



European Network of Election Monitoring Organizations International Observation Mission Kyrgyz Parliamentary Elections 2007	Шайлоого байкоо жүргүзгөн уюмдардын Европа тармагы Кыргыз Республикасындагы миссия Парламенттик шайлоо 2007
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## **PRELIMINARY STATEMENT ON 2007 SNAP PARLIAMENTARY ELECTIONS IN KYRGYZSTAN**

The European Network of Election Monitoring Organizations (ENEMO) fielded 20 short-term observers to monitor the 2007 snap parliamentary elections in Kyrgyzstan on December 16, 2007. The short-term observers from leading election watchdogs from 13 countries monitored all stages of the voting process, including the opening, the vote, the vote count and the tabulation of results in polling stations and rayon electoral commissions throughout the country. During election day, ENEMO observers visited more than 200 polling stations.

### **SUMMARY OF FINDINGS AND CONCLUSIONS**

- ENEMO considers that, although it was conducted in a peaceful manner, the polling process of Kyrgyzstan's 2007 snap parliamentary elections was negatively affected by serious and gross violations during voting and vote counting on election day. Busing of voters, ballot stuffing, abuses of the provision on early voting, and denying access of observers during crucial aspects of vote counting undermine public confidence in the election process.
- The composition of the Central Election Commission (CEC) and some of its arbitrary decisions reflected the political affiliations of its members and negatively impacted the electoral process. In particular, CEC resolutions on thresholds for political parties to obtain parliamentary mandates and decisions on party and candidate registration were not adopted consistently and in a transparent manner.
- The pre-election period leading to the election day revealed a number of cases of pressuring on voters, particularly state employees, harassment of opposition political party activists and some civic groups, as well as uneven access to state media for competing parties.

- ENEMO acknowledges the positive role of both domestic and international observers to ensure the protection of voters' rights and the independent evaluation of the electoral process.
- ENEMO appreciates the activity and efforts of many election commissioners that performed their duties as well as possible given the short deadlines.

## **Political Context**

On October 22, 2007, following a referendum on a new Constitution and a new Election Code, Kyrgyz President Kurmanbek Bakiev dissolved the Parliament and called pre-term parliamentary elections for December 16, 2007. The new constitution gives more power to the president, while the new election code increases the number of the parliamentary seats from 75 to 90 and stipulates that candidates will be elected through a proportional system based on closed party lists.

## **Registration of Political Parties and Candidates**

After the announcement of elections, out of the 100 registered parties, 22 applied for registration to run in the elections to CEC. Twelve parties were granted registration, and all 12 were able to compete in the elections. Three parties withdrew, and seven were refused registration by the CEC. The main grounds for refusing the registration were related to the parties' failure to meet provisions on gender, youth and ethnic quota requirements.

According to the Election Code, Article 72 (3), "the political parties must fill in no more than 70 percent of people of the same sex, with the gap in the placement on the list of women and men being no more than three positions; no less than 15 percent of people over 35 years; no less than 15 percent of citizens representing different nationalities." However, the CEC's implementation of these provisions remained inconsistent and to some extent arbitrary, as some parties were not allowed to replace one of the candidates according to the quota requirements, while for another party the CEC accepted the registration despite the fact that the party's list of candidates contained four males in a row.

A more specific case of deregistration was that of the Social Democratic Party of Kyrgyzstan (SDPK) party candidate, Edil Baisailov. Mr. Baisalov published a picture of the ballot on his web log (blog) in an attempt to show the ballot paper's lack of security features. ENEMO assesses that the CEC's decision was excessive, abusive and without clear legal support. At the same time, ENEMO notes that the Election Code does not mention that the ballots are secret and cannot be made public. In addition, the CEC decided to reprint all the ballots for security reasons and filed a successful lawsuit to charge the expenses to SDPK.

## **Excessive Threshold**

The new Election Code increases the number of parliamentary seats from 75 to 90 and stipulates that seats will be elected through a proportional system based on party lists. To win a seat, a party must obtain a five percent nationwide threshold of all registered voters, and more than 0.5 percent of the votes from the voters' lists within each oblast and the cities of Bishkek and Osh. On 19 November, 2007, the CEC ruled that the 0.5 percent threshold should be calculated from the number of voters registered in the voters' list at *national* level, meaning approximately 13,500 votes in each oblast and the cities of Bishkek and Osh. Given the small number of voters in some oblasts and Osh city, the threshold may be excessively high. For example, Talas oblast has 119,300 voters on the voters' list and, after taking into account potential voter turnout, **the actual threshold for Talas oblast may reach 20 percent**. ENEMO fears that this would drastically affect the fundamental right of candidates and political parties to be elected, as well as of the voters to be represented by the party for which they voted.

This situation is exacerbated by the fact that the oblast-level threshold is based on the number of voters on the voters' lists. The usual practice in established democracies is to base the threshold on the percentage of votes cast in elections that reflect the will of participating voters and do not artificially increase the threshold.

## **ELECTION DAY FINDINGS**

The election day was carried out in a peaceful manner. However, ENEMO observers noted highly frequent problems of procedural irregularities, violations, and in some cases fraudulent conduct. The most common irregularities reported were related to polling station set-up and missing sample ballots or other voter information material. Overall, ENEMO observers assessed the conduct of voting process as bad or very bad in 16.5 percent of the more than 200 polling stations visited. Serious violations observed are listed below.

### **Limitation of Observers' Rights**

In a number of cases, ENEMO observers experienced denial of full access to monitoring all activities of election commissions (i.e., access to the voters' list and applications for early voting). Restrictions imposed on domestic observers were even more visible, particularly during vote counting procedures. For instance observers could not observe inking of voters in precinct election commission (PEC) 327 in Chui oblast, and some parts of the voting process in PEC 212. ENEMO observers were not allowed to enter the polling station for a period of time in PEC 2064 in Naryn oblast and in PEC 32 in Issyk-Kul oblast. Observers were denied the right to view the voters' list in PEC 46 in Issyk-Kul, and they could not observe ballot counting in PEC 111 in Talas.

## **Illegal Campaigning and Busing of Voters**

During election day, ENEMO observers noted a number of cases of direct campaigning near the polling stations. In Issyk-Kul PEC 51, a secondary school director was campaigning for Ak Jol party outside the polling station, and a similar activity was observed in the same oblast at PEC 947. In Osh oblast at PEC 470, a banner of Ak Jol party was displayed in the polling station area and was removed after the suggestion of observers. Illegal campaigning also took place in Batken oblast PEC 66.

Some parties were observed violating the election legislation by organizing busing of voters into polling stations – Ata Meken in PEC 97 in Talas oblast, and Ak Jol party in PEC 27 in Issyk-Kul.

## **Ballot Stuffing**

ENEMO observers and local nongovernmental organization (NGO) observers also reported on a number of cases when party representatives attempted or carried out the stuffing of ballots in ballot boxes. In Chui oblast PEC 121, PEC members from different parties dropped a stack of ballots into the ballot box. In Osh oblast, the chairperson of PEC 214 handed marked ballots to commission members.

## **Breach of Secrecy of Ballot**

In Issyk-Kul oblast in PEC 3051, a CEC member sitting next to the ballot box was checking voters' filled-out ballots before they put the ballot into the box. Later, the director of the school at which the precinct was located checked several voters' ballots in the same manner.

## **Voters Without Proper Identification and Voters' List Irregularities**

ENEMO observers witnessed cases in which election commissions allowed people to vote without proper voter identification. Such cases happened in PEC 10 in Talas oblast, in PEC 5010 in Osh, in PEC 214 and 26 in Chui oblast.

Throughout the country, observers noted irregularities and mistakes in the voters' lists at 15 percent of the polling stations observed. In some cases, this led to the disenfranchisement of some voters, while other voters appealed to the court.

## **Abuse of Early Voting Procedures**

ENEMO observers discovered that in the district election commission (DEC) Alamudunskiy of Chui oblast, there were approximately 7,600 early voters in a rayon of 54 PECs. The DEC chairwoman could not provide the observers with any list of early voters and refused to show justifying documentation for those voters. In PEC 202 of the same rayon, the chairpersons affirmed that they didn't have the list of early voters and didn't cross the 131 early votes off of the main voters' list, leaving open the possibility

for double voting. Other accounts suggest that this occurred in other PECs throughout the rayon.

### **Unauthorized Persons in Polling Stations**

Observers reported in 15 percent of the visited polling stations the presence of policemen or unauthorized persons.

### **Vote Counting Process**

ENEMO is particularly concerned with the scope of violations and fraud observed during the vote counting process. In 34 percent of the observed polling stations, ENEMO monitors assessed the PEC conduct as bad or very bad. In PEC 1180 in Bishkek, the chairperson corrupted the vote counting process, intimidated observers, and tried to move ballots from one party's pile to another on two occasions, leading to questionable results. In PEC 52 of Issyk-Kul oblast, the vote count was falsified, and protocol results were changed at the DEC. Ballot stuffing and falsification of data was observed in PEC 121 in Chui oblast. Frequently domestic observers had difficulties in observing the vote counting process due to nontransparent behavior of PEC members.

## **CONCLUSIONS AND RECOMMENDATIONS**

ENEMO offers the following key recommendations:

- All complaints of voter fraud should be vigorously investigated and impartially resolved. The protocol data from all precincts should be published in a timely manner on the CEC website.
- The thresholds for distributing parliamentary seats among parties should be based on the election code provision, not on the CEC's interpretation of an excessive oblast-level threshold based on the *national* voters' list. In future amendments of the election code, there should be one national threshold based on the actual votes cast.
- The electoral process in Kyrgyzstan would benefit by providing equal conditions for all candidates and parties, particularly in terms of candidate registration, representation of political parties on election commissions at all levels, and access to the media.
- The accreditation process for international observers should be free of government restrictions and should not be subject to official invitation.

*This report was written in English and remains the only official version.*

*ENEMO gratefully acknowledges the support of the United States Agency for International Development (USAID) and the cooperation of the National Democratic Institute (NDI) for the this mission.*

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**European Network of Election Monitoring Organizations (ENEMO)** is a group of 19 civic organizations from 17 countries of the former Soviet Union and Central and Eastern Europe. These nonpartisan organizations are the leading domestic election monitoring groups in their countries. In total, ENEMO member organizations have observed 200 national elections in their countries, monitored more than 100 elections abroad, and trained over 200,000 election monitors.

Since 2004 ENEMO has conducted multiple international election observation missions to Ukraine, Kyrgyzstan, Kazakhstan and Albania. In 2005 ENEMO deployed in Kyrgyzstan limited observation mission for parliamentary elections and full-scale observation mission for early presidential elections.

ENEMO is institutionally supported by the generous contribution of the National Endowment for Democracy.

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