

INTERIM REPORT
8 – 20 December 2020

23 December 2020

I. EXECUTIVE SUMMARY

- On 21 October, the president of the Republic of Kazakhstan called parliamentary elections for 10 January 2021. The elections are held under a proportional representation system, with 98 out of the 107 members of the lower house of parliament elected in a nationwide constituency from party lists that have to pass a seven per cent threshold. Local elections will be held concurrently.
- The electoral legal framework has been frequently revised since the last parliamentary elections, including with the aim to address some of the previous recommendations related to registration of political parties and holding of public gatherings. Nevertheless, long-standing ODIHR recommendations, including those related to candidacy requirements, media, electoral dispute resolution and publication of election results, remain unaddressed. International organizations expressed concerns that fundamental freedoms, although protected in the Constitution, are constrained by a number of legislative provisions.
- The elections are administered by the Central Election Commission (CEC), 232 Territorial Election Commissions, and 10,061 Precinct Election Commissions. The CEC has adopted and published a number of resolutions further regulating the conduct of the elections. Sessions are attended by political party representatives and observers; journalists take part remotely as a COVID-19 preventive measure. The CEC organized online training for lower-level commissions. Health protection measures for election day are yet to be elaborated.
- Some 11.9 million voters are registered. Voter registration is passive and citizens over 18 years of age are eligible to vote with the exception of those declared incompetent by a court or serving a prison sentence irrespective of the gravity of the crime. Voters are included in the lists based on the permanent place of residence and can verify their records from 26 December. Voters can apply to cast their ballots at a place of stay. In case of omissions, the law entitles election commissions to register voters on election day at the polling station.
- The CEC registered five party lists containing a total of 312 candidates, including 90 women, while one of the six registered parties decided to boycott the elections. Independent candidates cannot stand for elections, and parties are not allowed to form electoral blocs. Following 2020 legal amendments, party lists have to include at least 30 per cent of women and/or youth. The CEC judged all parties to have complied with the provision, but the quota does not bind the party in its decision as to which candidates are awarded mandates after the elections.
- The campaign has, so far, been low key. COVID-19 health regulations impose social distancing and limit the number of participants for indoor campaign activities. The 2020 Law on Peaceful Assemblies requires notification procedures for outdoor political events, but permission is not guaranteed. Contestants also campaign online through social networks and meeting platforms.
- Dedicated bank accounts for campaign income and expenditures were opened by the CEC upon registration of party lists. The CEC published interim data on the campaign incomes of parties on its website; however, the information on expenditures is yet to be provided.

- The constitutionally guaranteed rights to freedom of expression and access to information are undermined by various provisions in the Criminal Code and other legislation. Many private television stations are dependent on state subsidies. Despite Internet shutdowns and blocking of websites, some ODIHR LEOM interlocutors opined that there is an increasing space for more pluralism in the news and opinions online. All media outlets, including broadcasters, print and online media, are obliged to provide an equal amount of time and space to contestants. On 13 December, the ODIHR LEOM started the monitoring of five TV stations and five online media outlets.
- Electoral stakeholders may file complaints with courts and the election commissions. Complaints should be filed and decided upon within short timeframes, with the decisions subject to further appeals to the higher-level commissions or courts. So far, the CEC has received some 70 applications, mostly requesting clarification of the legislation, but no official complaints.
- The law provides for citizen and international observers. A newly adopted CEC resolution requires that non-profit organizations intending to observe elections have in their statute a declared objective of “implementation and protection of the political rights and freedoms of citizens”. The ODIHR LEOM was informed that some observer organizations experienced targeted tax investigations allegedly aimed at disrupting their ability to observe the elections.

II. INTRODUCTION

Following an invitation from the authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 8 December.¹ The ODIHR LEOM, headed by Ambassador Jarosław Domański, consists of an 11-member core team based in Nur-Sultan and 24 long-term observers deployed on 15 December across Kazakhstan. Mission members are drawn from 17 OSCE participating States.² In line with ODIHR methodology for LEOMs, the mission will not carry out a comprehensive or systematic observation of election-day proceedings but intends to visit a number of polling stations on election day.

III. BACKGROUND AND POLITICAL CONTEXT

On 21 October 2020, the president called the elections for the 98 directly elected seats of the lower chamber of parliament (*Majilis*) for 10 January 2021 (hereinafter parliamentary elections). These will be the first parliamentary elections since 2005 that follow a full five-year parliamentary term. Local elections will be held concurrently for two layers of local councils (*Maslikhat*) at the regional and district level. These are the first parliamentary elections since the election of President Kassym-Jomart Tokayev in June 2019. Since coming to power, the president has announced his intention to initiate a series of economic and political reforms.³ The elections are held against the backdrop of the COVID-19 pandemic and related health measures limiting the freedoms of movement and assembly.

The last parliamentary elections, held early in March 2016, were contested by six of the then seven registered political parties.⁴ Three parties were awarded mandates - *Nur Otan* with the predominant majority of 84 seats, followed by the Democratic Party *Ak Zhol* and the People’s Party of Kazakhstan

¹ See previous [ODIHR election observation reports on Kazakhstan](#).

² In its Needs Assessment Mission report, ODIHR recommended an Election Observation Mission (EOM) that would include 300 short-term observers (STOs) for observation of election day procedures. However, the extraordinary circumstances caused by the COVID-19 pandemic and existing travel restrictions throughout the OSCE region have negatively affected the ability of the OSCE participating States to second and of ODIHR to deploy STOs.

³ See the president’s [2019](#) and [2020](#) State of the Nation Address. See also president’s [speech](#) on 14 December at the occasion of Independence Day. The 2020 Law on Parliamentary Opposition that will take effect after these elections, for the first time formalizes the role of the parliamentary opposition.

⁴ The Democratic Party of Kazakhstan *Azat* did not take part and has become dormant.

(PPK), with seven seats each.⁵ Of the 98 mandates in the *Majilis*, 25 went to women. These parties, as well as the People's Democratic Patriotic Party *Auyl* and *Adal* Party, are contesting these elections.⁶ The Nationwide Social Democratic Party (NSDP) decided to boycott these elections.

The Constitution confers significant powers to the president, and the executive branch exercises extensive powers as compared to the parliament.⁷ The political landscape is dominated by *Nur Otan*. The country's first president, Nursultan Nazarbayev, accorded the title of Leader of the Nation, remains politically engaged in a number of official capacities, including as a chairperson of *Nur Otan*, chairperson for life of the Security Council of Kazakhstan and life-long member of the Constitutional Council.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The elections are primarily regulated by the 1995 Constitution and the 1995 Constitutional Law on Elections (Election Law). Other applicable laws include the Law on Political Parties, Law on Peaceful Assemblies, Law on Mass Media, Law on Broadcasting, Law on Communications, as well as the Criminal Code and the Code of Administrative Violations. The CEC issues regulations to supplement the law. Kazakhstan is a party to key international conventions related to democratic elections.⁸

Following the 2017 constitutional reform, mostly related to redistribution of political powers, the Election Law was amended in 2017, 2018, 2019 and 2020. The amendments, among other things, changed the structure of lower-level election commissions, introduced a joint quota of a minimum of 30 per cent representation of women and/or youth on the candidate lists, and aimed to enhance the electoral participation of voters with disabilities. Most other laws regulating the conduct of elections were also amended or re-enacted after 2016, affecting, among other things, the registration of political parties and holding of public gatherings, aiming to partially address some ODIHR recommendations.

However, despite the constitutional and legislative changes, many ODIHR recommendations remain unaddressed, including those related to the fundamental freedoms of association and expression, guarantees of impartiality of election administration, candidacy requirements, voter registration, freedom to campaign, the media, electoral dispute resolution and publication of election results.

International organizations have repeatedly expressed concerns that fundamental freedoms, including the ability to participate in political life, although protected in the Constitution, are constrained by laws, including several provisions on criminal and administrative offences.⁹

Kazakhstan has a bi-cameral parliament consisting of a 107-member *Majilis* and an indirectly-elected 49-member upper house (Senate).¹⁰ Ninety eight *Majilis* members are elected in a nationwide

⁵ PPK was called the Communist People's Party of Kazakhstan until November 2020.

⁶ *Adal* was called *Birlik* until November 2020.

⁷ The president performs wide legislative functions and issues binding decrees and resolutions, determines domestic and foreign policies, appoints ministers and *Akims* (governors) and plays a key role in appointment of other high-ranking officials and judges.

⁸ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention for the Elimination of All Forms of Discrimination against Women, the 2002 CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms, 2003 UN Convention against Corruption, and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Kazakhstan is a member of the Council of Europe's Commission for Democracy through Law and, since 2020, of the Group of States against Corruption (GRECO).

⁹ See, for example, the 2016 [UN Human Rights Committee \(CCPR\) Concluding observations](#) on the second periodic report of Kazakhstan. The March 2018 court decision to ban the political movement Democratic Choice of Kazakhstan as an 'extremist organization' raised concerns among the ODIHR LEOM interlocutors.

¹⁰ The representative bodies of each of the 14 regions, as well as the cities of Almaty, Nur-Sultan, and Shymkent elect two members of the Senate each. In addition, the President appoints 15 senators.

constituency on the basis of a closed list proportional system. The remaining nine members are elected by the Assembly of the People of Kazakhstan (APK).¹¹

Parties receiving at least seven per cent of all votes cast are allocated seats in the *Majilis*. If only one party passes the threshold, the party receiving the second highest number of votes is given at least two seats. The mandates are awarded to candidates by each party after the elections, and parties are not bound by the order of candidates on their list. The Constitution stipulates an imperative mandate; those who leave or are excluded from their party, or whose party ceases its activity, lose their mandate.

V. ELECTION ADMINISTRATION

The election administration is permanent and three-tiered, comprising the Central Election Commission (CEC), 232 Territorial Election Commissions (TECs), and 10,061 Precinct Election Commissions (PECs). Voting abroad is conducted at 66 polling stations established in embassies and consulates.

Commissions at all levels are appointed or elected for five-year term and, except for the PECs, consist of seven members.¹² The CEC chairperson and two members are appointed by the president, while the *Majilis* and Senate each appoint two members.¹³ Two of the seven current CEC members and 66.2 per cent of the lower-level commissioners are women.

Local councils (*maslikhats*) elected lower-level commissions in January 2019, based on nominations from registered political parties, with a maximum of one per election commission. In case the number of proposals is not sufficient, *maslikhats* may consider nominations from public associations and superior election commissions.¹⁴ *Maslikhats* are not bound by the nominations of any of the proposing bodies and may accept or reject individual proposals through a vote. Nominated individuals do not have to be members of the proposing organization.

Lower-level election commissions receive logistical and operational support from state and local institutions. All lower-level commissions visited by the ODIHR LEOM are operational and have so far conducted their activities in accordance with the electoral calendar.

The Election Law aims to enhance participation of people with disabilities in the electoral process and provides, among other things, for unimpeded access to all polling stations and for voting, as well as the possibility of assisted voting by a person of choice. The CEC website is available also in versions for voters with sight and hearing impairments. The posted voter education material, also in video format, includes information for voters with disabilities.

The CEC informed the ODIHR LEOM that the Ministry of Health, in co-ordination with the CEC, had adopted measures to contain the spread of COVID-19 pandemic with respect to the process of nomination of candidates and pre-election campaign. Protective measures for election day are to be elaborated closer to election day based on the most recent epidemiological developments.

The CEC sessions are open to and attended by political party representatives and observers. As a result of the COVID-19 pandemic, media are present only with their respective camera teams to transmit the sessions live. Journalists are given the opportunity to pose questions ahead of time by mail or after each

¹¹ The APK is an advisory body appointed by the President with the main goal of representing the diversity of Kazakhstan's multiple ethnic groups.

¹² By law, the PECs should have odd number of members and may consist of either 5 or 7 members to serve up to 2,000 voters or 7 to 11 members for up to 3,000 voters.

¹³ In the current CEC, the deputy chairperson and the secretary were also appointed by the President.

¹⁴ The CEC informed the ODIHR LEOM that it had recently replaced three TEC level members; four positions are currently vacant: two in Almaty *Oblast* TEC, one in Pavlodar *Oblast* TEC and one in Almaty City TEC. The legislation does not provide for a reserve list for commissioners.

CEC session via an Internet streaming. The CEC has posted on its website a number of resolutions pertaining, among other things, to registering party lists, national and international observers, absentee voting certificates, mass media and the pre-election debate. The training has been conducted remotely – the CEC organized a number of video training-workshops for TECs, separate training for TEC secretaries, as well as training courses for judges and police. PEC members are trained using the cascade method.

VI. VOTER REGISTRATION

Voter registration is passive and is based on the state database on population. The nationwide electronic voter register is maintained by the CEC and includes eligible voters. The right to vote is extended to citizens who have reached the age of 18 on election day, except those declared incapacitated by a court decision, including based on intellectual or psychosocial disability, and those sentenced by a court irrespective of the gravity of the crime.

Local executive bodies (*akimats*) compile voter lists based on data from the state civil register. The lists are further verified by the TECs and PECs. *Akimats* submit voter lists to respective TECs twice a year, the TECs cross-check the lists with the data from the CEC. In case any discrepancies or duplications are found, they are forwarded to *akimats* for their consideration. As of 1 December, the number of registered voters was 11,919,241.

The voter lists are to be forwarded by *akims* to relevant PECs no later than 20 December and made available at polling stations for public scrutiny from 26 December. Voters may verify their records and request clarifications either in person at polling stations or through a call centre. Eligible voters not included in the voter list who can prove their residence within the precinct, can be added by relevant PEC to the voter list before or on election day.

Voters who intend to vote outside of their place of permanent residence could request a temporary change of registration up to 10 December. Additionally, within 16 days before the election day voters may apply for an Absentee Voting Certificate, which allows them to vote in any polling station across the country. Voters can also vote in special polling stations.¹⁵

VII. CANDIDATE REGISTRATION

Eligible voters aged 25 or older who have resided permanently in the country for at least 10 years before election day are eligible to stand through a party list, so long as they are a member of that party.¹⁶ Independent candidates are not allowed, nor are parties permitted to form blocs.

The 2020 amendments to the Law on Political Parties reduced the minimum number of party members required for party registration from 40,000 to 20,000, with at least 600 members per branch in each *oblast* and the three cities of republican significance. Notwithstanding this reduction, some ODIHR LEOM interlocutors noted burdensome regulations for the registration of political parties.

Candidates are nominated by registered political parties through nationwide party lists. In order to be registered by the CEC, parties that had received less than seven per cent of votes in the previous elections had to pay a monetary deposit of KZT 637,500 (some EUR 1,250) for each candidate on the list.¹⁷ By the legal deadline of 30 November, five parties submitted their lists, comprising a total of 312

¹⁵ 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.

¹⁶ Voters can be disenfranchised and consequently be ineligible to be candidates as a result of a court decision on legal incapacitation or as part of a criminal conviction.

¹⁷ EUR 1 equals some KZT 510 (Kazakhstani *Tenge*).

candidates, including 90 women (28.8 per cent). *Nur Otan* nominated 126 candidates (of whom 37 are women), PPK 113 (33 women), *Ak Zhol* 38 (12 women), *Auyl* 19 (4 women), and *Adal* 16 (4 women).¹⁸ Party lists included 34 incumbents from the outgoing *Majilis*.

For the first time, a quota applies to the nomination of candidates, which requires at least 30 per cent of each list to be composed of women and/or youth.¹⁹ While all lists were judged compliant by the CEC including young candidates in the calculation, and one party, *Ak Zhol*, had more than 30 per cent of female candidates. The quota does not bind the party in its decision to award the mandates. A lottery for the order in which the parties would appear on the ballot was held on 10 December, after the completion of the registration process.²⁰

In a congress held on 27 November, the NSDP decided to boycott the elections citing a lack of liberalization of electoral and political party legislation in the country and the threat to the party posed by the actions of the Democratic Choice of Kazakhstan that had called from abroad for their supporters to vote for the NSDP.²¹

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The campaign officially began on 10 December and is due to end at midnight on the day before election day, with campaign silence on 9 January and election day. So far, *Nur Otan*'s campaign appears more visible, although all of the campaigns are presently low key. There are small numbers of billboards from all of the parties located around the country; posters and distribution of materials are scarce.

The Election Law provides that political parties have equal rights and conditions for participation in the elections. The misuse of state resources, charitable actions and the promising of goods, services, money or economic gains to voters are prohibited. Candidates and political parties are also prohibited from accepting goods or services free of charge. Candidates in state positions are prohibited from using their official position to their advantage in the campaign. Campaigning by state and local government bodies and their officials while on duty is illegal. Violations of campaign rules can lead to the de-registration of an individual candidate or the entire party list.

The 2020 Law on Peaceful Assemblies requires that all outdoor campaign events are subject to prior notification, restricted in their subject matter, timings and locations, and may be denied by district level authorities.²² Due to COVID-19 health regulations, indoor meetings are subject to social distancing and the use of personal protective equipment is required.²³

Some online campaigning has been observed by the ODIHR LEOM, both hosted on online meeting platforms and more generally through social networks. Independence Day on 16 December was marked by several political parties across the country, including through in-person commemorations by, in some cases, hundreds of members, but some non-party activists in Almaty were not permitted by police to peacefully commemorate the events of that day, reportedly due to a lack of prior notification.²⁴

¹⁸ The CEC informed the ODIHR LEOM that the PPK had originally nominated a list of 125 names, but 12 nominees withdrew from the list before the registration.

¹⁹ Youth refers to those who are 29 and younger.

²⁰ The party lists will be ordered as follows: PPK, *Nur Otan*, *Auyl*, *Ak Zhol*, *Adal*.

²¹ See the NSDP official [press release \(in Russian\)](#).

²² Static demonstrations must be notified 5 days in advance and marches 10 days in advance. The local authorities may deny the notification on a wide range of grounds. Demonstrations are limited to a few specified locations. A demonstration may not be announced or publicised until three days (or seven days for marches) after notification.

²³ See Ministry of Health [decree](#) of 10 December (in Russian).

²⁴ While political parties in Almaty and other regions took part in commemorations, in Almaty the ODIHR LEOM witnessed two separate small groups of around 20 activists each from *Oyan Qazaqstan* and the unregistered

There is no public funding of the campaign for parliamentary elections. Parties can fund their campaigns from their own sources in the amount of up to KZT 212.5 million (about EUR 418,000) and from private donations in the amount of up to KZT 425 million, with no caps for individual donations.²⁵ Donations from foreign or anonymous sources as well as from state and religious organizations are forbidden.

Breaches of campaign finance rules provided in the Election Law may lead to de-registration of a candidate or party, and if detected after election day, to elections being declared invalid. There are no criteria in the law for determining what violations may lead to de-registration. The Code of Administrative Offences provides for fines for certain breaches of campaign finance rules.

Dedicated bank accounts for campaign incomes and expenditures were opened by the CEC upon registration of party lists.²⁶ Banks are required to provide weekly reports to the CEC on any income and expenditure.²⁷ In line with its regulation, the CEC published the amounts of funds received by contesting parties as of 11 December on its website. The CEC informed that the information on the amounts spent by the parties would be published by 31 December.²⁸ Contesting parties are required to submit a final report on campaign finance within five days of the finalization the election results.

IX. MEDIA

The rights to freedom of expression and access to information, as guaranteed by the Constitution and international law, continue to be undermined by undue provisions in the Criminal Code and other legislation. On 27 June 2020, defamation was decriminalized; however, instead of becoming a civil matter solely, as required by international standards, defamation is treated as an administrative violation, involving state authorities in the initiation of cases. The law provides for excessive fines and up to 30 days in administrative detention.²⁹

Furthermore, the Criminal Code retains provisions on “insult” and “distribution of deliberately false information”, with insult of public officials, including the president, providing for tougher sanctions.³⁰ International bodies previously noted that the current articles of the Criminal Code on the incitement of hatred and extremism are not in line with Article 20 (2) of the ICCPR and do not provide for legal certainty.³¹ According to the ODIHR LEOM interlocutors representing civil society and media, the above mentioned provisions are widely used to detain citizens, including journalists. No cases of detention of journalists were reported during this campaign.

According to the Ministry of Information and Social Development (MISD), only some 25 per cent of over 4,500 registered media outlets are active. Besides the two state-owned broadcasting corporations, *Qazaqstan RTRK* and *Khabar*, television channels are privately owned, with ultimate ownership often lacking transparency. A limited and shrinking advertising market leaves media outlets dependent on

Democratic Party of Kazakhstan, surrounded by up to 100 uniformed police who prevented them from placing flowers at the Dawn of Independence monument.

²⁵ Any donations exceeding the stated limits must be returned to the donors. Two thirds of funds remaining on the parties’ accounts after the election day are transferred to the state budget, and one third is returned to the donors.

²⁶ Individual candidates standing for elections under party lists are not eligible to form their own election funds.

²⁷ The CEC can request the same information to be provided within 24 hours.

²⁸ According to the CEC, *Nur Otan* has received KZT 610,422,700, *Auyl* 229,297,504, *Ak Zhol* 186,025,000, *Adal* 100,010,000, and the PPK 50,020,000.

²⁹ The fines can amount up to KZT 2,083,500.

³⁰ This amounts to higher protection of public officials. See paragraph 38 of the 2011 UNHRC [General comment No. 34 on Article 19: Freedoms of opinion and expression](#).

³¹ See [the 2020 Report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#), in which the Special Rapporteur “concludes that the broad formulation of the concepts of “extremism”, “inciting social or class hatred” and “religious hatred or enmity” in national law are used to unduly restrict freedoms of religion, expression, assembly and association”.

subsidies. According to some ODIHR LEOM interlocutors, state and many private TV stations receive significant state contracts.³² Some interlocutors stress an increasing space for pluralism of news and opinions online, despite Internet shutdowns and blocking of websites.³³ An attempt in December 2020 to oblige citizens to install a government-issued “root certificate” to all devices enabling access to Internet, was counteracted by international providers, including Apple, Google, Microsoft and Mozilla, by blocking the certificate on their browsers.

The Election Law generally obliges media to “objectively” cover contestants’ campaigns and provides for access to paid airtime and space under equal conditions. The MISD informed that all media outlets, including broadcasters, print and online media, are obliged to provide an equal amount of time and space to contestants. The MISD oversees the implementation of provisions, conducts quantitative monitoring of all media and plans to publish the results after the elections. Guidelines supplementing the Election Law reiterate administrative offences related to campaign coverage, including on false information about candidates and discrediting their “honour and dignity”. On 30 December, *Khabar TV* plans to broadcast a CEC organized 80 minutes-long live debate between the five registered parties.

On 13 December, the ODIHR LEOM started monitoring five TV stations *Khabar TV*, *Qazaqstan TV*, *First Eurasian Channel*, *7Channel* and *KTK*, and five online media outlets *tengrinews.kz*, *informburo.kz*, *vlast.kz*, *azattyq.org* and *kaztag.kz*.

X. NATIONAL MINORITIES

According to official statistics, ethnic Kazakhs constitute 63.1 per cent of the population followed by Russians with 23.7 per cent. Other sizable ethnic communities are Uzbeks, Ukrainians, Uyghurs, Tatars and Germans.³⁴ The Constitution and the Law on Languages provide that while Kazakh is the state language, Russian shall be officially used on an equal basis along with the Kazakh language in state institutions and local self-administrative bodies; other languages shall be promoted. The Election Law provides that ballots shall be printed in the state and Russian languages. The Law on Political Parties prohibits the formation of parties based on national, ethnic or religious origin.

The Election Law does not require data on ethnic origin for the registration of candidates, except for the nine nominees from the APK at the discretion of the candidates. The CEC stated that ethnic Kazakhs accounted for 79.8 per cent of candidates and ethnic Russians for 13.8 per cent. The remaining 6.4 per cent included 10 other ethnicities.³⁵ There are no legal requirements on the disaggregation of data on ethnic origin for election commission members.

XI. COMPLAINTS AND APPEALS

Election-related complaints may be filed by citizens and other stakeholders with the election commissions or courts within 10 days of the alleged violation. 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 election day must be reviewed immediately.³⁶ If a complaint

³² In 2018, the NGO Legal Media Centre lost an appeal to the Supreme Court against the MISD. The Ministry refused to provide information about media organizations that receive government financing.

³³ The MISD, the Prosecutor General and the National Security Committee are entitled to block websites and halt media outlet operations without prior court decision. See paragraph 27 of the 2020 [report](#) of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

³⁴ The last [official census](#) was conducted in 2009.

³⁵ These are ethnic Azerbaijanis, Belarusians, Chuvash, Germans, Koreans, Poles, Tatars, Uyghurs, Ukrainians and Uzbeks. See [CEC press release](#) from 10 December.

³⁶ Denial of candidate registration can be appealed to the Supreme Court, as a last resort, within seven days; the Supreme Court has to decide on such a complaint within seven days. Complaints concerning voter registration should be addressed by the respective commission or court on the same day when they are filed.

is filed to a commission and a court at the same time, the commission suspends reviewing the case.

Appeals against CEC decisions are reviewed by the Supreme Court. Final results announced by the CEC can be appealed to the Constitutional Council, within 10 days of their announcement, but only by the president, prime minister, speakers of both houses or one-fifth of the total number of members of the parliament. The law does not establish clear criteria for invalidation of results. Allegations of electoral offences can be filed with public prosecutors who should consider them within five days. Law enforcement agencies should investigate allegations of electoral violations within three days, or immediately if received within five days before the election day.

The CEC informed the ODIHR LEOM that as of 20 December it has received no complaints, but 73 applications, mostly containing requests for clarifications on the law.³⁷ According to the CEC, while complaints are subject to review in CEC sessions in a collegial manner and within the compressed time-frames, applications are responded to by the CEC staff within the general deadline of 15 to 30 days. To date, the ODIHR LEOM was made aware of 28 appeals lodged with the Supreme Court, some against the CEC resolution affecting citizen observation; all dismissed on technical grounds.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Law provides for citizen and international observation of elections. Political parties are entitled to have observers and proxies, who have similar rights, although only the proxies can request a recount. Citizen observers may be nominated by public associations and non-profit organizations.

Although the law does not provide for formal accreditation procedures with the election administration, on 4 December the CEC adopted a resolution regulating the right to observe to only those non-profit organizations which, in their founding declaration or statute, have a declared objective of “implementation and protection of the political rights and freedoms of citizens”. The decision as to which organization meets the stated criteria is made by the respective election commission. The CEC also regulates observers’ rights to make photos, video and audio recordings during the voting process and prohibits publication and dissemination of recorded material.³⁸

Some civil society organizations, including those who observed previous elections, reported to the ODIHR LEOM that they were targeted by tax authorities in the run-up to these elections. They consider this to be a threat to their ability to plan and conduct election observation.

XIII. ODIHR LEOM ACTIVITIES

The ODIHR LEOM formally opened in Nur-Sultan with a press conference on 8 December. The Head of Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, the Minister of Justice, and other high-level state officials, political party leaders and representatives, media, civil society, and members of the diplomatic and international community. The OSCE Parliamentary Assembly intends to deploy a delegation for election day observation. Kristian Vigenin has been appointed by the OSCE Chairperson-in-Office as Head of the OSCE PA Delegation.

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

³⁷ The law distinguishes applications from complaints where application is defined as any written communication to state institutions by citizens and legal entities. The general deadlines for responding to applications are established by the Law on Applications of Citizens and Legal Entities.

³⁸ The recorded material can be used only as evidence material in civil, administrative and criminal cases and no online video broadcasting from polling stations by observers is allowed.