



The Kazakhstani NGO Coalition “Kazakhstan OSCE 2010

The First One Hundred Days of Kazakhstan’s Chairmanship of the OSCE

The first one hundred days of Kazakhstan’s OSCE chairmanship have been marked by active efforts in the international arena. At the same time, however, there has been no forward movement within the country towards improved democratic standards or respect for human rights.

The right to freedom of assembly is being harshly suppressed. On January 6 that the president of the fund “Journalists in Need,” Rozlana Taukina, organized a flash mob during which several people released balloons with the names of journalists who have been convicted and imprisoned. She was accused of violating the law on organizing demonstrations and fined 70,650 tenge (approximately \$500). On March 26, the chairman of the un-registered political party “Alga,” Vladimir Kozlov, was detained for handing out leaflets with the biography of the former chairman of the firm “Kazatomprom,” Mukhtar Dzakishev [who was recently convicted in a closed trial], and jailed for ten days.

The situation regarding freedom of conscience is also worsening. On March 1, new regulations on the issuance of visas to foreigners went into effect. A special new type of visas was introduced for missionaries, people coming to Kazakhstan for religious/proselytizing activities. In order to receive such a visa it is necessary to receive an invitation from a local religious organization, which has been agreed with the State Committee on Religious Affairs. Multiple entry missionary visas are issued for a period of 180 days and may not be extended. Law enforcement agencies continue their raids against religious gatherings. In a number of cases, these led to administrative punishments against participants.

There has been no noticeable improvement in the sphere of freedom of speech. In 2010, the Service for Responding to Computer Incidents became operational. According to a statement by the head of the Service, each month it blocks five websites. The names of these sites, the charges and any court actions against them have not been made public.

The newspaper “Voice of the Republic” («Голос Республики») continues to be barred access to any of the country’s printing presses. Draft amendments to the Criminal Code and the Code on Administrative Violations prepared by the government and sent to the parliament retain criminal and administrative punishments for libel, including confiscation of print runs and even the closing down of a media outlet even for minor technical errors.

In spite of the fact that the National Human Rights Action Plan for 2009-2011 foresees a number of efforts to improve both legislation and practice in the area of peaceful assembly to bring them up to international standards, neither the legislation nor the practice has improved. Moreover, the current draft amending the Code of Administrative Violations prepared by the Ministry of Justice and conveyed to parliament retains administrative punishments for violating the regulations regarding peaceful assemblies. This article also foresees administrative punishments not for violation of laws, but for the violation of legal acts, which directly contradicts the Constitution, where it is stated that human rights can only be limited by laws. This shows the authorities’ desire to limit peaceful assemblies by various legal acts other than laws.

While welcoming the intention of the country's leadership to perfect and develop the judicial system and create the conditions for its effective work, we must note that in spite of a long process of reforms, Kazakhstan's courts have not gained the necessary freedom and remain under the firm control of the executive branch. In recent years there has been an unfortunate increase in the number of cases in which judges' political engagement has been clear; cases that have been used to suppress those who think differently, the independent media, social activists, businessmen and journalists. All of these cases were marred by significant violations of human rights, legality, and the principles of fair jurisprudence.

We believe that as Chairman of the OSCE, Kazakhstan should confirm its commitment to the principles of the organization by taking concrete measures to improve the situation regarding respect for human rights in the country.

April 2010

The coalition "Kazakhstan – OSCE 2010" was created in July 2008 by a number of leading Kazakhstani NGOs. The task of the coalition is to monitor Kazakhstan's fulfillment of its OSCE commitments to develop democracy and rule of law in light of Kazakhstan's chairmanship of the organization. The coalition unites: the Almaty Helsinki Committee, the Kazakhstan International Bureau for Human Rights and Rule of Law, the International Fund for Defense of Freedom of Speech "Adil Soz," the International Journalism Center "MediaNet," the Republican Network of Independent Observers, the Legal Policy Research Center, the Ecological Society "Green Salvation," and "Internews Kazakhstan."