

ENEMO

European Network of Election Monitoring Organizations International Observation Mission Kyrgyz Parliamentary Elections 2005	Шайлоого байкоо ж ³ рг ³ зг ^н уюмдардын Европа тармагы Кыргыз Республикасындагы миссия Парламенттик шайлоо 2005
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ENEMO STATEMENT ON 2005 PARLIAMENTARY ELECTIONS IN KYRGYZSTAN *FEBRUARY 28, 2005*

ENEMO is an association of civic organizations from 16 countries of the former Soviet Union and Eastern Europe. These civic organizations are the leading domestic election monitoring groups in their countries, which have in total observed more than 110 national elections and trained more than one hundred thousand election monitors. ENEMO seeks to support democracy in Kyrgyzstan, to assess electoral conditions and to offer an impartial report. The mission evaluated the electoral process against international standards for democratic elections and benchmarks in Kyrgyz legislation and the constitution. ENEMO recognizes that ultimately it is the people of Kyrgyzstan who will judge the credibility of the electoral process.

Thirty experienced ENEMO monitors observed the elections on February 27, 2005, in all oblasts of Kyrgyzstan. ENEMO monitors observed voting and counting in 250 polling places and district election commissions (DECs) and the Central Election Commission. ENEMO is cooperating in this mission with the National Democratic Institute for International Affairs.

SUMMARY OF FINDINGS AND OBSERVATIONS

Although the February 27 parliamentary elections were conducted peacefully, many serious violations took place which may have influenced the outcome of elections and thus undermine public confidence in the election process.

Since the ENEMO mission included only short-term observation, this statement focuses primarily on election day. However, ENEMO noted a number of disturbing factors influencing the election process in the few days before the elections. Radio Free Europe (Azattyk) radio's signal was shut off, power was cut to Kyrgyzstan's largest independent printing press, and State television aired information to discredit several candidates, in violation of Kyrgyz law. Several candidates' registrations were cancelled by the courts.

ENEMO acknowledges the positive role of vibrant local civil society organizations related to voter education and nonpartisan election monitoring. At the same time ENEMO notes improvements introduced in election legislation such as usage of indelible ink and publishing of all protocol data from precincts on the official CEC website.

Based on its observation on election day, ENEMO found administrative pressure at the polling stations, illegal election campaigning, poor organization of the electoral process by election commissions and lack of transparency at district election commissions. These violations are described below:

INTIMIDATION OF VOTERS

ENEMO observers reported several instances of intimidation of voters.

- DEC#25 PEC#158 teachers and physicians, who are employees of the state, were forced by superiors to vote for a particular candidate.
- DEC#33 PEC#4062 unauthorized persons were present who clearly were instructing voters for whom to vote.
- DEC#32 PEC#1133 a PEC member, while issuing ballots, told voters to vote for a specific candidate.

INTERFERENCE BY STATE AND LOCAL OFFICIALS

ENEMO observers documented misuse of state officials' positions in favor of one candidate. Interference of state officials was commonly expressed in the presence of administration heads, staff of law enforcement bodies, heads of organizations for which members of commission work (directors of the schools, university administration, etc).

- In DEC#34 PEC#1134 a police department representative was present at the polling station and checked documents of voters before they dropped ballots into the ballot boxes. The activity stopped at the suggestion of the ENEMO observer.
- In DEC#65 PEC#273, 275 heads of village and rayon administration were controlling the process of elections and threatened observers.

ORGANIZED BUSING OF VOTERS

ENEMO observers noticed organized voter transportation to the voting places, which is a violation of restrictions on campaigning on election day. For example:

- Two minivans with voters were observed at DEC#24 PEC#194.
- DEC#32 PEC#4005, people were brought in minivans to polling stations.
- DEC#70 PEC#32 observers noticed a group of people bussed to a polling station.

AGITATION

ENEMO observers reported several cases of campaigning outside of polling places. Observers noted that voters were receiving pre-paid electricity bills (DEC#25 PEC#158) or vodka (DEC#32 PEC#4080) and in an organized manner were bussed to liquor-vodka stores (PEC # 4080, DEC # 32), where they were given alcoholic beverages according to a list.

POLLING STATION PROCEDURAL VIOLATIONS

Across the country, ENEMO observers reported numerous polling station procedural violations, ranging from minor to severe. In some cases these suggested simple ignorance of the law or poor administration, and in others intentional disregard of legal provisions. These violations included campaigning inside polling places, improperly completed and missing enlarged protocol copies, voters voting without proper identification, and commission members not marking voters with indelible ink or checking voters' thumbs for marking.

Voting Without Proper ID

For example, in DEC#73 PEC#128, 20-30 birth certificates and residential registration certificates (Form #9) were distributed to voters right near the precinct before voting, which were used by voters to vote via additional voter list. Observers also noted voting with other persons' passports and birth certificates (DEC#36 PEC#10). Voters from other districts were added to additional voter lists (DEC#36 PEC#10).

Voter List Irregularities

ENEMO noted frequent problems with voter lists. The lack of proper lists, in particular, resulted in confusion of voters. ENEMO observers noted several cases of voters being excluded from lists, large numbers of voters added to additional lists, not informed about the voting place, incorrect names on lists, and variations of the same name of voters crossed out by pencil (DEC#25 PEC#152, 156, 159); voters discovering at the polling station that someone else had voted instead of them.

Polling Station Set Up And Preparedness

ENEMO observers noticed widespread problems with polling station set up and failure to follow legal requirements for organizing the voting procedure. Out of 250 observed polling stations, 138 were missing some kind of election related information materials such as candidate biographies, patterns of filled ballots, etc.

Use Of Indelible Ink To Mark Voters

Implementation of a newly introduced procedure to use indelible ink allowed to prevent same voters to vote many times however, in some precincts election commissioners did not mark voters with ink or marked selectively.

OBSERVER ACCESS

In a number of cases ENEMO observers experienced denials of proper access to observing activities of polling stations (access to voter lists, marking, document check, etc.) In some instances, these violations appeared to be committed with a willful disregard of the law, while at other times, they appeared to stem from ignorance of the electoral code. ENEMO noted several attempts to restrict access of observers to monitor all stages of electoral process adequately.

On February 27, domestic partisan and non partisan observers appeared to have problems accessing all stages of the electoral process as compared to international observers.

- In DEC#46 PEC#303 PEC members denied access to voter lists and behaved aggressively toward observers.
- In DEC#14 PEC#72 observers were placed 20 meters from the ballot box and were not allowed to review voter lists.
- In DEC#25 PEC#128 PEC members attempted to intimidate one candidate's observers while favoring observers of another candidate.
- In DEC#39 PEC#59, observers were forced to remain at a distance that prevented them from observing activities taking place in the voting area.
- In DEC#56 PEC#23, a representative of the local government administration forced observers of one candidate to leave the polling place and ordered others to stay. ENEMO observers were told that this person is a "supervisor."
- In DEC #65 PEC # 273, chair of the election commission granted access to international observers only after the interference of the deputy head of the village administration who was present at the station (which is also a violation).

LACK OF TRANSPARENCY AT THE DEC LEVEL

Both local and international observers were denied access to examine the process of entering data at the DEC level. Observers reported that some protocols received by the DEC were blank, and numbers were being entered at the DEC (DEC#1 and DEC#34).

RECOMMENDATIONS:

- **Provide equal conditions for candidates.**
- **Ensure freedom of media and voters' access to information.**
- **Ensure balanced representation of proxies of candidates and political parties in the PEC and DEC composition and chairmanship.**
- **The accreditation process for international observers should be free of government restriction and should not be subject to official invitation.**