



Office for Democratic Institutions and Human Rights

**KYRGYZ REPUBLIC**  
**PARLIAMENTARY ELECTIONS**  
**27 February 2005**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

**9 - 11 December 2004**



**Warsaw**  
**4 January 2005**

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# **KYRGYZ REPUBLIC**

## **PARLIAMENTARY ELECTIONS**

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### **OSCE/ODIHR Needs Assessment Mission Report**

**9-11 December 2004**

#### **I. INTRODUCTION**

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Kyrgyz Republic from 9 to 11 December 2004.<sup>1</sup> The NAM included Nikolai Vulchanov, Deputy Head of the OSCE/ODIHR Election Section, and Jonathan Stonestreet, OSCE/ODIHR Election Adviser.

The purpose of the NAM was to assess the conditions and level of preparation for the parliamentary elections scheduled for 27 February 2005, in line with OSCE commitments, and to advise on modalities for the establishment of an OSCE/ODIHR Election Observation Mission (EOM). The NAM held meetings in Bishkek with representatives of the authorities, election administration, political parties, civil society and international community (see Annex 1).

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs of the Kyrgyz Republic and the OSCE Centre in Bishkek (CiB) for the assistance provided during the NAM.

#### **II. EXECUTIVE SUMMARY**

The 27 February 2005 elections to the Jogorku Kenesh (parliament) are the first to take place for this body since February 2000, and the first since the adoption of amendments to the constitution and the election code. Major amendments, in the context of this election, include the introduction of a unicameral parliament, whose 75 deputies will be elected only from single-member constituencies. In previous observations, the OSCE/ODIHR has concluded that elections did not meet OSCE commitments, although positive steps have been observed.

The political significance of the 27 February 2005 parliamentary elections is perceived as closely linked to the forthcoming presidential elections anticipated to take place in October 2005. In line with current law, President Akaev has stated on a number of occasions that he will step down at the end of the present presidential term. Nevertheless, interlocutors indicated that initiative groups are collecting signatures of citizens to allow for a third term of the incumbent President.

There are a number of registered political parties in the Kyrgyz Republic, and opposition parties are active. While the development of the political party system is still under way, it may be weakened by the elimination of the proportional list component of the previously existing election system. Nevertheless, interlocutors expect many of the constituency elections to be highly contested by both political parties and independent candidates.

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<sup>1</sup> The Kyrgyz Republic is also referred to as Kyrgyzstan, and both names are used in this report.

A key issue in these elections will be the perceived transparency and fairness of the election process itself. The NAM received assurances of political will, at senior levels of authority, to conduct a genuine democratic election. In order to conduct transparent and fair elections, however, this political will should be exhibited at all levels.

The election code has been significantly amended during the past year, with some amendments having been signed into law as late as December 2004. While a number of changes in the Election Code represent progress towards meeting OSCE election-related commitments, shortcomings remain, and some of the recent amendments have not themselves met OSCE standards. OSCE/ODIHR will publish a full assessment of the amended election code in the near future.

The parliamentary elections will be administered by a four-tier election administration, from the Central Election Commission (CEC) down to polling station level. The amended election code provides for a certain degree of political representation in the election administration; however, only the implementation of the law will determine whether such representation has been inclusive to the extent permitted by the law.

The quality of the voter register remains an issue of concern for all interlocutors, as does the possibility for election-day fraud. The Shailoo electronic system, used to maintain the voter register and to tabulate and publish results, appears to require updating of its software and hardware, including more efficient tools for identification of potential multiple registrations.

The drawing of constituency boundaries has proved to be somewhat contentious. The OSCE/ODIHR was informed that the division of the town of Uzgen has the potential to dilute the vote of the Uzbek minority, by allocating parts of this vote to different constituencies.

Media coverage is relatively limited, with television and newspapers not reaching many of the rural areas. Radio is reportedly the primary news source outside of urban areas. Interlocutors presented a bleak picture of the media scene, with few opposition or independent electronic media in operation.

The major domestic non-partisan observation organization seems well-organized, and domestic observers now have increased ability to monitor election day proceedings. Domestic observers do not, however, have the right to observe pre-election day activities of election commissions.

The NAM recommends that an EOM be established to observe the forthcoming parliamentary elections in the Kyrgyz Republic. The EOM will monitor the compliance of the election process against domestic law and OSCE commitments for democratic elections, in accordance with the 1990 Copenhagen Document.

The OSCE/ODIHR kindly requests OSCE participating States to second to the EOM 20 Long-Term Observers (LTOs) from approximately 22 January 2005 and 170 Short-Term Observers (STOs) to be deployed for the week around election day. LTOs will observe the registration of candidates and the campaign period, and STOs will observe election day

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procedures, including voting, counting, and tabulation of results. The extent of second round observation will be determined after the first round.

### **III. FINDINGS**

#### **A. GOVERNMENT BODIES TO BE ELECTED**

The elections to the Jogorku Kenesh (Parliament) have been set for 27 February 2005 by a Presidential decree of 10 December 2004. As the previous elections were held in February 2000, these will be the first parliamentary elections conducted since the amendment of the Constitution by referendum in February 2003 and the subsequent amendment of the election code. The amendments changed the structure of the Jogorku Kenesh from a bicameral to a unicameral body, eliminated the proportional list method of electing some deputies, and reduced the number of deputies from 105 (total in both houses) to 75. These reforms take effect with the election of a new Jogorku Kenesh. Therefore, all 75 deputies will now be elected from single-mandate constituencies.

Candidates will be elected if they receive at least 50 percent of the votes cast in the constituency.<sup>2</sup> If no candidate in a constituency receives an absolute majority, a second round of elections will be held two weeks later.

Elections for lower level keneshes (oblast and rayon assemblies) may also be scheduled for 27 February, but the dates of these elections have not yet been decreed.

#### **B. POLITICAL CONTEXT**

According to the Constitution, the Kyrgyz Republic is a presidential republic. The president is elected by popular vote for a five year term and can serve a maximum of two consecutive terms. The 27 February 2005 parliamentary elections take place in the context of the presidential elections scheduled for October 2005. The current President, Askar Akaev, has served two consecutive terms and cannot run for the office again under the current provisions of the law. He has stated to several interlocutors his intention not to run for the presidency again, although some of his supporters are currently conducting a signature campaign to request a referendum on extending his eligibility. The composition of the new parliament would be a factor in any attempt to modify present law so as to permit him to be a candidate again.

Interlocutors expressed different views regarding the significance of the parliamentary elections in this context. Some view these elections as a “prelude” to the presidential election, while others stated that the parliamentary elections are more important due to the role of the parliament in setting the legal framework. It is likely that both the parliamentary and the presidential elections will be highly contested, making the establishment of an election process that enjoys public confidence and meets OSCE commitments of crucial importance.

The political party structure of Kyrgyzstan is relatively fragmented and in the process of development, and several parties and coalitions of parties have been formed only recently.

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<sup>2</sup> If only two candidates are on the ballot, a majority of votes is required.

Nevertheless, there are reportedly over 40 political parties registered with the Ministry of Justice. Some of these may be inactive, but many have expressed an intent to participate in the elections, either directly or as part of a bloc of parties.

The major pro-government political parties are Adilet and Alga Kyrgyzstan. The latter was formed in 2003 from the merger of four parties. Most opposition parties are grouped in four coalitions – the People’s Movement of Kyrgyzstan, the Civic Union for Fair Elections, Jani Bagit (New Direction), and Atajurt (Fatherland). All four have been formed during 2004, with Atajurt formed after the completion of the NAM. Discussions are underway regarding cooperation among the opposition groups during the upcoming elections.

Given the interest of political parties in positioning themselves for the presidential elections, the reduction in the number of seats in the Jogorku Kenesh, and the reported interest of many local business people and officials in becoming candidates, interlocutors expect many of the constituency races to be highly competitive. Several interlocutors raised concerns that bribing of voters and abuse of administrative resources in favour of certain candidates would take place during the election campaign.

A key issue in the elections is the perceived transparency and fairness of the election process itself. Given problems identified in previous elections, the president has publicly noted the importance of holding fair elections. It is not clear that this political will has filtered down to lower levels of administration or whether the CEC and the judiciary will take effective action against government officials or election commission members who violate the election code or fail to uphold it.

Previous OSCE/ODIHR election observation missions have found that elections have not met OSCE commitments, although positive steps forward have been made.

### **C. LEGAL FRAMEWORK**

The Election Code underwent major revision and amendment during the course of 2003 and 2004. Amendments were signed into law on 24 January 2004, with subsequent amendments being passed through December 2004. Local elections were held under the amended election code on 10 October 2004 but were not observed by OSCE/ODIHR. While a number of the amendments represent progress towards meeting OSCE commitments, others compound earlier problematic aspects of the code. Overall, further amendment of the code is necessary to bring the electoral legislation in line with OSCE standards. The OSCE/ODIHR intends to publish an assessment of the amended election code in the near future.

Pending this assessment, some of the positive aspects of the amended legislation are the provision for domestic non-partisan observation, the use of ink to prevent multiple voting, institution of a second round in constituencies in which no candidate receives an absolute majority, a common starting date to the election campaign for all candidates, and a degree of broadening of inclusive participation in election commissions.

Among the most significant shortcomings remaining in the legislation are restrictions on the right to be a candidate, premature termination of the mandate of an elected deputy,

insufficient pluralism in the composition of election commissions despite improvements in this respect, restrictions on free speech by candidates and the media, the lack of full access by observers to the entire election process, and a complaints and appeals process that does not adequately protect suffrage rights. The procedures for determining results should also be clarified, and the commendable practice of making results at all levels available on the internet immediately after voting should be instituted as a legal requirement.

In meetings with the NAM, political party and civil society representatives generally expressed satisfaction with the election code. However, there was widespread criticism of provisions for compiling the voter register, and some of the opposition representatives stated that the elimination of the proportional list aspect of the parliamentary elections will have a negative impact on political party development.

Opposition representatives noted that implementation of the law would be the key test of the authorities' political will to conduct fair elections, with most of the opposition interlocutors expressing a lack of confidence that the elections would be conducted in accordance with the law. All political party representatives stated that irregularities took place in the 10 October municipal elections but varied in their assessment of the nature and extent of these violations.

Another issue that was drawn to the attention of the EOM involves the constitutional and election code provisions requiring continuous permanent residency in Kyrgyzstan for at least five years prior to the election.<sup>3</sup> The CEC's interpretation of these provisions is that ambassadors of the Kyrgyz Republic who have served abroad during the past five years should be denied registration as candidates. Affected individuals have filed a case with the Constitutional Court. Registration and de-registration of candidates has been an issue of concern in past elections, and the EOM will pay attention to this issue.

The Constitutional Court has recently struck down provisions of the law on assembly that required permission from the authorities in order for citizens to hold public meetings.<sup>4</sup> The practical effect is that candidates and political parties are now only required to notify authorities in order to hold public events.

#### **D. ELECTION ADMINISTRATION**

The election administration for the parliamentary elections consists of four levels: the Central Election Commission; Oblast, Biskek City, and Osh City Election Commissions; Territorial Election Commissions (constituency level); and Precinct Election Commissions. Under the amended law, one-third of the members of election commissions are nominated by political parties, one-third by civil society, and one third by the relevant administration. Nominations to election commissions by political parties and civil society were seen as a weakness of the 10 October local elections, apparently due to a lack of information on the new provisions of the election code and to a reluctance of many individuals to take up positions that are poorly remunerated and subject to political pressure. A complaint that some teachers are forced to work on precinct election commissions was brought to the

<sup>3</sup> With the exception of a six month gap permitted due to "...business, scientific or job travel abroad as well as other activities."

<sup>4</sup> "On the Right of Citizens to Gather Peacefully Without Arms and Freely Hold Meetings and Demonstrations"

attention of the NAM. Knowledge of the amended election code by election commission members at the sub-oblast level was assessed as insufficient by most interlocutors. Training is being conducted by the CEC and various international organizations.

A concern of most interlocutors, including the CEC, was the quality of the voter register. Although estimates vary, all sources agree that there is a significant amount of internal and external migration. This means that voter lists in many parts of the country include individuals who do not reside there in practice, while in other areas – particularly Bishkek – there are significant numbers of voters who are not on the voter lists because they have not officially registered their change of residence. In addition to potentially disenfranchising a large number of voters, the problem creates an opportunity for electoral fraud and undermines the equality of the voter population across constituencies. Interlocutors in the international community also expressed concern that delays in issuing new passports, the primary identity document for citizens of Kyrgyzstan, could potentially disenfranchise voters. The CEC and other authorities said that these fears are unfounded, as temporary identity papers are available to those whose passports have expired and to new voters who have not yet been able to obtain a passport.

In previous elections, including the 10 October 2004 local elections, there have been persistent reports of multiple voting. In October 2004, the President signed into law an amendment providing for the inking of voters' fingers as a measure to instil confidence by preventing possible multiple voting. There have also been reports of abuse of students' right to vote, including illegal registration, forced voting, and temporary confiscation of identity documents. The Chairman of the CEC acknowledged that problems exist, particularly in one constituency in Bishkek in which the university is located.

The CEC makes use of an electronic system, known as "Shailoo," to manage the voter register at the state level and to tabulate and report election results. The system has functioned in previous elections and referenda and has the capacity to display results by polling station, an important transparency measure. However, the chairman of the CEC told the NAM that both the hardware and the software are outdated, making the system of limited effectiveness at present. The system appears to need more effective tools for managing the voter register, including the ability to identify multiple registrations.

Efforts are underway to completely update the Shailoo system prior to the elections, but if this cannot be done, results would have to be tabulated by paper. The Chairman noted that this would reduce public confidence in the election process. He also affirmed that informal results, broken down by polling station, would be available on the CEC website as soon as the day after election day.

With the reduction in the number of seats in the Jogorku Kenesh, the CEC has had to redraw constituency boundaries. This process was not finalized at the time of the NAM, as the current parliament had objected to the CEC's proposal. The OSCE/ODIHR NAM was informed that the proposed division of the town of Uzgen has the potential to dilute the vote of the Uzbek minority, by allocating parts of this vote to different constituencies.

Opposition coalitions expressed concern regarding printing of the ballots, similar to concerns that had been raised in previous elections. Candidate representatives have the right to observe the printing of ballots, but domestic observers do not enjoy this right.



## **E. MEDIA**

The access of citizens to the mass media appears to be relatively limited, especially outside the capital. Representatives of the media identified state-run radio as the medium with most extension throughout Kyrgyzstan. Only 60 percent of the population is estimated as having access to television news, with state-run television having the greatest extension of coverage. There are no television outlets that can be classified as independent since the purchase of "Piramida" earlier this year, allegedly by interests close to the presidential family.

Newspaper coverage is limited or non-existent outside the urban areas. Most newspapers have a small, localized circulation, and some opposition or independent papers report pressure due to their editorial stance.

## **F. INTERNATIONAL AND DOMESTIC OBSERVERS**

Most of the NAM interlocutors welcomed the presence of an OSCE/ODIHR election observation mission for the parliamentary elections on 27 February 2005, and a number of them stressed the need for high numbers of international observers. The OSCE/ODIHR has received an invitation from the Ministry of Foreign Affairs to observe the parliamentary elections.

Civil society is active in the country. During its stay in Bishkek, the NAM met with representatives of a number of international and domestic NGOs to discuss the pre-electoral environment and assess the potential for non-partisan domestic observation. Amendments to the election code expanded the rights of domestic observers, who are now entitled to observe all aspects of election day and to receive copies of results protocols. However, domestic observers do not have access to election commission activities during the campaign period. The major domestic non-partisan observation organization, Coalition for Democracy and Civil Society, plans to mount an extensive effort on election day. They reported that they were able to observe the 10 October municipal elections, with difficulty in obtaining access in only a few areas of the country.

## **IV. CONCLUSIONS AND RECOMMENDATIONS**

The OSCE/ODIHR NAM recommends that an EOM be established, some six weeks before election day, to observe the forthcoming parliamentary election in Kyrgyzstan. In addition to a core team of experts, the mission should also include 20 long-term observers, 10 teams of two observers each, to be deployed throughout Kyrgyzstan in mid-January. Given the concerns for potential manipulations on election day, the secondment of 170 short-term observers to follow election day procedures is considered necessary. A second round of elections will take place two weeks after election day in those constituencies where no candidate obtains at least 50 percent of the votes cast. The OSCE/ODIHR will observe the second round, with the scope of observation to depend in part on the number of constituencies in which run off elections will be held.

## ANNEX 1 – Schedule of the OSCE/ODIHR Needs Assessment Mission

The OSCE/ODIHR is grateful to the OSCE Centre in Bishkek for its support in organizing all meetings for the Needs Assessment Mission.

<i>Time</i>	<i>Organization</i>	<i>Representatives</i>
<b>December 9, Thursday</b>		
14:00	International Election Assistance Coordination Meeting	
14:30	Mr. Evgeniy Shmagin	Ambassador, Embassy of Russian Federation
15:00	Mr. Jerzy Skuratowicz	UNDP Resident Representative
16:00	Mr. Salvatore Amodeo Mr. David Micosz Ms Ami Schultz Mr. Jeff Lilley Ms Jennifer Croft	Political Counsellor, US Embassy Chief of Party, IFES Country Director, NDI Country Director, IRI Democracy and Media Advisor, USAID
17:00	Ms Ute Katzsch-Egli	Deputy Head of Mission, German Embassy
18:00	Mr. Markus Muller	Ambassador, Head of OSCE Centre in Bishkek
<b>December 10, Friday</b>		
09:00	Mr. Bolot Djanuzakov	1 <sup>st</sup> Deputy Head, Presidential Administration
10:30	Mr. Sulaiman Imanbaev	Chairman, Central Election Commission
12:00	Presentation of “Shailoo” System	
14:00	Mr. Kubatbek Baibolov	Vice Speaker of Legislative Assembly
16:00	Mr. Bolot Otunbaev	Ministry of Foreign Affairs, Head of Western Countries and OSCE Department
17:00	Roundtable with NGOs and Civil Society	See Annex 2
<b>December 11, Saturday</b>		
10:00	Roundtable with Political Parties	See Annex 3
12:00	Roundtable with Media	See Annex 4
15:30	Mr. Edil Baisalov	Coalition for Democracy and Civil Society

## ANNEX 2 – Roundtable with NGOs and Civil Society

<b>Organization Invited</b>	<b>Attended</b>
Youth Human Rights Group	X
Civil Society against Corruption	X
Coalition of NGOs for Democracy and Civil Society	X
Association of NGOs and NCOs	
Association of Independent Scientists – Lawyers	X
Social Inform Bureau	X
Association of Local Self-Government Institutions of the Kyrgyz Republic	X
Production Studio Bigim	X
Center of Electoral System “Polis”, NGO “Jash Ordo”	
Russkii Fond	
Youth Club of Kyrgyzstan	X

## ANNEX 3 – Roundtable with Political Parties

<b>Political Party or Coalition Invited</b>	<b>Representative</b>	<b>Attended</b>
Alga Kyrgyzstan	Mr. Melis Junushaliev	X
People’s Movement of Kyrgyzstan	Mr. Kurmanbek Bakiev	X
People’s Movement of Kyrgyzstan	Ms Ishenkul Sadikova	X
Civil Union for Fair Elections	Mr. Emil Aliev	X
Civil Union for Fair Elections	Mr. Misir Ashyrkulov	X
Jani Bagit	Mr. Muratbek Imanaliev	X
Communist Party of Kyrgyzstan	Mr. Nikolai Baylo	X

## ANNEX 4 – Roundtable with Media

<b>Media Outlet</b>	<b>Attended</b>
AKIPress	
Moya stolitsa	X
The Times of Central Asia	
Interfax	X
Radio service BBC	X
Slovo Kyrgyzstana	
Obshestvenniy reiting	
Reuters	X
State Informational Agency Kabar	
ITAR-TASS	
Radio Azattik	X
AIF	
HTRK/ National TV and Radio Company	X
IWPR	X
CIMERA	X