



Office for Democratic Institutions and Human Rights

REPUBLIC OF KAZAKHSTAN
PARLIAMENTARY ELECTIONS

18 August 2007

OSCE/ODIHR Election Observation Mission Report



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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY.....	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS	3
III.	BACKGROUND	4
IV.	LEGISLATIVE FRAMEWORK	5
	A. APPLICABLE LEGISLATION	5
	B. THE ELECTION SYSTEM	5
	C. ASSESSMENT OF THE LEGAL FRAMEWORK.....	7
V.	ELECTION ADMINISTRATION	8
	A. STRUCTURE AND COMPOSITION OF THE ELECTION ADMINISTRATION	8
	B. THE ORGANIZATION OF THE ELECTION.....	10
	C. ELECTRONIC VOTING.....	11
VI.	PARTY AND CANDIDATE REGISTRATION.....	14
VII.	THE ELECTION CAMPAIGN.....	14
VIII.	MEDIA.....	16
	A. BACKGROUND.....	16
	B. LEGAL FRAMEWORK FOR THE MEDIA	17
	C. MEDIA MONITORING RESULTS.....	18
IX.	COMPLAINTS AND APPEALS.....	19
X.	PARTICIPATION OF MINORITIES	21
XI.	PARTICIPATION OF WOMEN	21
XII.	DOMESTIC AND INTERNATIONAL OBSERVERS	22
XIII.	ELECTION DAY.....	22
	A. THE VOTING PROCESS	22
	B. ELECTRONIC VOTING.....	24
	C. THE COUNTING PROCESS.....	25
	D. TABULATION OF RESULTS.....	27
	E. POST-ELECTION OBSERVATION	28
XIV.	ANNOUNCEMENT OF RESULTS.....	29
XV.	RECOMMENDATIONS.....	30
	A. LEGAL FRAMEWORK.....	31
	B. ELECTION ADMINISTRATION	31
	C. ELECTRONIC VOTING.....	32
	D. POLITICAL PARTY REGISTRATION	32
	E. CAMPAIGN REGULATIONS.....	32
	F. MEDIA	32
	G. ELECTION DAY PROCEDURES	33
	H. ELECTION OBSERVATION.....	33
	ANNEX 1.....	34
	ANNEX 2.....	35
	ANNEX 3.....	37
	ABOUT THE OSCE/ODIHR	40

**REPUBLIC OF KAZAKHSTAN
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**OSCE/ODIHR Election Observation Mission
Final Report ¹**

I. EXECUTIVE SUMMARY

Early elections to the Majilis (lower house) of the Republic of Kazakhstan were held on 18 August 2007. Following an invitation by the Government of the Republic of Kazakhstan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 13 July. It assessed the election process for compliance with the 1990 OSCE Copenhagen Document and other international standards, as well as domestic legislation and its implementation.

The 18 August 2007 Majilis election resulted from the early dissolution of the parliament elected in 2004 and followed the adoption of significant amendments to the Constitution and Election Law, including a new proportional representation system. However, some of the new amendments are contrary to the 1990 OSCE Copenhagen Document, marking a step backward in a number of provisions of the election legislation. Despite some progress in the process during the pre-election period and in certain aspects of voting, the election did not meet a number of OSCE commitments, in particular with regard to elements of the legal framework and to the vote count and tabulation.

Some new aspects of the election legislation which do not comply with the 1990 OSCE Copenhagen Document are as follows:

- undue limitations on the right to seek public office, contrary to paragraph 7.3 and 7.5, resulting from a ten-year residency requirement, a requirement that all candidates be party members, and the exclusion of the right of citizens to seek office individually as independent candidates;
- ownership of parliamentary mandates by political parties as well as provisions that parties determine, after the polls, which of their candidates will take seats in parliament, in circumvention of paragraph 7.9;
- not providing for all seats in at least one chamber of the national legislature to be freely contested in a popular vote, as specified by paragraph 7.2.

The legislative framework also contains restrictive provisions that do not fully respect the right of individuals and groups to “establish in full freedom their own political parties or other political organizations and provide such 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”, as provided for in Paragraph 7.6 of the 1990 OSCE Copenhagen Document. Restrictions include:

¹ This report is available in Kazakh and Russian languages. However, the English version remains the only official document.

- excessive requirements for registration of political parties as legal entities and indeterminate administrative procedures that delay timely party registration; and
- elimination of the possibility of forming pre-election coalitions, as political parties had been able to do in previous elections.

The early elections interrupted an ongoing dialogue on election legislation, which the authorities have indicated will be resumed.

An additional constraint to pluralism is the existing seven per cent threshold for obtaining representation in the Majilis, which is high for the OSCE area. Only the governing Nur Otan party surpassed the threshold, obtaining all 98 directly elected seats in the 107 member Majilis.

The Central Election Commission (CEC) conducted its work overall transparently. It adopted a number of decisions to further regulate the process and conducted extensive voter education. The local authorities and election administration made efforts to improve the voter lists. Mechanisms to hear election complaints were more inclusive than in previous elections, although their effectiveness was limited as the CEC took few formal decisions on complaints. The CEC also provided detailed information to OSCE/ODIHR on many aspects of the process. However, the composition of election commissions continues to raise concern regarding inclusiveness, impartiality and independence.

Seven political parties were registered to contest the election in an overall inclusive and transparent manner. While this provided voters with a measure of choice, two prospective parties could not contest the election as they had not been registered as legal entities by the Ministry of Justice.

Overall, political parties were able to conduct their campaigns largely without administrative interference. However, political parties did not always enjoy equitable campaign conditions, including access to venues for meetings. There were instances of favourable treatment of Nur Otan by the authorities.

Media covered the activities of all political parties. Together with televised debates, this provided voters with differing political viewpoints. However, apparent self-censorship by journalists, as well as a concentration of media ownership, contributed to a constrained media environment. State media gave preferential treatment to Nur Otan in news coverage.

On election day, despite some irregularities and violations, voting was conducted in a calm atmosphere and was generally well organised. Observers assessed voting positively in 94 per cent of polling stations visited. The large majority of Precinct Election Commissions (PECs) were cooperative; in some instances, observers were obstructed or had difficulty receiving information.

Electronic voting, similar to that used in the 2005 presidential elections, was available as an option to approximately 33 per cent of the electorate. The CEC provided the OSCE/ODIHR with considerable access to the electronic voting system. Shortcomings previously noted by the OSCE/ODIHR, including lack of public confidence in the system,

remain. Some changes introduced since the 2005 elections appear to be based on requirements which are not publicly available, diminishing transparency.

The vote count was assessed negatively in 39 per cent of polling stations observed, with lack of transparency being a particular problem. In 76 per cent of vote counts observed, marked ballots were not shown to observers, and in 14 per cent, international observers were restricted in their activity. Serious irregularities were observed in 25 per cent of polling stations observed.

In 9 per cent of counts observed, PECs were observed tampering with official control documents. Significant violations were observed, including the completion of blank results protocols outside polling stations, and the altering of data in protocols. The reported turnout at a number of polling stations was implausibly high. The results tabulation process was assessed negatively in 16 per cent of observations.

Over a one month period, the CEC published results from all polling stations on its website. This was a welcome step enhancing transparency; however, it was unclear why the results were not posted in a more timely manner. For 15 of the polling stations where mission observers followed the vote count, the published data diverged considerably from the respective data in polling station protocols provided to observers after the count was completed. These alterations were mostly in favour of Nur Otan. Other protocols obtained by the mission reflected similar trends. The CEC data also showed that in several hundred polling stations, Nur Otan received every valid vote cast.

This report offers a number of recommendations for further improving the conduct of elections in the Republic of Kazakhstan. The OSCE/ODIHR remains ready to offer assistance to support the efforts of the authorities and civil society of Kazakhstan to conduct genuine democratic elections in line with OSCE Commitments.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation by the Government of the Republic of Kazakhstan to observe the 18 August 2007 early election to the Majilis, the OSCE/ODIHR established a long-term Election Observation Mission (EOM) on 13 July 2007. The mission was headed by Ambassador Lubomir Kopaj and consisted of 22 experts and 36 long-term observers who were deployed to the 14 regional capitals and Astana and Almaty cities.²

Election day observation was a joint undertaking of the International Election Observation Mission (IEOM) including the OSCE/ODIHR, the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Senator Consiglio Di Nino, Head of the OSCE PA delegation, was designated by the OSCE Chairman-in-Office, Minister Miguel Ángel Moratinos of Spain, as Special Co-ordinator to lead the OSCE short-term observers. Mr. David Wilshire headed the PACE delegation.

² The OSCE/ODIHR previously observed elections in Kazakhstan in 1995, 1999, 2004 and 2005. For the 2007 Majilis election, the OSCE/ODIHR EOM issued an interim report during the course of its observation, and had the opportunity to discuss issues raised in that report with the respective authorities. Reports are available at www.osce.org/odihr-elections/14471.html.

On election day, the IEOM deployed 449 observers from 45 OSCE participating States, including: 381 OSCE/ODIHR observers, 61 OSCE PA observers and 7 PACE observers. The IEOM observed voting in 1,743 polling stations, vote counting at 174 polling stations and the tabulation of polling results at 123 Territorial Election Commissions (TECs).

The OSCE/ODIHR wishes to express its appreciation to the Ministry of Foreign Affairs and the Central Election Commission, as well as to other authorities, the OSCE Centre in Almaty, civil society organizations, international organizations and resident embassies of OSCE participating States, for their co-operation throughout the course of the mission.

III. BACKGROUND

The 18 August Majilis election was the fourth since the adoption of the 1995 Constitution. The last Majilis elections took place in September / October 2004, and the OSCE/ODIHR found that “while elections reflected improvement over past parliamentary elections, serious shortcomings remain, and the election process fell short of OSCE commitments and other international standards for democratic elections in many respects”.³

According to the Constitution, the Republic of Kazakhstan has “a presidential form of government” with a bicameral parliament, consisting of the Majilis (lower house) and the indirectly elected Senate (upper house).⁴ In May 2007, following the conclusion of the work of the “State Commission on the Development and Concretization of the Programme on Political Reform” which was organized at the initiative of the President to discuss constitutional reform, the Parliament adopted significant amendments to the Constitution. A number of the amendments affected the election process, including changes to the system of electing the Majilis. In some cases, the amendments did not reflect the proposals of the State Commission.

The Election Law was amended on 19 June 2007, primarily to reflect the relevant changes to the Constitution and to define a new election system. On 20 June the President dissolved the lower house of Parliament and called early Majilis elections for 18 August.

Maslikhat (local council) elections were already planned for 2007, but the calling of the election to the Majilis came as a surprise to some parties. While there was a keen interest by most parties to contest the early Majilis election, they had little time to prepare. As the deadline for submitting candidate lists fell less than one month after the election was called, parties had a short time to take decisions on merging party structures and to adjust campaign strategies to the new electoral system, including the fact that parties were not allowed to form pre-election coalitions as they had been able to do in previous elections.

In late 2006, well in advance of the changes to the election legislation, the *Asar, Agrarian and Civic* parties merged with the governing *Otan* party to become *Nur Otan*. The President of Kazakhstan became the leader of the party on 4 July 2007. In late June 2007, the opposition party *Nagyż Ak Zhol* joined with the recently registered All National Social Democratic Party (ANSDP), and in July, the *Ak Zhol* party merged with *Adilet*.

³ All OSCE/ODIHR documents referenced may be found at www.osce.org/odihr-elections/14207.html

⁴ The 47-member Senate is not directly elected, as some members are indirectly elected by regional councils and others are appointed by the President.

The Communist Party of Kazakhstan did not nominate candidates for the Majilis election, stating that this was in protest to changes in the election system.

The early Majilis elections were held on the same day as the Maslikhat elections. The OSCE/ODIHR EOM followed the Maslikhat elections only to the extent that they affected the Majilis election.

IV. LEGISLATIVE FRAMEWORK

A. APPLICABLE LEGISLATION

The legislative framework for the elections of the Majilis includes the Constitution, the Constitutional Law on Elections (hereafter the 'Election Law'), and decisions and regulations of the Central Election Commission. Other legislation, including the Law on Political Parties, the Civil Procedure Code, the Law on Mass Media, and the Law on Public Assemblies, together with various local regulations related to public assembly, is also relevant.

The May 2007 amendments to the Constitution increased the number of deputies in the Majilis from 77 to 107.⁵ Of these, 98 are elected in a popular vote, and nine are chosen by an appointed body, the Assembly of People of Kazakhstan. The constitutional amendments also included other changes relevant to elections, *inter alia*:

- Removing the two-term limit for the first President of Kazakhstan;
- Reducing the length of the presidential mandate from 7 to 5 years (at the expiry of the term of the current President);
- Permitting the President to engage in political party activity during his/her tenure;
- Changing the future composition of the Central Election Commission;⁶
- Removing provisions on the election system for Majilis elections and providing for the election system to be established by the Election Law;
- Increasing the number of Senate deputies appointed by the President from seven to fifteen;
- Introducing a requirement that deputies of Parliament must have been permanently resident in Kazakhstan for the last ten years;
- Removing a provision prohibiting imperative mandates for parliamentarians and instituting imperative mandates by specifying that Majilis deputies lose their mandate if they resign or are ejected from the party in whose name they were elected, as well as if the party terminates its activity.

B. THE ELECTION SYSTEM

On 19 June 2007, the Election Law was amended, primarily to reflect the relevant changes to the Constitution and to define a new election system. Under the amended law, 98 of the 107 deputies of the Majilis are elected by direct suffrage, and nine are chosen by an

⁵ In 2004, 67 deputies were elected in single-mandate constituencies, and 10 were elected by proportional representation from party lists.

⁶ The amendment did not affect the tenure of the CEC which administered the 2007 Majilis election.

appointed body. This runs contrary to paragraph 7.2 of the 1990 OSCE Copenhagen Document, as discussed below.

The election of 98 deputies takes place on the basis of party lists according to a proportional representation system, with the territory of Kazakhstan representing a single national electoral district. Under this system, voters vote for the party, and the parties receive mandates (seats) according to their share of the vote. In order to receive mandates, parties must receive at least seven per cent of the vote of voters who participated in the election.

While many OSCE participating States use a ‘closed’ party list system, most require that the candidates are listed in the order in which they will receive mandates.⁷ This allows voters to have a reasonable expectation which candidates will receive mandates. Under the amended Election Law in Kazakhstan, candidates are listed in alphabetical order. After the publication of final results, the managing bodies of parties passing the threshold choose which candidates receive mandates. Such an arrangement circumvents paragraph 7.9 of the 1990 OSCE Copenhagen Document.

While the CEC published the names of candidates on its website and in newspapers, the OSCE/ODIHR EOM found that there was little other information available to voters about which candidates appeared on party lists. The Election Law does not require that candidate lists be displayed at polling stations. These factors significantly lessen voters’ knowledge of whom they are electing.

The seven per cent representation threshold for individual parties is one of the highest among OSCE participating States that employ a proportional representation election system. High thresholds can cause significant numbers of cast votes to be ‘wasted’ as votes for parties that do not reach the threshold do not result in representation. In context with other limitations, such as the elimination of provisions for parties to run together in pre-election coalitions and the lack of provision for independent candidates, high thresholds can also have a detrimental effect on the plurality of party representation in parliament and on party development.

Nine Majilis deputies were not elected in a popular vote but were chosen by the Assembly of People of Kazakhstan (APK) on 20 August. The APK is an appointed body that, *inter alia*, provides a forum to discuss national minority issues. It is composed of representatives of State bodies, national-cultural and other public associations, and other persons. The President of Kazakhstan is the APK’s Chairman for life. He appoints all members and can withdraw membership. The Executive Secretariat of the Assembly is a structural unit within the Presidential Administration.

According to State authorities, the purpose of permitting the APK to choose nine deputies is to provide representation to national minorities, in accordance with the 1990 OSCE Copenhagen Document. The representation of national minorities is an accepted principle in a democracy. However, the mechanism chosen in Kazakhstan conflicts with paragraph 7.2 of the OSCE Copenhagen Document, which stipulates that “the participating States

⁷ Under most closed list systems, voters only vote for parties and cannot influence the sequence in which candidates receive mandates. Under an ‘open list’ system, voters can influence the order in which candidates receive mandates through different systems of preference voting.

will: permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote”. Attempting to honour one OSCE Commitment cannot serve as a justification for disregarding another commitment, particularly when the stated objective can be met through other means, for example, by setting aside directly elected seats in the Majilis for minority voters or by having designated seats in the Senate.

C. ASSESSMENT OF THE LEGAL FRAMEWORK

In advance of the 2004 parliamentary elections, the Election Law was amended following a Round Table process that included representatives of all political parties and civil society. The August 2004 OSCE/ODIHR Assessment of the Election Law recognized that those amendments made significant improvements in several areas, but noted a number of remaining issues requiring further improvement. The Final Reports from the OSCE/ODIHR election observation missions in 2004 and 2005 made additional recommendations regarding the legal framework.⁸

Despite a constructive dialogue with the authorities since 2006, recommendations to improve the legal framework made by the OSCE/ODIHR were, in general, not addressed by the amendments of June 2007. The CEC informed the OSCE/ODIHR EOM that it had drafted proposals that incorporate most of the recommendations regarding the legal framework but that the calling of early elections interrupted the process of putting the proposals into law. The CEC also stated that the dialogue would be resumed after the election and would take into account recommendations made in the present document.

Issues identified previously include excessive restrictions on candidacy rights and disproportionate de-registration provisions, limitations on the rights to engage in political discourse and express opinions, as well as limitations on the right of peaceful assembly and freedom of speech. In particular the Election Law denies the passive suffrage right of a citizen who has “a prior conviction not cancelled or withdrawn”, regardless of the seriousness of the crime. The denial of suffrage, due to a conviction for any crime, violates the principle of proportionality, recognized in Paragraph 24 of the OSCE Copenhagen Document.⁹

A ban on public meetings between the end of the campaign period and the publication of final results was removed from the Election Law in December 2006, as previously recommended by the OSCE/ODIHR. However, the legislation governing public assemblies remains problematic, and in several instances opposition parties could not obtain official permission to hold public gatherings after the election.¹⁰

Amendments to the legislation introduced new provisions which conflict with or challenge OSCE commitments and other international standards, including:

⁸ See OSCE/ODIHR Final Reports on the 2004 parliamentary election and the 2005 presidential election, and the OSCE/ODIHR Assessment of the Constitutional Law on Elections in the Republic of Kazakhstan, August 2004, available at www.osce.org/odihr-elections/14471.html

⁹ Paragraph 24 of the OSCE Copenhagen Document states: “Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”.

¹⁰ On 20 August, the ANSDP applied to Akimats in many cities to hold rallies on 30 or 31 August. Some Akimats refused ostensibly because the dates requested clashed with celebrations for Constitution Day, while others would only allow meetings in venues different to the one requested.

- The amended Election Law prescribes that only the members of a party can be its candidates and offers no possibility for persons to seek election as individuals (independent) candidates in Majilis elections. This limits the right of individuals to seek election which conflicts with Paragraph 7.5 of the 1990 OSCE Copenhagen Document which states that: “the participating States will: respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination” as well as with other international election standards.¹¹
- The amended Constitution sets a ten year time period that eligible candidates must have been permanently resident in Kazakhstan. Such a long time period can constitute an unreasonable restriction on the right to seek public office.¹²
- The amended Constitution eliminated a prohibition against deputies being bound by an ‘imperative mandate’ and provides that Majilis deputies lose their mandate if they resign from or are ejected from the party in whose name they were elected, as well as if the party terminates its activity. The new provisions increase the dependency of elected representatives on their respective party leadership, giving the party leadership a disproportionate level of control over deputies. This also weakens elected representatives’ accountability to the voters and decreases transparency in the parliamentary system.¹³

V. ELECTION ADMINISTRATION

A. STRUCTURE AND COMPOSITION OF THE ELECTION ADMINISTRATION

The election was administered by a four-tier election administration headed by the Central Election Commission (CEC). The second tier comprised 16 Territorial Election Commissions at regional level (hereafter “Regional Election Commissions” - RECs).¹⁴ The third level comprised 205 District, Town, and City-district TECs, subordinated to RECs. Polling stations (PS) were administered by 9,727 Precinct Election Commissions (PECs). All election commissions have seven members appointed for five year terms but RECs, TECs, and PECs are only active in election periods.

¹¹ Point 17 of UN Human Rights Committee (HRC) General Comment 25 on Article 25 of the International Covenant on Civil and Political Rights (ICCPR), states “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties”. Kazakhstan ratified the ICCPR in January 2006.

¹² Point 15 of the UN HRC General Comment 25 states: “The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. 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”.

¹³ Paragraph 7.9 of the OSCE Copenhagen Document states that participating States will “ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures”.

¹⁴ One in each of the 14 regions, one in the capital Astana, and one in Almaty city.

The system for the composition of election commissions below the CEC¹⁵ was not altered by the 2007 legislative amendments, and the composition of election commissions remains a significant concern. RECs, TECs and PECs are elected by Maslikhats (regional and local councils) from among nominations made by political parties and public associations.¹⁶ Political parties may propose one member to each election commission, and can nominate anyone, including members of another party. The law does not guarantee parties equitable representation on commissions. Maslikhats are not obliged to accept party nominations and can reject all of a party's nominees. In a number of cases where party nominees were not accepted, members of public associations were appointed.

In Karaganda, the Maslikhat voted on 16 May 2007 on the replacement of PEC and TEC members that had resigned (some 310 available positions). Not a single person proposed by Ak Zhol or ANSDP were elected to the commissions. In Astana, ANSDP submitted a list of 149 nominees, none of which were elected by the city Maslikhat. In June and July, some 680 vacant election commission positions in Almaty were filled. Again, none of the persons nominated by ANSDP were elected.

According to CEC information provided after the election, Nur Otan nominated 14.3 per cent of election commission members.¹⁷ However, in many regions commission members formally nominated by parties other than Nur Otan, or by public associations, were often Nur Otan party members.¹⁸ Consequently, *de facto*, Nur Otan enjoyed considerably more 'representation' on election commissions than other parties. According to CEC information, the nominees of Nagyz Ak Zhol and ANSDP together constituted 3.6 per cent of commission members; the ANSDP nominees constituted less than 1 per cent.

Nur Otan nominees were also appointed Chairs of commissions much more frequently than other parties. There were also cases observed where the Chair was nominated by another party or an association but was affiliated with Nur Otan. Of the 155 TECs visited by the OSCE/ODIHR EOM, there were no Chairs who had been nominated to a TEC by the ANSDP. A lack of equitable allocation of Chair positions was also evident in the appointment of PEC Chairs. The *de facto* control over the election administration by one party raises serious issues regarding its inclusiveness and independence.

In some regions, the pluralism of PECs was affected on occasion by permitting the majority, or all members, of an election commission to be employees of a single

¹⁵ The current CEC was elected by the Majilis on the proposal of the President. The next CEC will be appointed according to revised constitutional provisions.

¹⁶ Nur Otan has by far the largest number of elected deputies in the Maslikhats.

¹⁷ According to information provided by the CEC prior to the election and included in the IEOM Preliminary Statement, 19.7 per cent of commission members were nominated by Nur Otan. After the election, the CEC revised the figures citing a technical error. The new information also stated that representatives of public associations comprise 28.7 per cent of the membership rather than 22.8 per cent.

¹⁸ For example, Rudniy District TEC (Kostanai region) members were formally nominated by various parties and associations, but all were Nur Otan members. In Kizilzharskiy District TEC (North Kazakhstan), members were nominated by different parties, but six were Nur Otan members. According to information provided by the CEC, there were for instance 9 PECs in Taldykorgan TEC (Almaty region) with 3 or more Nur Otan members in their composition, representing 2 or more other parties. In Chardara TEC (South Kazakhstan region) there were 15 such PECs.

employer.¹⁹ This opened the potential for the PEC Chair to exert undue influence over other commission members who were his/her subordinates in their regular employment. PECs in some polling stations organized in military units were composed almost exclusively by officers from the respective unit and chaired by the commander or chief of staff of the unit.²⁰ This is at odds with the general legal provisions on forming PECs.

An amendment to the Election Law from June 2007 provides that political parties which do not have a nominee on an election commission member may delegate one 'representative' to the commission. This gave parties a chance to participate in commission sessions. However, while representatives are granted some rights – i.e., speak at commission meetings, make proposals, and file appeals – it is evident that their legal rights are less than those of commission members. Importantly, they are not entitled to a deliberative vote when the commission takes formal decisions.²¹ Although all parties running in the Majilis elections appointed representatives to the CEC, few representatives were appointed to subordinate commissions.

B. THE ORGANIZATION OF THE ELECTION

The CEC was active and transparent in its electoral preparations. It elaborated numerous rules and regulations, maintained an updated and informative website, and conducted a voter information campaign, including regarding electronic voting. The OSCE/ODIHR EOM enjoyed good cooperation with the CEC and met regularly with the commission. While the CEC held frequent sessions to which representatives of political parties, media and observers were invited, little discussion of substance took place among members at these occasions.

Under the guidance of the CEC, RECs organized training sessions for TECs and PECs. While some observers commented positively on the training, others found it consisted only of reading articles of the Election Law. The CEC published two separate guidelines for PECs, although neither was adopted as an official CEC document.²² The information contained in the two PEC guidelines was not always consistent.

In the pre-election period, the OSCE/ODIHR EOM found that most of the lower level commissions were organised and in most cases fully co-operative. In general, TECs appeared knowledgeable and well-informed about the legislation. According to the Election Law, in the course of preparation for an election, elections commissions should meet at least once in two weeks. However, RECs and TECs held few formal sessions and took few formal decisions. Transparency and the level of co-operation observers received from some RECs and TECs decreased considerably during the counting and tabulation of election results (see Sections XIII C and D).

¹⁹ In six regions/cities (Karaganda, West Kazakhstan, Atyrau, South Kazakhstan, Zhambyl and Almaty City) many PECs were composed of employees of the same institution. In some cases, the Chair was also the supervisor of the members in their regular employment, e.g. in schools and hospitals. In some districts in Karaganda, there was a preponderance of PEC members employed by large companies.

²⁰ For example, in South-Kazakhstan region, PS 477 and PS 946.

²¹ In addition, these representatives do not have the right to access and have copies of documents and materials of the commission as commission members do (Article 19.5.4).

²² The second Guideline was published a week before election day, after many PEC training sessions had been conducted.

According to the legislation, local executive authorities (Akimats) have some responsibilities in the organization of certain aspects of election (e.g. compiling voter lists). However, observers in many regions reported that there did not appear to be a clear separation between local authorities and the respective election commissions.²³ On election night, there were cases where Akimats were involved in the work of the election commissions despite having no clear legal role in tabulating election results.

Akimats are responsible for compiling voter lists. On 1 January and 1 July each year, Akimats are required to provide updated data to TECs in electronic and paper formats. According to the CEC, 8,808,093 citizens were registered to vote as of 1 July 2007. In accordance with the legal deadlines, from 2 August voter lists were available for public inspection at polling stations. As of 10 August, 8,830,324 voters were on the voter lists. At the end of election day, there were 8,870,146 on the voter lists.

The CEC conducted an intensive public awareness campaign that encouraged citizens to check their electoral registration. Additional efforts were undertaken to enhance the accuracy of the voter lists. At the initiative of the CEC, from 9 August, electors were able to check their registration online, and Astana and Almaty city Akimats set up telephone hotlines to provide electors with additional information on voter registration.

Nevertheless, the process of updating voter lists caused problems in a few locations (for example, in Kostanai and Zhambyl regions), and in some cases the voter lists were not available until the night before the election. In Almaty City, despite a formal complaint lodged by ANSDP regarding the inclusion in voter lists of persons resident at properties demolished in the period 2005-7, the OSCE/ODIHR EOM verified that the details of these persons and residences were still recorded in the updated version of voter lists.²⁴

Citizens who on election day were away from the residence at which they were registered to vote could apply for an Absentee Voter Certificate (AVC).²⁵ The legal provisions on the use of AVCs were amended in June 2007, and in response to an OSCE/ODIHR recommendation, the CEC adopted a more detailed instruction for the preparation and issuance of AVCs. This improved, to some degree, how AVCs were regulated. RECs were responsible for printing these documents, the number of which should not exceed one per cent of the number of registered voters in the respective electoral administration unit.

C. ELECTRONIC VOTING

In 2004, Kazakhstan introduced electronic voting (e-voting) as a voting option. The 'Sailau' e-voting system was used during the 2004 parliamentary elections and, in a modified form, in the 2005 presidential election. In the 2007 elections, e-voting was used in 1,512 polling stations, covering approximately 33 per cent of the total electorate. Voters could choose to cast their vote electronically, or by paper ballot, in these locations. Most political parties expressed a lack of confidence regarding e-voting in Kazakhstan.

²³ For example, on occasions the OSCE/ODIHR EOM was only able to meet with TECs in the presence of representatives from the local Akimat. Frequently these persons assumed the role of principle interlocutor, e.g. by answering questions the observers had put to the election commission.

²⁴ There were some 400 such properties in Almaty City.

²⁵ The law refers to these documents as 'off-the-register certificates' (ORC).

The e-voting system is similar to that initially accepted by a government commission in 2004, although some changes were made in advance of the 2005 election, such as the introduction of a new voter interface and changes at component level. The system features a touch screen voting terminal which records votes on a ballot card. Votes are downloaded from the ballot card to a personal computer that is also used to identify voters and transmit turnout data to the CEC during election day. Without having been provided with detailed information regarding the internal data structures of the voter's ballot-card, OSCE/ODIHR EOM experts were unable to determine if the Sailau system ensures the right to a secret ballot.²⁶

The core of the system is built around an Oracle database distributed over the central server, and computers at each e-voting polling place. The integrity of the election results is protected by a device called the Pi-Card (PiCard), also known as the CryptoKey 2003.²⁷ Various private companies have been involved in developing the Sailau system and in its certification.²⁸ Most documents regarding the Sailau system refer to public standards.

The e-voting system used in the 2007 elections retained the shortcomings noted by the OSCE/ODIHR in its observation of previous elections, including:

- The e-voting system does not include a voter-verified paper audit trail (VVPAT), and there is no possibility for an independent recount or audit;
- Only three election subjects can be shown on the e-voting screen simultaneously, requiring voters to scroll down to see all choices on the electronic ballot;
- An optional 4-digit control code opens the potential for violating the secrecy of the vote and voter intimidation.²⁹

The Election Law is vague regarding the certification and approval requirements for the e-voting system, and there is no clear requirement to re-examine the system as a whole after changes have been made. Most of the certification of the original system was conducted in 2004 by a private company, Otan Security. New system components and upgrades to the computers used to run the system were introduced after the 2004 election, and recent changes were made either to the system firmware³⁰ or to the software of components.

While numerous changes have been made and certified at the component level, it is noteworthy that no re-examination of the entire system has been undertaken since 2004. This is particularly surprising in view of the 2005 replacement of the old voter interface

²⁶ Determination that the right to a secret ballot is assured would be far easier were the voter registration subsystem to be completely separated from the vote recording subsystem.

²⁷ The PiCard should not be confused with the voter's ballot card. The ballot card resembles a credit card and is used to carry the blank electronic ballot from the PEC computer to the voting terminal. After using the voting terminal to mark the ballot, the ballot card is used to carry the voted ballot back to the PEC computer.

²⁸ Todes Ltd. of Belarus was the primary contractor for the original development of the system. Further system development was conducted by Delta Plus of Almaty, with Todes continuing to act as a subcontractor. Delta Plus developed the touch-screen voting terminal, chip-card reader and chip-cards used in the 2005 election. It was also involved in developing the chip cards used in the 2007 election. The PiCard was developed by another contractor, Enigma.

²⁹ The OSCE/ODIHR EOM was informed that a VVAPT and larger terminals are planned for future elections and that the PIN code would be eliminated.

³⁰ Firmware is software stored in read-only memory and embedded into a device such as the Sailau touch-screen voting terminal.

with a touch screen terminal. The failure to re-examine the system in its entirety, particularly after introducing major changes, challenges best practice for electronic voting.³¹

The certification documentation for the most recent changes to the system prior to the 2007 election make reference to system requirements set out in a document of the National Security Committee (KNB).³² This is not a public document. The CEC was unable to provide the OSCE/ODIHR EOM with any documents regarding the KNB requirements, and the KNB did not reply to a written request for information.

Vendor documentation indicates that the encryption mechanisms used by the PiCard and associated software, as originally provided by the vendor conform to well-documented GOST and ISO standards.³³ However, the OSCE/ODIHR EOM was informed by representatives of the PiCard vendor (Enigma), that the certification authority (Elmas-BIS), made some system changes before delivery to the CEC.³⁴ It is believed that system modifications were made to conform to requirements elaborated in the KNB document. The modification of a system or its components, to conform to a standard that is not publicly disclosed, violates widely accepted norms for transparency in e-voting systems.³⁵

The CEC, staff, and contractors were transparent in their dealings with the OSCE/ODIHR EOM on e-voting issues, and overall provided information as requested. The ANSDP stated that it had not been able to have the same level of access to the system as the OSCE/ODIHR EOM. It is not clear to what extent political parties and domestic observers requested access to the Sailau system.

³¹ See Legal, Operational and Technical Standards for E-voting, Recommendation Rec(2004)11, Council of Europe, 30 Sept. 2004; Appendix 1, item 25: "Before any e-voting system is introduced, and at appropriate intervals thereafter, and in particular after any changes are made to the system, an independent body, appointed by the electoral authorities, shall verify that the e-voting system is working correctly and that all the necessary security measures have been taken". Item 132: "A clear distinction should be made between checking done on a regular basis after each election or referendum, and the checking done whenever the system is modified in any respect. In the first case, employees of the entity running the election or referendum system might do the checking. However in the second case an external body should do the checking, as the check is closer to being a certification procedure."

³² Document reference: KNB RK Number 0271 of 31 December 2003.

³³ The GOST standards are the old Soviet Union state standards, now maintained by the Euro-Asian Council for Standardization, Metrology and Certification; most GOST standards are now also indexed by the International Standards Organization.

³⁴ The changes were to the cryptographic components of the system, the PiCards and their associated firmware and driver software. The driver for a device attached to a computer is the software used as part of the operating system to access that device.

³⁵ See Legal, Operational and Technical Standards for E-voting, Recommendation Rec(2004)11, Council of Europe, 30 Sept. 2004; Appendix 1, item 128: "It is essential that electronic voting systems remain as transparent as possible for authorities and citizens alike. Exact, full, up-to-date descriptions of the hardware and software components should be published, thus enabling interested groups to verify for themselves that the systems in use correspond to the ones certified by the competent authorities. The results of certification should be made available to the authorities, political parties and, depending on legal provisions, citizens."

VI. PARTY AND CANDIDATE REGISTRATION

The CEC registered all seven parties that submitted candidate lists in an inclusive and transparent manner, as follows: ANSDP (80 candidates); Nur Otan (126 candidates); the Party of Patriots of Kazakhstan (PPK) (11 candidates); Auyl (33 candidates); *Ak Zhol* (98 candidates); Rukhaniyat (9 candidates); and the Communist People's Party of Kazakhstan (CPPK) (20 candidates).³⁶ Of 400 nominated candidates, the CEC registered all but 23, who did not submit required documents or who did not fully satisfy eligibility provisions. There were no complaints from the parties, and no appeals were filed regarding the registration process. The lottery to establish the ballot order was conducted in a credible and transparent manner.

To compete in elections, political parties must have previously registered with the Ministry of Justice, a process which includes the submission of signatures of 50,000 party members. According to the Ministry, even if the number of signatures exceeds the required 50,000, a single error would be grounds for rejecting an application. In addition, there is no legally established timeframe for the Ministry to check signatures. Since under amendments to the legislation citizens can now stand for office only as party candidates, non-registration of parties *de facto* restricts the passive voting right of some citizens, and potentially lessens the political choice available to electors.

The stringent and indeterminate approach taken by the authorities undermines the rationale for registering political parties that demonstrate significant levels of support and constitutes a challenge to paragraph 7.6 of the 1990 OSCE Copenhagen Document.³⁷ Two prospective parties, *Alga!* and *Ata-Meken*, submitted party registration applications in November and December 2006 respectively. The Ministry has not yet registered either party.³⁸ Thus, these two prospective parties were unable to participate in the elections.

A leading opposition political figure, Mr. Bulat Abilov (co-chair of ANSDP), was ineligible to compete in the elections as a result of Article 4.4 of the Election Law. This article bars persons with "a prior conviction not cancelled or withdrawn" from standing for election (see Section IV. C above).

VII. THE ELECTION CAMPAIGN

The governing Nur Otan party was the best organised, had the most financial resources, and benefited from being the party in power. It has party offices throughout the country. While *Ak Zhol* and ANSDP had regional and sometimes district offices, they were distinctly less well-established than Nur Otan. The other four parties appeared to have less presence than the ANSDP or *Ak Zhol* and, in contrast to Nur Otan and the two larger opposition parties, did not seek to register full slates of candidates. Some of the smaller

³⁶ Parties are listed according to the ballot order as established by lottery.

³⁷ Paragraph 7.6 of the 1990 OSCE Copenhagen Document provides that participating States will: "respect the right of individuals and groups to establish; in full freedom, their own political parties or other political organizations and provide such 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 *Alga!* first applied for registration in 2005. The application was rejected due to errors in the application documents. The courts upheld the Ministry's decision on appeal.

parties complained that they spent a sizeable portion of their modest funds just registering candidates. The majority of parties complained to the OSCE/ODIHR EOM regarding the high costs associated with campaigning and the size of deposits for candidates.³⁹

The election campaign began on 18 July and lasted until 16 August, after which the law prohibits campaigning. Initially parties' campaigns were relatively low-key, but activity intensified during the latter stages of the campaign period. While all parties were engaged in door-to-door campaigning, distributing campaign flyers and holding meetings, Nur Otan's campaign was by far the most visible. The election campaigns of Ak Zhol, the ANSDP and to some extent Auyl were also in evidence, but to a much lesser extent. The campaigns of the other parties were less active and visible. In addition to meetings and rallies organised by Nur Otan, numerous social, cultural and charitable events were held which indirectly promoted the party.

Campaigning was conducted in a generally calm environment. However, in some regions parties faced unequal campaign conditions. Sometimes this was due to the differing resources available to parties, while in other cases it was due to favouritism by the local authorities toward the governing party.⁴⁰ Auyl and ANSDP complained that they were unable to place orders for campaign materials before the official start of the campaign, because their campaign accounts could not be officially established.

Nur Otan's billboards, which began to appear on the opening day of the campaign, were ubiquitous while those for other parties were seldom seen. Most parties claimed difficulty in securing centrally located billboard sites.⁴¹ The OSCE/ODIHR EOM observed various parties' campaign posters displayed at officially designated stands; however, other than on the official stands, little campaign material of the opposition parties was visible.

By law, all parties should have equal access to officially allocated meeting venues. The ANSDP filed complaints alleging that local government authorities delayed designating venues, or designated unsuitable locations such as on the periphery of a town or city.

The OSCE/ODIHR EOM verified that, in some cases, venues for campaign events were not provided in a central location. In Manghystau, Nur Otan was permitted to organize its campaign and meet with voters in a wide variety of ways, including holding outdoor rallies and cultural/social events such as concerts. This was not the case for the ANSDP and Ak Zhol. When seeking permission to hold events these parties were offered undesirable indoor locations, and on occasion permission to use public cultural centres was refused with no reason given. OSCE/ODIHR EOM observers also reported problems for opposition parties to access suitable venues in Aktobe, Atyrau, Karaganda and Almaty regions. Opposition parties often held small meetings in informal locations such

³⁹ Parties not represented in the Majilis are required to pay a deposit of 15 times the monthly minimum salary per candidate in the party list. For these elections, this amounted to 145,800 tenge per candidate (approximately 850 Euro). Under the amended Election Law, parties which obtained 7 per cent of the vote in the previous Majilis election do not pay a deposit, parties which obtained 5 – 7 per cent pay 50 per cent of the full deposit, and parties which received 3 – 5 per cent pay 70 per cent of the full deposit. For the 2007 elections, Nur Otan and Ak Zhol were exempt from the deposit.

⁴⁰ For example, in Balkhash (Karaganda region), both Nur Otan and ANSDP placed campaign material in unsanctioned locations. However, the local police obliged only the ANSDP to remove the material.

⁴¹ Access to billboard sites was reported as a problem by parties in Almaty City, Pavlodar, Karaganda, Zhambyl, South Kazakhstan, Aktau, Atyrau and Manghystau.

backyards. It was unclear why local authorities did not make a greater range of indoor and outdoor venues available for campaign meetings and events.

Apart from access to venues, political parties were able to conduct their campaigns largely without administrative interference in most regions. However, isolated problems were reported. In Aktobe, nine persons were briefly detained by police for wearing campaign T-shirts and displaying homemade placards. In Semey, a large amount of ANSDP campaign material was stolen. Nur Otan filed complaints to the CEC claiming that ANSDP, CPPK and Auyl campaign material did not contain print information, as required by law.

There did not always appear to be a clear separation between State authorities and the ruling party. Nur Otan established a number of public reception offices where citizens could air their concerns, which were in turn often raised with the local government authorities. Sometimes representatives of the local authorities were present at these reception offices along with candidates. In addition, in contravention of the Election Law, prior to election day Nur Otan posters were observed inside polling station locations in seven regions, and were seen displayed on public buildings.⁴²

In a few regions, some large private enterprises which employed a high percentage of citizens in specific locations appeared to clearly favour the ruling party. This included an observed instance in Karaganda region in which employees of a large company had been transported to a Nur Otan rally in company buses. On election day, some companies were actively monitoring whether employees had voted.⁴³

VIII. MEDIA

A. BACKGROUND

There are more than 2,500 registered media outlets in Kazakhstan, including 219 broadcast media and 11 news agencies. Television is the main source of political information. There are two state-run channels (*TV Kazakhstan* and *TV Khabar*) which cover almost the entire territory of Kazakhstan. Russian television is also popular, especially in rural and northern areas.

Almost 80 per cent of media operating in the country are privately owned. The ownership of media outlets is not sufficiently transparent. Several interlocutors from the media and the NGO sector indicated that there is a strong concentration of media ownership.

Few media are perceived as independent or as providing well-balanced coverage of political issues. In general, there is very little criticism of the authorities in the media, and a number of journalists said that news items that could be perceived as critical were frequently not aired at the behest of media owners.

⁴² For example, in Kostanai region an Akimat distributed voter information material together with Nur Otan campaign material, and a similar instance was observed in North Kazakhstan.

⁴³ In Karaganda region, employees of a large company were asked for a certificate to prove that they had voted. Representatives of companies were present at a number of polling stations in Manghystau region, and at some were observed checking whether employees had voted.

Three opposition newspapers complained to the OSCE/ODIHR EOM regarding difficulties in obtaining access to the main print media distribution networks. However, there were no reports that print runs had been seized, as occurred during the 2005 election.

B. LEGAL FRAMEWORK FOR THE MEDIA

The Constitution guarantees freedom of speech and prohibits censorship. However, in Kazakhstan, libel is a criminal act punishable by up to three years imprisonment. In addition, the Criminal Code provides special protection to the President regarding his 'honour and dignity', the violation of which can lead to up to three years imprisonment.

Amendments to the Mass Media Law were adopted in 2006. The Office of the OSCE Representative on Freedom of the Media published a review of the amendments which noted that the law further tightened already onerous media registration provisions and introduced new substantial fines for violation of the provisions.⁴⁴

The Election Law is the main legal act regarding media conduct during an election campaign. Under its provisions, candidates and political parties are guaranteed equal media access and media are required to provide an 'unbiased interpretation' of parties' election campaigns.⁴⁵

On 25 July, the CEC adopted rules on campaigning in the mass media which reinforced principles contained in the Election Law, permitted parties to purchase paid advertisements on a non-discriminatory basis and entitled parties to participate in the televised debates. At the initiative of the CEC, each party was granted 20 minutes of prime time on *TV Khabar*, one hour of prime time on state-funded *Kazakhstan Radio* and 250 lines in each of two state-funded newspapers, free of charge. Given the absence of legal provisions entitling parties to free airtime, the CEC's action was welcome.

During the campaign some actions of some state-funded media raised concerns. On 21 July, ANSDP formally complained to the CEC regarding state-funded *TV Khabar's* refusal to air five of its paid advertisements, consisting of previously aired news clips and the slogan "Return the Country to the People". While *TV Khabar* justified its decision not to air the slots because the party failed to provide written permission from the people shown in the spots, the CEC's media complaint body and a Ministry of Justice expert group gave opinions that the spots could cause social strife, the fomentation of which is prohibited by the Election Law (Article 27.10). This article appears to be open to broad interpretation, which appeared to unduly limit freedom of expression in this case. On the basis of these opinions, the CEC took a decision in favour of *TV Khabar*. The Supreme Court upheld the CEC's decision, and the spots were never aired in the broadcast media.⁴⁶

State-funded *Kazakhstanskaya Pravda* edited an article submitted by ANSDP according to the CEC initiative to provide free space. The newspaper justified its action by claiming

⁴⁴ See Article 19 Report, August 2006, Commissioned by the OSCE Representative on Freedom of the Media: www.osce.org/documents/rfm/2006/09/20706_en.pdf

⁴⁵ On 14 July, more than 60 media outlets and organizations signed a non-binding Charter on Adherence to the Ethical Norms in Coverage with a commitment to provide fair, accurate and full campaign coverage.

⁴⁶ The CEC stated that the images of injured miners and children with HIV could be distressing for the families of those involved. However, these images appeared in only two of the five spots.

that “some words of the article were offensive and not objective, and could cause real damage to participants of the electoral campaign”. The ANSDP filed an official complaint to the CEC, and the General Prosecutor sent the newspaper a clarification of the law, stating that the editing had been “conducted without any legal basis”. Nevertheless, the CEC did not take a formal decision on the complaint, and the article was never printed in full in *Kazakhstanskaya Pravda*.

C. MEDIA MONITORING RESULTS

During the official campaign period (18 July to 16 August), the OSCE/ODIHR EOM conducted qualitative and quantitative monitoring of five TV stations⁴⁷ and eleven newspapers.⁴⁸ The EOM analysed the quantity of the time/space allocated to the parties and election protagonists, as well as the tone of their coverage in the prime-time programmes and whole print publications.

In the months leading up to the election, *Channel 31* and *KTK* reduced their political programming. During the first two weeks of the campaign period the media did not cover electoral politics in great depth. However, over the period as a whole, all media monitored presented the views of all contesting parties to varying degrees. Nevertheless, with the exception of *Channel 31*, the broadcast media granted Nur Otan preferential coverage, in both quantitative and qualitative terms.

On state-funded television, which has a particular obligation to provide balanced news coverage of an election campaign, Nur Otan received 20 per cent of the political news coverage on *TV Khabar* and 17 per cent on *TV Kazakhstan*. In contrast, the ANSDP received 3 and 4 per cent respectively, while Ak Zhol received 7 and 12 per cent respectively. The other parties received between 3 and 6 per cent each.

TV Kazakhstan and *TV Khabar* allocated about one-third of their politics-related news coverage to the activities of President and the Government,⁴⁹ which was almost exclusively (99.8 per cent) positive or neutral in tone. In addition, over the course of the campaign *TV Kazakhstan* and *TV Khabar* aired numerous clips featuring the President or promoting his achievements. As the President is leader of Nur Otan, this would appear to be to its benefit.

Regarding private television, election news coverage on *Channel 31* was more balanced. The station allocated 19 per cent to Nur Otan, 17 per cent to ANSDP and 12 per cent to Ak Zhol. The tone was mostly neutral, but on occasion it criticised all three parties. *KTK* broadcast a special prime time programme in which all parties had an opportunity to convey their message. Its news coverage was balanced in terms of quantity of time but was less balanced in terms of tone. One of *KTK*'s regular programmes, ‘All for Elections’, consistently portrayed the ANSDP negatively. Another private broadcaster, *TV Astana*, gave preferential treatment to Nur Otan, giving it 24 per cent of political news coverage, overtly positive in tone. Ak Zhol was presented in 10 per cent of political news coverage

⁴⁷ State-funded *TV Kazakhstan* and *TV Khabar*, as well as privately owned *Astana TV*, *Channel 31* and *KTK*. The stations have variable broadcast ranges across Kazakhstan's territory.

⁴⁸ State-funded: *Egemen Kazakhstan* and *Kazakhstanskaya Pravda*. Privately owned: *Aikyn*, *Express K*, *Liter*, *Nachnem s Ponedelnika*, *Novoe Pokolenie*, *Panorama*, *Respublika*, *Svoboda Slova* and *Vremya*.

⁴⁹ This was also true of private television stations *KTK* and *TV Astana*.

with positive and neutral information, and ANSDP received 3 per cent of coverage, which was mixed (positive and negative) in tone.

At the request of the CEC, the Ministry of Information and Culture conducted media monitoring. Some monitoring findings were published. However, the monitoring methodology, which involved counting the number of appearances of a party regardless of time of coverage, may have been too narrow, to identify the inequalities in the media's coverage of the campaign.

A number of debates were organized during the campaign. Debates featuring all contesting parties took place on *TV Kazakhstan* on 3 August and on *TV Khabar* on 10 August. The format of these debates required party representatives to adhere to topics pre-determined by the stations and provided little interactive discussion. From 20 July, *Channel 31* aired eight debates. The pre-recorded debates each featured two contesting parties. Although some parties complained that their comments had been edited, the debates provided voters the opportunity to receive information on party views.

Another debate that *Channel 31* had planned to hold between ANSDP and Nur Otan was recorded by state-funded *TV Kazakhstan*, with *Channel 31* simply televising the footage. After recording the debate, *TV Kazakhstan* decided to edit the footage provided to Channel 31. The ANSDP publicly claimed that the action was taken at the behest of the Minister of Culture and Information in order to ensure a better presentation of Nur Otan. This was denied by both the acting Minister and *TV Kazakhstan's* management board, which said that the editing had been technical. The OSCE/ODIHR EOM was not able to obtain a copy of the unedited debate.

All parties placed paid campaign advertisements, with Nur Otan, ANSDP and Ak Zhol most active in this regard. All monitored TV channels aired extensively voter education programmes prepared by the CEC.

The monitored print media offered more diverse coverage of the contesting parties than the broadcast media, but most had a partisan editorial policy. The majority of papers, including state-funded *Kazakhstanskaya Pravda* and *Egemen Kazakhstan*, showed clear bias in favour of Nur Otan and the authorities. *Vremya* showed a critical approach towards whole political spectrum, while *Panorama* provided its readers with a more balanced coverage of the contestants.

On election day, *TV Kazakhstan* aired a number of documentaries featuring the President in a very positive manner. These were prepared by the President's official TV and Radio service. The channel also aired footage of a concert held on August 3, where Nur Otan activists and party symbols were frequently shown. All monitored TV channels broadcast the President's speech made after he cast his vote.

IX. COMPLAINTS AND APPEALS

Complaints regarding violations of election legislation can be filed to election commissions, courts and to prosecutor's offices. Decisions, actions and inactivity of election commissions can be appealed to superior election commissions or the courts.

At the initiative of the CEC, two advisory bodies were established to consider complaints: the Working Group for Review of Complaints and the Public Council for Consideration of Media Disputes (PCCMD).⁵⁰ These bodies held sessions open to observers and party representatives, and provided a forum to discuss numerous issues raised by parties. As of the end of campaign period, the CEC had received 61 complaints related to the Majilis election, as well as others related to the *Maslikhat* elections.

During the pre-election period, the most numerous complaints related to the display of campaign material in unsanctioned locations and the failures to include print information on campaign material. The most substantial complaints related to parties' ability to campaign in the media. The PCCMD adopted a relatively passive approach to these complaints and overall was not an effective mechanism to resolve media-related disputes.

In general, the CEC handled complaints transparently. However, it forwarded many complaints to prosecutors or other State bodies for clarification or investigation rather than taking decisions. The CEC took formal decisions in only two cases. In some cases, corrective action was taken without a formal decision. The CEC also received 13 complaints on election day, and another 12 complaints were received before the announcement of final results on 22 August, three of which related to the counting of ballots of the Majilis election.

The prosecutors played an active role in the complaints and appeals process, receiving many cases were forwarded by election commissions. The Prosecutor General gave an instruction to all prosecutors to apply a more lenient approach in prosecuting minor violations of election law.

Relatively few complaints related to the Majilis election were filed with courts in the pre-election period. However, shortly before election day, five cases were filed with the Supreme Court of which four were heard. In one instance the Court partially satisfied an ANSDP complaint and nullified part of a CEC decision.⁵¹

After election day, the courts had received 250 election-related petitions by 2 September, which were filed mostly with district courts.⁵² Most related to alleged violations on election day, petitions to invalidate election results, or complaints about the activity of election commissions. As of 3 September, the courts had ruled 140 petitions as inadmissible or did not otherwise satisfy the petition. In two cases a court partially upheld complaints, both relating to requests for vote recounts.⁵³

⁵⁰ The PCCMD was established on 19 July. Its purpose was to assist in maintaining equal access to mass media and unbiased interpretation of the pre-election campaign.

⁵¹ The CEC had decided on 13 August that e-voting computers at polling stations would be turned on two hours earlier than the time set by Article 50-5 of the Election Law.

⁵² Information from the Office of the Prosecutor General as of 2 September 2007. Subsequent to the departure of the EOM, the ANSDP provided information that it had filed 389 cases in total as of 4 October.

⁵³ Decisions of Sarysuk district court dated 19 August 2007 and Sozak District Court dated 22 August.

X. PARTICIPATION OF MINORITIES

According to the 1999 National Census, the majority population of Kazakhstan are Kazakhs (53.4 per cent). Russians are the second largest group (30 per cent).⁵⁴ Other nationalities include Ukrainians (3.7 per cent), Uzbeks (2.5 per cent), Germans (2.4 per cent), Tatars (1.7 per cent) and Uighurs (1.4 per cent). Around 100 smaller ethnic groups make up the remaining 4.9 per cent of the population. Kazakhstan's Law on Political Parties (2002) prohibits the organization of parties based on ethnic origin, gender and religion. Minority issues did not feature significantly in the campaign.

The Assembly of People of Kazakhstan (APK), an appointed body that *inter alia* provides a forum to discuss national minority issues, was designated to select nine Majilis deputies. The Council of the APK, a body responsible for the work of the Assembly between its sessions, nominated only nine candidates to fill the nine seats. The nine candidates were drawn from eight national minority groups and from the Kazakh majority.⁵⁵ Voters belonging to Kazakhstan's national minority groups did not have a role in choosing the candidates. The APK met on 20 August and formally chose the nine candidates to be deputies in the Majilis.

National minorities appeared to be generally under-represented in parties' candidate lists for the direct election, except for the CPPK. After the election, Nur Otan, the party which won all 98 directly elected seats, chose 17 of the deputies from among national minority candidates on its list (16 Russians and one German). The percentage of the largest minority group in the Majilis, ethnic Russians, has decreased by half since 1999.⁵⁶

Although overall minority groups seemed to be well represented on TECs, their participation on these commissions in some regions appeared to be low (e.g. West Kazakhstan, South Kazakhstan, and Zhambyl). Minorities seemed to be well represented in PECs in areas in which they are concentrated, for example Uighurs in Almaty region and Uzbeks in South Kazakhstan region.

XI. PARTICIPATION OF WOMEN

Women overall remain under-represented in governmental and political structures, including the parliament. Since August 2007, two members of the 19-member Government are women. In 2004, nine women were elected (11.6 per cent). In 2007, 56 of the 377 candidates nominated by parties on their lists were women (some 15 per cent). Nur Otan's party list contained 18 women out of 126 candidates. After the election, the party selected 15 women as MPs (15.3 per cent).

Women are better represented in the State administration and comprise a majority in the civil service. In the election administration, three of seven CEC members are women, and

⁵⁴ According to more recent data from the authorities the number of ethnic Russians has decreased to 26 per cent. See: www.nomad.su/?a=3-200606260127

⁵⁵ Deputies chosen by the APK were from the following ethnic groups: Uighur, Ukrainian, German, Russian, Belarussian, Kazakh, Uzbek, Balkarian and Korean.

⁵⁶ In the second Majilis (1999-2004), Russians constituted 30 per cent. In the third Majilis (2004-2007) they constituted 18 per cent, and following the 2007 election they constitute 15 per cent.

some 26 per cent of REC members and 43 per cent of TEC members are women. Women were the majority on PECs (59 per cent) and constituted 43 per cent of PEC Chairs.

XII. DOMESTIC AND INTERNATIONAL OBSERVERS

In accordance with OSCE commitments, the electoral framework provides for international and domestic election observation. A recent amendment to the Election Law (Article 20-2) requires all international observers to have prior experience of election observation. While prior experience in democratic elections is beneficial to the performance of election observers, enshrining such a requirement in legal provisions appears restrictive and unnecessary.

The law provides that both domestic non-partisan (NGO) groups and political parties are entitled to observe the electoral process. Three NGO groups, the 'Republican Network of Independent Monitors' (RNIM), the 'Public Committee for the Control of the Election', and 'Elections and Democracy' conducted long-term election observation.

RNIM and the Public Committee fielded significant numbers of observers on election day. In its report issued on 20 August, RNIM stated that in some 21 per cent of polling stations, its observers' right to observe all stages of the process were limited during the voting phase, and 26 per cent of their observers were obstructed in observing during the count. RNIM also reported that at many stations, PECs refused to give a copy of the result protocol to their observers.⁵⁷

The IEOM noted the presence of political party observers at polling stations as follows: Nur Otan (77 per cent of stations), ANSDP/Nagyz Ak Zhol (53 per cent), Ak Zhol/Adilet (27 per cent) and Auyl (16 per cent). All other parties were seen at less than 10 per cent of stations. IEOM observers reported isolated cases of serious intimidation of some party observers.⁵⁸ The ANSDP and Ak Zhol informed IEOM observers that many of their party observers were denied official copies of protocols by PECs.

XIII. ELECTION DAY

A. THE VOTING PROCESS⁵⁹

IEOM observers were present at 182 polling stations prior to their opening. In general, the process went smoothly, and almost all polling stations opened on time. However, in 12 per cent of stations visited, the number of ballot papers was not counted and/or recorded in official documents.

With few exceptions, PECs appeared to have a good understanding of correct voting procedures. Overall observers assessed the voting process positively in 94 per cent of

⁵⁷ RNIM Report on the Monitoring of the Extraordinary Elections to the Majilis, 20 August 2007.

⁵⁸ At one PS in Zhambyl region following a complaint from an opposition party observer concerning voting by persons not registered to vote, the observer received threatening phone calls. Another example of serious intimidation of a domestic observer was reported in Karaganda region.

⁵⁹ On election day, the IEOM observed the voting process in 1,743 of the 9,727 polling stations. All percentages refer to polling stations observed by the IEOM.

polling stations visited. While this figure is higher than the corresponding figures in 2005 (92 per cent) and 2004 (87 per cent), significant problems remain to be addressed.

Voting was conducted in a generally calm atmosphere. Relatively isolated problems with the voting environment included campaign activity in the vicinity and persons attempting to influence voters in their electoral choice.⁶⁰ The presence of unauthorised persons was noted at 91 polling stations (6 per cent), and in 13 cases these persons were interfering in or directing the work of the PEC. Campaign material was occasionally seen at polling places.⁶¹ At a few locations observers noted that some voters were given gifts.⁶²

In general, polling was well organised in polling stations visited, and PECs applied voting procedures correctly. However, a variety of problems were reported. Some 3 per cent of stations lacked some of the required election material (most frequently protocols). A number of observers reported that PECs did not receive the correct number of ballots, mostly too few ballots. In 6 per cent of observations, PECs had not adequately sealed ballot boxes, and 10 per cent of PECs did not always check voters' identity documents.⁶³

During voting hours, most PECs fully co-operated with IEOM observers, but in 55 polling stations (3 per cent) observers experienced a variety of access problems including: PECs withholding information, preventing observers from scrutinising voter lists, and obliging observers to stay at a distance where they could not observe effectively. In two stations physical force was used to prevent observers entering a polling station.

While the secrecy of the vote was largely respected, observers reported that 'group' (family) voting took place in 12 per cent of polling stations visited.⁶⁴ Open voting was reported in a few polling stations.⁶⁵ The secrecy of the vote was problematic during mobile voting (voting outside polling stations). In 31 of the 191 stations where mobile voting was observed, the secrecy of the vote was not respected. Irregularities and procedural errors were reported in 18 per cent of mobile voting observations.⁶⁶

According to turnout data reported by the CEC during election day, between 10.00 hrs and 20.00 hrs the number of registered voters increased by some 32,000 persons, apparently

⁶⁰ For example, in Akmola region, a local Akim delivered a speech in one polling station at the beginning of voting praising the work of the President and calling on voters to make a responsible choice. In West Kazakhstan PS 16 a Nur Otan observer was seen frequently instructing voters who to vote for.

⁶¹ For example in Karaganda PS 305, Nur Otan posters were on display. In Almaty, Zhambylskaya PS 272, Nur Otan posters hung on the entrance gates to the PS.

⁶² For example in Astana PS 157, people over 70 and every 200th voter were given a household item, e.g. a microwave oven. In other polling stations, gifts were given to first time voters.

⁶³ The checking of voters' identity documents was a greater problem in rural areas where in 20 per cent of PECs visited it was not done systematically, compared to 4 per cent in urban areas.

⁶⁴ Group voting is where more than one person enters a voting booth at the same time.

⁶⁵ For example, in Akmola (Korgalzhin) PS 605 three voters voted openly in front of the PEC. In North Kazakhstan PS 738, voters exited the voting booth with unfolded ballots which were folded by the PEC.

⁶⁶ In Aktobe region PS 52, the PEC claimed to have visited 251 persons who had reportedly requested to receive the mobile ballot box. In North Kazakhstan PS 403, a PEC member voted on behalf of a voter and in another instance strongly suggested how a voter should vote. In at least six cases observed, only one PEC member conducted mobile voting, rather than the two members required by law.

those added to the list.⁶⁷ At 3 per cent of polling stations not all voters were signing the voter list to indicate they had received a ballot. In 14 per cent of polling stations, observers noted apparently identical signatures on the voter list.⁶⁸ Although the law does not provide for 'proxy voting' (voting by one person on behalf of another), the IEOM observed this in 4 per cent of polling stations.

There were 25 direct observations of persons casting multiple votes, either individuals casting multiple ballots in the same polling station or the same voter casting ballots in different polling stations.⁶⁹ An instance of organized multiple voting was observed in Karaganda.⁷⁰ Observers reported indications of ballot box stuffing at 16 polling stations⁷¹ (see also the Electronic Voting section below).

B. ELECTRONIC VOTING

The e-voting system was available in 1,512 of the 9,727 polling stations. Approximately 33 per cent of the electorate was registered to vote at these polling stations. Voters at these polling stations had the option of casting a paper ballot or an electronic ballot. On election day the system was set up without undue problems. Almost all e-voting terminals were functioning by 07.30 hrs, although 87 were not operational at the appointed time (07.00hrs). Only isolated problems with the e-voting system were observed on election day. Both PECs and voters appeared to have a good understanding of the e-voting process. In eight polling stations visited by the IEOM, voters were either not given a free choice over whether to vote using the e-voting system or were pressured to do so.⁷²

In general, polling stations closed the e-voting system expeditiously with all but 15 having signed their electronic protocols and reported them to the CEC within 45 minutes of closing time. However, the results protocol for e-voting was not publicly posted in 35 per

⁶⁷ For example, in Astana PS 183 approximately half the voters casting ballots had had their names added to the list. In Kyzylorda PS 248 more than 100 people were added to the voter list, in South Kazakhstan at PS 237 over 50 names were added to the voter list, in East Kazakhstan PS 15, 150 persons were added to the list. In Karaganda PS 19, approximately 60 persons had been added to the voter list by midday, and 70 had applied to vote outside the polling station.

⁶⁸ Series of apparently identical signatures were seen much more frequently in rural areas (26 per cent of polling stations visited) than in urban areas (7 per cent). The incidence of proxy voting (6 per cent) and indications of ballot box stuffing (2 per cent) were also noticeably higher in rural areas.

⁶⁹ All voters received ballots for both Majilis and local maslikhat elections. In most areas there were three elections and therefore three ballots (in some cases two). This report takes this into account and refers to multiple ballots cast in the same election. For example, in North Kazakhstan PS 178, observers saw one voter place multiple ballots in ballot box (estimated at four times 3 ballots) and another voter placed 2 sets of 3 ballots. At PS 160 persons not on the voter list were given 3 sets of 3 ballots each, and one voter was observed voting at two precincts (PS 737 and 757).

⁷⁰ IEOM observers saw the same large group of persons arrive by bus at PS 556 and PS 554. The observers returned to PS 556 where they were informed that the names of persons in the group had been added to the voter list. Another bus was observed at this polling station, which transported a group from there to PS 578, where the entire group disembarked. A bus carrying Nur Otan symbols was seen by IEOM observers at PS 553 together with another group of voters.

⁷¹ Ballot stuffing is where piles of marked ballots are deposited in the ballot box illegally. Again, the observations take into account the multiple election contests. In Atyrau (PS 160) when the box was opened during the count, there were piles of multiple ballots folded together. This was also observed in North Kazakhstan PS 218. In Almaty PS 359, 374, 382, 811 IEOM observers reported a number of stacks of ballots folded together in the box. In Almaty region, Uighurskiy District, PS 811, observers saw multiple ballots folded together.

⁷² For example, in North Kazakhstan PS 757.

cent of polling stations with e-voting, and the protocol listing the control codes was not posted in 39 per cent, thereby defeating the stated purpose of the control codes.

According to data made available to the OSCE/ODIHR EOM, the e-voting system recorded 123,932 voters having cast an electronic ballot. According to the CEC, a total of 6,082,430 voters participated in the election. Thus, approximately 2 per cent of all ballots were cast electronically. This implies that approximately 6 per cent of those who had the option of using e- voting did so.

After the polls closed, and shortly after all e-voting polling places had reported their e-voting results to the CEC, OSCE/ODIHR EOM experts were given electronic copies of e-voting result databases. Despite requesting data for all e-voting polling stations, the EOM received information for only 819 out of the 1,512 stations. An examination of the electronic voter registers received revealed numerous incidents of multiple voting - 585 voter ID numbers were used to obtain 1,324 ballots, of which 441 multiple votes were cast at just 10 polling places in South Kazakhstan region.

C. THE COUNTING PROCESS

In marked contrast to observers' generally positive assessment of the voting phase, 39 per cent of observers assessed the count as 'bad' or 'very bad'. Serious procedural errors or omissions were reported in 36 per cent of polling stations, and serious irregularities were observed in 25 per cent. The counting process did not meet paragraph 7.4 of the 1990 OSCE Copenhagen Document.⁷³

IEOM observers assessed the transparency of the vote count negatively in 27 per cent of polling stations observed. They were restricted in their activity in 14 per cent of polling stations where the count was observed,⁷⁴ and in 20 per cent IEOM observers reported that they were prevented by the PEC from standing close enough to see the counting process adequately. In 76 per cent of polling stations observed, marked ballots were not shown to observers, and in 78 per cent, voters' choices (as per the marks/choices on ballot papers) were not announced aloud.⁷⁵ Observers at these polling stations thus had difficulty in following the counting process.

Police were present in 23 polling stations (13 per cent) where the IEOM observed the count. Other unauthorised persons were present in 13 stations (8 per cent) and in 5 polling stations they were directing or interfering in the work of the PEC.⁷⁶ Observers reported a tense atmosphere in 11 stations (6 per cent) and intimidation of PEC members or party observers in 6 stations.

⁷³ Paragraph 7.4 of the 1990 OSCE Copenhagen Document states that participating States will ensure that votes "...are counted and reported honestly"

⁷⁴ In Kyzylorda region PS 119, the PEC asked observers to leave the station before the counting process was complete.

⁷⁵ As required by the Election Law, Article 43.1.

⁷⁶ For example, in Kyzylorda PS 256, the Akim accused observers of 'interfering in the process' while he personally took the election material to the TEC. In North Kazakhstan PS 298 an unidentified person was present and working on the instructions of the Akim. In one PS in Ulytau District (Karaganda) the Chair of the station was expelled from the PS by the local Akimat.

PECs often disregarded correct counting procedures, e.g. before the opening of ballot boxes the total number of voters was not entered into the protocol in 16 per cent of polling stations visited, the number of voters issued ballots was not recorded in the protocol in 17 per cent, and unused ballots were not cancelled and counted in 14 per cent.⁷⁷

In 7 polling stations votes were not sorted into different piles per party.⁷⁸ On a number of occasions, observers noted votes cast for a different party were counted for *Nur Otan*.⁷⁹ In Zhambylskaya (Almaty region) PS 267 the ballots were not counted but were simply placed in a single pile and allocated to Nur Otan with one or two ballots distributed to other parties.

Party observers or others demanded recounts in 20 per cent of counts observed by the IEOM, and formal complaints were submitted in 4 per cent. During 9 per cent of vote counts observed, IEOM observers saw a PEC tampering with voter list entries, the results or protocols.⁸⁰

Some observers reported that the numbers entered into the result protocol changed several times before a final version was drawn up, and in a few instances the number of votes as per the counting of votes was not entered honestly into the protocols. Many observers reported that while the count was completed relatively quickly, the completion of protocols was protracted. While in some cases the PEC appeared to be deliberately delaying the completion of the result protocol, in 32 per cent of polling stations visited the PEC had difficulty in completing the result protocols and in 24 per cent protocols were not filled out correctly.⁸¹

⁷⁷ In Almaty region, Uighurskiy District, PS 811, where observers saw multiple ballots folded together (see Voting section) there were 1,400 registered voters and 100 per cent voter turnout. During the vote count, observers saw the PEC Chair at this PS signing the reverse of ballots during the count (the signing of ballots is done to validate the ballot. It should be completed at the point a voter receives a ballot). According to the protocol received by the IEOM, at this PS Nur Otan received 1,049 votes, the ANSDP and Ak Zhol each received 85 votes, and there were 118 invalid ballots. However, according to the result posted by the CEC, Nur Otan received 1,354 votes while the two other parties received 5 votes each, with only 3 invalid ballots.

⁷⁸ In Aktobe PS 66, the IEOM observed that while votes were separated into piles for each party, the PEC did not count the number of votes for each party, and the figures entered into the protocol were not based on the votes.

⁷⁹ For example in Atyrau PS 160, the IEOM observed votes for other parties deliberately added to the Nur Otan vote pile. In Aktobe PS 166 votes for other parties were attributed to Nur Otan. In Zhambyl region PS 62 some invalid ballots were counted in the Nur Otan vote total. In Kyzylorda PS 256 about 20 ballots marked for other parties and some invalid ballots were counted in as votes for Nur Otan. In Karaganda, PS 158 observers saw 10 votes for Ak Zhol counted as votes for Nur Otan.

⁸⁰ For example, in Manghystau region PS 45 IEOM observers recorded the result of the actual vote count as ANSDP 69, Nur Otan 472, Ak Zhol 128, but the results entered in the protocol were ANSDP 19, Nur Otan 578, Ak Zhol 72. At PS 70 IEOM observers were initially given a figure of 947 votes for Nur Otan, later they were given a printed copy where Nur Otan had an extra 208 votes at the expense of the other parties. In Karaganda PS 438, IEOM observers saw a PEC member adding signatures to the list, presumably to make it equal the number of ballots in the ballot box. This was observed in a number of other polling stations. In Zhambyl PS 140, the number of voters claimed by the PEC as having voted exceeded the number of ballots in the box by 409. The PEC decided to give an extra 369 voted to Nur Otan and to increase the number of invalid ballots by 40.

⁸¹ In 6 polling stations protocols were only partially completed. In other examples, in Atyrau PS 160, the results of the vote count were not formally entered into the protocol, and no results were announced. In Western Kazakhstan PS 460, the protocol was completed in pencil. In North Kazakhstan PS 298 a number of procedures were omitted, including completing the protocol. In Almaty region PS 861 the PEC did not fill out a protocol 'to avoid making mistakes'.

On occasions the result protocol was filled out in secret.⁸² In 7 per cent of polling stations a copy of the protocol was not given to those that were entitled to a copy, including IEOM observers. In 38 per cent of counts observed, results protocols were not posted publicly as required by law. Spot checks of polling stations during the two days after the election revealed that few publicly displayed the results protocols, as required by law.

Among the vote counts observed at polling stations with more than 200 voters (158 polling stations), 34 polling stations had in excess of 95 per cent voter turnout and 13 polling stations had 100 per cent or greater turnout.⁸³

D. TABULATION OF RESULTS

After completing their observation of the count 105 IEOM observer teams went to the respective TECs to observe the transfer of the electoral material and assess the results tabulation process. In 16 per cent of observations, the PECs did not take protocols directly to TECs.⁸⁴ In general only two or three PEC members accompanied the material rather than the full PEC (73 per cent of observations). This is problematic as observers reported that in many cases protocols were completed or altered at TEC premises.

Many of the observers who observed the transfer of material remained to observe the processing of results at TECs. In addition, the IEOM designated 40 observer teams to remain at a TEC during election night to follow in more depth the results aggregation process. The IEOM was present at 123 of the 205 TECs.

Observers assessed the results tabulation as good or very good in 84 per cent of TECs and bad or very bad in 16 per cent. One major problem was transparency. Although the CEC Chair had previously informed the OSCE/ODIHR EOM that observers were entitled to have access to all information during the results tabulation process, not all TECs had that understanding. In 10 per cent of TECs, IEOM observers were restricted or obstructed in their observation, 22 observer teams were not permitted to scrutinise PEC protocols directly,⁸⁵ and 35 teams were unable to observe data entry closely enough to view figures being entered.

In 92 per cent of TECs visited, all PEC protocols were checked by the TECs to see they had been completed correctly and in full. All PEC protocols had been completed correctly

⁸² For example in Western Kazakhstan PS 545 and in Serendinskiy (Akmola region) TEC PS 517, protocols were completed by the PEC in a separate room to which observers were not granted access.

⁸³ For example, in Kostanai region PS 107, of the 1980 registered voters, 1979 were reported as having voted. In Almaty region PS 811, of the 1,400 registered voters, all 1,400 voted. In Atyrau region PS 160, of the 1,078 registered voters, 1,068 voted. At PS 236 there were 729 registered voters but 748 voted. These figures are based on data collected during observation of counting at polling stations. Data published by the CEC is slightly different in some cases.

⁸⁴ For example, in Makat TEC in Atyrau region, observers reported that most PECs were sent to verify and correct protocols at the nearby Akimat building. Tabulation at this TEC had not started at the time when IEOM observers left at 3:45 am. In West Kazakhstan region the Chair of PS 106 told observers at the TEC that he had left the protocols at the akim's office.

⁸⁵ For example, in North Kazakhstan, (Petropavlovskiy), the TEC informed observers that the law does not entitle observers to see PEC protocols, but only be present at transfer of material. In Aktobe, IEOM observers were denied entry to the TEC.

and in full in only 60 of the 99 TECs in which IEOM observer teams were able to scrutinise protocols.⁸⁶

While 69 per cent of TECs visited were able to reconcile all PEC protocols, 9 per cent were unable to reconcile any PEC protocols. Many IEOM observers reported that TECs frequently instructed PECs to make changes to protocols, ostensibly because the figures did not add up.⁸⁷ In some TECs this led to a chaotic environment.

Eight IEOM observer teams reported a discrepancy between the results for polling stations where they had observed the count and the results as tabulated by the TEC.⁸⁸ In 12 TECs the election material was not stored securely.

E. POST-ELECTION OBSERVATION

From 19 to 22 August, the OSCE/ODIHR EOM continued to follow the tabulation of PEC results. Several TECs were unwilling to provide data on election results.⁸⁹

In Almatinskiy (Astana City) and Tselinogratskiy TECs (Akmola region) a large number of the PEC results protocols received by the TECs appeared to have been written by the same person. In Almatinskiy TEC premises, the EOM observed two unknown persons filling out blank PEC protocols.

The OSCE/ODIHR EOM was shown result protocols from five polling stations in Karatau (Zhambyl region). In all five cases, the TEC summary showed a higher vote total for Nur

⁸⁶ In 8 per cent of reports none of the PEC protocols viewed were properly completed; in 11 per cent 'some' protocols were properly completed; and in 21 per cent PEC protocols were 'mostly' completed correctly and in full. In Almaty region, (Eskeldinsky TEC) observers reported that many PEC protocols were filled in pencil and 'corrected' in pen. Some protocols completed in pen had also been changed. PEC protocols completed in pencil were also noted at Saryiarka TEC (Astana) and at Kyzylorda TEC.

⁸⁷ For example, in Zhambyl region (Taraz TEC) the vast majority of PEC protocols were amended at the TEC premises either by the PEC or the TEC. IEOM observers noted that some PEC protocols had no voting results for the parties. Several unauthorised persons were present in the TEC and were involved in the process. At TEC Saryarka (Astana), the observers saw three PECs filling out the protocol while waiting to deliver their material, and when the figures for PS 37 did not reconcile, 187 unused ballots were added to Nur Otan's vote total to make the figures match. Observers in the regions of Akmola, North Kazakhstan, Aktobe, Kyzylorda, Pavlodar, Manghystau, West Kazakhstan, and Almaty (region) also reported that PEC protocols were completed or altered at TEC premises.

⁸⁸ In Zhilioiskiy TEC (Atyrau region), the protocol supplied by the PEC to the TEC did not match that given to IEOM observers at the closing of the polling station. Observers were asked by the TEC to hand over the protocol, and claimed the observers were not entitled to have received a protocol.

⁸⁹ For example, in Almaty on 20 August the Chair of the REC Almaty instructed all TECs not to receive visits from anyone, including OSCE/ODIHR EOM observers. On 21 August, Kostanai and Altinsarinski TECs (Kostanai region) refused to give any information on results to observers claiming that all data had been delivered to the REC and that no data was left at the TEC. In Almatinskiy (Astana) TEC, EOM observers had previously requested a copy of the tabulated PEC results summary, but when they arrived to collect it the Chair and Secretary left the building without providing any data. The EOM also had problems receiving information on election results in Astana and in Zhambyl and Pavlodar regions.

Otan than did the PEC protocols, and in some cases a lower number of votes for ANSDP.⁹⁰ A similar situation was observed in Rudniy, Kostanai region (see below).

XIV. ANNOUNCEMENT OF RESULTS

On 2 August, the CEC issued an instruction obliging the TECs to display in the commissions' premises no later than five days after election day a spread-sheet listing all PEC results. RECs were also obliged to display all TEC-level results within five days. In addition, the CEC announced its intention to publish all polling station results for the Majilis election on its website.

On election night, the CEC announced an unofficial voter turnout of 5,726,544 from an electorate of 8,870,146 (64.56 per cent). There were significant differences in turnout among the regions. In Almaty City, only 22.5 per cent of registered voters participated compared to 90 per cent in Almaty region. The announced final turnout for four regions was revised by the CEC several hours after the close of polls.⁹¹ On the morning of 19 August, the CEC announced the preliminary number of votes and percentages for each party at national and regional level.

On 22 August the CEC issued a decree announcing the official results (See Annex 1). The decree was issued before all election complaints had been reviewed and decided.

The CEC did not include in its decree information on the number of citizens taking part in voting or the number of voters voting outside polling stations, as required by Article 44.5 of the Election Law. In addition, although there is no legal requirement to do so, the CEC did not publicise information on the parties' share of electronic votes. These factors reduced the transparency of the announcement of the results. Moreover, there was no information given regarding the number of invalid ballots. According to the results announced, the total number of valid votes received by all parties (5,935,625) exceeds by more than 200,000 the preliminary figure on election night for the total number of voters (turnout), which would also include invalid ballots.⁹²

In a welcome development, the CEC began to post all PEC results on its website on 28 August. This enhances transparency by enabling political parties and observers to check results against protocols received at polling stations on election night. However, it took the CEC until 27 September – one month – to complete the posting process. It was unclear what caused this delay. The delay in publicising the data meant that it could not be used to support legal complaints, as deadlines had expired. The posted data also lacked important information contained in PEC protocols, including the number of voters registered at the PEC, the number of voters that received paper ballots and electronic ballots, and the number of votes cast outside the polling station.

⁹⁰ For example, in the TEC summary Nur Otan received 1648 votes at PS 414 whereas according to the PEC protocol it had received 1257. In the TEC summary the ANSDP received 38 votes at PS 411, whereas according to the PEC protocol it had received 97 votes.

⁹¹ In Manghistaу reported turnout rose by 8.8 per cent, by 7.7 per cent in West Kazakhstan, by 4 per cent in Almaty region and by 2.4 per cent in Atyrau. It remained unchanged in 12 other regions.

⁹² In Karaganda the discrepancy was of more than 50,000, in South Kazakhstan almost 49,000.

The OSCE/ODIHR EOM compared the PEC protocols for those polling stations where it observed a vote count with the data posted on the CEC website. The comparison revealed that in 15 cases the data posted on the CEC website was significantly different to the PEC result protocols collected by IEOM observers on election night. In all but one case, the changes increase the number of Nur Otan votes – sometimes by several hundred votes – and decrease the number of votes given to other parties, in particular the ANSDP. A table comparing the two sets of data can be found at Annex 2 of this report. In response to a request for clarification, the CEC informed the OSCE/ODIHR that it had posted results data provided by the RECs and that the CEC would review the inconsistencies identified.

The IEOM also received copies of PEC protocols from observation at TECs and from political parties. The data on the CEC website also shows a number of significant discrepancies with these protocols, most notably in Manghystau region. In most cases the number of Nur Otan votes has been substantially increased, and the number of votes for ANSDP and Ak Zhol has been substantially decreased.⁹³ Comparative data is also included in Annex 3.

An analysis of data posted on the CEC website also showed that in hundreds of polling stations, Nur Otan received every valid vote cast, including 242 polling stations in which more than 200 voters voted.⁹⁴ In 19 of these stations over 1,000 votes were cast.⁹⁵ In the majority of these polling stations (138 out of 242), not a single invalid ballot was cast. It is not possible to provide data on the voter turnout levels at these polling stations because the CEC did not publish the number of registered voters registered at each polling station.

XV. RECOMMENDATIONS

The OSCE/ODIHR offers the following recommendations for consideration by the authorities of the Republic of Kazakhstan in order to bring elections more closely in line with OSCE commitments. These recommendations do not repeat all recommendations made in previous OSCE/ODIHR Final Reports or Assessments, a number of which have not yet been implemented and remain valid.

⁹³ For example, in Rudniy (Kostanai region), the results as published by the CEC differ from the aggregated results of 25 PEC protocols gathered by political parties on election night, which were provided to the OSCE/ODIHR EOM. In the TEC information posted by the CEC, the total number of votes for Nur Otan is 6,201 votes higher and the number of votes for ANSDP is 764 votes lower than in the aggregated total based on the protocols gathered by parties. There are fewer discrepancies with the votes of the other parties.

⁹⁴ In some regions, this phenomenon occurred more frequently, for example in Kostanai (241 PECs), Karaganda (97 PECs), East Kazakhstan (96 PECs), Almaty region (82 PECs) Aktobe (67 PECs), and North Kazakhstan (63 PECs).

⁹⁵ For example: in Almaty region PS 258, of 2638 voters casting ballots, there were 2638 votes for Nur Otan and 0 invalid ballots. Eight other polling stations in Almaty region with between 1,300-1,800 votes had similar results. In Zhambyl region at PS 413, of 2072 voters casting ballots, there were 2060 votes for Nur Otan and 12 invalid ballots. In the same region at PS 219, of 1420 voters casting ballots, there were 1,408 votes for Nur Otan and 12 invalid ballots. In Karaganda region, at PS 221, of 1720 voters casting ballots, there were 1720 votes for Nur Otan and 0 invalid ballots.

A. LEGAL FRAMEWORK

1. The right to stand for election should not be limited unreasonably by requiring candidates to be members of parties, and the right of citizens to seek election to the Majilis as individuals should be provided for in the law.
2. The legal framework should be amended to ensure that all deputies are elected to the Majilis by popular vote. Consideration should be given to other mechanisms to promote the representation of national minorities which would not conflict with paragraph 7.2 of the 1990 Copenhagen Document.
3. The requirement that all candidates to the Majilis must have been permanently resident in Kazakhstan for the previous ten years should be amended to ensure that the right to candidacy is not unduly restricted.
4. The restriction on the passive suffrage right of a citizen due to a criminal conviction should be reconsidered to ensure that the principle of proportionality between the offense and the sanction is upheld.
5. The law should be amended to ensure that parties determine and announce the order in which their candidates will be awarded mandates before the election, to ensure that voters are informed in advance of the candidates who are likely to be seated as a result of their support for a particular party or coalition.
6. Serious consideration should be given to reducing the 7 per cent threshold for representation in the Majilis in order to promote pluralism.
7. The Election Law should be amended to ensure a more genuinely inclusive representation of parties on election commissions and to ensure the independence of the commissions.
8. The Law should clearly oblige election commissions to make formal decisions as a collegial body on all formal complaints and appeals submitted to the commission.
9. The Election Law should be amended to provide for publication of result protocols by polling station on the CEC website as soon as possible. Such information should be available and considered in the review of post-election complaints.

B. ELECTION ADMINISTRATION

10. Thorough trainings should be conducted for all election commissions, especially regarding counting procedures.
11. The printing of absentee voting certificates (AVCs) should be centralized. The inclusion of a serial number on the AVC form could reduce the potential for abuse. The CEC should reconcile and announce the numbers of AVCs printed, distributed to PECs, issued to electors, and used by voters.

C. ELECTRONIC VOTING

12. The law should require re-certification of the entire electronic voting system after changes have been made. All standards and other requirements to which the electronic voting system is certified should be made public.
13. The legislation regulating the electronic voting system should provide for meaningful post-election recounts and audits of results. Legislation should include provisions requiring voter-verified paper audit trails or an equivalent verification procedure.
14. To improve transparency, all electronic reports from PECs should be made public, so as to allow parties and observers to verify election results.
15. To preserve the secrecy of the vote, the user-generated four-digit control code should be eliminated, and the voter register component of the system should be separated from the voting component.

D. POLITICAL PARTY REGISTRATION

16. The procedures for registering political parties should be reviewed to ensure respect for the rights of individuals and groups to establish in full freedom their own parties. Consideration should be given to lowering the number of signatures required, and providing that invalid signatures should be of no consequence if a party has presented sufficient valid signatures. The law should set out reasonable deadlines for the competent authority to take a decision on an application to register a party, and provide a possibility to appeal against the inaction of the deciding authority.

E. CAMPAIGN REGULATIONS

17. Regulations should be introduced to ensure that contesting parties have an equal opportunity to place outdoor advertising during election campaign periods.
18. The Law on Peaceful Assemblies and other relevant legislation should be amended to ensure that local authorities do not have undue power to decide whether or not to grant permission for a meeting or to decide on the time and venue of meetings.
19. The activity of the State executive and local government administration should be clearly separated from the campaign activity of any party as an election contestant.

F. MEDIA

20. The State media should be required to provide equitable time to parties in its coverage of political issues during the campaign period. It should also be required to present all parties in an impartial manner.
21. The organization of debates in the media during the campaign would be enhanced by providing for live broadcast.

22. Media legislation, including the Law on Mass Media and the Criminal Code, should be amended as soon as possible in order to ensure full respect for freedom of expression, in line with the 1990 OSCE Copenhagen Document and recommendations of the OSCE Representative on Freedom of the Media.

G. ELECTION DAY PROCEDURES

23. Addition of voters to the voter lists on election day should be regulated sufficiently to prevent multiple voting. Consideration could be given to applying ink to voters' fingers.
24. Consideration could be given to reducing the maximum number of 3,000 registered voters per polling station.
25. Electors from military units should as a rule vote at regular polling stations. Where this is not possible, voting should be conducted by a PEC composed of civilians, appointed through regular procedures.
26. The transparency of the tabulation process would be enhanced if the law set out in more detail the procedures for aggregating PEC results. The TEC results protocol should include all data in the PEC result protocols. All parties and observer groups should be entitled to full access to all aspects of the aggregation process, including copies of TEC protocols.
27. TECs should receive more extensive training regarding aggregation of results.

H. ELECTION OBSERVATION

28. The requirement that all international observers must have prior experience of election observation in order to be accredited is unduly restrictive and unnecessary. It should be removed from the Election Law.
29. Unimpeded access to all aspects of the electoral process should be guaranteed to all accredited international and domestic observers.

ANNEX 1**FINAL RESULTS AS ANNOUNCED BY THE CEC**

Party List	Valid Votes	Percentage of Valid Vote	Mandates Won
Nur Otan	5,247,720	88.41%	98
ANSDP	269,310	4.54%	0
Ak Zhol	183,346	3.09%	0
Auyl	89,855	1.51%	0
CPPK	76,799	1.29%	0
PPK	46,436	0.78%	0
Rukhaniyat	22,159	0.37%	0
Total	5,935,625	100%	98

ANNEX 2

COMPARISON OF ELECTION RESULTS CONTAINED IN PEC PROTOCOLS AND DATA PUBLISHED BY THE CEC AFTER THE ELECTION

IEOM observer teams received an official copy of the PEC result protocol at some 160 polling stations where they were present for the counting of votes. Of these, the results in 15 polling station protocols reflect significant differences from the results data subsequently posted on the CEC website on the basis of information from the RECs. The comparison of the results for each of the 15 polling stations is as follows:

Polling station 406, Turksibksiy TEC (Almaty City):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	614	930	17	14	49	2	11	21
CEC Data	101	1,443	17	14	49	2	11	21

Polling station 130, Tupkaraganskiy TEC (Manghystau Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	58	392	12	29	61	3	8	34
CEC Data	1	590	0	0	1	1	0	4

Polling Station 175, Astrakhanskiy TEC, (Akmola Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	38	810	20	46	30	72	61	43
CEC Data	8	982	5	46	5	72	2	0

Polling station 861, Taldykorgan City TEC, (Almaty Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	82	1,351	12	4	26	0	5	71
CEC Data	88	1,457	6	0	0	0	0	0

Polling Station 811, Uyurskiy TEC, (Almaty Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	85	1,049	3	38	85	9	13	118
CEC Data	5	1,354	3	8	5	9	13	3

Polling Station 313, Moyinkumskiy TEC, (Zhambyl Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	295	859	19	35	143	31	2	70
CEC Data	30	1,204	11	3	143	0	0	70

Polling Station 421, Shuskiy TEC, (Zhambyl Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	177	1,053	16	36	62	8	6	132
CEC Data	67	1,163	19	36	62	6	3	34

Polling Station 363, Sarysuskiy TEC, (Zhambyl Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	119	596	11	11	64	2	40	24
CEC Data	146	593	1	11	64	2	40	33

Polling station 460, Uralsk TEC, (West Kazakhstan):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	124	436	8	15	50	2	38	25
CEC Data	5	635	2	10	4	15	2	32

Polling station 129, Rudniy City (Kostanai Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	49	452	19	3	35	3	35	55
CEC Data	32	511	9	3	35	3	35	25

Polling station 2, Kostanai City TEC (Kostanai Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	91	555	18	14	57	6	68	42
CEC Data	25	697	12	10	51	6	50	0

Polling station 29, Pavlodar City TEC (Pavlodar Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	128	340	5	6	13	3	19	30
CEC Data	39	731	5	6	20	3	27	30

Polling station 494, Ekibastuz City TEC (Pavlodar Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	116	681	10	19	44	3	61	79
CEC Data	93	707	4	19	44	6	61	79

Polling station 510, Ekibastuz City TEC (Pavlodar Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	170	707	18	16	52	7	54	88
CEC Data	119	762	14	16	52	7	54	71

Polling station 594, Sayram TEC (South Kazakhstan Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	139	773	13	16	100	5	4	58
CEC Data	9	1,064	25	6	15	5	12	0

ANNEX 3

In addition to result protocols received by IEOM observers at polling stations, copies of official protocols were received from other sources, e.g. while observing at TECs on election night and from political parties. A comparison of these protocols with the data posted by the CEC also reveals differences in a number of cases. For example:

Polling Station 595, Panfilovskiy TEC, (Almaty Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	37	433	6	13	23	12	19	20
CEC Data	17	493	2	13	13	0	5	20

Polling station 498, Taiynshinskiy TEC, (North Kazakhstan Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	25	907	1	10	26	1	25	7
CEC Data	0	946	0	0	56	0	0	0

Polling Station 907, Shardara TEC, (South Kazakhstan Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	0	901	1	0	194	1	2	5
CEC Data	0	1,066	1	0	29	1	2	5

Polling Station 910, Shardara TEC, (South Kazakhstan Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	177	620	7	5	210	0	13	5
CEC Data	67	944	6	5	10	0	4	1

Polling Station 914, Shardara TEC, (South Kazakhstan Region):

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	130	985	3	5	358	4	2	1
CEC Data	30	1,458	4	1	158	3	2	0

Polling station 294, Kyzylorda Region:

	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	236	1,024	7	36	164	24	4	29
CEC Data	197	1,068	7	36	164	24	4	30

In Khromtauskiy TEC (Aktobe region), the result protocols of 19 polling stations correspond with the data posted by the CEC. However, in another seven polling stations there are significant discrepancies (PS 276, 291, 293, 295, 296, 297, 298). The trend is similar in each, for example in PS 276 and PS 295:

PS 276	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	56	771	3	23	82	1	11	17
CEC Data	6	984	18	41	6	21	11	17

PEC 295	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	210	1513	5	3	7	6	5	42
CEC Data	5	1660	20	21	4	23	6	42

Of the 72 polling stations in Kostanaiskiy District TEC (Kostanai region), copies of 27 result protocols were obtained. The data posted by the CEC is the same as in the protocols in only eight of these polling stations; there are differences in the other 19 (PS: 528, 529, 533, 537, 540, 542, 546, 550, 551, 552, 553, 554, 561, 562, 563, 564, 565, 580, 581). In

all 19 polling stations, the CEC-posted data votes gives a lower number of votes to the ANSDP. The comparison of the results for PS 537 and PS 554 are listed as examples:

PEC 537	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	40	688	8	4	12	1	21	9
CEC Data	0	767	0	4	3	0	0	9

PEC 554	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	50	737	23	20	43	8	31	224
CEC Data	5	760	23	42	43	8	31	224

In 11 out of the 19 polling stations, the number of votes given to Auyl increased. For example:

PEC 563	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	37	750	4	4	18	0	9	4
CEC Data	0	750	4	41	18	0	9	4

PEC 565	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	68	1459	16	26	36	4	21	0
CEC Data	2	1459	16	92	36	4	21	0

In five of the polling stations, the numbers of votes for Nur Otan are higher than in the polling station protocols. For example:

PEC 528	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	12	278	13	5	17	0	7	3
CEC Data	0	309	1	5	17	0	0	3

PEC 551	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	30	73	10	5	32	0	9	3
CEC Data	0	103	10	5	32	0	9	3

A relatively large number of protocols were received in Manghystau region, many provided by political parties. There are many discrepancies between the polling station protocols and the data publicized by the CEC which affected the results of all parties, in particular increasing the vote for Nur Otan considerably and reducing the vote considerably for the ANSDP and AK Zhol.

Aktau City TEC:

PEC 24	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	149	452	10	9	142	7	18	27
CEC Data	0	946	0	0	3	0	1	9

PEC 25	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	88	434	11	13	110	11	24	27
CEC Data	0	727	0	1	5	1	0	0

PEC 31	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	128	661	15	19	136	8	43	54
CEC Data	31	997	0	0	0	0	0	33

PEC 45	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	19	578	6	15	72	9	9	33
CEC Data	2	794	0	0	3	0	6	1

Zhanaozen City TEC:

PEC 75	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	610	1,501	6	16	501	8	16	0
CEC Data	38	2,604	0	0	16	0	0	0

PEC 79	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	320	730	16	37	125	10	10	80
CEC Data	26	1,301	0	1	0	0	0	0

PEC 150	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	164	925	7	15	111	5	10	28
CEC Data	21	1,240	0	0	4	0	0	0

Karakiyanskiy District TEC:

Six polling station protocols (PS 97, 98, 103, 104, 105, 108) were received from this District, two of which are listed. The trends at the others are similar.

PEC 104	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	80	367	5	10	171	3	4	50
CEC Data	16	1,034	0	0	31	0	0	0

PEC 105	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	75	379	6	22	144	4	9	20
CEC Data	0	863	0	0	0	0	0	1

Munaylinskiy District TEC:

PEC 168	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	32	252	7	14	65	1	4	20
CEC Data	4	355	2	4	5	1	4	20

Tupkaraganskiy District TEC:

PEC 128	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	48	580	10	17	97	3	0	11
CEC Data	1	756	0	2	7	0	0	0

PEC 135	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	59	617	5	7	188	3	1	29
CEC Data	1	896	0	2	8	1	1	0

PEC 153	ANSDP	Nur Otan	Patriots	Auyl	Ak Zhol	Rukhaniyat	CPPK	Invalid
PEC Protocol	461	1,369	30	114	391	18	62	98
CEC Data	4	2,231	3	4	291	8	2	0

ABOUT THE OSCE/ODIHR

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

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

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

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

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

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

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

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

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