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NDI STATEMENT FOLLOWING THE FEBRUARY 2, 2003 CONSTITUTIONAL REFERENDUM IN KYRGYZSTAN

Washington, DC, February 4, 2003

The National Democratic Institute (NDI), a nonprofit organization working to strengthen and expand democracy worldwide, has conducted nonpartisan democracy assistance projects in Kyrgyzstan since 1996. The Institute welcomed the September 2002 initiative to reform the constitution of Kyrgyzstan, and has since followed the process closely.

Unfortunately, developments in January and February 2003 have undermined the democratic potential of the constitutional reform process. These events included the abrupt naming of a new constitutional advisory board, the issuance without public consultation by that board of new amendments that further increase the powers of the presidency at the expense of the legislative and judicial branches of government, the scheduling of the referendum on extremely short notice, the lack of information made available to the public and the procedures surrounding the voting itself.

At the invitation of representatives of the government and the constitutional council, the Institute issued written commentary on procedural and substantive issues in October 2002 and January 2003. In these documents, NDI encouraged a reform process that was open and participatory and allowed time for thoughtful public consideration, as well as changes to the constitution that provided meaningful and enhanced roles for the legislative and judicial branches of government. These recommendations were not followed. On January 23, NDI issued a statement calling for a postponement of the referendum until an open and meaningful constitutional amendment process is restarted.

Events on referendum day, February 2, raise further concerns about the credibility and impartiality of the process. These concerns may erode public confidence in the voting and thus in the constitution itself. The following observations are based on reports from NDI observers who visited Kyrgyzstan during the referendum period and on reports of a nonpartisan domestic civic group, the Coalition for Democracy and Civil Society, which conducted an extensive referendum-day monitoring effort.

State employees were involved inappropriately in the process. On January 27, the Coalition issued a statement noting that state authorities and national security bodies harassed those calling for a postponement of the referendum to allow for public debate. In two cases, local election officials told NDI representatives that the commission had been given a turnout quota before the election, and that the village had suffered in the past when they failed to meet such quotas. Another precinct level commission also mentioned a turnout quota to observers in Cholpan-Ata

city. Local government officials were present in many polling stations and were heard, in some places, telling voters how to cast their ballots.

There were numerous examples of illegal voting, including ballot box stuffing, repeated voting by a single person and so-called “family voting.” University students reported being pressured to vote and, in some cases, to vote several times. Observers noted serious problems with vote counts, including questionable routing of protocols and unmistakable indications of improper tampering with tabulations.

Many election commissioners at all levels cooperated with monitors. Throughout the country, however, domestic and international election observers faced obstacles to reviewing voting and counting procedures. Domestic observers were prevented from entering certain polling places and removed from others. Some observers who were admitted to polling places were stationed in spots where they could not adequately view proceedings. Some were prevented from observing counting.

The nature of the constitutional changes put to a referendum vote on February 2 will not be conducive to democratic reforms in Kyrgyzstan. Just as important, the procedures surrounding the constitutional revisions, including those related to the development of amendments as well as those related to the referendum voting, undermine confidence that the referendum process was democratic.

For more information, please contact Nelson Ledsky, NDI’s Regional Director for Eurasia.