



中国传媒大学
Communication University of China



Institute for a Community
with Shared Future
人类命运共同体研究院



Referendum and Constitutional Reforms in Kazakhstan: **An Appraisal of Recent Developments**



By Mr. Khalid Taimur Akram, Executive Director,
Pakistan Research Center for a Community with
Shared Future, Communication University of China
(CUC), Beijing, China

Published on 13th June 2022

“The people do not need abstract ideas and promises, but tangible changes for the better”

(President of Kazakhstan, Kassym-Jomrat Tokayev)

On 5th June 2022, Kazakhstan successfully conducted political and constitutional amendments with robust reforms and commendable changes in the legislation. Kazakhstan’s Central Referendum Commission has announced the preliminary official results of the



nationwide referendum on 6th June with amendments and additions to the Constitution proposed by the visionary leader, President Kassym Tokayev. The referendum was a historic moment for Kazakhstan as 77.18 % of the voters approved it, according to the Kazakh official figures. The approved amendments to the constitution have provided an impetus for future sustainable development, democratic unity, human rights protection and institutional cooperation in the country. It is clear that the robust reforms will establish an optimal balance between different sectors of government and ensure maximum equidistance of the institution of the presidency.

The Reforms symbolizes the beginning of a new era in Kazakhstan’s political development by promoting democratization, accountability, and sustainability in the management of the state. It is expected that the introduced amendments will impact one-third of the Constitution (33 articles). Their implementation will facilitate a profound transformation

of the state model of Kazakhstan, including the transition from a “*super-presidential*” form of government to a presidential republic with an influential parliament and an accountable government. In addition, the powers of the President will be reduced, the role of the parliament and local authorities will be significantly strengthened, and the mechanisms for protecting human rights will be reinforced, including by re-establishing the Constitutional Court and giving a constitutional mandate to the Commissioner for Human Rights. Moreover, it can be rightly argued that the mandate has increased citizen participation in state governance and ensured substantial democratization of political processes. It is worth acknowledging that all constitutional amendments have been formulated by taking consultations with experts, administration, civil society leaders, academics, and public figures. This reflect that all sectors of the society were included into decision-making and legislative process.

Key Democratic Reforms in the Constitutional Framework:

The Changes in the electoral system are designed to increase the degree of direct participation of citizens in the formation of the Mazhilis and Maslikhats (local representative bodies). The key change



is the prelude of a mixed system (proportional-majoritarian) in elections. Elements of the majoritarian system would imply direct voting for candidates. Furthermore, an additional mechanism for withdrawal of an MP’s mandate is being introduced. This means that if the



electorate are not satisfied by the work of a deputy (MP), his/her mandate will be withdrawn. It would also be much easier to create new political parties (a reduction of the membership threshold required for party registration from 20,000 to 5,000 people, and a reduction of the minimum number of regional party representation by a factor of three, from 600 to 200 people). This will facilitate a competitive multi-party system and a representation of a variety of political views.

Another major aspect is strengthening Human rights. Firstly, the death penalty would be fully abolished at the constitutional level. Secondly, citizens will be able to appeal to the Constitutional Court, which will assess whether normative legal acts of Kazakhstan, which directly impact their rights and freedoms enshrined in the Constitution, conform with the Constitution of Kazakhstan. Thirdly, the status of the Commissioner for Human Rights at the level of the Constitution and the Constitutional Law would be strengthened. The independence of the Ombudsperson from state bodies and officials, as well as the guarantees of his/her inviolability would be secured. Legal status and organization of the Ombudsperson's activity would be regulated by the constitutional law. Finally, as part of the constitutional reform, forced labor would only be permitted after a court order convicting a person for a criminal or administrative offense. Additionally, tough punishment for violence against women and children would be considered.

The constitutional reforms have enabled new media laws aimed at strengthening ties between NGOs and the state. This draft law intends to revise the current Law on mass media, while taking into account the interests of the state, the needs of society, and trends



in the development of the media sphere. The adoption of the draft law is scheduled for the end of 2023. In this aspect, public discussion on all national projects and strategic documents would take place in Kazakhstan with the participation of experts, NGOs, and the media. For instance, the *Ulttyk Kurultai* (Great Horde) is being created as a new platform, which will provide public representatives from all regions the opportunity to participate in the discussion of a wide range of issues of the country's development at the central level.

Future Prospects under Comprehensive Amendments:

All these assertions clearly manifest that His Excellency President Tokayev has supported a radical transformation of Kazakhstan's political system since his election in 2019. His successful conduct of statecraft and policies demonstrate that he has been in favor of enhancing citizen participation in state governance and ensuring substantial democratization of political processes. Public participation is integral to national development. Thus, it is necessary to implement all laws and policies for 'New Kazakhstan' in order to pave the way for social, cultural, and political norms. "New Kazakhstan" is an effective state with a strong civil society built on the principles of justice, honesty, emancipation, unity, and diligence for achieving common aspirations, sustainable progress, and regional cooperation. The dynamic leadership has left no stone unturned to begin a voyage of robust economic development and pursue the goal of a welfare state.