

Kazakhstan

Country:

[Kazakhstan](#)

Year:

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

24

Freedom Rating:

5.5

Overview:

In April 2015, Nursultan Nazarbayev won a landslide victory in an early presidential election, securing a fifth term in office. Government corruption and the president's family remained taboo subjects in the press, social media, and academia, and official hostility toward discussion of two additional controversial topics, the conflict in Ukraine and the spread of the Islamic State (IS) militant group in Central Asia, further diminished space for freedom of expression. Authorities also continued imposing restrictions on freedoms of assembly and association during the year.

In a positive step, the Constitutional Court in May struck down a child protection bill that, among other things, would have restricted the dissemination of information about same-sex relations and orientation. Separately, Kazakhstan became a member of the World Trade Organization (WTO) in June.

Political Rights and Civil Liberties:

Political Rights: 6 / 40 [Key]

A. Electoral Process: 2 / 12

The Kazakhstani constitution grants the president considerable control over the legislature, the judiciary, and local governments. Nazarbayev won an uncontested presidential election in December 1991, two weeks before Kazakhstan gained its independence from the Soviet Union, and has not left office since. In April 2015, Nazarbayev—nominated by his Nur Otan party—was reelected with 97.7 percent of the vote. His chief opponents were Turgun Syzdykov of the government-friendly Communist People's Party of Kazakhstan and Abulgazi Kusainov of Nur Otan; both candidates were virtually unknown before the election. The Organization for Security and Co-

operation in Europe (OSCE) noted several shortcomings in the election, including lack of a viable opposition, instances of fraud, vast advantages for the incumbent, and lack of transparency.

The upper house of the bicameral Parliament is the 47-member Senate, with 32 members chosen by directly elected regional councils and 15 appointed by the president. The senators serve six-year terms, with half of the 32 elected members up for election every three years. The lower house (Mazhilis) has 107 deputies, with 98 elected by proportional representation on party slates and 9 appointed by the Assembly of Peoples of Kazakhstan, which represents the country's various ethnic groups. Members serve five-year terms.

Parties must clear a 7 percent vote threshold to enter the Mazhilis, and once elected, deputies must vote with their party. Parties are barred from forming electoral blocs. A 2009 amendment to the electoral law guarantees the second-ranked party at least two seats in the Mazhilis if only one party passes the 7 percent threshold.

In 2012 elections for the lower house, Nur Otan took 83 of the 107 seats, Ak Zhol won 8, and the Communist People's Party secured 7. OSCE monitors noted that the elections did not meet democratic norms. In 2014, Nur Otan took all the seats that were up for election in the Senate. Regional councils dominated by Nur Otan appointed the candidates.

Constitutional changes have consistently consolidated power for the president and the ruling party. Although Nazarbayev rejected a 2009 proposal to make him president for life, a 2010 constitutional amendment gave him immunity from prosecution and made his family's property effectively inviolable. Under the current constitutional rules, Nazarbayev may serve an indefinite number of five-year terms.

B. Political Pluralism and Participation: 3 / 16

Aside from Nur Otan, two parties—Ak Zhol and the Communist People's Party—won representation in the 2012 Mazhilis elections, each earning just over 7 percent of the vote. Neither is considered an opposition party because they exhibit loyalty to the president.

In order to register, a party must have 40,000 members. In 2012, a court invoked laws against "extremism" to ban the unregistered opposition Algha Party and the People's Front opposition movement. It also found Algha leader Vladimir Kozlov guilty of heading an illegal group, inciting social hatred, and calling for the violent overthrow of the constitutional order. He was sentenced to seven and a half years in prison.

Politics continue to be dominated by a small group of political elites led by the Nazarbayev family. Nazarbayev appointed his daughter Darigha Nazarbayeva to the post of deputy prime minister in September 2015; she had been elected deputy chair of the Mazhilis in 2014. Several opponents of the regime have fled the country in recent years in order to avoid persecution, and authorities continue to seek the extradition of former political and business leaders living in exile.

Nazarbayeva's former husband, Rakhat Aliyev, had been appointed to prominent government and diplomatic positions while maintaining favorable relations with the Nazarbayev family, but declared his opposition to the regime in 2007. He died in February 2015 while in investigative custody in Austria in connection to the death of two bankers in Kazakhstan. In December, the Austrian justice ministry dismissed claims that Aliyev had been murdered.

Political parties based on ethnic origin, religion, or gender are prohibited. The Russian and Kazakh languages officially have equal status, but in 2011, newly rigorous Kazakh-language testing for candidacy in the presidential election eliminated many opposition candidates.

C. Functioning of Government: 1 / 12

Corruption is widespread at all levels of government. Corruption cases are often prosecuted at local and regional government levels, but charges against high-ranking political and business elites are filed unevenly, usually only after an individual has fallen out of favor. Kazakhstan ranked 123 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

In July 2015, the government announced that the residents of Berezovka, a village near the Karachaganak gas condensate field, would be resettled within two years in an operation funded by Karachaganak Petroleum Operating, in which the state-owned KazMunayGas holds a 10 percent stake. Berezovka residents as well as local and international environmental groups have appealed to the government for relocation since 2003, citing severe health concerns allegedly caused by emissions from the field. In 2014, several children and teachers in a Berezovka school fell severely ill in an episode that local residents attributed to elevated emissions, and similar incidents continued in 2015. The government has publicly insisted that these incidents were not caused by extractive practices in the area.

Separately, Almaty's newly appointed mayor, Baurzhan Baybek, gained praise from local residents in 2015 for increasing the accountability and openness of the city's government, including through the use of social media to enhance officials' responsiveness to public problems and complaints.

Government officials remain opaque in their actions and decisions between elections. In May 2015, Nazarbayev announced a sweeping reform program focusing on five institutional issues: creating a more professional body of civil servants, strengthening the rule of law, increasing industrial and economic growth, promoting national unity, and enhancing transparency and accountability in government.

Civil Liberties: 18 / 60

D. Freedom of Expression and Belief: 4 / 16

While the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent outlets. Members of the president's family and other powerful groups control most of the media sector, including publishing houses. Libel is a criminal offense, and the criminal code prohibits insulting the president. Self-censorship is common. Since 2011, when police used emergency powers to arrest or detain journalists attempting to cover unrest in Zhanaozen and neighboring cities, raids on independent media outlets and the harassment and detention of journalists have increased. New regulations in 2012 gave the Ministry of Culture and Information expanded powers to combat "unofficial or negative information" about any crisis. Since 2012, courts have shut down dozens of independent newspapers, television channels, and news websites on charges of "extremism."

Political and business elites frequently misuse the law to squelch dissent or criticism, and independent journalists frequently suffer attacks, arrests, and pressure from authorities. Yaroslav Golyshin, editor of a local newspaper in the province of Pavlodar, was arrested in May 2015 and charged with blackmail, extortion, and inciting a minor to commit a crime while investigating an incident of rape allegedly tied to the Pavlodar governor's son. Separately, in June, an Almaty court found the independent news portal Nakanune.kz guilty of libel in a case launched by Kazkommertsbank, which claimed that the outlet harmed its reputation in an article linking the bank

to corruption in the construction industry. The defendant, Guzyal Baydalinova, a journalist for the outlet as well as its domain name owner, was ordered to pay 20 million tenge (\$98,000) and remove the article from the website. In December, security forces raided the Nakanune.kz office and the homes of several of its journalists as part of an investigation into claims that the outlet had deliberately published false information about Kazkommertsbank. Baydalinova was remanded in detention as part of the investigation and remained behind bars at year's end.

In February 2015, an Almaty appeals court upheld a 2014 closure order against *Adam Bol*, issued on the grounds that the magazine had included "war propaganda" in its reporting on the conflict in Ukraine. A successor, *Adam*, was established in March but suspended in August for failing to publish all content in both Russian and Kazakh. In 2015, authorities attempted to control media coverage of IS in relation to Kazakhstan. Sections of the website of the Kazakh service of Radio Free Europe/Radio Liberty (RFE/RL) were blocked in March 2015, shortly after the outlet published information about recruitment calls by Kazakh IS members. The government continued to block entire websites as well as specific online content in 2015. The list of banned websites has expanded since 2012 to include hundreds of outlets. After the European Court of Justice's May 2014 "right to be forgotten" ruling against Google and other search engines, legislators in Kazakhstan voiced interest in amending the country's information law to better protect individual privacy online, although critics claim that such a maneuver would be tailored to facilitate blocking of negative coverage of government officials and other elites.

The constitution guarantees freedom of worship, and some religious communities practice without state interference. However, laws passed in 2005 banned all activities by unregistered religious groups and gave the government great discretion in outlawing organizations it designates as "extremist." Local officials have harassed groups defined as "nontraditional," including Protestant Christians, Jehovah's Witnesses, and Muslims. Several individuals were imprisoned during 2015 on charges of alleged membership in Tablighi Jamaat, an Islamic movement banned on grounds of "extremism" since 2013.

Academic freedom is constrained by political sensitivities surrounding a number of topics, including the president and his inner circle. In August 2015, a Dutch lecturer at Nazarbayev University voiced allegations that his contract was terminated due to political reasons, citing the university's cancellation of a public event he had organized in 2014 to discuss confrontations between Russia and Ukraine. The university denied any pressure from the government on its decision-making. In a separate incident in September, the Ukrainian embassy in Astana demanded the recall of secondary school textbooks that showed Crimea as part of Russia. A week later, the Education Ministry of Kazakhstan ordered that the textbooks be recalled and revised, stating that the publisher had not "fully reflected the position of Kazakhstan or that of the international community" in its presentation of the territory.

Authorities are known to monitor communications on social media. Several social-media users were prosecuted in 2015 for the offenses of inciting ethnic hatred or unrest or calling for separatism, which can be punishable by imprisonment. In March, a court in Almaty sentenced one user to a four-year suspended sentence in connection to comments she had made that included ethnic slurs and calls for Kazakhstan to become a part of Russia.

E. Associational and Organizational Rights: 2 / 12

Despite constitutional guarantees, the government imposes restrictions on freedoms of association and assembly. Nongovernmental organizations (NGOs) continue to operate but face government harassment surrounding politically sensitive issues. New criminal, criminal executive, and administrative codes went into effect in January and contained wide restrictions on the formation and operation of NGOs, including enhanced penalties for the leaders of organizations as well as

general restrictions on activities not sanctioned by their organizations' charters. The legislation also contained restrictions on the ability of individuals to organize and hold public gatherings. Foreign citizens cannot found public associations, but can become members.

Police frequently break up unsanctioned opposition gatherings. In August 2015, police arrested activist Yermek Narymbayev on the charge of organizing an unsanctioned protest after he publicized plans to go to Astana's central square with a list of complaints to begin a dialogue with local officials, inviting others to join. He was sentenced to 15 days in prison for convening an unauthorized protest, even though no public assembly had taken place before his arrest, and an additional 5 days on a contempt of court charge.

Workers can form and join trade unions and participate in collective bargaining, though coopted unions and close links between the authorities and big business make for an uneven playing field. In November 2015, Nazarbayev approved a new labor code, which will allow employers to more easily hire, transfer, and dismiss workers and will enforce cumbersome administrative requirements for bargaining, including a higher quota of workers needed for collective action. The code was framed by proponents as a liberalization of the labor market, but labor activists criticized it as a weakening of worker rights.

F. Rule of Law: 4 / 16

The constitution makes the judiciary subservient to the executive branch. Judges are subject to political bias, and corruption is evident throughout the judicial system. Conditions in pretrial facilities and prisons are harsh. Police at times abuse detainees and threaten their families, often to obtain confessions, and arbitrary arrest and detention remain problems. In July 2015, the mother of a convict in eastern Kazakhstan announced plans to sue the prison where her son was being held, claiming that he sustained brain damage after being beaten while in custody. She reported that claims submitted to national authorities over the incident had been unanswered. A rare handful of convictions for police officers accused of torture were reported during the year.

Members of the sizable Russian-speaking minority have complained of discrimination in employment and education. Migrant workers from neighboring countries often face poor working conditions and a lack of legal protections.

Kazakhstan decriminalized same-sex sexual activity in 1998, but the LGBT (lesbian, gay, bisexual, and transgender) community continues to face societal discrimination, harassment, and violence. In May 2015, the Constitutional Court rejected legislation that would have criminalized disseminating "propaganda" of same-sex relations to minors. The move followed considerable international pressure connected to Kazakhstan's bid to host the 2022 Winter Olympics, which was ultimately unsuccessful.

G. Personal Autonomy and Individual Rights: 8 / 16

Kazakhstani citizens can travel freely but must register their permanent residence with local authorities. In 2014, the government instituted a new system of fines for anyone living at an unregistered residence or renting to unregistered tenants. The right to choose institutions of higher education is formally protected but has been plagued by corruption, which the government is attempting to control.

While the rights of entrepreneurship and private property are formally protected, bureaucratic hurdles limit equality of opportunity. Clannish elites and government officials control large segments

of the economy. Kazakhstan's official accession into the WTO in 2015, which took place after twenty years of negotiations, was widely seen as a positive development that would increase commercial opportunities by providing entrepreneurs and businesses with access to foreign markets.

Traditional cultural practices and the country's economic imbalances limit professional opportunities for women. Domestic violence often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters. Despite legal prohibitions, men, women, and children are vulnerable to trafficking for the purposes of forced labor and prostitution.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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