



## Index on Torture — **--3.04**

### Facts and Assessments. 2019



Population - **18.28 million**

**Prison population (convicted)** - 23 635

**In pre-trial detention** (under investigation) - 5 288

**Detained** - no published data

Law enforcement budget **417 611 910 KZT**

#### Judgments documenting the problem of torture

Judgments and decisions of international bodies documenting the problem of torture and ill-treatment	<b>16</b>
Judgments of Kazakhstan's courts	No data
Judgments excluding evidence obtained under torture	No data

#### Criminalization of torture and ill-treatment

Explicit prohibition of torture in criminal law	Yes, in Article 146 of the Criminal Code
Criminalization of acts falling within the definition of torture	Abuse of power or official capacity - Art. 362 of the Criminal Code Infliction of pain through torture - Art. 110 of the Criminal Code Coercion of testimony - Art. 415 of the Criminal Code
Criminalization of torture as prescribed by international treaties	Yes, but the definition does not include "severe pain" and omits the mention of "person acting in an official capacity" as a potential perpetrator.

#### Government body investigating allegations of torture and ill-treatment

There is a body authorized to investigate torture	No. Such investigations can be carried out by the prosecutor's office, ministry of interior divisions or the anti-corruption service
Number of investigators	No data
Investigator workload	No data
Investigating body's jurisdiction	Not only torture cases. The proportion of torture cases is <b>less than 50%</b>
Institutional independence of the investigating body	None. Investigators rely on resources provided by other law enforcement agencies
Geographic coverage	High. Established in all territorial units
Budget	No data
Number of criminal cases initiated	<b>86</b>
Number of complaints of torture and ill-treatment	No data

#### Ratification of relevant international treaties

Relevant conventions	Yes
Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)	Yes
Istanbul Protocol	Not implemented in national legislation

#### Procedural guarantees (norms)

Documenting the actual detention start time	Yes. In practice, this is done during the investigation
Lawyer notification at the actual detention start time	Yes. Does not always work in practice
Family notification	Yes, investigators are required to notify them immediately. Does not always work in practice
Medical examination	Yes, those detained as criminal suspects must be examined by a health worker within 3 hours of arrest. Not always observed in practice

#### Preventive mechanisms

Independent external review mechanism	The NPM operates countrywide under the Ombudsman Plus system
Video surveillance	Yes, not universal, but continuous where available and includes toilets
Access to, and safekeeping of video evidence	Unsatisfactory

