

**2019 Human Dimension Meeting
(Warsaw, Poland, September 17, 2019)
Statement by Executive Director of the Wings of Liberty Public Fund, a
member of the Coalition of the New Generation of Human Rights Defenders –
Yelena Shvetsova**

Dear Chairman,

Ladies and Gentlemen.

2019 was a year of great challenges for civil society and the country as a whole. Renaming the capital in honor of the first president, constitutional amendments, transfer of power, rallies, detention of activists, blocking the Internet and social networks.

On June 9, Public Foundation “Wings of Liberty”¹ (hereinafter in the text as Foundation) conducted an independent monitoring mission during the early presidential election in the Republic of Kazakhstan.

The founders of our Foundation have extensive experience in conducting independent election observations since 2004.

In 2016, our Foundation did monitoring of the enforcement of the right to vote of people with disabilities during the early Parliamentary elections.² Over the past two years, we have worked on the implementation of our recommendations into the election related legislation of the Republic of Kazakhstan concerning the electoral rights of people with disabilities.

After the official announcement of the early election of the President of the Republic of Kazakhstan, we immediately began our work. First of all, we started the recruitment and training of independent observers as well as mainly trainers of independent observers from various organizations in the capital and regions of Kazakhstan. In addition to the election observation itself, we provide legal advice to citizens from June 8 to 17, 2019.

There are two main components we pay attention to:

1. Fairness and transparency of the election process during the election day;
2. Accessibility of polling stations to people with disabilities.

Our organisation observed 99 polling stations throughout Kazakhstan: 28 in Nur-Sultan, 39 in Almaty, 10 in Pavlodar, 5 in Atyrau, 3 in Shymkent, 3 in Karaganda, 3 in Aktau, 1 in Aksai, 1 in Uralsk, 1 in Karabulak(Almaty region), 1 in Priozersk, 1 in Shakhtinsk, 3 in Embassies of Kazakhstan in Great Britain, Czech Republic, and Russian Federation.

During the election independent observation mission, we faced the problem of extremely low level of training of the precinct election commissions members who worked at the polling stations in all cities in which our observers carried out the independent observation.

¹ translation from original name - Yerkindik Kanaty, Еркіндік Қанаты, Крылья Свободы;

² Parliamentary elections of deputies of the Mazhilis of the Parliament and Maslikhats of the Republic of Kazakhstan, 2016.

We regret to state that in the overwhelming majority of the polling stations from which we were able to obtain information, members of the commission as a whole, and the chairmen in particular, did the following:

- restricted the freedom of movement of independent observers, trying to determine a special zone of movement (5-12 meters from the members of the precinct election commission);
- restricted the access to information of independent observers;
- forbidden to produce video, audio, photo fixation of the violations;
- allowed offensive remarks on the basis of gender, nationality and age, addressed to our independent observers;
- made illegal attempts to remove observers from polling stations independently, or by contacting the internal affairs bodies;
- allowed the implementation of ballot stuffing;
- issued ballots to voters without an identity document (photo of the ID on the phone)
- allowed the inclusion in the voters lists people who have no relation to a particular precinct polling station;
- refused to count votes in violation of legislative norms (did not start counting for more than 6 hours after closure of the polling station);
- refused independent observers in issue of the stamped and signed protocol of the results;
- members of PEC escaped from the polling station with protocols of the results in several polling stations. In particular, a case of the persecution by independent observers from our Foundation, as well as the OSCE observers, when the chairman of the PEC hid with the protocol and ballots was recorded in Pavlodar;
- turned off the electricity at the time of vote counting in Shymkent and Aktau;

The problem which remains open is primarily connected with the novelties in national legislation that regulate the possibility of exercising passive electoral rights by citizens who have temporary registration. For example, in Nur-Sultan, in all the monitored polling stations, precinct commission members allowed citizens to have temporary registration to vote (however at the same time, they committed gross violations allowing to vote people temporarily living in the area not related to the territorial affiliation of the particular polling station).

On the other hand, the practice was of a reverse nature in Almaty, in most of the observed polling stations, citizens having temporary registration were not allowed to vote. At the same time, there was no official explanation from the Central Election Commission of the Republic of Kazakhstan, which basically compounded the complexity of the situation.

During the election day, to our great surprise and disappointment, we could clearly see failure of the authorized state bodies and inaction, which by law and conscience were obliged to follow the transparency and legitimacy of the electoral procedures. Instead, we personally, like many other actors, recorded the factual inaction of the Central Election Commission, territorial, regional, city election commissions, the prosecutor's office, and the police throughout the country. At the same time, the police, unfortunately, played a supporting role in the process of forced removal of independent observers from the territory of the polling station, even during the counting of votes.

Thus, we express serious concern in connection with the past events that took place at the early Presidential election in terms of compliance with national legislation of the Republic of Kazakhstan.

We urge authorized bodies to thoroughly investigate the facts stated by us, as well as the facts of other observation missions. At the same time, in order to prevent a public split, the authorities should give a proper legal assessment of the events that occurred during the election day.

Those responsible members of precinct election commissions who actively violated the Constitutional Law on Elections in the Republic of Kazakhstan have to be subjected to administrative and, if necessary, criminal responsibility.

We urge OSCE members and heads of state to increase attention to the upcoming Parliamentary elections of Kazakhstan, with the involvement of international observation missions and observers from your countries.

The Government of Kazakhstan is encouraged to cooperate with independent organizations and Foundations in terms of training members of election commissions. Do not put pressure on the observers!

Amend the law on elections, namely, articles on the nomination of candidates for deputies of the Mazhilis of the Parliament and candidates for President on party lists.

When every citizen of Kazakhstan could fulfill the right to participate in the management of state affairs, the right to elect and be elected to state bodies and local self-government bodies, provided for by article 25 of the International Covenant on Civil and Political Human Rights, is enshrined in article 33 of the Constitution of the Republic of Kazakhstan.