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FREEDOM IN THE WORLD

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Kazakhstan

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 2014

TRENDARROW:

Kazakhstan received a downward trend arrow due to broad extralegal enforcement of its already strict 2011 law on religious activity, with raids by antiterrorism police on gatherings in private homes.

OVERVIEW:

Authorities in Kazakhstan continued to harass and detain independent journalists in Kazakhstan throughout 2013, repeatedly blocking attempts by employees of publications that had been shut down to open new outlets. The government continued to strictly enforce a 2011 law on religion that criminalized about one third of previously legal organizations, as well as believers who continued to meet without registration; authorities frequently prosecuted beyond the boundaries of the law, sentencing religious adherents to forced psychiatric treatment, fining them for saying prayers or reading scripture, and restricting their foreign travel. In October, Kazakhstan announced that it would end military conscription by 2016.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 6 / 40 **[Key]**

A. Electoral Process: 2 / 12

The Kazakhstani 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 nine appointed by the Assembly of Peoples of Kazakhstan, which represents the country's various ethnic groups. Members serve five-year terms.

The ruling party, Nur Otan, is headed by the president and dominates the legislature. Parties must clear a 7 percent vote threshold to enter the Mazhilis, and once elected, deputies must vote with their party. Parties are barred from forming electoral blocs. 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. Aside from Nur Otan, two parties—Ak Zhol and the Communist People's Party—won representation in the 2012 Mazhilis elections, with each earning just over 7 percent of the vote. However, neither is considered an opposition party.

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, and has never left office. Constitutional changes removed term limits for Nazarbayev and have consistently consolidated power for the president and his ruling party. Changes in 2007 also 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 that 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. Although Nazarbayev rejected a proposal to

2014 SCORES

STATUS

Not Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

5.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

6

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. Nazarbayev was most recently elected in a snap presidential election in April 2011 with 96 percent of the vote. His three little-known competitors all publicly expressed support for him. Nur Otan won all 16 Senate seats at stake in indirect upper house elections in 2011. In the 2012 election for the current lower house, Nur Otan took 83 of the 107 seats, Ak Zhol won 8, and the Communist People's Party secured 7. Monitors from the Organization for Security and Co-operation in Europe (OSCE) noted that the elections did not meet democratic norms.

B. Political Pluralism and Participation:3 / 16

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. In December 2012, a court invoked laws against "extremism" to ban the unregistered opposition Algha Party, as well as the People's Front opposition movement. It also found Algha leader Vladimir Kozlov guilty of heading an illegal group, inciting social hatred, and calling for the violent overthrow of the constitutional order. He was sentenced to seven and a half years in prison.

In May 2013, the wife and daughter of billionaire opposition leader Mukhtar Ablyazov were arrested in Italy and hastily deported to Kazakhstan. The move was widely viewed as an attempt to pressure Ablyazov to return to Kazakhstan, where he faces embezzlement charges believed by many opposition activists to be politically motivated. Senior officials in Italy later overturned the decision and acknowledged that their documents were valid and they could return. In July 2013, French authorities arrested Ablyazov and held him without bail on a warrant issued by Ukraine on behalf of Kazakhstan – which has no extradition treaty with France. Also in July, authorities continued to pressure the few remaining opposition groups, disrupting a meeting in Almaty of the Azat (Freedom) party and arresting two of its leaders. Its chairman, prominent businessman Bolot Abilov, announced in September his decision to abandon politics.

Political parties based on ethnic origin, religion, or gender are prohibited.

C. Functioning of Government:1 / 12

Corruption is widespread at all levels of government. In January 2013, Commander General Aleksandr Sorokin of Kazakhstan's Air Defense Forces was arrested for taking bribes to overlook faulty mechanical tests on a plane that crashed in December 2012, killing 27 people. In July, Sorokin was sentenced to eleven years in prison. Kazakhstan's ranking fell to 140 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 19 / 60

D. Freedom of Expression and Belief:4 / 16

While the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent media outlets. Most of the country's outlets, including publishing houses, are controlled or influenced by members of the president's family and other powerful groups. Libel is a criminal offense, and the criminal code prohibits insulting the president; self-censorship is common.

Independent media frequently suffer attacks, arrests, and pressure from authorities. Police used emergency powers to arrest or detain journalists attempting to cover unrest in Zhanaozen and neighboring cities in late 2011. After Zhanaozen, raids on independent media outlets and the harassment and detention of journalists sharply increased. New regulations in 2012 gave the Ministry of Culture and Information expanded powers to combat "unofficial or negative information" about any crisis, and courts shut down dozens of independent newspapers, television channels, and news websites on charges of "extremism."

Most of the few remaining independent media faced continued pressure throughout 2013, and authorities consistently blocked attempts to open new publications to replace those that had been banned. In February, for example, Tatyana Trubacheva, the former editor of *Golos Respubliki*, was fined for starting a new periodical, even though its print run of less than 100 issues legally allowed it to avoid registration.

The government has a record of blocking websites that are critical of the regime. The list of banned websites expanded significantly since 2012, with hundreds of new sites added. The authorities also intensified measures to restrict circumvention tools like Tor and virtual private networks, which enable secure and uncensored internet access and are popular with opposition journalists and activists.

The constitution guarantees freedom of worship, and some 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 Protestant Christians, Jehovah’s Witnesses, and Muslims. A 2011 law required reregistration of all religious groups, gave the government unprecedented authority to regulate religious communities, and forbade religious expression in government institutions. The process of reregistration was used to cull around one-third of the country’s religious organizations, exposing unregistered believers to arrest and prosecution.

These new rules continued to be enforced strictly in 2013, and in many cases local authorities and courts prosecuted believers beyond the authority of the law. In two cases—of Aleksandr Kharlamov, an atheist journalist, and Bakhytzhana Kashkumbayev, a Pentecostal pastor—courts sentenced defendants to forced psychiatric care for their religious beliefs, though no such provision exists in the legislation. Religious communities were raided and fined across the country, often by police divisions dedicated to counter-terrorism operations, resulting in charges of reading scripture or saying prayers without special licenses which also are not stipulated in legislation. In April 2013, according to religious freedom group Forum 18, police in Stepnogorsk attempted to entrap leaders of a protestant church by sending young women to proposition them in a sauna, with plainclothes and regular police following in hopes of arresting them.

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

E. Associational and Organizational Rights: 3 / 12

Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly. Unsanctioned opposition gatherings are frequently broken up by police. Nongovernmental organizations (NGOs) continue to operate despite government harassment surrounding politically sensitive issues. In March 2013, Vadim Kuramshin, a rights activist who lobbied on behalf of abused prison inmates, was transferred to the Petropavlovsk maximum security labor camp, a prison he had often criticized. Kuramshin had originally been sentenced to one year in prison, but was re-sentenced to 12 years in December 2012 after violating travel restrictions imposed on him a few months before in order to attend an OSCE conference, where he delivered a critical presentation.

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. Migrant workers from neighboring countries often face poor working conditions and a lack of legal protections. Child labor in agriculture has been reported. In 2012, dozens of people were convicted for participating in the 2011 Zhanaozen protests by striking oil workers and their supporters, described by prosecutors as “mass disorder.”

F. Rule of Law: 4 / 16

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.

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 presidential election eliminated many opposition candidates.

Kazakhstan decriminalized homosexual activity in 1998, but the LGBT (lesbian, gay, bisexual, and transgender) community continues to face societal discrimination.

G. Personal Autonomy and Individual Rights: 8 / 16

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. 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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