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Draft law in Kazakhstan could seriously restrict NGO activities to promote freedom of the media, OSCE Representative says

OSCE.org (19.10.2015) - <http://www.osce.org/fom/192946> - OSCE Representative on Freedom of the Media Dunja Mijatović today warned of new legislation in Kazakhstan that could limit the activities of NGOs, including media NGOs.

"Introducing legislation that would put NGOs under strict governmental supervision, including the control of foreign grants, is worrying for civil society actors in general," Mijatović said. "As the bill also introduces possibilities for the government to limit the priorities of the NGOs and exclude freedom of the media from their area of work, it could pose a clear threat to free media in the country."

On 23 September the lower chamber (the Majilis) of the Parliament adopted a draft law that would allow the government to have operational control over foreign grants. Furthermore, the bill allows for the government to identify priority areas for the NGOs, restricting it to a limited number of social programmes and projects only. The list of priorities does not include media freedom.

On 8 October the draft was approved by the Senate of the Parliament in the first reading.

"I call on the members of the Senate to carefully review the provisions of the bill, in close co-operation with civil society, in order to avoid its arbitrary application and ensure an enabling legal, regulatory and policy environment for NGO activities, including those working on free media matters," Mijatović said.

"Free media play an essential role in any society to promote and protect the freedom of expression, which is a fundamental right and a vital precondition for the implementation of other civil rights and freedoms, as well as for the democratic development of the states."

Kazakh university accused of firing professor over lecture on Ukraine

Academic claims he is being removed from post after Russian diplomat complained talk would 'introduce falsehoods into students' minds'.

The Guardian (26.08.2015) – <http://www.theguardian.com/world/2015/aug/26/kazakhstan-nazarbayev-university-marcel-de-haas> - When Kazakhstan opened the doors of the Nazarbayev University in 2010, the institution was hailed as a promising new bastion of academic freedom in an educational system still hobbled by strict Soviet standards.

But a row brewing at the university threatens to dent those aspirations and expose the limits of this freedom of expression..

On Monday, Professor Marcel de Haas went public with allegations that he has been squeezed out of his post at the state-funded university over a lecture on the conflict in Ukraine, due to take place last year, which the institution cancelled because it was deemed "politically sensitive".

He says his dismissal will be effective from November, but the class he was supposed to start teaching this week has been cancelled too.

De Haas, 54, a retired Dutch military officer with an extensive body of work on security issues across the former Soviet Union, claimed the initial impetus to prevent the talk came from the Russian embassy.

"This Russian interference puts Kazakhstan's independence in doubt," De Haas said in a statement outlining his allegations against the institution. "How does [Nazarbayev University] think it can ever reach the level of world-class universities if a basic principle as academic freedom is not warranted and people that go against that are dismissed?"

The institution's press office and numerous management staff were contacted for comment, but none had replied by the time of publication.

Introducing 'falsehoods'

De Haas said his differences with the institution's administration were exposed last year when his scheduled talk on the conflict in Ukraine was suddenly scrapped.

The cancellation followed a complaint to the university by Ruslan Kuznetsov, the defence attache at the Russian Embassy in Astana, De Haas said.

The Russian diplomat's letter, sent to the university's administrative staff and copied to an official at Kazakhstan's Defence Ministry, warned that De Haas's proposed lecture, titled The Russian-Ukrainian Conflict, would "introduce falsehoods into the minds of students".

Kuznetsov's letter went on to describe what he saw as a more appropriate description of events in Ukraine, a version he said would better educate the university's students.

"What is operating in Ukraine is a US-controlled ultra-nationalist regime that aims to destabilise the situation in south-east Europe, broaden the market for American goods and services, and gain control over the energy infrastructure of Ukraine," Kuznetsov wrote.

Kuznetsov argued that attempts by the Ukrainian authorities to divide the country along religious and linguistic lines were leading to bloodshed. The letter also proposed sharing with students the theory that the Malaysia Airlines passenger jet MH17 that was shot down over east Ukraine was intentionally redirected by Ukrainian air traffic controllers over a dangerous area as part of a Western plot to discredit Russia.

Kuznetsov failed to respond to requests for clarifications on whether he was attempting to influence Nazarbayev University's academic policies.

The diplomat's correspondence was followed by an email to De Haas from Nazarbayev University vice president for student affairs, Kadisha Dairova, warning him against pursuing the issue further.

"I learned from Arman [Zhumazhanov, head of Nazarbayev University's Department of International Cooperation] that you are still planning to hold a lecture on the Russian-Ukrainian [sic] relations. I do strongly urge you NOT to do this at Nazarbayev University or elsewhere as a faculty member of this University," Dairova wrote.

Dairova did not respond to requests for comment.

Her position, however, appears to contravene the ethos conveyed by the Nazarbayev University graduate school of public policy's dean, Neil Collins, in his message on the institution's website, which informs aspiring students that they stand to "receive an education that emphasises critical thinking and analytical capacity."

De Haas said the procedure to have him dismissed began at the start of 2015, while he was away for 10 weeks on sick leave because of a sports accident.

The professor said the university later dismissed him under a labour law allowing for termination of a contract in the event of there not being sufficient work for an employee.

Agreeing with Russia

Kazakhstan's president Nursultan Nazarbayev's own views on the conflict in Ukraine are aligned with Russia's position.

At an international summit in March 2014, before war broke out in eastern Ukraine, Nazarbayev criticised the new leadership in Kiev, arguing that they had come to power through "an unconstitutional coup d'état".

Kazakhstan has been investing heavily in its education system, which it sees as crucial to transforming the country into a technologically advanced and diversified economy. In its most recent budget projections for 2015–2017, the government estimated education expenditure over the three-year period would reach 1.7tn tenge (approximately \$9bn), with a significant portion going to Nazarbayev University, situated in the country's capital, Astana.

The university began producing its first graduates this year, when more than 400 students received their bachelor's degrees after five years of study.

Nazarbayev called the 15 June graduation ceremony the fulfilment of his dream of creating a world-class educational establishment. "Before me I see the first holders of diplomas of the university to which I gave my name. I gave this name especially so that it would receive the attention of the government and Kazakhstan," Nazarbayev said.

De Haas said that he has made his complaint public so Nazarbayev might personally take action against what the professor described as maladministration and money-wasting by officials in the university.

"It is high time that President Nazarbayev himself calls them to order, for their abuse of power and waste of taxpayers' money," De Haas said. "Not for me but for the nation of Kazakhstan, I hope that justice prevails."

Situation of human rights in Kazakhstan

Open Dialog Foundation (05.02.2014) - **23 January 2014 marked the second anniversary of the arrest of Vladimir Kozlov**, leader of the now banned opposition

party Alga!. Arrested days after having returned from a series of meetings at the European Parliament and the European Commission.

Tried on 16 August 2012, he was **found guilty and sentenced** on 8 October 2012 to 7,5 years in prison and confiscation of assets.

We remind you that he is still serving his term in a detention facility in Petropavlovsk, over 2000 km from his family, while his wife have recently given birth to their first child. On a number of occasions, the authorities have either **ignored the requests for a transfer** to a closer facility or given evasive and illogic explanations to their negative decision.

A number of international observers have **requested a possibility to visit Kozlov** in prison, amid reports of his poor health conditions and provocations he suffers. The authorities have yet to give a permission for any such visit.

At this occasion, the Open Dialog Foundation organised a **sensibilization action in Warsaw**, Poland in order to draw attention to Kozlov's situation.

Furthermore, in order to present the broader overview of the developments in Kazakhstan with regard to civil liberties and human rights, **we recommend the lecture of the following articles:**

<http://www.tol.org/client/article/24114-kazakhstan-newspapers-feel-the-screws-tighten.html>

Concerning the **suppression of freedom of the press**: any newspapers that dare to criticise the Kazakh president, Nursultan Nazarbayev, or his government, are being fined and suspended or banned entirely, such as independent newspapers, *Pravdivaya Gazeta* and *Ashyk Alang/Tribuna*, and the Communist Party paper, *Pravda Kazakhstan*. *The Ashyk Alang/Tribuna's* 'crime' was not informing the authorities that they were taking a holiday from publishing in August 2013.

<http://www.ipsnews.net/2013/12/domestic-violence-rising-kazakhstans-political-agenda/>

Concerning increasing cases of **domestic violence**, notably against women in Kazakhstan, whether within a marriage or in public places. This literary graphic article adds that the sentences imposed – when they are imposed- on the perpetrators – do not appear to often include any prison sentences.

<http://www.eurasianet.org/node/67971>

Finally, in what was a landmark ruling by the Kazakh Courts, an individual, following a seven-year legal battle, was successful in his claim after being tortured by Kazakh police. The Appeal court upheld an earlier ruling and awarded the individual pecuniary damages for his ordeal while being held in detention in attempts to extract a confession. Such torture is worryingly commonplace in detention and includes such actions such as crucifying, leading to deaths.

Many other cases of denounced use of torture are still unpunished, including testimonies by those arrested after the tragic suppression of the Zhanaozen protests in December 2011.

Open Dialog Foundation

Brussels Office

Anna Koj

Tel: +32 (0) 470 69 34 24
E-mail: a.koj@odfoundation.eu
www.odfoundation.eu
