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**PERMANENT MISSION OF
THE REPUBLIC OF KAZAKHSTAN TO THE OSCE**

**Statement by the Permanent Representative of the Republic of Kazakhstan
to the OSCE, Ambassador Doulat Kuanyshv
at the 595th Permanent Council meeting
2 March 2006**

Thank you, Mr.Chairman.

With regard to publication and circulation of the OSCE/ODIHR Election Observation Mission final report I would like to inform the Permanent Council that the Central Election Commission of Kazakhstan will prepare its official conclusion on the report upon its receipt in state language.

But let me briefly comment some of the report's provisions.

Executive summary of the report notes that presidential election was the second multi-candidate election in the Republic of Kazakhstan. Since 1999, according to it the election process was administered according to the Election Law that was amended and significantly improved. Among positive aspects there was underlined the procedure of registration of candidates giving voters possibility of choice; conformity of the state media legal obligations to provide candidates with free airtime or space; a first-ever debate among presidential candidates broadcast by a television station with state-wide coverage.

According to the report voting was conducted in a generally calm atmosphere. Observers assessed voting positively in 92 per cent of polling stations visited.

Kazakhstan implemented most of the pre-election ODIHR/OSCE recommendations, including that to fulfill the electoral legislation. Some of them were beyond the OSCE basic documents. Still the Government of Kazakhstan is ready to consider the best experience of other OSCE participating states.

According to the assessments of independent observers from a number of countries (including OSCE participating states) and international organizations, this election was free, fair and transparent. It was marked by an unprecedented high interaction between Kazakhstan authorities and international observation missions. The unbiased monitoring registered no serious violations of law and confirmed that the election complied with international standards.

As a result, Kazakhstan had the best election in its history as an independent country and also among the CIS countries. It was neither influenced by any outside actor nor accompanied with social and political unrest.

However, some irregularities were observed at a limited number of polling stations. Because of technical character they could not affect the general outcome of the election. They were mentioned in several detailed reports (e.g. by NGOs, candidates' campaign staff, US Embassy, etc.). That allowed Kazakhstan authorities to react immediately and ones confirmed take appropriate measures. The interested parties got reports.

Some statements of general nature failed to be backed by details and evidence despite repeated Government's requests to provide them. That made it impossible to check the statements, take appropriate measures and make the results public. Thus, they remained politically-oriented declarations. Most probably, it was due to insufficient fact-file training both in general terms or/and specific to the country, where "technical approach" to the election outcome did not take into consideration the context and history of the country's development. But still, the majority of observers met the basic requirement of unbiased and fact-based monitoring.

As it was admitted by international observers 80% of these violations were of technical nature.

The Central Election Commission and the Government of Kazakhstan have been developing special Program to improve legislative awareness of the society and election commissions members. The Program includes regular publication of related information, conducting workshops, seminars, round tables and courses with support of International Fund of Election Systems of the USA and the Ministry of Education and Science of Kazakhstan.

During presidential election total 55660 violations of the electoral legislation were revealed by state authorities. The bulk of them (53730) relates to collection of signatures in support of candidates.

The courts received 1215 applications, 51 of them by the Supreme Court of Kazakhstan.

Prosecutor offices received 3142 complaints. Election commissions received 26861 complaints, 260 of them by the Central Election Commission.

27 criminal cases were opened, 3 of them are presently in court. 4855 administrative investigations were conducted. Administrative action was brought against 263 persons (including 4 town mayors and 1 head of a district administration). 5 heads of local administration were dismissed.

10775 applications relate to in-house voting (out of a polling station), 2585 – to voting at another polling station (not at registered residence area), 742 – to enlisting into voters lists. 13158 applications were met.

On November 25, 2005 the Government of the Republic of Kazakhstan submitted to the Parliament an amendment to the Constitutional Law on Election which excludes paragraph 6 of Article 44 (prohibition of any form of expression of public, group and individual interests and protests that may affect voters or election commissions' members during the period between the end of pre-

election campaign and an official announcement of voting results). The Parliament is now considering the draft in accordance with constitutional procedures.

After the presidential election on December 4, 2005 the Central Election Commission together with the Ministry of Justice of the Republic of Kazakhstan drafted a law to introduce amendments and additions to the Constitutional Law on Election e.g. to define a period for collecting and submitting voters' signatures in favour of elected candidates, etc.

Kazakhstani side is open to any detailed proposals from ODIHR/OSCE or other international organizations to improve the election legislation. The proposals should give justified comparative analysis of the existing norms and regulations in current Kazakhstani legislation and corresponding clauses of ODIHR/OSCE documents.

As you aware, the Government of Kazakhstan has invited follow up team to visit the country in order to discuss all recommendations and proposals in open and constructive manner. This will of course help issues regarding improvement of the electoral process in Kazakhstan. We look forward for an upcoming visit of Ambassador Strohal and his colleagues. At the same time authorities of my country are ready to continue fruitful dialogue on the whole spectre of our cooperation with ODIHR.

Mr.Chairman,

Using today's opportunity, I would like to inform the Permanent Council that yesterday the President of the Republic of Kazakhstan Nursultan Nazarbayev on the joint session of Chambers of Parliament presented annual Address to the people of Kazakhstan in which he set forth "Strategy Kazakhstan for entering into the 50 most competitive states of the world.

In his speech President of Kazakhstan outlined a set of priorities and steps in the near perspective aimed to achieve this ambitious goal.

The text of the address will be distributed for information among the participating states in due course.