

FREEDOM IN THE WORLD 2020

Kazakhstan

NOT FREE

23

/100

<u>Political Rights</u>	5/40
<u>Civil Liberties</u>	18/60

LAST YEAR'S SCORE & STATUS
22 /100 ● **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

President Nursultan Nazarbayev ruled Kazakhstan from 1990 to 2019, when he stepped down, though he still maintains significant influence over the country. Parliamentary and presidential elections are neither free nor fair, and major parties exhibit continued political loyalty to the government. The authorities have consistently marginalized or imprisoned genuine opposition figures. The dominant media outlets are either in state hands or owned by government-friendly businessmen. Freedoms of speech and assembly remain restricted, and corruption is endemic.

Key Developments in 2019

- In March, Nursultan Nazarbayev abruptly resigned as president, giving no specific reason for his decision. Senate chairman Kasym-Zhomart Tokayev became acting president and won a full term in a snap election in June.
- Demonstrators called for a credible presidential poll in nationwide protests in June; authorities responded by dispersing them and arresting thousands of participants. However, security forces were relatively tolerant of protests that were not held by opposition parties.
- In July, authorities briefly introduced an invasive surveillance tool that intercepted mobile phone users' data and broke the encryption of email and messaging services, before reversing course and removing the tool in August.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority

elected through free and fair elections?

0 / 4

According to the constitution, the president, who holds most executive power, is directly elected for up to two five-year terms. However, President Nazarbayev's special status as Kazakhstan's "first president" exempts him from term limits. In July 2018, Nazarbayev signed a decree making him chairman of the Security Council for life. The decree gave the Security Council significant constitutional powers, which could allow Nazarbayev to maintain power even if he vacates the presidency.

Nursultan Nazarbayev resigned as president in March 2019 after nearly 30 years in power, in favor of Senate chairman Kasym-Zhomart Tokayev, who was appointed acting president. Tokayev then won a five-year term in the June election with 71 percent of the vote, while Amirzhan Kosanov of the Ult Tagdyry party won 16.2 percent and Daniya Yespayeva of Ak Zhol won 5.1 percent. Other candidates earned 7.7 percent of the vote.

The 2019 presidential election was not credible. President Tokayev benefited from the support of the ruling Nur Otan party, state media, and his predecessor, while none of his opponents were considered genuine competitors. Observers from the Organization for Security and Co-operation in Europe (OSCE) noted incidents of ballot box stuffing, the falsification of ballots, and the use of identical voter signatures on election day.

Despite his resignation, former president Nazarbayev still wields significant power in Kazakhstan. He remains leader of Nur Otan, holds the lifelong chair of the Security Council, and is responsible for the appointment of ministers and key officials, with the exception of the foreign, interior, and defense portfolios.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

0 / 4

The upper house of the bicameral Parliament is the 49-member Senate, with 34 members chosen by directly elected regional councils and 15 appointed by the president. The senators, who are officially nonpartisan, serve six-year terms, with half of the elected members up for reelection 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 the People of Kazakhstan, which ostensibly represents the country's various ethnic groups. Members serve five-year terms.

Legislative elections do not meet democratic standards. Irregularities including ballot box stuffing, group and proxy voting, and manipulation of voter lists have been reported, and the ruling party benefits from a blurred distinction between it and the state. In the 2016 Mazhilis elections, Nur Otan took 84 of the 98 elected seats, winning 82.2 percent of the popular vote. Ak Zhol and the Communist People's Party, which are both considered loyal to the government, each secured 7 seats, with 7.2 percent and 7.1 percent of the vote respectively. No genuine opposition party was able to win representation.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1/4

Kazakhstan's legal framework is not sufficient to ensure free and fair elections, and safeguards that do exist are not properly enforced. Electoral laws make it difficult for opposition parties to obtain parliamentary representation. Parties must clear a 7 percent vote threshold to enter the Mazhilis, and are barred from forming electoral blocs, preventing them from pooling votes and campaign resources. Presidential candidates must also pass a Kazakh language test with unclear evaluation criteria. Moreover, the Assembly of the People of Kazakhstan is appointed by the president at his discretion, giving the executive branch influence over the nine Mazhilis members chosen by the assembly.

Election laws introduced in 2017 imposed further restrictions on who can become a presidential candidate, requiring at least five years of experience in public service or elected positions and the submission of medical records. The latter rule raised the possibility that candidates could be arbitrarily disqualified for health reasons. These legal changes also banned self-nomination of presidential candidates, effectively excluding independents and requiring a nomination from a registered party or public association.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1 / 4

The ability of political parties to organize is heavily restricted by the 2002 Law on Political Parties. To register, a party must have 40,000 documented members, and parties based on ethnic origin, religion, or gender are prohibited. The registration process is onerous, and officials have broad discretion to delay or deny party registration in practice. In December 2019, President Tokayev proposed reforms to this legislation, which would reduce the minimum number of party members to 20,000. However, critics suggested this would change little, as the Ministry of Justice would maintain control of the party registration process and could make arbitrary rulings on applications.

Opposition parties have been banned or marginalized through laws against extremism; their leaders have faced criminal charges, and their followers in Kazakhstan have had their activities restricted. In September 2019, 100 people were

arrested for taking part in unsanctioned rallies organized by the banned opposition party Democratic Choice of Kazakhstan (DVK), which is funded and led by exiled banker Mukhtar Ablyazov. Ablyazov fled Kazakhstan in 2012 after he was accused of fraud; he denied the charges, saying he was politically targeted because of his own political leanings.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

Kazakhstan experienced its first peaceful transfer of power through an election in 2019, though it was neither free nor fair. Nazarbayev stood down as president in March, and acting president Tokayev won an election in June. Only one opposition candidate, Amirzhan Kosanov, earned over 10 percent of the vote in June.

Opposition parties are similarly locked out of gaining power or influence through legislative elections. The ruling Nur Otan party holds a preponderance of seats in the Mazhilis, and the second- and third-largest parties in the body are considered loyal to Nur Otan.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1 / 4

While voters and candidates are not subject to undue influence by the military or foreign powers, the political system is dominated by a small group of elites surrounding Nazarbayev and his family. The country's politics are shaped largely by competition among these elites for resources and positions.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

1 / 4

The legal ban on parties with an ethnic, religious, or gender focus—combined with the dominance of Nur Otan—limits the ability of women and minority groups to organize independently and advocate for their interests through the political system. Women currently hold 27 percent of the seats in the Mazhilis and less than 11 percent of the seats in the Senate. The language test for presidential candidates also presents an obstacle for non-Kazakh minorities, as well as many Kazakhstanis.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

0 / 4

Government policies are determined by the executive branch, which is not freely elected, irrespective of the constitutionally defined roles of the executive, judiciary, and legislature. Parliament does not serve as an effective check on the executive, and instead largely provides formal approval for the government's legislative initiatives.

However, changes to the constitution adopted by Parliament and the president in 2017 shifted some powers from the president to the Mazhilis. The amendments gave Parliament greater influence over the choice of prime minister and cabinet members, and authority to dismiss them. They also limited the president's ability to rule by decree.

President Tokayev has also been forced to share power with former president Nazarbayev, who retains significant influence by leading the ruling Nur Otan party

and by holding powerful official positions.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption is widespread at all levels of government. Corruption cases are often prosecuted at the local and regional levels, but charges against high-ranking political and business elites are rare, typically emerging only after an individual has fallen out of favor with the leadership. Journalists, activists, and opposition figures are often prosecuted for supposed financial crimes.

The extent of corruption within Kazakhstan was demonstrated in July 2019, when the country's anticorruption agency issued an arrest warrant for Talgat Ardan, the former chairman of an authority responsible for building a light rail line in Nur-Sultan. The agency opened investigations into several other unnamed individuals connected to the railway project in October 2019, days after President Tokayev criticized the project in a speech.

C3 0-4 pts

Does the government operate with openness and transparency?

0/4

The government and legislature offer little transparency on their decision-making processes, budgetary matters, and other operations. The media and civil society do not have a meaningful opportunity to provide independent commentary and input on pending laws and policies. A law on public access to government information was adopted in 2015, but it is poorly implemented in practice. Officials' asset and income declarations are not publicly available.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

0/4

Media independence is severely limited in Kazakhstan. While the constitution provides for freedom of the press, most of the media sector is controlled by the state or government-friendly owners, and the government has repeatedly harassed or shut down independent outlets. Self-censorship is common.

Legislation introduced in 2018 requires journalists to verify the accuracy of information prior to publication by consulting with relevant government bodies or officials, obtaining consent for the publication of personal or otherwise confidential information, and acquiring accreditation as foreign journalists if they work for foreign outlets.

Libel is a criminal offense, and the criminal code prohibits insulting the president and other officials. In September 2019, newspaper editor Amangeldy Batyrbekov was sentenced to 27 months in prison in the southern town of Saryaghash for insulting a local education official on Facebook. Batyrbekov's wife said he would appeal the ruling.

The authorities also use internet blackouts to restrict access to media outlets. The government employed this technique to limit access to social media platforms in May 2019, when opposition groups called for a protest to coincide with World War II victory celebrations that month.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

1 / 4

The constitution guarantees freedom of worship, and some religious communities practice without state interference. However, activities by unregistered religious groups are banned, and registered groups are subject to close government supervision. The government has broad authority to outlaw organizations it designates as “extremist.”

The 2011 Law on Religious Activities and Religious Associations prohibited the distribution of religious literature outside places of worship, required the approval of all religious literature by the state, and prohibited unregistered missionary activity, among other provisions. In 2018, Parliament considered amendments that would have further restricted religious education, proselytizing, and the publication of materials, but these amendments were recalled in January 2019.

Local officials continue to harass groups defined as “nontraditional,” including Protestant Christians, Jehovah’s Witnesses, and Muslims who do not adhere to the government-approved version of Islam. According to Forum 18, a nongovernmental organization (NGO) that tracks religious freedom in Eurasia, the authorities launched 160 prosecutions against individuals and groups for unsanctioned religious activity in 2019. In one high-profile case, eight Muslims were handed sentences ranging from five to eight and a half years for holding a religious discussion that security services considered terroristic and inciteful in nature.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2 / 4

Academic freedom remains constrained by political sensitivities surrounding certain topics, including the former president, his inner circle, and relations with Russia. Self-censorship on such topics is reportedly common among scholars and

educators. In 2018, a new law was passed giving universities greater freedom to choose the content of their academic programs.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

1 / 4

Authorities are known to monitor social media, and users are regularly prosecuted on charges such as inciting social and ethnic hatred, insulting government officials, and promoting separatism or terrorism. The media law that came into force in 2018 also made it impossible for internet users to leave anonymous comments online, further limiting free expression.

Authorities stepped up their efforts to surveil and block access to material it deemed inappropriate in 2019. In July, mobile service providers instructed their customers to install encryption software on mobile phones that would allow security services to intercept data traffic and circumvent email and messaging applications' encryption. The government claimed the encryption software was required in order protect citizens from online fraud and hacker attacks. Those who did not install the software faced difficulties in accessing the Internet, particularly social networking sites.

Several lawyers sued Kazakhstan's mobile service operators in response, saying that restricting access to users who did not comply was illegal. In early August, the State Security Committee called the encryption rollout a test, and allowed users to remove the software and use data services as usual. Later that month, a state-controlled internet service provider (ISP) began intercepting users' traffic, and actively viewed their online activity after breaking encryption protocols.

The capital city of Nur-Sultan saw the rollout of facial recognition technology in its public transport system in October 2019, when Kazakhstani company IPay announced that their FacePay system would be used in city buses. Political activists

expressed alarm at the move, warning that the use of facial recognition in public transport could herald its use as a tool for surveillance.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

1/4

Despite constitutional guarantees, the government imposes tight restrictions on freedom of assembly. Any potential public gathering requires permission from the local government administration 10 days in advance. Permits are routinely denied for antigovernment protests, and police frequently break up unsanctioned gatherings. Organizers and participants, including individuals who call for unauthorized protests on social media, are subject to fines and jail terms.

Unsanctioned protests were nevertheless commonplace in 2019. President Tokayev's election in June sparked large nationwide protests, with demonstrators calling the snap election rigged. Authorities, which did not sanction the demonstrations, detained nearly 4,000 people, fined 305 protesters, and handed short jail sentences to 677 protesters over five days.

After Tokayev won the presidency, the government's response to unsanctioned protests was inconsistent. Authorities refrained from detaining a human rights campaigner who held a demonstration in Almaty in late July 2019 and tolerated an August march calling for constitutional reform. However, authorities swiftly responded to a September rally held by opposition DVK activists, and made 100 arrests in Nur-Sultan. Authorities in Nur-Sultan were also swift to arrest protesters criticizing Chinese investment in Kazakhstan that same month.

Protests held on December 16, the country's independence day, were relatively peaceful. A demonstration held in a square in the city of Almaty was allowed to proceed for several hours before it was dispersed. While a group of 40 people were eventually arrested when they attempted to cross a police barricade, most of the detainees were released within hours. Police were less tolerant of a protest in Nur-Sultan, where 50 protesters who approached the presidential palace were arrested. Later that month, President Tokayev announced a suite of reforms meant to ease restrictions on assembly; these pending proposals include an end to approval requirements ahead of public rallies.

Score Change: The score improved from 0 to 1 because the new administration allowed individuals and small groups to stage public demonstrations, though the overall environment remains restrictive.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1 / 4

NGOs continue to operate but face government harassment when they attempt to address politically sensitive issues. There are extensive legal restrictions on the formation and operation of NGOs, including onerous financial rules and harsh penalties for noncompliance. Organizations can incur fines and other punishments for vaguely defined offenses like interfering with government activities or engaging in work outside the scope of their charters.

In July 2019, the Court of Appeals upheld the Justice Ministry's decision not to register Feminita, an NGO that advocates for members of LGBT+ community and disabled people, because it violated these restrictions. However, the ministry, which originally denied Feminita's registration in 2017, provided no guidance on how the organization failed to comply with the law.

Prominent civil society activists also face criminal prosecution and imprisonment in retaliation for their work. Serikzhan Bilash, an activist who publicly opposed the Chinese government's treatment of ethnic Kazakhs and Uighurs, was arrested for his activities in March 2019 and was charged with extremist speech. Bilash was freed by an Almaty court in August after pleading guilty and promising to end his activities. Bilash was also prohibited from leaving the city for three months after the trial's end.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

0 / 4

Workers have limited rights to form and join trade unions or participate in collective bargaining. The government is closely affiliated with the largest union federation and major employers, while genuinely independent unions face repressive actions by the authorities. The country's major independent trade union body, the Confederation of Independent Trade Unions (KNPRK), was dissolved in 2017, and key leaders were later sentenced to prison for protesting the group's termination. Subsequent efforts to register the group have been denied. Kazakhstan's restrictions on union activity gained the attention of the International Labor Organization (ILO), which criticized the country's stance in a June 2019 statement.

In July, union leader Erlan Baltabai was found guilty of embezzlement by a court in Shymkent and sentenced to seven years in prison. Baltabai, who claimed the charges were politically motivated, was pardoned by President Tokayev in August, but was given a five-month prison term in October for failing to pay a required fine.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1/4

The judiciary is effectively subservient to the executive branch, with the president nominating or directly appointing judges based on the recommendation of the Supreme Judicial Council, which is itself appointed by the president. Judges are subject to political influence, and corruption is a problem throughout the judicial system.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

1/4

Police reportedly engage in arbitrary arrests and detentions, and violate detained suspects' right to assistance from a defense lawyer. Prosecutors, as opposed to judges, are empowered to authorize searches and seizures. Defendants are often held in pretrial detention for long periods. Politically motivated prosecutions and prison sentences against activists, journalists, and opposition figures are common.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

Conditions in pretrial detention facilities and prisons are harsh. Police at times use excessive force during arrests, and torture is widely employed to obtain confessions, with numerous allegations of physical abuse and other mistreatment documented each year. In July 2019, five prison officers working at a prison near Almaty were arrested and charged with torturing inmates, after graphic footage revealed their activities. Terrorist violence within the country is rare, though some Kazakhstanis have traveled abroad to support the Islamic State militant group.

F4 0-4 pts**Do laws, policies, and practices guarantee equal treatment of various segments of the population?****1 / 4**

While the constitution guarantees equality before the law and prohibits discrimination based on gender, race, and other categories, it does not explicitly prohibit discrimination based on sexual orientation or gender identity. Major segments of society face discrimination in practice. Traditional cultural biases limit economic and professional opportunities for women, and the law offers no protection against sexual harassment in the workplace. Members of the sizable Russian-speaking minority have complained of discrimination in employment and education.

The LGBT+ community continues to face societal discrimination, harassment, and violence, despite the decriminalization of same-sex relations in 1998. However, Human Rights Watch (HRW) noted one positive development; in July 2019, the Supreme Court ruled that a lesbian couple's privacy was violated when another individual filmed them kissing and posted the video online.

The government is known to detain ethnic Kazakhs fleeing neighboring China, even though they are subject to discrimination, torture, and restrictions on movement there. Several refugees who fled to Kazakhstan were convicted of illegally crossing the border in 2019, even though they had requested asylum. In June 2019, Sairagul Saytbay, a woman who crossed the border from China the year before, fled the country to seek refugee status in Sweden, abandoning her asylum claim in Kazakhstan after she was convicted of illegally crossing the border.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2/4

Kazakhstani citizens can travel freely but must register their permanent residence with local authorities. New rules that went into effect in 2017 under the pretext of fighting terrorism require citizens to register even temporary residences lasting more than a month with local authorities or face fines. The change increases the ability of the authorities to monitor internal movement and migration, but critics also suggested that it would lead to corruption and create a black market for false registration documents.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

2/4

While the rights of entrepreneurship and private property are formally protected, they are limited in practice by bureaucratic hurdles and the undue influence of politically connected elites, who control large segments of the economy.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2/4

NGOs continue to report instances of early and forced marriage, particularly in rural areas. Women are also encouraged to support large families; those who raise at least six children receive a medal from the government, along with tax breaks and modest monthly benefits.

Domestic violence is a serious problem that often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters. The Union of Crisis Centers of Kazakhstan, a network of 16 local NGOs, reported that these crimes occurred in one out of every eight families in the country as recently as 2018. The Committee on the Elimination of Discrimination against Women (CEDAW), a UN body, warned that domestic violence had been effectively decriminalized when it released a report on the country's policies in October 2019.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Migrant workers from neighboring countries often face poor working conditions and a lack of effective legal safeguards against exploitation. Both migrants and Kazakhstani workers from rural areas are vulnerable to trafficking for the purposes of forced labor and prostitution in large cities. The authorities reportedly make little effort to assist foreign victims of trafficking.



On Kazakhstan

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Country Facts

Global Freedom Score

23/100 ● Not Free

Internet Freedom Score

32/100 ● Not Free

Other Years

2019 ▼

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