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FREEDOM IN THE WORLD

Kazakhstan

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OVERVIEW:

In January 2012, the government extended its emergency powers following December 2011 violence between police and striking oil workers in Zhanaozen that left 16 people dead. The authorities continued to harass and detain journalists attempting to report on the aftermath, arrested opposition politicians, and rushed dozens of defendants to trial. In December, a court shuttered a major group of opposition media outlets for propagating "extremism." Separately, the government strictly enforced 2011 legislation on religion, leaving up to a third of previously legal organizations outside the law and criminalizing believers who continued to meet without registration.

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. In April 1995, Nazarbayev 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, which was boycotted by the opposition, 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.

Progovernment parties captured all but one seat in 2004 elections for the lower house of Parliament. 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 pro-presidential candidates, and the politically motivated exclusion of other 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.

Constitutional changes in May 2007 removed term limits for Nazarbayev, reduced the terms to five years, and eliminated individual district races for the lower house of Parliament, leaving only party-slate seats filled by nationwide

2013 SCORES

STATUS

Not Free

FREEDOM RATING

5.5

CIVIL LIBERTIES

5

POLITICAL RIGHTS

6

proportional representation. Elections under the new rules in 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. No opposition candidates participated in the October 2008 indirect elections for the upper house of Parliament.

Although Nazarbayev rejected a proposal to 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 won 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 August.

The country was shaken in 2011 by several minor bomb attacks blamed on religious extremists. The government responded by enacting new legislation that broadly restricted religious freedoms. In December of that year, an extended strike by oil workers in the city of Zhanaozen turned violent, resulting in at least 16 deaths as police cracked down, and prompting the government to declare a state of emergency.

Over the course of 2012, the courts hastily issued criminal convictions against alleged organizers and participants in the Zhanaozen unrest, opposition politicians accused of supporting them, and some local government officials who were charged with neglect or excessive force. Despite initial promises, the government rejected international requests for an independent inquiry into the Zhanaozen events. Meanwhile, the security services engaged in numerous "antiterrorism" operations around the country, drawing criticism for killing most suspects during the raids. In December, a court in Almaty approved prosecutors' request to ban the opposition Algha (Forward) party, the People's Front movement, and some 36 independent newspapers and websites on the grounds that they were "extremist."

Also during the year, parliamentary elections held in January resulted in a new lower house that included two minor parties but no opposition representation. Nur Otan took 83 of the 107 seats, Ak Zhol won eight, and the Communist People's Party secured seven. OSCE monitors noted that the elections did not meet democratic norms. A September government shuffle ended Karim Masimov's nearly six-year tenure as prime minister, reassigning him to head the presidential administration. First Deputy Prime Minister Serik Akhmetov was named to replace him.

Throughout the year, Astana maintained good relations with China, Russia, and the United States, which continued to ship supplies for its operations in Afghanistan through Kazakh territory.

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. 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.

Political parties based on ethnic origin, religion, or gender are prohibited. 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 party Algha and the People’s Front, another opposition movement. Algha leader Vladimir Kozlov had been sentenced to seven and a half years in prison in October for his alleged role in the Zhanaozen violence. He was found guilty of heading an illegal group, inciting social hatred, and calling for the violent overthrow of the constitutional order.

Corruption is widespread at all levels of government. Rakhat Aliyev, Nazarbayev’s former son-in-law, issued allegations of corruption among top officials that were accompanied by some documentary evidence and matched reports from numerous other sources. In October 2012, prosecutors in Atyrau announced they had uncovered \$100 million in corrupt deals involving regional officials and Amanzhan Ryskali, brother of former governor Bergay Ryskaliyev. Kazakhstan was ranked 133 out of 176 countries surveyed in Transparency International’s 2012 Corruption Perceptions Index.

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. Lukpan Akhmedyarov, a journalist based in the city of Oral, was fined some \$33,000 in July 2012 for criticizing a local official. He and his employer, *Uralskaya Nedelya*, were fined another \$7,700 in November for insulting a local finance police officer. Akhmedyarov had been attacked and seriously injured by unidentified assailants in April.

Independent media frequently suffer attacks, arrests, and pressure from authorities. As the Zhanaozen violence erupted in late 2011 and protests spread to neighboring cities, police used emergency powers to arrest or detain journalists attempting to cover the unrest. The government shut down access to online social media, internet service in the affected areas, and some independent online news outlets in an attempt to control information about the violence. Many of these measures were continued into 2012, including raids on independent media outlets and harassment and detention of journalists covering the aftermath of the events. New regulations gave the Ministry of Culture and Information expanded powers to combat “unofficial or negative information” about any crisis, and in October the ministry issued a code of ethics for journalists. It was described as a nonbinding “instrument of self-discipline,” but critics said it was meant to encourage self-censorship. The December court decision designating “extremist” media outlets affected eight newspapers, including *Respublika* and *Vzglyad*, and 23 news websites. Similar rulings that month banned additional outlets including the Kyrgyzstan-based Stan TV and Moscow-based K-Plus television stations, along with their websites.

Apart from the outlets banned for extremism in 2012, the government has a broader record of blocking websites that are critical of the regime. The list of banned websites expanded significantly during the year, with some 950 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 many 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 Hare Krishnas, Protestant Christians, and Jehovah’s Witnesses. 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. These new rules were enforced strictly in 2012. The process of reregistration was used to cull around one-third of the country’s

religious organizations, exposing unregistered believers to arrest and prosecution.

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.

Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly. Unsanctioned opposition gatherings are frequently broken up by police. Nongovernmental organizations continue to operate despite government harassment surrounding politically sensitive issues.

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. During 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.” However, several police and local officials were also convicted for excessive force or corruption in relation to the deadly crackdown, and a prison official was held accountable for the death of a suspect in custody.

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 LGBT (lesbian, gay, bisexual, and transgender) people continue to face societal discrimination.

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.

TREND ARROW:

Kazakhstan received a downward trend arrow due to the banning of several media outlets following a violent crackdown on labor unrest.

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