

INTERIM REPORT
8-21 May 2019

24 May 2019

I. EXECUTIVE SUMMARY

- On 19 March, Nursultan Nazarbayev, Kazakhstan's first president since 1991, resigned from office. In line with the Constitution, the Speaker of the Senate, Kassym-Jomart Tokayev, assumed the role of president. On 9 April, Mr. Tokayev called for an early presidential election to be held on 9 June.
- The president is elected for a five-year term by an absolute majority. If no candidate receives more than 50 per cent of votes, a second round between the two highest-ranking candidates is held within two months.
- Following the 2017 constitutional reform, the Election Law was amended in relation to candidate registration, voter registration and the structure of the lower-level election administration. Many previous ODIHR priority recommendations remain unaddressed, including those related to fundamental rights and freedoms, candidate rights and registration, and media environment.
- The election is administered by the Central Election Commission (CEC), 232 Territorial Election Commissions, and 9,970 Precinct Election Commissions. Three of seven members of the CEC and some 67 per cent of all election commissioners are women. The CEC has so far held regular sessions open to observers and media. Training for members of lower-level commissions is ongoing. Some ODIHR EOM interlocutors have raised concerns about the appointment mechanisms of lower-level commissions and the impact this may have on their independence.
- There are some 11.9 million voters. Voter lists are compiled by local executive bodies (*Akimats*) based on the state civil register. Voter lists are made public and can be amended starting from 25 May. Voters who can prove their residence in the precinct can be added on election day. The CEC informed the ODIHR EOM of several efforts to increase the accuracy of voter lists, including through cross-checks and enhanced electronic integration with the state civil register.
- Prospective candidates must meet strict eligibility criteria, including higher education, official residence in the country for the last 15 years, and at least 5 years of experience in civil service or elected governmental office. Additional requirements include passing a Kazakh language test and collecting support signatures. A number of ODIHR EOM interlocutors have expressed concern that the criteria to stand is overly restrictive and can limit competition. A total of seven candidates were registered. One nominee failed to pass the language test and one candidacy was withdrawn.
- Thus far, the campaign has been low-key and limited to posters and billboards. Campaigning is strictly regulated and candidates may hold public meetings or events only after being granted permission from local authorities, which must be requested ten days in advance. A leader of a recently banned movement is using social media, from outside of the country, to call for a boycott of the election.

- The Election Law provides for public and private funding of election campaigns. Some ODIHR EOM interlocutors raised concerns about excessively complex procedures to apply for, use and report on public funding. As of 17 May, all candidates opened accounts and began fundraising.
- Freedom of expression, media freedom and the right of access to information are guaranteed in the Constitution. Defamation and insult remain criminal offences. Media are obliged to cover the campaign objectively in the news and information programmes and provide candidates with equal access. According to many ODIHR EOM interlocutors, access to some online media and social networks is frequently interrupted or blocked. Some ODIHR EOM interlocutors voiced concern that broadcast and print media lack impartiality.
- Election-related complaints may be filed by all stakeholders with election commissions or courts. Thus far, the CEC has received eight complaints mostly related to candidate registration and violation of campaign rules, all were dismissed. The Supreme Court received three appeals on candidate registration, two were dismissed and one is pending.
- The Election Law provides for citizen and international observers. Several civil society organizations plan to deploy observers on election day.

II. INTRODUCTION

Following an invitation by the authorities of the Republic of Kazakhstan to observe the 9 June early presidential election and based on the recommendation of a Needs Assessment Mission conducted from 16 to 18 April, ODIHR established an Election Observation Mission (EOM) on 8 May.¹ The EOM, led by Ambassador Urszula Gacek, consists of an 11-member core team based in Nur-Sultan and 22 long-term observers deployed on 14 May to 11 locations throughout the country. Mission members are drawn from 20 participating States of the OSCE. ODIHR has requested participating States to second 300 short-term observers to observe election day proceedings, including voting, counting and tabulation of results.

III. BACKGROUND AND POLITICAL CONTEXT

On 19 March, Nursultan Nazarbayev, Kazakhstan's president since 1991, resigned from office. In line with the Constitution, Kassym-Jomart Tokayev, Speaker of the Senate, assumed the role of president.² Mr. Nazarbayev retains the title of the First President – Leader of the Nation, remains the leader of the ruling *Nur Otan* political party and continues to serve as the life-long chairperson of the Security Council.³ On 9 April, after consulting with Mr. Nazarbayev, as well as with speakers of both houses of the parliament and the prime minister, and in agreement with the Constitutional Council, Mr. Tokayev called for an early presidential election to be held on 9 June, and stressed that the election will be free, transparent and fair.⁴ The upcoming election is the sixth consecutive direct national election to take place early.

¹ See previous [ODIHR reports in Kazakhstan](#).

² The Constitution provides that in case of resignation, the Senate Speaker assumes the role of president until the end of term. The term of the former president Mr. Nazarbayev would have regularly ended in 2020. Dariga Nazarbayeva, the daughter of Mr. Nazarbayev, was appointed as the new Senate Speaker.

³ The Security Council includes a number of high government officials and develops foreign, defence and national security policies, it supervises their implementation by state agencies, assesses legal acts and advises the president. In addition, the First President is legally granted significant powers for life, including the right to propose initiatives to the government and other officials and to co-ordinate state policies.

⁴ See [the 9 April Address of the president to the nation](#).

Kazakhstan is a presidential republic, with the president exercising wide constitutional power including the right to dissolve the parliament. The president determines domestic and foreign policies, performs wide legislative functions, and appoints the ministers of foreign affairs, interior and defence, as well as the chairperson and two members of the Central Election Commission (CEC). A 2017 constitutional reform initiated by former President Nazarbayev had the aim to strengthen the role of the parliament and improve the system of checks and balances. Following the 2016 early parliamentary elections, *Nur Otan* holds 84 of the 98 directly-elected seats in the lower chamber of the parliament (*Majilis*). An additional nine seats are indirectly elected by the Assembly of the People of Kazakhstan, an advisory body appointed by the president.⁵ Women hold some 27 per cent of seats in the *Majilis* and 2 of 18 ministerial posts. Concerns about women’s overall political participations have been raised by the UN Committee on the Elimination of Discrimination against Women (CEDAW).⁶

Following the announcement of the early election, several protests occurred in major cities, calling for the release of political prisoners and a boycott of the election. Authorities declared these assemblies illegal, resulting in dozens of people being arrested.⁷ Several international organizations have raised concerns about the ability to participate in political life.⁸ In recent years, some opposition parties have either been banned or marginalized, through restrictive legislation or criminal prosecution.⁹

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a five-year term by an absolute majority from a single nationwide constituency.¹⁰ If no candidate receives more than 50 per cent of the votes cast, a second round between the two candidates with the highest number of votes is held within two months on a date set by the CEC.¹¹ In the second round, the candidate who receives the higher number of votes is elected.

Kazakhstan is a party to major international and regional instruments related to the holding of democratic elections.¹² The legal framework for presidential elections includes the Constitution and the Constitutional Law on Elections (Election Law).¹³ The CEC issues regulations to address legislative gaps.¹⁴

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

⁶ See, 2014 CEDAW [Concluding observations on the combined third and fourth periodic reports of Kazakhstan](#).

⁷ On 21 April, two civil activists were sentenced to 15 days of administrative arrest for displaying a banner during a marathon in Almaty which read “You cannot run away from the truth” with hashtags #ForFairElections and #IHaveAChoice. On 1 May, on the margins of the Kazakhstan Solidarity Day celebrations, and on 9 May, while attending events marking the Victory Day, protesters demanded the release of political prisoners and called for a boycott of the election. Protests took place in Nur-Sultan, Almaty, Aktobe, Chymkent and Uralsk.

⁸ See, for example, the 2016 UN Human Rights Committee (CCPR) [Concluding observations on the second periodic report of Kazakhstan](#).

⁹ In March, 2018, a court declared the political movement “Democratic Choice of Kazakhstan” as an extremist organization and banned it. In 2015, the Almaty Economic Court ordered the suspension of the Communist Party of Kazakhstan’s activities based on a claim that membership list included inaccuracies. In 2012, following the imprisonment of the leader of an unregistered political party *Alga*, a court recognized the party as extremist and prohibited its activity.

¹⁰ There is a constitutional limit of two consecutive terms, not applicable to the First President.

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

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

¹³ Other relevant laws include the Law on the President, the Constitutional Law on the First President – Elbasy, the Law on Civil Service, the Law on Public Associations, the Law on the Procedure for Organizing and Conducting

Besides the redistribution of political powers, the 2017 constitutional amendments abolished self-nomination of candidates, introduced additional requirement of higher education for presidential candidates, and allowed for further conditions on candidacy to be imposed by law. This led to the introduction of new candidate eligibility criteria to the Election Law in 2017, as well as changes in voter registration processes and election administration structure. However, many previous ODIHR priority recommendations remain unaddressed, including those related to fundamental rights and freedoms, as well as to candidate rights and registration, and media environment. A number of ODIHR EOM interlocutors raised concerns about the enforcement of the overall legal framework, stating that recent changes further restrict the right to stand in the presidential election. They also stated that the current legal framework and its implementation can impede free campaigning, noting previously voiced concerns over limitations to fundamental freedoms of expression, assembly and association.¹⁵

V. ELECTION ADMINISTRATION

The election administration is permanent and three-tiered, comprising of the CEC, 232 Territorial Election Commissions (TECs), and 9,970 Precinct Election Commissions (PECs).¹⁶ Three of seven members of the CEC and some 67 per cent of all lower-level commissioners are women.

The CEC and TECs are formed for five years and consist of seven members. Following the 2018 amendments to the Election Law, PECs membership can vary between 5 and 11 depending of the number of voters they serve and should be uneven.¹⁷ Additionally, the law now allows for less than half members of the TECs and PECs to be employees of the same institution. The CEC chairperson and two members are appointed by the president, and the Senate and *Majilis* each appoint two members. Members of lower-level commissions are selected by local councils (*Maslikhats*), based on nominations from registered political parties, one per election commission. In case of insufficient proposals, applications from non-profit and public associations are considered and, if still insufficient, from superior election commissions.¹⁸ *Maslikhats* may accept or reject individual nominations by all nominating bodies through a vote. Political parties and associations may nominate individuals that are not members of their organization. The new composition of lower-level commissions was appointed in January 2019.¹⁹ According to the CEC data, of the seven registered parties, five formally have equitable representation.²⁰ While the CEC informed the ODIHR EOM commissions are established in a balanced and inclusive manner, some ODIHR EOM interlocutors raised concerns that mechanisms for appointment of election commissions may undermine their independence.

Peaceful Assemblies, Meetings, Marches, Pickets and Rallies (Law on Peaceful Assemblies), the Criminal Code, the Administrative Offences Code, and the Civil Procedures Code.

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

¹⁵ See also, the 2016 UN CCPR [Concluding observations on the second periodic report of Kazakhstan](#), paragraphs 51-53.

¹⁶ There are 14 Oblast TECs, 163 rayon TECs, 36 town TECs, 3 TECs for the cities of Nur-Sultan, Almaty and Shymkent, and 16 city rayon TECs. 65 PECs are established in 51 embassies and consulates, for voters abroad.

¹⁷ Five members with up to 1,000 voters; seven members between 1,001 and 2,000 voters; nine members between 2,001 and 2,500 voters; and eleven members between 2,501 and 3,000 voters. Previously, membership of all commissions was set to seven members.

¹⁸ According to data provided by the CEC, 68.7 per cent of members represent different parties, while the remaining 29.9 per cent were nominated by public associations and 1.4 per cent by higher-level election commissions.

¹⁹ According to the CEC, the newly appointed TECs and PECs include some 40 per cent new members.

²⁰ *Azat* did not nominate members, while National Social Democratic Party has members in 5 TECs and 68 PECs.

The CEC has been regularly holding sessions, attended by observers, media, and party representatives. Most commissions, including the CEC, are open and forthcoming with information for the ODIHR EOM. All CEC resolutions are published on its website in a timely manner. To date, the resolutions are adopted unanimously with little discussion. The CEC conducts preparatory meetings on pertinent issues, which are not open to the public.

A nationwide training programme for new commission members on election day procedures began on 27 April and is ongoing. The CEC maintains a comprehensive website and has produced several different voter education videos, which are regularly aired on various media outlets. While the CEC holds press briefings after each session, it has so far provided little information about the election process to the media if their questions are not pertaining to specific topics of the agenda.

VI. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except those declared incompetent by a court decision and those serving prison sentences, irrespective of the gravity of the crime.²¹ Voter registration is passive. Following recent changes to the law, the local executive bodies (*Akimats*) are tasked with compiling voter lists based exclusively on data from the state civil register, maintained by the Ministry of Justice.²² *Akimats* submit voter lists to respective TECs twice a year. The TECs cross-check the lists with data from the CEC, which maintains a separate database with the unified electronic voter register.²³ In case any discrepancies are found, they are forwarded to *Akimats* for their consideration.²⁴

Extracts of the voter list were forwarded by *Akimats* to relevant PECs on 20 May and made available at polling stations for public scrutiny on 25 May.²⁵ Citizens can submit applications for amendments in the voters list starting from the same day, through election day. According to the CEC, any corrections or additions to voter lists made by PECs during the familiarization period or on election day are not reflected in the electronic voter registers maintained by the *Akimats* and the CEC.

Voters are included in voter lists based on their place of residence. Voters who wish to vote away from their place of permanent residence can request a temporary change of registration up to 30 days prior to election day. Eligible voters not included in the voter list, who can prove their residence within the precinct, can be added to the list on election day. The CEC reported that there are 11,947,995 voters as of 20 May. In addition, within the 16 days before election day, voters may apply for an Absentee Voting Certificate (AVC), which allows them to vote in any polling station outside the city, town or village where they are registered. According to the CEC, the AVCs' serial numbers should be introduced by PECs in their copy of the voter list, at the time of issue. Voters can also be registered to vote in special polling stations from 4 to 8 June.²⁶ However, according to the CEC they are not removed from the voter list of their permanent residence due to lack of time for such procedure. While the CEC informed the ODIHR EOM that continuous efforts, including cross-checks of entries and better electronic integration with the state civil register, are made to improve the voter

²¹ See also, paragraph 55 of the UN Special Rapporteur's [report](#) on the rights of persons with disabilities from 19 January 2018.

²² Prior to 2018 amendments to the Election Law, *Akimats* compiled lists based on data provided directly by institutions contributing to the population register and from information collected through door-to-door visits.

²³ The data that the CEC received from the TECs and the data maintained by the CEC is based on same source (state civil register).

²⁴ By law, the *Akimats* are responsible for formation and accuracy of the voter list.

²⁵ The lists are also sent in electronic form to TECs who forward them to the CEC.

²⁶ Special polling stations are organized in rest homes, hospitals or other medical centres, in remote places, in pre-trial detention centres, in consular offices and state agencies abroad, in military units and on ships-at-sea.

registration process and to enhance accuracy of voter lists, concerns about the potential for multiple voting due to double registration and use of AVCs remain.

VII. CANDIDATE REGISTRATION

Candidates can be nominated by political parties or other registered public associations, with the 2017 amendments removing the possibility for candidates to be self-nominated. In addition to having the right to vote, prospective candidates must be citizens by birth, at least 40 years old, fluent in the Kazakh language, with higher education and officially resident in the country for the last fifteen years.²⁷ The law disenfranchises persons serving criminal sentences (including probation), those with a criminal record that has not been expunged, and those with a prior conviction for a crime or administrative offence involving corruption. The 2017 amendments to the Electoral Law introduced an additional requirement that candidates have five years of experience in civil service or elected governmental office and pass a medical test.²⁸

A total of nine candidacies were submitted. The CEC verification period for prospective candidates started on 28 April and ended on 3 May, during which time candidates had to prove fluency in the Kazakh language by passing a language test.²⁹ According to the 2005 CEC resolution, the language test consists of writing an essay, reading with appropriate diction, and public speaking for 15 minutes. There are no precise assessment criteria for the language test.

One prospective candidate did not pass the language test and one was withdrawn by the nominating association.³⁰ The remaining seven nominees were issued official sheets for the collection of candidate support signatures and had to collect signatures from at least one per cent of the total number of registered voters (118,140 for this election), equally representing at least two thirds of the regions and Almaty, Nur-Sultan and Shymkent. The TECs had five days to check the authenticity of signatures and submit results to the CEC.³¹ According to the CEC, all seven candidates collected a sufficient number of valid signatures. A number of ODIHR EOM interlocutors expressed concerns that the criteria to stand as candidate are overly restrictive and intended to stifle competition.³²

Following the payment of an election deposit of some EUR 5,000 and the submission of individual and spouse tax declarations, seven nominees were registered by the CEC as candidates, one of whom is a woman.³³ By law, the candidates are listed on the ballot in alphabetical order.³⁴ While the

²⁷ Upon an application of Mr. Tokayev, who served as Director-General of the UN Office in Geneva from 2011 until 2013, the Constitutional Council interpreted that a residence abroad for the purposes of diplomatic service does not entail termination of official residence in Kazakhstan.

²⁸ According to the data of the [Agency on Civil Service and Prevention of Corruption of the Republic of Kazakhstan](#), there are currently 90,932 civil servants. The 13 April 2019 joint resolution of the CEC and the Ministry of Health Care established a list of 107 mental conditions that prevents candidate registration.

²⁹ By law, the incumbent president is exempt from the language test.

³⁰ Zhumatay Aliyev failed the language test and filed a complaint to the Supreme Court on 6 May, which was dismissed.

³¹ The CEC issued a recommendation to TECs listing nine grounds for invalidation of signatures, including through checking if the signing was performed by one person on behalf of several voters, or if the voter signed more than once for one candidate. The TECs can also invalidate signature on other grounds they consider legally justified.

³² The CEC received 13 complaints on criteria for nomination of candidates, including the right to self-nominate, and two complaints were submitted to the Supreme Court.

³³ The deposit is 2,125,000 Kazakhstan *Tenge* (KZT), based on 50-times minimum wage; approximately EUR 1 = KZT 426. The deposit is returned to those who obtain at least five per cent of votes.

³⁴ Zhambyl Akhmetbekov, Communist People's Party of Kazakhstan, Daniya Yespayeva, Ak Zhol Democratic Party of Kazakhstan, Amirzhan Kossanov, Public Association "Ult Tagdyr" National Patriotic Movement, Toleutai Rakhimbekov, Auyt People's Democratic Patriotic Party, Amangeldy Taspikhov, Republican Association of Trade Unions "Federation of Trade Unions of the Republic of Kazakhstan", Kassym-Jomart Tokyaev, Nur Otan Party and Sadi-Bek Tugel, Republican Movement "Uly Dala Kyrandary".

increased number of candidates have been seen as a positive sign, many ODIHR EOM interlocutors opined that most candidates do not represent a genuine political alternative.

VIII. CAMPAIGN ENVIRONMENT

The campaign started when the candidate registration process was finalized on 11 May and will last until midnight on 7 June. Freedom of assembly is guaranteed in the Constitution, with any public assemblies tightly regulated by the Law on Peaceful Assemblies. Candidates may hold public meetings or events only after requesting permission from the appropriate local authorities ten days prior to the planned event. A request must specify the goal of the meeting, format, place, start and end time, approximate number of participants, and the names of the organizers. Local authorities designate spaces for campaign events. Some ODIHR EOM interlocutors expressed concern that the system of authorization, rather than notification, of events, is limiting peaceful assembly.³⁵

Thus far, the ODIHR EOM observed that the campaign has been low-key and largely limited to posters and billboards of some of the candidates.³⁶ On some of the posters Mr. Tokayev features together with Mr. Nazarbayev, emphasizing continuity of social, economic, foreign policies. Most candidates that the ODIHR EOM met with have not highlighted core political messages, apart from general statements about the need of reform. While Mr. Tokayev stated that he is not going to actively campaign, limiting himself to participation in a few rallies, he is actively touring the country, formally, in his capacity as the president. A leader of the recently banned movement “Democratic Choice of Kazakhstan” is using social media, from outside of the country, to call for a boycott of the election. To date, the ODIHR EOM observers noted a limited number of campaign events organized throughout the country and observed two campaign events.

IX. CAMPAIGN FINANCE

The Election Law provides for public and private funding of election campaigns. Candidates can cover expenses for media, printed materials and holding rallies from the state budget. The CEC determines the amount and purposes of public funds allocated to candidates for campaign purposes.³⁷ Some ODIHR EOM interlocutors raised concerns about excessively complex procedures to apply for, use and report on public funding.

Private funds can consist of the candidates’ own funds, contributions of the political party or association that nominated them, and donations from other individuals and legal entities.³⁸ Contributions from the state, charities, religious communities, and foreign and anonymous sources are prohibited. Candidates are obliged to open dedicated accounts in a bank chosen by the CEC within a day of their registration. There is no unified date for all candidates to start fundraising.³⁹ The bank reports to the CEC weekly on all contributions and expenditures, and in case of exceeded spending limits.⁴⁰ As of 17 May, all candidates opened the accounts and began fundraising.⁴¹

³⁵ See also, [2015 Report](#) of the UN Special Rapporteur on the freedom of peaceful assembly and association.

³⁶ The CEC informed the ODIHR EOM that, as of May 23, 7,453 campaign events were held.

³⁷ Each candidate is entitled to 5,250,000 KZT (approx. EUR 12,350) for TV and 200,000 KZT (EUR 470) for radio appearances; 810,000 KZT (EUR 1,900) for publications in print media; 200,000 KZT (EUR 470) for public events; 400,000 KZT (EUR 940) for printed materials and 471,200 KZT (EUR 1,110) for transportation costs.

³⁸ Cumulative funds of candidates and nominating bodies are limited to 12,000 minimum wages (approx. EUR 1.2 million) and donations are limited to 15,000 minimum wages (approx. EUR 1.5 million). Candidates’ expenditure is limited to the amount of private and public funds established by law (approx. EUR 2.72 million).

³⁹ All transactions shall be terminated at 18:00hr on 8 June 2019.

⁴⁰ The CEC informed the ODIHR EOM that it does not conduct additional control of expenditures from private funds during the campaign period.

⁴¹ According to the CEC, the largest contributions were received by Mr Tokayev and Mr Ahmetbekov (approx EUR 2.4 million and EUR 0.8 million respectively). Other candidates together raised approx. EUR 1.12 million.

There is no obligation for candidates to publicly report on campaign finance before election day. Five days after the election results are announced, candidates are obliged to submit a report on their campaign finance to the CEC, which publishes them on its website. Breaches of campaign finance rules by a candidate may lead to de-registration. In case financial violations by the winning candidate are established after the election and prior to the candidate's inauguration, the election results could be annulled.

X. MEDIA

Freedom of expression and the right of access to information are guaranteed in the Constitution, but the legal framework for media contains a number of restrictive provisions. Defamation and incitement of social, national and religious discord, as well as spreading false information, are criminal offences punishable with sentences up to 20 years of imprisonment. The OSCE Representative on Freedom of Media (RFoM), on several occasions, has stated that “too often journalists work under pressure and fear, lacking access to information, especially public information which could be provided by the authorities” and that “detention of journalists in Kazakhstan is of grave concern”.⁴²

Television is the main source of political information. There is no public television, but a number of broadcasting and print media are fully or partly state-funded. According to some ODIHR EOM interlocutors, state-funded media have easier access to information from official sources, compared to other media. The national and local authorities frequently organize tenders for coverage of certain topics or events of public interest, providing considerable income to selected media. By law, mass media includes social networks.⁴³ Print media is also extensive.

The Committee for Communication, Informatization and Information (Media Committee) under the Ministry of Information and Social Development is responsible for overseeing broadcast media and granting broadcast licenses. The Media Committee, as well as the Prosecutor General and the National Security Committee, are entitled to block websites and halt media outlet operation, without a court decision. According to a number of ODIHR EOM interlocutors, access to certain online resources is occasionally interrupted. On 9 May, a number of online outlets, as well as Facebook, Instagram and YouTube, were not accessible.⁴⁴ The authorities claimed there were technical issues related to service providers on that day.⁴⁵

The Election Law obliges media to present objective coverage of the campaign in the news and information programmes and guarantees candidates equal access to the media. Each candidate is granted funds from the CEC for 15 and 10 minutes of airtime on television and radio, respectively, and space for publication of two articles in the press or online media.⁴⁶ Paid advertising is constrained only by the general campaign spending limits. Opinion polls may be conducted by organizations authorized by the CEC, and published until five days before election day. The CEC has developed rules for debates between candidates in media. So far, no debates were announced.

The CEC is responsible for overseeing media compliance with the Election Law, but does not have any sanctioning power. Media related complaints can be submitted to the CEC or General Prosecutor. Thus far, the Media Committee forwarded to the General Prosecutor two violations related to publication of opinion polls in online media.

⁴² See OSCE RFoM statements from [5 April 2018](#), [8 November 2018](#), and [27 February 2019](#).

⁴³ According to the Ministry of Information and Social Development, approximately 77 per cent of population has access to the Internet.

⁴⁴ See the [statement by](#) OSCE RFoM from 10 May 2018.

⁴⁵ See the [statement](#) by the Minister of Information and Social Development from 14 May.

⁴⁶ For online media, only the officially registered outlets are entitled to provide space for candidates.

On 11 March, the ODIHR EOM commenced qualitative and quantitative monitoring of five TV channels, one radio station, five newspapers and three online media.⁴⁷

XI. COMPLAINTS AND APPEALS

Election-related complaints may be filed by all electoral stakeholders with the election commission or courts within ten days of the alleged violation.⁴⁸ Election commissions have five days to consider complaints, and three days to review appeals against decisions of lower-level commissions. Complaints filed within five days before or on election day must be reviewed immediately.⁴⁹ Thus far, the CEC received and considered 72 applications and eight complaints.⁵⁰

The Supreme Court receives complaints and appeals against the decisions, actions or omissions of the CEC. Complaints and appeals on candidate registration or de-registration must be filed within ten days of the CEC decision to the Supreme Court, which has ten days to issue a final decision. Three appeals related to candidate registration were submitted to the Supreme Court.⁵¹

Final election results may be appealed to the Constitutional Council within ten days of the announcement. This right is granted only to the president, speakers of both houses of parliament, at least one fifth of the members of parliament or the prime minister.

Allegations on electoral offenses can be filed with public prosecutors or courts who should consider them within five days. The prosecutors actively monitor compliance with electoral legislation.⁵² Upon requests of election commission, law enforcement agencies investigate allegations of electoral violations within three days, or immediately if received five days before or on the election day.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Law provides for both citizen and international observers. Citizen observers may be nominated by public associations and non-profit organizations. There is no formal accreditation procedure with the election administration.⁵³ Candidates and registered political parties are each

⁴⁷ TV stations: *Khabar TV*, *Qazakhstan TV* (state-funded broadcasters), *First Eurasian Channel* (a mostly state-funded broadcaster), *Channel 31* and *KTK* (private channels). Radio: *Kazakh Radio* (state-funded). Newspapers: *Egemen Kazakhstan* and *Kazakhstanskaya Pravda* (state-funded), *Liter*, *Vremya*, *Zhas Alash* (private). Online outlets: sputniknews.kz, tengrinews.kz, and www.zakon.kz.

⁴⁸ In case a complaint is simultaneously submitted to both, the election commission must suspend any proceedings until the court ruling enters into force.

⁴⁹ Election commissions should resolve complaints related to inclusion to voter lists on the same day and their decisions are subject to further expedited judicial review.

⁵⁰ Overall, 35 applications were received during candidate registration and 45 since the campaign began. The majority concerned issues of election administration (28), applications for self-nomination (23) and requests for legal interpretation (20). The CEC explained legal provisions in response to applications. Out of eight complaints, six relate to candidate registration, election administration and campaign; two complaints on candidate registration were suspended awaiting a court decision.

⁵¹ Two cases concerned constitutionality of candidacy restrictions, one was dismissed due to the lack of jurisdiction, and another is currently pending before the court. A third appeal was related on the assessment of the language test and alleged damage to the reputation of nominee Zhumatay Aliyev by the public announcement of the test results. The Court conducted three hearings on the case, one of which was closed for public and ODIHR EOM observers, and dismissed the appeal.

⁵² As of 18 May, the prosecutor initiated three election-related court cases. Two concerned breaches of regulation on opinion polls. One case against the news portal Nur.kz was adjudicated on 13 May by the Almaty Special Interregional Court and resulted in an administrative fine, with the other pending court examination. A case on campaign material destruction initiated by the Nur-Sultan prosecutor's office resulted in an administrative fine. To date, 22 cases are under investigation for indications of electoral law violations.

⁵³ Citizen observers are required to have a letter from their nominating organization.

entitled to one proxy per polling station. Several civil society organizations informed the ODIHR EOM that they are planning to deploy observers in regions of the country.

International observers are accredited by the CEC. Thus far, the CEC accredited observers from the ODIHR, the Commonwealth of Independent States (CIS) and its Inter-Parliamentary Assembly, and the Organization of Islamic Cooperation.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM commenced its work in Nur-Sultan on 8 May. The Head of Mission has met with the Minister of Foreign Affairs, the CEC chairperson, candidates and representatives of political parties, and the resident international community. The ODIHR EOM has also established contacts with representatives of the media, civil society organizations, judicial and law enforcement bodies, and other electoral stakeholders. The OSCE Parliamentary Assembly has announced that it will deploy an observer delegation for election day observation.

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