

Kazakhstan

by Joanna Lillis

Capital: Astana
Population: 16.8 million
GNI/capita, PPP: US\$18,870

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Civil Society	5.50	5.75	5.75	5.50	5.50	5.75	5.75	6.00	6.25	6.50
Independent Media	6.50	6.75	6.75	6.75	6.50	6.75	6.75	6.75	6.75	6.75
National Democratic Governance	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Local Democratic Governance	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.50	6.50
Judicial Framework and Independence	6.25	6.25	6.25	6.25	6.00	6.25	6.25	6.50	6.50	6.50
Corruption	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Democracy Score	6.29	6.39	6.39	6.39	6.32	6.43	6.43	6.54	6.57	6.61

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

Over more than two decades of rule, President Nursultan Nazarbayev has constructed a hypercentralized political system designed to perpetuate the interests of the president, his family, and the ruling elite. Supported by powerful political and economic players with a high stake in maintaining the status quo, Nazarbayev has shown a tendency toward greater authoritarianism in recent years. A bout of unrest in the western town of Zhanaozen in late 2011 shook the administration's confidence in its own narrative of political stability, prompting a crackdown on civil liberties that continued in 2013. Throughout the year, the administration worked concertedly to maintain its iron grip on the political process, the media environment, and civil society.

Seventy-three-year-old Nazarbayev—who has been in power since Soviet times and enjoys legal immunity from presidential term-limits or prosecution, as well as the right to intervene in policymaking after his retirement—has responded to widespread speculation about his health and succession only by stating that he intends to remain in office through the end of his current term in December 2016. In the meantime, the president has taken no steps to establish the “resilient” political system he himself has said the country will need in order to withstand his eventual departure. Instead, the administration continued in 2013 to build a cult of personality around Nazarbayev in which he is portrayed as the lynchpin of Kazakhstan's prosperity and stability. All political institutions outside the presidency remained weak as the administration continued to discredit and marginalize any opposition activity.

Civil liberties, including the right to public protest, remained heavily curtailed in 2013. Meanwhile, freedom of worship shrank further with the draconian implementation of a 2011 law on religious affairs and the use of forced psychiatric treatment against civil society activists. Kazakhstan's media remained under intense pressure as outlets closed down by court order lost appeals and new outlets faced suspension orders and online blocking.

National Democratic Governance. Under President Nazarbayev's rule, Kazakhstan has mastered the rhetoric of reform and democratization without demonstrating any genuine commitment to these processes. Various business groups depend on Nazarbayev's patronage and indirectly control the parliament, government ministries, and major media outlets, while Nazarbayev himself appoints individuals to a range of top offices. The two nominal opposition parties in the parliament offered no substantive criticism of government policies during the year, ensuring that the legislature did not become a forum for pluralistic debate. 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 ninth year in a row, *Kazakhstan's rating for national democratic governance stagnates at 6.75.*

Electoral Process. The ruling Nur Otan party continued to dominate the political scene in 2013, and the space for opposition politics remained tightly restricted. Kazakhstan's parliament contains only loyal presidential supporters and serves as a rubberstamp body for government policies. The authorities have given no indication that they intend to undertake meaningful reforms to install a genuinely competitive electoral system capable of yielding a truly pluralistic legislature. In the absence of any substantive change, *Kazakhstan's rating for electoral process remains unchanged at 6.75.*

Civil Society. The government continued to coopt nongovernmental organizations (NGOs), businesses, and public associations into the state sphere. Authorities zealously applied the controversial 2011 law governing religious affairs, with law-enforcement agencies pursuing religious groups, raiding religious meetings, arresting and trying religious group leaders and worshippers, and deporting foreign missionaries. Two people detained on charges relating to their religious activity were also subjected to forced psychiatric treatment. As the Nazarbayev regime tightens its grip on independent religious activity, *Kazakhstan's rating for civil society declines from 6.25 to 6.50.*

Independent Media. Media production and distribution in Kazakhstan are largely controlled by members of Nazarbayev's family or powerful businesses affiliated with the regime. Libel remains a criminal offense, as does criticizing the president. The government employs propaganda to regulate the media and saturate Kazakhstan's informational space with progovernment views that seek to discredit independent voices. In 2013, several prominent independent media outlets lost appeals against legal bans imposed on their operations in 2012. *Kazakhstan's independent media rating remains unchanged at 6.75.*

Local Democratic Governance. Kazakhstan held its first indirect mayoral elections in some districts, towns, and villages in 2013. In practice, the new system did not increase the independence or democratic accountability of local government because all candidates were nominated by officials and elected by legislative councils dominated by the ruling Nur Otan party. Moreover, mayors of all Kazakhstan's major cities and 14 regions remain presidential appointees. *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. In August, the Supreme Court refused to review the case of jailed opposition leader Vladimir Kozlov, who was sentenced to seven-and-

a-half years in prison in October 2012 for his alleged role in fomenting a mass strike by oil workers in western Kazakhstan almost one year earlier. At year's end, Kozlov was serving his sentence in a labor camp 1,700 kilometers from his hometown, in violation of Article 68 of the penal code, which stipulates that prisoners should serve time only in their home regions. Seven other people convicted of involvement in the Zhanaozen unrest had their original sentences commuted in 2013 and were released from prison. A lawyer who had complained of official interference in the judicial process was subjected to three months of forced psychiatric treatment before her release in December. *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 financial police (FinPol), 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 NGOs. High-level officials typically only face charges after they have fallen out of favor with the regime. In 2013, the state continued to pursue corruption charges against former officials who have fled the country. Kazakhstan also joined the Extractive Industries Transparency Initiative (EITI), a coalition seeking to increase transparent and accountable management of natural resources revenues. *Kazakhstan's corruption rating remains unchanged at 6.50.*

Outlook for 2014. The official narrative that Nazarbayev is personally responsible for Kazakhstan's independence, stability, and prosperity has been skillfully woven, and public support for the president remains quite high. However, there are signs of growing fissures between state messaging and public perception. With channels for legitimate protest all but closed off, latent political, economic, and social tensions are mounting. Corruption, nepotism, and a growing rich-poor divide undermine the regime's stability, in some cases driving the marginalized to embrace Islamic radicalism. Meanwhile, a rising, young, educated, middle class expects opportunities that a regime and economy based on cronyism cannot deliver. Nor do the authorities show any indication that they intend to create these opportunities through meaningful, far-reaching reforms.

As the end of Nazarbayev's current term approaches, a high-stakes succession battle is gathering pace, causing friction between elites. In 2014, the regime will struggle to maintain the level of stability required for a seamless succession process in the future.

MAIN REPORT

National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75

On 6 July 2013, Astana celebrated its 15th anniversary as Kazakhstan's capital with festivities centered around the personality and legacy of President Nursultan Nazarbayev, who turned 73 on the same day. In a documentary aired on the eve of the event, the president stressed the importance of constructing a “resilient” political system to hand over to his eventual successor.¹ This statement, while a notable departure from the president's usual silence on the subject of his retirement, was in no way reflected in government policy during the year. After more than twenty years in office, Nazarbayev continues to preside over a hypercentralized system that many believe cannot withstand the loss of its creator.² In October, the president confirmed his intention to remain in office through the end of his term in December 2016.³ Beyond that, government plans for the post-Nazarbayev era remained opaque.

Kazakhstan's political system is a hybrid of Soviet-era institutions and practices with an elected parliament dominated by Nazarbayev's Nur Otan party. Under the constitution, Nazarbayev has sweeping authority over the parliament, which is comprised of the Senate (the upper house) and the Mazhilis (the lower house). The president appoints 15 of 47 senators and may unilaterally dissolve the parliament. He also selects all members of the Assembly of the People of Kazakhstan (APK), a body representing the country's various ethnic groups. In 2007, the APK acquired the right to elect nine of its members to the Mazhilis—a rule that effectively allows some citizens to vote twice in legislative elections, in violation of the constitution. In practice, candidates elected by the APK are handpicked by the executive branch. The remaining 98 members of the Mazhilis 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 former capital Almaty.

Other nominally independent institutions are also controlled by the executive. 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 president appoints and may dismiss the prime minister, who is responsible for executing policies, rather than formulating them. Following his appointment in 2012, Prime Minister Serik Akhmetov maintained a lower political profile than

his predecessor, Karim Masimov, who accumulated considerable personal influence and wealth during his tenure and at year's end still wielded great power as the head of the Presidential Administration. All appointees to the cabinet, the Presidential Administration and other ruling bodies are presidential loyalists who do not publicly challenge the status quo. 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. In October, the government announced that it would end military conscription by 2016.

Several 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: his eldest daughter, Dariga Nazarbayeva, sits in parliament for Nur Otan, while his middle daughter, Dinara Kulibayeva, and her husband, Timur Kulibayev, influence the economy through their ownership of energy and financial sector interests.

Business entities have allowed personal associates of Nazarbayev to amass vast personal wealth. These include members of his family such as the Kulibayevs, as well as presidential associates such as Vladimir Kim, the president of Kazakhmys, Alizhan Ibragimov, a major shareholder in ENRC, and Bulat Utemuratov, a mining, hotel, and banking magnate. All these entrepreneurs were included on the 2013 list of world billionaires in *Forbes* magazine,⁴ and Dariga Nazarbayev and her son, banker Nurali Aliyev, featured on *Forbes Kazakhstan's* list of the 50 richest people in the country.⁵

Kazakhstan's major business groups, Nazarbayev's most powerful relatives, and influential individuals like Masimov, Akhmetov, Abikayev, and Kassym-Zhomart Tokayev, the chairman of the Senate (who, according to the constitution, will temporarily succeed Nazarbayev in the event of his removal or death), are likely to have a decisive say in shaping the balance of forces in a post-Nazarbayev Kazakhstan.

The regime's most frequent response to international criticism of its human rights record is that Kazakhstan is "in transition" to democracy, a process that will take time.⁶ In the meantime, the government engages multiple public relations firms to highlight its achievements and deflect attention from undemocratic behavior.⁷ Tony Blair Associates, which by October 2013 had been advising the Kazakh government on political, economic, and social reform for over two years, came under fire from Human Rights Watch and other watchdogs in 2013. Responding to accusations that its work is about spin, rather than reform, the former British prime minister's consultancy stated that Kazakhstan is "a country where there is the possibility of evolutionary change over time moving in a democratic direction."⁸

Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75

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. Since 2005, no parliamentary or presidential election has been held according to the constitutional schedule, either; instead, the regime routinely calls snap elections that prevent the opposition from mobilizing.

Nur Otan continued to dominate the party political scene in 2013, and the space for opposition politics remained tightly restricted. Both the Mazhilis and the Senate are dominated by Nur Otan and contain only loyal presidential supporters. Early elections in January 2012, which Nazarbayev called with only two months' notice, gave Nur Otan 83 of the 98 seats in the Majlis. Only two other parties—the pro-business Ak Zhol and the Communist People's Party—secured any representation in the lower house, winning 8 and 7 seats, respectively. In 2013, these two nominal opposition parties failed to present any meaningful criticism of government policies, ensuring that the legislature did not become a forum for pluralistic debate.

The authorities have given no indication that they intend to undertake meaningful reforms to install a genuinely pluralistic electoral system. On the contrary, they have become increasingly impervious to international criticism of Kazakhstan's elections. After the 2012 parliamentary elections, Nazarbayev attacked the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) for becoming an instrument “for putting pressure by one group of countries on another.” He questioned the “mythical unconformity with standards of some sort” and threatened to ban “experts hired by someone who criticizes our elections.”⁹ Kazakhstan served as chair of the OSCE in 2010.

Throughout the year, the state used law enforcement agencies to pressure the political opposition. In July, activist Marat Zhanuzakov and Bulat Abilov, the leader of the opposition Azat (Free) party, were briefly detained hours before the planned start of a meeting between the country's major opposition groups. The meeting had to be held outdoors because none of the venues these groups approached would allow them access. The day before the meeting, several opposition activists were called in and interrogated about possible links with fugitive oligarch Mukhtar Ablyazov.¹⁰

Pressure from above and internal differences caused further fragmentation of the opposition in 2013. An alliance between Azat and Zharmakhan Tuyakbay's National Social Democratic Party (OSDP) collapsed in February 2013, and the OSDP fragmented further with a split in its leadership in March. Abilov later announced his retirement from politics, citing a desire to concentrate on other projects.¹¹ After the forced disbanding of Alga! (Forward!) in 2012 on charges

related to the Zhanaozen unrest, the end of OSDP left Kazakhstan without a single genuine and effective opposition party at year’s end.

In August, local councils (*maslihat*s) in many of Kazakhstan’s districts, towns, and villages were allowed to elect mayors (*akims*) to their local governments for the first time (see Local Democratic Governance).

Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
5.50	5.75	5.75	5.50	5.50	5.75	5.75	6.00	6.25	6.50

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 three years has tightened restrictions on freedom of expression, assembly, and worship. In 2013, the regime made increased use of a law from 2011 that controls or bans various forms of religious activity.

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.

A law adopted in 2011 bans unregistered religious activities and the operation of mosques that are not approved by the Spiritual Association of Muslims; prohibits the provision of prayer rooms inside state buildings; prevents foreigners from setting up faith groups; and severely limits missionary activity and the acquisition of what it defines as “religious literature.” Throughout 2013, law enforcement agencies vigorously pursued religious groups under this law, raiding religious meetings, arresting and trying religious group leaders and worshippers, and deporting foreign missionaries. In November, the Oslo-based religious freedom watchdog Forum 18 reported that at least 153 fines had been imposed on 126 individuals in 2013 for violating the 2011 religion law.¹² According to the same source, fines levied for violations of the law ranged between once and twice the average monthly wage in Kazakhstan. The government also deported several foreign nationals suspected of illegal missionary activity, sometimes using unconnected minor administrative violations.¹³

The government made use of several other laws to punish religious activity in 2013. In May, Presbyterian pastor Bakhytzhan Kashkumbayev was arrested for

allegedly damaging the health of one of his parishioners through his sermons and spent several months undergoing forced psychiatric treatment before a court ruled that he should be put under house arrest.¹⁴ Minutes after his release, Kashkumbayev was re-arrested on charges of extremism. He remained in detention and under investigation at year's end. Aleksandr Kharlamov, an atheist, was also subjected to forced psychiatric treatment after his arrest in March on charges of inciting religious discord.¹⁵

Following the events in Zhanaozen, 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. Kozlov himself remained in prison throughout 2013, despite the adoption of a resolution by the European Parliament calling for his release. The resolution also called on the government of Kazakhstan to ease restrictions on independent labor unions. After Zhanaozen, trade union activists came under intense pressure that continued in 2013. The government did not react to the European Parliament's statement, which bears no legal force.

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 October, two housing rights campaigners, Yesenbek Ukteshbayev and Kyzdygoy Azharkulova, were sentenced to jail terms of fifteen and three days, respectively, for participating in an unauthorized protest in Astana, and three more activists involved in the protest were fined.¹⁶ Negative propaganda depicting public demonstrations and rallies as harbingers of disorder often dissuade citizens from organizing or taking part in any civic action.

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 pro-regime. There are 36,815 NGOs officially registered in Kazakhstan, but only a fraction of these are operational and effective.¹⁷

In March 2013, Nurlan Oteuliev, an environmentalist campaigning to save a forest near Almaty, was shot dead in a murder his relatives linked to his activism.¹⁸

Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.50	6.75	6.75	6.75	6.50	6.75	6.75	6.75	6.75	6.75

Most media outlets in Kazakhstan, though privately owned and formally categorized as independent, are regulated by the government and controlled by financial groups

affiliated with the regime. They serve primarily as a megaphone for official propaganda, and refrain from investigative work that might negatively affect the interests or reputations of President Nazarbayev and his inner circle. The few journalists or media outlets that still criticize government policy face severe legal restrictions, prohibitive libel and defamation judgments, and other forms of harassment.

The majority of critical voices in Kazakhstan's traditional media have been effectively muzzled. The state continues to exert heavy pressure on those that remain, using a mix of highly restrictive laws and unauthorized, indirect, and informal mechanisms of control to ensure adherence to the official narrative of the Nazarbayev regime. Under Article 318 of the criminal code and Article 1 of the Law on the First President-Leader of the Nation, "public insulting or other encroachment on the honor and dignity of the first president" is an offense punishable with a fine of approximately \$10,000 and a maximum penalty of three years in prison.¹⁹ Libel, too, remains a criminal offense. In 2013, journalist Lupkan Akhmedyarov, who survived an attempt upon his life in 2012, was found guilty of insulting a local official and fined approximately \$33,000.²⁰ Truth is not a defense in libel cases, and there is no statute of limitations.

In 2013, several prominent independent media outlets lost appeals against legal bans imposed on them at the end of 2012. Approximately 40 media outlets were banned in December when the courts ruled that their coverage of the unrest in Zhanaozen in 2011 had been "extremist."²¹ In February 2013, the courts rejected appeals against the closure of the *Respublika* newspaper and a group of 30 associated outlets,²² as well as the newspaper *Vzglyad* and its associated websites.²³ Tatyana Trubacheva, a journalist for the banned *Golos respubliki*, attempted to start a new newspaper called *Ripablik* in 2013. In February, she was fined for breaking the printing ban, and her new venture folded.²⁴ In July, former members of the *Respublika* editorial team Oksana Makushina and Sergey Zelepukhin complained of ongoing threats, blackmail, and attempts at recruitment by persons presenting themselves as national security agents.²⁵

A technical provision of the Administrative Code requiring newspapers to adhere to their masthead data provided another opportunity to harass independent media in 2013. In August, *Pravdivaya Gazeta*—whose first issue was seized in April for allegedly failing to show exact publication dates in its registration documents—was suspended for three months for printing 7,000 copies instead of 8,000.²⁶ In September, the *Ashyk Alan* (Tribune) and the *Pravda Kazakhstana* newspapers were suspended for three months and fined for infringing their masthead data. The suspensions prompted an expression of concern from OSCE Representative on Freedom of the Media Dunja Mijatović.²⁷

Independent outlets also reported difficulty in accessing printing facilities. Gulzhan Yergaliyeva, the editor-in-chief of the *ADAM Reader* weekly, said that 24 publishing houses in Almaty had refused to publish her newspaper, which she set up after a court suspended her website for three months in 2012.²⁸ Two additional websites associated with Yergaliyeva, Nuradam.kz and Adambol.com, were periodically blocked for short intervals in 2013.

The authorities used legal pressure to discourage reporters from covering protests. In May, a court sentenced independent journalist Berik Zhaghyparov to 15 days in jail on charges of taking part in an unsanctioned protest over housing in Astana, rejecting his defense that he was covering the protest rather than participating.²⁹

There were incidents of violence against journalists throughout 2013. In August, Igor Larra of the *Svoboda Slova* (Freedom of Speech) newspaper sustained serious head injuries after he was beaten with a metal rod; police identified robbery as the motive for the crime, but Larra believed it was connected to his journalistic work.³⁰ This was the second attack on Larra, who was beaten up after covering an oil workers' strike in western Kazakhstan in 2010.³¹ In May 2013, police attacked a film crew from the private KTK TV channel,³² and allegedly failed to step in when a TengrinewsTV cameraman was beaten up in June.³³ Also in June, journalist Dauren Mustafin of the *Yel Birligi* newspaper was allegedly threatened, abducted, and beaten up by local *maslihat* (council) deputy Abdraman Turmagambetov and his aides while covering a trial in the city of Shymkent. Police opened a criminal case against Mustafin's alleged attackers, but closed it a few months later, citing the absence of *corpus delicti*.³⁴

The authorities have a mixed record when it comes to addressing attacks against journalists. Four suspects accused of a violent 2012 attack on investigative journalist Lukpan Akhmedyarov were tried in July 2013, resulting in convictions and long jail sentences of 11–15 years. However, the persons who ordered the attack were never identified.³⁵

Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.50	6.50

Kazakhstan held its first indirect mayoral (*akim*) elections in many districts, towns, and villages in August 2013. The central government presented this as evidence of democratization, since previously all such positions had been filled via direct presidential appointment.³⁶ In practice, the new system did not increase the independence or democratic accountability of local government because all candidates were nominated by existing (appointed) officials and elected by legislative councils (*maslihts*), which are dominated by the ruling Nur Otan party. Moreover, the akims of all Kazakhstan's major cities and 14 regions remained presidential appointees.

Nazarbayev announced the introduction of mayoral elections in December 2012, saying that they would be used to elect “all akims who work directly with citizens and resolve problems in the localities.” The president urged citizens to “get actively involved in solving vital questions in the localities, [and] monitoring the work of local bodies of power.”³⁷ According to Kuandyk Turgankulov, the head

of Kazakhstan's Central Electoral Commission (CEC), mayoral candidates were nominated by current district akims "after consultation with the local population."³⁸ From a pool of 6,738 candidates registered by electoral commissions, maslihat members elected a total of 2,457 akims, filling 91.5 percent of the country's mayoral posts.³⁹ The elections slightly improved the low level of female representation in local bodies of governance: 280 (11.4 percent) of those elected were women, 32 more than before the elections.⁴⁰

The elections were touted by the authorities as a major step towards democratization,⁴¹ despite the fact that only 2,602 local councilors—almost all of them Nur Otan loyalists—were entitled to vote, and the newly elected akims are in charge of the towns, villages, and rural areas inhabited by only 45 percent of Kazakhstan's total population.⁴² Turgankulov used international precedent to justify the choice of indirect, rather than direct, elections, noting that indirect elections for mayors were held in 19 of the 37 states selected for the government's study. First Deputy Prime Minister and Minister of Regional Development Bakytzhan Sagintayev also explained that votes were being cast by "local maslihat deputies, who are in their turn elected by direct suffrage, which is to say that it can be stated that this is also the direct expression of the will of the local population."⁴³ The government has expressed no intention of introducing mayoral elections in Astana, Almaty, or Kazakhstan's other large cities, nor for the governorships of the country's 14 regions.

In April, Sagintayev set out the government's concept of developing local democratic governance, which he said would be carried out in two stages. In 2013–14, the government would take measures to expand self-governance "at the lower levels of government" and develop governing and financing mechanisms. In 2015–20, officials would examine "the further demarcation of functions of local state governance," and decide on budgetary matters. Ultimately, he said, local populations would be able to take part in monitoring the use of budget funds and in the decision-making process, but he did not specify any mechanisms through which this would be achieved.

In the second stage of the self-governance project, akims will be granted more budgetary autonomy and be given the right to seek alternative sources of revenue to supplement budget funds. Their current lack of financial autonomy is a constraint on the authority and effectiveness of local bodies, as the central government determines all taxation rates and budgetary regulations. Local budgets lose substantial sums, as many companies operating in the regions are registered in Almaty or Astana and do not pay taxes locally.

There 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.

Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.25	6.25	6.25	6.25	6.00	6.25	6.25	6.50	6.50	6.50

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.

None of the convictions meted out to alleged Zhanaozen unrest instigators were overturned in 2013. However, the jail sentences of seven protesters were commuted to suspended sentences and they were released from prison, leaving 11 civilians behind bars on charges related to the unrest at year's end.⁴⁴

The latter group includes Vladimir Kozlov, leader of the banned Alga! party, who is still serving out a seven-and-a-half-year sentence on charges of fomenting violence in Zhanaozen and seeking to overthrow the state. In April 2013, the European Parliament (EP) passed a resolution calling for the release of Kozlov, labor activist Roza Tuletayeva (also imprisoned on charges related to the Zhanaozen unrest), and the well-known civil society activist and lawyer Vadim Kuramshim, who was sentenced to 12 years imprisonment on extortion charges in December 2012. The EP resolution expressed concern about the Alga ban and the detention of opposition leaders, journalists, and lawyers following trials that "fall short of international standards."⁴⁵ The Nazarbayev government did not react to the resolution, which has no legal force.

At year's end, Kozlov was serving his sentence in a labor camp in the northern city of Petropavlovsk, 1,700 kilometers from his hometown of Almaty. His supporters say this creates hardship for family visits and violates Article 68 of the penal code, which stipulates that prisoners should serve their terms in their home region. In April, the authorities denied permission to two members of the Polish parliament to visit Kozlov in prison.⁴⁶ During the year, relatives of Kozlov and Tuletayeva complained that they were in poor health and were not receiving adequate medical attention in prison. In April, Tuletayeva staged a brief hunger strike in protest.⁴⁷

In August, the Supreme Court rejected Kozlov's bid to have his case reviewed.⁴⁸ In May, the Court upheld Tuletayeva's conviction and five-year prison sentence. Kuramshim remained in prison at year's end.

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 July 2013 and remained in detention at year's end, pending a decision

on extradition requests from Russia and Ukraine. 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.”⁴⁹ Prior to Ablyazov’s arrest, his wife and six-year-old daughter were deported from Italy to Kazakhstan to face charges of alleged document forgery. The case triggered a political furor in Italy, leading to the resignation of the Italian interior minister’s chief-of-staff,⁵⁰ and the deportation order was overturned. Under heavy international pressure, Kazakh authorities permitted Ablyazov’s family to return to Italy in December,⁵¹ but continued to pursue extradition orders against his other associates.⁵²

Conditions in Kazakhstan’s pretrial facilities and prisons are notoriously harsh and reports of torture and abuse are rampant. A report released by Amnesty International in July states that “torture remains commonplace in Kazakhstan and the torturers are allowed to go free.”⁵³ The report also expresses concern about the overuse of solitary confinement, citing the case of Aron Atabek, who was sentenced to 18 years in 2006 and has already spent one third of his imprisonment in solitary.

Later in 2013, there were a few signs that the authorities were beginning to tackle abuse in places of detention. Five prison guards were jailed for crucifying a detainee who died in custody;⁵⁴ two police officers were jailed for torturing evidence out of a man who died of his injuries;⁵⁵ and a Kazakh court ordered police to pay compensation to a torture victim following a ruling from the UN Committee Against Torture.⁵⁶

Protests against prison conditions have intensified in recent years, and 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. In October, First Deputy Prosecutor General Iogan Merkel announced plans to reduce the number of jury trials, citing the vague grounds of “our country’s peculiarities.”⁵⁷ The country abolished the death penalty in 2007 for all crimes except fatal terrorist acts and serious crimes committed in wartime.

Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50

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 2013 Corruption Perceptions Index listed Kazakhstan at 140 out of 177 countries, a drop from the country's rank of 133 the year before.⁵⁸ Transparency International's 2013 Global Corruption Barometer found that 34 percent of people in Kazakhstan had paid bribes in the past year to any one of eight institutions including the police, judiciary, tax authorities and public services such as health and education.⁵⁹

The Ministry of Internal Affairs, the KNB, and the Financial Police (FinPol) 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 the target, and when they are there 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.

Often, these 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. His 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, five years after he had left public office and moved abroad.⁶⁰

In October, Kazakhstan joined the Extractive Industries Transparency Initiative (EITI), a coalition of governments, companies, and civil society representatives that collaborates to increase transparency and accountable management of natural resources revenues. Kazakhstan's designation as "EITI compliant" means that the country produces EITI reports disclosing revenues from the extractive industries, and that companies disclose tax and other payments and the government discloses its revenues so that the two sets of figures can be compared.⁶¹ An investigation

opened in the United Kingdom in 2013 highlighted the potential for corruption in the natural resource sector in Kazakhstan. The Serious Fraud Office launched a probe into the affairs of ENRC, investigating “fraud, bribery and corruption relating to the activities of the company or its subsidiaries in Kazakhstan and Africa.”

Two high-level corruption cases involving the military in 2013 illustrated the high reach of corruption in Kazakhstan’s armed forces and its potential to undermine national security. In January, Major-General Almaz Asenov was arrested after the crash of an An-72 plane the previous December in which 27 people died, including the Kazakhstan’s border guard commander, Turganbek Stambekov. In July, 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.⁶² In December, 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.⁶³ Dosym Satpayev, a well-known Kazakhstani political commentator, describes corruption as a threat to Kazakhstan’s national security since corruption is eroding public confidence in the ruling elite.⁶⁴

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 also deeply skeptical of the government’s desire and ability to deliver on its promises of democratic development. This crisis of confidence is growing 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 also fuels discontent among less advantaged socioeconomic groups and has been identified as a factor contributing to the rise of Islamic radicalism.⁶⁵

The government moved to professionalize its highly corrupt civil service in 2013 by introducing an elite corps of civil servants called Corps A. A total of 511 civil servants joined Corps A, receiving 50 percent pay raises after being selected, while another 500 entered the reserve corps.⁶⁶

■ 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.

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