



REPORT

concerning

**the observation mission to the presidential elections in
Kazakhstan
2-5 December 2005**

**Report of the Chairman of the ad-hoc delegation for election observation mission
in Kazakhstan, Mr Struan STEVENSON**

Introduction

Kazakhstan, according to its 1995 constitution, is a presidential republic in which the head of state is elected by popular vote for a maximum of two seven year consecutive terms. There is also a bicameral parliament which is largely subordinate to the President. In 1991, prior to the adoption of the constitution, Mr Nursultan Nazarbayev, previous first Secretary of the Communist Party, was elected President by the Supreme Soviet of Kazakhstan. In April 1995 his term was extended until 2000 by a national referendum. In January 1999 President Nazarbayev won a seven-year term as head of state. There was some debate among the country's political actors over whether the election should take place in December 2005 or December 2006. The matter was referred to the Constitutional Court which ruled that the election should take place on 4 December 2005 and this was confirmed on 7 September 2005 by the Majilis, or lower Chamber of the Parliament.

President Nazarbayev, heading the Otan (Fatherland) party, was one of five candidates that were registered by the Central Election Commission (CEC) for the elections. The other candidates were Zharmakhan Tuyakbai ("For a Just Kazakhstan" Movement), Mels Yeleussizov (Independent), Yerassyl Abylkasymov (Communist People's Party of Kazakhstan), and Alikhan Baimenov (Ak Zhol (White Path) Party). A candidate is elected if he or she receives at least 50% of the votes cast. If no candidate attains this figure, a second round between the two candidates with the most votes is held within a period of two months.

Kazakhstan is a key partner of the EU with rapidly expanding bilateral trade. Between 2003 and 2004 it grew by 54% and the EU is now Kazakhstan's biggest trading partner. The principal source of Kazakhstan's economic development is the energy sector with rich oil and gas reserves. As a result of the rapid exploitation of these resources and soaring oil and gas prices in recent years the Kazakh economy is in a state of rapid growth and GDP per capita is several times higher than in most of the other countries of the region.

The Partnership and Cooperation Agreement between the EU and Kazakhstan entered into force on 1 July 1999 and provides a framework of widening and strengthening the relations between the two sides. There have been five meetings of the EU-Kazakhstan Parliamentary Cooperation Committee. At the last meeting on 16 May 2005 the conclusions jointly adopted urged the Kazakh authorities to implement OSCE recommendations in preparation for the Presidential elections. In the past the

European Parliament has expressed concern over the state of democracy and human rights in the country. However there is also recognition of the economic and geostrategic importance of Kazakhstan and a strong desire exists in many quarters that it should not be pushed away from the EU into the embrace of Russia and China.

On 26 October 2005 the Conference of Presidents of the European Parliament authorised the sending to Kazakhstan of a delegation to observe the elections. This was to be appointed by the political groups under the rolling D'Hondt system. Seven members were subsequently appointed: Bernadette BOURZAI (PES, France); Elisabeth JEGGLE (EPP-ED, Germany); Ona JUKNEVICIENE (ALDE, Lithuania); Luca ROMAGNOLI (NI, Italy); György SCHÖPFLIN (EPP-ED, Hungary); Struan STEVENSON (EPP-ED, United Kingdom); Janusz WOJCIECHOWSKI (EPP-ED, Poland).

On 16 November 2005 a constituent meeting of the ad hoc delegation was held at which Mr STEVENSON was elected chair in a secret ballot. Subsequently Mrs JUKNEVICIENE, who is chair of the standing European Parliament delegation for Central Asia, was appointed as Vice Chair. It was agreed that two members, Mr STEVENSON and Mr WOJCIECHOWSKI, would travel to Astana for the Election Day while the remainder would stay in Almaty. A further meeting of the ad hoc delegation took place on 30 November 2005.

The European Parliament delegation formed part of the joint International Election Observation Mission (IEOM), that comprised the OSCE Parliamentary Assembly chaired by Bruce GEORGE (United Kingdom), which had 16 parliamentarians; the Parliamentary Assembly of the Council of Europe, chaired by Tadeusz IWINSKI (Poland), which had seven parliamentarians; and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), headed by Ambassador Audrey GLOVER (United Kingdom). The OSCE/ODIHR Election Observation Mission (EOM) had opened on 17 October and had deployed 46 experts and long term observers. On Election Day there were 411 short term observers.

Programme of the observation mission

2 December 2005

OSCE/ODIHR Joint Briefing Programme

The members were briefed by OSCE/ODIHR on the pre-election situation. 276 Short Term Observers (STOs) had been sent by national governments and there were 76 locally recruited STOs.

Members were informed that a level playing field did not exist for the political parties, as the vast majority of the media supported the incumbent President. There had been infringements of freedom of expression and reports of the seizure of newspapers and campaign material. Improvements had occurred on the technical side of the elections in local electoral commissions; however there was a "climate of fear". Voters had little confidence in the new electronic voting system, particularly as there was no paper trail, which made a recount impossible. The use of a four digit pin code - which allowed electors to check how they had voted - appeared to make it possible for them to be identified by the authorities. Electronic voting was available to 31% of the population, mainly in urban areas; however everyone was supposed to have the option of using a paper ballot. There were reports of pressure on government employees to use electronic voting.

Long term observers had enjoyed free access to election commissions at all levels, although it was also noted that many commission members were state employees. However none of the OSCE/ODIHR recommendations on the legal framework for the elections had been implemented.

The border with Kyrgyzstan had been closed as the government was afraid of unrest spreading from its neighbour.

It was noted that Kazakhstan was applying for the Presidency of the OSCE in 2009. The decision on this matter was no business of the Election Observation Mission and fell within the competence of the OSCE Permanent Council.

It was underlined by speakers that the ODIHR evaluation of the elections would be based exclusively on the OSCE Copenhagen Commitments - to which Kazakhstan had signed up. It was not appropriate to base the evaluation on comparisons with elections in other OSCE countries. This provoked some subsequent debate among parliamentarians on the extent to which Kazakhstan should be criticised for failings that also existed in European countries.

Meetings with political parties

**** Mr Bakhytzhan Zhumagulov***

Head of the Nazarbayev re-election campaign and head of the OTAN Party.

Mr Zhumagulov noted that his party had 500,000 members and that 15 large companies representing 1.5 million workers also supported Mr Nazarbayev's candidature. In addition there was an alliance of six parties supporting the Nazarbayev campaign and the incumbent President had support from all ethnic groups in the country. Mr Zhumagulov stressed that the OTAN party would not be making use of existing government resources and that there would be equal conditions for all candidates. The largest ever number of observers would be present at the elections. All candidates would have equal access to state channels of information. His party's policy was to double incomes and pensions and triple the expenditure on health and education. It wanted to develop civil society and give more autonomy at local authority level.

**** Mr Zharmakhan Tuyakbai***

Candidate of "For a Just Kazakhstan" Movement

Mr Tuyakbai noted that his movement was created on 20 March 2005 on the basis of three parties: the (more critical wing of) Ak Zhol, the (original) Communists and Democratic Choice of Kazakhstan (DCK). Its main aim was to implement democratic reforms in the country. It believed in a parliamentary and presidential state with a five year term for the President and expanded powers for the parliament. It also wanted to expand the powers of local government. He claimed that there had been a campaign of intimidation against his party and that he would win if the election were free and fair. His party was supported by the middle classes and the urban population. It had not yet succeeded in getting its message across to the more remote countryside. He had split from Mr Nazarbayev's camp in November 2004 in protest at the flawed parliamentary elections of September 2004.

**** Mr Turebayev***

Communist People's Party of Kazakhstan spokesman

Mr Turebayev complained that there had been a post-independence "free for all" in the distribution of state resources which had led to a dismantling of industries and a flourishing of corruption. He accepted that there should be private production, however he believed that the country should take the best from the past as well as the present. His party did not support the candidacy of Kazakhstan

to the OSCE, as he did not consider it to be mature enough. He was particularly unhappy about the lack of a level playing field for the opposition and he claimed his party had been impeded during the election campaign.

Mr Turebayev noted that the original Communist Party had been disbanded in 1991 and reformed in 1994 when it was re-registered. It was split into two separate parties.

*** Ms Lyudmila Zhulanova**

Head of Election Campaign of Mr Alikkhan Baiemov, Ak Zhol (White Path)

Mrs Zhulanova stated that her party was opposed to the introduction of electronic voting as it was not transparent and would prevent secret ballots as voters could be identified by their bar codes. She complained of unequal access to the media for opposition candidates. Her party stood for change without a revolution and believed that it would get 35% in a free and fair election. Its support came from the middle class, SMEs and farmers. Its programme was based on economic reform and support for greater liberalisation and opening up markets. It was not supported by oligarchs and was funded by its own resources, party contributions and voluntary contributions. It could not compete with the resources of the governing party.

*** Mels Yeleusizov**

Independent candidate

Mr Yeleusizov stated that he was the only candidate not backed by a large party. His primary focus was on the environment and he had set up the Semipalatinsk movement to tackle environmental degradation. He highlighted problems such as the salination of the Aral Sea, desertification, and soil erosion. He called for regional cooperation and the support of international institutions to tackle the problems of environment. He considered that the executive was too powerful and that the President's term of office should be limited to two four year terms. More powers should be vested in the Parliament.

NGOs/Media

The following individuals spoke: Yeveniy Zhovtis, Coalition for Fair Elections; Taskyn Rahimbek, Republican Network of Independent Monitors; Tamara Kaleyeva, International Foundation for Protection of Speech ("Adil Soz"); Galina Dyrkina, "Respublika" newspaper (circulation 20,000); Tsoy Lera, "Panorama" weekly magazine (circulation 19,000).

Main points to emerge included the following: criticism of the use of administrative resources by the incumbent President; concerns over the transparency of the new electronic voting system; domination of the mass media by pro-government forces; limited access of the opposition candidates to the media;

There was concern that the representatives of the media were exclusively from low circulation newspapers and there was no speaker from the mass media. In response OSCE/ODIHR explained that the invitations to the mass media had not been taken up.

Meeting with EU ambassadors

Attention was drawn to the impressive economic growth of Kazakhstan, which was largely a result of oil revenues. However it was claimed that too much had been spent on prestige projects in Astana at the expense of health and social projects. The EU needed to explain its role more clearly and use its "soft power". It should push for substantial political and economic reform, although this was likely to impact on vested interests. There were some signs that the government wished to invest in the non-extractive sector and introduce some economic diversification

The victory of Mr Nazarbayev was assured - the only question was the margin of this victory. The opposition was ineffective, although some political scientists considered that, if there were a level playing field, the vote would be evenly divided between Messrs Nazarbayev and Tuyakbai. The government had not implemented the OSCE/ODIHR recommendations following the 2004 parliamentary elections. There were question marks over the electronic voting system, absentee voting and multiple voting. It was also likely that heads of local administrations ("akimats") would seek to further their careers by ensuring that the vote for Mr Nazarbayev was sufficiently high.

The government had tended to draw back from democratisation in the aftermath of the "Orange Revolution" in Ukraine. The example of the "Tulip Revolution" in neighbouring Kyrgyzstan was also not encouraging as it had led to further political and economic instability.

3 December 2005

Mr Stevenson and Mr Wojciechowski, plus accompanying staff, travelled to Astana. The other members of the delegation remained in Almaty.

Astana programme

Meeting with Mr Onalvyn Islamovich Zhumabekov, Chairman of Central Election Commission

Mr Zhumabekov noted that the final deadline for campaigning was 1500hrs on Friday. The results would be collected within 24 hours after the closure of the polls at 2000hrs. In his view the shortcomings highlighted at the parliamentary elections had been eliminated and that the electronic voting system was a significant improvement.

The meeting was shortened because of the late arrival and the need to meet with President Nazarbayev.

Meeting with President Nazarbayev

The meeting with President Nazarbayev took place within the Presidential Palace in Astana and was attended by Struan Stevenson, Bruce George, Audrey Glover and Tadeusz Iwinski, together with several senior aides to the President.

President Nazarbayev said that the preliminary reports from OSCE/ODIHR had been somewhat uncomplimentary regarding his serious attempts to have the most free and fair democratic election ever held in Kazakhstan. He gave a long outline of the history of the country, pointing out that Kazakhstan had never, in 2000 years, had any history of liberal democracy and that this was something he was now building from ground zero, since the collapse of the Soviet system. He said

that the West should be more complimentary on his efforts, particularly as Kazakhstan was virtually unique in Central Asia for its peace, stability and high economic growth.

He said that Kazakhstan had over 100 ethnic minorities and over 40 religious confessions living together in harmony and he felt that his country was a shining example to other countries in the region.

President Nazarbayev said that he had again and again instructed his regional authorities, "not to interfere" in the electoral process and he was certain that the preparation for these elections had ensured a level playing field for all parties. All four representatives of the international election observer mission raised questions with the President and thanked him warmly for the meeting.

Meeting with representatives of Senate

The delegation was informed that the policy of the government was to implement economic reform and then to have a gradualist approach to democracy. It was essential to eradicate poverty as this could give rise to unrest, as it had in Kyrgyzstan. There would be further reform of the 1995 constitution with the introduction of more checks and balances and an enhanced role for the parliament. Reform of the judiciary was also important and would include the introduction of trial by jury.

Election day on 4 December 2005

The delegation split into five teams as follows:

Astana city - Mr Stevenson

Northern Kazakhstan - Mr Wojciechowski

Almaty City - Auelov Raion - Mrs Jukneviene, Mr Schöpflin,

Almaty city - Mrs Bourzai

Almaty - Bostandyk Rayon - Mrs Jeggle, Mr Romagnoli

The full reports of each team are appended to this report and it is apparent that the picture was mixed. Some teams were content that the election day proceeded in a manner that fully complied with democratic standards, whereas others identified significant shortcomings. The main conclusions from the delegations can however be summarised as follows:

Most observers found the polling stations to be generally calm and well-run, although one team noted students queuing for over two hours as they had refused to use the electronic voting system.

The election officials were generally found to be well trained, although in some cases the members of the polling station election committees were only made up of the ruling party or pro-government parties.

Domestic and foreign observers enjoyed unrestricted access to polling stations.

The introduction of exit polls was seen as an encouraging sign, although there was some uncertainty about the source of the funding for these polls.

The provision of gifts for first time voters and those over 80 was an interesting attempt to encourage a high voter turnout.

Allegations were heard that the some members of the election commissions asked people how they would vote when they carrying out the process of registration.

There was some evidence of undue pressure being placed on students and public sector workers to vote for the incumbent President;

There were some reports of unauthorised people (policemen, government representatives) in polling stations and some overbearing pro-government officials who were putting pressure on voters.

Some confusion existed over electronic voting and there was a lack of confidence in the system among many voters. A particular concern was the lack of a paper trail and a fear that the secrecy of the ballot was endangered. In one polling station a case was noted of inadequate ballot papers for the electors in the district;

There were cases of members of the local polling stations filling in the ballots on behalf of voters or assisting voters in the voting booth and there were also eye witness reports of family voting.

Some cases were reported of ballot boxes not being sealed properly

Most teams were satisfied with the procedures for the closing of the polling stations and the count, although one team highlighted a number of irregularities which are listed in their report.

N.B. These findings are specifically those of the members of the European Parliament delegation. A full summary of the findings of the Election Observation Mission is in the joint report which is appended in its executive summary.

On Election Day the delegation chair Mr Stevenson was also engaged in drawing up the report and press statement of the joint International Election Observation Mission. There was some discussion in these meetings of delegation heads about the extent to which the parliamentarians should accept the findings of OSCE/ODIHR and how far they might have an input based both on their impressions of the election during their short visit and also on their past knowledge of the country and their considerable experience as politicians. Ultimately agreement was reached on the joint report and the three chairs of parliamentary delegations endorsed its conclusions

Conclusions

Mr Nazarbayev was re-elected with 91% of the votes cast. His nearest challenger was Zharmakhan Tuyakbai who received 6.64%. Mr Tuyakbai subsequently alleged that "multiple violations" had taken place. The report of the joint International Election Observation Mission - summary attached - was critical.

The European Parliament delegation noted improvements in the electoral process over previous elections, and in some cases there were genuine attempts to develop a more democratic system.

However the final result lacked credibility and gave some credence to allegations of intimidation that were made by opposition newspapers and independent NGOs. The delegation accepted that Mr Nazarbayev enjoyed genuine popularity among significant numbers of the population and that his authorities did not need to use fraud to ensure his election victory. It was essential for the democratic development of Kazakhstan that there should be an effective and healthy opposition and that further improvements should take place in the electoral process. It was stressed that the EU stood ready, in a spirit of partnership, to work together with Kazakhstan to implement the necessary improvements. The delegation associated itself fully with the joint report of the International Election Observation Mission.

Recommendations

- Voter registration should be reviewed in order to ensure that the register is fully accurate and is drawn up with specific instructions that the election commission staff do not ask people about their voting intentions during the registration process..
- Complete democratisation of the "akimats" system to ensure that regional authorities are accountable to their electorates and not to the incumbent President.
- The electronic voting system should be provided with a paper verification printout which maintains and ensures voter confidentiality and ensure that a record of votes and spoilt papers can be traced.
- Exit polls should be encouraged from privately funded and independent sources.
- There should be no harassment of opposition candidates, campaign staff and media.
- There needed to be more effective implementation of polling station procedures, including a crackdown on the presence of unauthorised persons.

EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR ELECTION OBSERVATION

Kazakhstan
Presidential elections
Sunday, 4 December 2005

DRAFT PROGRAMME

Individual arrivals in Almaty and transfer to

Hyatt Regency Almaty
Akademik Satpaev Ave. 29/6
050040 Almaty
Republic of Kazakhstan
Tel: +7 3272 501234
Fax: +7 3272 508888
E-mail: almaty.regency@hyattintl.com

Friday 2 December

- 12:00** Lunch for Heads of Delegations of European Parliament (EP), OSCE Parliamentary Assembly (OSCE PA), Parliamentary Assembly of Council of Europe (PACE), OSCE/ODIHR Election Observation Mission
- 13.45 - 18.00** Joint Briefing Programme for EP, OSCE PA, PACE
Venue: Ibrai/Machambet Room, Hyatt Regency Hotel, Almaty
- 13.45 - 14.00 Heads of delegations address
- 14.00 - 15.00 OSCE/ODIHR Election Observation Mission Briefing
- Introductory remarks and Findings, Ambassador Audrey Glover, Head of Mission
- Question and Answer Session with Core Team of the Mission
- Observation Forms and Deployment Details
- 15.00 - 18.00 Meetings with Presidential Candidates
Mr Bakhytzhan Zhumagulov, Head of Election Campaign of **Mr Nursultan Nazarbayev**
Mr Zharmakhan Tuyakbai
Mr Turcbayev, Head of Election Campaign of **Mr Yerasiyl Abylkasimov**
Ms Lyudmila Zhulanova, Head of Election Campaign of **Mr Alikhan Baiemov**
Mr. Mels Yeleusizov

18.00 - 19.00 NGOs/Media
Mr Evgenyi Zhovtis, Director of the “Kazakhstan International Bureau for Human Rights and Rule of Law”
Ms Taskyn Rahimbek, President of the Republican Network of Independent Monitors
Ms Tamara Kaleyeva, President of the International Foundation for Protection of Speech “Adil Soz”
Ms Tsoy Lera, Editor-in-Chief of the “Panorama” weekly magazine
Ms Galina Dyrkina, "Rezpublika" newspaper

19.00 Working Dinner/briefing with the Head of Commission Delegation and EU Ambassadors
Venue: Residence of the European Commission Head of Delegation, Kok-Tube 2, Novaya Street 53

Saturday 3 December

ALMATY

10.00 Deployment

Meeting with Almaty and Almaty region Long Term Observers

followed by meeting the drivers and interpreters

visit to Zambylsky District

Meeting with Vladimir Petrovich Novakovskiy Chair, of the District Election Commission, followed by a visit to a local polling station

ASTANA

12.55 Heads Delegations depart for Astana

16.00 Meeting with Chair of the Central Electoral Commission at CEC premises

17.00 Meeting with Mr Nursultan Nazarbayev

20.00 Dinner for the Heads of Delegation

Sunday 4 December

Election Day

Monday 5 December

ALMATY

08.00-10.00 Debriefing
Dzhambul Room, Hyatt Regency Hotel, Almaty

ASTANA

08.00 - 12.00 Preparation of the Press Statement and Press Conference

Afternoon Press Conference

19.55 Heads of Delegations return to Almaty

Tuesday 6 December

10.00 Debriefing of the EP delegation

10.30 Press Conference by the EP delegation

12.00 Cultural programme

Wednesday 7 December

Individual departures for Europe

EUROPEAN PARLIAMENT

AD HOC DELEGATION FOR ELECTION OBSERVATION

Kazakhstan

Presidential elections

Sunday, 4 December 2005

LIST OF MEMBERS AND ACCOMPANYING STAFF

	Group	Country	Committee
Mr Struan STEVENSON, Leader of the Delegation	PPE-DE	United Kingdom	Agriculture and Rural Development
Ms Bernadette BOURZAI	PSE	France	Regional Development
Ms Elisabeth JEGGLE	PPE-DE	Germany	Agriculture and Rural Development
Ms Ona JUKNEVIČIENĖ	ALDE	Lithuania	Budgetary Control Employment and Social Affairs
Mr Luca ROMAGNOLI	NI	Italy	Transport and Tourism
Mr György SCHÖPFLIN	PPE-DE	Hungary	Constitutional Affairs
Mr Janusz WOJCIECHOWSKI	PPE-DE	Poland	Agriculture and Rural Development
PPE-DE		Group of the European People's Party (Christian Democrats) and European Democr	
PSE		Group of the Party of European Socialists	
ALDE		Group of the Alliance of Democrats and Liberals of Europe	
NI		Non attached members	

Secretariat of the Delegation

Mr Tim BODEN, Administrator, Secretariat of Interparliamentary Delegations

Ms Adriana BUCHIU, Administrator, Elections Observation Service

Ms Kaija BRAID, Administrative Assistant, Secretariat of Interparliamentary Delegations

Political Group Advisors

Ms Anne VAHL, Advisor, PPE-DE Group

Mr Ambroise PERRIN, Advisor, PSE Group

Mr Manlio MASSEI, Advisor, NI Group

Interpreters

Mr Martin WOODING

Ms Tatiana LIASCHSHENKO

Mr Bernard CARBIENER

Ms Kamila MAGZIYEVA

Annex 3

INTERNATIONAL ELECTION OBSERVATION MISSION

Presidential Election, Republic of Kazakhstan- 4 December 2005

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Astana, 5 December 2005 - The International Election Observation Mission (IEOM) for the 4 December presidential election in the Republic of Kazakhstan is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament. Following an invitation by the Ministry of Foreign Affairs, and the conduct of a Needs Assessment Mission, the OSCE/ODIHR deployed an Election Observation Mission (EOM) to Kazakhstan on 17 October 2005.

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including tabulation and announcement of final results and the expiry of legal deadlines for hearing possible complaints and appeals. An overall assessment of the entire election will depend, in part, on the conduct of the remaining phases of the process.

The OSCE/ODIHR will publish a Final Report, presenting a comprehensive analysis of all observers' findings and offering recommendations for further improvement of the election process, approximately two months after the completion of the process.

The institutions represented in the IEOM stand ready to support the authorities of the Republic of Kazakhstan in their efforts to conduct elections in line with OSCE commitments and other international standards for democratic elections, including in the event of an expedited follow up process to address recommendations.

PRELIMINARY CONCLUSIONS

The 4 December 2005 election was the second multi-candidate presidential election in the Republic of Kazakhstan since independence in 1991. The election process has been administered within the framework of an Election Law that was amended both prior to and after the parliamentary elections in 2004.

Despite some improvements in the administration of this election in the pre-election period, the presidential election did not meet a number of OSCE commitments and other international standards for democratic elections. Candidate registration was mostly inclusive and a field of five candidates provided voters with an opportunity for choice. However, numerous and persistent examples of intimidation by the authorities, including undue restrictions on campaigning and harassment of campaign staff, limited the possibility for a meaningful competition whereby all candidates had equal opportunities to convey their views to the electorate.

The Central Election Commission (CEC) administered the election in a generally transparent manner during the pre-election period, taking into account some previous OSCE/ODIHR recommendations regarding election administration. While IEOM observers assessed that voting was conducted in a

calm and peaceful atmosphere, the quality of the process deteriorated during the vote count and was assessed negatively in 27 per cent of observations.

State media largely met their legal obligations to provide free airtime to candidates; however, overall media bias in favor of the incumbent and legal restrictions on freedom of expression and dissemination of information diminished the possibility for electors to make fully informed choices. Three statements issued separately by the Ministry of the Interior and the National Security Council, alleging plans for violent actions by the opposition and its supporters, which received considerable coverage in the press, increased tension in the pre-election period.

Elements of the pre-election process that represent positive developments include the following:

- On 9 September, the President in his capacity as Head of State but at the same time a prospective candidate, issued a decree which stated the intention to conduct a free, fair and competitive election;
- The CEC met regularly at open sessions, adopted several decisions aimed at improving the election process and conducted an extensive voter education campaign;
- The accuracy of voters lists appeared to have been somewhat improved, and voter lists were generally accessible for public scrutiny;
- The CEC decided in a timely manner that voters would be allowed to choose to vote by paper ballot in polling stations where electronic voting (e-voting) would be used;
- The increase in the number of polling stations with e-voting over the 2004 elections has been gradual, and the e-voting system has been made easier for voters to use;
- The CEC introduced a set of protocols for transparent reporting of results from polling stations, in an attempt to foster public confidence in the e-voting system;
- Most lower-level election commissions appeared well trained and equipped;
- A debate among presidential candidates was broadcast live on a television station with statewide coverage, although the incumbent chose not to participate, thus reducing the value of this event for the electorate.
- Observers were allowed access to election commissions at all levels.

The election process revealed a number of shortcomings, including the following:

- There were restrictions on opposition candidates' ability to campaign freely including limitations on holding outdoor meetings, inadequate venues for indoor meetings, insufficient access to advertising space, and apparently orchestrated disruptions of campaign events;
- There was harassment, intimidation and detentions of campaign staff and supporters of opposition candidates, including cases of beatings of campaign staff;
- The application of legislation on protection of the honour and dignity of the president and of candidates, particularly three instances of confiscations of newspapers, limited political discourse and restricted freedom of expression;
- There was evidence of pressure exerted on students by university faculties to vote in favor of the incumbent;
- At times, lack of clarification of relevant legislation by the CEC and other state bodies led to misunderstandings and a degree of confusion;
- Opposition parties remained under-represented on election commissions at all levels, and pluralism of numerous lower level election commissions was adversely affected by permitting the majority of an election commission to be employed by a single employer;

- The certification and testing of the electronic voting system is non-transparent, leading to a continued lack of public confidence in the system. It appeared that contractors providing components of the system had excessive autonomy and insufficient guidance from the CEC;
- The e-voting system still lacks a paper trail which could be used for audits, recounts or in the case of election disputes;
- The optional control number used in electronic voting for verification purposes could potentially undermine the secrecy of an individual's vote;
- While the CEC organized a working group to review complaints, as a collegial body the CEC adopted decisions on only a few of the complaints received;
- The authorities did not amend the legislative framework in line with the recommendations contained in both the OSCE/ODIHR 2004 Assessment of the Constitutional Law on Elections and in the OSCE/ODIHR Final Report on the 2004 Parliamentary Elections.¹

Voting was conducted in a generally calm atmosphere. IEOM observers assessed the voting process positively in 92 per cent of polling stations visited, and negatively in eight per cent. However, the IEOM observed instances of interference of unauthorized persons, multiple and proxy voting, ballot box stuffing, and pressure on students to vote. Ballot boxes were not properly sealed in 12 per cent of polling stations observed. In observed polling stations with e-voting, a large majority of voters appeared to have favoured voting by paper ballot. Domestic non-partisan and candidate observers were present in almost all polling stations visited.

International observers assessed the vote count as bad or very bad in 27 per cent of counts observed. Observers noted serious violations in 21 per cent of counts observed, including tampering with results protocols. Protocols were not posted for public display in over one third of polling stations where the count was observed. The tabulation of results at the District Election Commissions (DECs) was negatively assessed in 20 per cent of the 112 DECs visited. Preliminary results were not posted by polling station on the CEC website as of 13:00 hours on the day after the election.

PRESS RELEASE

**EP OBSERVERS TO THE PRESIDENTIAL ELECTIONS IN
KAZAKHSTAN
05-12-05**

The EU is one of Kazakhstan's main partners and seeks further cooperation in regional issues. Many people in Europe have therefore watched the conduct of the presidential election campaign in Kazakhstan with considerable interest to see that democratic improvements continue to grow in harmony with rapid economic growth. Certainly our team from the European Parliament witnessed some improvements in the electoral process and we were encouraged by these signs. Nevertheless we are of the view that further improvements are imperative if Kazakhstan's embryonic democracy is to grow and mature. We therefore fully associate ourselves with the key points of criticism contained in the report of the international election observation mission. The EU stands ready, in a spirit of partnership, to work hand in hand with Kazakhstan to implement these improvements.

STRUAN STEVENSON, MEP
Chairman EP Team of Election Observers

INTERNATIONAL ELECTION OBSERVATION MISSION

**Kazakh election flawed despite
some administrative
improvements**

ASTANA, 5 December 2005 - Despite some improvements in the election administration prior to election day, the 4 December presidential election in Kazakhstan did not meet a number of OSCE commitments and other international standards for democratic election. While candidate registration was mostly inclusive and gave voters a choice, undue restrictions on campaigning, harassment of campaign staff and persistent and numerous cases of intimidation by the authorities, limited the possibility for a meaningful competition.

These are the preliminary conclusions of the International Election Observation Mission for the presidential election. Some 460 observers from 43 countries observed the election day in a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Parliamentary Assemblies of the OSCE and Council of Europe, and the European Parliament.

The voting was generally calm and peaceful, but the process deteriorated during the count, which was viewed as bad or very bad in one out of four counts observed. Unauthorised persons interfering in polling stations, cases of multiple voting, ballot box stuffing and pressure on students to vote were observed during voting and during the count, observers saw tampering with result protocols and a wide range of procedural violations.

"Regrettably, despite some efforts which were undertaken to improve the process, the authorities did not exhibit sufficient political will to hold a genuinely good election that is in line with international standards, said Bruce George, President emeritus of the OSCE Parliamentary Assembly and the Special Co-ordinator for the short-term observers.

State media largely met their legal obligations to provide free airtime to candidates but overall media bias in favour of the incumbent and legal restrictions on freedom of expression and dissemination of information diminished the possibility for electors to make a fully informed choice. Statements by the authorities alleging plans for violent actions by the opposition increased tension.

The Head of the delegation from the Parliamentary Assembly of the Council of Europe, Tadeusz Iwinski, said: "The active participation clearly shows the interest and hopes of the Kazakh people in the development of a democratic society. However, the high attendance caused in some cases overcrowding in polling stations hindered the voting process and the secrecy of the vote."

Struan Stevenson, Head of the European Parliament delegation added: "We witnessed some improvements in the electoral process and were encouraged by these signs. Nevertheless we are of the view that much work remains to be done if Kazakhstan's embryonic democracy is to grow and mature."

The Central Election Commission administered the election in a generally transparent manner, taking into account a number of previous ODIHR recommendations regarding election administration. However, none of the 2004 ODIHR's recommendations suggesting changes to existing election legislation has been implemented to date.

Ambassador Audrey Glover, Head of the OSCE/ODIHR's long-term observation mission, expressed regret that the Kazakh authorities did not provide "a level playing field for a democratic election, whereby the candidates enjoyed equal treatment and opportunities to campaign so that voters could make an informed choice. This is despite assurances from the president that the election would be free and fair."

The observation mission noted positive elements of the pre-election process, including a change in the electronic voting systems, which has made it more user-friendly. A debate among presidential candidates was broadcast live, although the incumbent chose not to participate and thereby reducing the value of the event for the electorate.

Shortcomings included restrictions on campaigning; meeting and advertising space and disruption of campaign events. The application of the law on protection of the honour and dignity of candidates limited political discourse and freedom of expression. There was evidence of pressure exerted on students to vote in favour of the incumbent and the certification and testing of the electronic voting system was non-transparent, undermining public confidence in the system.

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