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Authoritarian Continuity: The State of Political Freedoms and Human Rights in Kazakhstan and Uzbekistan

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This paper explores the state of human rights and political freedoms in Kazakhstan and Uzbekistan, focusing on the major hindrances to the democratic transition of the two countries.

Central Asian countries share much in common in terms of their post-Soviet authoritarian legacy and weakness of democratic institutions.

As a matter of fact, their post-soviet transition has been marred by a series of authoritarian malpractices, ranging from centralization and personalization of power to extensive crackdown on civil liberties and political freedoms

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Many factors can account for this: low levels of economic development, traditional culture, weak civil societies, the leading-role of the old nomenklatura in these new states, and ethnic cleavages (Kubicek, 2010).

Given that Russia and several Central Asian republics appear to be converging on what may be termed a ‘hierarchic party system’, characterized by controlled and unequal competition between parties, some observers consider Russian authoritarian norm diffusion as a possible explanation (Roberts, 2015).

Some observers even contend, that the chances of democratization across a vast swath of Eurasia seem slimmer now, than ever before in the face of Russian President Vladimir Putin’s crackdown on liberal-democratic forces at home and abroad (Diuk, 2014, p. 83). This line of thinking presumes that the Kremlin has a strong interest in ensuring that regional and global democratic trends do not affect grip on the Russian political system and that the legitimacy of democracy promotion and regime change are subverted (Roberts and Ziemer, 2018, p. 152). Thus, instead of embracing democratic values, Russia is deemed to be posing threats to liberal democracies by rolling back democracy around the world and bringing down democratic governments in its neighborhood and beyond (Ambrosio, 2007).

Ambrosio (2008) has focused on how the Shanghai Cooperation Organization (SCO) seeks to undermine democratization in Central Asia suggesting that the international organizations may well sustain autocracy. More specifically, authoritarian governments are increasingly

adopting policies aimed at preserving their political power and the SCO represents an additional strategy in this regard: utilizing multilateral cooperation to defend themselves against regional or global democratic trends. As such, the ‘Shanghai Spirit’ may be a sign of things to come as autocratic leaders become more bold in their rejection of democratic norms (Ambrosio, 2008).

Some observers claim that Central Asian elites have developed the institution of authoritarianism in their region through the mechanisms of mimicry/emulation and praise/blame. This line of thinking suggests that Central Asian governments have been using the new elements of the “democratic transition” in combination with the traditional legitimation offered by diplomatic recognition to secure authoritarian regimes in the democratic age, to create authoritarian state-centric solidarity in the region, and to make “avtoritet” and “stabil'nost” fundamental pillars of the Central Asian regional order (Costa Buranelli, 2020).

This paper specifically examines the cases of Kazakhstan and Uzbekistan, characterized by long-standing authoritarian governance, erosion of civil liberties and political freedoms. A question arises as to what shape and forms the authoritarian governance has taken after Kazakhstan’s and Uzbekistan’s former presidents Nursultan Nazarbayev’s and Islam Karimov’s rules.

Kazakhstan’s political regime can be best described as a personalistic autocracy, with the ‘father’ of the Kazakhstani nation Nazarbayev being perceived as the single politician capable of meeting the challenges of post-Soviet nation-building (Isaacs, 2010). Not

surprisingly, the Kazakhstani government and constitution concentrate power in the presidency, thus granting former president Nursultan Nazarbayev broad, lifetime authority over a range of government functions (Department of State: Kazakhstan, 2019).

According to Department of State reports, significant human rights issues in Kazakhstan include: unlawful or arbitrary killing by or on behalf of the government; torture by and on behalf of the government; political prisoners; significant problems with the independence of the judiciary; restrictions on free expression, the press, and the internet; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; significant acts of corruption; trafficking in persons; and the outlawing of independent trade unions (Department of State: Kazakhstan, 2019).

Similarly, even after Islam Karimov Uzbekistan remains an authoritarian regime with little movement toward democratization (Freedom House 2020). Department of State reports point to significant human right abuses in Uzbekistan, including arbitrary arrest and incommunicado and prolonged detention; political prisoners; restrictions on freedom of speech, the press, and the internet, including censorship, criminal libel, and website blocking; restrictions on assembly and association, including restrictions on civil society, with human rights activists, journalists, and others who criticized the government subject to harassment, prosecution and detention; restrictions on religious freedom; restrictions on freedom of movement; restrictions on political participation in which citizens were unable to choose their government in free, fair, and

periodic elections; criminalization of sexual relations between men and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and conduct; and human trafficking, including forced labor (Department of State: Uzbekistan, 2019).

While unregistered opposition groups function primarily in exile, it is not uncommon for domestic supporters or family members of exiled opposition figures to be persecuted and get barred from participating in elections (Freedom House 2020).

In both countries governments exercise unrestricted control over mainstream media. More specifically, media independence in Kazakhstan is extremely limited, with the authorities engaging in periodic blocking of online news sources and social media platforms. Libel is a criminal offense in Kazakhstan and the criminal code prohibits insulting the president (Freedom House: Kazakhstan, 2019). New legislation that came into force in January, 2018 has further exacerbated the crackdown on the media landscape, characterized by widespread self-censorship (Ibid). The law requires journalists to verify the accuracy of information prior to publication by consulting with the relevant government bodies or officials, obtaining consent for the publication of personal or otherwise confidential information, and acquiring accreditation as foreign journalists if they work for foreign outlets (Ibid).

The application of the law had a dramatic effect on broadcast media. As of August 2019, 88 foreign television channels had their licenses revoked by the Ministry of Information and Communication for failing to comply with new registration requirements within six months

of the law's implementation (Freedom House: Kazakhstan, 2019). As a result, independent and opposition journalists seem bound to face harassment, arbitrary detention, and spurious criminal prosecutions (HRW: Kazakhstan, 2019). A well-informed observer Tatyana Kovalyova notes that "It's now the turn of the loyal, but not completely state-controlled media in Kazakhstan. For media whose editorial policies don't meet the criteria of the relevant state ministry, the line of attack involves accusations of spreading fake news and libel. In this case, the media can be shut down by a court order. This is what happened to the online portal Ratel.kz, which worked on investigative journalist" (Open Democracy, 2019).

Similarly, press freedom remains severely restricted in Uzbekistan. The state controls major media outlets and related facilities, and independent outlets were mostly shuttered or blocked under Karimov. Domestic media, including news websites and live television programs, now cautiously discuss social problems and criticize local officials, reflecting a slight reduction in media repression since Mirziyoyev took power (Freedom House, 2020). However, even privately-owned media outlets still avoid openly criticizing Mirziyoyev and the government (Ibid). Human Rights Watch reports suggest that censorship is still widespread in Uzbekistan, with the authorities consistently restricting the media through the official state bodies that issue registration for media outlets and regulate journalistic activity such as the Uzbek Agency for Printing and Information (UzAPI) and the National Association of Electronic Media (NAESMI). Moreover, security services tend to

regularly intimidate managers of media outlets and journalists, while the practices of prosecuting journalists and other government critics are persisting (Human Rights Watch, 2018).

Not surprisingly, there are severe challenges facing freedom of association in both countries. In Kazakhstan NGOs routinely face severe legal restrictions on their formation and operation. More specifically, NGOs operate under the conditions of mounting harassment by the government and are at risk of incurring fines and other punishments for obscurely stated offences, such as ‘interfering with government activities or engaging in work beyond the scope of their charters’ (Freedom House: Kazakhstan, 2019).

In effect, it is not uncommon for civil society activists to face criminal prosecution and imprisonment just for being outspoken and critical. Moreover, to nip in the bud civic activism, many activists would get detained before the protests. Namely, prior to demonstrations organized by the government - critical Oyan, Kazakhstan (Wake up, Kazakhstan) movement on November 9, 2019, many activists got arrested inside and outside of their homes (IPHR, 2020).

As for Uzbekistan, it is noteworthy that unregistered NGOs face severe repression and harassment. National law prohibits the activities of unregistered NGOs and provides for both administrative and criminal penalties for involvement in such activities. There have been reports of harassment and intimidation by state officials towards lawyers who assist with attempts to legally register human rights NGOs (Civicus, 2019). Namely, the attempts of human rights defenders Azam Farmonov,

Dilmurod Saidov and Agzam Turgunov at registering their organization in February, 2019 failed. Their application was denied on the grounds of insufficient taxes, as well as the number of founders (Civicus, 2019).

As for minority rights, even a quick glance at the international human right watchdogs' reports show severe violations of LGBT rights in both countries.

Even though the LGBT climate in Kazakhstan is better than in the rest of Central Asia, but violence and discrimination still exist. Kazakhstan's Ministry of Defense classifies homosexuality as a "mental disorder" and bans gays from performing military service. In 2015, Kazakhstan nearly adopted a "gay propaganda" law as well, but the Constitutional Council overruled it. However, it returned to the legislative agenda in 2018. A proposed law on "Child Protection" contained a subsection on "Information prohibited from the distribution among the children." This prohibited information included material "demonstrating the culture of LGBT community." Even though the law was formulated out of public view, thanks to the intervention of LGBT activists and human rights NGOs, the final version of the adopted law does not contain any language discriminating against the LGBT community. Nevertheless, the aura of threat and discrimination continues to surround the LGBT community. Beatings, workplace dismissals, and online and real-life bullying are common (Fershtey and Sharifzoda, 2019).

In Uzbekistan, as one of the remaining legacies of the Soviet Union, homosexuality is still officially illegal. Punishments may include imprisonment up to three years (Fershtey and Sharifzoda, 2019).

Aside from prosecution for their sexual orientation, gay Uzbek men experience daily harassment from the public at large. Many of them fear not only for themselves, but for their nearest and dearest. Even if they manage to flee the country and receive political asylum elsewhere, their families and friends are at daily risk (Open Democracy, 2020).

Similarly, persons with disabilities get routinely subjected to discrimination in both countries. UN Committee on Economic, Social and Cultural Rights has repeatedly expressed concerns about the plight of this vulnerable group in Kazakhstan and recommended to “to ensure that persons with disabilities enjoy unhindered access to all social services, including education and employment, by providing reasonable accommodation in school and in the workplace and improving the accessibility of facilities and services provided and open to the public” (Amnesty International: Kazakhstan, 2019). While in May, 2019 the Government adopted the State Plan to ensure rights and better quality of life for people with disabilities until 2025, it does not seem to offer any immediate measures of support for disadvantaged citizens (Ibid).

The situation is not much different in Uzbekistan, where persons of face formidable challenges in their everyday lives. A well-informed observer notes that “the fact that people with disabilities rarely come out of their houses and do not stand for their rights. The laws are available only on paper, and they will become effective only when people with

disabilities will start standing for the accessibility for themselves, including accessible recreation” (Nam, 2018).

Beyond all these, the malpractices of torture and other ill-treatment remain of serious concern in both countries. UN Committee against Torture (CAT) has expressed grave concern “at reports that torture and ill-treatment continue[d] to be routinely committed by, at the instigation of, and with the consent of the State party’s law enforcement, investigative, and prison officials”. A great many human right defenders alarm that police, SGB, prison guards and prisoners continue to use torture and other ill-treatment to obtain confessions or punish suspects and detainees in Uzbekistan (Amnesty International: Uzbekistan, 2019).

Similarly, impunity for torture and other ill-treatment keeps persisting in Kazakhstan. While Impunity for torture and other ill-treatment persisted. In May, 2019 the National Preventative Mechanism reported that in the course of 2018 it had forwarded 176 complaints made that year about torture and other ill-treatment in penitentiary institutions to the General Prosecutor’s Office Amnesty International: Kazakhstan, 2019). Meanwhile the preliminary checks of the General Prosecutor did not yield significant results and there were no convictions. Notably, there is no independent mechanism to investigate torture in Kazakhstan and no plans to establish one (Ibid).

To sum up, Kazakhstan and Uzbekistan share much in common in terms of their authoritarian regimes, characterized by centralization of power, weak rule of law, and brutal suppression of dissent. The authoritarian malpractices and erosion of civil liberties and political

freedoms are so entrenched in both countries that cosmetic government changes are unlikely to produce significant democratic reforms. The situation is compounded by authoritarian effects that regional actors, such as Russia and Shanghai Cooperation Organization tend to trigger on neighboring countries.

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