Kazakhstan
by Joanna Lillis

**Capital:** Astana  
**Population:** 17.0 million  
**GNI/capita, PPP:** US$20,680

Source: The data above are drawn from the World Bank’s *World Development Indicators 2015*.

### Nations in Transit Ratings and Averaged Scores

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Electoral Process</td>
<td>6.50</td>
<td>6.50</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
</tr>
<tr>
<td>Civil Society</td>
<td>5.75</td>
<td>5.75</td>
<td>5.50</td>
<td>5.50</td>
<td>5.75</td>
<td>5.75</td>
<td>6.00</td>
<td>6.25</td>
<td>6.50</td>
<td>6.50</td>
</tr>
<tr>
<td>Independent Media</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.50</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
</tr>
<tr>
<td>National Democratic Governance</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
</tr>
<tr>
<td>Corruption</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
</tr>
</tbody>
</table>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.
Executive Summary

Nursultan Nazarbayev, who has been in power since Soviet times and enjoys legal immunity from presidential term-limits or prosecution, has responded to widespread speculation about his health and succession only by stating that he intends to continue ruling as long as he has a public mandate to do so. In the meantime, Kazakhstan’s president, who was 74 at the end of 2014, has taken no steps to decentralize the political system or prepare it to withstand his eventual departure.

Civil liberties, including the right to public protest, remained heavily curtailed in 2014. Throughout the year, the authorities clamped down on small rallies that erupted over issues ranging from socioeconomic grievances to geopolitical developments. The authorities arrested and fined dozens of demonstrators in 2014 and jailed several for short periods. The state also used preemptive tactics; in one case arresting and fining a citizen they believed to be planning a protest. New legislation on labor rights tightened already harsh restrictions and made independent unions illegal.

Three of Kazakhstan’s last remaining independent media outlets were closed down in 2014. The draconian implementation of a 2011 law on religion also continued, with raids on places of worship and arrests of religious leaders and worshippers deemed to have breached the stringent regulations. A lawyer who had filed complaints about local officials was confined to a psychiatric clinic against her will for the third time in three years.

National Democratic Governance. Nazarbayev and his ruling Nur Otan party continued to control all institutions of power at the national and local levels, including the parliament, the military and security apparatus, and even offices that are nominally independent, such as the Central Electoral Commission and the human rights ombudsman’s office. With no independent institutions to perform effective checks and balances on power, and no evidence that building such institutions is on the presidential agenda, Kazakhstan remains at risk of a major political crisis when its current president leaves office. For the tenth year in a row, Kazakhstan’s rating for national democratic governance stagnates at 6.75.

Electoral Process. The government has no interest in installing a genuinely competitive electoral system. The ruling Nur Otan party won every seat in the indirect Senate elections in October—a contest that failed to ignite any meaningful public debate, since most citizens do not feel invested in the electoral process. The elections reinforced Nur Otan’s stranglehold on parliament, where the ruling party holds all elected seats in the Senate and faces only nominal opposition in the lower
house. Under heavy pressure from the authorities, genuine opposition parties all but ceased to function in 2014. Kazakhstan’s rating for electoral process remains unchanged at 6.75.

**Civil Society.** New criminal and administrative codes approved in 2014 placed fresh restrictions on freedom of expression, conscience, and assembly. A new trade union law restricted the right to organize independent labor union activity. The regime continued to make wide use of a controversial law on religion, fining and jailing religious group leaders and worshippers. An advertising agency lost two lawsuits filed over a poster depicting a same-sex kiss between two cultural icons. Due to ongoing suppression of civil society activity, *Kazakhstan’s rating for civil society remains unchanged at 6.50.*

**Independent Media.** Years of increasing government pressure on the press have shrunk the already limited space for freedom of expression. Media production and distribution in Kazakhstan are largely controlled by members of the Nazarbayev family or powerful businesses affiliated with the regime. Government propaganda dominates the informational space and systematically discredits independent voices. Three of Kazakhstan’s few remaining independent media outlets were shut down in 2014 and several journalists were jailed after covering protests that the authorities deemed illegal. Libel remains a criminal offense, as does criticizing the president. *Kazakhstan’s independent media rating remains unchanged at 6.75.*

**Local Democratic Governance.** The mayors of all major cities and Kazakhstan’s 14 regions are presidential appointees, with no accountability to the communities they serve. In some smaller towns and villages, mayors were elected via indirect suffrage in 2013, but so far this has made little visible difference. Kazakhstan’s rating for local democratic governance remains unchanged at 6.50.

**Judicial Framework and Independence.** Kazakhstan’s judiciary consistently protects the interests of the regime rather than those of individuals, minorities, and the weaker strata of society. Several civil society campaigners remained behind bars in 2014 despite international pressure to free them. In two minor victories, labor activist Roza Tuletayeva was freed from jail on parole in November and imprisoned opposition leader Vladimir Kozlov was transferred to a prison nearer his hometown. A lawyer who had filed complaints about local officials was subjected to forced psychiatric treatment for the third time in three years. *Kazakhstan’s judicial framework and independence rating remains unchanged at 6.50.*

**Corruption.** Corruption is widespread at all levels of government and the judicial system. Investigations are handled by the presidentially appointed prosecutor general and the anticorruption agency, in conjunction with the Ministries of Justice and Internal Affairs and the National Security Committee (KNB). These entities press corruption charges against critics of the government, including political
opponents, journalists, and nongovernmental organizations. High-level officials typically only face charges after they have fallen out of favor with the regime. Kazakhstan's corruption rating remains unchanged at 6.50.

Outlook for 2015. Although Nazarbayev has acknowledged the need to create a “resilient” system that can withstand the loss of its current leader, there is still no sign of democratic reforms or a succession strategy. As the eventual end of Nazarbayev’s long period of rule approaches, tensions between power-hungry elites will reach fever pitch, but these struggles are likely to remain hidden so long as Nazarbayev is still in power. If Russia’s rising aggression in the region appears to threaten Kazakhstan’s sovereignty, Nazarbayev will take steps to ensure that he remains in office for several more years.

In 2015, the government will be preoccupied with ensuring the continued improvement of living standards—the lynchpin of the regime’s genuine domestic popularity—in the face of a difficult economic environment. Economic setbacks will be exacerbated by low oil prices and sanctions against Russia, a major trading partner and fellow member of the Eurasian Economic Union.

Astana sees suppression of political opposition and civil society as necessary safeguards against instability during a time of rising political uncertainty, but these repressive tactics may backfire, particularly if the economy is struggling. A rising, young, educated middle class has expectations of opportunities that a system that rewards political loyalty over talent and innovation cannot deliver. Corruption, nepotism, and a growing rich-poor divide are increasingly sources of disaffection, in some cases driving the marginalized to embrace radical Islamism. Ethnic Kazakh nationalism is also more potent and could prove a mobilizing force after Nazarbayev’s departure from the political scene.
For over 20 years, President Nursultan Nazarbayev has presided over a hypercentralized political system designed to perpetuate his family’s interests and those of the ruling elite. The regime’s most frequent response to international criticism of its human rights record is that Kazakhstan is a “young country” that is “in transition” to democracy, a process that will take time. In the meantime, the government engages multiple public relations firms to highlight its political, economic, and social achievements, and deflect attention from Nazarbayev and his Nur Otan party’s iron grip on the political process, the media environment, the judicial system, and civil society.

Kazakhstan’s entire system of governance rests on the executive branch. The rubber-stamp bicameral legislature contains only loyal presidential supporters and can be dissolved by the president at any time under the constitution. The president also appoints 15 of 47 senators in the upper house of parliament (the senate) and selects all members of the Assembly of the People of Kazakhstan (APK), a body representing the country’s various ethnic groups. The APK has the right to elect nine of its members to the lower house of the parliament (the Majilis)—a rule that effectively allows some citizens to vote twice in legislative elections, in violation of the constitution. Candidates elected by the APK are handpicked by the executive branch. The remaining 98 members of the Majilis are elected from party lists on a proportional basis. The remaining senators are selected by the assemblies of the 14 regions, the capital Astana, and the commercial capital, Almaty.

The president appoints and may dismiss the prime minister, who is responsible for executing policies, rather than formulating them. In April 2014, former prime minister Karim Masimov was returned to the premiership, replacing Serik Akhmetov. (Akhmetov was later placed under house arrest on corruption charges.) Masimov’s reappointment confirmed him as a powerful player and a conceivable successor to Nazarbayev. In September, the president ordered another government reshuffle, abolishing five ministries through mergers of portfolios and streamlining the civil service. Nazarbayev presented these changes as an improvement to the efficiency of public administration, but the creation of new “super ministries” with huge portfolios actually created a more cumbersome civil service and provoked infighting over a shrinking number of positions.

Kazakhstan’s military and security services are led by still more Nazarbayev associates, including the influential head of the National Security Committee domestic intelligence service, Nurtay Abikayev.
Other nominally independent institutions are also controlled by the executive branch. Nazarbayev selects the chair and two of the seven members of the Central Election Commission (CEC). Kazakhstan’s national ombudsman is a presidential appointee who lacks the support of civil society and human rights activists. The ombudsman heads Kazakhstan’s Human Rights Commission, depriving it of the independence demanded by the Organization for Security and Cooperation in Europe (OSCE) Paris Principles that govern the status of national human rights bodies. The judiciary is also subservient to the executive branch and metes out selective justice against groups and individuals who fall out of favor with Nazarbayev’s inner circle.

Powerful business groups loyal to Nazarbayev and Nur Otan indirectly control the parliament, government ministries, and major media outlets. These groups include the copper giant Kazakhmys; the “Eurasia Group” (Eurasian Natural Resources Corporation, or ENRC); and the sovereign wealth fund Samruk-Kazyna. Some of Nazarbayev’s close relatives also exert considerable influence in Kazakhstan: Nazarbayev’s eldest daughter, Dariga Nazarbayeva, became deputy speaker of the Majilis in 2014. His middle daughter, Dinara Kulibayeva, and her husband influence the economy through their ownership of energy and financial sector interests. Nazarbayev’s family members have amassed vast personal wealth, as have close presidential associates like Vladimir Kim (the president of Kazakhmys), Alizhan Ibragimov (a major shareholder in ENRC), and Bulat Utemuratov (a mining, hotel, and banking magnate). Kim, Ibragimov, Utemuratov, and the Kulibayevas all made Forbes magazine’s annual list of billionaires in 2014.

Although all influential political and economic players are currently associated with and publicly loyal to Nazarbayev, the system is far from monolithic. Elites in Kazakhstan are highly fragmented, competing among themselves for influence and resources. There is every reason to believe that Nazarbayev’s departure will be followed by a complex and destabilizing power struggle between Kazakhstan’s major business groups, the president’s most powerful relatives, and influential individuals like Masimov, Abikayev, and senate chairman Kassym-Zhomart Tokayev (who, according to the constitution, will temporarily succeed Nazarbayev in the event of his removal or death).

Electoral Process

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote</td>
<td>6.50</td>
<td>6.50</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
</tr>
</tbody>
</table>

Nazarbayev’s widespread patronage and the government’s abuse of administrative resources—as well as the lack of independent media and electoral or judicial institutions—make competitive elections nearly impossible in Kazakhstan without meaningful and far-reaching reform of the political system. To date, none of Kazakhstan’s presidential or parliamentary elections has qualified as free and fair by international standards. No parliamentary or presidential election in the last decade
has been held according to the constitutional schedule, either; instead, the regime routinely calls snap elections that prevent the opposition from mobilizing.

Aside from Nazarbayev’s Nur Otan, which holds 83 of 93 elected seats in the lower house, only two parties—Ak Zhol and the Communist People’s Party—won representation in the 2012 Majilis elections, each earning just over 7 percent of the vote. Neither is considered an opposition party because they are loyal to the president, and neither group presented any meaningful criticism of government policy in 2014.

Pressure from above and internal differences have caused deep fragmentation of the real political opposition. In 2012, a court invoked laws against “extremism” to ban the unregistered opposition Alga! party and the People’s Front opposition movement. It also found Alga! leader Vladimir Kozlov guilty of, inciting social unrest and conspiring for the violent overthrow of the constitutional order. He was sentenced to seven and a half years in prison.

The leader of the Azat party quit politics in 2013, leaving his party moribund throughout 2014. The Communist Party of Kazakhstan struggled with infighting throughout 2014. The party’s acting head, Toleubek Makhyzhanov, reported that pressure from the authorities had made it impossible to recruit new members and accused a fifth column within his party of acting on orders from the executive branch to destroy it.

In October 2014, Nur Otan took all the seats that were up for election in the Senate. Regional councils (maslihat) dominated by Nur Otan appointed all 16 candidates. The majority of citizens do not perceive themselves as stakeholders in the electoral process, particularly in elections held by indirect suffrage.

Although government officials still use the rhetoric of democratization, they have become increasingly impervious to international criticism of Kazakhstan’s elections. After the 2012 parliamentary elections, Nazarbayev responded to a dire review from the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) by threatening to ban “experts hired by someone who criticizes our elections.” In October 2014, the U.S. ambassador to the OSCE’s Permanent Council expressed concern about “recurrent efforts” to restrict the OSCE’s mandate in Kazakhstan.

Civil Society

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>5.75</td>
<td>5.75</td>
<td>5.50</td>
<td>5.50</td>
<td>5.75</td>
<td>5.75</td>
<td>6.00</td>
<td>6.25</td>
<td>6.50</td>
<td>6.50</td>
</tr>
</tbody>
</table>

The space for independent activism by nongovernmental organizations (NGOs) and public associations—particularly those engaged in advocacy for civil liberties, labor rights, and political reform—has been diminishing for several years, particularly since the Zhanaozen oil strike and ensuing violence of December 2011. A raft of legislation adopted over the last four years has tightened restrictions on freedom of expression, assembly, and worship.
The Kazakh government increasingly seeks to constrain religious organizations whose views are not in line with the state-approved version of Islam, and the official categorization of various minority religions as “sects” or “non-traditional” groups continues to portray them as potentially subversive or extremist. These groups include Evangelical Christians, Jehovah’s Witnesses, Hare Krishna devotees, and independent Muslims. Meanwhile, the Spiritual Association of Muslims in Kazakhstan, officially an independent body but effectively a quasi-state institution, works closely with the government to regulate Islamic activity by licensing the activities of the country’s mosques, conducting background checks on imams, and serving other managerial functions.

Legislation passed in 2011 bans unregistered religious activities, prayer rooms in state buildings, and the operation of mosques without approval by the Spiritual Association of Muslims. It also prohibits foreigners from setting up faith groups and severely restricts the acquisition of any materials deemed to be “religious literature.” Throughout 2014, law enforcement agencies vigorously pursued religious groups under the so-called religion law, raiding religious meetings (occasionally in private homes); arresting and trying religious leaders and worshipers, sometimes resulting in jail sentences; and deporting foreign missionaries. By October, the Oslo-based religious freedom watchdog Forum 18 reported that 14 people had been arrested for such alleged violations during the year. Meanwhile, the authorities continued to pursue high-profile criminal cases against Aleksandr Kharlamov—an atheist arrested in 2013 and charged inciting religious enmity—and Presbyterian pastor Bakhytzhan Kashkumbayev, who was first convicted of harming the health of one of his parishioners in February 2014 and given a suspended sentence, and then investigated on further charges of inciting religious enmity and disseminating extremist propaganda.

Jailed civil society activists, including opposition leader Vladimir Kozlov, lawyer Vadim Kuramshin, and poet Aron Atabek, remained in prison in 2014.

A new law On Professional Unions, approved in June 2014, further restricted the space for independent trade union activity. The government billed the legislation as an effort to modernize the union sector, but labor activists criticized it as overly restrictive and the Confederation of Free Trade Unions of Kazakhstan said that it failed to comply with International Labor Organization standards. The law abolished employees’ rights to organize themselves into free trade unions and established a hierarchical structure under which local trade unions are obliged to be part of a national trade union association that must have representation in at least half of Kazakhstan’s regions. The law also prohibited unions from calling on members to observe strikes ruled illegal by a court—a provision that further shrank the space for independent trade union activity, since Kazakhstan’s judiciary is not independent and routinely rules in favor of the authorities.

Public gatherings in Kazakhstan remained tightly restricted. The Law on Public Assembly requires protesters to seek permission from the government ten days in advance for any public appearance or gathering broadly seen as an assembly. Permission for opposition rallies is often refused, and if granted they are allowed to...
take place in remote locations outside the centers of cities. In 2014 the authorities continued to clamp down on public protest. In February, 35 protesters were arrested at rallies in Almaty against the devaluation of the currency. 20 Dozens of demonstrators were arrested in May during protests over the signing of the foundation treaty of the Eurasian Economic Union (a free trade zone between Kazakhstan, Russia, and Belarus). 21 Activists protesting against Russian rocket launches from Kazakhstan were arrested at protests throughout the year (in January, 22 February, 23 April, 24 and September 25). Protests over events in Russia and Ukraine brought more arrests in February, 26 April, 27 and March. 28 The authorities used preemptive tactics in at least one case, arresting and trying a citizen they believed to be planning a protest. 29 There was controversy after police used force to detain children along with their mothers at a housing protest in Astana. 30 Negative propaganda depicting public demonstrations and rallies as harbingers of disorder often dissuade citizens from organizing or taking part in any civic action.

A poster depicting a same-sex kiss between two cultural icons, the Kazakh composer Kurmangazy Sagyrbaiuly and the Russian poet Alexander Pushkin, sparked a debate in 2014 that was often characterized by homophobic rhetoric. 31 In September, the advertising agency that had designed the poster lost a case brought by Almaty City Hall, which claimed that the poster violated “moral values” by showing “nontraditional sexual relations, which are unacceptable to society,” and was fined for violating Kazakhstan’s advertising law. 32 In October, the agency also lost an insult case filed by students and lecturers from a conservatory named after Kurmangazy, who were awarded substantial damages. 33 Civil society campaigners characterized both lawsuits as attacks on freedom of expression. 34 Meanwhile, the leader of a youth group called for members of the lesbian, gay, bisexual, and transgender (LGBT) community to be banned from working in the civil service and demanded a law prohibiting “homosexual propaganda.” 35 Parliamentarians have previously supported such proposals, 36 but the government has not expressed backing.

All NGOs, public associations, and religious bodies are required to register with the Ministry of Justice. Through funding and programming, the government seeks to coopt nascent civil society organizations and define their agendas as proregime. There are thousands of NGOs officially registered in Kazakhstan, but only a fraction of these are operational and effective. 37

### Independent Media

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.50</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
<td>6.75</td>
</tr>
</tbody>
</table>

Although most media outlets in Kazakhstan are privately owned and formally categorized as independent, they are regulated by the government and controlled by financial groups affiliated with the regime. Media serve primarily as a megaphone for official propaganda, and refrain from investigative work that might compromise the interests or reputations of President Nazarbayev and his inner circle. The
Nations in Transit 2015

few journalists or media outlets that still criticize government policy face severe legal restrictions, prohibitive libel and defamation judgments, and other forms of harassment. Authorities in Kazakhstan harassed and detained independent journalists throughout 2014 and closed three of the country’s last independent media outlets.

Although it promised to do so on numerous occasions before and during Kazakhstan’s chairmanship of the OSCE in 2010, the government has not removed libel from the criminal code. Truth is not a defense in libel cases, and there is no statute of limitations. The crime of “public insulting or other encroachment on the honor and dignity of the first president” is also punishable by a fine of approximately $10,000 and up to three years in prison. New criminal and administrative codes approved in July 2014 maintained or increased nearly all existing penalties for insult and defamation and introduced new ones, including a fine of approximately $5,000 for insulting or defamatory statements published on social media and 10 years in prison for “disseminating false information.” Critical voices in the media also find themselves charged with “extremism” or other crimes against national security.

Kazakhstan’s few genuinely independent media groups and their journalists faced legal harassment and government interference throughout 2014. Court judgments in libel and insult cases burdened the independent Tribuna-Sayasat Alany newspaper and the current affairs magazine Adam Bol (“Be Human”) with significant financial damages. Natalya Sadykova, a regional correspondent for the weekly Assandi Times, fled Kazakhstan in March after a court ruled that she could be detained pending trial on libel charges brought by a former member of parliament. Sadykova has denied writing the allegedly libelous article, which appeared in the now-banned investigative newspaper Respublika. The editor of Anyz Adam, Zharylkap Kalybay, was fined for “justifying extremism” in a controversial profile of Adolf Hitler that his magazine had published in April. He also lost an “insult” case brought by a group of war veterans and was ordered to pay damages. In October, the independent television channel Tan succumbed to official pressure not to screen a film about the Euromaidan protest movement in Ukraine, a sensitive subject for Kazakh authorities.

Three independent outlets were shut down altogether in 2014. Pravdivaya Gazeta, an independent weekly, was closed in February after failing to pay fines imposed for minor technical breaches. In April, Assandi Times was forced to close after a court tied it to the group of media outlets that was banned in 2012 for “extremist” coverage of the December 2011 unrest in Zhanaozen. At the time, prosecutors linked all 40 banned outlets to oligarch and Nazarbayev opponent Mukhtar Ablyazov, whom the authorities accused of stoking the Zhanaozen turmoil. In November 2014, a court ordered the closure of Adam Bol on the grounds that it had published calls for war in its reporting on Ukraine. A few weeks later, the magazine’s former editor was attacked and beaten outside her apartment.

Throughout 2014, the authorities used legal pressure to discourage reporters from covering public rallies and protests. In February, one journalist received an
official warning not to attend the rally that she had been assigned to cover; in
April, another journalist was injured as police tried to prevent reporters from
covering a protest; and in May, three journalists were arrested while reporting on
a protest and sentenced to four days in jail.

Law enforcement agencies frequently raid or physically intimidate media and
publishers. In May, government intelligence agents raided the publishing house
where the independent newspaper Dat–Obshchestvennaya Pozitsiya was being
printed. In June, anticorruption police raided the editorial offices of the online
news portal 16/12. A 16/12 reporter also alleged that a police officer had choked
him in July. In September, an officer allegedly assaulted a journalist from the
Turkestan news website.

The authorities have a mixed record of addressing crimes against journalists. In
2014, one suspect in the long-running investigation into an assassination attempt
on journalist Lukpan Akhmedyarov was convicted and sentenced to 14 years in jail.
However, Akhmedyarov expressed doubts about the verdict, which was based on
secret evidence.

Websites accused of hosting “extremist” content were officially blocked on
numerous occasions in 2014 and blocking of independent media sites was reported
throughout the year. In April, Nazarbayev signed a legal amendment allowing
the authorities to block websites or shut off communication networks without
a court order. The law applies when networks are used for “felonious aims to
damage the interests of individuals, society or state,” including the dissemination of
illegal information or calls for extremism, terrorism, mass rioting, or participation
in unauthorized mass public gatherings. The law also provides for the deletion of
disputed content by the person responsible for posting it online.

When Almaty mayor Akhmetzhan Yesimov had lunch with a group of hand-
selected bloggers, three bloggers who had not been included in the “dialogue”
protested outside the restaurant. They were charged with hooliganism and sentenced
to 10 days in prison.

Local Democratic Governance

|-------|------|------|------|------|------|------|------|------|------|------|

Although the authorities touted Kazakhstan’s first mayoral elections—held in
2013—as a major step towards democratization, their introduction did not
increase the independence or democratic accountability of local government. All
candidates were elected by maslihat dominated by Nur Otan, in towns and villages
inhabited by only 45 percent of Kazakhstan’s total population. The mayors (akims)
of all Kazakhstan’s major cities and 14 regions are still presidential appointees.

There was no sign in 2014 that the new, indirectly elected akims were more
accountable to the public than appointed ones. Most local authorities continued
to demonstrate loyalty to the central government by carrying out its orders unquestioningly.

The central government determines all taxation rates and budgetary regulations, severely constraining local authorities’ financial autonomy, authority, and effectiveness. Many companies operating in the regions are registered in Almaty or Astana and do not pay taxes locally, which costs local budgets substantial revenue. There also is no effective mechanism for sharing revenue among regions. Akims in oil-rich regions, or in Astana and Almaty, which have attracted the most foreign investment, tend to exert greater control than other regional heads over budgetary matters.

Under the government’s 2013–20 program to expand self-governance, local authorities are being granted greater fundraising powers; however, there is no clear mechanism outlining how the money they raise can be spent. The government has pledged that ultimately local populations will be able to take part in monitoring the use of budget funds and in decision-making on their use.

### Judicial Framework and Independence

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating</td>
<td>6.25</td>
<td>6.25</td>
<td>6.25</td>
<td>6.00</td>
<td>6.25</td>
<td>6.25</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
<td>6.50</td>
</tr>
</tbody>
</table>

Kazakhstan’s constitution recognizes the separation of powers and safeguards the independence of the judiciary, but in practice the courts are subservient to the executive and protect the interests of the ruling elite. The president appoints judges to the Supreme Court and local courts, as well as members of the Supreme Judicial Council. The courts regularly convict public figures brought to trial on politically motivated charges, usually without credible evidence or proper procedures.

In 2014, the authorities passed a new Criminal Code, Criminal Implementation Code, and Code on Administrative Violations, all of which will come into force in January 2015. The legislation reduced the number of offenses defined as serious and introduced wider use of non-custodial sentences. It also established a number of liberalizing measures in places of detention, including greater freedom of movement for prisoners (they will only be locked in their cells at night), and greater public scrutiny over places of detention (at year’s end, it remained to be seen what form this would take and how effective it would be). The codes introduced a total of 34 new crimes, with especially harsh penalties for separatism and dissemination of false information. Ignoring a plea from 172 civil society campaigners to veto the codes on the grounds that they could be used to suppress legitimate dissent, Nazarbayev approved the new legislation in July.

Following the social unrest in Zhanaozen in 2011, the government used all the repressive legislation at its disposal to target those it held responsible for the strikes, the violence, and the spread of information about both. This included the sentencing of 34 Zhanaozen residents and labor activists for “organizing mass disorders” and a December 2012 ban on Vladimir Kozlov’s Alga! party for “extremist” activities.
Labor activist Roza Tuletayeva, a high-profile Zhanaozen scapegoat, was freed on parole in November after sustained international pressure. Kozlov, however, remained in prison throughout 2014, serving a seven-and-a-half-year sentence on charges of fomenting violence in Zhanaozen and seeking to overthrow the state. In March, the authorities finally acceded to demands by Kozlov’s family that he be moved to a prison in his home region of Almaty from his previous place of confinement some 1,700 kilometers to the north, as is his constitutional right. Kozlov later described how he and fellow prisoners had been physically assaulted by prison guards during the transfer. Isabel Santos, the chair of the OSCE Parliamentary Assembly’s Committee on Democracy, Human Rights and Humanitarian Questions, was permitted to visit Kozlov in prison during a trip to Kazakhstan in June. Kozlov also received a visit from a delegation from the PEN International writers’ association in September. In August, Kozlov’s request to be transferred to a lighter detention regime was refused on the grounds that he had received four reprimands for breaches of prison regulations.

Other well-known civil society actors were still in prison at year’s end, including activist and lawyer Vadim Kuramshin, serving a 12-year sentence on extortion charges, and dissident poet Aron Atabek, serving an 18-year sentence for fomenting social unrest in 2007. In July 2014, Atabek’s son alleged that his father had suffered physical abuse in jail and was being denied appropriate medical care. Kazakh authorities continued to seek the extradition of fugitive oligarch Mukhtar Ablyazov, the former chairman and main shareholder (via a stake held through intermediaries) of Kazakhstan’s BTA Bank, which was nationalized in 2009. Ablyazov, one of Nazarbayev’s most vocal critics, is accused of embezzlement and of instigating and funding the violence in Zhanaozen. He was arrested in France in 2013 and remained in detention at year’s end, pending an appeal against a ruling to extradite him to Russia or Ukraine to face corruption charges. International rights groups have urged France not to extradite the ex-banker to any country that might send him on to Kazakhstan, where he would be “at serious risk of ill-treatment and would face a flagrant denial of his fair trial rights.”

Zinaida Mukhortova, a lawyer who had filed complaints about local officials in Balkhash, was subjected to forced psychiatric treatment for the third time in three years in 2014, prompting international expressions of concern. Mukhortova was detained in July on her return to Kazakhstan from Russia, where she had fled to escape previous psychiatric detention orders. She was released in December.

The authorities occasionally act on reports of abuse in places of detention, usually by prosecuting a few junior officers. In October 2014, a police officer was jailed in Pavlodar on murder charges over a death in custody and two police officers were jailed in Kostanay on torture charges. The senior officer in the latter case was acquitted. Civil society campaigners were disappointed that the new criminal and administrative codes passed in 2014 did not safeguard prisoners’ rights or introduce an independent mechanism to investigate torture.

Protests against prison conditions have intensified in recent years, and in July a riot broke out at a jail in western Kazakhstan where inmates were protesting against
harsh conditions. The transfer of authority over the prison system from the Justice Ministry to the Interior Ministry in 2011 has made it more difficult for civil society actors and rights groups to access the penal system and engage in advocacy for penal reforms.

Public trust in the professionalism and effectiveness of the judicial system is extremely low. The government has introduced some measures to combat the problem of judicial corruption, though these are applied on an ad hoc basis. Increased wages and improved conditions of work have improved the quality of the judiciary, but younger judges, especially female ones, have complained about bullying and harassment by senior figures and urged the Supreme Judicial Council to introduce appropriate safeguards. Kazakhstan introduced jury trials in 2007, though the practice remains restricted to cases involving life imprisonment. The country abolished the death penalty in 2007 for all crimes except fatal terrorist acts and serious crimes committed in wartime.

<table>
<thead>
<tr>
<th>Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.50</td>
</tr>
</tbody>
</table>

Systemic corruption in Kazakhstan thrives on the country’s oil and mineral wealth, as well as the lack of transparency in the privatization of state-owned assets during the country’s post-Soviet transition. Elites, who often enjoy immunity from prosecution or investigation, use their positions to appropriate, control, and distribute key resources for personal gain. Kazakhstan also lacks a genuinely independent anticorruption body, while consistent attacks on media make it almost impossible for journalists to investigate the misuse of state resources. Transparency International’s last Global Corruption Barometer, published in 2013, found that 34 percent of people in Kazakhstan had paid bribes in the previous year to the police, the judiciary, tax authorities, and public services such as health and education.

The Ministry of Internal Affairs, the National Security Committee (KNB), and the newly formed Agency for Civil Service Affairs and Counteracting Corruption are the main bodies tasked with dealing with corruption. However, anticorruption efforts are typically political and economic tools that allow some officials to accrue power while intimidating or constraining their rivals. There are frequent prosecutions on bribery and corruption charges, but high-level officials are rarely targets; when they are, their trials often take place amid suspicions of political motivations.

High-ranking officials charged with corruption typically have entered into personal or political rivalries with Nazarbayev or other members of the ruling regime and thus fallen out of official favor. Serik Akhmetov—a former prime minister and defense minister and the most senior figure to face graft charges in Kazakhstan in many years—was placed under house arrest in November 2014 on suspicion
of involvement in corrupt schemes benefiting his relatives during his tenure as governor of Karaganda Region, where former senior local officials were also arrested on embezzlement charges. Akhmetov’s arrest was widely interpreted as a symptom of inter-elite factionalism, rather than genuine will to root out corruption.

A high-profile organized crime trial involving former senior officials and entrepreneurs from the Atyrau Region concluded in 2014 with jail sentences for 20 defendants. The charges were brought after the political fall from grace of Aslan Musin, Nazarbayev’s former chief-of-staff and an associate of the defendants.

In October, former agriculture minister Muslim Umiryayev was sentenced to 10 years in jail for accepting a $100,000 dollar bribe.

Graft is rife within the civil service, a reality the government tacitly acknowledged in August by replacing the financial police with the Agency for Civil Service Affairs and Counteracting Corruption. Nazarbayev presented this reorganization as a means of stepping up the fight against corruption, but the simultaneous transfer of powers for combating economic crime to the Finance Ministry diluted the powers of the new agency and created grounds for power struggles between the various anticorruption bodies. Without the political will to tackle corruption at all levels, reorganizing the bureaucracy will not deliver meaningful results in combating graft.

Figures released by the financial police in June 2014 indicate that some $1.6 billion was embezzled in 2013 and the first five months of 2014, while some 300 officials (most of them low-level) were prosecuted on corruption-related charges. The United Kingdom’s Serious Fraud Office has been conducting a corruption probe into the affairs of Kazakhstan’s ENRC since April 2013. Kazakhstan is eager to be seen tackling corruption in its natural resources sector and has belonged to the Extractive Industries Transparency Initiative (EITI) since 2005.

In October, media in France reported the existence of a probe into suspected kickbacks paid over a lucrative helicopter deal with Kazakhstan in 2010. Prosecutors in the investigation, which was ongoing at year’s end, allege that Nazarbayev persuaded then French president Nicolas Sarkozy to pressure Belgium into dropping bribery charges against three Kazakhstani oligarchs, using a €2 billion contract with French helicopter manufacturer Eurocopter as leverage.

Often, Kazakhstani officials face corruption charges after they have already fled the country. Examples include Rakhat Aliyev, Nazarbayev’s former son-in-law; Viktor Khrapunov, the former mayor of Almaty; and former banker Mukhtar Ablyazov. Since he fled to the UK in 2009, Ablyazov has been fighting charges that he used his former position as chairman of Kazakhstan’s BTA bank to embezzle several billion dollars. Khrapunov’s close connection to Ablyazov—forged by the marriage of his son to Ablyazov’s daughter—is seen by many observers as the reason the Kazakhstani authorities put Khrapunov on the international “Wanted” list over alleged misappropriation of state funds in 2012. This was five years after he had left public office and moved abroad with a substantial fortune and shortly after he began publicly speaking out in Ablyazov’s defense.

Corruption remains the biggest problem faced by the Kazakhstani military and poses a potentially serious risk to national security. General Nurlan Dzhulamanov,
the former director of Kazakhstan’s border service, was charged in 2014 with bribe-taking and leading an organized crime ring. The previous year, Major-General Almaz Asenov was sentenced to eleven years in jail on charges of accepting a $200,000 bribe to overlook faulty overhauls of An-72 aircraft for the military. Also in 2013, Major-General Askar Buldeshev, former deputy commander of the air force, was sentenced to eight-and-a-half years in jail on charges of embezzling funds intended for the purchase of spare parts for air defense systems.

The difficulty of proving and combating corruption has instilled a pervasive social perception that the use of state resources for the enrichment of one’s family, friends, and personal networks is natural and inescapable. Resigned to the existence of corruption, many people in Kazakhstan are deeply skeptical of the government’s desire and ability to deliver on its promises of democratic development. This crisis of confidence is rising as members of a growing young, educated middle class discover that unless they can harness nepotistic connections, a glass ceiling exists to their advancement, fuelling the potential for unrest in the country in the future. Corruption fuels discontent among less advantaged socioeconomic groups and has been identified as a factor contributing to the rise of radical Islam.

Author: Joanna Lillis

Joanna Lillis is a freelance journalist specializing in Central Asian affairs who has been based in Kazakhstan since 2005. Bhavna Dave, who authored earlier versions of this report, is a senior lecturer in the Department of Politics and chair of the Center on Contemporary Central Asia and the Caucasus at the School of Oriental and African Studies, University of London.


“Prominent Kazakh Opposition Figure Leaves Politics,” RFE/RL, 19 September 2013, http://www.rferl.org/content/kazakhstan-politician-retires-opposition-abilov/25111662.html.


“Назарбаева просят отклонить законопроект о профсоюзах” [Nazarbayev asked to reject law on professional unions], Radio Azattyq, 26 June 2014, http://rus.azattyq.org/content/novyi-zakon-o-profsoyuzakh-kazakhstan/25435180.html.


“В Астане задержали активистов ‘Антигентила’” ['Antigentila' activists were arrested in Astana], Radio Azattyq, 15 February 2014, http://rus.azattyq.org/content/news/25264780.html.

25 “В Астане задержаны активисты «Антигептила»” ['Antigeptila' activists were detained in Astana], Radio Azattyq, 26 September 2014, http://rus.azattyq.org/content/news/26607187.html.


34 Assel Asanova, “Казахстанским геям хотят запретить работать в госаппарате и служить в армии” [In Kazakhstan they want to ban gay people from working for the government and serving in the army], Zakon.kz, 11 September 2014, http://www.zakon.kz/4652542-kazakhstanskim-gejam-gejam-khotyat-zapretit.html.


At first, he was ordered to pay each of the 13 plaintiffs 1 million tenge (for a total of nearly $70,000), but an appeals court reduced the amount to 100,000 tenge each (or about $7000 total). "Редактор журнала ‘Аныз адам’ должен выплатить по миллиону тенге 13 ветеранам войны" [Editor of the *Anyz Adam* newspaper must pay a million tenge apiece to 13 war veterans], Tengri News, 30 June 2014, http://tengrinews.kz/tv/novosti/obschestvo/1889/; and "Суд изменил сумму взыскания с редактора ‘Аныз адам’ за статью о Гитлере" [Court changed the penalty amount owed by the editor of *Anyz Adam* for article about Hitler], Tengri News, 12 September 2014, http://tengrinews.kz/kazakhstan_news/sud-izmenil-summu-vzyiskaniya-redaktora-anyiz-adam-statyu-261664/.


59 President of the Republic of Kazakhstan, Обращение Президента Республики Казахстан Н.Назарбаева по итогам выборов акимов городов районного значения, сельских округов, поселков и сел, не входящих в состав сельского округа [Address of the President of the Republic of Kazakhstan N. Nazarbayev on the results of elections of akims of cities of regional value, rural districts, and towns and villages which are not part of the rural district], 8 August 2013, http://www.akorda.kz/ru/page/page_214519_obrashchenie-prezidenta-respubliki-kazakhstan-n-a-nazarbaeva-po-itogam-vyborov-akimov-gorodov-raionneg.

60 7,632,000 people out of a nationwide population of 17 million, or 45 percent.


Ibid.


Aleksandra Sergazinova, “Дело о пытках: одного полицейского оправдали, двух приговорили к лишению свободы” [The torture affair: one policeman was acquitted, two were sentenced to prison], Hasha Gazeta, 6 November 2014, http://www.ng.kz/modules/news/article.php?storyid=16332#.VC5k1PmSzHA.


“Former Kazakh PM under house arrest on corruption charges.”


The Extractive Industries Transparency Initiative (EITI) is a coalition of governments, companies, and civil society representatives that collaborate to increase transparency and accountable management of natural resource revenues. Kazakhstan was granted “EITI-compliant” status in 2013. EITI, “Kazakhstan accepted as ‘EITI Compliant’;” news release, 17 October 2013, https://eiti.org/news/kazakhstan-accepted-eiti-compliant.

