



Office for Democratic Institutions and Human Rights

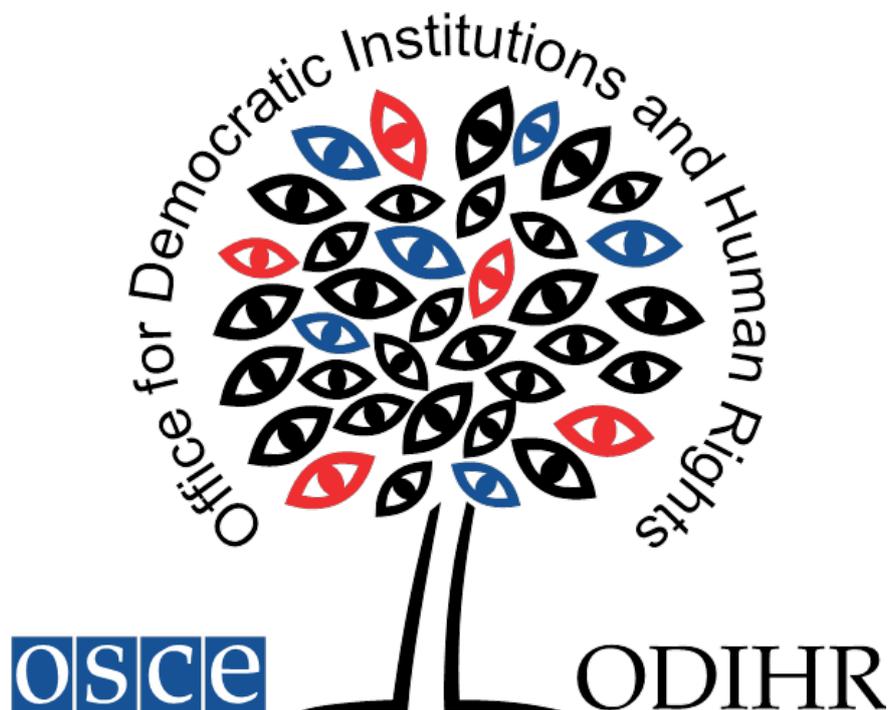
REPUBLIC OF KAZAKHSTAN

REFERENDUM

15 March 2026

ODIHR NEEDS ASSESSMENT MISSION REPORT

17-20 February 2026



Warsaw
25 February 2026

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REPUBLIC OF KAZAKHSTAN
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of the Republic of Kazakhstan to observe the 15 March 2026 referendum, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 17 to 20 February. The ODIHR NAM included Ulvi Akhundlu, ODIHR Deputy Head of the Election Department, and Yelena Kovalyova, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-referendum environment and preparations for the referendum. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the upcoming referendum, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, representatives of media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and its Permanent Delegation to the OSCE for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

On 11 February, the President decreed a nationwide referendum on a new Constitution to take place on 15 March. Initially announced in September 2025 as a parliamentary reform, the initiative evolved into a broader constitutional review. The draft text of the new Constitution was prepared by the Constitutional Commission established in January 2026 and chaired by the President of the Constitutional Court, comprising civil and public servants, local executives, members of selected civil society organizations, members of the parliament, and the judiciary, as well as representatives of state and private enterprises. The interim version of the text of the new Constitution was published on 31 January 2026, and the final version proposed for the referendum was released on 12 February. Voters will be asked one “Yes” or “No” question on the approval of the new constitution. Many ODIHR interlocutors expressed the view that the proposed constitutional changes may reverse certain aspects of the 2022 reforms.

The new Constitution proposed for the referendum reviews, *inter alia*, the scope of human rights definitions and grounds for their legitimate limitations, and reforms the institutional structure of state institutions, creating a single-chamber parliament, a consultative people’s assembly and the institute of vice-president, extending the functions of the president in institutional appointments, including without parliamentary oversight, legislative functions, including in the absence of the parliament, and the power to dissolve the parliament following repeated rejection of presidential nominees for certain offices.

While the representatives of the vast majority of the state institutions the ODIHR NAM met with expressed strong support to the constitutional reform and firmly advocated for its benefits, other ODIHR interlocutors raised concerns about the nature and the potential implications the fundamental changes that the new Constitution would introduce, the lack of meaningful transparency and inclusivity of the process of its elaboration, and the limited timeframe available to voters to make an informed choice about the content of the draft Constitution, considering the extent of the changes.

The conduct of referenda is regulated by the Law on the Republican Referenda and the Law on Elections, which applies to areas not specifically addressed by the former. Recent amendments clarified ballot validity rules, removed minority-language ballot requirements, and excluded certain constitutional provisions from referendum scope. However, most ODIHR electoral recommendations remain partially or fully unaddressed, including those issued in the context of the 2022 constitutional referendum as well as those related to fundamental freedoms of peaceful assembly, expression and association, independence of election administration, and publication of election results, all relevant to the holding of a referendum.

The Constitution can be amended either by the parliament or through a nation-wide referendum. A referendum requires participation of more than half of all registered voters; more than 50 per cent of the valid votes should be cast in favour of a referendum question to pass, while a referendum on constitutional amendments or additions require this support originate from at least two thirds of all administrative units.

The referendum is administered by the Central Referendum Commission (CRC), 20 Territorial Referendum Commissions, and 10,411 Precinct Referendum Commissions. Preparations for the referendum are ongoing; the CRC has adopted a calendar plan for its activities, developed a training programme for the lower-level commissions and other stakeholders, and is implementing a public awareness campaign. The CRC underlined that it is neither responsible for nor conducting a voter education programme on the substance of the draft Constitution to be voted at the referendum. The ODIHR NAM was informed that the pro-referendum campaign coalition was tasked with informing voters about the substance of the question and the potential constitutional changes. While no ODIHR NAM interlocutors raised concerns about the capacity of the referendum administration to execute the technical aspects of the process, many expressed limited confidence in the integrity of the process, citing past electoral shortcomings, including on election days, and perceived the outcome as predetermined.

Voter registration is passive, and local executive authorities compile voter lists based on the state population registry. The CEC reported there are 12.4 million voters registered in its nationwide electronic voter register. Voter lists will be available for public scrutiny from 15 days before voting at the precinct level and online, with requests for corrections reviewed the same day. The law continues to disenfranchise citizens declared incapacitated by a court based on intellectual or psychosocial disabilities and criminally convicted prisoners, irrespective of the gravity of their crime, contrary to the international standards and prior ODIHR recommendations. ODIHR NAM interlocutors did not express concerns with the accuracy of the voter register.

The referendum campaign is not adequately regulated, as the safeguards against misuse of administrative resources, guarantees of equal opportunities for disseminating opposing opinions, as well as any campaign finance regulations are absent. The ODIHR NAM was informed that the campaign was driven mainly by members of parliament, and representatives of state and local administrations. ODIHR NAM interlocutors stated that a concerted “NO” campaign was not realistic due to self-censorship attributed to numerous sanctioning of dissenting voices.

Television is the main source of political information across the country, but it is either state-owned or largely state-subsidized. Internet remains the main space for critical discourse, but, according to ODIHR NAM interlocutors, it is increasingly subject to stricter regulation and control, including blocking critical websites, requests to remove content, and administrative cases against journalists and activists for alleged dissemination of false information. The constitutional guarantees of freedom of expression, media freedom and the right of access to information are weakened by the specialized laws and their restrictive implementation practice, while previous ODIHR recommendations related to effective exercise of these freedoms remain unaddressed. ODIHR NAM interlocutors stated that stifling of the

referendum discussion was affected by a restrictive implementation of campaign rules by public authorities and calls to abstain from criticism under threat of fines and sanctioning. The Referendum Law does not contain provisions on equal access for proponents and opponents of the referendum to campaign resources, including free-of-charge access to media resources.

Citizens and registered public associations have the right to challenge decisions, actions and inactions of referendum commissions before higher-level commissions or courts, and, along with referendum commissions, may refer electoral violations to courts or the prosecution. The Constitutional Court examines the validity of the referendum process, if requested by the president, the speakers of the parliament's chambers, the prime minister or one fifth of all members of the parliament, and may request repeated voting in the affected area in case of violation. The law provides for expedited deadlines for referendum-related disputes.

ODIHR NAM interlocutors expressed differing views regarding the potential added value and necessity of an ODIHR observation activity for the referendum, particularly considering the short timeframe before referendum day. All interlocutors from state institutions welcomed a potential ODIHR deployment and reiterated their interest to strengthen co-operation with ODIHR with a view to bringing electoral processes closer in line with international standards. Some interlocutors highlighted the benefit of an independent assessment, including in the context of envisaged election-related reforms and potential future reviews of the referendum legislation, while others noted that a potential deployment may face limitations in capturing all aspects of the process within the available timeframe and could be perceived by some stakeholders as lending implicit validation to aspects of the process. Several ODIHR interlocutors nevertheless mentioned that international scrutiny may contribute to improved compliance in the referendum administration. Interlocutors underlined that the legal framework for referenda, the campaign and its coverage in the media, respect for fundamental freedoms, and referendum day procedures, would merit particular attention in the context of a potential ODIHR observation activity.

Based on the findings of this report, the ODIHR NAM would have recommended the deployment of a Referendum Observation Mission (ROM) with both long-term and short-term observers, in addition to a core team of experts. However, due to the short timeframe between the announcement of the referendum and referendum day on 15 March, the deployment of a ROM is not possible. ODIHR nevertheless sees merit in sending an observation activity for the 15 March referendum on the basis of ODIHR NAM findings, and thus recommends the deployment of a Referendum Assessment Mission (RAM).

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

On 8 September 2025, President Kassym-Jomart Tokayev, in an address to the Nation, stated the need for a parliamentary reform, that would create a single-chamber parliament elected from political party lists, to be approved at a referendum in 2027.¹ In November 2025, he announced that, given the scale of the required changes, the document to be proposed for referendum will equate to a new

¹ The 2025 presidential [address](#) titled “Kazakhstan in the Era of Artificial Intelligence: Urgent Tasks and their Solutions through Digital Transformation” presented the parliamentary reform as an element to the holistic institutional reform initiated in 2022, as the second chamber, the Senate, needed to be abolished after it had “accomplished its historical role”. ; it was to finalize in 2027 when the parliament’s mandate ends. See also the 8 October 2025 presidential [Decree No. 250](#) on creation of the Working Group for Parliamentary Reform. In 2022, the president [announced](#) the Constitution would not be open for further review, including the ban on presidential re-election.

Constitution.² Consequently, on 21 January 2026, a Constitutional Commission was established “with the task to develop the proposals for the Constitutional reform”.³ The Commission released the first draft of the new Constitution on 30 January.⁴ The Commission concluded its work on 12 February, having held 12 sessions, when the final text of the proposed Constitution, with adjustments based on, *inter alia*, submitted public proposals, was published.⁵ On 11 February, the President called a referendum for 15 March and formulated the referendum question as follows: “Do you accept the new Constitution of the Republic of Kazakhstan, the draft of which was published in the media on 12 February 2026?”.⁶

ODIHR NAM received divergent assessments regarding public consultations on the constitutional amendments. Representatives of state institutions highly praised the inclusive and representative nature of the Constitutional Committee and highlighted the transparency of its work, including online streaming of meetings. In contrast, the majority of interlocutors from civil society organisations (CSOs) regretted the lack of meaningful transparency and inclusivity of the process, citing insufficient time for a thorough legal review or debates.⁷

President Tokayev, in office since 2019, was re-elected at early elections on 19 November 2022 with 81.31 per cent of the votes, following the constitutional amendments extending presidential term from

² The [president](#), several [politicians](#) and [members of the Working Group](#) argued that broad grassroots demand for vast changes resulted in a *de facto* new Constitution, reportedly based on some 2,000 public requests and submissions.. While the Constitution does not stipulate a citizens’ direct initiative for constitutional review (Article 91), the 1999 [Law](#) on the Republican Referendum allows such an initiative if supported by at least 200,000 voters across all administrative units of the country, subject to a complex registration, signature collection and submission procedures (Articles 11 – 17 of the Law), which shall be transferred to referendum by the president.

³ Under the president’s [Decree No. 1157](#) of 26 January 2026, the Constitutional Commission was chaired by the president of the Constitutional Court, and [comprised](#) 130 members, including members of parliament and of the Assembly of the People of Kazakhstan, president’s advisors, representatives of the national and local governments and local councils, state institutions, the judiciary, Ombudsman, the media, expert and academic communities, members of parliamentary political parties, state and private enterprises.

⁴ The Constitutional Commission members informed ODIHR NAM that the decision to draft a new Constitution, instead of amending the 1995 Constitution currently in force, was made as the amendments covered over 84 per cent of the current text, and was determined by the rule of the 2016 [Law](#) on Normative Legal Acts, which prescribes that “[i]n case of introduction of amendments and/or additions to the text of a normative legal act to the extent exceeding half of the text of the [...] act, a new version thereof shall be adopted.” (Article 26 para. 9). However, para 2 of Article 2 of the 2016 [Law](#) on Normative Legal Acts “the Scope of this Law” states that “This Law does not apply to (1) the procedure for adoption, amendment, supplementation and termination of the [Constitution](#) of the Republic of Kazakhstan”. Article 91 of the 1995 [Constitution](#) regulates the procedures for “[a]mendments and additions to the Constitution of the Republic of Kazakhstan, by referendum or by the decision of the parliament, subject to the preliminary Constitutional Court’s assessment of compliance to the limitations under Article 91 para 2”.

⁵ The [final version](#) of the proposed new Constitution was released on 12 February, after its [presentation](#) to the President. The Commission members stated the available time was sufficient for the task at hand, and attributed the speed of its work to the use of modern communication technologies and the artificial intelligence.

⁶ See the president’s [Decree No. 1170](#) of 11 February 2026 “On Holding a Republican Referendum on 15 March 2026”. According to paragraph III. 9.a of the 2022 Venice Commission [Revised Guidelines on the Holding of Referendums](#), “[t]he absolute minimum period between calling a referendum and polling day should be four weeks. A considerably longer period of preparation is desirable, however, particularly if the topic has not already been subject to widespread public discussion. The campaign period must not be shorter than for regular elections”.

⁷ ODIHR NAM was informed that the proposals for the constitutional changes could be submitted via the governmental services portals *eGov* and *e-Otinish* platforms. The Working Group and the Constitutional Commission were [reported](#) to have reviewed over 2,000 and 10,000 proposals on the Constitution, respectively. Critics argued that the Constitutional Committee online sessions constituted announcements of pre-prepared texts promoting the proposed changes. They also claimed that public submissions were neither published for general awareness nor subjected to open debates.

5 to 7 years and abolishing the possibility of a re-election. The last parliamentary elections were held early, on 19 March 2023, with six of seven registered parties entering the *Majilis*.⁸

Previous ODIHR election reports noted that the political landscape was strongly dominated by the ruling party and the distinction between the party and the executive branch of government was often blurred.⁹ The 2022 ODIHR Referendum assessment mission concluded that “[t]he referendum took place in an environment short of genuine political pluralism. [...] voters were not offered balanced information about the proposals, which negatively affected their possibility to make an informed choice”.

Women remain under-represented in political and public life. Women currently hold 17 out of 93 seats in the *Majilis* (18 per cent) and 3 out of 25 the government posts; none of the 20 *Akims* (governor of region) are women. The UN Committee on the Elimination of Discrimination against Women has previously expressed concern about the low representation of women in decision-making positions as well about discriminatory gender stereotypes hindering the participation of women in political and public life.¹⁰

ODIHR has observed 15 elections and one referendum in Kazakhstan. The final report, issued in July 2023, contains 35 recommendations, including 8 priority ones, for the authorities to improve electoral process and bring it closer in line with OSCE commitments.¹¹

B. LEGAL FRAMEWORK

The referendum is primarily regulated by the 1995 Constitution (last amended in 2022), the 1995 Constitutional Law on Elections (hereinafter Election Law, last amended in 2022), and the 1995 Constitutional Law about the Republican Referendum (hereinafter Referendum Law, last amended in 2022 and 2024). The Central Referendum Commission (CRC) issues regulations to provide further details on legal provisions.¹² Kazakhstan is a party to major international and regional instruments related to the holding of democratic elections.¹³

The Referendum Law does not contain specific regulations on ensuring equal opportunities for the proponents and opponents of the referendum; in areas lacking specific regulation, the Election law applies. Recent amendments to the Referendum Law removed the constitutional provisions on the single seven-year mandate presidential term from the referendum scope, eliminated the requirement of referendum ballot papers in minority languages, clarified rules on ballot validity, and restricted referendum observation to accredited organisations.¹⁴

⁸ The ruling *Amanat* party received 62 seats (40 from the proportional and 22 from the majoritarian contests), the National Democratic Patriotic Party - *Auyl* – 8 seats, the Democratic Party *Ak Zhol* and the Respublika party - 6 seats each, the People’s Party of Kazakhstan - 5 seats, and the National Social-Democratic Party – 4 seats, 7 seats were won by independent candidates in majoritarian context.

⁹ See all previous [ODIHR election-related reports on Kazakhstan](#).

¹⁰ See UN Committee on the Elimination of Discrimination against Women 2019 [Concluding observations on the fifth periodic report of Kazakhstan](#), paragraphs 24, 29 and 30.

¹¹ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See ODIHR Electoral Recommendations Database at [Paragraph25.odihr.pl](#).

¹² To date, the CRC has adopted its calendar plan and the regulations to clarify certain procedures, including on participation of persons with disabilities, referendum observation, and registration of voters.

¹³ Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention for the Elimination of All Forms of Discrimination against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption, 2006 Convention on the Rights of Persons with Disabilities (CRPD), and the 2002 CIS Convention. Kazakhstan is also a member of the Council of Europe’s Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption.

¹⁴ Other changes primarily reiterated applicability of the Election Law rules to referendum observation, media, opinion polls, and disputes resolution.

The amendments did not address the prior ODIHR recommendation to comprehensively review the referendum's legal framework through an inclusive consultative process to ensure comprehensive, balanced and impartial information about the proposed referendum question for voters to form an informed opinion, and equal access of proponents and opponents of the referendum option to campaign resources.¹⁵ Many other ODIHR recommendations remain unaddressed, including those related to fundamental freedoms of peaceful assembly, expression and association, independence of referendum administration, candidacy requirements, the media, and publication of election results.¹⁶

The text of the Constitution proposed for referendum, *inter alia*, revises the scope of human rights definitions and their legitimate limitations¹⁷; extends the functions of the president, eliminates parliamentary consent for presidential appointment of some high-profile civil servants, while allowing the president to disperse the parliament in case of a repeated rejection to support the president's nominees for some positions, including for the speaker of the parliament; eliminates parliamentary endorsement of president's acts adopted upon government's proposals and grants the president the right to legislate, including on the constitutional law level, while the parliament is dispersed. Other institutional changes foresee the creation of a new single-chamber parliament (*Qurultay*), creates the office of a vice-president, and a new consultative body, the National Council.¹⁸

While the vast majority of the state institutions' representatives met by the ODIHR NAM expressed strong support to the constitutional changes and firmly advocated for their benefits, other ODIHR interlocutors raised concerns about the nature and the consequences the fundamental changes the new Constitution would introduce, including potential for interventions of the executive into the civic space, limitations of human rights under widely formulated definitions, and weakening the system of checks and balances between state institutions.

The new Constitution, if adopted, shall enter into force on 1 July 2026, requiring a large-scale legal reform and new parliamentary elections within two months.¹⁹ The ODIHR NAM interlocutors among the members of the government, the parliament, and other former members of the Constitutional Commission stated that no legislative preparations have been made or are currently ongoing in anticipation of a potential adoption of the Constitution and the expected early parliamentary elections. The transitory provisions of the new Constitution also prescribe reappointments of a big number of civil servants and members of the judiciary, including the Constitutional Court.²⁰

¹⁵ Other ODIHR recommendations on private and public funding, the requirements for reporting, auditing and sanctions for violations, the prohibition of the use of public funds by authorities for campaigning, sanctions for the misuse of administrative resources, and the rules for appointment of referendum commissions, remain unaddressed.

¹⁶ The [ODIHR Final Report](#) on the 5 June 2022 Referendum issued 13 recommendations, including 7 priority ones.

¹⁷ Other changes concerned the status of international treaties, the status of the Russian language, grounds for citizenship termination, extended the prohibition on foreign financing of political parties, introduced obligatory transparency measures for foreign financing of civil society organisations (CSOs); limited the institute of marriage to the union of a man and a woman, changed the regulation on religious institutions, stipulated protection of private life and personal data in the digital space, etc. The draft also changes the process of future constitutional review.

¹⁸ *Qurultay* shall be elected under a proportional system from a single nationwide electoral district. The scope of the functions and powers of the vice president is not defined, save for legislative initiative power, and shall be regulated by the president; the National Council "represents the interests of the people" and may initiate laws and referenda, while its composition, formation and functioning are not constitutionally defined, and require additional regulation.

¹⁹ Article 95 of the draft [Constitution](#) states that "the parliament elected under the [1995] Constitution [...] terminates its mandate on 1 July 2026. [...] the elections to the [new parliament] shall be announced by the president within a month and held within two months after the entry into force of the [new] Constitution".

²⁰ Under Article 95, the entire Constitutional Court, all members of the Central Electoral Commission, the Supreme Audit Chamber, the Chairman of the Supreme Court, the Chairman of the National Bank, the Prosecutor General, the Chairman of the National Security Committee, the Chairman of the Supreme Judicial Council, the Ombudsman, to be reappointed within two months from the 1st session of the new parliament.

The Constitution may be amended either through parliamentary procedures or through a nation-wide referendum. Amendments adopted by referendum require a 50 per cent turnout and the majority of valid votes cast in at least two-thirds of the regions and the capital.²¹ The proposed question reads: “*Do you accept the new Constitution of the Republic of Kazakhstan, the draft of which was published in the media on 12 February 2026?*” The result of the referendum is binding. A number of ODIHR NAM interlocutors pointed to the implicit obligation to either accept or reject all proposed amendments in their entirety.

C. REFERENDUM ADMINISTRATION

The existing three-tier hierarchical system of election commissions, including the Central Election Commission, 20 territorial (oblast and 3 cities with special status) and 10,411 precinct commissions (for referenda defined as the Central Referendum Commission (CRC), TRCs and PRCs, respectively) administer the process.²² Commissions at all levels are appointed for a five-year term and, except for the PRCs, consist of seven members.²³

The CRC regulates, administers and oversees the overall conduct of the referendum, maintains the unified voter register and establishes the referendum results. The CRC chairperson and two members are appointed by the president, while the *Majilis* and Senate each appoint two other CRC members.²⁴ Two of the current seven CRC members are women.

TRCs and PRCs are appointed by the local assemblies from the nominees of political parties and CSOs. The CRC informed the ODIHR NAM that commissions membership required adjustments due to withdrawals. The boundaries of the referendum precincts and the PRCs composition should be published by 21 February by the local authorities. The TRCs are responsible for the preparations for the referendum in their territory, consider complaints against relevant PRCs and tabulate voting results. The PRCs inform voters about voting locations, manage voter lists scrutiny, conduct election day procedures, including vote counting, and decide on referendum day complaints at first instance.

Preparations for the referendum are ongoing. The CRC has adopted a calendar plan of its activities, approved the text of the ballot, developed a combined online and offline training programme, including for the TRCs and PRCs, public associations, media representatives, and organizations representing persons with disabilities.²⁵ The CRC informed the ODIHR NAM that all sessions are broadcast online, with regular press briefings with questions and answers sessions for the media.

The CRC underlined that its mandate does not include voter education on the substance of the constitutional changes, and is limited to procedural information, which has been disseminated throughout the country via the broadcast and print media, online platforms, posters and billboards.²⁶ The ODIHR NAM was informed that the pro-referendum campaign coalition partners were tasked for informing the voters about the substance of the referendum question and the potential constitutional

²¹ The adoption of other referendum question requires the majority of valid votes, subject to a 50-per cent turnout.

²² Out-of-country voting will be administered in 80 PRCs at 62 countries abroad; 552 polling stations are established in hospitals, military units and other places of temporary stay of voters, 9,779 PRCs are regular.

²³ By law, the PRCs should have between 5 and 9 members depending on the size of the precinct.

²⁴ After the [CEC](#) appointment in 2022, most members were [changed](#) during 2023- 2024.

²⁵ According to the CRC, cascade trainings for over 71,000 members of the TRCs and PRCs will be conducted in the regions and locally in three stages divided by the scope of functions and responsibilities. The CRC plans to conduct one seminar for the media and civil society.

²⁶ The CRC informed the ODIHR NAM that it plans to distribute individualized invitation cards with a QR information about the referendum.

changes.²⁷ The CRC informed the ODIHR NAM that it accounted for the diversity of the needs of persons with disabilities in the referendum process.²⁸ While no ODIHR NAM interlocutors raised concerns about the capacity of the referendum administration to execute the technical aspects of the process, many expressed limited confidence in the integrity of the process, citing past electoral malpractices, including on election days, and perceived the outcome as predetermined.

D. VOTER REGISTRATION

The right to participate in the referendum is granted to citizens once they reach the age of 18. Those declared legally incapable by court, including based on intellectual or psychosocial disability, and those serving a prison sentence, regardless of the gravity of the crime, are disenfranchised, contrary to the OSCE commitments, other international standards, and prior ODIHR recommendations.²⁹

Voter registration is passive and is based on the permanent residency. The CRC announced that, as of 1 January, the unified voter register included 12,416,759 voters; this data constitutes the basis for the referendum voter list, and is being updated to reflect migration-induced adjustments and other voters' requests. The CRC requested the lower-level referendum commissions to inform voters, including via call-centers and online, about the voter list scrutiny. Voters may apply for inclusion into the voter register from the day of the referendum announcement. The local executive bodies comply voter lists based on the state population register, which are further verified by the PRCs. Voter lists will be available for public scrutiny 15 days before voting at the precinct level and online, with requests for corrections reviewed the same day.

During the voter list scrutiny, voters may also apply for an Absentee Voting Certificate, enabling them to vote at any polling station outside their permanent registration locality. Voters can be added to a supplementary voter list on voting day without judicial or administrative oversight, provided they prove their residence within the precinct, despite previous ODIHR recommendations.³⁰ ODIHR NAM interlocutors did not express concerns with the accuracy of the voter register.

E. CAMPAIGN AND CAMPAIGN FINANCE

The Referendum Law defines the right to campaign as the right to express an opinion about the referendum question.³¹ This right is guaranteed to citizens and public associations at meetings, rallies, citizens' gatherings and in the media. Campaign silence is required on the referendum day and the day before. The law does not regulate key aspects for a referendum campaign - guarantees of equal

²⁷ Paragraph I.3.1e of the 2020 Venice Commission [Revised Guidelines on the Holding of Referendums](#), "an impartial body must provide balanced information. This implies that the text submitted to a referendum and an explanatory report or balanced campaign material from the proposal's supporters and opponents should be made available to electors sufficiently in advance".

²⁸ The CRC informed about provision of hearing and visual aids to all polling stations, and that special requirements to the premises and voting equipment were applied to the polling stations, where persons with motor disabilities are registered; while the CRC sessions are interpreted into sign language, the authorities informed that the text of the new Constitution was not translated into Braille and no actions have been taken at the time of this report's writing to ensure the text was accessible for the persons with visual disabilities.

²⁹ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States will "guarantee universal and equal suffrage to adult citizens". Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the UN CRPD. Paragraph 14 of UN HRC [General Comment No. 25 to Article 25 of the ICCPR](#) states that grounds for deprivation of voting rights based on criminal conviction "should be objective and reasonable". See also Paragraphs 50-51 of the UN HRC 2016 Concluding Observations.

³⁰ According to paragraph I.1.2.iv of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#), "polling stations should not be permitted to register voters on election day itself".

³¹ Article 7 of the Law on the Republican Referendum. The Law stipulates dissemination of campaign materials, as it prescribes the obligation to mark them.

opportunities for disseminating opposing opinions and the duty of the authorities to ensure the voters' access to neutral and comprehensive information.³² Messages with false information, discriminating against different groups, calling for a violent change of the constitutional order and war are prohibited. The Election Law and the Code of Administrative Violations regulate the liability for violations.³³

The Election Law prohibits participation in election campaigns to state and local institutions and their officials while performing their professional duties. While the Election Law prohibits misuse of office and administrative resources, ODIHR NAM interlocutors noted that these provisions are not fully aligned with the referendum context, potentially affecting their application during the referendum campaign.³⁴

The Referendum and Election Laws define conditions for the conduct and publication of opinion polls. While the law provides for the notification of the CRC about the intent to conduct polling, the CRC may adopt rejections, preventing the activities of the respective organisations.³⁵ According to ODIHR NAM interlocutors, the interpretation of some norms of the law is restrictive, including on the definition of polling, with instances of journalistic activities, such as street interviews and posts on social media accounts, treated as formal polling and interrupted, and content removals ordered in connection with discussions on the referendum.³⁶

Five parliamentary political parties created a campaign coalition, and the ODIHR NAM was informed about their plans to conduct an active outreach in the regions, including by door-to-door canvassing, outdoor campaign events and social media outreach at the expense of the political parties.³⁷ The ODIHR NAM was informed about active “pro-referendum” outreach activities conducted or co-ordinated by the local authorities, as well as a large-scale campaigning conducted by the members of parliament and representatives of different state bodies. Outreach activities include distribution of positive messages

³² Paragraph I.2.2.a. of the 2022 Venice Commission Code of Good Practice on Referendum's [Guidelines on the Holding of the Referendums](#) states, that “equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on”. The CRC maintained that Article 7 of the Referendum Law “guarantees all citizens and public associations the right, at their own discretion, to express their opinion - including opposing views - and to conduct campaigning, subject to mandatory requirements on proper labeling of materials, prohibition of calls for violence, and the ban on campaigning on the day preceding and the day of voting”, and that “[t]he manner in which campaigning is conducted is not restricted”. The CRC also informed that Article 36 of the Referendum Law provides liability for related violations, including, *inter alia*, by state bodies and officials, for “obstructing [...] the right to free participate in the referendum; campaigning on the issue(s) submitted to it; falsification of electoral documents; knowingly incorrect vote counting”.

³³ The Election Law prohibits misuse of office in campaign, dissemination of false information, early campaigning and violation of campaign silence, violation of conditions for media and online campaigning, the use of foreign funding for campaigns, damage of campaign materials or dissemination of unmarked campaign materials, violation of the rules for opinion polls. Sanctions for these violations are stipulated in Articles 101 - 126 of the Code of Administrative Violations. Criminal liability is provided for the misuse of office.

³⁴ The provision does not regulate third party campaigning, and regulates the conduct of candidates and defines personal electoral benefit (or benefits for a political party) as the aim of the unlawful behaviour.

³⁵ The publication of opinion polls is prohibited five days before and on the day of voting; exit polls inside polling stations on the day of voting are prohibited. Only registered organisations with at least 5 years of experience are allowed to conduct electoral opinion polls. The media must publish the opinion polls with the reference of the commissioner, the methodology, the time, and other information related to the questionnaire. On 20 February, the CRC [denied accreditation](#) for the opinion poll on perception of the constitutional reform in Kazakhstan to the Bureau for Express Public Opinion Monitoring *Demoscope* of the International Center for Journalism *MediaNet*, considering that the foreign funding of the organisation prevents it from conducting a poll due to a general prohibition of foreign funding in preparation and conduct of the referendum.

³⁶ An Azattyq journalist was [fined](#) for a question “will you participate in the referendum?” on a social network where 6 people responded; in 2024 a newspaper was fined for an interviews about the 2024 nuclear power plant referendum, the same outlet was [fined](#) again in 2026 for interviews related to the 2026 constitutional referendum.

³⁷ The [coalition](#) “For the People’s Constitution of Fair and Progressive Kazakhstan” is stated to unite five political parties and over 300 public associations.

over social media statements, various events, interviews, and discussions, including in the regions, which many ODIHR NAM interlocutors described as lacking a balanced approach.³⁸

While the law guarantees the right to campaign for opponents, reiterated by the CRC, some ODIHR NAM interlocutors considered this possibility to be primarily theoretical and noted that exercise might expose individuals to negative repercussions. No party, association or organization is openly calling for “NO” in the referendum, and so far, no formal alternatives have been offered to the “YES” option. Some civil society organizations informed the ODIHR NAM that they would abstain from launching any alternative campaign due to limited resources, disillusionment, and a fear of negative repercussions. Several representatives of public authorities made statements to discourage criticism of the new Constitution.³⁹

The Referendum Law stipulates that all expenses related to the preparation and conduct of a referendum are covered from the state budget; foreign funding is prohibited. The Referendum Law does not contain any finance-related regulation, either regarding private campaign funds, or covering all other fundamental aspects of a transparent and accountable campaign finance framework, including the realisation of the right to financially support a certain campaign option, measures ensuring financial accountability, with regulation of finance reporting and disclosure, oversight and monitoring, and on sanctions.⁴⁰ The absence of this regulation is interpreted as a prohibition of private funding of referendum campaigns.⁴¹

F. MEDIA ENVIRONMENT

While the Constitution guarantees the freedom of expression, media freedom and the right of access to information, the implementation practice remains challenging and previous ODIHR recommendations related to effective exercise of freedom of expression, including with regards to libel, insult, dissemination of false information, access to information and the blocking of websites, remain unaddressed. The “insult” and “distribution of deliberately false information”, remain criminalized, contrary to international commitments.⁴² Internet shutdowns are occasional. Denials of accreditations, deregistration of media and content removals affect media freedoms and pluralism. Some ODIHR NAM

³⁸ Paragraph I.3.1.11. of the Explanatory Memorandum to the 2022 Venice Commission [Guidelines](#) on the Holding of Referendums states, that “the public authorities (national, regional and local) must not influence the outcome of the vote by excessive, one-sided campaigning, but show objectivity”, while paragraph I.3.3.35 states that “[i]t should be pointed out that the principle of equality of opportunity applies to public funding, and that equality should be ensured between a proposal’s supporters and opponents”.

³⁹ For example, on 2 February 2026, Prime Minister [instructed](#) other state institutions and local authorities, to prevent dissemination of “provocative messages”, constituting disinformation and false information, related to the new Constitution disseminated online and via messaging platforms, and specifically requested the Minister of Interior to ensure “a strict legal response and accountability for the dissemination of false information in strict accordance with the principle of ‘Law and Order’”. The MoI [warned](#) citizens about a planned “harsh response” for disinformation about the new Constitution and applicable sanctions.

⁴⁰ According to Section II. 4.4. of the 2022 Venice Commission [Guidelines](#) on the Holding of Referendums, “the general rules on the funding of political parties and electoral campaigns must be applied to both public and private funding, including the rules on transparency and limitation of spending and individual donations. An impartial body should control campaign financing”.

⁴¹ The Referendum Law does not explicitly prohibit the use of private funding. The Referendum Law stipulates that the Election Law applies to unregulated areas of the referendum process. The Election Law provides for and regulates public and private financing of elections. Moreover, Article 115 of the Code of Administrative Offences stipulates sanctions for violations in the use and disclosure of private financing for referenda.

⁴² According to Paragraph 47 of the [2011 CCPR General Comment No.34 to the ICCPR](#) “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”. Article 274 of the Criminal Code prescribes imprisonment of up to seven years for dissemination of false information by a group via mass media or an online resource.

interlocutors noted that the current media framework and its implementation contribute to self-censorship among journalists and bloggers.⁴³ Moreover, ODIHR NAM interlocutors stated that discussion on the referendum was affected by the restrictive implementation of campaign rules by public authorities and calls to abstain from criticism under threat of fines and sanctioning.⁴⁴

The Referendum Law entitles citizens and public associations to express their opinions of referendum options, including in mass media, but does not contain provisions on equal conditions for promoting different opinions. The legislation guarantees the accredited mass media unhindered access to referendum-related events, conditional to non-intervention into the process. Nevertheless, the law does not define any referendum regulations for the media, in particular regarding the requirements to provide impartial coverage in the news, guarantee equal conditions for the campaigns or provide any groups free-of-charge access to media resources.⁴⁵ The mass media legislation allows the media to sell airtime and print space for referendum campaign purposes, including to the state institutions, however there is no regulation to ensure balanced coverage and financing integrity. Some ODIHR NAM interlocutors raised concerns about the lack of opportunities for voters to form an informed opinion.

As of November 2025, there are 5,029 registered media outlets in the country, including 686 information agencies, 623 online media, 248 television (TV) channels, 99 radio channels, and 3067 print media.⁴⁶ TV, which remains the main source of political information across the country, is either state-owned or state-subsidized. The law prescribes the majority of content to be in Kazakh language.⁴⁷ Internet hosts larger share of the critical public debate, but, according to ODIHR NAM interlocutors, it is also affected by state control and sanctions, including blocking of critical websites, requests to remove content, and administrative cases against journalists and activists for alleged dissemination of false information.

The Ministry of Culture and Information (MCI) regulates and implements state policy with respect to all media, including online, bloggers and influencers, and manages broadcasting licences. The Ministry conducts media monitoring, including online and on social networks, for compliance with the legal requirements and may limit dissemination of content unilaterally or by a judicial decision.⁴⁸

The MCI informed the ODIHR NAM that the laws regulating online media and unlawful content were aligned with user agreements of major online platforms, which streamlined implementation of national

⁴³ Besides the Criminal Code, sanctions for dissemination of false information are stipulated in the Code of Administrative Offences, the Law on the Online Platforms and Online Advertising, and the Law on Mass Media. In line with the [2025 amendments](#) to the Code of Administrative Offence to enter into force in 2026, a new Article 456-3 will provide sanctions for unaccredited foreign media, journalists and national journalists working for foreign media without accreditation.

⁴⁴ The Human Rights Watch [reported](#) on cases of pressure, detentions and fines against critics of the constitutional reform, including a fine to a citizen in Almaty after a critical post on Facebook for allegedly spreading “false information”. The law enforcement visited and interrogated several journalists who posted critical comments on social media, in some cases pressuring them to remove their posts, issued warnings to at least two lawyers who publicly commented on the draft. *KazTAG* reported that its website was blocked after the publication of an article strongly criticizing the amendments. On February 4, a court in Astana ordered the detention of activist Yermek Narymbay, who is subject to restrictions on participation in public and political activities, after he criticized the proposed amendments on social media, while Almaty police detained activist Zharkyn Kurentayev for questioning before his participation in a press conference on the draft Constitution (he was later released).

⁴⁵ Paragraph I.2.2.b. of the 2022 Venice Commission [Guidelines](#) on the Holding of Referendums states, that “[i]n public radio and television broadcasts on the referendum campaign, equal access must be ensured to the proposal’s supporters and opponents”. See also Paragraph I.2.2.c.

⁴⁶ According to the [MCI](#), of these, 4,723 were national media, and 306 were foreign TV channels.

⁴⁷ Article 50 of the 2024 [Law](#) on Mass Media with the 2025 amendments.

⁴⁸ From 1 to 31 November 2025, the Ministry [limited](#) circulation of 6,707 online resources and links due to violations of prohibited content; no content-related limitations were prescribed by courts in that period. From 1 January to 31 December 2024, the Ministry [limited](#) dissemination of 26,500 online resources and links; no content related limitations were imposed by the court in that period.

decisions related to detection and removal of unlawful content online. According to the MCI, the main platforms established local representations, ensuring effective co-operation and law enforcement.⁴⁹ According to ODIHR NAM interlocutors, the country is harmonising its legislation within the Eurasian Economic Union, which leads to the implementation and enforcement of foreign judicial decisions related to content bans.

There are no public service broadcasters in Kazakhstan, at odds with prior ODIHR recommendations.⁵⁰ The state broadcasting corporation *Qazaqstan* informed the ODIHR NAM that it conducted an interactive marathon on the draft Constitution and referendum which it plans to repeat on the day of voting, it started daily talk shows with experts, and will broadcast short educational videos.⁵¹ These have not been adjusted to the needs of persons with disabilities, but measures like transcribing may be implemented in the future. It also covers the referendum campaign in the news, including with sign language interpretation. ODIHR NAM interlocutors stated that referendum-related content was visible on public media and online, but underlined the lack of critical content.

G. REFERENDUM DISPUTE RESOLUTION

The right to contest decisions, actions and inactions of election commissions to superior election commission of courts is granted to citizens and registered public associations, which, along with other participants and referendum commissions have the standing to contest electoral violations to courts or the prosecution.⁵² The law provides for parallel avenues to complain about some electoral violations and decisions to the referendum administration and the courts, but the law requires the referendum administration to suspend the procedure on the complaint in case of a parallel submission.⁵³ The Ministry of Culture and Information monitors traditional media and online content, including social networks and may file cases of referendum-related violations to the prosecution or the court and consequently order the removal of the content.

The Constitutional Court examines the constitutionality of the referendum process, if requested by the president, the speakers of the parliament's chambers, the prime minister or one fifth of all members of the parliament, and the CRC invalidates the results and requests repeated voting in the affected area in case of violation.⁵⁴

The law provides for expedited deadlines for referendum-related disputes, allowing the applicants ten days to contest; the courts may decide within five days, immediately, if submitted within four days prior

⁴⁹ National representation was prescribed in Article 9 of the [2023 Law](#) on Online Platforms and Advertising.

⁵⁰ In the 2023 [Joint Declaration](#) 'On Media Freedom and Democracy', International Mandate-Holders on Freedom of Expression emphasized that "[a]ll government or State media should be transformed into public service media without further delay."

⁵¹ The [corporation](#) comprises the national television channel '*Qazaqstan*', the channels '*QAZSPORT*', '*Balapan*', '*Abai TV*', '*Kazakh Radio*', '*Shalqar Radio*', '*Classic Radio*' (through '*Kazakh Radio*' LLC), '*Television News Agency*' LLC, and regional television and radio companies. The TV audience outreach is 99 per cent of the country's population, and the radio audience reach is 89 per cent. The broadcasting is 80 to 100 per cent in Kazakh, depending on the channel (e.g. the TV channel *Qazaqstan* is 100 per cent in Kazakh). The coverage includes border areas, including in China, Kyrgyzstan, Mongolia, the Russian Federation, Mongolia, Uzbekistan.

⁵² The Election Law determines numerous electoral violations, entailing criminal responsibility. In 2026, the Supreme Court Chairman [reported](#) that, based on the Bureau of National Statistics, "the level of absolute trust in the judicial system has risen over three years from 55.2 per cent in 2023 to 63.2 per cent at present". The 2025 Freedom House [Report](#) on Kazakhstan stated "[t]he judiciary is effectively subservient to the executive branch, with the president nominating or directly appointing judges based on the recommendation of the Supreme Judicial Council, which is itself appointed by the president. Judges are subject to political influence, and corruption is a [systemic] problem[...]."

⁵³ Complaints against the CRC are reviewed by a Supreme Court judge whose decision can be further appealed to a Supreme Court cassation panel in the final instance. Decisions and actions by the local executive, companies and organisations can be contested only at court.

⁵⁴ The law does not establish clear conditions or criteria for such a decision and consequent invalidation of results.

to or on the day of voting, while the referendum commissions decide on election-related violations within five days and review the decisions, actions, inactions of lower-level referendum commissions within three days.

H. CITIZEN AND INTERNATIONAL OBSERVATION

The Referendum Law provides for observation by representatives of registered public associations and international observers during the conduct of the referendum, while the Election Law and the CRC resolutions regulate the accreditation procedures, the status and conduct of observers.⁵⁵ Only associations registered to conduct election observation as a statutory activity are allowed. Civil society organizations noted that those engaging on politically sensitive issues may face administrative pressure, while the legal framework governing NGO registration and activities imposes extensive reporting and financial requirements, with sanctions, including fines, for broadly defined violations.

The CRC informed that by 17 February, the CRC accredited 8 associations, while 178 were accredited by the territorial referendum commissions.⁵⁶ The deadline for the accreditation of international observers is 9 March 2026. Several citizen observer groups informed the ODIHR NAM of their intention to observe the referendum, but highlighted the lack of funding to deploy meaningful observation efforts, while also pointing to the anticipated presence of a numerous state-funded observation organisations active during the campaign and on referendum day.

IV. CONCLUSIONS AND RECOMMENDATION

ODIHR NAM interlocutors expressed differing views regarding the potential added value and necessity of an ODIHR observation activity for the referendum, particularly considering the short timeframe before referendum day. All interlocutors from state institutions welcomed a potential ODIHR deployment and reiterated their interest to strengthen co-operation with ODIHR with a view to bringing electoral processes closer in line with international standards. Some interlocutors highlighted the benefit of an independent assessment, including in the context of envisaged election-related reforms and potential future reviews of the referendum legislation, while others noted that a potential deployment may face limitations in capturing all aspects of the process within the available timeframe and could be perceived by some stakeholders as lending implicit validation to aspects of the process. Several ODIHR interlocutors nevertheless mentioned that international scrutiny may contribute to improved compliance in referendum administration. Interlocutors underlined that the legal framework for referenda, the campaign and its coverage in the media, respect for fundamental freedoms, and referendum day procedures, would merit particular attention in the context of a potential ODIHR observation activity.

Based on the findings of this report, the ODIHR NAM would have recommended the deployment of a Referendum Observation Mission (ROM) with both long-term and short-term observers, in addition to a core team of experts. However, due to the short timeframe between the announcement of the referendum and referendum day on 15 March, the deployment of a ROM is not possible. ODIHR nevertheless sees merit in sending an observation activity for the 15 March referendum on the basis of ODIHR NAM findings, and thus recommends the deployment of a Referendum Assessment Mission (RAM).

⁵⁵ One observer per public association is allowed in a polling station at the same time.

⁵⁶ The CRC [reports](#) that in 2026, accreditations of 6 associations, including 1 registered on the state level (*‘Erkindik Qanaty’*), and 6 regional associations from Mangystau and West-Kazakhstan regions expired.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Arman Issetov, Deputy Minister
Alua Nadirkulova, Ambassador-at-Large
Jangeldy Syrymbet, Deputy Director, Department of Europe
Dauren Tishtykbayev, Deputy Director, Human Resources
Aibek Yessey, Third Secretary

Constitutional Court

Elvira Azimova, Chairperson of the Constitutional Court
Bakyt Nurmukhanov, Deputy Chairman of the Constitutional Court
Bibigul Asylova, Deputy Head, Department of International Cooperation and Organisational Support
Ainur Akhmetova, Deputy Head, Department of International Cooperation and Organisational Support
Zhuldyz Kamzina, Head, Division of International Cooperation and Protocol

Ministry of Justice

Yerlan Sarsembayev, Minister of Justice
Aisha Aitkalieva, Director, Department of International Law
Dias Sharipbai, Deputy Director, Department of Constitutional Legislation and Public Administration
Gani Tunlikbayev, Assistant to the Minister

Ministry of Culture and Information

Yevgeniy Kochetov, Deputy Minister
Gulbara Sultanova, Head, Committee on Civil Society

Members of *Majilis* of the Parliament⁵⁷

Snezhana Imasheva, MP, Chairperson, Committee on Legislation and Judicial and Legal Reform, member of the Constitutional Commission
Magerram Magerramov, MP, Deputy Chairperson, Committee on Legislation and Judicial and Legal Reform, member of the Constitutional Commission
Aidarbek Khodzhanarov, MP, Committee on Agrarian Issues, Leader of the political party ‘Respublika’, member of the Constitutional Commission
Marat Bashimov, MP, Committee on Legislation and Judicial and Legal Reform, member of the Constitutional Commission

Central Referendum Commission

Mukhtar Yerman, Deputy Chairperson
Damegul Kabiyeva, Head, International Department

Media

Bolat Mursalim, Director, National TV Channel *Qazaqstan*
Diana Okremova, Director, Legal Media Centre
Representatives of other media outlets

Civil Society

Dimash Alzhanov, Political Expert
Tatiana Chernobil, Expert in Human Rights, Human Rights Defender
Pavel Lobachev, Director, Public Foundation “Echo”

⁵⁷ Meetings were requested with all parliamentary factions.

Nazgul Yergaliyeva, Independent Legal Consultant
Yelena Shvetsova, Chairperson, Public Foundation *Yerkindik Qanaty*
Roman Reimer, Head, Legal Unit, Public Foundation *Yerkindik Qanaty*
Yevgeniy Zhovtis, Director, Kazakhstan International Bureau for Human Rights and Rule of Law
Tatiana Zinovich, Acting Director of Public Foundation ‘Centre for Legal Policy Analysis’
Representatives of other civil society organizations

International Community⁵⁸

Representatives of OSCE participating States in Astana: Embassies of Germany, France, Italy, Latvia, Moldova, the Kingdom of the Netherlands, North Macedonia, Portugal, Russian Federation, Serbia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

⁵⁸ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in the Republic of Kazakhstan.