

INTERIM REPORT
18 October – 2 November 2022

4 November 2022

I. EXECUTIVE SUMMARY

- On 21 September, President Kassym-Jomart Tokayev called for an early presidential election to be held on 20 November. The president is directly elected by an absolute majority of votes cast from a single nationwide constituency. The election takes place amid constitutional and related legislative reforms, as well as discussions on the country's economic and political transformation, and the associated restructuring of public administration.
- In 2022, the Constitution underwent two rounds of amendments, one via a nationwide referendum and one passed by the parliament. While the electoral legal framework has been frequently revised since 2019, most amendments to the Election Law relate mainly to parliamentary and local elections. The most recent constitutional changes, including with respect to the presidential term limits, are yet to be reflected in the Election Law. The two-term limit has been replaced with one term and the term of office has increased from five to seven years. Several ODIHR EOM interlocutors regretted lack of public discussion regarding the latest amendments but welcomed some of the constitutional changes. However, many ODIHR recommendations remain unaddressed, including those related to fundamental freedoms, and candidate eligibility and registration requirements.
- The election is administered by the Central Election Commission (CEC), 239 Territorial Election Commissions (TECs) and 10,101 Precinct Election Commissions (PECs). Two of seven CEC members and some 67.7 per cent of lower-level commission members are women. The CEC holds regular sessions attended by observers, media representatives, and party proxies with live streaming. Training on election day procedures is ongoing. Voter information videos are being aired on media outlets.
- As of 1 July, the CEC reported some 11.9 million registered voters. The local executive bodies compile the voter lists based on the state civil registry. Voters are included in the lists based on the permanent place of residence and can also apply for a temporary change of registration. Voter lists are made public, and voters can verify their records from 5 November. Voters can be added to lists on election day, given they prove their residence in the precinct.
- To be eligible to stand, candidates must comply with a range of requirements, including higher education, official residency in the country for the last 15 years, fluency in the Kazakh language and at least 5 years of experience in the civil service or elected governmental office. Candidates must be nominated by political parties or republican public associations; individual candidacies are not permitted. Some ODIHR EOM interlocutors considered the eligibility requirements as overly restrictive. Out of 12 nominees, the CEC registered 6 candidates, including 2 women. Four nominees did not meet the eligibility requirements and two prospective candidates failed to collect the required number of signatures.
- With the start of the campaign on 21 October, candidates commenced to hold regional meetings, with the incumbent being the most active. Nevertheless, the campaign has, thus far,

remained low-key and generated only limited public debate. To hold certain outdoor campaign events, five days ‘notification’ procedure is required. Misuse of administrative resources as well as campaigning by state and local government bodies and their officials while on duty is prohibited. Candidates’ campaign messages include references to a stable and sovereign Kazakhstan, and a variety of socio-economic issues. The topics discussed on social networks are more diverse.

- The Election Law provides for public and private funding of election campaigns. In compliance with the legislation, candidates opened dedicated bank accounts within a day of their registration. Interim information on candidates’ campaign funds was published on 2 November. Final campaign finance reports are to be submitted to the CEC five days after the announcement of the election results. The electoral legislation does not contain specific provisions on audit, cross-checking or verification of these reports.
- The Constitution guarantees freedom of expression and media, and prohibits censorship. Nevertheless, a number of ODIHR EOM interlocutors raised concerns that the effective exercise of these rights is undermined in practice by provisions in the primary legislation. ‘Insult’ remains criminalised and president and public officials enjoy special protection of ‘honour and dignity’; websites can be blocked or shut down without prior judicial oversight. All media outlets are obliged to provide candidates with equal access and ensure objective coverage during the campaign. The regulatory and oversight body, the Ministry of Information and Social Development, conducts media monitoring. On 21 October, the ODIHR EOM started the monitoring of six TV stations and six online media outlets.
- Electoral stakeholders may file complaints with election commissions or courts. Thus far, the CEC has received 106 applications and requests for information. The Supreme Court considered a number of cases, mostly related to candidate nomination and registration, and upheld all CEC decisions. Only a limited numbers of subjects, including the president, have legal standing to challenge the results of the presidential election before Constitutional Council.
- The Election Law provides for citizen and international observers. Public associations or non-profit organizations may nominate citizen observers. The law does not offer a formal accreditation procedure for the citizen observers. Some citizen observer groups informed the ODIHR EOM that they are in the process of recruiting their observers.

II. INTRODUCTION

Following an invitation from the authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 18 October.¹ The ODIHR EOM, headed by Ambassador Urszula Gacek, consists of an 11-member core team based in Astana and 30 long-term observers deployed on 26 October across Kazakhstan. Mission members are drawn from 24 OSCE participating States and 44 per cent of mission members are women. ODIHR has requested participating States to second 300 short-term observers to observe election-day proceedings.

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

III. BACKGROUND AND POLITICAL CONTEXT

On 21 September, President Kassym-Jomart Tokayev called for an early presidential election to be held on 20 November.² President Tokayev has been holding office since 2019, when he was elected following the retirement of Nursultan Nazarbayev.³ The early presidential election takes place against the backdrop of constitutional and related legislative reforms, announced by the President since his coming to power, as well as discussions on the country's economic and political transformation, and the associated restructuring of the public administration.⁴

The announcement of the early presidential election follows a constitutional referendum held on 5 June and political turmoil and violence of the 'January events' earlier in the year. The referendum had, according to the President, the stated aim to rebalance the division of state powers and to create "a new state model, a new format of interaction between the state and the society". In early January 2022, demonstrations, initially caused by rising fuel prices, turned into nationwide demands for significant economic and political reforms.⁵ In the aftermath of the deadly unrest, leading political and security officials, including the Prime Minister and half of his cabinet as well as the first president who had served as head of the National Security Council, were removed from their positions. Several ODIHR EOM interlocutors and international bodies called for independent and fair investigation of the events.⁶ On 27 October, the Senate adopted the Law on Amnesty for those involved in January demonstrations; the law also refers to the actions of law-enforcement officials.⁷

In the speech on 1 September, while announcing the early elections, the President proclaimed that the successful implementation of radical and comprehensive reforms aimed at building 'Fair Kazakhstan' requires a new mandate of trust of the people.⁸ On the other hand, several ODIHR EOM interlocutors questioned the public benefit of holding an early presidential election and opined the election was called by the incumbent to enhance his legitimacy.⁹ On 5 September, the Coalition of Democratic Forces, uniting opposition politicians and civil activists, called against

² The holding of early presidential and parliamentary elections in fall 2022 and first half of 2023, respectively, was initially announced by the president during the state of the nation address on 1 September.

³ In 2019 early presidential election, President Tokayev received 70.96 per cent of the votes.

⁴ See among others the state of the nation addresses of President Tokayev on [16 March](#) and [1 September](#) 2022. On 26 April, in line with the announced reforms, President Tokayev renounced his chairmanship position in the ruling *Amanat* party. The president still retains vast executive powers and issues binding decrees, determines domestic and foreign policy, and appoints ministers and all regional *akims* (governors).

⁵ The official [reports](#) referred to 238 deaths, including of 19 law enforcement officers. According to official sources, several hundred criminal cases have been initiated, including 45 cases of terrorism. The prosecutor's offices received [91 complaints of torture and other violations](#) during the police interrogations and started an investigation into some of the [cases](#). Out of 1,112 convicted persons, 128 were deprived of their liberty.

⁶ See for instance the [European Parliament Resolution on the Situation in Kazakhstan](#) and the [UN Commissioner for Human Rights appeal](#).

⁷ The bill, published on the Senate website, lists the articles of the Criminal Code that are subjects to amnesty, including *inter alia*, murder committed in excess of the limits of necessary defense, and murder committed in excess of measures, necessary for the arrest of the person who committed the crime, causing death by negligence. The law also provides for an exhaustive list of crimes not covered by the amnesty.

⁸ See President's [speech on 1 September](#).

⁹ In particular with respect to challenges caused by elite power struggles, domestic socio-economic situation as well as ongoing regional geopolitical risks.

holding of early presidential election.¹⁰ The upcoming election is the sixth consecutive direct national election to take place early.

Women are under-represented in political and public life. They currently hold 28 out of 107 seats in the *Majilis* (26 per cent). None out of 20 posts of *akims* and 2 out of 22 ministerial positions. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has previously expressed concern about the low representation of women in decision-making positions and discriminatory gender stereotypes hindering the participation of women in political and public life.¹¹

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for the presidential election comprises the Constitution (last amended on 17 September 2022, in anticipation of this election), the Constitutional Law on Elections (Election Law, last amended on 2 February 2022), and relevant provisions of other laws, including Law on Mass Media, Law on Peaceful Assemblies, and the Administrative Procedural Code. The Central Election Commissions (CEC) has regulatory authority within its powers given by the legislation. Kazakhstan is a party to major international and regional instruments related to holding democratic elections.¹²

In 2022, the Constitution underwent two rounds of amendments through a referendum and a vote in the parliament held on 5 June and 16 September, respectively.¹³ The president is directly elected by an absolute majority (50 per cent plus one vote) of all votes cast from a single nationwide constituency. 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. In the second round, the candidate who receives the higher number of votes is elected. As a result of the September 2022 constitutional amendments, the term of office has been increased from five to seven years, and the two-term limit has been replaced with one term.¹⁴ While both cycles of recent constitutional amendments required changes in the subsequent legislation,

¹⁰ The coalition among others [opposed](#) the holding of the early election before the reforms, including the amendments to the Election Law, are accomplished. The political activist Alnur Ilyashev challenged the registration of Mr. Tokayev arguing that by calling for early election Tokayev abused his powers as a President. The complaint was denied (see *Complaints and Appeals*).

¹¹ See CEDAW 2019 Concluding observations on the fifth periodic report of Kazakhstan, Paragraphs 24, 29-30.

¹² 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, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities (CRPD), and 2002 CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms. Kazakhstan is also a member of the Council of Europe's Commission for Democracy through the Law (Venice Commission) and the Group of States against Corruption (GRECO).

¹³ The June 2022 amendments included *inter alia* a shift from a fully proportional party list electoral system to a mixed electoral system for the lower house of parliament (*Majilis*), provisions to require the president (and some other senior officials) to resign from their political party during their term of office, reduced from 15 to 10 the number of senators appointed by the president, and removed the presidency's powers to repeal acts of regional governors. The September 2022 amendments affected the electoral system for the presidential election.

¹⁴ On 13 September, the Constitutional Council confirmed constitutionality of the change of presidential term limits.

they are not yet reflected in the Election Law.¹⁵ Several ODIHR EOM interlocutors regretted that the latest changes related to the electoral system were not publicly discussed and only became known after 1 September, when the President announced his intention to hold early presidential election.

The Election Law was amended twice since the last presidential election; with a few exceptions, these amendments relate to parliamentary and local elections.¹⁶ Draft amendments to the Election Law, as well as other constitutional laws, are currently pending consideration in the Senate.¹⁷ The CEC informed the ODIHR EOM that should the electoral amendments be adopted during this electoral campaign, most provisions would enter into force only after this election.

The Constitution and subsequent provisions of the Election law give substantial powers to the head of state in important stages of the electoral process. In particular, the Constitution grants an unconditional prerogative to the president to call for early elections. The incumbent President, even if she or he stands as a candidate, is one of the limited numbers of subjects with legal standing to challenge the results of the presidential election before the Constitutional Council.¹⁸

Despite the recent constitutional and legislative changes, many ODIHR recommendations remain unaddressed, including among others those related to the fundamental freedoms of assembly,¹⁹ association,²⁰ and expression,²¹ candidacy requirements for presidential election, and media.

V. ELECTION ADMINISTRATION

A three-level permanent structure of election commissions administers the presidential election: the Central Election Commission (CEC), 239 Territorial Election Commissions (TECs) and 10,101 Precinct Election Commissions (PECs).²² The CEC and TECs are permanent bodies composed of

¹⁵ In particular, the Election Law still stipulates that the president is elected for a five-year term with a two-term limit.

¹⁶ For example, the legal threshold for entering parliament was reduced from seven per cent to five per cent, and the quota for underrepresented groups such as women, youth and persons with disabilities is now applied to mandates awarded rather than only to candidates on party lists. The 2021 amendments, introduced an option ‘against all’ on ballots for all types of elections.

¹⁷ This includes the Law on Government, the Constitutional Law on Judiciary and the Status of Judges, and the Law on the Constitutional Court. The draft amendments to the Election Law was published for public discussion in July 2022.

¹⁸ At the same time, other candidates and their nominating organizations do not have the legal standing to lodge such appeals (see *Complaints and Appeals*).

¹⁹ The Law on Peaceful Assemblies reserves a right of executive bodies to permit or refuse an event after receiving ‘notification’ on a wide list on grounds, or offer another place/time for holding public event.

²⁰ ODIHR EOM was made aware of documented instances of multiple refusals to register national public associations and political parties. Several ODIHR EOM interlocutors stated that the procedures for registering political parties and public associations are cumbersome and formalistic, giving the authorities broad discretionary powers.

²¹ International organizations have repeatedly expressed concerns that fundamental freedoms, although protected in the Constitution, are constrained by primary legislation. See, for example, the [2016 UN Human Rights Committee \(CCPR\) Concluding observations](#) on the second periodic report of Kazakhstan. See also [the Statement by the Special Rapporteur on the rights to freedom of assembly and of association in Kazakhstan](#).

²² There are 17 regional (*Oblast*) TECs, one TEC for each of the cities of republican significance Astana, Almaty and Shymkent of the highest hierarchy, and 166 district (*rayon* TECs) and 37 city TECs. PECs comprise 9,556 regular PECs, 477 PECs for special need voting, and 68 PECs established in 50 embassies and consulates for out-of-country voting. In total, some 70,946 electoral commissioners are involved in the electoral process.

seven members, of whom only two members work on a permanent basis, appointed for a five-year term. The president appoints the CEC chairperson and two members, while the Senate and the *Majilis* each appoint two members. The CEC Chairperson was appointed in January 2022.²³ Two of the CEC commissioners, and a two-thirds of the members of lower-level commissions are women.²⁴

PEC membership varies depending on the number of registered voters assigned to the respective polling station, between 5 and 11 members. The members of the lower-commissions were elected by local councils (*Maslikhats*) based on nominations from registered political parties, with a maximum of one per election commission in 2019. In case of an insufficient number of proposals, applications from non-profit and public associations are considered and, if still insufficient, from higher-level commissions. *Maslikhats* may accept or reject individual nominations of any of the nominating bodies through a vote. Nominated individuals do not have to be members of the proposing organization.

To date, the election administration has complied with all legal deadlines, and technical preparations are ongoing. The CEC published the election calendar on 22 September, the day after the calling of the election. The CEC has been holding regular live-streamed sessions attended by observers, media representatives, and party proxies; each session is followed by a press briefing. CEC resolutions are published on its website in a timely manner.²⁵ To date, CEC members adopted resolutions unanimously with no discussion in the public sessions. The CEC has so far been open and forthcoming with information for the ODIHR EOM.

A nationwide training programme for new commission members on election day procedures is ongoing.²⁶ The CEC informed the ODIHR EOM that its members have so far conducted over 70 regional field visits in co-ordination with respective TECs. Since the launching of the campaign on 21 October, the first series of voter information videos, informing voters of the date of the election and encouraging participation, have been aired on various media outlets. Additionally, messages, mostly on the CEC *Telegram* channel, on the voter registration procedures have been disseminated since 24 October.

The CEC has put in place several measures and established a monitoring mechanism to ensure participation of persons with disabilities in the electoral process, including unimpeded access to polling stations for voters with physical impairment and provision of *Braille* sleeves for visually impaired voters. Live-streamed CEC meetings and voter information videos are provided with sign language interpretation.

²³ Three CEC members were reappointed for a second term in 2021.

²⁴ According to the CEC, 67.7 per cent of lower-member commissioners are women; and 9.3 per cent are below the age of 30.

²⁵ The CEC uses its *Telegram* social media channel to inform stakeholders before the sessions. So far, the main resolutions detailed the establishment of the lower-level commissions, the process related to candidate registration and the accreditation of international observers.

²⁶ The training was completed on 1 November for the TEC members and will continue until 18 November for the PEC members. On 24 October, the CEC disseminated the electronic versions of the TEC and PEC training manuals.

VI. VOTER REGISTRATION

Citizens over 18 years have the right to vote, except for those declared incompetent by a court decision on the basis of intellectual or psychosocial disability, and those serving a prison sentence, irrespective of the gravity of the crime.

Voter registration is passive and based on permanent residency. Voter lists are compiled by the local executive bodies (*Akimats*) from state civil registry data. The *Akimats* submit the updated voter lists to respective TECs twice a year, and the TECs review the lists against the data maintained by the CEC. As of 1 July, the CEC reported 11,827,273 registered voters.²⁷

Up to 30 days before election day, voters who wish to vote outside of their place of permanent residence can request to be included in the related list.²⁸ Additionally, within 15 days of election day, voters may apply for an Absentee Voting Certificate (AVC), which allows them to vote in any polling station outside their permanent registered location. Special needs registration and homebound voting provisions are also in place.²⁹ 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.

From 5 November, voter lists shall be displayed for public scrutiny offering opportunities for voters to appeal. Voters may verify their records and request clarifications either in person at polling stations or through a call centre. The list of polling stations shall be published on 7 November.

VII. CANDIDATE REGISTRATION

Prospective candidates must meet all voter eligibility requirements, be citizens by birth, at least 40 years old, with a higher education, officially resident in the country for the last 15 years and be fluent in the Kazakh language.³⁰ The Election Law prohibits persons with an unexpunged criminal record and those convicted by a court for corruption offences from running as candidates. An additional requirement obliges candidates to have at least five years of experience in the civil service or elected governmental office and to pass a medical examination.³¹ Some ODIHR EOM interlocutors considered the eligibility requirements to be overly restrictive, effectively offering the possibility to stand only to a very limited segment of the population.

Individual candidates are not allowed to stand. Candidates can be nominated by political parties or registered national public associations with registered offices in more than half of the regions. The CEC verifies candidates' eligibility requirements, and confirms the final registration. Twelve

²⁷ Including an estimated number of 12,000 registered voters abroad.

²⁸ With the provision to be removed from the voter list at their place of residence.

²⁹ Special polling stations are set up in rest homes, hospitals, or other medical centres, remote places, pre-trial detention centres, consular offices and state agencies abroad, military units and ships at sea. Homebound voting is possible based on a written application to be submitted to the designated PEC 15 days prior election day, due to a health condition, responsibility of looking after a sick family member, or being in a remote and hard-to-reach location.

³⁰ In line with a 2005 CEC resolution, the language test nominees were obliged to take, consisted of writing an essay, reading a text with appropriate diction, and public speaking for 15 minutes. The CEC established the Linguistic Commission on 7 October.

³¹ The 13 April 2019 joint resolution of the CEC and the Ministry of Health Care established a list of 107 mental conditions that prevent candidate registration.

nominees submitted candidacy applications to the CEC within the legal deadline.³² Six, including two women, fulfilled all eligibility requirements and collected the required number of signatures.³³ Following the payment of an election deposit³⁴ of some EUR 6,500 (KZT 3 million)³⁵ and the submission of their individual and spouse's tax declarations, they were registered by the CEC as candidates.³⁶

Four nominees did not meet the eligibility requirements, and their applications were refused. The CEC denied the nomination of a prospective candidate, Nurszhan Altayev, following the decision of an Astana district court deeming the nomination protocol invalid (see *Complaints and Appeals*). Two prospective candidates who fulfilled all eligibility requirements did not collect the required number of signatures.

The collected signatures within each territorial unit were checked by the Committee of Migration Service of the Ministry of Internal Affairs for authenticity within a five days period. The authentication protocols were then submitted by TECs to the CEC. Several ODIHR EOM interlocutors opined that the signature collection and verification process lacked transparency.

VIII. CAMPAIGN ENVIRONMENT

The campaign began on 21 October, once candidate registration was finalised, and will end at midnight on 19 November. Outdoor campaign events are regulated by the Law on Peaceful Assemblies, and the law does not distinguish between assemblies held during the election campaign period and those outside of it.³⁷ To hold certain outdoor campaign-related assemblies, candidates should notify local authorities five days before the planned activity.³⁸ The Law on Peaceful Assemblies reserves a right of executive bodies to permit or refuse an event after receiving 'notification' on a wide list on grounds, or offer another place/time for holding public event. The legislation provides for specially designated places for outdoor campaign events.

Election campaign materials may include posters, leaflets, photos, and audio-visual materials. It is forbidden to post campaign materials on buildings and structures of historical, cultural or architectural value or in polling stations. By law, state and local administration bodies should make their premises, equipment, and other assets available for election campaigns and provide equal conditions for their use to all campaigners. The misuse of administrative resources, charitable actions and the promising of goods, services, money or economic gains to voters are prohibited. Candidates in state positions are prohibited from using their official position to their advantage in

³² According to the CEC, 35 individuals requested clarification of the procedure for nomination.

³³ The minimum number of required signatures is 1 per cent of the total number of voters (118,273 signatures), equally representing at least two-thirds of 20 regions/cities (*oblasts*).

³⁴ The deposit will be returned to candidates who obtain no less than 5 per cent of votes.

³⁵ The deposit is based on 50-times minimum wage (60,000 KZT) and it is returned to those candidates who obtained at least five per cent of the votes. EUR 1 is equal to some KZT 465 (Kazakhstani Tenge).

³⁶ The registered candidates are Karakat Abden, nominated by the National Alliance of Professional Social Workers public association, Nurlan Auesbayev, nominated by the National Social Democratic Party, Zhiguli Dayrabayev nominated by the *Ayul* party, Meyram Kazhyken from Federation of Trade Unions *Amanat*, Kassym-Jomart Tokayev, nominated jointly by the three parliamentary parties the *Amanat* party, *Ak Zhol* party and Peoples Party as well as several public associations, and Saltanat Tursynbekova, nominated by *Kazakh Analary – Dasturje Zhol* public association.

³⁷ The Law on Peaceful Assemblies does not regulate indoor campaign events.

³⁸ While peaceful assemblies in the form of picketing, gatherings and rallies require notification, permission is still required for peaceful assemblies in the form of demonstrations and processions.

the campaign. Campaigning by state and local government bodies and their officials while on duty is illegal.

Despite the fact that candidates started to hold meetings around the country, with the incumbent being the most active, the campaign thus far, is low-key and has generated little interest and debate. In general, contestants' campaign messages include references to a stable and sovereign Kazakhstan and a variety of socio-economic issues, including youth and human capital, women's rights, and support for agriculture, housing, and infrastructure. Thus far, the contestants the ODIHR EOM met with have not presented distinct programmes challenging the incumbent and sometimes even supported his policies. Mr. Tokayev has held working visits to regions in his capacity as the president before the start of the official campaign.³⁹

ODIHR EOM observed some campaigning by candidates on Instagram, Facebook and YouTube platforms. Online posts by influencers and political figures include a wider range of topics and focus among others on the use Kazakh language, corruption, inflation and poverty, as well as current geopolitical developments in the region.

IX. CAMPAIGN FINANCE

The Election Law provides for public and private funding of election campaigns. Presidential candidates are entitled to public funding to cover expenses for media, printed materials and holding rallies. These funds are not provided to candidates directly. Instead, public funds are channelled to the accounts opened by the Astana *Akimat* and administered by the Astana TEC. Candidates apply for funding by submitting the contracts with the service providers and invoices. Each candidate is entitled to some KZT 9 million for television and radio appearances; KZT 800,000 for public events and printed materials; and KZT 500,000 for transportation.⁴⁰

Private funds may consist of the candidates' own funds, contributions from the political parties or associations that nominated them, and donations from individuals and legal entities.⁴¹ While the law sets limits for the campaign funds of the candidates and their expenditures, there are no limits for individual contributions. Contributions from state-funded organizations, charities, religious communities, and foreign, in-kind and anonymous sources are prohibited. Candidates opened dedicated accounts in a bank chosen by the CEC within a day of their registration. The bank is obliged to report to the CEC weekly on all contributions and expenditures. The candidates the ODIHR EOM met with thus far were reluctant to discuss the sources of their contributions and venues of expenditures.

Interim information on candidates' campaign funds was published on CEC website on 2 November. Five days after the election results are announced, candidates are obliged to submit a report on their campaign finances to the CEC, which publishes them on its website. Although the CEC is one of the state bodies responsible for the financial control, the electoral legislation does not contain specific provisions on audit, cross-checking or verification of the reports.

³⁹ Between 27 September and 20 October, the President visited Abay, Almaty, Jetisu, Pavlodar, Qaraghandy, Shymkent and Turkistan.

⁴⁰ The CEC determines the amount and purposes of public funds allocated to candidates for campaign purposes for each election.

⁴¹ Parliamentary political parties are entitled to annual public funding proportionally to the number of votes received as a result of the last parliamentary elections.

The Administrative Offences Code defines sanctions for breaches of campaign finance rules. Additionally, the Election Law provides for deregistration of candidates for violations related to the use of electoral funds, and the invalidation of election results if violations are disclosed after the vote. The law does not set any criteria for application of these sanctions which, according to the CEC, have previously not been implemented in practice.

X. MEDIA

There is a large number of media outlets, nevertheless, the legislation does not require to disclose media ownership and several ODIHR EOM interlocutors raised concerns about the lack of transparency of media ownership and the allocation of state funds. While TV is still a significant source of political information, the popularity of online media and social networks is on the rise.

The Constitution guarantees freedom of expression and media, and prohibits censorship. Nevertheless, despite the decriminalisation of ‘slander’ in June 2020, ‘insult’ remains a criminal offence, and special protection of the ‘honour and dignity’ of the president and public officials is still granted. In addition, websites and social network accounts are considered as media outlets, making private social media account users liable for their social media posts.⁴² Some ODIHR EOM interlocutors raised concerns regarding a climate of vilification of critical voices and incidents of threats and attacks against journalists.⁴³

The regulation and oversight of the media, including online content, is vested with the Ministry of Information and Social Development (MISD). The MISD and the National Security Committee are permitted by current legislation to block websites and halt media outlet operations, without prior judicial oversight. The Election Law regulates the media coverage of the election campaign, which obliges media to provide objective coverage of the campaign of candidates. The MISD is conducting media monitoring and overseeing if the media are respecting the legal framework. The media outlets provide, on a contractual basis, airtime and print space to registered candidates.⁴⁴ Furthermore, equal allocation of funds for candidates’ campaign appearances in media is provided by the state.⁴⁵ The CEC is overseeing the provision of air time and print space allocation on the basis of schedules provided by the media outlets. The CEC is also in charge of organising debates; the televised election debate of all candidates is scheduled for 11 November on *Khabar TV*.⁴⁶

⁴² On 26 September, the general prosecutor’s office [warned](#) users of social networks against spreading false information, and reminded them of the potential use of Articles 174, 194 and 274 of the Criminal Code. Article 174 prohibits inciting social, national, tribal, racial, class or religious hatred; Article 194 regulates extortion; and Article 274, dissemination of knowingly false information.

⁴³ According to the NGO Adil Soz, Elmedia.kz, KazTAG and Orda.kz websites were subject to a series of distributed denial-of service (DDoS) attacks in September and October 2022. Media reported that Elmedia’s offices were [attacked two times](#) while the Orda.kz editor-in-chief received a threatening [letter](#) at the beginning of October. On 12 October, journalist Duman Mukhametkarim [was arrested](#) on charges of violating the procedure for organising and holding of peaceful assemblies. A number of ODIHR EOM interlocutors reported being subject of smear campaigns both on social networks and online portals. For example, the web portal [qazpolit.org](#) lists ‘profiles’ of various independent journalists, media outlets, international organizations and activists.

⁴⁴ For this campaign, [320 media outlets](#) notified the CEC about their intention to provide airtime and print space to registered candidates.

⁴⁵ Fifteen minutes on television, ten minutes on radio and two articles in case of print or online web portals.

⁴⁶ According to the CEC, the choice of the TV channel for broadcasting the debate was made on the recommendation of the MISD based on technical conditions, coverage and rating.

On 21 October, the ODIHR EOM started monitoring six TV stations: *Khabar TV*, *Qazaqstan TV*, *First Eurasian Channel*, *7Channel*, *31Channel* and *KTK*, and six online media outlets: *tengrinews.kz*, *zakon.kz*, *orda.kz*, *vlast.kz*, *azattyq.org* and *kaztag.kz*.

XI. COMPLAINTS AND APPEALS

Electoral stakeholders may file complaints with election commissions or courts within 10 days of the alleged violation.⁴⁷ Election commissions have five days to consider complaints and three days to review appeals against decisions of lower-level commissions.⁴⁸ Complaints and appeals against the decisions, actions or omissions of the CEC are channeled to the Supreme Court.

The 2020 Administrative Procedural Code introduced significant changes concerning the dispute resolution mechanism. Disputes related to public administration, including election-related cases, were transferred from civil courts to specialized administrative courts.⁴⁹

Thus far, the CEC has received 106 applications and requests for information; most of them were answered by the CEC secretariat through an electronic system without public discussion.⁵⁰ The one complaint considered by the CEC and further followed by a decision of the civil court,⁵¹ led to rejection of candidate Nurzhan Altayev. Before the final decision of the court, as a provisional measure, the registration process of this candidate was ‘suspended’ by the CEC, preventing the candidate from collecting signatures.⁵²

The Supreme Court considered two cases and in both cases upheld CEC decisions. One complaint was related to candidate nomination. Another complaint and a subsequent appeal challenging the registration of President Tokayev as a candidate were dismissed, with the reasoning that only candidates and their nominating associations have legal standing in the cases of their own registration.⁵³ The remaining cases related to the unconstitutionality of eligibility requirements for candidates, including lack of possibility for self-nomination, were dismissed due to the lack of

⁴⁷ In case a complaint is submitted to both an election commission and a court, court proceedings take precedence.

⁴⁸ Complaints and appeals related to candidate registration must be filed within 10 days of the CEC decision to the Supreme Court, which has 10 days to issue a final decision. Election commissions should resolve complaints related to inclusion in voter lists on the same day, and their decisions are subject to further expedited judicial review. Complaints filed within five days before or on election day must be reviewed immediately.

⁴⁹ The 2020 Administrative Procedural Code entered into force on 1 July 2021 and was applicable for resolution of referendum-related complaints.

⁵⁰ The CEC decisions and answers are not published. According to the information provided by the CEC upon ODIHR EOM request, over 60 applications regarded requests for clarification of electoral legislation, including candidate nomination and registration rules. The CEC included in this number eight applications for candidate registration from non-eligible candidates. Further, there were 16 requests for information submitted by the media on provision of airtime and other campaign-related issues and 5 requests related to changes of voters’ addresses.

⁵¹ This dispute on the opposition’s candidate nomination was submitted to the civil court, and not administrative court.

⁵² Suspension is not provided for by the law and, in practical terms, meant that sheets for collection of signatures were not issued to the candidate. The CEC stated during the court hearings that the CEC exercised its discretion in this case.

⁵³ In this case, only Mr. Tokayev and associations that nominated him had the right to challenge his registration. The applicant alleged that the call for early election issued by the president constituted an abuse of state position by the incumbent President.

court's jurisdiction over constitutional complaints.⁵⁴ Allegations of electoral offences can be filed with public prosecutors or courts, who should consider them within five days.

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

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Law provides for citizen and international election observation. Public associations or non-profit organizations may nominate citizen observers. The law does not offer a formal accreditation procedure for citizen observers with the election administration. Citizen observers are authorised to observe the voting and counting in polling stations upon presentation of their ID card and proving their organization membership.⁵⁵ Candidates and registered political parties are also entitled to deploy their agents (proxies) and observers. Some citizen observer groups informed the ODIHR EOM that they are in the process of recruiting their observers. The CEC has in place a formal accreditation procedure for international observers.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Astana with a press conference on 19 October. The Head of Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, and other high-level state officials, political party leaders and representatives, media, civil society, and members of the diplomatic and international community.

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

⁵⁴ In line with the June constitutional amendments, the Constitutional Court will only be in place from 1 January 2023.

⁵⁵ Citizen observers are required to have a letter from their nominating organization.