

**INTERIM REPORT No. 2  
14 – 27 September 2010**

**1 October 2010**

**I. EXECUTIVE SUMMARY**

- The campaign is competitive and highly visible, with political parties holding numerous and well attended rallies. So far, all 29 contesting parties have been able to campaign freely without major incidents. Some parties have voiced concerns about vote-buying and abuse of administrative resources by local authorities affiliated with one party or another.
- President Roza Otunbaeva pledged to ensure public security and to prevent mass disorders and inter-ethnic clashes. Most parties refrained from negative campaigning, but a few instances of ‘nationalist’ rhetoric and threats to call on voters to defend their vote after the elections were noted. The overall security situation in the country remains tense.
- There are 3,351 candidates running on 29 political party lists. All party lists comply with the gender and national minority requirements, with 33.5 per cent women and 23 per cent national minority candidates. In case of candidate withdrawals, the gender and national minority quota may not be respected. National minorities and women are represented in election commissions at all levels.
- Few formal complaints were filed with the courts and with election commissions during the reporting period. The majority of election contestants have been voicing verbal complaints rather than submitting formal written complaints.
- Political parties generally expressed a high degree of trust in the impartiality of the election administration. Sessions of the Central Commission for Elections and Referenda (CEC) remain open and are becoming more inclusive, allowing party representatives to voice their opinions. Despite a lack of staff, the CEC remains on schedule with election preparations.
- Most Precinct Election Commissions (PECs) were formed on time. Some experienced delays which were aggravated by resignations of a significant number of PEC members. PECs received printed voter lists on time and are currently updating them.
- The printed voter lists include 2,775,862 voters. This is an increase of 1.5 per cent compared to voter lists for the 2010 Referendum. An additional 76,557 voters are registered to vote abroad, some 68,000 of which are still to be removed from in-country voter lists. If not removed, they may not be able to vote abroad and their continued inclusion in the in-country voter lists may negatively affect the overall threshold calculations.
- Political parties extensively purchase airtime and print space in the media. The practice of placing political advertising in newscasts was noted on monitored TV stations. The National TV and Radio Broadcasting Corporation (NTRBC) has stopped this practice following a decision by its newly elected board. State-funded TV, radio stations and newspapers meet their legal obligation to provide free airtime and print space to contestants.

## II. POLITICAL AND CAMPAIGN ENVIRONMENT

All 29 contesting political parties have been able to campaign freely, without major impediments or incidents. Local authorities have generally met their obligation to allocate public spaces for campaign material.<sup>1</sup> Depending on their financial resources, parties use banners, billboards and posters across the country. Some parties also canvas door-to-door. The campaign is competitive, even among parties believed to be allies, and highly visible, with parties holding numerous and well-attended rallies, often accompanied by cultural shows. The OSCE/ODIHR EOM has received some reports of coercion of attendance at rallies and in areas where two or three parties fiercely contest the vote, small clashes between supporters and defacing of campaign material has taken place. There have been press reports of physical attacks against two candidates.<sup>2</sup>

The campaign is personality rather than issue oriented. The main themes are stability, economic development (energy and food security), unemployment and migration. Most parties call for peaceful elections and unity for the country and refrain from negative campaigning following warnings by President Otunbaeva that political parties should not split the country or foment inter-ethnic hatred. However, the OSCE/ODIHR EOM noted a few instances of ‘nationalist’ rhetoric<sup>3</sup> or calls upon voters to go and defend their vote after the election.<sup>4</sup> Several OSCE/ODIHR interlocutors expressed concern that some parties may not recognize the election results if they fail to pass the 0.5 per cent regional threshold to gain seats in parliament.

Political parties generally expressed a high degree of trust in the impartiality of the election administration and utilized their right to delegate members and proxies to election commissions at all levels. Some parties and candidates are concerned about vote-buying schemes (such as taking pictures of ballots with mobile phones), bribery of voters and abuse of administrative resources by regional or local authorities affiliated with one party or another.<sup>5</sup> Rumors of vote-buying are widespread.<sup>6</sup> Most major parties plan to field observers on election day and some intend to conduct a parallel vote tabulation.

Political parties are to report preliminary campaign expenses to the CEC by 1 October; however, the previous requirement for making these financial reports public has been lifted.<sup>7</sup>

The overall security situation remains tense with reports of incidents of disappearances and violence. Tensions continue to be high, especially in the South. OSCE/ODIHR EOM interlocutors expressed concerns that this may discourage voters to cast their ballot, especially amongst the ethnic Uzbek community. Despite efforts by the authorities to increase the presence of security

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<sup>1</sup> In Bishkek and Osh, some political parties have complained about the unequal enforcement of rules by local authorities in the removal of campaign materials from unauthorized sites (trees and monuments).  
<sup>2</sup> Press reports from Kara-Balta and Suu-Bashi. The OSCE/ODIHR EOM is verifying the information.  
<sup>3</sup> OSCE/ODIHR EOM reports from *Ata Jurt* rallies in Jalal-Abad and Tash Komur on 18 and 20 September where a candidate stated that “only [ethnic] Kyrgyz should be allowed to own land in our country”. On 24 September, the Prosecutor General informed that the *Ata Jurt* candidate had been issued a warning for using nationalist rhetoric.  
<sup>4</sup> OSCE/ODIHR EOM reports from rallies of *Ata Jurt* in Talas on 18 September 2010.  
<sup>5</sup> The Prosecutor General issued a warning to a Sokolok 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>6</sup> On 14 September, Deputy Prime Minister Azimbek Beknazarov suggested that voters use vote buying offers to their own interest, by accepting the money but then voting according to their own opinion. See [http://www.akipress.com/en\\_news.php?id=39808](http://www.akipress.com/en_news.php?id=39808).  
<sup>7</sup> Requirement to publicize financial reports was lifted with CEC Instruction No 163 from 17 August 2010 which replaced the 2007 instructions.

services, OSCE/ODIHR EOM interlocutors asserted that election-related violence cannot be ruled out. Nevertheless, they hope that the parliamentary elections can be a step towards stabilization.

### III. ELECTION ADMINISTRATION

In general, CEC sessions are open to authorized representatives of political parties, the media and observers and follow an agenda distributed at the start of each session. At times, late notifications affect the ability of some observers to attend. CEC sessions are becoming more inclusive, allowing party representatives to voice their opinions. Decisions are mostly made available the following day on the CEC website. So far, election preparations are on schedule. The CEC has determined the order of political parties on the ballot. The printing of 2,866,681 ballots commenced on 21 September.<sup>8</sup>

Due to a lack of staff,<sup>9</sup> CEC members are often performing tasks that could be left to the secretariat. OSCE/ODIHR EOM interlocutors have expressed concerns that due to these limitations the CEC is unable to provide adequate guidance and oversight for the lower level commissions.

The Precinct Election Commissions (PECs) were mostly formed on time; however the OSCE/ODIHR EOM noted late formations in Aksy, Leninski, Pervomayski and Tong districts and in several districts of Batken Oblast. The delay was mainly caused by resignations of nominees or inexperience of the appointing Territorial Election Commissions (TECs).<sup>10</sup> The OSCE/ODIHR EOM received credible reports from Aktal, Kemin, Kochkor and Naryn districts that political parties have affiliates among PEC members nominated by voter groups in addition to those officially nominated through the party quota.

OSCE/ODIHR EOM observers noted a significant number of resignations of PEC members in some districts, mainly due to the lack of salary and not knowing the commitment required.<sup>11</sup> The CEC confirmed that, in some areas, the reserve lists of nominees have been exhausted. This negatively affected attendance at the PEC training sessions that started on 20 September and are scheduled to run until 5 October. Materials for training of PEC and TEC members were available on time, but some key procedures, including for tabulation of the results protocols at the TEC level are not addressed in sufficient detail.<sup>12</sup>

A data centre supported by the United Nations Development Program (UNDP) will be operating within the CEC on election night. The data centre will enter preliminary data from PEC result protocols faxed directly from polling stations in order to provide the public with early results of the vote.<sup>13</sup> In addition, the CEC will directly receive hard copies of each PEC protocol transferred in tamper evident bags, which will provide a second means of verification in the event of a complaint. The CEC will establish the final results based on the protocols of the nine Oblast Election Commissions (OECs).

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<sup>8</sup> The number of printed ballots corresponds to the number of preliminarily registered voters (2,775,862 in-country and 76,557 abroad) including a 0.5 per cent reserve as required by law. Seventy nine per cent of ballots are printed in the Kyrgyz language, the rest in Russian.

<sup>9</sup> The CEC Secretariat comprises 24 staff plus 4 technicians.

<sup>10</sup> The OSCE/ODIHR EOM was informed that, depending on the region, between 50 and 70 per cent of TEC members are performing this task for the first time.

<sup>11</sup> TECs in At Bashy, Jety Oguz, Moskva, Naryn City, Naryn Rayon, Panfilov and Tash Komur report that on average between 10 and 30 per cent of PEC members resigned.

<sup>12</sup> TEC and PEC guides were produced with support from the OSCE Centre in Bishkek, USAID and the International Foundation for Electoral Systems (IFES).

<sup>13</sup> All polling stations will be equipped with fax/photocopiers provided with UNDP support.

The CEC, supported by the OSCE Centre in Bishkek, is preparing a voter education campaign to start late September. This will focus on checking voter lists, obtaining absentee voter certificates and valid identity documents, voting procedures and 'get out the vote'.

#### IV. VOTER REGISTRATION

According to the CEC, 2,775,862 voters were included in the voter lists (VLs) as of 15 September. This amounts to an increase of about 1.5 per cent of registered voters compared to VLs for the 2010 Referendum.<sup>14</sup> An additional 76,557 people registered to vote abroad.<sup>15</sup> According to law, voters can only be registered on one VL. Those registered to vote abroad must be taken off the lists in-country. Voter information provided by the Ministry of Foreign Affairs only included full address details of some 8,000 registrants. The remaining 68,000 voters are still to be identified and removed from in-country VLs as voters may be listed in only one voter list. The State Registration Service does not believe they are capable of completing this large task without addresses in the short timeframe available.<sup>16</sup> The CEC has informed the representatives of political parties about this problem, which may result in the disenfranchisement of a considerable number of voters abroad if these are not removed. Their continued inclusion in the in-country VLs could also negatively affect the overall threshold calculations.

Local administrations were required to provide two copies of voter lists for the PECs by 15 September for public review, one as a working copy, the other to be posted for display by 20 September. However, OSCE/ODIHR EOM observers noted many instances where copies were delivered late or not posted for display on time or at all. After the printing of the voter lists, additions or corrections may only be made by the PECs. While no official update mechanism was announced, some PECs and local administrations conducted door-to-door verifications and 'updated' the voter lists by deleting or marking people believed to have moved.<sup>17</sup>

According to several OSCE/ODIHR EOM interlocutors, the high level of internal migration and difficulties in changing one's residency registration may result in the disenfranchisement of a large number of citizens. In addition, many citizens lost their identity cards or were displaced by the tragic events of June 2010.<sup>18</sup> The authorities are currently trying to address these issues. On 20 September, President Otunbaeva ordered a "simplified" passport registration process for residents of Osh and Jalal-Abad who do not have identification documents due to the June unrest. It is unclear whether this will address the potential disenfranchisement of these citizens as thus far no internal passports have been issued and only 160 temporary IDs have been distributed, which are not a legally valid ID for voting.<sup>19</sup> In the suburbs of Bishkek, where a large number of internal migrants reside without proper residency registration, the local administrations are making efforts to provide them with a mechanism that would allow them to vote where they reside.<sup>20</sup>

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<sup>14</sup> Osh City is the only territorial-administrative entity to see a reduction in the number of registered voters compared to the 2010 referendum.

<sup>15</sup> The number of out-of-country voters is more than double the 31,603 voters registered for the referendum.

<sup>16</sup> The State Registration Service was created on 10 February 2010 and oversees all the registration bodies in the country, including passport issuing authorities.

<sup>17</sup> The OSCE/ODIHR EOM was informed of door-to-door verifications occurring in Issyk-Kul, Osh, Batken, Talas and Naryn oblasts.

<sup>18</sup> Among those affected by the events and who may face difficulties participating in the election process are mostly ethnic Uzbeks coming from the south.

<sup>19</sup> Between 3,600 and 4,000 residents qualify for this service.

<sup>20</sup> Government and civil society representatives estimate that 35,000 to 50,000 citizens living in Bishkek *Novostroikas* (new districts) are not registered to vote.

## V. GENDER

All 29 candidate lists of political parties comply with the legal requirement for gender distribution and contain no more than 70 per cent of either gender, with no more than three places between candidates of the same gender. Preliminary analysis by the OSCE/ODIHR EOM shows that out of the total of 3,351 candidates, 33.5 per cent are women. However, women are underrepresented in visible positions of leadership. Only four political parties have a female chairperson and only six have two or more women among their top five candidates. Since only the top five candidates of a political party are listed on the ballot, the majority of parties (79 per cent) have only one woman candidate on the ballot.

The gender quota applies to candidate lists rather than to the actual distribution of seats in parliament and does not guarantee women 30 per cent representation in parliament.<sup>21</sup> In case of withdrawal of candidacy, the gender and national minority quota needs not to be respected. Following a recent CEC decision, a withdrawn candidate is to be replaced by the next candidate in order on the list, irrespectively of belonging to the quota.<sup>22</sup>

The CEC is composed of four women and nine men. Despite women's leadership in the NGO sector, only one of six CEC members drawn from civil society is female. The membership of the OECs is 36 per cent female with two of nine commissions having a female chairperson and seven of the nine having a female Secretary.

## VI. NATIONAL MINORITIES

Political parties have respected the requirement to include a minimum of 15 per cent of national minorities in their candidate lists. Overall, the 29 lists contain 23 per cent national minority candidates. Some parties have included a higher percentage.<sup>23</sup> However, only 6 parties placed 15 per cent or more national minority candidates in winning positions.<sup>24</sup> National minority candidates are actively taking part in the campaign. National minorities are represented at all levels of the election administration, but to a lesser degree in higher level commissions.

During a visit to the south, President Otunbaeva pledged to ensure public security during the elections and prevent mass disorders and inter-ethnic clashes. This may have helped appease the population and reduce rumors. However, as civil society representatives informed the OSCE/ODIHR EOM, the participation of ethnic Uzbeks in the elections may be negatively affected in certain areas by the strong recriminations over the June events among political parties and the use of nationalistic rhetoric by some. Furthermore, they noted a general lack of trust in the authorities, especially among ethnic Uzbeks as a result of the June events.

## VII. MEDIA

The CEC instruction "On providing information to voters"<sup>25</sup> states that media shall not give preference to any political party or candidate. However, it does not explicitly stipulate balanced and impartial coverage of the election campaign in the news and information programs. The

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<sup>21</sup> In the 2007 parliamentary elections, 39 per cent of candidates were women, and 26 per cent women were elected.

<sup>22</sup> The CEC cancelled the legal requirement (article 72.2 of the Electoral Code) that all special quotas should be respected in case of withdrawals (CEC Decision No 170 of 24 August 2010).

<sup>23</sup> Four parties included over 40 per cent national minority candidates, 5 included over 30 per cent and 13 over 20 per cent.

<sup>24</sup> Winning positions here means the top 65 candidates as that is the maximum number of MPs a party may gain.

<sup>25</sup> CEC Decision No 160 of 17 August 2010, especially Article 2.3.

instruction provides clear rules for campaigning, but does not address the rights of voters to receive accurate and objective coverage of election-related events nor does it provide guidance to journalists on the practical implementation of this requirement in the news. OSCE/ODIHR EOM interlocutors called for more informative and analytical coverage of the campaign.

Political parties have extensively used the opportunity to use paid airtime and print space on the monitored TV and radio stations.<sup>26</sup> However, there is no limit on the total amount of paid airtime and print space and the only constraint is a political parties' campaign expenditure limit. The price for paid airtime on the first channel of the National TV and Radio Broadcasting Corporation (NTRBC) is some five times more expensive than other commercial advertising.

Preliminary results of the OSCE/ODIHR EOM media monitoring revealed that several of the monitored TV stations<sup>27</sup> placed paid political advertising, which was marked as such, in their newscasts.<sup>28</sup> Following a decision of its recently appointed Supervisory Board, NTRBC separates paid political advertising in a bloc broadcast after the newscast, clearly announced as such by the news speaker.

The two State-funded TV stations, NTRBC and *EITR*, have been broadcasting free airtime provided to political parties in accordance with their legal obligation. Free airtime includes slots for individual presentation programs, debates and round tables. The OSCE/ODIHR EOM noted cases when free airtime dedicated to one political party was interrupted by political adverts for another party.

The CEC is in charge of monitoring compliance by media with legal obligations in their coverage of the campaign. The CEC acknowledged, however, that they do not have the required resources and methodology to conduct media monitoring and can act upon written complaints only.

## VIII. COMPLAINTS AND APPEALS

The Electoral Code and the Civil Procedure Code establish different channels for complaints and appeals. A complaint alleging infringements of electoral rights may be filed with an election commission, a court, the prosecutor's office or police. The right to complain is extended to all election stakeholders, including voters. If a complaint is filed both to a court and an election commission, the court's adjudication of the complaint takes priority.

The majority of election contestants have been voicing verbal complaints rather than submitting formal written complaints. OSCE/ODIHR EOM interlocutors ascribed this to a lack of confidence in the adjudicating bodies or poor understanding of rights to legal remedies.

Since the CEC is a collegial body, complaints should be addressed at sessions and decided upon with a majority of votes. To date, only one complaint has been considered at session. Other complaints lodged with the CEC have been dealt with by a CEC member by sending a letter to the complainant on behalf of the CEC Chair. The complaints have mainly alleged violations of rules for PEC appointments, campaign rules and unequal treatment by the media. Most were rejected on

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<sup>26</sup> OSCE/ODIHR EOM media monitoring results show that five of the six monitored TV stations (excluding Osh TV) so far aired 35 hours of paid political advertising. Three political parties, *Ak Shumkar*, *Ar Namys* and SDPK, alone account for more than 50 per cent of the total purchased broadcast time. *Akyikat*, *Ata-Jurt*, *Ata Meken*, *Respublika*, and *Zamandash* each purchased between 5 and 10 per cent of the total time, 12 parties purchased less than 5 per cent and 9 parties purchased no airtime at all.

<sup>27</sup> NTRBC, Channel 5 and Pyramida.

<sup>28</sup> In addition, OSCE/ODIHR EOM media interlocutors confirmed the widespread practice by journalists to sell coverage of political actors in the news, not marked as advertising, as a way of ensuring additional income.

jurisdictional grounds. The CEC justify their action by stating that because most claims are submitted in the form of a letter, they cannot be considered as formal complaints.

On 14 September, the *Turan* party requested the Pervomayski district court to deregister its former chairperson Okmotbek Almakuchukov from the candidate list of the *Egemen Kyrgyzstan* party, claiming that he is still officially a member of *Turan*.<sup>29</sup> On 16 September, the court rejected the lawsuit on the grounds that the plaintiff failed to provide evidence of the former chairman's continued party membership. On 20 September, the Supreme Court upheld the district court ruling.

On 16 September, the Issyk-Kul OEC satisfied a complaint filed by the *Ar Namys* party and dismissed the chair of TEC Jety-Oguz for violating rules on selecting commission members for PEC 3175 by disregarding the results of the lottery.

On 23 September the Prosecutor General launched criminal proceedings against former election commissioners for their involvement in falsification of the 2007 and 2009 election results.

## IX. 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. The Head of the OSCE/ODIHR EOM (HoM), Ms Cornelia Jonker, met the Minister of Foreign Affairs, the OSCE Centre in Bishkek, UN and EU Special Envoys as well as Mr. Kimmo Kiljunen who was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term OSCE observer mission for these elections. The OSCE/ODIHR HoM traveled to Osh and Jalal-Abad to meet local election stakeholders.

The mission has briefed representatives of the diplomatic community. Long-term observers deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. The OSCE/ODIHR EOM has requested OSCE participating States to second 300 short-term observers for election day observation.

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<sup>29</sup> According to Article 27 and 72 of the Electoral Code, a candidate can only be listed in one party list.