



January 2011

country summary

## Kazakhstan

During its 2010 chairmanship of the Organization for Security and Co-operation in Europe (OSCE), Kazakhstan's human rights record was marred by continued disappointments. Restrictive amendments to media and Internet laws remained, and a number of websites and weblogs were blocked on a regular basis. The government punished activists for breaking restrictive rules on freedom of assembly. Several activists were put on trial in 2010 and Kazakhstan's leading human rights defender, Evgeniy Zhovtis, remains in prison.

### Freedoms of Expression and Information

Government loyalists dominate broadcast media outlets; independent journalists who criticize government policies and practices face threats and harassment; there are prohibitive penalties for civil defamation; and criminal penalties for libel remain in force. Combined, these conditions chill the environment for freedom of expression. In the first half of 2010 five journalists were physically attacked and another five accused of criminal libel, according to the media watch dog Adil Soz.

One of the attacked journalists is Igor Larra, of the independent daily *Svoboda Slova*. On March 22, 2010, three unidentified men assaulted him in Aktobe, breaking his nose and jaw and inflicting multiple contusions to his head. In the weeks prior to the attack Larra had been covering a 19-day strike by oil workers employed by OzenMunaiGaz. The workers had demanded that the company's director resign and that management take back cuts in wages. The biggest shareholder at OzenMunaiGaz is the state-owned company KazMunaiGaz. According to Adil Soz, Larra did not file a complaint because he did not trust the authorities to conduct a proper investigation.

In July 2010 a court upheld an April 21 ruling ordering the independent weekly *Uralskaya Nedelya* to pay 20 million tenge (US\$136,000) in "moral damages" to Tengizneftestroi, an oil company. The weekly had published an article in August 2009 criticizing the company for being so sure of winning a tender that it had hired workers and bought equipment before the tender was even published. The company confirmed these facts during the trial hearing, raising doubt about the grounds for the ruling.

The authorities denied parole to imprisoned journalist Ramazan Yesergepov, editor of the newspaper *Alma-Ata Info*, after he had completed one-third of his sentence. Yesergepov was sentenced to three years in prison in 2009 for disclosing state secrets, because his newspaper had published information from a letter from the Committee for National Security in which the agency appeared to be attempting to sway a criminal investigation against a local businessman. Yesergepov's trial was not open to the public, and he was denied access to a lawyer of his choice.

On March 1, 2010 the head of the government's Agency for Information and Networks stated that a computer emergency response team had been established and had started to develop "a blacklist of destructive websites." The same official mentioned that religious and political websites in particular would be considered for the list. Currently blocked are more than a dozen websites, including the popular Russian-language blogging platform Livejournal and the website of the independent weekly *Respublika*.

### **Freedom of Assembly**

On March 26, 2010, a court sentenced Vladimir Kozlov, a leading activist with the opposition party *Alga!*, to 10 days of administrative arrest on charges of holding an unsanctioned protest. The charges were brought because Kozlov had distributed leaflets criticizing the trial and sentencing of Mukhtar Dzhakishev, the former director the state-owned nuclear company KazAtomProm, whose imprisonment many believe is politically motivated. Kozlov had distributed the leaflets along a pedestrian zone in Almaty; other individuals distributing commercial leaflets at the same time were not arrested.

On May 2, 2010, Yermek Narymbaev, leader of the Arman (Dream) social movement, was sentenced to 15 days' administrative arrest for allegedly holding a peaceful unsanctioned mass gathering of 500 people on May 1. During his arrest, he was additionally charged with resisting the police and offending the judge at his trial on May 2. On June 23, a court sentenced him to four years' imprisonment.

In June 2010, courts fined at least five individuals—three journalists and two human rights activists—for organizing and participating in unsanctioned meetings and disobeying the authorities. In each case, the individual had staged a one-person picket on Almaty's main square protesting the highly controversial law, adopted that month, giving President Nursultan Nazarbaev lifetime immunity from prosecution.

## **Detention of Activists**

In July 2010 a court in Aktobe sentenced Aidos Sadykov, a longtime opposition political activist who had assisted oil workers in creating an independent union, to two years' imprisonment for "hooliganism accompanied by resistance to the police," in what appears to be a politically motivated set-up. On May 27, Sadykov was arrested for attacking an unknown man, despite evidence that he was himself attacked and did not retaliate against the attacker. When Sadykov was already handcuffed he resisted police attempts to put the cell phone of the attacker in his pocket. During his court hearing the judge twice declined to show a video that a journalist had recorded shortly after the arrest, which could have proved Sadykov's innocence.

September 3, 2010 marked the one-year anniversary of the imprisonment of Kazakhstan's most prominent human rights defender, Evgeniy Zhovtis. On September 3, 2009, Zhovtis, founding director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, was found guilty of vehicular manslaughter, following an unfair trial marred by serious procedural flaws that denied him the right to present a defense. Zhovtis was sentenced to four years in a settlement colony, a penal establishment which allows for more freedoms than an ordinary prison. The facility's director had the discretion to allow Zhovtis to live and work outside the establishment but chose not to do so.

On April 26, 2010, the Supreme Court of Kazakhstan declined to review Zhovtis' verdict.

## **Risk of Refoulement**

Since the entry into force in January 2010 of the Law on Refugees, the Kazakh government renewed pressure on refugees and asylum seekers from Uzbekistan who are devout Muslims and fear religious persecution in Uzbekistan. More than 70 asylum seekers and refugees signed a letter to Human Rights Watch stating that when they applied for asylum, migration officials tried to convince them that they have nothing to fear in Uzbekistan.

In June Kazakh authorities rounded up more than 40 Uzbek nationals in Almaty, almost all of whom were registered asylum seekers. Some were released, and at this writing some 31 remain in detention in Kazakhstan, pursuant to extradition requests from the Uzbek government. While the charges on which the Uzbek authorities are seeking extradition have not been made public, they are reportedly related to religious extremism. There is significant, credible evidence that persons prosecuted in Uzbekistan on religious extremism charges face a grave risk of torture or other forms of ill-treatment in detention. Despite these risks,

Kazakhstan extradited to Uzbekistan four men; two of them are ethnic Uzbeks but citizens of Tajikistan and Kyrgyzstan.

## **Labor Abuses and Child Labor in Agriculture**

Farmers employing migrant workers from Kyrgyzstan on farms supplying tobacco to Philip Morris Kazakhstan (PMK), a subsidiary of Philip Morris International (PMI) did not provide workers with written contracts or pay them for periods of eight to nine months of employment. They confiscated some workers' passports and subjected some to forced labor. Child labor remains a serious problem in tobacco and cotton farming, which employs children as young as 10. Experts agree that tobacco and cotton farming are two of the worst forms of child labor worldwide owing to the difficulty of the work and the risks associated with exposure to pesticides and tobacco leaves. Beginning in 2010 PMI and PMK have revised their contracts with tobacco farmers to ensure that migrant workers receive regular wages and other protections. PMI and PMK have also committed to implement a mechanism for complaints; to expand training for workers, farmers, and PMK employees regarding labor rights and hazards of child labor; and to develop summer camps and work with the government to facilitate access to schools for migrant workers' children to prevent child labor.

## **Key International Actors**

Key international actors, notably members of the OSCE, uncritically pledged their support for and cooperation with Kazakhstan during its OSCE chairmanship in 2010. They generally failed to use the chairmanship and Kazakhstan's bid to hold a summit at the end of 2010 as a lever to push for outstanding reforms.

During a United Nations Security Council discussion on February 5, the United Kingdom stressed that the role of the OSCE chairmanship "brings with it important responsibilities to promote and embody the principles of human rights ... on which the OSCE is founded." During a meeting with President Nursultan Nazarbaev on April 11, 2010, United States President Barack Obama said the US would continue to support democratic reforms in Kazakhstan, but fell short of expressing concern about Kazakhstan's human rights performance.

On February 12, during Kazakhstan's Universal Periodic Review at the UN Human Rights Council, UN member states raised many concerns about media freedoms. They recommended that Kazakhstan adopt a moratorium on criminal libel, establish a cap on defamation awards in civil suits, stop any attempt to filter internet content or block access to websites, and refrain from adding further unwarranted restrictions to Kazakhstan's media law. Kazakhstan committed to implement most of these recommendations, but denied that

its laws criminalize defamation by journalists and rejected allegations of abusive regulation of Internet content.

During a visit to Kazakhstan in April, UN Secretary-General Ban Ki-moon urged the government to implement the UPR recommendations, noting that “a robust and engaged civil society—with full guarantees of free speech and media, and tolerance for ethnic and religious diversity—is a powerful force for modernization.”

Following its May 2010 review of Kazakhstan, the UN Committee on Economic, Social and Cultural Rights noted “with concern the low level of awareness of human rights in general, and of the Covenant in particular” and expressed deep concern about “the precarious situation of migrant workers.”