

INTERIM REPORT
4 September – 16 September 2020

18 September 2020

I. EXECUTIVE SUMMARY

- On 2 July, President Jeenbekov decreed the elections to the 120-member unicameral *Jogorku Kenesh* (parliament) for 4 October. Members of parliament are elected for five-year term through a closed-list proportional system within a single nationwide constituency with a double threshold.
- The political scene is marked by major changes as the leading party of the parliamentary majority, Social Democratic Party of Kyrgyzstan (SDPK), underwent a split and does not stand for elections while new frontrunners emerged. The elections will take place against the backdrop of growing dissatisfaction over social and economic hardship caused by the COVID-19 pandemic and long-standing corruption issues.
- The electoral legal framework has been amended since the last parliamentary elections reintroducing, among others, the seven per cent electoral threshold and strengthening guarantees for women's representation. However, the electoral law reform did not address some previous ODIHR recommendations, including those concerning limitations to the right to vote and stand, the existing regional electoral threshold, and accreditation of media outlets.
- Election commissions were formed and continue preparations for the upcoming elections. While the ability of the Central Commission for Elections and Referenda (CEC) to effectively organize the electoral process is not questioned, some concerns are voiced regarding the capacity of the lower-level election administration to carry out election day procedures with due attention to the COVID-19 protection measures.
- There are 3,465,415 eligible voters in the updated preliminary voter lists who have passed biometric registration. Voter lists are available for public scrutiny and voters can request corrections and changes to voter addresses until 20 September in person at polling stations and through the state web-portal.
- A total of 16 political parties with 2,032 candidates registered to compete in the elections. Of them, 32 per cent are women, 31 per cent younger than 35 years old, 17 percent belong to national minorities, and 2 per cent (43) people with disabilities. The election law allows the withdrawal of candidates after the lists are registered up to three days before election day, but does not require the maintenance of quotas.
- The campaign started on 4 September. Parties intend to employ diverse campaign means, including in-person meetings and a more prominent use of social media. While there is a lack of clear regulations for online campaigning, most registered parties committed to respecting campaign rules, including in their online activities, by signing the Code of Conduct.

- Parties are required to open designated bank accounts to channel their campaign funds. The law does not provide for direct public funding, but legal limits apply to both private contributions and campaign expenditures. The oversight of campaign finance is vested with the CEC.
- The Constitution guarantees freedom of expression and press and explicitly prohibits criminal prosecution for defamation. However, the absence of a cap on damages, awarded in civil defamation cases, remains a potential instrument of pressure on media. The election law requires the media to treat contestants equally. On 5 September, the CEC allocated free airtime for parties on the public and state-owned media and televised debates are scheduled to take place until early October.
- As of 15 September, the CEC has received 30 complaints. Four CEC decisions were appealed to the court of first instance, all concerning candidate registration, and in three of these cases the court invalidated the CEC decisions. The CEC lodged two appeals to the Supreme Court, both were denied. The court of first instance and the Supreme Court reviewed election-related cases in public and in formal observation of due process guarantees.

II. INTRODUCTION

Following an invitation from the authorities of the Kyrgyz Republic to observe the 4 October 2020 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 7 September 2020.¹ The ODIHR LEOM, led by Thomas Boserup, consists of 13 core team members based in Bishkek, and 18 long-term observers deployed on 11-12 September to all 7 regions of Kyrgyzstan and the cities of Bishkek and Osh. Members of the LEOM were drawn from 17 OSCE participating States.

III. BACKGROUND

On 4 October the Kyrgyz Republic will hold its third parliamentary elections since the adoption of the current Constitution in 2010. Kyrgyzstan is a semi-presidential republic, with legislative powers vested in the 120-member unicameral *Jogorku Kenesh* (parliament) elected for a five-year term. The outgoing parliamentary majority with 95 seats is led by Social Democratic Party of Kyrgyzstan (SDPK) and comprises also *Bir Bol*, *Kyrgyzstan* and *Respublika-Ata Jurt*, while *Ata Meken* and *Onuguu-Progress* parties are in opposition.

Although the position of the ruling SDPK was further consolidated by the victory of their candidate in the 2017 presidential election, the party has since undergone a split and could not register for these parliamentary elections.² Nonetheless, some key SDPK members of parliament are contesting the elections under different party structures, such as *Birimdik*, *Mekenim Kyrgyzstan* or Social-Democrats. Along with major changes on the political scene, the elections will take place against the backdrop of

¹ See previous [ODIHR election-related reports on Kyrgyzstan](#). In its Needs Assessment Mission report in relation to these elections, ODIHR recommended an Election Observation Mission that would include, in addition to a core team of analysts, 24 long-term observers as well as 350 short-term observers (STOs) for observation of election day procedures. However, the deployment of STOs was considered not feasible due to the extraordinary circumstances caused by the COVID-19 pandemic and subsequent travel restrictions across the OSCE region. Therefore, ODIHR changed the format of the observation activity from EOM to LEOM. In line with ODIHR standard methodology for LEOMs, the mission will not carry out a comprehensive or systematic observation of election-day proceedings, but intends to visit a number of polling stations on election day.

² The party split in several wings, including the group close to the former President Almazbek Atambayev and those loyal to the current 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 over corruption charges which he currently serves.

growing dissatisfaction over social and economic hardship caused by the COVID-19 pandemic and long-standing corruption issues.³

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Members of parliament are elected for a five-year term through a closed-list proportional contest in a single nationwide constituency. Independent candidates are not permitted to stand. To gain representation, a political party must receive at least seven per cent of the votes cast nationwide and at least 0.7 per cent in each of the seven regions, as well as in Bishkek and Osh cities.⁴ The Constitution limits the number of mandates of any one party in the parliament to 65.

The legal framework for parliamentary elections primarily consists of the 2010 Constitution, the Constitutional Law on Presidential and Parliamentary Elections (hereinafter election law), and the Law on Election Commissions. Other relevant legal acts include the Law on Political Parties, Law on Peaceful Assemblies, legislation concerning criminal and administrative sanctions, citizen registration, media, as well as regulations of the Central Commission for Elections and Referenda (CEC). Kyrgyzstan is a party to the main international treaties related to democratic elections.⁵ In line with a previous ODIHR recommendation, in May 2019 Kyrgyzstan ratified the UN Convention on the Rights of Persons with Disabilities (CRPD).

The electoral legal framework has been amended three times since the last parliamentary elections, in 2017, 2019 and 2020, mostly in line with the Strategy for Improving the Electoral Legislation in 2018-2020. Recent amendments in the election law reintroduced the seven per cent electoral threshold that was increased to nine per cent in 2017, and strengthened guarantees for women's representation by providing for preservation of the gender quota in case of withdrawal of a member of parliament. Other changes concern sanctions for vote buying and abuse of administrative resource, deadlines for lodging complaints and appeals, administration of voter lists, and participation of voters with disabilities in elections.

V. ELECTION ADMINISTRATION

Parliamentary elections are administered by the CEC, 54 Territorial Election Commissions (TECs) and some 2,470⁶ Precinct Election Commissions (PECs).⁷ Election commission members are appointed for five-year terms. The CEC consists of 12 members appointed by the parliament. The president, the parliamentary majority and the opposition nominate four members each. Five CEC members, including the chairperson, are women. TEC and PEC members were appointed in January and as per CEC, were trained the first week of September.⁸ The CEC informed the ODIHR LEOM that compositions of the lower-level commissions have been changing due to the harvest season and due to reservations of

³ In June 2020, the government resigned over a corruption scandal. While affirming his innocence, the then Prime Minister explained that the pandemic-related challenges require a government that enjoys full confidence of the citizens.

⁴ [ODIHR and the Council of Europe's Commission for Democracy through Law \(Venice Commission\)](#) have previously recommended to revise seat allocation rules as well as to reconsider double threshold.

⁵ These include the 1966 [International Covenant on Civil and Political Rights](#), 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](#).

⁶ Additional PECs may be established as a result of changes to voter lists due to the movement of voters.

⁷ Out-of-country voting will be conducted at 44 polling stations at embassies and consulates in 28 counties.

⁸ As a COVID-19 preventive measure, lower-level commissions were provided with technical equipment and video tutorials covering all stages of their work.

commissioners to work during the pandemic.⁹ Women are well represented at lower level commissions; they represent 47 per cent of TECs members.

The CEC holds open sessions regularly. Due to the COVID-19, the CEC Rules of Procedure have been amended to allow members to participate in sessions remotely. Media, observers, and political party representatives attend sessions in person. The announcement of sessions is posted on the CEC website shortly before sessions start, not always providing sufficient time to all participants to attend.

The law provides for the mandatory participation of all CEC members in all sessions. Following the 2019 legal amendments and in line with a previous ODIHR recommendation, CEC members may no longer deposit their vote ahead of the session. Amendments also addressed impartiality as one of the guiding principles for the activities of election commissions; however, some ODIHR LEOM interlocutors raised concerns about the impartiality of the CEC's decision-making with regard to the registration of candidates. So far, most of the ODIHR LEOM interlocutors have expressed confidence in the ability of the CEC to effectively administer the electoral process. At the same time, some concerns were voiced regarding the capacity of the lower-level election administration to carry out election day procedures with due attention to the COVID-19 protection measures as required by the CEC instruction.¹⁰

According to the CEC, 70 percent of polling stations have been so far equipped with ramps for voters with reduced mobility. The CEC has produced voter education material for those with visual and hearing impairment; it also controls that political parties comply with the requirement to produce at least one per cent of their campaign material in disable-friendly format.

VI. VOTER REGISTRATION

Kyrgyz citizens of at least 18 years of age on election day, except those serving a prison sentence irrespective of severity of crime and those declared incapable by a court decision, are eligible to vote. Voter registration is passive and voter lists are extracted from the Unified Population Register (UPR), administered by the State Registration Service (SRS). All citizens above the age of 16 must undergo mandatory biometric registration to be included in the voter lists. The SRS informed the ODIHR LEOM that over 470,000 adult citizens remain without biometric registration, hence they are disenfranchised.¹¹

Updated preliminary voter lists include 3,465,415 voters, of whom some 52 per cent are women.¹² During the public scrutiny period until 20 September, voters can request corrections and changes to voter addresses in person at PECs or through the state web-portal.¹³

⁹ The increased term of office from two to five years for lower-level commissions was expected to reduce negative effect of high-scale renewal of commissioners on the eve of the elections. The CEC and TECs maintain reserve lists of substitute members, which are used to fill vacant seats in lower-level commissions.

¹⁰ The CEC instruction on election day procedures includes specific rules and measures against spread of the disease, including social distancing at voting premises and provision of electoral officials and voters with personal protective equipment.

¹¹ According the CEC, in 2017 the number was as high as 640,000.

¹² This is 36,372 more than the number of voters included in the voter lists published on 16 July, and almost 440,000 more than those registered for the 2017 presidential election, which represents an increase of over 14 per cent.

¹³ Some 52,300 citizens transferred their 'electoral addresses' to Bishkek and 7,300 to Osh. At the same time Naryn and Chui *oblasts* have witnessed decrease of voters by 10,582 and 6,712, respectively. The state [web-portal](#) allows voters to check their names, locate their respective polling stations and enter personal profile to submit online requests for corrections or change of address. It also contains segregated statistical information on voters by geographic areas, age, gender and on previous elections.

Mobile voting can be requested up until 2 October by those who cannot visit polling stations on election day due to their health status or disability, those who stay in hospitals and detention facilities, temporarily live in hard to reach areas and those on duty at police and military.

VII. CANDIDATE REGISTRATION

Candidates must be eligible voters over 21 years of age by election day. Those with a criminal record that have not been expunged cannot run for office. Citizens of the Kyrgyz Republic in possession of another nationality are also ineligible.

In order to register a candidate list, political parties must pay a deposit of KGS five million (approximately EUR 55,000).¹⁴ Lists must have a minimum of 75 candidates with 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. The election law sets placement requirement for each category within the candidate list.¹⁵

Of the 44 political parties that had declared their intention to run in these elections by the deadline of 9 July, 17 submitted candidate lists to the CEC by 24 August.¹⁶

The CEC did not register lists of *Kyrgyzstan*, *Butun Kyrgyzstan* and *Activ* parties.¹⁷ All three filed a complaint against CEC decisions before the administrative court. The court overturned CEC decisions in the cases of *Kyrgyzstan* and *Butun Kyrgyzstan* parties¹⁸, and confirmed CEC decision denying the registration of party *Activ* that was rejected for the non-payment of the electoral deposit and its non-compliance with the gender quota requirement.¹⁹ The party informed the ODIHR LEOM that while notifying about the non-payment of the electoral deposit, the CEC despite its legal obligation to do so, had not informed about mistakes in the placement of candidates in the candidate list and appealed the court's decision before the Supreme Court.²⁰ On 14 September, the Supreme Court upheld the CEC decision.

A total of 16 political parties with 2,032 candidates registered to compete in the elections. Of those, 32 per cent are women, 31 per cent younger than 35 years old, 17 percent belong to national minorities, and 43 candidates with disabilities (2.1 percent). The election law allows the withdrawal of candidates until up to three days before election day and does not require to maintain quotas.²¹

¹⁴ EUR 1 equals approximately KGS 90 (Kyrgyz Som).

¹⁵ A candidate of the less represented gender placed within each group of four candidates throughout the candidate list. At least five candidates belonging to national minorities as well as those under 35 years should be within first 65 positions and at least one candidate with disabilities should be listed within the first 50 positions.

¹⁶ The CEC had 10 days to verify the documents and to decide on the registration.

¹⁷ The CEC returned nomination documents to the *Kyrgyzstan* party due to non-compliance with submission procedures and rejected the registration of *Butun Kyrgyzstan* due to violations of the candidate nomination procedures.

¹⁸ In the case of *Kyrgyzstan* party, the CEC unsuccessfully appealed the decision of the administrative court to the Supreme Court. In the case of *Butun Kyrgyzstan*, the administrative court ruled in favour of the party on 9 September, that is the deadline for approving the format of the ballot by the CEC. The CEC registered *Butun Kyrgyzstan* on the same day and did not appeal against the administrative court's decision.

¹⁹ The party informed the ODIHR LEOM that it was challenging the constitutionality of the electoral deposit in the Constitutional Chamber of the Supreme Court. With regard to the gender quota, since majority of the party's candidates were women, the CEC considered men as the "less represented gender" and rejected the list due to non-compliance with the placement requirement.

²⁰ The CEC has a legal obligation to notify political parties about mistakes in submitted documents in order to provide possibilities for their correction.

²¹ As of 14 September, 14 candidates withdrew.

VIII. CAMPAIGN AND CAMPAIGN FINANCE

The official campaign period started on 4 September and will end on 3 October, 24 hours prior to voting. The political party system is fragmented, with 259 parties registered by the Ministry of Justice and 16 contesting the elections. Parties tend to focus on personal qualities of candidates and present their profiles rather than structured election programmes. Despite initial uncertainty over the possibility to conduct in-person meetings with voters due to the COVID-19 pandemic, parties use diverse campaign means, including door-to-door campaigning, small gatherings and discussions with voters, distribution of printed materials as well as display of posters and billboards. However, the campaign in the regions has been low-key so far, with campaign preparations underway and a peak of activity expected closer to election day.

Parties informed the ODIHR LEOM that they also plan for a more prominent use of social media, mainly Facebook, through open profiles and closed groups. While online campaigning is allowed by law, the ODIHR LEOM interlocutors noted the lack of applicable regulations. Nonetheless, 14 out of 16 contesting parties signed the Code of Conduct initiated by the CEC committing to respect campaign rules, including online. 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.

Parties are required by law 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 (approximately EUR 3,3 million).²² Cash donations as well as donations from foreign, state-owned or anonymous sources and religious and charitable organizations are prohibited.

The oversight of campaign finance is vested with the CEC. Information on party campaign income and expenditure, received from banks on weekly basis, has been 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 now discloses the amount and source of each individual contribution or expenditure, partially addressing prior ODIHR recommendations. So far, according to the financial reports published by the CEC, three political parties lead in terms of campaign spending: *Birimdik*, *Mekenim Kyrgyzstan* and *Kyrgyzstan*.²³

For these elections, the CEC requires political parties to submit two financial reports before election day and a final report after the elections.²⁴ The first financial reports submitted by all political parties were published on the CEC website and all three reports are to be audited by the CEC after elections.

IX. MEDIA

The Constitution guarantees freedom of expression and press and explicitly prohibits criminal prosecution for defamation. There is no cap on damages awarded in civil defamation cases, which, according to some ODIHR LEOM interlocutors, remains a potential instrument of pressure on media

²² Individuals and legal entities can donate up to KGS 200,000 (approx. EUR 2,120) and KGS 3 million (approx. EUR 32,000), respectively, a candidate can contribute up to KGS 1.5 million (approx. EUR 16,000), and a party itself a maximum of KGS 100 million (approx. EUR 1,060,000). The campaign spending limit was reduced compared to the 2015 parliamentary elections when it was set at KGS 500 million (approx. EUR 5,3 million).

²³ Until 11 September, *Birimdik*, reported campaign spending of KGS 86.7 million, *Mekenim Kyrgyzstan* – KGS 90.4 million and *Kyrgyzstan* – KGS 71.4 million. All other parties reported expenditures below KGS 37 million each.

²⁴ The first financial report has 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.

leading to self-censorship. The OSCE Representative on the Freedom of the Media (RFoM) has expressed concern over disproportionate damages requested in defamation suits.²⁵

The election law requires the media to provide unbiased coverage and to treat contestants equally. Only media that are accredited by the CEC are allowed to cover election-related activities and political campaign as well as sell advertisement airtime and space to the contestants. This accreditation can be cancelled by CEC in the case of a violation of the election law.

All broadcast and online media that are partially or fully financed from state or local budgets are obliged to provide equal access for contesting parties to campaign and express their views. The election law establishes that at least an hour of free (primetime) airtime per workday be equally distributed among contesting parties, with a minimum of half of this airtime to be used for debates. On 5 September, the CEC allocated free airtime for parties on the public and state-owned media, for the period from 7 September till 2 October. Televised debates on public broadcaster *KTRK* dedicated to party leaders, women, youth and other candidates are scheduled to take place until early October.

Parties can purchase airtime on public and private channels, as well as space in print and online media. Fees, amount of paid airtime and time of airing shall apply equally to all parties. While the election law establishes a minimum limit for the paid airtime that broadcasters shall reserve for contestants, there is no ceiling on maximum volume of paid airtime, other than the restrictions on campaign spending.²⁶

On 8 September, the ODIHR LEOM started its quantitative and qualitative monitoring of coverage of political actors and election coverage on four TV stations, one radio and three newspapers.²⁷

X. COMPLAINTS AND APPEALS

Complaints and appeals can be filed by voters, political parties and candidates, their proxies, civil society organizations and observers. However, election results can be appealed only by individual candidates, political parties, and their proxies. Complaints against decisions, actions and inaction of election commissions can be challenged before higher election commissions, and those of the CEC with the court of first instance, whose decision can be further appealed before the Supreme Court. Election-related complaints can also be filed with the prosecutor's office and the police.

Complaints and appeals lodged with election commissions and courts, including on election results, should be submitted within three days and resolved within three days or, in case additional investigation is required, within five days; prosecutors and the police have to decide on election-related complaints within two days.²⁸ Appeals to the Supreme Court are heard within five days.

The CEC has created a Working Group on complaints composed of CEC members and staff. The Working Group reviews complaints and provides advisory opinions on their resolution; the complaints are then formally dealt with at the CEC session.

²⁵ See statement by the [OSCE RFoM](#) regarding disproportionate defamation claims (13 December 2019).

²⁶ Reserved aid airtime cannot be less than the total amount of free airtime, equally divided by the total number of running political parties.

²⁷ The media monitoring sample includes four TV channels *KTRK*, *EITR* and commercial *NTS* and *7 Channel*; *Birinchi Radio* and three newspapers *Delo No*, *Super Info*, and *Vecherniy Bishkek*. The ODIHR LEOM is also following the campaign coverage on online outlets *kaktus.media*, *24.Kg* and *April TV*.

²⁸ Complaints are lodged within three days from the time when the complainant became aware of the potential violation. Appeals on decisions of commissions concerning a complaint, including those of the CEC, should be lodged within three days after the issuance of the relevant decision. If a complaint or appeal is filed on election day or day before, it should be considered immediately.

In line with the election law, the Operational Co-ordination Response Group has been created at the CEC to rapidly deal with alleged violations of electoral legislation. This Group is composed of members of the CEC and representatives of law-enforcement agencies, including the prosecutor's office, police and National Security Agency.

The CEC maintains an online registry of complaints, according to which, as of 15 September, the CEC has received 30 complaints, mostly related to candidate registration and alleged violations of campaign rules. Four CEC decisions were challenged before the court of first instance, all on candidate registration. In three cases, the court invalidated the CEC decisions; the CEC lodged two appeals to the Supreme Court, both were denied. The court of first instance and the Supreme Court reviewed election-related cases in public sessions. The official website of the Supreme Court maintains a registry of court decisions; however, decisions on election-related cases are posted irregularly and with substantial delay.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

According to the election law, contesting parties, citizen and international observers have the right to observe all stages of the electoral process. The law prohibits members of parliament, candidates, government officials, members of election commissions, judges, prosecutors, and law-enforcement agents from acting as observers. Each political party can have up to two observers accredited per election commission. Recent election law amendments now allow up to three citizen observers accredited per election commission. To be accredited, domestic observers need to submit a letter from the political party or civil society organization they represent. To date, 66 citizen observer groups have officially notified the CEC of their intention to observe the upcoming elections. Citizen observers can be accredited until up to the day of official announcement of results. International observers are accredited by the CEC up to three days prior to election day.

XII. ODIHR LEOM ACTIVITIES

The ODIHR LEOM has formally opened in Bishkek with a press conference on 7 September. It established working relations with relevant stakeholders involved in the election process at central and regional level. The ODIHR LEOM has met with the Ministry of Foreign Affairs, the CEC, the Ministry of Interior, the State Registration Service, leaders and representatives of political parties, civil society, media, international organizations, and attends regular CEC sessions.

***The English version of this report is the only official document.
Unofficial translations are available in Kyrgyz and Russian.***