# 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

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<th>Judgments and decisions of international bodies documenting the problem of torture and ill-treatment</th>
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<td>Judgments of Kazakhstan's courts</td>
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## 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 less than 50%
- **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**: 86
- **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