

# Kazakhstan - Human Rights Scorecard<sup>1</sup>

Kazakhstan is located in Central Asia and is a former Soviet Republic. Kazakhstan is bordered by the Caspian Sea in the West, Russia in the North and China in the South. It is the world's largest landlocked country.<sup>2</sup>

**Official language:** Kazakh and Russian

**Ethnic groups :** 63.1% Kazakh; 23.7% Russian; 2.9% Uzbek; 2.1% Ukrainian; 1.4% Uighur; 1.3% Tatar; 1.1% German; 4.4% Other.

**Government:** Republic

- President: Nursultan Abishuly Nazarbayev
- Prime Minister: Karim Masimov

**Death penalty:** Abolitionist for ordinary crimes only

**Population:** 18.1 million

**Life expectancy:** 70.5 years

**Under-5 mortality:** 20.9 per 1000

**Adult literacy:** 99.8 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Partially respected<sup>3</sup>

There were reports of security forces involved in arbitrary or unlawful killings. Military hazing incidents have led to deaths and serious injuries.

### Freedom from disappearance



#### Respected<sup>4</sup>

There were no reports of disappearances.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected<sup>5</sup>

The law prohibits torture and the authorities assert their commitment to the eradication of such practices. However, the UN denounced a “gap between legislation and protection from torture” and the impunity for such acts, as torture remains a widespread practice.

### Freedom from arbitrary arrest or detention



#### Partially respected<sup>6</sup>

Although the law bans arbitrary arrests or detentions, these practices remain common as the Procurator General’s Office recorded 954 illegally detained individuals in the first half of 2014. The police continue to invoke counter-terrorism work to justify arbitrary arrests or detentions<sup>7</sup>.

### Freedom from denial of fair public trial



#### Largely disrespected<sup>8</sup>

The law does not provide for an independent judiciary, and corruption remains a problem at every stage of the judicial process even though judges have good salaries. Human rights organizations reported numerous procedural violations and frequent defendant’s rights breaches.

## Freedom from arbitrary interference with privacy, family, home or correspondence



### Partially respected<sup>9</sup>

Although the law prohibits privacy violations, there were reports of unlawful surveillance of private communications and movement of politicians and human rights activists. The law provides procurators with extensive powers which often open the door to grave infringements of privacy.

## Section 2: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

## Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>10</sup>



### Score: 53,46 Rank: 160 / 180 – Highly controlled, limited or intimidated<sup>11</sup>

Independent and opposition media face harassment and intimidation. In 2014, two major newspapers were shut down by court order. There are also several journalists facing criminal prosecutions for various reasons.<sup>12</sup> The law harshly condemns any criticism of the country's leadership<sup>13</sup>.

## Freedom from academic censorship



### Partially respected<sup>14</sup>

The government generally respects academic freedom; even if academics, like any other citizen, are not allowed to criticize the President or his family (including comments on their health, finances or private life). As a result academics tend to practice self-censorship.

## Freedom of peaceful assembly and association



### Largely disrespected<sup>15</sup>

Although the constitution guarantees freedom of peaceful assembly and association, the new criminal code adopted in 2014 significantly restricts this right. Unsanctioned political gatherings or demonstrations are considered a national security threat and are treated as such by the police<sup>16</sup>.

## Freedom of religion



### Largely disrespected<sup>17</sup>

The 2011 religion law makes a distinction between traditional and non-traditional (e.g. non-Sunni Muslims, Protestants) religious groups. The latter face discrimination and severe infringements of their religious rights. One third of the country's religious organizations are considered illegal and their members are exposed to prosecution<sup>18</sup>.

## Protection of refugees and stateless persons



### Partially respected<sup>19</sup>

The law on refugees sets the refugee status determination process and provides refugees with access to state services. The rights of refugees are generally respected as the authorities cooperate with the UNHCR; however they do not have access to citizenship or permanent residency.

## Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>20</sup>



### 5 / 7 – Partly free<sup>21</sup>

Kazakhstan recently adopted new criminal and administrative codes which impose greater restrictions on civil liberties. A new law on trade unions also contains provisions which greatly restrict civil liberties<sup>22</sup>.

## Section 3: Respect for Political Rights

*Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..*

## Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>23</sup>



### 6 / 7 – Not free<sup>24</sup>

The Kazakhs' political rights are greatly restricted by the constitution. The President may serve an indefinite number of terms (the current president has been in power since "independence" in 1991) and has total control over the legislative, the judiciary and the local authorities. The last presidential elections did not meet democratic norms according to international observers.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>25</sup>



**Score: 29%, Rank: 126 / 175 – Highly corrupt**<sup>26</sup>

The law officially prohibits corruption; however the government does not effectively implement the law. There were numerous reports of corruption by officials who were never held accountable for such practices.<sup>27</sup>

## Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



**Partially respected**<sup>28</sup>

Human rights organizations generally operate without interference from the government. However, there were reports of harassment and intimidation of human rights activist affiliated with the political opposition. There is also little access to investigate the living conditions in jails<sup>29</sup>.

## Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Rights of women (*World Economic Forum Gender Gap Index*)<sup>30</sup>



**Score: 62.1%, Rank: 43 / 142 – Somewhat unequal rights**<sup>31</sup>

The law prohibits discrimination based on gender, but does not require equal pay. Although the government is showing efforts aimed at preventing and fighting domestic violence, it remains a significant issue. There were also reports of forced marriages in remote areas<sup>32</sup>.

### Rights of Children (*KidsRights Index Overall Score*)<sup>33</sup>



**Score: 77%, Rank: 37 / 165 – Protected**<sup>34</sup>

Although the rights of children are generally protected, there were reports of child abuse and the Ministry of Education reported almost 4000 “street children” in 2012<sup>35</sup>.

### Rights of persons with disabilities



**Partially respected**<sup>36</sup>

The law prohibits discrimination against persons with disabilities; however NGOs reported persons with disabilities facing difficulties accessing employment. There are no regulations for patients’ rights in mental institutions; as a result there were reports of violations of their rights.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



**Respected**<sup>37</sup>

Minorities’ rights are respected, even if there were reports of discrimination against non-Kazakh speakers.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



**Partially respected**<sup>38 39</sup>

Although the law does not criminalize same-sex relations, LGBT individuals are discriminated against and face marginalization. It can be hard in Kazakhstan to gain access to HIV/AIDS programs which respect confidentiality<sup>40</sup>.

## Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

### Rights to freedom of association and to collective bargaining



#### Partially respected<sup>41</sup>

A new restrictive law on trade unions was passed in 2014, creating legal barriers to the creation of new independent unions and forcing them to affiliate with larger existing organizations. The new criminal code also provides criminal sanctions for workers involved in illegal strikes<sup>42</sup>.

### Freedom from forced or compulsory labour



#### Partially respected<sup>43</sup>

Although the law prohibits forced or compulsory labour, there are still reports of such conditions, especially for migrant workers, and for workers in the agricultural and construction sectors.

### Freedom from forced labour for children, and a minimum age of employment



#### Partially respected<sup>44</sup>

The minimum age of employment is set at 16; however the government does not effectively enforce its laws. As a result some children are engaged in some of the most destructive forms of child labour especially in cotton farming and forced begging.

### Right to acceptable conditions of work



#### Partially respected<sup>45</sup>

The law provides for a monthly minimum wage and for work hour restrictions. The government also sets health and safety standards. However, an insufficient number of government labour inspectors allows violations of these regulations to occur frequently.

### Right to employment



#### 5,2% - Reasonable unemployment<sup>46</sup>

The unemployment rate in Kazakhstan has decreased during the past 5 years; however it is projected to climb in the coming years.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed October 15, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

<sup>3</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> "Amnesty International report 2014/15 – Kazakhstan", Amnesty International, January 1 2014. Accessed November 4, 2015.

<https://www.amnesty.org/en/countries/europe-and-central-asia/kazakhstan/report-kazakhstan/>

<sup>6</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>7</sup> "Amnesty International report 2014/15 – Kazakhstan", Amnesty International, January 1 2014. Accessed November 4, 2015.

<https://www.amnesty.org/en/countries/europe-and-central-asia/kazakhstan/report-kazakhstan/>

<sup>8</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>9</sup> Ibid. U.S Department of State.

<sup>10</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six

indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

<sup>11</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed November 4, 2015. <http://index.rsf.org/#/>

<sup>12</sup> "Human Rights Watch-World Report 2015-Kazakhstan". January 1, 2015. Accessed November 4, 2015. <https://www.hrw.org/world-report/2015/country-chapters/kazakhstan>

<sup>13</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>14</sup> Ibid. U.S Department of State.

<sup>15</sup> "Human Rights Watch-World Report 2015-Kazakhstan". January 1, 2015. Accessed November 4, 2015. <https://www.hrw.org/world-report/2015/country-chapters/kazakhstan>

<sup>16</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>17</sup> "Kazakhstan 2014 International Religious Freedom Report". US Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/238708.pdf>, or <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

<sup>18</sup> "Freedom in the world-2015-Kazakhstan". Freedom House. January 1, 2015. Accessed November 4, 2015. <https://freedomhouse.org/report/freedom-world/2014/kazakhstan>

<sup>19</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>20</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed November 4, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

<sup>21</sup> "Freedom in the world-2015-Kazakhstan". Freedom House. January 1, 2015. Accessed November 4, 2015. <https://freedomhouse.org/report/freedom-world/2014/kazakhstan>

<sup>22</sup> "Human Rights Watch-World Report 2015-Kazakhstan". January 1, 2015. Accessed November 4, 2015. <https://www.hrw.org/world-report/2015/country-chapters/kazakhstan>

<sup>23</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed November 4, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

<sup>24</sup> "Freedom in the world-2015-Kazakhstan". Freedom House. January 1, 2015. Accessed November 4, 2015. <https://freedomhouse.org/report/freedom-world/2014/kazakhstan>

<sup>25</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt.

<sup>26</sup> "Kazakhstan" Corruption by Country. January 1, 2015. Accessed November 4, 2015. <http://www.transparency.org/country#KAZ>

<sup>27</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>28</sup> Ibid. U.S Department of State.

<sup>29</sup> "Amnesty International report 2014/15 – Kazakhstan", Amnesty International, January 1 2014. Accessed November 4, 2015.

<https://www.amnesty.org/en/countries/europe-and-central-asia/kazakhstan/report-kazakhstan/>

<sup>30</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>31</sup> "Indonesia" World Economic Forum. January 1, 2014. Accessed November 4, 2015. [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf)

<sup>32</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>33</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable.

<sup>34</sup> "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed November 4, 2015.

<http://www.kidsrightsindex.org/Portals/5/Users/034/34/34/The%20KidsRights%20Index%20-%20Total%20view%20-%20may%202015.pdf>

<sup>35</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>36</sup> Ibid. U.S Department of State.

<sup>37</sup> Ibid. U.S Department of State.

<sup>38</sup> "State homophobia" International Lesbian Gay and Intersex Association. January 1, 2015. Accessed October 26, 2015.

[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf). See also Ibid. U.S Department of State.

<sup>39</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>40</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>41</sup> Ibid. U.S Department of State.

<sup>42</sup> "Human Rights Watch-World Report 2015-Kazakhstan". January 1, 2015. Accessed November 4, 2015. <https://www.hrw.org/world-report/2015/country-chapters/kazakhstan>

<sup>43</sup> "Kazakhstan 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 4, 2015.

<http://www.state.gov/documents/organization/236852.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

<sup>43</sup> Ibid. U.S Department of State.

<sup>44</sup> Ibid. U.S Department of State.

<sup>45</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

[http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>46</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed November 09, 2015. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).