



Factsheet: Kazakhstan Country Visit

UN Special Rapporteur on the rights to freedom of peaceful assembly & of association



May peaceful assemblies take place without a permit or official authorization?

No

The right to peaceful assembly is guaranteed by Kazakhstan's Constitution, but in practice, the Government's approach to regulating assemblies treats the right as a privilege ([A/HRC/29/25/Add.2](#), para 60). The country's 1995 assembly law requires demonstration organizers to seek prior permission from local authorities at least 10 days before the date of the gathering (*Id.*, para 52). Under international law prior authorization is not required for the exercise of the freedom of peaceful assembly ([A/68/299](#), para 24). At most a prior notification regime may be in place ([A/HRC/23/39](#), para 52).

Can peaceful assemblies be held at the location of the organizers' choice?

No

Kazakhstan's assembly law provides that the local authorities have the power to designate specific sites where authorized assemblies can be held ([A/HRC/29/25/Add.2](#), para 52-54). Designation of these sites - usually one site per city, located in a remote area - prevents organizers and participants from choosing venues they consider the most appropriate to express their grievances.

Are there restrictions on forming political parties?

Yes

A web of policy, practice and perception makes engaging in political activities in Kazakhstan is difficult and sometimes dangerous (See [A/HRC/29/25/Add.2](#), paras 19-32). Dissent is frequently criminalized and critical political expression is often portrayed as threatening the stability of the State. The law on political parties imposes onerous obligations prior to registration, including high initial membership requirements. An group of 1,000 founding members representing two-thirds of the country's regions, in total not less than 40,000 members are required to form a political party. Moreover, party registration is overseen by the Executive, which is troubling given that it will ultimately compete with these entities for power. Nine political parties exist and three are represented in the Parliament, but none is a true opposition party. Particularly troubling is the case of Vladimir Kozlov, leader of the now-banned Alga! political party, who was arrested in 2012 after he publicly expressed support for striking oil workers in the city of Zhanaozen (see *Id.*, paras 26-29). He is serving a 7 1/2-year jail term after being convicted of "inciting discord". Kozlov was in the midst of seven-year struggle to register Alga!; the judgment against Kozlov was subsequently used to ban the party - along with 34 non-state media outlets - on the grounds that they were "extremist".

Are there restrictions on associations' ability to access resources?

No

At least not yet. Kazakhstan currently does not impose serious restrictions on associations' ability to access resources, for example by limiting donations from abroad. However, at the time the Special Rapporteur's visit, the Government was preparing a new grant making mechanism that - in the most recent draft seen by the Special Rapporteur - establishes State oversight over the allocation of all funds to NGOs ([A/HRC/29/25/Add.2](#), para 45). The Special Rapporteur strongly recommends that the State authority over grants be limited to public grants from the State. State bodies should not be in a position of allocating private funds - whether domestic, international or foreign - to NGOs.

Does the State require public associations to be registered?

Yes

Kazakhstan's 1996 Law on public associations requires that all associations be registered with the State ([A/HRC/29/25/Add.2](#), para 39). This violates one of the most basic foundations of the right to freedom of association, namely that registration should not be required to form an association ([A/HRC/20/27](#), para 56). Only a system of notification of the existence of the association, as opposed to prior authorization, complies with international human rights law and standards. Allowing the existence of non-registered association is all the more essential as Article 489 of Kazakhstan's Code on Administrative Offences criminalizes the management, participation in, and financing of the activities of non-registered public associations ([A/HRC/29/25/Add.2](#), para 39).

Are religious associations allowed to freely operate?

No

Religious groups are required to register in Kazakhstan, and may face severe harassment - and even criminal penalties - if they do not ([A/HRC/29/25/Add.2](#), paras 46-51). Moreover, registration requirements are difficult to meet: A national religious group requires at least 5,000 members to register. Regional and local groups require 500 and 50 members respectively. Only Sunni Muslims, the Russian Orthodox Church and the Catholic Church have national registration. Unregistered religious groups are effectively banned from exercising any collective religious functions. Unsanctioned religious practices - even if conducted in a private home - have resulted in administrative sanctions. International law and standards mandate that registration of religious groups should not be mandatory, and that unregistered communities should be free to operate.

About this factsheet

This factsheet was produced by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai. It summarizes the findings of the Special Rapporteur's official visit to the Republic of Kazakhstan on Jan. 19-27, 2015, which he made at the invitation of the Government.

What are country visits?

The Special Rapporteur conducts country visits to UN Member States, when invited, to examine in detail the enjoyment of the rights to freedom of peaceful assembly and of association, to identify any problems and to make recommendations on how these could be resolved. Following the visit, the Special Rapporteur presents a final report to the Human Rights Council.

Kazakhstan at a glance

- **Official name:** Republic of Kazakhstan
 - **Population:** 17,948,816
 - **Capital:** Astana (pop 664,000)
- **Type of government:** Presidential republic
 - **Head of state:** Nursultan Nazarbayev (since 1991)
 - **Head of government:** Prime Minister Karim Massimov (nominated by the President)
 - **UN Member State since:** March 2, 1992
- **Member of the Human Rights Council:** Yes (through 2015)
 - **Standing invitation to UN Special Procedures:** Yes (extended July 28, 2009)
 - **Visits by other Special Procedures mandate holders:** 6 (since 2009)

Check out the full report

The report ([A/HRC/29/25/Add.2](#)), along with the Government of Kazakhstan's official response, is available at the following link: <http://freeassembly.net/rapporteurreports/kazakhstan/>

"At a glance" sources available via hyperlinks

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A disturbing surveillance incident in Aktau

After a meeting with civil society in Aktau city on Jan. 24, unknown individuals were seen taking photographs of the Special Rapporteur's driver and of civil society representatives who had just met with the UN expert. The circumstances left little doubt that the operation was carried out by secret police surveillance. The incident – which was never satisfactorily addressed by the Government – is detailed in the report at [paragraphs 13-18](#). The Government, in its response to the report, said the incident related to “a case about the illegal sale of drugs.” The Special Rapporteur believes, however, that the episode illustrates that Kazakhstan must do more to protect human rights defenders, particularly in light of the country's candidacy for a non-permanent seat on the UN Security Council.

What are the Special Rapporteur's findings?

Kazakhstan is at a crossroads. Its economic progress since independence has been impressive, but the lack of corresponding advancements in civil and political rights renders this progress shaky. Though it may seem paradoxical, the true measure of a country's stability is actually its tolerance for peaceful questioning of the established order – namely by allowing outlets for peaceful dissent and political pluralism. Failure to create such outlets does not make the dissent go away; it only bottles it up, where it may fester and explode as something much more violent than a street protest or an NGO report criticizing government policy ([para 8](#)). The Government can rightly be proud of Kazakhstan's recent development. But the younger generation, who did not live through the harsh Soviet period, appears to have greater aspirations. It is natural that they want to take ownership of their society by participating in public affairs. Robust protection of the assembly and association rights is critical in this regard. A new paradigm favoring the free expression of ideas, including criticism, dissent and opposition, would be an aggressive and impressive step going forward ([para 92](#)).

What is the Government of Kazakhstan's response?

In its official response, the Government of Kazakhstan expressed its support for the mandate and noted that the Government “pays special attention to the issues of human rights and (protection of) freedoms.” The response stated that Kazakh law fully meets the country's international commitments and that improvement will be implemented in stages, taking into account “global and internal challenges.” The Government disagreed with the Special Rapporteur's conclusion that there was limited space for expression of political views. The response also defended the country's regulation of peaceful assemblies - namely the requirement that organizers receive Government permission 10 days in advance, and that gatherings can be restricted to certain sites - as complying with international law. The full response can be [read here](#) (A/HRC/29/25/Add.5).

“[A]uthorities repeatedly made reference to the ‘rule of law’ to justify restrictions to the freedom of peaceful assembly and of association. However, in practice, the Special Rapporteur believes that the Government's policies seem more driven by an adherence to ‘rule by law.’ ”

[A/HRC/29/25/Add.2, para 90](#)

A note on maintaining ‘stability’ as a rationale to limit rights

Government representatives repeatedly stressed that stability and cohesion are particular aspects of the Kazakh society that needed to be preserved. The Government of Kazakhstan can be praised in the preservation of stability and cohesion in a vast country composed of 140 ethnic and 17 religious groups. Nevertheless, the Special Rapporteur found that stability is often misused to curtail the enjoyment of the rights to freedom of peaceful assembly and of association. The Special Rapporteur underlines that the protection of human rights and the maintenance of peace and harmony are two sides of the same coin, interrelated, mutually reinforcing and interdependent. He believes that the free exercise of peaceful assembly and association rights provides authorities with unique insights into the challenges that people are facing. This is especially important for a nation such as Kazakhstan – young, large, and in the midst of relatively challenging and complex geopolitical context. There is no better way to understand the needs of people, and no better check and balance upon authorities ([para 9](#)).

Scorecard: Kazakhstan's ratification of key UN human rights treaties



International Convention on the Elimination of All Forms of Racial Discrimination	✓
International Covenant on Civil and Political Rights	✓
International Covenant on Economic, Social and Cultural Rights	✓
Convention on the Elimination of All Forms of Discrimination against Women	✓
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	✓
Convention on the Rights of the Child	✓
International Convention on the Protection of the Rights of All Migrant Workers and their Families	
International Convention for the Protection of all Persons from Enforced Disappearance *	
Convention on the Rights of Persons with Disabilities	✓

*(Gold circles & check marks indicate Oman is a State party to the instrument in question)
* signed but has not yet ratified
Source: OHCHR*