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APROBAT

În ședința Biroului permanent al
Camerei Deputaților

din data de 15.09.2007

Nr. 965

Informare

Parlamentul României
Camera Deputaților

B.P. Nr. 965 din 1.09.2007

În perioada 15 -21 august a.c., o delegație a Camerei Deputaților formată din domnii deputați Amet Aledin, Andea Petru și Mazăre Alexandru au efectuat o deplasare în Kazahstan, în calitate de observatori ai OSCE la alegerile pentru Majilis – Camera inferioară a Parlamentului Republicii Kazahstan.

Conform programului, în zilele de 16 – 17 august s-au derulat la Astana instruirea tuturor observatorilor OSCE, (Ghidul OSCE anexat), precum și întâlnirile cu reprezentanții partidelor politice din Kazahstan implicate în alegeri, cu reprezentanții Comisiei Electorale centrale (C.E.C.), ai mijloacelor media din Kazahstan ș.a. Programul de pregătire al observatorilor, precum și Ghidul elaborat de C.E.C. din Kazahstan sunt anexate.

Deputații din România au fost repartizați pentru monitorizarea alegerilor în secții de votare din Almaty. Conform programului stabilit, în cursul zilei și nopții de 18- 19 august au fost monitorizate 12 secții de votare, inclusiv o secție dintr-o unitate militară, urmărindu-se modul de respectare a tuturor procedurilor prevăzute în Constituție și legea electorală ale Republicii Kazahstan. De menționat că ambele legi au fost amendate în cursul lunilor mai – iunie 2007.

În procesul de monitorizare o atenție specială s-a acordat procedurilor legate de deschiderea secțiilor de votare și mai ales procedurilor de numărare a voturilor și întocmirii proceselor verbale corespunzătoare.

Din cele 7 partide înscrise în competiție pentru ocuparea a 98 de locuri de deputați în Majilis, conform estimărilor preliminare, cele mai multe voturi le-a obținut partidul prezidențial „Nur-Otan” (cca. 87 %). Doar acest partid a trecut pragul electoral de 7%, prevăzut de legea electorală, prag considerat excesiv de ridicat de toate partidele, cu excepția „Nur-Otan”.

Alegerile au fost presărate cu unele nereguli, îndeosebi în ceea ce privește exactitatea completării documentelor privitoare la numărarea voturilor, însumarea voturilor exprimate electronic ș.a.

Menționăm că votul electronic s-a exprimat numai în interiorul secțiilor de votare, constând în aceea că în locul buletinului de vot se înmâna votanților câte o cartelă, prin intermediul căreia, într-o cabină specială, se exprima opțiunea de vot.

Apreciem că doar circa 2% din votanți au preferat votul electronic în locul celui clasic.

Prin intermediul urnelor mobile au votat de asemenea circa 1% din alegători.

Menționăm că Majilisul are în total 107 deputați, 98 fiind aleși prin procedurile monitorizate de OSCE, iar 9 sunt aleși de „Adunarea Poporului din Kazahstan”, formațiune creată de președintele Nursultan Nazarbayev.

Opoziția din Kazahstan susține că pregătirea, respectiv derularea alegerilor nu s-au realizat corect, că partidele nu au avut șanse egale în competiția cu partidul de guvernământ (Nur-Otan). Prezentăm în anexă un document în acest sens al principalului partid de opoziție.

Anexăm de asemenea un raport al unei asociații independente de monitorizare a alegerilor din Kazahstan.

Misiunea OSCE, care va finaliza Raportul său peste circa o lună, apreciază preliminar că aceste alegeri, deși nu au respectat pe deplin standardele Consiliului Europei, reprezintă un progres în ceea ce înseamnă democratizarea vieții politice din Kazahstan.

București, 22 august 2007

Deputați

Amet Aledin

Andea Petru

Mazăre Alexandru



DELEGATIONS OF THE OSCE PA AND PACE

WORK PROGRAMME ASTANA, 16 to 19 August 2007

D-Hall Meeting Room, Hotel Rixos

Thursday, 16 August

Arrival in Astana. Hotel accommodation

13:00 (30 min)	Briefing packs and accreditations made available	D-Hall Hotel Rixos
13:30 – 14:00 (30 min)	Welcoming Remarks Senator Consiglio di Nino, Head of OSCE PA Delegation, Special Co-ordinator of the OSCE Chairman-in-Office to lead the OSCE Short Term Observers Mr David Wilshire, Head of Delegation of the CoE Parliamentary Assembly	D-Hall Hotel Rixos
14:00 – 14:30 (30 min)	Introduction and brief political analysis Ambassador Ivar Vikki, Head of OSCE Centre in Astana	D-Hall Hotel Rixos
14:30 – 16:30 (120 min)	OSCE/ODIHR EOM Core Team Introduction (10 min) - Ambassador Lubomir Kopaj, Head of OSCE/ODIHR Election Observation Mission (10 min) Political overview, campaign activities and media landscape (30 min) - Nikolay Petrov, OSCE/ODIHR EOM Political Analyst (10 min) - Yegor Tilpunov, OSCE/ODIHR EOM Media Analyst (10 min) - Question and Answers (10 min) Elections Framework (30 min) - Tigran Karapetyan, OSCE/ODIHR EOM Legal Analyst (10 min) - Lusine Badalyan, OSCE/ODIHR EOM Junior Election Analyst (10 min) - Question and Answers (10 min) Electronic Voting (15 min) - Marcin Cieslak, OSCE/ODIHR EOM E-voting Expert (5 min) - Question and Answers (10 min) Polling procedures and observation forms (30 min) - Roumen Maleev, OSCE/ODIHR EOM Election Analyst (10 min) - Paul O'Grady, OSCE/ODIHR EOM Deputy Head of Mission (10 min) - Kerstin Dokter, OSCE/ODIHR EOM LTO Coordinator (5 min) - Question and Answers (5 min) Security briefing (5 min) - Kjetil Hestad, OSCE/ODIHR EOM Security Expert (5 min)	D-Hall Hotel Rixos
16:30 – 16:45 (15 min)	Coffee Break	
16:45 – 17:30 (45 min)	Central Election Commission Mr. Turgankulov, Chairman of the Central Election Commission	D-Hall Hotel Rixos
17:30 – 18:00 (30 min)	Domestic Observation Groups Public Committee for Election Control Mr. Sultanov, Chairman, and Mr. Tortayev, Coordinator Republican Network of Independent Monitors – not confirmed	D-Hall Hotel Rixos
Evening	Private arrangements	

Friday, 17 August

09:00 – 11:00 (120 min)	Political Parties (contesting the election) (in alphabetical order) • Ak Zhol Democratic Party of Kazakhstan TBC Ms. Zhulanova, Deputy Chairperson Mr. Zhapakov, Member of Presidium Mr. Abuov, Chairman of Astana Branch • Auyl Kazakh Social Democratic Party Mr. Kaliyev, Chairman Ms. Kusainova, Lawyer • Common National Social Democratic Party (NSDP) Mr. Tuyakbai, Chairman Mr. Kosanov, Deputy Chairman • Communist People's Party of Kazakhstan Mr. Kosarev, Chairman • NUR OTAN People's Democratic Party Mr. Zhumagulov, Chairman • Patriot's Party of Kazakhstan Mr. Beisembaev, Head of Astana Branch Office • Rukhaniyat Party Ms. Dzhaganova, Chairwoman	D-Hall Hotel Rixos
11.00 – 11:15	Coffee Break	
11:15 – 11:45	Political Parties and Groups (not contesting the election or not registered) • Communist Party (decided not to contest the election) Ms Elyubaaeva, First Secretary of Astana Branch Office • Ata Meken (not registered) Mr. Rezvan, President, Union of Protection of Businessmen and Proprietors Ms. Rezvan, Director, Legal Agency • Alga (not registered) Mr. Ketebaev, Executive Director Ms. Dosanova, Deputy Chairwoman	D-Hall Hotel Rixos
11:45 – 13:00 (60min)	Roundtable with Media representatives • Kazakhstanskaya Pravda (newspaper) Mr. Kvyatkovskiy, President TBC • TV Khabar (TV) Mr. Sakhariyanov, First Deputy of General Director • Svoboda Slova (newspaper) Ms. Yergalieva, Editor-in-Chief	D-Hall Hotel Rixos
13:00 – 13:30	Regional briefing for PA STO Teams in Astana by Astana LTO teams • LTO 1 – Gary Ouellet and Alberto Huidobro Foncillas • LTO 2 – Lynda Flynn Beekman and Paul Loosli	D-Hall Hotel Rixos
13:30	Meeting with drivers and interpreters for PA STO Teams in Astana (to make arrangements for election day)	
18:30 – 19:30 TBC	Briefing for PA STO Teams in Almaty Claudia Vollmer, OSCE/ODIHR EOM Liaison Officer Roundtable with NGOs • Adil Soz TBC • Republican Network of Independent Monitors TBC • International Bureau for Human Rights and Rule of Law TBC Regional Briefing by Almaty LTO teams • LTO 17 – Nikolina Staleska and Elma Sehalic • LTO 18 – Jeremy Franklin and Nikolay Burov	Dzhambul Room Hotel Hyatt Almaty
19:30	Meeting with drivers and interpreters for PA STO Teams in Almaty (to make arrangements for election day)	
Afternoon/	Private arrangements	

Evening		
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Saturday, 18 August

All Day	Observation of Opening, Voting and Vote Count	Various Polling Stations
Evening	<i>Parliamentary observers are at this time most welcome to visit the OSCE/ODIHR EOM Statistical Centre at the EOM HQ in Astana.</i>	OSCE/ODIHR EOM HQ

Sunday, 19 August

08:00 – 09:00	Debriefing for OSCE PA delegation in Almaty	Abai Room Hotel Hyatt Almaty
09:00 – 10:00	Debriefing for OSCE PA and PACE delegations in Astana	D-Hall Hotel Rixos, Astana
08:00 – 09:00	Debriefing of PACE delegation	Al Farabi Room Hotel Rixos, Astana
10:00 – 10:30 TBC	Debriefing of both Delegations TBC	TBC
15:00	Press Conference	Hotel Rixos, Astana
Evening/Night	Departures	

Monday, 20 August

Morning	Departures	
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Zharmakhan Tuyakbai, Chairman All-National Social Democratic Party (ANSDP)

**Astana
August 17, 2007**

1. Legislative background of the parliamentary election campaign

In spite of measures that were taken by the authorities towards improvement of the Constitutional Law "On Elections in the Republic of Kazakhstan", a number of its key provisions do not comply with the criteria of democracy and civil society, containing a whole series of considerable restrictions and obstacles to free expression of the citizens' will.

Thus, according to this law, the formation of the election commissions is exercised by the local representative bodies on the basis of nominations of the political parties. However, further the higher election commissions started to appoint new members to lower election commissions at their own discretion without taking into account opinions of political parties and candidates running for the local bodies of self-governance.

Provisions regarding pre-election agitation contain significant restriction that bans conduct of agitation with the use of picture of some person without his/her written approval, or, in case of his/her death, written approval of heirs. Such legislative limitation proved to be a considerable obstacle for ANSDP's pre-election campaign.

2. Representation of opposition in the election commissions of Kazakhstan

The authorities of Kazakhstan, trying to increase control over the voting process and over the vote counting, ensured absolute domination of nominees from "Nur-Otan" and its satellite parties in the election commissions of the country and at the same time seriously limited the rights of the **All-National Social Democratic Party, the only one opposition party participating in the elections.**

According to the data from regional (including Almaty and Astana) branches of ANSDP (on our party) and official data of the Central Election Commission, representation of the parties that have nominated their party lists, is as follows:

Parties	Members of the election commissions, nominated by political parties
"Nur-Otan"	9,943
"Aul"	8,360
"Akzhol" (including "Adilet")	8,343
"Rukhaniyat"	7,312
Patriots' Party	6,684
Communist People's Party	4,375
Other public associations (non-partisan) and NGOs	16,605
ANSDP (including "Nagyz Ak Zhol")	1,358

Notably, only 71.3% of the election commissions' members were, as foreseen by the law, nominated by the political parties. Our party nominated its representatives practically for all vacant seats in the election commissions. Thus, "appointment" of 16,605 members of the election commissions from public associations and NGOs and non-inclusion of ANSDP members are not just a fact of bias, but also directly violates the Law "On Elections".

It is especially indicative that in the course of assignment of new members to vacancies in precinct commissions by higher territorial commissions in July-August this year (only in Almaty there were more than 600 vacancies), **none of ANSDP members was included.** However, representatives of the "Nur-Otan's" satellite parties gained huge amount of seats, although their performance at the 2004 parliamentary vote was so poor that the paltry amount of votes they had received could be regarded as a statistical error.

In a whole number of regions of the country – mainly in the areas where opposition enjoys maximal support of the citizens, namely in Astana city, Atyrau, West Kazakhstan, Karaganda, North

Kazakhstan regions and in Jezkazgan and Semei sub-regions – ANSDP does not have a single one representative in the election commissions.

Besides, in a number of regions – Almaty city, Aktubinsk, East Kazakhstan, Kzyl Orda and Kustanai regions – ANSDP has as little as 10-70 representatives only in precinct election commissions, mainly in rural areas.

The amount of ANSDP members in the election commissions in other regions of the country is between 100 and 300; the largest representation is in the rural precinct election commissions of the Almaty, South Kazakhstan and Akmola regions (326, 310 and 231 correspondingly).

Thus, while the “Nur-Otan” party and its satellite parties are represented and dominate in all election commissions at all levels, ANSDP can take part in work of only 7 per cent of the precinct election commissions.

3. Agitation campaign

a) Coverage of the party activity in the broadcast media.

ANSDP outstrips all political parties by the number of activities. Each day the press service of the party disseminates nearly 10 press releases on the pre-election activities that are being held by the candidates from ANSDP. However, if the “ruling party’s” activities are covered all without exception and in detail, only few of the ANSDP activities reach the air and are covered to a much lesser extent. At that, very often the information concerning ANSDP activities is biased (this also applies to the printed media).

Results of monitoring of the pre-election agitation coverage in the republic-wide broadcast media, conducted by independent *Center of Social Technologies* in July 1-August 15 of 2007, show that “Nur-Otan’s” monopoly on TV channels does not depend on its activeness, but is deliberately ensured administratively.

Amount of information spots and volume of airtime on the activity of political parties on republic-wide TV channels, including state-owned, in July 18-August 15 (without advertisements)

Parties	Republic-wide broadcast media (including state-owned)		Republic-wide state-owned broadcast media	
	Number of information spots	Volume of airtime (seconds)	Number of information spots	Volume of airtime (seconds)
ANSDP	284	48662	105	23077
Nur-Otan	781	116271	284	49281
Patriots' party	222	48161	82	21960
Aul	138	36426	93	24812
Ak Zhol	389	62738	171	29303
Rukhaniyat	261	43555	97	20137
Communist People's Party	142	37000	104	23995

Besides, broadcast media actively exercise indirect advertising of the politicians and state officials that are directly associated with the “ruling” Nur-Otan party in public opinion.

b) Organization of TV debates.

We have to admit a principal worsening of the situation around TV debates between the participating parties that are organized by the Central Election Commission, as foreseen by the Law “On Elections”.

Comparing to 2004, the number of debates has reduced 7 times! This did not allow the parties to present their pre-election platforms to the constituency and also did not allow voters to make a well-informed and conceived political choice, because each party got only 10 minutes of airtime.

Several programs with the participation of representatives of political parties were organized by some TV channels, but were unable to fill this gap, because they were held in the format of a talk-show, not of a socio-political program.

c) Outdoor advertisements.

Only “Nur Otan” party’s large-scale outdoor ads (billboards) were monopolistically dominating in all towns of the country. After long negotiations with owners and operators of advertising constructions,

ANSDP could get only six billboards in Uralsk and four billboards in Semei. Three billboards, placed in Ust-Kamenogorsk after appropriate contracts had been signed on the last week, have been removed on the third day under the pressure of local authorities. Thus, ANSDP was not granted equal – with the “Nur-Otan” party – opportunities to allocate outdoor advertisements.

4. Censorship of agitation materials of ANSDP.

Refusal of the republic-wide TV channels to broadcast agitation videos of ANSDP (that documented the gap between the rich and the poor in Kazakhstan) caused wide public resonance. In response to the decisions made by the Central Election Commission and General Prosecutor's Office on lawfulness of the TV channels' refusal to broadcast agitation videos titled “One country – Two destinies”, ANSDP filed a suit with the Supreme Court.

Another fact of censorship was committed by “Kazakhstanskaya Pravda” newspaper. Its leadership arbitrarily cut down and corrected the interview of party leader Zharmakhan Tuyakbai. Following our complaint, we received a written response from president of JSC “Kazakhstanskaya Pravda” Mr. Kviatkovski, who officially confirmed that “a part of negative epithets towards the state power in Kazakhstan...” was removed from direct speech of Zh. Tuyakbai. Thus, the fact of censorship of the ANSDP leader's program article by the editorial office of the newspaper was actually admitted.

5. Non-provision of premises for meetings with the voters.

During the pre-election agitation tours of the candidates from ANSDP that have been taking place in July 18 – August 15, a number of meetings were almost hampered because the local authorities failed to provide appropriate public premises – in spite of applications, filed by the party in advance, and agreements achieved. In particular, such cases have been observed in the Atyrau, Kzyl-Orda, South-Kazakhstan regions.

We have to note with regret that ANSDP was unable to hold a Forum of Supporters in order to celebrate the end of the party's pre-election campaign, because of actual refusal of the Almaty city administration to provide premises.

6. E-voting system “Sailau”.

Based on the opinion of prominent domestic and foreign experts, our party expresses well-grounded doubts concerning the e-voting system “Sailau” that had been introduced by the law. We believe that this system totally does not comply with the standards of the Council of Europe concerning vote count, first of all because it does not presume validation and auditing of the results of the vote. Thus, one of the most fundamental voter's rights – the right to dispute the accuracy of calculation of his vote – is violated. Besides, technical imperfection of the “Sailau” system – that has been repeatedly emphasized by experts – makes it highly vulnerable to external interference and falsifications of the people's will.

7. Non-observation of OSCE/ODIHR recommendations on alternative nature of elections.

The Central Election Commission alleges that recently adopted amendments to the election legislation implement the OSCE/ODIHR recommendations, providing for alternative nature of elections. However, in accordance with the Constitutional Law “On Elections”, nine candidates are nominated and subsequently elected deputies of Mazhilis by the Assembly of People of Kazakhstan. Assembly is a consultative body under the President, and 50 per cent of its members is made up by officials of executive branch of power. Thus, the “appointees” of the Assembly of People become deputies on non-alternative basis.

8. There is no legal regulation for the order of ballot counting procedure at the combined elections (to the Mazhilis, regional, city and district maslikhats). Besides, separate ballot-boxes for different types of elections are not envisaged. This makes falsifications easier and complicates challenge of the results.

9. According to introduced amendments, the Central Election Commission has the right to declare Mazhilis elections void, if during the vote or ballot counting, or at the tabulation of results there were violations, which do not allow determining the result of the vote authentically. However, the law does not stipulate concrete violations that are meant in the abovementioned case.

10. The vote is being held on Saturday, the ballot counting should be over in 12 hours, and decisions of precinct election commissions can be challenged immediately after that. However, courts do not work on Sundays, while the issue of prolongation of their work after the election day is not solved.



Legal entities association
Republican Network of Independent Monitors

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August, 14

Almaty

The report on the long-term monitoring of the extraordinary elections to the Majilis of the Parliament of Kazakhstan and the ordinary elections of the deputies of the Maslikhat RK, on August 18, 2007 and for the extraordinary elections to the Majilis of the Parliament of Kazakhstan elected by the Assembly of People of Kazakhstan on August 20, 2007

Introduction:

The association «Republican Network of Independent Monitors» from July 9 to August 16, 2007 is conducting a long-term monitoring of the extraordinary elections of the Majilis of the Parliament of the Republic of Kazakhstan on a single nationwide constituency and the ordinary election of deputies of the Maslikhat of the Republic of Kazakhstan. RNIM is also conducting observations for the extraordinary elections to the Majilis of the Parliament of Kazakhstan, elected by the Assembly of Peoples of Kazakhstan on August 20, 2007. RNIM long-term observation is conducted in 9 regions (Aktobinskaya, East Kazakhstan, Zhambyl, Karaganda, Kostanay, Kizilorda, Mangystauskaya, North Kazakhstan, South Kazakhstan)) and in the cities of Almaty and Astana. This report contains information from July 9 to August 12, 2007, additional information will be included in the final report of RNIM on the long-term monitoring effort.

The goals of RNIM's long-term monitoring were:

- Increased transparency of the electoral process;
- Raising awareness of the election in the society
- Recording of violations of the electoral process;
- Develop recommendations to improve the electoral process.

RNIM's Long-term observation includes monitoring:

- The election campaign, the activity of political parties and candidates;
- The activities of the local executive bodies and prosecutor's office (the use of administrative resources / abuse);
- The activities of election commissions at all levels and in all stages of preparation;
- The voters lists; and
- Local Mass Media.

Based on its own experience of past monitoring missions for the elections at all levels in Kazakhstan, RNIM developed a system of evaluation criteria for the election process to

determine the legitimacy and relevance of democratic principles and standards, including international principles and standards.

In addition, after each observation RNIM offered recommendations to improve the electoral legislation of Kazakhstan, as well as to improve the activities of all stakeholders of the electoral process. During this mission RNIM developed an action plan and methodology for monitoring, taking into account all the characteristics of this election for the long-term monitoring, and trained 11 long-term observers. Based on evaluation criteria of the election process, standardized forms for RNIM LTOs were created and LTOs provided weekly reports to the central office where the final analysis and generalization were conducted. Data from the print and electronic Mass Media, information received from officials of the election commission, local government, headquarters candidates and political parties, as well as the official replies to the letters of long-term observers RNIM coordinators were used during the observation mission.

On July 27-28, 2007 RNIM held two training-of-trainers for 60 participants including representatives of public organizations and political parties of Kazakhstan for the independent monitoring of the election. Moreover, RNIM is training 2,000 short-term observers and 200 mobile captains in the 9 regions and two cities in the country. On August 18, 2007 RNIM plans to deploy 2,000 trained, independent observers, as well as 200 mobile captains to polling stations. On August 20, 2007 RNIM will monitor the extraordinary elections to the Majilis of the Parliament of Kazakhstan elected from the Assembly of People of Kazakhstan.

RNIM developed a standardized handbook for independent observers, on which RNIM will base its monitoring effort on election day and the day preceding election day.

The observation mission will cover 9 regions of the country (Aktobinskaya, East Kazakhstan, Zhambyl, Karaganda, Kostanay, Kizilorda, Mangystauskaya, North Kazakhstan, South Kazakhstan), and two cities, Astana and Almaty.

On August 20, 2007 RNIM intends to hold a press-conference in Almaty at the "Kazakhstan Press Club" on the results of its monitoring effort on election day.

Also, RNIM intends to prepare a final report using statistical analysis of observations received from on its long-term and short-term monitoring of extraordinary elections of the Majilis of the Parliament of Kazakhstan and the ordinary election of deputies of the Maslikhat on August 18, 2007, and the extraordinary elections of the deputies of the Majilis RK elected by the Assembly of People of Kazakhstan on August 20, 2007.

RNIM's Preliminary Conclusions of it long-term monitoring :

RNIM notes visible improvement in organization of the election by Central Election Commission of the Republic of Kazakhstan, including improvements in providing information and instruction to voters of the RK, and providing stakeholders in the elections with all the necessary materials and information.

RNIM also appreciated the transparency in the activities of the CEC of Kazakhstan and the territorial election commissions in preparation for the election day, including the training of members of electoral commissions, and cooperation with local and international observers, including RNIM.

RNIM welcomes the initiative of the CEC of Kazakhstan to provide citizens' access to voter lists electronically, through its web-site.

This will ensure greater transparency in the future, an open electoral process, as well as greater participation of all voters in the elections.

In addition, RNIM notes that the CEC of Kazakhstan allocated additional broadcast time on television and radio for political parties giving voters more opportunity to familiarize themselves with the campaign programs of the political parties and personally with the candidates.

However RNIM negatively appraises the designation of the election date for the summer as a large part of the constituency will be on vacation. It is obvious that most electors will be forced to give up the opportunity to vote for benefit of the vacation, provided at work only once a year.

However, the peculiarity of the current elections is based in weak legislation. The law contains many contradictions and omissions regarding the elections by the Assembly of People of Kazakhstan.

The long term monitoring of RNIM revealed facts of violation which negatively impact equal, free and competitive elections as well as the legitimacy of the future activities of the Majilis of the Parliament of the RK. Particularly, elections of the deputies to the Majilis of the Parliament of the RK elected by the Assembly of Peoples of Kazakhstan are not pursuant to the norms of the Constitution of the RK and international standards of OSCE.

In the course of the campaign there were cases of violations of the law, "Elections in the RK" providing prohibitions of the participation of the state employees currently involved in state services in the campaign. Also there were cases detected of censored campaign materials by media editors. Changes in the "Elections in the RK" Law adding a new rule on the sequence of the deputies mandate distribution of the deputies on the party lists does not correspond to the interests of common electorate as this amendment to the law can promote internal party corruption during the distribution of seats by the political party. Also taking into consideration the mentality of society when citizens vote not for parties, but for individuals in the list, this distorts the electorate's will.

1. Pre-elections campaign

During the long term elections monitoring RNIM did not detect any serious violations during candidates registration.

RNIM note regretfully the weak activity of the majority of parties and candidates in the maslikhats campaign which speaks to their unwillingness to conduct campaign activities. The most active parties are "Nur Otan", "Social-Democratic" and "Ak Zhol". Activities of the remaining parties : "Rukhaniyat", "Kommunists party", "AUYL" and "Party of Patriots" is less visible. Activities of the maslikhat candidates is weak. In this case it is difficult to speak of a real choice, particularly in the election of deputies to Maslikhat.

Almost all parties violate the requirements of the "Elections in the RK" Law which provides regulations on posting of campaign materials in strictly designated areas. Therefore, there is a question of necessity of this prohibition in the law of elections.

Earlier in its recommendations RNIM suggested the need for a mechanism to ensure access for all candidates and parties to billboards and light boxes on an equal basis. But in this regard, the law has not changed and the situation remains restricted.

Mass detentions of campaign staff by police has not been observed, however single detentions occurred. For example, the campaign staff of an ANSDP party was detained in Aktobe by police, and later released without charge.

No political party has refused to participate in TV debates, including debates held between the opposition party and the ruling party.

2. The use of administrative resources / abuse

Data analysis provided by 11 long-term RNIM observers in the regions proves that violations of the "Elections in the RK" Law regulating state employees participation in the campaign is systematic. There are cases, both direct and indirect, where government officials campaigned for a specific party. Some senior government officials, as well as the Head of State, who are on the list of the political party, "Nur Otan", did not take leave for the period of the campaign, as it is mentioned in the electoral law. In addition, there is a statement from a Minister live on television.

3. The work of the electoral commissions at all levels and in all stages of preparation

RNIM notes visible improvement in organization of the election by Central Election Commission of the Republic of Kazakhstan, including improvements in providing information and instruction to voters of the RK, and providing stakeholders in the elections with all the necessary materials and information. RNIM also appreciates the transparency in the activities of the CEC of Kazakhstan and territorial election commissions (TEC), in the preparation for the polling day, including the trainings for members of electoral commissions and cooperation with local and international observers for the elections in Kazakhstan, including RNIM.

Many political parties have shown little interest in forming election commissions and did not provide nominations timely for inclusion in the composition of election commissions, one of the reasons is a short period of the campaign. Nevertheless, RNIM encourages all political parties and candidates to plan ahead for the elections, and address organizational issues in the period between elections.

4. Voter lists

RNIM mentions that in some precinct election commission (PEC) there are no voter lists (such as PEC 134, 14, 4, Karaganda). Also, not all PECs provided the opportunity to voters to familiarize themselves with the voter list. Nevertheless, we hope that in time these problems will be solved and they will have no serious impact on the outcome of the vote. Also RNIM hopes that the opening of the CEC RK online service which allows voters to check themselves on the voter lists would improve the accuracy of the voter lists and ensure transparency of the electoral process.

Approximately 2000 short-term observers and long-term monitors (11 people) of RNIM conducted a random check of the voter lists at polling stations. Serious inaccuracies have not been found. In reviewing voter lists in the Kostanai region the results were the following :

Admin.unit	Checked electorate	Found correct	Found with inaccuracy	Not found
Kostanai	96	92	4	-
Rudniy	54	52	2	-
Kostanay region	67	66	1	-
Fedorov region	74	71	3	-

Taran region	48	46	2	-
Total	339	327	12	-

At polling station No. 81 in Astana it was noted that 72 persons were registered in apt.67 on 6 Abylai Khan str., and at another address, 3/5 Abylai Khan /apt.6, 30 people were registered. The RNIM initiative on monitoring the quality of the voter lists will continue until August 17, 2007 and the results will be published in RNIM's final report.

In accordance with clause 1 chapter 24 of the "Elections in the RK" Law the voter lists are prepared for the elections of the President, Majilis deputies of the Parliament, Maslikhats of the RK, and members of other local governments. As is known, 9 Majilis deputies will be elected through the Assembly of Peoples of Kazakhstan on August 20, 2007. At this point RNIM has no information on the availability of "voters list" for the Assembly of Peoples of Kazakhstan and its publication for general familiarization. Absence of voter lists is a flagrant violation of electoral laws and undercuts the credibility of this election for the Republic of Kazakhstan.

5. Mass Media

RNIM notes positive changes in the quality of information to the public regarding the electoral process by national and local media from previous election campaigns. We have not found evidence of seizure, or a ban on the production of print media. All political parties were given additional time on television and radio from the CEC of Kazakhstan. RNIM positively evaluates the assistance of commercial channels in the organization of TV debates and their broadcast.

RNIM recorded a case of a ban of a commercial of the ANSDP. One of the reasons was a lack of permission from the individuals shown in these commercials (legal requirement clause 10 chapter 27 of the "Elections in the RK" Law). However, it is unknown whether other parties have permission from the individuals displayed on their billboards, for example "Nur Otan" (image of the President with large groups of construction workers, children and others). Such a legal requirement to obtain permission is considered by RNIM to be overburdensome and raises obstacles to a meaningful campaign, and RNIM also considers the charges of inciting social discord ungrounded, as there was no direct call to an action in the video. This conclusion was made after the consultation with RNIM monitors. Long-term RNIM observers noted a case of censorship of campaign material by the media leaders, in particular, chief editor of the newspaper "Kazakhstanskaya Pravda", published an interview with a candidate from the ANSDP and edited a number of the candidate's phrases without his permission. RNIM considers it unacceptable to censor campaign material of the candidates (clause 1 chapter 20 of the Constitution of the RK).

6. Elections of the Deputies to the Majilis of the Parliament of Kazakhstan elected by the Assembly of People of Kazakhstan on August 20, 2007

An analysis of the legal framework for elections through the Assembly of People of Kazakhstan leads to the conclusion that the elections are not constitutional and are illegitimate.

Pursuant to chapter. 33 of the Constitution of Kazakhstan citizens have the right to participate in public affairs, to vote and be elected.

Pursuant to chapter 3 of the "Elections in the RK" Law on Elections of the President, Majilis Deputies of the Parliament and Maslikhats of the RK and members of local governments are conducted on the basis of universal, equal and direct elective right by secret voting.

Pursuant to chapter 6 of the "Elections in the RK" of the President, deputies of the Majilis of Parliament and Maslikhats of Kazakhstan and other members of the local government of the Republic shall be elected directly by citizens.

Elections through the Assembly of People of Kazakhstan are contrary to the principles of universality, equality and direct suffrage, as all deputies of Majilis of the Parliament of Kazakhstan are required by Law to be voted by all citizens directly.

The Law of the Republic of Kazakhstan "On elections in Kazakhstan" in article 7 provides indirect election only for the election of senators in the upper house of Parliament. Also this election contradicts with the requirements of equal suffrage, because the members of the Assembly of Peoples of Kazakhstan will participate twice in the elections for the deputies of the Majilis of the Parliament of Kazakhstan unlike all other citizens who will vote only once.

According to mass media, at a session of the Assembly of People of Kazakhstan nine candidates were nominated for nine seats by the Assembly of People of Kazakhstan. This means that during this election there alternative candidates will not exist and the voters will not have the freedom of choice. It also results in an absence of candidates competing for the vote. Election of the Majilis of the Parliament of Kazakhstan, through the Assembly of People of Kazakhstan did not meet the standards in the OSCE.

In accordance with p.7.2 of the OSCE Copenhagen Document 1990, the state adheres to the principle that at least one chamber of the national legislature is to be freely contested in a popular election. As the upper House of Parliament of Kazakhstan is elected on the basis of indirect suffrage by electors, the lower chamber of Parliament should be elected by direct universal vote by citizens. In this case, the international standard for democratic elections is clearly violated.

During the elections on August 18, 2007 of the deputies of the Majilis of the Parliament of Kazakhstan of the same house, all citizens of Kazakhstan are eligible to vote, while the election of the same house of the Majilis of the Parliament of Kazakhstan on August 20, 2007 the members of the Assembly of People of Kazakhstan has the right to vote twice. This is equivalent to saying that a citizen voting in a constituency in the elections of Maslikhatov deputies of the RK, will vote in another district two days later.

In connection with the above RNIM is particularly concerned about the legitimacy of the future of the Majilis of the Parliament of Kazakhstan because of the undemocratically elected deputies of the Assembly of People of Kazakhstan.

Recommendations and suggestions for the electoral process

Based on the long-term observation of extraordinary elections to the Majilis deputies of the Parliament of Kazakhstan and the regular election of deputies Maslikhatov RK, RNIM calls on:

- Political parties and candidates of the Maslikhatov to intensify campaigning and inform voters of Kazakhstan in the remaining two days before polling day;
- Political parties and public organizations planning to send observers to polling stations to pay special attention to the quality of training of these observers;
- The active cooperation on election day of all political forces and an exchange of information on violations and voting;

- CEC RK to publish the results of the election by breakdown by precinct on its web-site as they become available;
- Authorities, local government and other leaders present at the polling stations who are not authorized by the law to be present to refrain from interfering in the course of voting and counting; and
- Members of the electoral commission to observe impartiality towards all participants in the electoral process

Based on the long-term observation of extraordinary elections to the deputies of the Majilis of the Parliament of Kazakhstan and the regular election of deputies of the Maslikhatov RK, RNIM recommends:

- To ensure the legitimacy of the next Majilis of the Parliament of Kazakhstan, all participants in the election process should take all necessary measures to recognize that the election of the deputies of the Majilis of the Parliament of RK through the Assembly of the People of Kazakhstan is unconstitutional and initiate changes in the law to hold additional elections based on party lists for the nine remaining seats from the Assembly of the People of Kazakhstan;
- In order to create conditions for real competition for voters, as well as eliminate such negative aspects as formalized approach to participate in the elections by political parties, allow the formation of blocs for the elections of the deputies of the Majilis of Parliament RK;
- To ensure the quality of the legislation of the election law, create a real discussion on the amendments to the election law, including political stakeholders, and representatives from an independent expert community;
- In order to conduct the campaign, refrain from combining several levels of elections on one day;
- In order to prevent post-election party corruption during the distribution of the deputy seats, as well promote an accurate reflection of voters' will during the voting through party lists, restore the earlier rules by which of seats were allocated based on the place in the party list.

**Decree of the President of the Republic of Kazakhstan
On dissolution of the Majilis of the Parliament of the Republic of
Kazakhstan of the third convocation and appointment of extraordinary
elections of deputies of the Majilis of the Parliament of
the Republic of Kazakhstan**

According to the sub-item 2) article 44, item 1 article 63 of the Constitution of the Republic of Kazakhstan, article 85, 87 of the Constitutional Act of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan" I **DECREE**:

1. To dissolve the Majilis of the Parliament of the Republic of Kazakhstan of the third convocation.
2. To appoint extraordinary elections of deputies of the Majilis of the Parliament of the Republic of Kazakhstan, to be elected based on party lists on August 18, 2007.
3. To appoint extraordinary elections of deputies of the Majilis of the Parliament of the Republic of Kazakhstan, to be elected by Assembly of the People of Kazakhstan on August 20, 2007.
4. To establish, that the nomination of candidates to the deputies of the Majilis of the Parliament of the Republic of Kazakhstan, to be elected based on party lists, shall begin on June 22, 2007 and shall finish on July 11, 2007.
5. The Central Election Commission of the Republic of Kazakhstan shall organize preparation and holding of extraordinary elections of deputies of the Majilis of the Parliament of the Republic of Kazakhstan.
6. The Government of the Republic of Kazakhstan, akims of regions, Astana and Almaty cities shall take all appropriate measures on organization, material-technical and financial ensuring of extraordinary elections of deputies of the Majilis of the Parliament of the Republic of Kazakhstan.
7. The present Decree shall come into force from the date of publication.

**President
of the Republic of Kazakhstan
N. Nazarbayev**

Astana, Akorda, June 20, 2007
N 350

**Указ Президента Республики Казахстан
«О роспуске Мажилиса Парламента Республики Казахстан
третьего созыва и назначении внеочередных выборов депутатов
Мажилиса Парламента Республики Казахстан»**

В соответствии с подпунктом 2 статьи 44, пунктом 1 статьи 63 Конституции Республики Казахстан, статьями 85, 87 Конституционного закона Республики Казахстан «О выборах в Республике Казахстан»
ПОСТАНОВЛЯЮ:

1. Распустить Мажилис Парламента Республики Казахстан третьего созыва.
2. Назначить внеочередные выборы депутатов Мажилиса Парламента Республики Казахстан, избираемых по партийным спискам, на 18 августа 2007 года.
3. Назначить внеочередные выборы депутатов Мажилиса Парламента Республики Казахстан, избираемых от Ассамблеи народа Казахстана, на 20 августа 2007 года.
4. Установить, что выдвижение кандидатов в депутаты Мажилиса Парламента Республики Казахстан, избираемых по партийным спискам, начинается 22 июня 2007 года и заканчивается 11 июля 2007 года.
5. Центральной избирательной комиссии Республики Казахстан организовать подготовку и проведение внеочередных выборов депутатов Мажилиса Парламента Республики Казахстан.
6. Правительству Республики Казахстан, акимам областей, городов Астаны и Алматы безотлагательно принять все необходимые меры по организационному, материально-техническому и финансовому обеспечению внеочередных выборов депутатов Мажилиса Парламента Республики Казахстан.
7. Настоящий Указ вводится в действие со дня опубликования.

**Президент
Республики Казахстан
Н. Назарбаев**

Астана, Акорда, 20 июня 2007 года
№ 350

OSCE
IMPREST FUND
PAYMENT VOUCHER

Voucher no:.....
Date:.....
Mission: EOM Kazakhstan 2007

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