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WOS: KAM-5703-2024

Formation of a new model of election to the post of Commissioner for Human Rights in the Republic of Kazakhstan: problems and prospects

This paper investigates the critical aspects of electing and nominating candidates for the role of Human Rights Commissioner in the Republic of Kazakhstan, providing an in-depth analysis of how the existing ombudsman framework functions within the nation. Furthermore, the research highlights the significance of adopting a method that allows for the nomination of multiple candidates during the ombudsman election process. Throughout this research, various legislative documents from CIS countries, national laws, and international legal frameworks that define the ombudsman's legal status were meticulously examined. An examination of international practices in electing Human Rights Commissioners reveals that the methodologies employed in Kazakhstani legislation are somewhat restricted, suggesting that broadening the pool of eligible candidates could enhance the election process for a Human Rights Commissioner. The study suggests solutions for addressing deficiencies in the national legal framework concerning the election process by the competent authority. Recommendations are made for amending legislative provisions to embrace the fundamental democratic tenet of having alternatives and to align national laws with international norms.

Keywords: ombudsman; human rights, Commissioner for Human Rights; parliamentary model, election procedure, elections, alternative, legislative regulation, institution of the ombudsman.

Introduction

In the current realities of the ongoing events around the world, caused by various kinds of reasons, both domestic political and foreign policy crises, the invariable universally recognized values of most developed countries of the world remain human rights, their provision and protection.

Democratic states have enshrined the principles of human rights at the constitutional level and have established official bodies for their protection and defense. Currently, in the Republic of Kazakhstan, the process of active modernization of the political system of the state continues, transforming the most important directions in state and public life. In connection with this, in 2022, a constitutional reform was carried out aimed at strengthening democratic processes in the state, primarily in the field of ensuring and protecting the legitimate interests and rights of citizens, through the transformation of existing mechanisms and institutions, granting them special status, updating legislation and expanding powers, as well as implementing completely new instruments of legal support for the population.

It should be noted that the fundamental step towards renewal was the constitutional reform of the basic law of the state in 2022, which gave hope for changes in the system of government. The constitutional reform aimed to transform and enhance various institutions of state power. Notably, it prioritized increasing the role of human rights institutions, granting them special status, and empowering them to fulfill their true purpose.

The relevance of the research topic is due to the ongoing constitutional reforms in Kazakhstan, contributing to the further development and transformation of the non-judicial human rights institution of the Commissioner for Human Rights in order to increase the effectiveness of its activities and strengthen public confidence in it.

The role of the Human Rights Commissioner (ombudsman) is pivotal within the framework of non-judicial entities overseeing public administration, a practice adopted by over a hundred nations globally. This

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position has, in our view, demonstrated considerable efficacy. The ombudsman's mission is to act as a mediator between the government and its citizens, addressing disputes that arise from state or personal interests. Their efforts are focused on rectifying infringements of human rights committed by government bodies and personnel.

Continuous revisions and modifications to the legal framework that defines the authority of the Human Rights Ombudsman in Kazakhstan are garnering growing attention from scholars and professionals alike, along with increasing engagement from certain members of the civil community.

The development of scientific ideas leads to the emergence of new views and ideas about various aspects of the Institute, including its functioning, peculiarities of formation, election or appointment to the position of the authorized person, application of the experience of functioning in law enforcement practice of foreign countries. Partial renewal of the powers and peculiarities of their implementation with regard to interaction with state authorities, expansion of the structure and introduction of regional commissioners in the regions should lead to a positive result and strengthen the position of the human rights defender in society. However, from our point of view, the procedure of election of the ombudsman and methods of nomination of candidates for the position play an important role in determining the effectiveness of the ombudsman. These factors have a direct impact on the selection of qualified professionals who will be able to carry out their role effectively and independently. Without a fair and transparent election process and a reliable method of candidate selection, the potential benefits of the renewed powers and legal safeguards of the ombudsperson may not be fully realized.

In this regard, the purpose of this article is to conduct a comprehensive study of the existing model of the “ombudsman” in Kazakhstan, the procedure for nominating candidates, electing and setting the term of office of an official, conducting a comparative analysis of normative acts of a national and international nature, identifying gaps in current legislation on the basis of the obtained results contributing to the development of proposals and recommendations for further improvement of the constitutional and legal status of the Commissioner for Ombudsman in the Republic of Kazakhstan, as well as to the development of the constitutional and legal status of the ombudsman in Kazakhstan.

To achieve this goal, it is necessary to solve the following tasks:

- to consider the classifications of existing models of the ombudsman institution in the modern world and identify the current model in the Republic of Kazakhstan;
- to analyze the process and procedure of election to the position of ombudsman;
- to study the conditions and procedure of nomination of candidates for the position of Commissioner for Human Rights in Kazakhstan;
- to develop recommendations to improve certain norms of legislation defining the procedure of election, nomination and establishment of the term of Office of the Ombudsman in the Republic of Kazakhstan.

Among Kazakhstan scientists, such as M.S. Bashimov, G. Zhalgalieva, B.A. Zhetpisbayev, E.N. Mukhitdinov, A.B. Uzakbayeva, G.S. Kalieva, G.B. Karzhasova, S.S. Karzhaubayev, A.O. Shakirov and others were engaged in the study of the problems of the ombudsman institute.

The limited volume of scholarly research available in the Republic of Kazakhstan highlights the urgent need for an in-depth and structured exploration of the constitutional and legal standing of the Human Rights Ombudsman in Kazakhstan. Furthermore, it underscores the importance of developing theoretical proposals aimed at enhancing the processes for electing and nominating individuals to the role of human rights advocate.

Methods and materials

Within the framework of the study, the authors employed a combination of general scientific and specialized methods of inquiry: dialectical, comparative legal, formal legal, historical, and empirical.

With the help of the dialectical method of cognition the theoretical basis for the study was formed, the classification of existing models of the institution was analyzed, the concept of the Commissioner for Human Rights, its inherent features, signs and characteristics were comprehensively considered. Within the framework of the analysis of international, foreign and national legislation regulating the legal status of the human rights defender, comparative-legal and formal-legal methods were applied. With the help of historical method, the process of formation and development of models of ombudsman institution in foreign countries and in Kazakhstan was investigated.

The legal foundation for the research encompassed the Constitution of the Republic of Kazakhstan, constitutional statutes, regular laws, presidential decrees from the Republic of Kazakhstan, and legislative

documents abroad that dictate the distinct legal position of ombudsmen. The empirical data for the research was derived from the content and details found in the yearly reports of the Human Rights Commissioner of the Republic of Kazakhstan.

Results

Through observation and research, the absence of a single ideal model of the ombudsman was revealed, since functioning models in different variations in a particular state may have significant similarities and significant differences.

Despite the variety of its functions, the core objective of the Human Rights Commissioner remains the safeguarding of citizens' rights and legitimate interests. The effectiveness of this role is inherently linked to the societal and governmental development levels. Kazakhstan's Human Rights Commissioner framework is rooted in the parliamentary system and charts a unique developmental course. In line with global norms, the Parliamentary Ombudsman is typically a representative elected by the legislature.

The evaluation uncovered fresh perspectives, highlighting the necessity to reassess the formation process of the Human Rights Commissioner's institution. This reevaluation should cover the methodologies for the selection and nomination of ombudsman candidates, as well as potential adjustments to the tenure of the role.

Throughout two decades leading up to the enactment of the Constitutional Law “On the Commissioner for Human Rights” on November 5, 2022 [1], the institution in the Republic of Kazakhstan experienced notable evolutions in its legal standing and authority. A comparative analysis of the foundational legal documents pre-existing this law, specifically the “On the Commissioner for Human Rights” provisions endorsed by the Presidential Decree on September 19, 2002 [2], and the Law “On the Commissioner for Human Rights” dated December 29, 2021 [3], reveals substantial discrepancies. Initially, the commissioner's status was delineated by a subordinate legal act, which later elevated to a law and, ultimately, to a constitutional law. This progression indicates a profound transformation in the legal status of the commissioner, now enshrined within the nation's Constitution.

An important aspect for further enhancing the position and status of the Commissioner, in our opinion, is the procedure for nominating and electing him to the post, since the analysis of the legislation showed that within the framework of the Regulation “On the Commissioner for Human Rights” of 2002, section 2 of paragraph 8 fixed “The Commissioner was appointed by the President of the Republic of Kazakhstan after consultations with the Committees of the Chambers of the Parliament of the Republic of Kazakhstan, the list of which is determined by the President of the Republic of Kazakhstan. The Commissioner is dismissed by the President” [2]. The current Law of the Republic of Kazakhstan “On the Commissioner for Human Rights” dated 2022 [1] and the Law of the Republic of Kazakhstan “On the Commissioner for Human Rights” dated 2021 [3] do not have differences in terms of the provisions of election, term of office, and dismissal. Thus, Article 4 of the Law of the Republic of Kazakhstan stipulates that “The Commissioner for Human Rights in the Republic of Kazakhstan is elected to office for a period of five years by the Senate of the Parliament of the Republic of Kazakhstan on the proposal of the President of the Republic of Kazakhstan” [1].

It's important to highlight that, as per the earlier regulation, the appointment of the Commissioner was for a five-year term, with the caveat that “the same individual may not be appointed to the Commissioner role more than twice consecutively” [2]. This stipulation is articulated in paragraph 10; paragraph 11 of the Regulation [2]. Analyzing these provisions allows for meaningful insights: primarily, the Human Rights Commissioner serves as the populace's advocate and protector. Therefore, the electorate, or in this scenario, their legislative representatives — in our case, the Senate deputies — ought to have a say in the election process. However, in Kazakhstan, the exclusive right to propose candidates for the ombudsman position rests solely with the President.

Within the framework of a comparative analysis of these provisions, a thorough examination of the legislation of several CIS countries was conducted, since, in our opinion, the formation and evolution of the ombudsman institution in these countries goes through similar stages and stages of development, taking shape in specific historical conditions.

In a majority of CIS countries, the nomination of candidates for positions is a collaborative effort involving the President, as well as members of both the upper and lower houses of parliament, along with deputy groups and factions. In scenarios where the President is the sole nominator, a minimum of three candidates are presented. For instance, the Constitutional Law of the Republic of Azerbaijan specifies in Article 2, paragraph 2.1, that “The Milli Majlis of the Republic of Azerbaijan elects an Ombudsman from three candi-

dates proposed by the President of the Republic of Azerbaijan with a majority of 83 votes” [4], and paragraph 2.2 outlines that if there is no agreement within 15 days, the President must propose three new candidates. Similarly, in the Russian Federation's legislative framework, the election of the Human Rights Commissioner involves the President but also includes participation from the Federation Council of the Federal Assembly of the Russian Federation, deputies of the State Duma, and deputy associations within the State Duma [5].

The legislation of the Kyrgyz Republic, specifically “On the Ombudsman (Akyykatchy)” in Article 3, allows parliamentary factions the privilege to nominate candidates for the ombudsman (Akyykatchy) role, with each faction entitled to propose up to three candidates for the position [6]. Similarly, in the Republic of Armenia, the legislation mandates that the ombudsman (defender) is selected by the National Assembly based on recommendations from the relevant Permanent Committee of the National Assembly [7]. Drawing from the legislative practices of these countries, it is suggested that Kazakhstan adopts “alternative election” methods, enabling the President of the Republic of Kazakhstan to put forward several nominees for the Human Rights Commissioner position.

Moreover, there are apprehensions regarding the five-year term limit set by the Law of the Republic of Kazakhstan “On the Commissioner for Human Rights”. This concern stems from the 2019 Venice Principles on the Protection and Promotion of the Ombudsman Institution [8], which Kazakhstan is a signatory to. These principles advise that the tenure of the Ombudsman should surpass that of the appointing authority, in this instance, the Senate of the Parliament of the Republic of Kazakhstan, which has a term of six years as stipulated by Article 50, paragraph 5 of the Kazakhstani Constitution, thus exceeding the current tenure allocated to the Commissioner for Human Rights [9].

Associate Professor B.J. Kyzdarbekova, from the “Institute of Legislation and Legal Information of the Republic of Kazakhstan” under the Ministry of Justice, in her examination of the proposed constitutional law “On the Commissioner for Human Rights”, posits that adhering to the recommendation is feasible by incorporating a specific clause in the draft law that allows for a single re-election of the ombudsman [10].

This approach is consistent with practices observed in various countries, culminating in a total tenure of ten years, aligning with international norms. Furthermore, the Venice Commission's feedback on the draft law suggests limiting the term to a single duration without the option for re-election; as a compromise, extending the ombudsman's term could be permissible only once, with a recommendation for a minimum term of seven years [11]. According to paragraph 63 of the Venice Commission's report, the rationale for a one-time tenure is to bolster the Commissioner for Human Rights' independence and mitigate allegations of bias towards securing re-election [11].

Thus, in order to implement the regulations of the Venice Commission into national legislation, it is possible to revise the term of office and bring it into line with the Venetian Principles.

Discussion

The establishment of the legal framework for the institution of the Human Rights Ombudsman in Kazakhstan began in 1995 after the adoption of the Constitution through a nationwide referendum. This marked the recognition of the individual as the most important subject of the state and emphasized the importance of protecting rights and freedoms by creating various human rights protection institutions and mechanisms within constitutional frameworks. Consequently, the term “human rights” begins to appear in the constitutional law of the state. According to the regulation of Article 1 of the Basic Law of the state, “the human being, his rights, and freedoms are the highest value” [9]. Therefore, the legislator, by establishing this norm, emphasizes the possibility of its consolidation in the context of the application of the principles of the rule of law, in which the principle of the legislature's adherence to human rights is of paramount importance. Based on Article 12 of the Constitution of the Republic of Kazakhstan, which states that “human rights ... determine the content and application of laws” [9], it can be argued that one of the significant functions of human rights protection institutions is to facilitate the consolidation of various mechanisms for the protection of violated rights by state authorities in legislation. Thus, the foundation of the human rights defender institution in the Republic of Kazakhstan was laid. Later, in 2002, by a decree of the head of state, the status of the ombudsman was established, and several amendments were made to the legislation regulating the ombudsman's activities.

The final result of the institution's development to date was the implementation of the plan for the implementation of the annual Address of the Head of State dated March 29, 2022 [12], aimed at conducting constitutional reforms, including the need to amend and supplement the fundamental law of the state, with

the decision to submit the bill to a nationwide vote. The referendum included the most important and strategic questions for the further development of the state and the strengthening of democratic foundations, including transformative changes in the field of human rights protection, strengthening, and updating human rights protection institutions. As a result of the adopted amendments, Article 83-1 of the current Constitution regulates and confirms its status: tasks, guarantees of independence and non-accountability to the state authorities, immunity regarding the imposition of measures of administrative and criminal liability without the consent of the upper chamber of the Parliament of the Republic of Kazakhstan [9]. Furthermore, to enhance the level of legislative regulation, the effectiveness of the ombudsman's activities, and the strengthening of the institution's status, on November 5, 2022, a constitutional law "On the Human Rights Ombudsman in the Republic of Kazakhstan" was adopted [1].

Overall, it is necessary to note that the ombudsman institution in Kazakhstan is a relatively recent phenomenon, and in comparison, it has a short history of existence, and may even be unnoticed by society, as until recently, not everyone understood the purpose, role, and essence of the ombudsman. However, in the world, on the contrary, the institution has been successfully developing and functioning since 1809 and has proven its effectiveness in many countries. There are two main types of this institution: Scandinavian (classical) and post-authoritarian.

The Scandinavian model originated in nations such as Sweden, Finland, Denmark, Norway, and New Zealand, known for their high-income economies, stable democracies, and adherence to the rule of law. Conversely, the post-authoritarian model developed in countries with past authoritarian regimes. The spread of the "ombudsmanship" concept has led to the evolution and diversification of this institution.

Presently, the global landscape features three primary ombudsman models: the Executive Ombudsman, the Independent Ombudsman, and the Parliamentary Ombudsman. D.N. Volkov, a Russian academic, highlights their distinctions, emphasizing differences in their legal system positioning, appointment processes, government accountability, and authority range [13; 112].

Each model exhibits distinct characteristics. The Executive Ombudsman, often appointed by a country's leader or executive body and accountable to them, is exemplified by France's system where the Council of Ministers makes the appointment. The Independent Ombudsman, chosen by the president or parliament yet accountable to none, is seen in countries like the Netherlands, Portugal, and Namibia. The Parliamentary Ombudsman, perhaps the most widespread, is selected by and accountable to the legislative branch.

In contrast to the first two, where oversight extends over both executive and legislative branches, the primary role of the traditional parliamentary ombudsman focuses on monitoring administrative actions and officials. D.T. Karamanukian argues this model serves as a legislative watchdog, enjoying broad powers that ensure a degree of autonomy and independence [14; 16].

Kazakhstan initially adopted a hybrid ombudsman model with parliamentary characteristics, as appointments were made by the President following consultations with parliamentary committees, and an annual report was submitted to the head of state. However, constitutional amendments on March 10, 2017, granted the Human Rights Commissioner constitutional and legal status, changing the appointment process and marking a shift from an executive to a parliamentary model [15; 156].

As noted by Kazakhstan researcher Bashimov M.S., the primary function of the Parliamentary Ombudsman is to safeguard human rights and freedoms against illegal acts or decisions by executive bodies, restore violated rights, and foster legal awareness about human rights in the community [16; 3].

E.N. Mukhitdinov holds a similar opinion on the essence of the parliamentary ombudsman. He under scores several distinctions and underscores in his works that the responsibilities of the parliamentary Commissioner include not only the restoration of violated rights of a particular citizen, but also preventive measures to prevent human rights violations. Thus, ensuring a balance between public and private interests, through analytical activities, as well as one of the most important tasks highlighted by the researcher, in our opinion is cooperation with civil society and the non-governmental sector, which is currently very relevant in connection with the ongoing democratic transformations in the state [17; 10]. A.B. Uzakbayeva's view has minor differences, according to whom the purpose of the ombudsman is to restore and protect violated rights, promote a balance between the three branches of government, as well as participate in the legislative process within the framework of improving legislative acts and the formation of standard law enforcement practice, including contributing to the dissemination of legal literacy, both among citizens and civil servants [18; 14]. We share and agree with the scientific view of the Russian researcher N.Yu. Khamaneva, who suggests that the tasks of the parliamentary ombudsman primarily involve interaction between the state and the individual. According to the researcher, the Ombudsman is often an independent and trustworthy individual endowed

with powers by the legislative authority to protect the rights of society, conduct supervisory measures over state officials, and at the same time, without being empowered to change decisions made by these officials [19; 89].

Therefore, upon reviewing the aforementioned studies, it becomes evident that the Human Rights Commissioner institution in Kazakhstan, representing a localized adaptation of the ombudsman models with distinct and unique attributes, aligns with the parliamentary ombudsman model.

It's noteworthy that within the realm of Kazakhstan's legal scholarship, there lacks dedicated literature on the development and electoral procedures for the Human Rights Commissioner's role in Kazakhstan. This gap exists because most scholars prefer to conduct thorough investigations into the institution, concentrating on its foundational challenges. M.S. Bashimov, for instance, highlighted in his work the critical nature of establishing the ombudsman institution, emphasizing that, as per the United Nations Paris Principles, an ombudsman's independence hinges on the appointment and dismissal processes: the methods and standards for selection, term length, etc. Hence, M.S. Bashimov's stance is considered well-founded, advocating for the parliamentary appointment of a human rights commissioner who, notwithstanding, should maintain autonomy from all governmental branches [16; 24].

We are particularly struck by the perspective of E.N. Mukhitdinov, advocating for the formation of the Commissioner for Human Rights based on principles of pluralism, inclusive of representatives from civil society [17; 15]. However, considering the current state of research, and without diminishing the significance of the aforementioned scholars' viewpoints, it is pertinent to note significant changes in the procedures governing the formation of the ombudsman institution. "Firstly, "appointment" has been replaced by "election". Secondly, the electoral bodies, previously appointed by the President, have changed after consultations with Parliamentary committees. Now, according to the current procedure, the parliamentary model of the ombudsman is elected by the Senate of the Parliament for a term of 5 years, based on the proposal of the President of the Republic of Kazakhstan. In this scenario, can the term "elected" be accurately applied? It may be prudent to contemplate the viewpoint posited by K.V. Starostenko, who contends that in situations where only one candidate is nominated, the term "election" might inadequately characterize the process, given the absence of genuine choice. Alternatively, it might be more suitable to employ terms such as "approval of a candidate" or "general approval" [20; 50], which is in no way compatible with the functioning parliamentary model in the Republic of Kazakhstan. Thus, we believe that the election procedure still implies the possibility of applying the principle of "alternative elections", as the essence of choice lies in the ability to select from among multiple candidates. In addition, in accordance with the Venice Principle 6, the ombudsman is preferably elected by Parliament by an appropriate qualified majority. Consequently, the election, nomination of candidates, and establishment of the optimal term of office play a pivotal role in advancing and fortifying the parliamentary model of the ombudsman in the Republic of Kazakhstan.

Conclusions

The research reveals that the Human Rights Commissioner in the Republic of Kazakhstan holds a unique constitutional role, tasked with defending and reinstating infringed human and civil rights and freedoms, hence being chosen through a process where citizens are represented by the Senate of Parliament. A comparative legal review across CIS nations shows that typically, the appointment of the ombudsman is carried out by the supreme legislative body, through either its upper or lower chambers. However, the findings from this analysis highlight that the nomination procedure for the Human Rights Ombudsman's role in Kazakhstan does not incorporate the principle of having multiple options, which could negatively impact the progression of democratic practices within the nation.

After an in-depth analysis of the key theoretical and practical dimensions regarding the election and nomination methods of the Human Rights Commissioner (ombudsman) in Kazakhstan, it becomes clear that a detailed reevaluation of the legislative framework is necessary. Such a reevaluation is crucial to maintain the fundamental democratic principle of providing choices and to guarantee conformity with global norms. To better functionality of the Human Rights Commissioner Institute, an amendment to Article 4 of the Constitutional Law "On the Commissioner for Human Rights" is suggested. This amendment would mandate that "The Human Rights Commissioner of the Republic of Kazakhstan is to be elected for a six-year period by the Senate of the Parliament of the Republic of Kazakhstan, via a majority of the total senators through a confidential vote, from a minimum of three candidates put forward by the President of the Republic of Kazakhstan".

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Қазақстан Республикасында адам құқықтары жөніндегі уәкіл лауазымына сайлаудың жаңа моделін қалыптастыру: мәселелері және болашағы

Мақалада Қазақстан Республикасындағы Адам құқықтары жөніндегі уәкіл лауазымына кандидаттарды сайлау мен ұсынудың маңызды аспектілері зерттелген, елдегі қолданыстағы омбудсмендер жүйесінің жұмыс істеуіне терең талдау жүргізілген. Бұдан басқа, зерттеуде омбудсменді сайлау процесінде бірнеше кандидатты ұсынуға мүмкіндік беретін әдісті қабылдаудың маңыздылығы атап өтілді. Зерт-

теу барысында ТМД елдерінің түрлі заңнамалық құжаттары, омбудсменнің құқықтық мәртебесін айқындайтын ұлттық заңдар мен халықаралық құқықтық база мұқият зерделенді. Адам құқықтары жөніндегі уәкілдерді сайлаудың халықаралық практикасын зерделеу қазақстандық заңнамада пайдаланылатын әдіснаманың біршама шектеулі екенін көрсетті, бұл сайлауға қатысуға құқығы бар кандидаттар тобын кеңейту Адам құқықтары жөніндегі уәкілді сайлау процесін жақсартуы мүмкін деп болжауға мүмкіндік береді. Зерттеуде құзыретті органның сайлау процесіне қатысты ұлттық құқықтық базаның кемшіліктерін жою бойынша шешімдер ұсынылған. Баламалардың бар болуы негізі қаланған демократиялық принципті сақтауда және ұлттық заңнаманы халықаралық стандарттарға сәйкестендіру мақсатында заңнамалық ережелерді өзгерту бойынша ұсынымдар жасалды.

Кілт сөздер: омбудсмен, адам құқықтары, Адам құқықтары жөніндегі уәкіл, парламенттік модель, сайлау тәртібі, сайлау, балама, заңнамалық реттеу, омбудсмен институты.

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Формирование новой модели избрания на должность Уполномоченного по правам человека в Республике Казахстан: проблемы и перспективы

В статье исследованы важнейшие аспекты избрания и выдвижения кандидатов на должность Уполномоченного по правам человека в Республике Казахстан, проведен глубокий анализ функционирования существующей системы омбудсменов в стране. Кроме того, в исследовании подчеркнута важность принятия метода, позволяющего выдвигать несколько кандидатов в процессе выборов омбудсмена. В ходе исследования были тщательно изучены различные законодательные документы стран СНГ, национальные законы и международная правовая база, определяющие правовой статус омбудсмена. Изучение международной практики избрания Уполномоченного по правам человека показало, что методология, используемая в казахстанском законодательстве, несколько ограничена, это позволяет, в свою очередь, предположить, что расширение круга кандидатов, имеющих право на участие в выборах, могло бы улучшить процесс избрания Уполномоченного по правам человека. Авторами предложены решения по устранению недостатков национальной правовой базы, касающиеся процесса выборов компетентным органом. Даны рекомендации по изменению законодательных положений с целью соблюдения основополагающего демократического принципа наличия альтернатив и приведения национального законодательства в соответствие с международными нормами.

Ключевые слова: омбудсмен, права человека, Уполномоченный по правам человека, парламентская модель, процедура избрания, выборы, альтернативность, законодательная регламентация, институт омбудсмена.

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