



January 2008

country summary

Kazakhstan

Even though the Kazakhstan government launched a campaign to improve its image and establish itself as a prominent player in international politics, likely motivated by its bid for chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2009, the human rights situation in the country remains poor. Despite considerable attention from the international community, in 2007 respect for human rights failed to improve, and according to Transparency International corruption in Kazakhstan significantly worsened.

While there were some minor improvements in legislation, there was little meaningful progress in civil and political rights protection. The lower chamber (*Majilis*) parliamentary elections were neither free nor fair, according to international observers. The government continued to stifle the political opposition and independent media.

Political Opposition

In May 2007 the Kazakh government passed an amendment to article 42 of the constitution, which prohibits more than two successive terms as president, paving the way for President Nursultan Nazarbaev to run for an unlimited number of terms. The constitutional amendment was condemned by the opposition, which was prevented by the police from demonstrating against it in Almaty. Sergei Duvanov, a journalist and the leader of the protest, was detained on May 24, held in police custody, and released later that day.

Other changes made to the constitution include an amendment to article 50, which increases the number of representatives in the *Majilis* from 77 to 107. This was ostensibly intended to give the parliament increased power and strengthen the role of opposition political parties, but has instead consolidated presidential power.

The government routinely misuses the criminal justice system against its political opponents. During 2007 a former member of the president's own family was the target of what appear to be politically-motivated charges. Rakhat Aliev, formerly the president's son-in-law until his recent divorce, who was considered at one time a possible successor to Nazarbaev, was dismissed as Kazakhstan's ambassador to Austria in May. He is now wanted in Kazakhstan on suspicion of having kidnapped and assaulted two employees of Nurbank, a commercial bank he partially owned. Austrian authorities refused to extradite Aliev because of fair trial concerns. His trial started in absentia on November 8.

The day after Aliev was charged, on May 28, the television station Kommerchesky Televizionny Kanal (KTK) and the weekly newspaper *Karavan*, both owned by Aliev, were ordered by an Almaty court to suspend operations. Aliev is currently seeking asylum in Austria.

Courts upheld a five-year sentence for Alibek Zhumabaev of the For a Just Kazakhstan Party for insulting the president in May 2006. Activists promoting free speech in Kazakhstan have called for Zhumabaev's release.

Elections

In *Majilis* elections held on August 18, Kazakhstan's ruling party, Nur Otan, won 88 percent of the vote. No opposition parties cleared the 7 percent threshold to win seats. Opposition leaders denounced the elections as fraudulent and called for new elections in an August 28 letter to the president. The OSCE said the elections reflected some democratic progress but still fell short of international standards.

President Nursultan Nazarbaev brushed off all criticism and claimed that the one-party parliament was a "wonderful opportunity to adopt all the laws needed to speed up our country's economic and political modernization."

Two opposition parties, Nagyz Ak Zhol and the National Social Democratic party, merged in June ahead of the August elections, but still failed to gain any seats in *Majilis*. The Social Democratic Party was registered in January, three months after it

had applied. The Alga! (Forward!) Party and the Atameken (Homeland) Party were not able to register.

Freedom of Press

Although Kazakhstan's laws guarantee the media the right to report on political events, the independent media continues to be threatened and harassed for criticizing the president or government, and journalists run serious risks. For example, Oralgaisha Omarshanova, an independent journalist working on corruption for the weekly publication *Zakon i Pravosudiye* (Law and Justice), was reported missing March 30. At this writing her whereabouts remain unknown.

Saken Tauszhanov, a journalist for several opposition websites was killed in a traffic accident on August 2. While the authorities concluded that Tauszhanov's death was a routine accident, some observers called for an investigation, pointing to the fact that at least six journalists have died in similar circumstances since 2002 and raising concern that they may have been targeted because of their political reporting.

Criminal libel laws are routinely used against opposition media. For example, in January 2007 Kaziz Toguzbayev, a reporter for the independent newspaper *Azat*, was given a two-year suspended sentence for "insulting the honor and dignity" of President Nazarbaev in two articles he published on the website *Kub* in April and May 2006.

Also in January, government officials in the city of Uralsk began to harass the newspaper *Uralskaya Nedelya* after the paper published a series of articles on local government corruption. Government officials repeatedly threatened local printing houses that they would be shut down if they printed or distributed the paper. Ultimately, the paper had to be printed outside the region.

The government continues to censor the internet and in 2007 "deregistered" or suspended several websites. The government also blocked several opposition websites that reported on Nazarbaev's feud with Rakhat Aliev.

HIV/AIDS

The HIV/AIDS epidemic in Kazakhstan, one of the fastest-growing in the world, continues to accelerate, despite a US\$53 million government program for 2006-2010 to fight the epidemic. There were 1,165 new cases of HIV/AIDS in the first half of 2007, compared to 958 cases for the same period in 2006.

The government has failed to take steps to end the human rights abuses that fuel the epidemic. Most infections are among injecting drug users and commercial sex workers, who face widespread stigmatization, police harassment and brutality, and false criminal charges. These abuses decrease the likelihood that such groups will access preventive and post-infection services; they are often denied humane medical treatment.

Uzbek Refugees

The Kazakh government admitted in August 2007 that in November 2005 security forces had forcibly returned nine Uzbeks who had fled persecution to Uzbekistan. Of the group, also known as the "Shymkent 9," four had been registered with the Kazakh office of United Nations High Commissioner for Refugees (UNHCR). While the government's admission is welcome, the authorities have still taken no steps to hold those responsible to account.

Key International Actors

Kazakhstan's bid for the OSCE chairmanship for 2009 has been the dominant recent theme in its international relations. After failing to come to a consensus on the issue in 2006, the OSCE in late November 2007 awarded Kazakhstan the chairmanship for 2010, despite the country's failure to improve its human rights situation. Opinions differed among Kazakhstan's international partners—the UK and the Czech Republic pointed to deteriorating political and social freedoms in the country to say that Kazakhstan was not appropriate for the role—while Germany took the lead in supporting Kazakhstan's bid, along with Russia and the Commonwealth of Independent States. The US, which initially opposed the bid, wavered on the issue

and ultimately supported the chairmanship in exchange for commitments by Kazakhstan not to undermine the autonomy of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), as well as to reform its election law and to ease restrictions on political parties and the media.

In February ODIHR made public statements urging Kazakhstan to make progress on fair trial standards, including allowing the public to attend court hearings, equality between the parties, and the presumption of innocence. In March it called on the government to stop a draft amendment that would require all printing presses to be licensed.

Meeting in late April with Kazakh Prime Minister Karim Massimov and other officials in Astana, United Nations High Commissioner for Human Rights Louise Arbour pushed for Kazakhstan to adopt the optional protocol to the Convention Against Torture and the Convention for the Protection of Migrant Workers. Both Arbour and the OSCE called for increased media freedoms and for the decriminalization of libel.

The EU adopted a Central Asia Strategy in June, setting out its ambition to deepen cooperation with the region. While, in contrast to earlier drafts, the final strategy acknowledged the centrality of human rights in the EU's relations with the region, it fell short of formulating specific benchmarks for improvement the EU would seek as part of its engagement.

The UN high commissioner on refugees, Antonio Guterres, met with President Nazarbaev in mid-November 2007, calling for a national mechanism to give refugees protection and for the country to cooperate more fully with international practices.

The UN Committee on the Rights of the Child conducted a review of Kazakhstan in May, and was critical of the government for failing to address the economic exploitation, sexual exploitation, and trafficking of children, among other issues.