



Office for Democratic Institutions and Human Rights

# KYRGYZ REPUBLIC

## PARLIAMENTARY ELECTIONS

10 October 2010

OSCE/ODIHR Election Observation Mission Report



Warsaw  
20 December 2010

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**KYRGYZ REPUBLIC**  
**PARLIAMENTARY ELECTIONS**  
**10 October 2010**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign Affairs of the Kyrgyz Republic to observe the 10 October 2010 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 7 September 2010. The OSCE/ODIHR assessed the election process for compliance with OSCE commitments and other international standards for democratic elections as well as with the legislation of the Kyrgyz Republic. For election day observation, the OSCE/ODIHR joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the European Parliament (EP).

These parliamentary elections constituted a further consolidation of the democratic process. Political pluralism, a vibrant campaign and confidence in the Central Commission for Elections and Referenda (CEC) characterized the elections. The authorities displayed the political will to hold democratic elections in line with OSCE commitments. Nevertheless, there is an urgent need for profound electoral legal reform.

To gain seats in Parliament, a political party had to surpass a 5 per cent national and 0.5 per cent regional threshold, both calculated against the number of registered voters rather than based on turnout. Though originally designed with the intention to stabilize the country, the unusual regional threshold compromises the objective of proportional representation. The provision introduced by the new Constitution limiting a single political party to 65 seats, notwithstanding the number of votes received, challenges the free expression of the will of the people but can, on the other hand, be seen as a transitory measure to build a pluralistic parliament.

The legal framework for elections is not yet consistent with the new Constitution. Election stakeholders widely recognized the authority of the CEC to fill existing gaps as a temporary measure to remedy legal inconsistencies. The legal framework continues to prohibit independent candidates from standing in parliamentary elections, which is not in accordance with OSCE commitments. It also denies elected deputies the right to leave or join a parliamentary faction at their discretion and imposes excessive restrictions on suffrage rights for persons serving a prison term.

The CEC operated independently from government and partisan interests, and made efforts to replicate this in lower-level election commissions. The CEC generally worked in a collegial and transparent manner and earned the trust of election stakeholders. Despite a shortage of staff, the CEC generally performed its duties satisfactorily and within legal deadlines. The CEC made commendable efforts to introduce additional safeguards, including the inking of voters' thumbs, to strengthen the integrity of the elections. However, some procedures were

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<sup>1</sup> This report is also available in Kyrgyz and Russian. However, the English version remains the only official document.

introduced late or not sufficiently elaborated, and were poorly communicated to lower level commissions. Many commission members at lower levels lacked experience. These factors had a negative impact on the performance of polling staff on election day.

The quality and accuracy of voter lists remain a serious concern. Due to a lack of national or regional cross checks, the lists contained many duplicates. At the same time, population figures seem to suggest that not all eligible voters are registered to vote. The calculation of thresholds based on the total number of registered voters, including voters added in polling stations before and on election day, caused confusion. In addition, the deficiencies of the residency registration system resulted in the disenfranchisement of thousands of citizens, including internal migrants and citizens displaced after the June events.

An inclusive registration process resulted in a pluralistic field of 29 political parties, which provided voters with a genuine choice of political alternatives. The campaign was highly competitive and took place in a peaceful atmosphere throughout the country, despite underlying tensions. Fundamental freedoms, including the freedoms of expression, assembly, association and movement, were generally respected. Political parties were able to campaign freely, with no major impediments or incidents. However, there were a few observed incidents of coercion to attend rallies and some local administrations were seen as biased towards certain parties. The authorities took appropriate measures against isolated instances of nationalist rhetoric.

The State-funded media met their legal 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 the views of different candidates. The media, however, otherwise did not cover the campaign except through exclusively broadcasting paid political advertising, including during news programs. Only the national broadcaster clearly separated purchased airtime from its news and information programs and labeled it as such, in line with good international practices. The available information allowed voters to form opinions on political alternatives; however, their ability to make a fully informed choice was impaired by the broadcasting of exclusively partisan information and the subsequent lack of impartial and analytical editorial information about the campaign.

All party lists initially met legal requirements for the inclusion of women, national minorities and age groups. However, political parties predominantly allocated highly visible campaign activities to male Kyrgyz candidates and did not have specific plans to attract female voters or voters belonging to national minorities, including ethnic Uzbeks. Though parties and candidates were free to campaign in their preferred language, Kyrgyz and Russian languages were almost exclusively used, even in predominantly ethnic Uzbek areas.

During the pre-election period, there were few official complaints. Even widespread allegations about vote-buying and the abuse of administrative resources rarely resulted in 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 receive effective legal redress and to appeal to court.

On election day, the atmosphere was calm and voting proceeded in an orderly and transparent manner throughout the country. Overall, international observers assessed the voting process positively, but gave a significantly less positive assessment of the counting of votes and tabulation of results. Counting and tabulation procedures were not followed consistently and a

number of Precinct Election Commissions (PECs) encountered problems completing results protocols. Civil society played an active role in the election process and the large presence of international and domestic observers contributed to a high level of transparency. However, the presence of unauthorized persons in polling stations throughout the day remains a concern.

Positively, the CEC uploaded preliminary results, broken down by polling station, on its website throughout election night. These indicated that five parties, *Ata-Jurt*, SDPK, *Ar Namys*, *Respublika* and *Ata Meken*, had successfully surpassed both thresholds to attain seats in parliament. *Butun Kyrgyzstan*, which came in sixth place, falling just below the five per cent national threshold, organized public protests demanding that the CEC recalculate thresholds and questioning the accuracy of reported voter list data.

In a positive move, the CEC invited political parties to submit their claims against the published PEC protocols and formed a working group for verifying protocol differences. This revealed a large number of protocols completed with incorrect voter list totals. The CEC made significant efforts to correct voter list figures, including by consulting original election material, and adjusted more than half of the protocols to reflect the correct numbers. The results of 5 PECs in-country and 20 out-of-country polling stations were annulled after major procedural irregularities were revealed. As a result, the CEC initiated measures against several heads of Kyrgyz diplomatic missions for neglect of the out-of-country voting procedures.

The CEC did not hold formal sessions between 9 and 25 October, but intensified its practice of conducting closed working meetings where important decisions were made, including the decision to recall all election material back to Bishkek. This practice and the adjudication of post-election day complaints as well as the failure of the CEC to display consolidated final results data on its website reduced transparency.

On 1 November, the CEC announced the final results and confirmed that five parties had passed the thresholds to attain seats in parliament. All appeals against the final results were dismissed by the courts. Following the post-election resignations of 7 candidates that won seats, the new parliament convened with 28 female members (23.33 per cent) and 14 (11.66 per cent) members belonging to a national minority.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of the Kyrgyz Republic and based on the findings and conclusions of the Final Report of the OSCE/ODIHR Limited Referendum Observation Mission for the 27 June constitutional referendum, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 7 September. The OSCE/ODIHR EOM was led by Ms. Corien Jonker and consisted of an 18-member core team based in Bishkek and 22 long-term observers deployed to all oblasts as well as the cities of Bishkek and Osh.

For election-day observation, the OSCE/ODIHR joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the European Parliament (EP). Mr. Morten Høglund, Head of the OSCE PA Delegation, appointed by the OSCE Chairperson-in-Office as Special Coordinator, led the OSCE short-term observer mission. The EP delegation was led by Ms. Katarína Nevedálová. On election day, 266 observers, originating from 36 OSCE participating States, were deployed across the country. They visited some 800 of the 2,889

polling stations and observed the work of 42 of the 57 Territorial Election Commissions (TECs).

The election process was assessed for compliance with OSCE commitments and other international standards for democratic elections as well as with domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 11 October 2010.<sup>2</sup>

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs, the CEC, political parties, the media, civil society, and other interlocutors in Kyrgyzstan for their co-operation. The OSCE/ODIHR also wishes to express its appreciation to the OSCE Centre in Bishkek, diplomatic representations of OSCE participating States and international organizations in Kyrgyzstan for their assistance and co-operation throughout the course of the mission.

### III. BACKGROUND

Violent protests in early April 2010 led to the ouster of President Bakiev and the dissolution of the previous parliament. A provisional government was formed, headed by Ms. Roza Otunbaeva as President.<sup>3</sup> After the dispersion of the *Ak Jol* party, affiliated with former President Bakiev, the party landscape was no longer dominated by a single party. The provisional government was broadly supported by *Ak Shumkar*, *Ata Meken* and SDPK, though not by *Ar Namys*, which favored a presidential system. New parties representing different interests emerged, including *Ata-Jurt* and *Butun Kyrgyzstan*, which considered themselves to be in opposition to the provisional government, and *Respublika*, which focused on economic issues.

In June, violent clashes between members of the Kyrgyz and Uzbek communities in Osh and Jalal-Abad resulted in a high number of casualties and displaced citizens. On 27 June, the authorities succeeded in creating the necessary conditions for the conduct of a peaceful constitutional referendum despite the challenging circumstances following the tragic events.<sup>4</sup> The OSCE/ODIHR provided a cautiously optimistic assessment of the constitutional referendum despite evident shortcomings. On 10 August, President Otunbaeva announced that elections to the *Jogorku Kenesh* (parliament) would be held on 10 October. Key members of the provisional government who decided to run for election left their posts, so as to avoid conflicts of interest.

Some actors, notably the Mayor of Osh, Mr. Melis Myrzakmatov, continued to question the legitimacy of the provisional government. Political tensions remained high and there were some attempts by politicians to destabilize the situation.<sup>5</sup> The overall security situation remained tense, especially in the South. Despite efforts by the authorities to increase the

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<sup>2</sup> See [http://www.osce.org/documents/odihr/2010/10/47026\\_en.pdf](http://www.osce.org/documents/odihr/2010/10/47026_en.pdf).

<sup>3</sup> Provisional Government Decree 39 of 19 May approved the Law on Enactment of the Constitution of the Kyrgyz Republic and designated Ms. Otunbaeva as President for a transitional period until 31 December 2011.

<sup>4</sup> The OSCE/ODIHR observed the referendum process. Reports on the referendum and previous elections in the Kyrgyz Republic are available at: <http://www.osce.org/odihr-elections/14475.html>.

<sup>5</sup> On 5 August, Mr. Urmat Baryktabasov, leader of the *Meken Tuu* political party, organized a rally from Balykchy to Bishkek with the objective of holding a peaceful assembly and claiming the post of Prime Minister. The march was stopped outside the capital by special forces and Mr. Baryktabasov was detained on charges of attempting to overthrow the constitutional order (allegedly also stoking up ethnic tensions). Other politicians used inflammatory language, exploiting regional or ethnic differences.

presence of security services, OSCE/ODIHR EOM interlocutors asserted that election-related violence could not be ruled out.

#### **IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK**

##### **A. ELECTORAL SYSTEM**

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. To attain seats, a party had to receive more than five per cent of the vote nation-wide and at least 0.5 per cent of the vote in each of the seven oblasts and Bishkek and Osh cities. Both thresholds were calculated against the number of registered voters. As noted in previous OSCE/ODIHR reports, the double threshold requirement compromises the objectives of a proportional representation system.<sup>6</sup> In order to avoid dominance of one political party in parliament, the new Constitution limits the number of seats a single party can win to 65 regardless of the number of votes received. Although this restriction challenges the free expression of the will of the people and paragraph 7.9 of the 1990 OSCE Copenhagen Document, it can be seen as a transitory measure to build a pluralistic parliament.

##### **B. LEGAL FRAMEWORK**

Parliamentary elections are primarily regulated by the new Constitution, supplemented by the 2007 Electoral Code, the 1999 Law on Political Parties and the 2004 Law on the Central Commission for Elections and Referenda (Law on the CEC). In addition, the Constitution recognizes the precedence of norms of international law and provides that international treaties to which the State is a party have direct effect.<sup>7</sup>

The Constitution provides for the rule of law and fundamental civil and political rights and freedoms necessary for the conduct of democratic elections. However, the legal framework requires further improvement as several new constitutional provisions are not yet fully reflected in the general legislation and this continues to limit the full exercise of certain rights and freedoms.

Only political parties were entitled to nominate candidates for parliament. This effectively prevented individuals from standing for office as independent candidates, which is not in line with the 1990 OSCE Copenhagen Document.<sup>8</sup> In a positive step, and addressing previous OSCE/ODIHR recommendations, the new Constitution explicitly provides that parliamentary deputies are not bound by an imperative mandate.<sup>9</sup> However, Article 73.3.1 of the Constitution

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<sup>6</sup> As noted in the OSCE/ODIHR Final Report for the 2007 Parliamentary elections “a party might receive more than five per cent of the vote nationwide, but if it missed the 0.5 per cent in only one region, it would not gain parliamentary representation, thus compromising the objective of proportional representation.” See [http://www.osce.org/documents/odihr/2010/07/45515\\_en.pdf](http://www.osce.org/documents/odihr/2010/07/45515_en.pdf).

<sup>7</sup> Article 6 of the Constitution.

<sup>8</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document states: “[The participating States will] respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. See also General Comment 25 (1996) of the UN Human Rights Committee to Article 25 of the International Covenant on Civil and Political Rights. Point 17 states that the “right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

<sup>9</sup> Article 73.1 of the Constitution prohibits the imperative mandate, but fails to give a definition of the term. The term imperative mandate means that deputies are bound to remain members of the parliamentary

still retains the notion that the mandate of elected deputies is terminated ahead of term if they cease to be members of a faction.<sup>10</sup> This seems to contradict the constitutional provision lifting the imperative mandate and reintroduces a disproportionate level of party or faction control over deputies elected by popular vote. This, in turn, contradicts paragraph 7.9 of the 1990 OSCE Copenhagen Document.<sup>11</sup>

Citizens are denied candidacy rights if they have previous criminal convictions that have not been cleared. Furthermore, persons serving a prison sentence have no voting rights, irrespective of the length of their sentence, the gravity of the offence or individual circumstances. The denial of voting rights, irrespective of the nature of the crime committed, may be considered a disproportionate sanction and inconsistent with internationally accepted practices.<sup>12</sup>

On 1 July, the provisional government amended the electoral code by decree with the intention of eliminating discrepancies with the newly adopted Constitution. These amendments were revoked by another decree on 9 August, following strong criticism that a provisional government is not legally mandated to amend existing laws by decrees. Electoral actors widely recognized the authority of the CEC to subsequently fill the gaps in the legal framework. The CEC resolved most, but not all, inconsistencies. However, altering laws by CEC decision could be considered as exceeding its competence and undermining the hierarchy of laws as provided by Article 6 of the Law on Normative Acts.

Most notably, the CEC clarified that the number of members of parliament (MPs) to be elected and the number of candidates required on a party's candidate list are to be in line with the new Constitution. It also issued an interpretation of the quota requirements contained in the electoral code for women, national minorities and youth by stipulating that they are to be respected only at the time of registering a candidate list.<sup>13</sup> On a positive note, the CEC reinstated the requirement of inking voters' thumbs as a safeguard against multiple voting. It also decided how seats were to be distributed in the event a party qualified for more than the maximum 65 seats.<sup>14</sup>

Article 30.13 of the electoral code prohibits certain groups from campaigning, thereby introducing unreasonable restrictions on individual citizens. Members of charitable and religious organizations, rather than the organizations themselves, for example, are not allowed to campaign. These restrictions deny citizens their fundamental political rights. Campaigning by those under 18 years of age and foreign citizens is also prohibited.

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faction or bloc to which they were elected throughout their term in office.

<sup>10</sup> According to Article 70.3 of the Constitution, deputies unite in factions, which may form a majority faction or an opposition faction.

<sup>11</sup> Paragraph 7.9 of the 1990 OSCE Copenhagen Document provides that "candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires".

<sup>12</sup> Though the Kyrgyz Republic is not member of the Council of Europe, the European Court of Human Rights provides some interpretations about the meaning of universal suffrage. The Court states that limitations on suffrage for prisoners can be imposed only where the prisoner has been convicted of a crime of such a serious nature that forfeiture of the suffrage right is a proportionate punishment, see *Hirst v. United Kingdom* (2005) and *Frodl v. Austria* (2010). The same notion is obtained in General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights, which states that grounds for deprivation of voting rights should be "objective and reasonable" (point 14).

<sup>13</sup> CEC Resolution No 170 of 23 August.

<sup>14</sup> CEC Resolution No 291 of 30 September.



Article 18.10 of the electoral code limits public expression of opinions by international observers until after the completion of voting. This restriction reduces the transparency required of international observers by preventing them from sharing their findings with the host country.

## V. ELECTION ADMINISTRATION

The election is administered by the CEC, seven Oblast commissions, and the Bishkek and Osh City Commissions (OECs), 56 Territorial (Rayon and Municipal) Election Commissions (TECs), and 2,289 PECs. A further 44 precincts were 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 respective superior election commission. In a move to restore trust in the election administration, the provisional government dismissed the previous CEC and appointed a new commission prior to the referendum. The current CEC has 13 members,<sup>15</sup> 7 from political parties and 6, including the chairperson, from civil society, as well as 2 international advisory vote members.<sup>16</sup> Eight political parties appointed advisory vote members to the CEC, while others sent their authorized representatives to sessions of interest.

The CEC operated independently from government and partisan interests and earned the trust of election stakeholders in a short period of time. Most CEC sessions were open to media and observers, and decisions were published on the CEC website and in the official gazette *Erkin Too*. The CEC generally acted in accordance with the law. In areas where the electoral code was unclear or insufficient, the CEC consulted political party representatives in order to gain consensus. The CEC conducted its work mostly in a transparent manner. However, the handling of complaints and some post-election activities, including the initial verification of protocols, were often dealt with in working meetings that were closed to advisory vote members and observers.

Lower-level commissions were comprised of members from political parties and so-called groups of voters<sup>17</sup> to maintain balance and prevent undue political influence. No more than one third can be State or municipal employees or officials. New 11-member OECs were appointed by the CEC in early August<sup>18</sup> and TECs were formed by 21 August. The PECs were mostly formed by the 10 September deadline.<sup>19</sup>

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 single political interest dominated decision-making. Local administrations have a supporting role for TECs and PECs, which should nevertheless work independently.<sup>20</sup> Sometimes, however, local

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<sup>15</sup> 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 Kyrgyzstan*, is exempt from the obligation to resign, as provided by Article 3.7 of the same law.

<sup>16</sup> Provisional Government Decree No 19 of 21 April states that the provisional government “can appoint not more than six members of international organizations (with an advisory vote capacity) to the CEC.” Two such members, both from the United Nations Development Programme (UNDP), were appointed.

<sup>17</sup> CEC Resolution of 17 August defines a group of voters as being a minimum of five voters who must submit their names and minutes of their meeting to the relevant commission.

<sup>18</sup> As decreed by the provisional government on 21 April.

<sup>19</sup> Late formation of PECs was observed in Pervomay, Lenin, Tong and Aksy districts and in Batken oblast.

<sup>20</sup> Almost all TECs and OECs were located in administration buildings, partly because the *GAS Shailoo*, an

officials were interfering in the work of TECs and PECs.<sup>21</sup>

According to OSCE/ODIHR EOM interlocutors, up to 70 per cent of election commission members at all three lower levels had no previous experience at their respective level of election management. Training was provided for PEC members by the CEC with international assistance. However, attendance was affected by a significant number of PEC members resigning, mainly due to the lack of salary and not knowing the commitment required.<sup>22</sup> The OSCE/ODIHR EOM noted the varying quality of training around the country, sometimes not conducted in the language all commissioners were proficient in. The handbooks given to PEC members lacked step-by-step guidelines for counting and tabulation of protocols at the TEC. These factors negatively impacted the performance of PECs on election day.

The CEC and the lower-level commissions accomplished most tasks within legal deadlines. However, due to a lack of secretariat staff, CEC commissioners were involved in a number of practical tasks such as verifying candidates on candidate lists, checking campaign materials and protocols.<sup>23</sup> Several OSCE/ODIHR EOM interlocutors expressed concerns that the CEC was unable to provide adequate guidance and oversight for the lower-level commissions due to these limitations. In addition, some procedures, such as those for the transfer of protocols, were decided late. Procedures for counting, tabulation, and special voting measures such as early and mobile voting or voting in hospitals and detention centers were not elaborated at all.

There was no voter education on how to apply for special or absentee voting. On election day, the CEC received a number of complaints from disenfranchised voters on these issues.<sup>24</sup> Information on how to mark and fold the ballot was also lacking. The campaign informing voters to check their details on the voter list started late, just 10 days before election day.

Lotteries for the order of political parties on the ballot and the distribution of free airtime were held in the presence of media and observers. The lotteries were held after the start of the election campaign.<sup>25</sup> As a consequence, the provision of free airtime and print space began five days after the official start of the campaign, and parties could not indicate their ballot number on campaign materials until after 17 September, a week into the campaign.

The CEC received international support for a number of projects aimed at limiting possibilities for manipulating results and increasing confidence in the process. These included using tamper-evident bags for the transport of results protocols from polling stations to TEC tabulation centers as well as directly to the CEC, and the establishment of a CEC operated hotline for the public and election staff. Both projects worked well. The protocols directly submitted to the CEC provided a valuable reference for the CEC during the cross-checking of protocols from political parties after election day.

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automated countrywide system used for voter registration and tabulation of results, is situated there. The *GAS Shailoo* operator is an administration employee. The administration has responsibility for all logistics in the elections and frequently checks on the preparedness of commissions.

<sup>21</sup> As observed by OSCE/ODIHR EOM prior to election day, in Alay district (Osh oblast) and Bishkek.

<sup>22</sup> In the TEC areas of At-Bashy, Jety Oguz, Moskva, Naryn district and city, Panfilov and Tash Komur, the OSCE/ODIHR EOM noted between 10 and 30 per cent of PEC member resignations.

<sup>23</sup> The CEC secretariat had 28 staff, including four temporary data entry personnel and two technicians.

<sup>24</sup> The most notable of these was from the Kumtor Mining Company in Issyk-Kul oblast who had over 1000 miners working on election day who were unable to vote.

<sup>25</sup> The lottery for the distribution of free airtime was held on 13 September, three days after the CEC election calendar deadline. The lottery for the order of political parties on the ballot was held 17 September, within the 20 September deadline.

OSCE/ODIHR EOM interlocutors expressed concern over the results tabulation software used by the *GAS Shailoo* system which is outdated and remains linked to the internal network of local authorities. The CEC addressed the concerns by piloting a secondary system to tabulate preliminary results based on protocols faxed directly from polling stations with the aim of verifying the preliminary results received electronically from TECs through the *GAS Shailoo* system. On election night, however, only a small number of protocols were successfully received by fax due to unclear instructions and a limited number of polling stations having fax lines.

## VI. VOTER REGISTRATION

The preliminary number of registered voters announced on 15 September was 2,852,419, including 76,557 voters registered abroad. The final number of registered voters was only announced when the additions and deletions made to the voter lists after 15 September and on election day had been aggregated.<sup>26</sup> This resulted in a total of 3,036,703 voters as announced by the CEC on 1 November while presenting the final results.<sup>27</sup>

The quality and accuracy of voter lists remain a serious concern. Voter lists were compiled using a passive registration system in which local administration system administrators throughout the country entered voter data into the *GAS Shailoo* system from a number of public registers, including the residency register. These registers are based on citizens' active registration of their data with the respective agencies. The quality of the voter lists therefore depends on the quality of the data in these registers and their timely and accurate transfer to the *GAS Shailoo*.

The residency registration system (*propiska*) requires citizens to register their address with the appropriate administration.<sup>28</sup> However, it does not necessarily reflect the actual place where a citizen lives, partly because authorities do not uniformly enforce registration of citizens' address changes, births and deaths, and partly because citizens experience bureaucratic hurdles.<sup>29</sup> For these reasons, many internal migrants have not registered their current address. In the suburbs of Bishkek, where many migrants reside, the local administrations attempted to provide a special local residency registration procedure for migrant residents in order to allow them to vote in Bishkek. However, this procedure was only available for residents in possession of property titles or rental contracts and did not enable the thousands of citizens residing in illegal housing to vote.

The lack of a national voter register does not allow for the opportunity to check for duplicates. At the same time, according to the National Statistical Committee, the population above 18 years of age in Kyrgyzstan as of 1 January 2010 totaled 3,434,406, thus suggesting that many citizens were left off voter lists.<sup>30</sup> Given concerns regarding the quality of the voter lists, it is

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<sup>26</sup> Those added to the additional voter lists were voters who could prove residency in a given election precinct, but who were not included in the voter list, as well as voters using absentee voting certificates.

<sup>27</sup> Based on the final CEC results, 15,430 voters were deleted from the voter lists and 198,714 were added to the additional voter lists.

<sup>28</sup> To register residency, a citizen must, among other things, provide their property title or, if renting, the property title from the owner along with a copy of the owner's passport.

<sup>29</sup> In order to update a *propiska*, a citizen must deregister at the local administration of their original location, and then reregister in their new location providing numerous different documents.

<sup>30</sup> The official population figure for 2010 includes non-citizens, which must be deducted in order to compare with voter register totals. In 2009, that number was just 26,007.

commendable that the inking of voters' thumbs was reinstated by the CEC as a deterrent against multiple voting.

The voter lists are essential in determining the thresholds which parties must surpass to be allocated seats in parliament. These thresholds are calculated based on the number of registered voters rather than on the basis of valid votes cast. The more voters included in the voter lists, 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, possible duplicates as well as the registration of some voters abroad on additional voter lists increased the overall number of voters.<sup>31</sup>

Citizens displaced by the June events continued to be registered at their original place of residence. A "simplified" process introduced by presidential decree to issue passports to some 4,000 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 temporary passports were issued, leaving most of those affected disenfranchised. Though the State Register Service told the OSCE/ODIHR EOM that they requested the CEC to clarify that temporary passports would be valid for election purposes, the CEC did not include them among acceptable ID for voting purposes.<sup>32</sup>

The voter lists were generally delivered to election commissions in line with the 15 September deadline. The CEC also decided that PECs should get an additional copy of the voter list to post for public display to assist in the verification process.<sup>33</sup> Only a few voters checked their entries when the lists were put on display for public review.<sup>34</sup> 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. This procedure is not foreseen in the law but was observed in most of the country. It is unclear what effect this had on the calculation of the final number of registered voters.

## VII. CANDIDATE REGISTRATION

In an inclusive process, the CEC registered the candidate lists submitted by all 29 political parties. These represented a wide spectrum of political forces in the country. Other parties announced their decision not to run, mostly citing a lack of resources for the registration deposit.<sup>35</sup> Some key members of these parties appeared on the candidate lists of other parties. There was a pluralistic field of political parties providing voters with a genuine choice.

The legal requirements for party lists ensure the representation of women, youth and national

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<sup>31</sup> On 4 October, the CEC informed the OSCE/ODIHR EOM that only about 10 per cent of those registered on voter lists abroad were removed from in-country voter lists. Furthermore, voters that registered on additional voter lists abroad, including in polling stations where results were annulled by the CEC, were incorporated in the voter list totals used for thresholds calculations. As this runs contrary to the legal provision that states a voter may only be registered on one voter list and furthermore has a potential of affecting the overall results of the election, it emphasizes the need to base the calculation of thresholds on turnout rather than on voter list totals.

<sup>32</sup> See CEC Resolution No 292 of 30 September.

<sup>33</sup> CEC Resolution No 242 of 12 September required the second copy to be posted by 20 September, but in practice it was not on display in all PECs.

<sup>34</sup> Citizens had the opportunity to request changes or additions until and including election day. In case of omissions, a voter proving residency in the precinct could be added to the additional voter list.

<sup>35</sup> The required deposit amounted to 500,000 KGS (approximately 8,000 EUR).

minorities (see Section XI on the participation of women and Section XII on the participation of national minorities for more details). In addition to the gender quota requirement, 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 is no placement requirement for youth and minority candidates.

Parties initially registered lists with the required 120 candidates. Some parties had to amend their initial lists to fulfill the quotas, in consultation with the CEC. After completing registration, 80 candidates resigned and were replaced by the next candidate on the respective list, regardless of quota requirements.<sup>36</sup> Nevertheless, the lists still complied with the gender and the national minority requirements, with a total of 33.5 per cent women and of 24.7 per cent national minority candidates. In case of resignations of elected MPs, the gender and national minority quotas may not be respected, resulting in less representation of women, national minorities and youth in parliament than on the candidate lists.

In total, there were 3,351 candidates running on 29 party lists. The CEC did not publish updated or final candidate lists for voters to clearly know who was standing on election day.

## VIII. ELECTION CAMPAIGN

The campaign period officially started on 10 September. On 11 August, representatives of 26 political parties signed a Code of Conduct for a fair campaign. Of these, 16 parties took part in the elections.

The campaign was very competitive and took place in a peaceful atmosphere throughout the country, despite underlying tensions following the tragic events in June and subsequent recriminations among some political forces over where responsibility lied. All 29 parties were able to campaign freely, with no major impediments or incidents.<sup>37</sup> However, isolated cases of violence against candidates were reported.<sup>38</sup>

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.<sup>39</sup> Parties called for peaceful elections and unity for the country and generally refrained from openly criticizing other parties. Stability, economic development, energy and food security, unemployment and migration dominated their campaign messages. There were isolated instances of nationalist rhetoric<sup>40</sup> or calls for voters to go and defend their vote after the election.<sup>41</sup> Several OSCE/ODIHR EOM

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<sup>36</sup> CEC Resolution No 170 of 24 August lifted the provision of the electoral code that obliged a party to replace candidates respecting the quota requirement in case of withdrawals.

<sup>37</sup> On 7 October, civil society protesters, including relatives of victims of the 7 April events, held a protest outside the headquarters of *Ata-Jurt* in Bishkek. Some protesters stormed the building, burnt documents on the street and tore down a 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.

<sup>38</sup> An *Ata-Jurt* activist was badly beaten in Kyzyl-Kiya (Batken oblast) on 12 September and hospitalized for some 10 days. Media reports of a further three physical attacks against candidates in Kara-Balta, Suu-Bashi and Bishkek could not be verified as politically motivated.

<sup>39</sup> As observed by OSCE/ODIHR EOM at rallies in Batken, Osh and Talas.

<sup>40</sup> 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 to the leader for using nationalist rhetoric.

<sup>41</sup> OSCE/ODIHR EOM reports from *Ata-Jurt* rallies in Talas on 18 September.

interlocutors expressed concern that some parties would not recognize the election results if they failed to pass the 0.5 per cent regional threshold required to enter parliament.

The campaign was highly visible throughout the country. Depending on financial resources, parties put up banners, billboards and posters, canvassed door-to-door or held small-scale meetings with voters, distributed leaflets, or organized cars with banners and loudspeakers. Rallies were mostly held by the bigger parties and were often accompanied by cultural shows or other innovative campaigning techniques, which attracted large audiences.

Local authorities generally met their obligation to provide equal conditions for campaigning.<sup>42</sup> 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. Some defacing of posters or destruction of banners occurred. In a few instances, heads of local administrations showed bias by openly campaigning for the party with which they were affiliated, in contradiction with article 30.13 of the electoral code.<sup>43</sup>

Party representatives frequently voiced concerns about vote-buying schemes (such as taking pictures of marked ballots with mobile phones), bribery of voters and the abuse of administrative resources by the provisional government or regional and local authorities affiliated with one party or another.<sup>44</sup> Such allegations featured prominently in the campaign.<sup>45</sup> However, they could not be substantiated by the OSCE/ODIHR EOM and rarely resulted in official complaints.

## IX. PARTY AND CAMPAIGN FINANCING

Contesting parties are obliged to establish election funds in special bank accounts for their election campaign finances. Candidates are not allowed to create their own election funds and thus depend on party funding for their individual campaigning. Contributions consisted of voluntary donations from citizens and legal entities, as well as a party's own funds. Neither anonymous and charitable contributions nor donations from foreign citizens and countries or State bodies are allowed. Parties are bound by a uniform limit on campaign expenditures of 100 million KGS (some 1.7 million EUR).

Political parties are obliged to publish annual income and expenditure reports that include information on donations and expenses by 1 March every year and submit a copy of the report to the Ministry of Justice. However, there is no legal provision for an independent audit and no institution is vested with responsibility for verifying the accuracy of these reports.<sup>46</sup> The

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<sup>42</sup> In Bishkek and Osh, some parties complained about unequal enforcement of rules by local authorities in the removal of campaign materials from unauthorized sites (trees and monuments).

<sup>43</sup> For example, 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 during their rallies. In Bishkek city and Chuy oblast, the OSCE/ODIHR EOM observed employees of the lowest level housing authority (*Dom Koms*) engaged in campaign activities in individual residential buildings while performing their normal official duties.

<sup>44</sup> The Prosecutor General issued a warning to a Sokoluk district official for using public resources for campaign purposes. In Jalal-Abad, the OSCE/ODIHR EOM noted widespread criticism of the Oblast Governor after he appeared as speaker at a rally of *Ata-Meken*.

<sup>45</sup> On 14 September, 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](http://www.akipress.com/en_news.php?id=39808).

<sup>46</sup> Article 21 of the Law on Political Parties.

absence of a comprehensive and independent verification mechanism undermines the transparency of party financing. This also negatively affects the transparency of campaign financing as parties are allowed to use party funds for campaign purposes but these funds are not subject to the same scrutiny as other funds used for the campaign.

An audit control group, established by the CEC and comprised of financial and tax experts, audits political party campaign expenses. When reviewing campaign finance reports, they assess whether the reports have been compiled in compliance with the legal requirements. They made belated attempts to monitor the campaign in the media and cross check reported expenditures with information requested from media outlets with which political parties had signed contracts during the campaign.

In addition to the legal requirement to submit a final campaign expenditure report 10 days after election day, the CEC required an additional report 10 days before election day.<sup>47</sup> This created the possibility of increased transparency. However, there was no requirement to make this information available to voters.<sup>48</sup> The CEC could deregister a candidate list in the event the party exceeded the campaign expenditure limit by more than 0.5 percent prior to election day. According to the CEC, each party submitted pre-election campaign finance reports in a timely manner and met all requirements.

On 31 October, the CEC acknowledged receipt of final campaign finance reports from 27 of the 29 parties.<sup>49</sup> In total, the political parties reported campaign expenditures of 7 million EUR, of which 56 per cent was spent by the five parties which entered parliament.<sup>50</sup> Timely submission of these reports is required for parties that passed the five per cent national threshold to receive their election deposits back. The legal framework does not stipulate what sanctions apply if a party fails to submit a final report.

## **X. MEDIA**

### **A. LEGAL FRAMEWORK**

The new Constitution guarantees the freedoms of expression, speech and the press. It further provides for the right of access to information and explicitly prohibits criminalizing defamation. These provisions could potentially strengthen the position of journalists; however, legislation is not yet in line with the Constitution. The 1997 Criminal Code continues to criminalize defamation and the 1999 Civil Code contains provisions which do not provide for an appropriate civil procedure in defamation cases.<sup>51</sup> This contributes to the continued practice of self-censorship among journalists, which is one of the major problems in the media sphere.

The legal framework regulating the conduct of media during the election campaign is governed

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<sup>47</sup> CEC Resolution No 163 of 17 August as amended by Resolution No 172 of 23 August.

<sup>48</sup> An obligation to publish financial reports was previously required by CEC Resolution No 91 of 25 October 2007. This obligation was not renewed.

<sup>49</sup> The Party of Builders and *Egemen Kyrgyzstan* did not submit their final financial report on time. See also CEC Resolution No 328 of 31 October. It is not clear whether the CEC sanctioned the two parties or not.

<sup>50</sup> According to the CEC, political parties received a total of 457,590,146 KGS on their campaign accounts of which 449,986,322 KGS were spent.

<sup>51</sup> As noted by domestic and international media advocacy groups, see *Memorandum on Laws of the Republic of Kyrgyzstan relating to the Protection of Reputation*, ARTICLE 19, London 2005, commissioned by the OSCE Representative on Freedom of the Media, see <http://www.article19.org/pdfs/analysis/kyrgyzstan-defamation.pdf>.

by the electoral code supplemented by a CEC instruction.<sup>52</sup> While the electoral code stipulates that the media shall not violate the equality of candidates or give preference to any political party or candidate,<sup>53</sup> the CEC instruction does not provide guidance on how media should implement this requirement in their news and information programs. It fails to clearly distinguish between the conduct of the campaign and the coverage of the campaign in the media.<sup>54</sup> As a consequence, providing information in the news on election participants can be considered as campaigning. The right of the media to disseminate information without undue interference and the right of voters to receive balanced and impartial coverage of election or campaign events in news and information programs are not addressed.

OSCE/ODIHR EOM interlocutors confirmed that they interpret the legal framework in a restrictive manner that deprives the media of their duty to report on election-related issues, including the campaign, in an accurate, fair and impartial way. The National TV and Radio Broadcasting Corporation (NTRBC) and commercial TV stations acknowledged that they refrained from editorial coverage of the campaign in their news programs out of concern that they would not be able to provide equal conditions for all contestants, as required by law. It is of concern that the CEC did not consult media lawyers or representatives in order to produce a set of rules based on international good practices, nor seek the opinions of the actors involved, when drafting its supplementary instruction.

The electoral code grants political parties direct access to State-funded and commercial media outlets through free and paid airtime provisions. Some 180 media outlets were accredited with the CEC and thus entitled to provide paid airtime and print space for political parties on the same conditions and with the prices made public.<sup>55</sup> There is no limit on the total amount of paid airtime and print space political parties can purchase other than their own financial resources and the official campaign expenditure limits. A regulation limiting commercial advertising to 25 per cent of total daily broadcasting does not apply to political advertising.<sup>56</sup>

In the absence of a supervisory body for the electronic media, the CEC was in charge of monitoring media compliance with legal obligations in their coverage of the campaign. In case of any breach, the CEC was entitled to issue warnings. Media-related complaints could also be filed with a court or the Office of the Prosecutor General. The CEC acknowledged that it did not have the required resources and methodology to conduct effective media monitoring and that it only acted upon written complaints.

On 30 September, nearly three weeks into the campaign, the CEC requested that media outlets provide broadcasting schedules and contracts between TV stations and political parties. The CEC also requested external media monitoring results in order to assess compliance with both media and campaign finance regulations.<sup>57</sup> The CEC's lack of resources and methodology, as well as these delayed requests, prevented it from providing effective remedies in case of violations.

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<sup>52</sup> Instruction "On providing information to voters" adopted by CEC Resolution No 160 of 17 August.

<sup>53</sup> Article 30.3 of the electoral code.

<sup>54</sup> Article 2.5 of the instruction states that information on election contestants containing identifiable names or logos is considered campaigning.

<sup>55</sup> Article 32.7 of the electoral code defines "same conditions" as the same payment rates, the same time and equal amounts of broadcasting, and other conditions for each party.

<sup>56</sup> Article 4 and 11.4 of the Law on Advertising.

<sup>57</sup> From the media NGO "Center for Information Law".



## B. MEDIA LANDSCAPE

The two State-funded TV stations, NTRBC and *Obshestvennaya Tele Radio Kompaniya (ElTR)*, have near countrywide coverage, while commercial TV stations have limited regional coverage. Due to a limited advertising market, commercial media outlets are rarely self-sustainable and depend on other financial resources which can compromise their editorial independence.

In line with previous OSCE/ODIHR recommendations, the NTRBC has been transformed into a public service broadcaster.<sup>58</sup> All 15 members of its supervisory board have been appointed and are exclusively drawn from non-profit and non-governmental organizations.<sup>59</sup> On 30 August, the OSCE Representative on Freedom of the Media commended the appointment of the supervisory board and called on the board to move rapidly to provide viewers with fair and impartial news coverage, particularly in light of the forthcoming parliamentary elections.<sup>60</sup> Recent disagreements between the board and the staff of NTRBC over the appointment of the new General Director<sup>61</sup> and the reliance on the State budget as the main source of revenue for its funding remain of concern.<sup>62</sup>

The coverage of the election campaign by foreign media outlets and their alleged expression of bias for certain parties became an issue. The CEC received and dismissed a complaint against *Ar Namys*, which accused the party of campaigning using media outlets based in the Russian Federation that distribute via satellite and on local cable networks.<sup>63</sup>

## C. MEDIA COVERAGE OF THE CAMPAIGN

In order to assess the conduct and coverage of the campaign in the media, the OSCE/ODIHR EOM monitored six television stations, two radio stations and six newspapers in both the Kyrgyz and Russian languages for the entire duration of the campaign period.<sup>64</sup>

All State-funded media, NTRBC TV and *ElTR*, NTRBC radio and the State-funded newspapers *Erkin Too*, *Kyrgyz Tuusu* and *Slovo Kyrgyzstana*,<sup>65</sup> complied with their legal

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<sup>58</sup> See Provisional Government Decree No 28 of 30 April. Due to the June events, the decree only came into force on 26 August.

<sup>59</sup> Members of political councils of any party, members of parliament, and government employees are excluded from membership of the supervisory board.

<sup>60</sup> See [http://www.osce.org/fom/item\\_1\\_45873.html](http://www.osce.org/fom/item_1_45873.html).

<sup>61</sup> NTRBC staff members expressed opposition to the supervisory board's leading candidate for the post, Mr. Ilim Karypbekov, and offered their support for the current interim Director, Mr. Kubat Otorbaev. Because of the withdrawal of Mr. Karypbekov's candidacy the appointment of the new General Director was postponed until after the elections.

<sup>62</sup> In order to strengthen the independence of public service broadcasting, their financing systems should provide for diversified sources of revenue. See OSCE Representative on Freedom of the Media: *Public Service Broadcasting: New Challenges, New Solutions*, March 2003, available on [http://www.osce.org/documents/rfm/2003/03/26\\_en.pdf](http://www.osce.org/documents/rfm/2003/03/26_en.pdf).

<sup>63</sup> Article 3.24 of the CEC Instruction prohibits campaigning in foreign mass media which are distributed in the territory of the Kyrgyz Republic.

<sup>64</sup> The monitored TV stations were NTRBC TV, *Obshestvennaya Tele Radio Kompaniya "ElTR"*, Channel 5, *Pyramida*, *Nezavisimoe Bishkekское Televidenie* (NBT) and Osh TV. In addition, the OSCE/ODIHR EOM monitored two radio stations: NTRBC radio and Radio *Azattyk*; and six newspapers: *Delo Nomer*, *Uchur*, *Agym*, *Forum*, *Slovo Kyrgyzstana* and *Vecherny Bishkek*.

<sup>65</sup> The OSCE/ODIHR EOM did not monitor *Erkin Too* and *Kyrgyz Tuusu* newspapers but was informed by party and media interlocutors that they provided the required print space to contestants. There were no complaints about the lack of free print space provided.

obligation to provide contestants with free airtime and print space. This included, on TV, 20-minutes slots for individual presentation programs and participation in one debate and one roundtable per party. Nine debates were aired during prime time on NTRBC which provided voters with a welcome opportunity to compare platforms and views of different parties and candidates.<sup>66</sup> However, the free airtime provided (20 hours in total for individual presentations and 25 hours for debates and roundtables) could not compensate for the absence of impartial reporting in the news or the overwhelming dominance of broadcasted paid airtime.

In addition to the free airtime provided to parties by State-funded broadcasters, the electronic media covered the campaign in news and current affairs programs exclusively through broadcasting information paid for by political parties (direct access programs).<sup>67</sup> This meant that voters were provided only partisan information about the campaign in the media. In total, the monitored TV stations<sup>68</sup> aired 104 hours of paid political advertising during prime time. On NTRBC, more than half of the total paid airtime was purchased by *Respublika*, *Ar Namys*, *Ak Shumkar*, and *Ata Meken*.<sup>69</sup> Other monitored TV stations displayed a similar dominance of only a few parties, at times purchasing programs of up to one hour in length.<sup>70</sup> Thus, the electronic media, including NTRBC, failed to provide sufficient impartial information in news and information programs in order to enable voters to make a fully informed choice.

The practice by most of the monitored TV stations to place paid political advertising in newscasts suggests that commercial interests prevailed over professional journalistic considerations. 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.

## **XI. PARTICIPATION OF WOMEN**

With President Roza Otunbaeva as a notable exception, women do not feature prominently in politics and are under-represented in decision-making positions. Politics has traditionally been a male domain, while women hold leadership positions in the civil society sector.

A gender quota stipulating that no more than 70 per cent of candidates can be of the same sex and male and female candidates on the list must not be more than three positions apart aims to increase women's representation in parliament. However, the gender quota applies to candidate lists rather than to the actual distribution of seats. When first applied in 2007, the share of women elected to parliament was 25.6 per cent. In these elections, despite 33 per cent of

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<sup>66</sup> The free airtime debates featured representatives of three or four different political parties identified by CEC lottery and were supported by international donors.

<sup>67</sup> Although the paid political advertising in newscasts on some of the monitored TV stations was marked as such, TV stations also covered campaign events in newscasts based on a commercial agreement with political parties which were not marked as paid political advertising.

<sup>68</sup> Osh TV is not included here due to its limited regional coverage.

<sup>69</sup> On NTRBC the price for paid airtime was about five times more expensive than other commercial advertising.

<sup>70</sup> On Channel 5, which is the commercial TV station with the largest share of the audience, *Respublika* purchased 27 per cent of the paid airtime, while *Akshumkar*, *Akyikat* and *Ar Namys* purchased 11, 12 and 15 per cent respectively. On TV *Pyramida* 50 per cent of the political advertising was purchased by SDPK. In the State-owned newspaper *Slovo Kyrgyzstana*, *Ata Meken* purchased 52 per cent of the paid space. In the most popular commercial newspaper *Vechny Bishkek*, three parties, *Respublika*, SDPK and *Ata-Jurt*, purchased 50 per cent of the paid electoral advertisements.

registered candidates being women, only 23.67 per cent of members of the new parliament are women.

The order of placement of women candidates on the lists influenced their success. All winning political parties implemented the basic minimum requirement to place women candidates not more than three spaces apart on the top of the their lists, and then proceeded to place more women towards the bottom in order to comply with the 30 per cent quota.<sup>71</sup> The overall percentage of women placed towards the top of candidate lists correlates with the percentage of women actually elected to parliament. A CEC resolution clarified that gender placement requirements applied to the initial candidate lists only. As a result, when candidates withdrew from the race, the placement requirements were not necessarily observed.<sup>72</sup>

In general, political parties allocated the majority of highly visible campaign activities to male candidates and did not develop a campaign strategy to attract female voters.<sup>73</sup> While women attended political rallies in numbers equal to 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. Media reporting on female candidates was sparse and they received less than five per cent of the coverage within paid political advertising.

Women were well-represented at the lower levels of the election administration,<sup>74</sup> but under-represented at the upper levels. The CEC was composed of four women and nine men. The membership of the OECs was 36 per cent female with two of nine commissions having a female chairperson.

## **XII. PARTICIPATION OF NATIONAL MINORITIES**

All 29 political parties contesting the elections respected the legal requirement for including national minority representatives on their candidate lists. On election day, most final candidate lists included 15 per cent minority representatives as required or more. In total, about 25 per cent of the candidates belonged to a national minority group. However, with a few exceptions, they were not placed in winning positions on the lists.

According to the 2009 census, ethnic Uzbeks form the biggest minority group (14.3 per cent) in the country; however, the party lists included only 3.6 per cent ethnic Uzbek candidates. Ethnic Russians and Ukrainians were represented with 11.5 per cent on party lists, though making up 8 per cent of the population.<sup>75</sup>

National minority communities actively participated in the election throughout the country and some parties targeted the minority vote in their campaign. Parties and candidates were free to campaign in their preferred language; however Kyrgyz and Russian languages were almost

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<sup>71</sup> Only three contesting parties positioned women at the top of their list and four had a woman chairperson.

<sup>72</sup> The final candidate lists of seven parties did not comply with the initial placement requirements.

<sup>73</sup> Only a few parties had an active women's committee within the party.

<sup>74</sup> In polling stations visited by international observers on election day, 68 per cent of the PEC members were women and 55 per cent had a female chairperson.

<sup>75</sup> An additional 8.6 per cent of the candidates belonged to other minority groups such as Koreans, Uighurs, Dungans, and Tartars.

exclusively used, even in areas predominantly inhabited by ethnic Uzbeks.<sup>76</sup> Although the June events and the fear of new ethnic violence cast a shadow over the campaign in the south, OSCE/ODIHR EOM observed that ethnic Uzbeks attended rallies, though rarely appearing as speakers. Reportedly Uzbeks actively went to the polls on election day.

Some 4,000 citizens in the southern regions, who were mostly ethnic Uzbeks, lost their ID and many more remained displaced as a result of the June events. This negatively affected their ability to participate in the elections, and most of them were unable to vote (see also Section VI on voter registration).

The training of election officials was only conducted in Kyrgyz and Russian and the OSCE/ODIHR EOM noted that training participants were not always able to follow the instructions provided due to language problems. Official election materials and ballots were only provided in Kyrgyz and Russian.<sup>77</sup> Some 30 per cent of the ballots were printed in Russian, based on TEC estimates. Ethnic minorities were represented on all levels of the election administration and the OSCE/ODIHR EOM did not observe problems with co-operation between different ethnic groups on commissions.

### **XIII. COMPLAINTS AND APPEALS**

The Electoral Code and the Civil Procedure Code provide the right to legal redress and establish different channels for the adjudication of electoral complaints. Though frequently alleging violations of campaign provisions, election stakeholders chose to make little use of the available remedies. Only a few complaints reached election commissions or courts during the pre-election period.<sup>78</sup> Often complaints were dismissed for being poorly formulated or filed in the wrong jurisdiction.<sup>79</sup> In this respect, the electoral code fails to clearly define adjudicating bodies responsible for certain complaints, taking into account the nature of a grievance and potential sanctions or remedies for it.

The CEC generally respected the deadlines for the adjudication of complaints. However, most complaints were dealt with informally and answered by letter and signed by the CEC chairperson, rather than as a result of a collegial decision on the matter. Only a few complaints were considered in session. The CEC informed the OSCE/ODIHR EOM that since most claims were submitted in the form of a letter, they could not be considered as formal complaints and did not qualify for consideration in CEC sessions. This practice, however, contravened the legal obligations of the CEC to act as a collegial body, addressing complaints at sessions and issuing written decisions in a timely manner. It may also have deprived some complainants of their right to receive effective remedy as provided for in paragraph 5.10 of the 1990 OSCE Copenhagen Document and paragraph 18.2 of the 1991 OSCE Moscow Document.<sup>80</sup>

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<sup>76</sup> After the June events, the Osh-based *Mezon* TV, which was broadcasting in Uzbek, closed. The private Osh TV terminated its Uzbek programming and fully converted to Kyrgyz language programming after a change of ownership following the June events. This had an impact on the ability of ethnic Uzbeks to receive election-related information.

<sup>77</sup> General Comment No 25 of the UN Human Rights Committee recommends that “information and materials about voting should be available in minority languages”.

<sup>78</sup> The CEC informed the OSCE/ODIHR EOM about some 50 complaints filed prior to election day, but on 31 October reported receipt of 679 complaints and appeals filed during the entire election period.

<sup>79</sup> Filing a complaint to a higher level commission is a pre-condition for receiving legal remedy. Several complaints filed with district courts after election day were left without consideration on jurisdictional grounds.

<sup>80</sup> Both documents state that OSCE participating States are committed to ensure that “everyone will have an

Election-related court cases were few. A district court rejected a motion to de-register a former *Turan* party leader from the *Egemen Kyrgyzstan* list as unsubstantiated. The Supreme Court subsequently upheld this ruling. A district court imposed sanctions on two citizens identified as distributing illegal campaign materials. In Issyk-Kul, a district court ordered the OEC to include the Communist Party in the lottery for allocation of free airtime, after being excluded earlier.

During the election period, the Prosecutor General and its regional offices initiated seven criminal and six administrative cases out of 135 misdemeanors that were brought to their attention. Most notably, a criminal case was initiated against an *Ata-Jurt* party co-leader for inciting inter-ethnic hatred during the campaign. He was subsequently issued a warning. The oblast prosecutor in Talas issued a warning to *Butun Kyrgyzstan* on alleged vote-buying charges. The authorities confiscated an unusually large print run of the *Aiyl Turmushu* newspaper, which contained derogatory campaign materials against *Ar Namys*, *Butun Kyrgyzstan*, *Ata-Jurt* and *Respublika*, and the Prosecutor General subsequently opened an investigation into the case.

#### **XIV. DOMESTIC AND INTERNATIONAL OBSERVERS**

The electoral code allows for both domestic and international observers to monitor the entire election process. Political parties can appoint representatives to all levels of the election administration. The legal framework is conducive to observer participation and domestic observer organizations do not have to register centrally. An active civil society, which included a number of observer organizations, greatly added to the transparency of the election process. The Coalition for Democracy and Civil Society (CDCS) and *Taza Shailoo* ('Transparent Elections') deployed a significant number of long and short-term observers, issued pre- and post-election reports, and undertook a parallel vote tabulation and a limited audit of voter lists. The Alliance of Liberal Youth focused on the participation of youths and *Peremena* ('Change') monitored PEC formation.

The CEC accredited 850 international observers from 32 international governmental and non-governmental organizations as well as individual states.

#### **XV. ELECTION DAY**

The legal framework provides for a broad set of possibilities for voters to cast a ballot. In addition to regular voting, early and absentee voting are available for those who are away from their registered residence on election day. Early voting was open to military, police officers, advisory vote commission members on duty or citizens temporarily abroad; it was conducted at the TECs between 1 and 9 October, but was not widely used.<sup>81</sup> 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, but did not take action on the case in Naryn.

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effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

<sup>81</sup> Only 1,027 voters used early voting procedures according to the final CEC protocol.

Voters temporarily away from their registered residence could apply for absentee voting at their home PEC between 26 September and 9 October. The PEC would remove them from the voter list and issue an absentee voting certificate, which allowed them to be included in an additional voter list and to vote at any polling station on election day. Some 13,050 voters obtained an absentee voting certificate, of which 10,423 cast their ballot with them.

Voting by mobile ballot box was utilized by 43,300 voters, who for health reasons were homebound, held in a detention center, undergoing treatment in a hospital, serving in a remote military unit<sup>82</sup> or away on remote pastures. Some 76,557 voters were registered to vote in the 44 polling stations created at diplomatic representations or other designated locations abroad.

#### **A. POLLING PROCEDURES**

Polling stations were open to voters from 8:00 to 20:00 hours and generally opened on time. Observers assessed the opening positively in 84 per cent of the polling stations visited. The high presence of unauthorized persons such as police and local administration officials and the failure by the commissions to post or fill in ballot data on display protocols (observed in 40 per cent of the visits) contributed to observers assessing 16 per cent of the polling stations visited negatively.<sup>83</sup> Otherwise opening procedures were generally followed.

The atmosphere on election day was calm and voting proceeded in an orderly and transparent manner. The CEC reported a 56.59 per cent preliminary voter turnout. Observers assessed the voting process as good or very good in 93 per cent of polling stations visited. Procedures during voting were mostly followed; however, observers gave a negative assessment in some seven per cent of polling stations visited. Group or family voting, possibly due to the complexity of the ballot, and inconsistent inking procedures<sup>84</sup> were noted as the main problems and observed, respectively, in some nine per cent and five per cent of the polling stations visited. Two instances of vote buying were observed, where groups of men outside polling stations handed money to voters either entering or exiting the polling stations.<sup>85</sup>

A high presence of domestic observers, including party agents and non-party observers, in polling stations throughout the day contributed to a transparent process.<sup>86</sup> However, the large number of unauthorized persons, observed in 24 per cent of polling stations visited, remains a concern. They were seen interfering in the voting process in some 10 per cent of polling stations visited. While it was easy to recognize polling staff due to their identifying vests, the absence of identification for domestic observers made it difficult to identify and distinguish them from unauthorized persons. Inadequate premises or issues with polling station layout and overcrowding at times reduced transparency.<sup>87</sup>

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<sup>82</sup> As a rule, members of the military vote at regular polling stations.

<sup>83</sup> Each ballot required to be stamped with a security stamp from the PEC, however, this happened prior to election day, effectively removing any intended security mechanism and in fact making the ballots less secure given the handling of them prior to election day.

<sup>84</sup> Voters' thumbs were not always sprayed with ink. The checking of voters' thumbs for traces of ink were not performed consistently in 14 per cent of polling stations visited.

<sup>85</sup> Observed outside PS 2339 (Ak-Sui district, Jalal-Abad oblast) and PS 4088 (Aktalinsk district, Naryn oblast). The oblast prosecutor in Jalal-Abad launched criminal proceedings against three individuals who allegedly distributed pre-marked ballot papers in favor of *Respublika*.

<sup>86</sup> Party agents were always present and domestic non-governmental observers were present in two thirds of polling stations visited during voting and counting.

<sup>87</sup> Observers considered premises inadequate for polling and noted reduced transparency of the process in five per cent of polling stations visited.

The CEC did not foresee that the ballot boxes provided would be insufficient to contain all the completed ballots. At midday, they requested that PECs empty any full ballot boxes into sealed containers or bags and continue voting with the empty, resealed, stationary ballot boxes.

## **B. COUNTING PROCEDURES**

Closing procedures and the count were observed in 102 polling stations across the country. Overall the assessment of the count was negative in every third polling station visited. There was significant regional variation, with Jalal-Abad and Talas oblasts assessed particularly negatively. Counting procedures were not followed by PECs in nearly half of polling stations visited. Observers generally ascribed this to poor organization and understanding of procedures, but also noted instances of commissioners deliberately skipping prescribed counting procedures to speed up the process.<sup>88</sup>

The completion of the results protocol caused significant problems due to its complexity. Incorrectly completed protocols were noted in 20 per cent of the counts observed, and in one in four counts the PEC did not administer a control check of protocol figures. Observers noted pre-signed but empty protocols in 16 polling stations and protocols completed partly in pencil in 7 polling stations. Non-PEC members were observed participating in the count in 14 polling stations. Generally, protocols and other election material were brought directly to the TEC.<sup>89</sup>

## **C. TABULATION**

Observers followed the tabulation of results in 42 of the 57 TECs throughout election night. Four in ten results protocols delivered to the TEC were amended, reflecting the fact that PECs had significant problems completing them properly. Most protocols were amended on the spot by the TEC, and PECs were rarely ordered to do a recount, as required by law before protocols are changed.<sup>90</sup> Observers assessed that the protocol amendments were generally justified, though they noted instances of figures being changed just to fit control equations. Overall, observers assessed the tabulation process negatively in 11 TECs visited (26 per cent).

Observers generally had access to all aspects of the tabulation process, including to the electronic processing of results through the *GAS Shailoo* system.<sup>91</sup> Domestic observers, including party agents, were present in two-thirds of the TECs visited and contributed to a transparent process. However, in 29 cases observers assessed the TEC facilities as inadequate for tabulation due to insufficient space or tabulation taking place in separate rooms, which reduced transparency. Though unauthorized persons were again present in all TECs visited, they were only observed interfering in the process in two instances.

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<sup>88</sup> In 40 counts observed, the PEC did not establish ballot totals before sorting them according to preference; in 23, the content of the mobile and stationary boxes was not mixed before sorting and counting; and in 54, ballots were not shown so that all present could see the voter's mark.

<sup>89</sup> In Kara-Suu (Osh oblast) PEC 5196 stopped at the *Akimyat* (local administration) to deliver information before proceeding to the TEC.

<sup>90</sup> With the exception of the Bazar-Korgon TEC (Jalal-Abad oblast), observers noted very few instances of TECs ordering a recount. In Balykchy TEC, PEC members, who had been ordered to do a recount, were observed changing protocols in the TEC premises.

<sup>91</sup> Exceptions were reported from Balykchy, Kochkor and Tash-Komur TECs, where observers were not granted full access.

## XVI. ANNOUNCEMENT OF RESULTS AND POST-ELECTION DEVELOPMENTS

As during the referendum, and in a positive move to increase transparency, the CEC uploaded preliminary results on its website throughout election night, broken down by polling station and based on the electronically transmitted data from TECs through the *GAS Shailoo* system.

The release of preliminary voting data on 12 October revealed that some 198,456 voters had been added to the voter lists in polling stations and 46,514 deleted, taking the total number of registered voter in the country to 3,004,361. Based on this number, the CEC calculated the preliminary national and regional thresholds for allocating seats in parliament and announced that according to the preliminary results, five parties, *Ata-Jurt*, SDPK, *Ar Namys*, *Respublika* and *Ata Meken*, had successfully passed the thresholds. In sixth place was *Butun Kyrgyzstan* with 4.84 per cent of the vote, 0.16 per cent below the 5 per cent national threshold.

In the following days, *Butun Kyrgyzstan* organized protests around the country, including a hunger strike in Osh, claiming that the additional voter list totals had been artificially inflated and demanded that the CEC should calculate thresholds based on the preliminary 2,852,419 voter total announced on 15 September, which would be contrary to the law. This, according to their calculation, would bring *Butun Kyrgyzstan* above the threshold. A few other parties initially supported their claims and began publicly questioning the accuracy of the reported voter list data.

In a positive response to this, on 14 October, the CEC invited political parties to submit their copies of PEC protocols which contained discrepancies to those published by the CEC. The CEC formed a working group for the purpose of verifying protocol differences. After a review of the protocols submitted by the parties, the CEC, together with the political parties, audited all PEC protocols and detected frequent incorrect voter list figures, mainly due to the complexity of the protocol and as a result of human error. Moreover, these mistakes rarely affected the voting results. As a consequence, the CEC adjusted voter list figures in 1,406 PEC protocols. Subsequently, the CEC and political parties drew up ‘acts’ listing a further 92 polling stations where the protocol verification process was not able to eliminate the revealed discrepancies.

The CEC agreed with representatives of political parties to consult original election materials for those 92 polling stations and on 17 October ordered the delivery of all election documents to Bishkek. On 26 and 27 October, the CEC consulted the original voter lists in a transparent process open to party representatives, observers and media. After consulting the original voter lists, the CEC was able to address most remaining discrepancies and adjusted voter list figures in a number of PEC protocols. Five PECs had their protocols annulled for various violations of procedures.<sup>92</sup> Subsequently, the CEC adjusted the respective TEC and OEC protocols. As a result of the verification process, the overall number of registered voters (excluding absentee and out-of-country voters) increased by 30,874 voters.<sup>93</sup>

At the same time, the CEC verified protocols received from polling stations abroad. Major procedural irregularities were revealed and led the CEC to annul the results of 20 of the 44 polling stations abroad.<sup>94</sup> In several instances, the CEC requested the Prosecutor General to

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<sup>92</sup> The CEC annulled the results of PEC 5474 (no PEC stamp on ballots), PEC 5065 (violations during the count of votes), PEC 5290 (891 voter entries lacked ID serial numbers), and PEC 5301 and 5558 (falsified voter signatures). These were all located in Osh city or Osh oblast.

<sup>93</sup> See CEC Resolution No 321 of 28 October and 323 of 29 October.

<sup>94</sup> The main reasons for annulling the results protocols from abroad related to the registration of voters on



take measures against the head of the diplomatic mission for neglect.<sup>95</sup>

On 1 November the CEC announced the final results and confirmed that five parties had passed the two thresholds. The CEC allocated 28 parliamentary seats to *Ata-Jurt*, 26 to SDPK, 25 to *Ar Namys*, 23 to *Respublika* and 18 to *Ata Meken*. The voter turnout was announced at 55.31 per cent.<sup>96</sup> *Butun Kyrgyzstan* contested the final results in court repeating their demand for a recalculation of thresholds. These and other claims against the final result filed by several parties, including *Butun Kyrgyzstan*, were all dismissed. Negotiations on coalition-building were still ongoing between party leaders at the time of writing this report.

Following a few post-election candidate resignations, the new parliament convened with 28 female members (23.33 per cent) and 14 members (11.66 per cent) belonging to a national minority.<sup>97</sup>

The CEC did not display its final results protocol on its website, nor did it publish the protocols of the seven Oblast commissions and the Bishkek and Osh City Election Commissions, on which it is required by law to base its own protocol. As a result, crucial data, including for the purpose of verifying threshold calculations, were not available to the public.

Prior to announcing final results, the CEC, while in session, heard a report from its legal department about the 679 complaints and appeals it received during the election process. While most were categorized as requests for clarifications, 225 of them, mostly from political parties, were treated as complaints but mainly responded to by letter. Thirty were referred to a court or the Prosecutor General, and a further sixteen to the state security service or the police. The CEC took notice of the report without going into the substance of any of the complaints.

In the post-election period the CEC unfortunately intensified its practice of conducting working meetings closed to observers and advisory vote members, but sometimes open to representatives of political parties. While the involvement of election contestants in the verification process was commendable, this practice reduced transparency for other election stakeholders, including non-partisan observers. Despite not holding any formal sessions between 9 and 25 October, the CEC took important procedural decisions for the protocol verification process, including the decision on 17 October to recall all election materials back to Bishkek. Such decisions should have been taken in session in line with the Electoral Code. Some CEC resolutions refer to decisions taken at closed meetings which could raise questions about the legality of its work in that particular time period.<sup>98</sup>

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additional voter lists without proper ID, multiple identical signatures for receiving ballots or voter lists not being stamped and certified by the respective head of the institution.

<sup>95</sup> The registration of large number of voters on additional voter list and large number of identical signatures on voter lists is of particular concern.

<sup>96</sup> Some 2.58 per cent of voters used mobile voting and 0.62 per cent used an absentee certificate. Early voting accounted for 0.06 per cent of the votes. The overall number of invalid ballots, including data from 25 PECs where results were annulled, was 3.69 per cent. A total of 68.14 per cent of all votes cast abroad were invalidated due to the annulment of 20 PEC results. Excluding these annulled polling stations, the invalid rate was only 1.15 per cent.

<sup>97</sup> After election day, six elected candidates from *Respublika* and one from *Ata Meken* resigned. They were replaced by the next ranking candidate on the respective party list. The resignations did not affect the gender balance of the new parliament; however a minority candidate was replaced by an ethnic Kyrgyz. There are seven ethnic Russian, three ethnic Uzbeks and six from other nationalities in the new parliament. Members of parliament must leave their seats in case they are appointed minister.

<sup>98</sup> CEC Resolution No 321 of 28 October refers to CEC Decisions No 9 through 17 of 26 October. To the knowledge of the OSCE/ODIHR EOM no CEC sessions were held on this date.

## **XVII. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Kyrgyz Republic with a view to supporting their stated efforts to improve the electoral process. These recommendations should be read as supplementary to previous OSCE/ODIHR recommendations. The OSCE/ODIHR stands ready to assist the authorities to further improve the electoral process.

### **A. PRIORITY RECOMMENDATIONS**

1. The revision of the electoral code is necessary to bring it in line with provisions of the new Constitution, OSCE commitments and other international standards. It is important that such revision be undertaken in an open, inclusive and consultative process which engages representatives of State authorities, political parties, civil society, women and national minorities.
2. Consideration should be given to establishing a centralized, electronic voter register from which voter lists for precincts are drawn that would allow regional and national cross-checking for any duplicates or errors. This electronic voter register could also be cross-checked with residency records for possible errors.
3. In light of the inefficiency of the *propiska* residency registration system in accurately reflecting where citizens actually reside, the national registration system would benefit from further reforms to provide accurate data on which to base the voter lists. This would also improve the accuracy and inclusiveness of the voter lists. Such reforms would result in diminishing the need for absentee voting through certificates and the registration of voters on additional voter lists in polling stations on election day.
4. Consideration should be given to calculating thresholds for the allocation of parliamentary seats based on the number of valid votes cast, rather than against the number of registered voters, in line with international practice. The regional threshold could be reconsidered as it may compromise the principles of a proportional representation system.
5. Training for election commission members needs further enhancement. Consideration could be given to including step-by-step procedures, especially for counting, protocol completion and tabulation, in the training manuals. It is important that training is made available in preferred languages other than Kyrgyz and Russian in ethnically mixed areas to maximize its effectiveness.
6. It is recommended to establish an independent professional supervisory body for electronic media responsible for issuing licenses, monitoring the electronic media and implementing media legislation. During elections such a supervisory body could adopt guidelines on media coverage of the campaign, monitor media compliance with the legal framework, react to violations and adjudicate media-related election disputes in conjunction with the CEC.
7. Media outlets should fulfill their legal obligations to provide impartial and balanced coverage of the election campaign in their news and information programs. Consideration could be given to expand on this responsibility during elections in the election code in line with international good practices. To facilitate coverage of the elections and the campaign in the media, the code should clearly distinguish between the conduct of the campaign and

the coverage of the campaign in the media; the latter should not as such be considered as campaigning.

8. To ensure effective remedy for complainants, election commissions should consider and formally address all complaints and respond to them in writing.
9. For the CEC to fulfill all its functions in a timely and efficient manner during the election process, it is necessary to provide it with sufficient human and financial resources. The CEC audit group would also benefit from receiving more resources to effectively check the campaign finance reports provided by the parties.
10. Results protocols should be shortened and simplified to enable greater accuracy and reduce the need for corrections at the TEC level.

## **B. OTHER RECOMMENDATIONS**

### **Legal**

11. In the revision of the electoral code, it is important to devote particular attention to ensuring the right of independent candidates to stand in parliamentary elections, as well as the right of elected members of parliament to leave or join a parliamentary faction at their discretion, and to limiting the existing restrictions on suffrage for persons serving a prison term in proportion to the gravity of the crime committed.
12. It is recommended that the minimum number of parliamentary candidates a party may nominate is the number of parliamentary seats a party can attain in parliament. In order for voters to be informed of which candidates stand on election day, the CEC could consider publishing updated and final lists of registered candidates.

### **Election Administration**

13. It is important that the CEC continues to enhance the transparency of all aspects of the election process and at all levels of the election administration. In this respect, it could be considered to oblige the CEC by law to promptly publicize its decisions.
14. TECs should be provided with adequate premises and infrastructure. As previously recommended by the OSCE/ODIHR, consideration could be given to locating TECs outside administration buildings as a safeguard against possible interference by local administrations.
15. The criteria for selecting members of lower-level commissions are meant to enhance trust in the election administration. Educational background and experience could be used as additional criteria for selection of commission members. If commission nominees from groups of voters are to be retained, a mechanism for enforcing their non-political status should be considered.
16. To avoid voter confusion, the ballot design could be simplified and a single multi-lingual ballot could be considered.

### **Voter Registration and Voter Lists**

17. The introduction of a pre-election day deadline for updating the voter lists, including additions, could be considered to strengthen the integrity of final voter lists.

18. To enhance transparency, consideration could be given to publishing voter list figures by polling station centrally, for example on the CEC website, prior to election day. Also, maintaining the practice of printing a second preliminary voter list for public display at PECs should be considered as it enhanced transparency and the possibility for voters to check their voter list entries.

### **Candidate Registration and Election Campaign**

19. The electoral code could specify a short interval between the end of candidate registration and the start of the campaign to allow time for determining the party order on the ballot and the allocation of free airtime.
20. In order to provide better opportunities for all contestants to campaign on a level playing field, local authorities could allocate more public spaces for campaign materials and be obliged to make their decisions on this public.
21. Independent monitoring of party and campaign financing should be enhanced to ensure transparency and accountability and provide information to voters. Political parties' reports on preliminary campaign expenditures could be made public prior to election day to inform voters about the identity of the donors for a particular party.

### **Media**

22. Journalists would benefit from receiving clear guidance on how to implement the legal provision for equal rights of contestants in the coverage of the campaign in news and information programs.
23. Defamation should be decriminalized in line with good international practices. Furthermore, civil law should be amended so that it becomes the means through which defamation actions can be settled fairly.
24. Consideration could be given to setting a limit on the total amount of paid airtime political parties can purchase. This would help in ensuring equitable conditions and a level playing field for election contestants.

### **Participation of Women**

25. Consideration could be given to extending gender distribution requirements so that they also apply to the final candidate list. In addition, political parties could be obliged to replace any withdrawn candidate with a member of the same gender and to position women higher on their candidate lists.
26. Political parties should provide female candidates opportunities which are equal to those of their male colleagues to address the public at rallies and be featured in party campaign materials and advertisements.
27. Political parties could consider ways to connect with women voters and provide for leadership advancement of female party members.

### **Participation of National Minorities**

28. To enhance the participation of national minorities in the elections, the authorities and political parties should consider and encourage the production of voter information and campaign material in languages used by national minorities.
29. When amending electoral legislation, authorities are encouraged to consult national minorities on issues of concern to them in order to ensure their effective participation in the election process.

### **Complaints**

30. The legal framework could provide more clarity on the mandates of each adjudicating body in dealing with complaints according to the nature of the complaint and the potential remedy or sanction.

### **Election Day**

31. The election administration should address widespread shortcomings such as the inconsistent use of inking and the large presence of unauthorized persons in polling stations during the voting and counting process and at TECs during the tabulation of results.
32. The practice of providing identifying vests to polling staff on election day could be continued. Identifying badges for all observers could be introduced in order to facilitate a clear distinction between persons authorized and not authorized to be present in polling stations and at tabulation.
33. The rights of domestic observers, including party agents, to access the result tabulation process at the municipal, district and regional levels of the election administration and to receive certified copies of their respective tabulation protocols should be respected.
34. In order to enhance transparency and following the good practice partially implemented by the CEC, the CEC could be obliged by law to publish a breakdown of the election results, both preliminary and final, by polling station and aggregated by district (TEC), oblast (OEC) and nationally at a central source.
35. Political parties could consider providing training to their party agents to enhance their role in the election process.
36. While efforts to ensure enfranchisement of all voters through mechanisms such as special polling stations, as well as early, absentee and mobile voting is understandable, these procedures should be more tightly specified, better controlled and more transparent to safeguard against abuse.

## ANNEX: OFFICIAL ELECTION RESULTS

Main Voter Lists	2,837,989	
Additional Voter Lists	198,714	
<b>Total Number of Registered Voters</b>	<b>3,036,703</b>	
Voted in Polling Stations	1,635,383	
Mobile Voting	43,300	
Early Voting	1,027	
<b>Total Votes Cast (Turnout)</b>	<b>1,679,710</b>	55.31%
Invalid (excluding annulled polling stations)	19,354	1.15%
Total Invalid Ballots	61,956	3.69%
Absentee Voter Certificates Issued	13,050	
Absentee Voter Certificates Used	10,423	

Political Party	# of Votes	%	Seats in Parliament
<b>Ata-Jurt</b>	<b>257,100</b>	<b>8.47</b>	<b>28</b>
<b>SDPK</b>	<b>237,634</b>	<b>7.83</b>	<b>26</b>
<b>Ar-Namys</b>	<b>229,916</b>	<b>7.57</b>	<b>25</b>
<b>RESPUBLIKA</b>	<b>210,594</b>	<b>6.93</b>	<b>23</b>
<b>Ata-Meken</b>	<b>166,714</b>	<b>5.49</b>	<b>18</b>
Butun Kyrgyzstan	139,548	4.60	
Ak-Shumkar	78,673	2.59	
Zamadash	55,907	1.84	
Meken Yntymagy	46,070	1.52	
Sodrujestvo	35,560	1.17	
BEK	32,355	1.07	
Akyikat	24,431	0.80	
Greens Party	11,056	0.36	
NDPK	10,960	0.36	
Egemen Kyrgyzstan	9,338	0.31	
Republican party	8,574	0.28	
Communist party	7,818	0.26	
Afghan war veterans	7,487	0.25	
SSSR	5,776	0.19	
7th of April	5,484	0.18	
Aikol El	5,311	0.17	
Soyuz Narodov Kyrgyzstana	5,066	0.17	
The Party of Builders	4,475	0.15	
Jashasyn Kyrgyzstan	3,937	0.13	
Party of economic revival	1,935	0.06	
Kaganat	1,802	0.06	
Ak-Tilek	1,784	0.06	
Ak Sanat	939	0.03	
Liberal-Progressive Party	671	0.02	
Against all	10,839	0.36	

Note: The five percent national threshold required to attain seats was 151,835.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).