



Kazakhstan in Brief

Kazakhstan was ruled by strongman President Nursultan Nazarbayev from 1991 until he stepped down in 2019. Since being replaced by his handpicked successor, Kassym-Jomart Tokayev, Nazarbayev played an enormously

influential role in Kazakhstan, exercising considerable power as chair of the ruling party and Chairman of the Security Council. Yet in January 2022, political changes made by Tokayev following the outbreak of peaceful protests and still unexplained sporadic violence raised questions about Nazarbayev’s future and legacy as he was removed from his Security Council post and is believed by some to have supported the apparent efforts to undermine his successor.

Key Data	
GDP (2020)	\$171.1 billion
FDI (2020)	\$3.9 billion
Population	18.8 million
Freedom House Freedom Score (2021)	23/100
TI Corruption Perceptions Index Score (2020)	38/100

Since assuming the presidency in 2019, President Tokayev has ostensibly sought to implement reform and establish a “listening state” that is open to criticism. In most respects, little has changed. The government frequently violates fundamental freedoms through law and practice to maintain power and quash calls democratic reforms. The most corrosive violations of fundamental freedoms include broad restrictions on political opposition, limitations on freedom of expression, newly-enacted laws that restrict peaceful protests, and attacks on the independence of lawyers.

The Human Rights Agenda

Kazakhstan’s government frequently professes a desire to reform and serve as a regional leader. While some reforms have been introduced in the economic sphere, the authorities still keep a tight grip on social and political life, often professing a fear of instability which such reforms would supposedly bring about. Among the areas where tangible reform is urgently needed are enabling pluralism in political life, the freedoms of expression and assembly, and the independence of lawyers.

Political Pluralism

Kazakhstan should revise Article 405 of the Criminal Code to comply with international standards of freedom of association and release individuals wrongfully detained under the provisions.

The ruling Amanat (formerly Nur Otan) party has dominated Kazakhstan’s political landscape since its founding in 1999. Along with allied parties and Nazarbayev, Amanat controls nearly the entire parliament and has consolidated political control by banning opposition parties and targeting their supporters using vague anti-extremism laws. Among them is Article 405 of the Criminal Code, under which a prosecutor need only demonstrate that a social media post references a banned organization to establish just cause. In 2018, HRW found that the authorities have charged at least 135 individuals under Article 405. Once convicted, individuals are automatically labeled financiers of terrorism, subject to strict financial limitations, and often banned from social media and participating in political and civic activities for periods of time.

Freedom of Expression

Kazakhstan should revise Criminal Code Articles 174 and 274 to comply with international standards of freedom of expression and release all individuals wrongfully detained under these provisions.

In addition to assaults and other threats, journalists and members of the media often face trumped-up charges under Articles 174 (“incitement of social, national, tribal, racial, class or religious discord”) and 274 (“dissemination of knowingly false information”) of the Criminal Code. The vague word “discord” in Article 174 opens it to arbitrary application against people sharing criticism of the authorities or opinions on social topics. Prosecution under Article 174 requires an analysis by a government expert, a requirement that has been criticized by international observers as being

inherently unfair to accused. Article 274 has been increasingly used against activists during the COVID-19 pandemic for their criticisms of the government’s performance. Those convicted are sometimes ordered to pay large sums of money.

Freedom of Assembly

Kazakhstan should revise Article 400 of the Criminal Code and other laws to bring them into compliance with international standards of freedom of assembly and end the use of these laws to prosecute peaceful protestors.

The government keeps a tight rein on the freedom of assembly through burdensome regulations, permit refusals, and police disruption of unsanctioned gatherings. Organizers of assemblies or those expressing their support for them online can be subject to fines and jail. Article 400 of the Criminal Code prohibits aiding illegal assemblies, including by “means of communication,” in what one UN expert has characterized as criminalization of using social media as an organizing tool. Supposed reforms enacted in May 2020 fall short of international human rights standards because they enable the authorities to deny requests for vague reasons and require most assemblies be held in specifically designated locations.

Independence of Lawyers

Kazakhstan should revise the Law on Professional Activities of Advocates and Legal Assistance to comply with international standards on the independence of lawyers and ensure lawyers can freely conduct their work.

Nur-Sultan has created a suffocating environment for lawyers, especially those who work on politically-sensitive issues. A 2018 law made the Ministry of Justice the sole body issuing law licenses, giving it considerable influence over who can practice law. June 2021 amendments impose additional requirements on lawyers which further restricted access to lawyers and compromised their independence. The government exercises undue influence over disbarment and disciplinary proceedings, wielding them against those who take adversarial postures against the government in legal proceedings. Lawyers who run afoul of the government have been subject to judicial harassment and intimidation.

Kazakhstan in the International Context

Kazakhstan has long viewed itself as a regional leader. Its relations with Russia and China are complex due to Kazakhstan’s dependence on them and suspicion of their power. Kazakhstan and Russia are major trading partners and have championed regional economic integration projects, such as the Eurasian Economic Union free trade area. While Kazakhstan has guarded its independence from Russia, it took an about-turn in January 2022 when it asked Russia and its allies to intervene in Kazakhstan’s domestic situation.

Kazakhstan hosts major components of China’s Belt and Road Initiative and exports hydrocarbons to China. But it is also wary of Chinese power, especially given Kazakhstan’s vast territory and relatively small population. Kazakhstan’s relationship with China brings significant economic and political benefits, tempering concerns about China’s power.

When it comes to the E.U. and U.S., economic relations are most significant. The E.U. is Kazakhstan’s largest trading partner, buying mostly oil and gas and accounting for nearly 30 percent of its overall trade. Kazakhstan has supported additional export routes to the E.U. which avoid Russian territory, a policy also supported by the U.S. Kazakhstan also enjoys the deepest relations with the E.U. and U.S. among Central Asian countries due to its Enhanced Partnership and Cooperation Agreement with the E.U. and Enhanced Strategic Partnership with the U.S.

Turkey is also significant in Kazakhstan’s efforts to develop more trade routes to the West, many of which would go through Turkey. The Turkic culture and language, which the two countries share, are also important factors, as are the enhanced security cooperation between Turkey and Kazakhstan.

Kazakhstan’s Trade Flows (2019)

