



**ELECTION OBSERVATION DELEGATION TO
THE PARLIAMENTARY ELECTIONS
IN KYRGYZSTAN**

(10 October 2010)

**Report by
Katarína Nevedalová, Chair of the Delegation**

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A- List of participants

B- Programme

C- International Election Observation Mission Preliminary findings and conclusions

Introduction

On 9 September 2010, the Conference of Presidents of the European Parliament authorised the sending of an Election Observation Delegation to observe the parliamentary elections in the Kyrgyz Republic, scheduled for 10 October 2010 and aimed at renewing the composition of the Parliament (Jogorku Kenesh). These elections follow the adoption of the new Constitution through the 27 June 2010 referendum, and mark the country's transition to a semi-parliamentary form of government.

The European Parliament Election Observation Delegation was composed of six Members: Ms Mariya NEDELICHEVA (EPP, Bulgaria), Mr Pawel ZALEWSKI (EPP, Poland), Mr Joachim ZELLER (EPP, Germany), Mr Juan LOPEZ AGUILAR (S&D, Spain), Ms Katerina NEVEDALOVA (S&D, Slovakia) and Ms Nicole KIIL-NIELSEN (Greens/EFA, France). Ms Katerina NEVEDALOVA was appointed Chair of the Delegation at its constitutive meeting.

The Delegation conducted its activities in Kyrgyzstan between 8 and 11 October 2010 and, as usual, was integrated in the International Election Observation Mission (IEOM). It followed OSCE/ODIHR's methodology in the evaluation procedure and assessed the election for its compliance with OSCE commitments and other international standards for democratic elections, as well as with the legislation of the Kyrgyz Republic.

The European Parliament Delegation also conducted its election observation mission in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005 and endorsed by the European Parliament in 2007. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in accordance with the decision of the Conference of Presidents of 10 December 2009.

Programme

Ambassador Chantal Hebberecht, Head of the EU Delegation in the Kyrgyz Republic, organised for the Delegation of the European Parliament a briefing in concert with Member States Heads of Mission and the team of Mr Morel, the EU Special Representative for Central Asia. EP Delegation also met the Minister of Foreign Affairs and had the opportunity to discuss with President Otunbayeva the social, economic and political situation of the country, raising the need for a fair trial to Azimjon Askarov, an ethnic Uzbek human rights defender arrested in connection with the June violence in southern Kyrgyzstan. The excellent cooperation with the EU Head of Mission should be particularly underlined. The European Parliament Delegation received useful information and support during its entire stay in the country from both the EU Ambassador and the staff.

In the framework of the International Election Observation Mission, the Delegation cooperated closely with the OSCE/PA Delegation, headed by Mr Morten Høglund, and the OSCE/ODIHR Election Observation Mission, headed by Ms Corien Jonker. Working relations in the framework of the International Election Observation Mission were excellent. On the eve of the elections, the EP Delegation participated to joint meetings with OSCE PA and had the opportunity to meet with some candidates, with representatives of the Central Election Commission of Kyrgyzstan, with representatives of mass media and of NGOs, and with Ambassador Andrew Tesoriere, Head of the OSCE Centre to Kyrgyzstan.

On Election Day, the Delegation split in three groups, and observed election operations in various polling stations, starting from the opening to the closure of activities and the counting of votes. The polling stations observed were in Bishkek, Tokmok and Kemin/Balykchy.

On 11 October 2010, a joint Press Conference was held by the Heads of the EP, OSCE/PA Delegations and OSCE/ODIHR. A Statement of Preliminary Findings and Conclusions was released and is attached to this report.

EU - Kyrgyzstan Relations

In 1995, the EU and Kyrgyzstan concluded a Partnership and Cooperation Agreement (PCA), which came into force in 1999. Under terms of article 2, respect for democracy and human rights constitutes an essential element of partnership and of the Agreement. The EU has strengthened its relationship with the Central Asian countries since the adoption of "The EU and Central Asia: Strategy for a New Partnership" by the European Council in June 2007¹. The Strategy defines human rights, rule of law, good governance and democracy as EU priorities for its cooperation with the region as a whole. Likewise, in 2008, the European Parliament adopted a resolution on an EU Strategy for Central Asia in which it called *"on the Council and the Commission to maintain a consistent and united front on human rights issues and, with a view to making democracy, good governance, the rule of law and human rights an integral part of the Central Asia strategy, to set clear benchmarks, indicators and targets in these areas, in consultation with the Central Asian partner countries"*². In this regard, the EP election observation missions are an important tool in assessing progress made by Central Asian States in the sphere of democracy.

Political Context

Since their accession to independence almost twenty years ago, none of the five Post-Soviet Central Asian States has ever held a truly free and fair election. In the last 20 years, in spite of five electoral processes, coups have been repeatedly, the default channels for regime change in Kyrgyzstan.

In early April 2010, a violent popular uprising broke out in Bishkek, leading to the ousting of President Kurmanbek Bakiyev. The new provisional government, headed by Roza Otunbayeva, committed itself to quickly initiate a transition to democracy. A new Constitution was drafted in collaboration with the Venice Commission in order to organize the move from a presidential system to a semi-parliamentary form of government. This move was seen as a mean to avoid the recurrence of autocratic abuses witnessed under the presidencies of Askar Akayev and Kurmanbek Bakiyev.

Approximately two weeks prior to the holding of a referendum for the adoption of the draft constitution, scheduled on the 27 June 2010, violent clashes between ethnic Uzbeks and ethnic Kyrgyz occurred in the southern part of the country. As a result, hundreds of ethnic Uzbeks were killed in pogroms and some 400 000 fled the cities of Osh and Jalal-Abad and some other locations. Most of those who fled quickly did return but a great number of them do, however, remain displaced. It is not yet very clear whether those incidents were solely driven by ethnic considerations or the result of a premeditated manipulation of ethnic divisions aimed at destabilizing the provisional government. The EU strongly supports the criminal investigations related to those events.

¹ See also: The European Union and Central Asia: The New Partnership in Action, June 2009.

² European Parliament resolution of 20 February 2008 on an EU Strategy for Central Asia, (2007/2102(INI)), para.21.

Despite this significant deterioration of the security situation in southern Kyrgyzstan, the constitutional referendum took place as scheduled and 90.84% of voters, with a turnout of around 70%, approved the new constitution. This result was crucial for legitimising the new provisional government.

The peaceful holding of real elections on 10 October and the relatively high turnout constitute a hopeful development for Kyrgyz political life. Next Presidential elections are scheduled to take place in late 2011.

Political Parties

In Kyrgyzstan, partisanship still heavily relies on clannish affiliation and personal acquaintances rather than political programs. Consequently, debates on political issues are sometimes eclipsed by considerations related to the personality of politicians. In a general way, political parties in Kyrgyzstan need to be further developed and institutionalized in order to bring more stability to the national political landscape.

Some interlocutors defined the financing of the political parties as a dark zone. ODIHR's Preliminary Statement mentions that "Although parties reported campaign expenses to the CEC in line with their obligations, these reports were not made publicly available before election day, thus reducing transparency. Furthermore, the CEC lacked the resources to effectively verify the accuracy of these reports".

A positive development has been the signing, by the Representatives of 26 Kyrgyz political parties, of an OSCE-supported Code of Conduct which outlines principles guiding the parties' behavior during the electoral campaign.

Voter Lists

As in previous elections, the accuracy of the voter register was among the main issues, especially after the June events. Thousands of persons were de facto disenfranchised after having fled to Uzbekistan or being internally displaced. Furthermore, even if 76,557 voters were registered to vote abroad, Kirgiz emigrants could amount to several hundred thousand and they were not able to vote because of a lack of proper registration abroad. Russian immigration authorities provided a list with more than 300.000 names of Kyrgyz citizens living in Russia, but it was impossible to register them in the deadlines for this election.

In addition, the accuracy of the voter register has an impact on the capacity to access parliamentary representation for certain political parties due to the application of a national and a regional thresholds, both calculated on the basis of registered voters nationwide. The first is a five per cent national threshold, and the second requires parties to surpass a 0.5 per cent threshold in each of the country's seven regions and in the cities of Bishkek and Osh. Already in 2007, on the occasion of the pre-term parliamentary elections, the OSCE/ODIHR recommended all thresholds for the allocation of parliamentary mandates to be calculated against the total number of valid votes cast, rather than against totals of registered voters. The regional threshold pursue the goal of limiting the emergence of political parties on a purely regional basis, which could be a vector of tensions, but the OSCE/ODIHR underlined that the continued use of this threshold was not advised as it had the potential of seriously skewing representation in the parliament and compromised the objective of a proportional representation system.

Election Procedures

The five electoral processes held in Kyrgyzstan since 1991 have all been governed by a different legislation, reflecting the lack of stability of the legal framework. The legal framework for elections is not yet consistent with the new Constitution.

The new Constitution introduced a semi-parliamentary system of government and increased the number of parliamentary seats from 90 to 120. Members of parliament are elected for a five-year term through a proportional party list system within a single nation-wide constituency. As mentioned earlier, parties must surpass a national and a regional threshold for seat allocation. In order to avoid the dominance of one political party in the new Parliament, the Constitution limits the number of seats a single party can win to 65.

3,351 candidates run on 29 political party lists. All party lists comply with the gender and national minority requirements, with 33.5 per cent women and 23 per cent national minority candidates. However, in case of candidate withdrawals, the gender and national minority quota may not be respected. National minorities and women are represented in election commissions at all levels.

The Delegation was impressed by the peaceful and productive atmosphere prevailing on Election Day and the considerable effort and restraint exerted by all political forces, together with the great interest taken by the population in the electoral context and the lively political debate this has engendered, as well as the important role taken by some "civil society" organizations. The presence of the representatives of many political parties in polling stations was an important element of transparency. Overall, observers from the IEOM assessed the voting process positively, but gave a significantly less positive assessment of the counting of votes. Gender balance of polling station staff was very uneven as men were a small minority.

Election Results

Political Party	% of Votes on registered voters	number of votes	Mandates obtained
Ata-Zhurt	8.89%	267 175	28 seats
SDPK	8.04%	241 466	26 seats
Ar-Namys	7.74%	232 687	25 seats
Respublika	7.24%	217 849	23 seats
Ata-Meken	5.60%	168 231	18 seats

Five political parties passed both thresholds at the election and thus obtained parliamentary seats. These five political parties are now forced to negotiate the creation of a coalition that needs at least 61 seats. Negotiations over a coalition government could be very complex because of the personal rivalries and factional differences between the parties and their leaders.

Conclusions

Kyrgyzstan, as the delegation had the opportunity to discuss with the President Otunbayeva, is in transition: it looks towards Europe with great hope and great expectations. The European Parliament Election Observation Delegation sincerely hopes that these elections have been an important step in this transition and will lead to further joint programmes and cooperation.

The President of the Delegation in her speech at the Press conference of the International Election Observation Mission, after Election Day, called the international community to maintain the present effort of international solidarity towards Kyrgyzstan; she recalled that the European Union is already strongly engaged in this effort of solidarity with Kyrgyzstan, via its Central Asia strategy and its Partnership and Cooperation Agreement. In the context of this agreement, the Chair mentioned that the European Parliament is looking forward to deepening its relationship with the future Parliament of Kyrgyzstan, via the Committee for Inter parliamentary Cooperation and its regular dialogue.

The OSCE/ODIHR long term mission will remain in the country until the end of the election process and will issue a comprehensive final report, including recommendations for improvements, some eight weeks after the completion of the election process.

The European Parliament Election Observation Delegation recommends that the Election Coordination Group, the Foreign Affairs Committee and the Delegation to the EU-Kyrgyzstan Parliamentary Cooperation Committee follow-up closely the conclusions and recommendations of this final report.



EUROPEAN PARLIAMENT

PARLIAMENTARY ELECTIONS IN KYRGYZSTAN

ELECTION OBSERVATION DELEGATION

8 - 11 October 2010

List of participants

<u>Members</u>	<u>Country</u>	<u>Political group</u>
Katarína NEVEĎALOVÁ, <i>Chair</i>	SK	S - D
Mariya NEDELICHEVA	BG	EPP
Pawel ZALEWSKI	PL	EPP
Joachim ZELLER	DE	EPP
Juan Fernando LÓPEZ AGUILAR	ES	S - D
Nicole KIIL-NIELSEN	FR	Greens/EFA

European Parliament Secretariat

Carlo CHICCO, Administrator

Emilia GALLEGO PERONA, Administrator

Ainhoa MARKULETA, Assistant

Political Advisors

Benjamin OPPERMAN, EPP

Tamar GUGULASHVILI, Greens/EFA

EPP European People's Party
S-D Socialists & Democrats
ALDE Alliance of Democrats and Liberals
ECR Conservatives & Reformists

Greens/EFA Greens, European Free Alliance
GUE/NGL Confederal group of European United Left - Nordic Green Left
EFD Europe of Freedom and Democracy
NI Non-attached

EUROPEAN PARLIAMENT
ELECTION OBSERVATION DELEGATION
PARLIAMENTARY ELECTIONS IN KYRGYZSTAN

8 - 11 October 2010

FINAL PROGRAMME

Members

Ms Katarína NEVEĎALOVÁ, *Chair*, Slovakia, S-D
Ms Mariya NEDELICHEVA, Bulgaria, EPP
Mr Pawel ZALEWSKI, Poland, EPP
Mr Joachim ZELLER, Germany, EPP
Mr Juan Fernando LÓPEZ AGUILAR, Spain, S-D
Ms Nicole KIIL-NIELSEN, France, Greens/EFA

Secretariat

Mr Carlo CHICCO, Administrator
Ms Emília GALLEGO PERONA, Administrator
Ms Ainhoa MARKULETA, Assistant

Political Groups

Mr Benjamin OPPERMANN
Ms Tamar GUGULASHVILI

Programme

Thursday, 7 October 2010

- 12:00-18:00 Meetings with EU Delegation and ODHIR secretariat to finalize the programme and the logistics
(*Secretariat only*)
- Late evening/
early morning Arrival of Members and transfer to the hotel
- Hotel Hyatt Regency***
191 Abdrahmanov Street,
Bishkek, Kyrgyz Republic 720011
Tel: +996 312 661234
Single room rate: \$262.91 (Breakfast excluded & VAT included)

*Venue for all the meetings, unless otherwise stated: Hotel Hyatt Regency Bishkek
(Please note that rooms might change for each meeting)*

Friday, 8 October 2010

- 10:00-12:00 **Meetings with EU Representatives**
- Head of EC Delegation to Kyrgyz Republic, Ms Chantal Hebberecht
 - EU Heads of Missions:
 - Mr Holger Green, Ambassador of Germany
 - Mr Thibaut Fourriere, Ambassador of France
 - EU Delegation representatives: Mr Tom Massies, First Councillor and Mr Zarko Petrovic, Expert
 - Council: Mr Johnny Engel, Head of Unit and Mr Fedja Zlobek, Political Advisor
 - EU Experts (Office of EU Special Envoy to the CA):
Ms Maria Helena Vazquez, Ms Florence Mardirossian, Mr Fabrizio Vielmeni and Ms Merja Lathinen

Venue: Hotel Hyatt KULTURAI room section B

- 12:00-13:30 Followed by a **working lunch** hosted by EU Ambassadors
- Venue: Hyatt Hotel restaurant*

***** **JOINT PROGRAMME WITH OSCE/ODHIR** *****

Venue: Hotel Hyatt Regency. Room AKYN

- 14:00-14:20 **Opening by the Heads of Parliamentary Delegations**
- Mr. Morten Hoeglund, Head of the OSCE PA Delegation and Special Coordinator to lead the OSCE short-term observers
 - Ms. Katarína Nevedálová, Head of the European Parliament Delegation
- 14:20-14:40 **Political Background**
- Ambassador Chantal Hebberecht, Head of the EU to the Kyrgyz Republic
 - Ambassador Andrew Tesoriere, Head of the OSCE Centre to Kyrgyzstan
- 14:40-16:10 **Briefing by the OSCE/ODIHR Election Observation Mission**
- Ms. Cornelia Jonker, Head of the OSCE/ODHIR Election Observation Mission
- Political overview, campaign activities and media landscape**
- Mr. Marc Fumagalli, Political Analyst
 - Mr. Elma Sehalic, Media Analyst
- Elections framework, polling procedures and observation forms**
- Ms. Tamara Otiashvili, Legal Analyst
 - Ms. Barbara Smith, Election Analyst
 - Mr. Harald Jepsen, Deputy Head of the OSCE/ODIHR Election Observation Mission and Mr. Ron Laufer, Election Analyst
 - Mr. Anders Eriksson, Statistics Expert
- Security**
- Mr. Robin Seaward, Security Expert
- Q & A**
- 16:10-16:30 **Coffee break**
- 16:30-17:15 **Electoral Administration**
- Mr. Akylbek Sariev Ablabekovich, Head of the Central Election Commission
- 17:15-18:00 **Panel with representatives of mass media**
- Mr. Karypov Ulanbek, Deputy Director, National TV and Radio Broadcasting Cooperation (NTRBC)
 - Mr. Rakhat Sulaimanov, Chief of News Department, EITR
- 18 :00-18.30 **Delegation internal meeting**
- 19:30 **Informal dinner with OSCE/PA Head of Delegation (Only Chair)**
- Venue: Azzuro Restaurant*

Saturday, 9 October 2010

9:00-11:30

Meeting with representatives of political parties

- Mr. Almazbek Atambaev, Social Democratic Party of Kyrgyzstan (SDPK)
- Mr. Kudaibergen Bazarbaev, Head of party's central apparatus, Ata/Meken (Fatherland)
- Mr. Temir Sariev, Akshumkar (White Falcon)
- Mr. Abdyl daev Myktibek, Ata-Jurt (Motherland)
- Mr. Mukhtarbek Omurakunov, Zamandash (Contemporary)
- Ms. Bumairam Mamaseitova, The Communist party of Kyrgyzstan

11:30-12 :30

Panel with representatives of NGOs

- Ms. Ainura Usupbekova, Executive Director, "Taza Shailoo"
- Ms. Dinara Oshurahunova, "Coalition for Democracy and Civil Society" (tbc)
- Ms. Aida Baijumonova, "Citizens against Corruption" Human Rights Center
- Ms. Aziza Abdirasulova, "Kylym Shamy"
- Mr. Sardar Bagishbekov, « Golos Svobody »

12:30-13 :00

Technical arrangements and Deployment of PA teams IN Bishkek

Area specific briefings conducted by the OSCE/ODIHR Long Term Observers

13:00-13:45

Meeting with the Minister of Foreign Affairs

14:00-15:00

Meeting with President Otunbayeva

Sunday, 10 October 2010 - ELECTION DAY

All day

Deployment and Observation of Opening, Voting & Vote Count
- Bishkek - Tokmok - Kemin/Balykchy

late evening

EP internal debriefing
Venue: Hotel Hyatt

Monday, 11 October 2010

08:30-10:00

Joint debriefing with OSCE/ODHIR

15:00 -16:00

Press conference of the International Election Observation Mission

17:00-18:00

Meeting with EC Delegation (*only Chair and Secretariat*)

18:00-19:00

Settling up of expenses with the hotel, drivers and guides
(*Secretariat only*)

Departures to Europe



INTERNATIONAL ELECTION OBSERVATION

Kyrgyz Republic - Parliamentary Elections, 10 October 2010

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bishkek, 11 October 2010 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the European Parliament (EP).

PRELIMINARY CONCLUSIONS

The 10 October parliamentary elections were conducted in a peaceful manner. The authorities displayed the political will to bring the Kyrgyz Republic closer to holding democratic elections in line with OSCE commitments. Political pluralism, a vibrant campaign and confidence in the Central Commission for Elections and Referenda (CEC) characterized these elections. Fundamental freedoms, including the freedoms of expression, assembly and association, were generally respected. Overall, these elections constituted a further consolidation of the democratic process. Nevertheless, there is an urgent need for profound electoral legal reform.

The inclusive registration process resulted in a pluralistic field of political parties which provided voters with a genuine choice. The campaign was highly competitive and took place in a peaceful atmosphere throughout the country despite underlying tensions following the tragic events in June. Political parties were able to campaign freely, with no major impediments or incidents. However, there were a few observed incidents of coercion of students and government employees to attend rallies and some local administrations were biased towards certain parties.

The CEC operated independently from government and partisan interest and made efforts to replicate this at the lower-level election commissions. The CEC generally worked in a collegial and transparent manner and earned the trust of election stakeholders.

The legal framework for elections is not yet consistent with the new Constitution. Election contestants widely recognized the authority of the CEC to fill existing gaps and remedy inconsistencies.

The State-funded media met their obligations to provide free airtime and print space to all contestants. Political debates broadcast on national TV provided voters with an opportunity to compare platforms and views of different candidates. Campaign coverage, including during news programs, was conducted through broadcasting of paid political advertising. Only the national broadcaster decided to clearly separate purchased airtime from its news and information programs and label it as such, in line with good practices. The available information allowed voters to form opinions on political alternatives; however, they were not able to make a fully informed choice due to the lack of impartial and analytical information about the campaign.

The quality and accuracy of voter lists remain a serious concern. Due to a lack of national or regional crosschecks the lists contained many duplicate entries and thus inflated numbers on the voter lists.

This may have an impact on the composition of the future parliament, as parties must surpass a national and a regional threshold, both calculated on the basis of registered voters. In addition, the deficiencies of the residency registration system resulted in the disenfranchisement of thousands of internal migrants and citizens displaced after the June events.

All party lists initially met legal requirements for inclusion of women, national minorities and age groups. Parties and candidates were free to campaign in their preferred language; however, Kyrgyz and Russian languages were almost exclusively used, even in predominantly ethnic Uzbek areas.

During the pre-election period, there was a general reluctance to complain officially; even the widespread allegations of vote-buying and abuse of administrative resources did not materialize into formal complaints. The CEC did not consistently decide on complaints during its sessions as required by law, thus limiting collegiality and transparency in adjudicating pre-election disputes. The failure to provide timely and written decisions on complaints deprived plaintiffs of their right to appeal to court.

Despite a shortage of staff, the CEC generally performed its duties satisfactorily and within legal deadlines. It made commendable efforts to ensure the integrity of the elections by introducing additional safeguards, such as inking voters' thumbs. However, some were introduced late and poorly communicated to lower-level commissions. Lower-level election commissions lacked experience. Despite the supporting role of local administrations, their officials were sometimes directing the work of election commissions.

Although parties reported campaign expenses to the CEC in line with their obligations, these reports were not made publicly available before election day, thus reducing transparency. Furthermore, the CEC lacked the resources to effectively verify the accuracy of these reports.

Civil society played an active role in the election process, encouraging participation and providing information on the process. The large presence of international and domestic observers, including party agents, also added to the transparency of the electoral process.

On election day, the atmosphere was calm and voting proceeded in an orderly and transparent manner throughout the country. Overall, observers assessed the voting process positively, but gave a significantly less positive assessment of the counting of votes. Counting procedures were not followed consistently and a number of Precinct Election Commissions (PECs) encountered problems completing protocols. The high number of domestic observers, including party agents, contributed to transparency. However, the presence of unauthorized persons in polling stations throughout the day remains a concern. As during the referendum and in a positive move to increase transparency, the CEC uploaded results, broken down by polling station, on its website throughout election night.

PRELIMINARY FINDINGS

Background

Following the adoption of the new Constitution through the 27 June 2010 referendum, elections to the *Jogorku Kenesh* (parliament) were announced for 10 October 2010. Violent protests in April led to the dissolution of the previous parliament and the ouster of President Bakiev. A provisional government was formed, headed by Ms Roza Otunbaeva as President. After the dispersion of the *Ak Jol* party, affiliated with former President Bakiev, the party landscape is no longer dominated by a single party. New parties representing different interests have emerged, including *Butun Kyrgyzstan* and *Respublika*. The provisional government is supported by *Ak Shumkar*, *Ata-Meken* and the Social

Democratic Party of Kyrgyzstan (SDPK). Parties like *Butun Kyrgyzstan*, *Ar Namys* and *Ata-Jurt* consider themselves as opposition to the provisional government.

The 2007 pre-term parliamentary elections and the 2009 presidential election were assessed as having failed to meet key OSCE commitments. The OSCE/ODIHR provided a cautiously optimistic assessment of the 2010 constitutional referendum despite evident shortcomings.¹

A series of violent clashes between members of Kyrgyz and Uzbek communities in Osh and Jalal-Abad in June resulted in a high number of casualties and displaced citizens.

Election System and Legal Framework

The new Constitution introduced a semi-parliamentary system of government and increased the number of parliamentary seats from 90 to 120. Members of parliament are elected for a five-year term through a proportional party list system within a single nation-wide constituency. Parties must surpass a 5 per cent national and a 0.5 per cent regional threshold in all 7 oblasts and Bishkek and Osh cities for seat allocation. Both thresholds are calculated against the number of registered voters. The double threshold requirement undermines the objective of a proportional representation system. In order to avoid the dominance of one political party in the new parliament, the Constitution limits the number of seats a single party can win to 65.

The parliamentary elections are primarily regulated by the new Constitution, supplemented by the 2007 Electoral Code, the 2004 Law on the Central Commission for Elections and Referenda (CEC) and the 1999 Law on Political Parties. The new Constitution provides for the rule of law and fundamental civil and political rights and freedoms necessary for the conduct of democratic elections. However, the new constitutional provisions are not yet fully reflected in the general legal framework.² The CEC has attempted to resolve many inconsistencies in the legal framework. However, despite being widely recognized as the only institution currently able to take on this responsibility, altering laws by CEC decision could be considered as exceeding its competencies.

The CEC reinstated the requirement of inking voters as a safeguard against multiple voting. It also introduced additional measures to ensure the integrity of the results and clarified how to distribute excess seats in the event a party qualifies for more than 65 seats in parliament. On the other hand, the CEC did not renew the previously required obligation of political parties to make reports of their campaign expenditures public prior to election day.

Election Administration

The election is administered by the Central Commission for Elections and Referenda (CEC). Below the CEC are seven Oblast and the Bishkek and Osh City Commissions (OECs), 56 Rayon and Municipal Election Commissions (TECs), and 2,289 Precinct Election Commissions (PECs). A further 44 precincts have been established abroad for out-of-country voting.

The CEC and OECs are appointed for five-year terms. TECs and PECs are appointed for each election by the superior election commission. The CEC has 13 members, seven from political parties and six, including the chairperson, drawn from civil society, as well as two international advisory

¹ OSCE/ODIHR reports on previous elections and the June constitutional referendum are available at: <http://www.osce.org/odihr-elections/14475.html>.

² The Ministry of Justice established a working group to identify laws not consistent with the new Constitution, including the Electoral Code. Drafts are to be submitted to the incoming parliament for consideration.

vote members.³ Eight political parties appointed advisory vote members to the CEC, while others sent their authorized representatives to sessions.

The CEC operated independently from government and partisan interest. It generally conducted its work in a collegial and transparent manner and earned the trust of election stakeholders. Most CEC sessions were open to media and observers, and decisions were published on the CEC website. Political party representatives were widely consulted, especially on issues not covered by the legislation.

The CEC and the lower-level commissions accomplished most tasks within the legal timeframe. However, due to a lack of secretariat staff, CEC commissioners were involved in a number of practical tasks. Some procedures, including on protocol transfer and results tabulation, were approved late, sometimes after the training for PECs.

The CEC aimed to ensure political balance in the composition of lower-level commissions. They are composed of representatives of political parties and 'groups of voters'.⁴ No more than one third can be state employees. Some political parties had supporters amongst commission members nominated by 'groups of voters', thus skewing the intended balance. However, in the pre-election period, no political interest dominated decision-making. Despite the supporting role of local administrations,⁵ local officials were sometimes interfering in the work of TECs and PECs.⁶

A number of members resigned from PECs in some districts, mainly due to a lack of salary and not knowing the commitment required.⁷ Replacements were recruited from reserve lists. Up to 70 per cent of commission members lacked experience. The CEC, with international assistance, provided training for all levels of election commissions, including on counting procedures. OSCE/ODIHR EOM observers noted varying quality of the training around the country.

The CEC undertook a voter education campaign on TV and radio and produced posters to inform voters of their rights and explain procedures. Due to the delayed approval of procedures by the CEC the campaign started late, which reduced its effectiveness.

Voter Registration

Voter lists (VLs) were mostly delivered to election commissions in line with legal deadlines and included 2,775,862 registered voters. A further 76,557 voters were registered abroad. The final number of registered voters will only be known after all results protocols have been aggregated to account for possible additions and deletions made until the end of election day.

The quality and accuracy of VLs remains a serious concern. VLs are compiled by local administrations based on a number of public registers, including the residency register (passive registration system). The quality of the VLs therefore depends on their quality of data. The residency

³ As required by Article 3.4 of the Law on the CEC, two CEC members were replaced following the nomination of their spouses as candidates. The CEC Chairperson, whose brother is a candidate of the *Egemen* party, is exempt from the obligation to resign, as provided by Article 3.7 of the Law on the CEC.

⁴ A group of voters is defined as being a minimum of five voters who must submit their names and minutes of their meeting to the relevant commission.

⁵ TECs and OECs are almost all located in administration buildings, partly because the *Gas Shailoo* is situated there. The *Gas Shailoo* operator is an administration employee. The administration has responsibility for all logistics in the preparation of the election and frequently checks on the preparedness of commissions.

⁶ As observed by OSCE/ODIHR EOM observers, for example, in Osh (Alay district) and Bishkek.

⁷ TECs in At Bashy, Jety Oguz, Moskva, Naryn City, Naryn Rayon, Panfilov and Tash Komur report that on average between 10 and 30 per cent of PEC members resigned.

registration system (*propiska*) is based on active registration where citizens register their addresses with the appropriate administration. It does not necessarily reflect the actual place where a citizen lives, partly because the register is poorly updated, and partly because large numbers of internal migrants have not registered their current address.⁸ Also, citizens displaced by the June violence continue to be registered at their original place of residence.⁹ Since there is no national voter register and regional or national crosschecks are not carried out, the VLs contain duplicate entries. Local administrations and election commissions conducted door-to-door verifications, using different methods, at times marking or deleting voters, based on their absence at the time of the check.¹⁰ Only a few voters checked their entries when the lists were put on display for public review.¹¹

The VLs are essential to determine the thresholds which parties must surpass to be allocated seats in parliament. The more voters included in the VLs, the higher are the effective thresholds. The failure to identify and remove large numbers of voters registered to vote abroad from in-country voter lists also increased the overall number of voters.

Candidate Registration

In an inclusive process, the CEC registered all candidate lists submitted by 29 political parties. These represented a wide spectrum of political forces. Some parties announced their decision not to run, mostly citing a lack of resources to pay the deposit required for registration. Some key members of these parties appeared on the registered candidate lists of other parties.

Parties presented lists with 120 candidates for registration, including the required number of women, youth and minorities.¹² Some parties had to amend their initial lists to fulfill these quotas, in consultation with the CEC. After the final registration of party lists, a further 80 candidates resigned. These were replaced by the next candidate on the party lists, regardless of quota requirements.¹³

Campaign Environment

The campaign was held in a highly competitive and peaceful atmosphere, despite underlying tensions. Political parties were able to campaign freely, with no major impediments or incidents.¹⁴

⁸ In the suburbs of Bishkek, where large numbers of internal migrants reside without proper residency registration, the local administrations attempted to provide residents a local registration (*propiska*) allowing them to vote in Bishkek. However, this procedure was only available for residents with a legal housing document and did not address the thousands of citizens living there illegally.

⁹ The "simplified" passport registration process, introduced by presidential decree for residents of Osh and Jalal-Abad who lost identification documents due to the June unrest, was only partially effective. While the majority of the 4,000 believed affected applied, only some 750 new IDs were issued leaving more than 3,000 persons disenfranchised. Most IDs distributed were temporary and were to be accepted as valid ID for the election based on a CEC decision, at the request of the State Register Service.

¹⁰ This procedure is not foreseen in the law but was observed in most areas of the country. It is unclear what effect this had on the calculation of the final number of voters on election day.

¹¹ Citizens had the opportunity to request changes or additions until and including on election day. In case of omissions, a voter proving residency in the precinct may be added to the additional voter list.

¹² No more than 70 per cent of candidates can be of the same sex and a male and a female candidate on the list must not be more than three positions apart. At least 15 per cent of the candidates must be younger than 35, and at least 15 per cent must belong to different national minorities. There are no placement requirements for youth and minority candidates.

¹³ CEC Decision No 170 of 24 August 2010 lifted the provision of the Electoral Code that obliged a party to replace candidates respecting the quota requirement in case of withdrawals.

¹⁴ An *Ata-Jurt* activist was badly beaten in Kyzyl-Kiya (Batken oblast) on 12 September and hospitalized for some 10 days. On 7 October, protesters including relatives of victims of the 7 April events protested outside the headquarters of *Ata-Jurt* in Bishkek. Some stormed the building, burnt documents on the street and tore down a

The campaign was personality based rather than issue oriented, with intense competition even among supposed allies. Rallies attracted large audiences, with a few instances of students and government employees being paid or coerced to attend.¹⁵ In a few instances, heads of local authorities were openly campaigning for the party they are affiliated to, in contradiction with the law.¹⁶

Political parties called for peaceful elections and unity for the country and generally refrained from openly criticizing other parties. Stability, economic development, unemployment and migration dominated their campaign messages. There were isolated instances of nationalist rhetoric¹⁷ in contradiction with paragraph 40 of the 1990 OSCE Copenhagen Document.¹⁸

The campaign was highly visible throughout the country. Depending on financial resources, parties put up banners, billboards and posters, canvassed door-to-door, held meetings and distributed leaflets. Rallies were mostly held by the bigger parties. Local authorities generally met their obligation to provide equal conditions for campaigning. Public venues for rallies were provided to all parties on equal conditions, free of charge or against a fee to cover renovations or equipment rental. In localized areas some defacing of posters or destruction of banners occurred.

Party representatives frequently voiced concerns about vote-buying schemes and alleged abuse of administrative resources by regional or local authorities affiliated with one party or another.¹⁹ Such allegations featured prominently in the campaign. However, they could not be substantiated by the OSCE/ODIHR EOM and rarely resulted in official complaints.²⁰

Political parties reported their preliminary campaign expenses to the CEC by 1 October as required. However, the CEC did not renew a previous requirement for making these financial reports available for public scrutiny prior to election day.²¹ This reduced transparency. It is a further concern that the CEC audit group lacks the resources necessary to effectively check the financial reports provided by parties against their actual campaign expenditures.

The Media

State-funded and private media provided voters with sufficient information to form their opinions on the political alternatives available. However there was no impartial or balanced information on the election contestants and the campaign. Electronic media broadcast only partisan information paid for by political parties in their news and current affairs programs.

billboard. The incident occurred after a video recording appeared showing the *Ata-Jurt* co-leader allegedly stating that he would bring former President Bakiev back to power.

¹⁵ As observed by OSCE/ODIHR EOM observers in Batken, Osh and Talas oblasts.

¹⁶ For example, in the Governor of Jalal-Abad oblast appeared as speaker at a rally of *Ata-Meken* and the Batken Mayor gave preferential treatment to SDPK candidates party during their rallies.

¹⁷ In *Ata-Jurt* rallies in Jalal-Abad and Tash Komur on 18 and 20 September, one of the party leaders stated that "only [ethnic] Kyrgyz should be allowed to own land in our country". The Prosecutor General issued a warning for using nationalist rhetoric.

¹⁸ Paragraph 40 of the 1990 OSCE Copenhagen Document states that the "participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds."

¹⁹ Deputy Prime Minister Azimbek Beknazarov suggested that voters use vote buying offers for their own interest, by accepting the money, but then voting as they wished. See http://www.akipress.com/en_news.php?id=39808.

²⁰ The Prosecutor General issued a warning to a Sokuluk district official for using public resources for campaign purposes.

²¹ CEC Decision No 91 of 25 October 2007 previously obliged political parties to make their campaign financing reports public.

The Electoral Code stipulates that media shall not give preference to any political party or candidate. During the elections, the CEC performed the role of the regulatory body for the media but did not monitor them in a systematic manner. Its guidelines for campaign coverage in the media did not provide guidance on the practical implementation of the legal requirements and failed to address the right of voters to receive balanced and impartial coverage of election-related events in news and information programs.

The two State-funded TV stations, the National TV and Radio Broadcasting Corporation (NTRBC) and *EITR*, complied with their legal obligation to provide contestants with free airtime. This included 20-minute slots for individual presentation programs, and participation in one debate and one roundtable per party.²² Nine debates were aired during prime time on NTRBC and provided voters with a welcome opportunity to compare platforms and views of different parties and candidates. However, the free airtime provided (20 hours in total for individual presentations and 25 hours for debates and roundtables) could not compensate for the lack of critical reporting and the dominance of direct access programs political parties obtained through paid airtime.

In addition to free airtime, contestants were able to purchase airtime on state-funded and private media outlets, limited only by their financial resources and campaign expenditure limits. Monitored media outlets aired 104 hours of paid political advertising during prime time. More than half of the total paid airtime on NTRBC was purchased by *Ak Shumkar*, *Ar Namys*, *Ata Meken*, and *Respublika*. Other monitored TV stations displayed a similar dominance of only a few parties, at times purchasing programs of up to one hour in length.

These direct access programs provided partisan coverage of campaign events. In contrast, there was no election-related coverage in news and information programs which would have contributed to voters making a fully informed choice. State-funded and private TV stations acknowledged that they refrained from editorial coverage of the campaign out of concern that they would not be able to provide equal conditions and access for all contestants, as required by law.²³

The OSCE/ODIHR EOM noted the regrettable practice by most monitored media placing paid political advertising in newscasts without marking it as such. This practice is not in line with internationally accepted practices. Such broadcasts were based on commercial agreements between the political parties and TV stations and suggests that commercial considerations prevailed over professional journalistic ethics. In a welcome change, and following a decision of its recently appointed supervisory board, as of 14 September NTRBC separated paid political advertising from its newscasts by placing it in a bloc broadcast after the news and clearly labeling it as paid advertising.

Complaints and Appeals

The Electoral Code and the Civil Procedure Code provide the right to file complaints and appeals and establish different channels for legal redress, yet they lack clarity and provisions for due process. Though frequently alleging violations of campaign provisions, election stakeholders chose to make little use of the available remedies. The CEC generally respected the deadlines for the adjudication of complaints. However, it did not consistently decide on complaints during its sessions as required by law. Most complaints were defined as “letters” and answered informally. Some complaints on illegal campaigning were forwarded to the General Prosecutor for further investigation. Failure to

²² The free airtime debates featured representatives of three or four different political parties identified by CEC lottery and were supported by international donors. A roundtable included representatives from five to six parties.

²³ Articles 30.3 and 30.10, Electoral Code.

address all complaints during CEC sessions limited collegiality and transparency. In addition, decisions on complaints were often not provided in writing to the complainant in a timely manner, which deprived complainants of their right to appeal to court.

Participation of Women

With President Roza Otunbaeva as a notable exception, women do not feature prominently in Kyrgyz politics. Out of 29 political parties registered for the elections, only 3 positioned women at the top of their list and 4 have a woman chairperson. In total, some 33 per cent of candidates registered on party lists were women, however quota requirements were not enforced when candidates withdrew from the race. This resulted in a lack of compliance with the placement requirement for female and male candidates.

In general, political parties allocated the majority of highly visible campaign activities to male candidates and did not have specific plans to attract female voters. While women attended political rallies in equal numbers with men, female candidates were rarely given the opportunity to address the crowd. Campaign materials frequently drew upon traditional gender roles and were four times more likely to feature a photo of a male candidate than a female candidate.

Participation of National Minorities

Some parties included a significantly higher number of national minority candidates than legally required, and some provided an almost balanced mix. With a few exceptions, they were not represented in winning positions. There were fewer ethnic Uzbeks (3.6 per cent) represented on candidate lists than their share of the population would suggest (14.3 per cent). Ethnic Russians and Ukrainians make up 8 per cent of the population and were represented with 11.5 per cent of candidates on the lists.

Several parties actively targeted the minority vote in their campaign. Parties and candidates were free to campaign in their preferred languages. Kyrgyz and Russian languages were almost exclusively used, even in areas predominantly inhabited by ethnic Uzbeks. The OSCE/ODIHR EOM did not observe campaign material in languages other than Kyrgyz and Russian. The near absence of Uzbek language media in the South limited the ability of ethnic Uzbeks to receive election-related information.²⁴ Official election materials and ballots were only produced in Kyrgyz and Russian.²⁵

Domestic and International observers

The Electoral Code allows for both domestic and international observers to monitor the entire election process. Domestic observers, including party agents and non-party observers, need to only present a letter to the election commission where they wish to observe. Domestic observers were unhindered in their observation of the pre-election period, including the Coalition for Democracy and Civil Society (CDCS) and *Taza Shailoo* ('Transparent Elections'). In addition, the Alliance of Liberal Youth focused on the participation of students and youth; *Peremena* ('Change') monitored PEC formation. The large presence of international and domestic observers increased the transparency of the process.

²⁴ After the June events, the Osh-based *Mezon* TV, which was broadcasting in Uzbek, closed. The private Osh TV terminated its Uzbek programming.

²⁵ The UN Human Rights Committee, for example, recommends that "information and materials about voting should be available in minority languages", see General Comment 25 on Article 25 of the ICCPR.

Election Day

On election day, 266 observers representing 36 OSCE participating States, including delegations from the OSCE PA and the EP, were deployed to all regions of the Kyrgyz Republic to assess election day proceedings. Observers also monitored proceedings at over 30 TECs throughout election night.

The atmosphere on election day was calm and voting proceeded in an orderly and transparent manner. The CEC reported a 56.6 per cent voter turnout. Observers assessed the voting process as good or very good in 93 per cent of polling stations visited. Procedures during voting were generally followed. Group voting, possibly due to the complexity of the ballot, and inconsistent application of inking were noted as the main problems. Overall the assessment of the count was negative in every third polling station visited. The counting process was poorly organized and procedures were not followed in half of the polling stations visited. Observers noted pre-signed but empty protocols in 10 polling stations. Every third protocol delivered to the TEC was amended, reflecting the fact that PECs had significant problems completing them properly. The tabulation of results was assessed negatively in 30 per cent of TECs visited but observation of this process is ongoing. Observers generally had access to all aspects of the tabulation process, including to the electronic processing of results.

Overall, the CEC performed in a transparent and efficient manner and responded to issues as they arose. The CEC did not foresee that the ballot boxes provided would not have sufficient space for all completed ballots. The CEC addressed the issue on election day by requesting that PECs empty the full ballot boxes into sealed containers or bags and continue voting with the empty, resealed stationary ballot boxes. As during the referendum and in a positive move to increase transparency, the CEC uploaded results on its website throughout election night, broken down by polling station and based on data from the *GAS Shailoo* tabulation system.

A high presence of domestic observers, including party agents and non-party observers, in polling stations and during the tabulation contributed to a transparent process. However, the large number of unauthorized persons in polling stations remains a concern. They were seen interfering in the voting process in some 10 per cent of polling stations visited as well as in 5 polling stations visited during the count.

Generally, polling stations opened on time. Observers assessed the opening positively in 84 per cent of polling stations visited. The failure to post or fill in ballot data on the display protocol (observed in 46 per cent of polling stations visited) contributed to observers assessing some 16 per cent of polling stations visited negatively. Otherwise opening procedures were generally followed.

Voting procedures were mostly followed; however observers gave a negative assessment in some 7 per cent of polling stations visited. Breaches to the secrecy of the ballot (group voting) and the inconsistent application of inking was observed in some 9 per cent and 5 per cent respectively of polling stations visited. Two accounts of vote buying were observed, in which groups of men outside polling stations handed money to voters either entering or exiting the polling stations.

Early voting was not widely used, however, two cases of early mobile voting, which is not provided for in the law, took place in Naryn Oblast and Bishkek. The CEC addressed the case in Bishkek by annulling the results.

**The English version is the only official document.
However, the statement is also available in Kyrgyz and Russian.**

Information & Acknowledgements

Bishkek, 11 October 2010 – The 10 October 2010 parliamentary elections were assessed for their compliance with OSCE commitments for democratic elections as well as with the legislation of the Kyrgyz Republic. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of their remaining stages, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations, some eight weeks after the completion of the election process. This statement will be reported to the Bureau of the OSCE PA in Astana on 30 November 2010. The EP Delegation's report on these elections will be available approximately six weeks after the elections on www.europarl.europa.eu.

The OSCE/ODIHR Election Observation Mission opened in Bishkek on 7 September 2010 with 18 experts in the core team and 22 long-term observers deployed to all oblasts and the cities of Bishkek and Osh.

On election day, 266 observers were deployed, including 246 short-term observers from the OSCE/ODIHR, a 9-member delegation from the OSCE PA and a 11-member delegation from the EP. In total there were observers from 36 OSCE participating States. Voting was observed in over 800 polling stations. Counting was observed in some 80 polling stations across many electoral districts. The tabulation process was observed in 32 TECs.

Mr Morten Høglund (Norway), Head of the OSCE PA Delegation, appointed by the OSCE Chairperson-in-Office as Special Coordinator, led the short-term OSCE observer mission. Ms Katarína Neveďalová (Slovakia) led the European Parliament delegation and Ms Corien Jonker (Netherlands) is the Head of the OSCE/ODIHR Election Observation Mission.

The observers wish to thank the authorities of the Kyrgyz Republic for their invitation to observe the elections and the CEC and the Ministry of Foreign Affairs for their assistance and co-operation. It also expresses its appreciation to other state institutions, political parties and civil society organizations for their co-operation. The observers also wish to express appreciation to the OSCE Centre in Bishkek and other international institutions for their co-operation and support.

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