



INTERNATIONAL ELECTION OBSERVATION MISSION PARLIAMENTARY ELECTIONS, THE KYRGYZ REPUBLIC 27 FEBRUARY 2005

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bishkek, 28 February 2005 – The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly and the European Parliament deployed an International Election Observation Mission (IEOM) for the 27 February parliamentary elections in response to an invitation from the Ministry of Foreign Affairs of the Kyrgyz Republic (Kyrgyzstan). The IEOM observed the electoral process to assess its compliance with OSCE commitments and international standards, as well as its compliance with domestic legislation.

This statement of preliminary findings and conclusions is issued before the announcement of the final election results and before all complaints and appeals have been addressed by the electoral and judicial authorities. The final assessment of the elections will take into consideration the manner in which these important procedures are completed and how the second round of elections is conducted.

PRELIMINARY CONCLUSIONS

The 27 February 2005 parliamentary elections in the Kyrgyz Republic, while more competitive than previous elections, fell short of OSCE commitments and other international standards for democratic elections in a number of important areas. The election displayed some limited improvement, including the fact that voters were offered a real choice among contesting candidates in many constituencies. However, the competitive dynamic was undermined throughout the country by widespread vote buying, de-registration of candidates, interference with independent media, and a low level of confidence in electoral and judicial institutions on the part of candidates and voters.

The elections were characterized by a number of substantial shortcomings, including the following:

- Comments of high officials, including the President, repeatedly warning of the dangers of potential civil war and associating opposition calls for non-violent protest with extremism, had a negative effect on the pre-election campaign environment;
- Fundamental freedoms necessary for a meaningful election process were at times infringed upon during the course of the pre-election period, including freedom of assembly and expression;
- Widespread and publicly acknowledged vote buying undermined the principles of fair and equitable competition and was in violation of domestic law;
- Administrative interference in the election process by some officials, including at least one oblast governor;
- Pressure on some university students and faculty staff to support particular candidates;
- Inaccurate, poorly-maintained and, at times, inaccessible voter lists, which contributed to a lack of confidence in the electoral process;
- A fragmented complaints and appeals process;
- An unduly restrictive application of the Election Code which cancelled the right to candidacy of five former diplomats on grounds of residency requirements, despite the fact that the fundamental role of a diplomat is to be posted abroad by the respective government to serve its interests internationally;
- Provisions for de-registration of candidates were applied inconsistently and disproportionately, often on minor technical grounds. These de-registrations occasioned significant public protests in some constituencies;

- Limited voter access to diverse sources of information, further aggravated by restrictions on media broadcasting and newspaper production, as well as by hostile statements from senior governmental officials directed towards independent media.

Positive aspects of the process included:

- A partially improved legal framework, despite a number of flaws in the implementation of certain new amendments;
- Competitive races in many constituencies, providing voters with a genuine choice;
- Provisions for free air-time on the State funded media that permitted candidates a meaningful opportunity to convey their message;
- A relatively well-developed civil society was active in, and contributed to, the electoral process;
- The Central Election Commission (CEC) worked efficiently, and with few exceptions, so did Territorial Election Commissions (TECs);
- Voter meetings organized by the TECs were popular with voters and featured considerable voter interaction with candidates, often led by women;
- Transparency measures at polling station level were introduced, including marking voters with ink as an anti-fraud measure and the use of transparent ballot boxes, although the latter raised some secrecy concerns with regard to unfolded ballots;
- The CEC's publication of PEC result protocols on the internet the morning after the elections, together with the fact that domestic observers and candidate proxies were generally able to receive protocols at PEC level, constituted an important step towards enhancing transparency.

Election day was peaceful and orderly. Voter turnout as reported by the CEC was 61 percent. While there was no pattern of irregularities reported by IEOM observers, incidents of vote buying, infringement of the secrecy of the vote, pressure on student voters, multiple voting, and voter intimidation were directly observed. On the positive side, candidate proxies and domestic observers were present in a very high percentage of polling stations.

Observers assessed the voting process as 'poor' or 'very poor' in a notable 11 percent of polling stations visited. The main problems noted were inaccurate voter lists (observers reported additions to the voter lists in 80 percent of polling stations visited), unauthorized persons in polling stations (17.5 percent) and family voting (10 percent).

Observers assessed the vote count as 'poor' or 'very poor' in 11 percent of polling stations observed. Of serious concern, there was considerable use of pencils to complete the protocols, and in some cases the protocols were left blank. Such instances can negate the progress made in transparency in other areas of the electoral process. The aggregation process at the TECs was notable for the fact that PECs were required to conduct recounts in 20 percent of TECs visited. On a positive note, IEOM observers were able to observe the data input into the Shailoo system in 96 percent of cases.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of Kyrgyzstan to further improve its electoral process.

PRELIMINARY FINDINGS

Background

The 27 February elections were conducted to elect a new, unicameral Parliament (Jogorku Kenesh) consisting of 75 deputies elected in single-mandate constituencies. Members of the Parliament are elected for 5-year terms. These elections have been held in the context of much political discussion surrounding the next presidential elections, scheduled for October 2005.

According to the 1993 constitution, last amended in 2003, Kyrgyzstan is defined as a presidential republic, and the Parliament has a limited role in State government. In order to be elected, a candidate must poll more than 50 percent of the valid vote in the first round. If no candidate succeeds in winning in the first round, the two leading candidates contest a second round, held within two weeks, in which a majority victory prevails. In the case of only two competing candidates in a given constituency during the first round, the successful candidate must receive a majority of the vote.

Legal Framework

The legal framework for the parliamentary elections includes, but is not limited to, the Constitution of the Kyrgyz Republic, as amended following the 2003 referendum, and the Election Code. Since 1999, the Election Code has been amended at least 17 times, with ten amendments made since January 2004, including the late passage of amendments on 21 January 2005.¹

There have been improvements in the amended Election Code, including:

- Provisions for domestic non-partisan observation;
- Use of ink to mark voters' fingers as a prevention against possible multiple voting;
- Institution of a second round in constituencies where no candidate has received an absolute majority during the first round;
- A common starting date for the election campaign for all candidates;
- A broadening of opportunity for more inclusive composition of election commissions;
- Steps taken to increase transparency in the polling station procedures.

However, further improvements are needed in the Election Code, including:

- Removing limitation of candidacy rights, including the possibility of suspension or cancellation of the registration of an elected candidate;
- Removing the possibility of de-registering candidates on minor technical grounds;
- Enhancing pluralism in the composition of election commissions;
- Introducing a clear distinction between public information and campaign material;
- Providing full access by observers to the entire election process, and
- Streamlining the complaints and appeals process that does not adequately protect suffrage rights.

Local government legislation impacting on the freedom of assembly also gives rise to concerns. A Constitutional Court decision (14 October 2004) *in reference to the Law on The Right of Citizens to Assemble Peacefully, Without Arms, Freely Conduct Meetings and Demonstrations* resulted in the fact that organizers of public gatherings are now required only to inform authorities, rather than seek permission for such meetings. However, a Bishkek City Council decision requires that organizers inform the authorities about public assemblies 10 days in advance.² This decision appears to have diminished the

¹ Due to the late passage of amendments, a full assessment of the Election Code by OSCE/ODIHR is in progress.

² Bishkek City Kenesh, Decision 12 of 11 January 2005.

effect of the Constitutional Court ruling and be unreasonably restrictive of freedom of assembly, particularly during an election period. Furthermore, in Bishkek, an effective restriction on the location of public events appeared to be applied only to the opposition.

Complaints and Appeals

The amended Election Code failed to establish a clearly defined complaints and appeals process with a single hierarchical structure of responsibility. The fragmented system offers multiple avenues for seeking legal redress, including election commissions, courts, and prosecutors. Most candidates the OSCE/ODIHR EOM met with reported an acute lack of confidence in the system and a tendency to resort to alternative and informal means of solving election related problems.

The creation of the Presidential Administration's special working group to review cases involving interference of State and municipal officials in the election process appeared to further fragment the complaints and appeals structure, potentially confusing election stakeholders. Trust in judicial and electoral institutions was further diminished due to the unnecessary formation of a special working group so closely identified with the executive branch of government.

The CEC provided the OSCE/ODIHR EOM with an analysis of complaints it considered; however, access to the full text of the complaints was limited. The resolution of complaints and appeals at the CEC appeared to be conducted in a non-transparent and non-inclusive manner. Complaints were resolved by the "Working Group on Supervising the Rules of Campaigning" (Working Group), thus bypassing the full CEC. Only a few of the complaints filed with the CEC have been reviewed in open session.

The Working Group operated in an autonomous fashion, sometimes even at odds with the full CEC membership. In a case followed by the OSCE/ODIHR EOM, a candidate de-registered by a lower court decision in constituency number 45 appealed to the Supreme Court. Although the CEC requested that the decision of a lower court be overruled, the CEC Working Group's last-minute submission to the court contradicted the CEC's own arguments. The mode of functioning of the Working Group undermined the accountability of the CEC for the complaints and appeals process.

The role of the CEC Chairperson in the complaints process on occasion appeared to extend well beyond the legal limits of his authority. He openly admitted to the OSCE/ODIHR EOM to have influenced complainants to withdraw their cases with suggestions that both candidates would be de-registered. In a separate case, EOM observers were present at a meeting of the CEC conducted on 1 February to address two complaints. A press release was distributed just prior to the meeting, which appeared to pre-determine the resulting decisions. This raises questions regarding fully inclusive participation in the decision-making process within the CEC, as well as undermining the principle of transparency in addressing complaints.

The court system served as an important venue for appeals. In some cases, candidates filed complaints with the courts late in the process with the purpose of having opponents de-registered. A number of cases were appealed to the Supreme Court. The Supreme Court upheld several of the de-registrations, despite the fact that grounds for de-registration were often either not well evidenced or were minor and despite the fact that the CEC argued against de-registrations in some cases.

Also, Article 56 of the Election Code provides for a five-day moratorium on candidate de-registration prior to election day. The Supreme Court decided to de-register Mr. Kulbaev, a candidate in TEC 3, within the moratorium period, in apparent contradiction of Article 56.

A substantial number of complaints regarding vote buying were sent to various authorities, including the prosecutors' offices. However, the provisions in the Code of Criminal Procedure (Art. 26.2) place the initiation of cases regarding this and other instances of election-related crime (e.g., falsification of election documents) outside the authority of the prosecutor, thus limiting the possibility to hold accountable those at fault. Although claims of vote buying were brought before courts in civil proceedings, the OSCE/ODIHR EOM was not aware of criminal charges being instituted on this issue. The lack of legal competence for prosecutors to pursue criminal charges before a court for such election-related crimes limits accountability and contributes to an atmosphere of impunity.

Candidate Registration and De-registration

In general, there were few complaints filed during candidate registration. However, high profile cases, pertaining to five former diplomats, illustrated what appears to have been an undue restriction on the right to candidacy, rather than an interpretation that encouraged inclusive participation. The former diplomats were denied registration on the grounds that they did not meet the permanent, in-country residency requirement of five years prior to candidate nomination. This requirement is based on Article 56.1 of the Constitution and stipulated in the Election Code under Article 69.1.

While the legal procedures appear to have been formally respected, several interlocutors raised political motivation as a factor in denying the right to be a candidate, as some of the diplomats had clearly expressed views that differed from the incumbent government prior to the submission of their candidate registration papers. The fact remains that these cases involved former diplomats, despite the fact that the fundamental role of a diplomat is to be posted abroad by the respective government to serve its interests internationally. In addition, some appear to have had formal residence in Kyrgyzstan for the period of time in question. In previous elections, former diplomats were successfully registered as candidates to the Parliament, albeit under prior provisions of the legislation.

The OSCE/ODIHR EOM observed at least three cases (TECs number 45, 71 and 16) in which candidates were de-registered for minor technical violations. In other constituencies, candidates received only a warning for having committed more serious violations. Indeed, the Election Code appeared to be less stringently applied to candidates perceived as favoured by the authorities. Such practice unreasonably limits voters' choice and is an example of disproportionate and inconsistent sanctions. It appears that the problem partially stems from the lack of clear and precise de-registration provisions in the Election Code.

Election Administration

In general, the CEC worked in an efficient manner. However, concerns remain regarding transparency in the work of the election administration. In some cases, the procedure for the adoption of CEC decisions remained unclear for observers and mass media representatives alike. The CEC did not always inform the public about its decisions. Moreover, the CEC is still located in the premises of the Presidential Administration, despite long standing pledges to separate themselves in order to confirm the CEC's standing as an independent body.

Amendments to the Election Code provide for greater inclusiveness of TEC and PEC membership, by guaranteeing at least 1/3 of the composition of these bodies to be nominees from political parties. However, this legislation was not fully and uniformly implemented. An analysis of the composition of TECs shows that political parties were overall under-represented (27.2 percent).

Furthermore, it was reported to the OSCE/ODIHR EOM that nominees from competitive political parties were denied representation on commissions in favour of parties with insignificant political presence. For example, the political party representatives nominated to TECs in the Bishkek city region were dominated

by little-known parties. This raised fears that positive aspects of the changes to the Election Code were undermined by diminishing the opportunities for truly competitive political parties to be represented in election commissions.

While the majority of TECs were co-operative with the OSCE/ODIHR, some operated in a less than transparent manner. This element of non-transparency was evident even within election commissions, as information was not always shared equally among members of some TECs. Candidates and their proxies were not always informed in a timely fashion about TEC sessions or their decisions. TEC decisions did not always meet professional standards or fully follow provisions of the Election Code.

Voter Lists

Some efforts were made by the authorities to update the voter lists. However, serious doubts remain about their accuracy. This component of the electoral process was universally recognized by domestic interlocutors to be problematic and to have remained substantially unresolved during the parliamentary elections.

Voters' rights to familiarize themselves with the data on voter lists were limited by a failure of many PECs to commence work, as legally required, by 2 February. Delivery of the voter lists was often delayed, ostensibly due to technical problems with the aging Shailoo electronic voter registration and aggregation system. Some PECs operated under conditions of insufficient logistical, technical and financial support from local authorities and higher level commissions.

Limitations on transparency of the voter registration process, and confusion regarding the accuracy of the voter lists, were caused by election officials' differing interpretations of international commitments and domestic laws regarding access to the voter lists. The CEC Chairperson considered voter lists to be confidential data and as such, restricted access to verification of the data only to the voter himself/herself and his/her family members (and rather inconsistently, neighbors). The Election Code (Article 22) provides for a general right of access, or familiarization, for the public, and the CEC interpretation appears to fall outside of the legal regulations.

Such practice significantly decreased public trust in the voter lists, and in the elections generally. The OSCE/ODIHR EOM noted that even those PECs that in previous elections provided access to voter lists limited access to them for the parliamentary elections. Furthermore, voters were not always able to gain access to the lists due to simple operational reasons. OSCE/ODIHR observers reported that a substantial portion of PECs were closed during normal opening hours, or that PEC members on duty did not have keys for the safes in which the lists were kept.

The poorly defined process of updating the lists was itself the subject of concern. Major allegations regarding the accuracy of the voter lists, some of which were confirmed directly by observers, included:

- The presence of so-called "dead souls" (deceased or even non-existent voters) in the voter lists;
- Double or multiple entries found at the local level, despite assurances by the CEC that they had been removed at the national level, such as;
 - Residents of some buildings included in two or more voter lists (for different polling stations), at times in different constituencies;
 - Students included in two voter lists: in their temporary residence in their place of study and in their permanent residence elsewhere;
- Voters illegally registered at the addresses of non-residential facilities;
- Some interlocutors complained that changes made to the voter lists during local elections in October 2004 were not entered into the Shailoo system as required by law.

According to the Election Code, local administrations (Akimats) are responsible to provide for the accuracy and timely production of the voter lists. However, there are no strict sanctions for failing to meet these conditions. In a positive step that was not explicitly required by the Election Code, the CEC undertook to improve the quality of the voter lists by requesting Akimats to check voter list accuracy by 17 February.

A number of PECs and candidates demonstrated initiative by conducting door-to-door canvassing to improve the quality of the voter lists. However, the majority of PECs remained passive with regard to complaints related to the accuracy of the lists and the need to make the relevant changes. In some cases PECs, ignoring their duties and not using their rights, referred voters to the TECs or other bodies.

Overall, 2,669,576 ballot papers were printed. While the OSCE/ODIHR EOM had an opportunity to observe the printing process, domestic observers and candidate proxies were not able to do so. The absence of stakeholders may have the effect of undermining public confidence in the process.

Following a late (18 January) decision of the Parliament, the CEC decided not to proceed with voting for Kyrgyz citizens abroad on the basis that the February 27 elections are held in single-mandate constituencies. An EOM analysis indicates that the Election Code provides for formation of polling stations outside of the country (Article 20.5) but refers to the creation of voter lists for out-of-country voting only in the context of presidential elections (Article 21.8).

Political Environment and Campaign

The election campaign took place in an environment free from incidents of violence, and overall, candidates generally reported no systematic impediments to their campaigns, although there were problems in specific constituencies.

A number of non-violent public protests took place and were directly related to the election process. On 22 February several protests took place around the country, notably in constituencies 34 (Kochkor) and 75 (Bokonbaeva), which were organized in response to the de-registration of candidates. These lasted a few days until the Supreme Court upheld the decision to de-register the candidates. Nonetheless, the demonstrators dispersed in a relatively orderly fashion. Law enforcement services monitored the demonstrations but did not intervene.

Throughout January, opposition forces held a series of demonstrations in Bishkek city centre, in support of five former diplomats who had been denied registration. In addition, further demonstrations in support of fair elections took place on 19 February in an officially sanctioned location and another in support of freedom of expression on 21 February. In all instances, organizers of the protests faced legal charges for minor administrative violations.

The issue of freely holding public meetings was widely debated throughout the electoral campaign. Opposition forces held that the Constitutional Court's recent ruling on public meetings meant that the 10-day notice provisions introduced by Bishkek city council were unconstitutional.

In contrast, the authorities alleged that such public meetings could lead to destabilization and possible civil war. Frequent references by senior government figures to recent political events in Ukraine and Georgia were made throughout the election process. The President himself, and other high State officials, often made reference to the unwelcome reception that similar events would meet in Kyrgyzstan, linking events in these two countries to extremism and foreign 'interference.' These statements had negative consequences for the pre-election environment in terms of open public debate and participation.

Despite acknowledgement from civil society groups that the Election Code was improved over the 2000 Parliamentary elections, expectations of stakeholders and government representatives with regard to the election process were noted as being especially low. Confidence in the efficiency of electoral commissions, courts, and other State institutions was nominal. Numerous interlocutors indicated a high degree of pessimism with regard to achieving redress from these institutions.

The election was contested by 389 of the 425 originally registered candidates. Twenty-three candidates had withdrawn and 12 were deregistered before election day (one candidate died prior to election day). Political parties and movements played a limited role in the campaign, due to the combined effect of the early stage of political party development and the nature of competition in a majoritarian electoral system.

Widespread allegations of vote buying by candidates and their proxies impacted highly on the campaign environment. The CEC Chairperson publicly expressed concerns over widespread vote buying, and OSCE/ODIHR observers directly witnessed an instance of vote buying. Vote buying is prohibited by State legislation and 4 candidates were deregistered on this basis. Electoral commissions at various levels considered numerous complaints on this issue; however, decisions were highly variable and inconsistent.

During the campaign, the use of administrative resources was apparent at various levels. There was direct confirmation that some government officials were campaigning for particular candidates and engaging in activity to deregister certain competitors. Numerous candidates also experienced difficulty in gaining access to students at universities throughout the country. Documented cases of variable treatment of some candidates by university administrations resulted in unequal campaign information for young voters at educational institutions. Also, on condition of anonymity, students told OSCE/ODIHR observers that they had been pressured by university officials to vote for certain candidates. They were given to understand that they could ultimately be expelled if they did not comply, and they were not confident of the secrecy of their vote. Teachers have also expressed distress over alleged pressure to campaign for certain candidates favoured by their management. In Osh, lecturers at a university directly complained to OSCE/ODIHR observers of being forced to mobilize students on behalf of certain candidates and threatened with job loss if they did not comply.

Media Environment

While television is the main source of information, there are no television channels that are considered as independent. Newspaper coverage is very limited or non-existent outside the urban areas, with most newspapers having small, localized circulation. The lack of media outlets offering critical and objective reporting raises a strong concern over the voters' access to a broad range of information. The general media environment is characterized by under-developed professional journalistic standards, lack of funding, and the practice of paying journalists to present a certain viewpoint.

Moreover, reported cases of economic pressure, as well as hostile statements from senior government officials against media due to their editorial line, cast serious doubts on the freedom of expression in Kyrgyzstan. In December, the Head of the Anti-Monopoly Department³, Mr. Zhuravlev,⁴ asked the prosecutor's office in Bishkek to open a criminal case against the opposition-affiliated newspaper MSN for alleged monopolistic activity, with a penalty up to five years in prison. On 14 February, the Presidential press secretary accused MSN of standing "against free and fair elections" for publishing a story claiming to expose the extent of the presidential family's alleged assets. On 17 February, President Akaev appeared on the State-funded media in an address to the nation, in which he announced his

³ Department for Anti-monopoly Policy under the Ministry of Economic Development, Industry and Trade.

⁴ Current candidate of Alga, Kyrgyzstan! in constituency number 5.

intention to sue MSN on the grounds that “the newspaper’s position is akin to systematic information terror.”⁵

On 22 February, the operation of Freedom House press, the only independent printing house in Kyrgyzstan, was suspended, as electricity was cut-off by the State-controlled energy company. The printing house provides services to over sixty Bishkek based and regional newspapers, including pro-opposition papers *MSN* and *Res Publica*. While production at the printing-plant was restored by means of generators, the capacity of the press facility was reduced by 70 percent.

The Election Code (Articles 30-36) obliges the State-funded media to allocate free airtime and print space to each candidate equally, and as such, permits candidates to convey their political platforms. In general, KTR, the State funded television and radio broadcaster, adhered to its legal requirements to grant free time for candidates, including allocation of time for debates. Nonetheless, the obligations that require them to provide airtime during prime time, and to restrain from comments of candidates’ speeches, were not completely fulfilled in television broadcasts. In addition, the Election Code remains open to restrictive application by containing a ban on publishing “other election related research” (Article 31.3) after the official launch of the campaign on 2 February.

In a positive development, *KTR* devoted more than the prescribed time to informative and educational programs with participation of CEC representatives. At the same time, the State broadcaster aired voter education clips prepared by both State and non-governmental organizations.

Most media monitored by the OSCE/ODIHR EOM did not provide impartial and fair coverage of the campaign.⁶ Almost all monitored media paid very extensive attention to the President, rather than the role of the Parliament or the candidates. In their coverage, the State funded media exhibited clear bias in favor of President Akaev, both in tone and time. In the three weeks of the official campaign, *KTR* television and radio provided 42 percent and 58 percent of prime time news to the President respectively, all positive or neutral. Moreover, the President’s addresses to different social groups, in which he stressed the authorities’ contribution to Kyrgyzstan’s achievements, were broadcast live or fully re-broadcast by *KTR* at the beginning of the campaign period. The other channels monitored adopted a similar approach by devoting the bulk of their main news coverage to the authorities.

The Election Code, and the CEC’s inconsistent interpretation of it, appear to have led to some confusion between the media’s role in providing information about candidates and actual campaigning on their behalf. As a result, the media prime-time television news coverage of the campaign remained rather low-key, and failed to inform the public equally about the contestants.

The private channel *KOORT TV*, allegedly owned by the President’s son-in-law, had very positive coverage about the pro-presidential party *Alga, Kyrgyzstan!*, its candidates Olga Bezborodova (the former editor of leading daily *Vecherniy Bishkek*) and Mr. Zhuravlev, and self-nominated candidate Bermet Akaeva (the President’s daughter). On 1 February, the station introduced the program “Press Review”, which was designed to look like a news review, but most often articles from the pro-governmental press were used by the anchor person to attack and denounce the opposition.

⁵ "Ala-Too" news program, KTR TV, 17 February, 20.00 (in Russian) / 21.30 (in Kyrgyz).

⁶ The OSCE/ODIHR EOM monitored six televisions, two radio stations and eleven newspapers, using qualitative and quantitative analysis, from 21 January through 25 February: *KTR*, *KOORT*, *Mir*, *NBT*, *Piramida*, *Osh TV* (TV channels); *KTR*, *Radio Azattyk* (radio stations); *Aalam*, *Agym*, *Delo Nomer*, *Erkin Too*, *Kyrgyz Tuusu*, *MSN*, *ResPublica*, *Slovo Kyrgyzstana*, *Vecherniy Bishkek*, *Argumenty i Fakty*, *Komsomolskaja Pravda* (newspapers).

By contrast, the nationwide *Azattyk* radio (Radio Liberty), broadcasting from Germany in the Kyrgyz language, provided more balanced coverage with a greater diversity of opinions. However, on 24 February, the State-controlled Kyrgyz Telecom stopped broadcasting *Azattyk* with no prior warning. Consequently, at the end of the campaign period and during significant public protests in rural areas, nation-wide coverage of *Azattyk* was sharply limited to very few urban places. This restricted voter access to an independent information source at a critical time in the election campaign.

The print media offered its readers polarized views, showing bias either by support of the authorities (most of the papers) or by heavy criticism of them (*MSN*) and support of specific parties (*Res Publica*). State funded newspapers *Slovo Kyrgyzstana* and *Kyrgyz Tuusu* showed strong bias in favor of the President and against certain opposition representatives.

The media generally respected the election silence period that started 24 hours prior voting. However, on the eve of election day, State broadcaster KTR violated the silence period by broadcasting of highly negative material against opposition representatives, including at least three candidates.

National Minority Issues

National minority issues appeared to be a factor in the election process, especially in certain regions of the country. Of the 389 candidates that contested the election, approximately 88 percent were of Kyrgyz ethnicity, 5 percent of Uzbek ethnicity, and 4 percent of Russian ethnicity. In comparison with the overall demographic figures, national minorities were significantly underrepresented as candidates.

The division of Uzgen city (Osh Province) into three constituencies effectively divided the 90 percent ethnic Uzbek population into thirds and attached them to predominately ethnically Kyrgyz rural areas.⁷ Of the 21 candidates that stood across the three constituencies, none were of Uzbek ethnicity, indicating that the redrawing of boundaries had the effect of discouraging participation of the ethnic Uzbek population.

Critics argued that the constituencies were gerrymandered in order to disenfranchise the ethnic Uzbek population and deny it parliamentary representation. Other interlocutors indicated that the decision to redraw the constituency boundaries was taken by parliamentary deputies to protect their own interests.

Participation of Women

Although women in Kyrgyzstan constitute a majority of the population,⁸ they are significantly underrepresented in Parliament. Following the 2000 parliamentary elections, only 7 women (7 percent) were elected to Parliament (6 to the lower chamber and 1 woman to the upper chamber).

Of the 389 candidates, 39 (10 percent) were women. The vast majority of these women (78 percent) contested the elections as independent candidates and most constituencies (60 percent) had no female candidates standing. Women comprise 23 percent of the CEC membership and are well represented in election administration at all levels.

While there is no legal discrimination against women presenting their candidacy for election, barriers to women's increased participation in the political process remain outstanding, dating from prior to the 2000 parliamentary elections. Structural disadvantages to women's candidacies include the fact that professional opportunities for women are largely in low-paid service professions or in the social services

⁷ Myrza-Aki constituency Number 37, Zhazy constituency number 38, and Kurshab constituency number 39.

⁸ Women constitute 50.6 percent of the population according to "Kyrgyzstan in Figures", Kyrgyz Republican Statistical Committee, 2004.

sector (for example, the average salary in the education sector is approximately 30 USD per month).⁹ Thus, women in these professions are more likely to face financial difficulties in standing for election. To stand as a candidate in parliamentary elections, a 30,000 Som (equivalent to 750 USD) registration fee must be paid. This is a substantial amount in Kyrgyzstan, prior to the additional costs incurred to run a campaign.

Furthermore, changes in the electoral system since 2000, specifically the elimination of the proportional list component, may diminish the chances of a greater number of women candidates being elected. On a positive note, a number of NGOs actively work to promote the role of women in society and in politics.

Domestic Observers

The amended Election Code has improved the ability of non-partisan domestic observers to carry out their activities. However, Article 17.4 of the Election Code unduly restricts the activities of domestic observation groups in the pre-election period, preventing legal access to key elements of the process such as voter lists and the sessions of election commissions. However, in a departure from an overly strict interpretation of the law, many election commissions at all levels provided NGO observation groups with access prior to election day.

The two major domestic, non-partisan, civic groups, the Coalition for Democracy and Civil Society and the Association of NGOs and Non-Commercial Organizations (NCOs), both fielded long-term and short-term observation missions. Both groups stated their intention to conduct a parallel vote tabulation exercise. Late in the pre-election period, three other non-governmental groups announced that they would observe the elections.

Election Day & Vote Count

Election day was peaceful and orderly, although crowding and long queues were reported in a few polling stations. Polling stations, with a few exceptions, opened on time. More than 650 polling stations were visited by IEOM observers, giving a representative sample of the polling process.

On 26 February, the CEC decided to postpone the conduct of the poll in constituency number 75 for two weeks, on the grounds that public protests (road blocks) against the de-registration of a candidate in the days prior to the election had prevented necessary preparations.

While there was no pattern of irregularities reported by IEOM observers, significant incidents of vote buying, infringement of the secrecy of the vote, pressure on student voters, multiple voting and voter intimidation were observed. In Jalal-Abad oblast, three TECs (numbers 25, 26 and 31) were prevented from transferring their operations to local district administration buildings (as required by the CEC) after citizens surrounded their offices. However, it appears this did not affect the aggregation process.

IEOM observers assessed the voting process as ‘poor’ or ‘very poor’ in a notable 11 percent of polling stations visited. The main problems identified by observers included:

- Inaccurate voter lists as observers reported additions to the voter lists in 80 percent of polling stations visited, with several instances of high numbers in individual polling stations;
- A substantial number of polling stations in which unauthorized persons were present (17.5 percent);
- Incidents of family voting (10 percent).

⁹ “Kyrgyzstan in Figures”, Kyrgyz Republican Statistical Committee, 2004.

Some positive factors observed at polling stations included:

- Largely well-trained and well-organized PECs with no shortages of election materials;
- The use of transparent ballot boxes to enhance confidence, although this also raised an issue for secrecy of the vote depending on whether ballot papers were folded properly;
- The presence of candidate observers (99.8 percent) and domestic observers (92 percent);
- Voters were marked with ink in 98 percent of cases, although it often slowed the voting process;
- A calm atmosphere at most polling stations, although tension was noted in some of those which were subject to overcrowding and queues due to the inking process;
- Voters signed the voter lists (99 percent), and PECs checked voter ID (98 percent).

Observers assessed the vote count as ‘poor’ or ‘very poor’ in 11 percent of polling stations observed. Notably, the proportion of PEC members’ understanding of the counting procedures regarded as either ‘poor’ or ‘very poor’ increased in comparison to the voting process to 19 percent. Of serious concern, there was considerable use of pencils to complete the protocols, and in some cases the protocols were left blank. Such instances can negate the progress made in transparency in other areas of the electoral process. In one polling station, it was observed that the PEC Chairperson produced four different copies of the protocol. In some polling stations, observers were kept at a distance from the counting, and IEOM observers noted that the order of counting procedures were not always followed. On the positive side, domestic observers and candidate proxies were able to receive copies of PEC result protocols in almost all counting processes observed (97 percent).

Other problems included:

- Unauthorized persons present during the count (28 percent of counts observed);
- Failure to publicly post the results of the count (33 percent of observations).

The TEC process was notable for the fact that PECs were required to conduct recounts at 20 percent of TECs visited. The presence of domestic observers (31 percent) at the TEC was markedly lower than for the opening, voting and counting processes. In a positive note, IEOM observers were able to observe the data input into the Shailoo system in 96 percent of cases. However, problems with the functioning of and data input to the Shailoo system were observed in 23 percent of cases.

In a positive development to enhance transparency, the CEC published PEC result protocols on their internet site the morning following the elections.

***This statement is also available in Russian.
However, the English version remains the only official document.***

MISSION INFORMATION & ACKNOWLEDGMENTS

Mr. Kimmo Kiljunen (Finland), Head of the OSCE Parliamentary Assembly (OSCE PA) delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the short-term observers. Mr. Francesco Enrico Speroni (Italy) headed the delegation of the European Parliament. Ambassador Lubomir Kopaj (Slovak Republic) is Head of the OSCE/ODIHR Election Observation Mission (EOM).

The IEOM issues this statement before the final certification of the election results and before a complete analysis of the IEOM observation findings. The OSCE/ODIHR will issue a comprehensive report approximately six weeks after completion of the electoral process.

This statement is based on the election preparations and campaign observations of 12 election experts of the OSCE/ODIHR EOM based in Bishkek and 18 long-term observers deployed in 7 regions for six weeks prior to election day. The statement also incorporates the election day findings of 175 short-term observers, including 11 from the OSCE PA and 2 from the European Parliament, reporting from some 650 polling stations out of a total of over 2157 country-wide.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other authorities of the Kyrgyz Republic for their cooperation and assistance during the course of the observation. The EOM is grateful to the OSCE Centre in Bishkek, resident embassies of OSCE participating States and other international institutions for their cooperation and support.

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