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## World Report 2012 - Kazakhstan

### *Events of 2011*

Kazakhstan failed to carry out long-promised human rights reforms in the year following its chairmanship of the Organization for Security and Co-operation in Europe (OSCE). Instead, its rights record suffered further setbacks. Control of the penitentiary systems moved from the Ministry of Justice to the Ministry of Internal Affairs, putting prisons back in police control, and a new restrictive religion law was adopted. Websites were blocked and legal amendments limiting media freedoms remained. A union lawyer was imprisoned for six years for speaking out on workers' rights. The government continued to punish activists for breaking restrictive rules on freedom of assembly and Kazakhstan's leading human rights defender, Evgeniy Zhovtis, remains in prison.

### National Referendum and Presidential Elections

In January 2011 parliament voted in favor of holding a national referendum to extend President Nursultan Nazarbaev's term in office. The European Union and United States sharply criticized the proposal, with the US calling it a "setback for democracy in Kazakhstan."

President Nazarbaev vetoed the referendum, but called for early presidential elections, which took place on April 3. According to the Central Election Committee, the incumbent received 95.55 percent of the vote with an 89.99 percent turnout. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) concluded that "serious irregularities" marred the poll, and the US Mission to the OSCE warned that "such irregularities are not in keeping with Kazakhstan's OSCE commitments ... to hold elections that meet OSCE standards." Opposition groups criticized the early election and urged citizens to boycott the poll.

### Freedom of Expression

The environment for freedom of expression remains restrictive and marked by government loyalists dominating broadcast media outlets, harassment of independent

journalists, prohibitive penalties for civil defamation, and criminal penalties for libel. Local human rights groups voiced concern over a draft broadcast bill that would limit independent media broadcasting if adopted.

Media watch dog Adil Soz reported that seven journalists were physically attacked in the first half of 2011. They included Daniyar Moldashev, director of the Almaty publishing house that prints the *Respublika* and *Golos Respubliki* opposition newspapers, who was beaten and robbed by unknown individuals on March 25. In late October, two Stan.TV journalists were attacked with a baseball bat and shot with rubber bullets by four unknown assailants while covering the oil strikes in Aktau, western Kazakhstan. *Adil Soz* reported that another 12 journalists were accused of criminal libel in the same period, although in August an Aktobe court dismissed a libel suit against Alima Abdirova, a human rights activist and journalist.

On August 19 the authorities blocked the popular Russian-language blogging platform *Livejournal* after an Astana city prosecutor claimed the site distributed information of a religious extremist and terrorist nature. In June authorities temporarily blocked *Wordpress.com* alleging its publications contain illegal information. Other popular independent websites, including that of the independent weekly *Respublika*, remain blocked.

On August 16 the authorities denied parole for the fourth time to imprisoned journalist Ramazan Yesergepov, editor of the *Alma-Ata Info* newspaper, but permitted him to spend a week with his ill mother in September. In a 2009 closed trial marred by due process violations, Yesergepov was sentenced to three years in prison for disclosing state secrets.

### Freedom of Assembly

Kazakh authorities maintain restrictive rules on freedom of assembly and detained and fined activists and other individuals for organizing and/or participating in unsanctioned protests and pickets. Work on a draft law on peaceful assembly remained suspended.

In two separate incidents in January small groups of activists in Almaty and Urals were detained and fined for protesting against the proposed referendum to extend President Nazarbaev's rule. In August three activists of the Socialist Movement of Kazakhstan were sentenced to short term administrative sentences after staging a protest in support of the striking oil workers outside the Nur-Otan party office in Almaty.

In mid-May workers in the oil sector in western Kazakhstan staged strikes and labor protests demanding higher wages, revised collective agreements, and non-interference in union work. On June 5, police dispersed several hundred workers who tried to protest outside the regional mayor's office in Aktau, and temporarily detained and fined several dozen. On July 8 riot police dispersed oil workers on strike in Zhanaozen, and the following night used force to round-up workers who remained on a hunger strike. In mid-August Akzhanat Aminov, an oil worker, was given a two-year suspended sentence for allegedly organizing an illegal strike.

There was an increased number of protests over housing issues, after the financial crisis left many unable to pay back home loans. On March 16 an Astana Court sentenced Esenbek Ukteshbayev, chairman of the unregistered union *Zhanartu* and leader of the Almaty-based movement Leave Peoples' Homes Alone, to 15 days administrative detention, a day after he participated in a peaceful rally of estate investors and mortgage holders.

### Detention of Activists

On August 8 union lawyer Natalia Sokolova was sentenced to six years in prison and banned from civil work for three years on charges of "inciting social discord" for addressing workers about wage disparity and "actively participating in illegal gatherings"

at an oil company in western Kazakhstan. On September 26 her sentence was upheld on appeal, endorsing the government's violations of her right to free expression and association.

On August 19 a prison appeals commission rejected political activist Aidos Sadykov's latest request to be transferred from prison to a settlement colony, a penal establishment that allows for more freedoms than an ordinary prison. He was imprisoned for two years in July 2010 for "hooliganism accompanied by resistance to the police" in what appears to be a politically motivated set up.

On August 2 Evgeniy Zhovtis, Kazakhstan's most prominent human rights defender and head of the Kazakh International Bureau for Human Rights and the Rule of Law, was denied early release for the second time. On September 3, 2009, Zhovtis was found guilty of vehicular manslaughter, following an unfair trial marred by serious procedural flaws that effectively denied him the right to present a defense. Zhovtis was sentenced to four years in a settlement colony.

### **Risk of Refoulement**

On June 9, in blatant violation of international human rights law and the non-refoulement principle, Kazakh authorities extradited to Uzbekistan at least 28 men whom Uzbek authorities wanted on various anti-state and religion-related charges, despite interim measures from the United Nations Committee Against Torture (CAT) directing the suspension of extraditions, and significant and credible evidence the men risked being tortured if returned. The men had been detained a year earlier and were subsequently denied refugee status by Kazakh authorities. Serious due process violations marred judicial review of their refugee claims and extradition orders.

On May 30, Kazakh authorities extradited Ershidin Israil to China, despite the clear risk of torture he faced if returned. Israil, an Uighur refugee who had fled to Kazakhstan after the July 2009 Urumqi riots, was denied refugee status by Kazakh authorities.

### **Labor Abuses and Child Labor in Agriculture**

Philip Morris Kazakhstan (PMK), a subsidiary of Philip Morris International, increased protections for migrant workers on tobacco farms by requiring written contracts to ensure migrant workers receive regular payments and other protections. PMK expanded trainings regarding labor rights and child labor and increased monitoring to prevent abuses frequent in past years such as hazardous child labor, forced labor, and passport confiscation. The government continues to prevent migrant workers' children from accessing education by blocking them from registering in schools.

### **Freedom of Religion**

In a clear setback for religious freedom, on October 13 President Nazarbaev signed a restrictive new law, "On Religious Activities and Religious Associations." According to Forum 18, an independent international religious freedom group, the new law "severely restrict[s] freedom of religion and belief" and "imposes a complex four-tier registration system, bans unregistered religious activity, imposes compulsory religious censorship and require both central and local government approval to build or open new places of worship."

### **Key International Actors**

Kazakhstan's controversial OSCE chairmanship culminated in a summit in December 2010 in Astana. NGOs held a parallel OSCE civil society conference and adopted recommendations to strengthen OSCE states' implementation of human dimension commitments and improve cooperation with civil society. On the eve of the summit, US Secretary of State Hillary Clinton held a town hall meeting with civil society organizations, stressing that fundamental freedoms such as expression, association, and

religion are "are absolutely critical to the building of sustainable societies." Clinton honored several Kazakh human rights groups, including the Almaty Helsinki Committee and the Kazakhstan Bureau for Human Rights and Rule of Law.

A July 2011 review by the UN Human Rights Committee criticized the use of child labor in tobacco and cotton fields and undue restrictions on freedom of association and assembly. The committee noted "concern at reports that threats, assaults, harassment and intimidation of journalists and human rights defenders have severely reduced the exercise of freedom of expression," and called on Kazakhstan to "fully comply with the principle of non-refoulement."

In July Catherine Ashton, EU high representative for foreign affairs and security policy/vice president of the European Commission, welcomed the launch of negotiations for a new "enhanced partnership" between the EU and Kazakhstan, which began in October, stressing that "the successful conclusion of the negotiations will be influenced by the advancement of democratic reforms."

In September the US ambassador to the OSCE and the EU issued critical statements reacting to developments in Kazakhstan, including Sokolova's imprisonment and the transfer of penitentiary control to the Ministry of Internal Affairs. However, such public criticism by the EU and US of human rights violations by the Kazakhstan government is muted.

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