

INTERIM REPORT No. 2
4 October 2011 – 17 October 2011

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I. EXECUTIVE SUMMARY

- As of 17 October, there are 19 candidates who remain in the presidential race (12 self-nominated, 7 nominated by political parties).
- Overall, the election campaign is growing in intensity, albeit, still rather low key. The OSCE/ODIHR EOM has received information about behind-the-scenes negotiations between candidates for the purpose of trading withdrawal and support of stronger candidates for promised future positions.
- The President, the Parliament, the Central Election Commission (CEC), and the State Committee on National Security (SCNS), among others, appealed to all residents of the Kyrgyz Republic to demonstrate mutual respect and tolerance and avoid any actions that could contribute to fuelling conflicts on regional, national or religious grounds.
- In general, CEC sessions are open to authorized candidate representatives, the media and observers. However, the CEC also continues the practice of holding closed meetings not open to the public. The OSCE/ODIHR EOM was informed that ballot security measures are confidential; thus, ballot printing has not been observed.
- From the limited information provided to the OSCE/ODIHR EOM, the CEC has received 15 complaints, including two alleging mayoral interference in campaign activities. The CEC has not responded to EOM requests for complete information on the number of complaints received to date, their nature and action taken.
- According to the CEC, 2,842,411 voters were included in the voter lists as of 19 September. Precinct Election Commissions (PECs) continue to receive voter applications and the CEC is relying on its national campaign of mobile verification teams to assist with updating and filling in missing voter data. The CEC remains limited in its ability to cross-check data and remove duplicate or deceased voters.
- Operational preparations for the election, such as the formation of lower-level election commissions, training of commission members and ballot printing appear to be generally on track. However, the OSCE/ODIHR EOM observed a considerable number of PEC members resigning in some areas.
- The CEC has produced a number of TV and radio spots and programs, pamphlets, posters, and billboards, in both Kyrgyz and Russian. Outreach to voters was also conducted via Internet news sites and by text message, with assistance from several GSM providers.

- Preliminary media monitoring findings indicate that state-funded channels started to broadcast free airtime, however, only some two weeks after the campaign start. A number of media have failed to properly label paid campaign materials, thus potentially confusing voters on what is regular editorial material and what is promotional advertisement paid by candidates.

II. POLITICAL AND CAMPAIGN ENVIRONMENT

On 6 October, the Central Election Commission (CEC) registered four additional candidates while five were rejected¹ and published the new candidate list comprising of 23 candidates; 13 self-nominated and 10 nominated by political parties. As of 17 October, four more candidates have withdrawn and there were 19 candidates who remained in the race, none of them female. One of the candidates who withdrew has openly supported the candidacy of another running candidate.² The OSCE/ODIHR EOM has received information about behind-the-scenes negotiations between candidates for the purpose of trading withdrawal and support of stronger candidates for promised future positions

Overall, the election campaign is growing in intensity, albeit, still rather low key. According to OSCE/ODIHR observers, the general public interest in the campaign appears to be limited, especially in rural areas. Apart from posters, banners and billboards widespread across the country, rallies are the most evident means of campaigning. Six candidates are highly visible in printed campaign materials and in the number of rallies conducted.³ The average attendance at their rallies ranges from 200 to 500 people. The campaign is driven by personality rather than issues. Nevertheless, campaign topics include economic development and unemployment, corruption and rule of law, the state of infrastructure, migration as well as security and the unity of the country. A number of candidates advocate a revival of the “*Kurultay*” (Supreme Council of the Peoples of Kyrgyzstan).⁴

While no serious violent incidents have been reported so far, campaign billboards and posters of three candidates were damaged or removed in four different locations.⁵ One candidate used explicitly nationalist rhetoric in his address at two campaign rallies.⁶ It appears that cases of inflammatory language reportedly used by local media some time prior to the election campaign diminished. However, materials presenting nationalistic views were published in Jalal-Abad based *Channel 7* and newspaper *Uchur*.⁷ At the same time, on a few occasions, some newspapers (*Alibi*, *De Facto*, *Uchur*, *Moskovskiy Komsomolets*) published materials discrediting candidates.

¹ Following the official registration deadline on 25 September, nine nominees that had been rejected for failure to present sufficient valid signatures successfully appealed the CEC decision. The CEC then proceeded to conduct a new signature verification for all nine and admitted the nominees to the language test. Four candidates were found to have sufficient signatures and were registered. Five candidates were rejected, four for lack of sufficient signatures and one for not passing the language exam.

² Mr. Japarov supported Mr. Atambaev’s candidacy.

³ Mr. Tashiev, Mr. Madumarov, Mr. Suvanaliev, Mr. Baibolov, Mr. Atambayev and Mr. Kalmatov.

⁴ These traditional assemblies of the peoples of Kyrgyzstan convened irregularly and do not have legal status.

⁵ Mr. Madumarov’s billboards were damaged in Kant, Tokmok and Kemin, Mr. Tashiev’s posters were torn in Tokmok, and Mr. Atambaev’s and Mr. Madumarov’s posters were removed in Maylu Suu.

⁶ The OSCE/ODIHR EOM reports from Mr. Tashiev’s rallies in Bazar-Korgon on 14 October and in Jalal-Abad on 16 October.

⁷ According to local NGO Center for Information Law, which carries out monitoring of the local media since August 2011.

Some candidate representatives expressed concern about vote-buying schemes, bribery of voters and abuse of administrative resources affiliated with one candidate or another. Rumours of vote-buying and abuse of administrative resources are widespread. However, no substantial evidence has been provided so far.

There is a general perception that the election might deepen the north/south divide and could potentially destabilize the country. Against this background, various politicians and institutions have called for a peaceful election and restraint in the campaign. The President, the Parliament, the CEC and the State Committee on National Security (SCNS) among others appealed to all residents of the Kyrgyz Republic to demonstrate mutual respect and tolerance and avoid any actions that could contribute to fuelling conflicts on regional, national or religious grounds.

On 29 September, the Parliament issued a decree on “Measures to ensure the implementation of the Law on Presidential and Parliamentary Elections,” reiterating what is written in the law on misuse of state resources. The parliament called for immediate disciplinary measures and possible termination of employment for violations of these provisions and emphasized the Prosecutor’s role in enforcing the law. Specifically, civil and municipal servants are prohibited from being involved in campaigning during performance of their official duties or using advantages of their positions in favour of any candidate.

On a weekly basis, the CEC publishes information on campaign finances, summaries of candidate finances, overall amounts received, spent and remaining.⁸ However, detailed information on the sources of contributions, amounts of each contribution and expenditures is not available for public scrutiny. Based on the first financial reports from candidates, the CEC ordered the control-revision group to conduct audits of all registered candidates. Candidates were asked to show proof of employment contracts, rental agreements, registration with tax authorities, and expenses related to activities already completed (stationery and employment for the collection of signatures, campaign materials and advertisements). The findings of the group have been submitted to the CEC for consideration and possible further action. The second financial report from candidates is expected on 20 October.

As electoral complaints are appealed to courts, the process of selecting judges for the Supreme Court and Constitutional Chamber that began in June and was to be completed by mid-August was an element of the electoral process. However, objections by the President to some of the judges selected and by civil society to the work of the selection committee resulted in delays in the process. As a result, the law on the selection of judges and the law on the Constitutional Chamber needed to be amended, opening the process to political debate. A new deadline for the selection of judges has not been set. On 6 October about 200 people blocked access to the parliament in an attempt to halt the process.

III. ELECTION ADMINISTRATION

In general, CEC sessions are open to authorized candidate representatives, the media and observers. However, the CEC also continues to hold closed meetings not open to the public.

⁸ According to the CEC update posted on the website on 10 October 2011: Mr. Atambaev received 33,400,000 Kyrgyz *Som* (approx. 556,000 Euro) and spent 22,550,906 *Som* (approx. 376,000 Euro); Mr. Madumarov received 19,673,580 *Som* (approx. 328,000 Euro) and spent 19,064,781 *Som* (approx. 317,000 Euro); Mr. Baibolov received 10,275,000 *Som* (approx. 171,000 Euro) and spent 10,015,240 *Som* (approx. 167,000 Euro); and Mr. Tashiev received 9,122,290 *Som* (approx. 152,000 Euro) and spent 8,592,337 *Som* (approx. 143,000 Euro).

Operational preparation for the election, such as the formation of lower-level election commissions, training of commissioners and ballot printing appear to be generally on track. The OSCE/ODIHR EOM observed a considerable number of PEC members resigning in some areas due to lack of financial compensation, while others appeared to be pressured to continue working. Resignation rates in some areas are quite significant.⁹

The training program for the PECs has been completed and the OSCE/ODIHR EOM observed that it was generally of high quality and well-conducted. The CEC also carried out a two-day training for system administrators of the Territorial Election Commissions (TEC), including training on the use of fax machines to transmit PEC protocols to the CEC.

On 10 October, the CEC decided on the text and format of the ballot paper and on printing procedures. The CEC determined the order of the candidates on the ballot by drawing lots. The ballot paper format was decided upon when the list of registered candidates still numbered 23. The electoral law allows candidates to withdraw until three days prior to election day. Four candidates who already withdrew and other possible withdrawals should be crossed out once the ballots reach the PECs. The OSCE/ODIHR EOM was informed by the CEC that ballot security measures were confidential and cannot be shared with the EOM. The EOM was also not permitted to observe ballot printing. Ballot printing was finished on 17 October and 2,870,000 ballots were printed. This number includes 0.1 per cent extra ballots required by the law.

The CEC is in the process of preparing a ballot template, also known as a tactile ballot, to enable visually impaired people to vote without assistance. There will be one such folder for each PEC. The CEC will also prepare separate information for voters about the candidates in Braille. However, the OSCE/ODIHR EOM was informed that not all PECs are aware of this possibility.

Twenty-nine polling stations have been established in diplomatic missions and consulates abroad 23 countries for voters who reside outside of the country. The CEC estimates the number of voters registered for out-of-country voting at 24,000. Voters registered to vote abroad must be marked as voting by *electoral address*. The CEC could not confirm to the OSCE/ODIHR EOM the progress of processing and inputting out-of-country applications to vote by *electoral address*. EOM interlocutors have frequently expressed concern over the number of disenfranchised voters due to the limited availability of polling stations abroad.¹⁰

IV. VOTER REGISTRATION

According to the CEC, 2,842,411 voters have been included in the voter lists as of 19 September. Public review of voter lists continues and varies across PECs, with increased voter interest observed by the OSCE/ODIHR EOM in urban precincts with large numbers of internal migrants. PECs continue to receive voter applications for correction, inclusion, voting by *electoral address* and mobile voting, although the OSCE/ODIHR EOM observed that some PECs were closed when visited. While voter applications are forwarded to TECs where system administrators update voter data, voters are not consistently notified about the status of their applications once processed. The CEC is relying on its national campaign of mobile verification teams to assist with updating and filling in missing voter data, in particular personal ID numbers. While these teams have commenced their work, the

⁹ Sizable resignations are reported from Dzhety-Oguz, Karakol, Tupskiy, Ak-Suuskiy, Ton, Balykchy and from Osh *Oblast*.

¹⁰ The Ministry of Foreign Affairs of the Kyrgyz Republic estimates approximately 700,000 citizens are living abroad.

OSCE/ODIHR EOM observed an inconsistent understanding of the mobile verification procedures by PECs and limited participation of civil society representatives.

While the unified voter registration system supports input of additional voter data, including voting by *electoral address*, the CEC currently only has limited ability to cross-check data and remove duplicate or deceased voters. Voter duplications, either identical or similar, within a single PEC were detected through automated criteria and removed from the voter lists and archived by CEC operators. Duplication removal across PECs was only possible where both entries contained the voter's personal ID number. To partially address the number of deceased voters in the voter lists, the CEC removed all voters born before 1920; living voters who were removed will have to reapply for inclusion. While ongoing efforts of the CEC to update voter data are progressing, this action has resulted in differences in the voter lists that were originally posted at PECs for public review and those later used by the mobile verification teams. However, the CEC has updated its website to make it easier for voters to verify their data online. The CEC regulations on the establishment and use of the voter registration system have yet to be approved and published.

V. VOTER EDUCATION

According to Article 7 (23) of the Law on Election Commissions, the CEC is responsible for promoting voter education. This is of particular importance due to the significant changes in the electoral law, in particular with regard to voter registration procedures. The CEC produced a number of TV and radio spots and programs, pamphlets, posters, and billboards, in Kyrgyz and Russian.¹¹ Voters were also informed via Internet news sites and by text message with assistance from several GSM providers. In addition to the CEC activities, both national and local media presented other voter-education materials.

Moreover, while updating voter lists, CEC mobile verification teams were tasked to distribute voter invitations, which included the voter's name and polling station address, where they are registered. A number of civil society organizations are also supplementing CEC education activities through distributing voter information and conducting a variety of awareness activities. Despite an active voter education campaign, some OSCE/ODIHR EOM interlocutors expressed concerns over the potential lack of awareness of many voters about the recent changes in voter registration procedures which no longer permit additions to voter lists on election day.

VI. COMPLAINTS AND APPEALS

A District Court in Bishkek continued to hear appeals related to rejections of candidate registration. Following the administration of the language test and the second round of signature verification, three of the five rejected nominees appealed the CEC decision. The District Court found in favor of the CEC in all three cases and none of the cases were successfully appealed to the Supreme Court. Cases before the District Court were heard in an expeditious manner, usually within one or two days. The Supreme Court took up to five days to review cases, as provided for in the electoral law.

The CEC maintains a general registry of all correspondence, including complaints, but does not have a mechanism for specifically tracking all complaints received and action taken on the complaint. In response to an OSCE/ODIHR EOM request to review the general registry, the CEC agreed to provide an excerpt of all complaints received and action taken. To date,

¹¹ Voter education spots produced by CEC have been so far aired mostly on public and state funded broadcasters.

the CEC has provided an incomplete excerpt, with information only on incoming correspondence up to 19 September.

The CEC has so far provided information on 15 complaints received. Amongst these complaints were two alleging mayoral interference in campaign activities (in Bishkek and Jalal-Abad), ordering the removal of campaign advertisements, charging for posting in designated public locations, and requiring submission of campaign materials for the mayor's approval. In response, the CEC sent letters to the two mayoral offices requesting them to investigate the matter and inform the CEC of what measures were taken. To date, it appears that the CEC has not received any response from the two mayoral offices.

VII. PARTICIPATION OF NATIONAL MINORITIES

Participation of minority representatives in election campaign activities is rather limited, particularly in areas populated by ethnic Uzbeks in the south. They tend to stay away from rallies organized by candidates and avoid participating in other public outreach events.

Thus far, candidate campaign activities targeting areas populated by national minorities have also been quite low-key. Some candidates limit their campaign to distributing printed campaign materials through leaders of the Uzbek community. With the exception of two candidates,¹² all campaign materials have been printed in Kyrgyz and Russian. The CEC has also produced all election material in both these languages.

Issues of national minorities and inter-ethnic relations have also not featured prominently in the election campaign, with some candidates calling for national unity without specifically addressing matters pertaining to the integration and participation of national minorities.

VIII. MEDIA

Preliminary media monitoring findings indicate that the campaign has become quite visible in the media since its official beginning on 25 September, in particular through numerous paid advertisement spots.¹³ At the same time, the monitored media have paid significant attention to CEC activities, such as registration of candidates as well as the process of seeking legal remedy by those rejected.

According to the electoral law, the state-funded broadcasters are obliged to allocate a total of at least one hour of free airtime for the registered candidates, to be aired on working days. However, neither of the monitored state-funded channels (*KTRK*, *EITR*) adhered to this requirement and both launched the debates and addresses of the candidates only some two weeks after the official campaign start.¹⁴ The allocation of all the time slots and formats was established based on a lottery organized by the CEC on 6 October, as per previous agreement with the broadcasters, complying with the law that requires broadcasting between 20:00 and 24:00.¹⁵

¹² Mr. Baibolov and Mr. Suvanaliev printed their campaign materials in Kyrgyz, Russian and Uzbek.

¹³ To date, eight candidates presented their paid spots on one of the state-funded TV channels – Mr. Abdyldaev, Mr. Atambaev, Mr. Baibolov, Mr. Isabekov, Mr. Kalmatov, Mr. Madumarov, Mr. Suvanaliev, and Mr. Tashiev.

¹⁴ Public television *KTRK* started on 7 October, public Kyrgyz Radio and *EITR* (state-funded television) on 10 October.

¹⁵ *KTRK* organizes debates, round table and addresses, *EITR* debates and addresses, Kyrgyz Radio interviews and addresses.

On 12 October, state-funded TV channel *EITR* held the first debate. While public television *KTRK* (with international support) plans live interactive debates to start on 17 October, private channels have not scheduled any debates.

The media discourse has highlighted some long-standing issues, such as the negative perception among some parliamentarians about Channel 5's critical reporting of their work. This is widely perceived as the underlying reason that Channel 5 is currently undergoing nationalization and had temporarily lost its parliamentary accreditation.¹⁶

A few TV channels, including public television *KTRK*, have offered their viewers almost daily reports on the performance of the Acting Prime Minister, both in his official and party capacity. Numerous reports have combined working and ceremonial aspects of his activities. Nevertheless, the core part of the coverage has been devoted to the achievements of the interim government. Reporting on the government's activities is often associated with Prime Minister Atambaev, who is currently on leave and is one of the candidates standing; this indirectly promotes his candidacy.

The electoral law requires that all campaign materials are to be clearly indicated as being paid from the electoral fund of the respective candidate. In many instances, a number of monitored media, both broadcast and print, have failed to provide such indication. This potentially confuses voters as to what is regular editorial material and what is paid campaign advertising.

Several international news channels, including BBC, CNN and Euronews have remained inaccessible on the cable network. This is a preventive measure implemented by Bishkek cable operator *Ala TV* to comply with the ban on campaigning via foreign media stipulated in the electoral law. While Russian Channel One is aired with a delay, some other Russian channels such as *RTR*, *RTR 24* or *TV Center*, as well as *Deutsche Welle* are aired live.

IX. ELECTION OBSERVATION

Civil society is actively involved in domestic election observation in the Kyrgyz Republic. *Taza Shailoo* (Clean Election) is observing the election with 55 long-term observers deployed throughout the country and 1,500 to observe election day. The Coalition for Democracy and Civil Society has 70 long-term observers to observe election preparations and campaigning and 1,000 to observe election day in 500 randomly selected polling stations. The Liberal Youth Alliance deployed nine long-term observers and plans to deploy some 200 short-term observers for election day.

As of 17 October, the CEC accredited 63 international observers from the following organizations: OSCE/ODIHR, the Shanghai Cooperation Organization, the Eurasian Economic Community, the CECs' of Belarus and the Russian Federation, and various diplomatic representations.

X. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with state officials, the election administration, candidates and party representatives, court officials, media representatives, civil society, and the diplomatic community. Observers

¹⁶ At the beginning of September, the parliament did not prolong channel's accreditation for the new plenary year with no official explanation, as a result of which the channel was not allowed to operate from within the Parliament. The accreditation was renewed on 14 October.

deployed in all *oblasts* (regions) continue to observe voter registration and campaigning and to prepare for the arrival of short-term observers. The Head of the OSCE/ODIHR EOM travelled to Jalal-Abad and Osh, where she met candidate representatives, local authorities as well as civil society representatives.