

Kazakhstan Keeps Lid on Public Meetings

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Astana's chairmanship of the OSCE unlikely to relax restrictions on freedom of assembly. Rights activists in Kazakhstan say Astana's success in winning the chairmanship of the OSCE in 2010 has had little effect on the tight restrictions surrounding freedom of assembly.

In particular, they complain that the government places numerous obstacles in the way of public meetings and protests, and say this violates people's constitutional right to assemble.

Article 32 of the Kazak constitution says citizens have the right to gather peacefully for rallies, demonstrations, marches and pickets. Moreover, this right may be limited only "in the interests of state security, public order, protection of health, and the protection of the rights and freedoms of other people".

This latter phrase is borrowed from the United Nations' International Covenant on Civil and Political Rights, ICCPR, to which Kazakhstan has signed up.

In practice, Kazak police quickly step in and disperse unauthorised public meetings, even when only a handful of people are involved.

When rights activist Olga Urazbekova recently staged a one-woman picket near the independence monument in Almaty, for example, police soon swooped.

Last year, activists condemned a ban slapped on plans to hold a demonstration commemorating the first anniversary of the death of Altynbek Sarsenbaev, an opposition activist murdered in February 2006.

In a statement, the activists said that as a signatory to the ICCPR, Kazakhstan was obliged to observe its standards on freedom of assembly.

Activists believe the current national law on freedom of assembly is vague and restrictive, and the penalties too severe.

As matters stand, requests to hold public meetings must be submitted to local authorities at least ten days before the scheduled meeting. The authorities are obliged to respond no less than five days before the date of the event indicated.

Breaking the law by staging an unauthorised rally carries penalties ranging from fines to a year in jail.

There are also rules about where demonstrations can take place. In Almaty, for example, meetings and pickets have to be held in Sary-Arka square, on the outskirts of the city. The crowded centre is off-limits. According to one city official, large gatherings are unsuitable because they create a disturbance.

Ninel Fokina, chair of the Almaty-based Helsinki Committee and a member of the presidential Human Rights Commission, agrees that the right to freedom of assembly in Kazakhstan does not meet the standards set by the ICCPR.

“It doesn’t even satisfy our own constitution,” Fokina said. “Our freedom to hold peaceful meetings is limited by the law... [which] establishes very complex procedures for obtaining authorisation for a meeting.”

“Political actions such as rallies or protests against the construction of the entertainment centre near Republic Square [in Almaty] are simply impossible because no one will give permission. If people go to a rally, they are breaking the law.”

Activists say the problem is not confined to police harassment of open-air meetings. They say the authorities find many ways to restrict indoor meetings such as conventions and congresses, although in theory, the law does not apply to such events.

Petr Svoik, a leader of the opposition Azat party (renamed from Nagyz Ak Jol), says political parties, especially those which oppose the government, face a challenge when they try to gather.

“Even when an [opposition] organisation is ready to pay [rent a hall], it’s not allowed to, on various pretexts,” he said. “Our experience is that such meetings have to be held in expensive hotels owned by foreigners.”

These de facto restrictions on the right to assemble indoors hit Kazakh opposition groups and parties hard, as public meetings are one of the few ways they have to communicate their message to the public.

None holds any seats in the current lower house of parliament. All 107 seats in the legislature belong to Nur Otan, the party loyal to President Nursultan Nazarbayev.

Svoik says the restricted freedom of assembly means opposition parties cannot speak to the electorate, and argues that this is incongruous for a country that intends to chair OSCE, which has democratic values and human rights as founding principles

Activists say they doubt Astana’s diplomatic victory in securing the OSCE chair will lead to any liberalisation when it comes to allowing opponents to gather freely.

“I don’t think Kazakhstan’s chairmanship of the OSCE will radically change matters, not only on this issue [right of assembly] but also other civil rights and freedoms,” said Fokina. “I doubt anything will be done to develop freedoms which the authorities believe might threaten the current regime.”

Nor is there much popular pressure on the authorities to relax the restrictions. Fear of retribution has made young people and even civil society groups less than enthusiastic about standing up and being counted.

A straw poll that IWPR conducted among students in Almaty showed many saw little point in taking part in protests.

Ilyas, a student at the Kazak National University, said such actions had little effect and could rebound on the participants.

“If I go to a rally, it’s unlikely to change anything,” explained Ilyas. “Moreover, it could be dangerous – I might face problems at university, including expulsion.”

He added, “I want to defend my civil rights but I also want to finish my higher education without having problems. That’s more important for me.”

Human rights activist Rozlana Taukina complained that restrictions on rallies had left people unused to taking part in public gatherings.

“The pressure on people has been so great that they have stopped showing any initiative,” she said.

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