# FREEDOM IN THE WORLD 2018

## Kazakhstan

### Not Free

<table>
<thead>
<tr>
<th></th>
<th>22/100</th>
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</thead>
<tbody>
<tr>
<td>Political Rights</td>
<td>5/40</td>
</tr>
<tr>
<td>Civil Liberties</td>
<td>17/60</td>
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</tbody>
</table>

### Last Year’s Score & Status

22/100 Not Free

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

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https://freedomhouse.org/country/kazakhstan/freedom-world/2018
Overview

President Nursultan Nazarbayev has ruled Kazakhstan since 1991. Parliamentary and presidential elections are not free or fair, and all major parties exhibit political loyalty to the president. 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 2017

- Constitutional changes adopted in March shifted some powers from the president to Parliament, granting the latter greater control over government formation and dismissal. However, Parliament remains dominated by Nazarbayev's Nur Otan party.
- Three labor activists were convicted of various offenses between April and July as part of a crackdown on independent unions, and a prominent journalist was convicted on politically motivated money-laundering charges in September.
- Under rules that took effect in January, citizens must register with local authorities if they move within the country and remain in one locality for more than a month.

Political Rights

A. Electoral Process

<table>
<thead>
<tr>
<th>A1</th>
<th>0-4 pts</th>
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</table>
| Was the current head of government or other chief national authority elected through free and fair elections? | TOP  
| 0 | 4 |
The president, who holds most executive power, is directly elected for up to two five-year terms. However, Nazarbayev’s special status as Kazakhstan’s “first president” exempts him from term limits. Presidential elections are neither free nor fair. Nazarbayev was most recently reelected in 2015 with 97.7 percent of the vote. His opponents were Turgun Syzdykov of the government-friendly Communist People’s Party of Kazakhstan and Abgelazi Kusainov, who ran as an independent but belonged to the ruling Nur Otan party; both candidates were virtually unknown before the election. The Organization for Security and Co-operation in Europe (OSCE) noted several shortcomings in the process, including a stifling media environment, lack of a genuine opposition candidate, reports of fraud, and opaque counting and tabulation procedures.

Changes to the constitution adopted by Parliament and the president in March 2017 shifted some powers from the president to the Mazhilis, the lower house of Parliament. 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.

**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 47-member Senate, with 32 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 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 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 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 directly elected seats. Two other parties that are generally loyal to the president, Ak Zhol and the Communist People’s Party, each secured 7 seats. No genuine opposition party was able to win representation.

\[ A3 \quad 0-4 \text{ pts} \]

\[ \text{Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?} \]

1/4

The legal framework is not sufficient to ensure free and fair elections, and the 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 they are barred from forming electoral blocs, which prevents opposition groups from pooling votes and campaign resources. Moreover, the Assembly of the People of Kazakhstan is appointed by the president at his discretion, giving the executive influence over the nine Mazhilis members chosen by the assembly.

Changes to election laws that were promulgated in July 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. Existing restrictions included a requirement that candidates pass a Kazakh language test whose evaluation criteria are unclear. The 2017 legal changes also banned self-nomination of presidential candidates, effectively excluding independents and requiring a nomination from a registered party or public association.

\[ \text{B. Political Pluralism and Participation} \]

\[ B1 \quad 0-4 \text{ pts} \]
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?

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. Opposition parties have also been banned or marginalized through laws against “extremism” and trumped-up criminal charges against their leaders.

B2  0-4 pts

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

Kazakhstan has never experienced a peaceful transfer of power through elections. Nazarbayev has been the chief executive since before the country gained independence from the Soviet Union, and he holds a special constitutional status as “first president,” entitling him to unlimited terms in office, legal immunity, and other privileges. Genuine opposition parties hold no seats in the legislature, and the governors of regions and major cities are presidential appointees, meaning the opposition has virtually no opportunity to present itself as a credible alternative to the ruling party.

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

**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?  

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. The language test for presidential candidates also presents an obstacle for non-Kazakh minorities, as well as many Kazakhs. Women currently hold 27 percent of the seats in the Mazhilis and less than 11 percent of the seats in the Senate.

**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?  

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. Nazarbayev wields ultimate power with regard to policy and other decisions. Parliament does not serve as an effective check on the executive, lar providing formal approval for the government’s legislative initiatives.

**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 the government was highlighted by the case against Kuandyk Bishimbayev, who held positions including deputy minister of industry and trade and economy minister. Bishimbayev went on trial in November 2017, accused of accepting bribes worth $2 million while serving as chairman of the national holding company Bayterek; the trial was ongoing at year’s end. Separately, in July a military court in Astana convicted five officials from the defense and finance ministries and sentenced them to prison terms for embezzlement and bribery.

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 new 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. Libel is a criminal offense, and the criminal code prohibits insulting the president. Self-censorship is common. The authorities engage in periodic blocking of online news sources and social media platforms.

The editor of the independent newspaper *Sayasi Qalam-Tribuna*, Zhanbolat Mamay, was arrested in February 2017 for allegedly laundering money on behalf of exiled banking tycoon Mukhtar Abyazov. Mamay was convicted in September and sentenced to three years of restricted freedom, a form of probation that would prevent him from engaging in journalism. In May, journalist and press freedom activist Ramazan Yesergepov was stabbed while traveling to discuss Mamay’s case with foreign diplomats. He later sought refuge in Europe, saying he was expecting to face trumped-up criminal charges.

New media legislation signed by Nazarbayev in December requires journalists to verify the accuracy of information prior to publication by consulting with the relevant government bodies or officials, obtain consent for the publication of personal or otherwise confidential information, and obtain accreditation as foreign journalists if they work for foreign outlets.

**D2  0-4 pts**

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

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 designs 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.

Local officials continue to harass groups defined as “nontraditional,” including Protestant Christians, Jehovah’s Witnesses, and Muslims who do not adhere to the approved version of Islam. The courts imposed three-month suspensions of worship on at least two Protestant churches and a Jehovah’s Witness center for minor regulatory violations during 2017. A number of people were also convicted on criminal charges related to religious activities. For example, Jehovah Witness Teymur Akhmedov was convicted and sentenced to five years in prison for “inciting religious discord” because he discussed his faith with seven young men who posed as students but were actually National Security Committee (KNB) officials.

**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 president, his inner circle, and relations with Russia. Self-censorship on such topics is reportedly common among scholars and educators.

**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. Online tools used to ensure anonymity and circumvent censorship are subject to intermittent blocking.
E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 0/4

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.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1/4

Nongovernmental organizations (NGOs) continue to operate but face government harassment when they touch on 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. Prominent civil society activists often face criminal prosecution and imprisonment in retaliation for their work.

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 and participate in collective bargaining, but the government is closely affiliated with the largest union federation and major employers, and genuinely independent unions face repressive actions by the authorities. In January 2017, a court ruling dissolved the Confederation of Independent Trade Unions of Kazakhstan (KNPRK) on the grounds that it had failed to meet registration requirements. After oil workers mounted a hunger strike to protest the decision, dozens of participants were fined, and key leaders of the action faced harsher punishments: Nurbek Kushakbayev was sentenced to two and a half years in prison in April for promoting an illegal strike, and Amin Yelesinov was sentenced to two years in prison in May for allegedly embezzling his union’s funds. In July, KNPRK president Larisa Kharkova was convicted of abuse of power and sentenced to four years of restricted liberty as well as a five-year ban on serving in union leadership positions.

**F. Rule of Law**

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<tr>
<th>F1</th>
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<tbody>
<tr>
<td>Is there an independent judiciary?</td>
<td>1/4</td>
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</table>

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.

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<th>F2</th>
<th>0-4 pts</th>
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<tbody>
<tr>
<td>Does due process prevail in civil and criminal matters?</td>
<td>1/4</td>
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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 relatively 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 arrest, and torture is widely employed to obtain confessions, with numerous allegations of physical abuse and other mistreatment documented each year.

Terrorist violence remains rare, though a pair of attacks in 2016 killed some 35 people.

**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, major segments of society do 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 (lesbian, gay, bisexual, and transgender) community continues to face societal discrimination, harassment, and violence, despite the decriminalization of same-sex sexual activity in 1998.

**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 January 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

There are no significant legal restrictions on personal social freedoms, but NGOs continue to report instances of early and forced marriage, particularly in rural areas. Domestic violence is a serious problem that often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters.

G4  0-4 pts
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

In Other Reports
Freedom on the Net 2018

Other Years

2020