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### **IFRC COVID-19 Emergency Decree Pro Bono Research: Kazakhstan**

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- **Questions to be answered by close of business Friday, 27 March are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

While a specific national emergency response mechanism or system remains unclear, in response to the COVID-19 situation, a Decree of the President of Kazakhstan has introduced the following measures for the period of the emergency from 16 March 2020 to 15 April 2020 (the “**Presidential Decree**”):

- the State Commission for the State of Emergency under the President of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the National Security Committee of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan, the Ministry of Health of the Republic of Kazakhstan, the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan, the Ministry of Finance of the Republic of Kazakhstan, Akims of the cities of Nur-Sultan, Almaty, Shymkent and regions are to be responsible for the implementation of measures applied under the state of emergency; and
- the Prosecutor General of the Republic of Kazakhstan shall ensure compliance with the law in the implementation of measures and time limits established by the Presidential Decree.

While it has not been discussed specifically in the context of the COVID-19 situation, it appears that the Ministry for Emergency Situations fulfils the role of the secretariat and the operational crisis management body in Kazakhstan. It has a network of subordinate organizations and committees distributed throughout the country, including the committee for state control in emergencies. Public sources indicate that the Ministry of Emergency Services is focused on natural disasters (floods etc.) It would appear that Ministry’s authority was transferred to the Ministry of Internal Affairs of Kazakhstan in 2014. It is unclear if the Ministry of Emergency Situations is being revived or the exact role it plays in the context of the current COVID-19 situation.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

The Red Crescent of Kazakhstan appears to be active in Kazakhstan and we understand it is part of the International Movement of the Red Cross and Red Crescent. Its mission is described as “providing humanitarian assistance and social support to people in crisis situations”.

Various publicly available websites note the assistance provided by the Red Crescent of Kazakhstan to senior citizens of volunteers in the city of Nur-Sultan. Recently, volunteers have started delivering essential goods and personal hygiene products to senior citizens<sup>1</sup>.

Additionally, various international organizations and other states have indicated an interest to provide assistance to Kazakhstan:

- the Asian Development Bank (ADB) stated on 25 March 2020 that it was committed to supporting Kazakhstan, stating that “ADB’s assistance can include budget support, health sector support, and technical assistance to help maintain social cohesion and retrain the labor force towards sectors likely to emerge in the post-COVID-19 economy. ADB is also keen to revisit its portfolio and reallocate funds to better fit the government’s priority needs.”<sup>2</sup> Kazakhstan seeks ADB’s support to source medical equipment, maintain employment levels and diversify the economy to lessen dependence on commodities and promote the agriculture, information technology, and e-commerce sectors.<sup>3</sup>
- it appears that the US is prepared to donate \$890,000 to Kazakhstan through international organizations to help it combat the coronavirus infection<sup>4</sup>. These funds will be sent through the international organizations (WHO, IFRCRCS, Abt Associates Inc.). Both sides have also agreed to establish a joint project team for implementing priority areas of cooperation, such as infection control in health organizations, improving laboratory capacities, treatment as per protocols, observation and prompt responding to COVID-19 cases, enhancing information etc.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

#### General travel restrictions and limited exceptions

As of March 16, 2020 until April 15<sup>5</sup>, the Republic of Kazakhstan declared a state of emergency and imposed restrictions on the entry and exit through the state border for the citizens of Kazakhstan and foreign states, with the following notable exceptions:

- citizens of Kazakhstan who previously left the country – upon their return to Kazakhstan;
- citizens of Kazakhstan traveling abroad for treatment – upon presentation of supporting documents of healthcare institutions;
- foreigners who previously entered Kazakhstan for their departure from Kazakhstan;
- staff of the diplomatic service of Kazakhstan and foreign states and members of their families, as well as members of delegations of foreign states and international organizations traveling to Kazakhstan at the invitation of the Ministry of Foreign Affairs of the Republic of Kazakhstan;

<sup>1</sup> Kazinform, *Red Crescent assists senior citizens of Nur-Sultan*, (Mar. 20, 2020), available at [https://www.inform.kz/en/red-crescent-assists-senior-citizens-of-nur-sultan\\_a3627654](https://www.inform.kz/en/red-crescent-assists-senior-citizens-of-nur-sultan_a3627654)

<sup>2</sup> Nargiz Sadikhova, *ADB to reallocate funds to help Kazakhstan battle coronavirus*, Trend News Agency – Kazakhstan (Mar. 25, 2020), available at: <https://en.trend.az/casia/kazakhstan/3213021.html>.

<sup>3</sup> *Id.*

<sup>4</sup> [https://www.inform.kz/en/u-s-ready-to-donate-890-000-to-kazakhstan-for-anti-coronavirus-measures\\_a3624450](https://www.inform.kz/en/u-s-ready-to-donate-890-000-to-kazakhstan-for-anti-coronavirus-measures_a3624450)

<sup>5</sup> Yuliya G. Chumachenko, *New travel, quarantine and state support measures introduced in response to coronavirus in Kazakhstan*, Lexology, (Mar. 18, 2020), available at: <https://www.lexology.com/library/detail.aspx?g=01c5a8cb-7359-4320-91f0-8acbae14c456>; *President Tokayev Announces one-month state of emergency*, Kazinform, (Mar 15, 2020), available at: [https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency\\_a3625158](https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency_a3625158).

- members of train, locomotive, aircraft and sea crews;
- service personnel of foreign cross-border facilities on the territory of Kazakhstan and service personnel of Kazakh cross-border facilities on the territory of neighboring states;
  - Cross Border facilities are defined to as railways, highways, pipelines, power lines, cables, bridges, dams, water gates, water channels and other facilities crossing the state border, as well as objects of one of the parties located within the border territory (border zone), on the territory of the other party.
- foreign passengers traveling on transit passenger trains – if they left and were en route before restrictions came into force (until 08.00 on March 16, 2020);
- foreigners (stateless persons), holders of Kazakh residence permits;
- foreigners who are family members of citizens of Kazakhstan (subject to confirmation of kinship – spouses, parents and children).

#### Border-crossing restrictions for residents and vehicles

Passing is to be suspended for local residents through the border-crossing points on the Kazakh-Russian state border operating in accordance with the Agreement between the Government of the Republic of Kazakhstan and the Government of the Russian Federation on the crossing of the Kazakh-Russian state border by residents of border territories of the Republic of Kazakhstan and the Russian Federation, with the exception of cases of emergency medical assistance to citizens of the parties to the Agreement.<sup>6</sup>

Passage through the state border by drivers of vehicles engaged in international freight transport is permitted, subject to the following conditions:

1. Transportation of goods in international traffic by road must be carried out in compliance with quarantine and sanitary-epidemiological standards.
2. Drivers, regardless of citizenship, must use foreign passports to cross the State border.
3. Upon arrival at the checkpoint for entry into the territory of the Republic of Kazakhstan (including transit) drivers from countries of category 1a) and 1b), as well as drivers of other states who have been in category 1a) and 1b) for the last 30 days, cargo is allowed subject to the replacement of the driver at the territory of the automobile checkpoint in compliance with quarantine and sanitary-epidemiological standards, or with the replacement of Kazakhstan tractors.

The border service, together with authorized state bodies, identified specific automobile checkpoints for the passage of freight vehicles:

on the border with the Kyrgyz Republic:

- «Karasu» point (Zhambylskaya oblast);
- The checkpoint "Aisha-Bibi" (Zhambyl region).

on the border with the Republic of Uzbekistan:

- checkpoint "B. Konysbaeva" (Turkestan region);

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<sup>6</sup> *On Restriction on entry to and exit from Kazakhstan*, Ministry of Foreign Affairs of the Republic of Kazakhstan, (Mar. 15, 2020), available at: <http://www.gov.kz/memleket/entities/mfa/press/news/details/ob-ogranichenii-na-vezd-i-vyezd-s-territorii-respubliki-kazahstan?lang=en>; *COVID-19 Information*, U.S. Embassy & Consulate in Kazakhstan, (Mar. 19, 2020), available at: <https://kz.usembassy.gov/covid-19-information/>.

- checkpoint "Kazygurt" (Turkestan region);
- checkpoint "Tazhen" (Mangystau region).

on the border with Turkmenistan:

- Iron wrecking paper (Item Mangistauskaya reg.).
- on the border with the People's Republic of China:
- checkpoint "Nurzholly" (Almaty region);
- checkpoint "Dostyk" (Almaty region);
- checkpoint "Bakhty" (East Kazakhstan region);
- checkpoint "Maykapchagay" (East Kazakhstan region).

at the border with the Russian Federation:

- Item 'paper' (Kostanay reg.);
- Item paper 'and' (North-Kazakhstan reg.);
- checkpoint "Karakog" (North Kazakhstan region);
- checkpoint "Sharbakty" (Pavlodar region);
- checkpoint "Urlitobe" (Pavlodar region);
- checkpoint "Kosak" (Pavlodar region);
- checkpoint "Auyl" (East Kazakhstan region);
- checkpoint "Ube" (East Kazakhstan region);
- «Zhaysan» point (Aktyubinskaya oblast);
- checkpoint "Alimbet" (Aktobe region);
- checkpoint "Syrym" (West Kazakhstan region);
- checkpoint "Taskala" (West Kazakhstan region);
- checkpoint "Zhanibek" (West Kazakhstan region);
- His paper " (Item Aтираuskaya reg.).<sup>7</sup>

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<sup>7</sup> On measures taken by the Border Service of the National Security Committee of the Republic of Kazakhstan from the COVID-19 pandemic, Ministry of Foreign Affairs of the Republic of Kazakhstan, (Mar. 16, 2020), available at: <http://www.gov.kz/memleket/entities/mfa/press/news/details/o-prinimaemyh-merah-pogranichnoy-sluzhby-knb-rk-ot-pandemii->

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

The exceptions listed in our response to Q.3 above are the available exceptions listed on the Kazakhstan government website.

There is also an exception for essential goods, food, medicine and medical products, protective equipment and hygiene products to pass through the checkpoints at all entry-exit points out of Almaty and Nur-Sultan. Shopping and entertainment centers will operate in all other cities from 10am to 6pm.<sup>8</sup>

The checkpoints introduced at all entry-exit points block all traffic into and out Almaty and Nur-Sultan, apart from a 'green corridor' for essential goods, food, medicine and medical products, protective equipment and hygiene products.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

As described above, the checkpoints at all entry-exit points block all traffic into and out Almaty and Nur-Sultan in Kazakhstan, but have a "green corridor" for essential goods, foods, medicine and medical products, protective equipment and hygiene products.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

We note that business operations and opening hours are not relevant to the Red Crescent of Kazakhstan and other humanitarian organisations listed in Q.2 as these organisations do not operate as businesses in Kazakhstan.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The Presidential Decree introduces the following measures and time limits for the period of the state of emergency:

- to tighten public order enforcement, protect important state and strategic matters, maximize security, protect objects that are 'specially protected', and ensure that essential activities such as transport will carry on;
- to limit trade activities that involve large groups;
- to suspend the activities of shopping and entertainment centers, cinemas, theaters, exhibitions and other activities involving large groups;
- to introduce quarantine, carry out large-scale sanitary and anti-epidemic measures with the participation of structural units of the Ministry of Defense of the Republic of Kazakhstan and internal affairs bodies operating in the field of sanitary and epidemiological welfare of the population;
- to prohibit holding of spectacular, sports and other public events, as well as family, commemorative events;
- to establish restrictions on entry into the territory of the Republic of Kazakhstan, as well as on exit from its territory by all means of transport, with the exception of personnel of the diplomatic service of the Republic of Kazakhstan and foreign states, as well as members of delegations of

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[covid-19?lang=en](#).

<sup>8</sup> *Shopping and entertainment centers will operate in all cities except for Nur-Sultan and Almaty, Abayev*, (Mar. 24, 2020), available at: [https://www.inform.kz/en/shopping-and-entertainment-centers-will-operate-in-all-cities-except-for-nur-sultan-and-almaty-abayev\\_a3628770](https://www.inform.kz/en/shopping-and-entertainment-centers-will-operate-in-all-cities-except-for-nur-sultan-and-almaty-abayev_a3628770).

international organizations traveling to the Republic of Kazakhstan at the invitation of the Ministry of Foreign Affairs of the Republic Kazakhstan.<sup>9</sup>

The Presidential Decree also states that the State Commission for the State of Emergency under the President of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the National Security Committee of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan, the Ministry of Health of the Republic of Kazakhstan, the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan, the Ministry of Finance of the Republic of Kazakhstan, Akims of the cities of Nur-Sultan, Almaty, Shymkent and regions are responsible for the implementation of measures applied under the state of emergency. The Prosecutor General of the Republic of Kazakhstan shall ensure compliance with the law in the implementation of measures and time limits established by the Presidential Decree.

Additionally, the Government of the Republic of Kazakhstan is also carrying out the following measures:

- allocate the necessary funds from the reserve of the Government of the Republic of Kazakhstan to implement the measures in the Presidential Decree;
- to strengthen control over persons evading medical examinations and treatment, observance of the quarantine regime, hiding data that are important for determining the epidemiological situation, as well as ensuring that such persons are held responsible for failure to observe the relevant measures; and
- in cooperation with central and local state bodies to take other measures to implement the Presidential Decree in order to prevent the spread of COVID-19 virus in the Republic of Kazakhstan.<sup>10</sup>

On March 17, the Government approved an anti-crisis package to support the economy of Kazakhstan. The urgent measures include the availability of financing, providing guarantees, tax incentives, reducing business audits and ensuring employment. In particular, a new lending mechanism in the agricultural sector will be introduced, including additional tax incentives such as an exemption from VAT on agricultural imports.<sup>11</sup>

According to a news article on March 24, a meeting was chaired by the Prime Minister Askar Mamin, during which changes to state budget for 2020 to 2022 and changes to the forecast for the country's socio-economic development for 2020 to 2024 were discussed. Particular attention was paid to the availability of test kits, equipment, drugs and personal protective equipment required amid the outbreak.<sup>12</sup>

Furthermore, the following recommendations have been put in place for large shopping facilities in all cities, in addition to the capital and Almaty:

- To only allow visitors with masks in;
- To provide visitors with masks if they do not have one;
- Distribute coronavirus prevention leaflets to all visitors;
- To restrict activities with large gatherings from 10 a.m. to 6 p.m. with enhanced sanitary measures;

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<sup>9</sup> *President Tokayev Announces one-month state of emergency*, Kazinform, (Mar 15, 2020), available at: [https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency\\_a3625158](https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency_a3625158).

<sup>10</sup> *President Tokayev Announces one-month state of emergency*, Kazinform, (Mar 15, 2020), available at: [https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency\\_a3625158](https://www.inform.kz/en/president-tokayev-announces-one-month-state-of-emergency_a3625158).

<sup>11</sup> *Government approves anti-crisis package*, Prime Minister of Kazakhstan, (Mar. 17, 2020), available at: <https://primeminister.kz/en/news/pravitelstvo-utverdilo-paket-antikrizisnyh-mer-1725048>

<sup>12</sup> *Kazakhstan to make changes to state budget*, Trend News Agency – Kazakhstan, (Mar. 24, 2020), available at: <https://en.trend.az/business/economy/3212615.html>.

- Restrict non-food business activities from 11 a.m. to 5 p.m. with enhanced sanitary and disinfection measures<sup>13</sup>.

Businesses are also allowed to use alternative work arrangements and employees must be paid monthly wages or a minimum wage during remote work. According to the website of the Prime Minister of Kazakhstan, 70% of employees of state organizations in the capital and Almaty have switched to remote work<sup>14</sup>.

#### 8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

According to a report dated 6 February, Kazakhstan banned the export of protective masks after their sales to China surged amid the coronavirus outbreak.<sup>15</sup>

Other bans implemented other than protective medical equipment include the exports of socially significant food products since March 22 to guarantee domestic supply, including products such as buckwheat, wheat and rye flour, sugar, potatoes, carrots, turnips, beets, onions, cabbages, sunflower seeds and oil. The ban is intended to be valid until at least April 15, 2020.<sup>16</sup>

The deputy Prime Minister stated recently that “a sufficient supply of food, hygiene products, essentials and medical supplies has been collected in the state reserve. In addition, today there is an agreement with manufacturers in Kazakhstan and exporters from other countries to supply the necessary products to our country<sup>17</sup>”.

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<sup>13</sup> Official Information Source of the Prime Minister of the Republic of Kazakhstan, *70% of employees of state organizations in the capital and Almaty switched to remote work*, (Mar.20, 2020) available at <https://primeminister.kz/en/news/press/70-sotrudnikov-gosudarstvennyh-organizaciy-v-gg-nur-sultan-i-almaty-pereshli-na-distancionnyu-rabotu-202528>

<sup>14</sup> Official Information Source of the Prime Minister of the Republic of Kazakhstan, *70% of employees of state organizations in the capital and Almaty switched to remote work*, (Mar.20, 2020) available at <https://primeminister.kz/en/news/press/70-sotrudnikov-gosudarstvennyh-organizaciy-v-gg-nur-sultan-i-almaty-pereshli-na-distancionnyu-rabotu-202528>

<sup>15</sup> *Kazakhstan bans exports of masks to China amid virus scare*, Thomson Reuters, (Feb. 6, 2020), available at: <https://www.reuters.com/article/us-china-health-kazakhstan-masks/kazakhstan-bans-exports-of-masks-to-china-amid-virus-scare-idUSKBN20019N>.

<sup>16</sup> *Kazakhstan bans export of key food products amid coronavirus spread*, Xinhuanet, (Mar. 25, 2020), available at: [http://www.xinhuanet.com/english/2020-03/25/c\\_138913230.htm](http://www.xinhuanet.com/english/2020-03/25/c_138913230.htm).

<sup>17</sup> Official Information Source of the Prime Minister of the Republic of Kazakhstan, *Quarantine is not a restriction on providing Kazakhstanis with necessities – Tugzhanov*, (Mar. 20, 2020) available at <https://primeminister.kz/en/news/press/vvedenie-karantina-ne-yavlyaetsya-ogranicheniem-po-obespecheniyu-kazahstancv-vsem-neobhodimym-tugzhanov-2025636>