

109TH CONGRESS
1ST SESSION

S. RES. 293

Calling for a free and fair presidential election in the Republic of Kazakhstan.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2005

Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling for a free and fair presidential election in the
Republic of Kazakhstan.

Whereas the Republic of Kazakhstan is scheduled to hold a presidential election on December 4, 2005;

Whereas Kazakhstan freely accepted commitments on democracy, human rights, the rule of law, and other fundamental freedoms and rights when it joined the Organization for Security and Cooperation in Europe (OSCE) as a participating state in 1992;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections in Kazakhstan, consistent with that country's OSCE commitments;

Whereas the OSCE declared that, while the 2004 parliamentary elections in Kazakhstan reflected improvement over past parliamentary elections, the election process “fell short of OSCE commitments and other international standards for democratic elections in many respects”;

Whereas the OSCE election monitoring mission documented a number of shortcomings in the parliamentary elections in Kazakhstan, including the government’s barring of 2 opposition leaders from running, a lack of transparency in the work of the Central Election Commission, discrepancies in voter lists, a lack of political balance in the composition of election commissions, a strong media bias in favor of pro-presidential parties, pressure placed on voters to support pro-presidential parties by local government officials and workplace supervisors, and other shortcomings;

Whereas in April 2005, Kazakhstan amended its election law to ban political demonstrations in the period between the end of election campaigns and the announcement of official election results;

Whereas on September 9, 2005, President Nursultan Nazarbaev issued a decree directing state authorities to undertake actions, which, if fully implemented, could improve on many of the shortcomings found in previous elections;

Whereas other elements of Kazakhstan’s stated commitments to OSCE principles and to fulfilling the goals of democracy remain unfulfilled;

Whereas there is currently no representation of the opposition in either the Majilis or the Senate, the lower and upper houses of the Kazakh Parliament, respectively;

Whereas some independent media exists in Kazakhstan, but self-censorship is common due to fears of official reprisal;

Whereas the Department of State concluded in its Country Reports on Human Rights Practices for 2004 that “the [Kazakhstan] Government’s human rights record remained poor, and it continued to commit numerous abuses”;

Whereas a transparent, free, and fair presidential election process in Kazakhstan would mark an important step in that country’s progress toward its integration into the democratic community of nations;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others; and

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) calls on the Government of Kazakhstan to
3 hold an orderly, peaceful, free, and fair presidential
4 election in December 2005, in accordance with all
5 Organization for Security and Cooperation in Eu-
6 rope (OSCE) guidelines;

1 (2) calls upon the Government of Kazakhstan
2 to guarantee the full participation of opposition fig-
3 ures and parties in the upcoming election, and to
4 permit the return of political exiles;

5 (3) believes that it is vital that the December
6 election be viewed by the people of Kazakhstan as
7 fully free and fair, and that all sides refrain from vi-
8 olence or intimidation before, during, or after elec-
9 tion day;

10 (4) calls upon the Government of Kazakhstan
11 to guarantee unimpeded access to all aspects of the
12 election process for election monitors from the Office
13 for Democratic Institutions and Human Rights of
14 the OSCE, Kazakh political parties, representatives
15 of candidates, nongovernmental organizations, and
16 other private institutions and organizations, both
17 foreign and domestic;

18 (5) urges the international community and do-
19 mestic nongovernmental organizations to provide a
20 sufficient number of election observers to ensure
21 credible monitoring and reporting of the December
22 presidential election;

23 (6) calls upon the Government of Kazakhstan
24 to guarantee freedom of speech and assembly; and

1 (7) calls upon the Government of Kazakhstan
2 to meet all of its freely accepted OSCE commit-
3 ments on democracy, human rights, and the rule of
4 law.

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