



**OSCE / ODIHR  
Election Assessment Mission  
Republic of Kazakhstan 1999**

**Almaty, 11 January 1999**

**PRELIMINARY STATEMENT**

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE was invited by the Ministry of Foreign Affairs of the Republic of Kazakhstan to observe the presidential election scheduled for 10 January 1999. ODIHR wishes to thank the Ministry of Foreign Affairs of the Republic of Kazakhstan and the Central Election Commission for their assistance and co-operation.

On 7 October 1998 the Parliament of Kazakhstan amended the Constitution, providing for early presidential election to be called with a longer term of office. On 8 October 1998, the date of the election was set for 10 January 1999 with the new term to expire on 3 December 2006.

As stated in a press release issued in Oslo on 3 December 1998 (copy attached), the OSCE/ODIHR declined to deploy a full-scale observation mission to Kazakhstan because the pre-election conditions clearly and substantially did not meet the OSCE commitments. Instead the OSCE/ODIHR deployed an assessment mission of 15 experts to give a general evaluation of the election. This preliminary statement examines compliance with commitments under the OSCE Copenhagen Document.

The OSCE/ODIHR Election Assessment Mission finds that the election process fell far short of the standards to which the Republic of Kazakhstan is committed as an OSCE participating State. The areas of concern include the following:

- ◆ **Infringements on rights of citizens to seek public office.** Of particular concern are the 8 May 1998 amendments to Article 4 of the Decree on Elections,

disqualifying potential candidates who had received a minor administrative sanction for an “intentional offence” during the year before registration. This new provision was used to prevent the registration of two would-be candidates. The application of this article contradicts the OSCE principle contained in the 1990 Copenhagen Document that an “administrative decision against a person must be fully justifiable.” In one of the two cases the 8 May 1998 amendments were applied retroactively, disqualifying a potential candidate who had an administrative sanction levied against him in early 1998. In addition, the number of signatures and the monetary deposit for candidature appear high, particularly in light of the short period allocated for the campaign.

- ◆ **Duration of the election campaign.** The timing of the amendments to the Constitution meant that an election would take place earlier than previously scheduled. The period allocated for the election campaign did not allow for sufficient preparation by all prospective candidates given the circumstances that brought about these elections.
- ◆ **Obstacles to freedoms of association and assembly.** The rights to association and assembly are unduly restricted through legal and administrative obstacles. The legislation has been used to impede the registration of a number of groups, including political parties, and to harass those involved.
- ◆ **Campaign atmosphere.** State authorities did not behave impartially and provided support for the election campaigns of some candidates, in particular the incumbent. There was no clear dividing line between state affairs and the incumbent’s campaign. For example, state bodies announced and publicised their support for the incumbent, while printed messages encouraging passengers to vote for the incumbent were distributed on some local flights of the state airline. Restrictions were placed on campaigning of some of the incumbent’s competitors through administrative measures. For example, candidates had uneven access to public buildings.
- ◆ **Access to the media.** Both the state-owned and private media gave a disproportionately large share of the coverage to the incumbent. In addition, documentary programs profiling the incumbent were added to the regular programming of one popular state-owned TV channel during the week before the election. Regular entertainment programs, such as a popular soap opera, featured election-related segments favouring the incumbent. In general, the OSCE/ODIHR Election Assessment Mission is concerned with the media situation in Kazakhstan.
- ◆ **Legislative framework.** The election process is governed by a Presidential Decree that falls far short of OSCE commitments. Although Parliament has been amending this Decree since it was promulgated in 1995, election legislation adopted by the Parliament following a public debate would enhance the credibility of the election process.

Based on findings of the OSCE/ODIHR limited Assessment Mission, the voting on election day has been carried out in a calm and peaceful manner. However, there have

been credible reports of irregularities, including proxy voting. While domestic observers were allowed in polling stations during the voting, there have been credible reports that frequently the layout of polling stations, did not allow for effective observation. The number of names added to supplementary voters' lists appeared high, suggesting deficiencies during the voter registration process.

The Central Election Commission has undertaken a wide-ranging impartial voter education effort to inform the public of their rights, the biographies of candidates and the procedure to properly complete the ballot. The CEC should continue such efforts in preparation for the future elections. Another positive aspect noted by the Assessment Mission is that the CEC had improved the design of ballots and the protocols for recording the vote count at polling stations, based on OSCE/ODIHR recommendations.

The OSCE Office for Democratic Institutions and Human Rights is encouraged by the commitment of the Republic of Kazakhstan, expressed at the highest level, to improve the election-related legislation and to implement recommendations of the OSCE/ODIHR Election Assessment Mission. ODIHR would like to reiterate its readiness to assist the Government of Kazakhstan in the preparation for future elections, in particular for the local and parliamentary elections scheduled to take place later in 1999. The ODIHR is also looking forward to co-operating with the Government of Kazakhstan on the implementation of the Memorandum of Understanding regarding future elections and democratization projects signed on 2 December 1998 at the OSCE Ministerial Meeting.

This is only a preliminary statement. No final assessment can be drawn until the vote count and verification procedure have been completed, and the results have been published. A comprehensive report will be issued within a month. The report will contain more detailed analysis and recommendations.

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