



Office for Democratic Institutions and Human Rights

# KYRGYZ REPUBLIC

## PARLIAMENTARY ELECTIONS

4 October 2020

ODIHR Limited Election Observation Mission  
Final Report



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>3</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>4</b>
<b>IV.</b>	<b>ELECTORAL SYSTEM AND LEGAL FRAMEWORK.....</b>	<b>5</b>
<b>V.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>6</b>
<b>VI.</b>	<b>VOTER REGISTRATION.....</b>	<b>7</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION .....</b>	<b>8</b>
<b>VIII.</b>	<b>CAMPAIGN ENVIRONMENT .....</b>	<b>10</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE.....</b>	<b>12</b>
<b>X.</b>	<b>MEDIA .....</b>	<b>14</b>
	<b>A. MEDIA ENVIRONMENT.....</b>	<b>14</b>
	<b>B. LEGAL FRAMEWORK .....</b>	<b>14</b>
	<b>C. MEDIA MONITORING FINDINGS .....</b>	<b>15</b>
<b>XI.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES .....</b>	<b>17</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS .....</b>	<b>18</b>
<b>XIII.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS .....</b>	<b>19</b>
<b>XIV.</b>	<b>ELECTION DAY .....</b>	<b>20</b>
<b>XV.</b>	<b>POST-ELECTION DEVELOPMENTS.....</b>	<b>21</b>
<b>XVI.</b>	<b>RECOMMENDATIONS .....</b>	<b>22</b>
	<b>A. PRIORITY RECOMMENDATIONS.....</b>	<b>22</b>
	<b>B. OTHER RECOMMENDATIONS.....</b>	<b>23</b>
	<b>ANNEX I: LIST OF OBSERVERS IN THE LIMITED ELECTION OBSERVATION MISSION..</b>	<b>26</b>
	<b>ABOUT ODIHR .....</b>	<b>27</b>

**KYRGYZ REPUBLIC**  
**PARLIAMENTARY ELECTIONS**  
**4 October 2020**

**ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Kyrgyz Republic and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 4 October 2020 parliamentary elections. The ODIHR LEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections as well as national legislation.

The Statement of Preliminary Findings and Conclusions issued by the ODIHR LEOM on 5 October concluded that the elections “took place under improved legislation and fundamental rights and freedoms were overall respected. The campaign was competitive and candidates could, in general, conduct their activities freely, but credible allegations of vote buying remain a serious concern. The elections were managed efficiently, despite the challenges posed by the COVID-19 pandemic, but a number of controversial CEC decisions raised questions about its impartiality. While public broadcasters fulfilled their obligation to provide free airtime to contestants, an overall lack of critical journalistic reporting and issue-based debate reduced the quality and variety of information available to voters. Election day was orderly and the process was generally transparent and well administered, although health protocols were not always followed”.

The legal framework provides a sound basis for democratic elections. The electoral legislation has been significantly amended since the last parliamentary elections, addressing some previous ODIHR recommendations, particularly concerning administration of voter lists, the maintenance of the gender quota in case of withdrawal of members of parliament, sanctions for election-related offences and the participation of voters with disabilities. However, constitutional and legislative reforms did not address some other ODIHR recommendations, including those concerning limitations on the right to vote and to stand, electoral thresholds and the necessity of accreditation of media outlets to cover elections.

The elections were efficiently administered by the Central Commission for Elections and Referenda (CEC), 54 Territorial Election Commissions (TECs) and 2,475 Precinct Election Commissions (PECs). The CEC provided a comprehensive regulation of many aspects of the electoral process, including COVID-19 protection measures, voter education and information as well as facilitation of participation of voters with disabilities. However, many ODIHR LEOM interlocutors questioned the impartiality of the CEC largely due to controversies during candidate registration. Transparency and collegiality of the CEC was reduced as working groups of the CEC, at times, issued clarifications on the law without them being considered in open CEC sessions.

Final voter lists contained some 3.5 million registered voters and current voter identification technologies, overall enjoy public confidence. Nevertheless, despite the efforts made by the authorities to increase the inclusivity of the voter register, some 470,000 adult citizens have yet to undergo biometric registration and are therefore disenfranchised. The CEC introduced additional transparency mechanisms in administering voter registration, and 441,000 voters used the right to temporarily change their voting address. Parties and candidates expressed serious concerns about the misuse of this mechanism alleging a vote buying scheme.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Kyrgyz and Russian.

In an overall inclusive process, 16 political parties registered their lists. While most registered parties did not raise concerns with regard to the size of electoral deposit, some suggested that the amount of the deposit should be lowered. At the moment of registration, all contesting parties met quota requirements for the candidate lists, including on gender and national minorities; however, withdrawals and deregistration of some female and national minority candidates resulted in some lists not complying with the quotas.

The campaign was competitive and lively, although at times harsh, and lacked discussion on actual election platforms. Fundamental freedoms were generally respected during the campaign and the contestants used a variety of means to campaign, including online. However, several instances of intimidation, disruption of events as well as online misinformation campaigns were also observed. Credible allegations of vote-buying and pressure on civil servants remained a serious concern throughout the process.

Women constituted only 16.7 per cent in the outgoing parliament. In line with legal requirements to improve the situation, a third of candidates nominated by political parties were women. Majority of campaign events observed by the ODIHR LEOM were well attended by women, but gender issues were almost absent from the campaign. Women were also well represented in election administration at all levels, including in decision-making positions.

The law does not provide for direct public funding, but reasonable legal limits apply to both private contributions and campaign expenditures. Departing from international good practice, the ban on in-kind donations disadvantaged newer parties with limited financial means. The oversight of campaign finance is vested with the CEC. In spite of noticeable efforts by the CEC to disclose detailed financial reports before election day, the overall transparency of campaign finance is insufficient. The CEC lacks financial and human resources for a meaningful audit and there is no legal requirement to publish the audit results.

The Constitution guarantees freedom of expression and press and explicitly prohibits criminal prosecution for defamation. However, disproportionate damage requests against media outlets and journalists over defamation as well as physical attack on journalists, induced self-censorship and limited freedom of speech. Attacks against journalists on election day and while covering the post-election unrest, by police and supporters of various political forces as well as attempts to seize the public broadcaster demonstrated lack of safe environment for journalists affecting freedom of media.

Public and state-funded media provided free airtime to the contestants, largely dedicated to debates, including additional airtime to partially compensate restrictions imposed by COVID-19 pandemic. Positively, media dedicated separate debates to youth, women and party leaders. However, news and current affairs programmes lacked critical journalistic reporting, and reflected different financial means of parties and candidates, as the campaign coverage in primetime news was mostly produced and paid by the contestants. This and the predominance of institutional coverage of the government and the president affected the objectivity, quality and variety of information and opinions available to voters.

Principles of non-discrimination and equality are enshrined in the Constitution and other laws. Persons belonging to national minorities actively participated in the campaign in areas densely populated by minorities. The fierce competition for the ethnic Uzbek minority vote in the south of the country manifested itself in a mass brawl between supporters of two parties and resulted in the deregistration of two ethnic Uzbek candidates.

The legislation provides an adequate framework for electoral dispute resolution but contains limitations on the right of voters and citizen observers to challenge election commission decisions. Complaints lodged with the CEC were generally reviewed in a transparent and participatory manner, decisions were reasoned, but many of these were handled by working groups without further consideration at open

CEC sessions, questioning the collegiality of the process and possibility to appeal. The hearings in courts were open, and due process was largely observed. At the same time, courts applied restrictive and inconsistent approach limiting legal standing in the appeals process. Many ODIHR LEOM interlocutors expressed a lack of trust in the effectiveness of remedies against election violations, particularly with respect to the effectiveness of actions by law-enforcement but also regarding the impartiality of the judiciary.

The election law provides for observation of all stages of the electoral process by political parties, civil society organizations and international observers. Several citizen observer groups undertook long-term observation and issued public statements on different aspects of the elections.

The ODIHR LEOM did not undertake systematic or comprehensive observation of election day proceedings. In the limited number of polling stations visited, election day proceeded in an orderly manner and the voter identification and voting processes were overall well organized; however, COVID-19 related health protocols were not always respected. Polling stations visited closed on time, and manual counting was conducted efficiently. The CEC started posting on its website detailed preliminary results shortly after the end of voting ensuring transparency. The final turnout was reported at 56 per cent.

Following the publication of preliminary results, of the 16 contesting parties, 4 appeared to have gained representation in parliament. However, a majority of the contesting parties did not recognize the results of the elections alleging large-scale vote-buying and pressure on voters, and called for protests which unfolded on 5 October demanding the invalidation of the election results. On 6 October, the prime minister and the speaker of parliament resigned, and the CEC invalidated voting results following the violent protests of the previous night. On 14 October, Sadyr Japarov was nominated by the parliament as new prime minister and, after the resignation of President Sooronbay Jeenbekov on 15 October, he also became acting president of the country.

This report offers recommendations to support efforts to further align elections in the Kyrgyz Republic with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on addressing the issues of vote-buying and pressure on voters, including via expedited and mandatory investigation by law enforcement bodies of these irregularities, ensuring full respect for freedom of media, enhancing media coverage to the benefit of voters, strengthening transparency of political and campaign finance, consistent application of sanctions for electoral violations and guaranteeing the secrecy of the vote. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the authorities of the Kyrgyz Republic to observe the 4 October 2020 parliamentary elections, based on the findings and conclusions of the Needs Assessment Mission deployed from 20 to 27 July 2020, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) intended to deploy an Election Observation Mission. However, the deployment of short-term observers appeared to be infeasible due to the extraordinary circumstances caused by the COVID19 pandemic and existing travel restrictions throughout the OSCE region. Subsequently, ODIHR decided to change the format of the observation activity, and a Limited Election Observation Mission (LEOM) was deployed on 7 September. The ODIHR LEOM led by Thomas Boserup, consisted of 13 core team members based in Bishkek and 18 long-term observers deployed on 11-12 September throughout the country. Members of the ODIHR LEOM were drawn from 17 OSCE participating States. The ODIHR LEOM remained in Kyrgyzstan until 11 October.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology for LEOMs, the Mission did not observe election day proceedings in a systematic and comprehensive manner but visited a limited number of polling stations in all regions and the cities of Bishkek and Osh. This final report follows the Statement of Preliminary Findings and Conclusions which was released at a press conference in Bishkek on 5 October.<sup>2</sup>

The ODIHR LEOM wishes to thank the Central Commission for Elections and Referenda (CEC) for the invitation to observe the elections and for their co-operation throughout the process as well as the Ministry of Foreign Affairs (MFA) for the assistance. The ODIHR LEOM also expresses its appreciation to other state institutions, election administration, political parties, civil society organizations, the OSCE Programme Office in Bishkek and the international community for their co-operation and for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

On 2 July, the president decreed the parliamentary elections for 4 October. Kyrgyzstan is a semi-presidential republic, with legislative powers vested in the 120-member unicameral *Jogorku Kenesh* (parliament). The president is the head of state and shares executive powers with the government, led by the prime minister.<sup>3</sup> The outgoing parliamentary majority of 95 seats was led by the Social Democratic Party of Kyrgyzstan (SDPK) together with the *Bir Bol*, Kyrgyzstan and *Respublika-Ata Jurt* parties, while the *Ata Meken* and *Onuguu-Progress* parties were in opposition.

Although the position of then-ruling SDPK was further consolidated by the victory of its candidate in the 2017 presidential election, the party afterwards split and did not stand for these parliamentary elections.<sup>4</sup> Nonetheless, some key SDPK members of parliament (MPs) ran under different party structures, such as *Birimdik*, *Mekenim Kyrgyzstan* or Social-Democrats.

The political party system is fragmented, with 259 parties registered by the Ministry of Justice, of which 16 contested these elections. Political parties are built around personalities, rather than around platforms, and tend to rely on funding from businesses, thus often reflecting private interests. An overwhelming majority of parties establish regional offices only for the election period when they need to attract votes, thus weakening the link between the electorate and MPs after the elections.

Along with major changes on the political scene, the elections took place against the backdrop of growing dissatisfaction over social and economic hardship caused by the COVID-19 pandemic and disillusionment over the way the long-standing corruption issues were handled.<sup>5</sup> Lack of efficient response against vote-buying practices triggered post-election protests against election results.

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<sup>2</sup> See all previous [ODIHR election-related reports on Kyrgyzstan](#).

<sup>3</sup> The president represents the state in domestic and foreign affairs, proposes to the parliament nomination and dismissal of judges and prosecutor general, can convene an extraordinary session of the parliament and is the commander in chief of the armed forces. The prime minister bears responsibility for the performance of the government, which is in charge of implementing the laws and the domestic and foreign policy.

<sup>4</sup> The party split in several wings, including the group loyal to the former President Almazbek Atambayev and those close to the President Sooronbay Jeenbekov. The stand-off resulted in a violent confrontation between Mr. Atambayev's supporters and law enforcement agencies in August 2019, leading to injuries and loss of life. In June 2020, Mr. Atambayev received a long imprisonment sentence.

<sup>5</sup> In June 2020, the government resigned over a corruption scandal.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

All 120 MPs are elected for a five-year term through a closed-list proportional contest in a single nationwide constituency. Independent candidates cannot stand, at odds with paragraph 7.5 of the 1990 OSCE Copenhagen Document. To obtain seats, a political party must pass a double threshold by receiving at least seven per cent of the votes cast nationwide and at least 0.7 per cent in each of the seven regions and in Bishkek and Osh cities.<sup>6</sup> The Constitution limits the maximum number of mandates that a party may hold in the parliament to 65 but the law does not provide for what will happen if only one party passes the threshold. ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) have previously recommended revising seat allocation rules as well as to reconsider double threshold.<sup>7</sup>

*In line with previous recommendations, consideration could be given to revising the limit on mandates for one party, as well as the regional threshold. Independent candidates should be allowed to stand in elections.*

The legal framework for parliamentary elections primarily consists of the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (election law), and the 2011 Law on Election Commissions.<sup>8</sup> Other relevant acts include the Law on Political Parties, the Law on Peaceful Assemblies, legislation providing for criminal and administrative sanctions, and regulations of the CEC. Kyrgyzstan is a party to the main international treaties related to democratic elections.<sup>9</sup> In line with a previous ODIHR recommendation, in May 2019 Kyrgyzstan ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The legal framework was several times amended after the previous parliamentary elections, mostly in line with the 2018-2020 Strategy for Improving the Electoral Legislation. In June 2020, amendments concerning sanctions for election-related violations were made to the Criminal Code, Code of Infractions, and Code of Minor Offences. Other changes provide for administration of voter lists, strengthening sanctions for election-related violations, enhancing conditions for participation of voters with disabilities and maintenance of gender quota in case of withdrawal of MPs, in line with prior ODIHR recommendations.<sup>10</sup> A number of interlocutors informed the ODIHR LEOM that passing of the amendments had been preceded by an inclusive process of public deliberations.

Overall, the electoral legal framework is comprehensive and provides a sound basis for democratic elections. However, some ODIHR recommendations remain unaddressed, including those concerning limitations on the right to vote and to stand, electoral thresholds, and the necessity of accreditation of media outlets to cover the activities of election commissions and sell advertising time. In addition, some recent changes introduced limitations on the right to stand of newly registered political parties, the ban on negative campaigning in the media, and resulted in legal ambiguities, especially with respect to campaign regulations and finance.<sup>11</sup>

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<sup>6</sup> A 2020 amendment to the election law reintroduced the seven per cent electoral threshold that was increased to nine per cent in 2017.

<sup>7</sup> See the 2014 ODIHR and the Venice Commission [Joint Opinion](#) on the Draft Electoral Law of the Kyrgyz Republic.

<sup>8</sup> In 2016, the Constitution was amended to make certain changes concerning, *inter alia*, the right of an MP to become prime minister or first deputy prime minister without losing the mandate.

<sup>9</sup> These include the 1966 [International Covenant on Civil and Political Rights \(ICCPR\)](#), 1965 [Convention on the Elimination of All Forms of Racial Discrimination](#), 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](#) and the 2003 [UN Convention Against Corruption \(UN CAC\)](#).

<sup>10</sup> Despite the 30 per cent gender quota, only 20 MPs in the outgoing parliament were women, partially due to post-election withdrawals.

<sup>11</sup> A 2019 amendment in the election law denies political parties, registered six months before the announcement of elections, the right to nominate a list of candidates.

## V. ELECTION ADMINISTRATION

The elections were administered by the CEC, 54 Territorial Election Commissions (TECs) and 2,475 Precinct Election Commissions (PECs). Out-of-country voting was conducted in 45 polling stations located in embassies and consulates in 28 countries.

Election commission members are appointed for five-year terms. The CEC consists of 12 members appointed by the parliament.<sup>12</sup> The president, the parliamentary majority and the opposition nominate four CEC members each. The TECs are formed with no less than 11 members by the CEC, and the PECs are formed with no less than 7 members by relevant TECs. One half of the members of each commission are nominated by political parties, while the rest are nominated by local councils. TEC and PEC members were appointed in January 2020. The composition of election commissions at all levels considerably changed after their appointment mainly due to concerns of commissioners about the pandemic, participation in the elections as candidates, and insufficient remuneration, but the changes did not affect preparations for these elections.<sup>13</sup> Women were well represented at the election administration, with 47 per cent of TEC members and five CEC members, including the CEC chairperson, being women. However, various ethnic groups remained significantly underrepresented in the TECs, even in areas where they constitute a sizable part of the population.<sup>14</sup>

*The CEC could adopt measures to ensure that national minorities are adequately represented in election commissions in areas compactly populated by these minorities.*

The CEC is a permanent body in charge of organizing elections and referenda. Overall, the CEC conducted its work in an efficient manner and provided a comprehensive regulation of many aspects of the electoral process, including the COVID-19 protection measures.<sup>15</sup> Before election day, the CEC held regular open sessions with commissioners present in person and remotely.<sup>16</sup> However, it detracted from the transparency by holding some unannounced closed sessions, including on invalidation of voting results, after election day (see *Post-Election Developments*).

Positively, the CEC announced its agenda before sessions, but in many instances, these announcements were posted shortly before the sessions and did not always leave sufficient time for all participants to attend or to become familiar with the relevant documents.<sup>17</sup> Most of the CEC decisions were published in a timely manner; however, in some cases the publication was significantly delayed.<sup>18</sup>

Following a prior ODIHR recommendation, amendments to the Law on Election Commissions introduced impartiality as one of the guiding principles for the activities of election commissions.

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<sup>12</sup> One CEC member nominated by the parliamentary majority was replaced on 3 September due to participation in elections as a candidate.

<sup>13</sup> The CEC and the TECs were able to make necessary replacements of lower-level commissioners from the reserve lists. During the election period, 49 out of 650 TEC members and 4,105 out of 26,600 PEC members were replaced.

<sup>14</sup> According to the CEC, only 37 TEC members (5.6 per cent) belong to various national minorities.

<sup>15</sup> The CEC instruction on election day procedures included specific rules and measures against spread of the disease, including social distancing and provision of electoral officials and voters with personal protective equipment.

<sup>16</sup> Due to the COVID-19, the CEC amended its Rules of Procedure to allow CEC members to participate in sessions remotely. Media, observers, and political party representatives attended sessions in person.

<sup>17</sup> Several announcements were posted online less than 20 minutes before the session. Some ODIHR LEOM interlocutors stated that they were only able to learn about some sessions *post factum*. A few CEC members claimed that materials, including draft decisions, were not regularly distributed ahead of the sessions.

<sup>18</sup> Namely, decisions on candidate registration and deregistration. One of deregistered candidates informed the ODIHR LEOM that the late publication of the CEC decision delayed the course of his appeal. According to article 18 of the Law on Election Commissions, CEC decisions must be published on the CEC website within 24 hours.



However, controversies over some CEC decisions pertaining to candidate registration and sanctions to political parties, negatively affected the perception of impartiality among the stakeholders.<sup>19</sup>

In the run up to these elections, the CEC created different working groups to address concerns and complaints of electoral stakeholders and clarify legal provisions. While this facilitated the work of the CEC, some clarifications issued by working groups without being considered in open sessions by the CEC members affected the exercise of electoral rights by stakeholders (see *Media*). Such practice raises concerns over transparency and collegiality of the CEC.

*Decisions affecting the rights and duties of electoral stakeholders, including on complaints, as well as interpretation of the law should be adopted by the CEC in open sessions. As previously recommended, all CEC decisions should be published in a timely manner.*

The work of the lower-level election administration before election day was overall positively assessed by the ODIHR LEOM. The vast majority of TECs received adequate logistical support from the local authorities, including on prevention of the COVID-19 spread and provision of ramps for people with reduced mobility. In addition to off-line training events, TEC and PEC members were provided with technical equipment enabling commissioners to attend on-line training sessions as well as video tutorials covering all stages of their work. Introduction of remote training sessions, especially in the COVID-19 environment, is welcome, even if in some instances technical challenges affected the quality of the process. Separate training events conducted for the PEC members who performed identification of voters on election day were observed and positively assessed by the ODIHR LEOM; however, due to the format of the trainings it was not always possible to respect the COVID-19 prevention measures.

The CEC commissioned voter information material on election procedures, including for voters with visual and hearing impairments. The ODIHR LEOM observed that these materials were also disseminated in the regions. The CEC controlled that political parties comply with the requirement to produce at least one per cent of their campaign material in a disabled-friendly format. In addition, the ODIHR LEOM observed awareness raising activities organized by the CEC on public scrutiny of voter lists, which included televised information materials, mobile text messages and billboards.

## VI. VOTER REGISTRATION

Voting rights are extended to Kyrgyz citizens who reached 18 years of age, apart from those declared incapable by a court decision and those serving a prison sentence, irrespective of the gravity of the committed crime, both contrary to international standards and obligations.<sup>20</sup>

*Disproportionate restrictions to suffrage rights of those serving a prison sentence, irrespective of the gravity of the crime committed, and restrictions based on disabilities should be lifted.*

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<sup>19</sup> The controversies followed the CEC decisions on the cases of *Butun Kyrgyzstan* and *Kyrgyzstan*. See *Candidate Registration*.

<sup>20</sup> According to Articles 12 and 29 of the [CRPD](#), “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of the CRPD Committee’s [General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”. 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”. Paragraph 14 of the UN Human Rights Committee’s [General Comment No. 25 on Article 25 of the ICCPR](#) requires that “if a conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence”.

Voter registration is passive. Voter lists are extracted from the Unified Population Register (UPR) that is managed by the State Registration Service (SRS). Following the 2019 amendments to the election law, the responsibility of updating the voter lists was transferred from the SRS to the CEC.<sup>21</sup> Biometric registration is mandatory for all citizens to be included in voter lists.<sup>22</sup> To improve the inclusivity of the voter register the SRS, CEC and MFA carried out biometric registration of citizens at Kyrgyz consulates and embassies. Although the COVID-19 pandemic partially undermined these activities, a total of 32,602 voters registered for voting abroad. As per the CEC and SRS, there are some 470,000 citizens, most of them residing abroad, who still have not undergone biometric registration and hence remain disenfranchised. The total number of voters registered for these elections was 3,523,554, of them 52 per cent women.<sup>23</sup>

*Authorities should continue comprehensive efforts to encourage and facilitate biometric registration of all eligible voters, including those residing abroad.*

The law provides for a scrutiny period for voters to request corrections of their records as well as changing their voting address, allowing them to vote at a place other than their registered place of residence.<sup>24</sup> Some 441,000 voters (12 per cent) used the right to temporarily change their voting address. Approximately 250,000 requests were submitted during the final week of voter list scrutiny period, and some 42,000 voters changed their voting addresses more than once.<sup>25</sup> Positively, the CEC applied biometric voter identification while registering the requests for changing the addresses and made the process transparent. Most requests for change of voting address were received in the city of Bishkek (146,248) and Chui *oblast* (112,602). As a result, around 30 polling stations exceeded the limit of 2,500 voters prescribed by the election law.<sup>26</sup>

Many ODIHR LEOM interlocutors, including most of the contesting political parties, expressed serious concerns about the possible misuse of voters' right to temporary change the voting address by parties and candidates, and alleged that the high rate of changes was an indication of vote-buying schemes. On 20 September, 12 parties submitted a joint complaint to the CEC requesting to investigate numerous cases of changing voting addresses. Prior to election day, some 40 reports on vote-buying received by the CEC were transferred to the police for investigation.

*In order to prevent abuse of this mechanism, the requests for temporary change of voting address could be subject to a valid justification, and number of such requests submitted within the election period by each voter could be limited.*

## VII. CANDIDATE REGISTRATION

Candidates must be eligible voters over 21 years of age by election day. Those with an un-expunged criminal record cannot run for office. Citizens of the Kyrgyz Republic in possession of another

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<sup>21</sup> The SRS continues to provide support in this regard.

<sup>22</sup> Biometric registration includes scanning of fingerprints as well as submission of digital photo and signature.

<sup>23</sup> Total number represents an increase of more than 16 per cent since last national elections conducted in 2017. The CEC and SRS attributed such increase to natural population growth, proactive awareness raising activities and the work of mobile groups on biometric registration of voters in rural areas.

<sup>24</sup> Corrections or changes of voting address could be requested either in person or online (in order to request change of voting address a voter had to fill in a so called "Form 2"). The ODIHR LEOM observed that the final voter lists were timely published online on 23 September and printed lists posted by the PECs by the legal deadline of 28 September.

<sup>25</sup> According to the CEC, 3 individuals changed their voting address 22 times each.

<sup>26</sup> Besides, 10 additional polling stations were established in Osh.

nationality are also ineligible. ODIHR and the Venice Commission previously recommended to reconsider this restriction.<sup>27</sup>

*The ban for citizens with dual nationality to stand for elections could be reconsidered.*

In order to register a candidate list, political parties had to pay a deposit of KGS five million (approximately EUR 55,000).<sup>28</sup> While most registered parties did not raise concerns with regard to the size of electoral deposit, some suggested that the amount of the deposit should be lowered.<sup>29</sup>

Overall, the process of candidate registration was inclusive. Of the 17 lists submitted, the CEC initially rejected the registration of three parties, *Aktiv*, *Butun Kyrgyzstan*, and *Kyrgyzstan*. All three filed complaints against the CEC before the court. In the cases of *Butun Kyrgyzstan* and *Kyrgyzstan*, CEC decisions were overturned by the court for exceeding its authority.<sup>30</sup> In the case of *Aktiv*, the court upheld the CEC decision denying the registration for the non-payment of the electoral deposit and non-compliance with the gender quota requirement. A majority of the ODIHR LEOM interlocutors questioned the impartiality of the CEC following the controversial decisions regarding the cases of *Butun Kyrgyzstan* and *Kyrgyzstan* parties.

Deadlines for candidate registration, including those for complaints, overlapped with the beginning of the election campaign and a deadline for the establishment of the ballot format, which reduced the opportunities to exercise electoral rights for some participants on equal terms.<sup>31</sup>

*Electoral deadlines related to candidate registration and potential appeals should be aligned to avoid overlapping and procedural obstacles.*

By law, candidate lists must have a minimum of 75 candidates and a maximum of 200 and comply with several quota requirements: to have at least 30 per cent of candidates of each gender; at least 15 per cent of candidates belonging to national minorities; at least 15 per cent of candidates under 35 years of age; and at least two candidates with disabilities. In addition, the law set placement requirements for each category within the list.

A total of 16 political parties met the requirements and were registered to stand. All registered lists initially combined 2,032 candidates, including 32 per cent women, 31 per cent younger than 35 years old, 17 per cent national minority representatives, and 43 candidates with disabilities (2.1 per cent).

Withdrawals from the candidate lists could take place until three days before election day, and the law provides that the quotas are maintained in the case of withdrawals. In practice, this provision can hardly be enforced, as after the registration, new candidates cannot be added to the candidate lists to restore missing quota. On election day, at least three lists did not comply with the quota requirements, including percentage and placement criteria, following the withdrawal of 48 candidates, including 18 women. The CEC posted candidate lists on its website in a timely manner; however, withdrawals were not regularly reflected in the published lists.

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<sup>27</sup> The [2020 ODIHR and the Venice Commission's Joint Opinion](#) on the Amendments to Some Legislative Acts Related to Sanctions for Violation of Electoral Legislation recommended "to give due consideration to minimizing and eventually abolishing limitations on holding public offices for citizens with dual nationalities".

<sup>28</sup> EUR 1 equals approximately KGS 90 (Kyrgyz Som).

<sup>29</sup> Namely, political parties *Chon Kazat*, *Reforma* and *Respublika*. In addition, the party *Aktiv* challenged the constitutionality of the electoral deposit before the Constitutional Chamber of the Supreme Court.

<sup>30</sup> The CEC returned nomination documents to *Kyrgyzstan* party due to non-compliance with submission procedures and rejected the registration of *Butun Kyrgyzstan* due to violations of the candidate nomination procedures.

<sup>31</sup> In the case of *Butun Kyrgyzstan*, the administrative court ruled in favour of the party's registration on 9 September, which was the deadline for approving the format of the ballot by the CEC. Due to this deadline, the CEC did not appeal against the court decision. At the same time, *Butun Kyrgyzstan* was registered five days after the beginning of campaign which, it claimed, negatively affected its campaign preparations.

*Mechanisms aimed at enhancing effectiveness of quotas in candidate lists should be explored, including dissuasive sanctions for not complying with the quota requirements and financial incentives for the parties for each elected MP from the protected groups.*

Despite a previous ODIHR recommendation, the law continues to lack sufficiently clear grounds for deregistration of candidates, including for violating campaign finance regulations and campaign rules. Although this gap could be clarified by the CEC through its sub-legal acts, no such regulations were adopted. The CEC applied the sanctions to candidates inconsistently. Following an incident in Aravan regarding a physical fight at a campaign event, the CEC deregistered two ethnic Uzbek candidates from *Birimdik* and *Mekenim Kyrgyzstan* parties who were not personally involved in the incident. Furthermore the CEC decided not to issue warnings to the political parties involved in the incident.<sup>32</sup> At the same time, the CEC refused to deregister a candidate of *Kyrgyzstan* party for alleged vote buying and misuse of administrative resources, but issued a warning to the nominating political party.

*The law should guarantee that candidate deregistration is an exceptional measure applied only in case of gross violations of the law. Sanctions for electoral violations should be applied in a consistent manner.*

## VIII. CAMPAIGN ENVIRONMENT

The official campaign period started on 4 September and ended 24 hours prior to voting. Fundamental freedoms were generally respected during the campaign and contestants were able to campaign freely. However, the ODIHR LEOM noted limitations to campaigning since parties did not have the possibility to receive in-kind donations and, following a 2019 amendment to the election law, negative campaigning against a contestant was prohibited on television (TV).<sup>33</sup>

Several newer parties conveyed concerns to the ODIHR LEOM about their campaign staff being pressured by opponents to discourage them from canvassing and about their campaign events being covertly followed by state security agencies.<sup>34</sup> While the campaign was overall peaceful, a violent incident between party supporters in Aravan has caused anxiety among Uzbek community.<sup>35</sup>

Despite initial uncertainty over the possibility to conduct in-person meetings with voters due to the COVID-19 pandemic, parties used diverse means for an overall competitive and lively, although sometimes aggressive campaign. Door-to-door canvassing was the most frequent means of campaigning. In addition, gatherings and discussions with voters, as well as driving with loudspeakers, were organised and audio-visual and printed materials disseminated, including in disabled-friendly format.<sup>36</sup> Billboards were displayed extensively, with those of *Birimdik*, *Kyrgyzstan* and *Mekenim*

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<sup>32</sup> Article 46.2.6 of the election law provides that only direct involvement of a candidate or his/her representative in violation of campaign rules can serve as a ground for deregistration.

<sup>33</sup> According to Article 28.6 of the election law, a contestant cannot use TV to call to vote against another contestant, to describe the negative consequences in case a certain candidate is elected, to disseminate information about a candidate where negative comments obviously prevail or that contributes to the creation of a negative attitude of voters towards that candidate.

<sup>34</sup> For instance, on 14 September, *Reforma* party sent an official letter to the Ministry of Internal Affairs and to the General Prosecutor seeking redress since their 13 September campaign event in Naryn region was allegedly illegally monitored and disrupted by representatives of law enforcement agencies in civilian clothing.

<sup>35</sup> On 20 September, a violent clash between *Birimdik* and *Mekenim Kyrgyzstan* supporters took place involving some 100 people. See *Participation of National Minorities*

<sup>36</sup> Following the 2019 amendments to the election law, political parties are now obliged to prepare and distribute audio-visual campaign materials using sign language or subtitles, prepare materials in enlarged and Braille fonts, and use other special means for voters with disabilities.

*Kyrgyzstan* being the most visible throughout the country. The newly introduced legal ban on holding of campaign related cultural and sports events is formulated in general terms, and the CEC and political parties had difficulties to interpret and apply it in practice.<sup>37</sup>

*To ensure legal certainty of applicable campaign rules, consideration could be given to providing a clear and concrete definition of cultural and sports events that are subject to prohibition, either in the law or through a CEC regulation.*

While the 47 rallies observed by the ODIHR LEOM were generally well attended by women, gender issues were almost absent from the campaign.<sup>38</sup> Election platforms of most parties overlapped significantly and the ODIHR LEOM observed that they were seldom presented to voters. In printed materials and TV debates, many parties listed the reduction of state institutions or economic and healthcare reforms as priorities. However, the ODIHR LEOM observed during meetings with voters that candidates focused on local issues and on their personal profiles and, at times, on recent charitable activities related to the pandemic. The lack of structured party platforms and issue-oriented debate diminished the voters' ability to make an informed choice.

The election campaign was also prominent in social media and platforms, such as Facebook, Instagram and WhatsApp. Online campaigning is allowed by law; but the CEC reported lack of sufficient tools for monitoring online activities. Although most contestants committed to respecting campaign rules online, through the signature of the Code of Conduct initiated by the CEC, they informed the ODIHR LEOM that misinformation campaigns among opponents were frequent, especially via individual and sometimes fake accounts.<sup>39</sup> However, contestants seldom filed official complaints, accepting negative campaigning to a certain extent, as it was difficult to prove the identity of individuals using social media accounts. The ODIHR LEOM also noted intensification of hostile misinformation campaigns closer to election day.<sup>40</sup>

Although the election law prohibits the conduct of charitable activities by contestants and their close relatives since the moment elections are called, the ODIHR LEOM noted several instances when such activities, especially those related to the pandemic, featured prominently in the campaigns of some candidates of *Birimdik*, *Kyrgyzstan*, *Mekenim Kyrgyzstan* and *Respublika* parties.

The ODIHR LEOM also received numerous credible reports from interlocutors throughout the country about instances of vote buying and abuse of administrative resources, both prohibited by law. However, most often interlocutors informed the ODIHR LEOM that they had no trust that such cases would be effectively resolved and thus had not filed complaints. The ODIHR LEOM observed indications of forced participation of civil servants in campaign events, and interlocutors reported widespread allegations about pressure on civil servants to vote for a specific party.<sup>41</sup> Involving public sector subordinates in activities that contribute to the election of a contestant is prohibited by the legislation

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<sup>37</sup> Since 2019, the organization of concerts, theatre performances and sports events for campaigning has been prohibited, with the aim to reduce cost of campaigns. The CEC received several complaints about parties using singers in small campaign gatherings but could not agree whether the use of non-professional, non-remunerated or spontaneous performers should be sanctioned.

<sup>38</sup> The ODIHR LEOM observed campaign events in rural and urban areas in all regions as well as in Bishkek and Osh.

<sup>39</sup> Misinformation campaigns were reported to the ODIHR LEOM by *Chon Kazat*, *Mekenim Kyrgyzstan*, *Reforma*, *Respublika*, and *Social-Democrats* parties.

<sup>40</sup> Misinformation campaigns were most frequently built around issues perceived as sensitive in the conservative segments of the society. Disseminated in social media and through sms campaigns, they included alleged Western financing of certain parties (*Chon Kazat*, *Reforma*), alleged homosexual orientation of female frontrunners (*Reforma*) or alleged intention of certain parties to defend the rights of the LGBTI community (*Ata Meken*, *Bir Bol*, *Reforma*).

<sup>41</sup> For instance, during a rally of *Kyrgyzstan* party on 15 September in Talas city, the ODIHR LEOM observed an attendance list which two dozen civil servants had to sign to prove their participation in the event. Similar practice was observed during the rally of *Birimdik* in Bishkek city on 2 October.

as abuse of administrative resources. Despite the safeguards of secrecy of the vote, these instances of pressure also raised concern about public sector employees' ability to vote free from fear of retribution, as provided for by the OSCE commitments and other international standards.<sup>42</sup>

*Robust efforts are needed to address the persistent issue of vote-buying and pressure on voters, both through a civic awareness campaign and prosecutions, in order to promote confidence in the electoral process. A concrete and genuine commitment from political parties to combat vote-buying practices should be made.*

## IX. CAMPAIGN FINANCE

Campaign finance is regulated by the election law that requires parties to open designated bank accounts to channel all campaign funds. Election campaign may be financed from private sources while direct public funding is not foreseen. There are limits to individual contributions and campaign spending per party cannot exceed KGS 300 million.<sup>43</sup> Cash donations as well as donations from foreign, state-owned or anonymous sources and religious and charitable organizations are prohibited.

Departing from international good practice, the law does not allow in-kind donations, a provision that disadvantaged newer parties with less financial means.<sup>44</sup> Under the current legal framework, each campaign staff and party observer must be remunerated at market price, preventing the engagement of volunteers, and this income is further subject to taxation.<sup>45</sup> Thus, the total amount required to finance the human resource component of the campaign alone could exceed the financial capacity of many smaller parties.<sup>46</sup> If in-kind donations were allowed, parties could compensate the lack of funds by a voluntary popular support. Furthermore, in practice, in-kind donations were reported to the ODIHR LEOM by most contestants but these were not reflected in any financial reports, diminishing the transparency and integrity of campaign funding, at odds with international standards.<sup>47</sup>

*To enhance the transparency of campaign funding and eliminate disadvantages based on contestants' financial capacity, the legal framework should be revised to allow in-kind donations and voluntary services for campaign purposes. Such non-financial contributions should be reflected in contestants' financial reports, for instance as estimates calculated at market prices.*

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<sup>42</sup> Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) requires that campaigning “be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. Paragraph 19 of the [1996 CCPR General Comment 25 to the ICCPR](#) stipulates that “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind”. See also Paragraph 209 of the 2010 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#). (Guidelines on Political Party Regulation)

<sup>43</sup> Individuals and legal entities can donate up to KGS 200,000 and KGS 3 million, respectively, a candidate can contribute up to KGS 1.5 million, and a party itself a maximum of KGS 100 million.

<sup>44</sup> According to Article 41.10 of the election law, provision of goods and services free of charge or at unreasonably low prices is forbidden. *Chon Kazat* and *Reforma* parties reported that this regulation significantly impacted their campaign since, due to lack of funds, they intended to rely on volunteers. Paragraph 170 of the Guidelines on Political Party Regulation states that “...all individuals should have the right to freely express their support of a political party of their choice through financial and in-kind contributions” within reasonable limits.

<sup>45</sup> Paragraph 182 of the Guidelines on Political Party Regulation states that it is a “good practice to provide tax credits for individuals who give in-kind contributions, whether in the form of labour or goods and services. State legislation may allow tax deductibility of such contributions, including in-kind contributions to political parties” within defined and appropriate limits.

<sup>46</sup> For instance, the budget required to finance a campaign team of 3,500 members at market prices could oscillate between KGS 6 and 10 million. At the same time, 6 out of 16 contesting parties reported total campaign income below or slightly above KGS 10 million each, while others had their individual income ten-fold higher.

<sup>47</sup> Article 7.3 of the [2003 UN CAC](#) provides that states should “consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office...”

The oversight of campaign finance is vested with the CEC. Information on party campaign income and expenditure, received from banks on weekly basis, was published on the CEC website. Following its regulation adopted in June 2020, the CEC changed its previous practice and instead of disclosing only gross total amounts, it also disclosed the amount and source of each individual contribution or expenditure, partially addressing prior ODIHR recommendations. According to this data, three political parties led in terms of total campaign spending: *Birimdik*, *Kyrgyzstan* and *Mekenim Kyrgyzstan*.<sup>48</sup> These parties eventually gained the most of votes.

Political parties are required to submit two financial reports before election day and a final one after the elections.<sup>49</sup> Positively, the first two financial statements were submitted by all political parties and published on the CEC website. However, at the time of reporting, no information was publicly available regarding the post-election statements. The initial financial reports show that most parties raised a significant portion of their campaign funds from candidates.<sup>50</sup> Although this practice does not violate the legislation, it raises questions about undue dependence of parties on private donors and the predominance of business interests in the parliament.<sup>51</sup>

While an audit of all three reports shall be conducted by the CEC, the Commission disclosed to the ODIHR LEOM its lack of finances and human resources for this exercise. A group of four part-time experts was in charge of the audit and could not comprehensively verify the detailed accounting documents and financial statements of all contesting parties in a timely manner. Furthermore, there is no legal requirement to publish the audit results, preventing public scrutiny.

*To ensure a transparent and meaningful oversight of campaign funding, the capacity of the CEC's audit group could be increased and the audit results should be published within a reasonable timeframe.*

Finally, parties do not have the obligation to provide annual financial reporting which decreases the transparency of campaign funding, contrary to international standards and good practice.<sup>52</sup>

*To ensure the transparency of campaign funding, parties could be required by law to submit annual financial reports, subject to public disclosure and clearly established oversight procedures.*

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<sup>48</sup> According to bank reports, *Birimdik* incurred a total campaign spending of KGS 104.6 million, *Kyrgyzstan* – KGS 123.6 million and *Mekenim Kyrgyzstan* – KGS 142.5 million. All other parties reported expenditures below KGS 53 million each.

<sup>49</sup> The first financial report had to be presented to the CEC together with registration documents, second report – by 24 September, and a final report – within 10 days after election day.

<sup>50</sup> According to the financial reports submitted by 24 September, on average almost 60 per cent of campaign income was financed through candidates' contributions, representing a sharp increase compared to the previous parliamentary elections.

<sup>51</sup> Paragraph 169 of the Guidelines on Political Party Regulation states that it is a “Although a candidate's own contributions are often perceived to be free from concerns over possible corruption or undue influence, legislation may limit such contributions as part of the total spending limit during the campaign period and require the disclosure of such contributions. It is also appropriate to require that candidates file a public disclosure of assets and liabilities.

<sup>52</sup> Articles 7.3 of the 2003 UN Convention against Corruption requires states to enhance the transparency not only in the funding of candidatures for elected office but also the funding of political parties. Further, paragraph 202 of the Guidelines on Political Party Regulation recommends that “[p]olitical parties should be required to submit disclosure reports to the appropriate regulatory authority on at least an annual basis in the non-campaign period”. See also paragraphs 205, 206 and 214.

## X. MEDIA

### A. MEDIA ENVIRONMENT

A wide range of broadcasters, print and online media contributes to a vibrant media landscape in Kyrgyzstan. TV is the most important source of information, while online media are increasingly serving as an alternative source for news. However, a high number of media outlets rely on government funding and ownership. Most commercial TV channels and newspapers are dependent on political sponsorship and advertisement. They are seen as politically aligned through direct ownership by candidates or their supporters, with only few outlets being perceived as truly independent.

The Public Broadcasting Corporation (KTRK) owns six TV and three radio channels, including the nationwide *Birinchi* radio, and has the biggest coverage and viewership. The government also owns some other TV and radio stations, including TV channel *EITR*, which provides countrywide broadcasting and enjoys wide viewership in the south of Kyrgyzstan.

According to the ODIHR LEOM interlocutors, the COVID-19 pandemic substantially affected an already limited advertisement market, leading to financial hardship, lay-off of staff in some main TV channels and to the reduction in circulation or even closure of some print media. Consequently, the current environment in combination with the existing legal framework leaves media highly vulnerable to undue interference and induces self-censorship among journalists.

Physical attacks on journalists,<sup>53</sup> coupled with cyber-attacks and summons for questioning of bloggers and social media users over critical posts following the announcement of the parliamentary elections, limited freedom of speech.<sup>54</sup>

### B. LEGAL FRAMEWORK

The Constitution guarantees freedom of expression and press and explicitly prohibits criminal prosecution for defamation. However, the current law allows for excessive damages in defamation cases, and ongoing court cases against media further induce self-censorship among journalists.<sup>55</sup>

Provisions of article 313 of the Criminal Code, regarding “incitement of national (inter-ethnic), racial, religious, or interregional enmity” are not in line with international standards on freedom of

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<sup>53</sup> Two criminal cases were initiated following the attack against the editor in chief of investigative website *FactCheck* in January 2020, after it published a major investigation on corruption. While the investigation on the case against the alleged immediate perpetrators has been finalised and submitted to the court, the case against the alleged organiser of the attack is still under investigation.

<sup>54</sup> According to the ODIHR LEOM interlocutors, during the campaign period, the online platform *24.kg*'s editor-in-chief was temporarily unable to access his Twitter account; however, when access was regained some tweets had been permanently deleted. Just after the president called the parliamentary elections, the website of petitions, *Change.org*, was blocked in Kyrgyzstan, since a group of citizens initiated a petition calling on the president to resign. The Ministry of Interior summoned for interrogation the administrator of the *Memestan* Facebook page. The president's communication on the COVID-19 situation on his official YouTube channel was removed and reloaded with disabled comments section, after receiving 4,000 dislikes.

<sup>55</sup> After the publication in November 2019 of a journalistic report on corruption, court cases were initiated against RFE/RL's *Radio Azattyk*, online *Kloop* as well as the journalist that led the investigation. The charges amounted to KGS 22.5 million and KGS 12.5 million and KGS 10 million, respectively. Online platform *24.kg* was also among media outlets sued for KGS 15 million. Later the financial charge was dropped against *24.kg* but they remained co-defendants in the case. The [OSCE Representative on Freedom of the Media \(RFoM\)](#) has previously expressed concern over disproportionate damages requested in defamation suits.



expression.<sup>56</sup> Many ODIHR LEOM media interlocutors voiced their concerns that these provisions had been used to silence journalists and social media users critical of the government as well as to censor debate on topics of interethnic relations. While the substance of the offence largely remains unchanged from the equivalent Article 299 under the old Criminal Code, previously criticized by ODIHR, the new Criminal Code increased sentences for incitement committed through mass media or the Internet to 7.5 years, without providing softer sanctions for first-time offenders.

*The Criminal Code should be revised to clearly define incitement of national (inter-ethnic), racial, religious or interregional enmity, in line with international standards as well as key terms of the law, such as hatred, discrimination, hostility, and violence.*

Also, article 4 of the Law on Guarantees for Activity of the President granting higher protection to the president and to ex-presidents, gives the Prosecutor General the power to apply to court on behalf of the president. In 2018, a group of citizens challenged the constitutionality of this provision in the Constitutional Chamber of the Supreme Court that partially satisfied the request, which led to respective legal amendments.<sup>57</sup>

*The legislation should prioritize the use of non-pecuniary remedies in defamation and insult cases, and a ceiling should be set for awarding damages that should take into account actual harm proven by the plaintiff as well as any redress already provided through non-pecuniary remedies. The plaintiff should bear the burden of proving the falsity of any statements of fact on matters of public concern. Articles 4 and 18 of the Law on Guarantees for Activity of the President should be abolished to ensure that the reputation of the president is protected without undue privileges.*

Despite previous ODIHR recommendations, media outlets, including online platforms, had to be accredited by the CEC in order to cover the elections as well as sell advertising airtime and space to the contestants. At least one complaint on alleged defamation of one candidate was filed with the CEC against a media outlet, with the request to withdraw the accreditation of the media in question. The CEC denied this request and recommended the media outlet to provide space for refutation. Although the CEC did not revoke any accreditation, the threat of losing it may have induced self-censorship among journalists.

*Special accreditation requirements for media outlets should be reconsidered as it creates unnecessary obstacles for media, potentially limiting the amount of information available to voters.*

## C. MEDIA MONITORING FINDINGS

[Click Here to Read Media Monitoring Results](#)



News and current affairs programmes lacked editorial coverage and critical reporting, instead they reflected different financial means of parties and candidates as the campaign coverage in primetime news was mostly produced and paid by the contestants. This, combined with a predominance of institutional coverage of the government and the president, clearly affected the objectivity, quality and variety of information and opinions available to voters.

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<sup>56</sup> The “incitement of national (inter-ethnic), racial, religious or interregional enmity” is not explicitly defined as “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence”. See also paragraph 25 of the CCPR General Comment No. 34 to the ICCPR.

<sup>57</sup> Following the amendments, the Prosecutor General who enjoyed broad discretionary powers is now required, with the consent of the president and with a preliminary agreement on the amount of moral damage, to mandatorily apply to the court on behalf of the president to protect his or her honour and dignity. Protection is extended to former presidents of the country as well.

*Consideration should be given to banning the broadcasting of campaign material within news and current affairs programmes. Additionally, consideration could be given to require that paid political content is clearly and consistently identified as such.*

The CEC allocated free airtime for candidates on the public and state-owned media, including additional number of hours on the public station *KTRK* and state *EITR* to the time legally prescribed, to compensate restrictions imposed by the COVID-19 pandemic. Positively, TV debates were broadcast on both channels, with *KTRK* dedicating some of its debates to youth, women and party leaders.<sup>58</sup> While the debates granted access to candidates and provided additional exposure to contestants with less resources to purchase airtime, it did not compensate the lack of editorial coverage and critical reporting in the public and state media.

The CEC recommendation against conducting debates on private media constituted a serious restriction of the media independence and freedom, and limited the diversity of information available to voters, with an adverse effect on an open debate on matters of public concern. The restriction also lessened the access to private media by contestants with limited financial means.<sup>59</sup>

*All institutions, including the CEC, could commit to maintaining reasonable access to all types of media by contestants to enhance freedom of expression.*

The election law requires the mass media to treat contestants equally and provide objective and non-discriminatory information. However, an ambiguous interpretation of the election law by different CEC members regarding equal treatment as well as definitions, such as ‘campaigning’ and ‘informing voters’, constrained the coverage of the campaign by a number of media outlets.<sup>60</sup> Some media outlets reported to the ODIHR LEOM that they remained overcautious, refraining from reporting on the parties’ campaign activities, in order to avoid losing the CEC accreditation or being financially sanctioned, as it could be considered as a violation of the law.

The ODIHR LEOM media monitoring results indicate that the public broadcaster *KTRK* gave prominence to institutional coverage of government and presidential activities, and to news contents produced and paid by the political parties, rather than providing editorial coverage of the campaign.<sup>61</sup> This contradicted their editorial policy instructing the broadcaster to emphasize pluralism of opinions in their information and analytical programmes. *KTRK*, in monitored primetime news, provided 64 per cent of the time to the government (and the prime-minister) activities, 11 per cent to the president, 6 per cent to the CEC activities, 18 per cent to paid content provided by the parties, while the remaining 1 per cent was used for mentioning contestants. Monitored news on *EITR* gave the government (and the prime-minister) 65 per cent and the president 18 per cent of prime time exposure, while 8 per cent was allocated to paid content produced by the contestants, another 8 per cent to the CEC activities and the remaining 1 per cent to editorial coverage of contestants. Similar trend was observed on the public *Birinchi* radio.

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<sup>58</sup> Neither *KTRK* nor *EITR* provided sign language support during the debates.

<sup>59</sup> The election law does not prohibit organization of debates by private media. A written response of 22 September by the CEC Working Group on Issues of Campaign and Voter Information recommended the TV channel *Next* to abstain from organising debates. This was perceived by main private media as an official position of the CEC making them refrain from organising their own debates. The decision was taken on the grounds that equal treatment would not be served, if other contestants would refuse to participate.

<sup>60</sup> While ‘campaigning’ was generally interpreted by media as placing campaign materials on a contractual basis and paid from the contestants’ campaign funds, as permitted by law, the definition of ‘informing voters’ was considered blurred and subject to the interpretation by different CEC members.

<sup>61</sup> On 8 September, the ODIHR LEOM started its quantitative and qualitative monitoring of campaign coverage. The media monitoring sample included four TV channels, public *KTRK*, state-owned *EITR* and commercial *NTS* and *Channel 7*; public *Birinchi Radio* and three private newspapers *Delo No*, *Super Info*, and *Vecherniy Bishkek*. The ODIHR LEOM also followed the campaign coverage on online outlets *kaktus.media*, *24.Kg* and *April TV*.

*Public and state broadcasters should make greater efforts in their news and current affairs programmes to provide impartial and balanced editorial coverage of the campaign activities of contestants, thus helping voters to make informed choices.*

While commercial TV channels *NTS* and *Channel 7* provided a more diverse and substantial coverage of elections, including of contestants, they also covered extensively the government and president activities as well as political content produced and paid by parties. In its primetime news, *NTS* allocated 37 per cent of the airtime to footage produced and paid by contestants, against less than 7 per cent to editorial coverage of political parties, while *Channel 7* assigned 33 per cent of airtime to contents paid by contestants against 19 per cent of editorial coverage, mostly in neutral or negative tone. The remaining airtime was allocated to activities of the government, president and the CEC.

Online news sources provided more analytical and critical content focused on the political parties' programmes and candidates' profiles. However, these platforms did not manage to counterbalance and provide an adequate amount of editorial content related to the campaign. Monitored news sources *24.kg* and *Kaktus.media* dedicated 62 and 74 per cent of space to paid political contents, respectively, compared to only 38 and 26 per cent to editorial coverage of the contestants and CEC activities.

Paid political content also prevailed in the monitored print media, particularly in *Super Info*, and editorial content in all monitored newspapers lacked sufficient unbiased analytical information for voters. *Delo No* and *Vecherniy Bishkek* offered analytical coverage of the elections, but largely in a negative tone targeting certain political parties.

## **XI. PARTICIPATION OF NATIONAL MINORITIES**

Kyrgyzstan has an ethnically diverse population, with minorities constituting about 27 per cent of the total population.<sup>62</sup> The Constitution acknowledges different ethnicities and declares principles of non-discrimination and equality. The most sizable minority community is ethnic Uzbeks, mainly residing in the Osh and Jalalabad regions where they make up to 28 and 24 per cent, respectively. The legislation forbids political parties to be formed on the basis of ethnicity.

Ethnic minority candidates actively campaigned in areas where they comprise a substantial part of the population, but issues of inter-ethnic relations did not feature prominently in programmes of political parties. Voter education and campaign materials have not been published in any minority language but only in the state (Kyrgyz) and official (Russian) languages.

Fierce competition within the Uzbek minority has caused a lot of anxiety among the members of the community in Osh and Jalalabad regions and contributed to their sense of insecurity. A mass brawl between supporters of *Birimdik* and *Mekenim Kyrgyzstan* parties in Aravan district resulted in deregistration of two ethnic Uzbek candidates.<sup>63</sup> In a separate development, a criminal investigation has been launched over the alleged vote-buying by two ethnic Uzbek candidates representing *Mekenim Kyrgyzstan* in Jalalabad. Reportedly, their supporters and relatives were subject to pressure by the local authorities and law enforcement bodies to testify against them. Following these incidents, cases of hateful rhetoric targeting the Uzbek community in social media were brought to the attention of the ODIHR LEOM by some interlocutors.

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<sup>62</sup> Minority groups include ethnic Uzbeks (14.7 per cent), Russians (5.3 per cent), Dungans (1.2 per cent), Uighurs (1 per cent), as well as smaller groups of Tajiks, Kazakhs, Tatars, Ukrainians, Koreans, and Meskhetian Turks.

<sup>63</sup> In its decision to deregister candidate Mannanov, the CEC referred among others to prohibition of the incitement to ethnic hatred. On 29 September, the Administrative Court upheld this decision having refused to assess the materials in Uzbek presented by the appellant. On 3 October, the Supreme Court upheld this decision on further appeal.

## XII. COMPLAINTS AND APPEALS

The legislation provides for an adequate framework for electoral dispute resolution, with a single hierarchy for appeals and compressed timeframes.<sup>64</sup> Decisions, actions and inaction of election commissions can be challenged at higher commissions, and those of the CEC at the Administrative Court of the City of Bishkek (Administrative Court), and further at the Supreme Court. Complaints and appeals can be filed by voters, political parties, candidates, their proxies, civil society organizations and observers.

However, while adjudicating appeals against the CEC decisions lodged by citizen observers and by a voter, the Administrative Court applied a restrictive interpretation of the law, effectively limiting their right, as provided by law.<sup>65</sup> Election results can be appealed only by individual candidates, political parties, and their proxies, contrary to international good practice.<sup>66</sup> The 6 October CEC decision invalidating voting results was appealed to the Administrative Court by a non-profit organization *Coalition for Democracy and Civil Society*; on 9 October, the Administrative Court dismissed the appeal for lack of standing by the complainant.

*Undue restrictions on legal standing in electoral disputes, including of citizen observers and voters, should be removed. Contestants, observers, and voters must be entitled to appeal all aspects of the electoral process.*

According to the CEC online registry of complaints, an element positively contributing to transparency of electoral dispute resolution, election commissions received 141 complaints before the election day.<sup>67</sup> Most of complaints concerned alleged violation of campaign rules, issues with voter registration, and reports on vote-buying and abuse of administrative resources. The majority of complaints were reviewed and responded to by CEC Working Group on Complaints, but only 54 were considered at the CEC sessions. While the sessions of both the CEC and the Working Group on Complaints were generally held in a transparent and participatory manner, lack of review of complaints on violations affecting the rights of electoral stakeholders in the CEC session could question the principle of collegiality and added to legal uncertainty regarding further legal action by the parties.<sup>68</sup>

Ten CEC decisions were appealed before the election day, of them nine pertained to candidate registration and deregistration, and one challenged the sanction applied for a case of abuse of administrative resources.<sup>69</sup> The Administrative Court invalidated three CEC refusals to register parties and rejected other complaints. Six appeals against Administrative Court decisions were lodged with the

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<sup>64</sup> Complaints and appeals lodged with election commissions and courts, including on election results, should be submitted and resolved within three days or, in case additional investigation is required, within five days. If a complaint or appeal is filed on election day or day before, it should be considered immediately.

<sup>65</sup> On 24 September and 2 October, the Court ruled that CEC decisions applying a sanction for abuse of administrative resources and denying the request for deregistration of a candidate, respectively, were not subject to appeal as those decisions cannot infringe the electoral rights of the stakeholders. These rulings were upheld by the Supreme Court.

<sup>66</sup> Paragraph II.3.3.f of the 2002 Venice Commission's [Code of Good Practice in Electoral Matters](#) recommends that "all candidates and all 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".

<sup>67</sup> In addition, the CEC responded to over 500 inquiries and applications from voters and other election stakeholders, most of these submitted through electronic mail or social networks. Some CEC decisions on complaints were posted with delays.

<sup>68</sup> In a number of cases, complaints were officially responded by heads of working groups, on the CEC letterhead, raising doubts among the complainants if those responses could be considered as official CEC decisions that could be appealed in the court.

<sup>69</sup> On 21 September, an appeal was lodged with the Administrative Court by the Coalition for Democracy and Civil Society. The applicant alleged that the CEC warning to *Kyrgyzstan* party for misuse of administrative resources by its member and acting speaker of parliament, Mr. Dzhumabekov, was inadequate legal redress, and that the candidate must have been deregistered. The Court rejected the appeal finding no violation of law committed by Mr. Dzhumabekov.

Supreme Court, including two filed by the CEC; all were rejected. The hearings in the Administrative and Supreme Courts were open and due process was largely observed.

In a positive development, in July 2020, the parliament adopted amendments establishing liability for abuse of administrative resources and strengthening guarantees for prosecution of those involved in vote-buying. Working Co-ordination Response Groups, composed of members of election commissions and representatives of the prosecutor's office, police and national security agency, were created at the level of the CEC and TECs to rapidly respond to reports on violations of electoral legislation. As of 30 September, the prosecutors and the police had investigated some 63 criminal cases related to alleged vote-buying and 17 cases on abuse of administrative resources. However, no case was reported to have reached the court for a sanction. Many ODIHR LEOM interlocutors expressed a lack of trust in the effectiveness of remedies against election violations, particularly with respect to actions by law-enforcement, but also regarding impartiality of the judiciary.

*Law-enforcement bodies must investigate reports about vote-buying and abuse of administrative resource in an efficient manner. Consideration could be given to enactment of an expedited procedure for investigation and adjudication of election-related offences.*

After election day, seven complaints were filed before the CEC; of them, two were co-signed by multiple contesting parties requesting to invalidate election results, deregister political parties *Birimdik, Kyrgyzstan* and *Mekenim Kyrgyzstan* for alleged widespread violations, including vote-buying and pressure on voters, and hold repeat elections. While the CEC had already invalidated national voting results, it referred the cases of alleged vote-buying and pressure on voters by parties in question to the General Prosecutor office and Ministry of Interior for criminal investigation. The CEC also appealed to the parliament with a request to consider as a matter of priority the issues of lowering the electoral threshold and the deposit required for party registration, refining the mechanism of temporary change of voting address as well as clarifying the right of political parties whose illegal actions had led to invalidation of election results, to stand for repeat elections.

Overall, after election day, the Administrative Court ruled on six appeals against CEC decisions, most of these concerning CEC's pre-election decisions. On 6 October, the Court invalidated a 2 October CEC decision regarding a complaint by a citizen observer group against registration of *Kyrgyzstan* party, though the same court had previously denied standing to the same complainant in a similar case, raising concerns about consistent application of the law.<sup>70</sup> On 13 October, the court decision was upheld on appeal by the Supreme Court.

### **XIII. 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.<sup>71</sup> Political parties and citizen observer groups can appoint up to two and three observers per election commission, respectively.<sup>72</sup> While party observers can challenge all decisions of election administration, the right of citizen observers to challenge the decisions of election commissions is subject to limitations (see *Complaints and Appeals*).

Several ODIHR LEOM interlocutors positively assessed co-operation with the CEC, including inclusive consultations with regards to different aspects of the elections. Although some civil society interlocutors noted late provision of information about sessions by the CEC and TECs, they did not

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<sup>70</sup> The hearing in this case was held without participation of representatives of the CEC and *Kyrgyzstan* party, for consideration of expedited review of the complaint.

<sup>71</sup> A total of 277 international observers from 35 organizations and 43 embassies were accredited by the CEC to observe the elections. A total of 77 citizen observer groups notified the CEC about their intention to observe the elections.

<sup>72</sup> Citizen observers can be registered at the CEC and directly at TECs.

express lack of trust in the work of election commissions. Several NGOs undertook comprehensive long-term observation and issued public statements on different aspects of the electoral process.

#### XIV. ELECTION DAY

In line with ODIHR methodology for LEOMs, the Mission did not observe election day proceedings in a comprehensive or systematic manner but visited a limited number of polling stations in all regions of the country.<sup>73</sup>

Overall, election day proceeded orderly and polling was well organized. Voting took place between 08.00 and 20.00. Most polling stations observed opened on time and procedures were in general followed. The polling stations visited were properly equipped, and their layout allowed for an orderly flow of voters. However, in several polling stations the ODIHR LEOM noted that PEC members or observers were standing too close to the ballot scanners potentially compromising the secrecy of the vote.

*The legal provisions for the secrecy of voting should be ensured in practice and enforced by PECs. Importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.*

Positively, most polling stations visited by the ODIHR LEOM were accessible for voters with reduced mobility, with step-free access and adapted polling booths, but a few polling stations were located on second floors. Some civil society groups informed the ODIHR LEOM that more efforts from the state and local authorities are needed for enhancing accessibility of polling stations.

In the polling stations visited, voter identification equipment and ballot scanners functioned well, and only minor technical problems were reported. Overall, most ODIHR LEOM interlocutors expressed confidence in the current voter identification technologies towards prevention of fraud inside polling stations on election day.

The atmosphere outside of polling stations visited by the ODIHR LEOM was, at times tense while unidentified individuals were giving directions to voters. Throughout the day, the ODIHR LEOM observed queues outside of polling stations as well as few instances of bussing of voters. In one case, the ODIHR LEOM witnessed money being distributed to voters outside the polling station.

Face-masks and sanitizers were made available by election administration, but protective measures against the spread of the COVID-19, such as consistent use of sanitizers, regular cleaning of biometric verification equipment, were not always followed. Social distancing was rarely respected outside or inside the polling stations, and the ODIHR LEOM observed different responses from the medical personnel when dealing with voters with fever.<sup>74</sup>

Polling stations visited closed on time, and manual counting was conducted efficiently, with good level of co-operation between PEC members. The CEC announced final voter turnout at 56 per cent (1,980,240 people voted), with automatic count showing 1,899,111 votes cast for political parties, 35,097 against all, and 31,419 ballots invalid.

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<sup>73</sup> According to the CEC, on 3 October, mobile voting was organized for 24,472 voters who could not visit polling stations on election day due to their health condition, staying in detention facilities or in hard to reach areas, or carrying police and military duties.

<sup>74</sup> While in some polling stations, such voters were reportedly sent home, in others they were allowed in or asked to return back for voting after 18.00.

## XV. POST-ELECTION DEVELOPMENTS

Shortly after the end of voting, the CEC started posting on its website preliminary results, based on initial data from the ballot scanners, ensuring transparency. According to preliminary results, 4 out of 16 contesting parties appeared to qualify for seat allocation: *Birimdik* with 24.5 per cent of votes, *Mekenim Kyrgyzstan* - 23.8 per cent, *Kyrgyzstan* - 8.7 per cent, and *Butun Kyrgyzstan* with 7.1 per cent.<sup>75</sup> Between 4 and 5 October, the parties that did not gain representation in parliament made public statements refusing to recognize the election results and called for public demonstrations. While *Birimdik* party announced its victory, *Butun Kyrgyzstan*, *Kyrgyzstan* and *Mekenim Kyrgyzstan* parties questioned the fairness of the electoral process.

On 5 October, a number of contestants sent an official request to the CEC to annul election results and to call new parliamentary elections.<sup>76</sup> The CEC responded that the results had not yet been established. In parallel, public protests in Bishkek grew throughout the day and, by the evening, gathered several thousand people. The situation deteriorated when, following an attack on the parliament building by some protesters, the law enforcement agencies attempted to disperse the crowds using tear gas, rubber bullets and stun grenades. Violent clashes continued during the night and protesters forcefully entered the buildings of the parliament, the General Prosecutor and the State Committee for National Security. Several detained political figures were liberated, including the former president Atambayev and former MP Sadyr Japarov. During these events, reportedly over a thousand people were injured and one person died.

On 6 October, the prime minister as well as the speaker of parliament resigned under unclear circumstances. The political parties that jointly disputed the election results proposed various platforms for resolving the situation, including through the creation of several Co-ordination Councils. In addition, several party members made controversial self-appointments to the leadership of various ministries and state agencies. Numerous demonstrations and marches organized by various political forces took place in the following days. To a lesser extent, public protests and replacements of local officials, including governors and prosecutors, were replicated in the regions.

On 6 October, the CEC declared the results of voting in all polling stations as invalid.<sup>77</sup> This decision was taken in a closed session and referenced the constitutional provisions of the state sovereignty, national unity, rule of law, social justice and the highest value of human lives. The CEC stated its intention “to prevent the increase of tensions in the society, promote stability, civil peace and accord”.<sup>78</sup>

On 9 October, President Jeenbekov declared a state of emergency in Bishkek. On 12 October, after the parliament failed to consider and approve this decree within the legally required three days, a new one-week long state of emergency was declared in the capital till 19 October, but was finally lifted by the parliament on 16 October.

Between 6 and 14 October, the outgoing parliament held several extraordinary sessions, negotiating the nomination of a new prime minister, new speaker of parliament and discussing other key state affairs,

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<sup>75</sup> According to the CEC, these preliminary results were based on the data provided from 98 per cent of PECs.

<sup>76</sup> The request was signed by *Ata Meken*, *Bir Bol*, *Butun Kyrgyzstan*, *Chon Kazat*, *Meken Yntymagy*, *Ordo*, *Reforma*, *Respublika*, *Social Democrats*, *Yiman Nuru* and *Zamandash* parties. While *Mekenchil* party also featured on the list, their signature was absent.

<sup>77</sup> By law, the voting results are invalidated by TECs in their respective territories. Article 37 of the election law lists the grounds for invalidation of the results of the voting by TECs, including on the basis of the decision of the CEC.

<sup>78</sup> On 21 October, the CEC announced repeat elections, without formal invalidation of election results. On 24 October, this decision was annulled by the Administrative court upon requests of *Aktiv* party and an NGO. Article 37 of the election law provides for the possibility of the repeated voting to be conducted within two weeks if the invalidation of the voting results in one or several polling stations influences the overall election results, while the repeat elections should be announced in one month if the election results nationwide are declared invalid.

such as electoral reform. However, media, civil society and some MPs reported that these sessions lacked quorum and were held without prior notice to all MPs. Following an unsuccessful attempt, on 14 October, the parliament met the necessary quorum requirement and proposed Mr. Japarov as prime minister. After signing this nomination, President Jeenbekov announced his resignation on 15 October, and the next day Mr. Japarov became also the acting president of the country.<sup>79</sup>

Attacks against journalists on election day and while covering the post-election unrest, by police and supporters of various political forces, as well as Internet and communications disruptions observed during this period, were generally perceived as an attempt to drown out divergent opinions and restrict press freedom and access to information. Following these events, national and international media organizations called on the authorities and political forces to ensure a safe and threat-free working environment for journalists. Media also appealed to the authorities to investigate all acts of violence, intimidation or harassment against journalists, particularly the circumstances when riot police opened fire in the direction of a journalist.

There were several attempts to seize the public broadcaster *KTRK* by opposition and other vested-interest groups, dissolve its supervisory board and illegally appoint an acting director after the resignation of the *KTRK* director general. While *KTRK*'s editorial team continued to provide news of the events, and a new interim director was later appointed by the supervisory body, the safety of *KTRK*'s journalists and their ability to work free of retribution was jeopardised.<sup>80</sup>

*Media freedom should be strictly upheld. Interference with the activities of journalists and media outlets as well as undue limitations on the access to information should not be tolerated. The competent authorities should provide for safe environment for journalists and to ensure that all infringements of the freedom of the media are duly investigated and addressed.*

## **XVI. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in the Kyrgyz Republic and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that Kyrgyzstan has yet to address.<sup>81</sup> ODIHR stands ready to assist the authorities of Kyrgyzstan to further improve the electoral process and address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. Robust efforts are needed to address the persistent issue of vote-buying and pressure on voters, both through a civic awareness campaign and prosecutions, in order to promote confidence in the electoral process. A concrete and genuine commitment from political parties to combat vote-buying practices could be made.

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<sup>79</sup> According to the Constitution, in case of resignation of the president, the speaker of the parliament becomes acting president. In case the speaker cannot fulfill this duty, the prime minister becomes the acting president. On 15 October, the newly elected speaker of the parliament Kanat Isayev refused to take the office of the president.

<sup>80</sup> On 29 October, KTRK initiated official recruitment procedure of the new director general.

<sup>81</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR LEOM as follows: recommendations 2, 6, 14, 17, 19, 21, 24, 28 and 29 from the [ODIHR final report on the 2015 parliamentary elections](#) (2015 Final Report) and 9, 10, 11, 18 and 22 from the [ODIHR final report on the 2017 presidential election](#) (2017 Final Report) are fully implemented. The recommendations 9, 11, 25 and 27 from the 2015 Final Report, and 1, 3, 14 and 25 from the 2017 Final Report are mostly implemented. The recommendations 1, 3, 4, 7, 18 and 22 from the 2015 Final Report, and 4, 5, 7, 12, 13 and 23 from the 2017 Final Report are partially implemented. See also the ODIHR [electoral recommendations database](#).



2. Media freedom should be strictly upheld. Interference with the activities of journalists and media outlets as well as undue limitations on the access to information should not be tolerated. The competent authorities should provide for safe environment for journalists and to ensure that all infringements of the freedom of the media are duly investigated and addressed.
3. To ensure the transparency of campaign funding, parties could be required by law to submit annual financial reports, subject to public disclosure and clearly established oversight procedures.
4. The law should guarantee that candidate deregistration is an exceptional measure applied only in case of gross violations of the law. Sanctions for electoral violations should be applied in a consistent manner.
5. Consideration should be given to banning the broadcasting of campaign material within news and current affairs programmes. Additionally, consideration could be given to require that paid political content is clearly and consistently identified as such.
6. Law-enforcement bodies must investigate reports about vote-buying and abuse of administrative resource in an efficient manner. Consideration could be given to enactment of an expedited procedure for investigation and adjudication of election-related offences.
7. The legal provisions for the secrecy of voting should be ensured in practice and enforced by PECs. Importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.

## **B. OTHER RECOMMENDATIONS**

### **Electoral System and Legal Framework**

8. In line with previous recommendations, consideration could be given to revising the limit on mandates for one party, as well as the regional threshold. Independent candidates should be allowed to stand in elections.

### **Election Administration**

9. The CEC could adopt measures to ensure that national minorities are adequately represented in election commissions in areas compactly populated by these minorities.
10. Decisions affecting the rights and duties of electoral stakeholders, including on complaints, as well as interpretation of the law should be adopted by the CEC in open sessions. As previously recommended, all CEC decisions should be published in a timely manner.

### **Voter Registration**

11. Disproportionate restrictions to suffrage rights of those serving a prison sentence, irrespective of the gravity of the crime committed, and restriction based on disabilities should be lifted.
12. Authorities should continue comprehensive efforts to encourage and facilitate biometric registration of all eligible voters, including those residing abroad.
13. In order to prevent abuse of this mechanism, the requests for temporary change of voting address could be subject to a valid justification, and number of such requests submitted within the election period by each voter could be limited.

## **Candidate Registration**

14. The ban for citizens with dual nationality to stand for elections could be reconsidered.
15. Electoral deadlines related to candidate registration and potential appeals should be aligned to avoid overlapping and procedural obstacles.
16. Mechanisms aimed at enhancing effectiveness of quotas in candidate lists should be explored, including dissuasive sanctions for not complying with the quota requirements and financial incentives for the parties for each elected MP from the protected groups.

## **Electoral Campaign**

17. To ensure legal certainty of applicable campaign rules, consideration could be given to providing a clear and concrete definition of cultural and sports events that are subject to prohibition, either in the law or through a CEC regulation.

## **Campaign Finance**

18. To enhance the transparency of campaign funding and eliminate disadvantages based on contestants' financial capacity, the legal framework should be revised to allow in-kind donations and voluntary services for campaign purposes. Such non-financial contributions should be reflected in contestants' financial reports, for instance as estimates calculated at market prices.
19. To ensure a transparent and meaningful oversight of campaign funding, the capacity of the CEC's audit group could be increased and the audit results should be published within a reasonable timeframe.

## **Media**

20. The Criminal Code should be revised to clearly define incitement of national (inter-ethnic), racial, religious or interregional enmity, in line with international standards as well as key terms of the law, such as hatred, discrimination, hostility, and violence..
21. The legislation should prioritize the use of non-pecuniary remedies in defamation and insult cases, and a ceiling should be set for awarding damages that should take into account actual harm proven by the plaintiff as well as any redress already provided through non-pecuniary remedies. The plaintiff should bear the burden of proving the falsity of any statements of fact on matters of public concern. Articles 4 and 18 of the Law on Guarantees for Activity of the President should be abolished to ensure that the reputation of the president is protected without undue privileges.
22. Special accreditation requirements for media outlets should be reconsidered as it creates unnecessary obstacles for media, potentially limiting the amount of information available to voters.
23. All institutions, including the CEC, could commit to maintaining reasonable access to all types of media by contestants to enhance freedom of expression.
24. Public and state broadcasters should make greater efforts in their news and current affairs programmes to provide impartial and balanced editorial coverage of the campaign activities of contestants, thus helping voters to make informed choices.

## **Complaints and appeals**

25. Undue restrictions on legal standing in electoral disputes, including of citizen observers and voters, should be removed. Contestants, observers, and voters must be entitled to appeal all aspects of the electoral process.

## ANNEX I: LIST OF OBSERVERS IN THE LIMITED ELECTION OBSERVATION MISSION

### ODIHR LEOM Core Team

Thomas Boserup	Head of Mission	Denmark
Armen Mazmanyan		Armenia
Andrei Krasnyansky		Belarus
Gabriela Skulová		Czech Republic
Jurga Luksaitė-Roehling		Lithuania
Jane Kareski		North Macedonia
Cláudia Aranda		Portugal
Svetlana Chetaikina		Russian Federation
Andrei Khanzhin		Russian Federation
Valentina Kremleva		Russian Federation
Merce Castells		Spain
Farrukh Juraqulov		Tajikistan
Oleksandr Stetsenko		Ukraine

### ODIHR LEOM Long-term Observers

Naira Khachikyan	Armenia
Iryna Shuliankova	Belarus
Marketa Nekvindova	Czech Republic
Jan Němec	Czech Republic
Hanne Bang	Denmark
Lela Taliuri	Georgia
Nurul Rakhimbekov	Kazakhstan
Alexander Bedritskiy	Russian Federation
Kristina Bogdanova	Russian Federation
Varvara Dronova	Russian Federation
Vsevolod Perevozchikov	Russian Federation
Nicolas Heyum	Sweden
Ewa Jacobsson	Sweden
Maximo Juan Prades Barcelo	Sweden
Mario Barfus	Switzerland
Monica Giambonini	Switzerland
Ann Merrill	United States of America
Daniel Villegas	United States of America

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).