



EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION TO THE PRESIDENTIAL ELECTIONS IN KYRGYZSTAN

(30 October 2011)

**Report by
Inese Vaidere, Chair of the Delegation**

Annexes:

- A. Final programme (including list of participants)**
- B. Joint Press Statement**
- C. Election Observation Mission Preliminary findings and conclusions**

Introduction

Following an invitation sent by the Chairman of the Electoral Commission of the Republic of Kyrgyzstan, the Conference of Presidents of the European Parliament authorised, on 29 September 2011, the sending of an Election Observation Delegation to observe the presidential elections in Kyrgyzstan scheduled for 30 October 2011.

The European Parliament Election Observation Delegation was composed of five Members: Ms Inese Vaidere (EPP, Latvia), Mr Joachim Zeller (EPP, Germany), Mr Herbert Dorfmann (EPP, Italy), Ms Teresa Riera Madurell (S&D, Spain) and Ms Norica Nicolai (ALDE, Romania). Ms Inese Vaidere was appointed Chair of the Delegation at the constitutive meeting of this delegation.

The European Parliament Delegation performs election observation in accordance with the Declaration of Principles of International Election Observation and the Code of Conduct for international election observers. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 10 December 2009.

Programme

The Delegation conducted its activities in Kyrgyzstan from 28 October to 1 November 2011 and was integrated within the framework of the OSCE/ODIHR election observation mission. The EP Delegation cooperated closely with the OSCE/PA Delegation headed by Ms Walburga Hasbourg Douglas (Sweden), the Parliamentary Assembly of the Council of Europe headed by Ms Nursuna Memecan (Turkey) and the OSCE/ODIHR mission headed by Ms Corien Jonker.

Before Election Day, the three different parliamentary delegations were extensively briefed by experts from the OSCE/ODIHR mission. Presentations were made on the political environment, the campaign activities, the media landscape and the legal framework of the presidential elections. The joint programme also included a series of meetings with media representatives, NGOs, the electoral administration and a number of presidential candidates (or proxies).

A working lunch with the French and the German Ambassadors was also organised by the Head of the EU Delegation in Kyrgyzstan.

Finally, the EP delegation also met bilaterally with President Otunbayeva to discuss the overall political situation in the country.

Background

Following the eviction of President Bakiev in April 2010 and interethnic violence between ethnic Uzbeks and ethnic Kyrgyz in May/June 2010, a new Constitution was adopted by referendum on 27 June. At that time, Roza Otunbayeva was also confirmed as interim president to ensure the transition period until the election of a new president. Following legislative elections in October 2010, a coalition government was formed with three of the five parties that had gained seats in Parliament (*Ata Jurt, the social democratic party of Kyrgyzstan, Respublika*).

The presidential elections which were scheduled on 30 October 2010 were the first presidential elections to take place under the new legal framework (2010 constitution, new

electoral law, new law on election commissions). According to the OSCE/ODIHR mission, the legal framework integrates some recommendations from OSCE but still fails to meet some internationally recognised commitments. For example, the right to vote is denied to prisoners and the law does not allow a person older than 70 years to be a candidate for the presidential elections.

According to the new constitution, the president will be elected for a 6 year term and is limited to a single term in office.

The election administration is administered by the central election commission (CEC), 58 territorial election commissions (TEC) and 2318 precinct election commissions (PEC). The OSCE/ODIHR mission positively assessed the work of the CEC but criticised the lack of transparency and efficiency in its work. For example, the CEC has held many meetings without the presence of candidate representatives or observers which contradict legal provisions that require all meetings to be open to the public.

Initially, 86 persons had registered as presidential candidates but many of them either withdrew or were rejected by the CEC. Finally, 16 candidates contested the elections.

Under the new electoral law, the CEC assumed responsibility for managing voter lists and introduced a unified system of voter registration. However, the preparation of the voter list proved very difficult. A total of 3,034,046 voters were finally registered but many presidential candidates contested the validity of the voter list. The CEC performed door to door checks which did not prove very efficient. Unlike previous elections, voters had to be registered at least 10 days in advance as the law did not allow anymore voters to be added to voter lists at polling stations on Election Day. Due to technical problems, the CEC continued amending the voter list after the deadline which had been set on 27 October.

According to the OSCE/ODIHR, the campaign environment took place in a generally calm environment despite underlying tensions. Freedom of assembly and speech were respected and all presidential candidates were allowed to carry out their campaigns freely. During the political campaign, Prime Minister Atambayev appeared to be more visible than the other candidates.

Election day

On Election Day, the EP Delegation was deployed respectively in Osh (1 member), Tokmok (2 members) and Bishkek (2 members). The 3 teams visited a significant number of polling stations from the opening to the closure and the counting process. Overall, the EP Delegation positively assessed the polling stations that were visited. Some procedural shortcomings were observed especially in the polling stations with a high number of voters. In one polling station which had to manage over 3000 potential voters, overcrowding resulted in procedures not always being followed in a consistent manner (especially with the inking process).

The main problem observed throughout the day related to the quality and accuracy of the voter list. In some cases, the EP teams observed that people who had received invitation letters were not allowed to vote as their names could not be found on the voter list. In the absence of proper instructions from the Central Election Commission, staff of the polling station was rather confused on the steps to be taken to remedy the problem. However, as the names of these people were not systematically recorded, there is no way to quantify how many people have been denied the right to vote for this reason.

Press conference and preliminary conclusions

As usual, the draft statement of preliminary findings and conclusions was negotiated between the OSCE/ODIHR mission and the three parliamentary delegations. While the perception of the parliamentary delegations on the election process was rather positive, the overall assessment of ODIHR based on the compilation of all short term observers' response sheets was more critical.

Voting was positively assessed in 94% of polling stations visited. However, in some cases, observers reported problems of ballot box stuffing, multiple and family voting and inconsistent application of voting procedures. Observers also noted the presence of unauthorised persons in 26% of polling stations visited and reported many problems in relation to the poor quality of voter lists. The voting process deteriorated during the counting and the tabulation processes which were negatively assessed in 28% of the polling stations visited.

The press conference which took place on 31 October attracted a lot of media attention. The joint statement recognised that the presidential election was conducted in a peaceful manner and underlined a number of positive elements such as the inclusiveness of the candidate registration process or the openness of the election campaign. However, the statement also stressed that significant irregularities had taken place on Election Day especially during the counting and the tabulation of votes. The preliminary conclusions state that "the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments".

The Head of the EP Delegation delivered a short statement at the press conference. While recalling that this presidential election was crucial for the future of the country, Ms Vaidere underlined the necessity to improve the voter registration system to further increase public confidence in the electoral system. She added that the European Parliament will continue to follow closely the democratization process in Kyrgyzstan that is perceived as an important partner to the European Union.

Conclusions:

On Monday 1 November, the Kyrgyzstan's central election commission announced that Prime Minister Almazbek Atambayev had won the presidential elections. Official results published on Saturday 12 November confirmed that Prime Minister Atambayev had secured nearly 63 percent of the votes.

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
ELECTION OBSERVATION DELEGATION
PRESIDENTIAL ELECTIONS IN KYRGYZSTAN**



30 October 2011

DRAFT PROGRAMME

Members

Ms Inese VAIDERE, EPP, Latvia
Mr Herbert DORFMANN, EPP, Italy
Mr Joachim ZELLER, EPP, Germany
Ms Teresa RIERA MADURELL, S&D, Spain
Ms Norica NICOLAI ALDE, Romania

Secretariat

Ms Valerie RAMET, Administrator
Ms Alyson WOOD, Assistant

Final programme

Friday, 28 October 2011	
11:30	General Briefing Packs and accreditation ID available for collection outside briefing room, Hyatt Hotel
12:00-12:15 (15 min)	<p><u>Opening by the Heads of Parliamentary Delegation</u></p> <ul style="list-style-type: none"> ▪ Ms. Walburga Habsburg Douglas, Head of the OSCE PA Delegation and Special Co-ordinator to lead the short-term OSCE observer mission ▪ Mrs Inese Vaidere, Head of EP Delegation ▪ Mrs. Nursuna Memecan, Head of the PACE delegation
12:15-12:35 (20 min)	<p><u>Political Context</u></p> <ul style="list-style-type: none"> ▪ Ambassador Andrew Tesoriere, Head of the OSCE Centre in Bishkek ▪ Ambassador Chantal Hebberecht, Head of the Delegation of the European Union to the Kyrgyz Republic
12:35-14:00 (1 hr 25 minutes)	<p><u>Briefing by the OSCE/ODIHR Election Observation Mission</u></p> <p><u>Introduction</u></p> <ul style="list-style-type: none"> ▪ Ms. Corien Jonker, Head of the OSCE/ODIHR Election Observation Mission <p><u>Political overview, campaign activities and media landscape</u></p> <ul style="list-style-type: none"> ▪ Mr. Jarek Domanski, Political Analyst ▪ Mr. Ivan Godarsky, Media Analyst <p><u>Elections framework, polling procedures and observation forms</u></p> <ul style="list-style-type: none"> ▪ Ms. Meaghan Fitzgerald, Legal Analyst ▪ Ms. Simeon Apostolov, Election Analyst and Mr. Steven Martin, Election Analyst ▪ Mr. Oskar Lehner, Deputy Head of the OSCE/ODIHR Election Observation Mission and Mr. Anders Eriksson, Statistics Expert <p><u>Security</u></p> <ul style="list-style-type: none"> ▪ Mr. Robin Seaward, Security Expert <p>Q&A</p>
<i>Coffee on the side</i>	
14:00	<p><u>Meetings with NGOs</u></p> <ul style="list-style-type: none"> ▪ Ms. Ainura Usupbekova, Executive Director, “Taza Shailoo” ; ▪ Mr. Abdy Kerim Ashyrov, “Citizens against Corruption” Human Rights Center; ▪ Ms. Dinara Oshurahunova, “Coalition for Democracy and Civil Society”;
15:00	<p><u>Panel discussion with media representatives</u></p> <ul style="list-style-type: none"> ▪ Mr. Sultan Jamagulov, Director, Radio Azattyk; ▪ Mr. Meerim Orozobekova, Head of Secretariat, National Television and Radio Broadcasting Corporation; ▪ Mr. Alexander Tuzov, Deputy Editor-in-Chief, Vecherniy Bishkek; ▪ Mr. Vitalij Shestakov, Channel 5.
17:00	<u>Meeting with President Otombayeva at the White House - MEPs only</u>

Saturday 29 October 2011

09:00 – 10:00	<p><u>Electoral Administration</u></p> <ul style="list-style-type: none"> ▪ Ms Gulnar Djurabaeva, Deputy Head of the Central Election Commission
10:00 – 13:00 (3 hours)	<p><u>Meetings with Presidential Candidates (or proxies)</u></p> <ul style="list-style-type: none"> ▪ Mr. Farid Niyazov; representative of Almazbek Atambayev, candidate; ▪ Mr. Kubatbek Baibolov, candidate; ▪ Mr. Bekibaj Mamytov, representative of Adahan Madumarov, candidate; ▪ Mr. Omurbek Suvanaliev, candidate; <p>Mr. Samat Borubaev, representative of Kamchybek Tashiev, candidate;</p>
13:15 - 15:00	<p>Working Lunch with French and German Ambassadors and Ms Chantal Hebberecht, Head of the EU delegation to Kyrgyz Republic</p> <p>Russian restaurant</p>
	<p><u>Deployment</u></p> <ul style="list-style-type: none"> ▪ Area specific briefing packs; meeting with LTOs <p>Mr Zeller deploys to Osh</p>
15:00	<p>Secretariat meeting with secretariat of ODHIR and OSCE - at their office: Chokmorov str.27</p>
17:00	<p>Meeting with ODHIR/OSCE PA and PACE Heads of Mission for preliminary discussion on the joint draft statement</p>

Sunday 30 October 2011 - ELECTION DAY

Observation of Opening, Voting, Vote Closing and Counting
One team in Bishkek and surroundings, one team in Tokmok, Mr Zeller in Osh

17:00	<p>Meeting with ODHIR/OSCE PA and PACE for discussion on draft statement - (for Head of Missions only)</p>
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Monday 31 October 2011

08:00-09:00	<p>Joint Debriefing for Delegations</p> <p>Mr Zeller returns from Osh</p>
09:00-11.30	<p>Discussion with Heads of ODHIR/OSCE PA and PACE on joint statement for press conference</p> <p>ODHIR offices Chokmorov str.</p>
14:00	<p>Press conference</p>
19:00	<p>Dinner with HE Mr Shin Maruo, Ambassador of Japan and 4 Japanese members of parliament and Ms Chantal Hebberecht</p> <p>Residence of the Japanese Ambassador - MEPs only</p>

MISSION INFORMATION & ACKNOWLEDGEMENTS

Bishkek, 31 October 2011 – The OSCE/ODIHR Election Observation Mission (EOM) opened in Bishkek on 16 September 2011 with 14 experts in the core team and 28 long-term observers deployed to all regions of the country.

On election day, around 400 observers were deployed, including 292 short-term observers from the OSCE/ODIHR, a 32-member delegation from the OSCE PA, a 8-member delegation from PACE, and a 7-member delegation from the EP. In total, there were observers from 40 OSCE participating States. Voting was observed in 877 polling stations. Counting was observed in some 130 polling stations. The tabulation process was observed in 47 TECs.

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. They also express their 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.

For further information, please contact:

- Corien Jonker, Head of the OSCE/ODIHR EOM, in Bishkek;
- Jens-Hagen Eschenbächer, OSCE/ODIHR Spokesperson (+48 603 683 122),
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- Neil Simon, OSCE PA Director of Communications, (+45 60108380 or +996 779842358) or Tina Schon, Deputy Secretary General (+ 45 40304985);
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INTERNATIONAL ELECTION OBSERVATION

Kyrgyz Republic - Presidential Election, 30 October 2011

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bishkek, 31 October 2011 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavor involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP).

Walburga Habsburg Douglas (Sweden), Head of the OSCE PA Delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Nursuna Memecan (Turkey) headed PACE delegation, Inese Vaidere (Latvia) headed the European Parliament delegation, and Corien Jonker (Netherlands) is the Head of the OSCE/ODIHR Election Observation Mission (EOM).

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, as well as with national legislation. 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 the remaining stages of the election process, in particular, the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at its winter meeting in February. The EP Delegation's report on these elections will be available approximately six weeks after the elections on www.europarl.europa.eu. The PACE delegation will present its report to the Standing Committee on 25 November in Edinburgh.

PRELIMINARY CONCLUSIONS

The 30 October presidential election was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments. Candidate registration was inclusive, giving voters a wide choice, and the electoral campaign was open and respected fundamental freedoms. This was overshadowed by significant irregularities on election day, especially during the counting and tabulation of votes. Measures should be taken to improve voter lists, to amend electoral legislation and strengthen the polling process.

The elections were held under a new legal framework, which incorporates a number of previous OSCE/ODIHR recommendations. However, it does not meet some OSCE commitments.

The Central Election Commission's (CEC) work was conducted in an adequate manner, considering the timeframes established by the legal framework. There were four female CEC members and women constituted more than half of TEC and PEC members. There was a considerable lack of transparency in the work of CEC. The CEC held closed-door sessions, at times restricted information, refused to disclose ballot security measures, and forbade the observation of ballot printing on security grounds.

The decision to create a unified voter registration system under the auspices of the CEC is an improvement. However, the overall quality and accuracy of voter lists continues to be of significant concern. The previous possibility of adding voters to voter lists on election day has been abolished, reducing the possibilities for electoral fraud.

A diverse group of candidates offered voters a wide range of choice. The difficulties in processing candidate registration resulted in a shortening of certain candidates' possibilities to campaign. Overall, 16 candidates contested the election; none of them were female or from national minorities.

The campaign was low-key, overall, and took place in a calm environment, despite underlying tensions. All presidential candidates were able to campaign freely and without impediment. Freedom of assembly and speech were respected throughout the country during the campaign. Allegations of the misuse of institutional authority in the form of pressure and intimidation were raised throughout the pre-election period, which undermined confidence in the electoral process. A certain candidate engaged in nationalistic rhetoric, adding to underlying tensions in the south of the country.

The dynamics of the electoral contest were shaped, to some extent, by negotiations between candidates, resulting in the late withdrawals of a number of candidates. The electoral law allows candidates to withdraw until three days before the election. This late deadline led to the additional burden of crossing-out the names of these candidates by hand on each printed ballot by PECs.

The CEC control-revision group made a concerted effort to enforce the legal provisions for campaign finance in an unbiased manner. While the legal requirements were adhered to through the weekly publication of campaign finance summaries on the CEC website, detailed information on incomes and expenditures was not made publicly available by candidates; this is not considered good practice.

Overall, a wide range of information was available to voters. However, a lack of independent editorial coverage undermined the quality of information available to voters to make an informed choice. Regrettably, most broadcast media refrained from covering the campaign outside of official campaign spots and lacked analysis. This was due to cautious interpretation of unclear legal provisions. State-funded media generally met their obligation to provide free media space to all contestants. Political debates enabled candidates to convey their views and platforms to voters. Nevertheless, certain candidates were not equally treated, as evidenced by moderators' attitudes during debates. Several international news channels were taken off the air on the basis of a new legal provision.

The adjudication of disputes by the CEC lacked transparency. Multiple OSCE/ODIHR EOM interlocutors said there were a limited number of formal complaints because there was a low level of public trust in the courts and the CEC. The combination of a new and untested electoral legislation and the absence of a Constitutional Chamber resulted in citizens being unable to challenge the constitutionality of key provisions, depriving citizens of the right to an effective remedy.

The lack of adequate integration policies and slow progress in improving the security situation in areas populated by national minorities created a general sense of apprehension and isolation among these communities. As a consequence, involvement of national minorities in election campaign activities was rather limited. Election materials were available only in Kyrgyz and Russian, which limited the access to information in minority languages. This contradicts OSCE commitments.

The election day proceeded in a calm atmosphere without violence and the voting process was assessed positively overall. A considerable number of voters were not in the voter lists, which became an issue on election day. The situation deteriorated during counting and tabulation, with a significant

number of polling stations assessed negatively by observers. In many cases, observers were restricted from observing the counting and tabulation.

PRELIMINARY FINDINGS

Background

On 30 June 2011, the parliament scheduled the presidential election for 30 October. Following a new Constitution adopted by a 2010 referendum, the presidential election was another important step in the transitional period after the 2010 ouster of President Bakiev. The incumbent Roza Otunbaeva's term as interim President expires on 31 December 2011 and she could not stand in the election.¹

Based on the 10 October 2010 parliamentary election results, five political parties entered the parliament (*Jogorku Kenesh*). A governing coalition of three parties (*Ata-Jurt*, the Social Democratic Party of Kyrgyzstan, and *Respublika*) was established, while *Ar Namys* and *Ata-Meken* remained in opposition during this period.

The OSCE/ODIHR provided a cautiously optimistic assessment of the 2010 constitutional referendum and the 10 October 2010 parliamentary elections, despite some evident shortcomings.²

Legal Framework and Election System

The new legal framework that resulted from extensive electoral legislative reform, includes the 2010 Constitution, the Constitutional Law on Presidential and Parliamentary Elections (hereinafter, electoral law) and the Law on Election Commissions to Conduct Elections and Referenda (hereinafter, law on election commissions), Central Election Commission (CEC) instructions and decisions, and related legislation governing the activities of media, non-governmental organizations and political parties.³ This was the first presidential election held under the new legal framework. The legal framework still fails to meet some OSCE commitments, although several previous OSCE/ODIHR recommendations were addressed.⁴

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, it denies the right to be elected to those with a criminal conviction on record. It also denies the right to vote to those incarcerated. Both limitations do not take into account the severity of the crime committed contrary to international commitments. Furthermore, persons older than 70 years have no right to stand in the presidential race, a provision which does not meet OSCE commitments of non-discrimination.⁵

Following a 7 April 2010 presidential decree, the Constitutional Court was dissolved. The new Constitutional Chamber in the Supreme Court envisioned in a law adopted on 13 June 2011 has yet to

¹ Government Decree 39 of 19 May 2010 approving the Law on Enactment of the Constitution of the Kyrgyz Republic defines Ms. Otunbaeva as President for a transitional period until 31 December 2011.

² All OSCE/ODIHR previous reports can be found at: <http://www.osce.org/odihr/elections/kyrgyzstan>.

³ The Constitution ensures that all men and women have equal rights and opportunities to elect and be elected, as required by international commitments on the participation of women, including the Convention on the Elimination of All Forms of Discrimination against Women, the Kyrgyz Republic acceded to in 1997.

⁴ See also the OSCE/ODIHR and Venice Commission Joint Opinion on the Draft Laws can be found at: <http://www.osce.org/odihr/80842>.

⁵ Paragraph 7.5 of the Copenhagen Document stipulates that OSCE participating States ensure "to respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

be established.⁶ While the Supreme Court continues to hear appeals of lower court decisions, the lack of a Constitutional Chamber deprives interested parties of the opportunity to challenge the constitutionality of the law or of CEC decisions. Three candidate nominees indicated their intention to challenge the constitutionality of the articles covering the language exam, and CEC instructions on the collection and verification of signatures, but were not able to do so.

Election Administration

The 2011 presidential election was administered by a three-level system: the CEC, 58 Territorial Election Commissions (TECs)⁷ and 2,318 Precinct Election Commissions (PECs).⁸ The new law on election commissions provided for a more pluralistic composition of the commissions at all levels.

The CEC is elected for a term of five years by the parliament and consists of 12 members. The president, the parliamentary majority, and the parliamentary opposition each nominate four members. No more than 70 percent of the CEC members may be of the same gender and there are four female CEC members. The CEC's work was conducted in an adequate manner considering the timeframes established by the legal framework. However, there was a considerable lack of transparency and efficiency in its work in approving and publishing its regulations. While decision taking sessions were open to the public, the CEC regularly conducted internal working sessions behind closed doors, contrary to the law.

TECs and PECs, each formed for two-year terms, are composed half by political party representatives and half by representatives elected by local self-governing bodies (*keneshes*). Women constitute more than half of TECs and PECs members. The OSCE/ODIHR EOM observed a considerable number of members resigning in some areas due to lack of financial remuneration.⁹

Operational preparations for the election, such as the formation of lower-level election commissions, training of commissioners, ballot printing, distribution of polling material to lower tiers were generally done in time.

Observers were not permitted to observe the printing of 3,051,000 ballots and the CEC did not disclose ballot security measures. The ballot paper format was decided upon when the list of registered candidates still numbered 23.

The CEC conducted voter education on the changes in the electoral law, in particular on voter registration procedures. They produced a number of TV and radio spots, programs, and posters in both Kyrgyz and Russian. Voters were also informed via internet news sites and by text messages.

Voter Registration

Under the new electoral law, the CEC assumed responsibility for managing voter lists, and a unified system of voter registration was introduced.¹⁰ The CEC also attempted to merge several data sources to have more accurate voter data. This merged database, however, was not used as there were certain

⁶ Law on the Constitutional Chamber of the Supreme Court, 13 July 2011.

⁷ 57 TECs for the in-country voting and one TEC for the out-of-country voting.

⁸ 2 289 PECs for the in-country voting and 29 PECs for the out-of-country voting.

⁹ Resignation rates in some areas were quite significant: Dzhety-Oguz, Karakol, Tupskiy, Ak-Suuskiy, Ton, Balykchy and Osh *oblast*.

¹⁰ Previously, voter registration was based on information from the civil registry, where local system administrators updated voter lists using the state automated system for elections (*GAS Shailoo*).

irreconcilable duplications. Instead, the CEC reverted to using voter data from previous voter lists, which were partially updated.

Two fundamental changes were introduced to voter registration procedures. The possibility to be added to the voter lists on election day was abolished.¹¹ Additionally, the electoral law established the concept of an “electoral address” that allows voters to vote at their actual place of residence, regardless of their permanent registration.

The decision to create a unified voter registration system under the auspices of the CEC is an improvement. However, the overall quality and accuracy of voter lists continues to be of significant concern. The CEC remains limited in its ability to cross-check data and remedy errors. Additionally, inconsistent voter registration procedures led to the disenfranchisement of a considerable number of voters.¹²

A total of 3,034,046 voters were registered. Voter lists were largely delivered to PECs late, although before election day. They were available at most PECs for public review, however only occasionally posted. Voters could also review their information on the CEC website.

The CEC processed more than 270,000 voter applications, including more than 147,000 to vote by electoral address. Time and resource limitations pushed the CEC to continue working to update final voter lists past the deadline of 27 October. While the concept of an electoral address is a positive development the inconsistent processing continues to raise concern about the CEC’s capacity to resolve voter registration issues.

The CEC relied on mobile verification teams that went door-to-door and updated voter data. While there was considerable effort to reach all voters, the implementation varied from district to district due to an inconsistent understanding of mobile verification procedures.

It is estimated that more than 700,000 citizens reside abroad, with only 38,056 registered to vote. Out-of-country voting took place at 29 polling stations in 23 countries. While recognizing improvements in the legal framework to introduce safeguards for voting abroad, further efforts can be explored to improve enfranchisement.

Candidate Registration

Following the 25 September deadline for registration, nine candidates appealed the CEC decision to deny registration for lack of sufficient support signatures. The court found that the procedures for verification of the signatures were not correctly followed by the CEC.¹³ The CEC conducted a new signature verification in which four more candidates were found to have the necessary signatures. Of five complaints challenging the findings of the language commission or the decision of the CEC to deny registration based on language exam results, none were successful. The candidates registered after the deadline were thus deprived of an equal amount of time for campaigning.

¹¹ In previous elections voters could be added to a supplemental voter list on election day. Voters should now be in a voter list at least 10 days prior to election day in order to vote.

¹² Different versions of voter lists were initially posted at PECs for review than those used by mobile verification teams. In addition the CEC decided to delete all voters born before 1920, and all who were incorrectly removed had to reapply for inclusion.

¹³ The Pervomaiski District Court found that deadlines were not met, candidates were not notified of the date and time of verification, stamps and signatures were missing on verification documents, and procedures for the use of handwriting expert analysis were not defined.

As of 10 October, when the ballot design was decided, 23 candidates were registered (none female), 13 were self-nominated, and 10 were nominated by political parties. By the 27 October deadline, 7 candidates withdrew.

Campaign Environment

Although campaign activities increased somewhat in the last two weeks prior to election day, the campaign was low-key, overall, and took place in a generally calm environment, despite underlying tensions. All presidential candidates were able to campaign freely and without impediment. Freedom of assembly and speech were respected throughout the country during the campaign. Ten presidential candidates signed a Code of Honour for parties, candidates and supporters.¹⁴

The dynamics of the electoral contest were shaped, to some extent, by negotiations between candidates. OSCE/ODIHR EOM interlocutors opined that the purpose of this was to trade withdrawals by some candidates for promises of future positions from stronger candidates, often in the last weeks of the contest. The electoral law allows candidates to withdraw until three days before the election. This late deadline led to the additional burden of crossing-out the names of these candidates by hand on each printed ballot by PECs.

The campaign was driven by personality rather than issues. Nevertheless, campaign topics included economic development and unemployment, corruption and rule of law, the form of governance, the state of infrastructure, migration, security, and the unity of the country. Levels and types of campaign activities differed considerably. Only six candidates had high visibility in printed campaign materials and in the number of rallies conducted.¹⁵

Most electoral contestants used neutral language and urged their supporters to conduct themselves in a calm and non-violent manner. However, one candidate, at a number of rallies, pronounced nationalist rhetoric and inflammatory language.¹⁶

Allegations of misuse of institutional authority in the form of pressure and intimidation were raised throughout the pre-election period, which undermined confidence in the electoral process.¹⁷ In some cases, university students and staff were pressured to submit applications to vote by electoral address.¹⁸ Moreover, in a few of these cases, they were also reportedly directed to vote for one candidate in particular. Limited instances of intimidation and attempted coercion were reported from staff at other academic institutions and by healthcare workers.

The CEC's control-revision group made a concerted effort to implement the legal provisions on campaign finance and did so in an unbiased manner.¹⁹ The CEC confirmed that with limited

¹⁴ The Code of Honour was elaborated by the candidates' representatives with the support of OSCE Centre in Bishkek and other international organizations. The document was signed by ten candidates: Temirbek Asanbekov, Kubatbek Baibolov, Sooronbai Dyykanov, Marat Imankulov, Kubanychbek Isabekov, Akylbek Japarov, Iskak Masaliev, Almambet Matuibraimov, Roman Omorov, and Marat Sultanov.

¹⁵ Mr. Atambayev, Mr. Baibolov, Mr. Kalmatov, Mr. Madumarov, Mr. Suvanaliev and Mr. Tashiev.

¹⁶ According to the OSCE/ODIHR EOM observations of Mr. Tashiev's rallies in Bazar-Korgon on 14 October, in Jalal-Abad on 16 October and in Kerben on 20 October.

¹⁷ On 29 September the parliament adopted a decree on "Measures to ensure the implementation of the Law on Presidential and Parliamentary Elections", reinforcing the electoral law and imposing strict measures in cases such resources are misused.

¹⁸ The OSCE/ODIHR observers reported cases from Bishkek and Karakol.

¹⁹ The group, established on 16 July, consisted of six members including a specialist from the state tax authorities and was headed by a CEC member.

exceptions, all financial institutions and candidates submitted reports on contributions and expenditures, complying with deadlines.²⁰ The CEC published information on campaign finances on a weekly basis. However, detailed information on incomes and expenditures was not available for public scrutiny. According to the information provided by the CEC, all candidates were within the spending limit as stipulated by law - 50 million Kyrgyz *Som* (approximately 800,000 EUR).

The Media

The positive changes in the media environment overall since April 2010 were noted by the OSCE Representative on Freedom of the Media, who recently commended progress, including the decision to establish a public broadcaster and the decision to decriminalize libel, the first among Central Asian countries to do so.²¹ Nevertheless, several concerns, such as the safety of journalists, self-censorship and level of professionalism, remain. In addition, vulnerability of the media to political interference is perceived as a danger to preserving media freedom achievements.²²

The campaign became visible in the media since its official start on 25 September. However, the monitored broadcast media, except Radio *Azattyk*, refrained from editorial coverage of the campaign in news and information programs, which would have contributed to a more informed electorate. Media devoted most of its attention to other aspects of the campaign, such as the CEC, government or presidential activities.

Unclear provisions in the electoral law regarding equal conditions for all contestants were interpreted cautiously by media.²³ Some media were concerned that regular information could be perceived as campaigning. This discouraged broadcasters from independent editorial reporting. As a result, the public was mainly informed via the numerous paid advertisement spots and free programs allocated to candidates. In addition, the OSCE/ODIHR EOM media monitoring showed that in many instances, paid coverage was not clearly identified as such. This may have misled the audience about the nature of the content.

Principal broadcasters, including public *KTRK*, offered viewers almost daily reports on the performance of the Acting Prime Minister, both in his official and party capacities. *KTRK* devoted 24 per cent of its political-related coverage to the activities of government, which indirectly promoted the Prime Minister's candidacy.²⁴

Public and state-funded media generally adhered to their obligation to provide free media space for registered candidates, of various format. They also complied with the legal requirement to broadcast these between 20:00 and 24:00. However, both public and state-funded channels (*KTRK*, *EITR*) only

²⁰ Four candidates Aitikeev, Isabekov, Kolubaev, Matubraimov (withdrawn) received official warnings from the CEC for failing to submit their second campaign finance reports by the 20 October deadline.

²¹ See the statements of the OSCE Representative on Freedom of the Media at: <http://www.osce.org/fom>.

²² On 19 October, the speaker of parliament signed the law nationalizing Channel 5 to transform it into a parliamentary broadcaster. The law was twice returned by the President and protested by the media NGOs and experts.

²³ The CEC established its advisory working group, which was empowered to oversee media conduct during the campaign. However, neither of the bodies provided any official guidelines how to interpret the electoral law.

²⁴ State-funded *EITR* presented a similar approach, devoting 21 per cent of its political news coverage to the government. This was mostly positive in tone. While another broadcaster, NTS covered activities of the government more extensively than other monitored channels (more than 35 per cent), Channel 5 showed a visible preferential treatment of Mr. Atambaev through several promotional materials aired in its news program.

launched their free programs some two weeks after the official campaign start. Thus, they did not fully comply with the requirement to provide free airtime from the start of the campaign.²⁵

Both *KTRK* and *EITR* held televised debates, an important forum for the exchange of views and for informing the electorate. *KTRK* faced numerous complaints claiming the biased attitude of the moderator towards some candidates and the lack of debate between candidates.²⁶ On the other side, Mr. Atambaev was allowed to change date of his debate, since his initial opponent withdrew.²⁷

Although the print media offered readers a wider range of information, many outlets displayed a very unbalanced portrayal of the contestants. Some newspapers openly showed their editorial preference, often presenting materials discrediting certain candidates (*Alibi, De Facto*).

At the end of September, several international news channels, including BBC, CNN and Euronews were taken off the Bishkek cable package by the local cable operator *AlaTV*.²⁸ This measure was prompted by Article 22 of the electoral law that prohibits campaigning via foreign media. There is no legitimate basis for such a limitation and it is not in line with OSCE commitments.²⁹

Complaints and Appeals

According to the electoral law, complaints or appeals can be filed with election commissions, the judiciary, and law enforcement agencies. All but three of the complaints or appeals were submitted by large political parties, candidate representatives, or nominees who were denied registration.³⁰ The adjudication of disputes by the CEC lacked transparency. Multiple OSCE/ODIHR EOM interlocutors said there were a limited number of formal complaints because there was a low level of public trust in the courts and the CEC.

In total, 45 complaints and appeals were submitted to district and inter-regional courts as of 28 October, the vast majority of which were related to the registration of candidates. Cases before the district court were heard in an expeditious manner, usually within one or two days. Most court decisions were appealed to the Supreme Court. The on-going reform of the court system and the delayed appointment of Supreme Court judges raised concern among civil society.

The delayed access to full information on the complaints being considered by the CEC limited the OSCE/ODIHR EOM's observation. The CEC reported having received 26 complaints related to campaign violations, candidate registration, and the creation of TECs and PECs. In many instances, the CEC did not meet the three day deadline for reviewing complaints. The electoral law gives concerned parties the right to be informed of the time and place of the review of complaints, present evidence and provide explanations. However, in practice this was not the case.

²⁵ The allocation of the free slots into the formats proposed by the media was established in the CEC lottery, as required by law, on 6 October.

²⁶ Mr. Madumarov and Mr. Tashiev.

²⁷ Mr. Atambaev's initial debate was scheduled for 25 October. The CEC allowed him to take part in the last debate held by *KTRK* on 27 October, in spite of fact that there was another debate on 26 October, and that initially he was scheduled to take part in the debate on 27 October organized by another state-funded television *EITR*.

²⁸ At the same time, Russian First Channel was aired with a delay and some other Russian channels, such as *RTR*, *RTR 24* or *TV Center*, and *Deutsche Welle* continued to be aired live.

²⁹ See also the OSCE/ODIHR and Venice Commission joint opinion.

³⁰ In one isolated case following a Madumarov rally on 17 October 13 complaints were submitted to the district prosecutor by rally attendees all complaining about two specific statements of Madumarov.

Participation of National Minorities

Following the June 2010 events, the inter-ethnic situation, particularly in the south of the country “appears to be – on the surface – more stable, but this stability is fragile” according to the OSCE High Commissioner on National Minorities.³¹

Among the 86 initially nominated presidential candidates, only two candidates were non-Kyrgyz. Both withdrew in the early stage of the registration period.

There is one CEC member from a national minority (Kazakh). Although the ethnic make-up of TECs by and large corresponds to the ethnic composition of the total population in respective districts, in some areas with a large ethnic Uzbek population, members of this national minority are under-represented in TECs.³²

The CEC produced all electoral materials in two languages – Kyrgyz and Russian. Even though it did not cause major discontent among representatives of other ethnic groups, this practice does not correspond to international standards and OSCE commitments.³³ It may also result in the *de facto* disenfranchisement of citizens from national minorities who do not have sufficient command of either Kyrgyz or Russian.

The lack of adequate integration policies and slow progress in improving the security situation in areas populated by national minorities created a general sense of apprehension and isolation among these communities. As a consequence, involvement of national minorities in election campaign activities was rather limited. They avoided participating in rallies and other public outreach events. Candidates limited their campaign to distributing printed campaign materials through Uzbek community leaders. National minority issues and inter-ethnic relations did not feature prominently in the election campaign, with some candidates calling for the nation’s unity without specifically addressing matters pertaining to integration or participation of national minorities.

Domestic and International Observers

The electoral law allows for both domestic and international observers to monitor the entire election process. Domestic observers were unhindered in their observation of both the pre-election and election day observation and some 3,000 such observers were deployed by various domestic organizations.

The CEC accredited 792 international observers, and the presence of both international and domestic observers increased the transparency of the process. However, on 11 July 2011 the CEC passed a decision to accredit international observers only 30 days before election day, thus unjustifiably restricting the period of observation. The accreditation procedure for international observers was overly burdensome and complicated. Certain checks undertaken by the CEC did not appear to be legally grounded. The process should be clarified so that it cannot be open to misinterpretation, which

³¹ See Statement of the OSCE High Commissioner on National Minorities at the 868th Plenary Meeting of the OSCE Permanent Council, <http://www.osce.org/hcnm/78915>.

³² For example, TECs in Osh City, Kara Suu and Ozgon.

³³ General Comment 25 adopted by the United Nations Human Right Committee in 1996 states that “information and materials about voting should be available in minority languages.” Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that “persons belonging to national minorities have the right [...] to disseminate, have access to and exchange information in their mother tongue”.

in this case nearly led to an undue restriction in terms of the Kyrgyz Republic's OSCE commitments.³⁴

Election Day

Election day proceeded in a calm atmosphere without violence. The CEC reported a 60.27 per cent turn out. More than 24 per cent of polling stations observed opened late, although all essential election materials had been received on time.

Voting was positively assessed by observers in 94 per cent of polling stations visited. In some cases observers reported problems with the application of visible ink; procedures for checking and inking were not always implemented.³⁵ A number of cases of ballot box stuffing, multiple and family voting, vote buying, and bussing of voters were reported. Shortcomings, such as the presence of unauthorized persons in polling stations and overcrowding, were also observed.

A high number of domestic observers, including party representatives and non-party observers, was reported by observers. Women were well represented in PECs on election day; 56 per cent served as chairpersons in polling stations observed. However, the presence of unauthorized people in 26 per cent of polling stations visited and their interference with the work of the commissions in about 7 per cent of these cases were of concern.

In many polling stations, voters - ranging from a few to more than 100 - did not find themselves on voter lists. Across the country, the poor quality of voter lists was noted. Voters who had checked themselves on voter lists, had previously been on or applied for inclusion were not found on election day. In at least a few *oblasts* (Chui, Osh City, Karakul, Kochkor, Naryn), PECs allowed voters to vote even though they were not on the voter lists. This was done contrary to the election law or CEC instructions, yet reportedly with TEC approval. In Tup *oblast*, the TEC reportedly issued an instruction stating that voters should be allowed to vote in cases where they were included in previous versions of lists used during the initial display period.

The process worsened during the counting, which was negatively assessed in 28 per cent of the polling stations observed. Unauthorized persons were present in 39 per cent of the polling stations observed and interfered in 13 per cent of these cases. Observers noted pre-signed protocols in 16 per cent of polling stations visited and in 39 per cent the protocols were not posted publicly. In many cases observers were restricted in their observation (16 per cent).

The situation further deteriorated during the tabulation, with 28.6 per cent of the TECs observed assessed negatively. In a number of cases, protocols were completed or altered by the TECs. Observers faced restrictions in their observation in 13 per cent of the observed TECs. Observers were not allowed entry during the tabulation in *Oktyabrski* TEC in Bishkek.

The authorities should fully investigate election day complaints submitted by party representatives and domestic observation groups and hold those responsible to account for violations committed. This is necessary to build confidence in the integrity of the vote.

***The English version of this report is the only official document.
Unofficial translations are available in Kyrgyz and Russian.***

³⁴ See paragraph 8 of the OSCE 1990 Copenhagen Document.

³⁵ Inking was checked in 97 per cent of the polling stations visited. Inking was applied in 87 per cent of the polling stations visited.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Bishkek, 31 October 2011 – The OSCE/ODIHR Election Observation Mission (EOM) opened in Bishkek on 16 September 2011 with 14 experts in the core team and 28 long-term observers deployed to all regions of the country.

On election day, around 400 observers were deployed, including 292 short-term observers from the OSCE/ODIHR, a 32-member delegation from the OSCE PA, a 8-member delegation from PACE, and a 7-member delegation from the EP. In total, there were observers from 40 OSCE participating States. Voting was observed in 877 polling stations. Counting was observed in some 130 polling stations. The tabulation process was observed in 47 TECs.

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. They also express their 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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Kyrgyzstan's presidential election was peaceful, but shortcomings underscore need to improve integrity of process

BISHKEK, 31 October 2011 - The presidential election in Kyrgyzstan was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments, international observers concluded in a statement issued today.

The observers noted that candidate registration was inclusive, giving voters a wide choice, and the campaign was open and respected fundamental freedoms. This was overshadowed by significant irregularities on election day, especially during the counting and tabulation of votes. Measures should be taken to improve voter lists, to amend electoral legislation and strengthen the polling process.

"Despite flaws with the voters lists and tabulation processes, we are cautiously optimistic about the future of democracy in Kyrgyzstan. Significant work is still needed at all levels for this country to live up to its commitments to hold democratic elections," said Walburga Habsburg Douglas, the Special Co-ordinator to lead the short-term OSCE observer mission and Head of the OSCE Parliamentary Assembly delegation.

"We believe that this election is crucial for the future of the country and its further co-operation with the European Union. Overall, our delegation positively assessed the voting procedures on election day but we would like to underline the necessity to improve the voter registration system to further increase public confidence in the electoral system," said Inese Vaidere, the Head of the European Parliament delegation.

"It was important that the people of the Kyrgyz Republic had the opportunity to express their choice in a peaceful and orderly manner. I hope this election will be a step towards breaking the vicious cycle of corruption, lack of implementation of the rule of law and ethnic tensions. We call on all political actors to continue doing their utmost for the stability of the country by protecting the human rights of all its citizens and respecting democratic standards," said Nursuna Memecan, the Head of the Council of Europe's Parliamentary Assembly delegation.

"The election made clear that serious action is needed to ensure the integrity of voting, counting and tabulation. This is crucial for consolidating democratic practice. Full transparency of the Central Election Commission's work would significantly improve confidence in elections," said Corien Jonker, Head of the Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Election day proceeded in a calm atmosphere without violence and observers overall assessed the voting positively. A considerable number of voters were not on the voter lists and a number of cases of ballot box stuffing, multiple and family voting, vote buying, and bussing of voters were noted. The situation deteriorated during counting and tabulation, with a significant number of polling stations assessed negatively. In a number of cases, protocols were altered or completed by higher-level commissions. Many observers were restricted from following the counts and tabulations.

Campaign advertisements provided voters a wide range of information, but most broadcast media refrained from independent editorial campaign coverage, limiting voters' ability to make an informed choice.

The Central Election Commission's work was adequate but lacked transparency as it held closed-door sessions, at times restricted information, refused to disclose ballot security measures and forbade the observation of ballot printing on security grounds.

The lack of adequate integration policies and slow progress in improving the security situation in national minority areas created a general sense of apprehension and isolation among these communities and limited their involvement in the campaign.

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