

THE EUROPEAN UNION'S DCI PROGRAMME FOR KAZAKHSTAN

A MAPPING STUDY OF CIVIL SOCIETY ORGANISATIONS IN KAZAKHSTAN

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EXECUTIVE SUMMARY

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ABBREVIATIONS AND ACRONYMS

CAB	Consultative Advisory Body
CSO	Civil Society Organisation
EC	European Commission
EU	European Union
EIDHR	European Instrument for Democracy and Human Rights
EITI	Extractive Industries Transparency International
EUD	European Union Delegation
IOM	International Organisation of Migration
KIBHR	Kazakhstan International Bureau for Human Rights and Rule of Law
LA	Local Authorities
NPM	National Preventive Mechanism
NSA	Non-State Actors
PMC	Public Monitoring Commission
PRI	Penal Reform International
PWD	People with Disabilities
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development

1 BACKGROUND

The European Union Delegation (EUD) to the Republic of Kazakhstan commissioned a consortium led by IBF International, Belgium, to carry out a Mapping Study of CSOs in Kazakhstan. The Mapping Study was conducted in the period April – September 2015 by two independent experts. The focus was placed on several key areas of interest to the EU: respect to human rights and rule of law; social development, sustainable environment, and good governance.

The purpose of the study has been to identify the main CSO actors in the above areas and their achievements along the priorities of the EU-Central Asia Strategy and the multiannual indicative programmes for EIDHR and NSA&LA, and to solicit feedback how to maximize the impact of the future EU interventions.

2 APPROACH, METHODOLOGY, CONSTRAINTS

While there are numerous definitions of civil society and civil society organisations (CSOs), in this Mapping Study the definition related to the one adopted related by the EU.¹ The study approach included identification, review, analysis, verification, comparison and aggregation of information available from various sources such as academic research and civil society studies, materials provided by the EU Delegation to Kazakhstan and other sources identified by the team, interviews of representatives of the donor community and international organisations, interviews of CSO network leaders and CSO staff in the capital city of Astana and the four regional centres pointed out in the ToR (Almaty, Karagandy, Pavlodar, Shymkent), as well as interviews of government representatives. A couple of focus group discussions were also conducted.

Several methodological tools were developed and applied: Research Matrix, Questionnaires and an Online Survey in 5 regions. 100 civil society organizations were overall contacted and covered by the Survey.

While the Mapping Study was subject to limitations related to its geographical and thematic coverage, the consultants believe that to a very big extent it represents the national situation in the selected thematic areas, as it builds on the feedback of nationally represented civil society networks and nation-wide donor programmes.

¹The EU considers CSOs to include all non-State, not-for-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic. Operating from the local to the national, regional and international levels, they comprise urban and rural, formal and informal organisations: *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. The roots of democracy and sustainable development. Europe's engagement with Civil society in external relations.* Brussels 12.09.2012

3 GENERAL OVERVIEW

According to the Ministry of Justice, the number of registered CSOs in Kazakhstan as of March 2014 was 32 021 CSOs. The number of active CSOs is estimated by CSO experts to be about 1,500.² CSOs can be registered in a different form (institution, public association, foundation, association of legal entities, etc.) and registration is comparatively easy. There are no restrictions with respect to foreign funding of CSOs and government funding can also be accessed through the system of state social contracting. The institutional environment includes a number of mechanisms like civil fora, coordination and expert councils, public and advisory boards under all ministries and agencies, *Consultative Advisory Body (CAB) "Platform for Dialogue on Human Dimension"* under the *Ministry of Foreign Affairs* and numerous thematic working groups, setting a good basis for cooperation and consultation. New legislation is under discussion that will provoke changes in the environment. Its effects are still to be seen.

3.1 The landscape of Civil Society in four Thematic Areas

3.1.1 Thematic Area: Human Rights and Rule of Law

Human rights and rule of law have been a priority area for the donor community, the CSO sector and the Government for quite a long time. The highest level of CSO self organisation, networking and cooperation is to be noted. The activities of the CSOs working in this sector have led to tangible positive effects in areas related to public policy development, rights protection, empowerment. In a nutshell these include promotion of the international human rights standards, monitoring of the implementation of human rights, promotion of the human rights dialogue with the Government.

A lot changes were effected in the past couple of years in the penal reform area. The CSOs working in this sector, with various donor support, helped promote the international human rights in the penitentiary system, offering their expertise with respect to improved approaches in the monitoring of pre trial detention and police custody, sentencing policies, re-socialisation of former prisoners, the right to release, crime prevention strategies, etc.

Civil society also made an input to the new law establishing a *National Preventive Mechanism (NPM)*. The CSO's advocacy efforts and engagement in the parliamentary working group resulted in some significant improvements (children's facilities are now included in the mandate of the NPM; the NPM is funded directly from the government budget and the transport costs of NPM members are covered; the mandate of the NPM was extended to include all types of police detention, etc.). The monitoring of the places of detention and the strengthening of the capacity of the *Public Monitoring Commissions (PMC)* also take place with the active involvement of the CSO sector. Actions are also undertaken to reduce violence against children in detention, to improve the medical services in prison, etc.

² The 2014 CSO sustainability index for Central and Eastern Europe and Eurasia

Despite all work done till now in the area of human rights and rule of law, challenges remain. In March 2014, a European Parliament resolution³ noted that “*the human rights situation in Kazakhstan has deteriorated*”. Other sources also indicate that “*Kazakhstan heavily restricts freedom of assembly, speech, and religion*”⁴. Statements along these lines were also made by the UN Special Rapporteurs who visited Kazakhstan to assess the practicing of the right to freedom of peaceful assembly and association and the right to freedom of religion and belief. All these issues pose a challenge for the Government and the CSO sector and a stronger policy dialogue is needed to address them.

3.1.2 Thematic Area: Social Development

The Government of Kazakhstan assigns high priority to social development and the CSO sector provides an important contribution. A high level of CSO self organisation can be seen as regards various vulnerable groups. Several networks with national coverage, for example, work to protect the rights of people with disabilities and the results of their work are clearly seen. The ratification of the *Convention on the Rights of Persons with Disabilities*, as well as the adoption by the Government of an *Action Plan on ensuring the rights and improving the life quality of disabled persons* for the years of 2012 – 2018 are significant results of the joint work of the Government and the CSO sector. What is still to be done, as reported by interviewed CSO leaders in this area, relate to revising the outdated approaches and bringing the legislation in line with international standards so as to guarantee better protection of the rights of people with disabilities to more accessible environment, promote access to education, training and employment. In all these areas there are good prospects for joint work of the Government and civil society based on the track record of successful cooperation till now.

There are also several CSO networks with a special focus on vulnerable children, making a visible contribution in promoting child rights and welfare. In the field of trafficking and illegal migration an informal network of 20 organisations helps identify the victims and provides direct services.

CSOs are also active in supporting smaller vulnerable groups like HIV infected persons, drug abusers, ex prisoners, victims of domestic violence, victims of the Chernobyl disaster, etc. and are not only engaged in service provision and rights protection but also in lobbying for better legislation.

3.1.3 Thematic Area: Sustainable Environment

To ensure environmental sustainability is one of the millennium development goals not yet achieved by Kazakhstan. Kazakhstan however, is among the first countries in Eastern Europe and Central Asia, to take a comprehensive approach to transiting to a green economy, striving to align environmental standards in Kazakhstan to those in the EU.

Many donors and international organisations are supporting the efforts of Kazakhstan to achieve sustainable environmental development⁵ and so does civil society, Networking in the environmental sector is strong. A national network of over 50 CSO members strives to promote sustainable environmental development and environmental rights by facilitating information sharing and participation in public policy development. Long is the list of CSOs, both members and not members of

³ Human rights situation in Kazakhstan. European Parliament resolution of 18 April 2013 on the human rights situation in Kazakhstan (2013/2600(RSP))

⁴ Human Rights Watch Report for 2015 - Kazakhstan

⁵ List of Donors' Ongoing projects. <http://ec-ifas.org>

the network with projects in concrete areas ranging from energy efficient green technologies to radiation safety, industrial pollution, monitoring of the environment, education and training, promotion of environmental rights, etc.

The positive effects of CSO work with respect to the environment are many. CSOs have supported the Government in its drive to promote green economy, energy efficient programmes and environmentally friendly technologies. Projects are implemented in areas like radiation safety, water management, effective management of chemical hazards, environmental education, energy efficiency, climate change, healthy lifestyle, etc.

The issues and challenges to be addressed in the future are still innumerable – water resources pollution, industrial pollution, waste recycling, degradation of the land resources, pollution of the natural water resources, quality of the air, storage of organic pollution agents, construction on the territory of the national park, and many others.

3.1.4 Thematic Area: Good Governance

Public sector reforms and good governance in Kazakhstan are promoted through a range of activities. As regards the CSO sector, however, good governance is a less covered area. Indeed, in some regions good practices exist where CSOs work together with the local authorities to promote public accountability, improve the efficiency of public services, raise the transparency of the budget process, or promote citizen participation, but still there is insufficient understanding among the CSOs at large about the concept and principles of good governance. Yet there are two networks with a visible contribution which promote the principles of budget transparency and demand accountability of the companies in the oil sector. A recently launched donor programme focuses specifically on good governance.

4 CHALLENGES

Many of the project funding opportunities which existed years ago (for example grant competitions under different embassies) are no longer available. Quite a few of the donors have changed their priorities and it has become increasingly difficult for the CSOs to access funding in order to continue activities within their scope of work, let alone access funding for new projects. Even when such opportunities occur, the grants are usually large and few CSOs have a matching project and financial management expertise in order to successfully qualify. This sometimes leads to situations where repeatedly the same CSOs are selected, while others remain excluded. CSOs should be able to learn how to work together in a consortium, or larger constellations.

On the other hand, in the case of state social contracting, CSO representatives have remarked that the projects are usually short and this affects the achievement of sustainable results. The rule that no institutional costs are covered, on the other hand, hampers the sustainability of the applicant organization.

The current work on CSO legislation could be also an opportunity to reconsider the flaws and address the gaps. The Draft Law with amendments and additions to some legislative acts on non-governmental organisations in the Republic of Kazakhstan is under discussion. The idea was launched in the

framework of the sixth civil forum in 2013 by initiative of the CSO sector represented by the Civil Alliance of Kazakhstan. Draft Law contemplates introduction of amendments to the Law on State Social Contracting, Law on Non-profit Organisations and Administrative Code. The Draft Law is being reviewed in the Mazhilis and the Senate of the Parliament. From the very beginning CSOs of Kazakhstan expressed different opinions that both supported the Draft Law (because introduction of new CSOs support mechanisms – grants and bonuses expand opportunities for financial support) and expressed doubts, and resisted enactment of the Law in the proposed version.

