



Republic of Kazakhstan Parliamentary Elections 19 September 2004

INTERNATIONAL ELECTION OBSERVATION MISSION

Statement of Preliminary Findings and Conclusions

The International Election Observation Mission (IEOM) for the 19 September Majilis (Parliamentary) elections in the Republic of Kazakhstan is a joint effort of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Organization for Security and Co-operation in Europe's Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE)¹.

PRELIMINARY CONCLUSIONS

The 19 September Majilis elections were the first elections to be held since the 2003 elections to local government bodies and the 1999 Parliamentary elections. They are also the first elections to be held under the amended election law, which provides the basis for increased transparency of the overall election process, even though further improvements are necessary to bring the election legislation fully in line with OSCE commitments.

However, as in previous elections, there were serious shortcomings. A number of aspects of the improved election legislation were not implemented in an effective and impartial manner. This has resulted in an election process that fell short of OSCE commitments and other international standards for democratic elections in many respects.

Elements of these elections that represent an improvement over past parliamentary elections include:

- Since 2000, the authorities of the Republic of Kazakhstan, together with other election stakeholders, and OSCE/ODIHR, engaged in an intensive dialogue resulting in noted improvements to the election law;
- Twelve parties were registered, including the opposition party Democratic Choice of Kazakhstan (DCK) which had been refused registration in previous elections;
- Seven TV debates, while restrictive in format, gave the parties more opportunity to inform the public of their views;

¹ The PACE has an agreement of co-operation with the Parliament of the Republic of Kazakhstan.

- There were no cases of media outlets being shut down or journalists being prosecuted, as was the case in past elections;
- Domestic observers were given more legal rights that provided them with greater access to the process, although they were not always permitted to exercise them;
- In one case involving a violation of the election law, the Central Election Commission (CEC) and the Public Prosecutor moved vigorously against a local government official;
- The CEC reduced the number of polling stations intended to use electronic voting, albeit belatedly, due to difficulties in implementing the system, thereby recognizing the need to introduce this technology cautiously;
- CEC voter education efforts were carried out professionally and effectively, particularly with regard to electronic voting;
- Transparent ballot boxes were introduced in all polling stations as a confidence-building measure.

The shortcomings that are inconsistent with national legislation, OSCE election-related commitments, Council of Europe, and other international standards for democratic elections include:

- Two prominent opposition leaders, Galymzhan Zhakianov and Bulat Abilov, were not permitted to run for office, due to convictions which are widely viewed as politically motivated;
- The Central Election Commission (CEC) has functioned in an arbitrary, selective and non-transparent manner and, to the best of the IEOM's knowledge, did not meet in public session to take decisions during the official campaign period;
- The composition of election commissions lacked political balance;
- Media monitoring revealed a strong bias in the news coverage of the election campaign, particularly in favor of the dominant pro-presidential parties;
- Considerable pressure was placed on voters, especially by local government officials and by supervisors in the workplace;
- The system for handling complaints and appeals concerning alleged violations of the election law was ineffective and non-transparent;
- The manner in which the electronic voting system was introduced for these elections, including the lack of independent certification, the absence of a manual audit capacity, as well as the potential for compromises to the secrecy of the vote, eroded confidence in the election process.

On election day, problems in the accuracy of the voter register were evident, due to significant discrepancies between paper and electronic voter lists, voters being added to the voter lists, and voters being turned away at the polling station. The late decision to use parallel paper balloting in polling stations where electronic voting was used led to organizational difficulties, the potential for double voting, and added unnecessary complexities to the tabulation process.

The overall assessment of these elections will include completion of counting and tabulation (including any second round contests), the announcement of preliminary and final results, and the complaints and appeals process.

A comprehensive final report will be issued approximately six weeks after the completion of the election process. The OSCE/ODIHR and the PACE continue to stand ready to assist the authorities and civil society of Kazakhstan to improve its electoral process.

PRELIMINARY FINDINGS

Background

The 19 September elections are the first to take place for the 77-seat Majilis, the lower house of parliament, since the 1999 elections. The upper house, the 39-member Senate, is not chosen by direct vote. The elections come two years before the next scheduled presidential election. Under the 1995 constitution, amended in 1998, parliament has few powers beyond accepting or rejecting laws proposed by the President.

The parliamentary elections are conducted to elect 67 deputies from single mandate districts, and 10 deputies according to a national proportional formula. The election process employs two different ballots to this end. The election law provides for a second round in the event that no candidate in a single mandate race receives more than 50 percent of the vote.

Legislative Framework

The key legal document defining the framework for the Majilis elections is the Constitutional Law of the Republic of Kazakhstan on Elections in the Republic of Kazakhstan, which was amended in 2004. The law has been amended after the dialogue that started with the 2000 Round Table Process held under the auspices of the OSCE in cooperation with the authorities of Kazakhstan.

The OSCE/ODIHR published comments on the amended election law in August 2004.² While the OSCE/ODIHR recognizes that a number of amendments represent considerable progress, further improvements are necessary in order that the election law fully meet OSCE commitments for democratic elections, as presented in the 1990 Copenhagen Document.

The extent to which the new amended law can have a positive impact on the election process will ultimately be determined by the level of political will exhibited by institutions and officials responsible for implementing and upholding the law, in an effective and impartial manner. Some of the remaining shortcomings in the election law have been reflected in these parliamentary elections, such as limitations on the right to be elected, disproportional sanctions leading to de-registration, the lack of sufficient guarantees for inclusive, pluralistic representation on election commissions, and the lack of a transparent and effective process for resolution of complaints.

A number of issues concerning the election process are governed by other laws and legal acts, such as Central Election Commission (CEC) regulations, Law on Mass Media, Law on Political

² The OSCE/ODIHR Assessment of the Constitutional Law on Elections is available at www.osce.org/odihr/?page=elections

Parties, Code on Administrative Violations, Law on Fight Against Corruption, and others. Some of this legislation should also be further reviewed and amended in order for the overall legal framework to be fully consistent with OSCE commitments and other international standards for democratic elections.

Election Administration

The issue of the composition of election commissions at all levels raises concern. Although the members of these commissions were elected by the corresponding maslikhats “on the basis of proposals by political parties,” it is clear that representation on most commissions strongly favored pro-governmental parties. Countrywide, nominees put forward by Asar and Otan were appointed in 99.7 percent and 98.8 percent of cases respectively, while the percentage of appointments of nominees by Ak Zhol and DCK was 51.6 percent and 20 percent.

The IEOM considers that the Central Election Commission (CEC) functioned in a non-transparent manner and has taken arbitrary and selective decisions. To the knowledge of the IEOM, the CEC has not met in open session with the necessary five-person quorum since the beginning of the campaign period. Important decisions, such as one authorizing a summons requiring a DCK candidate to appear in court on charges of having organized an unsanctioned demonstration, appear to have been made in private and without a necessary quorum.³ A CEC recommendation to the media not to air a CPK/DCK bloc ad appears to have been made without a quorum and was subsequently withdrawn. The CEC Public Council recommendation to the CEC on the topic appeared to lack legal justification. Other complaints about media by opposition parties were not acted on or were discussed by the Public Council without making any decisions on a course of remedial action.⁴

CEC members were traveling extensively around the country during the pre-election period, and thus decisions were made by telephone and fax. While this may have been caused by the workload involved in introducing a new electronic voting system on short notice, it did not meet the legal requirement of law for access by stakeholders to the CEC decision-making process.

The IEOM has never been provided with a full list of CEC decisions in force, despite repeated requests, and requests for information on ballot production, transport and storage as well as the quantity of ballots produced was turned down on security grounds.

A significant factor in the failure to provide this information appears to have been the government’s delay in establishing the State Commission on electronic voting (e-voting). Moreover, the uncertainty regarding the extent of e-voting resulting from this delay caused significant disruption of election administration activities in the week preceding election day and led to a number of court cases on the eve of the elections.

At the lower levels, some election commissions operated in a very transparent and open manner, yet in four of the eight regions observed in the pre-election period, regional election commissions avoided inviting IEOM observers or domestic observers to meetings.

³ During the pre-election period candidates are immune from arrest or administrative sanction unless the CEC decides otherwise.

⁴ The Public Council was created by the CEC as an advisory body for the resolution of media disputes. It consisted of political parties, government officials, media representatives, and members of the CEC.

The CEC has made efforts to update and computerize the voters list and improve its accuracy. However, as noted in the Election Day section, significant problems remain with the voter register. In one constituency in Almaty, a formal complaint was filed alleging that several thousand voters were left off voter lists, apparently due to a dispute between local government officials. To date, no apparent action has been taken to resolve the problem.

A week before the election, the CEC instructed Precinct Election Commissions (PECs) provisionally selected for electronic voting (e-voting) to open, test their equipment and invite voters to practice voting. The results were uneven, demonstrating that some PECs would have great difficulty operating the system. As a result, the number of PECs where e-voting was to be used was reduced in the week before the election, and a parallel paper balloting process was established in the remaining e-voting polling stations. While under the circumstances this was a positive step, the ambitious scale on which the introduction of e-voting was originally planned, and the lateness of the decision, contributed to confusion on election day and was characteristic of a non-transparent election administration.

There have also been at least 32 cases of candidates being de-registered, some very close to the election day, and some of whom were de-registered on questionable grounds, including financial reporting errors. At least two were subsequently re-registered. The CEC de-registered 10 single mandate candidates, mostly self nominated, on 16 September due to the submission of allegedly deficient financial information. This decision was not made in open session, and the candidates were not informed that the CEC was considering their cases. Candidates received faxes notifying them of the CEC decision only on 18 September, when it was too late to appeal effectively for reinstatement. On the night of 18 September, and into election day, the Supreme Court heard appeals in seven of these cases. While the CEC decision was upheld in most instances, in one case the decision was overruled. Because the legal time limit for reinstatement of candidates had passed, no remedial action could be taken before the election. The OSCE/ODIHR has previously recommended that the provision for de-registration of candidates based on financial reporting errors invites abuse and should be omitted from the law.

There was an extensive voter information and education program around the country, and special efforts were made to inform the electorate about the newly introduced e-voting technology. The CEC produced a comprehensive information booklet which was distributed to voters as well as several television spots. One aspect of information which was not made public until two days before the election was the fact that voters did not need to have a bar code affixed to their identification in order to vote. In fact, the opposite was widely communicated.

The IEOM notes that the number of registered voters in each Majilis constituency varies significantly, from 92,000 (District 1, Astana) to 154,000 (District 10, Akmola). Thus, voters do not have equivalent representation.

Electronic Voting

The introduction of electronic voting (e-voting) has been a controversial issue. Many, including President Nazarbayev and leaders of his Otan party, as well as opposition figures, have urged that it be introduced gradually so as to build public confidence. The State Commission responsible by law for making the decision to establish e-voting was not formed until five days

before election day. As a result, the scope of e-voting was not decided until 17 September, and some PECs appeared poorly prepared. According to the CEC decision, electronic voting was to be used in 961 of 9,480 polling stations⁵.

Only election systems which are proved secure, reliable, efficient, technically robust, open to independent verification and easily accessible to voters will build public confidence, which is a pre-requisite for successful introduction of a new voting system.

The e-voting system was not openly and independently certified, which would have promoted confidence in the system by domestic stakeholders. A review was carried out by a group composed of experts invited by CEC and experts nominated by some political parties, but the IEOM expert was not allowed to observe on grounds of confidentiality. The group concluded that “hacking into the system and falsifying the election results were ruled out,” although one political party representative declined to sign the report. This group of experts did not publish detailed technical arguments for these conclusions.

The system does not include a manual audit capacity, and therefore there is no possibility for a recount. The system does generate, if requested by the voter directly after voting, a private PIN code not linked to the voter which could be used to check the final control protocols, thus providing the voter with the possibility to confirm that his or her vote was recorded correctly. However, that same PIN code, if provided by the voter to a party, candidate, or employer, would demonstrate how he or she voted. This opens the potential for violation of the secrecy of the vote as well as intimidation.

Protection against manipulation from outside or incidental technical malfunction appeared sufficient. The system generated redundant, periodic local backups, and all data transmission sent through communication lines was encrypted. However, the system uses normal telephone connections between polling stations and Regional Election Commissions, and these are potentially vulnerable to unauthorized monitoring or to distortion of transmitted information.

Campaign Environment

The elections are being contested by twelve political parties – four of which have formed two separate blocs – as well as self-nominated candidates. The campaign has been generally calm, with relatively few large demonstrations or rallies. The two major pro-presidential parties, Otan, of which the President is the honorary chairman, and Asar, led by the President’s daughter Dariga Nazarbayeva, have sponsored concerts, meetings and other events. Those two parties dominate billboard and other public advertising space. The pro-government bloc Aist has also been active and visible.

Ak Zhol and the bloc Oppositional Peoples’ Union of Communists and Democratic Choice of Kazakhstan (here after, the CPK/DCK bloc) have actively campaigned but have faced a pattern of interference that have hindered its ability to convey its message to the electorate. This pattern includes detentions of activists by police on at least three occasions in Almaty and Pavlodar and

⁵ According to the CEC website. Definitive data was never provided to the IEOM.

interference from local authorities in holding campaign events in several instances (e.g., Almaty, Kostanai, and Pavlodar). The remaining parties have remained relatively quiet.

Ak Zhol and the CPK/DCK bloc had threatened a boycott, citing pressure on voters, imbalance in the media, and the planned extensive introduction of electronic voting. In the end, however, they encouraged their supporters to come out and vote for them.

Two opposition leaders, Galymzhan Zhakiyanov of the DCK and Bulat Abilov of Ak Zhol, were not allowed to be candidates in these elections. Mr. Zhakiyanov is serving a sentence for a conviction on corruption charges, and Mr. Abilov has a suspended sentence for slander. Both convictions are seen by many as being politically motivated.

There have been numerous allegations of bias in the decisions of local authorities, including denial of permission to opposition parties to hold meetings (or of permission being granted too late for an event to be held) and unfair allocation of public space for advertising. Moreover, there continue to be a number of indications of the use of administrative resources on behalf of pro-government candidates. In North Kazakhstan oblast, there have been repeated charges that the regional Akimat⁶ has pressured voters to support the Aist candidate, and there have been public calls for his removal or trial on charges of serious election violations. In Taraz, the local Akimat organized an event to welcome home an Olympic champion that clearly promoted Otan.

The IEOM also received several reports of pressure on voters, especially on teachers and other public employees, to join parties and vote for particular parties or candidates. In Atyrau, there are reports that immigrants applying for citizenship are being pressured by representatives of the immigration authorities to join the party Rukhaniyat as well as being assessed the 50 tenge per month membership dues.

Complaints and Appeals

The legislative framework allows voters, candidates and political parties to file complaints and appeals with election commissions, courts and prosecutors. However, there seemed to be reluctance of election commissions at all levels to take decisions on complaints. Instead, the cases were often referred to other authorities. Many complaints at lower levels were not well documented or involved relatively minor issues.

The IEOM is aware of more than 150 complaints and appeals filed at various levels and has been following several dozen cases forwarded to it by political parties, individual candidates, journalists, NGOs and citizens, both at the republican and regional levels.

Representatives of the CEC regularly met with political parties to discuss issues of concern to them, including matters such as placement of posters, criminal charges against candidates and other campaign-related issues. Media-related complaints were discussed at the Public Council, which included party representatives. While the creation of such groups is welcome, they did not appear to be an effective mechanism in addressing complaints. It also appeared that the complaints discussed in the Public Council were not further addressed by the CEC in most cases.

⁶ The Akimat is any local self-government executive body at regional level or lower.

The CEC provided information on complaints they received only irregularly, perhaps due to the pressure of other duties. The CEC has informed the IEOM that fewer official complaints have been made in these elections in comparison with the 1999 parliamentary elections.

The complaint process appears to be inconsistently applied at lower levels. While the IEOM was able to observe how election commissions discussed and dealt with complaints in Almaty, Kostanai, and South Kazakhstan, in other locations this has not been possible. In some regions, the Regional Election Commission (REC) did not seem to hear election-related complaints at all, for example in Aktobe region, but instead referred all cases to the prosecutor's office.

The Public Prosecutor plays an active role in the complaints process, monitoring the election process and taking action as circumstances warrant. Prosecutors' offices at the republican and regional levels have cooperated with the IEOM, providing updated information, regarding the numbers, types and dispositions of complaints. While the active role of the Public Prosecutors is welcome and fills a gap in the complaints and appeals process, their involvement provides a less transparent and independent method of dealing with complaints and appeals than would be the case with the courts or the election commissions.

Several cases have been decided by the courts, including one in which it noted the requirement that election commissions take decisions on cases submitted to them.

Media Environment

In Kazakhstan, most information on the electoral campaign comes from central television. Control of central television broadcasters is heavily concentrated in the hands of the government and the President's family, leading to strong bias in the news coverage of the election campaign. This is in contravention of article 7.8 of the 1990 Copenhagen document as well as of the regulations adopted by Kazakh authorities governing media behavior during the elections.

As the attached charts demonstrate, central television news broadcasts displayed consistent bias in favor of parties that support the President. Formal complaints were submitted by opposition parties concerning this bias, but no remedial action was taken. The attached charts reflect both the quantitative and qualitative nature of this bias.

The state television station Kazakhstan-1 devoted 64 percent of its political news coverage to Otan and its members. The tone of coverage was mainly neutral, but the other nine registered parties or blocs received little coverage. Khabar television station largely favored Asar and Otan, with 44 percent and 31 percent respectively. These two parties also fared better in terms of positive coverage, while the opposition party Ak Zhol and the CPK/DCK bloc received little coverage, often negative.

The news programs of the private station Channel 31 was more balanced in its coverage of the main contestants, although favoring Ak Zhol (36 percent of political news coverage). Conversely, the commercial television station KTK was notably biased in favor of Asar and its candidates, (45 percent of all political news coverage). KTK newscasts repeatedly contained editorial attacks against opposition parties, mainly against Ak Zhol.

The IEOM did not observe any cases of media being shut down or of journalists being prosecuted as has happened in past elections. However, the IEOM was able to confirm a case of official interference in media editorial freedom in Petropavlovsk. In this incident, the Department of Internal Policy of North-Kazakhstan Region sent a letter to the editors of regional newspapers suggesting contents and formats of election coverage designed to favor the ruling party Otan. The Public Prosecutor and the CEC reacted promptly to the complaint filed by Ak Zhol, and disciplinary action has been recommended.

In the last week of the campaign, all monitored TV stations discontinued broadcast of paid advertisements of the CPK/DCK bloc featuring imprisoned DCK leader Galymzhan Zhakiyanov. The discontinuation of the ads was based on a recommendation of the CEC. The CPK/DCK bloc lodged a case with the Supreme Court, but the Court ruled against them. The speed with which these ads were pulled and the uncertain legal foundation for doing so raised questions about the impartial implementation of media regulations.

The CEC organized seven debates inviting all the ten registered parties or blocs on central television stations Kazakhstan-1 and Khabar. While some parties criticized the restrictive format of the programs, these debates provided an opportunity for the public to be informed on the political alternatives.

The state owned media outlets offered the CEC the possibility to make announcements on election matters, as set out by the Election Law and the Election Media Rules. The media often broadcast a number of different CEC video clips informing the voters on their basic rights and on voting procedures.

The print media offered a more diverse picture, even though most publications displayed a partisan editorial policy. The opposition newspapers *Respublica* (former *Assandi Times*) and *Soz* published articles critical of the government and pro-presidential parties.

The IEOM did not observe any violations of the election silence period.

Women's Participation

The participation of women in the political process has improved somewhat since the Majilis elections of 1999, when 8 women succeeded in gaining seats in the 77 member body. This year there are 115 women candidates out of 713 – 17.6 per cent. The list with the largest percentage of women candidates – 46 percent - is the CPK/DCK bloc. Dariga Nazarbayeva, leader of the Asar party, is the most prominent female political figure, and the Rukhaniyat party is led by Altynshash Dzhaganova, head of the Migration and Demography Agency. President Nazarbayev has urged voters to vote for female candidates and for steps to provide equal opportunities for women, although women from the opposition were reportedly not invited to this event.

At the same time, few active steps have been taken to support women's participation in politics such as legal or voluntary quotas for female candidates. Women's participation in politics and the decision-making process is, overall, rather low.

The CEC is chaired by a woman, Mrs. Zagipa Balieva, and women chaired 47 percent of PECs.

Minority Issues

The candidate lists published by the CEC include ethnic origin, although disclosure by the candidate is optional. More than three-fourths of Majilis candidates are ethnic Kazakhs, while 57 percent of the population is Kazakh.

Ethnic Russians represent the second largest group of candidates, about 16 percent, while accounting for 27 percent of the population. About two percent of the candidates are Ukrainians, while the rest (less than one percent each) of candidates are from the following ethnic groups: Uzbek, German, Korean, Tatar, Belarusian, Jewish, Ossetian, Uighur, Azeri, Balkar and Polish.

Minority issues have not played a large role in the election campaign. One televised debate was devoted to the issue, and on 31 August, President Nazarbayev promoted the concept of unity among ethnic groups under one “Kazakhstani nation.” In Constituency 63 in South Kazakhstan Oblast, however, a self-nominated Uzbek candidate, Abdumalik Sarmanov, was de-registered by the Constituency Election Commission on the basis of comments by Mr. Sarmanov published in three local Uzbek newspapers.

Kazakhstan’s 2002 Law on Political Parties prohibits organization of parties based on ethnic origin, gender and religion. Consequently, some small parties were not registered.

Domestic Observers

The amended Election Law has improved the ability for independent domestic observers to carry out their activities. Despite legal guarantees, the Republic Network of Independent Monitors reported that many election commissions misinformed them regarding the timing of sessions, did not provide observers with a copy of protocols of their sessions and in some cases did not give them access to sessions. This led them to call for greater transparency of election administration.

The Elections and Democracy observer group reported a number of shortcomings on 13 September. According to them, voters lacked sufficient information on how to register, on mobile-voting procedures and basic contact information for election commissions. It also highlighted that election commissions did not tell voters that they can vote even if they do not have a bar code as part of their identifying documents.

On election day, domestic observer groups reported that they were permitted access to polling stations, overcoming some early morning obstructions to entry in polling stations in some instances. However, their movement inside the polling stations was constricted, and they were often assigned a position at a distance from the polling procedures that did not permit effective observation.

Election Day – Voting

The conduct of the election day proceedings was marred by the late decision (16 September) to add paper balloting as an option in the proposed e-voting polling stations, supposedly to give the voter a choice between the two options. This scenario had repeatedly been denied by the CEC, and regulations for this parallel system were therefore not in place. This created last-minute uncertainty and challenges for lower level commissions, particularly the resulting need for dual paper and electronic voter lists. The electronic and paper voter lists were not integrated, and voters could not be checked against both lists to prevent the possibility of multiple voting. In addition, the two lists often did not have the same amount of voters, often with a discrepancy of several hundred voters.

Moreover, a significant number of voters in both electronic and paper ballot polling stations were not on the list. Many were turned away, but many were added to the voter list. Election day additions to the voter lists are permitted but only under circumstances strictly regulated by higher level commissions. However, it appears that widespread additions were made - IEOM observers witnessed voters being added to the list in 16 percent of locations visited - and in some cases the PECs were observed making these additions on the basis of telephone confirmation with no supporting documentation (e.g., Akmola and East Kazakhstan (Oskemen City)). At best, this is a non-transparent process; at worst, it could result in the arbitrary disenfranchisement of voters or in manipulation of the voter list.

IEOM observers found the overall conduct of the polling process to be “bad or very bad” in 13 percent of the 1,141 polling stations observed. Nevertheless, it must be noted that in general PEC members did their best to cope with the last minute changes, unclear regulations, and the need to assist voters having difficulties with e-voting.

In fact, observers found that PEC members were comfortable in operating the e-voting system itself in 94 percent of the polling stations observed. However, the voters had more difficulty with the e-voting procedures, as IEOM observers estimated as voter understanding as “bad or very bad” in 32 percent of the polling stations visited in contrast to 15 percent for paper balloting only polling stations. Voters were unable to complete e-voting in 19 percent of polling stations observed. According to the law only persons identified by the voter can assist voters, while members of PECs, observers, and party proxies are specifically prohibited from doing so. There were violations of this provision in many cases, and in 37 percent of the polling stations with e-voting PEC members were observed assisting the voters after they had begun the voting process. This compromised the secrecy of the vote. Furthermore, it was noted that this assistance in places extended to telling the voter which party to vote for.

Other observations include the fact that group voting, or family voting, took place in 25 percent of observed polling stations, and unauthorized personnel were present in 28 percent. Paper ballots were not signed by a PEC member as prescribed in 9 percent of observed polling stations. IEOM observers noted campaign material in the proximity of 15 percent of polling stations.

As noted, the late changes regarding the provision of paper balloting in all polling stations placed an additional burden on lower level election commissions. The Akimats did play a role in the effort to make the operation work logistically, but in some instances appeared to interfere more than assist, e.g. in Kostanai.

A violation of the right to be a candidate was observed in Atyrau, where a candidate from Ak Zhol was de-registered by the CEC on 16 September on the basis of criminal charges several years old and stricken from the ballot. He was then arrested on election day.

The introduction of transparent ballot boxes as a confidence-building measure, as well as the presence of party representatives in nearly all polling stations observed, were positive aspects of election day.

Counting and Tabulation

The counting and tabulation processes were problematic, complicated by the late decision to allow supplemental paper balloting in e-vote stations. The overall counting process was assessed as poor in 18 percent of cases observed. The reasons cited included lack of control over ballots, unauthorized persons in polling stations (53 percent) and widespread failure to post result protocols (45 percent). Whereas observers and party agents are entitled by law to a copy of the results protocol, in 27 percent of cases observed they were refused. Observers reported procedural problems or omissions in 20% of cases observed, and two-thirds of these cases were in direct relation to e-voting.

The tabulation process was complicated due to the parallel processes of tabulating electronic votes and paper ballots, and further compounded by the failure to use a single summary protocol in many cases.

Observers reported that in Oskemen City, counting was particularly chaotic, and PECs were delivering voter lists to the Department of Immigration for undetermined reasons.

***This statement is also available in Russian and Kazakh.
However, the English version remains the only official document.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

Mr. Ihor Ostash (Ukraine), Head of the OSCE Parliamentary Assembly (OSCE PA) delegation, was appointed as Special Coordinator by the OSCE Chairman-in-Office for the short-term observation. Ms Tana de Zulueta (Italy) is Head of the Parliamentary Assembly of the Council of Europe (PACE) delegation. Ambassador Robert Barry (USA) is Head of the OSCE/ODIHR Election Observation Mission (EOM).

The IEOM issues this statement before the final certification of the election results and before a complete analysis of the IEOM observation findings. The OSCE/ODIHR will issue a comprehensive report approximately six weeks after completion of the electoral process.

This statement is based on the election preparations and campaign observations of 12 election experts of the OSCE/ODIHR EOM based in cities of Almaty and Astana and 16 long-term observers deployed in 8 regions for six weeks prior to election day. The statement also incorporates the election day findings of 305 short-term observers, including 33 from the OSCE PA and 10 from the PACE, reporting from some 1,364 polling stations out of a total of over 9,400 country-wide.

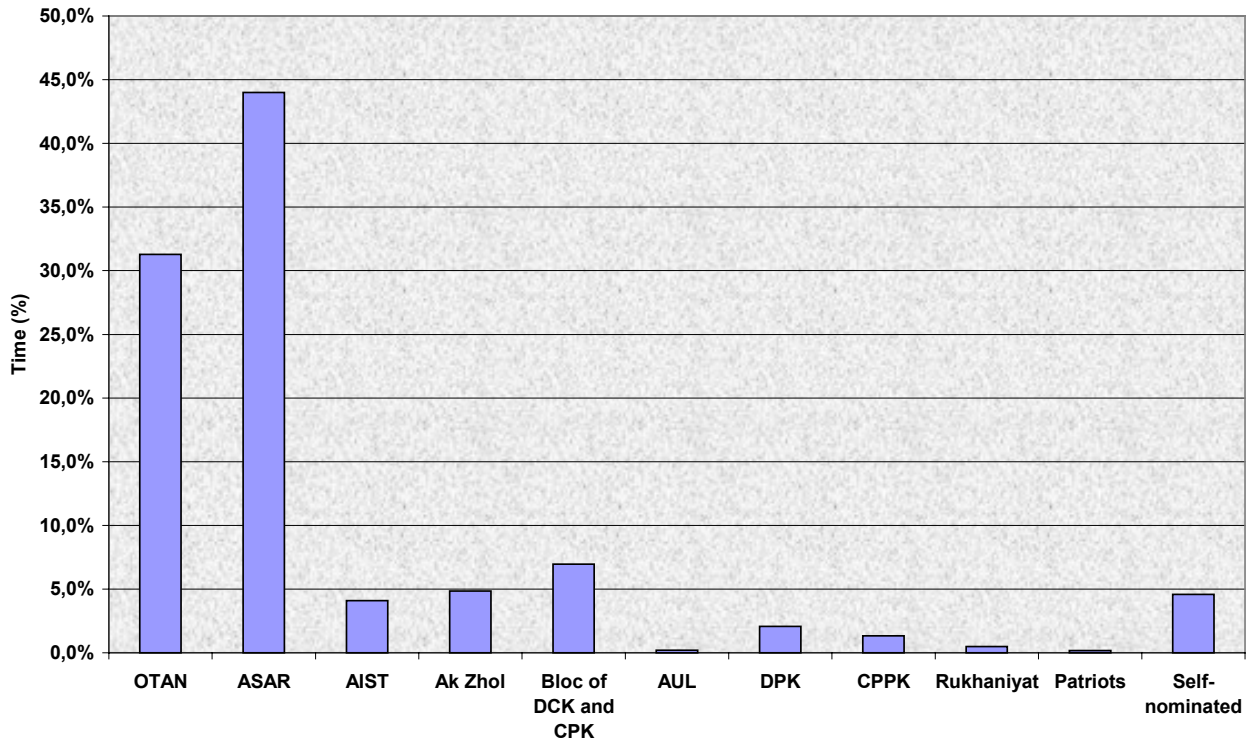
The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other authorities of the Republic of Kazakhstan for their cooperation and assistance during the course of the observation.

For further information, please contact:

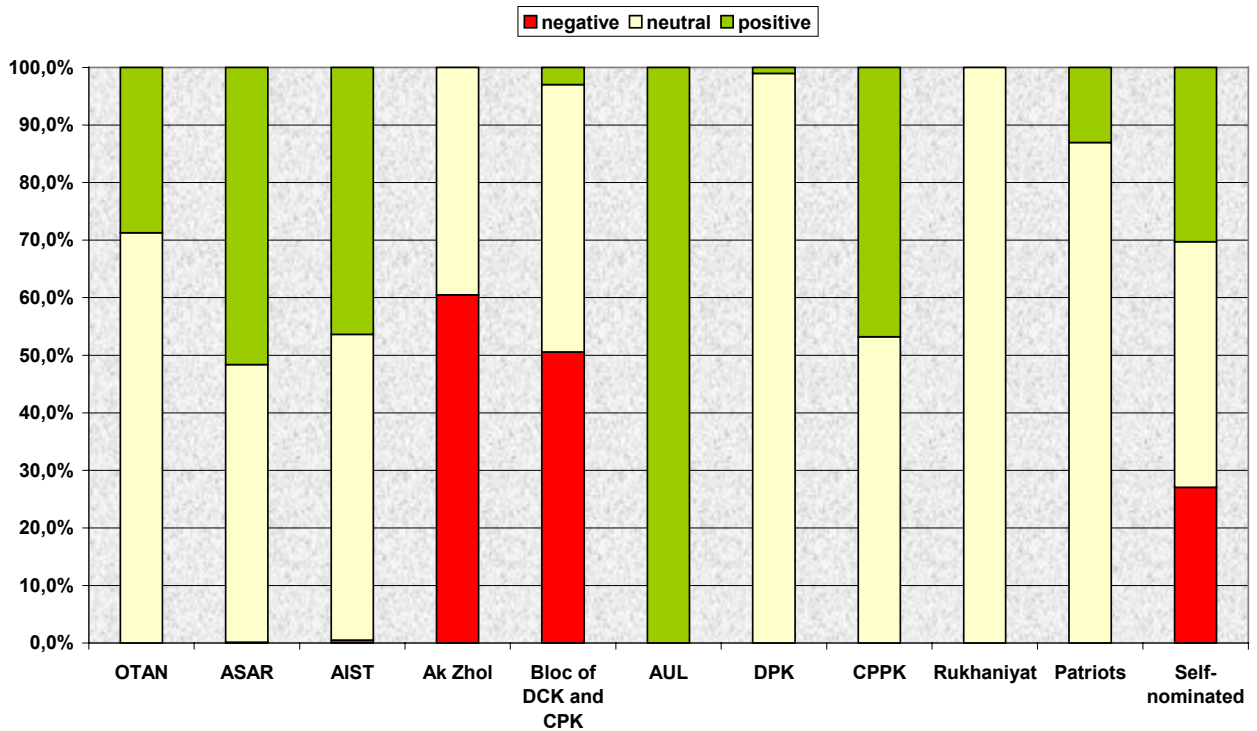
- Ms. Urdur Gunnarsdottir, OSCE/ODIHR Spokesperson or Mr. Jonathan Stonestreet, OSCE/ODIHR Election Adviser in Warsaw (Tel.: +48-22-520-06-00);
- Mr. Jan Jooren, OSCE PA Secretariat (Tel: +45-33-37-80-40)
- Mr. Vladimir Dronov, PACE Secretariat in Strasbourg (Tel.: +33-689-995-049).

Khabar Television – News Programmes (August 19 - September 17)

1 Distribution of time among political forces

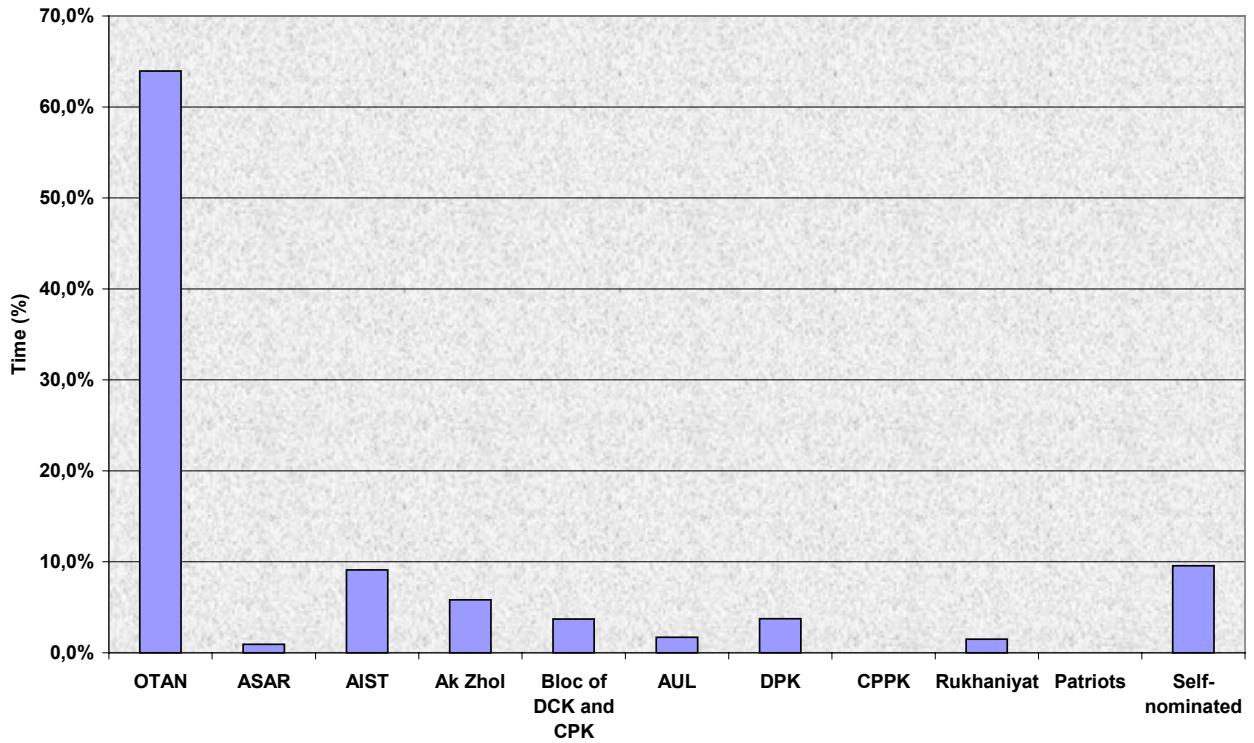


1.2 Tone of the coverage of political forces

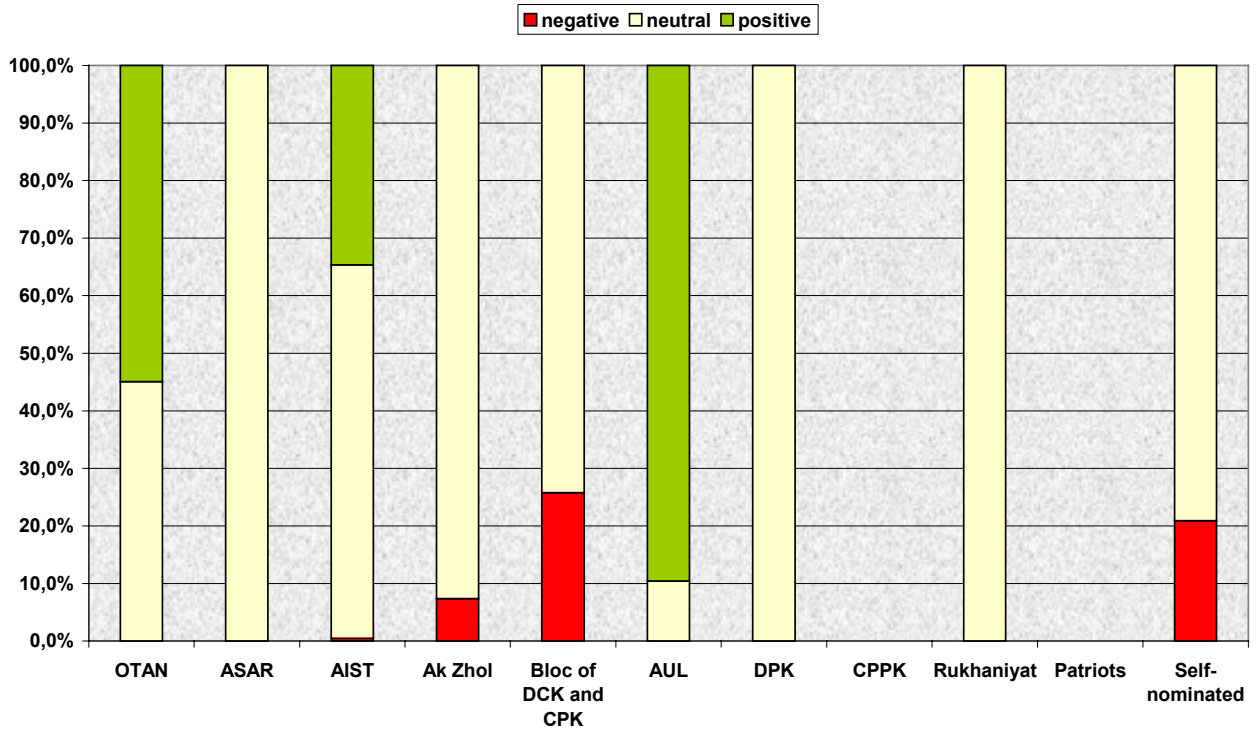


Kazakhstan 1 Television – News Programmes (August 19 - September 17)

2 Distribution of time among political forces

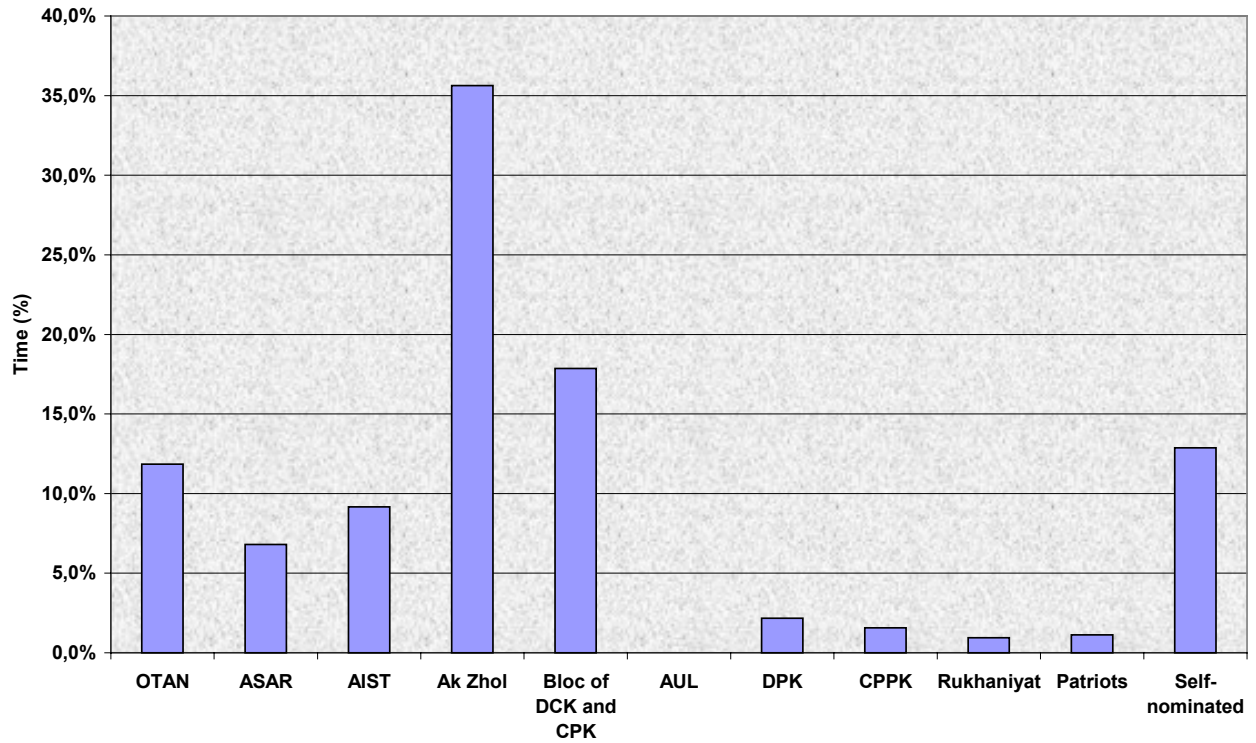


2.1 Tone of the coverage of political forces

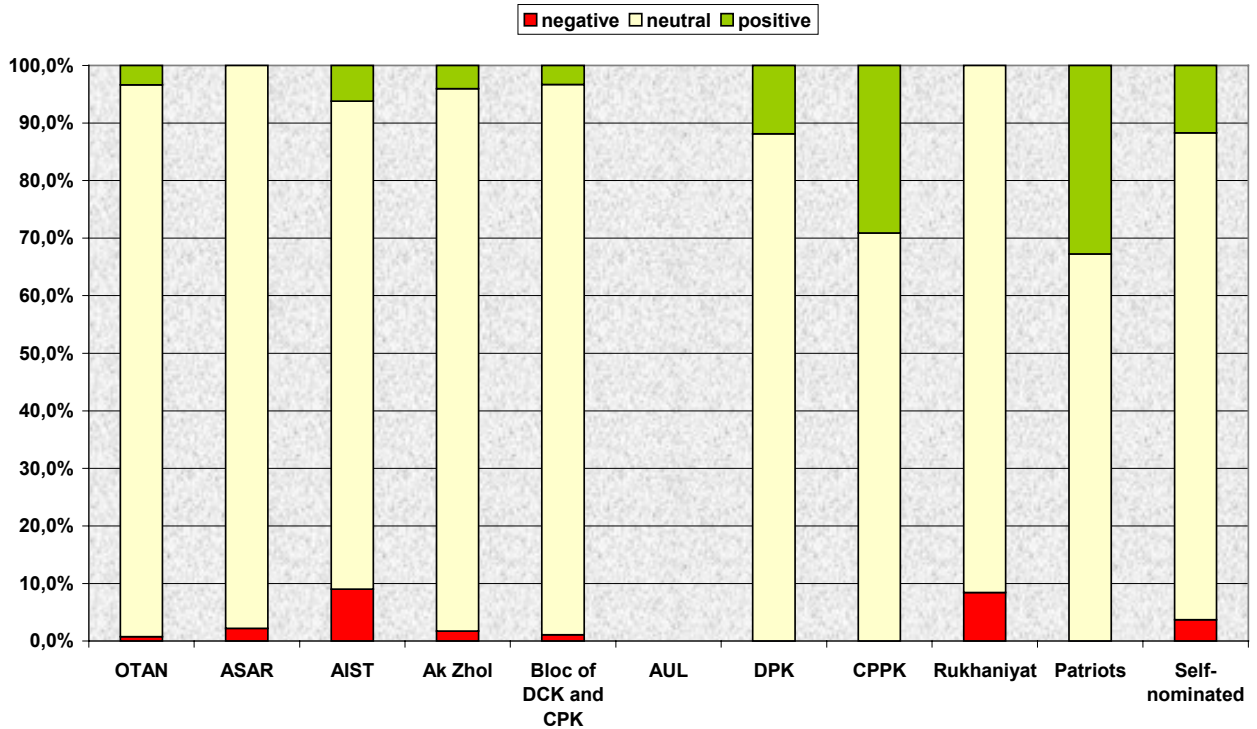


Channel 31 Television – News Programmes (August 19 - September 17)

3 Distribution of time among political forces

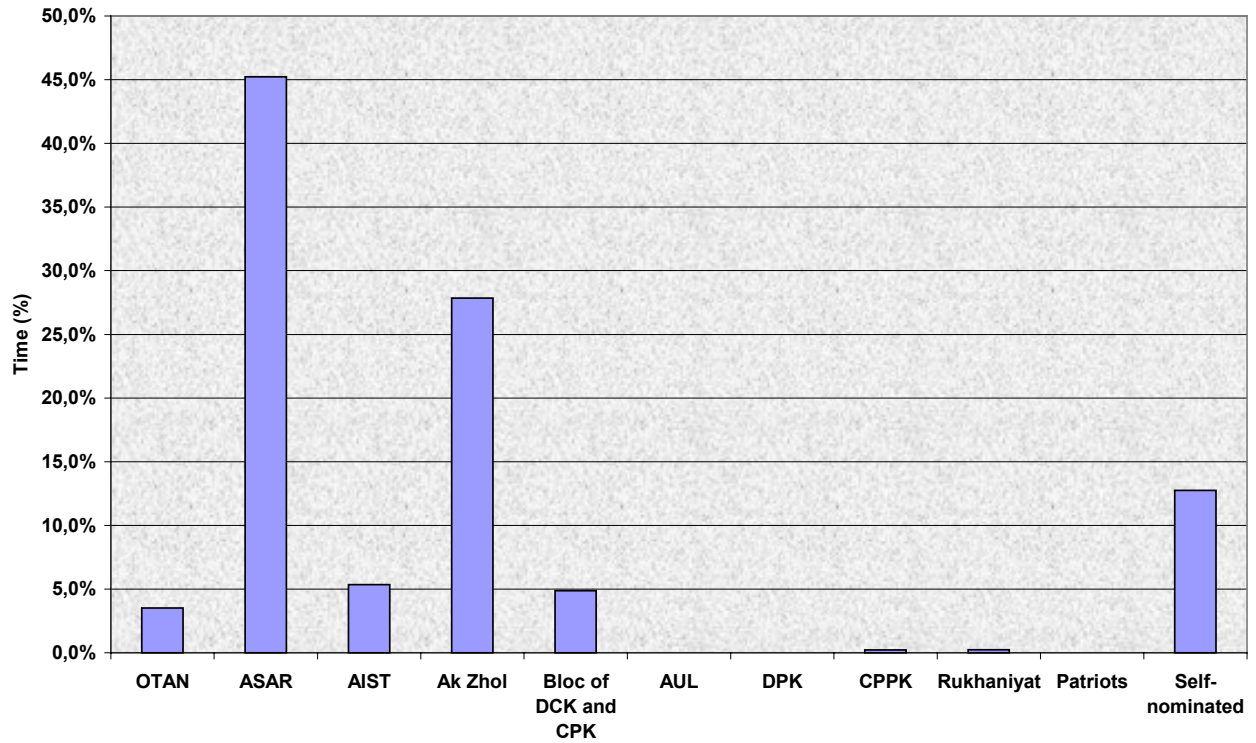


3.1 Tone of the coverage of political forces



KTK Television – Prime Time News Programmes (August 25 - September 17)

4 Distribution of time among political forces



4.1 Tone of the coverage of political forces

