

2005 PARLIAMENTARY ELECTIONS IN KYRGYZSTAN

ENEMO is an association of 17 civic leading election monitoring organizations from sixteen countries of the former Soviet Union and Eastern Europe. The ENEMO mission to Kyrgyzstan evaluated the electoral process against international standards for democratic elections and benchmarks in Kyrgyz legislation and the constitution. In the first round of elections on February 27, thirty experienced ENEMO monitors observed election races in all oblasts of Kyrgyzstan, reporting from 250 polling places, 15 district election commissions (DECs) and the Central Election Commission (CEC). In the runoff elections on March 13, twenty ENEMO monitors observed voting and counting in 205 polling stations and tabulation at 16 DECs. ENEMO is cooperating in this mission with the National Democratic Institute for International Affairs.

Summary of findings and observations

Although both rounds of the elections were conducted in a peaceful manner, many violations took place which seriously influenced the outcome of the elections. ENEMO has concluded that the parliamentary elections in Kyrgyzstan fell dramatically short of minimum international standards for free and fair democratic elections.

Though the ENEMO mission focused its observation primarily on election day in both rounds, ENEMO noted a number of disturbing factors that occurred a few days before the voting which were serious enough to have affected the elections process. Before the first round of elections, Radio Free Europe's signal was shut off, power was cut to Kyrgyzstan's largest independent printing press, and pro-government television stations aired information to discredit several candidates, in violation of Kyrgyz law. Before the first round of elections, several candidates' registrations were selectively cancelled by the courts and five former diplomats were denied registration. This trend continued through the second round, when two more candidates were de-registered and removed from the ballots a few days before the elections. These negative factors prevented a number of candidates from competing in the parliamentary elections in equal and fair conditions.

Based on its observation of election day activities on February 27 and March 13, ENEMO revealed a pattern of misuse of administrative resources, including pressure on voters and nonpartisan observers, illegal election campaigning, interference by local authorities, busing of voters, voter bribery, low quality of voter lists and poor organization of the electoral process by election commissions.

ENEMO acknowledges the positive role of vibrant local civil society organizations that focus on voter education and nonpartisan election monitoring. ENEMO also notes the positive impact of recent CEC initiatives, such as the use of indelible ink and publishing of all precinct protocol data on the official CEC website.

Some of the most typical violations observed in both rounds of elections are narrated below:

Illegal campaigning / vote buying

The trend of campaigning outside or inside of polling places and voter bribery observed by ENEMO in February 27 elections continued to be witnessed in the second round as well. Observers noted several instances of illegal campaigning by election commission officials and candidates' proxies, and instances of vote buying.

- On March 13, monitors reported campaigning by a proxy of candidate Imanaliev in DEC#55/ PEC#54.
- In DEC#63/PEC#7233, election commissioners showed support for candidate Korkmazov.
- In DEC#26/PEC#2127, observers spotted a car with a megaphone near a polling station and in PEC#2041 people outside the polling station were holding a large portrait of candidate Tekebaev and openly campaigning for him.
- In DEC#21/PEC#2229, proxy of candidate Sarpashev was standing close to the ballot issuer and was telling voters for whom to vote. Vodka was distributed to voters at shop near the DEC#69/ PEC#6.
- In the DEC#15/PEC174, commission members representing candidate Imanaliev were giving 300 soms to voters.

Observers noted door-to-door campaigning on election day in DEC#1 in the residential area around PEC#1016 (Krasnaja street), where group of young campaigners wearing red armbands with the letters "DND" admitted to lobbying for candidate Akaeva. Furthermore, in the DEC#1, voters of both candidates violated the law by bringing special invitation cards of candidates into polling stations and by showing them to people present inside the polling station.

Organized busing of voters

In both rounds of elections ENEMO observers noticed organized voter transportation to the polling places, in violation of the ban on campaigning on election day. On March 13, ENEMO observers reported a number of minivans busing voters to polling stations at different districts (DEC#1/PEC#1023, DEC#11/ PEC#1204).

Interference by state and local officials

In both rounds, ENEMO observers documented the misuse of state officials' positions in favor of certain candidates. Interference of local officials was commonly expressed in the presence in polling places of administration heads, staff of law enforcement bodies and militia, and other unauthorized persons.

- On March 13, in DEC#15/ PEC#119, a local self government official was present at the polling station and was controlling the voting process in which voters were showing PEC members for whom they voted.

Intimidation of voters and observers

On February 27, ENEMO observers reported several instances of intimidation of voters and state employees. This violation continued during the second round on March 13, when ENEMO observers noted several cases of intimidation of both candidate and nonpartisan observers during election day. For example:

- In DEC#63/PEC#7157, the head of local administration hit an observer of candidate Bekboev and broke her video camera. He also instructed all his employees to work at the polling stations on election day.
- In most polling stations of the DEC#1, domestic non-partisan observers were denied full access to observe the election process.

Polling station procedural violations

Across the country, ENEMO observers reported numerous polling station procedural violations in both rounds of elections, ranging from minor to severe. In some cases, these suggested simple ignorance of the law or poor administration, and in others intentional disregard of legal provisions. These violations included presence of campaign materials inside polling stations, voter list irregularities, improperly filled copies of protocols, and instances of voting without proper identification.

Voter List Irregularities

In the first round of elections, ENEMO noted frequent problems with voter lists which resulted in voters often being excluded from lists, large numbers of voters added to additional lists, incorrect names on lists, and variations of the same name of voters crossed out by pencil. Between the first and second rounds, the CEC announced that all names added to additional lists on February 27 had been incorporated into the main voter lists for March 13 for the runoff elections. Despite this, the same problems with inaccurate voter lists again were observed in the second round of elections, although on a slightly smaller scale. Large shifts in the number of voters in districts indicate that there is no effective system for verifying voter lists and eliminating inappropriate or duplicate entries.

Polling Station Set-Up and Preparedness

During the first round, ENEMO observers noticed widespread problems with polling station set up and failure to follow legal requirements for organizing the voting procedure. The majority of polling stations were missing some kind of election-related informational materials such as candidate biographies, examples of filled ballots, etc. This trend continued in the second round. Many polling stations in several districts did not have the required informational materials such as sample ballots or biographical information about candidates.

Use of Indelible Ink to Mark Voters

Despite some minor problems of introducing indelible ink that were observed in the first round of elections, the usage of ink proved in the second round appeared to take place without any substantial difficulties.

Observer access

On February 27, both partisan and non-partisan domestic observers appeared to have difficulties accessing all stages of the electoral process as compared to international observers. This trend worsened on March 13, as ENEMO election observers reported a number of cases when nonpartisan observers were seriously restricted in their rights to observe all stages of the election process and instances of also reported intimidation.

RECOMMENDATIONS:

- The process of registration of candidates should be free of excessive restrictions, guaranteeing free and equal access of Kyrgyz citizens to seek elected office. Once registration is granted, deregistration should be permitted only in exceptional cases of serious breach of the law.
- Equal and fair conditions should be provided to all candidates to ensure balanced representation of proxies of candidates and political parties in the election commissions at all levels. Electoral commissions should not be located inside government buildings.
- The voter lists should be posted publicly and available on the website for voters to verify all data (not only their personal data) and should be updated regularly well in advance of elections.
- Freedom of media and voters' access to information should not be subject to restrictions by authorities.
- Unauthorized persons including police, security, local government, and military, should not be allowed to remain in polling places.
- The rights of observers concerning access to all stages of the electoral process (including pre- and post-election periods) and all related documentation should be guaranteed by the law. Clear sanctions should be defined and applied in cases of breaches. The unnecessary limitation on the number of domestic nonpartisan observers per polling station should be lifted.
- Restrictions on provision of voter education by NGOs should be removed.
- Secrecy of voting should be ensured by the usage of envelopes or pre-folded ballots.
- Clear rules for campaigning should be defined and enforced, including election-day ban on campaigning (e.g. no campaign materials within 50 meters near polling station). Punishment or sanctions for violating campaign rules on election day should be clearly defined and enforced.
- The complaints and appeals consideration procedure should be clear, unbiased and timely addressed. The court system should act independently.
- The accreditation process for international observers should be free of government restriction and should not be subject to official invitation.