



Office for Democratic Institutions and Human Rights

# REPUBLIC OF KAZAKHSTAN

**Early Parliamentary Elections**  
**20 March 2016**

**OSCE/ODIHR Election Observation Mission**  
**Final Report**



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## TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>II. INTRODUCTION AND ACKNOWLEDGMENTS</b> .....	<b>3</b>
<b>III. BACKGROUND AND POLITICAL CONTEXT</b> .....	<b>4</b>
<b>IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK</b> .....	<b>5</b>
<b>V. ELECTION ADMINISTRATION</b> .....	<b>6</b>
<b>VI. VOTER REGISTRATION</b> .....	<b>9</b>
<b>VII. CANDIDATE REGISTRATION</b> .....	<b>10</b>
<b>VIII. ELECTION CAMPAIGN</b> .....	<b>12</b>
<b>IX. CAMPAIGN FINANCE</b> .....	<b>13</b>
<b>X. MEDIA</b> .....	<b>14</b>
<b>A. MEDIA ENVIRONMENT</b> .....	<b>14</b>
<b>B. LEGAL FRAMEWORK</b> .....	<b>14</b>
<b>C. MEDIA MONITORING FINDINGS</b> .....	<b>16</b>
<b>XI. PARTICIPATION OF NATIONAL MINORITIES</b> .....	<b>17</b>
<b>XII. COMPLAINTS AND APPEALS</b> .....	<b>18</b>
<b>XIII. ELECTION OBSERVATION</b> .....	<b>19</b>
<b>XIV. ELECTION DAY</b> .....	<b>20</b>
<b>A. OPENING AND VOTING</b> .....	<b>20</b>
<b>B. COUNTING</b> .....	<b>21</b>
<b>C. TABULATION AND ANNOUNCEMENT OF RESULTS</b> .....	<b>22</b>
<b>XV. RECOMMENDATIONS</b> .....	<b>23</b>
<b>A. PRIORITY RECOMMENDATIONS</b> .....	<b>23</b>
<b>A. OTHER RECOMMENDATIONS</b> .....	<b>24</b>
<b>ANNEX I: FINAL ELECTION RESULTS</b> .....	<b>26</b>
<b>ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION</b> .....	<b>27</b>
<b>ABOUT THE OSCE/ODIHR</b> .....	<b>34</b>

**REPUBLIC OF KAZAKHSTAN**  
**EARLY PARLIAMENTARY ELECTIONS**  
**20 March 2016**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of Republic of Kazakhstan to observe the 20 March 2016 early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 17 February. The OSCE/ODIHR EOM remained in Kazakhstan until 30 March and assessed compliance of the electoral process with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. For election day, the OSCE/ODIHR EOM joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

The Statement of Preliminary Findings and Conclusions issued on 21 March 2016 concluded that the 20 March early parliamentary elections “were efficiently organized, with some progress noted, but indicate that Kazakhstan still has a considerable way to go in meeting its OSCE commitments for democratic elections. The legal framework restricts fundamental civil and political rights, and comprehensive reform is required. In a positive development, candidate registration was inclusive and six parties contested the elections, but genuine political choice is still lacking. While the campaign was low-key, candidates were generally able to campaign freely. State-funded media made efforts to meet requirements for equal access, but analysis and political debate were largely absent, and the blurring of the distinction with the State benefited the ruling party. On election day, serious procedural errors and irregularities were noted during voting, counting and tabulation. It is hoped that the anticipated 2017 reform process will result in significant improvements. The authorities invited international observers in an open and unrestricted manner”.

The constitutional framework for elections continues to be at odds with international standards and Kazakhstan’s commitments to democratic elections. Restrictive provisions related to suffrage rights, freedoms of assembly and expression have not yet been addressed despite previous OSCE/ODIHR recommendations. Positively, the Central Election Commission (CEC) stated that it is preparing a comprehensive proposal of amendments to the Election Law to be considered in 2017 with a view to addressing previous OSCE/ODIHR recommendations.

Overall, the CEC operated in a professional manner. Its sessions were open to and regularly attended by observers, media and political party representatives. However, lower-level election commissions held sessions on an ad-hoc basis without informing stakeholders, which limited the transparency of the process. The Election Law aims to ensure political party representation in election commissions yet does not provide for an enforcement mechanism; this led to the *Nur Otan* party being *de facto* over-represented in lower-level election commissions. The Nationwide Social-Democratic Party was largely under-represented and questioned the impartiality of the election administration.

All citizens over 18 years of age have the right to vote, except those declared incompetent by a court or those serving prison sentences, irrespective of the gravity of the crime. This blanket provision poses a disproportionate restriction that is at odds with international standards, OSCE commitments and good practice. The number of registered voters was 9,810,852, including 14,013 abroad. There is no

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Kazakh and Russian.

systematic mechanism for exchanging information between relevant institutions and procedures for cross-checking lists did not sufficiently guard against multiple entries. Although most OSCE/ODIHR EOM interlocutors did not express concerns regarding voter registration, election day proceedings raise serious concerns regarding the accuracy of voter lists.

Candidate registration, notwithstanding restrictions within the current legal framework, was inclusive, and the CEC registered all 234 candidates nominated by six political parties by the legal deadline of 19 February. By law, independent candidates cannot stand for election and political parties are not allowed to form electoral blocs, contrary to OSCE commitments and other international obligations and standards.

There are no special legal measures that promote participation of women in elections. Overall, 47 out of 234 candidates on party lists (20 per cent) were women. Women also comprised 34 and 46 per cent of Regional and Territorial Election Commission members, respectively, and more than 70 per cent of Precinct Election Commission members.

The dominant position of *Nur Otan* at all levels of government and administration for many years now challenges the development of political pluralism, as committed to in the 1990 OSCE Copenhagen document. Furthermore, this dominance has effectively blurred the distinction between the State and party, which is at odds with international commitments.

Contestants were generally able to campaign freely throughout the country, despite restrictive legal provisions for holding public assemblies. Activities increased in the last two weeks, but the campaign remained low key overall. While the participation of six parties appeared to provide voters with some alternatives, the parties' campaign platforms and rhetoric were complementary and aligned with the President's long-term strategies. Most contestants refrained from challenging the ruling party or proposing political alternatives, thus limiting voters' genuine political choice.

The new requirement for the CEC to publish the total amount of funds received and spent by each party twice a month during the campaign is a positive development. However, since there is no obligation on the CEC to fully disclose the sources of funding and how campaign funds were spent, the transparency of campaign finances was limited.

While the Constitution guarantees freedom of expression and prohibits censorship, the legal framework contains a number of restrictive provisions that stifle public debate and suppress alternative viewpoints. Extensive reporting on the President's activities dominated in most media outlets, thus benefiting the ruling party. Positively, state-funded media showed a noticeable effort to meet formal time and space requirements to provide contestants with equal access. However, one contesting party was discernibly disadvantaged in terms of coverage of its platform and leaders. An in-depth and comprehensive analysis that would provide voters with a meaningful opportunity to learn about candidates and concrete policies was absent.

The law provides sufficient opportunity for voters and parties to bring complaints about the electoral process before the courts, higher-level commissions and prosecutors. However, the law limits the right to appeal the election results to certain senior officials which leaves the contestants without the opportunity to challenge the validity of the results, contrary to international standards. The few complaints filed during the campaign were promptly addressed by courts and prosecutors. Issues raised before the CEC were not considered to be of a complaint nature and were therefore not addressed collegially and publicly.

National minority issues were not visibly raised in the campaign. Participation of national minorities in the election process is regulated in the Election Law only in so far as it covers the indirect elections

of nine deputies to the *Majilis* (the lower house of parliament) by the Assembly of the People of Kazakhstan.

On election day, serious procedural errors and other irregularities were observed during voting, counting and tabulation. During voting, observers noted indications of ballot box stuffing, a very high number of names added to the voter lists, as well as group and proxy voting. During counting, PECs largely failed to follow the reconciliation procedures that would ensure consistency and reliability of the process. Negative assessments of tabulation were often linked to procedural violations. Transparency was limited, as IEOM observers were often prevented from following the process.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs (MFA) of the Republic of Kazakhstan to observe the 20 March 2016 early parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 17 February. The EOM was headed by Ambassador Boris Frlec and consisted of 12 experts based in Astana and 28 long-term observers (LTOs) deployed throughout the country. Mission members were drawn from 19 OSCE participating States.

On election day, the OSCE/ODIHR EOM joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Marietta Tidei was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term observer mission. Geir Jørgen Bekkevold headed the OSCE PA delegation, and Jordi Xuclà headed the PACE delegation. The OSCE/ODIHR EOM remained in Kazakhstan until 30 March and followed post-election developments. In total, there were 359 observers from 41 countries, including 282 long-term and short-term observers deployed by the OSCE/ODIHR, as well as 64 parliamentarians and staff from the OSCE PA, and 14 from the PACE. Voting was observed in 1,465 polling stations out of 9,840, the vote count in 143 polling stations and the tabulation process was observed in 126 of the 208 Territorial Election Commissions. Concurrent local elections were observed only to the extent that they affected the conduct of the early parliamentary elections.

The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, and with national legislation. This final report follows the Statement of Preliminary Findings and Conclusions, which was released at a press conference in Astana on 21 March.<sup>2</sup>

The OSCE/ODIHR EOM wishes to thank the authorities of Kazakhstan for the invitation to observe the elections and the Central Election Commission, the MFA and other authorities for their assistance and co-operation. It also expresses its appreciation to the representatives of political parties, media, civil society, the international community and other interlocutors for sharing their views. The OSCE/ODIHR EOM also wishes to express its gratitude to the OSCE Programme Office in Astana for its co-operation and support.

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<sup>2</sup> See all [previous OSCE/ODIHR election reports](#) on the Republic of Kazakhstan.

### III. BACKGROUND AND POLITICAL CONTEXT

On 13 January, deputies of the *Majilis* (the lower house of parliament) voted unanimously to request President Nursultan Nazarbayev to dissolve the parliament.<sup>3</sup> One week later, the president set 20 March as the date for the early parliamentary elections to be held concurrently with elections to *Maslikhats* (local councils). These elections were the third consecutive parliamentary elections to be held early. The authorities proclaimed their commitment to conduct the elections in line with national legislation and international standards.<sup>4</sup>

There are seven registered political parties in Kazakhstan, five of which took part in the early parliamentary elections in 2012 that resulted in the second successive victory for *Nur Otan* led by President Nazarbayev. Then, *Nur Otan* won 83 out of the 98 directly-elected seats, the Democratic Party of Kazakhstan *Ak Zhol* and the Communist People's Party of Kazakhstan (CPPK) won 8 and 7 seats respectively. The non-parliamentary parties were the People's Democratic Patriotic Party *Auyl*, the Democratic Party of Kazakhstan *Azat*, *Birlik* Party and the Nationwide Social-Democratic Party (NSDP). Six out of seven registered parties contested these elections.<sup>5</sup>

On 3 August 2015, at the request of the Ministry of Justice (MoJ), the Specialized Inter-district Economic Court of Almaty decided on the dissolution of the Communist Party of Kazakhstan (CPK) on the grounds that it no longer meets party registration requirements. The court action followed a suspension of the party during the 2015 presidential election when the party was given three months to rectify registration deficiencies identified by the MoJ.<sup>6</sup>

The political landscape is characterized by the dominance of *Nur Otan* and a lack of genuine opposition in the country, with several prominent critics of the government either imprisoned or living in exile.<sup>7</sup>

In December 2015, Kazakhstan adopted amendments to a number of laws regulating the activities of non-governmental organizations. The amendments require increased reporting on organization activities, employees, volunteers and the use of funds, and potentially limit access to international funding, introduce additional oversight of civil society activities, and impose sanctions for failure to report that include fines and suspension of an organization's right to operate. On 1 March the Ministry of Culture and Sports changed the rules on implementation of these new amendments, slightly lightening the reporting requirements. Still, organizations involved in citizen observation for the

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<sup>3</sup> On 18 January 2016 the *Majilis* Chairperson stated that "the main reason [for early parliamentary elections] was the need for the parties to receive a renewed vote of confidence from the electorate, social cohesion as well as synchronizing *Majilis* and *Maslikhats* [local councils] actions for the implementation of reforms at all levels." See also [the statement by the deputies with an initiative to hold early elections](#).

<sup>4</sup> In February 2016, at the Winter Meeting of the OSCE Parliamentary Assembly, the Senate Chairperson stated that "the parliamentary elections will be open and in compliance with national legislation and international standards."

<sup>5</sup> The Democratic Party of Kazakhstan *Azat* decided not to participate, stating it is unrealistic to hope that representatives of the social forces opposing the central authorities would be able to enter the *Majilis*.

<sup>6</sup> The deficiencies identified were: the addresses of the party's actual headquarters and its 13 branches differed from those in the registration documents; number of party members fell below the required 40,000; number of party members per branch fell below the required 600 in a few branches; the party did not maintain electronic lists of party members in all branches; non-compliance with tax laws and failure to submit tax declarations.

<sup>7</sup> In paragraph 3 of the 1990 OSCE Copenhagen Document participating States "reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations."

parliamentary elections raised concerns to the OSCE/ODIHR EOM over the impact the amendments may have on the ability of civil society to function in an effective manner.<sup>8</sup>

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The constitutional framework for elections continues to be at odds with international standards and Kazakhstan's commitments to democratic elections. Kazakhstan has a bi-cameral parliament consisting of a 107-member lower house (*Majilis*) and a 47-member upper house (Senate).<sup>9</sup> Ninety-eight *Majilis* deputies are elected in a nationwide constituency on the basis of proportional representation. The remaining nine members are elected by the Assembly of the People of Kazakhstan (APK), an advisory body formed by the President.<sup>10</sup> This provision continues to be at odds with Paragraph 7.2 of the 1990 OSCE Copenhagen Document, which provides for "all seats in at least one chamber of the national legislature to be freely contested in a popular vote."

In addition, members of the APK maintain the right to vote for the directly-elected *Majilis* deputies. Thus, APK members effectively enjoy two votes in the same elections. This arrangement is at odds with the principle of equality of the vote provided for by international commitments and standards for democratic elections, as well as by the Constitution.<sup>11</sup>

*The legislation should be revised to ensure that all seats in at least one chamber of the parliament are freely contested in a popular vote, as provided for by the OSCE commitments, also with a view to fully protect the equality of the vote.*

Parties must obtain at least seven per cent of the total number of votes to participate in the allocation of seats, which is among the highest thresholds in the OSCE region.<sup>12</sup> If only one party passes the threshold, the party receiving the second highest number of votes will also be given at least two seats. Seats are allocated to candidates on the lists by the parties after the elections and the parties are not bound by any list order. This limits the information available to voters with regard to the electoral contestants, contrary to good practice.<sup>13</sup>

*The system by which seats are allocated to the candidates on the party lists could be revised to ensure that voters have sufficient information about who will represent the political party they choose.*

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<sup>8</sup> On 19 October 2015, the OSCE Representative on Freedom of the Media (RFoM), Dunja Mijatović, warned that "introducing legislation that would put NGOs under strict governmental supervision, including the control of foreign grants, is worrying for civil society actors in general."

<sup>9</sup> The representative bodies of each of the 14 regions of the country, as well as the cities of Astana and Almaty, elect two senators each. In addition, the president appoints 15 senators.

<sup>10</sup> The APK is meant to represent the various ethnic groups of the country. It is currently made up of 446 representatives of ethnic and cultural associations whose primary role is to ensure inter-ethnic consent in the process of forming the Kazakhstani identity.

<sup>11</sup> The principle of equal suffrage is provided for by article 21(3) of the 1948 Universal Declaration of Human Rights (UDHR) and Article 25 (b) of the 1966 International Covenant on Civil and Political Rights (ICCPR). Article 3a) of the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States (CIS Convention), provides that "each citizen has one vote or an equal number of votes to other citizens, and is entitled to exercise the right to vote in equality with other citizens." Article 51.1 of the Constitution stipulates that the parliamentary elections shall be held on the basis of equal suffrage.

<sup>12</sup> Some OSCE/ODIHR EOM interlocutors expressed concern regarding the high threshold and its effect on pluralistic representation in parliament.

<sup>13</sup> See section I.3.3.1.b.ii of the [2002 Council of Europe's European Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters](#) which says that "The public authorities have a number of positive obligations; inter alia, they must enable voters to know the lists and candidates standing for election, for example through appropriate posting."

Parliamentary elections are primarily governed by the Constitution, the Constitutional Law on Elections (Election Law), the Law on Political Parties, as well as the Central Election Commission (CEC) regulations. Other applicable laws include the Law on Peaceful Assemblies, the Law on Mass Media, the Law on Communications, and the Law on Broadcasting, as well as relevant provisions of the Criminal Code, the Administrative Offenses Code and the Civil and Civil Procedures Codes.

Despite Kazakhstan's commitment to uphold standards for democratic elections and participation in a number of major international and regional instruments,<sup>14</sup> restrictive provisions, including those related to candidate eligibility and voting rights of prisoners, as well as restrictions on freedoms of assembly and expression remain in place. Significant reform of the legal framework for elections is needed for fundamental civil and political rights to meet OSCE commitments and other international obligations and standards for democratic elections.

Despite repeated statements of Kazakhstan authorities about implementation of most previous OSCE/ODIHR recommendations, there has been little effort to reform election legislation since the 2012 parliamentary elections and almost all OSCE/ODIHR recommendations remain unaddressed. The few changes to the Election Law adopted in 2015 were made to align it with changes in legislation on the court system and as part of a legislative initiative for institutional reform.<sup>15</sup> Positively, the CEC stated that it is preparing a comprehensive proposal of amendments to the Election Law to be considered in 2017 with a view to address previous OSCE/ODIHR recommendations.

*The legal framework should be comprehensively reviewed to bring it more closely in line with OSCE commitments and other international obligations and standards, as well as to address past and present OSCE/ODIHR electoral assessments and recommendations. Reform should be undertaken with open and broad consultation with all relevant stakeholders, including civil society, well in advance of the next elections.*

## V. ELECTION ADMINISTRATION

Elections were administered by the CEC, 16 Regional Election Commissions (RECs), 208 Territorial Election Commissions (TECs) and 9,840 Precinct Election Commissions (PECs).<sup>16</sup> Commissions at all levels have seven members appointed for a five-year term.

The CEC is a permanent body responsible for the implementation of election legislation and its uniform application. The CEC Chairperson and two members are appointed by the president, and the Senate and *Majilis* each appoint two members. The current CEC has six members, including two women; one position is vacant.<sup>17</sup>

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<sup>14</sup> Including the 1966 ICCPR, the 1979 Convention for Elimination of All Forms of Discrimination against Women (CEDAW), the 2003 United Nations Convention against Corruption (UNCAC), the 2006 Convention on the Rights of Persons with Disabilities (CRPD), and the 2002 CIS Convention. Since 2012, Kazakhstan is also a member of the Venice Commission.

<sup>15</sup> See the Law On Amending Constitutional Laws To Improve Civil Procedure Legislation from 31 July 2015 and the Law On Amending the Constitutional Law On Elections in the Republic of Kazakhstan from 18 November 2015.

<sup>16</sup> PECs included 65 out-of-country polling stations established in 51 diplomatic missions. RECs are formed at the *oblast* (region) administrative level: one in each of the 14 *oblasts*, and one in each of the cities of Astana and Almaty. TECs are formed at the level of *rayon* (district), city and city-district.

<sup>17</sup> The member was appointed by the President in 2008. He was released from his duties by presidential decree in October 2012 and in November 2012 appointed as the head of the *Majilis* secretariat.



All lower-level election commissions were formed by *Maslikhats* based on nominations from political parties contesting the elections and, in case of a shortfall, from public associations or higher-level election commissions.<sup>18</sup> As per the CEC data, 34 per cent of REC members and 25 per cent of REC chairpersons, as well as 46 per cent of TEC members and 27 per cent of TEC chairpersons are women. More than 70 per cent of the PEC members in the polling stations observed were women.

By law, each party is entitled to one seat on a given commission; *Maslikhats*, however are not bound by nominations of political parties when forming election commissions. Moreover, the law does not ensure that party representation in commissions must be upheld during the turnover of commissioners. In some lower-level election commissions visited by the OSCE/ODIHR EOM, all members affiliated themselves with *Nur Otan*.<sup>19</sup> In several other instances commissioners were unaware of the organizations they represented.<sup>20</sup> The *de facto* over-representation of *Nur Otan* in election commissions is at odds with the aim of the Election Law, which entitles each party to one seat on lower-level election commissions, and raises concerns regarding the impartiality and integrity of commissions provided for by international standards.<sup>21</sup> A perceived lack of impartiality negatively affected the confidence of stakeholders in the election administration.

Some OSCE/ODIHR EOM interlocutors expressed concern that the formation of election commissions lacked transparency.<sup>22</sup> In some cases, even though the NSDP submitted nominations for membership of RECs and TECs, they informed the OSCE/ODIHR EOM that none of its nominees were elected by the respective *Maslikhats*.<sup>23</sup> This resulted in NSDP being largely under-represented countrywide including in executive positions in RECs and TECs.<sup>24</sup>

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<sup>18</sup> Political party nominees are not required to be members of the nominating party. The Election Law also sets incompatibility criteria for the membership of election commissions, by which deputies, candidates, judges as well as some other civil servants cannot serve in commissions. In one instance, observers noted that secretary of Stepnogorsk city TEC was running as a candidate for local elections, which is prohibited by Article 20.12.2 of the Election Law.

<sup>19</sup> The OSCE/ODIHR EOM was informed that in some instances commissioners were members of *Nur Otan* while being nominated by other organizations. This was the case in Mamlyut TEC in North Kazakhstan *oblast*, Karakiya TEC, Ridder and Semey city TECs in East Kazakhstan *oblast*.

<sup>20</sup> Astana city TEC, Astana city district TEC, Glubokoe and Oskemen TECs in East Kazakhstan *oblast*, Ertis, Kashir and Pavlodar TECs in Pavlodar *oblast*.

<sup>21</sup> Paragraph 20 of the 1996 UN Human Rights Council (UNHRC) General Comment No. 25 to the ICCPR requires that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” Paragraph II.3.3.1.e of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters recommends that “Political parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body.” Under Article 19.2(j) of the 2002 CIS Convention, the State parties undertook an obligation “to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and independent obligations of the state.”

<sup>22</sup> Commission members could not accurately describe the procedure for the appointment of election commissions and some of them could not state what criteria were used by the *Maslikhats* when electing commissioners or replacing them. Article 7.1 (a) and (b) of the 2003 UNCAC highlight the importance of adopting necessary measures by State Parties, including strengthening of recruitment systems of civil servants, with adequate procedures for the selection based on principles of efficiency, transparency and objective criteria.

<sup>23</sup> Such cases were reported to the OSCE/ODIHR EOM in Aktobe, Almaty, Karaganda, Mangystau and Zhambyl *oblasts*. The *Nur Otan* holds an overwhelming majority in the *Maslikhats* throughout the country. In several instances the *Maslikhats* stated that the NSDP did not submit sufficiently qualified candidates. Article 25 (c) of the 1966 ICCPR states that: “Every citizen shall have the right to have access, on general terms of equality, to public service in his country.”

<sup>24</sup> According to the CEC data from 19 February, 62 per cent of members represent different parties, while the remaining 38 per cent were nominated either by public associations or higher-level election commissions. The parties have the following representation: *Nur Otan* (214 members), CPPK (193 members), *Ak Zhol* (193 members), *Birlik* (191 members), *Auyl* (189 members), NSDP (26 members).

*The law should be amended and clarified to effectively guarantee equitable representation of contesting political parties in election commissions, including by providing for a transparent appointment process with objective criteria devoid of political consideration and mandating that party representation be maintained when commissioners are replaced.*

The OSCE/ODIHR EOM was informed of up to nine cases in which complaints were filed about the composition of lower-level election commissions. Regrettably, further information on the complaints could not be provided by the CEC or the General Prosecutor's office.<sup>25</sup>

In over 20 per cent of election commissions visited by the OSCE/ODIHR EOM, the leadership of the commissions were also supervisors of commission members in their regular jobs. In addition, in several instances, election commissioners held administrative positions either in local executive or representative bodies.<sup>26</sup> Undue influence from local authorities over the work of election commissions also raises concerns regarding their independence.

*Measures to safeguard the independence of election commissions could be taken, particularly to address potential conflict of interests when hierarchical employment relations are replicated in the composition of PECs.*

Technical preparations for the elections were administered efficiently and within legal deadlines. The CEC was generally forthcoming with information for the OSCE/ODIHR EOM. The CEC sessions were open to and regularly attended by observers, media and political party representatives. Since the announcement of the elections, the CEC adopted and posted on its website a number of decisions. Conversely, lower-level election commissions held sessions on an ad-hoc basis without informing stakeholders, which limited the transparency of the process.<sup>27</sup> On election day and the days following, observers were not provided with requested information. Namely, in a number of polling stations, observers were denied access to voter lists as well as details regarding unused and used absentee voting certificates. In other cases observers were not provided with TEC protocols.

Lower-level election commissions were trained by higher-level election commissions with the use of print and video materials produced by the CEC. The methodology used during the trainings varied and ranged from theatre-style lecturing to interactive tools. Closer to election day, PECs participated in trainings focusing on election day procedures, counting and completion of the results protocols. Several stages of trainings notwithstanding, the actions of lower-level election commissions on election day were indicative of intentional malpractice (*see Election Day section*).<sup>28</sup>

The CEC produced a range of informative voter education and awareness videos including on voter registration, voting procedures, as well as on participation of persons with disabilities, which were regularly aired on various TV channels in both Kazakh and Russian languages.

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<sup>25</sup> The CEC and Prosecutor's offices registered complaints on the composition of election commissions as matters related to the *Maslikhat* elections, and they were therefore not shared with the OSCE/ODIHR EOM.

<sup>26</sup> Such cases were observed at REC, TEC and PEC levels in Almaty city, Aktobe, Akmola, Atyrau, East Kazakhstan, Karaganda, Kostanai and Kyzylorda *oblasts*.

<sup>27</sup> OSCE/ODIHR observers were not able to attend any lower-level election commission sessions. Some commission members informed the OSCE/ODIHR EOM that session discussions concerned only commissioners. Article 20.1 of the Election Law stipulates that election commissions shall act based on principles of collegiality, publicity and transparency. Article 10 of the 2003 UNCAC states that: "The State Party shall, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision making processes."

<sup>28</sup> Article 19 of the 2003 UNCAC underscores the importance of promoting integrity, accountability and proper management of public affairs by the State Parties.

## VI. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except those declared incompetent by a court or those serving prison sentences, irrespective of the gravity of the crime.<sup>29</sup> This blanket provision poses a disproportionate restriction that is at odds with international standards, OSCE commitments and good practice.<sup>30</sup> The number of registered voters was 9,810,852, including 14,013 abroad.

*The restriction of suffrage rights of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. Disenfranchisement of persons with mental disabilities should not be based on the blanket restriction but rather on a case-by-case consideration by the court, depending on specific circumstances.*

Voter registration is passive, with the nationwide electronic voter register maintained by the CEC.<sup>31</sup> Voter lists were compiled based on voters' place of residence and printed by the *Akimats* (local administration). *Akimats* receive data on voters from institutions contributing to the population register and the information collected through door-to-door visits.<sup>32</sup> The information is further submitted to the CEC for verification against the nationwide voter register after which the CEC sends the data on duplicates and other errors to the respective *Akimat* for further clarification. The role of the CEC is limited to verification of entries submitted by the *Akimats* thereby rendering it dependant on the quality of the work performed at the local level.

Some interlocutors informed the OSCE/ODIHR EOM that over the course of several elections they are consistently absent from the voter list despite their registration on election day. This, as well as the scale of additions of voters on election day, indicate deficiencies in the voter registration system or in the verification mechanism that remain unaddressed for a long period of time.

*Consideration could be given to creating a centralized and streamlined system between the relevant institutions to directly exchange and correct data in the nationwide voter register in a timely manner.*

Voters who wished to vote in a location different from their place of permanent residence could do so by requesting a temporary change of registration up to 30 days prior to election day. As of 4 March, voters could review the voter lists and request PEC members to correct discrepancies in their records.<sup>33</sup> Voters could also check their registration details and the location of their polling stations on the Internet. Since voter lists are compiled and delivered to polling stations two weeks before election

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<sup>29</sup> Article 26 of the 1996 ICCPR states that: "All persons, regardless of their status, are equal before the law and that the law shall prohibit any discrimination and guarantee equal and effective protection against discrimination on any grounds". Article 29 of the 2006 UN CRPD requires states to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others".

<sup>30</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will "guarantee universal and equal suffrage to adult citizens" while Paragraph 24 states that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." Paragraph I.1.1.1.d.iii of the 2002 Venice Commission's Code of Good Practice in Electoral Matters states that the deprivation of the right to vote must be subject to the proportionality principle. [Paragraph 14 of the 1996 UNHRC General Comment No. 25 to the ICCPR](#) states that grounds for the deprivation of voting rights should be "objective and reasonable".

<sup>31</sup> The electronic register is part of the Electronic Electoral System (EES), which is currently used only for the purposes of facilitating compilation of voter lists. According to the CEC, the electronic register is connected to the State Population Register maintained by the MoJ.

<sup>32</sup> These institutions include: branches of the Ministry of Interior, MoJ and Prosecutor Office, heads of health and medical centers, detention centers, communal services, heads of educational institutions and captains of ships.

<sup>33</sup> Voter lists established in special polling stations in rest-homes, various medical centres, hard-to-reach places, distant pastures, detention centres, representative offices of the Republic of Kazakhstan abroad, and on ships sailing on election day, as well as in military units, are posted five days before election day.

day, any additions at the level of the polling station during the scrutiny period and on election day are not subject to systematic centralized verification.

*To enable authorities to reflect changes in the voter register, consideration should be given to delivering final voter lists to polling stations closer to election day.*

As of two weeks before election day, voters could also apply for an Absentee Voting Certificate (AVC) that allowed them to vote in any polling station outside the city, town or village where they are registered. The polling stations were to retain the AVCs on election day when adding such voters to the voter lists. However, in 18 per cent of observations, polling stations did not follow this rule to safeguard against possible multiple voting. In addition, during the closing of polling stations, in more than half of the observations, PECs did not follow other procedures related to AVCs.<sup>34</sup>

Voters could register on election day based on a certificate of residence issued by the Citizen Service Centre.<sup>35</sup> Even though commissioners could verify voters' whereabouts by contacting Citizen Service Centres, OSCE/ODIHR EOM observers reported that on election day such verification with the central system was not consistently conducted, which could lead to multiple registrations.<sup>36</sup> Although, most OSCE/ODIHR EOM interlocutors did not express concerns regarding the accuracy of the voter lists, serious procedural irregularities on election day, including voters added to the voter lists without presenting documents foreseen by the law, underscore the importance of departing from the practice of election day registration, in line with previous OSCE/ODIHR recommendations.<sup>37</sup>

*Consideration could be given to removing the possibility for voters to register on election day. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements, subject to judicial control.*

## VII. CANDIDATE REGISTRATION

To participate in the elections political parties must be registered with the MoJ in accordance with the Law on Political Parties. To be registered, a political party must have at least 40,000 members, with at least 600 members per branches in every *oblast* and cities of Astana and Almaty.<sup>38</sup> A number of OSCE/ODIHR EOM interlocutors noted that these requirements do not encourage political pluralism.

Registered voters who are at least 25 years old and have permanently resided in the country for the last ten years can stand for election, except those with an unexpunged criminal record and those found guilty of a corruption offence. Self-nominated independent candidates and the formation of electoral

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<sup>34</sup> In over 50 per cent of observations, PECs did not announce total number of AVCs received and cancelled, neither was number of absentee voters determined in those cases.

<sup>35</sup> The Citizen Service Center falls under the Ministry of Investment and Development. There is one such center in each administrative level, such as village, city, rayon and territory.

<sup>36</sup> Verification by the PECs with Citizen Service Centers was not consistently conducted in Almaty district in Astana City and Mangystau *oblast*. Article 25.3 of the Election Law stipulates that a citizen can only be included in one voter list.

<sup>37</sup> Section 1.2.iv of the 2002 Venice Commission's Code of Good Practice in Electoral Matters states that "there should be an administrative procedure – subject to judicial control – or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day."

<sup>38</sup> Article 10.6 of the Law on Political Parties.

blocs are not permitted.<sup>39</sup> These restrictions on candidacy rights are contrary to the 1990 OSCE Copenhagen Document, other international standards and good practice.<sup>40</sup>

*Independent candidates should be allowed to stand for parliamentary elections.*

Candidate registration, notwithstanding restrictions within the current legal framework, was inclusive. The CEC registered all 234 candidates nominated by six political parties through nationwide party lists by the legal deadline of 19 February. Parties were required to submit a variety of registration documents including the biographies and statements of consent of the candidates, as well as their income and property declarations.<sup>41</sup> Registration documents had to be accompanied by a monetary deposit of 15 times the minimum salary (a total of some EUR 850) for each candidate in the party list.<sup>42</sup> The NSDP informed the OSCE/ODIHR EOM that it did not nominate more candidates as it could not afford the required deposit. Of the 234 registered candidates, 47 (20 per cent) were women.

The Election Law does not contain a gender quota or other temporary special measures to enhance participation of women in the elections.<sup>43</sup> There were 28 (26.1 per cent) women deputies in the outgoing *Majilis* and 3 (6.4 per cent) women in the Senate. Twenty seven women (25.2 per cent) were elected deputies in the new *Majilis*.

*Consideration should be given to adopting temporary special measures to enhance participation of women.*

Separate from the publication of the decision of the registration of the party lists, there is no obligation on the election administration to provide voters with the opportunity to familiarize themselves with candidates on the party lists. OSCE/ODIHR EOM observers found in practice that voters had little to no information about the candidates.<sup>44</sup>

*To facilitate voters' informed choice, consideration should be given to providing additional information to the general public on the candidates in the party lists.*

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<sup>39</sup> The CEC received two requests from citizens wishing to be registered as independent candidates.

<sup>40</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States will respect the right of citizens to seek political or public office without discrimination. Paragraph I.1.1.1.d.iii. of the 2002 Venice Commission's Code of Good Practice in Electoral Matters states that the proportionality principle must be observed when depriving an individual of the right to be elected. See also paragraphs 15 and 17 of the 1996 General Comment No.25 to the ICCPR which state that "any restrictions on the right to stand for election...must be justifiable on objective and reasonable criteria" and that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties." Article 3.4 of the 2002 CIS Convention states that "every citizen should have equal legal possibilities to propose him/herself as a candidate in elections."

<sup>41</sup> Parties also had to submit documents confirming payment of the electoral deposit, the extract from the minutes of the party's supreme body confirming its decision to nominate the candidate, accompanied by the political party's registration certificate and a certificate confirming candidates' party membership.

<sup>42</sup> Parties that reached the 7 per cent threshold in previous elections are exempt from the electoral deposit while parties that received 3 to 5 and 5 to 7 per cent of votes, are entitled to 30 and 50 per cent reduction of the deposit respectively. Electoral deposits are refunded to political parties that pass the 7 per cent threshold.

<sup>43</sup> Paragraph 23 of the 1990 OSCE Istanbul Document commits participating States to "making equality between men and women an integral part of our policies". Article 4.1 of the CEDAW states that the adoption "of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination". Article 22 of the 1997 CEDAW Committee General Recommendation No.23 states that "political parties must embrace the principle of equal opportunity and democracy and endeavour to balance the number of male and female candidates".

<sup>44</sup> Paragraph 11 of the UN HRC General Comment 25 says that: "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."

Following the lottery held by the CEC on 16 February, the order of the parties on the ballot was determined as follows: *Nur Otan* (127 candidates, including 30 women), CPPK (22 candidates – 4 women), *Ak Zhol* (35 candidates – 6 women), *Birlik* (8 candidates – 1 woman), NSDP (23 candidates – 4 women), *Auyl* (19 candidates – 2 women).

## VIII. ELECTION CAMPAIGN

The official campaign commenced on 20 February, the day after the close of candidate registration, and concluded on 18 March at midnight. Overall, the campaign was low key and characterized by a lack of substantive and genuine debate among candidates, although candidates' activities slightly increased closer to election day. Many OSCE/ODIHR EOM interlocutors noted that the campaign for local elections was more dynamic.

While the participation of six parties appeared to provide political variety and choice, the parties' campaign platforms and rhetoric were complementary rather than competitive and aligned with the President's long-term strategies. Most contestants refrained from challenging the ruling party or proposing political alternatives, thus limiting voters' genuine political choice.<sup>45</sup> Most parties' campaigns addressed the economic challenges, creation of new jobs, public infrastructure, energy sector, environment and social stability, as well as the preservation of national and family values.<sup>46</sup> The NSDP was unique in questioning the policies of the ruling party and expressed concerns about the integrity of the electoral process.

The OSCE/ODIHR EOM did not receive any reports of interference in campaign activities. Despite previous OSCE/ODIHR recommendations and contrary to international standards, the legal framework continues to contain restrictive provisions, such as the obligation to ask for permission to hold an event 10 days in advance rather than provide a notification.<sup>47</sup> Notwithstanding this limitation, contestants were generally able to campaign freely. The OSCE/ODIHR EOM learned of four requests to hold outdoor campaign events being rejected by local authorities in Astana.

*The Law on Peaceful Assemblies should be amended to require a simple notification procedure, with appropriate exceptions for spontaneous assemblies, instead of the current authorization requirement.*

In paragraph 5.4 of the 1990 OSCE Copenhagen Document, participating States committed to ensuring a "clear separation between the State and political parties." The dominant position of the ruling party at all levels of government and administration has effectively blurred this distinction. A number of *Nur Otan* party offices are located in the same buildings as state and local government institutions. The ruling party benefited from the dual role and position of its chairperson. The

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<sup>45</sup> In paragraph 3 of the 1990 OSCE Copenhagen Document, participating States "recognise the importance of pluralism with regard to political organisations". Article 9.2 of the 2002 CIS Convention states: "Genuine elections shall ensure a real political pluralism". The President's long-term strategies are: [100 Concrete Steps to Implement Five Institutional Reforms](#) and [Nurly Zhol \(Bright Path\)](#).

<sup>46</sup> Some parties raised issues related to people with disabilities and called for ensuring equal rights for them.

<sup>47</sup> The Law on Peaceful Assemblies requires organizers to submit a request to hold a public event, including information about the nature and organizers of the event, to the relevant local authorities 10 days in advance. Paragraph 9.2 of the 1990 OSCE Copenhagen Document stipulates that "everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards." Article 21 of the 1966 ICCPR guarantees the right of peaceful assembly without undue restrictions. Paragraph 12 of the 1996 UNHRC General Comment No. 25 states: "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected." See also the [statement by the UN Special Rapporteur from 27 January 2015 on the right to freedom of peaceful assembly in Kazakhstan](#).

President, acting in his official capacity, on several occasions publicly endorsed *Nur Otan* and its achievements and called upon voters to vote for the party.<sup>48</sup>

*To enhance the integrity and public confidence in the electoral process, authorities should develop safeguards to ensure a clear separation between the state and party.*

Campaign tools used by most contestants included door-to-door canvassing and leafleting, small mobile street gatherings, indoor meetings and the use of party-reception centers where citizens were provided with advice on how to resolve their daily problems and informed of party activities. All parties had access to the places designated for posting materials. Most parties organized meetings with voters in state-run and private enterprises, in educational institutions, libraries and cultural centers.<sup>49</sup> Women played an active but less visible role in the campaign. At campaign events observed by the OSCE/ODIHR EOM, women comprised about a quarter of participants. Billboards, posters, and leaflets for *Nur Otan* were ubiquitous throughout the country, while those for *Ak Zhol*, *Auyl*, *Birlik*, *CPPK* and the *NSDP* were present to a lesser extent.<sup>50</sup> Social media were used by all parties and, due to financial constraints, were the prevailing tool employed by the *NSDP* to reach out to the voters.

## IX. CAMPAIGN FINANCE

For the election campaign, political parties can use their own funds and receive private campaign contributions. Citizens and organizations can contribute to a political party's campaign fund with the exception of state bodies or organizations, local self-government bodies, charitable organizations, religious associations, and legal entities with foreign stock in their charter capital. Anonymous and foreign donations are also forbidden. The total amount that can be spent on a party's campaign is KZT 342,885,000 (approximately EUR 888,000).<sup>51</sup> Political parties are obliged to open a dedicated bank account to manage campaign contributions and expenditures.<sup>52</sup>

The bank reports to the CEC on a weekly basis on account activities. In a welcome development, following August 2015 amendments to a CEC resolution, the CEC is now obliged to publish campaign finance overviews twice a month in the campaign period. For these elections, the CEC published two overviews on 3 and 16 March.<sup>53</sup> However, these only provided the total amounts received and spent per party. The lack of information on donors and how the funds were spent negatively impacted on voters' ability to make an informed choice.

In addition to bank reports to the CEC, political parties are required to submit a report on all campaign finances within five days of the announcement of election results. On the basis of these reports the CEC published an overview of the total amount received by each party and the sources of those funds.<sup>54</sup> The law is silent on the content or format of campaign finance reports and therefore there is

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<sup>48</sup> On 4 March during a meeting with women on the occasion of Women's Day in Astana; on 9 March during the Republican Forum of the APK in Uralsk; on 10 March during a Republican Youth Forum in Aktobe; on 17 March during the Republican Forum of Workers' Collectives in Pavlodar. On 1 March, the occasion of the newly-introduced "Day of Gratitude" was jointly celebrated with the 17th anniversary of *Nur Otan* in Astana.

<sup>49</sup> In total, the OSCE/ODIHR EOM observed 23 campaign events.

<sup>50</sup> As of 11 March, *Nur Otan* displayed new campaign billboards and televised spots with the image of the President alongside the party slogans.

<sup>51</sup> During the course of the election campaign, 1 EUR was approximately 380 TNG (Kazakhstani Tenge).

<sup>52</sup> The Election Law stipulates de-registration of the party list as a sanction for violation of campaign finance rules.

<sup>53</sup> See the [first](#) and second [overview](#) published by the CEC that provide only the total amounts of funds collected per party. Article 12.5 of the 2002 CIS Convention states that political parties shall submit information on their donors and the use of campaign funds and the electoral bodies shall publish this information.

<sup>54</sup> See the [CEC final overview](#) published on 4 April.

no obligation on the CEC to fully disclose the sources of funding and detail the expenditures of the parties. This further limited the transparency of campaign finances.<sup>55</sup>

*To enhance transparency, detailed and standardized campaign finance reports could be considered, including full data on the sources of funding and the expenditures. Such reports should be publicly available and posted on the CEC website.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

The media environment has over recent years been characterized by a lack of independent sources and a restrictive legislative framework that have profoundly challenged freedom of expression and stifled public debate. The OSCE RFoM has on several occasions expressed concerns about media developments, including closures and suspensions of media outlets, disproportionate and excessive penalties for administrative violations, as well as prosecutions of journalists and independent voices, all of which has further limited pluralism of opinion.<sup>56</sup>

The state exercises its influence over media through a widespread system of public tenders (*goszakaz*) administered by central and local authorities to implement state informational policy. Thus, despite a large number of outlets, the media do not offer diverse viewpoints, in particular in the realm of television that serves as the main source of information, especially in rural areas. Access to the Internet, including to social networks that offer alternative political opinions is growing mainly amongst the younger and urban population. However, sanctions, including blocking access to websites and prosecution of social network users endanger political discourse in the online domain.

### **B. LEGAL FRAMEWORK**

While the Constitution guarantees freedom of expression and prohibits censorship, the legal framework for media contains a number of restrictive provisions. Contrary to the OSCE/ODIHR recommendations and calls from the OSCE RFoM, the Criminal Code retains penalties for defamation and insult and provides special protection for the president and his family and public officials. The Code also contains a provision on incitement of social, national and religious discord, and on spreading false information, with a penalty of up to 20 and 10 years of imprisonment, respectively. These restrictions, combined with frequently used provisions on defamation under the Civil Code that can carry substantial fines, result in a legal framework that induces self-censorship and limits the constitutional guarantee of freedom of speech.<sup>57</sup>

The 2012 Law on Broadcasting sets out a general legal framework in which the key role is held by the government through an authorized body entrusted with the implementation of the state's informational

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<sup>55</sup> Article 7.3 of the 2003 [UNCAC](#) states that, "Each State Party shall also consider taking appropriate legislative and administrative measures, ... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." See also the 2011 OSCE/ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) paras 201-206.

<sup>56</sup> See OSCE RFoM Regular Report to the OSCE Permanent Council from [10 March 2016](#) and statements from [26 January 2016](#), [26 December 2015](#), [27 October 2015](#) and [25 September 2015](#). On 22 February, the owner of private news agency KazTAG and the Board Chairman of the Union of Journalists of Kazakhstan was detained based on accusations of tax-fraud and embezzlement of state funds. More than 400 journalists supported [the statement of Adil Soz](#), an Almaty-based foundation for freedom of speech, requesting the General Prosecutor to ensure a transparent investigation.

<sup>57</sup> In 2015, as a potentially mitigating measure, the Tax Code was amended to oblige a complainant to pay a submission fee based on the amount to be claimed as compensation in civil defamation cases.



policy. This Committee for Communication, Informatization and Information (Media Committee) under the Ministry of Investment and Development is responsible for overseeing broadcast media and granting broadcasting licenses. While the law provides for broad discretionary powers of the Media Committee, it contains very few specific procedures for their execution and does not provide for public accountability of the oversight body.

A 2009 amendment to the Mass Media Law classified websites (including blogs, chat rooms, and web forums) as regular mass media outlets, thus rendering them subject to media-related regulations and sanctions. Further, a 2014 amendment to the Law on Communications allows the prosecutor to temporarily shut down websites if they distribute information ‘harmful’ to individuals, society and the state, or contain calls for ‘extremist’ activities.<sup>58</sup> Furthermore, the Election Law requires media to abstain from distributing information “discrediting the honor, dignity and professional reputation of a candidate” which makes any criticism of a candidate by other contestants or the media difficult.

The Election Law obliges media to present objective campaign coverage and guarantees political parties equal access. Before the official start of the campaign, the CEC issued two sets of guidelines on how to interpret various provisions of the Election Law, one of which was partly and another entirely devoted to the campaign in the media.<sup>59</sup> In addition, the CEC declared that its 2007 regulation on rules of election campaign coverage in the media remains valid. Based on the latter, the CEC reiterated that any contestant-related campaign information outside of daily news reports and their weekly summaries was to be paid for from the party’s campaign fund.<sup>60</sup>

*With a view to safeguard editorial independence, the legal framework could be revised to allow broadcasters to decide on the format and conditions of election-related programming and to achieve a better balance between the contestant-related information that is to be paid from the campaign fund and a comprehensive and meaningful election media reporting.*

The law provides the opportunity for paid advertising without any limitation, apart from those imposed by the overall campaign expenditure limit. While there is no free airtime or space provided to contestants, the law obliges the CEC to organize free of charge debates for parties that put forward their party lists.

*The obligation to organize pre-election debates could be placed on state-funded channels instead of the CEC. The legal framework should be amended to guarantee contestants additional free of charge coverage by the state-funded media to ensure a more level playing field and more substantial voter information.*

The CEC was responsible for overseeing media compliance and performed this task in co-operation with the Media Committee. Its analytical department monitored the quantitative coverage of contesting parties across traditional media outlets (47 television channels, 12 radio stations and 237 newspapers and magazines) and numerous online sources (162 political and social websites). The monitoring did not carry out analysis of the content or the tone of the coverage. As publicly reported by the CEC prior to election day, no serious media violations were found. However, there was no report issued for the last week of the campaign, nor was there a final, summarizing report.<sup>61</sup>

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<sup>58</sup> In recent months, several trials have taken place and bloggers and journalists have been convicted on charges of ‘incitement of interethnic discord’ or propagating ‘separatism’ online and in social media.

<sup>59</sup> [The guidelines](#), issued in the form of questions and answers, were published on 13 and 20 February. Both documents were updated during the campaign.

<sup>60</sup> The CEC decided that comments on social networks are an expression of personal views, rather than campaigning, and thus did not need to be paid for from the party’s campaign fund.

<sup>61</sup> The CEC published two press releases concerning media monitoring findings – on [3 March](#) (covering the period until 2 March) and on [16 March](#) (until 14 March).



### C. MEDIA MONITORING FINDINGS

According to the OSCE/ODIHR EOM media monitoring results, the campaign's was visible in the nationwide media and on social networks while the local media largely dedicated its attention to the *Maslikhat* contests.<sup>62</sup> Contestants were provided equal access to the state-funded media. At the same time, the President was extensively covered in his official capacity, thus benefiting the ruling party. The OSCE/ODIHR EOM learned about the Media Plan provided by the Media Committee to major media on a regular basis with a list of important political events.<sup>63</sup> Such practice raises doubts about the editorial independence of state-funded media and was manifested by the very similar manner in which they presented political and campaign related events.

Based on the CEC's narrow interpretation of the law concerning equal access, contestants used paid political advertisement, however journalistic coverage of the campaign was limited to factual news reports and articles.<sup>64</sup> As a result, an editorial, in-depth, comprehensive analysis that would provide voters with a meaningful opportunity to learn about parties and concrete policy proposals within news or in different types of programmes was absent.

On 16 March, the CEC organized one televised debate aired by *Khabar TV* with the participation of all contesting parties.<sup>65</sup> Yet, the formalistic format of the debate did not provide for an interactive exchange of views which reduced its informational value. The lack of opportunity to address questions and comments to decision-makers, including to the ruling party on its performance while in office, contributed to the general absence of critical and analytical media reporting.

During the campaign period, media covered all contending parties, with a noticeable effort of state-funded outlets to meet formal requirements to provide equal access. However, extensive reporting of the President's activities, including regular work and ceremonial occasions, dominated most of the media. Altogether, the amount of coverage received by the President on each channel was approximately three times as much as the coverage provided to each contesting party. The state-funded broadcasters dedicated between 27 and 43 per cent of their political prime time news to the President.<sup>66</sup>

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<sup>62</sup> On 20 February, the OSCE/ODIHR EOM commenced qualitative and quantitative monitoring of 14 media outlets. The monitoring included seven TV channels: *Kazakhstan TV*, *Khabar TV*, *24KZ* (state-funded broadcasters), *First Eurasian Channel* (state-funded joint-venture company), *Astana TV*, *Channel 31* and *KTK* (private channels); one radio station, *Kazakh Radio* (state-funded); and six newspapers: *Egemen Kazakhstan*, *Kazakhstanskaya Pravda* (state-funded), *Karavan*, *Liter*, *Vremya* and *Zhas Alash* (private newspapers). OSCE/ODIHR EOM also observed election-related coverage in the online media, such as [www.informburo.kz](http://www.informburo.kz), [www.nur.kz](http://www.nur.kz), [www.tengrinews.kz](http://www.tengrinews.kz), [www.zakon.kz](http://www.zakon.kz), and [www.365info.kz](http://www.365info.kz).

<sup>63</sup> The OSCE/ODIHR EOM was informed by some media outlets that the Media Plan served as a guideline and framework for the coverage of political events and was prepared in conjunction with the Service of the Central Communication by the President (SCK), a body under the control of the Presidential Administration.

<sup>64</sup> State-funded *Kazakhstan TV* and *Khabar TV* aired spots of all contesting parties. NSDP placed paid advertisements only on those two channels, *Ak Zhol*, *Auyl*, *Birlik* and CPPK on three channels and *Nur Otan* purchased advertising spots on all seven monitored channels. For the last week of the campaign the party featured spots with party chairperson Nursultan Nazarbayev.

<sup>65</sup> The OSCE/ODIHR EOM learned that the debate was organized in co-operation with the SCK, while the body has no formal role in the process.

<sup>66</sup> *First Eurasian Channel* dedicated 43 per cent of its news coverage to the President in his institutional capacity, *24KZ* – 35 per cent, *Kazakh Radio* and *Khabar TV* – 33 per cent, and *Kazakhstan TV* – 27 per cent. All of this coverage was in positive or neutral tone.

As for the contestants, the media provided them with between less than 0.5 and 10 per cent of their news coverage.<sup>67</sup> Both state-funded newspapers adopted a similar approach.<sup>68</sup> The coverage of most parties was positive or neutral, with *Nur Otan* was presented in an overwhelmingly positive manner, often directly linked with achievements of the President's strategies. In comparison to the coverage of other contestants, state-funded channels rarely gave the NSDP leader an opportunity to speak, often depicted speakers from a distance and generally focused on technical aspects of the party's campaign, such as itineraries of meetings and the number of leaflets distributed, rather than on its platform.<sup>69</sup>

On 4 March, the NSDP complained to the CEC about the manner in which three state-funded broadcasters covered its campaign events. The party claimed that the channels intended to downplay the NSDP and its candidates. In a verbal response on 5 March, the CEC clarified that the coverage of the channel was in compliance with the legal requirements. OSCE/ODIHR EOM monitoring findings nevertheless indicated that the coverage on state-funded channels improved as of 10 March for a week, but were again distorted in the last two days of the campaign.

Most of the other monitored media presented the campaign in a cautious way, with an overwhelming portion of the coverage dedicated to official bodies, including the President, rather than the contesting parties. This was visible in virtually all online media analysed by the OSCE/ODIHR EOM, where the share of authorities-related information was around 90 per cent, with the President presented most positively.<sup>70</sup> *Channel 31* and online [www.informburo.kz](http://www.informburo.kz) offered a noticeably different reflection of the election campaign with more focus devoted to contestants, and with a generally balanced coverage, including critical information on their account. The newspaper *Zhas Alash* was the only monitored outlet that presented a highly critical portrayal of the ruling authorities, including the President.

## XI. PARTICIPATION OF NATIONAL MINORITIES

According to the census conducted in Kazakhstan in 2009, Kazakhs constitute the largest ethnic group (63.1 per cent), followed by Russians (23.7 per cent), Uzbeks (2.9 per cent), Ukrainians (2.1 per cent), Uyghur (1.4 per cent), Tatars (1.3 per cent), Germans (1.1 per cent), and other groups.

The Constitution and Law on Languages provide that Kazakh is the State language, Russian should be used on an equal basis alongside it in public administration bodies, and other languages should be promoted. Election, voter education and campaign materials were provided in Kazakh and Russian languages, but were not observed by the OSCE/ODIHR EOM in minority languages.

Following the non-discrimination principles inscribed in the legal framework, the Election Law does not require data on ethnic origin for the registration of candidates to the Majilis, except for the nine

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<sup>67</sup> *Khabar TV* dedicated 10 per cent of its news coverage to *Nur Otan*, 9 per cent to each *Ak Zhol*, *Ayul* and *CPPK*, and 8 per cent to each *Birlik* and *NSDP*. Other state-funded broadcasters split their news coverage in the following way: *Kazakhstan TV – Ayul* and *CPPK* 9 per cent each, *Ak Zhol*, *Birlik* and *NSDP* 8 per cent each, *Nur Otan* 7 per cent; *Channel KZ24 – Ak Zhol*, *Ayul*, *Birlik*, *CPPK* and *NSDP* 7 per cent each, and *Nur Otan* 6 per cent; *Kazakh Radio – 4* per cent to each contestant; *First Eurasian Channel – Nur Otan* 3 per cent, other contestants received less than 0.5 per cent each.

<sup>68</sup> *Egemen Kazakhstanana* dedicated 26 per cent of its political news coverage to the President, 11 per cent to *Nur Otan*, 6 per cent to each *Ayul* and *Birlik*, and 5 per cent to each *Ak Zhol*, *CPPK* and *NSDP*. *Kazakhstanskaya Pravda* dedicated 18 per cent of its political news coverage to the President, 9 per cent to *Nur Otan*, 8 per cent to each *Ak Zhol*, *Ayul* and *CPPK*, 7 per cent to *Birlik*, and 6 per cent to *NSDP*.

<sup>69</sup> In addition, on 9 March the NSDP requested *Khabar TV* to broadcast its paid spot. However, the channel asked to edit the language of the spot and started to air it during the prime time from 15 March. The spot was aired six days after the initial request, even though the media's internal regulation provides for a four-day advance notice.

<sup>70</sup> In [www.zakon.kz](http://www.zakon.kz) it was 96 per cent, in [www.365.info.kz](http://www.365.info.kz) 92 per cent, in [www.nur.kz](http://www.nur.kz) 91 per cent, and in [www.tengrinews.kz](http://www.tengrinews.kz) 90 per cent.

candidates nominated by the APK. Therefore, candidate lists did not include details on the ethnic origin of each of the candidates. However, the CEC did issue press releases stating how many ethnic groups were represented in some party lists.<sup>71</sup>

Regarding the determination and publication of election results, the Election Law indicates that ethnic origin should only be published at the discretion of candidates. There are also no legal requirements regarding the disaggregation of data on ethnic origin for the election commission members. However, the CEC did collect such data for RECs and TECs.<sup>72</sup>

Consideration could be given to amending the legal framework so as to provide for the collection and limited sharing of disaggregated data on ethnic origin of all election candidates and election administration members, while respecting non-discrimination and privacy principles.

Most party programmes supported inter-ethnic harmony. Nur Otan, Ak Zhol and Birlik also stressed equality for ethnic groups, CPPK opposed ethnic discrimination and called for inclusive citizenship. NSDP and Auyl pledged to revive the Kazakh language, national identity, traditions and culture. However, national minority issues were not visibly raised in the campaign by any political party. The election campaign was preceded by a public declaration by President Nazarbayev in support of official use of the Russian language.

## XII. COMPLAINTS AND APPEALS

The law provides sufficient opportunity for voters and parties to bring complaints about the electoral process before the courts, higher-level commissions and prosecutors. However, the law limits the right to appeal final election results to the president, one fifth of the members of parliament, speakers of both houses of parliament, and the prime minister. This leaves the contestants without the opportunity to challenge the validity of the results and is not in line with international standards.<sup>73</sup>

*The Election Law should be amended to allow voters to directly appeal the election results in their constituency and all electoral contenders to appeal the final results with the Constitutional Council.*

All electoral participants could file complaints about the decisions, actions or inactions of the election commissions or local authorities, as well as violations of the law. Complaints have to be brought within ten days of the alleged violation. Commissions and courts must generally review matters within five days or immediately if the complaint is submitted less than five days before the election.<sup>74</sup> Recent amendments to the election law addressed previous ambiguities and clarified that the Supreme Court has jurisdiction over all appeals of CEC decisions.<sup>75</sup> The few complaints filed during the campaign were promptly addressed by courts and prosecutors. One case was filed with the Supreme Court, and

<sup>71</sup> See the CEC press release from [9 February 2016](#).

<sup>72</sup> According to this data, 80.5 per cent of members of all RECs and TECs were ethnic Kazakh, 14.5 per cent ethnic Russian, 2.5 per cent Ukrainian and 2.5 per cent were from other groups. The picture varied from region to region. See also the UN Committee on the Elimination of Racial Discrimination "[Concluding observations on the combined sixth and seventh periodic reports of Kazakhstan](#)" (CERD/C/KAZ/CO/6-7) from 14 March 2014.

<sup>73</sup> Under Article 2.3(a) of the ICCPR States obligated themselves "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity." See also Paragraph II.3.3.3.f of the 2002 Venice Commission's Code of Good Practice in Electoral Matters which says that "all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

<sup>74</sup> The law gives superior election commissions three days to review complaints about the decisions, actions or inactions of lower-level commissions.

<sup>75</sup> Supreme Court judges are nominated by the President and confirmed by the Senate.

prosecutors' offices around the country received a total of three allegations of election violations related to the *Majilis* elections.

The Election Law does not set out procedures for the consideration of complaints by the election commissions. Prior to election day, the CEC received 30 official letters regarding the *Majilis* elections, none of which were treated by the CEC as official complaints. Despite a number of letters being of a complaint nature, they were processed as requests for information, clarifications or proposals and were therefore not addressed collegially and publicly.<sup>76</sup>

*To ensure access to an effective remedy for all participants in the process, the Election Law should require that all matters of a dispute nature be treated as a complaint and explicitly set out procedures for the consideration of complaints and require that all disputes be reviewed in a collegial manner and that decisions be written, reasoned and made public.*

Neither the CEC, nor the Supreme Court or the General Prosecutor's Office, provided the OSCE/ODIHR EOM with information on the number and nature of complaints received regarding the *Maslikhat* elections, including those related to the formation or composition of election commissions. As a result, the OSCE/ODIHR EOM was unable to assess the impact the alleged violations had on the parliamentary elections, could not observe the handling of these complaints or evaluate the effectiveness of their resolution.

On election day and the days immediately following, the CEC received 35 official letters regarding the voting, counting and tabulation process, 11 complaints were filed with courts throughout the country and prosecutors' offices received 21 allegations of election violations. In only one case did the courts or prosecutors find factual basis for the complaint and decide in favour of the complainant.

The transparency of the dispute resolution process and observer access to detailed information on the number, nature and resolution of complaints significantly decreased after election day. Despite repeated requests, the CEC did not provide the OSCE/ODIHR EOM with information on the nature of complaints received on election day or details on the resolution of these matters. NSDP copied the OSCE/ODIHR EOM on 51 complaints submitted to the CEC and the Prosecutor General's Office; allegations included *inter alia* multiple voting, allowing voters to vote without proper identification and obstruction of observation. The CEC did not publish any information on the resolution of election day complaints either.

*As a confidence building measure, the transparency of the dispute resolution process should be enhanced through the timely publication of information on complaints received by election commissions at all levels, their nature and resolution.*

### **XIII. ELECTION OBSERVATION**

The Election Law provides for citizen and international observation of elections. Citizen observers may be nominated by public associations and non-profit organizations. Political parties are entitled to have observers and proxies who enjoy similar rights, while the proxies can also request recounts of results in the polling station.

The Election Law explicitly gives the right to international observers to observe the entire electoral process, however this right is not guaranteed for citizen observers. Further, the law does not explicitly

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<sup>76</sup> Paragraph 5.11 of the 1990 OSCE Copenhagen Document provides that "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available".

oblige TECs and RECs to provide neither the international nor the citizen observers, with TEC or REC results protocols with detailed summary sheets necessary to effectively scrutinize the tabulation.

*The law should guarantee citizen observers the right to observe the entire electoral process and clearly stipulate that all observers be entitled to TEC and REC results protocols with detailed summary tables.*

The authorities extended open and unrestricted invitations to a number of international observer groups. Overall, the CEC accredited a total of 817 observers from the OSCE/ODIHR, the OSCE PA, PACE, the CIS, the Shanghai Cooperation Organization, the Parliamentary Assembly of Turkic-Speaking Countries, the Organization of Islamic Cooperation and several foreign countries. The OSCE/ODIHR EOM learned of a number of civil society organizations that observed the parliamentary elections both nationwide and regionally.

#### **XIV. ELECTION DAY**

On election day, serious procedural errors and irregularities were observed during voting, counting and tabulation. International observers were often prevented from following the process. On election day, the IEOM observed the opening of 145 polling stations, voting in 1,465 polling stations, the vote count in 143 polling stations and the tabulation in 126 out of 208 TECs.

Party observers were present in most polling stations observed, of which some 70 per cent represented *Nur Otan*. A high number of party observers were noted during opening, voting and counting and significantly fewer (14 per cent) during the tabulation. Similarly, citizen observers were present in more than half of the polling stations observed by the international observers but in only 7 per cent of TECs.

*Effective measures should be taken to prevent serious violations in order to improve the integrity of the voting, counting and tabulation process and guarantee the equality of the vote.*

##### **A. OPENING AND VOTING**

Most polling stations opened on time, were well equipped with all the necessary materials and the process was overall assessed positively. PECs followed most of the opening procedures, however, one third of the PECs did not count and announce the number of ballots received and in six cases ballot boxes were not properly sealed. While unauthorized people were noted in 20 cases, observers reported interference in one of them.

The voting process was assessed negatively in eight per cent of observations, which indicates significant procedural shortcomings and noted violations of the process. Observers noted indications of ballot box stuffing in 31 cases, series of seemingly identical signatures on the voter lists (210 cases), group voting (80 cases), proxy voting (48 cases), and improperly sealed ballot boxes (67 cases).

Although most of the voting procedures were adhered to by PECs, observers reported that some important procedures were not always followed. These included: not signing ballots before they were issued to voters (8 per cent), rendering them invalid when counted; voters not marking their ballots in secrecy or their choice being visible when casting the ballot (6 per cent); PEC not checking voters' IDs (4 per cent) and allowing voters to vote without proper IDs (2 per cent). Contrary to the law, in 62 polling stations observed, PECs accepted requests for mobile voting after the legal deadline. Unauthorized persons, including police, local authorities and other unidentified people, were present

in 10 per cent of polling stations observed, and in 24 cases they were directing the PECs or interfering with their work.

Many observer teams were not allowed to fully scrutinize the voter lists. In the instances when they were allowed to do so, observers noted serious procedural irregularities. In 45 cases, PEC members pre-signed the voter lists without issuing ballots to voters or voters signed the voter lists only once when more than one ballot was issued for parliamentary and local elections.<sup>77</sup> IEOM observers also noted a series of identical signatures, proxy voting and a relatively low number of signatures on the lists as compared to the turnout figures provided to them by the PECs. The CEC announced voter turnout at two-hour intervals culminating in a final figure of 77.1 per cent. The CEC turnout figures reported during election day show that many *oblasts* processed over 100 voters per hour in each polling station in the *oblast* within a given time period.<sup>78</sup> This raises significant concerns with regard to the turnout reported.

## B. COUNTING

Counting was assessed much more negatively than voting with nearly half of the observations noting serious violations. In the majority of counts, observers linked significant procedural errors or omissions either to poor understanding of the procedures by the PECs (in about one third of observations) or to deliberate falsification (one in ten of the counts observed). With an array of irregularities observed, an honest count required by paragraph 7.4 of the 1990 OSCE Copenhagen Document could not be safeguarded.<sup>79</sup>

Following the opening of the ballot boxes by the PECs, IEOM observers noted eleven cases of ballot box stuffing. During counting, PECs largely failed to follow the reconciliation procedures that would ensure consistency and reliability of the count. Frequently, invalid ballots were either not determined reasonably (28 per cent) or consistently (26 per cent), and contested ballots were not decided by voting. In a vast majority of observations, PECs did not use the control equations to cross-check the figures and had difficulties completing protocols.

IEOM observers noted that important procedures during the closing and counting were largely not followed by the PECs. In more than half of the counts observed, the numbers of voters in the voter lists, signatures on the voter list, ballot papers issued to voters, and absentee voters were not announced. Additionally, PECs did not cancel unused ballots in nearly one third of counts observed and did not announce the number of unused ballots in around half of the counts observed.

Transparency of the count was further compromised as observers were prevented from seeing the

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<sup>77</sup> [Paragraph 11 of the 1996 UNHRC General Comment No. 25 to the ICCPR](#) states that any abusive interference with registration or voting should be prohibited by penal law and those laws should be strictly enforced. Some 45 observations were reported by observers mostly from Almaty City, Astana City, Akmola, Atyrau, East Kazakhstan, South Kazakhstan, and West Kazakhstan *oblasts*.

<sup>78</sup> Turnout in Almaty *oblast* increased from 23.2 to 57.6 per cent between 10:00 and 12:00; an increase of 34.4 percentage points. South Kazakhstan at 12:00 had 33 per cent turnout and at 14:00 it had risen to 68.8 per cent, an increase of 35.8 per centage points in two hours. During this period, 208 voters voted per hour in South Kazakhstan *oblast* or 3.5 voters per minute. As an example, Atyrau *oblast*, with total number of voters around 300.000 who voted at 234 polling stations, had a turnout of 11.8 per cent at 10:00 and 45.2 per cent at 12:00, an increase of 33.2 percentage points; in this period, 100,688 voters reportedly voted in Atyrau *oblast*, equivalent to an average of 215 voters per hour in each polling station making it necessary for the polling staff to process each voter in some 17 seconds. There is a very large discrepancy between these numbers and number of voters who voted during IEOM observers presence at the visited polling stations.

<sup>79</sup> Paragraph 7.4 of the 1990 OSCE Copenhagen Document commits participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public.”

voters' marks on the ballots in almost half of the counts observed and in the vast majority of cases PECs did not announce the choice of the voter as expressed on each ballot. In addition, in approximately one third of observations a copy of the protocol was not posted in the PEC premises, as required by law.

### C. TABULATION AND ANNOUNCEMENT OF RESULTS

The tabulation process was assessed negatively in 27 out of 126 TECs observed. The negative assessment was linked to procedural violations and a lack of transparency. Premises and conditions were inadequate in one fifth of observed TECs, which at times negatively affected observation. In addition, IEOM observers reported that in 33 TECs they did not have a clear view of procedures or that tabulation was conducted in several rooms thereby preventing meaningful observation. This also potentially negatively affected the ability of the TEC members to oversee the process.

IEOM observers reported that in one third of observations PEC protocols were changed without a formal decision of the TEC and that figures did not reconcile correctly in protocols in one fifth of TECs visited. PECs often completed the results protocols at the TECs, contrary to the law.

The OSCE/ODIHR EOM obtained 138 and 77 copies of PEC and TEC results protocols respectively and 26 TEC summary tables (forms used by TECs, RECs and the CEC to assist in the calculation of result figures prior to their inclusion into the protocols). Regrettably, in many cases, TECs refused to provide IEOM observers with summary tables and consequently, the OSCE/ODIHR EOM was not able to fully cross-reference all PEC and TEC protocols. Nevertheless, in the few instances where PEC results protocols were compared against the available summary tables and their respective TEC protocols the OSCE/ODIHR EOM noted that votes were reshuffled among different parties.<sup>80</sup>

The CEC announced preliminary results on 21 March and approved final results the following day. *Nur Otan* obtained 82.20 per cent of the votes and received 84 mandates (of them, 20 were awarded to female candidates), *Ak Zhol* received 7.18 per cent and 7 mandates (3 for female candidates), and *CPPK* received 7.14 per cent and 7 mandates (2 for female candidates).<sup>81</sup> The CEC only published summaries of final results for all regions and the cities of Astana and Almaty on its website, did not provide results by polling station or summary tables from TECs, RECs, or the CEC.<sup>82</sup> The overall processing of results lacked transparency as the ability for stakeholders to verify PEC protocol information was limited.

*As previously recommended, to enhance transparency and confidence, election results should be published disaggregated by district and polling station, including the number of registered voters and those who voted, as well as the number of votes cast for each party. The CEC could publish such data on its website immediately after submission of PEC protocols.*

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<sup>80</sup> Votes were subtracted from NSDP, Birlik and Auyl and added to Nur Otan, CPPK and Ak Zhol; or votes were subtracted from Nur Otan and added to CPPK and Ak Zhol.

<sup>81</sup> In addition, two women were nominated by the APK.

<sup>82</sup> Paragraph 19 of the 2011 General Comment No. 34 to Article 19 of the 1966 ICCPR states that "State parties should proactively put in public domain Government information of public interest. State parties should make every effort to ensure easy, prompt, effective and practical access to such information". Paragraph 20 of the 1996 General Comment No.25 to Article 25 of the ICCPR states that "[...] There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes." Article 10 of the 2003 UNCAC states that State Party shall, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision making processes.



## **XV. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Kazakhstan and to support efforts to bring them fully in line with OSCE commitments and other international standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Kazakhstan to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>83</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework should be comprehensively reviewed to bring it more closely with OSCE commitments and other international obligations and standards, as well as to address past and present OSCE/ODIHR electoral assessments and recommendations. Reform should be undertaken with open and broad consultation with all relevant stakeholders, including civil society, well in advance of the next elections.
2. The legislation should be revised to ensure that all seats in at least one chamber of the parliament are freely contested in a popular vote, as provided for by the OSCE commitments, also with a view to fully protect the equality of the vote.
3. The law should be amended and clarified to effectively guarantee equitable representation of contesting political parties in election commissions, including by providing for a transparent appointment process with objective criteria devoid of political consideration and mandating that party representation be maintained when commissioners are replaced.
4. Consideration could be given to creating a centralized and streamlined system between the relevant institutions to directly exchange and correct data in the nationwide voter register in a timely manner.
5. Consideration should be given to adopting temporary special measures to enhance participation of women.
6. Independent candidates should be allowed to stand for parliamentary elections.
7. With a view to safeguard editorial independence, the legal framework could be revised to allow broadcasters to decide on the format and conditions of election-related programming and to achieve a better balance between the contestant-related information that is to be paid from the campaign fund and a comprehensive and meaningful election media reporting.
8. The law should guarantee citizen observers the right to observe the entire electoral process and clearly stipulate that all observers be entitled to TEC and REC results protocols with detailed summary tables.
9. To ensure access to an effective remedy for all participants in the process, the Election Law should require that all matters of a dispute nature be treated as a complaint and explicitly set out procedures for the consideration of complaints and require that all disputes be reviewed in a collegial manner and that decisions be written, reasoned and made public.

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<sup>83</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

10. Effective measures should be taken to prevent serious violations in order to improve the integrity of the voting, counting and tabulation process and guarantee the equality of the vote.

## **B. OTHER RECOMMENDATIONS**

### **Electoral System and Legal Framework**

11. The system by which seats are allocated to the candidates on the party lists could be revised to ensure that voters have sufficient information about who will represent the political party they choose.

### **Election Administration**

12. Measures to safeguard the independence of election commissions could be taken, particularly to address potential conflict of interests when hierarchical employment relations are replicated in the composition of PECs.

### **Voter Registration**

13. The restriction of suffrage rights of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. Disenfranchisement of persons with mental disabilities should not be based on the blanket restriction but rather on a case-by-case consideration by the court, depending on specific circumstances.
14. To enable authorities to reflect changes in the voter register, consideration should be given to delivering final voter lists to polling stations closer to election day.
15. Consideration could be given to removing the possibility for voters to register on election day. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements, subject to judicial control.

### **Candidate Registration**

16. To facilitate voters' informed choice, consideration should be given to providing additional information to the general public on the candidates in the party lists.

### **Election Campaign**

17. The Law on Peaceful Assemblies should be amended to require a simple notification procedure, with appropriate exceptions for spontaneous assemblies, instead of the current authorization requirement.
18. To enhance the integrity and public confidence in the electoral process, authorities should develop safeguards to ensure a clear separation between the state and party.

## **Campaign Finance**

19. To enhance transparency, detailed and standardized campaign finance reports could be considered, including full data on the sources of funding and the expenditures. Such reports should be publicly available and posted on the CEC website

## **Media**

20. The obligation to organize pre-election debates could be placed on state-funded channels instead of the CEC. The legal framework should be amended to guarantee contestants additional free of charge coverage by the state-funded media to ensure a more level playing field and more substantial voter information.

## **Participation of National Minorities**

21. Consideration could be given to amending the legal framework so as to provide for the collection and limited sharing of disaggregated data on ethnic origin of all election candidates and election administration members, while respecting non-discrimination and privacy principles.

## **Complaints and Appeals**

22. The Election Law should be amended to allow voters to directly appeal the election results in their constituency and all electoral contenders to appeal the final results with the Constitutional Council.
23. As a confidence building measure, the transparency of the dispute resolution process should be enhanced through the timely publication of information on complaints received by election commissions at all levels, their nature and resolution.

## **Election Day and Announcement of Results**

24. As previously recommended, to enhance transparency and confidence, election results should be published disaggregated by district and polling station, including the number of registered voters and those who voted, as well as the number of votes cast for each party. The CEC could publish such data on its website immediately after submission of PEC protocols.

**ANNEX I: FINAL ELECTION RESULTS<sup>84</sup>**

Total number of registered voters	9 810 852
Total number of voters who took part in elections	7 566 150
Turnout (percentage)	77.12 %

<b>Party Name</b>	<b>Valid votes</b>	<b>%</b>	<b>Mandates</b>
<i>Nur Otan</i>	6 183 757	82.2	84
<i>Ak Zhol</i>	540 406	7.18	7
<i>CPPK</i>	537 123	7.14	7
<i>Auyl</i>	151 285	2.01	0
<i>NSDP</i>	88 813	1.18	0
<i>Birlik</i>	21 484	0.29	0
<b>Total</b>	<b>7,522,868</b>	<b>100</b>	<b>98</b>

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<sup>84</sup> Source the CEC [website](#).

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### OSCE Parliamentary Assembly

Marietta	Tidei	Italy	Special Co-ordinator
Geir Jørgen	Bekkevold	Norway	Head of Delegation
Rouven	Ertlschweiger	Austria	MP
Roman	Haider	Austria	MP
Matthias	Kochl	Austria	MP
Christine	Muttonen	Austria	MP
Renate	Hufkens	Belgium	MP
A Diallo	Mampaka Mankamba	Belgium	MP
Desislava	Atanasova	Bulgaria	MP
Irena	Kotseva	Bulgaria	MP
Mihael	Zmajlovic	Croatia	MP
Zuzka	Bebarova-Rujbrova	Czech Republic	MP
Petr	Bratsky	Czech Republic	MP
Ivana	Dobesova	Czech Republic	MP
Jan	Hornik	Czech Republic	MP
Ladislav	Sincl	Czech Republic	MP
Rasmus	Jarlov	Denmark	MP
Mika	Raatikainen	Finland	MP
Michel	Voisin	France	MP
Elvira	Drobinski-Weiss	Germany	MP
Egon	Juettner	Germany	MP
Albert	Weiler	Germany	MP
Georgios	Varemenos	Greece	MP
Peter	Csizi	Hungary	MP
James	Walsh	Ireland	MP
Luigi	Compagna	Italy	MP
Sergio	Divina	Italy	MP
Guglielmo	Picchi	Italy	MP
Emanuele	Scagliusi	Italy	MP
Dritan	Abazovic	Montenegro	MP
Ola	Elvestuen	Norway	MP
Bard Andre	Hoksrud	Norway	MP
Elzbieta	Borowska	Poland	MP
Tomasz	Grodzki	Poland	MP
Jan	Lopata	Poland	MP
Bozena	Szydłowska	Poland	MP
Petru	Movila	Romania	MP
Doina	Silistru	Romania	MP
Iulian Radu	Surugiu	Romania	MP
Liudmila	Kozlova	Russian Federation	MP
Vesna	Vervega	Slovenia	MP
Margareta	Cederfelt	Sweden	MP
Dennis	Dioukarev	Sweden	MP
Lars Mejern	Larsson	Sweden	MP
Sena Nur	Celik	Turkey	MP
Ismail Emrah	Karayel	Turkey	MP
Lukas	Mussi	Austria	Staff of Delegation
Milovan	Petkovic	Croatia	Staff of Delegation
Ales	Jakubec	Czech Republic	Staff of Delegation
Anne-Cecile	Blauwblomme-Delcroix	France	Staff of Delegation
Georgios	Champouris	Greece	Staff of Delegation
Giuseppe	Trezza	Italy	Staff of Delegation
Vibeke	Greni	Norway	Staff of Delegation
Anca	Constantin	Romania	Staff of Delegation
Andrei-Gabriel	Popa	Romania	Staff of Delegation

Alexander	Pozdnyakov	Russian Federation	Staff of Delegation
Yasin	Karaarslan	Turkey	Staff of Delegation
Janice	Helwig	United States	US Helsinki Commission Staff
Andreas	Baker	Denmark	OSCE PA Secretariat
Farimah	Daftary	France	OSCE PA Secretariat
Loic	Poulain	France	OSCE PA Secretariat
Maria	Chepurina	Russian Federation	OSCE PA Secretariat
Iryna	Sabashuk	Ukraine	OSCE PA Secretariat

**Parliamentary Assembly of the Council of Europe**

Jordi	Xuclà	Spain	Head of Delegation
Marianne	Mikko	Estonia	MP
Marie-Christine	Dalloz	France	MP
Karin	Strenz	Germany	MP
Attila	Tilki	Hungary	MP
Karl	Garðarsson	Iceland	MP
Paolo	Corsini	Italy	MP
Ingebjørg	Godskesen	Norway	MP
Denis	Baykal	Turkey	MP
Erkan	Kandemir	Turkey	MP
Chemavon	Chahbazian	Armenia	Secretariat
Franck	Daeschler	France	Secretariat
Daniele	Gastl	France	Secretariat

**OSCE/ODIHR EOM Short-Term Observers**

Tamara	Hovnanyan	Armenia
Sedanna	Margaryan	Armenia
Kristina	Sargsyan	Armenia
Marc	Basel	Austria
Alice	Czimmermann	Austria
Philipp	Hermann	Austria
Peter	Klaus	Austria
Matthaeus	Radner	Austria
Sieglinde	Spanlang	Austria
Sonja Alice	Langenhaeck	Belgium
Kamen Spassov	Velichkov	Bulgaria
Taryn Stacy	Pecora	Canada
Ivona	Hola	Czech Republic
Alena	Obrusnikova	Czech Republic
Soeren Michael Jacobsen	Hastrup	Denmark
Birgit	Hjortlund	Denmark
Jørgen	Hoxer	Denmark
Soeren Bo	Husum	Denmark
Søren	Hvalkof	Denmark
Mads Høisgaard	Jørgensen	Denmark
Henrik	Karlsen	Denmark
Lise Malling	Olsen	Denmark
Jytte Vagner	Petersen	Denmark
Vibeke Munk	Petersen	Denmark
Lene Tybjerg	Schacke	Denmark
Karsten Thode	Skovgaard	Denmark
Ene Mii	Kuusk	Estonia
Maris	Tomingas	Estonia
Ville Antti	Lahti	Finland
Emmi Mari	Mäkelä	Finland
Anja Mariitta	Paajanen	Finland
Olli-Jukka	Paloneva	Finland
Niina Johanna	Sipinen	Finland

Mikko	Vauhkonen	Finland
Teodora	Popovska	former Yugoslav Republic of Macedonia
Julien	Dasso	France
Germain	Lautour	France
Marina	Bendeliani	Georgia
Giorgi	Ezugbaia	Georgia
Noureddine	Ahmane	Germany
Heike	Baddenhausen	Germany
Henning Georg	Bess	Germany
Peter August	Besselmann	Germany
Petra Maria	Bornhoeft	Germany
Gottfried	Bramer	Germany
Helmut Josef	Brocke	Germany
Christoph Johannes	Buerk	Germany
Catrin Annelie	Coch	Germany
Birgit	Daiber	Germany
Horst	Denecke	Germany
Matthias	Dornfeldt	Germany
Ino David	Fleischmann	Germany
Maximilian Ernst	Fritschen	Germany
Mendel	Goldstein	Germany
Sabine	Häußler	Germany
Arno Gregor	Huebner	Germany
Melanie	Koeller	Germany
Jutta Gisela	Krause	Germany
Jens Wilhelm	Kreibaum	Germany
Sandra Nicole	Langenbach	Germany
Cordula Albertine	Meckenstock	Germany
Heiko	Meinhardt	Germany
Carla	Merken	Germany
Dirk Daniel	Neumeister	Germany
Rainer Rudolf	Otter	Germany
Thomas Klaus	Oye	Germany
Detlev Andreas	Palluch	Germany
Karl Josef	Pammer	Germany
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Ingo Heye	Schiermeyer	Germany
Frank Michael	Schleehuber	Germany
Brigitte Hanna	Schmid	Germany
Anne Beate	Schroeter	Germany
Jenny	Schultz	Germany
Rolf	Thienemann	Germany
Robert	Werner	Germany
Juergen	Wintermeier	Germany
Johanna Elanor	Wolf	Germany
Richard Arthur	Zweig	Germany
Zoltan Ferenc	Balogh	Hungary
Ákos	Berzétei	Hungary
Krisztina	David-Bakos	Hungary
Katalin	Némedi	Hungary
Elza	Schönstein	Hungary
Ivett	Takács	Hungary
Eyrun	Magnusdottir	Iceland
Eric	Byrne	Ireland
Anne Mary	Choiseul	Ireland
Kevin	Cronin	Ireland
Mary	Dowling	Ireland
Cathal	Kelly	Ireland
Rebecca	Moynihan	Ireland
Taro	Furubayashi	Japan
Mariko	Tsunokake	Japan

Seung Ryeol	Kim	Korea, South
Gyeong Ha	Yoon	Korea, South
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Ganbold	Erdenebaatar	Mongolia
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Johannes Paulus	Huisman	Netherlands
Judith Irene	Lichtenberg	Netherlands
Maria Johanna	Lucas	Netherlands
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Bogdan Ovidiu	Biris	Romania
Adrian Ionut	Brîncoveanu	Romania
Maria Ramona	Carteleanu	Romania
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George Adrian	Lixandru	Romania
Cristina Elena	Marinescu	Romania
Elena Raluca	Neculaescu	Romania
Calin Constantin	Radu	Romania
Emilia-Raluca	Rosoga	Romania
Razvan	Rotundu	Romania
Daniela Mariana	Tane	Romania
Alexandru-Dan	Vasc	Romania
Maria Daniela	Voinea	Romania
Vladimir	Alexandrov	Russian Federation
Stepan	Anikeev	Russian Federation
Maria	Antipova	Russian Federation
Pavel	Artamonov	Russian Federation
Dmitry	Bagdulin	Russian Federation
Vladimir	Bakhtin	Russian Federation
Elena	Balandina	Russian Federation
Alexander	Belosheev	Russian Federation
Konstantin	Belyaev	Russian Federation
Kristina	Bogdanova	Russian Federation
Elizaveta	Borisova	Russian Federation
Violetta	Churakova	Russian Federation
Daniil	Devyatkin	Russian Federation
Alexey	Dorovskikh	Russian Federation
Vladislava	Fadeeva	Russian Federation
Anna	Gozhina	Russian Federation
Dmitry	Groshev	Russian Federation
Alena	Gudkova	Russian Federation
Konstantin	Guz	Russian Federation
Igor	Inyushkin	Russian Federation
Ivan	Ippolitov	Russian Federation
Nikita	Ivanov	Russian Federation
Vasilii	Koshkin	Russian Federation
Yulia	Kudeneeva	Russian Federation
Dmitry	Makarov	Russian Federation
Pavel	Maltsev	Russian Federation
Alexey	Mosin	Russian Federation
Roman	Nikishin	Russian Federation
Andrei	Osmakov	Russian Federation
Alexander	Pashedko	Russian Federation
Vsevolod	Perevozchikov	Russian Federation
Yuliana	Petrenko	Russian Federation
Andrey	Pikalev	Russian Federation
Denis	Piminov	Russian Federation
Yulia	Plokhova	Russian Federation
Stanislav	Pritchkin	Russian Federation
Aleksandr	Prusov	Russian Federation
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Roman	Saiko	Russian Federation
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Aleksandr	Shalak	Russian Federation
Alexander	Shamshurin	Russian Federation
Ekaterina	Shaumyan	Russian Federation
Vladimir	Sprinchan	Russian Federation
Kirill	Tarasov	Russian Federation
Svyatoslav	Terentyev	Russian Federation
Anastasia	Tsedenbal	Russian Federation
Yury	Tsvetkov	Russian Federation
Kudina	Tuaeva	Russian Federation
Ksenia	Verkholtantseva	Russian Federation
Dmitry	Vetrov	Russian Federation
Evgeny	Viktorov	Russian Federation
Maxim	Vladimirov	Russian Federation
Alexander	Vladychenko	Russian Federation
Filipp	Voskresenskii	Russian Federation
Petr	Yakhmenev	Russian Federation
Alexander	Zhurov	Russian Federation
Vsevolod	Zimin	Russian Federation
Olga	Zykova	Russian Federation
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Maria Rocío	Cotarelo Jimenez	Spain
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Nieves	Rodríguez López	Spain
Heinz	Bachmann	Switzerland
Leonard Romain	Beran	Switzerland
Raphaël	Berger	Switzerland
Matthias	Bosshard	Switzerland
Maja Barbara	Hürlimann	Switzerland
Fritz	Krebs	Switzerland
Laura Andrea	Merz	Switzerland
Olivia Anne-Laure	Zehnder	Switzerland
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Dominic Rupert	Howell	United Kingdom
Jessica Kay	Jambert-Gray	United Kingdom
Melanie Jane	Leathers	United Kingdom
Charmian	Leaver	United Kingdom
Stephen Spencer	Paul	United Kingdom
Bujar	Ajdari	United States
Syeda (Sameera)	Ali	United States
David	Cook	United States
Christopher	Damandl	United States
Courtney Anne	Gaul	United States
Sean	Gralton	United States
Anna	Koppel	United States
Noah	Lane	United States
Laura	Lockard	United States
Joseph	Mcdonagh	United States
Kathryn	Mclaughlin	United States
Ann	Merrill	United States
Douglas	Metz	United States
Steven (Mitch)	Moran	United States
Urania	Petit	United States
Jessica Leigh	Rodgers	United States
Kimberly	Schneider	United States
Gligor	Tashkovich	United States
Antoine	Terrar	United States

Ms. Jan	Tyler	United States
Daniel	Villegas	United States
Steven	Wagenseil	United States
Carol	Wahl	United States
Timothy	Wahl	United States
Melinda	Walker-Stateman	United States
Bobby	Watts	United States
Ernest	Wickersham	United States
Caroleen	Williams	United States
John	Winter	United States
Ethan	Yake	United States
Bradford	Hopewell	United States
Lynne	Madnick	United States
Andrew	Segars	United States
Meaghan	Tetrick	United States

## **Long-Term Observers**

### **OSCE/ODIHR EOM Core Team**

Boris	Frlec	Slovenia	Head of Mission
Jane	Kareski	former Yugoslav Republic of Macedonia	
Kakha	Inaishvili	Georgia	
Lela	Tsaava	Georgia	
Marc	Fumagalli	Italy	
Valeriu	Mija	Moldova	
Roman	Railean	Moldova	
Tomasz	Janczy	Poland	
Vadim	Zhdanovich	Russian Federation	
Masa	Janjusevic	Serbia	
Jelena	Stefanovic	Serbia	
Ivan	Godarsky	Slovakia	
Anders	Eriksson	Sweden	
Hans	Schmeets	The Netherlands	
Polyna	Lemos	United Kingdom	
Meaghan	Fitzgerald	United States	

### **OSCE/ODIHR Long-Term Observers**

Markus	Krottmayer	Austria
Merete	Laubjerg	Denmark
Henrik	Westerby	Denmark
Jorma Kalevi	Gardemeister	Finland
Ingmar Goesta	Hermansson	Finland
Iida Liisa	Merenmies	Finland
Adeline	Marquis	France
Franziska Maria	Best	Germany
Sarah Agnes	Bodens	Germany
Galina	Diran	Germany
Julian Georg	Doermann	Germany
Hartwig Guntram	Kaboth	Germany
Fergal Joseph	McCusker	Ireland
Alexander	Bedritskiy	Russian Federation
Dmitrii	Bogdanov	Russian Federation
Alexander	Kobriniski	Russian Federation
Evgeny	Loginov	Russian Federation
Mariet	Paranuk	Russian Federation
Miloš	Stojadinović	Serbia
Barbara Silva	Egger Maldonado	Switzerland
Alexandra	Von Arx	Switzerland

**OSCE/ODIHR Election Observation Mission Final Report**

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Stella Mary	Hellier	United Kingdom
Mark Burnidge	Waller	United Kingdom
Gregoire Maurice	Houel	United States
David Alen	Levine	United States
Margaret Eileen	O'Shea	United States

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).