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Freedom in the World 2012 - Kazakhstan

2012 Scores

Status: Not Free

Freedom Rating: 5.5

Civil Liberties: 5

Political Rights: 6

Overview

President Nursultan Nazarbayev, 71, won a new five-year term in an April 2011 snap election, reportedly receiving 96 percent of the vote. Many potential challengers had been disqualified or boycotted the election, leaving three mostly symbolic opponents. After the country suffered an unusual series of minor attacks that were blamed on religious extremists, the government pushed through a new law in October that stepped up state control over religious groups and restricted public religious expression. The president dissolved Parliament in November and scheduled early legislative elections for January 2012. In December, police fired on striking oil workers in the western city of Zhanaozen and the city erupted in rioting, leaving at least 16 people dead and triggering a state of emergency.

Kazakh Communist Party leader Nursultan Nazarbayev won an uncontested presidential election in December 1991, two weeks before Kazakhstan gained its independence from the Soviet Union. In April 1995, Nazarbayev called a referendum on extending his five-year term, due to expire in 1996, until December 2000. A reported 95 percent of voters endorsed the move. An August 1995 referendum, which was boycotted by the opposition, approved a new constitution designed to strengthen the presidency. Nazarbayev's supporters captured most of the seats in December 1995 elections for a new bicameral Parliament.

In October 1998, Parliament amended the constitution to increase the presidential term from five to seven years and moved the presidential election forward from December 2000 to January 1999. The main challenger was disqualified on a technicality, and Nazarbayev was reelected with a reported 80 percent of the vote.

Progovernment parties captured all but one seat in 2004 elections for the lower house of Parliament. International monitors from the Organization for Security and Cooperation in Europe (OSCE) found some improvements over previous polls, but criticized the lack of political balance on election commissions, media bias in favor of pro-presidential candidates, and the politically motivated exclusion of other candidates.

The president again secured reelection in 2005 with 91 percent of the vote amid opposition allegations of fraud. An international monitoring report found intimidation and media bias in favor of the incumbent.

Political violence flared in 2005-06, with the suspicious suicide of opposition leader Zamanbek Nurkadilov in December 2005 and the murder of Altynbek Sarsenbayev, a leading member of the opposition coalition For a Just Kazakhstan, in February 2006. The investigation of Sarsenbayev's killing pointed to the involvement of state security officers but left many questions unanswered.

Constitutional changes in May 2007 removed term limits for Nazarbayev, reduced the terms to five years, and eliminated individual district races for the lower house of Parliament, leaving only party-slate seats filled by nationwide proportional representation. Elections under the new rules in

August produced a one-party legislature, with the pro-presidential Nur Otan party taking 88 percent of the vote and no opposition parties clearing the 7 percent threshold for representation. Opposition protests foundered, and the government ignored a critical OSCE report. No opposition candidates participated in the October 2008 indirect elections for the upper house of Parliament.

Although Nazarbayev rejected a proposal to hand him the presidency for life in 2009, a constitutional amendment in 2010 gave him immunity from prosecution and made his family's property effectively inviolable. In January 2011, at Nazarbayev's request, the Constitutional Council blocked parliamentary proposals for a referendum that would have extended his current term through 2020. A snap election was called instead, with the necessary constitutional changes rushed through in February. After Nazarbayev's only genuine opponents were disqualified or decided to boycott the race, he was left with three little-known competitors, all of whom publicly expressed support for him. Nazarbayev ultimately won 96 percent of the April vote. OSCE observers found that the election failed to meet democratic standards.

Also during the first half of 2011, the country was shaken by a number of minor bomb attacks that were blamed on religious extremists. The government responded in October by enacting new legislation that broadly restricted religious freedoms. Later during the year, an extended strike by oil workers in the city of Zhanaozen turned violent in December, resulting in at least 16 deaths and prompting Astana to declare a state of emergency. Meanwhile, Nazarbayev dissolved Parliament in November and scheduled early legislative elections for January 2012.

Throughout the year, Astana maintained good relations with China, Russia, and the United States, which continued to ship supplies for its operations in Afghanistan through Kazakh territory.

Political Rights and Civil Liberties

Kazakhstan is not an electoral democracy. The constitution grants the president considerable control over the legislature, the judiciary, and local governments. Under the current constitutional rules, President Nursultan Nazarbayev may serve an indefinite number of five-year terms.

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. A June 2007 law prohibited parties from forming electoral blocs. These rules effectively prevented opposition parties from winning seats in the August 2007 parliamentary elections and 2008 Senate elections, producing a legislature with no opposition representation. The ruling party, Nur Otan, is headed by the president, and his nephew was named party secretary in 2010. A 2009 electoral law amendment guarantees the second-ranked party at least two seats in the Mazhilis if only one party passes the 7 percent threshold. However, Ak Zhol, the opposition party thought to have the best chances in the next parliamentary elections, was taken over in 2011 by a prominent member of Nur Otan who had resigned his membership in the ruling party only the day before.

The country's broader law on political parties prohibits parties based on ethnic origin, religion, or gender. A 2002 law raised the number of members that a party must have to register from 3,000 to 50,000; modest amendments in 2009 lowered the number to 40,000.

Corruption is widespread at all levels of government. Rakhat Aliyev, Nazarbayev's former son-in-law, issued allegations of corruption among top officials after falling out of favor with the regime in 2007. His claims were accompanied by some documentary evidence and matched reports from numerous other sources. Kazakhstan was ranked 120 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

While the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent media outlets. Libel is a criminal offense, and the criminal code prohibits insulting the president; self-censorship is common. Most media outlets, including publishing houses,

are controlled or influenced by members of the president's family and other powerful groups.

As in previous years, independent media suffered attacks, arrests and pressure from authorities in 2011. The proposal to extend Nazarbayev's term until 2020 sparked a wave of critical coverage from independent media that was quickly put down by local authorities. In January, thousands of copies of the weekly paper *Golos Respublikii* were seized by police on charges of carrying "illegal content." In Uralsk, six journalists were arrested for protesting the planned referendum and fined up to 15 months' salary. Separately, journalists from the popular news site Stan TV were repeatedly harassed by authorities during coverage of the extended oil workers' strike in the western region of Mangystau. In October, cameraman Asan Amilov and reporter Orken Bisenov were brutally attacked by unknown assailants using bats and rubber bullets as they traveled to cover the strike. As the strikes erupted into violence in December and protests spread to neighboring cities, police used special powers granted under the state of emergency to arrest or detain journalists attempting to cover the protests. The government shut down access to social media outlets, local internet service providers in the affected areas, and some web-based independent news outlets in an attempt to prevent the spread of news about the violence and demonstrations.

The government has a record of blocking websites that are critical of the regime. In August 2011, the popular blogging sites LiveJournal and LiveInternet.ru were blocked along with some 20 other sites on the grounds that they contributed to "terrorism." In July, a new independent news site, Guljan.org, reported suffering a complex denial-of-service cyberattack shortly after it opened.

The constitution guarantees freedom of worship, and many 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 designated as "extremist." Local officials have harassed groups defined as "nontraditional," such as Hare Krishnas, Protestant Christians, and Jehovah's Witnesses. Legislation enacted in October 2011 required reregistration of all religious groups, gave the government unprecedented authority to

regulate the activities and organization of religious communities, and forbade prayer or religious expression in government institutions.

The government reportedly permits academic freedom, except with respect to criticism of the president and his family. Corruption in the education system is widespread, and students frequently bribe professors for passing grades.

Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly. Unsanctioned opposition gatherings are frequently broken up by police. Nongovernmental organizations continue to operate despite government harassment surrounding politically sensitive issues. Workers can form and join trade unions and participate in collective bargaining, although co-opted unions and close links between the authorities and big business make for an uneven playing field.

Beginning in May 2011, oil workers in Aktau and Zhanaozen held months-long strikes involving as many as 15,000 people to protest low pay and other grievances. Although the strikes were allowed to continue, hundreds of workers were fired in retaliation; several strikers or their close relatives allegedly committed suicide or were murdered; and journalists, lawyers, and politicians faced government harassment and other repercussions for reporting on, representing, or meeting with the strikers. On December 16, police fired into a crowd of protestors, killing at least 14 people. At least two more civilians died and dozens were injured as protests spread to neighboring towns.

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 August 2011, control of prisons was transferred from the Penitentiary Committee to the Interior Ministry, which oversees police forces and conducts criminal investigations. This move transfers funding for prisons to the same agency that makes arrests, potentially creating conflicts of interest and eliminating important external oversight in the criminal justice system.

In June 2011, at least 28 ethnic Uzbeks and Tajiks who had been denied asylum were repatriated to Uzbekistan despite warnings from human rights organizations that they could face unfair trials and torture.

Members of the sizable Russian-speaking minority have complained of discrimination in employment and education. The Russian and Kazakh languages officially have equal status, but in 2011, newly rigorous Kazakh language testing for candidacy in the snap presidential election eliminated many opposition candidates, several of whom noted that the early vote left them unable to prepare adequately. The standards for the tests were unclear, and the scoring methodology was reportedly subjective and opaque.

While the rights of entrepreneurship and private property are formally protected, equality of opportunity is limited by bureaucratic hurdles and the control of large segments of the economy by clannish elites and government officials. Astana residents whose homes have been demolished to make way for large construction projects have said they were denied legally guaranteed compensation.

Traditional cultural practices and the country's economic imbalances limit professional opportunities for women. The current Mazhilis includes only 17 female deputies. Domestic violence often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters. Despite legal prohibitions, the trafficking of women for the purpose of prostitution remains a serious problem. The country's relative prosperity has drawn migrant workers from neighboring countries, who often face poor working conditions and a lack of legal protections. A 2010 Human Rights Watch report detailed the exploitation of migrant workers and the use of child labor in the Kazakh tobacco industry.

Trend Arrow ↓

Kazakhstan received a downward trend arrow due to new legislation restricting public expression of religious belief and the right to form religious organizations.