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Observation of the early parliamentary elections in Kazakhstan (20 March 2016)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr Jordi XUCLÀ, Spain, Alliance of Liberals and Democrats for Europe

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1. Introduction

1. The Republic of Kazakhstan has co-operated with the Council of Europe and its institutions since 1997. In 1997, the Parliament of Kazakhstan requested special guest status with the Parliamentary Assembly. In 1999, a request for observer status was lodged by the speakers of the two parliamentary chambers. This request was not granted following discussions in the Assembly's Political Affairs Committee, as was also the case in 2009 following a further request made in 2006.

2. On 27 April 2004, the Parliamentary Assembly and the Parliament of the Republic of Kazakhstan signed a co-operation agreement to establish a political dialogue with a view to promoting the principles of parliamentary democracy, the rule of law and respect for human rights and fundamental freedoms in Kazakhstan. Members from both chambers regularly attend the Parliamentary Assembly sessions in Strasbourg.

3. Since 2004, the Parliamentary Assembly has observed all parliamentary elections in Kazakhstan. The Republic of Kazakhstan is a full member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) since 2011. In April 2015, Mr Axel Fischer (EPP/CD) was appointed by the Committee on Political Affairs and Democracy as rapporteur on "The relations of the Council of Europe with Kazakhstan".

4. On 20 January 2016, the President of Kazakhstan, Mr Nursultan Nazarbayev, dissolved the lower chamber of parliament *(Majilis)* and called for early parliamentary elections on 20 March, eight months ahead of schedule. On 21 January 2016, the Parliamentary Assembly received an invitation letter from the Minister for Foreign Affairs of Kazakhstan to observe the early parliamentary elections. On 25 January 2016, the Bureau of the Assembly decided to observe the elections and constituted an ad hoc committee to this end

composed of 11 members of the Parliamentary Assembly of the Council of Europe (PACE) (see Appendix 1), plus the rapporteur of the Committee on Political Affairs and Democracy. Mr Jordi Xuclà (Spain, ALDE) was appointed Head of the observation delegation.

5. The ad hoc committee was part of the International Election Observation Mission, which also included the election observation missions of the Parliamentary Assembly of the Organization for Co-operation and Security in Europe (OSCE-PA) and of the Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR).

6. The ad hoc committee met in Astana from 18 to 21 March 2016. It held meetings, *inter alia*, with the representatives of the political parties contesting the elections, the representatives of the international community, the representative of the Central Election Commission (CEC), the Head of the Election Observation Mission of the OSCE/ODIHR and members of its core team, as well as representatives of civil society and the mass media (see Appendix 2). On 18 March, the Chairperson of the PACE ad hoc committee met with Mr Erlan Idrissov, Minister for Foreign Affairs of Kazakhstan. During the meeting, the Minister for Foreign Affairs of Kazakhstan expressed the interest of the authorities to establish closer ties with different bodies of the Council of Europe, including with the Assembly.

7. On election day, the ad hoc committee split into seven teams, which observed the elections in and around Astana and Chimkent.

8. The International Election Observation Mission concluded that the 20 March early parliamentary elections were efficiently organized, with some progress noted, but they indicated that Kazakhstan still has a considerable way to go in order to meet its international commitments for democratic elections. The legal framework restricts fundamental civil and political rights, and comprehensive reform is required. In a positive development, candidate registration was inclusive, and six parties contested the elections. The Chairperson of the PACE ad hoc committee declared that “on election day, the citizens of Kazakhstan made their choice in a calm and free atmosphere. Regarding the election campaign and legislation, the PACE delegation welcomes the engagement of the authorities to reform the election legal framework in 2017. This election campaign also showed that Kazakhstan needs a more open and competitive political environment, which is a key condition for long-term democratic stability. The legal reform should be carried out in close co-operation with the Council of Europe’s Venice Commission, of which Kazakhstan is a full member” (see the IEOM press release in Appendix 3).

2. Legal framework and political context

9. An early presidential election in Kazakhstan was held on 26 April 2015 having been originally scheduled for 2016. The Parliamentary Assembly received an invitation to observe the election, but declined it, due to a very busy schedule. The elections resulted in a victory for long-term incumbent President Nursultan Nazarbayev, who received 97.7% of the vote, winning a fifth term in office.

10. The early parliamentary elections in Kazakhstan were brought forward to 20 March from November 2016. The main reason for holding early parliamentary elections, according to the authorities of Kazakhstan, was the fact that the world is facing enormous economic instability and uncertainty. Kazakhstan has not been immune from these problems. Low prices of gas and oil related products, as well as other external factors have contributed to economic challenges in Kazakhstan. It is against this difficult economic background that the parliamentary elections were brought forward.

11. The Republic of Kazakhstan became a full member of the Council of Europe Venice Commission in 2011 after being an observer for a number of years. However, the authorities have never requested an opinion from the Venice Commission on the electoral legislation. The legal framework for elections includes the Constitution, adopted in 1995 by referendum, the Constitutional Law on Elections as well as decisions and regulations of the Central Electoral Commission. Other relevant laws include, *inter alia*, the Law on Political Parties, the Criminal Code, the Administrative Offences Code, the Civil Procedure Code, and the Law on Peaceful Assemblies. The Constitution normally guarantees fundamental civil and political rights necessary for the conduct of democratic elections.

12. The lower House (*Majilis*) of the Republic of Kazakhstan is the legislative organ of the Republic. The term of office of the deputies is five years. The Majilis adopts laws, approves the candidature of the Prime Minister who is appointed by the President of Kazakhstan. The *Majilis* is composed by 107-members: 98 deputies of the Majilis are elected on the basis of party lists on a system of proportional representation and in one nationwide constituency while nine deputies are elected by the Assembly of the peoples of Kazakhstan

(APK). The APK represents the various ethnic groups of Kazakhstan; currently it is composed of 446 representatives of ethnic and cultural associations whose main role is to ensure inter-ethnic consent in Kazakhstan.

13. The Election Law has undergone certain changes since the parliamentary elections in 2007. Most notably, following a 2009 amendment, the law provides for at least two parties to be represented in the Majilis. In the event of only one political party passing the 7% threshold, the party getting the second highest number of votes will also be allocated no less than two seats. This new system improved the situation; however, the threshold of 7% combined with the prohibition of electoral blocks creates difficulties for small parties. The Venice Commission, in its opinions concerning other countries, has on several occasions indicated that it considers thresholds above 5% as being problematic.

14. The last parliamentary elections, which took place on 15 January 2012, were also early elections. Of the ten registered political parties, eight political parties participated in the parliamentary elections, three of them succeeded in obtaining more than 7% and entered the Majilis: the ruling Popular Democratic Party "Nur Otan" obtained 80,9% and 83 members; the Democratic Party of Kazakhstan "Ak Jol" obtained 7,5% and 8 members and the Communist People's Party of Kazakhstan (CPPK) obtained 7,2% and 7 members. As for the ethnic composition of the Majilis: 76 MPs are Kazakhs, 21 Russians, 3 Ukrainians, 2 Germans and one representative of Tatar, Chechen, Korean, Uzbek an Uighur minorities. 26 MPs out of 107 members are women. In the 2012 parliamentary elections, 43 MPs were re-elected from the previous legislature.

15. The Central Election Commission has declared that it is preparing proposals for amendments to the election law to be considered in 2017. The PACE observation delegation welcomed this engagement of the authorities of Kazakhstan to reform the election law which should be carried out in close co-operation with the Council of Europe's Venice Commission, of which Kazakhstan is a full member.

3. Administration of elections, registration of voters and candidates

16. The early parliamentary elections were administered by the Central Election Commission, by 16 regional election commissions (RECs), by 208 territorial election commissions (TECs) and 9 840 precinct election commissions (PECs), including 65 out-of-country polling stations in 51 diplomatic missions. At all levels, commissions are composed of seven members appointed for a five-year term. The CEC president and two members are appointed by the President of Kazakhstan and two members by each of two houses: the Majilis and the Senate. The term of office of members of election commissions is five years.

17. According to the ODIHR long-term observers, the CEC administered the elections efficiently and respected the legal deadlines, its sessions were open to the media and political parties' representatives. Regarding the representation of women in all levels of election commissions, around 34% of REC members and 46% of TEC members were women. As for PEC members, according to the observations of the ad hoc committee's members, in a significant number of polling stations visited by the observers on election day, the majority of members were women.

18. According to election law, each party running in the elections can appoint one member in a given election commission. The ODIHR election observation mission informed the Assembly delegation that in some lower-level election commissions, almost all members were appointed by the ruling party Nur Otan. The *de facto* over-representation of one party in election commissions raises concerns regarding the impartiality of election commissions.[1] The representative of the Nationwide Social-democratic Party (NSDP) informed the observers that in some cases, despite the submission of nominations for membership of RECs and PECs by NSDP, none of their nominees were appointed as members of election commissions.

19. The total number of voters was 9 810 852 out of a population of 18 157 122. The electronic register is maintained by the CEC. Voters must be citizens of Kazakhstan and be at least 18 years old. People recognised by court as legally incapable, as well as those held in places of confinement on a court-imposed sentence, irrespective of the gravity of their crime, are not eligible to vote.

20. Voters are included in the voter list based on their place of residence. Voter lists are compiled and updated by the *akimats* (local executive bodies), based on information provided by the bodies in charge of the population register. *Akimats* submit data about registered voters to the respective TECs biannually on 1 January and 1 July, both electronically and in hard copy. The law provides for the CEC to maintain a

1. Paragraph II.3.3.1.*e* of the Venice Commission's 2002 Code of Good Practice in Electoral Matters recommends that "[p]olitical parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body. Equality may be construed strictly or on a proportional basis".

nationwide electronic voter register to be used for checking the accuracy of voter lists. Information about duplicates and other errors is sent to the *akimats*. Voters who will be away from their domicile on election day can apply for an absentee voting certificate at the precinct election commission until 6 p.m. on the day preceding election day. During the joint parliamentary briefing in Astana on 18 and 19 March, none of the interlocutors of the Assembly delegation expressed concerns regarding the accuracy of voter lists.

21. Political parties must be registered with the Ministry of Justice to be able to participate in elections. The Law on Political Parties was amended in 2009 to reduce the number of party members required for registration from 50 000 to 40 000. To be registered, political parties should present to the Ministry a list with the signatures of their members. The formation of electoral blocs and self-nominated independent candidates is not permitted. Those rules, as well as the rules for the registration of political parties, notably the minimum membership requirement, seem to be too restrictive from the point of view of respecting the constitutional right of citizens to associate in political parties.[2]

22. Many interlocutors of the Assembly delegation mentioned the fact that candidate registration during the election campaign, notwithstanding restrictions within the current legal framework, was inclusive. Any citizen enjoying voting rights who had reached 25 years of age and had been a permanent resident of Kazakhstan for the last ten years could stand for parliament. The Constitution stipulates an imperative mandate: deputies lose their mandate if they resign or are excluded from the party, or if the party ceases its activity. In this regard, the Venice Commission is of opinion that the imperative mandate is contrary to European standards, since, when elected, deputies no longer represent their respective political parties, but voters.

23. The deadline for the registration of political parties running in the early elections was 19 February. According to the CEC, the total number of registered candidates for membership of the Majilis which were to be elected from the party lists was 234, of whom 46 were women, which represents around 20% of candidates. The election law does not require a gender quota or other measures to enhance women's electoral representation.

24. The candidates were nominated by their respective parties. Independent candidates could not run for election, and political parties were prevented from forming electoral blocs. Party lists were arranged in alphabetical order and only after the announcement of the final results did the governing bodies of the parties that passed the threshold of 7% decide which candidates would receive mandates. In this regard, the Assembly observation delegation members expressed concern regarding the procedure of allocation of seats between candidates from party lists after an election when a governing body of a party can change the order of candidates on the list, deciding *de facto* who will be a member of parliament.

25. The CEC registered the lists of the following parties: the ruling Democratic People's Party «Nur Otan» (127 candidates, of whom 30 were women); the Democratic Party of Kazakhstan "Ak Jol" (35 candidates, of whom 6 were women); the Nationwide Social Democratic Party (NSDP) (23 candidates, of whom 4 were women); the Communist People's Party of Kazakhstan (CPPK) (22 candidates, of whom 4 were women); the Democratic Patriotic Party of Kazakhstan "Auyl" (19 candidates, of whom two were women) and the party Birlik (8 candidates, of whom one was a woman).

4. Election campaign and media environment

26. The election campaign started on 20 February and ended on 18 March. In general, the election campaign for the early parliamentary elections was low key; many interlocutors mentioned that the campaign for local elections was more dynamic. The members of the Assembly observation delegation noted that while the participation of six parties seems to provide some political choice, political life in Kazakhstan needs a more open and competitive environment in order for the multiparty system to function efficiently. The NSDP was the only party questioning the policy of the ruling party.

27. The candidates could generally campaign freely within the existing legal framework, but they were obliged to ask permission to hold a campaign event rather than provide notification. According to the preliminary findings and conclusions of ODIHR, the Astana local authorities rejected the request of four parties (NSDP, Birlik, CPPK and AUYL) to hold outdoor campaign events in Astana, arguing that public gatherings must not obstruct traffic. All political parties had access to special outdoor campaign materials. Political parties could organise meetings with voters in public and private enterprises, in cultural centres and in libraries.

2. Paragraph I.1.1.1.*d*.iii of the Venice Commission's Code of Good Practice in Electoral Matters states that the proportionality principle must be observed when depriving an individual of the right to be elected.

28. The dominant party in the election campaign was the ruling Nur Otan party of President Nazarbayev. The party campaigned on the themes of stability and unity, social and economic pragmatism, and the balance of interest of the majority of population. The ruling party benefited from the dual role and position of the President of Kazakhstan, who on several occasions publicly called upon voters to vote for his party.

29. The Democratic party of Kazakhstan "Ak Zhol" is a centre-right party representing the interests of the business community and considers itself as "constructive opposition". The Communist people's party of Kazakhstan (CPPK) emerged out of the split of the Communist Party of Kazakhstan. The party platform is based on the principles of so-called scientific socialism, social justice and development of a nationally-oriented economy. The People's democratic patriotic party "Auyl" platform is based on the protection of the interests of rural voters, on the development of agriculture; the party was promoting the values and traditions of families and the development of the Kazakh language. The representative of the Nationwide social-democratic party (NSDP), during the meeting with the members of the Assembly observation delegation, pointed out that his party was the only party in opposition to the ruling Nur Otan party. The NSDP is a centre-left party and according to its leaders its platform is based on the ideology of social democracy and the principles of freedom, justice and solidarity.

30. The Constitution guarantees freedom of expression and prohibits censorship. The election law obliges the media to present objective campaign coverage and guarantees political parties equal access. During the election campaign, the media covered all contending parties. However, the media experts who met the Assembly delegation during the joint briefing meetings on 19 March pointed out that the media environment in general had over recent years been characterised by a lack of independent sources and a restrictive legislative framework. There were cases of disproportionate and excessive penalties for administrative violations. During the election campaign, social media were used by all the parties. Due to financial constraints, some parties, for example the NSDP, gave preference to social media tools to reach out to the voters.

31. According to the ODIHR media monitoring of the election campaign, the State-funded broadcasters dedicated most of the political prime time news to the president's activities, and the contestants received between 0% and 10%. The media coverage of most of the parties' activities was positive or neutral while the ruling Nur Otan party was presented only in a positive manner.

32. The Assembly observation delegation noted with satisfaction that the authorities of Kazakhstan invited a large number of international observers without any restrictions (817 observers were accredited by the CEC) from different international organisations, including the long-term observers from ODIHR.

5. Election day

33. The election day was efficiently organised and voters could make their choice in a calm and free atmosphere. The members of the Assembly's delegation observed a large number of procedural errors and serious irregularities during voting and counting made by members of polling stations visited, but without any intention to falsify the results.

34. The members of the Assembly's ad hoc committee identified a number of technical shortcomings in the polling stations visited:

– cases of confusion concerning addresses of voters;

– in some polling stations, a suspiciously large number of voters on the supplementary voters lists and identical signatures on the voter lists;

– in many polling stations, the presence of billboards with the photo of the President who is also a leader of a contesting political party;

– cases were noted of unintentional non-compliance with vote-counting procedures in some polling stations;

– cases were noted of unintentional non-compliance with procedures of establishment of voting protocols;

– some polling station premises were overcrowded;

– in many polling stations, especially in rural areas, poor understanding by the members of polling stations of the vote-counting procedures;

– in many polling stations, there were very few observers from civil society or political parties, except from the ruling Nur Otan party;

– in general, the polling stations were inaccessible or difficult to access for people with disabilities.

35. On 22 March 2016, the CEC announced the final results of the early parliamentary elections. The Nur Otan Party obtained 82.20% of the votes and 84 seats, Ak Zhol 7.18% and 7 seats, the Communist People's Party of Kazakhstan (CPPK) 7.14% and 7 seats. The other parties didn't pass the threshold of 7%: the People's democratic patriotic party "Auyl" obtained 2.01%, the Nationwide Social-Democratic Party (NSDP) obtained 1.18% and the Birlik obtained 0.29% of the votes. The turnout was 77.12%.

6. Conclusions and recommendations

36. The Assembly's ad hoc committee concluded that the 20 March 2016 early parliamentary elections in Kazakhstan were efficiently organised, with some progress noted, but it indicated that the country still has a considerable way to go in meeting its international commitments for democratic elections.

37. Regarding the election day, the ad hoc committee noted that the citizens of Kazakhstan could make their choice in a calm and free atmosphere; nevertheless a number of procedural errors and serious irregularities were observed during the voting and counting stages. Even if the non-compliance with vote-counting procedures can be considered as unintentional, the Assembly ad hoc committee asks the relevant authorities of Kazakhstan to take appropriate measures to avoid such irregularities in the future. Systematic training for members of polling stations, especially in rural areas, is needed in order to improve their knowledge of voting and counting procedures.

38. Regarding election legislation, the ad hoc committee pointed out that, despite some improvements in recent years, it still remains restrictive in many aspects, in particular concerning the high threshold of 7% for political parties to enter into parliament; the prohibition of electoral blocks; unequal representation of political parties in election commissions; and the system of allocation of seats after election day by decision of a governing body of a party. In addition, the election law does not provide any measures to enhance the participation of women in the elections. Therefore, the Assembly ad hoc committee welcomes the commitment of the authorities of Kazakhstan to reform the election legal framework in 2017, which should be carried out in close co-operation with the Venice Commission, of which Kazakhstan has been a full member since 2011.

39. As regards the election campaign, the ad hoc committee considers that the campaign was low key; the political parties could campaign relatively freely. While the participation of six parties seems to provide for some political choice, political life in Kazakhstan needs a more open and more competitive environment for the efficient functioning of a real multiparty system which is a key condition for the long-term democratic stability of Kazakhstan.

40. Regarding the media coverage of the election campaign, the legislation guarantees freedom of expression and prohibits censorship; it obliges the media to present objective campaign coverage and guarantees political parties equal access. The ad hoc committee was informed by different interlocutors that the ruling Nur Otan party's media coverage was only presented in a positive manner and the State-funded broadcasters dedicated most of the political prime time news to the president's activities.

41. The Assembly's ad hoc committee considers that the invitation by the authorities of Kazakhstan to observe the 2016 early parliamentary elections was an indication that electoral legislation and practice could be one of the important fields for future co-operation between Kazakhstan and the Council of Europe.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

– Jordi XUCLÀ (Spain, ALDE), Chairperson of the ad hoc committee

Group of the European People's Party (EPP/CD)

– Marie-Christine DALLOZ, France

– Karin STRENZ, Germany

– Attila TILKI, Hungary

Socialist Group (SOC)

– Denis BAYKAL, Turkey

– Paolo CORSINI, Italy

– Marianne MIKKO, Estonia

Alliance of Liberals and Democrats for Europe (ALDE)

– Jordi XUCLÀ, Spain

– Karl GARÐARSSON, Iceland

European Conservatives Group (EC)

– Ingebjørg GODSKESEN, Norway

– Erkan KANDEMIR, Turkey

Secretariat

– Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division

– Franck DAESCHLER, Principal Administrative Assistant, Election Observation and Interparliamentary Co-operation Division

– Danièle GASTL, Administrative Assistant, Election Observation and Interparliamentary Co-operation Division

Appendix 2 – Programme of the observation of the early parliamentary elections in Kazakhstan

Friday, 18 March 2016

11:00-11:45	Meeting of the ad hoc committee: – Opening of the meeting by Mr Jordi Xuclà, Head of the delegation – Practical and logistical arrangements by the Secretariat
13:00-13:15	Welcome and opening – Ms Marietta Tidei, Special Co-ordinator of the short-term OSCE/ODIHR observers – Mr Jordi Xuclà, Head of the PACE Delegation – Mr Geir Joergen Bekkevold, Head of the OSCE Parliamentary Assembly delegation
13:15-13:30	Introductory Remarks: – Ambassador György Szabó, Head of the OSCE Programme Office in Astana
13:30-15:00	Briefing by OSCE/ODIHR EOM Core Team – Introduction and Overview of Findings to Date – Ambassador Boris Frlec, Head of the OSCE/ODIHR Election Observation Mission – Campaign Background and National Minorities – Mr Vadim Zhdanovich, Political Analyst – Mr Marc Fumagalli, National Minorities Analyst – Legal Framework, Campaign Rules and Complaints – Ms Meaghan Fitzgerald, Legal Analyst – Media Environment – Mr Ivan Godarsky, Media Analyst – Questions and Answers – Mr Valeriu Mija, Security Expert
15:00-15:45	Electoral Administration – Mr Marat Sarsembaev, Member of the Central Election Commission
16:00-19:00	Meetings with representatives of political parties: – Mr Askar Myrzakhmetov, First Deputy Chairperson, Ms Natalya Godumova, Nur Otan Democratic People's Party – Mr Turgun Syzdykov, Secretary of the Central Committee, Mr Viktor Smirnov, Deputy campaign Manager, Communist People's Party of Kazakhstan – Mr Azat Peruashev, Chairperson, and Ms Ekaterina Nikitinskaya, Deputy Chairperson, Ak Zhol Democratic Party of Kazakhstan – Mr Askhat Rakhimzhanov, Deputy Head of Campaign Office, Nationwide Social-Democratic Party – Mr Rustem Zholaman, Head of the Central Office, Auyl People's Democratic Patriotic party – Mr Bolat Baikadamov, Deputy Chairperson and candidate, Mr Tolegen Kuanyshev, Deputy Chairperson, and Ms Roza Kuanyshbayeva, member, Birlik Party
19:00-19:30	Meeting with interpreters and drivers for PACE teams deployed in Astana
19:30	Meeting of Heads of delegation

Saturday, 19 March 2016

09:00-10:15	Media roundtable: – Ms Diana Okremova, Director of the Legal Media Center – Ms Marzhan Yelshibayeva, Media Expert
10:30-11:45	Civil society roundtable: – Mr Nurlan Yerimbetov, President of Civil Alliance of Kazakhstan – Mr Ilyas Adilbayev, Acting Director of the Astana Branch, Kazakhstan International Bureau for Human Rights and Rule of Law

11:45-12:30	Briefing by OSCE/ODIHR on election day procedures and forms: – Election day procedures – Mr Kakha Inaishvili, Election Analyst – Observation forms – Mr Anders Eriksson, Statistical Analyst – Questions and answers
12:30-13:00	Meeting with OSCE/ODIHR EOM Long-Term Observers based in Astana
13:00	Meeting with interpreters and drivers for OSCE Parliamentary Assembly teams deployed in Astana

Sunday, 20 March 2016

06:30	Observation of the opening of polling stations
07:00-20:00	Observation of the elections
After 20:00	Observation of the closing of the polling stations, counting and presentation of results

Monday, 21 March 2016

08:30-09:30	Meeting of the ad hoc committee
	Debriefing by the members of the ad hoc committee
09:30-11:00	Meeting of the heads of delegations
14:30	Joint press conference

Appendix 3 – Statement by the International Election Observation Mission

Kazakhstan elections efficiently organised, with some progress, but still considerable way to go to meet OSCE election commitments, international observers say

Astana, 21 March 2106 – The 20 March early parliamentary elections were efficiently organised, with some progress noted, but they indicated that Kazakhstan still has a considerable way to go in meeting its OSCE commitments for democratic elections, the international observers concluded in a preliminary statement released today. The legal framework restricts fundamental civil and political rights, and comprehensive reform is required. In a positive development, candidate registration was inclusive, and six parties contested the elections.

The authorities invited international observers in an open and unrestricted manner. On election day, the observers noted serious procedural errors and irregularities during voting, counting and tabulation.

“It is clear that Kazakhstan still has a long way to go towards fulfilling its election commitments, although some progress was noted. The ruling party had a clear advantage over others in these elections and, while the parties were generally able to campaign freely, genuine political choice remains insufficient,” said Marietta Tidei, Special Co-ordinator and leader of the short-term OSCE observer mission. “Significant legal reform is required to protect citizens’ rights, and we hope that the newly elected parliament will find the political will to engage in a thorough reform process, which we are ready to support.”

Contestants were generally able to campaign freely throughout the country, despite legal restrictions on the holding of public assemblies. The participation of six parties provided voters with some alternatives, although most contestants did not directly challenge the ruling party, thus limiting the genuine political choice for voters, the statement says. The dominant position of the ruling party at all levels of government and administration for many years has effectively blurred the distinction between State and party.

“On election day, the citizens of Kazakhstan made their choice in a calm and free atmosphere. Regarding the election campaign and legislation, the PACE delegation welcomes the engagement of the authorities to reform the election legal framework in 2017,” said Jordi Xuclà, Head of the PACE delegation. “This election campaign also showed that Kazakhstan needs a more open and competitive political environment, which is a key condition for long-term democratic stability. The legal reform should be carried out in close co-operation with the Council of Europe’s Venice Commission, of which Kazakhstan is a full member.”

While the observers noted that the laws regulating elections aim to guarantee fundamental civil and political rights, reform of the legal framework is necessary for it to fully meet the international obligations and standards to which Kazakhstan has committed, the observers said. Restrictions on suffrage rights and freedoms of assembly and expression have yet to be addressed, despite previous OSCE/ODIHR recommendations.

“For the authorities to fulfil their stated commitment to holding democratic elections, comprehensive legal reform is required, including reforms related to restrictions on voting rights and the freedoms of assembly and expression,” said Geir Joergen Bekkevold, Head of the OSCE PA delegation. “Specific progress in these areas will go a long way towards ensuring greater political pluralism, and I stand ready to work with my colleagues in the newly elected parliament to support this process.”

The Constitution guarantees freedom of expression and prohibits censorship, but penalties in the laws regulating the media stifle public debate and suppress alternative viewpoints, the statement says. Positively, State-funded media showed a noticeable effort to meet formal requirements to provide contestants with equal access. However, one party received little platform-oriented media coverage, and in-depth analysis providing voters with the opportunity to learn about candidates and their policies was largely absent. Extensive reporting on the President’s activities dominated most coverage, and the ruling party used his position to its benefit.

*“*The observation and assessment of these elections has identified significant shortcomings, including the restriction of fundamental civil and political rights, the lack of genuine political choice for voters, the lack of pluralism of opinion in the media, and serious procedural irregularities on election day,” said Ambassador Boris Frlec, Head of the OSCE/ODIHR long-term election observation mission. “I know that ODIHR is ready to assist the authorities in the implementation of our recommendations in the course of the election-related reforms anticipated in 2017.”

The Central Election Commission (CEC) operated in a professional manner, and sessions were open to observers, media and political party representatives. However, lower-level election commissions held sessions on an ad-hoc basis without informing stakeholders, which limited the transparency of the process.

The Election Law aims to ensure political party representation in election commissions but does not include an enforcement mechanism. One electoral contestant was largely under-represented in lower-level election commissions, the statement said.

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

The new requirement for the CEC to report party financing and spending twice a month during the campaign is a positive development, but the lack of information on donors and how campaign funds were spent limited transparency.

Election day was efficiently organised, but serious procedural errors and other irregularities were observed during voting, counting and tabulation. Observers noted indications of ballot box stuffing, a very high number of names added to voter lists on election day, and group and proxy voting. Precinct election commissions largely failed to follow procedures to ensure consistency and reliability during the counting process. Negative assessments of tabulation were often linked to procedural violations.