



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Kazakhstan – Early Presidential Election, 9 June 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 9 June early presidential election in the Republic of Kazakhstan offered an important moment for potential political reforms, but it was tarnished by clear violations of fundamental freedoms as well as pressure on critical voices. While there were seven candidates, including for the first time a woman, considerable restrictions on the right to stand, and limits to peaceful assembly and expression inhibited genuine political pluralism. Despite the short time available, preparations for the election were efficiently organized and election day proceedings were orderly. However, significant irregularities were observed on election day, including cases of ballot box stuffing, and a disregard of counting procedures meant that an honest count could not be guaranteed, as required by OSCE commitments. There were widespread detentions of peaceful protesters on election day in major cities.

This was the first election since the resignation of Nursultan Nazarbayev, Kazakhstan's first and longstanding president since 1991. While the number of candidates appeared to offer political variety, few provided clear platforms and openly critical campaigns. The election took place within a political environment dominated by the ruling *Nur Otan* party and with limited space for civil society and opposition views. This consolidation of political power challenges the development of genuine political pluralism, as committed to in the 1990 OSCE Copenhagen Document.

The election law provides a technical basis for the conduct of elections. However, the constitutionally guaranteed freedoms of assembly, expression, association, access to information, and the right to take part in political life, are considerably restricted by law. Despite recent legal amendments, most previous ODIHR priority recommendations remain unaddressed. Serious shortcomings in the legislative framework and its implementation hamper the conduct of the electoral process, underscoring a need to bring the legal framework in line with OSCE commitments and other international standards.

Electoral preparations were efficiently administered by the election commissions, within deadlines. The Central Election Commission (CEC) held regular public sessions and published information in a timely manner. In practice, there was an over-representation of the ruling party in a considerable number of lower-level commissions, raising concerns about appointment mechanisms and, consequently, their impartiality. The CEC delivered an extensive voter education programme. Many Precinct Election Commissions conducted door-to-door visits to inform voters about election day, but some also enquired and recorded whether voters would turn out to vote, which was perceived by some voters as a form of pressure.

Almost 12 million voters were registered. Following recent legal changes, voter lists are compiled based on the state civil register, an improvement from the previous practice of using multiple sources. Voter lists were available for public scrutiny. Voters who could prove their residence within the precinct but were not registered, could be added to the list on election day, opening the possibility for double registration. Some voters registered in special polling stations remained registered at their permanent addresses as well. Citizens declared incompetent by a court and all prisoners serving prison sentences were disenfranchised, at odds with international standards.

The legal framework for candidate eligibility is highly restrictive. The 2017 constitutional and legal amendments abolished self-nomination and introduced further eligibility requirements, significantly reducing the candidate pool. Amongst others, requirements concerning education, residency, and

experience in the civil service or elected government office, are at odds with OSCE commitments and other international standards. Of the nine eligible nominees, one withdrew and one failed the language test. There was no precise criteria for language skill evaluation. All seven remaining nominees managed to collect the required 118,140 signatures of support, within three days, and were registered.

The campaign was low-key and generated limited public interest. While no candidate reported difficulties with requesting a campaign venue, the requirement to receive permission to hold a public event ten days in advance, rather than to provide notification, is contrary to international standards. There were multiple cases in which police conducted questioning and detentions to break-up or to prevent peaceful gatherings. The incumbent enjoyed the active support of the First President. In a number of instances, public sector employees and students informed the ODIHR EOM that they had been instructed by public officials to attend campaign events and vote for the incumbent. Such activities blurred the line between party and state and raised concerns about voters' ability to cast their vote freely, as provided by OSCE commitments.

Freedom of expression and the right of access to information are guaranteed in the Constitution but are unduly restricted by the law. Contrary to previous ODIHR recommendations, defamation and insult remain criminal offenses. Legally prescribed sanctions, blocking of specific websites, and limited access to social networks on a daily basis, led to self-censorship and limited online political discourse. While media respected the formal allocation of airtime for candidates during the campaign, the extensive coverage of the incumbent in his official capacity and support for his election by the First President did not provide a level playing field for all candidates. All of these factors limited voters' ability to make an informed choice.

The Election Law provides comprehensive rules for public and private funding of the campaign. However, procedures to apply for, use and report on public funding are excessively complex. Positively, the CEC published reports on candidates' financial contributions and expenditures prior to election day. However, the lack of a breakdown of these donations and costs reduced the overall transparency.

The law provides sufficient opportunity for electoral stakeholders to file election-related complaints with the election commissions or courts. However, the right to appeal the final results is limited to the president, prime minister and parliament. Before election day, the CEC considered 157 applications and complaints, but did not publish these or their decisions, affecting transparency and the right to legal redress. The judges at all levels are nominated or appointed, and dismissed, by the president, making them dependent on the executive, contrary to the principle of separation of powers.

The Election Law provides for both citizen and international observers. While international observers are accredited by the CEC, there is no formal accreditation procedure for citizen observers. Despite the limited space for civil society, several organizations deployed observers, but a considerable number of ODIHR EOM interlocutors raised concerns about the political affiliation or independence of some groups.

Election day was efficiently organized, but significant irregularities were observed across the country, including cases of ballot box stuffing, group voting and series of identical signatures on voter lists. During the day a number of peaceful protests disputing the electoral process were forcefully broken-up by police and led to widespread detentions in major cities. The count was negatively assessed in more than half of observations, including cases of deliberate falsification, raising serious questions about whether ballots were counted and reported honestly, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document. Meaningful transparency was not always provided to observers.

PRELIMINARY FINDINGS

Background and Political Context

On 19 March, Nursultan Nazarbayev, Kazakhstan's president since 1991, resigned from office. In line with the Constitution, Kassym-Jomart Tokayev, Speaker of the Senate, assumed the role of president.¹ Mr. Nazarbayev retains the title of First President, remains the leader of the ruling *Nur Otan* political party and continues to serve as the life-long chairperson of the Security Council.² On 9 April, Mr. Tokayev called for an early presidential election to be held on 9 June, and stressed that the election would be free, transparent and fair.³ This was the sixth consecutive direct national election that took place early.

Kazakhstan is a presidential republic, with the president exercising wide powers, including the right to dissolve the parliament, to initiate and veto legislation, and appoint the ministers of foreign affairs, interior and defence, as well as the chairperson and two members of the Central Election Commission (CEC).⁴ This election took place within a political environment dominated by the ruling *Nur Otan* party, which, following the 2016 early parliamentary elections, holds 84 of the 98 directly-elected seats in the lower chamber of the parliament (*Majilis*). An additional nine seats are indirectly elected by the Assembly of the People of Kazakhstan, an advisory body appointed by the president.⁵ Women hold some 27 per cent of seats in the *Majilis* and 2 of 18 ministerial posts.

Following the announcement of the election, several peaceful protests occurred in major cities, calling for the release of political prisoners and a boycott of the election. Authorities declared these assemblies illegal, as permissions to organize these gatherings had not been sought, resulting in dozens of people being arrested.⁶ In recent years, some opposition parties have either been banned or marginalized, through restrictive legislation or criminal prosecution.⁷ There are seven registered political parties, but the ability of new political parties to register is significantly restricted by the Law on Political Parties.⁸

¹ The Constitution provides that in case of resignation, the Senate Speaker assumes the role of president until the end of term. The term of the former president Mr. Nazarbayev would have regularly ended in 2020. Dariga Nazarbayeva, the daughter of Mr. Nazarbayev, was appointed as the new Senate Speaker.

² The Security Council includes a number of high government officials and develops foreign, defence and national security policies, it supervises their implementation by state agencies, assesses legal acts, and advises the president. The First President is legally granted significant powers for life, including the right to propose initiatives to the government and other officials and to co-ordinate state policies.

³ See [the 9 April address of the president to the nation](#).

⁴ Although 2017 constitutional reform initiated by former President Nazarbayev aimed to strengthen the role of the parliament and improve the system of checks and balances, significant powers remained with the executive.

⁵ Two other parties are represented in the parliament: *Ak-Zhol* and the Communist People's Party of Kazakhstan (CPPK), with seven seats each.

⁶ On 21 April, two civil activists were sentenced to 15 days of administrative arrest for displaying a banner during a marathon in Almaty which read "You cannot run away from the truth" with hashtags #ForFairElections and #IHaveAChoice. On 29 April, an individual was detained for five days for hanging a banner in Almaty which quoted the constitutional provision stating that "the only source of the state power is the people". On 1 May, on Kazakhstan Solidarity Day, and on 9 May, on Victory Day, protests took place in Nur-Sultan, Almaty, Aktobe, Shymkent and Oral. On 6 May, an individual was detained and questioned for holding a blank sign in a public square in Oral.

⁷ On 31 May 2019, the initiators of a prospective political party "Our Rights" challenged in a court that they had been prevented by the authorities to hold a founding congress in March 2019. In March 2018, a court declared the political movement Democratic Choice of Kazakhstan (DCK) as an extremist organization and banned it. In 2015, the Almaty Economic Court ordered the suspension of the Communist Party of Kazakhstan's activities based on a claim that its membership list included inaccuracies. In 2012, following the imprisonment of the leader of the unregistered political party *Alga!*, a court recognized the party as extremist and prohibited its activity.

⁸ To register, a party must organize a party congress with 1,000 participants from 2/3 of the regions of the country present. Furthermore, a party shall have 40,000 documented members representing all regions and cities of republican significance. The last party registered, *Birlik*, was the result of two previously registered parties merging in 2013. No other new party has been registered since 2006.

Several international organizations have raised concerns about the ability to participate in political life.⁹ Restrictions on freedom of assembly ahead of this election and the continued consolidation of political power around one party challenges the development of genuine political pluralism, as committed to in the 1990 OSCE Copenhagen Document.¹⁰

Electoral System and Legal Framework

The president is directly elected for a five-year term by an absolute majority from a single nationwide constituency. If no candidate receives more than 50 per cent of the votes cast, a second round between the two candidates with the highest number of votes is held within two months on a date set by the CEC.¹¹ In the second round, the candidate who receives the higher number of votes is elected.

Kazakhstan is a party to major international and regional instruments related to the holding of democratic elections.¹² The legal framework for presidential elections includes the Constitution and the Constitutional Law on Elections (Election Law).¹³ The CEC issues regulations to provide further details on legal provisions.¹⁴ Constitutional amendments in 2017 abolished self-nomination of candidates, imposed additional requirements for presidential candidates and allowed for further restrictions on candidacy to be imposed by law. This was followed, in 2017 and 2018, by the introduction of new restrictions on candidate eligibility criteria in the Election Law, as well as changes in voter registration processes and election administration structure.

The election law provides a technical basis for the conduct of elections. However, despite the recent amendments, most previous ODIHR priority recommendations remain unaddressed, including those related to fundamental rights and freedoms, as well as to candidate rights and registration, and media environment, while the legal framework remains ambiguous and inconsistent.¹⁵ The constitutional guarantees of fundamental freedoms of assembly, expression, association, access to information, and the right to take part in political life, are restricted by provisions in the Criminal Code, especially those related to defamation, incitement to social, national and religious discord, spreading of false information, and other administrative restrictions.¹⁶ Additionally, the space in which civil society operates is severely confined, including through restrictions on foreign funding and arbitrary application of the law

⁹ The UN Human Rights Committee (CCPR) in its [Concluding observations on the second periodic report of Kazakhstan](#) (9 August 2016), paragraph 54a, called on Kazakhstan to "...Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty... [and to] clarify the broad grounds for the suspension or dissolution of political parties..."

¹⁰ In paragraph 3 of the 1990 OSCE Copenhagen Document participating States "recognize the importance of pluralism with regard to political organizations".

¹¹ The CEC informed the ODIHR EOM that it would set the date for the second round, if needed, only after the results of the 9 June election day.

¹² Including the 1966 International Covenant on Civil and Political Rights ([ICCPR](#)), 1979 Convention for Elimination of All Forms of Discrimination against Women ([CEDAW](#)), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities ([CRPD](#)), and the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States ([CIS Convention](#)). Kazakhstan is also a member of the Council of Europe's Commission for Democracy through Law (Venice Commission).

¹³ Other relevant laws include the Law on the President, the Constitutional Law on the First President – Elbasy, the Law on Civil Service, the Law on Public Associations, the Law on the Procedure for Organizing and Conducting Peaceful Assemblies, Meetings, Marches, Pickets and Rallies (Law on Peaceful Assemblies), the Criminal Code, the Administrative Offences Code, and the Civil Procedures Code.

¹⁴ For this election, the CEC adopted a calendar that stipulated expedited terms of electoral activities for the first round of the election and issued a number of resolutions, including on voting of persons with disabilities, media-related issues, and verification of supporting signatures.

¹⁵ Ambiguities and inconsistencies remain in respect of campaign finance, post-electoral dispute resolution, nomination of election commissioners, voter registration, absentee voting, and election campaigning.

¹⁶ See also, the 2016 UN CCPR [Concluding observations on the second periodic report of Kazakhstan](#), paragraphs 51-5, and, 2014 UN CCPR [Toregozhina v. Kazakhstan](#), paragraphs 7 - 9.

pertaining to extremism that entails not only criminal sanctions but also automatic limitations on a wide scope of civil rights.¹⁷ These serious shortcomings in the legal framework and its implementation hamper the conduct of the electoral process, underscoring a need to bring the legal framework in line with OSCE commitments and other international obligations and standards.¹⁸

Election Administration

The election administration is permanent and three-tiered, consisting of the CEC, 232 Territorial Election Commissions (TECs), and 9,968 Precinct Election Commissions (PECs). Women are well-represented in the election administration, including three of seven CEC members and some 67 per cent of all lower-level commissioners.

The CEC and TECs are formed for five years and consist of seven members. The CEC chairperson and two members are appointed by the president, and the Senate and *Majilis* each appoint two members. Following the 2018 amendments to the Election Law, PECs should have from 5 to 11 members depending on the number of voters they serve and, in a welcome step, no more than half of PEC and TEC members should be employees of the same institution.¹⁹ In January 2019, a new composition of lower-level commissions was appointed by local councils (*Maslikhats*), based on nominations from registered political parties, with a maximum of one representative per commission. In case of insufficient proposals, applications from public associations were considered and, when still insufficient, from superior commissions.²⁰ However, by law, *Maslikhats* are not bound by proposals from the nominating bodies and political parties and associations may nominate commissioners who are not their members, which in practice led to political imbalance in the composition of some TECs and PECs. According to CEC data, five of the seven registered parties formally have equitable representation.²¹ However, in a considerable number of commissions visited by the ODIHR EOM, there was, in practice, more than one member affiliated with *Nur Otan*.²² Additionally, in 53 of 232 TECs that provided data, 89 per cent of chairpersons were nominated by *Nur Otan*, with a similar pattern observed in PEC leadership. In others, chairpersons were also supervisors to some commission members in their regular jobs, leading to concerns over their independence. Some commissioners that the ODIHR EOM met with did not know who nominated them. The over-representation of one party in the election administration raises concerns about mechanisms for appointment of commissions and, consequently, their impartiality, challenging international standards.²³

¹⁷ The law contains a broad definition of extremism, which was also subject of criticism by the 2016 UN CCPR [Concluding observations on the second periodic report of Kazakhstan](#), paragraphs 13-14. Limitations may include opening bank accounts and most financial operations, and a ban on access to a wide number of state and private services. Moreover, such charges can be used as a ground for termination of citizenship under the Constitution.

¹⁸ Paragraph 4 of the [1990 OSCE Copenhagen Document](#) commits participating States to “ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration on Principles and other [O]SCE commitments.” Paragraph 12 of the 1996 UN CCPR General Comment No 25 to Article 25 of the ICCPR, states that “[f]reedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote”.

¹⁹ Five members with up to 1,000 voters; seven between 1,001 and 2,000 voters; nine between 2,001 and 2,500 voters; and eleven between 2,501 and 3,000 voters. Previously, membership of all commissions was set to seven members.

²⁰ According to the CEC, 68.7 per cent of members were nominated by different parties, 29.9 per cent by public associations, and 1.4 per cent by higher-level commissions. Some 40 per cent are new members.

²¹ *Nur Otan* nominated 21.3 per cent, CPPK, 20.3 per cent, *Auyl*, 20 per cent, *Ak Zhol*, 19.4 per cent, *Birlik* 18.9 per cent. *Azat* did not nominate members at all, while the Nationwide Social Democratic Party only nominated members in 5 TECs and 68 PECs (0.2 per cent), which were all elected.

²² For example, according to official information, in [Arshalinsky](#), [Beskaragaiskaya](#) and [Zerendinskaya](#) TECs, all members are affiliated with *Nur Otan*. The ODIHR EOM observed that in 4 of 9 Kyzylorda TECs more than half of the members are affiliated with *Nur Otan*. In Mangystau TEC, 6 out of 7 members are affiliated with *Nur Otan*. In at least one Shymkent TEC, 3 members are affiliated with *Nur Otan*. On numerous other occasions, multiple members of a given commission would identify themselves to the ODIHR EOM as being *Nur Otan* members.

²³ Paragraph 20 of the 1996 UN CCPR General Comment 25 to the ICCPR requires that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant”.

Electoral preparations were administered efficiently and in compliance with legal deadlines. The CEC held regular sessions which were open and attended by observers, media and party representatives, and most CEC resolutions were published on its website in a timely manner. Resolutions were adopted unanimously with little or no discussion. The CEC conducted preparatory meetings on pertinent issues, which were not open to the public. While most commissions, including the CEC, were open and forthcoming with information for the ODIHR EOM, information was not always provided to the media when questions were asked that did not directly pertain to the session agenda.

Lower-level commissions undertook their work efficiently; however, sessions were often held on an *ad-hoc* basis without informing stakeholders, which lessened transparency. While the Election Law obliges TECs to publish their decisions, the ODIHR EOM observed that in many cases that they were not published.²⁴ A nationwide training programme for new commissioners on election day procedures was undertaken, which was comprehensive and informative, albeit with limited practical sessions.

The CEC maintains a comprehensive website and developed an extensive voter education programme, with TV spots and educational videos, mainly related to voting procedures and first-time voters, regularly aired by various broadcasters in Kazakh and Russian language. Many PECs informed ODIHR EOM observers that they conducted door-to-door visits to inform voters about election day, with some also inquiring and recording whether voters would vote, which was perceived by some voters as a form of pressure.²⁵

Voter Registration

All citizens over 18 years of age have the right to vote, except those declared incompetent by a court decision and those serving prison sentences, irrespective of the gravity of the crime. This blanket restriction on prisoners and disenfranchisement of persons with mental disabilities is at odds with OSCE commitments and international obligations.²⁶

Voter registration is passive and voters are included in voter lists based on their place of residence. Following recent changes to the law, the local executive bodies (*Akimats*) compile voter lists based on data from the state civil register, marking an improvement in the way the voter lists are compiled.²⁷ *Akimats* submit voter lists to respective TECs twice a year. The TECs cross-check the lists with data from the CEC, which maintains a separate unified electronic voter register.²⁸ In case any discrepancies are found, they are forwarded to *Akimats* for their consideration.²⁹ In line with the law, extracts of the voter list were forwarded by *Akimats* to respective PECs on 20 May and made available at polling stations for public scrutiny from 25 May through election day, but usually only upon request. Minimal

²⁴ In 24 TECs, the ODIHR EOM was informed that decisions and meeting minutes are available only upon request.

²⁵ In Karagandy, Pavlodar and Petropavl. Paragraph 19 of the 1996 UN CCPR General Comment No. 25 to the ICCPR states that "...Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind".

²⁶ Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". Paragraph 14 of the 1996 UN CCPR General Comment No. 25 to Article 25 of the ICCPR states that grounds for deprivation of voting rights should be "objective and reasonable". See also Articles 1, 12 and 29 of the [2006 UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

²⁷ Prior to the 2018 amendments to the Election Law, *Akimats* compiled lists based on data provided directly by various institutions and from information collected through door-to-door visits.

²⁸ The data that the CEC received from the TECs and the data maintained by the CEC is based on same source (state civil register).

²⁹ By law, the *Akimats* are responsible for formation and accuracy of the voter list.

corrections were transmitted to TECs, but, according to the CEC, these will not be reflected in the state civil register. On 20 May, the CEC reported that there were 11,947,995 voters registered.

Voters who wish to vote away from their place of permanent residence could request a temporary change of registration up to 30 days prior to election day, or apply for an Absentee Voting Certificate (AVC), which allowed them to vote in any polling station outside their registered locality.³⁰ As a new feature, in order to oversee the issuance of AVCs, the CEC received through the TECs a breakdown of AVCs for each PEC. There is no post-election audit of AVCs. Some categories of voters could be registered to vote in special polling stations from 4 to 8 June, but the CEC stated that such voters may also remain registered in the voter list of their permanent residence, due to lack of time to implement changes. Voters, who could prove their residence within the precinct but were not registered, could be included on the supplementary voter lists on election day. Voter registration on election day is not in line with international good practice as it could result in multiple registrations.³¹ Overall, enhanced cross-checks of voter registration data and better electronic integration with the state civil register have improved the accuracy of voter lists, partially addressing a prior ODIHR recommendation. However, concerns remain about the potential for multiple voting due to double registration and a possible misuse of AVCs.

Candidate Registration

Candidates can be nominated by political parties or other registered public associations. The 2017 amendments removed the possibility for candidates to be self-nominated, contrary to OSCE commitments and the CIS Convention.³² In addition to having the right to vote, prospective candidates must be citizens by birth, at least 40 years old, fluent in the Kazakh language, have a higher education, and official residence in the country for the last fifteen years.³³ The law disenfranchises persons serving criminal sentences (including probation), those with a criminal record that has not been expunged, and those with a prior conviction for a crime or administrative offence involving corruption. The 2017 amendments to the Electoral Law introduced additional requirements that candidates have five years of experience in civil service or elected governmental office, and pass a medical test.

The extensive and restrictive nature of these requirements unreasonably limits the possibility to stand as a candidate for a broad range of otherwise eligible citizens. In particular, the limitations based on residency, current or previous employment, education, language, and the blanket restriction on criminal conviction are contrary to OSCE commitments and other international obligations and standards.³⁴

³⁰ AVCs could be requested from 24 May to 8 June. At time of issuance of the AVC, its serial number is added to the voter list entry of the voter requesting the AVC. According to the CEC, by 8 June, 35, 951 AVCs were issued.

³¹ Section 1.2.iv of the 2002 Venice Commission's Code of Good Practice in Electoral Matters recommends that "polling stations should not be permitted to register voters on election day itself".

³² Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination". Article 10.3 of the 2002 CIS Convention states that "candidates may be put forward by voters of a relevant electoral district and/or by way of self-nomination for election".

³³ Upon an application of Mr. Toqayev, who served as Director-General of the UN Office in Geneva from 2011 until 2013, the Constitutional Council interpreted that a residence abroad for the purposes of diplomatic service does not entail termination of official residence in Kazakhstan.

³⁴ Article 25 in conjunction with Article 2 of the ICCPR requires that the right to be elected shall be ensured free from any discrimination. Paragraph 15 of the 1996 UN CCPR General Comment No. 25 to the ICCPR states that "Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". Paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document guarantee equal and universal suffrage and require that any restrictions be proportionate to the aim of the law. Article 2 of the 2002 CIS Convention states that "the citizen's right to elect and to be elected to the bodies of state power ... does not depend on and is exercised without any limitations of a discriminatory nature in terms of sex, language, religion or denomination, political or other convictions, national or social origin, membership of a national minority or ethnic group, property status or other circumstances".

Nine candidates were nominated, four from political parties and five from associations.³⁵ The CEC verification period for prospective candidates started on 28 April and included an examination of candidates' fluency in the Kazakh language by 30 April.³⁶ In line with a 2005 CEC resolution, the language test consisted of writing an essay, reading with appropriate diction, and public speaking for 15 minutes. However, precise criteria for evaluating the tests were not established, limiting candidates' ability to prepare for the test and leaving the potential for inconsistent evaluations.³⁷ One prospective candidate did not pass the test and one was withdrawn by the nominating association.³⁸

The remaining seven nominees had two days (from 1 to 3 May) to collect signatures from at least one per cent of registered voters (118,140 for this election), equally representing at least two-thirds of all regions and Almaty, Nur-Sultan and Shymkent. The TECs then had five days to check the authenticity of signatures and submit results to the CEC. In a 2005 resolution, the CEC recommended grounds for invalidating signatures.³⁹ However, the TECs may also invalidate signatures on any other grounds they consider legally justified, which may lead to variable interpretation, contrary to international standards.⁴⁰ Following the payment of a deposit of some EUR 5,000 and the submission of individual and spouse tax declarations, seven nominees were registered by the CEC as candidates, one of whom is a woman, for the first time in a presidential election in Kazakhstan.⁴¹ By law, the candidates were listed on the ballot in alphabetical order.⁴²

Election Campaign

The campaign started once candidate registration was finalized on 11 May, and ended at midnight on 7 June when the silence period began. While the fact that there were seven candidates coming from different parties and associations appeared to offer political variety, few provided clear platforms and openly critical campaigns. Although active in the campaign offices of most candidates, women did not occupy leadership positions and no candidate offered concrete campaign manifestos that addressed gender issues.⁴³

The campaign was low-key and largely limited to posters and billboards, generating limited public interest. Although most candidates stated that they would use the internet as a campaign tool, few maintained a meaningful online presence. Candidates could hold public meetings or events only after requesting permission from the appropriate local authorities ten days prior to the planned event, which is

³⁵ The CEC rejected 13 'self-nominations' for non-compliance with legal requirements.

³⁶ By law, the incumbent president is exempt from the language test.

³⁷ Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits participating States to provide "political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities".

³⁸ The candidate that failed the language test filed a complaint to the Supreme Court on 6 May, which was dismissed. The Linguistic Commission informed the ODIHR EOM that the rejected candidate made 19 mistakes in a 13-line essay and he failed the other two parts.

³⁹ Including through checking if the signing was performed by one person on behalf of several voters, or if the voter signed more than once for one candidate.

⁴⁰ Section I.1.3.iii of the 2002 Venice Commission's Code of Good Conduct in Electoral Matters recommends that "checking of signatures must be governed by clear rules".

⁴¹ In the 2015 presidential election there were three candidates contesting. The deposit is 2,125,000 Kazakhstan *Tenge* (KZT), based on 50-times minimum wage; approximately EUR 1 = KZT 426. The deposit is returned to those who obtain at least five per cent of votes.

⁴² Zhambyl Akhmetbekov, CPPK, Daniya Yespayeva, *Ak Zhol*, Amirzhan Kossanov, Public Association *Ult Tagdyry* – National Patriotic Movement, Toletai Rakhimbekov, *Auyl* – People's Democratic Patriotic Party, Amangeldy Taspikhov, Republican Association of Trade Unions "Federation of Trade Unions of the Republic of Kazakhstan", Kassym-Jomart Tokyaev, *Nur Otan*, and Sadi-Bek Tugel, *Uly Dala Kyrandary* – Republican Movement.

⁴³ See also, 2014 CEDAW [Concluding observations on the combined third and fourth periodic reports of Kazakhstan](#).

not in line with OSCE commitments and international standards.⁴⁴ Several interlocutors informed the ODIHR EOM that they do not request permission to organize political events due to the restrictive process and the likelihood of it being denied. On multiple occasions the police conducted questioning and temporary detentions as a means to prevent possible gatherings. Organizers and participants, including individuals who called for public gatherings or a boycott of the election were subject to fines and arrests.⁴⁵ The end of the campaign was further marred by several cases of detention.⁴⁶ Collectively, these restrictions unduly limited freedom of assembly and political expression before and during the campaign.

According to the CEC, in the first 12 days of the campaign, 7,453 campaign events took place throughout the country. However, the ODIHR EOM was made aware of a total of 55 events, and observed 22 of them. Despite the ODIHR EOM's requests to all candidates, most did not make their campaign schedules available on the grounds that they were internal documents.⁴⁷ Candidates informed the ODIHR EOM that they were satisfied with allocated venues for indoor events and chose not to organize outdoor events.

Mr. Tokayev extensively toured the country in his capacity as president, receiving significant media coverage. During the campaign, Mr. Nazarbayev, in his capacity as First President, intensified his public appearances and called on voters to support Mr. Tokayev.⁴⁸ In a number of instances, public sector employees and students informed the ODIHR EOM that they had been instructed by public officials to attend campaign events and vote for the incumbent.⁴⁹ Such activities blurred the line between party and state and also raised concerns about voters' ability to cast their vote freely, as provided by OSCE commitments.⁵⁰

⁴⁴ A request must specify the goal of the meeting, format, place, start and end time, approximate number of participants, and the names of the organizers. The [2015 report](#) of the UN Special Rapporteur on the rights of assembly and association states that "the right to peaceful assembly must not be subject to prior permission from the authorities, but at best by a notification procedure whose rationale is to ensure police protection to demonstrators and bystanders". Paragraph 12 of the 1996 UN CCPR General Comment No. 25 to the ICCPR states "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected". See also paragraph 9.2 of the 1990 OSCE Copenhagen Document.

⁴⁵ For example, on 25 May, a citizen calling for boycott of the election on social media, was sentenced to two days of administrative arrest. Between 9 May and 4 June, three individuals were fined approx. EUR 90 for posts related to opinion polls on their social network pages.

⁴⁶ On 7 and 8 June, more than a dozen individuals were detained around the country, with one credible report of police violence. The officials informed the ODIHR EOM that some cases related to investigations to identify affiliates of DCK. Three persons were subjected to 72-hours of pre-trial detention, and six were sentenced to 3 to 15 days of administrative arrests.

⁴⁷ The ODIHR EOM was provided with campaign schedules of Mr. Akhmetbekov and Mr. Taspikhov. Mr. Tokayev's campaign headquarters informed the ODIHR EOM that campaign schedules are internal documents and could be shared only if a non-disclosure agreement is signed.

⁴⁸ On some of the posters Mr. Tokayev featured together with Mr. Nazarbayev, emphasizing continuity of social, economic, foreign policies. According to the official [website](#) of the president, Mr. Nazarbayev had four public appearances within a month before his resignation; from the start of the campaign period until 7 June Mr. Nazarbayev, in his capacity as First President, made 21 appearances receiving heads of states, government officials, granting awards and attending high level events.

⁴⁹ Credible cases were reported to the ODIHR EOM in Aktau, Aktobe, Almaty, Atyrau, Kostanay, Kyzylorda, Nur-Sultan, Pavlodar, Petropavl and Semey.

⁵⁰ Paragraph 5.4 of the 1990 OSCE Copenhagen Document states that there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State". Article 19.2g of the CIS Convention commits states to "... assure that the law and governmental policy provide for separation between the party and state". Paragraph 7.7 of the OSCE Copenhagen Documents commits states to "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution". See also paragraph 19 of the 1996 UN CCPR General Comment No. 25 to the ICCPR.

Campaign Finance

The Election Law provides for public and private funding. Candidates can cover some campaign expenses from the state budget, as determined by the CEC, with funds allocated indirectly through transfers to the accounts opened by the Nur-Sultan *Akimat* and administered by election commissions.⁵¹ Candidates must apply and provide supporting documentation to receive the funding. The procedures to apply for, use and report on public funding are excessively complex, lengthy and not sufficiently regulated in the law, which led to requests for clarifications from the candidates.⁵²

Private funds can consist of the candidates' own funds, contributions from parties or associations that nominated them, and donations from individuals and legal entities.⁵³ Contributions from state-funded organisations, charities, religious communities, and foreign, in-kind and anonymous sources are prohibited. Candidates must open dedicated accounts in the bank chosen by the CEC within a day of their registration. There was no unified date for all candidates to start fundraising. The bank was obliged to report to the CEC weekly on all contributions and expenditures.⁵⁴ The CEC published only aggregate data on campaign funds with no breakdown on who donated funds or for what purposes expenditures were made, thus reducing the transparency of the system.⁵⁵

Five days after the results are announced, candidates are obliged to submit a campaign finance report to the CEC, which publishes them on its website. Breaches of campaign finance rules by a candidate may lead to de-registration. In case financial violations by the winning candidate are established after the election and prior to the inauguration, the election results could be annulled.

Media

Freedom of expression and the right of access to information are guaranteed in the Constitution, but the legal framework for media contains a number of restrictive provisions. Contrary to previous ODIHR recommendations and calls from the OSCE Representative on Freedom of the Media (RFoM), defamation and insult remain criminal offences. Incitements to social, national and religious discord, as well as spreading false information are punishable with substantial fines or sentences of up to 20 years of imprisonment.⁵⁶ The RFoM, on several occasions, has stated that "too often journalists work under pressure and fear, lacking access to information, especially public information which could be provided by the authorities" and that "detention of journalists in Kazakhstan is of grave concern".⁵⁷

Many broadcast and print media are fully or partly owned or funded by the state. According to many ODIHR EOM interlocutors, state-funded media have easier access to information from official sources, compared to other media, but do not critically assess official information. Despite a large number of outlets, most ODIHR EOM interlocutors claimed that national and regional authorities influence media through the distribution of public advertising contracts, which, in a limited advertising market,

⁵¹ Each candidate is entitled to approx. EUR 12,350 for TV and EUR 470 for radio appearances; EUR 1,900 for print media; EUR 470 for public events; EUR 940 for printed materials and EUR 1,110 for transportation costs.

⁵² Candidates should apply for funding by submitting the contracts with the service providers and invoices. The commission has 10 days to transfer the payments.

⁵³ Cumulative funds of candidates and nominating bodies are limited to approx. EUR 1.2 million and donations are limited to approx. EUR 1.5 million. Candidates' expenditure is limited to the amount of private and public funds established by law (approx. EUR 2.72 million).

⁵⁴ The CEC informed the ODIHR EOM that it does not conduct additional control of expenditures from private funds during the campaign period.

⁵⁵ According to a [CEC report](#), the largest contribution was received by Mr. Tokayev (approx EUR 2.6 million). Other candidates together raised approx. EUR 2 million.

⁵⁶ Incitement is punishable with imprisonment from 12 to 20 years, and spreading false information is punishable with limitation of freedom or imprisonment from 3 to 7 years. There is no statute of limitation for media cases.

⁵⁷ See OSCE RFoM statements from [5 April 2018](#), [8 November 2018](#), and [27 February 2019](#).

effectively undermines their independence.⁵⁸ Since the election was called, in several cases the state-funded media chose not to cover specific political events that generated public interest.⁵⁹ The Information Committee under the Ministry of Information and Social Development, as well as the Prosecutor General and the National Security Committee, are entitled to block websites and halt media outlet operations, without a court decision. On 9 May, a number of online media outlets, as well as Facebook, Instagram and YouTube, were not accessible.⁶⁰ The ODIHR EOM observed that access to the social networks was limited or throttled in the evenings, on a daily basis, including on election day. Such legal powers and sanctions, and their implementation, lead to self-censorship and limit online political discourse, at odds with international standards.⁶¹

The campaign was covered mostly in the nationwide state-funded media. Some media informed the ODIHR EOM that they preferred not to report on election-related issues due to over-restrictive regulation. The CEC chose *Khabar TV* to conduct the sole debate on 29 May. Four candidates participated, while the remaining three were represented by proxies, including the incumbent. No women took part in the debate. The participants spoke Kazakh or Russian without interpretation, limiting voters who speak only one of the two languages to make an informed opinion.

During the campaign, Mr. Nazarbayev, in his capacity as First President, enjoyed significant media attention, including in most headlines.⁶² The state-funded broadcasters dedicated between 14 and 31 per cent of their coverage to Mr. Nazarbayev including election-related coverage. Mr. Tokayev received between 10 and 53 per cent coverage of his daily presidential duties, while as candidate he got between 9 and 20 per cent. As for the other candidates, they received between 5 and 20 per cent each, in the monitored broadcasters. The state-funded newspapers followed the same pattern. The coverage of all the candidates was either positive or neutral and their activities were often presented by proxies. In general, media did not provide the viewers with a comprehensive analysis of campaign platforms of candidates. As for the paid advertisements, all the candidates provided their video spots to the state-funded broadcasters, but only Mr. Tokayev's spots appeared on two of three monitored private channels. While media respected the formal allocation of airtime for candidates during the campaign, the extensive coverage of the incumbent in his official capacity and support for his election by the First President did not provide a level playing field for all candidates. This, alongside the lack of critical analysis by media, limited voters' ability to make an informed choice.

The Information Committee informed the ODIHR EOM that it conducted qualitative and quantitative media monitoring of all national media outlets, 150 websites in the country and social networks.⁶³ Since 8 May, the Prosecutor General issued two general warnings restrictively interpreting the law on the conduct of opinion polls.⁶⁴

⁵⁸ According to the Ministry of Information and Social Development, there are over 3,000 registered media outlets.

⁵⁹ The state-funded TV channels and online news websites did not report on events such as the 21 April and 1 May demonstrations and detention of some activists and journalists. Only few outlets covered meetings of a group "Mothers of many children", who were demanding the resolution of housing issues.

⁶⁰ See the [statement by OSCE RfOM](#) of 10 May. According to some interlocutors, Nur-Sultan and Almaty regions had no Internet access. According to the [statement](#) by the Minister of Information and Social Development from 14 May, these were technical issues related to service providers on that day.

⁶¹ See, paragraphs 21-25 of the 2011 UN CCPR General Comment No. 34 to the Article 19 of the ICCPR.

⁶² During the campaign period, the ODIHR EOM monitored the following media outlets: TV stations: *Khabar TV*, *Qazaqstan TV* (state-funded broadcasters), *First Eurasian Channel* (a mostly state-funded broadcaster), *Channel 31* and *KTK* (private channels). Radio: *Kazakh Radio* (state-funded). Newspapers: *Egemen Kazakhstan* and *Kazakhstanskaya Pravda* (state-funded), *Liter*, *Vremya*, *Zhas Alash* (private). Online outlets: sputniknews.kz, tengrinews.kz, and www.zakon.kz.

⁶³ The scope and methodology of its monitoring was not publicly available.

⁶⁴ The prosecution invoked Article 120 of the Administrative Offences Code, but the Election Law does not prohibit conducting opinion polls, only obliging media to reference data on the entity that conducted the opinion poll.

Complaints and Appeals

Election-related complaints may be filed by all electoral stakeholders with election commissions or courts within ten days of the alleged violation.⁶⁵ Election commissions have five days to consider complaints, and three days to review appeals against decisions of lower-level commissions. Complaints filed within five days before or on election day must be reviewed immediately.⁶⁶ According to the statistical compilation received by the ODIHR EOM from the CEC, it considered 157 applications and complaints, without formal hearings and without providing the opportunity to the plaintiffs to provide additional arguments. Despite requests, the CEC did not publish nor provide the ODIHR EOM with the texts of complaints or official decisions and responses, undermining effective remedy, contrary to OSCE commitments.⁶⁷

The Supreme Court receives complaints and appeals challenging CEC decisions. Candidate registration or de-registration can be challenged within ten days of the CEC decision, and the Supreme Court has ten days to issue a final decision. The judgement could potentially be delivered after the campaign starts, undermining equal possibility for campaigning. Five appeals related to candidate registration were submitted to the Supreme Court, four of which were considered inadmissible and one was rejected.⁶⁸

Final election results may be appealed to the Constitutional Council within ten days of the announcement only by the president, speakers of both houses of parliament, at least one fifth of the members of parliament or the prime minister. This deprives citizens of a possibility to challenge the outcome of elections contrary to good electoral practice.⁶⁹

The Constitution provides that the courts exercise justice independently. However, judges at all levels are nominated or appointed, and dismissed, by the president and are therefore put under dependency of the executive, including through disciplinary measures, which is contrary to the principle of separation of powers.⁷⁰ Public trust in electoral dispute resolution is further compromised when an incumbent president is standing for election, as was the case in this election. Some courts requested approval of the *Akimats* to conduct meetings with the ODIHR EOM, or, in other cases, *Akimats* organized the meetings on behalf of the courts.

⁶⁵ In case a complaint is simultaneously submitted to both, the election commission must suspend any proceedings until the court ruling enters into force.

⁶⁶ Election commissions should resolve complaints related to inclusion to voter lists on the same day and their decisions are subject to further expedited judicial review.

⁶⁷ According to the CEC, overall, 35 applications were received during candidate registration and 122 since the campaign began. The majority concerned issues of election administration (93) and applications for self-nomination (33), 8 were deemed inadmissible and 18 were transferred to respective TECs for examination. The CEC qualified 14 applications as complaints. Paragraph 5.11 of the 1990 OSCE Copenhagen Document provides that “administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available” and paragraph 5.10 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”.

⁶⁸ These cases concerned constitutionality of candidacy restrictions. One of the decisions was reviewed and upheld on cassation by the Supreme Court Civil Law Judicial Collegium. Another appeal was related to the assessment of the language test and alleged damage to the reputation of the nominee by the public announcement of the test results. The Court conducted three hearings on the case, one closed to the public and ODIHR EOM observers, and dismissed the appeal.

⁶⁹ Section II.3.3.3.f of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters recommends direct legal standing in challenging election results: “All candidates and all voters ... must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections”.

⁷⁰ Paragraph 5.12 of the 1990 OSCE Copenhagen Document requires the States Parties to ensure independence of judges and the impartial operation of the public judicial service. See also the [Venice Commission’s Report on Judicial Appointments](#) and the [Venice Commission’s European Principles of the Independence of the Judiciary](#).

Allegations of electoral offenses can be filed with public prosecutors or courts who should consider them within five days. The prosecutors actively monitor compliance with electoral legislation.⁷¹

Citizen and International Observers

The Election Law provides for both citizen and international observers. Citizen observers may be nominated by public associations and non-profit organizations. There is no formal accreditation procedure with the election administration.⁷² Candidates and registered political parties are each entitled to one proxy per polling station. Despite the limited space for civil society, several organizations deployed observers, including Next.kz, Misk, Echo, and *Amanat*. However, a considerable number of ODIHR EOM interlocutors raised concerns about the political affiliation or independence of some groups. International observers are accredited by the CEC. By the 3 June deadline, the CEC accredited 1,013 international observers.

Election Day

Election day was efficiently organized, but a significant number of procedural errors during voting, counting and tabulation, as well as several cases of electoral malfeasance, were observed. While the polling proceeded in a generally calm and orderly manner, a number of peaceful protests organized in Nur-Sultan, Almaty, Semey, and Shymkent resulted in forceful response by police to disperse or arrest protesters. The IEOM observed and received credible follow-up reports that several hundred protesters were detained in Nur-Sultan and Almaty, including journalists and human rights defenders. Later, court trials were organised at detention centres, closed to the public and observers, without a possibility for legal defence, and in breach of other procedural rules.⁷³

Throughout election day, meaningful transparency was not always provided. In a number of polling stations, IEOM observers were prevented from following the process and in many cases were not allowed to scrutinize the voter lists or were requested to remain at a large distance from the polling proceedings and the vote count. The IEOM observed unauthorised persons in 6 per cent of polling stations.

Most polling stations opened on time. Some procedures were not followed, including counting and announcing the number of ballots, in almost half of observations. Some 28 per cent of observed polling stations were inaccessible to voters with disabilities. Women were observed to be well-represented in PECs, serving as chairpersons in 63 per cent of polling stations.

Voting was assessed negatively in 6 per cent of polling stations. Serious irregularities were observed in polling stations across the country, including series of identical signatures in voter lists (9 per cent of observations), voters without an ID being allowed to vote (3 per cent) and group voting (4 per cent). IEOM observed ballot box stuffing in 23 polling stations and received additional video material that showed ballot box stuffing in at least 19 other polling stations. Many of these videos were also widely circulated on social media. In 4 per cent of polling stations, individuals outside the polling stations were systematically recording who turned out to vote.

⁷¹ As of 8 June, the prosecutor initiated eight election-related court cases. Seven concerned breaches of regulation on opinion polls. Four news portals (*Nur.kz*, *Kazak yni*, *Socium Kyzylorda* and *Exclusive.kz*) were sentenced to fines of approx. EUR 180. Three individuals were fined for approx EUR 90 for posts on their social network pages (*See Election Campaign*), two of which were appealed, with one rejected and one pending. One individual was fined for destruction of campaign posters.

⁷² Citizen observers are required to have a letter from their nominating organization.

⁷³ Article 9 of the ICCPR safeguards the right to liberty and security of person, and ensures that deprivation of liberty is conducted “in accordance with procedure established by law”. Article 14 ensures the right “to a fair and public hearing by a competent, independent and impartial tribunal, (d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing... (g) not to be compelled to testify against himself or to confess guilt”. See also, paragraphs 5.10, 5.16 and 5.17 of the 1990 OSCE Copenhagen Document.

IEOM observers noted that a significant number of voters were added to the voter list on election day, amounting to, on average, some 25 voters per polling station.⁷⁴ In some cases, voters were added without having a residence in the given precinct. The IEOM observed that City Service Centre (*TSON*) personnel, located at polling stations, printed on-demand residence certificates to anyone who requested them, with which voters could be registered to vote on election day.⁷⁵ No mechanism was in place to prevent the same person requesting multiple residence certificates, which was observed by the IEOM. The PECs did not retain AVCs in 12 per cent of polling stations observed or record the data of voters who voted with the AVCs in 13 per cent of polling stations, which underscored serious challenges with AVC safeguards that undermine the integrity of voter lists and cannot guarantee the equality of votes.

The CEC reported a turnout of 77 per cent and informed the IEOM it did not intend to publish the number of voters registered on election day. The CEC also did not plan to publish election results or turnout information disaggregated by polling station, as it is not required by law, which reduces the transparency of the election results and public confidence in the process.

Counting was evaluated negatively by IEOM observers in more than half of polling stations observed, raising serious questions about whether ballots were counted and reported honestly, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document. Observers were restricted from following the vote count in a quarter of polling stations observed. The IEOM observed deliberate falsification in 11 per cent of counts observed, including indications of ballot box stuffing in 9 per cent of observations. Significant procedural errors were observed. In half of the observed PECs did not determine the number of ballots issued by counting voters' signatures or announce the number of voters and unused ballots. More than half of observed PECs did not establish the number of voters who voted with AVCs. In almost one-third of polling stations, unused ballots were not cancelled before opening the ballot boxes. PECs rarely announced the voters' choice during the count and in some cases, the ballots were not correctly separated into different piles before being counted.

In one-fifth of observations, the number of homebound voters was not recorded in the protocol. The number of ballots in the mobile ballot boxes was higher than the number of homebound requests in 81 per cent of counts observed, but such ballots were invalidated in only 19 per cent of cases. In 9 per cent of all counts observed, the total number of ballots exceeded the number of voters who voted. More than half of PECs failed to announce the figures they entered in the protocols, which were not posted in almost half of cases. Some PECs did not fill the protocols completely and in ink.

Tabulation was assessed negatively in one-fifth of the 92 TECs visited, mainly due to lack of transparency (in 22 TECs), but also due to observation of electoral malfeasance in 9 TECs.⁷⁶ This included completion of count protocols at TECs (19 cases), as well as TEC staff instructing PEC chairpersons to change results (13 cases), in violation of the law. In three TECs in Turkistan and Shymkent, IEOM observers were denied access. The conditions for reception and tabulation of protocols were not adequate in 15 TECs, and some were overcrowded. A number of PEC protocols could not reconcile in 23 TECs observed. On the morning of 10 June, the CEC announced preliminary results showing that Mr. Tokayev won the election with 70.76 per cent of votes.

⁷⁴ Of these, some 40 polling stations observed had more than 100 voters added on election day.

⁷⁵ By 11am, *TSON* offices in polling stations 138 and 139 in Nur-Sultan, informed the IEOM that they issued some 200 and 150 residence certificates, respectively. The CEC informed IEOM observers it did not intend to conduct any *ex-post* audits of the use of residence certificates on election day.

⁷⁶ As observed at TECs in Almaty, East Kazakhstan, Kyzylorda, Nur-Sultan, Pavlodar, Turkistan and Zhambyl. In addition, in Zhalagash and Kyzylorda TECs (Kyzylorda Oblast) all PEC protocols were pre-signed by all PEC members.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Nur-Sultan, 10 June 2019 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the election complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation.

Mr. George Tsereteli, President of the OSCE PA, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Ms. Margareta Kiener Nellen headed the OSCE PA delegation. Ambassador Urszula Gacek is the Head of the ODIHR EOM, deployed from 8 May.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report during the Annual Session in Luxembourg in July 2019.

The ODIHR EOM includes 13 experts in the capital and 22 long-term observers deployed throughout the country. On election day, 339 observers from 40 countries were deployed, including 290 long-term and short-term observers deployed by the ODIHR, as well as a 49-member delegation from the OSCE PA. Opening was observed in 113 of 9,968 polling stations and voting was observed in more than 1,350 polling stations across the country. Counting was observed in 116 polling stations, and the tabulation in 100 of 232 TECs.

The IEOM wishes to thank the authorities for their invitation to observe the election, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media and civil society organizations, and international community representatives for their co-operation.

For further information, please contact:

- Urszula Gacek, Head of the ODIHR EOM, in Nur-Sultan (+7 7172 599 901);
- Katya Andrusz, ODIHR Spokesperson (+ 7 701 643 6153 or +48 609 522 266), or Radivoje Grujić, ODIHR Election Adviser, in Warsaw (+48 669 672 451);
- Anna Di Domenico, OSCE PA (+7 775 135 3269, or + 45 601 08380);

ODIHR EOM Address:

Hotel Grand Park Esil, 1st floor, Beibitshilik Street 8, 010000 Nur-Sultan
Tel: + 7 172 591 901 (ext. 115); Fax: +7 172 591 318; Email: office@odih.kz

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