



## **ELECTION OBSERVATION MISSION Republic of Kazakhstan – Early Parliamentary Elections, 19 March 2023**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 2023 early parliamentary elections were held in the context of reforms introduced to bring Kazakhstan closer to holding elections in line with international standards and OSCE commitments. Legal amendments addressed several prior ODIHR recommendations and increased choice for voters, but further changes to the legal framework are needed to provide a sufficient basis for conducting democratic elections. In particular, limits on the exercise of constitutionally guaranteed fundamental freedoms remain and some political groups continue to be prevented from participating as political parties in elections. While the elections brought elements of competitiveness into the political arena, diverse administrative obstacles negatively affected the equality of campaign opportunities for some self-nominated candidates. The practice of deregistration created uncertainty for candidates over their continued participation in the contest. Overall, contestants campaigned actively and freely, though superficial campaign coverage by the media and a lack of critical reporting due to widespread self-censorship reduced the ability of voters to make an informed choice. While the election administration handled preparations efficiently and voting was organized in a smooth manner overall, significant procedural irregularities were observed and important safeguards were often disregarded during counting and tabulation, undermining transparency of the process.

The electoral legal framework has been amended extensively since the last parliamentary elections, addressing several prior ODIHR recommendations, including ensuring that all seats in the *Majilis* are directly elected, allowing self-nominated candidates to contest elections, easing requirements for party registration and reducing the electoral threshold from 7 to 5 per cent. However, priority recommendations related to fundamental freedoms of peaceful assembly, expression, and media are yet to be implemented. The legal framework pertaining to a number of key aspects of the electoral process is still not fully consistent with international standards and OSCE commitments for democratic elections.

The electoral preparations were administered efficiently and within the established deadlines. The Central Election Commission (CEC) held regular live-streamed sessions and published its decisions promptly, in a demonstration of transparency. However, the fact that outcomes were discussed in advance of formal sessions detracted from the transparency of the decision-making process. In general, the training sessions organized for the lower-level commissions attended by the ODIHR Election Observation Mission (EOM) were well-organized and interactive, but counting and tabulation procedures were not always consistently and timely addressed. The CEC conducted an extensive and inclusive voter information campaign in Kazakh and Russian. Several welcome initiatives to facilitate access for persons with disabilities to the electoral process were implemented. A number of ODIHR EOM interlocutors expressed a lack of trust in the impartiality and independence of the work of lower-level election commissions based on the perception of an overall prevalence of members of the largest party, *Amanat*, in their composition.

Some 12 million voters were registered. No ODIHR EOM interlocutor raised major concerns about the accuracy and inclusiveness of the voter lists. Voter lists were available for public scrutiny. Voters not included in the voter list can be added on election day without adequate administrative safeguards or judicial oversight, contrary to international best practice. Restrictions on the right to vote for those

with an intellectual or psychological disability as declared by a court decision, as well as all prisoners, remain, contrary to international standards.

Recent changes, including the possibility for self-nominated candidates to stand in single-mandate districts, as well as revised registration requirements for political parties, increased the range of political options. Still, freedom of association is not yet fully guaranteed; undue administrative hurdles as well as broad discretionary powers during the party registration process and lack of judicial remedy remain of concern and still prevent some political groups from formal participation in elections. The 10-year residency requirement for candidates to stand is contrary to international standards. The election administration registered 7 party lists, with 281 candidates, for the proportional contest; and 435 candidates, including 359 self-nominated ones, in the majoritarian races.

Sanctions for violation of campaign and campaign finance rules are disproportionate, which is contrary to international standards, and include deregistration of candidates. The fact that deadlines for verification of candidate documentation were not aligned with the start of the official campaign resulted in uncertainty for some candidates about their status until the end of the campaign. In total, 54 majoritarian candidates were deregistered for early campaigning or based on discrepancies in their tax declarations.

Overall, contestants campaigned actively, with the largest party *Amanat* being the most prominent; visibility in rural areas was low. Party platforms and messages addressed a wide range of social and economic issues but were generally supportive of the President's reform agenda. The campaign was more dynamic and generated higher engagement in the majoritarian races in the main cities, and online, with some self-nominated candidates offering alternative programmes. In general, candidates avoided holding outdoor rallies; on some occasions, local authorities withheld authorisation for holding such events. No discriminatory rhetoric, including against national minorities, was reported to or observed by the ODIHR EOM.

Women remain underrepresented and measures to promote women's participation in public and political life are limited. There is a 30 per cent combined quota for women, youth and now also persons with disabilities, which applies to the distribution of seats. Women represented 29 per cent of the candidates in the proportional race and 20 per cent in the majoritarian ones. While party attempts to promote prominent women candidates were limited, a number of well-known women stood as self-nominated candidates. Gender issues did not notably feature in the campaign. Women are well-represented in the judiciary and lower-level election administration.

Legislation sets donation and expenditure limits for financing campaigns; introduction of caps for individual donations addressed a prior ODIHR recommendation. Recommendations related to financial disclosure and effective oversight are still not implemented. Several self-nominated candidates reported that diverse administrative obstacles, including the difficulties in opening of dedicated bank accounts and the burdensome and time-consuming mechanism for providing public subsidies for the campaign, negatively affected the equality of their campaign opportunities. Election commissions vested with campaign finance oversight do not conduct any audits and published only aggregate data on income of parties and candidates; as a result, voters did not have insight into the sources of contestants' financial support before election day.

Freedom of expression and media, guaranteed by the Constitution, is undermined by a restrictive legal framework, contrary to international standards. Such a legal framework deters independent critical reporting and contributes to widespread self-censorship. Numerous recent cases of intimidation and harassment of critical online journalists and bloggers remain of concern, even though some investigations by authorities took place. Most television channels monitored by the ODIHR EOM provided equitable, but only superficial coverage of the campaign activities of political parties in one

joint news item. This, combined with the limited news, investigative and analytical coverage did not facilitate voters' ability to make an informed choice. Coverage by most monitored online media largely focused on majoritarian candidates in the Almaty region and, to a lesser extent, on *Amanat*, providing limited coverage of other contestants. Positively, three televised debates, one organized by the CEC and two paid by the political parties, served as a platform for parties to present their views.

The law provides for resolving disputes within reasonable deadlines. Complaints and appeals may be submitted to commissions and courts via an electronic system, while court sessions can be attended online, facilitating access. In a positive development, judicial remedies were provided in several cases on candidate nomination and registration, restoring eligible candidates. However, the process of election dispute resolution both by election administration and the judiciary lacked transparency. Court decisions were not consistently published online on time. While the CEC keeps a database of complaints, decisions on complaints are not publicly available, and complaints are not discussed in public sessions.

The recently amended Election Law introduced for the first time a formal accreditation process for citizen observers, requiring a domestic organization to have election observation among its statutory activities. Overall, the accreditation of observers was inclusive.

Overall, election day was calm and orderly. Voting was efficiently organized and procedures were generally followed. Nevertheless, the International Election Observation Mission (IEOM) assessed counting negatively in 58 of the 128 polling stations observed due to significant procedural errors and omissions and disregard of reconciliation procedures. Meaningful observation by citizen and international observers was not always ensured due to restrictions during counting and tabulation processes. The transparency of the process was further undermined by the fact that no disaggregated election results at a regional or local level were published. IEOM observers consistently noted discrepancies between the number of voters casting their ballots and the officially reported preliminary turnout figures. Overall, the counting process raised questions about whether ballots were counted and reported honestly, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document.

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## PRELIMINARY FINDINGS

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### Background and Political Context

On 19 January, President Kassym-Jomart Tokayev announced early parliamentary elections for the lower chamber of parliament (*Majilis*) to be held on 19 March simultaneously with local elections for all levels of local councils (*Maslikhats*).<sup>1</sup> The elections followed the political turmoil and deadly violence of January 2022, the Constitutional referendum of 5 June 2022 and the early presidential election of 20 November 2022.<sup>2</sup> After the January events, the President, envisioning a new state model "New and Fair Kazakhstan", introduced a reform agenda for the "reset and renewal of all major political institutions: the President, the Parliament, and the Government" to be completed by mid-2023. The intended goal is to increase the number of political parties, strengthen political competition, and renew the composition of the *Majilis*.<sup>3</sup> The reform agenda takes place amidst increasing challenges for the country in relation to ongoing international political and economic concerns.

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<sup>1</sup> Kazakhstan has a bi-cameral parliament consisting of *Majilis* and an indirectly elected 50-member Senate. ODIHR EOM observed the *Maslikhat* elections only to the extent to which they impacted the parliamentary elections.

<sup>2</sup> In January 2022, demonstrations, initially caused by rising fuel prices, turned into nationwide demands for economic and political reforms. Official reports following the 'January events' referred to 238 deaths, including of 19 law enforcement officers. In the 2022 early presidential election, President Tokayev received 81.31 per cent of the vote.

<sup>3</sup> See the President's state of the nation [address](#) from 1 September 2022.

The opportunities for self-nominated candidates to stand in the single-mandate districts as well as the recent registration of two new political parties prompted broader public engagement and increased the range of political options in these elections. However, the ability of citizens to participate in political life in conformity with OSCE commitments and international standards, in particular regarding respect for fundamental freedoms of association, peaceful assembly and expression is yet to be fully guaranteed.<sup>4</sup> All seven registered political parties participated in the elections.<sup>5</sup>

While the Constitution prohibits gender-based discrimination, specific measures to promote women's political participation are limited, and women remain under-represented in public and political life. Women held 28 out of 107 seats in the outgoing *Majilis* and 3 out of 22 ministerial positions. All 20 posts of regional governors (*Akims*) are occupied by men. None of the political parties were headed by a woman. However, women are well-represented in the judiciary, as well as in lower-level election administration.

## Legal Framework and Electoral System

The legal framework for the parliamentary elections comprises the Constitution (last amended on 17 September 2022) and the Constitutional Law on Elections (Election Law, last amended on 5 November 2022).<sup>6</sup> Kazakhstan is a party to major international and regional instruments related to democratic elections. The electoral legal framework was amended extensively since the last parliamentary elections.<sup>7</sup> The vast majority of ODIHR EOM interlocutors welcomed the reforms, which also addressed several prior ODIHR recommendations, including reducing the electoral threshold from 7 to 5 per cent, ensuring that all seats in the *Majilis* are directly elected, allowing self-nominated candidates to contest elections and easing requirements for party registration. The time between the holding of the elections and the adoption of the amendments related to the administration of elections was short, departing from international good practice.<sup>8</sup>

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<sup>4</sup> While the legal requirements for party registration were eased recently, out of 23 political (initiative) groups that applied to be registered as political parties during 2022-23, only 2 parties were registered; 17 were rejected. For those rejected, no detailed reasons were communicated, citing personal data protection. According to 1996 UN HRC CCPR General Comment No.25 to ICCPR ([UN CCPR General Comment No. 25](#)), "citizens also take part in the conduct of public affairs [...] through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association". Paragraph 87 of the ODIHR and Venice Commission 2020 [Guidelines on Political Party Regulation](#) states "Grounds for denying party registration must be clearly stated in law and based on objective criteria. Where parties can be denied registration for administrative reasons [...], such administrative requirements must be reasonable and well known to parties". See also, *Party and Candidate Registration, Campaign and Media* sections.

<sup>5</sup> These are the three outgoing parties in parliament, *Amanat* (formerly *Nur Otan*) - 76 seats, the *Democratic Party Ak Zhol* - 12 seats, and the *People's Party of Kazakhstan* (PPK) - 10 seats. The *National Democratic Patriotic Party Auyyl*, and the *Nationwide Social-Democratic Party* (NSDP) also competed for seats along with the two new parties, *Baytaq* and *Respublika*.

<sup>6</sup> Relevant provisions of other laws include legislation related to media, Law on Peaceful Assemblies, Law on Political Parties, the Administrative Procedural Code and the Criminal Code.

<sup>7</sup> The constitutional amendments that changed the electoral system further impacted candidate registration, altered the structure and work of the election administration, including election day procedures, and modified campaign finance provisions. Other important novelties in the Election Law include the regulation of campaigning in social networks and the introduction of a formal accreditation procedure for citizen observers.

<sup>8</sup> The President set the date for early parliamentary elections less than five months after the key amendments changing the structure of the election administration. Section II.2.b of the Venice Commission Code of Good Practice in Electoral Matters states that "[t]he fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election".

Notwithstanding the recent reforms, the legal framework still retains a number of shortcomings, including disproportionate sanctions for campaign and campaign finance violations, limitations to the right to stand and the suffrage rights of persons with disabilities, as well as shortcomings related to the transparency of campaign finance and publication of disaggregated election results.<sup>9</sup> Previous ODIHR priority recommendations relating to fundamental freedoms of peaceful assembly, expression, and media, remain unaddressed. The legal framework is thus still not fully consistent with international standards and OSCE commitments pertaining to democratic elections.

Following the 2022 constitutional reform, the *Majilis* became a fully directly elected chamber comprising 98 members elected under a newly introduced mixed electoral system. Two-thirds of the chamber (69 seats) are elected in a single nationwide electoral district based on a closed-list proportional system, with a 5 per cent electoral threshold; and, 29 members are elected in single-mandate electoral districts under a one-round majoritarian plurality system (first-past-the-post).

The Central Election Commission (CEC) delineated the 29 single-mandate electoral districts in December 2022. However, the number of voters per electoral district varies significantly, which is at odds with international good practice.<sup>10</sup> The CEC explained the variations by differences in population density as well as historical reasons, such as different sizes of administrative regions.

## Election Administration

A four-level structure of election commissions administered the parliamentary elections: the CEC; 20 regional Territorial Election Commissions (TECs)<sup>11</sup> and 16 District Election Commissions (DECs)<sup>12</sup>; 220 district and city TECs; and, 10,223 Precinct Election Commissions (PECs).<sup>13</sup> The CEC is a permanent body. As of 1 January 2023, all regional TEC members, as well as the chairpersons, deputies and secretaries of district and city TECs work on a permanent professional basis. All election commissions are appointed for a five-year term. Women are well represented within the election administration, and two of the seven CEC commissioners and more than two-thirds of the members of lower-level commissions were women.

The president appoints the CEC chairperson and two members, while the two chambers of the parliament appoint two members each. The respective *Maslikhats* elect the members of TECs, DECs and PECs based on proposals received by registered political parties (one nominee to the respective election commission). In the absence of proposals from political parties within the prescribed deadlines, the *Maslikhats* elect commission members based on proposals from public organizations and higher-level election commissions. Nominated individuals do not have to be members of the proposing bodies, and *Maslikhats* may accept or reject individual nominations of any of the nominating bodies through a vote.

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<sup>9</sup> See, *Party and Candidate Registration, Campaign, Media and Campaign Finance* sections of the report.

<sup>10</sup> On 27 February, the CEC published the number of voters per electoral district. The smallest electoral district is the Ulytau *oblast*, with some 142,000 voters, whereas the largest is the Aktobe *oblast*, with some 562,590 voters. In 11 out of 29 electoral districts, the discrepancy from the average is higher than 15 per cent; in the smallest district, it is 65 per cent. Section 2.2.iv of the Venice Commission 2002 [Code of Good Practice](#) in Electoral Matters recommends that “The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”.

<sup>11</sup> One TEC for each of the 17 regions and the 3 cities of republican significance (Almaty, Astana, and Shymkent).

<sup>12</sup> The 16 DECs were established to administer the elections in the single-mandate electoral districts. In the remaining 13 single-mandate electoral districts where the territory of competence of a DEC coincides with that of a TEC of the same level, the DEC was not established, and the TEC performed its functions.

<sup>13</sup> There were 77 PECs established abroad for out-of-country voting.

Several ODIHR EOM interlocutors expressed a lack of trust in the impartiality and independence of the work of lower-level commissions based on their composition.<sup>14</sup> While by law political parties may nominate a maximum of one person per election commission, several TECs and DECAs visited by the ODIHR EOM had in practice more than one member affiliated with *Amanat*.<sup>15</sup>

Technical preparations were mostly conducted efficiently and within the established deadlines. The CEC held regular sessions attended by media, political parties, and state institutions and issued several resolutions supplementing the Election Law.<sup>16</sup> CEC sessions were live-streamed in Kazakh and Russian with simultaneous translation into sign language and decisions were published promptly. The CEC adopted resolutions unanimously without debate in public sessions with the outcomes agreed during working meetings before the official sessions. These working meetings were not accessible to the public, detracting from transparency of the decision-making process. Lower-level commissions carried out their duties efficiently and professionally. Nevertheless, ODIHR EOM long-term observers in most regions reported that election commission sessions were generally held *ad hoc* and at short notice, making it challenging for some stakeholders to attend these meetings.

The CEC implemented a nationwide cascade training programme for the lower-level election commissions as well as political parties, media and civil society organizations. The ODIHR EOM long-term observers assessed the training for the lower-level election commissions as interactive and well-organized. However, critical aspects of the electoral process, such as the counting and tabulation procedures, were not always consistently and timely addressed during the training sessions. Extensive and meaningful voter information in Kazakh and Russian was conducted through the CEC's website, YouTube and Telegram channels, public billboards and broadcast media, informing voters on the date of the elections and on several aspects of the electoral process.<sup>17</sup> The CEC undertook training with stakeholders to enhance the participation of persons with disabilities and its website was accessible to users with disabilities.

## Voter Registration

Citizens over the age of 18 have the right to vote, with the exception of those declared incompetent by a court decision as a consequence of intellectual or psychological disability and those serving a prison sentence, regardless of the gravity of the crime. Such restrictions are contrary to international standards.<sup>18</sup>

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<sup>14</sup> Paragraph 20 of the UN CCPR General Comment No.25 requires that “an 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”. The States parties to the [2002 CIS Convention](#), in Article 19.2 committed themselves “to ensure establishment of independent, impartial electoral bodies to organize the conduct of democratic free and fair, authentic and periodical elections”.

<sup>15</sup> Out of the 121 TECs visited by the ODIHR EOM, in 43 (36 per cent), *Amanat* party had more than 1 member. This was the case for instance in Aktobe, Almaty, Astana, Kostanay, and Pavlodar. Almost half of the commissioners in the TECs visited by the ODIHR EOM came from the public sector, which, in the opinion of several ODIHR EOM interlocutors is affiliated with *Amanat*. Neither *Baytaq* nor *Respublika* nominated members into the commissions.

<sup>16</sup> Civil society organizations can participate in the CEC sessions, but there is no obligation to invite them. The CEC informed the ODIHR EOM that they received no requests from civil society to attend public sessions.

<sup>17</sup> The CEC started its voter information campaign in the broadcast media on 27 January. A total of 11 different advertisements were broadcast most of them supplemented with sign language interpretation.

<sup>18</sup> See Articles 12 and 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). See also paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011, which states that Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. Paragraph 14 of the UN CCPR General Comment No.25 states that grounds for deprivation of voting rights should be “objective and reasonable”.

Voter registration is passive and based on permanent residency. Voter lists are compiled by the local executive bodies (*Akimats*) from state civil registry data twice a year. The *Akimats* submit the updated voter lists to the respective TECs, and TECs review the lists against the register of voters maintained by the CEC. *Akimats* submitted the updated voter lists to the PECs on 26 February. From 4 March, voter lists were available for public scrutiny at polling stations, allowing voters to verify their data and request corrections. As of 26 February, the CEC reported 12,032,550 registered voters. No ODIHR EOM interlocutor raised major concerns about the accuracy and inclusiveness of the voter lists.

No later than 30 days before election day, voters who could not vote in the polling station of their permanent residence could request from *Akimats* to be included in the relevant voter list at the place of their temporary residence.<sup>19</sup> Within 15 days of election day, voters could request an Absentee Voting Certificate (AVC), which allowed them to vote in any polling station outside their permanent residence. Mobile voting provisions were in place and special polling stations were set up in line with the law.<sup>20</sup> Voters not included in the voter list and who could prove their residence within a precinct can be added by the relevant PEC to the voter list on election day, without adequate administrative safeguards, or judicial oversight, contrary to international good practice.<sup>21</sup> Registration on election day was also possible at 188 polling stations countrywide to allow citizens without a registered address to exercise their right to vote.

### Party and Candidate Registration

Eligible voters aged 25 or older have the right to stand for parliamentary elections. Contrary to international standards, the Constitution requires a 10-year residency requirement for candidacy.<sup>22</sup> The Election Law disenfranchises persons found guilty of a corruption offence and those with an unexpunged criminal record, regardless of the crime committed.<sup>23</sup> In line with recent changes, self-nominated candidates were allowed to stand, partially addressing a previous ODIHR recommendation.<sup>24</sup>

Recently, the registration requirements for political parties were eased, partly addressing a previous ODIHR recommendation.<sup>25</sup> However, in practice, freedom of association is still not fully guaranteed and several political (initiative) groups that attempted registration before these elections, as well as the two newly registered political parties, reported to the ODIHR EOM significant administrative hurdles

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<sup>19</sup> As of 17 March 2023, 48,001 voters requested to change their polling station for election day.

<sup>20</sup> Mobile voting was possible based on a written application which could be submitted to the relevant PEC no later than 12:00 on election day, and permitted reasons included: a health condition, looking after a sick family member, or being in a remote or hard-to-reach location. Special polling stations were set up in rest homes, hospitals, other medical centres, remote locations, pre-trial detention facilities, consular offices and state agencies abroad, military units and ships at sea.

<sup>21</sup> Section 1.2.iv of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends that "polling stations should not be permitted to register voters on election day itself".

<sup>22</sup> Paragraph 15 of the UN CCPR General Comment No.25 states that "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation".

<sup>23</sup> Two rejected candidates initiated strategic litigation against such blanket restrictions to challenge this requirement at the newly established Constitutional Court. One of them was convicted for a critical Facebook post against the then *Nur Otan*, now *Amanat*. The conviction, additional punishment and the subsequent criminal record resulted in disenfranchisement for 5 years. The other candidate, convicted in 2016, is not eligible to run until February 2030.

<sup>24</sup> While only registered political parties could nominate candidates for the proportional race, candidates for the majoritarian contests were nominated by registered political parties, public associations, and citizens through self-nomination.

<sup>25</sup> The numerical requirements for party registration were reduced from 20,000 to 5,000 members. In addition, other requirements were lowered: forming a political party should be initiated by a group of 700 and not 1,000 people. The party should have regional branches with no less than 200 members instead of 600.

which give the authorities broad discretionary powers during the registration process, in addition to a lack of effective judicial remedy.<sup>26</sup>

The CEC registered the proportional lists, while TECs and DECAs were in charge of registering single-mandate candidates. By the legal deadline of 18 February, all seven registered political parties submitted their lists; all lists complied with the 30 per cent combined quota of women, youth, and persons with disabilities among the candidates. The CEC registered all 7 lists and they jointly comprised 281 nominated candidates, including 80 women (29 per cent). In the majoritarian races, 435 candidates, including 85 women (20 per cent), were registered; 359 were self-nominated.<sup>27</sup> According to the CEC, the candidates represented 10 different ethnicities.<sup>28</sup> In a positive development, timely judicial remedies were provided to some of the initially rejected applicants.<sup>29</sup>

The Election Law allows for deregistration of candidates for any violation of campaign and campaign finance rules, and contrary to international standards and good practice does not contain sufficient legal safeguards to prevent disproportionate sanctions or possibilities to rectify omissions.<sup>30</sup> To be registered, a financial deposit of KZT 1,050,000 (some EUR 2,165) must be paid for each candidate nominated on a party list or standing in a single-mandate district.<sup>31</sup> While not of concern to political parties, many single-mandate candidates considered this amount to be too high.<sup>32</sup> Three candidates who opted to fundraise in order to secure the funds for the deposit were prosecuted, fined and subsequently deregistered as such fundraising was qualified by the courts as early campaigning.<sup>33</sup> The Election Law extends deadlines for verification of tax declarations into the campaign period some two weeks after the registration deadlines, with candidates already having paid their deposits and invested in campaign materials.<sup>34</sup> The verification of candidates' documents after their registration created uncertainty over their continued participation in the contest.

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<sup>26</sup> *Baytaq* informed the ODIHR EOM that between 2019 and 2023, the party's application for registration was turned down 18 times. Also, the aspiring political party *Alga Kazakhstan* informed the ODIHR EOM that, since 2022, the Ministry of Justice (MoJ) did not accept their registration documents on 10 occasions citing alleged non-compliance with the Law on Political Parties. Citing personal data protection, the MoJ has not disclosed to the aspiring parties the names of individuals who allegedly did not meet the legal requirements for party membership. The administrative courts upheld this practice. The MoJ reported that four more parties had passed the first registration stage by submitting their initial documents.

<sup>27</sup> From an initial 609 nominees, 45 withdrew before being registered and 125 were denied registration due to procedural issues, such as an incomplete set of documents, failure to submit the election deposit, and cases of corruption.

<sup>28</sup> The Election Law does not require data on ethnic origin for the registration of candidates.

<sup>29</sup> The administrative courts remedied an initial narrow interpretation of the 10 years residency requirement by the election administration. A candidate under house arrest whose registration was initially refused was reinstated following a decision of the Supreme Court.

<sup>30</sup> For instance, campaign activities conducted before the official start of the campaign period or inaccurate reporting on assets and liabilities can lead to deregistration. A few candidates were deregistered for announcing their candidacy on social networks before the official start of the campaign.

<sup>31</sup> Political parties that achieved 5 per cent or more of the votes in the last parliamentary elections are exempt from paying the deposit. Those that received between 3 to 5 per cent of the votes have to pay half of the deposit, while those that received between 1 to 3 per cent have to pay 70 per cent. EUR 1 equals some KZT 474 (Kazakhstani Tenge).

<sup>32</sup> According to information [published](#) by the agency on Strategic Planning and Reforms, the average monthly wage in Kazakhstan is 338, 715 KZT. Paragraph 16 of the General Comment 25 to ICCPR states that “[c]onditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory”.

<sup>33</sup> See *Election Dispute Resolution* section.

<sup>34</sup> Although the *de-jure* deadline for candidate registration was 18 February, *de-facto*, the verification of candidates' documents continued even once registration was granted. One candidate was deregistered because the tax declaration of his wife was submitted in another country; another candidate did not declare privatization vouchers from Soviet times.



In total, 54 majoritarian candidates were deregistered; 7 for early campaigning and 47 based on discrepancies in their tax declarations; 33 withdrew.<sup>35</sup> Following the reinstatement of 22 deregistered candidates, the total number of majoritarian candidates on election day was 370. A number of ODIHR EOM interlocutors alleged that these cases of deregistration impacted mainly self-nominated candidates. The 2022 constitutional amendments also introduced the possibility of recalling a member of the *Majilis* elected in a single-mandate electoral district.

## Election Campaign

The official campaign period began on 18 February and ended at midnight on 17 March. The law prohibits campaign activities before the official start of the campaign, providing both fines, and deregistration as sanctions. On 18 February, following an initiative by *Amanat*, six registered parties signed a memorandum agreeing to conduct a fair campaign.<sup>36</sup>

With the participation of two new parties and the introduction of self-nominated candidates into the contest, the campaign overall was active, but visibility in rural areas was low.<sup>37</sup> In the proportional contest, all political parties campaigned across the country; nevertheless, the campaign and campaign messaging appeared more dynamic and open in the majoritarian race and in the main cities. The campaign was liveliest on social networks, in part due to several prominent activists, bloggers, journalists, and other influencers standing as candidates, but also due to lower funds needed for online campaigning when compared with the cost of traditional canvassing.<sup>38</sup> Nevertheless, voter interest in the parliamentary race remained low.

Campaigning was mostly conducted through visits to workplaces, small-scale indoor meetings,<sup>39</sup> canvassing door-to-door, billboards, posters, TV and social media advertisements in Kazakh and Russian, as well as limited outdoor activities. Among political parties, *Amanat* was the most prominent.<sup>40</sup> The practice of holding campaign events at workplaces raised concerns among several ODIHR EOM interlocutors about the potential pressure on employees.<sup>41</sup>

Party platforms and messages addressed a wide range of social and economic issues, but also including *inter alia* calls for political and economic reforms, the rule of law, good governance, the impact of the war caused by the Russian Federation's invasion of Ukraine, and national independence and sovereignty. Overall, the campaign was more competitive in the majoritarian race. Some self-nominated candidates openly questioned the political system, the ruling party and the President, occasionally offering alternative programmes, increasing the choice available to voters. Nevertheless, in the proportional campaign, parties by and large positioned themselves in support of the President's political vision and reform programme. Several self-nominated independent and opposition single-mandate candidates formed different blocs for campaigning purposes; one of them issued a joint manifesto.<sup>42</sup>

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<sup>35</sup> See also *Election Dispute Resolution* section.

<sup>36</sup> The NSDP did not sign the [memorandum](#) claiming such a document to be unnecessary if all respect the laws.

<sup>37</sup> Out of the 435 self-nominated candidates, 184 stood in Almaty and Astana electoral districts only.

<sup>38</sup> A number of self-nominated candidates raised concerns about the lack of resources for campaigning at their disposal, also given the large size of their electoral districts limiting access to voters. See also *Campaign Finance* section.

<sup>39</sup> Some large indoor events were organized by *Respublika* and *Amanat*, also in the form of concerts.

<sup>40</sup> Out of 40 indoor and 4 outdoor campaign events observed by ODIHR EOM, 34 were organized by political parties (*Amanat* 12, *Respublika* 7, PPK 6, *Ak Zhol* 4, *Auyl* 2, *Baytaq* 2, NSDP 1). Several single-mandate candidates informed the ODIHR EOM that they could not use the poster and billboard stands as the parties quickly occupied them.

<sup>41</sup> For instance, candidate and outgoing MP from PPK, Iryna Smirnova, [declared](#) in the party's Facebook page that her party was told not to meet teachers since the latter already got a "clear signal" to vote for the ruling party.

<sup>42</sup> This platform [promised](#) to become an alternative to the ruling party's majority in the parliament and called on citizens to give their votes to self-nominated candidates.

To hold an outdoor campaign event, by law, candidates should notify local authorities five days before the planned activity.<sup>43</sup> Further, the law reserves the right for *Akimats* to permit or refuse an event after receiving ‘notification’ on a broad list of grounds, against international standards on freedom of assembly.<sup>44</sup> No candidates belonging to political parties expressed concerns regarding their ability to campaign freely. Nevertheless, most party representatives and self-nominated candidates informed the ODIHR EOM that they would not hold outdoor rallies, while some believed such events were not allowed in practice.<sup>45</sup> On some occasions, *Akimats* did not authorise outdoor campaign events without offering alternative places and times.<sup>46</sup> Also, a few self-nominated candidates informed the ODIHR EOM that they faced challenges with access to indoor campaign venues and securing space for posting of campaign material,<sup>47</sup> whereas others stated that they did not consider indoor events as an effective campaign tool and preferred instead canvassing and social networks. Overall, the ODIHR EOM noted a lack of understanding of campaign and campaign finance regulations among several candidates.

The ODIHR EOM observed online campaigning by all parties, selected candidates and influencers on Facebook, Instagram, and YouTube. Instagram was the most used platform. Parties used their accounts to post original and repost their candidates’ content, mainly event videos, photos, and campaign posters. Among parties, *Respublika* and *Amanat* led in posting frequency and engagement. Among single-mandate candidates there was, in general, more dynamic and open engagement. Overall, the tone was neutral or positive in all races, with more genuinely critical content from some majoritarian candidates. Some prominent YouTube channels allocated space for electoral discussion and invited candidates for debates. Popular single-mandate candidates with many followers offered online space and promoted other self-nominated candidates, sometimes from their own electoral districts. Online posts by influencers focused, among others, on attacks on journalists and corruption.

Gender issues did not prominently feature in the campaign. While women were sometimes referred to in campaign speeches, it was mostly with reference to their roles as mothers and a proposed decrease in the retirement age for women, reflecting long-standing gender stereotypes.<sup>48</sup> At the same time, while party attempts to promote prominent women candidates were limited, a number of well-known women stood as self-nominated candidates. Women comprised around 49 per cent of attendees at 44 campaign events observed by the ODIHR EOM. During 17 events, women took an active role as speakers. Twenty campaign venues observed by the ODIHR EOM provided independent access for persons with disabilities. No discriminatory rhetoric against national minorities during the campaign was reported to or observed by the ODIHR EOM. Promotion of the Kazakh language and identity featured as a campaign topic of some contestants.

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<sup>43</sup> The legislation provides for specially designated places for such events.

<sup>44</sup> Paragraph 73 of 2020 [General comment No. 37 on the right of peaceful assembly \(Article 21\)](#) states that “notification regimes, for their part, must not in practice function as authorization systems”.

<sup>45</sup> Some small-scale outdoor rallies were held in Almaty on 19 February (self-nominated candidates), 4 March (NSDP), 10 March (PPK), and 9 March (*Ak Zhol*), and in Astana on 10 March (*Baytaq*) and 11 March (NSDP) and by a few self-nominated candidates in the regions. Among reasons for not holding outdoor rallies, the ODIHR EOM interlocutors raised bad weather conditions, lack of resources, and bureaucratic hurdles linked with authorization.

<sup>46</sup> The *Akimat* of Astana refused the holding of rallies on 5, 10, 11, 12 and 16 March by single-mandate candidates Amangeldy Dzhakhin and Marat Zhylanbayev (*Alga Kazakhstan*) citing existing bookings for those venues. Both candidates were later de-registered for early campaigning.

<sup>47</sup> Difficulties in accessing campaign premises allocated by *Akimats* were reported to the ODIHR EOM by self-nominated candidates among others in Almaty, Oskemen, Taraz and Turkistan.

<sup>48</sup> Women’s primary role as mothers was repeatedly highlighted also in relation to International Women’s Day.

## Campaign Finance

The financing of electoral campaigns is regulated in detail by the Election Law and supplemented by CEC resolutions. Recent amendments addressed a previous ODIHR recommendation introducing caps for individual donations.<sup>49</sup> Nevertheless, recommendations related to financial disclosure and effective oversight have not been implemented.

Political parties can fund their campaigns from their own sources and from donations from individuals and legal entities.<sup>50</sup> Candidates on party lists finance their campaigns through the electoral fund of their parties. Overall, political parties did not raise significant concerns with campaign finance regulations. Majoritarian candidates financed their campaigns from their own funds and from donations from citizens and organizations, including political parties, channelled through a mandatory campaign bank account.<sup>51</sup> Several majoritarian candidates informed the ODIHR EOM of difficulties in opening and operating the dedicated campaign accounts, which significantly delayed the start of their campaigns.<sup>52</sup> The legislation does not provide for a timely remedy against such delays, resulting in an inability for some candidates to use private funds and donations to finance their activities.<sup>53</sup>

The Election Law provides for public subsidies for self-nominated candidates that do not require a special account: candidates apply for these subsidies by submitting contracts and invoices with the service providers.<sup>54</sup> While candidates in general appreciated this funding mechanism, they considered the processing of payments too burdensome and time-consuming. In particular, several candidates were refused such payments until the verification of their tax declaration two weeks after the start of the campaign.<sup>55</sup> In addition, deregistered candidates are liable for public funds already spent. Overall, these diverse administrative obstacles negatively affected the equality of campaign opportunities in majoritarian races.

Election commissions are vested with oversight of campaign income and expenditure.<sup>56</sup> While the legal requirements enable the election administration to collect detailed information on party and candidate financial contributions and expenditure, election commissions do not conduct any audits, merely cross-checking data from reports with data submitted by the bank, making campaign finance oversight ineffective. The law provides for the publication of financial reports, however, only aggregated information on income for each contestant was published. As a result, voters did not have access to the sources of financial support for candidates before election day, reducing transparency.<sup>57</sup>

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<sup>49</sup> KZT 7 million for an individual; and KZT 35 million for organizations.

<sup>50</sup> A political party's own funds spent on the campaign should not exceed KZT 350 million, while the total amount of donations made by citizens and organizations may not exceed KZT 700 million.

<sup>51</sup> A candidate's own funds should not exceed KZT 14 million. The total amount of contributions from citizens and legal entities should not exceed KZT 35 million.

<sup>52</sup> For instance, a few candidates were denied opening of a bank account due to financial debts with other banks. While the campaign started on 18 February, the opening of some bank accounts was delayed until the deadline for verification of candidate tax declarations on 5 March.

<sup>53</sup> Candidates the ODIHR EOM met with explained their reluctance to submit formal complaints because the short electoral deadlines would not cover such complaints against bank decisions.

<sup>54</sup> Following a verification process, respective payments are made from the accounts of local executive bodies directly to service providers.

<sup>55</sup> In addition, some service providers declined to produce the materials and provide services prior to the receipt of payment, even though payment could be made within 10 days of the verification of documents.

<sup>56</sup> CEC is vested with the oversight of the proportional contest, while the TECs/ DEC's oversee the majoritarian race.

<sup>57</sup> A number of ODIHR EOM interlocutors suggested that some contestants ran as self-nominated candidates while receiving funds from political parties.

## Media

The media environment is significantly influenced by the state. While television remains a major source of political information, especially in rural areas, online media and social networks are becoming increasingly more popular in the main cities. There are no public broadcasters, only state owned or private ones, with limited transparency over media ownership.<sup>58</sup> The media market itself is impacted by the substantial amount of state funding that is allocated to it, often in a non-transparent manner.<sup>59</sup>

Freedom of expression and media, guaranteed by the Constitution, is undermined by a restrictive media legal framework contrary to international standards which includes limited access to information,<sup>60</sup> criminal prosecution for insult, dissemination of knowingly false information, and defamation and insult of public officials, including the president.<sup>61</sup> Such a legal framework deters independent critical reporting and contributes to widespread self-censorship. Numerous recent cases of intimidation and harassment of critical online journalists and bloggers are also of concern.<sup>62</sup>

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<sup>58</sup> There are 23 television channels [registered](#) to broadcast in the entire country. State-owned *Qazaqstan* media holding operates four television channels and owns 80 per cent of shares of *First Eurasian*; state-owned *Khabar* Media holding and Intergovernmental broadcaster *Mir* operate three television channels each. The TV and Radio complex of the President owns *Zhibek Zholy*. The *Amanat* party directly owns *TV Astana*. Out of 10 remaining private broadcasters, only 2 broadcasters – KTK and 31<sup>st</sup> Channel broadcast news. Paragraph 40 of the [General Comment No 34](#) to the ICCPR notes that “[...] The State should not have monopoly control over media and should promote plurality of the media.[...]”.

<sup>59</sup> The amount of public funding allotted to the media is comparable to the entire advertisement market of Kazakhstan. In 2022, the Ministry of Information and Social Development (MISD) budgeted KZT 55.4 billion for ‘conducting state information policy’. Local government institutions also allot funds to national and local media outlets. According to the [Central Asian Advertising Association](#), the entire media advertising market in 2022 [amounted](#) to KZT 74.5 billion. The MISD does not disclose private media outlets that receive public funding.

<sup>60</sup> Although the legal framework provides some basic guarantees on access to information, it is undermined by a broad interpretation of what information constitutes ‘classified’ and ‘for internal use’ by the state bodies. Many ODIHR EOM interlocutors noted that public officials often provide only a formalistic answer devoid of the actual information requested. Paragraph 295 of the 2022 [GRECO Evaluation Report on Kazakhstan](#) states that “public access to information on the legislation is in place to some extent, the practical implementation is not working properly, as no adequate mechanism is currently in place to effectively deal with and sanction unlawful restriction of access to information”. Paragraph 19 of the [General Comment No 34](#) to the ICCPR call the States to “proactively put in the public domain information of public interest” and to “make every effort to ensure easy, prompt, effective and practical access to such information”.

<sup>61</sup> Although slander was decriminalized in 2020, a number of provisions related to defamation, including insult and “distribution of knowingly false information”, remain part of the Criminal Code and are broadly formulated. Furthermore, the Criminal Code establishes prosecution for defamation, slander, libel and public insult of public officials, Members of the Parliament, and members of the judiciary and provides special protection of honour and dignity of the incumbent president. Paragraph 38 of the [General Comment No 34](#) to the ICCPR notes, “All public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition. [...] Laws should not provide for more severe penalties solely based on the person's identity that may have been impugned.” Paragraph 47 of the [General Comment No 34](#) to the ICCPR notes that “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”.

<sup>62</sup> Since September 2022, over 50 cases of cyberattacks, cyberbullying, vandalism, intimidation, harassment, beatings, and burning of cars were reported in the media and by the media NGO Adil Soz. On 21 February, the Police [reported](#) that it had detained 18 people in connection with the attacks between September 2022 and 20 February 2023. This was followed by the reports of the police arresting the [co-ordinator](#) and the [organizer](#) of the attacks. However, all of the affected victims expressed doubts to the ODIHR EOM about the accuracy of the investigation and whether the alleged organizer was the actual one.

The Ministry for Information and Social Development (MISD) is *inter alia* the regulatory and oversight body for broadcast, print and online media.<sup>63</sup> In addition to the courts, MISD and the General Prosecutor's office are entitled to restrict access to websites based on a wide range of violations without legal recourse.<sup>64</sup> During the campaign, MISD conducted monitoring of the major national and regional media and social networks. The methodology was not public and monitoring results were not published before election day.

A total of 90 broadcast media, 180 print and 195 online media outlets, as well as 40 users of online platforms, had submitted their price lists to the CEC, and 2,170 media outlets and online users submitted price lists to the TECs to sell paid political advertisements. ODIHR EOM media monitoring noted that *Amanat* had purchased the largest portion of advertisements, followed by NSDP and *Respublika*. The CEC organized one official debate on 16 March on *Khabar TV*. The seven political parties organized two more debates by purchasing time on *Qazaqstan TV* and *KTK*. All three debates mainly focused on social and economic issues. The format of the debates provided for interaction between parties and contestants mainly used them as a platform for appealing to voters. Women candidates featured in two out of the three debates. Several news websites and YouTube channels hosted debates between majoritarian candidates running in Almaty.

The Election Law and a CEC resolution obliged the media to provide objective coverage of the contestants and refrain from publishing items that could damage their honour and dignity. The ODIHR EOM media monitoring of the broadcast media noted that *Khabar TV*, *Qazaqstan TV*, *KTK*, First Eurasian Channel, and *31 Channel* provided only superficial coverage of the campaign activities of each of the political parties, on an equitable basis, in one news item.<sup>65</sup> Each party received between 6 and 10 per cent of politically relevant news coverage, while majoritarian candidates were largely ignored. Television *Zhibek Zholy* refrained from covering the contestants, although their news coverage served as a platform for some senior members of the *Amanat* party who were not contesting the elections. All broadcasters provided extensive coverage of the government and the President, either neutral or positive in tone. The ODIHR EOM observed limited media interest in the campaign coverage in most regions, with Almaty being an exception. Overall, the limited news, investigative and analytical coverage did not assist voters in making an informed choice.

The coverage on the websites also mainly focused on the government and the President. The websites *vlast.kz*, *kaztag.kz*, *orda.kz* and *ulysmmedia.kz* focused on the activities of the majoritarian candidates, mainly in the Almaty region who received between 11 and 28 per cent of relevant political coverage combined. *Amanat* received between 2 and 5 per cent of coverage, and the other six parties received between 0 and 2 per cent, respectively. Similarly, *tengrinews.kz* and *zakon.kz*, each dedicated 4 per cent of coverage to *Amanat*, while the other six parties received less than 1 per cent each. Recent amendments to the Election Law extended the media regulations to all users of online platforms,

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<sup>63</sup> Paragraph 39 of the [General Comment No 34](#) to the ICCPR calls the states to “establish an independent and public broadcasting licensing authority”.

<sup>64</sup> In 2022, the MISD [initiated](#) a country-wide block of over 14,000 websites, including 127 for disseminating “damaging information” and 101 for disseminating false information. The MISD does not publish a detailed list of blocked websites but informed the ODIHR EOM that it notifies the website of such a decision if their contacts are publicly available. While the blocking is usually conducted website-wide, the MISD explained that the widespread usage of encrypted HTTPS protocol for accessing the websites made imposing bans on individual webpages impossible. Paragraph 70 of the 2011 [report](#) of the UN Special Representative on Freedom of Expression calls upon States “to provide lists of blocked websites and full details regarding the necessity and justification for blocking each website. An explanation should also be provided on the affected websites as to why they have been blocked. Any determination on what content should be blocked must be undertaken by a competent judicial authority or a body independent of any political, commercial, or other unwarranted influences”. See also Paragraph 44 of the [General Comment No 34](#) to the ICCPR.

<sup>65</sup> During the official campaign period, ODIHR EOM monitored the prime-time coverage of six televisions (*Khabar TV*, *Qazaqstan TV*, *Zhibek Zholy*, *KTK*, *First Eurasian Channel*, and *31 Channel*) and the content of six websites (*tengrinews.kz*, *zakon.kz*, *vlast.kz*, *kaztag.kz*, *orda.kz* and *ulysmmedia.kz*).

including social networks and chat messengers like Telegram or WhatsApp. Many ODIHR EOM interlocutors opined that such broad requirements covering all users could result in selective implementation of the law. The MISD reported that their monitoring of social networks identified some 150 violations of the Election Law, mainly related to early campaigning, publication of campaign materials and public opinion polls. All violations were forwarded to the general prosecutor.

The limited representation of women among senior party and government officials was reflected in the news coverage of the broadcast media. The coverage of women candidates in the monitored televisions was between 3 and 14 per cent of the total news coverage of candidates. No direct gender-based discrimination was noted by the ODIHR EOM media monitoring.

### **Election dispute resolution**

The electoral legal framework provides for the resolution of disputes by the election administration, specialized administrative courts, and the Supreme Court. The Election Law and the Administrative Procedural Code establish reasonable deadlines for resolving election-related disputes.<sup>66</sup> Positively, complaints and appeals may be submitted to commissions and courts via an electronic system. Attending court sessions online is possible, significantly facilitating access for applicants and respondents.

The CEC informed the ODIHR EOM that it received 451 and responded to 223 complaints and communications before election day. However, the information on complaints and other communications kept in the CEC's database is not publicly available and the process of complaints resolution at the CEC lacks transparency. No complaints were considered in open sessions attended by the ODIHR EOM.

Complaints related to candidate nomination are channelled to the specialized administrative courts with the possibility of a further appeal to the Supreme Court. According to the Supreme Court, overall, 45 such complaints were submitted, mostly in relation to the calculation of the 10-year residency requirement and the resulting refusals of candidate registration.<sup>67</sup> In several regions, the specialized administrative courts overruled DEC decisions rejecting single-mandate candidate nominations due to the narrow interpretation of the residency requirement, providing an effective remedy. Positively, following these judicial precedents and subsequent clarification from the CEC, the calculation practices were changed, leading to the registration of several rejected candidatures.

The Supreme Court is the first instance for complaints on decisions related to candidate registration for political parties and single-mandate candidates and the final instance for appeals on the decisions on lower-level courts on candidate nomination. Out of 62 complaints submitted to the Supreme Court, some 40 related to the deregistration of candidates based on discrepancies in their tax declarations.<sup>68</sup> In a positive development, the Supreme Court remedied several deregistration cases overruling 14 DEC decisions; at the same time, in most cases the Supreme Court upheld DEC and TEC decisions, at times siding with the formalistic interpretation of the law by election administration.

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<sup>66</sup> The general deadline for submission of complaints against decisions of the election administration is 10 days. Election commissions have five days to consider complaints and three days to review appeals against decisions of lower-level commissions. Particular deadlines apply to different types of complaints. Election commissions should resolve complaints related to inclusion in voter lists on the same day, and their decisions are subject to further expedited judicial review. Complaints filed within five days before or on election day must be reviewed immediately.

<sup>67</sup> According to the CEC, the specialized administrative courts received 27 complaints from candidates.

<sup>68</sup> Out of these, 17 complaints were not considered because of withdrawals, missed deadlines or lack of court's jurisdiction. The CEC reported 55 received complaints from candidates.

Although, by law, court hearings are open to the public, the opportunity to attend court sessions in election-related cases not always ensured in practice. There is an electronic court management system, but the information on upcoming court sessions was frequently not updated or searchable, limiting public awareness about the election-related hearings. Most of the court hearings, including in the Supreme Court, are accessible only upon pre-approval in advance of the hearing. Court decisions were not published online on time, and were delayed until the time to lodge an appeal and the process was exhausted.

Complaints related to criminal and administrative electoral offences can be filed with public prosecutors, who should consider them within five days. The Prosecutor's Office can also initiate proceedings on election-related offences on its own initiative. Cases of alleged early campaigning that were brought to the courts on administrative offences by the prosecutors resulted in the application of administrative fines. The court decisions were not sufficiently reasoned and did not explain how fundraising for the electoral deposit before candidates are registered constitutes early campaigning.

### Citizen and International Observers

The law provides for citizen and international election observation. Public associations and non-profit organizations may nominate citizen observers. Partially addressing a previous ODIHR recommendation, the recently amended Election Law introduced a formal accreditation process for citizen observers. By law, accredited organizations can observe all types of elections within one year, including election day proceedings, voting, counting, and tabulation. To be accredited, a domestic organization should have election observation among its statutory activities.<sup>69</sup> Overall, the accreditation of observers was inclusive. Some ODIHR EOM interlocutors raised concerns about the length of the accreditation process impacting their preparations, such as fundraising, recruitment, and training of observers.<sup>70</sup>

### Election Day

Overall, election day was calm and orderly.<sup>71</sup> During the day, the CEC announced updates about the polling, including voter turnout. The preliminary turnout was reported at 54 per cent, with a significant difference noted in Almaty, where it was reported at 26 per cent. IEOM observers consistently noted discrepancies between the number of voters casting their ballots and the officially reported preliminary turnout figures.<sup>72</sup>

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<sup>69</sup> Section 3.2.a of the Code of Good Practice in Electoral Matters recommends that “Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise”.

<sup>70</sup> The CEC accredited 14 out of 17 organizations that applied at the national level, and the TECs accredited 238 organizations out of 267 applications. Most accreditations were denied as regional branches of a given organization applied simultaneously and were not considered a separate legal entity; some were rejected as they did not have election observation activity in their statute.

<sup>71</sup> In the days before elections, the *Akimats* of Almaty, Astana, Berli district (West Kazakhstan), Kostanay, Kokshetau, Petropavl, and Shymkent refused notifications by *Alga Kazakhstan* activists to organize peaceful assemblies against the holding of elections on 19 March. On election day, the de-registered candidate from *Alga Kazakhstan*, Amangeldi Dzhakhin and activist Marat Musabayev were detained in Astana while attempting to approach the venue of the non-authorized assembly.

<sup>72</sup> Throughout election day, IEOM observers collected data on the number of voters registered on the voter list, the number of voters that had voted at the time of their arrival, as well as the number of voters that had voted at the time of their departure from all observed polling stations. Statistical analysis of these data suggests that the number of voters casting their ballots was lower than officially reported by the authorities. In a substantial number of polling stations, IEOM observers were not allowed to access the voter list, even upon request. In those polling stations where a visual inspection of the voter list was granted, the data reported by the polling staff was higher than would be supported by the number of signatures observed in the voters list.

The IEOM observed the opening proceedings in 117 polling stations and assessed the opening positively in all but 3 polling stations observed. The IEOM assessed the voting process positively in 97 per cent of the 1201 observations. Voting procedures were mainly followed but the IEOM observed some irregularities. Although the polling station layout was assessed, by and large, as adequate to conduct polling, in 3 per cent of the polling stations observed, it did not ensure the secrecy of the vote, and it was overcrowded. Group voting and voters taking pictures of their ballots was observed in 3 per cent and 5 per cent, respectively, of the polling stations observed.<sup>73</sup> In 16 per cent of polling stations observed, the PECs did not retain the AVCs, potentially undermining the integrity of the process.

Some two-thirds of the PEC members were women, as well as the majority of chairpersons. Unauthorised persons were present in some 5 per cent of the polling stations observed. Nevertheless, they generally did not interfere in the work of the PECs. Political party and candidate observers and proxies were present in the vast majority of polling stations observed (91 per cent), predominantly representing *Amanat* (84 per cent), while citizen observers were present in 82 per cent of the observed polling stations. Nonetheless, observers did not have a clear view of the voting procedures in 12 per cent of the observed polling stations, and IEOM observers were not able to observe the voting procedures without restrictions in 5 per cent of the polling stations observed, negatively impacting the transparency of the process and detracting from meaningful observation.

Despite measures to facilitate access of persons with different types of disabilities to the polling process, independent access for persons with disabilities was not ensured in 33 per cent of polling stations observed. The layout was unsuitable for voters with physical disabilities, and the polling station was not equipped with specific accessories in 9, and 6 per cent of the polling stations observed, respectively.

On election day, the General Prosecutor received 66 complaints and communications and initiated 25 cases into allegations of voting on behalf of another person and violation of electoral silence. A number of political groups and domestic observers informed the IEOM about the submission of complaints on obstruction of their observation activities to the CEC and the prosecutors.<sup>74</sup> However, no administrative cases on these allegations were reported by the Prosecutors. The CEC did not provide information on received and handled complaints neither to the public, nor upon the request of the IEOM.

The IEOM assessed counting negatively in 58 of the 128 polling stations observed due to significant procedural errors and omissions. Counting procedures were not followed, and the counting was poorly organised in 56 cases in the polling stations observed. PEC members failed to announce the total number of voters in the voter list (65 cases), determine the number of ballots issued based on signatures in the voter list (67 cases) and announce the voter's choice for each ballot (91 cases), omitting critical reconciliation steps and challenging the integrity of the counting process.

The ballots were not counted before being sorted by contest/candidate/party in 99 cases, and the total number of ballots from all ballot boxes was higher than the number of voters voted in 12 cases of the polling stations observed. In 32 cases, invalid ballots were not determined in a reasonable manner and in 27 cases they were not determined in a consistent manner.

In 12 cases, unauthorised persons were observed at the polling stations and non-PEC members were directing or interfering in the work of the PEC. The IEOM observed in 8 cases the official protocols being pre-signed by PEC members and evidence of deliberate falsification of voter list entries, results

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<sup>73</sup> In some cases voters informed the IEOM observers they are taking pictures of their ballots as a proof for their employers that they voted.

<sup>74</sup> According to the Code on Administrative Offences, an obstruction of the legitimate activities of proxies, media representatives and election observers is an administrative offence.



or protocols. The result protocols were not filled in completely and in pen in 24 cases, and the figures were not announced aloud before being entered into the protocol in 55 cases. In 42 out of 128 observed cases, signed protocol copies were not posted on public display.

Citizen observers did not have a clear view of the counting procedures in 49 cases, IEOM observers were not able to observe without restrictions in 38 cases and in more than half of observations, observers were not able to clearly see voters' marks on ballots during the count, undermining transparency of the counting process. Overall, the counting process raised serious concerns about whether ballots were counted and reported honestly, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document.<sup>75</sup>

The IEOM assessed the tabulation process negatively in 12 out of 47 TECs observed, mainly due to a lack of transparency with observers not having a clear view of the procedures. In 17 cases the IEOM observers could not observe the procedures without restrictions and in two cases they were prevented from observing the tabulation process completely. In four cases, they were allowed to observe only the tabulation of the PEC, where they had observed the vote count. In one case, IEOM observers reported that the TEC was closed at the time of their arrival and were asked to return later in the morning, and in one case, they were informed that tabulation would take place at a higher level (DEC).<sup>76</sup>

IEOM observed that the conditions were inadequate for reception and tabulation of protocols in 17 cases due to poor organization and insufficient space and in 6 cases due to overcrowding in the TECs observed. Substantial procedural errors and omissions were observed in the work of the TECs in 5 cases. In 2 cases, the IEOM observed deliberate falsification of protocols, and in 16 cases, the TEC officials did not enter the PEC protocol figures into a results summary table. In 4 cases, PEC members were modifying protocols at the TEC without a TEC's formal decision, and in 10 cases, PECs were completing protocols at the TEC premises. No disaggregated election results at a regional or local level were published.

***The English version of this report is the only official document.  
Unofficial translations are available in the Kazakh and Russian languages.***

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<sup>75</sup> Paragraph 7.4 of the 1990 OSCE Copenhagen document states that participating States will 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.

<sup>76</sup> Observers could not access the tabulation process in Astana and Oskemen regions. In Kyzylorda, Oskemen, and Pavlodar, observers were granted the right to observe only the PEC visited during the counting; in Aktau the TEC was found closed, while in Petropavl, observers were redirected to the DEC.

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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Astana, 20 March 2023 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Irene Charalambides was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission and Reinhold Lopatka headed the OSCE PA delegation. Eoghan Murphy is the Head of the ODIHR EOM, deployed from 7 February.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the electoral process. The OSCE PA will present its report at its next meeting.

The ODIHR EOM includes 14 experts in the capital and 32 long-term observers deployed throughout the country. On election day, 404 observers from 42 countries were deployed, including 32 long-term and 281 short-term observers deployed by ODIHR, as well as a 77-member delegation from the OSCE PA. Opening was observed in 117 polling stations and voting was observed in 1201 polling stations across the country. Counting was observed in 128 polling stations, and the tabulation in 47 TECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Electoral Commission and the Ministry of Foreign Affairs of the Republic of Kazakhstan for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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