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Freedom in the World 2011 - Kazakhstan

Capital: Astana

Population: 15,880,000

Political Rights Score: 6 *

Civil Liberties Score: 5 *

Status: Not Free

Overview

President Nursultan Nazarbayev inched closer to becoming Kazakhstan's leader for life in 2010, a year in which his country held the rotating chairmanship of the Organization for Security and Cooperation in Europe (OSCE). Parliament granted Nazarbayev, his family, and their property virtual legal inviolability and cleared the way for a referendum to extend his term to 2020. Meanwhile, the government continued to impose authoritarian media controls and stepped up its suppression of the political opposition through dubious prosecutions and incarcerations, among other means.

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 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.

In 2009, some Nur Otan legislators proposed a lifetime presidency for Nazarbayev, but the president averred that his existing access to unlimited seven-year terms was sufficient. In 2010, a constitutional amendment gave Nazarbayev immunity from prosecution and made his family's property effectively inviolable. Later in the year, Parliament laid the groundwork for a 2011 referendum that would extend Nazarbayev's current term to 2020.

Kazakhstan held the rotating chairmanship of the OSCE in 2010, and its tenure culminated in a summit in Astana in December that was formally successful but largely devoid of content. The government showed little leadership during ethnic violence in neighboring Kyrgyzstan in June, responding only by closing the border between the two countries. Meanwhile, 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. The removal of term limits for the country's "first president" in May 2007 cleared the way for President Nursultan Nazarbayev to seek reelection at the end of his current seven-year term in 2012. A referendum initiative approved by Parliament in December 2010 and slated for 2011 could extend Nazarbayev's term to 2020.

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 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 May 2010.

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

Corruption is widespread at all levels. 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 105 out of 178 countries surveyed in Transparency International's 2010 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 widespread. 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 libel judgments in 2010. In November, Luqpan Akhmedyarov, a journalist for the independent weekly *Uralskaya Nedelya*, was compelled to pay the equivalent of \$133,500 to an oil company for libel in an article about alleged bid-rigging. Ramazan Yesergepov, editor of the weekly *Alma-Ata Info*, remained in prison after receiving a three-year sentence in 2009 for revealing state secrets while reporting on a corruption investigation. He lost an appeal to Kazakhstan's Supreme Court in May 2010. In March, cameraman Abzal Aghaliyev was assaulted while trying to film at a meat-packing plant.

The government has a record of blocking websites that are critical of the regime, and legislation signed in 2009 classifies all websites in the ".kz" domain as media outlets and imposes stringent regulations. In March 2010, journalists voiced concern at government attempts to identify websites with supposedly "destructive" content. The Kazakh nongovernmental organization (NGO) For The Free Internet listed 14 websites as blocked in Kazakhstan as of January. The websites of the independent media outlets *Respublika* and *Uralskaya Nedelya* were reportedly inaccessible at various times during 2010.

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, Baptists, and Jehovah's Witnesses.

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. A number of unsanctioned opposition gatherings were broken up by police during 2010, with leading participants facing jail sentences or fines. Yermek Narymbayev, leader of the Arman opposition movement, was sentenced to four years in prison in June after being arrested at an unsanctioned May Day rally; he maintained a hunger strike in custody and was transferred to a prison hospital later in the year. Separately, opposition activist Aidos Sadykov was sentenced in July to two years in prison for "hooliganism," and his wife subsequently reported receiving threatening telephone calls. Members of the Communist Party and the unregistered opposition party Algha, both of which had also participated in the May Day event, were pelted with eggs and other objects in October, shortly after Algha leader Vladimir Kozlov announced his intention to run for president. The attackers identified themselves as members of a Kazakh nationalist group; Kozlov is an ethnic Russian. The day after the assault, tax officials launched an investigation against Kozlov.

NGOs 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. Oil workers in Zhanaozen held a successful two-week strike in March 2010 to protest a new pay scale.

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. Mukhtar Dzhakishev, the former head of the atomic energy agency, was sentenced in March 2010 to 14 years in prison on embezzlement charges that may have been politically motivated. In April, the Supreme Court upheld the vehicular manslaughter conviction of rights activist Yevgeniy Zhovtis, who was sentenced to four years in prison in 2009 after a flawed trial. Inmates in Kazakh prisons injured themselves on several occasions in 2010 to protest abysmal conditions, and activist Vadim Kuramshin, who exposed prison abuses, was sentenced to 10 days in jail in August on dubious charges.

Members of the sizable Russian-speaking minority have complained of discrimination in employment and education. However, in 2007 the Constitutional Court affirmed the equality of the Russian and Kazakh languages. In January 2009, Kazakhstan decided to continue the practice of indicating ethnicity in citizens' passports.

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. A 2003 land code provides for private ownership, but critics have charged that the law primarily benefits wealthy individuals with close government ties. 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 107-member lower house of Parliament 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.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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