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Freedom in the World 2010 - Kazakhstan

Capital: Astana

Population: 15,880,000

Political Rights Score: 6 *

Civil Liberties Score: 5 *

Status: Not Free

Trend Arrow ↓

Kazakhstan received a downward trend arrow due to a spate of politically motivated libel suits against critical media outlets, a restrictive new internet law, arbitrary arrests of officials and businesspeople, and the grossly deficient judicial proceedings against human rights activist Yevgeny Zhovtis.

Overview

President Nursultan Nazarbayev and his Nur Otan party maintained almost complete control over the political sphere in 2009, using tactics including arbitrary arrests, restrictive new laws, and politically motivated prosecutions to muzzle critical media outlets and individuals. These long-standing authoritarian practices continued even as Kazakhstan prepared to assume the chairmanship of the Organization for Security and Cooperation in Europe in 2010.

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 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. The trial of Yerzhan Utembayev, former head of the Senate administration, and his sentencing to a 20-year prison term for organizing the murder were marred by reports of coerced confessions.

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, which would eliminate the need for him to seek reelection. However, the president commented that his existing access to unlimited seven-year terms was sufficient.

Also during the year, Rakhat Aliyev, Nazarbayev's former son-in-law, published a muckraking book about the president that Kazakh prosecutors promptly banned, initially threatening to try anyone who even "touched" the volume. An exemplar of Kazakhstan's personalized and volatile politics, Aliyev had risen to positions as high as deputy foreign minister and built a media empire before falling out of favor in 2007. He then went into exile in Austria as Nazarbayev's daughter divorced him, his Kazakh business interests collapsed, and a Kazakh court sentenced him to two 20-year prison terms in absentia for illegal business practices and other crimes. In 2008 he issued a series of statements accusing the Kazakh leadership of corruption.

Kazakhstan maintained productive relations with all major powers in 2009. Its foreign policy included energy ties with China, which continued to expand its oil and gas pipeline network in Central Asia during the year, and cooperation with the United States, which began to ship nonmilitary supplies for operations in Afghanistan through Kazakhstan. Kazakhstan was also set to assume the chairmanship of the OSCE in 2010, despite its poor human rights record.

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 after the end of his current seven-year term in 2012.

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 that is devoid of opposition representation.

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. The U.S. Justice Department continues to investigate alleged bribes by U.S. oil companies to secure lucrative Kazakh contracts in the 1990s. Rakhat Aliyev's 2008 allegations of high-level corruption were accompanied by some documentary evidence and matched reports from numerous other sources. Kazakhstan was ranked 120 out of 180 countries surveyed in Transparency International's 2009 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. A new privacy law passed by Parliament in November and signed by President Nazarbayev in December contained a vague ban on "interference into an individual's private life," sparking fears that it could be used to hamper investigative journalism.

Independent media in 2009 suffered attacks, arrests, and crippling libel judgments. The weeklies *Taszharghan* and *Respublika* faced closure after courts ordered them each to pay fines of \$300,000 to \$400,000 on dubious pretexts. Ramazan Yesergepov, editor of the weekly *Alma-Ata Info*, received a three-year sentence for revealing state secrets while reporting on a corruption investigation. In December, Gennady Pavlyuk, a journalist from Kyrgyzstan, was murdered in Almaty.

The government at times has blocked websites that are critical of the regime, and legislation signed in July 2009 classifies all websites in the ".kz" domain as media outlets and imposes stringent regulations. The independent online outlet *Zonakz* and the website of the weekly *Respublika* suffered multiple cyber attacks in 2009.

The constitution guarantees freedom of worship, and many religious communities practice without state interference. 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. In 2009, a Hare Krishna community in Almaty charged that the authorities had destroyed 26 homes belonging to its members.

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. In February 2009, the opposition party Azat was refused a location to hold a protest, and courts fined protesters on several occasions during the year for unsanctioned demonstrations in support of jailed human rights activist Yevgeny Zhovtis. The government also banned demonstrations on World Journalism Day in June. 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. Workers mounted several strikes in 2009 over unpaid wages, sometimes resorting to hunger strikes as well.

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. Investigations of several former associates of Rakhat Aliyev appeared to be politically motivated, as did several high-profile 2009 corruption cases against former officials. Also during the year, Zhovtis's flawed trial on charges of vehicular manslaughter ended quickly with a severe sentence, suggesting that the authorities were using the case to silence a well-known critic.

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. Banker Mukhtar Ablyazov, who fled the country after his bank was nationalized in early 2009, charged that a wave of arrests and prosecutions in the business sector during the year was politically motivated.

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, although a slower economy in 2009 reduced the number of migrant workers.

**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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