



## **Britain as a 'force for good' in Central Asia Working Group: Kazakhstan paper<sup>1</sup>**

### **Overview of Current Political Situation**

Kazakhstan was rocked in January 2022 by extraordinary violent scenes earlier that left 227 dead, 10,000 arrested and the Government split by an unprecedented rupture between President Tokayev and the close associates of former President Nazarbayev.

The initial swelling of public protests over the cost of Liquid Petroleum Gas were not mollified by the resignation of government and the addressing of the direct grievance (on LPG prices), a move used more successfully in 2019 when facing smaller economic protests (and which triggered Nazarbayev's resignation as President). Large scale peaceful protests took place around the country (albeit with some regional differences) and became tinged with wider systemic grievances against the state and the extraordinary wealth accumulated by its elite, Nazarbayev in particular.<sup>2</sup> While the details are still emerging and the roots of the problem may never be fully known, events were overtaken by rioters (believed to have links to organised crime) and possibly also armed groups close to members of the family of the former President that created chaos and widespread looting in Almaty;<sup>3</sup> led to the notorious instruction to troops by Tokayev to 'shoot to kill without warning'; triggered the brief but consequential intervention by Russian-led CSTO forces; the subsequent arrest of the Chairman of the National Security Committee (KNB) (former Prime Minister and Nazarbayev ally) Karim Massimov for 'treason'; the removal of Nazarbayev from his formal role as Chairman of the Security Council of Kazakhstan; and started unprecedented pressure being placed on the family and close associates of the former President. For example, Kazakhstan's second richest man, Nazarbayev's son-in-law Timur Kulibayev, has been forced to stand down as Chairman of Kazakhstan's business association Atameken, while other sons-in-law Kairat Sharipbayev and Dimash Dossanov quit as the heads of two state-run pipeline firms (in part being blamed for the energy crisis).<sup>4</sup>

Wider changes to the security services to empower those closer to Tokayev than Nazarbayev followed, with the latter's nephew Samat Abish sacked as second in command of the KNB.<sup>5</sup> Abish's brother Kairat Satybaldy, a businessman who previously worked at the KNB, has since been convicted for a six year sentence for embezzlement linked to a 24 per cent stake in the state run telecoms provider

---

<sup>1</sup> This paper has been prepared through a range of different contributions from members of the 'Britain as a 'force for good' in Central Asia' Working Group. This informal Working Group brings together academics and NGO representatives from the UK and Central Asia to look at the role the UK can play to improve human rights and governance in the region. While this paper has been compiled from a range of different personal contributions, editorial decision making has been taken by the Foreign Policy Centre Director Adam Hug.

<sup>2</sup> International Crisis Group, Behind the Unrest in Kazakhstan, January 2022, <https://www.crisisgroup.org/europe-central-asia/central-asia/kazakhstan/behind-unrest-kazakhstan>

<sup>3</sup> Almaz Kumenov, Kazakhstan: Nazarbayev's nephew sentenced to six years in prison, Eurasianet, September 2022, <https://eurasianet.org/kazakhstan-nazarbayevs-nephew-sentenced-to-six-years-in-prison>

<sup>4</sup> Reuters, Kazakh ex-leader's in-laws leave key energy sector jobs, January 2022, <https://www.reuters.com/world/asia-pacific/kazakh-ex-leaders-in-laws-leave-key-energy-sector-jobs-2022-01-15/>; Vlast.kz, Sharipbaev and Dossanov left their posts in national companies, January 2022, <https://vlast.kz/novosti/48230-saripbaev-i-dossanov-pokinul-svoi-posty-v-nackompaniah.html>

<sup>5</sup> Reuters, Kazakh ex-leader's nephew sacked as deputy state security chief, January 2022, <https://www.reuters.com/world/asia-pacific/kazakh-ex-leaders-nephew-sacked-deputy-state-security-chief-2022-01-17/>

Kazakhtelecom, in a move believed to be linked to the January unrest.<sup>6</sup> Despite this major shift in the underlying political dynamics of the ruling elite, the new cabinet included many of the same faces as before, albeit with a number of Vice Ministers stepping up to the Cabinet, now headed by the previous Deputy Prime Minister Alikhan Smailov. A further mark of Nazarbayev's diminished fortunes was that the country's capital was renamed again, turning it from Nur-Sultan (named in his honour in 2019) back to its previous name Astana (literally meaning capital).<sup>7</sup>

Beyond the elite wrangling, there was an organised campaign to pressure and discredit independent journalists, human rights defenders and civil society activists, trying to blame them for the violence following their involvement in initial peaceful protests. At the same time, as set out below, President Tokayev is promising to challenge the country's business elite who amassed wealth under his predecessor. This has posed important challenges for the international community's response, navigating between a long overdue desire to tackle kleptocracy, while being wary of being drawn into an intra-elite battle that could simply see the creation of new oligarchs to take the place of those who went before.

Before the events of 2022 discontent had been building over the lack of substantial political change under Tokayev, whose promise to create a 'listening state' had so far seen mostly minor or cosmetic reforms. There was no real deviation from the previous path of 'modernisation without democratisation' or 'reform within the system' that tried to improve state efficiency and outcomes while mostly retaining existing authoritarian power structures and (until now at least) opportunities for the ruling elite to dominate and extract rents from the economy. Recent events have decisively strengthened Tokayev's hand in his intra-elite maneuvering with Nazarbayev, but this means he will now be held fully to account for the Government's actions in a way he had not during the previous period of his rule. In Tokayev's state of the nation remarks on March 16<sup>th</sup> he pledged renewed reform (including a cut to the number of signatories required to register a political party) and publically recognised that police had participated in torture in the aftermath of the January events, but still defended many aspects of the current system.<sup>8</sup> The dominant political party in Kazakhstan renamed itself from Nur-Otan to Amanat.

During the course of the year Tokayev held two public votes to cement his new position of political dominance. On 5<sup>th</sup> June 2022 a Constitutional Referendum was held that revoked many of the special status provisions relating to former President Nazarbayev, reinstates some small checks on Presidential power and removed appointed members from the lower house as part of minor changes to the size of both chambers of Parliament.<sup>9</sup> The move was endorsed by 77 per cent on a 70 per cent turnout.

---

<sup>6</sup> Radio Azattyk, "The court took into account sincere repentance." Verdict announced in Satybaldy case, September 2022, <https://rus.azattyq.org/a/sud-uchel-chistoserdechnoe-raskayanie-oglashen-prigovor-po-delu-satybaldy/32052893.html>; Joanna Lillis, Kazakhstan: Net tightens around Nazarbayev clan as nephew arrested, Eurasianet, March 2022, <https://eurasianet.org/kazakhstan-net-tightens-around-nazarbayev-clan-as-nephew-arrested>. Reporting by Forbes documented heavy past involvement with the London-listed tech firm Kaspi and raised questions around whether there was an ongoing link. See: David Dawkins, The Two Billion Dollar Mystery Behind The Ownership Of London-Listed Kazakh Fintech Kaspi, Forbes, November 2020, <https://www.forbes.com/sites/daviddawkins/2020/11/25/the-two-billion-dollar-mystery-behind-the-ownership-of-london-listed-kazakh-fintech-kaspi/?sh=64bf9a454a39>

<sup>7</sup> Joanna Lillis, Twitter post, Twitter, September 2022,

[https://twitter.com/joannalillis/status/1571490634908696577?s=11&t=6BxZO8D8u3GqITn\\_mOx4fQ](https://twitter.com/joannalillis/status/1571490634908696577?s=11&t=6BxZO8D8u3GqITn_mOx4fQ)

<sup>8</sup> Radio Azattyk, Unnamed enemies, promises of reform and calls for unity. The rhetoric of Tokayev's "message", March 2022, <https://rus.azattyq.org/a/kazakhstan-tokayev-appeal-to-the-nation/31755732.html>

<sup>9</sup> Catherine Putz, Kazakhstan Leaves 'Elbasy' Behind, Approves Constitutional Referendum, The Diplomat, June 2022, <https://thediplomat.com/2022/06/kazakhstan-leaves-elbasy-behind-approves-constitutional-referendum/>

However, on the basis of a claimed desire to implement “fundamental and comprehensive reforms” needed for the creation of “a just Kazakhstan” Tokayev called an early Presidential Election, to cement his grip on the political situation.<sup>10</sup> Unsurprisingly the incumbent was to face no credible opposition, with the Democratic Party still unable to register, though systemic opposition groups were able to run candidates.<sup>11</sup> The election took place on November 20<sup>th</sup> 2022 with the OSCE describing it as taking ‘place in a political environment lacking competitiveness’, with Tokayev winning 81.3 per cent.<sup>12</sup>

The Russian invasion of Ukraine has serious ramifications for Kazakhstan. The country is part of the Russian-led Eurasian Economic Union, though is less exposed than others in the region to the loss of remittances from the Russian economy. Despite the recent involvement of Russian troops (under the CSTO banner) in stabilising the country during the January events, Kazakhstan has been trying to keep its distance from the Russian line by abstaining on major international votes on the conflict and reaffirming its support for Ukraine’s territorial integrity.<sup>13</sup> That second point is seen in the context of nationalist sentiment in Russia being further stoked by the conflict, with Russian politicians and commentators reanimating long-running calls for the north of Kazakhstan (which contains a substantial number of ethnic Russians who form a local majority in some districts) to be absorbed into Russia. It just so happens that shortly after Kazakhstan expressed a degree of geopolitical independence from Russia that the Caspian Pipeline Consortium (CPC) pipeline that transports the bulk of Kazakhstan’s oil to market via the Russian Black Sea port of Novorossiysk announced a two month closure due to ‘storm damage’ that no non-Russian partner has been able to verify, an incident that, with two other Russian interruptions in supply routes substantially cut Kazakhstan’s tax revenue and other earnings this year.<sup>14</sup> Kazakhstan has provided refuge for around 100,000 Russians who fled recent military mobilisation efforts and barred certain Russian TV channels that push pro-war narratives.<sup>15</sup>

---

<sup>10</sup> Chris Rickleton, Why Is Kazakhstan’s President Calling A Snap Election? RFE/RL, September 2022, <https://www.rferl.org/a/kazakhstan-toqayev-snap-presidential-election-analysis-nazarbaev/32016243.html>

<sup>11</sup> Catherine Putz, Kazakhstan Headed for Election Lacking Competition, The Diplomat, October 2022, <https://thediplomat.com/2022/10/kazakhstan-headed-for-election-lacking-competition/>; Catherine Putz, Is There Room in ‘New Kazakhstan’ For New Political Parties, The Diplomat, June 2022, <https://thediplomat.com/2022/06/is-there-room-in-new-kazakhstan-for-new-political-parties/>

<sup>12</sup> OSCE, Kazakhstan’s Early Presidential Election Lacked Competitiveness and, While Efficiently Prepared, Underlined Need for Further Reforms, Observers Say, November 2022, <https://www.osce.org/odihr/elections/531812>; Reuters, Kazakh President Tokayev wins re-election with 81.3% of vote, November 2022, <https://www.reuters.com/world/asia-pacific/tokayev-wins-kazakh-presidential-election-with-813-vote-2022-11-21/>

<sup>13</sup> This led to active debate about the future of Kazakhstan’s multi-vector foreign policy at the time with two different takes provided here by: Luca Anceschi, Kazakhstan: Secrets, Lies, and Foreign Troops, Carnegie Europe, January 2022, <https://carnegieeurope.eu/strategieurope/86172>; Nargis Kassenova, Why Kazakhstan Will Not Be Returning to Russia’s Fold, Davis Center for Russian and Eurasian Studies, January 2022, <https://daviscenter.fas.harvard.edu/insights/why-kazakhstan-will-not-be-returning-russias-fold>; See here for the Foreign Minister’s Statement: Assel Satubaldina, Ukraine Should Remain Stable, Independent, and Territorially Integral State, Says Kazakh Foreign Minister, The Astana Times, March 2022, <https://astanatimes.com/2022/03/ukraine-should-remain-stable-independent-and-territorially-integral-state-says-kazakh-foreign-minister/>; and here for background: Bruce Pannier, Understanding Central Asia’s Cautious Approach to Russia’s Invasion of Ukraine, Foreign Policy Research Institute, March 2022, <https://www.fpri.org/article/2022/03/understanding-central-asias-cautious-approach-to-russias-invasion-of-ukraine/>

<sup>14</sup> Almaz Kumenov, Kazakhstan: CPC pipeline shutdown poses serious economic threat, Eurasianet, March 2022, <https://eurasianet.org/kazakhstan-cpc-pipeline-shutdown-poses-serious-economic-threat>; Bruce Pannier, PANNIER: Russia will be the elephant in the in-tray for Kazakhstan’s re-elected Tokayev, Intellinews, November 2022, <https://intellinews.com/pannier-russia-will-be-the-elephant-in-the-in-tray-for-kazakhstan-s-re-elected-tokayev-262739/>

<sup>15</sup> The Economist, Old politics in the “new Kazakhstan”, November 2022, <https://www.economist.com/asia/2022/11/17/old-politics-in-the-new-kazakhstan>; AFP, Kazakhstan to Ensure Safety of Russians Fleeing Draft – President, The Moscow Times, September 2022, <https://www.themoscowtimes.com/2022/09/27/kazakhstan-to-ensure-safety-of-russians-fleeing-draft-president-a78902>; Matthew Luxmoore, Twitter post, Twitter, September 2022, <https://twitter.com/mjluxmoore/status/1574775670370177025?s=11&t=LrtVY8bllRvxyeKFvU4lvQ>

## UK-Kazakhstan Relations

The UK has been negotiating with Kazakhstan on a successor agreement to the EU's Enhanced Partnership and Cooperation Agreement (EPCA) to cement post-Brexit relations between the two countries, though the 2013 UK-Kazakhstan Strategic Partnership Agreement remains in place.<sup>16</sup> Officials had been hopeful of progress in 2022 but political upheaval in Kazakhstan, the region and the UK have slowed efforts to sign a bilateral EPCA until the situation. From the perspective of many Working Group members any deal needs to have a robust commitment to human rights as part of its shared agreements and agenda for political dialogue, and needs to be fulfilled in practice. The UK has long been one of Kazakhstan's major partners and the leading supplier of business, financial and legal services to members of its kleptocratic elite. Major UK companies have, in the past, paid bribes into this system for access to its markets.<sup>17</sup> In general, the UK therefore has a responsibility to support a process whereby these opportunities for offshoring the proceeds of kleptocracy in UK companies and properties, and the protection of suspicious wealth by English legal products marketed to kleptocrats, are curtailed. In the interim the UK should seek to use the dialogue provisions of its existing Strategic Partnership to raise its concerns and offer support for reform and asset recovery in relation to recent events.

## Corruption and the Economy

President Tokayev has suggested that the cost of the January events are likely to have cost Kazakhstan's economy \$3 billion, over \$400 million of which has been attributed to the unofficial internet blackout that took place for around a week.<sup>18</sup> In an unabashedly populist tone, Tokayev has announced the creation of a new public fund (to pay for health, education and welfare initiatives) into which those who grew rich in the Nazarbayev years will be 'encouraged' to contribute (presumably rather than face prosecutions for past corruption). Tokayev stated that "thanks to the first President, the Elbasy (Nazarbayev), a group of very profitable companies and a stratum of people rich even by international standards have appeared in the country. The time has come to pay tribute to the people of Kazakhstan and help them on a systematic and regular basis."<sup>19</sup> While such measures may generate funds and win support from some sections of society the mechanism for distributing any funds raised/recovered remains opaque.<sup>20</sup> By June the fund was believed to have gathered over \$500 million.<sup>21</sup>

While much of the pressure on oligarchs close to Nazarbayev may be taking place behind closed doors for now, in addition to the case of Kairat Satybaldy noted above, Kairat Boranbayev (whose daughter

---

<sup>16</sup> FCO and UK Trade & Investment, UK-Kazakhstan Strategic Partnership, Gov.uk, July 2013, <https://www.gov.uk/government/publications/uk-kazakhstan-strategic-partnership-agreement>

<sup>17</sup> Catherine Putz, Engines and Oil: Rolls-Royce Paid Bribes to Bring Its Business to Kazakhstan, The Diplomat, January 2017, <https://thediplomat.com/2017/01/cars-and-oil-rolls-royce-paid-bribes-to-bring-its-business-to-kazakhstan/>

<sup>18</sup> Eurasianet, As Kazakhstan tallies losses, authorities promise to rewrite social contract, January 2022, [https://eurasianet.org/as-kazakhstan-tallies-losses-authorities-promise-to-rewrite-social-contract?utm\\_source=dlvr.it&utm\\_medium=twitter](https://eurasianet.org/as-kazakhstan-tallies-losses-authorities-promise-to-rewrite-social-contract?utm_source=dlvr.it&utm_medium=twitter)

<sup>19</sup> Ibid.; Todd Prince, As Kazakhstan's President Targets Nazarbaev's Wealth, The Biden Administration Faces A Dilemma, RFE/RL, January 2022, <https://www.rferl.org/a/kazakhstan-corruption-biden-transnational-graft-toqaev/31654605.html>

<sup>20</sup> The Chairman of the fund Bolat Zhamishev has himself raised concerns about the potential risk of coercion. See: Akbota Kuzekbay, Bolat Zhamishev: We are categorically against forcing people to transfer money to the Kazakhstan Khalkyna Fund, Kaz Inform, January 2022, [https://www.inform.kz/ru/bolat-zhamishev-my-kategoricheski-protiv-togo-chtoby-lyudey-zastavlyali-perechislyat-den-gi-v-fond-kazakistan-halkyna\\_a3887949](https://www.inform.kz/ru/bolat-zhamishev-my-kategoricheski-protiv-togo-chtoby-lyudey-zastavlyali-perechislyat-den-gi-v-fond-kazakistan-halkyna_a3887949)

<sup>21</sup> Chris Rickleton, How Far Will Toqaev Go In Squeezing The Nazarbaevs And Their Riches After The Family's Fall From Grace?, RFE/RL, October 2022, [https://www.rferl.org/a/kazakhstan-nazarbaevs-fall-from-grace-wealth-targeted/32071926.html#0\\_8\\_10089\\_8766\\_2710\\_243902265](https://www.rferl.org/a/kazakhstan-nazarbaevs-fall-from-grace-wealth-targeted/32071926.html#0_8_10089_8766_2710_243902265); Joanna Lillis, Kazakhstan claws millions back from Nazarbayev associates, Eurasianet, July 2022, <https://eurasianet.org/kazakhstan-claws-millions-back-from-nazarbayev-associates>

was previously married to Nazarbayev's grandson) has recently been arrested.<sup>22</sup> According to OCCRP, the Kazakhstan Initiative on Asset Recovery and Chatham House, Boranbayev is believed to have a mansion in Virginia Water, three apartments in Knightsbridge and One Hyde Park.<sup>23</sup> The UK and the wider international community need to be clear that these measures on their own (particularly if applied in a purely selective manner) are not a substitute for the rule of law and accountable processes for tackling corruption.

There may be scope for the UK to offer technical assistance in reforming markets that had previously been unbalanced by the role of Nazarbayev's family and cronies. For example it was recently announced that the state would no longer do business with Operator ROP, a recycling monopoly linked to Aliya Nazarbayeva (who has recently moved enormous amounts of wealth into the UK property market).<sup>24</sup> There may be a brief window of opportunity to embed more open and competitive practices in the economy if Kazakhstan is provided with the right support, but the risks remain high of power instead flowing to other politically connected players closer to Tokayev. One of the key areas will be ensuring that the new cadre of officials who are taking leading roles in state run companies are those committed to genuine reform and are closely monitored to prevent them from using their positions to amass the enormous private wealth generated by their predecessors. From the UK side, this means ensuring that new transparency rules on company and property ownership are effectively enforced despite legal challenges by British law firms, working on behalf of clients who profit from secrecy, on what members of this Working Group would argue are spurious "data protection" grounds, in fact providing a positive opportunity for the UK to exercise its post-Brexit divergence from the European Court of Justice.

The UK has a particular connection to the Astana International Financial Centre, based on an English Common law system with UK legal titans such as former UK Chief Justice Lord Woolf leading its arbitration court.<sup>25</sup> The UK should seek to find opportunities to use its unique role to spread best practice within the mainstream legal system within Kazakhstan, to avoid this legal enclave exacerbating a 'one rule for them' system where only international businesses can have reasonable expectations of due legal process in Kazakhstan. The status of English law, something promoted by the Kazakh authorities, gives a strong platform for bilateral collaboration in these areas. It may also provide a basis for further exchanges of information to pursue asset recovery in the English court.

---

<sup>22</sup> Vlast.kz, Businessman Boranbaev detained in Almaty – sources, March 2022, <https://vlast.kz/novosti/49153-biznesmen-boranbaev-zaderzan-v-almaty-istocnik.html>

<sup>23</sup> OCCRP, London collection. Three new apartments of Kairat Boranbaev, Kiar Center, April 2021, <https://kiar.center/london-collection-three-new-apartments-of-kairat-boranbaev/>; OCCRP, An apartment for \$100 million for an entire floor: A pearl in the collection of Kairat Boranbayev, Kiar Center, May 2021, <https://kiar.center/an-apartment-for-100-million-for-an-entire-floor-a-pearl-in-the-collection-of-kairat-boranbayev/>; and John Heathershaw et al., The UK's kleptocracy problem Chatham House, December 2021, <https://www.chathamhouse.org/sites/default/files/2021-12/2021-12-08-uk-kleptocracy-problem-heathershaw-mayne-et-al.pdf>

<sup>24</sup> Chris Rickleton, Kazakhstan's green economy: Greenbacks for the Nazarbayevs?, Eurasianet, June 2021, <https://eurasianet.org/kazakhstans-green-economy-greenbacks-for-the-nazarbayevs/>; Bruce Pannier, The Campaign Against Nazarbaev And The Cronies of Kazakhstan's First President Has Begun, RFE/RL, January 2022, <https://www.rferl.org/a/kazakhstan-nazarbaev-cronies-toqaev/31651330.html>; See this recent story in relation to UK investments by Aliya Nazarbayeva: Patrick Sawyer, Kazakh despot's daughter went on London spending spree after moving \$300m out of country, The Telegraph, January 2022, <https://www.telegraph.co.uk/world-news/2022/01/08/kazakh-despots-daughter-went-london-spending-sprees-moving-300m/>

<sup>25</sup> Central Asia Program, Interview with Dr. Kairat Kelimbetov, Governor of the Astana International Financial Centre, December 2021, [https://centralasiaprogram.org/interview-dr-kairat-kelimbetov-governor-astana-international-financial-centre1?fbclid=IwAR2bC4RdDQFi4kU77kCd9UTHCD-rnJEp0Y9Ypu0vLi\\_eHQfGSOV2CO9QoEw](https://centralasiaprogram.org/interview-dr-kairat-kelimbetov-governor-astana-international-financial-centre1?fbclid=IwAR2bC4RdDQFi4kU77kCd9UTHCD-rnJEp0Y9Ypu0vLi_eHQfGSOV2CO9QoEw)

## Getting the UK's Own House in Order

The UK needs to do more to get its own house in order to assist Kazakhstan. For too long the UK has been used to store personal wealth of Kazakhstan's ruling elite. The recent Chatham House report on oligarch assets in London found 33 high value properties linked to members of Kazakhstan's elite.<sup>26</sup> Nazarbayev's own family is believed to have purchased \$785 million in European and US real estate in the last 20 years.<sup>27</sup> This includes Dinara Kulibayeva and her husband Timur Kulibayev who are known to have substantial holdings in the UK, including the former home of Prince Andrew (Sunninghill Park).<sup>28</sup> Dariga Nazarbayeva was subject to a failed Unexplained Wealth Order (UWO) case by the National Crime Agency relating to three UK homes worth £80 million, but has subsequently been found to also own £140 million worth of buildings on Baker Street in Central London with her son.<sup>29</sup>

During his inauguration speech on 26 November, Tokayev explicitly prioritised, "returning all the assets illegally withdrawn from the country".<sup>30</sup> He stated that "the Government will prepare a draft law, which will regulate the necessary procedures to return the funds illegally transferred abroad".<sup>31</sup> Since the inauguration, the Kazakhstani Initiative on Asset Recovery (KIAR) of former Prime Minister Akezhan Kazhegeldin has begun to partner with a more recent initiative is the Elge Qaitaru Fund, founded by Orazaly Yerzhanov and Bulat Abilov.<sup>32</sup> As Abilov is an insider, apparently in favour with Tokayev, this suggests that there is real intent in Tokayev's speech. Abilov, Yerzhanov and Kazhegeldin may have an informal mandate from the president to aid the asset recovery process by providing credible documentation of illegal sources of wealth to overseas authorities. It may be that the NCA and other UK anti-corruption bodies find a newly receptive Government of Kazakhstan willing to support rather than oppose efforts to probe kleptocratic investment in the UK, albeit perhaps only for those who have been on the losing side of the recent power struggle such as Kairat Boranbayev (whose UK assets are noted above).

---

<sup>26</sup> John Heathershaw, Professor Alexander Cooley, Thomas Mayne, Casey Michel, Tena Prelec, Jason Sharman and Ricardo Soares de Oliveira, The UK's kleptocracy problem, Chatham House, December 2021, <https://www.chathamhouse.org/2021/12/uks-kleptocracy-problem/annex>

<sup>27</sup> Miike Eckel and Sarah Alikhan, Big Houses, Deep Pockets, RFE/RL, December 2020, <https://www.rferl.org/a/kazakhstan-nazarbayev-family-wealth/31013097.html?fbclid=IwAR38vC-WSkYBgPMTm--5XVsTgP5c3oesqt7eomZmsfeUiOjahO5QThDmcGU>

<sup>28</sup> Forbes Kazakhstan, 50 richest businessmen of Kazakhstan - 2020, October 2020, [https://forbes.kz/ranking/50\\_bogateyshih\\_biznesmenov\\_kazahstana\\_-\\_2020](https://forbes.kz/ranking/50_bogateyshih_biznesmenov_kazahstana_-_2020); Robert Booth, Prince Andrew tried to broker crown property deal for Kazakh oligarch, The Guardian, July 2016, <https://www.theguardian.com/uk-news/2016/jul/03/prince-andrew-broker-crown-property-kazakh-oligarch>; Ian Gallagher, Kazakh-born socialite 'Lady Goga' who partied with her 'very, very close friend' Prince Andrew at her 30<sup>th</sup> birthday reveals she leads a far quieter life after turning 40, Mail Online, March 2020, <https://www.dailymail.co.uk/news/article-8113173/The-quiet-life-Lady-Goga.html>

<sup>29</sup> BBC News, Kazakh family win Unexplained Wealth Order battle over London homes, April 2020, <https://www.bbc.co.uk/news/uk-52216011>; George Greenwood, Emanuele Midolo, Marcus Leroux and Leigh Baldwin, Strange case of Dariga Nazarbayeva, mystery owner of Sherlock Holmes's Baker Street address, The Times, November 2020, <https://www.thetimes.co.uk/article/strange-case-of-dariga-nazarbayeva-mystery-owner-of-sherlock-holmes-baker-street-address-23q7c2fpl>

<sup>30</sup> OCCRP, Kloop (Kyrgyzstan), and Vlast (Kazakhstan), The Nazarbayev Billions: How Kazakhstan's 'Leader of the Nation' Controls Vast Assets Through Charitable Foundations, OCCRP, January 2022, <https://www.occrp.org/en/investigations/the-nazarbayev-billions-how-kazakhstans-leader-of-the-nation-controls-vast-assets-through-charitable-foundations>; Jusan Technologies LTD, Companies House, <https://find-and-update.company-information.service.gov.uk/company/12538192>

<sup>31</sup> Speech by President of Kazakhstan Kassym-Jomart Tokayev at the Inauguration ceremony, President of the Republic of Kazakhstan, <https://www.akorda.kz/en/speech-by-the-president-of-kazakhstan-kassym-jomart-tokayev-at-the-inauguration-ceremony-26102635>

<sup>32</sup> Paolo Sorbello, Kazakhstan's President Tokayev Calls for the Return of Assets, The Diplomat, November 2022, <https://thediplomat.com/2022/11/kazakhstans-president-tokayev-calls-for-the-return-of-assets/>

There is a great deal the UK could do on asset recovery and sanctions. Given the centrality of the UK to the development of kleptocracy in Kazakhstan, it is not unsurprising that the first trip by Abilov, Yerzhanov and Kazhegeldin was to the UK where they met with anti-corruption researchers and Dame Margaret Hodge MP.<sup>33</sup> The UK should look again at ways to use its new Global Anti-Corruption Sanctions and the further deployment of UWOs, with a particular focus on assessing the suitability of the thirty cases raised in the House of Commons by Dame Margaret Hodge in February 2022.<sup>34</sup> Current Foreign Secretary James Cleverly was the minister responding to Hodge, promising her that, “my officials, and indeed the House, will have taken note of the individuals she highlighted in her speech”.<sup>35</sup> However, thus far, the UK has taken no public measures to either introduce sanctions, Account Freezing Orders (AFOs), UWOs or civil recovery procedures against any of these individuals.

For the UK to get its own house in order it has to begin to take kleptocracy seriously and specifically acknowledge its own complicity in Kazakhstan’s grand corruption. The UK delivering on its long-overdue commitments to produce a beneficial ownership register for property and reforms to the reporting requirements on its overseas territory tax havens would also help increase transparency about the extent of the wealth accrued by Kazakhstan’s ruling elite. Similarly addressing the abuse of UK company formation, including Scottish Limited Partnerships could also help boost transparency over ownership of key assets in Kazakhstan. It is hoped that the FCDO can use examples relating to Kazakhstan in intragovernmental discussions on these topics.

There is a strong case for reviewing the legacy of the UK’s Tier One Investor Visa system as there are 205 Kazakhstanis who used it to gain UK residency in the period 2008-2015 (the fifth most common country and the largest per capita excluding microstates).<sup>36</sup> This is despite Foreign Direct Investment from Kazakhstan into the UK totalling less than one million pounds in recent figures.<sup>37</sup>

There is concern about the UK National Crime Agency’s decision to end its operations in Central Asia (funded through the FCDO) as of 31<sup>st</sup> March 2022. This is despite not only the major issues of transnational corruption noted above but the increased counter-terrorism and drug trafficking challenges created by the Taliban takeover of Afghanistan.

However, for all these measures to bear fruit, the UK Government must be prepared to tackle the UK private actors who made a great deal of money from the Nazarbayev era and who may feel their assets and businesses are threatened by sanctions and asset recovery against its members and associates.

---

<sup>33</sup> Hyperboreas, YouTube video, YouTube, December 2022, <https://www.youtube.com/watch?v=RBU6yo6D9TM>

<sup>34</sup> Hansard, Kazakhstan: Anti-corruption Sanctions, Volume 708: debated on Thursday 3 February 2022, <https://hansard.parliament.uk/commons/2022-02-03/debates/41000B02-86AB-499E-8547-0F5AA84611B0/KazakhstanAnti-CorruptionSanctions>

<sup>35</sup> Todd Prince, As Kazakhstan’s President Targets Nazarbaev’s Wealth, The Biden Administration Faces A Dilemma, RFE/RL, January 2022, <https://www.rferl.org/a/kazakhstan-corruption-biden-transnational-graft-toqaeov/31654605.html>

<sup>36</sup> John Heathershaw, Twitter post, Twitter, July 2021, <https://twitter.com/HeathershawJ/status/1414900706771865602?s=20>; Susan Hawley, George Havenhand and Tom Robinson, New Briefing: Red Carpet for Dirty Money – The UK’s Golden Visa Regime, Spotlight on Corruption, July 2021, <https://www.spotlightcorruption.org/new-briefing-red-carpet-for-dirty-money-the-uks-golden-visa-regime/>; Dominic Kennedy, National security review of golden visas for investors, The Times, July 2021, <https://www.thetimes.co.uk/article/national-security-review-of-golden-visas-for-investors-mz5zsnf0c>

<sup>37</sup> Department for International Trade, Trade & Investment Factsheets, Kazakhstan, UK Gov, December 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1042958/kazakhstan-trade-and-investment-factsheet-2021-12-24.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1042958/kazakhstan-trade-and-investment-factsheet-2021-12-24.pdf)

## Education

While recognising existing efforts in this area it is important to ensure that a broad range of Kazakhstanis are able to apply for the UK's Chevening Scholarships, beyond those who would be offered opportunities by the Bolashak Programme (the scheme run by the Government of Kazakhstan for the purposes of helping people onto international university courses). This will become even more relevant if recent announcement around reorienting Bolashak towards Russian Technical Universities comes to pass.<sup>38</sup> Irrespective the UK Government also needs to work with Universities to ensure they are not being forced into paying large agents fees to politically influential people in order to receive student placements through the Bolashak scheme. Similarly, programmes such as the John Smith Trust should be encouraged to keep ensuring participation by members of independent civil society rather than being dominated by those close to the Government of Kazakhstan. There is scope to support the expansion of UK universities and other academic and educational bodies into Kazakhstan, but it is important to ensure that efforts are made by UK-based providers to maximise scope for academic freedom on their Kazakh campuses.

## Human Rights

Human rights groups are deeply concerned about the treatment of those who were peacefully protesting and who were detained after the crackdown (against rioters and peaceful protestors alike), with allegations of punishment beatings, torture and threats of sexual assault, and street sweeps being conducted by police and those with videos from the protests being arrested after the fact.<sup>39</sup> There are also concerns that cases of reported rape and assault against peaceful protestors by rioters are being summarily closed without investigation. The Coalition Against Torture (a group of local NGOs) has documented over 200 reported cases of torture in the aftermath of the January events.<sup>40</sup> The UK and its international partners should continue to call for an independent investigation of treatment of peaceful protestors and for the country to fully comply with its international obligations under the Convention against Torture, Convention on Elimination of all Forms of Discrimination against Women, ICCPR. The international community will need to critically assess whatever information is provided by the Kazakh Government's investigation commission, in light of the widespread NGO and expert testimony already available. The UK's Global Human Rights Sanctions legislation should be used against any senior Kazakh state official who sanctioned or participated in such abuses.

Prior to recent events President Tokayev had not delivered on his pledge to make it easier for people to publicly protest, with the reforms to the law on peaceful assembly passed in May 2020 seen as more cosmetic than meaningful. Authorities still have wide-ranging powers to set the location of and rearrange or cancel proposed gatherings and unregistered groups are not allowed to legally organise a protest.<sup>41</sup> Restrictions in the Criminal Code against 'providing assistance to' illegal protests have been used to target social media users who have commented or shared information about such events, while protests by banned groups (as set out below) have been ruthlessly cracked down upon. If there is any hope to avoid the January events being used as a pretext to prevent further tightening of the ability to

---

<sup>38</sup> Mediazona, Tokayev decided to reorient Nazarbayev's Bolashak program to technical specialties and Russian universities, January 2022, <https://mediazona.ca/news/2022/01/21/bolashak> See also: Rus Azattyq, Tokayev announced the reorientation of the Nazarbayev Bolashak program to technical specialties and universities in Russia, January 2022, <https://rus.azattyq.org/a/31666019.html>

<sup>39</sup> Saniyash Toyken, "A branch of the Belarusian "Akrestin"". Resident of Atyrau - about torture in custody, Radio Azattyq, January 2022, <https://rus.azattyq.org/a/kazakhstan-atyrau-sergey-shutov-about-torture/31654602.html>

<sup>40</sup> Botakoz Kassymbekova and Erica Marat, Kazakhstan Can't Torture Its Way to Stability, Foreign Policy, March 2022, <https://foreignpolicy.com/2022/03/16/kazakhstan-torture-tokayev-police-violence-protests/>

<sup>41</sup> Mihra Rittmann, Kazakhstan's 'Reformed' Protest Law Hardly an Improvement, Human Rights Watch, May 2020, <https://www.hrw.org/news/2020/05/28/kazakhstans-reformed-protest-law-hardly-improvement>



protest, the international community will need to make clear the extent to which the heavy handed crackdown on the peaceful side of the protests – most notably Tokayev’s call on the police to shoot without warning – have damaged its image in the West and to potential investors.

The way in which the controversial policing tactic known as kettling has been used against non-violent protest in Kazakhstan has been widely criticised by human rights groups. Given the central role of the Metropolitan police in normalising the use of kettling in the policing protests, the UK has a particular duty to provide guidance and technical support to the Government of Kazakhstan and to caution against its improper use.<sup>42</sup>

For several years prior to January the focus of police and security service ire has been on activists linked (or claimed to be linked to the Democratic Choice of Kazakhstan (known as the QDT in Kazakh or DVK in Russian) party headed by fugitive billionaire Mukhtar Ablyazov. The QDT/DVK movement was formally banned as an extremist movement in March 2018, with the Koshe (Street) Party (seen as an off-shoot of the QDT) also banned on extremism grounds in June 2020.<sup>43</sup> The designation of these (seemingly non-violent) movements as extremist has enabled the use of laws designed for combatting terrorism and ‘extremism’ to be deployed against protestors believed to be part of the movement. Article 174 of the Criminal Code on ‘Institution of social, national, generic, racial, class or religious discord’ was used as a regular tool to arrest people, but more often in recent times Article 405 about membership of banned extremist organisations has been the tool of choice with Human Rights Watch documenting over 130 such cases.<sup>44</sup> Similar anti-extremism language has been deployed in relation to the January events, albeit linked incidents of real disorder on the streets of Almaty, though the Government has yet to claim Ablyazov’s involvement. Despite Presidential promises of reform opposition activists, such as Zhanbolat Mamay, were arrested for participating in a vigil to commemorate the January events, with Mamay’s initial 15 day administrative sentence being turned into pre-trial detention for a wider range of protest related ‘offences’ that could lead to an up to three year prison sentence.<sup>45</sup> The UK and others should continue to raise concerns about the abuse of anti-extremism powers to target political opposition, but it is hugely important that it continues to be raised given the impact this has on peaceful protesters and Kazakhstan’s reputation on human rights more broadly.

---

<sup>42</sup> Indymedia UK, A brief history of “kettling”, November 2010, <https://www.indymedia.org.uk/en/2010/11/468945.html>. As described by the OSCE, kettling (or corraling) is a ‘strategy of crowd control that relies on containment [...], where law enforcement officials encircle and enclose a section of assembly participants.’

<sup>43</sup> Manshuk Asautay, Activists demanded the removal of the “Street Party” from the list of banned organisations, Radio Azattyq, <https://www.azattyq.org/a/31318167.htm>; RFE/RL Kazakh Service, Kazakh Activists Start Hunger Strike To Protest Opposition Party Ban, June 2021, <https://www.rferl.org/a/kazakh-hunger-strike-koshe-party/31318852.html>

<sup>44</sup> Andrey Grishin, When Kazakhstan Will Stop Making “Extremists” of Ordinary People? CABAR Central Asia, March 2020, <https://cabar.asia/en/when-kazakhstan-will-stop-making-extremists-of-ordinary-people>; Legislationline, Criminal codes – Kazakhstan, <https://www.legislationline.org/documents/section/criminal-codes/country/21/Kazakhstan/show>; Article 405 of the Criminal Code states - ‘Organisation and participation in activity of public or religious association or other organisation after court decision on prohibition of their activity or liquidation in connection with carrying out by them the extremism or terrorism’; Human Rights Watch, Kazakhstan: Crackdown on Government Critics, July 2021, <https://www.hrw.org/news/2021/07/07/kazakhstan-crackdown-government-critics>; From Our Member Dignity – Kadyr-kassiyet (KK) from Kazakhstan and Bir Duino from Kyrgyzstan – Anti-Extremist Policies in Russia, Kazakhstan, the Kyrgyz Republic and Tajikistan. Comparative Review, Forum-Asia, April 2020, <https://www.forum-asia.org/?p=31521>

<sup>45</sup> Svetlana Vorobyeva, Kazakhstan Authorities Should Drop Charges, Release Opposition Activist, Human Rights Watch, March 2022, <https://www.hrw.org/news/2022/03/25/kazakhstan-authorities-should-drop-charges-release-opposition-activist>; RFE/RL’s Kazakh Service, Kazakh activist sentenced to 15 days in jail over unsanctioned public event, RFE/RL, March 2022, <https://www.rferl.org/a/kazakhstan-activist-unrest-commemoration/31732938.html>

The UK and its partners should be clear in their condemnation of the widespread use of parole style ‘freedom restrictions’, long-term prohibitions on political or journalistic activity that many social and political activists face in addition to or in lieu of custodial sentences.<sup>46</sup> Their purpose is very clearly designed to chill civic and political activism without generating the backlash, particularly from the international community, that custodial sentences for activists would generate. Sometimes even when activists have been released from dubious sentences after international pressure, the restriction on their blogging, political social or union activism often remains. Cases where the UK could challenge the use of such freedom restrictions include those of Max Bokayev, Alnur Ilyashev, Asya Tulesova, Larisa Kharkova, Amin Eleusinov and Erlan Baltabay.

One of the relative success stories of Kazakhstan’s recent past has been achieving somewhat harmonious relations between different ethnic groups within the country. However in recent years nationalist sentiments have been growing, as has a degree of public hostility to some migrant labour (with the Government increasingly blaming them for previous incidents of unrest). The framing of recent events as driven by outside terrorists has led to a crackdown on Kyrgyz and Uzbek citizens in the country, including the forced confession of a well-known Kyrgyz jazz musician called Vikram Ruzakhunov who was forced to say he was an unemployed labourer being paid to riot (causing a diplomatic incident with Bishkek and a hurried repatriation of the musician).<sup>47</sup> The UK and international community will need to be mindful of these abuses if they continue and further sour intercommunal relations, with consideration given to opportunities for technical support or collaboration with NGOs and other experts to provide advice in lowering tensions.

In a decree entitled ‘On further human rights measures in Kazakhstan’ signed on June 9<sup>th</sup> 2021 President Tokayev committed the Government to creating a human rights action plan to address a number of worthy but not particularly expansive list of human rights challenges.<sup>48</sup> The UK and its partners in the international community need to reinforce the importance of making progress on such a plan and on its real implementation. Given the recent crackdown and tensions with civil society (particularly due to the narratives around terrorism), some of the narrow channels for pragmatic engagement with local activists may have closed for the time being, leaving international partners as a less than ideal substitute.

Independent Trade Unions have been repeatedly undermined and closed through bureaucratic harassment with their leaders jailed or placed under freedom restrictions. It remains important that the UK backs international efforts at the ILO to bring Kazakhstan into alignment with international best practice.

The UK has technical expertise in the Information Commissioner’s Office and other institutions that can potentially help Kazakhstan deal with knotty issues of data security and privacy rights as the country develops its new Data Protection Agency, at a time when the state has expanded its digital reach during the pandemic.

---

<sup>46</sup> ACCA, Expert: people are deprived of civil and political rights in Kazakhstan, May 2021, <https://acca.media/en/expert-people-are-deprived-of-civil-and-political-rights-in-kazakhstan/>

<sup>47</sup> Bruce Pannier, Outrage After Kazakh Officials Portray Kyrgyz Jazz Musician As ‘Foreign Terrorist’, RFE/RL, January 2022, <https://www.rferl.org/a/kazakhstan-kyrgyzstan-jazz-musician-terrorist-coup/31647760.html>

<sup>48</sup> Government of Kazakhstan, President Tokayev Signs a Decree on Further Measures of the Republic of Kazakhstan in the Field of Human Rights, June 2021, <https://www.gov.kz/memleket/entities/mfa-delhi/press/news/details/215657?lang=kk>

Working with international partners the UK should continue to raise concerns over how the case of Aron Atabek, the political prisoner, who died shortly after his release from a 15 year prison sentence, was handled and explore ways for his family to achieve justice.<sup>49</sup>

It is more important than ever that the British Embassy, UK based officials and ministers are encouraged to speak out, in a targeted manner, to draw attention to cases of human rights abuse. While recognising the current tensions within the Kazakh Government may create challenges, it is imperative that local civil society knows that the UK is actively and publically standing up on its behalf, acting in line with its values and its Integrated Review commitment to be a force for good in the world. Also British Embassy staff where possible should seek to increase their involvement in trial monitoring, particularly in the regions where greater abuses can take place away from the public scrutiny. It is essential that, particularly in light of recent events, more budget is made available to assist civil society projects (with the current budget unable to make a meaningful contribution to local projects).

### **Media Freedom**

During the January events at least four independent news sites (Vlast, KazTAG, Fergana and Orda.kz.) were subject to full blocking, while the local internet network was shut down across Kazakhstan as part of the state of emergency.<sup>50</sup> As part of the wider blame game for the unrest the President has rhetorically targeted independent journalists claiming that they fueled the unrest.<sup>51</sup>

According to the Almaty-based International Foundation for Protection of Freedom of Speech “Adil Soz”, at least five media workers in Aktobe and Atyrau have been interrogated about the protests in a way that implied that they participated or organised them. These included: Ardak Yerubaeva (Orda.kz), Ainur Saparova (Ak Jaiyk), Farkhat Abilov (Ak Jaiyk), Zhanalyk Akhash (KTK), and Zhanagul Zhursin (Radio Azattyq). The Justice for Journalists Foundation is receiving reports about more similar interrogations. While the scale of this practice is unclear, it might lead to a criminal case against journalists in line with the President’s rhetoric.<sup>52</sup>

The journalists have been subject to physical attacks and arrests too, with many who were filming the events subjected to on the spot sentencing. According to the monitoring by “Adil Soz”, between January 3<sup>rd</sup>-12<sup>th</sup>:

- At least six media workers were wounded, including Diasken Baitibayev (Almaty TV), Leonid Rasskazov (Orda.kz), Bek Baitas (Orda.kz), Ruslan Pryanikov (AFP), Yesenzhol Yelekenov (Uralskaya Nedelya), and Muratkhan Bazarbayev (Almaty TV). Muratkhan Bazarbayev has died as a result;
- At least 12 journalists were physically attacked, including Bek Abiyev (KTK TV), Yevgeny Sergienko (KTK TV), Almaz Kaisar (Vlast.kz), Ayan Kalmurat (Radio Azattyq), Sanat Nurbek (Radio

---

<sup>49</sup> Al Jazeera, Kazakh dissident Aron Atabek dies weeks after release from prison, November 2021, <https://www.aljazeera.com/news/2021/11/25/kazakh-dissident-poet-atabek-dies-from-coronavirus>

<sup>50</sup> Almaz Kumenov, How did Kazakhstan shut down the internet?, Eurasianet, January 2022, [https://eurasianet.org/how-did-kazakhstan-shut-down-the-internet?utm\\_source=divr.it&utm\\_medium=twitter](https://eurasianet.org/how-did-kazakhstan-shut-down-the-internet?utm_source=divr.it&utm_medium=twitter); See also: CPJ, Journalists detained, news crew attacked, as Kazakhstan state of emergency continues, January 2022, <https://cpj.org/2022/01/journalists-detained-news-crew-attacked-as-kazakhstan-state-of-emergency-continues/>; IFJ, Kazakhstan: Violence and repression of media grows amid anti-government protests, January 2022, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/kazakhstan-violence-and-repression-of-media-grows-amid-anti-government-protests.html>

<sup>51</sup> RBC, Tokayev’s address to the nation. Live Broadcast, January 2022, <https://www.youtube.com/watch?v=hKzCm8jm2S8&t=253s>

<sup>52</sup> Adilsoz, Journalists during an emergency. First results, January 2022, <http://www.adilsoz.kz/news/show/id/3489>

Azattyq), Farhat Abilov (Ak Zhayyk), Saniyash Token (Radio Azattyq), Vasily Polonsky (Dozhd), Vasily Krestyaninov (Dozhd), a Mediazona correspondent, and two KazTAG journalists;

- The offices of five TV channels (Mir, Eurasia, Kazakhstan, Khabar and KTK) were looted and burned;
- At least 11 media workers were arrested while covering the protests in Almaty, Nur-Sultan, Taraz, and Uralsk;<sup>53</sup> and
- At least four media workers were sentenced to administrative detention ranging from five to 15 days, including Bakhyt Smagul (Bukpa), Lukpan Akhmedyarov (Uralskaya Nedelya), Daryn Nursapar (ShygysAkpararat), Nurzhan Baimuldin (Koshektau Asia Information Agency). Notably, Lukpan Akhmedyarov's and Daryn Nursapar's administrative charges were related to their alleged participation in the protests.

This violence builds on a pattern whereby media workers have repeatedly been arrested or harassed whilst covering unsanctioned protests over recent years. For example, the Justice for Journalists Foundation recorded 24 incidents of physical attacks or threats of violence against Kazakhstani media workers in 2020, as well as a far broader range of online and bureaucratic harassment.<sup>54</sup> However, in one recent positive step the Supreme Court recently overturned a Military Court decision that sought to muzzle an investigative journalist (Tatyana Kovalyova) from reporting on a court case involving embezzlement in the National Guard.<sup>55</sup>

In line with the UK's leading role in the Media Freedom Coalition and with media work in Kazakhstan an embassy priority it is important for the Embassy to speak out on behalf of journalists and independent outlets that are under pressure, call for prompt, effective and impartial investigation of attacks on media workers and media outlets, follow the developments in cases of arrested and interrogated journalists and voice a serious concern in case of any criminal charges against them, and urge the Government to recognise an important role of media workers in current situation rather than putting the blame on journalists and further restricting their work.

Finally, for the past few years, Kazakhstan has been considering reforming its mass media law. In communication with civil society and journalists, options of amendments to the existing law or adoption of a brand-new law were discussed. During the most recent stakeholder roundtable in November 2021, the Vice Minister of Information mentioned that the Ministry is researching the international experience and global best practices for the reform. The UK could share its extensive expertise in broadcast regulation, press self-regulation and guaranteeing the freedom of expression and access to information (very problematic in Kazakhstan) – this could potentially contribute to a long-term change.<sup>56</sup>

## NGOs

Kazakhstan's NGO community has faced harassment for years through the use of tough reporting requirements (large amounts of detailed information about their operations and how much they both receive and spend that comes from foreign sources) that can be deployed punitively to apply pressure to

---

<sup>53</sup> Ibid.

<sup>54</sup> RFE/RL's Kazakh Service, Kazakhs Journalist Missing Since Deadly Unrest, Police Visit, RFE/RL, January 2022, <https://www.rferl.org/a/kazakhstan-journalist-abzhan-missing/31659513.html>; Justice for Journalists Foundation, Kazakhstan, 2020, [https://jff.fund/report-2020\\_2/#kz](https://jff.fund/report-2020_2/#kz)

<sup>55</sup> Almaz Kumenov, Kazakhstan: Supreme Court rules in favor of journalist, Eurasianet, March 2022, [https://eurasianet.org/kazakhstan-supreme-court-rules-in-favor-of-journalist?utm\\_source=dvr.it&utm\\_medium=twitter](https://eurasianet.org/kazakhstan-supreme-court-rules-in-favor-of-journalist?utm_source=dvr.it&utm_medium=twitter)

<sup>56</sup> Kemelbek Oishibaev, Key issues of improving legislation, Adilsoz, <http://www.adilsoz.kz/upload/1smilaw.docx>

NGOs.<sup>57</sup> The most recent bout of pressure took place with punitive tax inspections that saw 13 leading human rights NGOs threatened with closure around the 2021 Parliamentary elections.<sup>58</sup> It took sustained international pressure (combined with the passage of time after the elections) to stop previous cases and even greater focus from the UK and its partners will be needed now to prevent the Government from targeting NGOs whose activists were perceived to have participated in or provided legal or humanitarian support to the protests.<sup>59</sup>

### **Women's and Minority Rights**

Nationalist and traditionalist groups have been increasingly mobilising politically and online around anti-Western narratives that target efforts to improve women's rights and prevent discrimination against LGBTQ+ people (with attempts at anti-'propaganda' bills in 2015 and 2018-19 being prevented with the aid of international pressure). The International Women's Day (March 8<sup>th</sup>) has often been a flashpoint between women's rights activists and socially conservative forces across Central Asia, with protests banned in Kazakhstan until 2021.

International experts see Kazakhstan's legislation and enforcement on domestic violence as being weak, with cases usually dealt with under the administrative code (for minor offenses) rather than Criminal Code (which is used only for severe assaults), leading to a situation where the penalties for dropping a cigarette on the street (classified as petty hooliganism) are harsher than for most domestic violence cases.<sup>60</sup> In 2020, 45,000 cases of domestic violence were initiated through the administrative code, a figure far lower than the true extent of the situation due to under reporting and even then more than 60 per cent of the cases are withdrawn before a ruling is made due to pressure for family reconciliation.<sup>61</sup> It is positive that President Tokayev has recommitted to a law on domestic violence as part of his recent Human Rights Decree but the details remain likely to be keenly fought over (with previous efforts blocked by backlash by local conservative groups), such as whether 'minor beatings' would become a criminal offense or not.<sup>62</sup> Past attempts to bring in laws against sexual harassment have stalled under pressure from the similar social conservative forces (currently there is no specific legislation preventing sexual harassment in public or the workplace). The UK Government has substantial experience of supporting similar work in other country contexts, as well as efforts to improve women's participation in

---

<sup>57</sup> OMCT, Harassment on the part of the Kazakh tax authorities against human rights NGOs international legal initiative, June 2021, <https://www.omct.org/en/resources/urgent-interventions/harassment-on-the-part-of-the-kazakh-tax-authorities-against-human-rights-ngo-international-legal-initiative>; Human Rights Watch, Kazakhstan: Rights Groups Harassed, February 2017, <https://www.hrw.org/news/2017/02/22/kazakhstan-rights-groups-harassed>; ICNL, Kazakhstan, May 2021, <https://www.icnl.org/resources/civic-freedom-monitor/kazakhstan>

<sup>58</sup> Front Line Defenders, Authorities pressurise human rights groups – Kazakhstan, December 2020, [https://www.frontlinedefenders.org/ru/statement-report/human-rights-groups-under-pressure-kazakhstan?fbclid=IwAR2g\\_4jdv1OeFFSHhc92ImuVz11RnJxNYdFbl2FqEggOm8gpRlnH7A-\\_vlg](https://www.frontlinedefenders.org/ru/statement-report/human-rights-groups-under-pressure-kazakhstan?fbclid=IwAR2g_4jdv1OeFFSHhc92ImuVz11RnJxNYdFbl2FqEggOm8gpRlnH7A-_vlg); ACCA, Kazakhstan may suspend the activities of the International Journalism Center, January 2021, <https://acca.media/en/kazakhstan-may-suspend-the-activities-of-the-international-journalism-center/>; Almaz Kumenov, Kazakhstan: Government's war on NGOs claims more victims, Eurasianet, January 2021, <https://eurasianet.org/kazakhstan-governments-war-on-ngos-claims-more-victims>

<sup>59</sup> RFE/RL's Kazakh Service, Kazakh Authorities Drop Charges Against NGOs After Outcry, February 2021, <https://www.rferl.org/a/kazakh-authorities-drop-charges-ngos-outcry/31087863.html>; Bagdat Asylbek, Human Rights Bureau and NGO Echo won lawsuits against tax service, Radio Azattyq, April 2021, <https://rus.azattyq.org/a/31190073.html>

<sup>60</sup> Amina Chaya, What's wrong with the domestic violence law in Kazakhstan? Part two, Masa Media, November 2020, <https://masa.media/ru/site/chto-netak-szakonom-obytovom-nasilii-vkazakhstane-chast-vtoraya>

<sup>61</sup> Evgeniya Mikhailidi, Alina Zhartieva, Nazerke Kurmangazinova, Victorious Violence, Vlast, February 2021, <https://vlast.kz/obshchestvo/43869-pobedivsee-nasilie.html>

<sup>62</sup> Kazinform, Domestic and domestic violence: MPs and experts talked about the new law, October 2020, [https://www.inform.kz/ru/semeyno-bytovoe-nasilie-deputaty-i-eksperty-rasskazali-o-novom-zakone\\_a3710389](https://www.inform.kz/ru/semeyno-bytovoe-nasilie-deputaty-i-eksperty-rasskazali-o-novom-zakone_a3710389)

senior roles and it will be important for it to find ways to show its support for reform efforts in these areas.

### **Freedom of Religion or Belief**

Kazakhstan's 2011 Law on Religious Activity and Religious Associations set stringent requirements on what types of religious groups could be registered and how, with a minimum of 50 Kazakhstani citizens required to set up a local religious organisation through to at least 5,000 members to set up a nationally registered organisation.<sup>63</sup> Amendments to the Law, which entered into force in January 2022, made holding religious events away from state-registered places of worship more difficult. All meetings for worship outside state-registered religious venues are illegal and punishable with fines. No Muslim communities outside the framework of the state-controlled Muslim Board (Muftiate) are allowed to exist. All religious literature is subject to compulsory prior state censorship, and distributing unapproved religious literature or even approved religious literature in unapproved locations is illegal and punishable with fines. There are also heavy restrictions on proselytisation, such as requirements that religious materials can only be distributed on the premises of registered religious groups, which have been seen to target Muslims, Jehovah's Witnesses and evangelical protestant groups. Wearing of the hijab in schools is in practice restricted through the widespread application of school uniform policy preventing the wearing of religious symbols.<sup>64</sup>

### **Conclusions**

As noted in the points raised above, the UK is particularly well placed to take action that will address issues of economic governance and corruption. It is these issues which shape the broader political system and lead to the human rights abuses that are primarily to protect the economic gains of the ruling elite. Given the context of Kazakhstan not being eligible for ODA the focus needs to be on how the UK can work with and encourage its private sector to support change in the country. In the short term, this means taking difficult but necessary steps in the UK against the assets of Kazakhstani oligarchs, which are now being sought by President Tokayev. In cooperating with the Kazakh authorities, the UK should make it clear – through the issuing of sanctions and the launching of civil recovery proceedings – that it will no longer play host to the proceeds of kleptocracy and will target the assets of all those holding them in Britain, whether or not they remain in favour with the government of Kazakhstan.

### **Recommendations for the UK Government:**

- Hold the Government of Kazakhstan accountable for attacks and abuse against peaceful protesters. Continue to support calls for an independent investigation and consider the use of the UK's Global Human Rights sanctions (GHR) if no meaningful local remedy can be achieved.
- Focus response across Government on taking action against kleptocracy in Kazakhstan:
  - By considering Global Anti-Corruption (GAC) sanctions designations against those whose origins of wealth can be tied to assets they have illegally seized in Kazakhstan;
  - By applying the principles of the Global Forum on Asset Recovery's Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases ('GFAR Principles') – which includes active involvement of local civil society as well as the government of Kazakhstan – when seizing and repatriating assets against said

---

<sup>63</sup> Legislationline, The Law of the Republic of Kazakhstan of October 11, 2011, No 483-IV, On Religious Activity and Religious Associations,

[https://www.legislationline.org/download/id/4091/file/Kazakhstan\\_Law\\_religious\\_freedoms\\_organisations\\_2011\\_en.pdf](https://www.legislationline.org/download/id/4091/file/Kazakhstan_Law_religious_freedoms_organisations_2011_en.pdf)

<sup>64</sup> Zhanagul Zhursin and Farangis Najibullah, The Hijab Debate Intensifies As School Starts In Kazakhstan, RFE/RL, September 2019, <https://www.rferl.org/a/the-hijab-debate-intensifies-as-school-starts-in-kazakhstan/30148088.html>

individuals to allow for a transparent recovery process that is beneficial for wider Kazakh society.

- By ensuring the SFO, NCA and other agencies are empowered to take action despite previous difficulties; and
  - By examining options for the use of UWOs and civil recovery processes and, if significant further evidence comes to light that could materially change the outcome of the case, consider reopen freezing processes such as the UWO case against Dariga Nazarbayeva and Nurlai Aliyev.
- Pause efforts to finalise a new UK-Kazakhstan Enhanced Partnership and Cooperation Agreement (EPCA) and work towards stronger human rights safeguards in the final package.
  - Ensure UK support for rule of law initiatives spread beyond the high profile links to Nur-Sultan International Financial Centre.
  - Examine abuse of the now closed Tier One Visa system by existing visa holders.
  - Broaden participation in Chevening Scholarships and the John Smith Trust programme.
  - Call for an independent investigation of the treatment of peaceful protestors and for the country to fully comply with its international obligations under the Convention against Torture, Convention on Elimination of all Forms of Discrimination against Women, and ICCPR.
  - Offer advice and technical assistance in relation to the abuse of kettling against non-violent protest.
  - Continue to raise concerns about the misuse of anti-extremism narratives and powers against peaceful opposition groups, as well as addressing the abuse of 'freedom restriction' sentences.
  - Back international efforts at the ILO to prevent the abuse of labour and trade union rights.
  - Encourage the UK officials and ministers to raise important cases of abuse against activists and journalists publicly as well as privately.
  - Offer technical support in relation to data security and privacy issues.
  - Support efforts to use Kazakhstan's human rights action plan to deliver reform to legislation and implementation.
  - Continue to support local civil society against bureaucratic harassment of NGOs.
  - Where appropriate offer technical guidance on issues of broadcasting and online regulation.
  - Support efforts to tackle domestic violence and sexual harassment.
  - Raise concerns about pressure against religious minorities.

## Resources:

- **FPC report – Retreating Rights: Examining the pressure on human rights in Kazakhstan:**  
<https://fpc.org.uk/publications/retreating-rights-examining-the-pressure-on-human-rights-in-kazakhstan/>
- **Chatham House report – The UK’s kleptocracy problem:**  
<https://www.chathamhouse.org/2021/12/uks-kleptocracy-problem>
- **Chatham House report – Kazakhstan: Tested by Transition:**  
<https://www.chathamhouse.org/2019/11/kazakhstan-tested-transition>
- **The Oxus Society for Central Asian Affairs (Thread of relevant resources on Kazakhstan):**  
<https://twitter.com/OxusSociety/status/1479212849767583747>
- **International Crisis Group – Behind the Unrest in Kazakhstan:**  
<https://www.crisisgroup.org/europe-central-asia/central-asia/kazakhstan/behind-unrest-kazakhstan>
- **Human Rights Watch annual report:** <https://www.hrw.org/world-report/2022/country-chapters/kazakhstan>
- **Human Rights Watch – Kazakhstan: Killings, Excessive Use of Force in Almaty:**  
<https://www.hrw.org/news/2022/01/26/kazakhstan-killings-excessive-use-force-almaty>
- **Human Rights Watch – Kazakhstan: Protesters Arbitrarily Arrested, Beaten:**  
<https://www.hrw.org/news/2022/02/01/kazakhstan-protesters-arbitrarily-arrested-beaten>
- **Freedom House annual report:** <https://freedomhouse.org/country/kazakhstan/freedom-world/2021>
- **Forum 18 reports on Kazakhstan:** <https://www.forum18.org/archive.php?country=29->
- **JFJ annual report – Attacks on Media Workers in 2020: Kazakhstan:** [https://jfj.fund/report-2020\\_2/#kz](https://jfj.fund/report-2020_2/#kz)
- **JFJ report – Attacks on Media Workers in 2017- 2019: Kazakhstan:** <https://jfj.fund/attacks-on-journalists-bloggers-and-media-workers-in-central-asia-and-azerbaijan-2017-2019/#kazakhstan>
- **Freedom for Eurasia report – Bad Connection: Corruption in Kazakh Telecoms:**  
<http://freedomeurasia.org/wp-content/uploads/2021/03/Bad-Connection-Corruption-in-Kazakhtelecoms-Clean-publ.pdf>
- **Corruption and Human Rights Initiative report – A Case of Irresponsible Asset Return?:**  
<https://kiar.center/wp-content/uploads/2018/08/A-Case-of-Irresponsible-Return-Summary-Report.pdf>