CHAPTER – IV

HUMAN RIGHTS SITUATION IN KAZAKHSTAN AND UZBEKISTAN
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This chapter describes the status of democracy and human rights in Kazakhstan and Uzbekistan. It also examines the existing state policies and the framework of governance in these two republics, which is not ensuring the democratic rights of their people and has become passive to the human rights violations. This chapter also focuses on the institutional mechanism of government to legitimate the essential democratic institutions and ensure human rights, etc.

All humans are born with rights to build up their personality and living conditions. These rights specify the lowest possible condition for human dignity and a tolerable life by giving them the right of life, liberty and property. The term human right is associated with the democracy. After the establishment of United Nations (UN), a commission named as United Nations Commission on Human Rights was set up in 1946. UN General Assembly passed a declaration, “Universal Declaration of Human Rights in 1948” on 10th December 1948. By this declaration, the protection of Human Rights became the responsibility of International Community or United Nations. In this Declaration, human rights refer to:

... basic rights and freedoms to which all humans are entitled. Examples of rights and freedoms which are often thought of as human rights include civil and political rights, such as the right to life and liberty, freedom of expression, and equality before the law; and social, cultural and economic rights, including the right to participate in culture, the right to work, and the right to education (Article 1).

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. Democracy provides the natural environment for the protection and effective realization of human rights. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant
on Civil and Political Rights, which enshrines a host of political rights and civil liberties underpinning meaningful democracies.

Since the disintegration of the Soviet Union in 1991, the five Central Asian States, viz. Kazakhstan, Turkmenistan, Kyrgyzstan, Tajikistan and Uzbekistan, emerged as independent sovereign states on the map of the world. With the attainment of independence, these republics set up political systems according to their needs and will of their people to face the socio-political and economic instability in their republics. These republics adopted the principle of Human Rights in their Constitutions to strengthen the democratic process. These new Constitutions claim sovereignty, democracy and secularism as the fundamental principles of their republics. However, even after the constitutional provision we can see the violation of human rights over a decade.

Since their emergence as sovereign entities in 1991, the five Central Asian states have been subjected to severe criticism by the international community for the human rights violations in each state. The constitution of each state affirms the individuals’ rights as recognized by the Universal Declaration of Human Rights, which is a common standard of achievement for all nations and is a yardstick by which to measure the degree of respect for, and compliance with, international human rights standards. It forms the basis for all the subsequent work conducted in the field of human rights and provides a basic framework for numerous international instruments created for the protection of rights and freedoms that it proclaims. “All five Central Asian countries are a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights adopted by the UN General Assembly on December 16, 1966” (Afzal 2004).

As Michael Ochs has assessed the human rights in Central Asia, the defining trend of political development in Central Asia has been the emergence of Presidents far more powerful than the legislative and judicial branches of government. Central Asian constitutions generally sanction this imbalance by according the head of state
extremely broad prerogatives. But the actual practice of presidential rule has transcended constitutional provisions, which also formally enshrine separation of powers. Kazakhstan's few opposition-minded legislators at best could try to embarrass their president. Elsewhere in the region, parliaments are rubber stamp institutions, while courts everywhere reliably rule in political cases as instructed by the powers that be (Ochs 2004: 93-94).

Ochs has further added that most of people believe that Central Asian presidents and lower level officials derive significant economic gain from their positions and will not willingly leave office. Consequently, relatively few protests have been lodged against the development of executive privilege. When the Central Asian countries joined the Organization for Security and Cooperation in Europe (OSCE) in 1992, their leaders pledged to implement all past and future commitments of the Helsinki process. In fact, however, they want no part of democracy. The best evidence for this proposition is their miserable record of elections. It is unclear what the region’s presidents fear more is losing or not winning by an astronomical figure, but it is certain that they rig elections and strive to eliminate all risk from electoral exercises (Ochs 2004: 94).

According Daniel Kimage, none of the Central Asian nations is a fully functioning democracy in the sense accepted by the EU, as indicated by numerous reports prepared by the Organisation for Security and Cooperation in Europe (OSCE) on the monitoring of elections in the region. Some of the Central Asian nations lack the barest trappings of democratic governance. All of Central Asia’s states are, to one degree or another, nations in which an elite partly or wholly consumed by the pursuit of its own material interests maintains power through the exercise of decorative democracy (Melvin 2008: 12).

The EU’s new Central Asia Strategy, adopted by the European Council in June 2007, emphasizes "good governance, the rule of law, human rights and democratization” as “key areas where the EU is willing to share experience and expertise”. At the bilateral level, the stated objectives in the Partnership and Co-
operation Agreements (PCAs), signed between the EU and all five Central Asian states include the consolidation of democracy and the development of a market economy, with respect for democracy and human rights as an essential element of the Agreement. However, have such lofty principles been pursued rigorously in practice or have they remained simply as rhetoric in policy documents? The EU has the possibility of promoting human rights and democratization in its external relations through a number of instruments. These range from traditional foreign policy tools to financial and technical assistance through its development cooperation programmes (Crawford 2008: 175).

Eric Freedman shed light on media situation that most print and broadcast mass media in Central Asia remain state-owned or tightly controlled. Journalists exercise self-censorship, whether or not their governments maintain official censorship. In Kazakhstan, for instance, “even reporters working for privately owned newspapers seem to be toning down any criticism of government policy” in the aftermath of prosecutions of other journalists. Press organs and the journalists who work for them as well as independent journalists face prison, physical attacks, assassination, exile, harassment, loss of jobs and compulsory licenses, tax audits, destruction of property, burglary of newsrooms, pressure on advertisers, and costly civil and criminal libel litigation. Independent television journalists had covered homelessness, hazing in the military, governmental closure of a television station, and pension fund abuse. Common to these stories is the attempt of Central Asian governments to maintain official national narratives by silencing alternative perspectives. Investigative reporting in the true sense of the word is a rarity in Central Asian countries. Political partiality, pressures from authorities and criminal groups, and meagre wages are major factors hampering progress in this sphere (Freedman 2005: 74).

According to the Michael Ochs, the key factor in Central Asia’s poor human rights record is high level corruption. Presidents wishing to continue enriching their families and friends (or “clans”) cannot allow a free press or an independent judiciary. Nowhere is the nexus between corruption and intimidation of the press
clearer than in Kazakhstan, where journalists who write about foreign investigations into President Nazarbayev’s finances risk physical retribution or legal action. Nor is normal politics possible. Fear of the consequences if an outsider should come to power and uncover the scale of abuse induces leaders to ensure that no serious rivals emerge and that elections are carefully controlled when they take place at all. The result has been the emergence of an entire region in the OSCE space where fundamental freedoms are ignored. Along with large-scale conflicts like Kosovo or Bosnia, unresolved low level conflicts such as Nagorno-Karabakh and Abkhazia, and the trafficking in human beings, the systemic flouting of commitments on democratization and human rights in Central Asia is the single greatest problem facing the OSCE (Ochs 2004: 94).

According to Eric Freedman the OSCE team that monitored the September 2004 parliamentary elections in Kazakhstan concluded that the voting failed to meet OSCE and Council of Europe standards. There are finally a few signs that foreign funders are willing to impose sanctions for repeatedly failing to live up to those pledges. In April 2004, the European Bank for Reconstruction and Development (2004) suspended most public loans in Uzbekistan because of “very limited progress” in achieving promised human rights and press freedom benchmarks. In July 2004, U.S. Secretary of State Colin Powell declined to certify Uzbekistan for up to US$18m in foreign aid, citing “lack of progress on democratic reform and restrictions put on U.S. assistance partners on the ground” (Freedman 2005: 173).

Consequently, human rights observance in these states has tended to reflect not the leaders’ commitment to reform, but rather goading from abroad. Such pressure, however, has had and can have only limited effect. While the United States had urged progress in democratization even before September 11, Central Asian leaders apparently had concluded that Washington is more focused on strategic and economic interests and the threat of Islamic fundamentalism. U.S. disapproval of lagging democratization never kept American businessmen from seeking to exploit Central Asia’s natural resources or restrained Washington from encouraging them. Nor did flagrant human rights abuses cause the United States to
cut significantly programmes such as Partnership for Peace, cease foreign aid, or otherwise slow the development of bilateral relations (Ochs 2004: 96).

**Human Rights in Kazakhstan**

Kazakhstan has followed the same general political pattern as the other four Central Asian states. After declaring independence from the Soviet political structure which was completely dominated by Moscow and the Communist Party of the Soviet Union (CPSU) until 1991, Kazakhstan retained the basic governmental structure and, in fact, most of the same leadership that had occupied the top levels of power in 1990. Nursultan Nazarbayev, first secretary of the Communist Party of Kazakhstan (CPK) beginning in 1989, was elected president of the republic in 1991 and remained in undisputed power five years later. Nazarbayev took several effective steps to ensure his position for a long time. The constitution of 1993 made the prime minister and the Council of Ministers responsible solely to the president, and in 1995 a new constitution reinforced that relationship. Furthermore, opposition parties were severely limited by legal restrictions on their activities. Within that rigid framework, Nazarbayev gained substantial popularity by limiting the economic shock of separation from the security of the Soviet Union and by maintaining ethnic harmony in the highly diverse country with more than 100 different nationalities.

In Kazakhstan also there were a number of opposition parties. Examples include the Zheltoksan (December) Party, the Alash (named after the legendary Kazakh hero) Party, and Azat (Freedom). All these Kazakh political parties existed before independence. This can be attributed to the fact that the leaders of Central Asia wanted to accommodate Islam within the society only to a certain extent and wanted to ensure that religion did not threaten the secular ideologies of the states. Officials have, therefore, generally been opposed to the formation of Islamic rebirth parties (Afzal 2004). As the reports of Human Rights Watch 1994 focused,

Kazakhstan remained relatively consistent during 1993 in its human rights practices, both those that protected human rights and those that restricted them. On January 28, it adopted a constitution enshrining many fundamental rights,
and there were no substantial reports of ethnic discrimination during the year. However, the government maintained restrictions on freedom of association and continued to apply the law protecting the “honor and dignity” of the president and other government officials, in violation of the right to free speech. Two cases of alleged violation of the “honor and dignity” law were prosecuted during 1993. The sixty-year-old scholar Karishal Asanov was charged with violating Article 170-3, parts 1 and 2, of the criminal code in August 1992. Charges were brought in connection with his article “Don’t Believe the President’s Smile,” a synthesis of arguments he made in a two-volume history of the Kazakh people that was critical of President Nursultan Nazarbayev. As of November, the case was on appeal. Ruslanbek Chukurov, a doctor, also faced charges of violating the law on “honor and dignity” (Article 170-4, part 2, of the criminal code). Dr. Chukurov was first charged in 1992 when he publicly accused former Minister of Health Aliev of corruption. More independent trade unions were registered during 1993, and Birlescu, the trade union movement’s newspaper, reportedly was allowed back to press in August after being suspended by city authorities. Nonetheless, although Article 10 of the new Kazakhstan Constitution guaranteed the rights of public organizations, restrictive legislation continued to force parties, movements and independent trade unions to register in Kazakhstan.

Regarding the religious freedom Kazakhstan has some problematic areas. Religious groups must register to rent or purchase property, employ workers, or obtain visas for foreign co-religionists. A new Article in the Administrative Code, introduced in 2001, imposes criminal sanctions on leaders of groups refusing to register, and local authorities have detained and beaten leaders of groups, which do not. In addition, parliament introduced a new religious law broadening the government’s ability to control and monitor religious groups. However, the Constitutional Council deemed the draft law unconstitutional in April 2002, and President Nazarbayev chose not to appeal. While officially the law may not be on the books, the number of fines and court orders closing down churches of Baptists who refuse to register steadily has increased. According to Roman Podorigora, in newly independent Kazakhstan a new law ‘Religious Freedom and Religious Associations’, was passed in 1992. Believers and their associations obtained unprecedented rights and freedoms. The relationship between religions and the state
was totally changed: it was now based on partnership and mutual understanding rather than on struggle between two social structures. Indeed, the state now admitted that religion was of great value to society. It gave up its total control in the religious sphere and acknowledged the necessity of securing religious freedoms and human rights. The number of religious associations began to increase. Some expropriated buildings and property were returned to the church. Believers and their organisations gained access to radio, television and other mass media. They began involving themselves in charitable, humanitarian and educational work. Foreign missionaries began to arrive (Podoprigora 2003: 124-25).

But the changing attitude of government regarding religion is significant. The two main religious organisations in Kazakhstan are the Muslim Spiritual Directorate (or Spiritual Board) (Dukhovnoye Upravleniye) and the Russian Orthodox Church, which has three dioceses, Astana-Almaty, Ural-Gur’yev and Shimkent-Akmola. Under the law these two main religious organisations are equal in status to other religious organisations, but in practice they enjoy many advantages which give them more opportunities for participating in major public, political and mass events, and facilitate the resolving of whatever problems may arise. These two main religious organisations have moved steadily closer to the state. One of their main concerns is to try to influence the state’s attitude toward new religious movements and traditional competitors in the religious sphere. The Muslim Spiritual Directorate is concerned about attempts by Christian organisations to proselytise the Kazakh population. The Russian Orthodox Church is also concerned about the growth of Protestant and other Christian organisations and about the intensive activity of foreign missionaries.

Another problem, which causes alarm among the state authorities and more widely among the population, is the threat of the spread of Islamic fundamentalism. Muslim missionaries from Pakistan, Saudi Arabia, Turkey, Egypt, Libya and Iran are operating in Kazakhstan. Most of them are connected with Islamic organisations of a fundamentalist orientation. They organize communities, hold discussions with students, conduct religious seminars and send citizens to overseas religious centres.
to be educated. They are not subject to the Muslim Spiritual Directorate of Kazakhstan. A permanent fixture of the religious scene in Kazakhstan is the threat of the spread of Islamic fundamentalism. This threat sharpens religious tensions and serves as an additional reason for the limitation of citizens’ religious freedoms.

A large number of Muslim organisations are being set up in Kazakhstan with assistance from abroad and independent of the Muslim Spiritual Directorate. They propagate radical Islam and their final goal is the creation of a new political and social regime. The state does not possess methods for prohibiting the activity of such organisations when they do not violate the law. For example, the state cannot formally prevent Kazakh citizens from going overseas to receive education in Islamic centres. The future for religious freedom in Kazakhstan does not seem bright. The years since independence have not seen the establishment in Kazakhstan of a political and legal regime within the bounds of which citizens’ rights would be secured and respected, and state and citizens would have mutual rights and duties. The reasons for this are clear: the absence of developed institutions of democracy and civil society, and the reluctance on the part of the authorities to develop such institutions; the low level of legal culture among state officials; the low level of citizens’ social activity; the predominance of the state in various spheres (Podoprigora 2003: 127-29).

Human Rights Watch has categorized the violation of human rights in various fields such as freedom of expression, political opposition, media and many more.

**Political Opposition in Kazakhstan**

The leader of the Independent Trade Union Federation, Leonid Solomin, was charged with financial irregularities after a long-running investigation. Another prominent opposition figure, Petr Svoik, co-leader of the Azamat opposition movement, faced criminal charges relating to alleged improprieties during his time as head of the State Antimonopoly Commission. The Civil freedoms suffered, in the 1999 election. After that parliament passed a new Law on the Mass Media, which even the speaker of parliament himself criticized as "undemocratic," though, like previous laws, it forbids censorship. In June, a court in Almaty closed the popular newspaper Nachnem s Ponedel'nika for two months, pending the outcome of several libel actions totalling nearly 500 million tenge, and damages of more than five million tenge (Human Rights Watch 2000).

As Freedom House Survey, Nations in Transit 2010, says that the president has sweeping powers to appoint and dismiss the prime minister of the country and dissolve the Parliament. The prime minister has little independent power to formulate policies. The president also appoints a third of the members of the Senate, nominates nine members from the Assembly of the Peoples of Kazakhstan (APK) to the Majilis, the lower house of parliament, and chooses the chair and two members of the seven-member Central Election Commission (Nations in Transit 2010: 256).

Human Rights Watch Report 2001 says:

The government charged former Prime Minister Akezhan Kazhegeldin – Nazarbayev’s one-time rival and leader of the Republican National People’s Party (RNPK) after his dismissal in 1997 – with illegal weapons possession and Kazhegeldin’s press secretary Igor Poberezhskii was stabbed by an unknown assailant outside of his Moscow apartment. Other political scientist and RNPK member Nurbulat Masanov, sealed into his apartment. The apartments of RNPK leader Amirzhan Kosanov and Seidakhmet Kuttykadam, leader of the Orleu movement, were also sealed. The Supreme Court upheld the administrative regulations mandating, on grounds of public security, that police had the right to attend any and all meetings of non-governmental organizations, without providing for any judicial or other review of these police actions. This ruling was sure to have a chilling effect on freedom of assembly, already restricted by Kazakh authorities, who continued to fine members of the pensioners’ movement Pokolenie (Generation) for their monthly public
demonstrations. An unidentified man outside her apartment beat Lira Baisetova, editor of the opposition newspaper *Respublika*.

Rakhat Aliev, the controversial former son-in-law of Kazakh President Nursultan Nazarbayev, has accused the president of ordering the murder of a key leader of the country's political opposition. In an exclusive interview with RFE/RL's *Kazakh Service Today*, he said that Opposition leader Altynbek Sarsenbaev, his driver, and bodyguard were shot dead in February 2006 outside Almaty. The Kazakh opposition blamed the regime for the killings, a charge the government denies. Regular reports of violating the human rights have been coming from Kazakhstan.

According to the Human Rights Watch Report 2008, even though the Kazakhstan government launched a campaign to improve its image and establish itself as a prominent player in international politics, likely motivated by its bid for chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2009, the human rights situation in the country remains poor. Despite considerable attention from the international community, in 2007 respect for human rights failed to improve, and according to Transparency International corruption in Kazakhstan significantly worsened (Human Rights Watch 2008: 225).

In May 2007 the Kazakh government passed an amendment to article 42 of the constitution, which prohibits more than two successive terms as president, paving the way for President Nursultan Nazarbayev to run for an unlimited number of terms. The constitutional amendment was condemned by the opposition, which was prevented by the police from demonstrating against it in Almaty (Human Rights Watch 2008: 403-04).

Kazakhstan’s political structure concentrates power in the presidency. The legislature and judiciary, as well as regional and local governments are not independent from executive control, and changes or amendments to the Constitution require presidential consent. No opposition parties are represented in the Lower House of Parliament. Corruption remains systemic.
Political murders are also alleged. At a news conference, "For a Just Kazakhstan" party officials noted that in November 2005 an opposition figure, Zamanbek Nurkadilov, was shot dead. For that reason Human Right Watch and other organizations are criticising the human rights records. Human Rights Watch 2006 Report says that President Nursultan Nazarbayev retained power in the December 2005 presidential elections, which international observers found did not meet international standards. After the elections, the government of Kazakhstan has flouted some of its fundamental human rights obligations, tightening control over independent media, interfering with the political opposition, and initiating politically motivated lawsuits against its critics.

According to freedom house, Kazakhstan made a new pledge at the OSCE meeting in Madrid in November 2007 to maintain the unity of the 45-member organization, to protect its election-monitoring mandate, to build democracy and civil society, and to carry out reform of the legislation on media, elections, and political parties in conformance with OSCE recommendations. Pursuing these objectives within a legal framework that has pushed political competition out of the legislative process is a challenge that both Kazakhstan and the OSCE will continue to tackle. International Helsinki Federation for Human Rights, as well as independent media and civil society activists, have deemed Kazakhstan unfit to assume the leadership of the OSCE and pointed to the failure of the government to abide by the OSCE procedures at home since it made the bid to head the organization. Despite its poor democratic and human rights credentials and the failure to hold free and fair parliamentary elections in August 2007 (ruling Nur Otan won 100 percent of the seats), Kazakhstan still succeeded in attaining the rotating OSCE for 2010, chairmanship a year later than what it had expected (Nations in Transit 2008: 286).

Bhavna Dave has further added that the president appoints the prime minister, who heads the government and bears responsibility for enacting and implementing all policies but has little independent power to formulate policies or initiate legislation. Karim Masimov, a technocrat proficient in Chinese, Arabic,
Turkish, and English, and of mixed Kazakh-Uighur lineage, at 39 became the youngest person to hold the office, replacing Prime Minister Daniyal Akhmetov in early 2007. The package of constitutional amendments in May 2007 removed clauses limiting the first president of Kazakhstan to no more than two terms, leaving little doubt that the 67-year-old Nazarbayev is planning to remain president for life. Apart from reducing the presidential term from seven to five years, the amendments increased the number of seats in the Majilis from 67 to 107, of which 98 are elected by party list on a proportional basis and 9 are selected from the Assembly of the Peoples of Kazakhstan (APK).

**Elections in Kazakhstan**

The Presidential elections were conducted in December 2005 when Nazarbayev won a third term with more than 90 percent of the vote. The elections attracted negative commentary from the Organization for Security and Co-operation in Europe (OSCE) which claimed they had not met international standards, citing failings such as campaign restrictions, interference at polling stations, multiple voting, pressure on voters, media bias and restrictions on freedom of expression. These claims were strongly contested by the Caspian Information Centre Election Observation Mission, led by the UK’s Lord Parkinson, which concluded that “at this election, Kazakhstan has taken a major step forward in becoming a full democracy”. Zharmakhan Tuyakbayev of the opposition coalition, For a Just Kazakhstan, claimed the results were an unprecedented violation of the constitution and laws, accusing Nazarbayev of creating a totalitarian government. President Nazarbayev, on the other hand, defended his record in government citing successes such as dealing with the aftermath of Soviet-era nuclear testing and toxic waste dumping, building an independent country without violence or a split along ethnic or religious lines, and significant financial and economic reforms (Knox 2008: 3).

In Majilis elections held on August 18, 2007 Kazakhstan’s ruling party, Nur Otan, won 88 percent of the vote. No opposition parties cleared the 7 percent threshold to win seats. Opposition leaders denounced the elections as fraudulent and called for new elections in an August 28 letter to the president. The OSCE said the elections reflected some democratic progress but still fell short of international
standards. President Nursultan Nazarbayev brushed off all criticism and claimed that the one-party parliament was a "wonderful opportunity to adopt all the laws needed to speed up our country's economic and political modernization." Two opposition parties, Nagyz Ak Zhol and the National Social Democratic Party, merged in June on the eve of the August elections, but still failed to gain any seats in Majilis. The Social Democratic Party was registered in January 2007, three months after it had applied. The Alga! (Forward!) Party and the Atameken (Homeland) Party were not able to register (Human Rights Watch 2008: 403-04).

Kazakhstani opposition parties were denied registration altogether on various technical grounds. Independent media critical of President Nazarbayev's government were harassed by lawsuits and threats in the run-up to the election, according to Human Rights Watch. So despite some improvement over past practice, the OSCE described those elections as "falling short of international standards of free, fair and transparent." The August 2007 elections gave the ruling Nur Otan ("Ray of Light-Fatherland") Party, headed by Nazarbayev, 88 per cent of the vote. No party including Ak Zhol and All-National Social Democratic Party could receive the 7 per cent minimum to sit in the lower house of parliament, and so the presidential party controls all the seats. The OSCE again criticized the vote counting in this nominal democracy. One OSCE official quipped that he had "never seen a democratic country with only one party in parliament." In its 2005 Report, the U.S. State Department wrote of Kazakhstan: "the human rights record remains poor" (Spechler 2008: 88-89).

**Freedom of Press in Kazakhstan**

As Olivia Allison has analysed regarding the situation of media, the Central Asian media struggle has now solidified into a predictable but sophisticated threat-and-enforcement sequence, but this sequence developed slowly. In the early 1990s, journalists experienced a heady freedom and a burst of many new media outlets. The media in those early years were inexperienced and acted brashly, were uneducated in basic accounting practices, and lacked financial responsibility and
journalistic style. After publishers, editors and writers haphazardly tested the limits of their freedom, the governments by the late 1990s began reacting heavy-handedly, shutting down the outlets they found dangerous, often with minimal legal pretext. During this initial time, ruling elites solidified their grasp on their countries, extending up political and commercial reach. No Central Asian country changed regimes in legitimate elections from the beginning of independence. To combat other political voices, ruling families have snatched up media holdings, and in all the Central Asian countries, state controlled media currently have a virtual monopoly on broadcast media and huge segments of print media. Private media outlets have also helped to create and prop up this system; they are not blameless in their troubles with the authorities (Allison 2006: 93).

According to Nations in Transit 2010, in 2009, the weeklies *Respublika* and *Taszhargan*, two of the most prominent independent newspapers publishing investigative and critical stories, were ordered to pay massive damages as a result of libel suits filed against them by senior officials in the government. The BTA Bank of Kazakhstan had launched a court case against *Respublika* demanding US$500,000 for allegedly spreading false information about its activities. The newspaper has closed down, as it was unable to pay the exorbitant fine. Meanwhile, *Taszhargan* failed to recover following various lawsuits filed against it in 2008. Another case is of Ramazan Yesergepov, editor of the *Alma-Ata Info* weekly, who was seized by KNB agents from a hospital bed and detained on charges of disclosing state secrets in an article. The article had alleged that regional KNB officials had tried to influence a prosecutor and judge in a criminal tax-evasion case. Since Yesergepov’s case was classified as secret, his family could not access the case file or attend hearings, and the lawyer defending him resigned without explanation. Yesergepov was sentenced in August 2009 to three years in prison (Nations in Transit 2010: 262).

Many privately owned media outlets are extremely pro-governmental because their owners are members of the ruling elite. However, there are several oppositional media outlets in each country, and many of these are owned by
oppositional politicians; thus, while their content is not pro-governmental, the journalists are still propagandistic tools of certain political figures. The situation of media in Kazakhstan is not much better. As in Uzbekistan, self-censorship is the rule. Many of the media are controlled or pressured by members of the President’s family. Libel, including “insulting the honor and dignity of the President,” is subject to criminal prosecution (Spechler 2008: 93).

State-owned newspaper *Kazakhstanskaya Pravda* journalist Zhazira Bukina pointed out the irony of calling all privately owned newspapers ‘independent’: “It all comes back to that idea, what does it mean to be independent? And this is a question that many journalists get ruffled by, but honestly, government papers aren’t free, but [opposition politician Galymzhan] Zhakianov’s papers aren’t free either” (Allison 2006: 94). The four-year prison sentence imposed on Evgeniy Zhovtis, director of the International Bureau for Human Rights and Rule of Law of Kazakhstan, was a blow to civil society and NGO activists that has further tarnished the country’s international reputation. A district court in the Almaty region convicted Zhovtis of manslaughter in September 2009, following an automobile accident. The trial was fraught with procedural violations, and the judge did not consider any of the mitigating evidence (Nations in Transit 2010: 258).

Kazakhstan has an entirely new law ‘On mass media’, adopted in 1999 and amended in 2001, although sections of the 1999 law still mirror the structure and wording of the Soviet law. A new law “on the entering of changes and additions into a few legal acts of the Republic of Kazakhstan on mass-media issues” was entered on 5 July 2006. Several groups have roundly criticized these changes as being draconian and expanding grounds for cancellation of a media outlet’s registration or license, among other things. Thus, any systematic oppression of media in Kazakhstan appears unchanged. Several previous but unsuccessful attempts evoked similar reactions and had similar provisions. The parliament introduced a draft law ‘On the Freedom and Guarantees of Access to Information’, which OSCE characterized as a ‘significant step forward’, but it never reached for a vote in the parliament. The law on broadcasting is supposedly also under revision, and another
draft law under debate would establish the country’s first ‘public’ television network. All of these laws are controversial and still subject to change (Allison 2006: 95).

According to Human Rights Watch 2008 Report, although Kazakhstan’s laws guarantee the media the right to report on political events, the independent media continues to be threatened and harassed for criticizing the president or government, and journalists run serious risks. Oralgaisha Omarshanova, an independent journalist working on corruption for the weekly publication Zakon i Pravosudiye (Law and Justice), was reported missing and her whereabouts remain unknown. Saken Tauzhanov, a journalist was killed in a traffic accident. While the authorities concluded that Tauzhanov’s death was a routine accident, some observers called for an investigation, pointing to the fact that at least six journalists have died in similar circumstances since 2002 and raising concern that they may have been targeted because of their political reporting. Criminal libel laws are routinely used against opposition media. In January 2007 Kaziz Toguzbayev, a reporter for the independent newspaper Azat, was given a two-year suspended sentence for “insulting the honor and dignity” of President Nazarbayev in two articles he published on the website Kub in April and May 2006. Government officials in the city of Uralsk began to harass the newspaper Uralskaya Nedelya after the paper published a series of articles on local government corruption. Government officials repeatedly threatened local printing houses that they would be shut down if they printed or distributed the paper. Ultimately, the paper had to be printed outside the region. The government continues to censor the Internet and in 2007 “deregistered” or suspended several websites. The government also blocked several opposition websites that reported on Nazarbayev’s feud with Rakhat Aliev (Human Rights Watch 2008: 405).

Bhavna Dave has an opinion on the situation of media in Kazakhstan that Kazakhstan’s privately owned media are in fact almost entirely under the control of major financial groups affiliated with key members of the ruling elite. The existing Media Law and other provisions within the criminal code and National Security Law criminalize criticisms of leading government figures and render a small
number of independent media outlets non-competitive. The media coverage of the August 2007 parliamentary elections remained biased in favour of the ruling Nur Otan as the opposition received considerable negative publicity. The government sought to censor the media and Internet following the release of transcripts of taped conversations among state officials about campaign financing, posted on opposition websites (Nations in Transit 2008: 283).

Kazakhstan went through times of political fights that led to the closure of independent media outlets. The newspaper “Respublika” was closed down many times, but kept working under new names; its editor was threatened with prison and forced to leave Kazakhstan. Another newspaper, “Tas Zhargan,” successor to the newspaper “Sol Dat”, had also experienced many difficulties. Its publisher, Yermurat Bapi, was ordered by court to stop his publishing activities. There were many attempts to force the website zona.kz, previously called “Navigator”, to shut down but it remains operational.

On 5 July 2006, President Nursultan Nazarbayev signed into law the government bill “On Amendments and Additions to Some Legislative Acts.” The result does not favour those who are raising their voice against the authorities. Saken Tauzhanov was a hard-hitting journalist who criticized both the opposition and the government in his native Kazakhstan. His frequently caustic online articles made Tauzhanov more than a few enemies, which is why his death on August 2 raised many suspicions. Kazakh authorities declared that when 37-year-old Tauzhanov was run over by a large truck as he crossed a street in downtown Almaty, it was a tragic but routine traffic accident. No evidence has emerged to contradict such account. But some people who have seen other Kazakh journalists die in the same manner are suspicious.

Talap, when started to write reports about Kazakhgate (an oil kickback scandal), he also was killed, struck by a car (2004); Batyrkhan Darimbet, a former correspondent for Radio Free Liberty/Radio Liberty and head of the newspaper ‘Azat’ was killed in a car crash (2005). A vehicle also hit Saken Tauzhanov, known for his articles that clearly opposed the authorities. Despite numerous protests from local journalists and human rights organizations, it seems that there is respite in
wrongs regarding Mass Media in the Republic of Kazakhstan. The controversial law bans any editor whose media outlet had been closed in the past from opening a new one, prohibits the re-use of the name of any banned media outlet, and introduces a tax for any media outlet willing to register, compulsory re-registration to replace an editor-in-chief or to move into another location, and cancellation of license or suspension of a media outlet in the event of administrative violations.

**Judiciary in Kazakhstan**

Kazakhstan's strong executive system based on presidential patronage recognizes the separation of the three branches of power. Yet in practice, both the judiciary and the legislature remain loyal to the executive headed by the president. The judiciary seeks to protect the interests of the state and its functionaries rather than those of individuals, minorities, and the weaker strata of society.

In Kazakhstan there is no effective safeguard against torture and ill treatment. According to Amnesty International report, human rights are being violated by security forces and police in the country. They torture the victim as well as the associated families. There are so many cases lodged against the innocent citizens, reporters, human rights activists and many more. In September 2009 armed and masked NSS officers raided the homes in Almaty of three refugees and two asylum-seekers from Uzbekistan during the night. The officers who did not identify themselves detained the men in the presence of their families and took them to an unidentified location for interrogation. This was later identified as the building of the Almaty NSS. The men reported that they were beaten, that at least one of the refugees had his nose broken during the arrest and that some of the men were handcuffed and had plastic bags put over their heads. They said that the officers threatened them with deportation to Uzbekistan where they were reportedly wanted for the murder of a policeman. Despite the fact that they all had registration papers from the office of the UN High Commissioner for Refugees (UNHCR) in Kazakhstan the men were not allowed to contact UNHCR, their families or a legal representative. They were released without charge several hours later. The NSS later
denied that they had used excessive force and described the raids and detentions as a mere document check (Amnesty International Publications n.d.: 14).

Kazakhstan’s Constitution makes formal mention of the independence of the judiciary without providing any mechanisms for safeguarding it. The Constitution spells out an elaborate procedure for appointing judges in which the president proposes nominees for the Supreme Court, who are then approved by the Senate. These nominees are recommended by the Supreme Judicial Council, which comprises the chair of the Constitutional Council, the chair of the Supreme Court, the prosecutor general, the minister of justice, senators, judges, and others appointed by the president. The president may remove judges, except members of the Supreme Court, on the recommendation of the minister of justice. Jury trials can play a vital role in reducing graft and corruption, reduce the waiting period for cases, and help to establish judicial independence, transparency, and accountability in a system where citizens tend to distrust the courts. So far, no jury selection mechanism exists to balance language, gender, and ethnic criteria, and the number of criminal cases involving juries is still limited (Nations in Transit 2008: 298).

**Human Rights in Uzbekistan**

Nineteen years after declaring independence, Uzbekistan, while having taken significant steps toward economic market reform, has made little progress in the transition from its authoritarian legacy toward democracy. President Karimov and the centralized executive branch, which serves him, are the dominant forces in political life. President Islam Karimov has exerted unchallenged control over Uzbekistan since the country gained its independence in 1991. Uzbekistan’s transition from communism began on December 29, 1991 when over 98 percent of the country’s electorate approved a referendum on independence. In a parallel vote, Islam Karimov was elected the country’s first president with an overwhelming 88 percent of the vote. Karimov’s only opposition in this election was Mohammed Solih from the Erk Party, who challenged the results and charged election fraud. After the election, Solih was arrested briefly and then released; he fled Uzbekistan.
and went into exile in 1992. The main opposition group, Birlik, was the first political group in the country outside of communism. It was founded in November 1988 with the initial goal of reviving the Uzbek language and culture while seeking greater sovereignty for Uzbekistan. However, it was barred from the election and later refused legal registration as a political party. Religious based political parties were banned entirely out of fear of militant, political Islam (Quillen, Reader, and Clunan 2006: 62-63).

Human Rights Watch/Helsinki has monitored the human rights situation in the Republic of Uzbekistan closely since 1992. Despite a two-and-a-half-year period (May 1993 to November 1995) when the government of Uzbekistan denied visas to Human rights Watch representatives, Human rights Watch conducted two full-scale field investigations in Uzbekistan (December 1992 and November 1995), observed political trials, and issued several reports and scores of letters of inquiry, concern and protest relating to specific violations or patterns of abuse. It is Human Rights Watch/Helsinki’s belief that an honest and informed examination of the human rights situation is the best way to ensure that the promises of improvement are eventually kept (Human Rights Watch 1996).

For the registration of the political parties it is not possible to collect the required signature. According to the ICG report, there needs to be a change to the almost impossible task of gathering signatures to support candidates. When a candidate is not to the liking of the authorities, the electoral commission can reject these signatures. It is always easy to find one signature that can be questioned, or force someone to withdraw theirs. The whole system of signature collection provides far too much power to local authorities. The law bans any financing of political parties except from a state electoral fund. Most political parties have no financial resources at all to run campaigns, even if they wanted to. The official parties are all entirely pro-government in their views. But it is possible to imagine an evolutionary emergence of different views among them if they had some level of financial support from different sources that encourage them to begin to represent particular interests more openly. Families and businesses of those wishing to stand
against the government are often threatened. Without any opposition participation, or the ability of voters to put forward truly independent candidates, the elections will maintain the present democratic façade, and there will be no stimulus towards greater openness and more circulation of elites. Given the widespread rumours regarding the health of President Karimov and the increasing expectation of a succession struggle, there is a good case for bringing elections forward to put a functioning parliament in place as soon as possible (Asia Report 2003: 3-5).

Members of the five registered political parties, all of them loyal to the president, compose the two-chamber Parliament. Uzbekistan has a strongly centralized government, with nearly all decisions made in the capital. During 2007, no efforts were made to reform the political system or to allow citizen’s greater participation. Human Rights abuses are very common in Uzbekistan. The groups trying to legitimize themselves as an alternative of Karimov's government have been suppressed by Karimov’s regime. Anybody who is posing a threat to Karimov, are either in exile or jails. For example, the leaders of Birlik and Erk have been beaten or suppressed and forced to exile. There is considerable evidence of widespread abuse of human rights by the security forces. According to the information collected by local and international human rights groups like OSIC and Human Rights Watch, there are about seven thousand political prisoners in Uzbekistan (Mekankamp and Tongeren 2002: 196).

Under President Islam Karimov, Uzbekistan is a repressive police state, where opposition is banned, media are censored, and civil society has been crippled. Karimov apparently means to remain in power indefinitely and has manipulated elections for that purpose. None of the five parties in Uzbekistan’s parliament can even be remotely considered oppositionist. The courts are tightly controlled, sentencing those accused of political or religious crimes to long prison terms. According to Martin C. Spechler this is undeniably the worst element in Uzbekistan’s human rights record. True opposition parties have been essentially disenfranchised since the 1991 elections, a violation of article 19 of Universal Declaration of Human Rights, which requires periodic and genuine elections.
Various parties of farmers, independents and so forth are all pro-presidential and can be depended upon to endorse the President's programme in the Olij Majlis.

During what might be called the seven lean years of the economy until 2003, liberty of speech, assembly, and association was again curtailed, even though censorship is outlawed. People could talk among themselves, and even to trusted outsiders, but the media were uninformative. During this period the country was rated not free. The World Bank Institute rated Uzbekistan at the 13th percentile for voice and accountability as of 2000-01, considerably below the FSU average. As in Kazakhstan, in Uzbekistan Islamic parties are not permitted, although small meetings of unregistered political parties are permitted. The Presidential apartment dominates policymaking, and non-Uzbeks are excluded from the very top positions. In March 2006, businessman Sanjar Umarov, head of the opposition Sunshine Uzbekistan coalition, was sentenced to ten years in prison and a large fine for a variety of “economic crimes,” including speculation in gasoline, foreign currency, and many more (Spechler 2008: 87-89).

The most populous country of Central Asia, Uzbekistan is also the state where political Islam has emerged as a threat, particularly in the form of the Islamic Movement of Uzbekistan (IMU), which the U.S. Government has classified as a terrorist organization. For the last five years, Karimov’s regime has been engaged in a virtual war against religious Muslims who want to worship outside state-controlled mosques. Uzbek and international human rights groups estimate that thousands of people have been jailed; planting of evidence is common, as is torture in prison. Karimov has ignored advice from many sources, including Washington, which warns that his crackdown only strengthens the radical Islamic dangers he claims to be combating. From that time it became increasingly clear that Uzbekistan’s President Islam Karimov had no intention to yield any of his government’s monopoly on power to any kind of opposition. In 1992 the Islamic Renaissance Party was also banned in Uzbekistan. The crackdown on unofficial religious activities, which was to become the rule from this time onward, has only been one expression of a more general tendency in the Karimov government to
repress civil and political freedom. Thus, at around the same time that the crackdown on unofficial Islam started, the secular opposition in Uzbekistan was also effectively eliminated (Louw 2007: 26).

Since the post-September 11 rapprochement with Washington, Karimov has made some gestures. He permitted the registration of an independent human rights organization, amnestied prisoners, and most recently has claimed that pre-publication censorship has been lifted. In 2002, two cases were reported of policemen who had tortured detainees receiving jail terms. On August 29, 2002, Karimov urged “radical” democratic changes, telling parliament that the country is ready for freedom of the media, political activity, independent courts, and economic liberalism. Based on past practice, however, there is no reason to expect more than tactical concessions or to look forward to genuine political reform.

In the December 1991 presidential election, Karimov allowed Mohammad Solih, poet, writer, and leader of the opposition Erk party, to run. Abdurrahim Polat, leader of the opposition Birlik movement, was not allowed to register as a candidate. The OSCE refused to send observers to the 1999 parliamentary elections, in which five pro-government parties participated. In the January 2000 presidential elections, which OSCE also did not monitor, the person permitted to run against Karimov said he would vote for the incumbent. Still, Karimov was not content with another five-year term. In January 2002, Uzbekistan held a referendum, which extended his tenure in office from five years to seven.

Freedom of association is not permitted in Uzbekistan. Karimov created several pro-government parties, perhaps to check the power of the National Democratic Party (successor to the Communist Party) and to create a semblance of pluralism. These parties include Adolat (Justice), Milliy Tiklanish (National Rebirth), and Fidokorlar, apparently Karimov's favourite. However, since 1992, the opposition parties Erk and Birlik have not been able to participate in elections or distribute literature. Erk spokesmen claim party members are in jail for their political activity and are tortured; police closely monitors Erk activists who are not
in jail. A September 21, 2002 appeal by the Human Rights Society of Uzbekistan listed eight of its members behind bars.

There is no freedom of speech in Uzbekistan. While stories about low-level corruption may appear, Karimov and his policies are off-limits. Those who try to print or distribute unsanctioned newspapers or bulletins, such as those associated with Erk or Birlik, risk criminal penalties. Karimov has himself criticized Uzbekistan’s media, skirting the issue of how media can develop in such a tightly run political system. Human Rights Watch 2006 Report shows the clear picture in Uzbekistan. It says that human rights conditions in Uzbekistan deteriorated further in 2006. In a year-and-a-half since Uzbek government forces killed hundreds of unarmed protestors in the city of Andijan on May 13, 2005, no one has been held accountable for the killings. Instead, the authorities conducted closed trials and continued their campaign to silence critics of the government’s version of events. Many local and international civil society groups and media outlets had to cease operation, and human rights defenders and independent journalists were imprisoned or fled the country. The government secured the extradition of refugees and asylum seekers on grounds that numerous cases appeared to be politically motivated.

The Constitution of the Republic of Uzbekistan asserts that democracy in the nation shall be based upon common human principles, according to which the highest value shall be the human being, his life, freedom, honour, dignity and other inalienable rights. Amnesty International 2007 Report explains the situation in Uzbekistan: The authorities continued to reject calls for an independent, international investigation into the killing of hundreds of unarmed people in May 2005 in Andizhan. Freedom of expression and access to information became increasingly restricted. Human rights activists and local independent journalists continued to face threats, harassment and imprisonment on apparently fabricated criminal charges. Many were reportedly tortured or ill treated in detention. Scores of people were sentenced to long prison terms for alleged involvement in the Andizhan events, including several prominent human rights defenders, most after closed or secret trials. Suspected members of banned Islamic movements forcibly returned from other countries were held incommunicado detention, and several were
sentenced to long prison terms after unfair trials. The authorities continued to refuse to allow an independent international investigation into the Andizhan events. Mostly US based or US funded organizations had their accreditation withdrawn and were forced to close their operations in Uzbekistan. Saidzhakhon Zainabitdinov, chairperson of the independent Andizhan-based Human Rights Group Appeal, was sentenced to seven years’ imprisonment by a court in Tashkent in January, after a closed trial. Reports in December indicated that he was being held incommunicado in Tashkent prison.

Azam Farmonov and Alisher Karamatov, two HRSU members from Sirdaria region, were arbitrarily detained in April in the city of Gulistan. Both men had been defending the rights of local farmers who had accused district officials of extortion and corruption. Azam Farmonov and Alisher Karamatov were taken to the pre-trial detention centre in the town of Khavast. They were held incommunicado for at least a week and allegedly tortured during that time, including by suffocation and beatings on their legs and heels with truncheons. They were sentenced in June to nine years’ imprisonment for extortion after a trial in which they had no legal representation (Amnesty International Publications 2010).

Restrictions on Freedom of Expression in Uzbekistan

New regulations adopted at the end of February made it illegal for Uzbekistani citizens to work for or contribute to foreign-owned media unless they were accredited journalists. Foreign journalists would have their accreditation withdrawn if their reporting was found to be “interfering in domestic affairs”. In March the Ministry of Foreign Affairs revoked the accreditation of a local correspondent of the German radio station Deutsche Welle for allegedly filing a false report about a fatal bus accident in Bukhara region.

An Uzbek court sentenced human rights defender Gulbahor Turaeva to a second prison term, increasing her imprisonment to a total of 11 years and eight months, reported Human Rights Watch. According to Turaeva’s husband, who was
in the courtroom when the verdict was read out, the sentence was handed down by a court in Andijan, in eastern Uzbekistan, which convicted her on slander charges. Due to what appears to be a disconnected phone line to Turaeva's family, Human Rights Watch has been unable to confirm further details about the substance of the charges against Turaeva.

Amnesty International reports show that in November 2009, the independent human rights organization Ezgulik reported that two sisters, Raikhon Soatova and Khosiat Soatova, arrested in Tashkent in May 2009 and sentenced to six and seven years in prison on charges of hooliganism and robbery, had repeatedly been raped in custody by police officers. Reportedly one of the sisters became pregnant as a result of the rapes and tried to kill herself. In December the General Prosecutor’s office undertook to investigate and in January 2010 opened a criminal investigation into the allegations (Amnesty International Publications 2010: 08).

President Islam Karimov continued his crackdown on the independent press, political opponents, and civil-society groups. As his foreign policy shifted away from the West, Karimov’s regime expelled dozens of foreign funded non-governmental organizations, including those supporting local media. The few remaining independent journalists were forced to choose whether to sever ties to foreign-funded media or face harassment, legal action, and imprisonment. A restrictive new law regulating the work of journalists for international media made it illegal for local reporters to contribute to foreign media outlets not accredited by the Ministry of Foreign Affairs.

The government limited academic freedom. Authorities often required department head approval for university lectures or lecture notes. Although authorities implemented the requirement inconsistently, university professors generally practiced self-censorship. Numerous university students reported that universities taught mandatory courses on “Karimov studies” devoted to books and speeches by the president, and that missing any of these seminars constituted
grounds for expulsion. An August 2005 decree of the Ministry of Higher Education effectively prohibited any cooperation between higher educational institutions and foreign organizations without explicit prior approval by the government.

There were many reported threats by school officials to expel students who participated in international exchange programs. One student expelled from university claimed that the expulsion was in retaliation for his participation in an international exchange program. Others who participated in university-level exchange programs reported losing their jobs at Uzbek universities upon their return to their country. There were several reports that government officials pressured local nationals to prevent them from participating in cultural events sponsored by foreign diplomatic missions. According to Human Rights Watch special report in 2007, prolonged beatings are one of the most common methods used by the police and security agents to frighten detainees, break their will, and compel them to provide a confession or testimony. They often start beating and kicking detainees with their hands, fists, and feet and then continue using truncheons, filled water bottles and various other tools. The story of Alisher A., a witness in a criminal case, is typical of this pattern described by several torture victims to Human Rights Watch (Human Rights Watch 2007: 33).

The government continued to refuse to allow RFE/RL, the Voice of America (VOA) and BBC World Service to broadcast from within the country. The government allowed limited access to the Internet, although Internet service providers, at the government’s request, routinely blocked access to websites the government considered objectionable, including several news websites and sites operated by opposition political parties.

**Elections and Political Participation in Uzbekistan**

President Karimov was re-elected in 2000 to a second term. The OSCE declined to monitor the election; determining preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign embassies
also refused to observe, extended presidential terms from five to seven years. In 2004 parliamentary elections were held for representatives to the lower chamber; an OSCE limited observer mission concluded the election fell significantly short of international standards for democratic elections. Uzbekistan held presidential elections on December 23, 2007. According to the official tally, President Islam Karimov won re-election to a third term with 88.1 percent of the vote, but the elections lacked any competitiveness and failed to meet international standards. The legality of Karimov’s third term was in question, as he had already served the maximum two consecutive terms allowed by the constitution. The lack of rule of law continues to be a fundamental, structural problem. The judiciary lacks independence and the weak parliament does not effectively check executive power (Human Rights Watch 2009: 435).

In January 2005 a new upper chamber, or senate, of the parliament was formed; 84 of the 100 members of the chamber were selected by regional legislatures, and President Karimov personally appointed the remaining Five registered pro government political parties held the majority of seats in the directly elected lower house of parliament; the remainder consisted of nominally independent politicians tied to these pro government parties. These parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 2004 parliamentary elections. Many government officials were members of the People’s Democratic Party of Uzbekistan, the country’s largest party. The party did not appear to play a significant role in government decision making, which President Karimov and other government leaders dominated.

The law makes it extremely difficult for opposition parties to organize, nominate candidates, and campaign. Twenty thousand signatures are required on any application to register a new party. The procedures to register a candidate are burdensome, and the Central Election Commission (CEC) may deny registration. Parties and candidates that are denied registration have no right of appeal. The law allows the MOJ to suspend parties for up to six months without a court order. The
government also exercised control over established parties by controlling their financing. In March 2005 the Cabinet of Ministers issued a decree giving the MOJ control over state funds to parties. Under the decree the MOJ may adjust funding on a monthly basis according to the size of a party’s parliamentary caucus and the ministry’s judgment as to whether the party is acting in accordance with its charter, among other factors.

In addition to registered political parties, only citizen initiative groups with 300 or more members may nominate parliamentary or presidential candidates. Initiative groups may nominate parliamentary candidates by submitting signatures of at least 8 percent of the voters in an election district. For presidential candidates a list of 150,000 signatures is required. Except for registered political parties or initiative groups, organizations were prohibited from campaigning, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. Only the CEC may prepare and release presidential campaign posters.

The law prohibits judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility, or those that seek to overthrow the government. Uzbekistan’s courts are not independent of the executive. Abuse in detention and forced confessions are usual for the accused. Although cases of torture and death in prison are often impossible to verify, reports are so frequent that one can hardly doubt that the National Security Service routinely uses beating, electric shock, suffocation, or deprivation of water to extract confessions. In accord with traditional prejudice, wife beating is most often tolerated by the police throughout the region (Spechler 2008: 94).

The government frequently harassed members of unregistered political organizations. In November the Birlik opposition political party applied with the MOJ for registration for the sixth time. Authorities most recently denied registration
to the party in April 2005. Birlik members were among those arrested and detained in connection with the 2005 Andijon events. The leaders of three of the four unregistered opposition political parties, Mohammed Solikh of Erk (convicted on terrorism charges in absentia in 1999), Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party, remained in voluntary exile. Human Rights Watch has focused that the Uzbek government continues to crack down on civil society, detaining and threatening rights defenders, journalists, and others with prosecution for their peaceful activism. Uzbekistan continues to hold at least 11 human rights defenders and independent journalists in prison on politically motivated charges, and at least two new arrests occurred in 2008. These activists languish in prison following sham trials, serving lengthy sentences solely because of their legitimate human rights or civic activism. Among them is Jamshid Karimov, an independent journalist, who has been confined in a closed psychiatric ward since September 2006 (Human Rights Watch 2009: 435).

Two domestic NGOs, Ezgulik and the Independent Human Rights Organization of Uzbekistan were registered with the government. However, others were unable to register but continued to function at both the national and local levels. The government continued to deny registration to organizations such as the Human Rights Society of Uzbekistan (HRSU), Mazlum ("Oppressed"), and Mothers against the Death Penalty and Torture. Registration of human rights organizations was denied for a variety of reasons, including for grammatical errors in applications. Although these organizations did not exist as legal entities, they continued to function, albeit with difficulty. Unregistered groups had difficulty renting offices or conducting financial transactions and could not open bank accounts, making it virtually impossible to receive funds legally. Operating an unregistered group was technically subject to government prosecution. The Uzbek Criminal Procedure Code provides mechanisms that detainees may access to complain about, and seek relief from, torture and ill treatment while in custody. These include confidential meetings with lawyers, complaints to a representative from the prosecutor's office or to the Office of the Ombudsman, but in practice these mechanisms do not function (Human Rights Watch 2007: 25).
In Uzbekistan the initial period of independence showed flickering hopes for democracy, the country has remained consistently authoritarian ever since. The country’s constitution provides for a presidential system with a formal separation of powers among the executive, legislative, and judicial branches. In practice, though, the executive branch under Karimov dominates all aspects of political life. It controls and represses civil society as well as all opposition movements (Quillen et al. 2006: 62).

As the international crisis group report suggests some reforms that should taken place in Uzbekistan. The ideals and principles of human rights, including freedom of expression, declared in the country’s Constitution, are seldom utilized mostly for decorative purposes. Today Uzbekistan is an authoritarian state, where all power is concentrated in the hands of the President and his close associates. Practically, there is no separation of powers in the republic, no independent parliament and judicial system, no independent media.

As Spechler has focused, after the “colour revolutions” in Georgia, Ukraine and Kyrgyzstan, which the U.S. Administration had seemed to promote, President Karimov began to limit democratic reforms. In early 2005 Freedom House was suspended for six months and then required to leave; the BBC, IREX, the Eurasia Foundation, and Internews were forced out. Eurasia Foundation was accused of “encouraging NGOs to pursue democratic changes,” instead of “financial assistance for market reforms (Spechler 2008: 88). According to Eugenity Zhovitis, the development of civil societies, as implied by the development of political parties, trade unions, non-governmental organisations, independent mass media and other public institutes, has practically failed in all the countries. The civil society of Turkmenistan simply does not exist in any sense of the word. The non-governmental sector of Uzbekistan is completely controlled by authorities, and any display of civil consciousness that does not coincide with the official point of view is generally persecuted (Melvin 2008: 40). The most advanced development of civil society has been realised in Kazakhstan, but even there, one cannot speak about a consolidated and institutional expression and reflection of social needs and interests.
Amnesty International remains gravely concerned about continuing reports of human rights defenders and independent journalists being subjected to harassment, beating and detention, although the authorities have repeatedly denied this, including most recently at the Human Rights Committee’s examination of Uzbekistan’s third periodic report in New York in March 2010. While some human rights defenders were conditionally released in 2008 and 2009, others remained in prison following conviction in previous years. At least five human rights defenders were sentenced to long prison terms in 2009 on allegedly fictitious charges brought to punish them for their work, in particular for defending farmers’ rights (Amnesty International Publications 2010: 09).

In December 2009 a researcher with the international NGO, Human Rights Watch was assaulted in the town of Karshi by an unidentified female attacker, then detained by police and deported from Uzbekistan. At least three human rights activists she had intended to meet in Karshi and Margilan were briefly detained for questioning by police. The government continued its strict control over religious communities, compromising the enjoyment of their right to freedom of religion. Those most affected were members of unregistered groups such as Christian Evangelical congregations and Muslims worshipping in mosques outside state control.

The human rights situation in both the countries is not in favour of the people. Now anyone can analyse the real picture of democracy and human rights situation in Kazakhstan and Uzbekistan. The person or any organization that raises their voice against state authorities faces major challenge of its existence. Media is not free. It is state controlled. Media groups are owned by the President’s relatives. Independent media outlets do not have freedom of expression. There is a censorship on media. Most of the Political Parties are pro-government. They support the policies of ruling government. Opposition parties are not allowed to participate in elections. Either they have banned or cannot able to get the registration. Opposition leaders are either jailed or exiled from country. Human rights violation is on large scale. NGOs and human rights activists have not been able to work properly.