



OSCE ELECTION OBSERVATION MISSION
KYRGYZ REPUBLIC
PARLIAMENTARY ELECTION
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Statement of Preliminary Findings and Conclusions

Bishkek, 21 February 2000 - This statement is issued by the Organisation for Security and Co-operation in Europe (OSCE) Election Observation Mission (EOM) for the 20 February Parliamentary Elections in the Kyrgyz Republic. The EOM is a joint effort of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). This statement of preliminary findings and conclusions is issued prior to the completion of the entire electoral process. The OSCE EOM will observe any second round of voting. ODIHR will issue a report after the publication of the final election results.

Preliminary Conclusions

The 20 February parliamentary elections represented a critical event in the democratic development of the Kyrgyz Republic. Changes to electoral legislation provided the potential for increased competition and party representation and an increased role for civil society in the political process. However, a series of decisions preventing parties and candidates from competing in the election on a fair and equal basis, and a high degree of interference in the electoral process by public prosecutors and some state officials, marred the pre-election period. As a result, and despite a peaceful participation by voters and a generally well administered process on election day, the 20 February parliamentary elections were not in full compliance with OSCE commitments.

Opposition parties and candidates faced a number of obstacles during the campaign, which resulted in unequal conditions between contestants. The de-registration of the Democratic Movement of Kyrgyzstan (DMK) party list and the decision to deny registration to the People's Party on the basis of a narrow interpretation of the party charter were a serious cause of concern.

The cumulative effect of these two decisions was a significant narrowing of political alternatives available to the electorate. New electoral legislation intended to provide for increased participation by parties. As such, it was unfortunate that the authorities did not interpret the legislation in an inclusive spirit, facilitating full participation and competition by the country's political forces. Further, as a consequence of the various registration problems and court proceedings faced by some candidates and parties, the level of confidence in the independence and neutrality of the judiciary and election administration was diminished.

The campaign was carried out in a peaceful manner, with a large number of public meetings at which voters were able to question candidates. However, there were reports of some candidates being hindered in attempts to hold campaign meetings. Moreover, there were reports of candidates attempting to bribe voters, and some local officials and university heads abusing their positions to influence voters.

The State media showed an overt bias in favour of pro-government parties, in particular the Union of Democratic Forces. State media also produced a number of programmes and articles intended to discredit

some opposition candidates. The legal provision to provide free airtime on an equal basis was generally met. Whilst some press freedom exists in the Kyrgyz Republic, public and private media remain vulnerable to pressure from the authorities, creating a climate of self-censorship.

On election day Kyrgyz voters participated in an active and peaceful manner. Precinct Election Commissions worked extremely hard, and in general across the country the process was largely carried out according to the law. The large presence of domestic observers, from candidates, parties and NGOs, across the country served to increase confidence and transparency. Of serious concern was the apparent manipulation of the student vote in some universities in Bishkek and Jalal Abad. In some instances the territorial vote tabulation was conducted at the Regional State Administration, which is not foreseen in the law.

A number of positive factors have been evident in the democratic development of the Kyrgyz Republic, notably the establishment of parties, offering a pluralistic political spectrum and an active civil society. However, these elections have exhibited some worrying trends, noticeably the lack of full independence of the judiciary, election administration and media, and obstacles preventing full and equal participation by the country's political forces. The Kyrgyz authorities should address these concerns before the second round of the election and before the presidential election later this year.

Preliminary Findings

The Election Framework and Administration

The newly-adopted election code is an improvement over previous election legislation, and could have provided adequate conditions for the conduct of a competitive election. In particular, the introduction of party lists increased the role of parties and the presence of domestic observers increased transparency. However, some problems remain and the issues of interpretation and implementation of the law remain crucial.

Article 92 of the Election Code, which sets the criteria for party participation in the election, was interpreted in the narrowest sense possible, and has led to a restriction on the right of political parties to stand in the election. As a result, the People's Party, a major opposition party, was refused registration, which resulted in a narrowing of the political field. The stipulation in the Article for a one-year registration period prior to the call for the election also served to limit the political options available to the voters.

Withdrawal of the need for candidates to collect signatures to support their candidacy is a further positive element in the Code. However, the 30,000 SOM (c.\$640) deposit for candidates wanting to compete in a single-member constituency appears comparatively high, and was considered by some candidates to be excessive.

With regard the appointment of territorial and precinct election commission members, Article 11.7 of the Code states that parties, associations and voter meetings can only make "suggestions" for membership. There appears to be no obligation on local authorities to take these suggestions into account. The result has been an overwhelming dominance by state officials and employees in most commissions with extremely limited participation by civil society, decreasing confidence in the election administration.

Election Campaign

The election campaign was overshadowed by a proliferation of court cases involving candidates and parties, as well as numerous problems regarding registration of candidates and parties, to the extent that some candidates were de-registered as late as the day before the election. Some court decisions were overruled by the CEC, whilst other decisions were considered by the CEC to be final. This created an environment of uncertainty and vulnerability for the electoral contestants as well as confusion for the electorate.

The case of Mr. D. Sydykov (Bishkek #2) is illustrative of the weakness in the implementation of the administrative and legal provisions. He was de-registered by the CEC the day before the election, four weeks after his registration and after a complaint against him had been dismissed by a local court. The de-registered candidate had no opportunity to appeal the CEC decision. The registration status of a number of other candidates was also considered by the CEC at the same late stage.

The de-registration of the DMK party list was of great concern. The case presented to the court by four party members, claiming that internal party regulations had been breached, lacked credibility. The decision of the courts and electoral administration, which supported the decision, represented a limitation on the party's right to select its own candidates and prevented the party from competing on an equal basis in the election.

The role of public prosecutors during the election also raised concern. According to Article 28.6 of the Code, candidates are immune from prosecution unless the public prosecutor determines that charges should be brought. However, the decision to re-open a 1996 case against Mr. D. Ussenov (Bishkek #5), is an example of the partial and intrusive manner in which the public prosecutors have used their power. Other cases, such as the ones against Mr. M. Kaypov (Jalal Abad #9) and Mr. I. Kadyrbekov (Naryn #21) also raised concern regarding the role of the public prosecutors and judicial apparatus in the election, as they resulted in candidates being denied their right to compete in the election or campaign freely.

The observation mission received reports of heads of educational establishments, standing as candidates, pressuring students to register and vote at the university. During the campaign there were also reports of candidates attempting to bribe or intimidate voters.

Media Coverage

There was clear bias in the broadcasting of state-owned TV. Twenty per-cent of air-time devoted to coverage of the election was for the Union of Democratic Forces (UDF), with 97% of this coverage positive in tone.

Conversely, only a combined 8% of air-time was given to the opposition DMK / Ar-Namys and People's Party, with over 50% of this coverage being negative in tone. State-owned newspapers, such as *Slovo Kyrgyzstana*, also showed clear bias in favour of the UDF and against DMK and Ar-Namys, with some articles clearly aimed at discrediting some opposition candidates.

Private media generally gave a more balanced coverage of the campaign. *Pyramida TV*, for example, gave roughly equal coverage to the main pro-government and opposition parties, with the People's Party receiving 14% of the election coverage and UDF and DMK / Ar-Namys 10% each.

Article 31 of the Code, determining media coverage of the election, was interpreted by the CEC in a positive way, facilitating a comprehensive media coverage. However, Article 31.3 contains some provisions open to restrictive interpretation, such as the prohibition on "prognoses of the elections" during the campaign. It was also noted by the EOM that on 17 February, the president of the CEC gave details of an opinion poll on TV, highlighting the standing of two parties. This was inappropriate and arguably in violation of Article 31.3.

Election Day

On election day, the Kyrgyz people participated in the election in an active and peaceful manner, and Precinct Election Commissions worked very hard to administer the process. A large-scale presence of domestic observers, from candidates, parties and NGOs, served to increase confidence in the process. Kyrgyz civil society is to be commended for its significant efforts to strengthen the electoral process.

Claims made during the campaign that some student bodies had been pressured appear to have been validated. In universities in Bishkek and Jalal Abad in some cases where the head of the university was

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standing as a candidate, some of the students acknowledged to observers that they did not want to vote but had to, others admitted that they had voted several times.

During the regional tabulation process, some TECs, such as in Bishkek #5 and #6, relocated to the Regional State Administration. This was not foreseen and served to create confusion and an element of mistrust among some participants. In some instances the tabulation process was not entirely transparent.

The OSCE EOM will continue to monitor all complaints, liaising closely with election commissions, political parties and candidates, as well as Kyrgyz domestic observer groups.

Mission Information

- *Mr. Ihor Ostash, Chairman of the Foreign Affairs Committee of the Ukrainian Parliament and a Vice-President of the OSCE Parliamentary Assembly, is the Special Representative of the OSCE Chairperson-in-Office for observation of the 20 February parliamentary elections in the Kyrgyz Republic, and leads the short term observation.*
- *Mr. Mark Stevens (UK) is the Head of the ODIHR Election Observation Mission, which has been present in the country since January 12, with a team of 17 international experts, covering the pre-election period.*
- *The OSCE Election Observation Mission deployed 115 international observers on election day, including a 16-person delegation from the OSCE Parliamentary Assembly. On election day observers reported from some 600 polling stations in most of the 45 election constituencies.*
- *The OSCE Election Observation Mission would like to thank the Ministry of Foreign Affairs of the Kyrgyz Republic for their invitation to observe these elections, and the Central, Territorial and Precinct Election Commissions and political parties for their full co-operation during the course of the observation.*

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