



Office for Democratic Institutions and Human Rights

# REPUBLIC OF KAZAKHSTAN

## EARLY PARLIAMENTARY ELECTIONS

19 March 2023

ODIHR Election Observation Mission

Final Report



Warsaw  
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**REPUBLIC OF KAZAKHSTAN**  
**Early Parliamentary Elections**  
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**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Kazakhstan to observe the 19 March early parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 February. The ODIHR EOM, led by Eoghan Murphy, consisted of a 14-member core team based in Astana and 32 long-term observers deployed on 17 February across the country. For election day, the ODIHR EOM was joined by a delegation of the OSCE Parliamentary Assembly to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 20 March concluded that “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 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. 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 reform agenda takes place amidst increasing challenges for the country in relation to ongoing international political and economic concerns.

The electoral legal framework has been amended extensively, addressing several prior ODIHR recommendations, including ensuring that all seats in the *Majilis* are directly elected, allowing independent 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. A number of key aspects of the electoral process are still not regulated fully in line with international standards and OSCE commitments for democratic elections.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Kazakh and Russian.

The Central Election Commission (CEC) and lower-level commissions administered the electoral preparations efficiently and within the established deadlines. The 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. The training sessions for the lower-level commissions attended by the ODIHR EOM were generally well-organized. Still, the secrecy of the vote, counting and tabulation procedures were not consistently addressed. The CEC conducted an extensive and inclusive voter information campaign in Kazakh and Russian. Several welcome initiatives to facilitate access for people 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 the prevalence of members of the largest party, *Amanat*, in their composition.

Some 12 million voters were registered to vote, and no ODIHR EOM interlocutors raised major concerns about the accuracy and inclusiveness of the voter lists. Voter lists were available for public scrutiny. Contrary to international good practice, adding voters to the voter list on election day was not complemented by adequate administrative safeguards or judicial oversight, allowing for potentially arbitrary additions and multiple voting. Restrictions on the right to vote for those with an intellectual or psychosocial disability as well as all prisoners remain, contrary to international standards.

Recent changes, including the possibility for independent candidates to stand in single-mandate districts, as well as revised registration requirements for political parties, partially addressing previous ODIHR recommendations, increased the range of political options. However, freedom of association is not yet fully guaranteed; undue administrative hurdles, broad discretionary powers of the authorities during the party registration process and lack of effective 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. An electoral deposit has to be paid by all candidates for registration; its amount was considered as too high by many self-nominated candidates.

The election administration initially registered seven party lists with 281 candidates for the proportional contest, and 435 candidates, including 359 self-nominated ones, in majoritarian races. Due to a lack of sufficient legal safeguards to prevent disproportionate sanctions, contrary to international standards and good practice, 54 majoritarian candidates were deregistered for early campaigning or based on discrepancies in their tax declarations. The fact that deadlines for verification of candidate documentation are not aligned with the start of the official campaign resulted in uncertainty for some candidates about their status until the end of the campaign.

Overall, contestants campaigned actively, with *Amanat* being the most prominent; visibility in some regions and 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 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 minorities, was 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 people with disabilities in candidate lists, which also applies to the distribution of seats. While women represented 29 per cent of the candidates in the proportional race and 20 per cent in the majoritarian ones, they received only 18 seats (18 per cent), a significant reduction from their share in the outgoing Majilis (26 per cent). While party attempts to promote 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 the lower-level election administration.

The law envisages public and private financing of campaigns and sets limits for donations and campaign expenditures; the introduction of caps for individual donations addressed a prior ODIHR recommendation. Several self-nominated candidates reported that diverse administrative obstacles, including difficulties with opening campaign bank accounts and receiving public subsidies, negatively affected the equality of their campaign opportunities. Election commissions, vested with campaign finance oversight, published only aggregate data on campaign incomes, leaving previous ODIHR recommendations related to financial disclosure and effective oversight not implemented.

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 TV channels monitored by the ODIHR EOM provided equitable but only superficial coverage of campaign activities. This, combined with the limited amount of news and 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*, limiting information about other contestants. Positively, three televised debates served as a platform for parties to present their views.

The law provides for resolving election disputes within reasonable deadlines. Complaints and appeals may be submitted to commissions and courts via an electronic system, and court sessions can be attended online, facilitating access. In a positive development, effective judicial remedies were provided in several cases related to candidate registration. However, the dispute resolution process, both by the election administration and the judiciary, lacked transparency. Decisions of the CEC and courts were not consistently published on time, and the CEC did not discuss complaints in public sessions. After election day, the CEC and the courts received multiple complaints; most of them alleged serious election day violations. Some technical problems after election day as well as cases of courts, public prosecutor offices and TECs in some regions not accepting complaints during the holiday season after election day as well as overly formalistic handling of the complaints, left potential falsifications without an effective remedy. The recently amended Election Law introduced 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. Several ODIHR EOM interlocutors expressed concerns about the policy of promoting government-affiliated citizen observer groups, a practice that reduces the space for independent observer organizations. A number of domestic observers informed the IEOM about the obstruction of their observation activities on election day.

Overall, election day was calm and orderly. Voting was organized efficiently, and procedures were generally followed reflecting an overall positive assessment by the IEOM. At the same time, the IEOM noted consistent discrepancies between the number of voters casting their ballots and the officially reported turnout figures. The IEOM assessed counting negatively in almost half of the polling stations observed due to significant procedural errors and disregard of reconciliation procedures. Overall, the counting process raised questions about whether the votes were counted and reported honestly, as required by the 1990 OSCE Copenhagen Document. The IEOM assessed the tabulation process negatively in a quarter of observations, mainly due to a lack of meaningful access of citizen and international observers to the procedures. The transparency was further undermined by the fact that no disaggregated election results at the national, regional or local level were published.

This report offers recommendations to support efforts to bring elections in Kazakhstan closer to OSCE commitments and other international obligations and standards for democratic elections. Priority

recommendations relate to the pluralistic competitive political environment, review of the legal framework, in particular regarding the exercise of freedoms of association, peaceful assembly and expression, the composition of election commissions, access of observers to the entire electoral process and the publication of election results in disaggregated form. ODIHR stands ready to assist the authorities in addressing the recommendations in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Kazakhstan to observe the 19 March 2023 early parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 7 February. The mission, led by Eoghan Murphy, consisted of a 14-member core team based in Astana and 32 long-term observers deployed on 17 February across the country. The ODIHR EOM remained in the country until 29 March to follow post-election day developments.

For election day, the ODIHR EOM was joined by a delegation from the OSCE Parliamentary Assembly (OSCE PA) to form an International Election Observation Mission (IEOM). 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.

The IEOM deployed 404 observers from 42 OSCE participating States on election day, including 46 long-term and 281 short-term observers by ODIHR, as well as a 77-member delegation from the OSCE PA; 40 per cent of observers were women. The IEOM observed opening procedures in 117 polling stations, voting in 1,201 polling stations across the country, counting in 128 polling stations, and tabulation in 47 Territorial Election Commissions (TECs).

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference in Astana on 20 March.<sup>2</sup>

The ODIHR EOM wishes to thank the authorities of Kazakhstan for the invitation to observe the elections, as well as the Central Election Commission (CEC) and the Ministry of Foreign Affairs for their co-operation and assistance. It also expresses its appreciation to other national and local state institutions, candidates, representatives of political parties, civil society, media and the international community, and other interlocutors for their co-operation and for sharing their views.

## III. 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>3</sup> The elections followed the political turmoil and deadly violence of January 2022, the Constitutional referendum of 5 June 2022 and the early presidential

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<sup>2</sup> See the [previous ODIHR election-related reports on Kazakhstan](#).

<sup>3</sup> Kazakhstan has a bi-cameral parliament consisting of the *Majilis* and an indirectly elected 50-member Senate. The ODIHR EOM observed the *Maslikhat* elections only to the extent they impacted the parliamentary elections. The previous parliamentary elections were held in January 2021.

election of 20 November 2022.<sup>4</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” to be completed by mid-2023.<sup>5</sup> The reform agenda takes place amidst increasing challenges in relation to ongoing international political and economic concerns.

The opportunity for self-nominated candidates to stand and 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 particular respect for fundamental freedoms of association, peaceful assembly and expression, is yet to be fully guaranteed.<sup>6</sup> While the legal requirements for party registration were eased, only 2 out of 23 groups that applied for registration as political parties in 2022-23 were registered, while 17 were rejected and the registration of 4 parties was still pending.<sup>7</sup>

*Authorities should consider further efforts to enable a fully genuine pluralistic and competitive political environment in conformity with Paragraphs 3 and 7.6 of the 1990 OSCE Copenhagen Document.*

All seven registered political parties participated in these elections. These were the three parties in the outgoing parliament, Amanat (formerly Nur Otan) with 76 seats, the Democratic Party Ak Zhol with 12 seats, and the People’s Party of Kazakhstan (PPK) with 10 seats, as well as the National Democratic Patriotic Party Auyl, the Nationwide Social-Democratic Party (NSDP) and the two new parties, Baytaq and Respublika.<sup>8</sup>

According to the 2021 census, 70.4 per cent of the population are Kazakhs. Russians, the largest minority, account for 15.5 per cent of the population.<sup>9</sup> The Constitution prohibits discrimination on national and religious grounds. It guarantees the right to enjoy the native language and culture. Russian can be officially used on equal grounds with the Kazakh language in state institutions and local administration bodies.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for the parliamentary elections is comprised of the Constitution (last amended in September 2022) and the Constitutional Law on Elections (Election Law, last amended in November 2022) and relevant provisions of media-related legislation, Law on Peaceful Assemblies, Law on

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<sup>4</sup> In January 2022, demonstrations, initially caused by rising fuel prices, turned into nationwide demands for economic and political reforms. Following the ‘January events’, official reports referred to 238 deaths, including 19 law enforcement officers. In the 2022 presidential election, President Tokayev received 81.3 per cent of the vote.

<sup>5</sup> The intended goal was to increase the number of political parties, strengthen political competition and renew the composition of the *Majilis*. See the President’s state of the nation [address](#) from 1 September 2022.

<sup>6</sup> In Paragraph 3 of the [1990 OSCE Copenhagen Document](#), the OSCE participating States recognized “the importance of pluralism with regard to political organizations”. Paragraph 7.6 refers to “the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations”.

<sup>7</sup> The Ministry of Justice did not communicate detailed reasons to those rejected, citing personal data protection. According to the 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*.

<sup>8</sup> The NSDP boycotted the previous 2021 parliamentary elections.

<sup>9</sup> Other [minorities include](#) Uzbeks (3.2 per cent), Ukrainians (2 per cent), Uyghur (1.5 per cent), Germans (1.2 per cent), and Tatars (1.1 per cent).

Political Parties, the Administrative Procedural Code and the Criminal Code. Kazakhstan is a party to major international and regional instruments related to democratic elections.<sup>10</sup>

The electoral legal framework was amended extensively after the 2021 parliamentary elections. The 2022 constitutional amendments changed the electoral system, which led to modifying the structure and work of the election administration, candidate registration, election day procedures and campaign finance provisions. Other important novelties in the Election Law include the regulation of campaigning in social networks and a formal accreditation procedure for citizen observers.<sup>11</sup> The vast majority of ODIHR EOM interlocutors welcomed the reforms that also addressed several prior ODIHR recommendations, including reducing the electoral threshold, ensuring that all seats in the *Majilis* are directly elected, allowing independent candidates to contest elections and further easing requirements for party registration. Changing the electoral system and the structure of the election administration shortly before the elections is not in line with international good practice.<sup>12</sup>

Notwithstanding the recent reforms, previous ODIHR priority recommendations relating to fundamental freedoms of peaceful assembly, expression, and media remain unaddressed. 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 people with disabilities, as well as shortcomings related to the transparency of campaign finance and publication of disaggregated election results.<sup>13</sup> In practice, the legal framework was further impaired by election commissions and other public authorities interpreting the law in a manner undermining the exercise of fundamental freedoms.<sup>14</sup> The legal framework is thus still not fully consistent with international standards and OSCE commitments pertaining to democratic elections.

*The electoral legal framework as well as corresponding legal provisions related to freedom of association, peaceful assembly and expression should be further reviewed to ensure compliance with international human rights obligations and standards for democratic elections. State bodies and the election administration should implement the laws in a manner that ensures the effective exercise of fundamental freedoms.*

Following the 2022 constitutional reform, the *Majilis* became a fully directly elected chamber comprising 98 members (MPs). Two-thirds of the chambers (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

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<sup>10</sup> Including [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [1979 Convention for the Elimination of All Forms of Discrimination against Women](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities \(CRPD\)](#), and [2002 CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms](#). Kazakhstan is a member of the Council of Europe's Commission for Democracy through the Law (Venice Commission) and the Group of States against Corruption (GRECO).

<sup>11</sup> Draft amendments to the Election Law were published online in July 2022 for public review and comments, and some changes were introduced based on the inputs from civil society organizations.

<sup>12</sup> Section II.2.b of the Venice Commission 2002 [Code of Good Practice in Electoral Matters](#) states: “[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”.

<sup>13</sup> See also *Party and Candidate Registration, Campaign, Media and Campaign Finance*.

<sup>14</sup> For instance, Territorial Election Commissions (TECs) initially calculated the 10-years residency requirement restrictively. This was later remedied by the administrative courts. Campaign before the official start of the campaign period as well as fundraising for the electoral deposit resulted in deregistration of candidates (See *Candidate Registration and Election Dispute Resolution*). The law on personal data protection was on occasions interpreted to prevent political groups from rectifying omissions in their documents for party registrations. An interpretation of ‘notification’ in the Law on Peaceful Assemblies turns the procedure into the approval regime unduly restricting freedom of peaceful assembly.



29 MPs are elected in single-mandate electoral districts (SMDs) under a one-round majoritarian plurality system (first-past-the-post). For the proportional competition, the mandates are awarded to candidates by each winning party, and parties are not bound by the order of candidates on their list. The Constitution stipulates that MPs who leave or are excluded from their party or whose party ceases its activity lose their mandate, which challenges the full expression of the individual's representative mandate.<sup>15</sup> The 2022 constitutional amendments also introduced the possibility of recalling an MP elected in an SMD.<sup>16</sup> Some ODIHR EOM interlocutors raised concerns that in the current political context, this provision might compromise the political autonomy of the received mandate.

*Consideration should be given to introducing legal safeguards that prevent members of the Majilis from being deprived of their mandates by political parties.*

The CEC delineated the 29 SMDs in December 2022. However, the number of voters per parliamentary mandate varies significantly, which is at odds with international good practice.<sup>17</sup> The CEC explained the variations by differences in population density as well as historical reasons, such as different sizes of administrative regions.

*To ensure the equality of the vote, the boundaries of single-mandate electoral districts should be reviewed periodically and well in advance of the next elections, in an open and consultative manner.*

## V. ELECTION ADMINISTRATION

A four-level structure of election commissions administered the parliamentary elections: the CEC; 20 regional Territorial Election Commissions;<sup>18</sup> 16 District Election Commissions (DECs);<sup>19</sup> 220 Territorial Election Commissions (TECs) in cities and administrative districts; and 10,223 Precinct Election Commissions (PECs).<sup>20</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. The CEC and TECs are comprised of seven members each, and the DECs of five members.<sup>21</sup> Women are well represented within the election administration, and two of the seven CEC members and more than two-thirds of the members of lower-level commissions were women.

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<sup>15</sup> The Venice Commission, in the 2009 [Report on the Imperative Mandate and Similar Practices](#), states: “liberal democratic thinking established that imperative mandate was incompatible with democracy and representative mandate”. It further stipulates the prevalence of “basic constitutional principle which prohibits imperative mandate or any other form of politically depriving representatives of their mandates”. Paragraph 21 further states: “Once elected, deputies should be accountable primarily to the voters who elected them, not to their political party. This flows from the fact that they hold a mandate from the people, not from their party”.

<sup>16</sup> Voting to recall an MP elected in a SMD can be initiated one year after the election. A voter may initiate this through the respective election commission if supported by signatures of more than 10 per cent of voters in the respective district.

<sup>17</sup> On 27 February, the CEC published the number of voters per SMD. The smallest SMD is the Ulytau *oblast*, with some 142,000 voters, whereas the largest is the Aktobe *oblast*, with 562,590 voters. In 11 SMDs, the discrepancy from the nationwide average number of voters exceeds 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: “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>18</sup> One regional TEC for each of the 17 regions and the 3 largest cities (Almaty, Astana, and Shymkent).

<sup>19</sup> The 16 DECs were established to administer the elections in SMDs. In the remaining 13 SMDs where the territory of competence of a DEC would coincide with that of a regional TEC, the latter performed DEC's functions.

<sup>20</sup> There were 77 PECs established abroad for out-of-country voting.

<sup>21</sup> PECs had 5 to 11 members depending on the number of voters allocated to the polling station.

The president appoints the chairperson and two members of the CEC, while the two chambers of the parliament appoint two members each. The respective local councils (*maslikhats*) elect the members of TECs, DEC and PECs based on proposals received by registered political parties (one nominee to the respective election commission) and, at the same time, retain the power to dismiss them. In the absence of proposals from political parties within the prescribed deadlines, *maslikhats* elect commission members based on proposals from public organizations and higher-level election commissions.<sup>22</sup> Commissioners do not have to be members of the nominating bodies, and *maslikhats* may accept or reject individual nominations of any of the nominating bodies through a vote.

Several ODIHR EOM interlocutors expressed a lack of trust in the impartiality and independence of the work of lower-level commissions due to their composition.<sup>23</sup> While by law, political parties may nominate a maximum of one person per election commission, several TECs and DEC visited by the ODIHR EOM had in practice more than one member affiliated with *Amanat*.<sup>24</sup> 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 to the commissions.

*The system of appointment and dismissal of election commissioners should ensure their effective independence from the state institutions, local bodies and political parties.*

Technical preparations were conducted efficiently and within the established deadlines. The CEC held regular sessions attended by media, political parties and state institutions.<sup>25</sup> The sessions were live-streamed in Kazakh and Russian with simultaneous translation into sign language, and decisions were published promptly. The CEC issued several resolutions supplementing the Election Law, and its decisions were adopted unanimously without debate in public sessions, with the outcomes agreed upon during working meetings before the official sessions. These working meetings were not accessible to the public, including observers, detracting from the transparency of the decision-making process. Lower-level commissions carried out their duties efficiently and professionally. Nevertheless, election commission sessions were generally held ad hoc and at short notice, making it challenging for some stakeholders to attend.<sup>26</sup>

*To enhance the transparency of the process, preparatory meetings of the Central Election Commission should be open to the public, and sessions of lower-level commissions should be announced well in advance to facilitate public attendance. Agendas and minutes of such sessions should be published in a timely manner.*

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<sup>22</sup> *Maslikhats* elected the members of PECs and TECs in 2019.

<sup>23</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>24</sup> Of the 121 TECs visited by the ODIHR EOM, 43 (36 per cent) had more than one *Amanat* party member (for instance, in Aktobe, Almaty, Astana, Kostanay, and Pavlodar).

<sup>25</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>26</sup> The ODIHR EOM received mixed information regarding the election commission sessions throughout the country; for example, in Astana and Mangystau, the meetings were held in closed session. However, in Kyzylorda, all TEC sessions were announced and open to the public.

The CEC implemented a nationwide cascade training programme for the lower-level election commissions as well as for political parties, media and civil society organizations.<sup>27</sup> The ODIHR EOM assessed the training for the lower-level election commissions as interactive and well-organized throughout the country. However, the training sessions did not consistently and timely address critical aspects of the electoral process, such as the secrecy of the vote, counting and tabulation procedures. Several contestants and lower-level election commissions the ODIHR EOM met with were not well aware of campaign and campaign finance regulations (see *Election Campaign* and *Election Day*).

The CEC provided extensive and meaningful voter information in Kazakh and Russian through its website, *YouTube* and *Telegram* channels, billboards and broadcast media, informing voters on the date of the elections and several aspects of the electoral process.<sup>28</sup> The ODIHR EOM also noted voter education events targeting first-time voters.<sup>29</sup> Nonetheless, the electoral process could have benefitted from the development and consistent implementation of voter information and voter education approach focusing on youth and minority groups.

*The Central Election Commission should continue its positive efforts and implement comprehensive education programmes for different groups of electoral stakeholders, including minority groups, young voters and voters with disabilities. In particular, it should cover such topics as the importance of voting by secret ballot and existing campaign and campaign finance regulations.*

Positively, the CEC undertook training with stakeholders to enhance the participation of people with different types of disabilities, and its website was accessible to users with visual impairment. Additionally, the CEC recommended political parties consider the needs of people with disabilities when conducting campaign activities. The CEC also recommended state bodies assist election commissions in monitoring the accessibility of polling stations and equip them with a variety of tools such as audio-visual and tactile materials, *Braille* sleeves and magnifiers.

*The authorities should continue their efforts, in co-operation with relevant stakeholders, to ensure the participation of people with disabilities in the electoral process and secure independent access to polling stations during election day.*

## VI. 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>30</sup>

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<sup>27</sup> According to the CEC, the election administration organized 7,817 training events for 86,260 members of election commissions and other 24,723 participants of the electoral process.

<sup>28</sup> A total of 11 different advertisements were broadcast in Russian and Kazakh languages, most of them supplemented with a sign language interpretation. These explained the electoral system, candidate eligibility requirements, registration of voters, use of electronic ID, absentee ballot certificate, mobile voting, election day procedures, and voting abroad.

<sup>29</sup> For example, in Kostanay city, the TEC organized events for first-time voters in high schools and universities.

<sup>30</sup> See Articles 12 and 29 of the CRPD. Paragraph 48 of the CRPD Committee's 2014 General Comment No. 1 to Article 12 of the CRPD states: "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote [and] the right to stand for election". Paragraph 14 of the UN CCPR General Comment No.25 states that grounds for deprivation of voting rights should be "objective and reasonable".

*Blanket deprivation of suffrage rights of citizens serving a prison sentence and restrictions based on legal capacity should be reviewed in line with international obligations.*

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, which ensure reconciliation and transfer of information to the CEC. . *Akimats* submitted the updated voter lists to PECs on 26 February.<sup>31</sup> From 4 March, voter lists were available for public scrutiny at polling stations, allowing voters to verify their data and request corrections.<sup>32</sup> As of 19 March, the CEC reported 12,035,578 registered voters. No ODIHR EOM interlocutor raised major concerns about the accuracy and inclusiveness of the voter register.

No later than 30 days before election day, voters unable to vote in the polling station of their permanent residence could apply to *akimats* for inclusion at the place of their temporary residence.<sup>33</sup> Alternatively, within 15 days before election day, voters could request an Absentee Voting Certificate (AVC) that allowed them to vote in any polling station outside their permanent residence.<sup>34</sup> Mobile voting could be requested in writing no later than 12:00 on election day due to health reasons, care duties, or being in a remote or hard-to-reach location.<sup>35</sup>

Voters not included in the voter list and who could prove their residence within a precinct could be added by the relevant PEC to the voter list on election day. For this, there were different options to verify the inclusion of voters: PECs could check the voter records through regional call centres. Moreover, 4,055 polling stations (40 per cent) had access to the state civil register to identify the place of residence and relevant PEC of the voters. Contrary to international good practice, the addition of voters to the voter list on election day was not conducted using adequate administrative safeguards or with judicial oversight.<sup>36</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.

## VII. PARTY AND CANDIDATE REGISTRATION

Eligible voters aged 25 or older have the right to stand for parliamentary elections. Contrary to international standards, the Constitution establishes a 10-year residency requirement for candidacy.<sup>37</sup> The Election Law disenfranchises people found guilty of a corruption offence and those with an

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<sup>31</sup> 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>32</sup> The ODIHR EOM observed in all regions that the voter lists were accessible to voters upon request but they were not displayed publicly due to data privacy regulations.

<sup>33</sup> As of 17 March, 48,001 voters requested to change their polling station for election day.

<sup>34</sup> On 27 March, the CEC reported 8,340 AVCs used during election day in the proportional race. The ODIHR EOM was not aware of published data on the number of AVCs issued and used in majoritarian races.

<sup>35</sup> The CEC reported 86,814 voters who voted through mobile voting in the proportional race. The data on the number of voters who voted through mobile voting in majoritarian races and the total number of requests for mobile voting was not published.

<sup>36</sup> Paragraph 7.iv of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends: "...polling stations should not be permitted to register voters on election day itself".

<sup>37</sup> Paragraph 15 of the UN CCPR General Comment No.25 states: "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". According to Section I.1.1.c.iii of the Venice Commission Code of Good Practice in Electoral Matters, "length of residence requirement may be imposed on nationals solely for local or regional elections".

unexpunged criminal record, regardless of the crime committed.<sup>38</sup> In line with recent changes, independent candidates were allowed to stand, addressing a previous ODIHR recommendation.<sup>39</sup>

*Restrictions on candidacy based on residency should be reviewed in line with international standards and good practice.*

Recently, the registration requirements for political parties have been simplified, partially addressing a previous ODIHR recommendation.<sup>40</sup> However, in practice, freedom of association is still not fully guaranteed. 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, broad discretionary powers of the authorities during the registration process and a lack of effective judicial remedy.<sup>41</sup>

*To promote genuine political pluralism, authorities should ensure the right of individuals and groups to establish, without undue restrictions, new political parties. The procedural registration rules in the Law on Political Parties must provide for the effective exercise of freedom of association. Registration authorities must refrain from applying legal provisions in a manner that diminishes the transparency and objectivity of the registration processes and provide for the effective possibility to rectify omissions.*

The CEC registered the proportional lists, while TECs and DECAs were in charge of registering candidates in SMDs. 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 for women, youth, and people with disabilities among the candidates. The CEC registered all the lists, which jointly were comprised of 281 candidates, including 80 women (29 per cent). In majoritarian races, 435 candidates, including 85 women (20 per cent), were initially registered; 359 candidates were self-nominated.<sup>42</sup> According to the CEC, the candidates represented 10 different ethnicities.<sup>43</sup> In a positive development, timely judicial remedies were provided to some initially rejected applicants.<sup>44</sup>

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<sup>38</sup> Two rejected candidates initiated litigation against blanket restrictions to challenge this requirement at the newly established Constitutional Court. One had been 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 five years. The other candidate, convicted in 2016, is not eligible to run until February 2030.

<sup>39</sup> While only registered political parties can nominate candidates for the proportional race, SMD candidates were nominated by registered political parties, public associations, and through self-nomination.

<sup>40</sup> The minimum numerical requirements for party registration were reduced from 20,000 to 5,000 members. In addition, forming a political party should be initiated by a group of minimum 700 and not 1,000 people as before. The party should have regional branches with no less than 200 members in each region instead of 600.

<sup>41</sup> *Baytaq* informed the ODIHR EOM that its application for registration was turned down 18 times between 2019 and 2023. Also, the aspiring political party *Alga Kazakhstan* informed the ODIHR EOM that the Ministry of Justice (MoJ) did not accept their registration documents on 10 occasions since 2022 citing alleged non-compliance with the Law on Political Parties. Citing personal data protection, the MoJ did not disclose 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. See *Election Dispute Resolution*.

<sup>42</sup> From an initial 609 nominees, 45 (7 per cent) withdrew before being registered, and 125 (21 per cent) were denied registration due to procedural issues, such as an incomplete set of documents, failure to pay the election deposit, and records of corruption offences.

<sup>43</sup> The Election Law does not require data on ethnic origin for the registration of candidates.

<sup>44</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.

To be registered, an election deposit of KZT 1,050,000 (some EUR 2,165) must be paid for each candidate nominated on a party list or standing in an SMD.<sup>45</sup> While not of concern to political parties, many self-nominated candidates considered this amount to be too high.<sup>46</sup>

*Consideration should be given to lowering the election deposit and expanding the terms for its refund.*

The Election Law extends deadlines for verification of tax declarations of candidates and their spouses, which are also the documents required for registration, into the campaign period some two weeks after the registration deadlines, with candidates already having paid their deposits and potentially invested in the campaign. The verification of candidates' documents after their registration created uncertainty over their legal status and participation in the elections.<sup>47</sup>

*To ensure legal certainty of a candidate's status, the verification of all documents required by law should be completed before the candidate registration deadline. In line with international good practice, law and practice should ensure the meaningful possibility for corrections of omissions in nomination documents by contestants.*

The Election Law allows for the 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>48</sup> For these elections, three candidates who publicly fundraised to secure the funds for the deposit were fined and subsequently deregistered as public prosecutors and courts qualified such fundraising activities as early campaigning (see also *Election Dispute Resolution*).

In total, 54 majoritarian candidates were deregistered: 7 for early campaigning and 47 based on discrepancies in their tax declarations; 33 withdrew. Following the restitution of 22 deregistered candidates by courts, 370 majoritarian candidates stood on election day. The cases of deregistration impacted mainly self-nominated candidates.

*The Election Law should be revised to guarantee that candidate deregistration is applied in line with the principle of proportionality and only in extraordinary circumstances, which should be clearly and exhaustively defined in law.*

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<sup>45</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. The deposit is returned to the political parties and majoritarian candidates that achieved 5 per cent or more of the votes in relevant district and in the event of a candidate's death.

<sup>46</sup> According to information [published](#) by the agency on Strategic Planning and Reforms, the average monthly wage in Kazakhstan is KZT 338,715. Paragraph 16 of the General Comment No. 25 to the ICCPR states: “[c]onditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory”. See also Section 1.3.vi of the Venice Commission Code of Good Practice in Electoral Matters.

<sup>47</sup> Although the *de jure* deadline for candidate registration was 18 February, *de facto*, the verification of candidates' documents continued even after registration was granted. One candidate was deregistered because the tax declaration of his wife was submitted not in Kazakhstan but in another country; another candidate did not declare privatization vouchers from Soviet times and was deregistered.

<sup>48</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. Paragraph 24 of the 1990 OSCE Copenhagen Document states: “any restriction on rights and freedoms must, in a democratic society [...] be strictly proportionate to the aim of that law”. Paragraph 273 of the ODIHR and Venice Commission 2020 Guidelines on Political Party Regulation states: “sanctions must bear a relationship to the violation and respect the principle of proportionality”, and Paragraph 87 states: “in case of technical omissions or minor infringements of registration requirements, the political party should be given reasonable time in which to rectify the failure”. See also Paragraph 271.

## VIII. ELECTION CAMPAIGN

The official campaign period began on 18 February and ended at midnight on 17 March. On 18 February, following an initiative by *Amanat*, six registered parties signed a memorandum agreeing to conduct a fair campaign.<sup>49</sup> The law prohibits campaign activities before the official start of the campaign, providing both fines and deregistration as sanctions. While the law does not clearly define early campaigning, several candidates were deregistered for alleged early campaigning.

With the participation of two new parties and self-nominated candidates, the campaign overall was active, but visibility in some regions and rural areas was low.<sup>50</sup> In the proportional contest, all political parties campaigned across the country addressing a variety of issues but offering very little genuine competition and challenge to the authorities. In contrast, the campaign and campaign messaging appeared more competitive, dynamic and open in the majoritarian races and the main cities. Several independent and opposition candidates formed blocs for campaigning purposes; one such bloc issued a joint manifesto.<sup>51</sup> The campaign was liveliest on social networks, in part due to several prominent activists, bloggers, and journalists standing as self-nominated candidates, but also due to lower funds needed for online campaigning when compared with the cost of traditional canvassing.<sup>52</sup> Parties and candidates involved volunteers and youth party structures in the campaign and developed messages targeting the youth. Nevertheless, voter interest in the parliamentary race remained low.

The campaign was primarily conducted through visits to workplaces, small-scale indoor meetings, canvassing, billboards, posters, TV and online advertisements in Kazakh and Russian, as well as limited outdoor activities.<sup>53</sup> Among political parties, *Amanat* was the most prominent.<sup>54</sup> The practice of holding campaign events at workplaces raised concerns among several ODIHR EOM interlocutors about the potential pressure on employees.<sup>55</sup> A few self-nominated candidates informed the ODIHR EOM that they faced challenges in accessing indoor campaign venues and securing space for posters and billboards as the political parties quickly occupied the space given by akimats.<sup>56</sup> 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 contestants as well as among lower-level election commission members.<sup>57</sup>

Party platforms and messages addressed a wide range of social and economic issues and included calls for political and economic reforms, the rule of law, good governance, national independence and sovereignty, and the impact of the war caused by the Russian Federation's invasion of Ukraine. Some independent and opposition candidates openly questioned the political system, the ruling party and the

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<sup>49</sup> The NSDP did not sign the [memorandum](#) claiming such a document to be unnecessary if all respect the laws.

<sup>50</sup> Out of 435 candidates initially registered in SMDs, 184 (42 per cent) stood in either the Almaty or the Astana electoral districts. The ODIHR EOM observed that the campaign had a low profile in the regions of Aktobe, East Kazakhstan, Jetisu, Kyzylorda, Mangystau and Turkistan.

<sup>51</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.

<sup>52</sup> A number of self-nominated candidates raised concerns about the lack of resources for campaigning at their disposal, given the large size of their electoral districts, limiting access to voters. See also *Campaign Finance*.

<sup>53</sup> Some large indoor events, including concerts, were organized by *Respublika* and *Amanat*.

<sup>54</sup> Out of 40 indoor and 5 outdoor campaign events observed by the ODIHR EOM, 35 were organized by political parties (*Amanat* 12, *Respublika* 7, PPK 6, *Ak Zhol* 4, *Auy* 2, *Baytaq* 2, NSDP 2).

<sup>55</sup> For instance, a PPK candidate [declared](#) on 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>56</sup> Majoritarian candidates, among others, in Almaty, Oskemen, Taraz, and Turkistan, reported to the ODIHR EOM difficulties in accessing campaign premises allocated by *akimats*.

<sup>57</sup> As observed by the ODIHR EOM in Almaty, Astana, Karaganda, Kostanay, Petropavl and Turkistan.

President, occasionally offering alternative programmes, and thus increasing the choice available to voters. In the proportional contest, parties, by and large, positioned themselves in support of the President's political vision and reform programme.

To hold an outdoor campaign event, by law, candidates should notify local authorities five days before the planned activity.<sup>58</sup> Further, the law reserves the right for *akimats* to permit or refuse an event on a broad list of grounds, after receiving 'notification', which is against international standards on freedom of peaceful assembly.<sup>59</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, and some believed such events were not allowed in practice.<sup>60</sup> Among the reasons for not holding outdoor rallies, the ODIHR EOM interlocutors raised bad weather conditions, lack of resources, and bureaucratic hurdles linked with authorization. On some occasions, *akimats* did not authorize outdoor campaign events without offering alternative places and times.<sup>61</sup> Many political stakeholders perceived outdoor rallies, particularly of a political nature, as risky activities unwelcome by the authorities.<sup>62</sup>

*To comply fully with international standards, the Law on Peaceful Assemblies should be revised and implemented to ensure a meaningful exercise of the right to peaceful assemblies, including those of a political nature and during elections. The notification mechanism for holding public events should be further revised to better facilitate peaceful assemblies, with denial being an exceptional measure.*

The ODIHR EOM observed online campaigning by all parties, many candidates and influencers on Instagram, as the most used platform, *Facebook*, and *YouTube*. 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. Candidates in SMDs held more dynamic and open engagement in social networks observed. Overall, the tone was neutral or positive in all races, with the content more critical towards the authorities from some self-nominated candidates. Some prominent YouTube channels allocated space for discussion and analysis of elections and invited candidates for debates. Popular candidates with many followers offered online space and promoted other self-nominated candidates, sometimes from their SMDs.

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<sup>58</sup> The legislation provides for specially designated places for such events. The three biggest cities (Almaty, Astana and Shymkent) and most regional capitals have only three designated places each, with allowed occupancy between 100 and 1,000 people.

<sup>59</sup> Paragraph 73 of the [2020 UN HRC General Comment No. 37](#) on the right of peaceful assembly states: "notification regimes, for their part, must not in practice function as authorization systems".

<sup>60</sup> Some small-scale outdoor rallies were held in Almaty on 19 February (self-nominated candidates), 4 March (NSDP), 9 March (*Ak Zhol*), 10 March (PPK), and in Astana on 10 March (*Baytaq*) and 11 March (NSDP), as well as by a few self-nominated candidates in the regions.

<sup>61</sup> The *akimat* of Astana refused the holding of rallies on 5, 10, 11, 12, and 16 March by two *Alga Kazakhstan* candidates, citing existing bookings for those venues. Both candidates were later deregistered for early campaigning. On 10 March, the *akimat* of Oral refused the holding of pickets on 16, 17, 18 and 19 March by some civil activists. Also, *akimats* of Almaty, Astana, Kostanay, Kokshetau, Petropavl and Shymkent refused notifications by *Alga Kazakhstan* activists to hold rallies on 19 March. Paragraph 36 of the 2020 UN HRC General Comment No. 37 on the right of peaceful assembly states: "the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect".

<sup>62</sup> On 20 March, self-nominated opposition candidate Duman Mukhametkarim posted on his *Facebook* profile that he was going to a square to protest and called others to join him. On 21 March, without receiving CEC's consent, the administrative court in Konayev city ordered administrative detention of Mr. Mukhametkarim for 25 days on charges of violating the rules of organizing a peaceful assembly. According to Article 47 of the Election Law, a candidate may not be subject to detention or custody from the moment of registration until the announcement of the official results without the consent of the CEC (except for cases of detention at a scene of a crime or the commission of a grave or especially grave crime). The CEC informed the ODIHR EOM that the issue of consent was not within its competence.



While the Constitution prohibits gender-based discrimination, specific measures to promote women's political participation are limited, and women remain underrepresented in public and political life.<sup>63</sup> Women held 28 out of 107 seats in the outgoing *Majilis* (26 per cent), 10 out of 50 seats in the Senate (20 per cent) and 3 out of 22 ministerial positions. All 20 posts of regional governors (*akims*) are occupied by men, and none of the political parties is headed by a woman. At the same time, women are well represented in the judiciary and lower-level election commissions and hold leading positions in civil society organisations.

Gender issues did not prominently feature in the campaign. While women were sometimes referred to in campaign speeches, it was mostly about their roles as mothers and a proposed decrease in their retirement age, reflecting long-standing gender stereotypes.<sup>64</sup> While party attempts to promote women candidates were limited, a number of well-known women stood as self-nominated candidates. Women comprised around 49 per cent of attendees at 45 campaign events observed by the ODIHR EOM. During 17 events, women took an active role as speakers.

Women received only 18 seats from both races (18 per cent), a significant reduction compared with the outgoing *Majilis*, which is also linked to a low number of women elected in SMDs.<sup>65</sup>

*Further measures to enhance women's participation in political life should be considered. Particularly, in line with CEDAW recommendations, the authorities should consider introducing incentives for political parties to promote women in the party's senior positions and governing bodies and for increasing the number of women candidates in elections. To enhance the representation of women in the parliament, an efficient gender quota should be applied both to candidate lists and the allocation of mandates.*

Twenty campaign venues observed by the ODIHR EOM provided independent access for people with disabilities, and some contestants used campaign materials accessible to visually impaired voters. 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.

## IX. CAMPAIGN FINANCE

The financing of election campaigns is regulated in detail by the Election Law supplemented by CEC resolutions. Recent amendments addressed a previous ODIHR recommendation by introducing caps for individual donations.<sup>66</sup> Nevertheless, recommendations related to financial disclosure and effective oversight have not been implemented, and only limited information on donations was available to the public.

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<sup>63</sup> In the 2019 [Concluding observations on the fifth periodic report of Kazakhstan](#), the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns about the low representation of women at the ministerial level, the Senate and discriminatory gender stereotypes hindering the participation of women in political and public life. The Committee recommended introducing incentives for political parties to promote women in senior positions and governing bodies within their party structures and for increasing the visibility of women candidates during election campaigns.

<sup>64</sup> Women's primary role as mothers was repeatedly highlighted also in relation to International Women's Day.

<sup>65</sup> Women obtained 16 seats in the proportional contest (23 per cent): from *Amanat* – 8, *Respublika* – 3, *PPK* – 2, *Ak Zhol* – 1, *Auyl* – 1, *NSDP* – 1. Two women nominated by *Amanat* won seats in the SMDs.

<sup>66</sup> KZT 7 million for an individual and KZT 35 million for organizations to donate for a campaign.

Political parties can fund their campaigns from their own sources and donations from individuals and legal entities.<sup>67</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 donations from individuals and legal entities, including political parties, channelled through a mandatory campaign bank account.<sup>68</sup> Several majoritarian candidates informed the ODIHR EOM of difficulties with opening and operating campaign accounts, which significantly delayed the start of their campaigns.<sup>69</sup> The legislation does not provide a timely remedy against such delays, resulting in an inability for some candidates to use private funds and donations to finance their activities.<sup>70</sup>

*To ensure fair treatment for all parties and candidates, state authorities should further facilitate bank account access in an equal and timely manner.*

The Election Law provides for public subsidies for majoritarian candidates that do not require a special account: candidates apply to DEC/TECs for these subsidies by submitting contracts and invoices with the service providers.<sup>71</sup> Public subsidies cover specific expenses, such as media appearances, printed materials and transportation.<sup>72</sup> Overall, 317 candidates used public funds to finance their campaigns. While this funding option is welcome and has the potential to provide for a more level playing field, de facto the procedural administrative hurdles in covering the expenses negatively affected the equality of campaign opportunities for some candidates in SMDs. In particular, several candidates found the processing of payments too burdensome and time-consuming: a number of candidates were refused such payments until the verification of their tax declaration two weeks after the start of the campaign.<sup>73</sup> The Election Law does not regulate the return of public funds, but the CEC informed the ODIHR EOM that the deregistered candidates would have to return the public funds already spent. This condition was not made known to the candidates in advance.<sup>74</sup>

*To ensure equal campaign opportunities, all majoritarian candidates should have effective and timely access to public subsidies as provided by law.*

The CEC is vested with the oversight of the campaign finance and expenditure in the proportional contest, while the DEC/TECs oversee campaign finance in the majoritarian races. While the law enables the election administration to collect detailed information on party and candidate campaign incomes and expenditures from banks and through the reports of the contestants, election commissions only cross-check data from reports with data submitted by the bank. The law provides for the publication of financial reports before and after elections; however, only aggregated information on income for

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<sup>67</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>68</sup> A majoritarian candidate's own funds should not exceed KZT 14 million. The total amount of contributions from individuals and legal entities should not exceed KZT 35 million.

<sup>69</sup> For instance, a number of candidates in Astana were denied opening a bank account due to financial debts with other banks. While the campaign started on 18 February, opening some campaign accounts was delayed until 5 March.

<sup>70</sup> Candidates the ODIHR EOM met with explained their reluctance to submit formal complaints because the short election dispute deadlines would not apply to such complaints against bank decisions.

<sup>71</sup> Following a verification process, respective payments are made from the accounts of local executive bodies directly to service providers.

<sup>72</sup> According to a CEC resolution, each majoritarian candidate is entitled to some KZT 450,000 for television, radio appearances and publication of two articles in press and online sources; KZT 300,000 for public events and printed materials; and KZT 200,000 for transportation.

<sup>73</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>74</sup> The CEC explained that the initial total amount of subsidies allocated to all candidates was calculated on the basis of the number of registered candidates and was reduced following the deregistration.

contestants was published by the CEC and TECs before election day.<sup>75</sup> As a result, voters did not have access to the information on sources of financial support for candidates before election day, reducing transparency.<sup>76</sup> The law provides for the submission of final financial reports of contestants five days after election day but does not require their publication. According to the CEC, these reports have details on donations expenditures, but they were not made public by the CEC or by TECs. Only aggregated information received by the election administration from the banks was published.<sup>77</sup>

*To ensure transparency of campaign finance, campaign finance reports should be published in a timely and detailed manner, disclosing the sources of donations to campaign funds of electoral contestants.*

The Administrative Offences Code defines sanctions for breaches of campaign finance rules, including fines for failure to report campaign finance and for funding campaigns bypassing the designated bank account. Additionally, the Election Law provides for candidates' deregistration and invalidation of election results if campaign finance violations are revealed after the vote. The law does not set any specific criteria for applying these sanctions and allows for broad discretion and potentially disproportionate application for minor violations.<sup>78</sup>

*The regulatory framework should prescribe proportionate and dissuasive sanctions for campaign finance violations.*

## X. MEDIA

### A. MEDIA ENVIRONMENT

The media environment is significantly influenced by the state.<sup>79</sup> While television (TV) remains a major source of political information, especially in rural areas, online media and social networks are becoming more popular in the main cities. There are no public service broadcasters in the country.<sup>80</sup>

<sup>75</sup> The published data on expenditures consisted of expenses on transport, printing materials and media appearances.

<sup>76</sup> According to Paragraph 261 of the 2020 ODIHR and Venice Commission Guidelines on Political Party Regulation, "It is good practice to require [...] reports providing oversight bodies and the public with preliminary information on campaign incomes and expenses of parties and candidates several days before election day". See also Paragraph 259. A number of ODIHR EOM interlocutors suggested that some contestants ran as self-nominated candidates while receiving funds from political parties.

<sup>77</sup> According to the information published on the CEC website, *Amanat* received nearly KZT 700 million in donations from citizens and organizations, and additionally used KZT 350 million of party funds. *Ayul* received over KZT 450 million in donations, mostly from organizations, while *Respublika* collected some KZT 328 million in donations, evenly received from citizens and organizations. With the exception of *Respublika* and *Baytaq*, all parties spent their entire electoral funds on the campaign.

<sup>78</sup> Paragraph 273 of the ODIHR and Venice Commission 2020 Guidelines on Political Party Regulation states: "sanctions must bear a relationship to the violation and respect the principle of proportionality".

<sup>79</sup> There are 23 TV channels [registered](#) with a nationwide coverage. State-owned *Qazaqstan* media holding operates four TV channels and owns 80 per cent of shares of *First Eurasian*; state-owned *Khabar* media holding and Intergovernmental broadcaster *Mir* operate three TV channels each. The media holding TV and Radio Complex of the President owns *ZhibekZholly*, and *Amanat* 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>80</sup> In their [2023 Joint Declaration on Media Freedom and Democracy](#), the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of Media, Organization of American States's Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights' Special Rapporteur on Freedom of Expression and Access to Information (Joint Declaration on Media Freedom) call the States to "[c]reate and maintain adequately funded public service media and ensure their independence from political or commercial interference within a framework of accountability to the public. All government or State media should be transformed into public service media without further delay". Paragraph 19 of the 2011 UNHRC [General Comment No. 34](#) calls State parties to "ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence".

*To enhance the diversity of available information and promote plurality, state television should be transformed into a genuine public broadcaster, with the independent appointment of management, multi-sourced funding and a clearly defined public mandate.*

Some ODIHR EOM interlocutors claimed that the majority of private national media outlets are owned by business people close to the government, but there is limited transparency over private media ownership.<sup>81</sup>

*Measures should be taken to ensure full transparency of media ownership and clearly identify the ultimate beneficiaries.*

Online media are generally perceived to be more diverse in political coverage. However, numerous recent cases of intimidation and harassment of critical online journalists and bloggers are of concern.<sup>82</sup> The media market is impacted by the substantial amount of state funding that is allocated to it, often in a non-transparent manner. The amount of public funding allotted to the media by the government is comparable to the entire advertisement market of Kazakhstan.<sup>83</sup> The local media outlets also depend on public funding they receive from *akimats*. Many ODIHR EOM interlocutors linked the public funding to direct influence on editorial policies of the media, pointing to a very limited share of state funds being allotted to the critical media.<sup>84</sup>

*The allocation of state advertising and subsidies should be transparent and non-discriminatory, based on clear and objective criteria, and administered by an independent body.*

## **B. LEGAL FRAMEWORK**

Freedom of expression and media guaranteed by the Constitution is undermined by a restrictive media legal framework, contrary to international standards. Although slander was decriminalized in 2020, a number of provisions related to defamation, insult and “distribution of knowingly false information” remain part of the Criminal Code and are broadly formulated. The Criminal Code establishes prosecution for defamation, slander, libel and public insult of the president, public officials, MPs, and

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<sup>81</sup> The [Joint Declaration on Media Freedom](#) recommends the States to “ensure pluralism and diversity of the media, including through human rights-centric regulatory frameworks. Achieving pluralism in the media sector should include but not be limited to [...] promoting comprehensive transparency of media ownership: Media outlets should directly disclose ownership information and report this information to an independent national media regulatory body or other designated entity tasked with gathering and collating the information and making it available to the public”.

<sup>82</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 these cases. This was followed by the reports of the police arresting the alleged [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.

<sup>83</sup> 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>84</sup> Paragraph 41 of the 2011 UNHRC [General Comment No. 34](#) reads: “Care must be taken to ensure that systems of government subsidy to media outlets and the placing of government advertisements are not employed to the effect of impeding freedom of expression”. The [Joint Declaration on Media Freedom](#) reads: “Allocation of public support to the media [...] should be based on clear, transparent, neutral, and non-discriminatory criteria including consideration of professional journalistic standards and media’s contribution to content of public interest, rather than on political or government viewpoints. State support for the media should not be used to turn media into propaganda instruments of a ruling power. The allocation of State subsidies to the media should be administered by an independent body and be subject to external audit and judicial review.”

members of the judiciary.<sup>85</sup> Such a legal framework deters independent critical reporting and contributes to widespread self-censorship.

*The media legal framework should be reviewed to guarantee and support freedom of expression in line with international standards. The criminal prosecution for libel and dissemination of knowingly false information, as well as laws that provide special protection of the honour of public officials should be fully repealed.*

Although the legal framework provides basic guarantees of access to information, its implementation is undermined by a broad interpretation of what information constitutes ‘classified’ and ‘for internal use’ by the state bodies.<sup>86</sup> Many ODIHR EOM interlocutors noted that public officials often provide only a formalistic answer, which does not provide the actual information requested. During the campaign, several regional media outlets pointed to the limited information provided by the TECs to the media on the registration of the contestants.

*To effectively respond to the right of access to information, authorities should proactively publish institutional information of public interest in the public domain. Access to such information should be provided promptly, effectively and practically, facilitating wide-ranging inquiries. Refusals to provide information should have clear justifications and be appealable. General limitations on public information should be clearly defined and not decided ad hoc.*

The Ministry of Information and Social Development (MISD) is inter alia the regulatory and oversight body for broadcast, print and online media.<sup>87</sup> Many ODIHR EOM interlocutors opined, that being part of the Government, the MISD cannot be fully independent in their activities.

*Consideration should be given to establishing an independent media regulator with a clear mandate, adhering to transparency and public accountability criteria. The system of appointing its members should ensure diversity of representation, prevent conflict of interests and guarantee independence.*

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, contrary to international

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<sup>85</sup> The Criminal Code provides for special protection of honour and dignity of the president. Paragraph 38 of [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 further 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>86</sup> Paragraph 295 of the 2022 [GRECO Evaluation Report on Kazakhstan](#) states: “while 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>87</sup> Paragraph 39 of the [General Comment No. 34](#) to the ICCPR calls for the states to “establish an independent and public broadcasting licensing authority”.

standards.<sup>88</sup> The ODIHR EOM is unaware of any major local news website being blocked during the campaign period, but the MISD did not publish a detailed list of blocked websites or provide one to the ODIHR EOM.

*In line with international standards, websites may only be blocked based on objective and transparent criteria defined in law. Possible limitations should be content-specific, while general bans of entire websites should be avoided. Website owners and the general public should be informed when such blockings are implemented to have an effective opportunity to appeal to the court. An aggregated register of blocked websites should be publicly available.*

The Election Law and a CEC resolution oblige the media to provide objective coverage of the contestants, refrain from publishing content that could damage the honour and dignity of contestants, publish opinion polls conducted only by approved organizations with at least five years of experience and provide equal conditions for the allocation of free time and space. In line with the legislation and to sell paid political advertisements, 90 broadcasters, 180 print and 195 online media outlets, as well as 40 users of online platforms, submitted their price lists to the CEC, and 2,170 media outlets and online users submitted price lists to TECs. According to ODIHR EOM media monitoring results, *Amanat* purchased the largest portion of advertisements, followed by the NSDP and *Respublika*. The Election Law does not provide for the allocation of free airtime to election contestants. Majoritarian candidates were provided KZT 450,000 of state funding to pay for political advertisements, and some of them informed the ODIHR EOM that the allotted funds were insignificant.

The law entitles the CEC and TECs to organize debates between political parties and between majoritarian candidates. On 16 March, on *Khabar TV*, the CEC organized a debate between the seven parties; the contesting parties organized two more debates by purchasing time on *Qazaqstan TV* and KTK. All three debates mainly focused on social and economic issues. Positively, the format of the debates provided for interaction between parties, but contestants mainly used them as an individual platform for appealing to voters. Women candidates were featured in two out of the three debates. Several news websites and YouTube channels hosted debates between majoritarian candidates in Almaty. The ODIHR EOM is not aware of any official debates organized by TECs.

During the campaign, the MISD monitored the major national and regional media and social networks.<sup>89</sup> The methodology and monitoring results were not publicly available. The MISD informed the ODIHR EOM that while two-thirds of the monitored media did not cover the campaign activities of the political parties, the remaining media covered the campaign activities of the political parties equitably, with only minor differences in coverage between the main political parties.

Recent amendments to the Election Law extended the media regulations to all users of online platforms, 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 the selective implementation of the law. The MISD reported that their monitoring of social networks identified some

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<sup>88</sup> In 2022, the MISD [initiated](#) a country-wide block of multiple websites for prohibited content, including 101 website for disseminating false information. 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 43 of the [General Comment No. 34](#) to the ICCPR.

<sup>89</sup> The MISD informed the ODIHR EOM that 576 media outlets were covered, including 48 TVs, 386 newspapers and 142 websites.

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.



**C. MEDIA MONITORING FINDINGS** [Click Here to Read Media Monitoring Results](#)

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 block.<sup>90</sup> Only 11 per cent of political newscasts monitored were dedicated to the coverage of the campaign activities, and each party received between 6 and 10 per cent of this coverage, while majoritarian candidates were largely ignored.<sup>91</sup> *TV Zhibek Zholy* refrained from covering the contestants, although their news coverage served as a platform for some senior members of *Amanat* who were not contesting the elections. All monitored broadcasters provided extensive coverage of the government and the President, either in a neutral or positive tone. In most regions, the ODIHR EOM observed limited campaign coverage by local media, with Almaty being an exception. Overall, the limited campaign coverage and lack of investigative and analytical reporting did not assist voters in making an informed choice.

The coverage of the campaigns on the news websites monitored by the ODIHR EOM also mainly focused on the government and the President. The websites *kaztag.kz*, *orda.kz*, *ulysmmedia.kz* and *vlast.kz* focused on the activities of majoritarian candidates, mainly in the Almaty region, who received between 11 and 28 per cent of political content combined. Meanwhile, *Amanat* received between 2 and 5 per cent, and the other six parties received between 0 and 3 per cent, respectively. Similarly, *tengrinews.kz* and *zakon.kz* each dedicated 4 per cent of their political coverage to *Amanat*, while the other six parties received less than 1 per cent each.

The limited representation of women among senior party and government officials was reflected in the news and talk shows in the broadcast monitored media, leaving only between 3 and 14 per cent of the campaign coverage to women candidates.<sup>92</sup> Although the ODIHR EOM media monitoring noted no direct gender-based discrimination, the gender stereotypes about motherly and family as women's primary roles were reinforced on some occasions, mainly in relation to International Women's Day.

## **XI. ELECTION DISPUTE RESOLUTION**

The electoral legal framework provides for the resolution of disputes by the election administration, administrative courts, and the Supreme Court. The Election Law and the Administrative Procedural Code establish reasonable deadlines for resolving election-related disputes before but not after election

<sup>90</sup> During the official campaign period, the ODIHR EOM monitored the prime-time coverage of six TVs (*First Eurasian Channel*, *Khabar TV*, *KTK*, *Qazaqstan TV*, *ZhibekZholy*, and *31 Channel*) and the content of six websites (*kaztag.kz*, *orda.kz*, *tengrinews.kz*, *vlast.kz*, *ulysmmedia.kz*, and *zakon.kz*).

<sup>91</sup> According to the ODIHR EOM media monitoring results, during the prime-time of the whole official campaign period, *Khabar TV* devoted between 28 and 37 minutes of airtime to each contesting party, *KTK* - between 25 and 27 minutes, *First Eurasian Channel* - between 15 and 23 minutes, *Qazaqstan TV* - between 13 and 18 minutes, and *31 Channel* - between 9 and 13 minutes.

<sup>92</sup> According to the ODIHR EOM media monitoring results, women candidates received only 14 per cent of campaign coverage on *First Eurasian Channel*, 13 per cent on *KTK*, 11 per cent on *Khabar TV* and *31 Channel*, 7 per cent on *Qazaqstan TV*, and 3 per cent on *ZhibekZholy*.

day.<sup>93</sup> There is a possibility for submission of complaints and appeals to election commissions and courts via an electronic system, which facilitated access for applicants and respondents to dispute resolution mechanism before election day. However, technical problems after election day as well as cases of courts, public prosecutor offices and TECs in some regions not accepting complaints during the holiday season after election day compromised the opportunity to challenge voting results within the established deadlines.<sup>94</sup>

The CEC informed that it received 451 and responded to 223 complaints and communications before election day. Only this statistical data and broad categories of these complaints and communications were made public without any additional information on substance, and decisions were not published. No complaints were considered in the open sessions attended by the ODIHR EOM. The process of complaint resolution by the CEC lacked transparency, and the effectiveness of remedies provided was not assessed as, despite the repeated requests, the ODIHR EOM was not provided with the decisions on complaints.

*To increase the transparency of election dispute resolution, the Central Election Commission should consider complaints in open sessions, and decisions and their reasoning should be made public.*

Administrative courts are the first instance for complaints against lower-level election commissions, with the possibility of further appeal to the Supreme Court. According to the Supreme Court, 45 complaints against DEC decisions related to candidate nomination and the resulting refusals of candidate registration were submitted to administrative courts, mainly concerning the calculation of the 10-year residency requirement.<sup>95</sup> In several regions, the administrative courts overruled DEC decisions on rejecting candidate nominations due to the narrow interpretation of the residency requirement, thus providing an effective remedy.<sup>96</sup> Positively, following these judicial precedents, the CEC clarified how to define the length of the residency, and several rejected candidates were subsequently registered.

The Supreme Court is the first and final instance for complaints on decisions related to the registration of party lists and majoritarian candidates and the final instance for appeals against the decisions of 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>97</sup> In a positive development, the Supreme Court remedied several cases, overruling 14 DEC decisions on the deregistration of candidates. At the same time, in most cases, the Supreme Court upheld DEC and TEC decisions, at times siding with their formalistic interpretation of the law.<sup>98</sup>

Referring to the protection of personal data, the Ministry of Justice (MoJ) did not disclose to the aspiring parties the names of individuals who allegedly did not meet the legal requirements for membership in

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<sup>93</sup> The 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. Specific 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>94</sup> The ODIHR EOM observed that the electronic system for submission of complaints was not properly functioning after election day.

<sup>95</sup> At the same time, according to the CEC, the administrative courts received 27 complaints from candidates.

<sup>96</sup> Complaints related to the length of residency requirement were submitted in Abay, Akmol, Almaty, Aktobe, Atyrau, Karaganda, North Kazakhstan regions and Almaty city.

<sup>97</sup> Of these 62 complaints, 17 were not considered because of withdrawals of complaints, missed deadlines or lack of court jurisdiction.

<sup>98</sup> For instance, the Supreme Court validated the DEC refusal of registration due to non-declaration of vouchers from the Soviet times, while the rejected candidate was not aware of their existence. In other cases, declaration of existing non-material obligations and contracts were seen by courts as valid reasons to deregister candidates.



political parties. At the same time, those individuals' alleged lack of eligibility was used as a ground for denying registration of political parties. This prevented the parties in question from receiving justified decisions and correcting the mistakes. Moreover, the courts neither remedied refusals to share this data with the aspiring parties nor requested the MoJ to make reasonable decisions denying fundamental freedom of assembly. This seriously compromised the effectiveness of judicial remedy and led to the repeated denial of registration to some political parties without providing a real opportunity to correct mistakes or rectify applications.

By law, court hearings are open to the public, but the opportunity to attend sessions in election-related cases is not always ensured in practice.<sup>99</sup> There is an electronic court case management system that, *inter alia* provided an opportunity to submit complaints online, but the information on upcoming court sessions was frequently not updated or easily searchable in the system, limiting public awareness about the election-related hearings. Most court hearings, including in the Supreme Court, are accessible only upon pre-authorization before the hearing. In addition, court decisions were published online only after the time to appeal had passed.

*Additional efforts should be taken in practice to ensure transparency of adjudication of complaints by courts. Public access to court hearings should not be curtailed by undue administrative hurdles, such as lack of timely publication of schedules of hearings or pre-authorization of attendees.*

According to the Administrative Procedural Code, complaints on violations of electoral rights filed within a month after the elections should be considered within five days.<sup>100</sup> Such a timeline does not ensure that all legal possibilities for appeals are exhausted before the CEC officially announces the winners.

According to the authorities, the CEC and the courts received 164 and some 400 complaints, respectively, after election day.<sup>101</sup> However, the ODIHR EOM observed that possibilities for filing complaints for some self-nominated candidates, citizen observers and political parties were hampered in several regions where courts and the election administration were not accepting complaints for some time after the election day due to the holiday season, and the electronic court case management system for complaint submission was not always functioning.<sup>102</sup>

Overall, post-election complaints were handled by the election administration and the courts in an opaque manner. In particular, no substantial information on the decisions of the election administration was publicly available. Only a few court decisions were available online and only for a short period. According to ODIHR EOM interlocutors, the vast majority of their submitted complaints alleged serious election day violations, including falsification of protocols, ballot box stuffing, manipulation of voter lists, and failure to post the PEC voting results protocols. In some cases, several PEC members received administrative fines.

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<sup>99</sup> For example, the ODIHR EOM had difficulties accessing courts and receiving information on court decisions from Aktobe, Astana, Kostanay and Pavlodar.

<sup>100</sup> The Election Law only extends to the complaints submitted before and on election day and to the challenges of the final election results filed with the Constitutional Court.

<sup>101</sup> In response to the ODIHR EOM request on complaints submitted on election day and after, the Supreme Court informed that overall courts received 473 complaints as of 31 March.

<sup>102</sup> For instance, in the Jetisu region, the administrative court was closed for the holidays. The courts in Almaty and Shymkent and Turkistan regions did not provide the ODIHR EOM with information on complaints due to the holidays. In the Jambyl region, some candidates tried to contact the TEC via phone and in person, but the TEC was closed. In Karaganda, the courts and the election administration were not reachable by phone for three days after election day.

The legislation provides for challenges against the “acts and actions” of the election administration. However, requests to invalidate the voting results or to conduct repeat voting due to serious violations were dismissed because protocols of voting results were not regarded as administrative acts and, therefore, could not formally violate the electoral rights of candidates.<sup>103</sup> Such a formalistic approach leaves potential falsifications without a remedy, compromising the final election results.<sup>104</sup> The CEC also informed the ODIHR EOM that no recounts were conducted.

*The timeline for announcing election results should ensure that all legal possibilities for appeals are exhausted before the Central Election Commission announces the election results. The legal framework for post-election dispute resolution should explicitly provide an opportunity to challenge voting results protocols at all levels and provide for an effective remedy in the cases of an inaccurate establishment of results.*

Final election results may only be appealed to the Constitutional Court within ten days of the announcement. This right is granted only to speakers of both houses of parliament, at least one-fifth of the MPs, the prime minister, and the president. Such rules on legal standing effectively exclude the equal opportunity for electoral contestants to challenge election results and receive legal redress.

Complaints related to criminal and administrative electoral offences can be filed with public prosecutors. The prosecutor’s office also has exclusive competence to *ex-officio* initiate proceedings on a wide range of election-related offences.<sup>105</sup> Many ODIHR EOM interlocutors expressed a lack of trust in the impartiality and independence of the prosecutors’ office, pointing to selectiveness in the initiation of a prosecution and the application of sanctions. For example, six cases of alleged early campaigning, including for fund-raising activities, were brought by prosecutors only against self-nominated candidates. All these resulted in the application of administrative fines and subsequent deregistration of candidates by the TECs. On election day, the prosecutor’s office disregarded all complaints of obstruction to observation.<sup>106</sup>

Contrary to a prior recommendation of the Venice Commission, the Administrative Procedural Code continues to provide for the presence of public prosecutors in all election-related hearings.<sup>107</sup> Undue involvement of law enforcement in the administration of elections enhances the risk of prosecutorial pressure on the judiciary and the election administration, contrary to good practice and previous recommendations of ODIHR and the Venice Commission.<sup>108</sup>

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<sup>103</sup> Several self-nominated candidates informed the ODIHR EOM that they had submitted complaints to the CEC and to the Supreme Court, none of which resulted in recounts. This information was confirmed by the CEC.

<sup>104</sup> While the legislation provides administrative and criminal responsibility for violations, including for falsifying election results, such sanctions do not remedy electoral falsifications.

<sup>105</sup> The Code of Administrative Offences includes 26 election-related articles, including on campaign and campaign finance breaches as well as election day violations.

<sup>106</sup> On election day, the IEOM observed numerous restrictions to observation by citizen observers.

<sup>107</sup> Unlike other parties to the election-related cases, the prosecutors issue written conclusions. For example, they did so on appeals against deregistration of candidates, while the prosecutor’s office had initiated all cases of deregistration for early campaigning.

<sup>108</sup> Paragraphs 69-70 of the Venice Commission [2002 Code of Good Practice in Electoral Matters](#) state: “in states where the administrative authorities have a long-standing tradition of independence from the political authorities, the civil service applies electoral law without being subjected to political pressures [...] However, in states with little experience of organizing pluralist elections, there is too great a risk of government’s pushing the administrative authorities to do what it wants”. According to Constitutional Law ‘On Prosecutor’s Office’, the prosecutor’s office is subordinate and directly accountable to the president. See the [2018 Venice Commission opinion on Administrative Procedure and Justice Code of Kazakhstan](#) that recommends to further reconsider whether prosecutors should play such a significant role in administrative proceedings (Paragraphs 27 and 28).

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 the electoral silence period. A number of political groups and citizen observers informed the ODIHR EOM about the submission of complaints on obstruction of their observation activities to the CEC and the prosecutors.<sup>109</sup> However, no administrative cases on these allegations were reported by the prosecutors. The CEC did not provide information on received and handled complaints to the public, nor, upon request, to the ODIHR EOM.

*To ensure the election administration's and judiciary's independence, consideration should be given to limiting the powers of the prosecutor's office within the election dispute resolution process and, specifically, restricting its participation in court proceedings in election-related cases.*

## **XII. ELECTION OBSERVATION**

The law provides for citizen and international election observation. Public associations and non-profit organizations may nominate citizen observers. Candidates and registered political parties are also entitled to deploy their agents (proxies) and observers. Addressing a previous ODIHR recommendation, recent legal amendments introduced a formal accreditation process for citizen observers. The CEC accredits nationwide organizations registered with the MoJ, while TECs accredit local organizations registered at the regional Departments of Justice. Accredited organizations observe elections in the area of responsibility of the election commission where they got accreditation. By law, accredited organizations can observe all types of elections within one year, including election day proceedings. To be accredited, a domestic organization should have election observation among its statutory activities.

Overall, the accreditation of observers was inclusive. Nonetheless, broadened requirements for accreditation would allow other civic and human rights organizations to observe the elections.<sup>110</sup> Some ODIHR EOM interlocutors raised concerns about the length of the accreditation process impacting their preparations, such as fundraising as well as recruitment and training of observers.<sup>111</sup>

On election day, the presence of domestic observers was high during the voting, while it significantly dropped during the counting in the polling stations observed by the IEOM.<sup>112</sup> In many cases, domestic and international observers were requested to observe from a designated area that did not allow a clear and meaningful view of the procedures. This hindered the observation activity at odds with the domestic legislation and OSCE commitments and negatively impacted the transparency of the process.<sup>113</sup>

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<sup>109</sup> According to the Code of Administrative Offences, an obstruction of the legitimate activities of proxies, media representatives and election observers is an administrative offence.

<sup>110</sup> Section 3.2.a of the Venice Commission 2002 Code of Good Practice in Electoral Matters recommends: "both national and international observers should be given the widest possible opportunity to participate in an election observation exercise".

<sup>111</sup> The CEC accredited 14 out of 17 organizations that applied at the national level, and TECs accredited 238 organizations out of 267 applications. The difference in numbers is caused by the fact that regional branches of a given organization applied simultaneously. The CEC considered them one legal entity without the need to go through the accreditation procedure. Eight organizations were denied accreditation as they did not have election observation activity in their statute.

<sup>112</sup> Domestic observers were present in 1,020 out of 1,276 polling stations observed by the IEOM during the opening, voting and counting, and only in 4 out of 47 TECs (tabulation process) observed by the IEOM.

<sup>113</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states that "participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place". Article 20-1 of the Election Law states: "observers should observe ... at a polling station in conditions enabling good observation", while according to Article 43, "the tables for vote count at the polling station shall be arranged in such a way that all people present in the premise shall have a good view of the actions of the PEC members. The proxies and observers present shall watch the vote count at a distance and under the conditions providing visibility of the marks in the ballots".

The CEC has in place a formal accreditation procedure for international observers. However, the Election Law limits the possibility of being accredited for those international observers representing institutions of foreign states or international organizations but excludes foreign non-governmental organizations.<sup>114</sup>

*To provide for the effective implementation of OSCE commitments, measures should be taken to ensure unrestricted access by citizen and international observers to the entire electoral process, including a clear view of all procedures during voting, counting and tabulation of voting results.*

### XIII. ELECTION DAY

Overall, election day was calm and orderly.<sup>115</sup> During the day, the CEC announced updates about the polling, including voter turnout that at the national level was 54.21 per cent, with the lowest turnout in Almaty at 25.82 per cent and in Astana at 42.91 per cent. The IEOM consistently observed discrepancies between the number of voters casting their ballots and the official turnout figures.<sup>116</sup>

#### A. OPENING AND VOTING

The IEOM assessed the opening positively in all but 3 out of the 117 polling stations observed. The IEOM assessed the voting process positively in 97 per cent of the 1,201 observations. Although the polling station layout was assessed, by and large, as adequate to conduct polling, in 3 per cent of the polling stations observed, they did not ensure the secrecy of the vote and were overcrowded. Voting procedures were mainly followed, but group voting and voters taking pictures of their ballots were observed by the IEOM in 3 per cent and 5 per cent of the polling stations visited, respectively.<sup>117</sup>

*Members of precinct election commissions should ensure at all times the protection of all aspects of the secrecy of the vote.*

At the polling stations observed, some two-thirds of the PEC members were women, as were the majority of chairpersons. Unauthorised people 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

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<sup>114</sup> For example, the ODIHR EOM was informed that the Norwegian Helsinki Committee was refused accreditation based on this ground. The MFA answered that an international organization is an inter-state or inter-governmental organization. In Paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed to invite observers to [their] elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe [their] election proceedings”.

<sup>115</sup> In the days before voting, the akimats of Almaty, Astana, Berli district (West Kazakhstan), Kokshetau, Kostanay, Petropavl and Shymkent refused notifications by Alga Kazakhstan activists to organize peaceful assemblies on 19 March against the holding of elections. 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-authorised peaceful assembly.

<sup>116</sup> Throughout election day, the IEOM collected data on the number of voters registered on the voter list, the number of voters who had voted at the time of their arrival, as well as the number of voters who 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 lists, even upon request. In those polling stations where a visual inspection of the voter list was granted, the data officially reported by the polling staff was higher than would be supported by the number of signatures observed in the voter lists.

<sup>117</sup> In some cases, voters informed the IEOM that they were taking pictures of their ballots as proof for their employers that they voted.

cent. Nonetheless, observers did not have a clear view of the voting procedures in 12 per cent of observations, and IEOM observers were not able to observe without restrictions in 5 per cent of the polling stations observed, which negatively impacted the transparency of the process.

Despite measures to facilitate access of people with different types of disabilities to the polling process, their independent access 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.

## **B. VOTE COUNTING**

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 organized in 56 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 contestants in 99 cases, and the total number of ballots found in ballot boxes in a given contest was higher than the number of voters who signed in voter lists in 12 polling stations observed. In 32 cases, invalid votes were not determined in a reasonable manner and in 27 cases, they were not determined consistently.

In 12 cases, unauthorised people were observed at the polling stations, and non-PEC members were directing or interfering in the work of the PEC. In eight cases, the IEOM observed the official voting results protocols being pre-signed by PEC members before the count, and evidence of deliberate falsification of voter list entries, results or protocols. The voting result protocols were not filled in completely and in pen in 24 cases observed, and the figures were not announced aloud before being entered into the protocol in 55 cases. In 42 out of the 128 observed counts, copies of signed voting result protocols were not posted on public display.

Citizen observers did not have a clear view of the counting procedures in 49 cases observed. The IEOM was not able to observe without restrictions in 38 cases, and in more than half of the counts, observers were not able to clearly see voters' marks on ballots during the count, which undermined transparency. Overall, the counting process raised serious concerns about whether votes were counted and reported honestly as required by Paragraph 7.4 of the 1990 OSCE Copenhagen Document.<sup>118</sup>

## **C. TABULATION AND THE ANNOUNCEMENT OF RESULTS**

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 faced restrictions, and in 2 cases, was prevented from observing the tabulation process completely. In four cases, the IEOM was allowed to observe only the tabulation of the PEC, where they had observed the vote count.<sup>119</sup> In one case, the TEC was closed at the time of arrival and the IEOM was asked to

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<sup>118</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 are counted and reported honestly with the official results made public”.

<sup>119</sup> Observers could not access the tabulation process in TECs in Astana and Oskemen regions. In Kyzylorda, Oskemen, and Pavlodar, the IEOM was granted the right to observe tabulation of voting results only from the polling stations where they had observed the counting.

return to observe later in the morning, and in another case, the IEOM was informed that tabulation would take place at a higher level (DEC).<sup>120</sup>

The 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. Substantial procedural errors and omissions were observed in the work of five TECs. 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 observed, PEC members modified protocols at the TEC without a TEC's formal decision, and in 10 cases, PECs completed voting results protocols at the TEC premises. No disaggregated election results at a regional or local level were published.

*To ensure the integrity of the results, election commissions should receive adequate training, and procedural safeguards should be strictly adhered to during counting and tabulation processes in full view of observers.*

The CEC announced the preliminary election results on 20 March and finalized the results on 27 March, within the 10-day legal deadline from election day. However, complaints alleging serious violations during the vote count and tabulation were still pending, effectively excluding the provision of a remedy against election day violations that may have impacted election results, at odds with the OSCE commitments.<sup>121</sup>

The CEC announced the elected candidates in the SMDs and the number of seats won by relevant political parties in the proportional race.<sup>122</sup> In addition to *Amanat*, *Ak Zhol* and PPK, three new parties – *Auyl*, *Respublika* and NSDP - entered the Majilis. In SMDs, 22 out of 29 seats were won by candidates nominated by *Amanat*. As it is not required by law, the CEC did not publish disaggregated results by PECs, thus bypassing an essential transparency safeguard and undermining public confidence. None of the parties objected to the election results.

*To enhance transparency, strengthen accountability and safeguard the integrity of election results, the Central Election Commission should publish voting results on its website, disaggregated by polling station and district levels, in accessible formats, as they become available.*

In the days following the elections, the akimats of Aktau, Almaty, Astana, Oral, Petropavl, Shymkent, and Zhanaozen refused the holding of rallies by some civil activists and candidates demanding that the election results be invalidated. The akimats informed the applicants that the requested venues were already booked or the notifications submitted contained insufficient information. Some self-nominated candidates publicly claimed that the results were falsified in favour of either *Amanat* or a candidate supported by the authorities. Between 20 and 22 March, several self-nominated candidates were gathering together in Almaty, Karaganda, Oral and Shymkent. They organized press conferences demanding the invalidation of election results and calling for new elections. On 1 April, some 20 former candidates from various regions gathered in Almaty and declared they did not recognize the election results and established a “People’s Parliament”.

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<sup>120</sup> In Aktau, the TEC was found closed, and in Petropavl, observers were redirected to the DEC.

<sup>121</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document commits participating States to provide everyone with “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

<sup>122</sup> According to the law, within 10 days from the publication of election results, political parties had to distribute the mandates among the candidates included in their lists.

## **XIV. RECOMMENDATIONS**

The recommendations contained throughout the text are offered with a view to further enhancing the conduct of elections in Kazakhstan and supporting efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed.<sup>123</sup> 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.

### **A. PRIORITY RECOMMENDATIONS**

1. Authorities should consider further efforts to enable a fully genuine pluralistic and competitive political environment in conformity with Paragraphs 3 and 7.6 of the 1990 OSCE Copenhagen Document.
2. The electoral legal framework as well as corresponding legal provisions related to freedom of association, peaceful assembly and expression should be further reviewed to ensure compliance with international human rights obligations and standards for democratic elections. State bodies and the election administration should implement the laws in a manner that ensures the effective exercise of fundamental freedoms.
3. The system of appointment and dismissal of election commissioners should ensure their effective independence from the state institutions, local bodies and political parties.
4. To promote genuine political pluralism, authorities should ensure the right of individuals and groups to establish, without undue restrictions, new political parties. The procedural registration rules in the Law on Political Parties must provide for the effective exercise of freedom of association. Registration authorities must refrain from applying legal provisions in a manner that diminishes the transparency and objectivity of the registration processes and provide for the effective possibility to rectify omissions.
5. To comply fully with international standards, the Law on Peaceful Assemblies should be revised and implemented to ensure a meaningful exercise of the right to peaceful assemblies, including those of a political nature and during elections. The notification mechanism for holding public events should be further revised to better facilitate peaceful assemblies, with denial being an exceptional measure.
6. The media legal framework should be reviewed to guarantee and support freedom of expression in line with international standards. The criminal prosecution for libel and dissemination of knowingly false information, as well as laws that provide special protection of the honour of public officials should be fully repealed.

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<sup>123</sup> According to Paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 7, 10 and 18 from the [final report of the 2021 parliamentary elections](#) (2021 Final Report) are fully implemented. Recommendation 12 from the [final report of the 2019 presidential election \(2019 Final Report\)](#) and [recommendations 9 and 23 from the 2021 Final report are mostly implemented. Recommendations 1, 4, 6-9, 13-15, 18, 19, 24, 29 and 31 from the 2019 Final report, recommendations 2,3,8, 12-15, 19 and 25 from the 2021 Final report and recommendation 8 from the final report of the 2022 Referendum are partially implemented.](#) See also the ODIHR [Electoral Recommendations Database](#).

7. To provide for the effective implementation of OSCE commitments, measures should be taken to ensure unrestricted access by citizen and international observers to the entire electoral process, including a clear view of all procedures during voting, counting and tabulation of voting results.
8. To enhance transparency, strengthen accountability and safeguard the integrity of election results, the Central Election Commission should publish voting results on its website, disaggregated by polling station and district levels, in accessible formats, as they become available.

## **B. OTHER RECOMMENDATIONS**

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

9. Consideration should be given to introducing legal safeguards that prevent members of the Majilis from being deprived of their mandates by political parties.
10. To ensure the equality of the vote, the boundaries of single-mandate electoral districts should be reviewed periodically and well in advance of the next elections, in an open and consultative manner.

### **Election Administration**

11. To enhance the transparency of the process, preparatory meetings of the Central Election Commission should be open to the public, and sessions of lower-level commissions should be announced well in advance to facilitate public attendance. Agendas and minutes of such sessions should be published in a timely manner.
12. The Central Election Commission should continue its positive efforts and implement comprehensive education programmes for different groups of electoral stakeholders, including minority groups, young voters and voters with disabilities. In particular, it should cover such topics as the importance of voting by secret ballot and existing campaign and campaign finance regulations.
13. The authorities should continue their efforts, in co-operation with relevant stakeholders, to ensure the participation of people with disabilities in the electoral process and secure independent access to polling stations during election day.
14. Members of precinct election commissions should ensure at all times the protection of all aspects of the secrecy of the vote.
15. To ensure the integrity of the results, election commissions should receive adequate training, and procedural safeguards should be strictly adhered to during counting and tabulation processes in full view of observers.

### **Voter Registration**

16. Blanket deprivation of suffrage rights of citizens serving a prison sentence and restrictions based on legal capacity should be reviewed in line with international obligations.

### **Candidate Registration**

17. Restrictions on candidacy based on residency should be reviewed in line with international standards and good practice.



18. Consideration should be given to lowering the election deposit and expanding the terms for its refund.
19. To ensure legal certainty of a candidate's status, the verification of all documents required by law should be completed before the candidate registration deadline. In line with international good practice, law and practice should ensure the meaningful possibility for corrections of omissions in nomination documents by contestants.
20. The Election Law should be revised to guarantee that candidate deregistration is applied in line with the principle of proportionality and only in extraordinary circumstances, which should be clearly and exhaustively defined in law.

### **Election Campaign**

21. Further measures to enhance women's participation in political life should be considered. Particularly, in line with CEDAW recommendations, the authorities should consider introducing incentives for political parties to promote women in the party's senior positions and governing bodies and for increasing the number of women candidates in elections. To enhance the representation of women in the parliament, an efficient gender quota should be applied both to candidate lists and the allocation of mandates.

### **Campaign Finance**

22. To ensure fair treatment for all parties and candidates, state authorities should further facilitate bank account access in an equal and timely manner.
23. To ensure equal campaign opportunities, all majoritarian candidates should have effective and timely access to public subsidies as provided by law.
24. To ensure transparency of campaign finance, campaign finance reports should be published in a timely and detailed manner, disclosing the sources of donations to campaign funds of electoral contestants.
25. The regulatory framework should prescribe proportionate and dissuasive sanctions for campaign finance violations.

### **Media**

26. To enhance the diversity of available information and promote plurality, state television should be transformed into a genuine public broadcaster, with the independent appointment of management, multi-sourced funding and a clearly defined public mandate.
27. Measures should be taken to ensure full transparency of media ownership and clearly identify the ultimate beneficiaries.
28. The allocation of state advertising and subsidies should be transparent and non-discriminatory, based on clear and objective criteria, and administered by an independent body.
29. To effectively respond to the right of access to information, authorities should proactively publish institutional information of public interest in the public domain. Access to such information should be provided promptly, effectively and practically, facilitating wide-ranging inquiries. Refusals to

provide information should have clear justifications and be appealable. General limitations on public information should be clearly defined and not decided ad hoc.

30. Consideration should be given to establishing an independent media regulator with a clear mandate, adhering to transparency and public accountability criteria. The system of appointing its members should ensure diversity of representation, prevent conflict of interests and guarantee independence.
31. In line with international standards, websites may only be blocked based on objective and transparent criteria defined in law. Possible limitations should be content-specific, while general bans of entire websites should be avoided. Website owners and the general public should be informed when such blockings are implemented to have an effective opportunity to appeal to the court. An aggregated register of blocked websites should be publicly available.

### **Election Dispute Resolution**

32. To increase the transparency of election dispute resolution, the Central Election Commission should consider complaints in open sessions, and decisions and their reasoning should be made public.
33. Additional efforts should be taken in practice to ensure transparency of adjudication of complaints by courts. Public access to court hearings should not be curtailed by undue administrative hurdles, such as lack of timely publication of schedules of hearings or pre-authorization of attendees.
34. The timeline for announcing election results should ensure that all legal possibilities for appeals are exhausted before the Central Election Commission announces the election results. The legal framework for post-election dispute resolution should explicitly provide an opportunity to challenge voting results protocols at all levels and provide for an effective remedy in the cases of an inaccurate establishment of results.
35. To ensure the election administration's and judiciary's independence, consideration should be given to limiting the powers of the prosecutor's office within the election dispute resolution process and, specifically, restricting its participation in court proceedings in election-related cases.

ANNEX I: FINAL ELECTION RESULTS<sup>124</sup>

2023 Early Parliamentary Elections Results - Proportional Contest

Number of registered voters	12,035,578
Number of voters who received ballots	6,517,360
Number of those who voted with an AVC	8,340
Number of voters via a mobile voting	86,814
Number of invalid votes	158,046 (2.42%)
Turnout	54.21%

Political party	Votes	%	Seats (proportional)	Seats (SMDs)	Seats total
Democratic party <i>Ak Zhol</i>	535,139	8.41	6	-	6
<i>Amanat</i>	3,431,510	53.90	40	22	62
The National Democratic Patriotic Party -Auyl	693,938	10.90	8	-	8
Nationwide Social-Democratic Party	331,058	5.20	4	-	4
<i>Baytaq</i>	146,431	2.30	-	-	-
People's Party of Kazakhstan	432,920	6.80	5	-	5
<i>Respublika</i>	547,154	8.59	6	-	6
Against all	248,291	3.90			
Self-nominated candidates	-	-	-	7	7
<b>Total</b>	<b>6,366,441</b>	<b>100.0</b>	<b>69</b>		<b>98</b>

Majoritarian Contest

Nominating subject	Nominated Candidates	Registered Candidates	Number of Mandates Received
Democratic party <i>Ak Zhol</i>	24	9	-
<i>Amanat</i>	29	27	22
The National Democratic Patriotic Party -Auyl	9	7	-
Nationwide Social-Democratic Party	6	6	-
<i>Baytaq</i>	4	2	-
People's Party of Kazakhstan	15	13	-
<i>Respublika</i>	4	2	-
Public associations	4	4	-
Self-nominated candidates	525	300	7
<b>Total</b>	<b>620</b>	<b>370</b>	<b>29</b>

<sup>124</sup>

Data according to the final results published by the CEC.

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

### OSCE PARLIAMENTARY ASSEMBLY

Irene	Charalambides	Special Co-ordinator	Cyprus
Reinhold	Lopatka	Head of Delegation	Austria
Lilit	Galstian	MP	Armenia
Petra	Bayr	MP	Austria
Ewa	Ernst-Dziedzic	MP	Austria
Axel	Kassegger	MP	Austria
Guillaume	Defosse	MP	Belgium
Davor	Bernardic	MP	Croatia
Hrvoje	Simic	MP	Croatia
Zvonimir	Troskot Kyriakou	MP	Croatia
Kyriakos	Hadjiyianni	MP	Cyprus
Zbynek	Linhart	MP	Czech Republic
Jana	Pastuchova	MP	Czech Republic
Lucie	Potuckova	MP	Czech Republic
Jan	Richter	MP	Czech Republic
Ladislav	Vaclavec	MP	Czech Republic
Sven	Sester	MP	Estonia
Marko	Sorin	MP	Estonia
Pascal	Lecamp	MP	France
Nikoloz	Samkharadze	MP	Georgia
Daniela Friederike	De Ridder	MP	Germany
Manfred	Grund	MP	Germany
Malte	Kaufmann	MP	Germany
Tobias Alexander	Winkler	MP	Germany
Mauro	Del Barba	MP	Italy
Skaidrite	Abrama	MP	Latvia
Lauris	Lizbovskis	MP	Latvia
Alexander	Muscat	MP	Malta
Farahnaz	Karimi	MP	Netherlands
Jeroen	Recourt	MP	Netherlands
Aleksander	Stokkebo	MP	Norway
Bård Andre	Hoksrud	MP	Norway
Barbara Halina	Bartus	MP	Poland
Robert	Dowhan	MP	Poland
Kazimierz Mariusz	Kleina	MP	Poland
Agnieszka Dominika	Pomaska	MP	Poland
Maria Paula	Da Graça Cardoso	MP	Portugal
Florin-Alexandru	Alexe	MP	Romania
Ilie Dan	Barna	MP	Romania
Costel Neculai	Dunava	MP	Romania
Michele	Muratori	MP	San Marino
Mojca	Šetinc Pasek	MP	Slovenia
Lucija	Tacer	MP	Slovenia
Maria del Carmen	Martinez	MP	Spain
Pere Joan	Pons	MP	Spain
Johan	Buser	MP	Sweden
Margareta	Cederfelt	MP	Sweden
Lars	Isacson	MP	Sweden
Ulrik	Nilsson	MP	Sweden
Carina	Odebrink	MP	Sweden
Bjorn	Soder	MP	Sweden
Helena	Storckenfeldt	MP	Sweden

Markus	Wiechel	MP	Sweden
Artur	Gerasymov	MP	Ukraine
Rupa Asha	Huq	MP	United Kingdom
Nicholas	Smith	MP	United Kingdom
Nodirjon	Abduvaliev	MP	Uzbekistan
Feruza	Nigmatova	MP	Uzbekistan
Fakhriddin	Samatov	MP	Uzbekistan
Lukas	Mussi	Staff of Delegation	Austria
Olgica	Tolic	Staff of Delegation	Croatia
Eleni	Georgiou	Staff of Delegation	Cyprus
Silvia	Andrisova	Staff of Delegation	Czech Republic
Katerina	Kosarikova	Staff of Delegation	Czech Republic
Andreas	Baker	Staff of Delegation	Denmark
Farimah	Daftary	Staff of Delegation	France
Stephanie	Koltchanov	Staff of Delegation	France
Anastasiya	Griadasova	Staff of Delegation	Kyrgyzstan
Igors	Aizstrauts	Staff of Delegation	Latvia
Marcin Jerzy	Mykietynski	Staff of Delegation	Poland
Ana Margarida	Isidoro	Staff of Delegation	Portugal
Anzhelika	Ivanishcheva	Staff of Delegation	Russian Federation
Michaela	Stranska	Staff of Delegation	Slovakia
Simona	De Ciutiis	Staff of Delegation	Sweden
Manuchekhr	Salokhudinov	Staff of Delegation	Tajikistan
Iryna	Sabashuk	Staff of Delegation	Ukraine
Janice	Helwig	Staff of Delegation	United States of America

#### ODIHR SHORT-TERM OBSERVERS

Ashot	Arushanyan	Armenia
Tamara	Hovnanyan	Armenia
Sedanna	Margaryan	Armenia
Benjamin	Bouacem	Austria
Josephine	Ebner	Austria
Martina	Gajdos	Austria
Petra	Polgar	Austria
Harald	Rainer	Austria
Matthäus	Uitz	Austria
Guillaume	Choquet	Belgium
Lore	Hens	Belgium
Tamara	Bolotenko	Canada
Brygida	Cross	Canada
Gary	Ellis	Canada
Laura	Kennedy	Canada
Elizabeth	Kingston	Canada
Sulev	Laane	Estonia
Julia	Evans	Finland
Ksenia	Glebova	Finland
Riikkamari	Muhonen	Finland
Mikko	Vauhkonen	Finland
Oscar	Bockel	France
Philippine	Brygo	France
Gael	Dupont-Ferrier	France
Damien	Hentry	France
Marine	Mathé	France
Benoit	Paré	France
Sabrina	Rouigui	France
Isabelle	Tourancheau	France
Alexandra	Toussaint	France

Sabine	Alck	Germany
Paul	Amann	Germany
Arnaud	Boehmann	Germany
Helmar	Böhnlein	Germany
Zaza	Bzishvili	Germany
Ulrike	Dässler	Germany
Rebecca-Cynthia	Dovergne	Germany
Ute	Ehren	Germany
Irene	Fellmann	Germany
Viktor	Fleisch	Germany
Randolph	Galla	Germany
Michael	Haußmann	Germany
Reinhard	Hesse	Germany
Thomas	Hofmann	Germany
Alexandra	Huck	Germany
Rainer	Kleffel	Germany
Jutta	Krause	Germany
Kristin	Liedtke	Germany
Magdalena	Metzler	Germany
Kirsten	Müller	Germany
Ulrike	Neundorf	Germany
Rainer	Otter	Germany
Jens	Prinzhorn	Germany
Michael	Reinwald	Germany
Patricia	Scherer	Germany
Hans-Heinrich	Schneider	Germany
Christina	Sell	Germany
Marlene	Sieck	Germany
Michael	Wahlen	Germany
Birgit Uta	Weckler	Germany
Karina	Szűcs	Hungary
Márta Tarrné	Péterffy	Hungary
Peter	Wagner	Hungary
Paul	Brennan	Ireland
Fionnuala	Brennan	Ireland
Colin	Smith	Ireland
Pierluigi	Bolioli	Italy
Elisabetta	Burba	Italy
Giulia	Pilia	Italy
Sandra	Brikaite	Lithuania
Kristina	Tamosaityte	Lithuania
Sabine	Dwinger	Netherlands
Maarten	Horeman	Netherlands
Wilhelmus	Nijssen	Netherlands
Marianne	de Wit	Netherlands
Monica	Beeder	Norway
Bendik	Elstad	Norway
Lars Georg	Fordal	Norway
Trude	Remme	Norway
Arild	Stenberg	Norway
Olgierd	Andruszczyszyn	Poland
Maciej	Daszuta	Poland
Krzysztof	Debski	Poland
Michal	Grodzki	Poland
Barbara	Kaczmarczyk	Poland
Helena	Koperska	Poland
Ewa	Maslanka	Poland

Maciej	Mielnik	Poland
Barbara	Mrowka-Jasiecka	Poland
Agnieszka	Orzechowska	Poland
Anna	Pogwizd	Poland
Marcin	Popławski	Poland
Norbert	Rafalik	Poland
Alan	Rynio	Poland
Magdalena	Sidorowicz	Poland
Jakub	Świdorski	Poland
Krzysztof	Wasowski	Poland
Andrzej	Wierzbicki	Poland
Gomes de Faria	Guimarães José Miguel	Portugal
Cristu Gabriel	Chirfot	Romania
Cristina	Chivu	Romania
Bogdan	Topan	Romania
Diana	Ainetdinova	Russian Federation
Georgii	Akaemov	Russian Federation
Mariia	Alimova-Nefedova	Russian Federation
Ruslan	Arsanukaev	Russian Federation
Egor	Baburin	Russian Federation
Sergey	Baburkin	Russian Federation
Alexander	Bedritskiy	Russian Federation
Andrei	Borodin	Russian Federation
Aleksei	Budarev	Russian Federation
Boris	Diakonov	Russian Federation
Luka	Ezerskii	Russian Federation
Aleksandr	Fediakov	Russian Federation
Ivan	Filatov	Russian Federation
Ruslan	Golubovskiy	Russian Federation
Anna	Gozhina	Russian Federation
Aleksei	Grubiy	Russian Federation
Artem	Kadyrmatov	Russian Federation
Alesya	Khalyapina	Russian Federation
Natalia	Kharitonova	Russian Federation
Maksim	Klochikhin	Russian Federation
Anastasiia	Knyshova	Russian Federation
Roman	Konstantinov	Russian Federation
Irina	Kosacheva	Russian Federation
Evgeny	Kozhokin	Russian Federation
Yulia	Kudeneeva	Russian Federation
Dmitrii	Litskai	Russian Federation
Marina	Liukmanova	Russian Federation
Evgeny	Loginov	Russian Federation
Dmitrii	Makarov	Russian Federation
Dmitrii	Maltsev	Russian Federation
Aila	Mamedova	Russian Federation
Dmitry	Morozenkov	Russian Federation
Vladislav	Novikov	Russian Federation
Andrey	Ostvald	Russian Federation
Sergey	Overchenko	Russian Federation
Daria	Pakhomova	Russian Federation
Stanislav	Pritchinn	Russian Federation
Platon	Ratskevich	Russian Federation
Vera	Romanova	Russian Federation
Liudmila	Sadykova	Russian Federation
Maria	Vilkova	Russian Federation
Alexander	Vladychenko	Russian Federation

Ivan	Volkov	Russian Federation
Victoria	Zabyvvorota	Russian Federation
Ivan	Zavorin	Russian Federation
Daniel	Kerekes	Slovakia
Benadik	Kiss	Slovakia
Juraj	Petruska	Slovakia
Alberto Rubio	Barrera	Spain
Marco Antonio Velasco	Fernandez	Spain
Isabel Lopez	Menchon	Spain
Mikel Diego	Ochoa	Spain
José García	Soriano	Spain
Ignacio Fernández-Coronado	Suárez	Spain
Ángela Jaimes	Suárez	Spain
Maria Amparo	Tortosa-Garrigos	Spain
Kasper Patrik	Andersson	Sweden
Berndt Gunnar	Ekholm	Sweden
Mats Ingvar Holger	Ekholm	Sweden
Sören Ingemar Håkan	Enochsson	Sweden
Sara Elin Elisabet	Fallström	Sweden
Stig Lennart	Glans	Sweden
Åke Lennart	Haggren	Sweden
Lars Jonas	Hols	Sweden
Bernt Tommy	Karlsson	Sweden
Klas Henrik Max	Kettnaker	Sweden
Mårten	Löfberg	Sweden
Mats Nils	Melin	Sweden
Torbjörn	Messing	Sweden
Kajsa	Norman	Sweden
Håkan Per-Olov	Nyman	Sweden
Pär Olof Daniel	Olsson	Sweden
Inga	Sundberg	Sweden
Björn Mikael	Tedeman	Sweden
Johan Emanuel Werner	Tejpar	Sweden
Lars	Tollemark	Sweden
Raphaël	Berger	Switzerland
Alexandra	von Arx	Switzerland
Michele	Calastri	Switzerland
Daniele	D'Esposito	Switzerland
Martin	Damary	Switzerland
Marina Lucia	Rieder	Switzerland
Stefan	Ziegler	Switzerland
Mehmet Akif	Okur	Türkiye
Alexander	Anderson	United Kingdom
Fiona	Anderson	United Kingdom
Bruce	Bucknell	United Kingdom
Sonali	Campion	United Kingdom
Richard	Cracknell	United Kingdom
Danielle	Craig	United Kingdom
Lewis	Emmerton	United Kingdom
Alexandra	Gregory	United Kingdom
Yesim	Harris	United Kingdom
John	Hayward	United Kingdom
Andrew	Houlton	United Kingdom
Melanie	Leathers	United Kingdom
Francesca	Scott	United Kingdom
Peter	Shutak	United Kingdom
Philippa	Way	United Kingdom



James	Bigus	United States of America
Jennifer	Bourguignon	United States of America
Hilary	Bown	United States of America
John	Cavanaugh	United States of America
Matthew	Domboski	United States of America
Victoria	Donahue	United States of America
Aiesha	Eleusizov	United States of America
Nancy	Elliott	United States of America
Sharon	Fisher	United States of America
Timothy	Garille	United States of America
Jeffrey	Gregerson	United States of America
Andrew	Gridinsky	United States of America
Dinka	Gyurova	United States of America
Stephen	Hemphill	United States of America
Mary-Margaret	Hesse	United States of America
Kevin	Keenan	United States of America
Heidi	Lernihan	United States of America
David	Letteney	United States of America
Andrew	Long	United States of America
Nancy	Lubin	United States of America
Julia	Manchin	United States of America
Joseph	Matveyenko	United States of America
James	McHugh	United States of America
Dyrrell	Moon	United States of America
Mark	Morrison	United States of America
Renata	Mykytyn	United States of America
Michael	Paarlberg	United States of America
Gabrielle	Pacana	United States of America
Octavius	Pinkard	United States of America
Robert	Reschke	United States of America
Philip	Richter	United States of America
Syeda	Sameera Ali	United States of America
Deborah	Schein	United States of America
Steven	Shapiro	United States of America
John	Shepherd	United States of America
Daniel	Simon	United States of America
Jake	Slegers	United States of America
Jordan	Smellie	United States of America
Jenny	Sowry	United States of America
Sylvia	Stankova-Loomis	United States of America
James	Stockstill	United States of America
Gligor	Tashkovich	United States of America
Robert	Williamson	United States of America
Benton	Wisehart	United States of America
Farkhod	Nasriddinov	Uzbekistan
Jamshid	Sherov	Uzbekistan

**ODIHR EOM CORE TEAM**

Eoghan	Murphy	Head of Mission	Ireland
Rashad	Shirinov		Azerbaijan
Anton	Thomsen		Denmark
Silke	Tittel		Germany
Dimitra	Ioannou		Greece
László	Belágyi		Hungary
Rocco Giovanni	Dibiase		Italy
Ahmad	Rasuli		Kyrgyzstan
Max	Bader		Netherlands

Tomasz	Jańczy	Poland
Svetlana	Chetaikina	Russian Federation
Sasa	Pokrajac	Serbia
Farrukh	Juraqulov	Tajikistan
Egor	Tilpunov	Ukraine

**ODIHR LONG-TERM OBSERVERS**

Markus	Krottmayer	Austria
Adam	Drnovsky	Czech Republic
Patrik	Taufar	Czech Republic
Sofia Katrine	Svensson	Denmark
Timo Juhani	Laine	Finland
Helena	Marja-Terttu Laatio	Finland
Marek	Bazin	France
Camille Christine	Forite	France
Vincent	Godbillon	France
Anja	Bronny	Germany
Ralph-Michael	Peters	Germany
Michael	Wiersing	Germany
Valeri	Amisulashvili	Georgia
Sheena	Walsh McMahon	Ireland
Simone	Brocchi	Italy
Liudmila	Blinova	Lithuania
Justina	Rudminaite	Lithuania
Maria	Fuglevaag Warsinska- Varsi	Norway
Hans Christen	Knævelsrud	Norway
Matthias	van Lohuizen	Netherlands
Katerina	Koceva	North Macedonia
Elena	Balandina	Russian Federation
Vsevolod	Perevozchikov	Russian Federation
Andrei	Volkov	Russian Federation
Veronika	Kuralt	Slovenia
Lars	Tollemark	Sweden
Thomas	Holzer	Switzerland
Maja Barbara	Huerlimann	Switzerland
Roman David	Magri	Switzerland
Mary	Bluestocking	United States of America
Laura Alejandra	Villalba	United States of America
Richard	Wheeler	United States of America
Andrew	Yurkovsky	United States of America

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is 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.

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 150 staff.

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, 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. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

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 people, 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**, 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. 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.

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)).