



INTERNATIONAL ELECTION OBSERVATION MISSION Kyrgyz Republic – Parliamentary Elections, 28 November 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 28 November parliamentary elections were competitive but constitutional changes weakening parliament, subsequent extensive legislative changes to key aspects of the elections, a stifled campaign and overall voter disillusionment hindered meaningful engagement. The new legislation provides an adequate basis for democratic elections but the overall legal framework is undermined by limitations on civil and political rights and diminished separation of powers and independence of the judiciary. Fundamental freedoms were generally respected during the campaign and the authorities displayed the political will to ensure clean elections, however strict enforcement of subsequent measures led to candidates campaigning with caution. Voters had a wide range of political options to choose from, and technical aspects of the elections were handled by the election administration in an efficient way. Most media outlets were reticent to cover activities of contestants while the regular activities of the president and authorities were extensively covered, limiting voters' ability to make an informed choice. While election day was peaceful and voting was well organized in the vast majority of polling stations observed, significant procedural problems were noted during the vote count and the initial stages of tabulation.

The new Constitution entered into force in May 2021, reducing the number of seats in parliament from 120 to 90. The change to a fully presidential system was initiated by President Japarov, who since taking office in January 2021 has significantly shaped the current political environment and shifted the balance of power. These elections took place following an extensive review of legislation implemented by a parliament elected in 2015, whose mandate expired in October 2020 but was extended to June 2021. While the Government introduced these measures as a part of a reform process, they are largely viewed as the last step towards a more centralized form of governance that began following the October 2020 elections, and subsequent events that included public protest for strong change.

The electoral legal framework was subject to extensive amendments shortly before elections were called which limited the opportunity for voters and election officials to familiarize themselves with the new system and procedures. Previous ODIHR and Venice Commission recommendations were not included in the reforms and in some instances, the amendments departed further from prior recommendations. Moreover, changes to the legislation were introduced in a manner and in a timeframe that did not meet principles of democratic law-making and compromised legal stability and the confidence of stakeholders in the electoral process. The Constitution adopted in April 2021, unduly limits some civil and political rights, affects the balance of powers and grants the president a greater role in the appointment of judges and election officials.

Elections were held under a mixed electoral system. Of the 90 Members of Parliament (MPs) 54 are elected from open party lists in one nationwide constituency. The national threshold for these seats is 5 per cent and the regional one 0.5 per cent in each of the 7 regions and 2 cities, and, despite the number of votes received, a political party is limited to a maximum of 27 seats. While it may be intended to promote pluralism, the limitation on the number of parliamentary seats that a party can win challenges the principle of the equality of vote and the free expression of voters' will. The remaining 36 MPs were elected in single mandate districts (SMD) in a first past the post system. The shift to a mixed system with 40 per cent of seats elected in single mandate districts negatively impacts women's overall participation and representation, with more than 93 per cent of these candidates being men.

The three-tiered election administration, led by the Central Commission for Elections and Referenda (CEC), generally enjoyed stakeholder confidence in their technical abilities and efficiency. Some noted the CEC's more proactive approach in its response to election related violations, however, in the adjudication of complaints it applied a restrictive, formalized and overly cautious interpretation of the election law. Regrettably, sessions of the CEC and the DEC's were often not announced to stakeholders in a timely manner and the vast majority of regulations adopted by the CEC were not published on its website, which detracted from transparency and limited information available to stakeholders.

The elections were well administered by the CEC, 36 newly formed District Election Commissions (DECs) and 2,494 Precinct Election Commissions. Observed training sessions for lower-level commission members were in general practical and interactive. DEC members were well informed of their roles and responsibilities, however, the ODIHR EOM observers noted that DEC sessions were not consistently held as required by law. To address the complexity of the new electoral system, the CEC launched an information campaign which targeted a broad array of stakeholders but was not uniformly implemented across the country.

The voter lists included some 3.6 million eligible voters. The voter registration system overall enjoys public confidence. Despite efforts made by the authorities to increase the inclusivity of the voter register, some 290,000 voters have yet to undergo biometric registration and therefore remain *de facto* disenfranchised. Restrictions on the right to vote for those imprisoned and those declared incapacitated by a court remain, contrary to international standards and commitments.

The CEC registered all 21 parties that submitted candidate lists and 321 out of 381 candidates nominated in SMDs. However, the introduction of a requirement for a higher education is contrary to international standards and commitments, significantly limits the number of citizens eligible to run as candidates. Quotas for gender, minorities, youth, and people with disabilities were respected at the time of registration, but there are no provisions to maintain the quotas after nomination, which limits their efficacy. In the SMDs, of the 304 competing candidates, only 20 (6.5 per cent) are women.

Fundamental freedoms were generally respected in the campaign. Parties and SMD candidates used diverse means, including door-to-door canvassing, leafletting and, increased use of social networks in response to financial constraints. The campaign slowly unfolded in a predominantly subdued atmosphere, with largely low-key and incident-free campaign activities. While the authorities' call for "clean" elections and the 1 November Presidential decree reportedly had an impact in deterring campaign violations such as vote buying and misuse of administrative resources, its strict enforcement, including through the State Committee of National Security (GKNB), stifled the campaign and prompted stakeholders to approach the contest with caution.

The legal framework for campaign finance provides a level of transparency, however this remains overall insufficient. Campaigns may be financed from private sources, and recent legal amendments introduced limitations on the sources of funding and expenditures for individual candidates in SMDs, however oversight of these and other key aspects remain unregulated and inadequate. The law also sets limits on total contributions for political parties. The CEC made available on its website incomes and expenditures of all electoral contestants but one party and a number of candidates failed to comply with reporting requirements. Proportionate and dissuasive sanctions for violations of campaign finance rules are not foreseen.

The Constitution guarantees freedom of expression, access to information and prohibits censorship as well as criminal liability for defamation. However, alongside several legal acts it also contains provisions that are unduly broad and vague in reference to potential grounds to limit freedom of expression. The CEC's restrictive definition of what constitutes campaigning in the media and the choice of many media outlets not to cover the campaign, had a detrimental effect on news and editorial

coverage. Most media monitored by the ODIHR EOM offered only minimal information on contestants' campaigns, which narrowed voters' access to information beyond the free airtime formats on the state TV channels. Critical and analytical reporting was, with the exception of a few online media, largely absent during the official campaign in the monitored media, limiting the voters' ability to make an informed choice.

The CEC handled complaints in a collegial and transparent manner. Sessions on complaints were open and complainants had the opportunity to present their case. However, the ODIHR EOM noted significant delays in the registering and subsequent adjudication of complaints before the CEC. The CEC received 142 complaints, including complaints on vote-buying and misuse of administrative resources and issued 51 warnings and fines which sanctioned violations of campaign rules in a timely manner. The new pivotal role of the president in the appointment of judges at all levels compromises the independence of the judiciary and the separation of powers. The reluctance of the judiciary to rule on election-related cases manifested in the tendency of courts to dismiss appeals on formalistic grounds compromising the right to an effective remedy against electoral violations contrary to paragraph 5.10 of the OSCE Copenhagen Document.

The election law provides for observation of all stages of the electoral process by political parties, civil society organizations and international observers, and for the first time, by representatives of candidates in SMDs. Of concern, recent amendments to the CEC regulation on registration of citizen observers introduced more restrictive eligibility requirements, potentially hindering the participation of civil society as observers in the election process. Consequently one citizen observer group was not granted the right to observe.

Election day was peaceful and voter turnout, as announced by the CEC, was 34.6 per cent. The voting process was assessed positively in 96 per cent of polling stations observed. IEOM observers reported problems with the secrecy of the vote, as well as instances of procedural violations. Transparency was overall ensured and party observers were present at nearly all polling stations observed, while citizen observers were present in about half. Overall, the biometric identification equipment and ballot scanners worked well, although occasional technical problems were also noted by IEOM observers. The vote count was assessed negatively in over half of observations, which is of concern. Many PECs failed to perform basic reconciliation procedures and used ballot scanner information for the results protocols instead of manually counting the votes, which is required by the law. The IEOM assessed negatively the initial stages of tabulation which were described in many instances as poorly organized and chaotic.

PRELIMINARY FINDINGS

Background

On 29 August, President Sadyr Japarov called for parliamentary elections on 28 November. The President who initiated the change from a semi-presidential system to a presidential republic, has since taking office significantly shaped the current political environment and shifted the balance of power. These elections are considered the last step towards a more centralized form of governance that began following the October 2020 elections, and subsequent events.

Between mid-October and early November 2020, at the initiative of Mr. Japarov, parliament proposed a new draft constitution for a presidential republic with significantly increased powers for the President. A referendum on the form of government was scheduled for 10 January 2021 alongside an early

presidential election, which Mr. Japarov contested and won.¹ The outcome of the referendum was in favour of a presidential republic.² The draft constitution was expeditiously approved by parliament and a referendum on the draft was scheduled for 10 April. As a result, there was a lack of meaningful consultation with stakeholders or parliamentary debate. The new Constitution reduced the size of the parliament from 120 to 90 seats.³ A number of provisions on the institutional framework and separation of powers as well as those dealing with human rights and freedoms were assessed as not being in line with international standards and OSCE commitments.⁴

In early February, the President mandated an extensive review of legislation.⁵ The mandate of the outgoing parliament ended in October 2020 but was extended by law to June 2021.⁶ Since June, parliament has adopted numerous bills, *inter alia* streamlining the president's new constitutional powers.⁷ These changes are widely viewed as steps toward a consolidation of power in response to public sentiment calling for strong decisions on issues of public concern.

International Election Observation Mission (IEOM) interlocutors have noted the continued fragmentation of a predominantly personality driven political environment, with traditional parties losing clout, while new ones emerge.⁸ Interlocutors also stated that in these elections, there was no clearly identifiable ruling party while a few parties are considered to be closely associated with the president. The president on the other hand stated that he would not be supporting any party.

Legislation on gender equality is in place since 2008.⁹ It guarantees equal political rights for men and women and introduces a representation requirement in state and local self-government bodies which limits the number of persons of the same sex to 70 per cent. The same representation requirement is also reflected in the proportional component of the new electoral system. Currently, there are only 20 women in the 120-seat parliament. The reduction in the size of parliament, combined with the election

¹ Mr. Japarov won 79.2 per cent of the votes.

² 81.3 per cent voted for a presidential republic, 10.9 per cent for a parliamentary one and 4.4 per cent were against all options. Turnout was 39.1 per cent.

³ The Constitution among other things transfers the powers of the head of the executive branch from the prime minister to the president; it foresees the replacement of the single six-year mandate for the president with the possibility of two five-year terms; the Constitution also grants the president the right to speak at sittings of a newly-established 2,500 strong "People's Kurultai" - a traditional consultative assembly of highest elders amongst historic nomadic communities.

⁴ See the March 2021 [Joint Opinion on the Draft Constitution of the Kyrgyz Republic](#) (2021 Joint Opinion) by ODIHR and the European Commission for Democracy through Law (Venice Commission).

⁵ The ODIHR EOM interlocutors have estimated that up to 400 laws have been affected. The decree can be found on the [website of the President](#) of the Kyrgyz Republic.

⁶ While the Constitutional Chamber of the Supreme Court found the law constitutional, it criticized the length of the postponement, stating that it was "excessive and unjustifiable by objective circumstances". Of note, the law stated that repeat elections should not be held later than 1 June. It further stated that in the prolongation period of the parliament, its activity "must be guided by the principle of reasonable restraint". The Venice Commission in its November 2020 [Urgent Amicus Curiae Brief related to the Postponing of Elections motivated by Constitutional Reform](#) stated: "during the *prorogatio* that takes place after the legal term of the legislature has expired, the Parliament is only allowed to carry out some ordinary functions, whereas it is not allowed to approve extraordinary measures, including constitutional reforms".

⁷ The constitutional Law on the Cabinet of Ministers replaces the Prime Minister by a Chair-of-Cabinet who is answerable to the president, and who also heads the Presidential Administration. The law further forbids criminal investigations against members of government, unless approved by the president, who also has the authority to appoint and dismiss individual members of government. The Law on Local State Administration and Local Self-Government Bodies grants the president sweeping powers in the appointment and dismissal of local officials. Both laws were adopted in October 2021 during the ongoing election process.

⁸ Of the 21 parties that contested the elections, five ran in last year's parliamentary race (*Yiman Nuru*, *Ata Meken*, *Butun Kyrgyzstan*, *Ordo*, and the Social Democrats). The remaining parties participated in this year's elections either for the first time or are the outcome of a process of re-branding. Of note, the August 2021 election law amendments repealed the requirement for parties to be registered at least six months prior to election day.

⁹ The 2008 Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women.

of 36 seats through a majoritarian system, which traditionally favours male contestants, impacted negatively on women's overall participation and representation.

On 26 November, the CEC agreed to waive immunity for three candidates from the Green Party of Kyrgyzstan upon the information provided by the GKNB on the investigation of these three candidates for conspiracy for the violent seizure of power. The GKNB informed of the arrest of 15 other individuals on the same charges.

Legal Framework and Electoral System

The legal framework for parliamentary elections primarily consists of the 2021 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (election law), the 2021 Law on Central Election Commission, and the 2011 Law on Election Commissions.¹⁰ The Kyrgyz Republic is a party to the main international treaties related to democratic elections.¹¹

The current Constitution, adopted by referendum in April 2021, unduly limits some civil and political rights.¹² ODIHR and the Venice Commission reviewed the draft constitution and provided a number of recommendations none of which were addressed in the draft that was put to a referendum. Among other election related changes, it introduced the possibility to recall MPs, increased the eligibility age for parliamentary candidates from 21 to 25 years of age and granted the president a pivotal role in the appointment of judges at the national and local levels.

Although the election law was amended several times after the invalidation of the results of the 4 October 2020 parliamentary elections, ODIHR recommendations were not on the agenda of these reforms and in some instances the amendments further departed from prior recommendations.¹³ A number of recommendations remain unaddressed,¹⁴ and certain changes created conflicting provisions in the legislation.¹⁵ Further, some legal provisions are broad, leaving wide room for interpretation by

¹⁰ Other relevant acts include the Law on Political Parties, the Law on Peaceful Assemblies, and legislation providing for sanctions for electoral offences. The new Criminal Code, the Code on Criminal Proceedings and the Code on infractions were adopted by the parliament on 22 September but signed by the president only on 16 November and will enter into force not earlier than 1 December 2021.

¹¹ These include the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women and its optional protocol, the 2002 CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms, the 2003 UN Convention Against Corruption and the 2006 Convention on the Rights of Persons with Disabilities (CRPD).

¹² For example, Article 10 (4) of the Constitution provides that “[i]n order to protect the younger generation, activities that contradict moral and ethical values and public conscience of the people of the Kyrgyz Republic may be restricted by law”. The Joint Opinion [recommended](#) to remove this restriction. In addition, it stated that “a blanket ban on the establishment of political parties with religious or ethnic attributes would, as a rule, be disproportionate”, while Article 8.3.3 of the Constitution prohibits, *inter alia* “creation of political parties on a religious and ethnic basis”.

¹³ For instance, the change of the CEC nomination runs contrary to a previous recommendation on strengthening independence of the CEC. While the law prohibited the possibility to vote at a temporary place of stay, it does not foresee sufficient safeguards to ensure voting rights of internal migrants, despite previous recommendations.

¹⁴ These include reconsidering restrictions on suffrage rights of prisoners and persons with disabilities as well as undue restrictions on legal standing in electoral disputes, and introduction of guarantees for the quota mechanisms for candidate lists.

¹⁵ While Article 3 of the electoral law states that “[t]he citizens of the Kyrgyz Republic shall have the right to elect and be elected regardless of their origin, sex, race, ethnicity, disability, education, official and property status, religion, political and other convictions”, the new amendments introduced a higher education as a new candidacy requirement. Paragraph 15 of the UN Human Rights Committee's [\(CCPR\) General Comment No. 25](#) on Article 25 to the ICCPR states that “[p]ersons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”.

the CEC.¹⁶ In some instances, the CEC imposed more restrictive requirements than the law, through its regulations and decisions.¹⁷

On 26 August 2021, the president signed the legislation, which amongst others introduced a mixed electoral system.¹⁸ The introduction of amendments three days before the call for elections did not grant voters and election officials sufficient opportunity to familiarize themselves with the new system and procedures.¹⁹ The changes to the electoral legislation, initiated and driven by the current president, were adopted by parliament through an expedited procedure that did not provide an opportunity for inclusive and meaningful consultations and compromised stability of the electoral law.²⁰

Under the newly adopted electoral system, voters will elect 90 MPs for a 5-year term, with 54 proportionally elected in a single nationwide constituency, through open party lists, and 36 elected in single mandate districts (SMD) under a one round plurality system (first-past-the-post). To qualify for the distribution of seats in the proportional component, political parties must pass a 5 per cent threshold of votes cast nationwide and 0.5 per cent in each of the seven regions and in the cities of Bishkek and Osh.²¹ A political party is limited to 27 seats in parliament, notwithstanding the number of votes received.²² This limitation challenges the principle of the equality of the vote and the free expression of the voters' will. ODIHR and the Venice Commission have previously recommended revising seat allocation rules as well as to reconsider double threshold.²³ In SMDs, the candidate who receives the most votes cast in the district is elected.²⁴

Following the recent amendments, the CEC delineated boundaries for the 36 SMDs. The law requires the number of eligible voters across districts to be approximately equal with a possible deviation of up to 20 per cent from the average. While within the legal limits, the number of voters in eight districts exceeds 15 per cent deviation from the national average number of registered voters per parliamentary seat contrary to good practice.²⁵ The CEC informed the ODIHR EOM that the deviation is due to the specificities of the geographical distribution of the population within the country.

¹⁶ For example, the recent amendments introduced a new level of election administration but did not include rules on its formation.

¹⁷ For example, the amended CEC regulation 'On observers' introduced additional requirements for registration of citizen observers (*See Domestic and International Observers*), certain CEC decisions on violation of campaign rules had restraining effect on campaigning and freedom of expression (*See Complaints and Appeals*.)

¹⁸ The introduction of the new mixed electoral system was accompanied by requisite changes in provisions on voter registration, candidate registration, campaign finance and election administration and significantly altered election day procedures.

¹⁹ Some ODIHR EOM interlocutors also opined that the amendments were not sufficiently discussed with all electoral stakeholders.

²⁰ The new Constitution grants the president the right to legislative initiative. The explanatory report of the Venice Commission's Code of Good Practice on Electoral Matters states that '[r]ules which change frequently – and especially rules which are complicated – may confuse voters. Above all, voters may conclude, rightly or wrongly, that electoral law is simply a tool in the hands of the powerful, and that their own votes have little weight in deciding the results of elections.'

²¹ [ODIHR and the Venice Commission](#) have previously recommended to reconsider the double threshold. In November 2020 the national electoral threshold was lowered from 7 to 3 percent, it was increased in August 2021 back up to 5 percent.

²² If, as a result of voting, one party wins more than 27 mandates, the remaining mandates will be distributed among the parties that passed the thresholds.

²³ See the 2014 [ODIHR and the Venice Commission Joint Opinion](#) on the Draft Electoral Law of the Kyrgyz Republic.

²⁴ Should a seat remain vacant as a result of a candidate's withdrawal after being elected, new elections in this district shall be held within two months.

²⁵ The districts mentioned are: Aksy (20 per cent), Ala-Buka (20 per cent), Talas City (20 per cent), Kok-Zhar (20 per cent), Nookat (18 per cent), Toloikon (18 per cent), Ak-Suu (17 per cent), Manas (17 per cent). The Venice Commission [Code of Good Practice in Electoral Matters](#) Section 2.2 paragraph 15 provides that "The maximum admissible departure from the distribution criterion... should seldom exceed 10% and never 15% except in really exceptional circumstances ...".

Election Administration

The elections were administered by the CEC, 36 District Election Commissions (DECs), and 2,494 Precinct Election Commissions (PECs), including 59 PECs abroad.²⁶ The CEC and PECs are permanent bodies appointed for five years. DECs are temporary bodies established for each parliamentary election with no less than 12 members. Women were well represented in the election administration: four CEC members including the chairperson and around half of the DEC and the majority of PEC members.²⁷ Different national minority groups were underrepresented, including in the territories where they comprise a substantial share of the population.²⁸

PEC members are nominated by political parties and local self-government bodies. While collectively political parties have the right to nominate up to half of the PEC members, only 6 per cent of PEC members were nominated by political parties.²⁹ This was attributed to political parties having limited human and financial resources and in some cases to increased confidence in the integrity of the electoral process following the introduction of election technologies.

The current 12-membered CEC was appointed on 30 June 2021.³⁰ Despite an ODIHR and the Venice Commission recommendation on the role of the president envisioned in the draft constitution, under the new procedures, the president now nominates half of the members, and the other half are nominated by parliament.³¹ In general, election stakeholders expressed confidence in the technical abilities and efficiency of the election administration. Some noted the more proactive approach of the CEC in reacting to election related violations. At times however, the CEC took a rather restrictive, formalized and overtly cautious interpretation of the election law, in particular in the adjudication of complaints concerning campaign activities and editorial coverage by the media and in the regulation of observation by civil society.

The CEC sessions were open to observers and media, as well as streamed online, and subsequently available on the CEC's YouTube channel, enhancing transparency. However, sessions were often announced shortly before their start, thus leaving little time for those willing to attend or watch online.³² While members should be present at all sessions, CEC rules also allow for attendance through videoconferencing.³³ The CEC sessions observed by the ODIHR EOM were generally collegial and decisions adopted mostly unanimously.

While the law requires the CEC to publish decisions on its website within 24 hours, not all decisions, particularly those on complaints, were made public in a timely manner. (see section on *Complaints and*

²⁶ Voters abroad may vote only in the unified national constituency. The voting was organized in 29 countries.

²⁷ Out of 36 DECs 10 were chaired by women. Around 70 per cent of PEC members were women.

²⁸ According to the CEC data, only 12 percent of DEC members and 17 per cent of PEC members belong to national minorities.

²⁹ The number of PEC members should be no less than seven and depends on the size of the precinct.

³⁰ Eight CEC members are new. The Chair has held this position since 2016.

³¹ The six CEC members nominated by parliament represent Ata-Jurt Kyrgyzstan, Ata-Meken, Bir Bol, Onuguu-Progress, Respublika, and SDPK. The 2021 Joint Opinion stated that the "proposed model assumes broader involvement of the President in formation of the CEC detracting from the current balanced approach".

³² For instance, sessions on 19 and 26 October were announced on the Telegram channel 17 and 8 minutes before the start, respectively. On 20 October, 10 minutes and on 21 November, 3 minutes after it started. On 24 October the session was announced only once it was over.

³³ The CEC sessions had online and in-person attendance. At times, some members submitted their votes in advance using WhatsApp voice messaging, which is not provided for in procedures. If the draft decision was amended during the discussion the vote deposited in advance was not counted by the commission.

Appeals) Further, by election day only 8 out of 27 regulations adopted for these elections were published on the CEC website, detracting from transparency.³⁴

By law, during the election period DEC's should have sessions at least once a week. Most of the DEC's informed the ODIHR EOM that they either did not hold sessions at all or held them based on necessity. Further, on multiple occasions, ODIHR long-term observers noted a lack of transparency and cooperation on the side of the DEC's.³⁵ Nevertheless, technical preparations for these elections were managed efficiently, respecting the legal deadlines. Lower-level election commissions were provided with sufficient resources and logistical support from the CEC and local authorities. The CEC trained lower-level commission members, operators of biometric identification, and ballot scanner operators. The ODIHR EOM assessed the attended training sessions as informative, practical and interactive. The CEC also provided tools to assist voters with visual impairments in all polling stations, including tactile ballot papers.

Addressing the complexity of the new electoral system and ballots, the CEC had a comprehensive information campaign.³⁶ It was conducted through trainings, seminars, billboards, posters, explanatory videos on media platforms and state-TV channels, and materials in sign language. However, the ODIHR EOM observed that the amount of voter information in the regions varied.

Voter Registration

Citizens who are at least 18 years of age on election day are eligible to vote. Despite prior ODIHR recommendations, the election law continues to disenfranchise those serving a prison sentence, irrespective of the gravity of the crime committed, and those who have been declared incapable by a court, contrary to international standards and obligations.³⁷

Voter registration is passive and voter lists are extracted from the Unified Population Register (UPR), administered by the State Registration Service (SRS). Biometric civil registration is mandatory for all citizens above the age of 16 in order to be included in voter lists. According to the CEC, some 290,000 citizens, mostly residing abroad, have no biometric registration and thus remain disenfranchised.³⁸ Most ODIHR EOM interlocutors nevertheless expressed general trust in the voter registration system.

According to a legislative amendment adopted four months before the elections, those voting in the SMD race must have registered their residential address in the given electoral district at least 90 days before election day. This left only 30 days for voters to take this step.³⁹ Following amendments after

³⁴ The regulations addressed procedures for registration of candidates and citizen observers, formation of election commissions, campaign and campaign finance, consideration of complaints and appeals, election day procedures and others. The eight published regulations were on candidate registration, on registration of citizen observers, on campaign rules, on CEC working group, on determining the order of candidates in ballot, campaign finance rules, on status of party/candidate proxies and voter information. A regulation on election day procedures was adopted late in the process on 15 November and had not been published by 27 November.

³⁵ For example, not informing ODIHR long-term observers of the schedule of their sessions despite repeated requests, not always accurately informing observers of issues related to complaints and, in some cases, refusing to answer questions about their activities.

³⁶ The information campaign covered areas such as candidate registration, election campaign, complaints and appeals, and election day procedures. By law, election commissions, state and local self-government bodies are responsible for providing timely and reliable information to voters.

³⁷ See Articles 12 and 29 of the 2006 CRPD. See also paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011, which states that Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Paragraph 24 of the 1990 OSCE Copenhagen Document provides that "any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law".

³⁸ This is a 36 per cent decrease as compared to the figure during the last presidential election in 2021 (450,000).

³⁹ There is no such requirement for voting in the nation-wide constituency.

the 2020 parliamentary elections aimed at introducing safeguards against vote buying, the possibility for voters to change their place of temporary stay was removed.⁴⁰ The CEC provided a mechanism for those working in polling stations to change their voting locations;⁴¹ the lack of this option for other voters currently not residing at their permanent residence created obstacles for them to exercise their right to vote.⁴²

Despite a previous ODIHR recommendation, the lack of harmonization of the two databases of the SRS - national IDs and the registry of addresses meant that voters were assigned to a polling station according to their address in the national IDs database, regardless of their current registered place of residence. This may have resulted in confusion among some voters about the address of their voting place and necessitated additional actions by them before they could exercise their right to vote, as observed by the ODIHR EOM.⁴³ Positively, the CEC provided a mechanism to facilitate the participation of voters whose civil registration address does not match the address on their ID.⁴⁴ The voter information material on this matter was not detailed enough on the procedures to be followed.

The final voter lists include 3,703,420 voters, of whom some 52 per cent are women. There are 84,128 voters registered for out-of-country voting.⁴⁵ Voters had sufficient opportunity to check their data and request corrections at PECs during the scrutiny period until 12 November.

Registration of Candidates and Candidate Lists

Eligible voters who are 25 years and older have the right to stand. Recent amendments increased the age requirement and introduced a requirement for a higher education, significantly limiting the number of citizens eligible to run as candidates. Citizens in possession of another nationality are not eligible despite prior ODIHR recommendations and the Venice Commission.⁴⁶ Nomination for the nationwide electoral constituency is done through party lists. For SMDs, candidates can be nominated either by political parties or through self-nomination. Parties may nominate up to 54 candidates for the nationwide electoral constituency and one candidate in each SMD, while independent candidates may only stand in SMDs.

To register a candidate list or candidates in SMDs, contestants are required to pay a deposit of KGS 1 million and KGS 100,000, respectively.⁴⁷ A candidate list must have at least 30 per cent of candidates

⁴⁰ The law allows for out-of-country voters to vote at their current place of stay.

⁴¹ Of note, a CEC regulation grants the opportunity for members of election commissions, police officers on duty on election day, biometric voter identification equipment operators and medical workers to be included in the voter list of the polling station to which they are assigned to work on election day.

⁴² ODIHR has previously recommended that “[c]onsideration should be given to providing all voters with a right to request a temporary change of voting address under the conditions of a valid justification and a limited number of requests submitted by one voter within an election period”.

⁴³ For example, a voter in Bishkek applied to update the voting address via online service [“Tizme” portal](#), but the service was not available at the time of application; thereafter the service became available only for the voters abroad. As a result, the voter applied to the respective PEC and changed the voting address. Another voter in Bishkek applied to the respective PEC to update the voting address, but was instructed to address the Ministry of Foreign Affairs and the respective consulate as the voter was registered abroad; the voter was eventually automatically registered according to the new address.

⁴⁴ Some 700 voters requested the updates.

⁴⁵ The number of voters registered abroad have more than doubled comparing with the last parliamentary elections. According to the CEC this is due to easier registration procedure, including a possibility to apply online, and activity from the diaspora abroad. Voters abroad have the right to vote only for the nationwide constituency.

⁴⁶ Compliance with the registration requirements is checked by the integrated system of data exchange of state bodies using the TUNDUK platform. The CEC is connected through the system to the Ministry of Interior, the Ministry of Justice, the Ministry of Education and, the Ministry of Digital Development.

⁴⁷ The deposit is returned if a candidate list or a candidate in a SMD gains 5 per cent and 1 per cent of votes, respectively. EUR 1 equals approximately KGS 95.

from each gender, with the lesser represented gender given at least one place in each group of four candidates on the list.⁴⁸ By law, each contesting party should include at least two persons with disabilities in the candidate list; one of them should be among the first 25 names.

The CEC registered all 21 parties that submitted candidate lists and 321 out of 381 candidates nominated in SMDs.⁴⁹ While the CEC is in charge of the registration of candidates, a new regulation required DEC's to facilitate the receipt and transfer of SMD applicants' documents to the CEC, which eased registration for SMD candidates in the regions. All parties adhered to the nomination quotas. The total number of registered candidates in the lists was 1,036 with 372 women (36 per cent), 46 persons with disabilities, 189 belonging to national minorities (18 per cent), and 267 persons under 35 years of age (26 per cent). Only 20 women (6.5 per cent) and 10 representatives of national minorities (3 per cent) were registered for contests in SMDs. The lack of provisions to maintain the quotas after nomination, undermines their efficacy.

The CEC received three complaints regarding the process of nomination and registration.⁵⁰ It also did not register the speaker of parliament Talant Mamytov, on the Yntymak Party list, as the latter had not stepped down from the position of speaker.⁵¹ This decision was later overturned on appeal (see *Complaints and Appeals*). Shortly before election day, the CEC received information from the State Committee of National Security (GKNB) on the non-validity of the documents submitted for registration by two candidates from opposition parties.⁵² The law does not foresee a role for the GKNB in reviewing registration documents. The CEC decided to take note of the information received and suspend a decision until further clarification.⁵³ In one of these two cases, on 24 November, the candidate was deregistered by the CEC following inquiry with the Ministry of Education. His deregistration was further overruled by the Administrative Court.

Campaign Environment

The electoral campaign started on 29 October and ended on 27 November, 24 hours before the opening of the polls. The legal framework provides for equal campaign opportunities for all contestants and the election administration is responsible for ensuring this is respected.

Overall candidates were able to campaign freely and fundamental freedoms were generally respected. A registered candidate, Mr Ravshan Jeenbekov, currently in pre-trial detention, petitioned a district

⁴⁸ In addition, the Election Law establishes a number of other quotas for candidate lists, which parties must meet in order to have their lists registered. At least 15 per cent of candidates on the list must belong to national minorities; 15 per cent must be younger than 35. The law establishes specific placement requirements for each category.

⁴⁹ Thirty-one candidates were not registered due to non-payment of the electoral deposit and three for not submitting higher education diplomas. The rest withdrew their nomination before registration.

⁵⁰ One complaint was about the nominating party not submitting a candidate's diploma to the CEC. In two other cases the complainants argued that registered candidates had unexpunged criminal records, which is grounds for denial of registration. The CEC informed the ODIHR EOM that candidates' criminal records were expunged.

⁵¹ Recent amendments to the election law introduced the obligation for certain categories of state and municipal officials to resign or take a leave of absence. The CEC explained that this new requirement is a safeguard against misuse of administrative resources. According to the CEC, 136 candidates resigned or took a leave of absence from state and municipal offices.

⁵² GKNB is part of the executive branch, with the President appointing its head. By the 1994 Law on National Security Bodies (last amended on 22 January 2021), the security forces ensure the security of individuals, society and the state; work to identify, prevent and suppress the intelligence and subversive activities of foreign special services and organizations, as well as illegal encroachments on the constitutional order, sovereignty and territorial integrity of the Kyrgyz Republic.

⁵³ On 18 and 19 November, the CEC discussed at its sessions the information from the GKNB concerning the validity of higher education diplomas of two registered candidates from the SDPK and Butun Kyrgyzstan.

court for his release in order to be granted the right to campaign, however the court rejected his petition.⁵⁴

The campaign unfolded in a predominantly subdued atmosphere, with campaign activities remaining largely low-key and incident-free. The authorities' call for "clean" elections and the 1 November Presidential decree and its strict enforcement, including through the GKNB, prompted election stakeholders to approach the contest with caution and stifled the campaign.⁵⁵ This reportedly had an impact in deterring campaign violations such as vote buying and the misuse of administrative resources.⁵⁶ IEOM interlocutors also pointed to the weakened role of parliament and underscored a high degree of voter apathy when discussing the lack of a vigorous campaign.⁵⁷ Contesting parties signed a non-binding electoral code of conduct pledging to run an "honest" campaign and to refrain from buying votes and misusing administrative resources.⁵⁸

Parties and SMD candidates used diverse means of campaigning in a contest with campaign events spread across the country.⁵⁹ They campaigned via rallies, door-to-door canvassing, leafletting, posters, billboards, and traditional media. The COVID-19 pandemic and related measures in place did not hinder campaign activities. Electoral contestants relied increasingly on social media such as Facebook, Instagram, WhatsApp, Telegram and TikTok.

Party and candidate platforms generally focused on issues such as the change of the political class, anti-corruption, economic development, education, healthcare, and infrastructure. Significant attention was also devoted to local issues but, above all, the contest was personality-driven and candidates highlighted their personal profiles and qualities over programmatic visions. Campaign events observed by the ODIHR EOM indicated an overall low visibility of women, and gender equality and national minority issues did not feature prominently in the campaign discourse.

Several parties and SMD candidates noted to the ODIHR EOM that financial limitations and the new requirement that campaign-related payments be made by bank transfer had constrained their campaign

⁵⁴ On 3 November, the court rejected the petition, stating that the status of candidate cannot be considered as grounds for altering preventive measures. On 18 November, seven rivals of Mr. Jeenbekov sent an appeal to the CEC chair requesting that he be given the opportunity to conduct his campaign.

⁵⁵ The [President](#) outlined his intention to have honest elections and a flawlessly organized campaign in his 21 October 2021 address to the Republic meeting of heads of local self-government bodies and local state administrations. On 23 October, during a press conference, he announced the dismissal of one *Akim* (head of district) until the end of the elections for allegedly lobbying the interests of a party. This was seen by ODIHR EOM interlocutors as a warning for all in Kyrgyzstan. On 1 November, [President Japarov signed a decree](#) instructing among others all election commissions, state bodies and local state administrations, to strictly comply with the electoral legislation during the preparation and conduct of elections.

⁵⁶ On 9 November, the [Chair of the Cabinet of Ministers announced](#) that the mayor of Osh city and the minister of education had been reprimanded, while the Rector, the Dean and three lecturers of Osh State University were dismissed on grounds of misuse of administrative resources for having allegedly pressured students to partake in a rally of the Azzatyk Party on 3 November. The following day the [Chair of the Cabinet of Ministers](#) called on civil servants not to interfere in the election process. On the same day, the [Vice Chair of the cabinet and the Chair of the GKNB](#) promised to punish civil servants if they interfered in the elections. On 14 November, the President warned voters and candidates through his [Facebook](#) and [Instagram](#) accounts about criminal liability of vote buying, urged law enforcement agencies to take strict and decisive measures.

⁵⁷ In 2021, the citizens of the Kyrgyz Republic took part in up to five electoral processes: early presidential election (January 2021); referendum on the form of governance (January 2021); constitutional referendum (April 2021); local elections (April 2021); and repeat local elections in Bishkek, Osh and Tokmok (July 2021).

⁵⁸ The document was signed on the premises of the [CEC](#) on 5 November 2021.

⁵⁹ As of 27 November, the ODIHR EOM observed 65 campaign events in the following regions: Jalal-Abad – 17; Issyk-Kul – 10; Naryn – 10; Chui – 9; Osh – 9; Talas – 7; Batken – 3. They were organized by: Ata Jurt Kyrgyzstan – 9; Butun Kyrgyzstan – 9; El Umutu – 6; Ishenim – 4; Azattyk – 3; Alliance – 3; Ata Meken – 2; Uluttar Birimdigi – 1; Yntymak – 1; Yman Nuru – 1; Begyt – 1. One campaign event was organized jointly by several parties. 11 campaign events were organized by DECes. 12 campaign events were organized by SMD candidates.

efforts and negatively impacted the number of campaign staff hired. Financial constraints and declining TV viewership also affected parties' ability and propensity to purchase paid advertisement on traditional media, with social networks becoming an increasingly used campaign tool.⁶⁰ A number of SMD candidates campaigned jointly with party candidates to leverage common financial resources. Several parties indicated that they did not want to commit large financial resources to these elections because they felt that those in opposition to the government did not have a good chance.

Despite calls and warnings from the authorities, the ODIHR EOM learned of a number of allegations of vote buying in particular through family networks and the Ministry of Interior (MoI) opened investigations in 21 cases reported to them. The ODIHR EOM also received reports of intimidation and harassment by proxies of a high-level state security official for the purpose of delivering a certain number of votes for a specific candidate. The MoI was proactive in following up on reports of violations of electoral legislation and established violations in at least 128 cases.⁶¹ However, the active role the GKNB took in investigating alleged violations of campaign regulations and interrogating some well-known candidates and their relatives had an intimidating effect on some participants.⁶²

Campaign Finance

The legal framework provides a level of transparency of campaign finances; however, certain key aspects of oversight remain unregulated. Campaigns may be financed from private sources while direct public funding is not foreseen.⁶³ Recent legal amendments introduced limitations on the sources of funding and expenditures for individual candidates in SMDs. The law also sets limits on total contributions for political parties.⁶⁴ According to the law, in-kind donations are permitted only for campaigning and information materials.⁶⁵

In line with the law, all contestants opened designated bank accounts to manage their campaign contributions and expenditures. While introduction of a prohibition on cash payments contributed to overall transparency, some candidates in SMDs raised concerns about how this limits their activities, especially in the regions, where banking services are not widely available.⁶⁶ Many ODIHR EOM

⁶⁰ Most of the parties had their presence on the popular social networks, in particular on Facebook (19) and Instagram (18). While around half of the parties actively promoted their activities on those networks, the most interactions and video views were observed on the official accounts of three parties (El Umutu, Ata Meken and Alyans).

⁶¹ As per the Ministry of Interior's [website](#) as of 15 November.

⁶² On 15 November, the GKNB summoned an SMD candidate, opposition MP Dastan Bekeshev (person with disabilities) for a four-hour interrogation without a lawyer further to a complaint about the alleged participation of underage activists in his election campaign. On 16 November, the GKNB detained a relative of an SMD candidate running in the Lenin District of Bishkek, Kamchybek Zholdoshbaev, on suspicion of bribery of voters. He was later de-registered. On 19 November, candidate Zhanybek Abirov said that the GKNB summoned him for interrogation over the alleged participation of underage activists in his election campaign.

⁶³ Cash donations as well as donations from foreign, state-owned, or anonymous sources and religious and charitable organizations are prohibited.

⁶⁴ Limits on campaign contributions and expenditures are set at KGS 300 million (some EUR 3 million) for political parties contesting nationwide, in the proportional race and KGS 10 million (some EUR 100,000) for candidates competing in SMDs.

⁶⁵ Article 62(2) of the Election Law states that election funds may be created from the monetary funds, as well as campaigning and information materials, which are taken into account by the CEC. Although this provision is valid only for political parties. The CEC informed that in-kind donations must be evaluated according to market value and these contributions will only be reflected in the final report by the contestants.

⁶⁶ Electoral funds of SMD candidates can be financed from: a candidate's own funds (not more than KGS 150,000); funds of a political party that has nominated a candidate (not more than KGS 1 million); donations by citizens (not more than KGS 200,000 per citizen); and donations by legal entities (not more than KGS 500,000 per legal entity). Electoral funds of political parties contesting in the nationwide constituency can be financed from: funds of a candidate included in the list of candidates (not more than KGS 1.5 million); funds of a political party (KGS 100 million); donations by citizens (not more than KGS 200,000 per citizen); and donations by legal entities (not more than KGS 3 million per legal entity).

interlocutors alleged that in many instances, cash was still used to cover campaign expense, contrary to the law.⁶⁷ Of note, some candidates in SMDs fundraised through electronic payment applications, which is not foreseen in campaign finance regulations.⁶⁸ The CEC expressed its concern that electronic payment applications could be used to bypass the requirements for electoral funds.⁶⁹

The CEC oversees campaign finance and regularly publishes information on campaign incomes and expenditures on its website.⁷⁰ However, this oversight is limited as it only checks the eligibility of donors, and whether limits on campaign contributions and spending and reporting requirements were respected, which diminishes its efficiency. Five political parties led in campaign spending and spent twice as much as all the rest combined.⁷¹ In total, all political parties in the nationwide constituency received KGS 216 million and spent some KGS 182 million. In SMDs, combined, all the candidates received some KGS 250 million and spent KGS 195 million.

Parties and SMD candidates are required to submit one financial report 10 days before and a final one 10 days after election day. As of 24 November, 1 contesting party and 23 SMD candidates did not submit their first financial report. The reports are audited by the CEC audit group to oversee compliance with campaign finance rules. Contrary to previous ODIHR recommendations, the law does not foresee how the audit should be conducted nor does it require publication of audit results, diminishing the efficacy of campaign finance regulations.⁷²

Overall, the transparency of campaign financing is insufficient, and there are no clear regulations to meet the new means of campaign financing.⁷³ The electoral law does not require disclosure of sources of funding.⁷⁴ The law also does not provide a range of proportionate sanctions for violations of campaign finance rules. Furthermore, contrary to previous ODIHR recommendations, political parties do not need to submit annual financial reports.⁷⁵ This undermines the overall transparency of campaign

⁶⁷ For instance, in Karakol (Yssyk-Kul region) the ODIHR EOM was informed that some SMD candidates pay their agitators in cash and use cash to rent an office for election campaign. A political party in Kochkor-Ata (Jalal-Abad region) mentioned that volunteers use cash to pay for taxi services.

⁶⁸ Candidate Dastan Bekeshev who contested in SMD 28 posted on his [website](#) displaying 4 bank accounts and 8 electronic payment applications of political party “Ak-Niet” and called for donations to his election campaign. Similarly, candidate Nurbek Toktakunov who competed in SMD 27 posted on his [website](#) 3 electronic payment apps inviting voters to support his campaign through monetary contributions.

⁶⁹ On 15 November, the CEC held a public discussion with representatives from banks, financial institutions, and law enforcement agencies with the view to identify potential methods for preventing the illegal use of cash and non-cash payments outside of the electoral funds.

⁷⁰ The two banks *RSK bank* and *Aiyl bank* are authorized to open accounts for electoral funds and to transmit information on electoral contestants’ income and expenditures to the CEC on a daily basis. The CEC published data on all 21 political parties and 313 candidates in SMDs, although the total number of the candidates in SMDs decreased because of deregistration.

⁷¹ In total KGS 118,2 million: Yntymak – KGS 27 million, Alliance – KGS 22,8 million, Ishenim – KGS 32 million, El Umutu – KGS 18,8 million, Ata Jurt Kyrgyzstan – KGS 17,6 million.

⁷² Paragraph 278 of [the 2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation](#) (Joint Guidelines) states that: “[...] legislation should clearly outline the different steps of the audit process”. See also Section 6 of 2015 ODIHR Handbook for the Observation on Campaign Finance. The CEC did not publish the audit regarding last presidential election in 2021.

⁷³ Article 7.3 of the [UN Convention against Corruption](#) prescribes to consider taking “appropriate legislative and administrative measures ... to enhance transparency in the funding of candidatures for elected public office”.

⁷⁴ Section II.B.2.2.3 of the [2016 ODIHR and Venice Commission Joint Guidelines](#) for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes recommends: “Political parties and candidates should be required to report on the origin and purposes of all the campaign finance transactions in order to facilitate transparency [...]”.

⁷⁵ Paragraph 265 of the Joint Guidelines states that: “Political parties should be required to submit disclosure reports to the appropriate regulatory authority at least on an annual basis in the non-campaign period.”

funding particularly when a political party that does not participate in the elections donates to a candidate.⁷⁶

Media

The media environment is diverse, with the presence of several independent sources. Nonetheless, the environment is characterized by a lack of funding, under-developed professional journalistic standards, and a practice whereby journalists expect payment in return for presenting a certain viewpoint. Television remains the main source of information, followed by an ever-growing influence of online media and social networks. The public broadcaster (*KTRK*) has the biggest coverage and viewership. However, a proposal introduced within the legislative review initiated by the President in February 2021 envisages a change of its status from public to state-owned with the president appointing managerial posts.⁷⁷

The Constitution guarantees freedom of expression and access to information, and prohibits censorship as well as criminal liability for defamation. However, the Constitution and several legal acts contain provisions that are unduly broad and vague in reference to potential grounds for limiting freedom of expression.⁷⁸ In addition, the 2021 Law on Protection from Inaccurate (False) Information maintained the wording of a similar draft law that was criticized in 2020 by the OSCE Representative on Freedom of the Media (RFoM) for its vagueness, which could seriously restrict freedom of expression.⁷⁹

Several ODIHR EOM interlocutors voiced concern in relation to activities of the GKNB which has over the course of the last year invited several media professionals and civil society representatives for informal questioning on dubious grounds. Overall, vague legislation in combination with use of such law enforcement methods may lead to self-censorship and have a chilling effect on investigative and critical reporting.

In line with the law, the state-funded media provided free airtime for registered parties (nationwide broadcasters) and for individual candidates in SMDs (regional broadcasters). Two national TV channels, including the most popular *KTRK*, and eight region-based channels allocated, through a CEC lottery, free airtime (which mostly consisted of individual statements and debates).⁸⁰ While a total of 243 outlets, mostly online, were accredited by the CEC to offer time and space for paid advertising, the ODIHR EOM learned that several parties and candidates utilized this opportunity (state funded *KTRK*

⁷⁶ For instance, a political party “Ak-Niet” donated to a candidate Dastan Bekeshev KGS 159,900. Political party “Ak-Niet” did not participate in the elections. By law, it has no reporting requirements on campaign finance, except to submit an annual tax returns to the Tax Authority.

⁷⁷ On 29 October, local media organizations and professionals protested against such a proposal that would *inter alia*, abolish the broadcaster’s Supervisory Council and shift managerial appointments from parliament to the President.

⁷⁸ In March 2021 the Venice Commission and the ODIHR in their [Joint Opinion](#) on the Draft Constitution recommended the references to the protection of the younger generation or to contradiction with “moral and ethical values and public conscience of the people of the Kyrgyz Republic” be removed entirely since they can be used “as a potential ground for limiting freedom of expression and of the media (and potentially other freedoms)” as they appear “unduly broad and vague to comply with the principle of legal certainty”. In October 2021, the RFoM in the [statement](#) pointed to the “recommendations of the UN Universal Periodic Review [...] to review Article 313 of the Criminal Code on incitement to racial, ethnic, religious, and other forms of hostility as to comply with Articles 19 and 20 of the United Nations International Covenant on Civil and Political Rights”.

⁷⁹ The RFoM in the June 2020 [statement](#) voiced its concern that “vague legal definitions will not provide media and social media users with the necessary legal certainty in order to foresee the consequences of their activities. Furthermore, the regulation of online content by an ‘authorized state body ’ may, in the absence of a clear mechanism and due process, seriously restrict freedom of expression”.

⁸⁰ Nationwide *KTRK* aired debates with party representative (10 leaders), while *EITR* did so with female and young party representatives. On the national level all but Butun Kyrgyzstan party took part, while only some 70 per cent of SMD candidates participated. Two private regional channels (Osh-based *Nur TV* and *TMG TV*) also organized debates.

and a private *Channel 7* aired them also during the news programmes). Instead, they opted to campaign over various social networks.

There is no media regulatory body in the country, and the Working Group on Informing and Campaigning was established by the CEC as its advisory panel to oversee the media and contestants' compliance with campaign regulations.⁸¹ During the working group sessions observed by the ODIHR EOM (a total of 83 complaints) most of the complaints were sanctioned with a fine (33) or dismissed (26), as a practice after a matter-of-fact discussion.

The Election Law requires media to treat electoral contestants equally, prohibits criticism of other contestants within free airtime, including during debates; and allows the CEC, in case of violations, to revoke media accreditation for paid advertisements. A narrow and restrictive interpretation of the law by the CEC, the choice of many media outlets not to cover the campaign and, a concern with losing the CEC accreditation, taken together had a detrimental effect on the news and editorial coverage.⁸² Most media offered only minimal information on campaign activities of contestants, which was *de facto* limited to cases of violations reported by the CEC and the GKNB. Critical and analytical reporting, was, with the exception of a few online media, largely absent during the official campaign limiting the voters' ability to make an informed choice.

On 22 October, the ODIHR EOM commenced its media monitoring.⁸³ Its findings showed that, instead of contestants, the media covered extensively activities of state authorities and power structures, predominantly of the President, his administration and the Cabinet of Ministers. For example, state-funded *KTRK* and *EITR* dedicated to the President and his administration 55 and 53 per cent respectively, in an exclusively positive and neutral tone, covering his visits and a wide range of activities, including the Anti-Corruption Council, which convened its first session on 16 November. A similar approach was adopted by the state-funded *Channel 5* and *Radio Birinchi*. On the contrary, private *NTS* and some online media (*Azattyk*, *24.kg*, *Kloop* and *Kaktus Media*) showed a more critical portrayal of the authorities, however, were also restrained in their coverage of contestants. By contrast, state-funded *KTRK* and *EITR* dedicated to parties and candidates combined 3 per cent and 2 per cent, respectively. At the same time, when reporting about elections, monitored media devoted significant coverage to the CEC and to the procedural aspects of the process.

Complaints and Appeals

The legal framework provides for access to an effective remedy, however, contrary to good electoral practice, election results can only be appealed by individual candidates, political parties, and their proxies.⁸⁴ All other election-related complaints can be filed by voters, political parties and candidates, their proxies, civil society organizations and observers.⁸⁵

⁸¹ Since the Mission opening on 19 October, twelve sessions were held, nine of which the ODIHR EOM observed.

⁸² The CEC members during meetings with the ODIHR EOM on 1 and 6 November opined that the coverage of contestants within news programmes could be seen as campaigning, unless the principle of equality is strictly adhered to. A number of the ODIHR EOM interlocutors also confirmed a similar understanding of the CEC position.

⁸³ The ODIHR EOM quantitative and qualitative monitoring included prime-time broadcasts of the nationwide TV channels *KTRK*, *EITR*, *Channel 5* (state-funded), *Channel 7*, *NTS* (private); news programs of *Birinchi Radio* (state-funded), politics-related content of online *akipress.kg*, *azattyk.kg* (local service of RFE/RL), *kaktus.media*, *kloop.kg*, *sputnik.kg* (local service of Russian *Sputnik*), *24.kg*, and also followed election content in social networks.

⁸⁴ Section II.3.3f of the [Venice Commission Code of Good Practice in Electoral Matters](#) recommends that "All candidates and voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

⁸⁵ Complaints and appeals lodged with election commissions and courts, including on election results, must be submitted within three days and resolved within three or, in case an additional investigation is required, within five days. Appeals to the Supreme Court must be heard within five days.

The CEC considered 142 complaints in 30 open sessions over the past 5 weeks. Most of the complaints pertained to violations of campaign regulations including 42 complaints on vote buying and 31 on misuse of administrative resources. Its sessions on the handling of complaints were collegial, with members discussing issues and putting their proposals to a vote. Discussions on complaints at the CEC were open to the public and media, and all complainants and other parties had the opportunity to present their case. The CEC members were able to familiarize themselves with the complaints in advance of the discussions. At the same time, the CEC's interpretation of what constituted "electoral campaign", at times taking too broad an approach while other times narrowly defining campaigning, was not always conducive to freedom of expression.⁸⁶ The CEC issued 22 written warnings and 29 fines for violation of campaign rules, including early campaigning.⁸⁷

The CEC maintained an online registry of complaints on its website, which contributed to the transparency of electoral dispute resolution. The registry included 179 complaints, before election day.⁸⁸ However, the ODIHR EOM observed that in some instances complaints were not posted on the CEC register on time and were subsequently dealt with by the CEC with significant delay. While the CEC claimed that the deadlines for consideration of complaints were only postponed due to delays from responses from the law enforcement bodies, the ODIHR EOM noted that delays in considering complaints were not always linked to law-enforcement inaction.⁸⁹ Furthermore, most CEC decisions on complaints did not appear in a timely manner on the website, despite the legal obligation of a 24 hour publication deadline.

The CEC established a Working Group to discuss complaints. The group is composed of members and staff who provided advisory opinions which were subsequently considered by the full membership of the CEC. The ODIHR EOM was not informed of meetings of the Working Group, nor invited to observe their deliberations, despite repeated requests. The CEC also set up a Rapid Reaction Group composed of members of election commissions and representatives of the prosecutor's office, police and the GKNB.⁹⁰ Before election day, this group received 106 complaints and communications.⁹¹ The Prosecutor's office informed the ODIHR EOM that 41 investigations were ongoing; 15 cases were forwarded to the courts, 4 of which were related to abuse of administrative resources and vote-buying. Rapid Reaction Groups were also established at the DEC level. The active participation in Rapid Reaction Groups and monitoring of election-related violations at their own initiative reflected the proactive efforts of the law-enforcement bodies in addressing violations. At the same time, the impartiality of some regional Rapid Reaction Groups was questioned.⁹²

⁸⁶ The CEC warned a member of parliament about the use of the following expression: "I pledge to speak only the truth and to protect interests of citizens". The CEC decided that this statement was not connected with the professional activity of an MP and constituted early campaigning. The CEC Working Group on the Informing and Campaigning rejected the complaint from the Azattyk party against the blogger's coverage of the party's Osh rally nevertheless some members verbally recommended to the blogger that he not continue with such activities.

⁸⁷ Candidates, political parties, and their proxies were sanctioned for the use of the images of foreign officials as well as religious symbols in their campaign, participation of minors in campaign activities, campaigning in unauthorized places and for the abuse of administrative resources.

⁸⁸ This figure includes the cases, which were referred to law enforcement bodies.

⁸⁹ For example, a complaint on campaigning was submitted on 30 October but the CEC only considered it on 13 November. A complaint alleging violation of quota requirements by some parties was submitted to the CEC on 11 November, however neither the complaint nor the CEC decision was published on the CEC website. In one instance, the CEC's inaction on a complaint was appealed. The appeal was dismissed on procedural grounds without consideration on substance.

⁹⁰ The primary role of the working group is to decide whether or not to refer complaints to law enforcement agencies.

⁹¹ This number include complaints and communications submitted to the prosecutor's office and police.

⁹² Notably, several candidates in Jalal Abad district voiced concerns over the impartiality of law enforcement bodies in this area.

The Administrative Court of Bishkek received 13 appeals of CEC decisions.⁹³ The court upheld two decisions to reject registration documents submitted by prospective candidates after the deadline. The CEC decision on non-registration of Mr. Mamytov, the speaker of parliament, was overturned by the Administrative Court.⁹⁴ The CEC's appeal against the Court's decision was dismissed on the grounds that the CEC representative's power of attorney was not duly formalized.⁹⁵ Of the 16 decisions by the Administrative Court of Bishkek and by the Supreme Court 9 were dismissals, at times on questionable procedural grounds without consideration of the merits of the case, departing from good practice.⁹⁶

The Administrative Court did not examine the substance of the NGO *Kloop Media*'s appeal against the CEC's letter regarding their application to observe.⁹⁷ The court reasoned that a CEC letter, rather than a formal decision, could not be appealed.⁹⁸ The court further reasoned that a copy of a payment order was not sufficient evidence that the appellant paid the court fee.⁹⁹ The reluctance of the judiciary to rule on election related cases combined with the extended deadlines in the CEC's handling of complaints, often compromised the right to an effective and timely remedy against violations of rights of electoral stakeholders.¹⁰⁰

The 2021 Constitution established the Constitutional Court. It is composed of judges who served in the former Constitutional Chamber of the Supreme Court.¹⁰¹ The Constitutional Court has received some 20 complaints, including three on the constitutionality of candidacy requirements. The law on the Constitutional Court adopted on 30 September was only signed by the president on 15 November delaying the review of the constitutionality of legislation. Many ODIHR EOM interlocutors found the delays to be an additional sign of executive influence on the judiciary and expressed a low level of trust in the adjudication of election disputes by the courts. The new pivotal role of the president in the appointment of judges at all levels further compromises the independence of the judiciary and the separation of powers.¹⁰²

Participation of National Minorities

The Kyrgyz Republic has an ethnically diverse population. According to official statistics, ethnic minorities constituted 26 per cent of the total population.¹⁰³ The 2021 Constitution guarantees the

⁹³ The Administrative Court declined to meet with the ODIHR EOM.

⁹⁴ The election law exempts MPs from the requirement to resign in order to stand for elections. The Administrative Court found that this exemption should be also applicable to the position of the speaker of parliament.

⁹⁵ The CEC claimed that the same document was used for the previous court hearings and submitted a complaint to the Judicial Council.

⁹⁶ [The Code of Good Practice in Electoral Matters](#) states that [i]t is necessary to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases.

⁹⁷ The information to *Kloop Media* that it was no longer eligible to observe was communicated through a letter rather than a formal decision.

⁹⁸ According to the election law, not only decisions but also actions and inactions of election commissions can be appealed.

⁹⁹ Payment of the court fee is one of the criteria for the admissibility of appeals.

¹⁰⁰ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#): everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Article 2.3 of the [ICCPR](#) requires each State to ensure that "any person whose rights or freedoms ... are violated shall have an effective remedy" and that "the competent authorities shall enforce such remedies when granted".

¹⁰¹ The Law on the Constitution prescribes that judges of the Constitutional Chamber keep their offices as judges of the Constitutional Court.

¹⁰² The Joint Opinion mentioned potential encroachments on judicial independence as one of the fundamental concerns and stated that "[t]his creates a real risk of undermining the separation of powers and the rule of law in the Kyrgyz Republic."

¹⁰³ Minority groups include ethnic Uzbeks (95,8400 or 14.8 per cent), Russians (341,350 or 5.3 per cent), Dungans (75,400 or 1.1 per cent), Uighurs (60,210 or 0.9 per cent), as well as Tajiks, Kazakhs, Tatars, Ukrainians, Koreans and Meskhetian Turks. The most sizable minority community is ethnic Uzbeks, mainly residing in the Osh and Jalal-Abad regions where they make up to 28 and 24 per cent, respectively.

equality of all citizens and prohibits discrimination based on ethnicity. It forbids political parties to be formed on the basis of ethnicity, despite recommendations of ODIHR and the Venice Commission.

Ethnic minority candidates registered both in SMDs and on party lists and participated in the campaign in areas of concentrated settlement. One Dungan and three Uzbek candidates withdrew from the race in the middle of the campaign.¹⁰⁴ Minority candidates campaigned in the state (Kyrgyz), official (Russian) and Uzbek languages, but issues related to inter-ethnic relations did not feature prominently in their programmes. Voter education materials produced by the CEC were published in Kyrgyz and Russian, and in Uzbek languages in the areas of concentrated settlement of the Uzbek community.

On 8 November, an investigation was launched by a law enforcement into the legality of campaigning in Uzbek language by an Uzbek candidate on the EI Umutu party list.¹⁰⁵

Citizen and International Observers

The election law provides for observation of all stages of the electoral process by political parties, civil society organizations and international observers, and for the first time, by representatives of candidates in SMDs.¹⁰⁶ The CEC amended its regulation on registration of citizen observers less than three months before election day and imposed new eligibility requirements, not specified in the law, that include the need to be specialized in electoral legislation, elections or human rights protection and to have a procedure in the organization's charter for deciding on observation activities.¹⁰⁷ These new requirements potentially hinder the participation of civil society as observers in the election process. Further, some ODIHR EOM interlocutors raised concerns that the recent amendments to the Law on Non-Commercial Organizations may hamper the activities of civil society organizations.¹⁰⁸

On 5 November, the CEC informed the NGO *Kloop Media* that as per the organization's statute, it did not specialize in elections, electoral legislation or human rights protection.¹⁰⁹ *Kloop Media* understood this letter to be a denial of registration and unsuccessfully appealed the letter to the Administrative Court.

¹⁰⁴ In total, 81 candidates of national minority background contested the elections (14 in SMDs and 67 on party lists). This equates to about 5.7 per cent of minority candidates among all candidates.

¹⁰⁵ Osh DEC 7. Following the opening of the investigation, reported cases of nationalistic rhetoric in social media were brought to the attention of the ODIHR EOM by some interlocutors.

¹⁰⁶ While it is understood that this right extends to candidates in SMDs, the election law was not amended to explicitly reflect this.

¹⁰⁷ According to Article 10-1.1 of the election law "Non-profit organizations have the right, in accordance with the procedure established by their charters, to make a decision on participation in the observation of elections and the dispatch of their observers." Paragraph 2.1 of the CEC regulation states that non-profit organizations "specializing in electoral legislation and elections, as well as in the field of human rights protection" may observe the elections.

¹⁰⁸ The amendments introduced new financial reporting requirements that require disclosure of funding sources that some NGOs feel may put their fundraising operations and even donors at risk. There is also uncertainty about further implications of the amendments as the complete financial reporting procedures have not been published. Of note, Article 8.4 of the Constitution also requires that "public associations shall ensure transparency of their financial and economic activities". Paragraph 224 of the [2015 ODIHR and Venice Commission Joint Guidelines on Freedom of Association](#) state that "[t]he need for transparency in the internal functioning of associations is not specifically established in international and regional treaties owing to the right of associations to be free from interference of the state in their internal affairs. However, openness and transparency are fundamental for establishing accountability and public trust. The state shall not require but shall encourage and facilitate associations to be accountable and transparent". See also paragraph 137 of the March 2021 [Joint Opinion on the Draft Constitution of the Kyrgyz Republic](#).

¹⁰⁹ The new regulation was adopted on 5 September, but according to *Kloop Media*, published only in October. *Kloop Media* was already accredited as a media outlet. Of note, *Kloop Media* managed to secure its observation effort, through its affiliated organization *Kumar Media*.

Citizen observers can be accredited up to election day.¹¹⁰ Candidates contesting in SMDs and political parties contesting in the nationwide constituency may appoint up to two observers, and civil society organizations up to three, per lower level election commission. While party and candidate observers can appeal decisions, actions and inactions of the election administration, the law does not grant this right to citizen observers.

Election Day

Election day was peaceful, and voter turnout, as announced by the CEC, was 34.6 per cent. The CEC started posting on its website preliminary results by polling station for each race, based on the electronic count, shortly after the end of voting. However, the CEC disabled the webpage with preliminary results for a short period of time, reportedly due to technical problems.

The opening of polling stations was assessed positively in all but 4 of the 139 observations. Some procedural omissions were noted such as not drawing lots to distribute duties among PEC members (22 cases) and not marking the voters who voted via mobile voting in the voter list (12 cases). In 24 cases PECs had difficulties in setting up the ballot scanner. IEOM observers also reported delays of up to 15 minutes in the opening of 44 polling stations.

The voting process was evaluated positively by the IEOM observers in 96 per cent of 1,054 observations. Procedures were mostly followed in the large majority of polling stations observed, however, in 16 per cent of observations, ballot boxes were not properly sealed. While the layout of polling stations was adequate to conduct polling in 95 per cent of observations, overcrowding was reported in 10 per cent of cases, resulting mostly from limited space inside polling stations. Some 40 per cent of polling stations observed were not accessible for persons with disabilities, and in 20 per cent the layout was not suitable for these voters.

While unauthorized people were present in a high number of polling stations observed (police and local officials in 22 and 5 per cent, respectively), IEOM observers reported interference from non-PEC members in 3 per cent of cases. Transparency was overall ensured as candidate observers were present in 98 per cent of polling stations observed. The vast majority were from Ata-Jurt Kyrgyzstan and Ishenim in 61 and 52 per cent of polling stations observed, respectively. Citizen observers were present in 42 per cent of polling stations observed. In 2 per cent of polling stations, however, IEOM observers could not observe without restrictions or did not have a clear view of procedures in 4 per cent of polling stations observed.

IEOM observers reported that the secrecy of vote was compromised due to the design and positioning of booths (39 per cent) and voters did not protect their ballots after marking them (23 per cent). They also reported some serious violations, including group voting (6 per cent) and attempts to influence voters who to vote for (2 per cent). IEOM observers also reported several cases of indications of vote-buying.

The CEC published information on 45 complaints received on election day. The alleged violations were mainly related to non-compliance with procedures, malfunctioning of ballot scanners and campaigning during election day. Other complaints were related to campaigning in breach of electoral silence, bussing of voters, and four cases of alleged vote-buying. According to the CEC, the allegations of electoral offences were referred for verification to the law-enforcement bodies through the CEC Rapid Reaction Group.

The voter identification equipment generally worked well, and identification procedures were adhered to in almost all polling stations observed. In 9 per cent of observations, one or more voters were turned

¹¹⁰ To date, seven citizen observers' groups have been officially registered by the CEC to observe.

away because their name was not on the voter list of the respective polling station. In 6 per cent of polling stations observed, ballot scanners were either not operational or had to be replaced due to equipment failure.

The vote count was assessed negatively in over half (48 reports) of observations which is of concern. Many PECs failed to perform basic reconciliation procedures, such as to cancel unused ballots (22 reports), count the number of signatures on the voter list (30 reports), or announce preliminary voting results from the ballot scanner and sign a related act (44 reports).

Manual count procedures were frequently not followed; in over half of observations (63 reports) ballots were not counted one by one and the choice on every ballot announced and shown to all present, and in the vast majority of polling stations observed (84 reports) the validity of contested ballots was not decided by vote. In one third of counts observed, PECs filled out the results protocols based on the results produced by the ballot scanners instead of manually counting the votes, which is required by the law. In half of the counts observed, an enlarged copy of the results protocol was not posted for public display and in over one third of counts, not everybody entitled to a copy of a results protocol was issued one upon request. According to the CEC's preliminary data, the number of invalid ballots was around 10 per cent, which is of concern.

Unauthorized people, almost always police, were present in over half of observations (68 reports) and non-PEC members interfered in 11 counts observed. Candidate observers were present in all but three counts, with observers of SMD candidates present in over three quarters of polling stations observed (86 reports). Citizen observers were present in only one third of counts observed. Despite all of the above, IEOM observers assessed the process as transparent in roughly half of polling stations observed (66 reports).

The IEOM assessed negatively the initial stages of tabulation which were described in many instances as poorly organized and chaotic. This could be due to inadequate conditions and overcrowding which IEOM observers reported in half of the DEC's observed. IEOM observers also noted that in one third of DEC's observed, PECs were instructed to recount while in 13 DEC's, the PECs members had to correct their results protocols. In half of the DEC's observed observers reported that they did not have a clear view of proceedings. Tabulation was still ongoing at the time of writing this Statement.

***The English version of this report is the only official document.
An unofficial translation is available in Kyrgyz and Russian.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

Bishkek, 29 November 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Mr. Peter Juel-Jensen was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Ms. Farahnaz Karimi headed the OSCE PA delegation and Ms. Marina Berlinghieri headed the PACE delegation. Ambassador Dame Audrey Glover is the Head of the ODIHR EOM, deployed from 19 October.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next meeting. The PACE will present its report at the January 2022 Part Session.

The ODIHR EOM includes 13 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 351 observers from 41 countries were deployed, including 26 long-term and 231 short-term observers deployed by ODIHR, as well as a 55-member delegation from the OSCE PA and a 13-member delegation from the PACE. Opening was observed in 139 polling stations and voting was observed in 1,226 polling stations across the country. Counting was observed in 123 polling stations, and the tabulation in 31 DECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission for Elections and Referenda and the Ministry of Foreign Affairs of the Kyrgyz Republic for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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