

Kazakhstan

Against the backdrop of an economic downturn, Kazakh authorities in 2016 jailed peaceful protesters, targeted outspoken activists on vague and overbroad criminal charges, and prosecuted independent journalists. Parliament adopted laws placing unjustified burdens and restrictions on nongovernmental organizations (NGOs).

Opposition leader Vladimir Kozlov was released on parole in August, but two activists faced politically motivated charges in connection with peaceful land reform protests. Impunity for torture persists. Authorities continued to restrict workers' rights. Kazakhstan took a rotating seat on the United Nations Security Council and signed a strategic partnership agreement with the European Union, despite lack of progress on human rights.

Parliamentary Elections

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) monitoring mission found that March parliamentary elections "were efficiently organized, with some progress," but identified "serious procedural errors and irregularities...during voting, counting and tabulation," and concluded Kazakhstan's "legal framework restricts fundamental civil and political rights."

Freedom of Assembly

The government took no steps to amend a restrictive public assembly law which authorities regularly used to deny permits for peaceful protests, and to fine and jail peaceful demonstrators.

In advance of countrywide protests planned for May 21 against proposed land code reforms, authorities jailed over two dozen people, including activists Maks Bokaev and Talgat Ayan, each sentenced to 15 days' detention for administrative offences.

Authorities brought criminal charges against Bokaev and Ayan while serving those sentences. At time of writing they were on trial on charges of violating the public assembly law, inciting national discord, and disseminating false information. The men deny the charges, calling them retaliation for their activism.

On May 21, police aggressively broke up attempted peaceful gatherings against land reforms in multiple cities, detaining hundreds of people, sometimes using force, and sanctioned 51 of them on administrative charges.

On May 26, the EU called on authorities to “release without delay all remaining arrested peaceful activists, and to drop all criminal charges or penalties.” Four UN special rapporteurs urged Kazakhstan to “halt the clampdown on land reform protesters.”

Civil Society

In January 2016, an Almaty court found civil society activists Ermek Narymbaev and Serikzhan Mambetalin guilty of “inciting national discord” for material posted on Facebook that some felt insulted the Kazakh people, and sentenced them to three and two years’ imprisonment, respectively. In March, an appeals court conditionally released them, with restrictions on their movement.

Also in January 2016, an Astana court found civil society activist Bolatbek Blyalov guilty of “inciting social discord” for online videos of him discussing Kazakh nationalism and other topics, and restricted his freedom of movement and association for three years.

On August 20, opposition leader Vladimir Kozlov was released on parole. He served four-and-a-half years of a seven-and-a-half-year prison sentence after an unfair trial in 2012. He remained subject to restrictions on his movement and freedom of association, and was required to report to police monthly.

In May, a court ordered government critic Natalya Ulasik undergo psychiatric observation after her ex-partner accused her of defamation. Authorities detained her in August. In October, a court found her mentally incompetent and placed her in forced psychiatric detention.

Civil society activist Vadim Kuramshin continued to serve a 12-year prison sentence, despite fair trial violations and concerns that his December 2012 conviction was retribution for government criticism.

On December 9, 2016, France’s Council of State cancelled an extradition order against Mukhtar Ablyazov, Kazakh government critic and former banker. The court concluded that the Russian request for the extradition was politically motivated.

In December 2015, President Nursultan Nazarbaev signed into law amendments to nongovernmental organization-related legislation, imposing burdensome reporting obligations and state regulation of funding through a government-appointed body. A February EU statement expressed concern that the “newly created government controlled body could have a negative impact on NGO activities.” International Legal Initiative (ILI), a rights group in Kazakhstan, unsuccessfully contested the law’s legality in an Astana court.

In July, parliament adopted amendments introducing new financial reporting obligations for individuals and legal entities, such as NGOs, on foreign funds receipt and expenditure.

Media Restrictions and Freedom of Expression

Independent journalists and media outlets face harassment and interference, including criminal prosecution on dubious or excessive charges. Media watchdog group Adilsoz reported an increase in defamation lawsuits in the first half of 2016. Libel remains a criminal offense. In January, OSCE Representative on Freedom of the Media Dunja Mijatović called the situation for free expression and media freedom in Kazakhstan “deeply worrying.”

Authorities detained over 50 journalists reporting on the May land protests, and blocked access to some websites, including Radio Free Europe/Radio Liberty’s Kazakh branch. In May, a court found journalist Guzyal Baidalinova criminally liable for “disseminating false information” for information she published about a Kazakh bank, imprisoning her for 18 months. In July, she was released on parole.

On October 3, an Astana court sentenced Seitkazy Mataev, head of the National Press Club, a platform for critical voices, to six years' imprisonment on embezzlement and tax evasion charges, and his son, Aset, also a journalist, to five years in prison for embezzlement. They said the investigation—which media watchdogs criticized for its lack of integrity—was retaliation their critical views of the government.

Kazakh authorities sued Respublika, a critical website, in United States and Australian courts, over leaked government documents seeking to capitalize on those countries' anti-hacking laws.

Torture

Kazakhstan's prosecutor general acknowledged in August that torture remains a problem, despite some efforts to tackle it. In September a court convicted one prison official of rape and sentenced him to nine years in prison after a female inmate alleged he was one of four prison officials who raped her. Following its September visit, the UN Subcommittee on the Prevention of Torture noted that despite improvements in conditions, the prison system overemphasizes restrictions and punishment, rather than reintegration and rehabilitation.

Despite a 2014 UN Human Rights Committee decision finding that officials tortured Rasim Bayramov, detained in 2008 on suspicion of robbery and beaten in custody, authorities have repeatedly declined to investigate citing "lack of evidence of a crime," most recently in July.

Authorities have not credibly investigated torture allegations by people detained in Zhanaozen in December 2011, following an extended labor strike that ended in violent clashes. In its August concluding observations, the UN Human Rights Committee called on the government to ensure "an independent, impartial and effective investigation ... into all allegations of torture and ill-treatment" related to the Zhanaozen events.

Freedom of Religion

Authorities continue to fine and convict people for violating a restrictive 2011 religion law. Since December 2014, 40 people have faced criminal charges for membership in the

banned Tabligh Jamaat movement, according to Forum18, an international religious freedom watchdog.

On March 25, police executed search warrants at five New Life church buildings in Almaty and at several church leaders' homes under a criminal investigation into fraud charges, which church leaders deny. An appeals' court ordered Seventh-day Adventist Yklas Kabduakasov, convicted in November 2015 for "inciting religious discord" and initially given a seven-year suspended sentence, to serve two years' imprisonment in a labor camp.

Counterterrorism

President Nazarbaev called for harsher counterterrorism measures after 19 people were killed in an armed attack in Aktobe in June, and other gunman killed four people in Almaty in July. In September, the government proposed amendments to 24 laws relating to counterterrorism and extremism.

The UN Human Rights Committee criticized the overly-broad definitions of "extremism," "inciting social or class hatred," and "religious hatred or enmity," and use of extremism legislation "to unduly restrict freedoms of religion, expression, assembly and association."

Labor Rights

The trade union law and collective bargaining regulations restrict workers' rights, including the right to strike. After repeated registration denials, the Confederation of Independent Trade Unions of Kazakhstan registered under a new name in February, but was unable to confirm its status, the second step in a burdensome two-step registration process.

The International Labour Organization again criticized Kazakhstan at its June conference for limiting freedom of association and for failing to amend its restrictive labor union law.

Sexual Orientation and Gender Identity

Surveys of lesbian, gay, bisexual, and transgender (LGBT) people reveal that many hide their sexual orientation or gender identity—including to healthcare providers—out of fear

of reprisals or discrimination. When LGBT people report abuse, they often face indifference and hostility from authorities.

Transgender people must undergo humiliating and invasive procedures—including coerced sterilization—to change gender on official documents. Without identity documents, transgender people struggle to access employment, healthcare, and education. The UN Human Rights Committee called on the government to end discrimination and violence against LGBT people and review gender-reassignment surgery procedures.

Key International Actors

A December 2015 Enhanced Partnership and Cooperation Agreement gives Kazakhstan upgraded trade and economic relations with the EU, despite the lack of meaningful rights improvements in Kazakhstan. When negotiations began, the EU had linked successful negotiations to reforms.

In March, EU Commission President Jean-Claude Juncker met with President Nazarbaev and downplayed human rights concerns, calling reforms in Kazakhstan “promising.”

In a March resolution on Freedom of Expression in Kazakhstan, the European Parliament noted “the serious deterioration of the climate for media and free speech” and called on Kazakhstan to review legislation and stop harassing journalists.

Following Kazakhstan’s second periodic report, the UN Human Rights Committee called on the government to redouble efforts to prevent violence against women, eradicate torture, guarantee liberty and security of person, and safeguard independent judiciary.

The United States Department of State’s top counterterrorism official, Sarah Sewall, visited Kazakhstan in August to discuss strengthening counterterrorism cooperation. In October, the US Embassy in Kazakhstan issued a rare statement on media freedom, expressing concern about the convictions and prison sentences handed down to journalists Seitkazy and Aset Mataev.

In June 2016, Kazakhstan became an elected member of the UN Security Council for the 2017-2018 term.