

Kazakhstan

by Bhavna Dave

Capital: Astana
Population: 16.3 million
GNI/capita, PPP: US\$10,770

Source: The data above were provided by The World Bank, *World Development Indicators 2012*.

Nations in Transit Ratings and Averaged Scores

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	6.50	6.50	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75
Civil Society	5.50	5.50	5.50	5.75	5.75	5.50	5.50	5.75	5.75	6.00
Independent Media Governance*	6.25	6.50	6.50	6.75	6.75	6.75	6.50	6.75	6.75	6.75
National Democratic Governance	n/a	n/a	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Local Democratic Governance	n/a	n/a	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50
Judicial Framework and Independence	6.25	6.25	6.25	6.25	6.25	6.25	6.00	6.25	6.25	6.50
Corruption	6.25	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Democracy Score	6.17	6.25	6.29	6.39	6.39	6.39	6.32	6.43	6.43	6.54

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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

Notwithstanding its rising prosperity, continuing social stability, and popular support for President Nursultan Nazarbayev—who secured another seven-year term with 95.5 percent of the popular vote in April 2011—Kazakhstan ended the year on an uncertain note. The country had a rude awakening on the 20th anniversary of its independence on 16 December, when police fired at striking oil workers and their supporters in the central square of Zhanaozen in the Mangistau region, killing at least 15 people. With snap parliamentary elections just four weeks away, the government adopted a conciliatory attitude toward the strikers while simultaneously cracking down on members of regional administration, and persons suspected of organizing the protests.

Seventy-one-year-old President Nazarbayev has been at the helm of Kazakhstan's government since 1989. He has delivered political stability and rising prosperity on the basis of the country's enormous resource wealth, promoting economic modernization and an official discourse of interethnic peace. Meanwhile, the president—officially named “Leader of the Nation” in 2010—enjoys unchecked executive powers, immunity from prosecution, freedom from term-limits, and a pliant parliament composed entirely of his ruling Nur Otan party. The government's ceaseless propaganda campaigns, broadcast by tightly regulated media, portray President Nazarbayev as a guarantor of prosperity and stability, discrediting any opposition or potential alternatives to his leadership.

National Democratic Governance. Bolstered by growing oil exports and prosperity over the past decade, Kazakhstan has used the rhetoric of reform and democratization to appease the West without demonstrating a genuine commitment to these processes in practice. President Nazarbaev has built a strong and personalized presidential system while skillfully maintaining a balance between various elite groups that depend on the president's patronage and indirectly control the parliament, government ministries, and major media outlets. *There is no improvement in Kazakhstan's rating for national democratic governance, which remains at 6.75.*

Electoral Process. Presidential elections were held in April 2011, 20 months ahead of schedule. As usual, the media and the entire political and administrative apparatus were unified in depicting Nazarbayev as the only guarantor of peaceful prosperity and portrayed rival candidates as losers or threats to the country's economic stability. According to the Central Electoral Commission, Nazarbaev obtained 95.5 percent of the vote, breaking his 2005 record of 90.5 percent. In November 2011, parliament was officially dissolved to make way for the establishment of a supposed

multiparty legislature in 2012. *Kazakhstan's rating for electoral process remains at 6.75.*

Civil Society. The Kazakhstani government continues to coopt nongovernmental organizations (NGOs), businesses, and public associations into the state sphere while constraining the space for genuinely independent associations to emerge. The right to assembly is severely curtailed by a 1995 law requiring citizens to seek advanced approval for all public assemblies from local authorities, which typically only grant permission to pro-government groups. Religious congregations, opposition groups, and independent NGOs are all required to register with the Ministry of Justice. In 2011, the government heightened its monitoring of religious groups, enacting new laws that force all religious groups to re-register and denying re-registration to many. The official Federation of Trade Unions maintained a pro-management stance during the protracted labor dispute in Zhanaozen. On 16 December, police opened fire on a group of unarmed Zhanaozen protesters, leaving 15 dead and over 100 injured. Due to new restrictions on religious freedom and the arbitrary use of force against civilians in Zhanaozen, *Kazakhstan's rating for civil society declines from 5.75 to 6.00.*

Independent Media. Kazakhstan's media outlets are privately owned but firmly under the control of major financial groups affiliated with the regime. While the government has initiated minor amendments to the highly restrictive Media Law, it has not initiated any significant liberalization of this law or the criminal code, both of which criminalize criticism of the president and of leading government figures. Having used libel convictions and massive fines to drive the handful of surviving independent newspapers out of circulation, the government has now begun to monitor and manage online content, closing down—without proper inquiry—several websites suspected of spreading religious extremism in 2011. The state-controlled media blamed the striking workers in Zhanaozen for attacking the police and portrayed them as “hooligans,” whereas independent media and eyewitness accounts highlighted police atrocities. *Kazakhstan's independent media rating remains at 6.75.*

Local Democratic Governance. In Kazakhstan's unitary administrative framework, the central government exerts top-down control over the regional and local levels of government, with the president maintaining full authority over the appointment of the heads (*akims*) of all regions and districts. The dominance of the Nur Otan party at all levels of government effectively nullifies the formal powers granted to local bodies. The center put no pressure on the local authorities to resolve the protracted labor dispute in Zhanaozen. Following the use of force by local police against the protesters, Nazarbayev dismissed several local leaders and consolidated control over the local administration. *The lack of initiative and accountability on the part of the local authorities causes Kazakhstan's rating for local democratic governance to decline from 6.25 to 6.50.*

Judicial Framework and Independence. Kazakhstan's judiciary, like the legislative branch, operates under presidential patronage; it is loyal to the regime and protects the interests of the state rather than those of individuals, minorities, and the weaker strata of society. To date, all major political or public figures brought to trial on politically motivated charges have been convicted by the courts. In September, Nataliya Sokolova, the lawyer representing about 2,000 striking oil workers at Zhanaozen, was sentenced to six years in prison for "inciting" the strike. Throughout the year, worsening prison conditions caused an escalation in suicide, self-harm, and violence among inmates. Management of the prison system, which was transferred to the Ministry of Justice in 2002 in the interest of addressing grave shortcomings and increasing civilian oversight, was returned to the Ministry of Interior in fall 2011. *This reversal, combined with the continuing compliance of the judiciary with the interests of the regime, causes Kazakhstan's judicial framework and independence rating to decline from 6.25 to 6.50.*

Corruption. Corruption is systemic in Kazakhstan and entrenched in rent-seeking behavior that guides the appropriation, control, and distribution of key resources by ruling elites. The existing legal system formally upholds principles of justice and impartial inquiry, but in practice defends the privileges of the incumbent elite over the rights of citizens, journalists, or nongovernmental bodies. Inquiries into official corruption are handled by the presidentially appointed prosecutor general and the financial police, working in conjunction with the Ministries of Justice and Internal Affairs and National Security Committee (KNB), also loyal to the president. *Kazakhstan's corruption rating remains at 6.50.*

Outlook for 2012. Despite its self-proclaimed stability, the personality-based governance system of Kazakhstan remains inherently insecure and incapable of meaningful reform under its current leadership. Snap elections in January 2012 are expected to usher two, handpicked, pro-presidential parties into parliament, while preserving the dominance of Nazarbayev's Nur Otan party. After securing a compliant multiparty parliament, the government is likely to continue its crackdown on local administrations, rickety opposition parties and media channels supported by exiled opposition figures, and a plethora of "non-traditional" religious groups and NGOs suspected of engaging in politics.

Ultimately, Kazakhstan's upper-middle classes—including entrepreneurs, government officials, and state functionaries—are the foremost beneficiaries of the Nazarbayev regime, and have an enormous stake in preserving the existing system and praising its alleged stability. However, Kazakhstani society is undergoing fundamental changes: the rising middle classes are uninterested in political pageantry and do not seek advancement by pledging loyalty to the regime. Instead, they desire guarantees rooted in the rule of law. The public discourse trumpeting stability, ethnic peace, and the legacy of the "first president" is becoming increasingly hollow and stolid.

As speculations about Nazarbayev's health lead to debates about succession struggle, Kazakhstan's major financial groups, prime minister, chairman of the upper house (who according to the constitution will succeed the president in the event of his removal or death), the head of the Presidential Administration and KNB are likely to have a decisive say in shaping the balance of forces.

MAIN REPORT

National Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75

Under President Nursultan Nazarbayev, Kazakhstan has emerged as the most dynamic economy in the post-Soviet space after Russia, with rapidly rising levels of prosperity. Its success has been underwritten by enormous resource wealth, a small but well-educated population, well-developed industrial infrastructure, and rich legacy of multiethnic solidarity. Behind the claims of stability and prosperity, however, Nazarbayev has established extensive and uncontested personal control over the country's resources and institutions, systematically eliminating challenges and alternatives to his authority. He has generously rewarded his supporters with rapid economic gains and career mobility, while at the same time discrediting or coopting all self-organized economic, political, and civic activities, ethno-religious associations, and severely cracking down on challenges to his authority. Widespread regime propaganda aggressively promotes the myth that political liberalization and the emergence of democratic institutions and civil society can proceed only after Nazarbayev's Nur Otan party has brought the country to a high level of social stability and economic prosperity.

Kazakhstan's political system is a hybrid of Soviet-era institutions and practices that formally endorse democracy and rule of law but are entrenched within a patriarchal authority structure. At the top of that structure is the president, on whom the entire political system hinges. President Nazarbayev has sweeping powers to appoint and dismiss the prime minister and dissolve the parliament, an institution whose role is limited to formulating and passing laws proposed by the prime minister and the cabinet. The prime minister has little independent power to formulate policies, although Prime Minister Karim Masimov—in office since 2007—has accumulated considerable personal influence, and is widely seen as an independent political player and power broker. The president also appoints a third of the members of the Senate (the upper house of parliament), and all members of the Assembly of People of Kazakhstan (APK), a body representing ethnic minorities. The president appoints nine members from the APK to serve in the Mazhilis (the lower house of parliament), and chooses the chair and two of the seven members of the Central Election Commission (CEC). The remaining 98 members of the Mazhilis are elected from party lists on a proportional basis. The additional senators are selected, two each, by the assemblies of the 14 regions, the capital Astana, and the former capital Almaty.

About half a dozen prosperous and powerful business groups form the backbone of the present regime, coalescing around the broad-based platform of

Nur Otan and indirectly controlling the parliament, ministries, and major media outlets. Foremost among these are the “Eurasia Group” (Eurasian Natural Resources Corporation or ENRC), the copper giant Kazakhmys, and the sovereign wealth fund Samruk-Kazyna, over which Nazarbayev’s son-in-law, Timur Kulibayev, and his close ally, Prime Minister Masimov, exert control. Until December 2011, Kulibayev was the chairman of the US\$80 billion sovereign wealth fund Samruk-Kazyna, but was removed after a prolonged strike by sacked employees of Samruk-Kazyna’s subsidiary, KazMunaiGaz (KMG) culminated in police shooting of the strikers and a public relations crisis for the regime. Kulibayev remains a powerful figure, and his removal from the chairmanship most likely denotes an attempt to shield him from public scrutiny. KMG accounts for 22 percent of all tax revenue nationwide and for 25 percent of the National Oil Fund’s revenues.¹ These separate business entities may compete intensely amongst themselves but publicly display their loyalty and veneration for Nazarbayev. Vladimir Kim, the CEO of Kazakhmys and Kazakhstan’s richest person, is one of Nazarbayev’s closest allies.²

The military and security services remain under firm control of the president, who appoints their heads and key members. In 2010, the return of Nazarbayev loyalist Nurtai Abykayev as head of the National Security Committee (KNB), after a hiatus as ambassador to Russia, further extended the president’s personal authority over the security services. Nazarbayev’s nephew Samat Abish, a Russian-educated lieutenant colonel, is head of the Astana department of the KNB. As 71-year-old Nazarbayev’s health deteriorates, Kazakhstan’s major financial groups, the prime minister, the chairman of the Senate (who according to the constitution will succeed the president in the event of his removal or death), and the head of the KNB are likely to have a decisive say in shaping the balance of forces.

Electoral Process

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.50	6.50	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75

Although Kazakhstan has held regular parliamentary and presidential elections and invited international monitors to observe, none of the polls have qualified as free and fair or been conducted in compliance with international standards. Almost all elections have been held ahead of schedule—announced with short notice—allowing very little time for the motley and marginalized opposition parties and candidates to organize themselves in order to run on what has never been a level playing field.

Preempting any Arab Spring–inspired democratic sentiment, in early 2011 President Nazarbayev vetoed a long-anticipated constitutional amendment that would have triggered a referendum to extend his current term until 2020. After parliament rejected its leader’s veto just one week later, Nazarbayev humbly appealed to the Constitutional Council, which ruled that the proposed amendment did, in fact, violate the constitution. As an alternative to the term extension,

Nazarbayev called for early elections on 3 April, a full 20 months ahead of schedule. In a predictable, landslide victory, Nazarbayev improved his previous standing by garnering 95.5 percent of the vote, with the second candidate mustering a paltry 1.9 percent and voter turnout at almost 90 percent.³

The initial pool of 22 presidential hopefuls included some regular presidential contestants authorized by the regime, as well as some obscure figures, whose participation seemed designed to demonstrate that anyone can run for president. Strict registration procedures requiring each candidate to produce signatures representing 1 percent of the entire electorate (about 91,000) as well as a rigorous examination in Kazakh language skills eliminated most candidates, as the administration has wide discretion for evaluation of language skills and verification of the signature lists. Eventually only three candidates, all pro-regime figures, were able to register alongside the incumbent. Mels Eleusizov, one of the preauthorized candidates contenders, publicly cast his vote for Nazarbayev in April.

A final report by the election observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted that the presidential election held in April 2011 "revealed shortcomings similar to those in the previous elections. While the election was technically well-administered, the absence of opposition candidates and of a vibrant political discourse resulted in a non-competitive environment."⁴ Although Kazakhstan is also an OSCE member state and even chaired the organization in 2010, it has continued to disregard the OSCE/ODIHR verdict on elections and recommendations on electoral reforms, portraying these as typical of a Western approach to democracy that fails to appreciate cultural contexts.

Few observers disagree that Nazarbayev would easily win a truly free and fair election by at least 65–70 percent of the vote, as would Nur Otan. However, it is impossible to organize truly competitive elections under the present regime given the degree of patronage and abuse of administrative resources. Utilizing its monopoly over the parliament and control over the administrative machinery and propaganda channels, the Nur Otan party is able to induce state officials, media, prominent businesses, public figures, and university and school administrators to publicly pledge support to Nazarbayev. Furthermore, neither the Central Election Commission, the judiciary and Constitutional Court (which could adjudicate cases of electoral dispute), nor the media are independent.

Amendments to the Law on Elections and Political Parties in 2007 require all candidates in parliamentary elections to be members of political parties, and set a high, 7 percent threshold for representation in the Mazhilis. In 2009—after a widely-criticized 2007 election in which Nazarbayev's Nur Otan party captured every seat in parliament—Kazakhstan introduced a cosmetic amendment to its electoral legislation, mandating the creation of at least a two-party legislature. Under the new system, the second-placed party will be represented in the parliament whether or not it obtains 7 percent of the vote. Yermukhamet Yertysbayev, a presidential advisor who also serves as the president's lobbyist, has declared that Nazarbayev greatly admires the party system in the United Kingdom and desires to promote it at home.⁵

Soon after the 2011 presidential vote, Nur Otan members began grooming pro-presidential parties to serve as the authorized opposition in parliamentary elections scheduled for August 2012. In July, parliamentary deputy Azat Peruashev, who has close ties with Timur Kulibaev and the Eurasia Group, resigned his membership of Nur Otan in order to become leader of Ak Zhol, a business-focused party. Ak Zhol's previous leader—who had maintained links with the genuine opposition while remaining loyal to the regime—was offered a key position in state bureaucracy as informal compensation for his exit.⁶ Meanwhile, authorities sought to revamp Ak Zhol's public image, presenting it as a party of entrepreneurs rather than a group with ties to the opposition movement. In mid-November 2011, Nazarbayev called for the parliamentary elections to be moved up from August to January 2012. Kazakhstan's soon-to-be-elected "multiparty parliament" is expected to include Nur Otan, Ak Zhol, and the pro-regime Communist Peoples Party of Kazakhstan.

Civil Society

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
5.50	5.50	5.50	5.75	5.75	5.50	5.50	5.75	5.75	6.00

Kazakhstan's carefully maintained image of prosperous stability was threatened in 2011 by a series of violent public incidents, including a series of bombings and killings, and a protracted labor dispute in which police opened fire on protesters. In September, the government heightened its monitoring of religious associations, enacting new laws that force all religious groups to re-register and denying re-registration to many.

The Kazakhstani state continues to restrict and coopt the space occupied by NGOs and public associations, particularly those engaged in advocacy for civil liberties and political reforms. The regime routinely uses its powerful patronage network to coopt nascent NGOs and public associations, using them to promote an agenda of social and infrastructural development rather than allowing the nongovernmental sector to develop independently. The vast majority of Kazakhstan's approximately 5,000 registered NGOs are merely quasi-governmental groups, propped up to compete against independent NGOs for grants. There are reports of private businesses covertly funding some civil rights advocacy campaigns and independent media channels in an effort to safeguard their own interests and carve out a sphere of activity that is free from governmental control; however, it is estimated that fewer than 200 organizations in total are able to make a positive impact. The few genuinely independent groups among these are subjected to surveillance by the KNB and the Office of the Prosecutor General. All NGOs, public associations, and religious bodies are required by law to register with the Ministry of Justice.

Restrictions on religious communities tightened in 2011 with the adoption of a new law on religious activities and institutions in September. The law requires

re-registration of religious organizations; bans unregistered religious activities; prohibits the provision of prayer rooms inside state buildings; bans foreigners from setting up faith groups; and severely limits acquisition of what it defines as “religious literature.” Forum 18, an international NGO that promotes religious freedom, has criticized official bodies such as Kazakhstan’s Agency of Religious Affairs (ARA), the state-backed Muslim Board, and local administrations for making a distinction between “traditional religions” and “non-traditional religions,” with the latter term being used to describe several non-Islamic religious groups as well as specific Islamic groups.⁷ The categorization of various minority religions as “sects” or “nontraditional” groups suggests that they are potentially subversive or extremist in nature. Evangelical Christians, Jehovah’s Witnesses, Hare Krishna devotees, and independent Muslims whose affiliations, beliefs, or practices are at variance with the officially approved version of Islam all continue to face persecution. Throughout the year, state-controlled media and local officials worked together with the various “anti-sect” centers set up by the government to monitor the activities of religious organizations, generating news items and editorials to bolster support for tighter regulations on such groups.⁸

Meanwhile, a series of explosions, killings, and apparent suicide bombings elicited much discussion about the rise of religious extremism. At first—anxious to preserve its reputation for stability—the regime discounted the events as random crimes by psychologically disturbed individuals, rather than acts of political or religious extremism. However, as several incidents were claimed by the previously unknown Jund al Khalifah (JAK) Islamist group,⁹ the regime embraced its new antiterrorist mandate, using the new legislation on religious groups to root out other “extremists.” Many people have been arrested—often on negligible evidence—for alleged links with Salafi and Wahhabi movements.

The year ended in a public relations crisis for the Nazarbayev regime, as police in the western city of Zhanaozen opened fire on a crowd of striking oil workers. The strike over wage increases began in May, and had already reached the international press, causing significant embarrassment to the regime. The violence, captured on video, sparked public outrage and led to a harsh security clampdown in the surrounding area. The official death toll was 15, with about 100 injuries; some alleged eyewitnesses have claimed higher casualties. Kazakhstani authorities have justified the shooting as self-defense. Nazarbayev, who visited the region three days later, declared that the riots had been instigated by hooligans and drunks.¹⁰ However, with parliamentary elections imminent, the government took a conciliatory position with the strikers, promising to reinstate the sacked workers with compensation and higher salaries. The regime also promised an independent inquiry into the shootings, though none had been sanctioned at year’s end.

Kazakhstan’s media have energetically highlighted the instability and violence that accompanied the “color revolutions” of the early 2000s and the 2011 Arab Spring, sending a message that social mobilization leads to chaos and bloodshed. As a result, many citizens are mistrustful of, and even hostile to, self-organized civic action or political opposition. Insulated from socioeconomic problems in the

regions, Kazakhstan’s emerging middle classes—especially its increasingly wealthy entrepreneurs and the so-called intelligentsia in Almaty and Astana—also view labor and civic unrest in a negative light. For this reason, their reaction to the police shooting of protesters in the western town of Zhanaozen in December 2011 was notably muted.

The right to public assembly remains severely restricted in Kazakhstan, as any public appearance or gathering broadly defined as an “assembly” must be sanctioned ahead of time by local government authorities. Citizens holding a public demonstration are required to notify the authorities 10 days in advance. Since the Law on Public Assembly was passed in 1995, permission to assemble peacefully in a downtown area or near government buildings has only been granted to pro-government parties and public associations.

Independent Media

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.25	6.50	6.50	6.75	6.75	6.75	6.50	6.75	6.75	6.75

Most media outlets in Kazakhstan are privately owned and formally categorized as independent, but in reality they are regulated by the government and controlled by politically entrenched financial groups. Media outlets may compete intensely with one another, but they do not engage in investigative work or criticize the president, his close family, or other top figures in the regime. Parliamentary deputies and regional heads (*akims*) have increasingly used their positions to punish critical journalists. The few media outlets that are independent of the state, and critical of the direct and indirect control exerted by the authorities over the information space, have found it increasingly difficult to survive in the traditional media market and are forced to operate mainly via the internet.

Kazakhstan’s few, truly independent media are owned or financed by opposition figures, many of whom are in self-imposed exile to escape politically motivated prosecution. While state-controlled media refrain from negative coverage of the regime, independent media produce little else, and are prone to sensationalistic, unverified reporting. In 2011, the only news sources to criticize the government—especially during the events at Zhanaozen—were the opposition K-Plus channel, which relies on funding from exiled ex-minister Mukhtar Ablyazov and is available via satellite; the newspapers *Respublika* and *Vzglyad*; numerous independent or pro-opposition websites; and the independent website of Radio Azattyk (Radio Free Europe/Radio Liberty). Independent journalists interviewed Zhanaozen victims and broadcast the video footage of police firing at protesters. State-owned channels did not report on the events and authorities blocked access to all independent sites as well as Facebook and Twitter for several days.¹¹

A mix of highly restrictive laws and unauthorized, indirect, and informal mechanisms of control have ensured the national media’s subordination to the government. Article 318 of the criminal code penalizes any person who “insults the

honor and dignity of the president” and is used routinely to prosecute independent journalists. Influential members of the government have also won libel suits against opposition-oriented media. Existing legislation does not regulate compensation for libel, exposing any publishing house to sudden bankruptcy. Nurtai Urazov, Kazakhstan’s deputy minister of communications, has indicated that the state will decriminalize libel and insults in the media by 2014, but no concrete measures have been taken to date.¹² Opposition newspapers have also been subjected to numerous bureaucratic interventions, ranging from tax audits to fire and safety inspections, and they encounter continual difficulties in finding printing facilities.

In December, the government passed a law requiring all foreign television and radio stations to re-register, giving the state a new opportunity to evaluate and potentially ban their operation within Kazakhstan.¹³ Another law passed in 2011 requires media channels to produce at least 50 percent of their programming in Kazakh, rather than translating programs into Kazakh, as had previously been common practice. The national TV channel, Qazaqstan (formerly known as Kazakhstan-1), has fully switched over to Kazakh.

According to independent surveys, Kazakhstan had about 5.3 million internet users in December 2011, denoting a 34.3 percent internet penetration rate. In late 2010, 37 percent in urban areas and less than 10 percent in rural areas had access to the internet.¹⁴ As the country’s urban middle class and student population increasingly turn to the internet for news, the authorities have stepped up their efforts to directly control the availability of information online rather than relying entirely on criminal penalties.¹⁵ The state-owned Kazakhtelecom and its subsidiaries have a monopoly on internet service provision, and they have fully cooperated with the government and security services to apply controls and block access to opposition websites. Under internet-related legislation that came into force in June, all sites using the .kz domain must use only servers within Kazakhstan.

The Center for Computer Incidents was created in 2010 to monitor internet activities, including blogging. According to the head of the state communications agency, the center’s aim is to monitor websites that have “pornographic or extreme character” and prepare a “blacklist of sites which have a destructive character for society.”¹⁶ The failure to involve any independent media watchdogs in such monitoring efforts lends credence to the widespread view that such efforts are geared at intensifying internet censorship. In September 2011, the Office of the Prosecutor General reported the closure of 50 foreign websites accused of promoting religious extremism and terrorism.¹⁷ In October, the National Security Council for Propaganda of Extremism blocked 125 sites determined to promote extremism; another 168 sites were being investigated at year’s end.¹⁸ A new, online news site called Guljan was reportedly targeted several times in 2011 by Distributed Denial of Device (DDoS) attacks—floods of data requests calculated to incapacitate the site. Guljan was one of a few sites to report on President Nazarbayev’s August health crisis, a taboo topic in state-controlled media.¹⁹

Articles praising President Nazarbayev for the country’s accomplishments proliferate in the media. Virtually every page in the state-owned *Kazakhstanskaya*

Pravda and *Egemen Kazakhstan* contains extracts from speeches by Nazarbayev. The state channels Khabar and Qazaqstan continually broadcast the president's speeches and report on his travels. An independent survey of the state media during the parliamentary election campaign in late 2011 found that Nazarbayev's Nur Otan party received at least 52 percent of coverage, followed by the pro-regime party Ak Zhol (16 percent), and the National Social Democratic Party (OSDP) at 12 percent.²⁰

Kazakhstan has engaged top-notch public relations and lobbying groups to enhance its international profile, highlight its economic achievements, and combat criticism of its failure to promote democratic reforms. The British lobbying firm BGR Gabara and Portland Communications are among the key lobbying groups working for the government. BGR Gabara has been accused of changing a number of Wikipedia entries to portray Kazakhstan and president Nazarbayev in a favorable light.²¹ Former British Prime Minister Tony Blair, his former director of communications, Alastair Campbell, and former chief of staff Jonathan Powell are also consultants to the government on "questions of social economic modernization."²² A May 2011 *New York Times* story claims that the Kazakhstani government has been paying major think tanks in Washington, D.C., to issue glowing reports on the country and allegedly made illegal payments to unnamed members of the U.S. Congress to gain their favor.²³

Local Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50

Local authorities in Zhanaozen proved completely unprepared to deal with the protests organized by civilians in support of striking oil workers on 16 December. The use of force against civilians left 16 dead and over a hundred injured as local authorities imposed a news and information blackout by cutting power supply to the area and imposing a curfew. As the situation escalated, the central government stepped in to take charge, employing a two-pronged approach. The state imposed a state of emergency to reestablish regional stability through police presence and a military curfew. It also conducted a public purge of local and regional administrative officials, police chiefs, and public figures blamed for both the violence and the labor dispute which preceded it. At year's end, no one at the top levels of Kazakhstan's security forces had been held accountable for the shootings.

Among the regional officials to lose their positions after the December violence were Krymbek Kuserbayev, governor of Mangistau region, Orak Sarbopeyev, mayor of Zhanaozen, and Zhalgas Babakhanv, the head of the Zhanaozen administration. The latter two are being investigated on charges of appropriating public funds. In explanation of the dismissals, President Nazarbayev noted: "My instruction to resolve the labor dispute in a timely manner was not carried out."²⁴ Nazarbayev also dismissed the head of KMG, Bolat Akchulakov; and his own son-in-law, Timur Kulibayev, the head of the Samruk-Kazyna National Welfare fund that owns and

oversees all state assets, including KMG. Zhanaozen is a telling illustration of the weakness of local authorities vis-à-vis large companies owned by, or partnering with, the central government. KMG, its various subsidiaries, and Chinese oil companies in the region function with no real accountability to their employees.

Kazakhstan has a unitary administrative framework in which the central government exerts top-down control over regional and local bodies. The centralized nature of the state and concentration of revenues and resources have so far effectively contained regional elites and interest groups. President Nazarbayev has also continually shuffled officials, not allowing them to spend more than a few years in office and rewarding them with a better position for their compliance.

The constitution does not provide for elections of regional or local administrative akims. All regional akims are appointed by the central government and may be dismissed by the president at his discretion. Members of the local legislative councils (or *maslihats*) are elected for five-year terms to represent their constituencies but in practice serve as rubber-stamp bodies to approve acts by the local executives. Patronage and personal influence, rather than a constitutional mandate, define the powers of the incumbent. The regional maslihats, and those of Almaty and Astana, each name two members to the Senate. The last maslihat elections were held concurrently with the parliamentary elections in August 2007 but attracted little popular or media attention in the shadow of the national polls.

Regional and city maslihats have formally been granted the right to refuse the president's nominee for akim, and the share of maslihat members required to oust a sitting akim was reduced from two-thirds to one-fifth. However, given the minimal functions assigned to regional maslihats, the patronage exerted by akims, and the lack of any budgetary powers make it unlikely that the councils play any significant role in the composition of their governments.

President Nazarbayev has been opposed to holding direct elections for local and regional akims and granting local autonomy, and there has been virtually no public discussion of the subject. The most prominent advocate of such reforms was Galymzhan Zhakiyanov, founder of the opposition party Democratic Choice of Kazakhstan and a popular former akim of Pavlodar, who was jailed from 2002 to 2006 on politically motivated charges. Even if elections were introduced, it is doubtful that they would have a democratizing effect as long as a single party dominates the political landscape. In addition, the incumbent akims and their patrons, together with members of the CEC and district election commissions, wield enormous influence in the nomination of candidates.

The lack of financial autonomy for local bodies is a severe constraint on their authority and ability to implement effective socioeconomic measures. The central government determines taxation rates and budgetary regulations. The regions are officially responsible for the provision of social services, such as education, local law enforcement, and medical assistance. Local governments can keep all fines for environmental pollution but are required to transfer other revenues to higher authorities. Regions are not allowed to keep their budget surpluses, which are forfeited to needier areas.

The extent to which regional administrations may retain collected taxes in their budgets is influenced by the standing of the akim and the region's revenue-generating capacity. The akims in oil-rich regions as well as Astana and Almaty, which have attracted the most foreign investment, exert greater control over budgetary matters, mainly by extracting significant contributions from investors for social and welfare projects and thus informally negotiating revenue-sharing rates with the central government. These akims also tend to have a high personal standing with the central government that appointed them.

Throughout 2011, the labor unrest in Zhanaozen highlighted the enormous disparity between profits accrued by private oil companies and living standards of people living and working in oil-rich territories. Although the regions of Atyrau and Mangistau have the highest per capita economic output and contribution to the national gross domestic product (GDP), they also have a very large share of people living in poverty. In Mangistau 22.6 percent of the population earns less than the minimum subsistence level, and 10 percent in Atyrau; the average for other regions is 8.2 percent.²⁵ The cost of food, basic amenities, and housing in the oil-rich regions is the highest in the country.

In other areas of the country, inadequate employment and infrastructure have led to massive emigration to regional urban centers, as well as Almaty and Astana. As most migrants are unable to find jobs and housing legally, they work in the informal or shadow economy and have no documents or means to obtain the mandatory registration (*propiska*) in the city. The social and legal marginalization of internal migrants as well as ethnic Kazakh returnees (*oralman*) from the near and far abroad—who receive land and cash from the government to settle in outlying regions but often opt to look for jobs in the cities—is a growing and unaddressed challenge for authorities.

Judicial Framework and Independence

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.25	6.25	6.25	6.25	6.25	6.25	6.00	6.25	6.25	6.50

While Kazakhstan's constitution recognizes the separation of powers and safeguards the independence of the judiciary, in practice both the judiciary and the legislature remain subservient to the executive. In 2011, the system continued to protect the interests of the ruling elites, state functionaries, and top business groups rather than those of individuals, minorities, and the weaker strata of society. The state's prosecution of trade union lawyer Nataliya Sokolova reinforced the extent to which the judiciary has become an instrument for punishing actors who challenge the status quo by seeking accountability from government or financial elites.

Nataliya Sokolova—a lawyer for the Trade Union of Workers of the oil company Karazhanbasmunay—was detained in May 2011, soon after the company's Zhanaozen-based employees went on strike, seeking higher wages, revision of collective agreements, and non-interference in the work of unions. The owners of

Karazhanbasmunay are China's CITIC Group and the Kazakhstani oil extracting company KMG, which is owned by Kazakhstan's Samruk-Kazyna National Welfare Fund. In the first three quarters of 2011, KMG reported a 7 percent decline in oil production compared to the same period in 2010, which it attributed to the negative effects of industrial action.²⁶ The strikes also caused a public relations embarrassment for the government after human rights organizations persuaded rock musician Sting to cancel his concert in solidarity with striking workers.

Under pressure from KMG, local courts first charged Sokolova with administrative offenses, then added criminal charges. Credible reports indicate numerous violations of due process in Sokolova's trial. For example, the presiding judge refused to admit into evidence video recordings that supported Sokolova's defense and also denied her motions to summon witnesses.²⁷ In August, a court ruled that Sokolova had violated the criminal code by inciting social discord (Article 164) and infringing on regulations for organizing and holding meetings and rallies (Article 334). She was given a 6-year prison term and was banned from legal practice and public work for three years. The sentence was confirmed in September. Kazakhstan introduced jury trials in 2007, but the practice is still restricted to cases involving the death penalty or life imprisonment.

In the weeks following the 16 December violence, the government made a number of promises and small concessions calculated to appease the electorate and reduce international media attention. The regime offered to reinstate the striking workers—some 2,000 of whom had been fired. However, Sokolova's sentence had not been revisited at year's end.

Conditions in pretrial facilities and prisons in Kazakhstan are notoriously harsh, with the highest inmate population per 100,000 citizens of any Central Asian country.²⁸ Inmates are confined in small spaces, under extreme weather conditions, with little food and no medical treatment. Reports of torture and abuse are rampant, and a number of prisoners have tried to escape and stage riots. On 29 June, seven prison wardens were convicted and sentenced to prison for abusing and torturing inmates in Zarechny prison; in July, 16 inmates were killed by a powerful explosion set off by a shootout during an escape attempt. Frustration with inhumane prison conditions has led to an escalation in suicides, self-harm, and violence among inmates.²⁹

At the end of July, the government announced that it was transferring responsibility for the prison system from the Ministry of Justice to the Ministry of Interior Affairs—the same body that administers the police.³⁰ The ministry will now be responsible for investigating crimes and overseeing all aspects of prison life, as it did prior to 2001. Human rights organizations fear that the transfer of authority from a civilian ministry to the security services will mean even less access to the penal system for civil society actors and rights groups.

Corruption is entrenched in the judicial system, as in other organs of the government. Corrupt behavior is widely accepted as natural, and many believe that the judiciary serves only the interests of the rich and powerful. For small and medium offenses, bribery is seen as an effective means of achieving the desired

verdict. It is also widely understood that becoming a judge is extremely difficult without giving bribes to various officials and court administrators.

According to law, Supreme Court judges are appointed by the president on the recommendation of the Supreme Judicial Council and elected by the Senate. Judges of local courts and other levels are appointed by the president on the recommendation of the Supreme Judicial Council. The president also appoints a chairman, secretary, and other members of the Supreme Judicial Council.³¹ In April, the Senate abruptly dismissed six Supreme Court judges accused of “corrupt activities” by the State Agency for Combating Economic Crimes and Corruption, and pressured Supreme Court Chairman Musabek Alimbekov to resign. It is not clear whether the cases in question were investigated further, nor have further details of the original investigation been released.

To date, Kazakhstan’s judiciary has convicted all major political or public figures brought to trial on politically motivated charges, usually without credible evidence or proper procedures. In recent years, charges of religious extremism have become an increasingly popular tool of the regime, resulting in heavy penalties and bans on certain publications or websites.³²

Kazakhstan has a National Human Rights Commission headed by an ombudsman, but the position has limited authority to monitor the government’s observance of human rights and is barred from any “interference with the work of either the police or the judicial system.” As a presidential appointee, the ombudsman appears partial and lacks the support of civil society and human rights activists.

Corruption

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
6.25	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50

Corruption in Kazakhstan is systemic. It thrives on the country’s enormous 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. Corruption is embedded in the rent-seeking behavior of ruling elites who use their official positions to appropriate, control, and distribute key resources for personal gain and obtain immunity from prosecution or investigation. The absence of a genuinely independent anticorruption body and persistent attacks on and criminalization of investigative journalism reinforce the lack of transparency and make it impossible to publicly identify and investigate the misuse of state resources by top officials.

In recent years, a number of high-ranking civil servants have been arrested and, in some instances, convicted, on corruption-related charges. However, the difficulty of proving and combating corruption has led to a pervasive social perception that the use of state resources for the enrichment of one’s family, friends, and personal networks is normal and constitutes an integral aspect of the local culture and social structure. As long as they enjoy rising prosperity, a vast majority of Kazakhstan’s citizens accept corruption as integral to the system, and remain resigned to its

existence. A related issue is the lack of transparency that surrounds many business and financial activities, both domestic and international, in which members of the elites are involved.

The Ministry of Internal Affairs, the KNB, and the tax and financial police (FinPol) are the main bodies tasked with combating corruption in Kazakhstan. The anticorruption drive has become a political and economic tool that allows officials involved to accrue special power and influence and intimidate rivals to extort bribes and elevate their economic and social status.³³ Charges of corruption and abuse of office tend to be leveled against government officials or political figures only after they enter into a personal or political rivalry with more powerful elites or challenge President Nazarbayev's authority.

Several foreign and international anticorruption watchdogs have sought to pursue corruption investigations where Kazakhstani investigations have been unsuccessful or negligent. In 2011, the UK Serious Fraud Office investigated possible corruption charges involving one of the subsidiaries of the Eurasian Natural Resources Corporation (ENRC), an FTSE 100 mining group with connections to the president.³⁴ A 2010 report by Global Witness, an independent NGO that monitors corruption in the natural resources industry, investigated Kazakhmys, Kazakhstan's biggest copper miner and among the top 10 copper producers in the world. The report alleges that Kazakhmys withheld key information about its final owners during its initial public offering (IPO), which is required from companies seeking to enter the London Stock Exchange. It also raised concerns about Kazakhmys's close links to the Nazarbayev family.³⁵

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