

Freedom in the World - Kazakhstan (2009)

Capital: Astana

Population:
15,700,000

Political Rights Score: 6 *

Civil Liberties Score: 5 *

Status: Not Free

Overview

Kazakhstan's government failed to implement democratic reforms in 2008 despite pledges it made as part of a successful campaign for the 2010 chairmanship of the Organization for Security and Cooperation in Europe. Elections to the upper house of Parliament took place without any opposition candidates; the polls came a year after lower house elections left only the ruling party represented in that chamber. Meanwhile, beleaguered independent media continued to face harassment during the year.

Kazakh Communist Party leader Nursultan Nazarbayev won an uncontested election that confirmed his position as president in December 1991, two weeks before Kazakhstan gained its independence from the Soviet Union. The country's first legislative polls, in 1994, were invalidated by the Constitutional Court a year later because of numerous irregularities. Nazarbayev subsequently dissolved the legislature and in April 1995 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 that was boycotted by the main opposition parties 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.

Prominent business leaders, some of whom held positions in Nazarbayev's administration, founded the opposition Democratic Choice of Kazakhstan (DCK) party in late 2001, with the stated goal of pursuing democratization, rule of law, and anticorruption efforts. However, some observers maintained that the group merely aimed to safeguard its members' political and economic interests while countering those of the president's family and close associates. Two of the DCK's cofounders were imprisoned in a 2002 crackdown, and although both were eventually released, the DCK was disbanded by court order in January 2005.

Progovernment parties captured all but one seat in the 2004 elections for the lower house of Parliament. The lone opposition deputy refused to take up his position until late 2006 to protest the conduct of the elections. 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 propresidential 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 and suspicions that higher officials were involved in the crime.

Constitutional changes in May 2007 removed term limits for Nazarbayev as the country’s founding president, opening the possibility of a lifetime presidency. The amendments also eliminated individual district races for the lower house of Parliament, leaving only party-slate seats filled by nationwide proportional representation. Parliamentary elections held under the new rules in August produced a one-party legislature after the pro-presidential Nur Otan party garnered 88 percent of the vote and no opposition parties cleared the 7 percent threshold required to enter Parliament. Opposition protests were ineffectual, and the government ignored an OSCE report that faulted “elements of the new legal framework” and the vote count. No opposition candidates participated in the October 2008 indirect elections for the upper house of Parliament.

The personalized and precarious nature of politics in Kazakhstan were brought into sharp relief in 2007–08 by the fall of Rakhmat Aliyev, whose marriage to one of the president’s daughters, Darigha Nazarbayeva, had paved his way to a media empire and positions as high as deputy foreign minister. He was sent to Austria as Kazakhstan’s ambassador in February 2007 after the disappearance of two managers at a bank he controlled. Kidnapping charges were filed against him in May, and he ultimately sought political asylum in Austria, divorced his wife, and lost his media outlets in Kazakhstan. Although he received two 20-year, in-absentia prison sentences for illegal business practices, kidnapping, and weapons possession, he used his relative freedom in Austria to level a steady stream of corruption charges at President Nazarbayev and the political system over which he presided.

Kazakhstan continued to seek warm relations with all major powers in 2008, and adopted a relatively neutral posture on Russia’s invasion of Georgia in August. Nazarbayev’s insistence on a “Kazakhstani path” of development in a July address suggested that authoritarian rule—sustained by the exploitation of abundant mineral wealth—would continue to take precedence over democratic reform. Government-sponsored amendments to laws on elections, political parties, and the media passed in the lower house of parliament in December 2008 with an eye for the country’s 2010 OSCE chairmanship, but were described by Human Rights Watch as “more superficial and pro forma than substantial.”

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 stay in office 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. In accordance with the May 2007 constitutional amendments, the size of the lower house (Mazhilis) was raised from 77 deputies to 107, 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 also prohibited parties from forming electoral blocs. These rules prevented opposition parties from winning representation in the August 2007 elections, as none of them cleared the 7 percent threshold. The vote count and electoral framework drew criticism from international monitors. No opposition candidates participated in the 2008 Senate elections, allowing the ruling Nur Otan party to capture all 16 seats at stake; the 47-member body currently includes no opposition members.

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 of government. The U.S. Justice Department continues to investigate the so-called Kazakhgate scandal, in which U.S. oil companies allegedly paid bribes to secure lucrative contracts in the 1990s. Rakhat Aliyev's 2008 allegations of high-level corruption, though leveled with an obvious ulterior motive, were accompanied by some documentary evidence and matched reports from numerous other sources. Kazakhstan was ranked 145 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent media outlets through measures including politicized lawsuits and confiscation of newspapers. Libel is a criminal offense, and the criminal code prohibits insulting the honor and dignity of the president; self-censorship is widespread. Amendments to the media law in 2006 added new regulatory and registration requirements. Most media outlets, including publishing houses, are controlled or otherwise influenced by members of the president's family or other powerful interest groups. The creation in July 2008 of the Arna National Information Holding, which includes the national TV and radio stations and major progovernment news agencies and newspapers, raised further concerns about the consolidation and dominance of progovernment media. Independent outlets continued to face harassment in 2008, including shots fired at the offices of the newspaper *Taszharghan* in April and attacks on correspondents of the *Liter* newspaper in June.

The content of websites has been subject to libel laws, and the government at times has moved to block websites that are critical of the regime. In October 2008, users in Kazakhstan reported problems accessing LiveJournal after Rakhat Aliyev started a blog on the website to air corruption allegations against the country's leadership.

The constitution guarantees freedom of worship, and many religious communities practice without state interference. Local officials have harassed groups defined as "non-traditional," such as Hare Krishnas, Baptists, and Jehovah's Witnesses, and amendments to national security legislation in 2005 made all activities by unregistered religious groups illegal. A 2005 extremism law gives the government great

discretion in identifying and designating groups, including religious organizations, as extremist and in banning their activities. Amendments to religion laws passed by both chambers of Parliament in 2008 would for the first time explicitly ban unregistered religious activity and stiffen penalties for violations; they had not, however, been signed by the president at year's end.

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. The government has used oil revenues to increase funding for education, however; teachers received salary increases in 2007, with further pay hikes to come through 2011.

Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly. In March 2008, police arrested 11 people for an illegal demonstration in Almaty to protest housing expropriations. The authorities harass nongovernmental organizations (NGOs) that address sensitive issues through measures including tax investigations and surveillance by law enforcement and security agencies. Student activist Dmitry Tikhonov told Human Rights Watch that he was threatened and beaten in July 2008 after attempting to organize a protest against public transport price hikes in Taraz. Amendments to the tax code in 2008 removed two exemptions for NGOs. Workers have the legal right to form and join trade unions and participate in collective bargaining, and a number of unions operate in the country. Workers have engaged in strikes and scored occasional successes, primarily pertaining to the nonpayment of wages.

The constitution significantly constrains the independence of the judiciary, making it subservient to the executive branch. Judges are subject to bribery and political bias, and corruption is evident throughout the judicial system. Conditions in pretrial facilities and prisons are harsh. Police at times abuse detainees during arrest and interrogation, often to obtain confessions, and arbitrary arrest and detention remain problems. Allegations of coerced confessions dogged the trial of Yerzhan Utembayev for the killing of opposition leader Altynbek Sarsenbayev in 2006. Investigations of several former associates of Rakhat Aliyev after the latter's exile appear to be politically motivated. The former deputy director of the National Security Committee (KNB), Zhomart Mazhrenov, reportedly hanged himself in a KNB detention facility in July 2008. He had been charged with abuse of power in a case linked to Aliyev, and with electronic surveillance of top officials. His apparent suicide, which took place under suspicious circumstances, meant that he would not face trial or testify in court.

Since Kazakhstan's independence, much of the large ethnic Russian population has emigrated. Many of the remaining Russians, most of whom do not speak Kazakh, have complained of discrimination in employment and education. However, in 2007, the Constitutional Court affirmed the equality of the Russian and Kazakh languages.

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 economic prosperity has drawn migrant workers from neighboring countries, who often encounter poor working conditions and a lack of legal protections.

**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. Click [here](#) for a full explanation of Freedom in the World methodology.*