping into' the territory of statistics and economics, where everything should be clearly classified and counted.

¹⁸ Lester M. Salamon, Wojciech Sokolowski, Regina List. Global Civil Society: An Overview.— The Johns Hopkins Comparative Nonprofit Sector Project, 2003.

¹⁹ Kosareva N. B. Nonprofit Sector: International Experience, The Institute for Urban Economics, http://www.urbaneeconomics.ru/node/4594#_ftn1.

²⁰ Law of the Republic of Kazakhstan #142-II dated 16 January 2001 On Nonprofit Organizations (as amended and supplemented on 7 July 2021).

²¹ Law of the Republic of Kazakhstan On State Social Order, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan (as amended and supplemented on 19 April 2019).

During the analysis, SCF ZUBR specialists came to the conclusion that the **System of National Accounts (SNA)**²² can and should act as a bridge in this case. It is now used in more than 150 countries of the world, including Kazakhstan. Unfortunately, the definition of 'nonprofit organizations' in the SNA does not solve the problem of NPO concept's being 'blurred', requiring thorough analysis and application of nonprofit (non-governmental) organizations' activity to the practices in Kazakhstan.

Second, notwithstanding a half-century history of active development of the nonprofit sector, countries have not yet agreed not only on a common understanding of this term, but also on **methods of evaluation of its contribution** to the countries' socio-economic development. There are several dozen approaches to assessing various aspects of the Third (civil, public) sector development in the world. But until now, the third sector has not developed an 'economic face', as noted by Lester M. Salamon²³, director of the Center for Civil Society Studies at the Johns Hopkins University (USA). In most countries of the world there is a problem of '**economic invisibility of the Third Sector**'.

A systemic approach was for the first time used to evaluating NPOs' contribution in 1990s by experts of the Johns Hopkins University (USA, Baltimore) who initiated the Comparative Nonprofit Sector Project. Currently, more than 45 countries participate in the project, of them 29 member countries of the Organization for Economic Cooperation and Development (the OECD comprises 37

countries). Kazakhstan does not participate in this comparative research.

Since, as we noted above, the bridge for most countries, including OECD member states, in terms of assessing the country's development in general, comparing by individual indicator, compiling the rankings, etc. is the System of National Accounts, evaluation of NPO contribution should also be based on this methodology.

In the early 2000s, the Economic Statistics Branch of the United Nations Statistics Division (UNSD) in close cooperation with the Center for Civil Society Studies of the Johns Hopkins University developed the **UN Guide for Nonprofit Organizations in the System of National Accounts**. It explains in detail how an auxiliary (satellite) account is created for NPO, which gives **a complete picture of the economic weight of nonprofit organizations**.

Today only **33 countries in the world maintain an NPO satellite account** in the general System of National Accounts, including 19 OECD countries. Of our neighbors, Kyrgyzstan implemented a pilot project to introduce this account in 2006. **Kazakhstan has not yet started to work in this direction** but we already have experience in implementing satellite accounts (an account of tourism, environmental and economic accounting, healthcare).

It is the introduction of an auxiliary account in the SNA that in our opinion will allow integrating the tasks of assessing and capturing NPO contribution into the general system of statistical accounting and evaluation of socio-economic indicators, as

well as regularly receiving reliable information on a number of NPO economic performance indicators, including its share in GDP.

Passing over to the Kazakhstan practice, it should be mentioned that today the system of public administration in our country is being modernized based on the 'result-oriented' principle. Any investment of resources should have a measurable effect on the development of specific areas and improvement of the quality of life of specific groups of the population. The same approach should be used in relation to performance results of both NPOs (NGOs) implementing projects funded from the budget and those attracting investments in the form of foreign grants, sponsorship, donations, etc.

Of course, methods of project/service monitoring and evaluation are created and implemented in some areas, in particular, in the sphere of internal policy, youth policy, and social protection. But these are individual examples that are not always used in all regions. There is no systemic approach, nor there a single methodology for assessing NGO contribution to the socio-economic development.

A few statistics...

461,983 legal entities are registered in Kazakhstan. Unfortunately, there are no data on the number of nonprofit organizations (NPOs) included in this number in the public domain. As regards NGOs (according to the data of the Ministry of Justice of the Republic of Kazakhstan specified at <https://infonpo.gov.kz/>), there are 22,344 non-governmental organizations, which is 4.8% of the total number of legal entities in the country. While only 73.5% of NGOs, according to the data of the

²² The System of National Accounts 2008 is a conceptual framework containing a system of inclusive, mutually consistent and flexible macroeconomic accounts designed for the development of economic policy, analysis and scientific research. It was developed and published under the auspices of the United Nations Organization, European Commission, Organization for Economic Cooperation and Development, International Monetary Fund and the World Bank Group.

²³ Lester M. Salamon, director of the Center for Civil Society Studies at the Johns Hopkins University (USA). A speech at the seminar of the Center for Civil Society and Nonprofit Sector Studies of the Public University — Higher School of Economics, <https://www.hse.ru/news/science/126676910.html>.

Ministry of Information and Social Development of the Republic of Kazakhstan, are active, and 26.3% of organizations are registered in the NGO Database (MISD of RK). At the same time, the question remains open — what made up this figure — 22,344 NGOs?

The question Who and how should be counted? arises, and as the analysis shows, to provide a clear answer to this question, amendments in the legislation will be required.

During the period of 2017 to 2019, the team of SCF ZUBR with the involvement of experts, representatives of government structures and NGOs developed a Methodology that covers only organizational and legal forms (OLF) of NPOs referring to non-governmental organizations. However, as the list of such OLFs is not directly established in the legislation, and currently is determined indirectly, the text of the Methodology specifies the list of OLFs of NGOs proposed for legislative consolidation in the relevant regulatory legal acts.

You will ask: Why is this necessary? Why do we need to complicate life and add procedures and requirements where there are quite a lot of them? The question is relevant and pressing, still worrying many players on this field.

Reason one (for NGOs themselves).

To assess the level of an impact of NGOs on the socio-economic development of both a separate region and the country as a whole. To understand what resources are attracted by NGOs to the territory, to be convincing and reliable partners in the implementation of social innovations.

Reason two (for government authorities).

To evaluate the effectiveness of investments made by the state in the form of a state social order, grants and awards. To understand and make informed strategic decisions to improve the life of every Kazakhstani citizen, including through interaction with NGOs.

While there exists the System of National Accounts and statistical accounting, Kazakhstan now is lacking specialized statistical indicators, and the government agencies do not generate metadata enabling to track the dynamics of the development of nonprofit organizations as a whole, and non-governmental organizations in particular.

Reason three (for the community).

To know what NGOs should be addressed, and to use NGO services in the implementation of various needs: from basic life needs for having a 'roof over

one's head' and security to the need to be useful, participate in decision-making, self-development, etc. Also, to enhance the awareness of the NGO activity.

It should be noted that the population of Kazakhstan knows very superficially about the activities of NGOs. The specific contribution to the development of the country also remains unclear for most people. Every fifth interviewee found it difficult to answer, and 16% of respondents expressed the opinion that NGOs do not make any contribution (according to the survey results by SCF ZUBR in 2017).

Finally, it is necessary not only because this is required by Kazakhstan's participation in various international associations and rankings. It is necessary for us, within the country — for the population, government bodies, NGOs themselves. It is important to use figures to talk about the benefits of public organizations and ongoing social projects, given that large budget funds are spent to

Table. NPO Contribution to the Economy

Direct	Indirect
<ul style="list-style-type: none"> • Ensure employment and self-employment of the community + provide socio-psychological support of their employees and volunteers, involvement in the economic activity of vulnerable groups. • Purchase and produce goods necessary for the activity of NPO; this stimulates aggregate demand and increases aggregate supply. • NPOs work in niches that with the natural state of things in a free and competitive market would not be of interest for the commercial sector because they give too low rates of return. 	<ul style="list-style-type: none"> • NPOs bring elements of competition in the social sphere, increasing the efficiency of operation of the system of providing social services in general. The improvement of efficiency means that to perform the same scope of social functions, less resources will be withdrawn from the economy (i.e. it will become possible to reduce the tax burden), and hence more resources can be invested to ensure a growth in future. • NPO activity helps improve the indicators of the level of the nation's education and health, which increases the effectiveness of economy and provides higher rates of an economic growth. • By improving the social climate, NPOs contribute to social and political stability that are indispensable conditions for an economic growth.

implement them. And if yesterday the population mostly asked the government agencies questions about the efficiency of spending funds and the results obtained, today the same questions must be answered clearly and earnestly with regard to the funds spent for a state social order and public grants.

Characterizing the contribution of NGO, direct and indirect contributions can be distinguished that are shown in the above table.

Undoubtedly, to make such contribution visible, there is a need in a specific set of indicators. In 2017–2019, a list of indicators for evaluation of NGO contribution to the socio-economic development was proposed as a project; such list is the basis of the Methodology for assessing the contribution²⁴. To assess the NGO contribution to the socio-economic development of Kazakhstan, it is proposed to use 11 key indicators:

1. Number of registered NGOs in the context of organizational and legal forms by type of activity;
2. Number of active NGOs in the context of organizational and legal forms by type of activity and age;
3. Number of active NGOs in the context of organizational and legal forms by the sign of activeness;
4. Number of employees in active NGOs in the context of organizational and legal forms and types of activity, including:
 - 4.1 Number of employees by age, educational background, qualification, the existence of disability;
5. The amount of employees' wages;

6. Scope of products manufactured, work performed and services provided by NGOs by type of activity;
7. Index of the physical volume of products manufactured, works performed and services rendered by NGOs;
8. The amount of sponsorship funds / funds from charity raised by NGOs;
9. The amount of taxes transferred by NGOs to the budget (by tax type);
10. Scope of services provided by volunteers;
11. The amount of funds received from foreign states, international and (or) foreign organizations, foreigners, stateless persons.

It should be noted that a number of designated indicators have already been recorded in Kazakhstan. Thus, for example, the indicators characterizing the NGO activity are formed by region (district) and type of economic activity on an annual basis. Indicators on the number of registered and active NGOs led by women and the number of employees are also generated annually (to generate gender statistics).

In addition, an assessment of the social effect is currently carried out both under the state social order and in most grant-making organizations based on certain changes:

- people's lifestyle — how they live, work, interact with each other in everyday life;
- culture — common beliefs, habits, values, language and dialect;
- shared identity — connection, stability, nature of work and opportunities;
- environment — water and air quality, availability and quality of food, level of risk,

- pollution and noise, physical security, access and control over resources;
- aspirations and fears — perception of security, degree of confidence in the future, own future and the future of children.

Thus, the social effect is expressed in improving the quality of human life and society as a whole, which today most clearly demonstrates the effectiveness of the third sector's activity. In our opinion, an objective and comprehensive assessment of the contribution of non-governmental organizations to the country's socio-economic development as a whole is one of the important components of civil society development enabling to ensure a constructive dialogue of all sectors on equal terms.



²⁴ Methodological guide for government agencies and NGOs on the application of the evaluation methodology for NGO contribution to the socio-economic development "Evaluation of NGO Contribution to the Socio-Economic Development: from A to Z", SCF ZUBR, 2019.

Accepted abbreviations:

Non-governmental sector:

OLF – Organizational and legal forms
CS – Civil society
CSO – Civil Society Organizations
SSO – State Social Order (Contracting)
NGO – Non-governmental Organization
NPO – Non-profit Organization
ALE – Association of Legal Entities
PO – Public Organization
SCF – Social Corporate Fund
PF – Public Fund
NCJSC – Non-Commercial Joint Stock Company
HCS – Housing and Communal Services
CAO/CPO – Cooperative of Apartment/Premises Owners
Open RLA Portal – a platform that contains regulatory legal acts for discussion

Legislation and the State:

RK – Republic of Kazakhstan
AOC – Administrative Offenses Code
CC – Criminal Code
MISD RK – Ministry of Information and Social Development of RK
MJ RK – Ministry of Justice of RK

International and Kazakhstani organizations and Programs:

UN – United Nations Organization
UNHCR – United Nations High Commissioner for Refugees
UNODC – United Nations Office on Drugs and Crime
UNAIDS – Joint United Nations Program on HIV/AIDS
UNV – United Nations Volunteers
UNICEF – United Nations International Children's Fund
UNSC – United Nations Statistical Commission
OECD – Organization for Economic Co-operation and Development
ESG – Environmental, social and corporate governance
OSCE – Organization for Security and Co-operation in Europe
EU – European Union
WHO – World Health Organization
USAID – United States Agency for International Development

IOM – International Organization for Migration
GONGO – Government Organized Non-Governmental Organization
SNA – System of National Accounts
EFCA – Eurasia Foundation of Central Asia
NCPT – National Council of Public Trust
CIS – Commonwealth of Independent States

Accepted abbreviations

PwD – Persons with disabilities
IDU – injecting drug users
SMT – Substitution maintenance therapy
IT – Information Technology
MM – Mass media outlet
GDP – Gross domestic product
PPE – Personal protective equipment

The Konrad Adenauer Foundation is a political foundation of the Federal Republic of Germany. With its programmes and projects, the Foundation actively and effectively promotes international cooperation and mutual understanding. The Representative Office of the Foundation in Kazakhstan began its work in 2007 at the invitation of the Government of the Republic of Kazakhstan. The Foundation works in partnership with government agencies, the Parliament of the Republic of Kazakhstan, civil society organizations, universities, political parties and enterprises.

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Address:

Konrad-Adenauer-Stiftung e.V.
Representative Office
Kabanbay batyr Str. 6/3 - 82
010001 Nur-Sultan
Kasachstan

Contacts:

Info.Kasachstan@kas.de
+7 7172 92 50 13
+7 7172 92 50 31
<https://www.kas.de/en/web/kasachstan/home>

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