



Office for Democratic Institutions and Human Rights

# KYRGYZ REPUBLIC

PARLIAMENTARY ELECTIONS  
4 OCTOBER 2020

ODIHR NEEDS ASSESSMENT MISSION REPORT  
20-27 July 2020



Warsaw  
14 August 2020

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

**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the authorities of the Kyrgyz Republic to observe the 4 October 2020 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 20 to 27 July 2020. The ODIHR NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser. The ODIHR NAM was joined by Manuchekhr Salokhudinov, Programme Officer of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Due to the global health emergency and consecutive introduction of restrictions on cross-border travel throughout the OSCE region, the NAM was conducted remotely, using the means of information and communication technologies. This approach was chosen due to the current extraordinary situation and in view of the need to ensure sufficient time for the preparation of the possible deployment of an election-related activity for the 4 October elections. Meetings were held with officials from state institutions, as well as representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and its Permanent Delegation to the OSCE, and the OSCE Programme Office in Bishkek for their assistance in organizing the mission. ODIHR would also like to thank all its interlocutors for taking the time to meet with the NAM and to share their views.

**II. EXECUTIVE SUMMARY**

On 2 July, the president 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. Many ODIHR NAM interlocutors referred to a lack of certainty on whether the elections can take place in the context of COVID-19 pandemic.

The legal framework for the parliamentary elections has been substantially amended since the previous parliamentary elections addressing several ODIHR recommendations, including on establishing responsibility for the misuse of administrative resources and effective mechanism to counter vote-buying, enhancing campaign finance transparency. However, other recommendations remain unaddressed, including those related to undue limitations to the right to vote to individuals convicted of crimes and persons with disabilities, regional electoral threshold, and accreditation of media outlets.

Elections are administered by the Central Commission for Elections and Referenda (CEC), 54 Territorial Election Commissions, and 2,462 Precinct Election Commissions. Out-of-country voting is expected to be conducted at 44 polling stations abroad. In light of the COVID-19 pandemic, the

CEC is developing special measures to be taken on election day and plans to provide electoral officials and voters with personal protective equipment.

Electoral preparations are underway. The CEC, in consultation with different stakeholders, is implementing projects aimed at improving administration of elections, including enhancing transparency of election administration and electoral dispute resolution, promoting inclusive electoral participation, and raising voter awareness. No ODIHR NAM interlocutors raised any issues regarding effective administration of elections, while some interlocutors questioned the ability of the CEC to make decisions independently from the authorities.

The right to vote is granted to citizens who reached the age of 18 years before or on election day, except for those serving a prison sentence or declared incapacitated by a court decision, including for reasons of mental disability. Voter registration is passive and voter lists are extracted from the Unified Population Register, which includes citizens who had registered their personal and biometric data. Since 2019 the CEC is in charge of registration of voters. Some 3.4 million voters are registered for the upcoming elections. Many ODIHR NAM interlocutors expressed confidence in the accuracy of voter lists, but noted that voter registration of many citizens living abroad remains an issue, including due to the COVID-19 pandemic.

Eligible voters over 21 years of age by election day may be elected to parliament, unless they have an unexpunged criminal record. The political parties are entitled to nominate candidates and 44 parties declared their intention to stand for the elections. The law sets special measures to nominate women, young people, national minorities, and persons with disabilities as candidates.

The election campaign will start on 4 September. The campaign is expected to focus on health care system, response to the economic crisis and corruption. Most ODIHR NAM interlocutors expressed concerns about ability to effectively campaign due to the COVID-19 pandemic. While many stakeholders expect a shift of the campaign activities to the Internet, almost all ODIHR NAM interlocutors expressed concerns regarding the absence of clear rules on campaigning online.

Political parties can fund their campaigns from their own and candidates' resources as well as donations from individuals and legal entities. Cash donations and funds from foreign, state-owned or anonymous sources, religious and charitable organizations are prohibited. Control over campaign finances is vested with the CEC that has already adopted an instruction aimed at enhancing transparency of campaign finance. Some ODIHR NAM interlocutors raised concerns over limited transparency of financing the campaigns by individual candidates.

Television remains the main source of political information for most people, but online sources increasingly serve as an alternative source of information. No ODIHR NAM interlocutors expressed concerns about access of political parties to the media. All broadcast and online media that are partially or fully financed from state or local budgets are obliged to provide equal opportunities for contesting parties. Defamation and insult cannot be criminally prosecuted. But some ODIHR NAM interlocutors considered excessive damages awarded in multiple civil defamation cases as leading to self-censorship among independent journalists.

Most election-related complaints are considered by election commissions from lower to upper levels. CEC decisions as well as election-related decisions and actions of other government bodies can be appealed in court. Complaints can be filed by all electoral stakeholders within reasonable deadlines, but election results can only be appealed by parties and candidates. Law enforcement bodies are entitled to investigate complaints from citizens regarding electoral offences that may be subject to administrative and criminal liability. Several ODIHR NAM interlocutors positively

assessed recent legal amendments as providing law enforcement bodies with legal tools to prevent and counter cases of vote-buying and misuse of administrative resources.

The law provides for international and citizen observation of all stages of electoral process. Despite previous ODIHR recommendation, individual citizen observers can only be accredited to observe at one specific commission. Several citizen observer groups intend to observe election day procedures as well as other aspects of the process; however, some ODIHR NAM interlocutors expressed their concerns regarding potential difficulties for observation caused by COVID-19 related restrictions.

Most interlocutors met with by the ODIHR NAM noted the need to observe the upcoming elections. A number of aspects could merit specific attention by an ODIHR election observation activity, including the work of the election administration, the campaign and its coverage by the media and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic. Representatives of state bodies emphasized that the electoral process would be transparent, noted the added value of an ODIHR assessment and welcomed any potential recommendations for improvement of the process.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM), subject to public health considerations and potential travel restrictions in light of the ongoing COVID-19 pandemic, to assess the forthcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 24 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

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 parliament was elected in October 2015 when six parties and coalitions entered the parliament: *Ata Meken*, *Bir Bol*, *Kyrgyzstan*, *Onuguu-Progress*, *Respublika-Ata Jurt* and the Social Democratic Party of Kyrgyzstan (SDPK). In 2018, an SDPK-led coalition comprising *Bir Bol* and *Kyrgyzstan* was joined by *Respublika-Ata Jurt*, and currently the parliamentary majority holds 95 seats.

On 2 July, amid the rapidly spreading COVID-19 pandemic, the president decreed the parliamentary elections for 4 October. While many ODIHR NAM interlocutors supported the decision to hold the elections within the constitutional timeframe, some political parties and civil society representatives raised questions regarding expediency of spending budgetary funds on upcoming elections instead of reallocating them for urgent medical and social needs.<sup>1</sup> Many ODIHR NAM interlocutors referred to a lack of certainty on whether the elections can take place in this environment.

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<sup>1</sup> On 13 July, a group of young activists attempted to hold a demonstration in front of the presidential administration demanding postponement of the elections and introduction of state of emergency in light of deteriorating COVID-19 situation. The event was prevented by the police who detained six organizers for reportedly lack of permission to hold the event. Another group initiated an online petition calling on president to resign, but access to the relevant website for collecting signatures was blocked by Internet providers as per relevant court decision granting a request of security services.

Recent adoption by the parliament of the draft law on manipulation of information has caused anti-government sentiments and a criticism from international, expert and NGO community, and resulted in protests against a considerable threat to free speech (See also *Media* section). Another draft law on non-commercial organizations initiated in February 2020 by a group of MPs was also highly criticized by the civil society.<sup>2</sup> The draft law provided for excessive reporting requirements by non-commercial organizations and vague grounds for closing the organizations. On 24 June, the controversial draft was withdrawn from parliamentary hearings.

Women generally remain under-represented in public offices, holding 20 out of 120 seats in the outgoing parliament, 2 of the 22 members of the government, including a vice prime minister, and none of the 9 governors. The UN Committee on the Elimination of Discrimination against Women has previously expressed concern about the low participation of women in political and public life, in particular in decision-making positions.<sup>3</sup>

ODIHR has previously observed 11 elections and referenda in the Kyrgyz Republic.<sup>4</sup> The most recent ODIHR election observation mission deployed for the 2017 presidential election concluded that the election “contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another. The election was competitive, as voters had a wide choice and candidates could, in general, campaign freely, although cases of misuse of public resources, pressure on voters, and vote-buying remain a concern. The technical aspects of the election were well-administered, but the adjudication of election disputes by the [CEC] was, at times, biased. While televised debates contributed to greater pluralism, self-censorship and limited editorial coverage of the campaign signalled deficiencies in media freedom. Voting was orderly and well organized in the large majority of polling stations observed, despite problems with ballot secrecy. Numerous and significant procedural problems were noted during the vote count and the initial stages of tabulation”.

## **B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

The legal framework for parliamentary elections comprises the 2010 Constitution (amended in 2016), Constitutional Law on Presidential and Parliamentary Elections (last amended in 2020; hereinafter Electoral Law), the Law on Election Commissions (last amended in 2019), relevant provisions of the Code of Administrative Procedure and legislation on criminal and administrative sanctions, as well as instructions of the Central Commission for Elections and Referenda (CEC).<sup>5</sup> Kyrgyzstan is a party to the main international and regional human rights instruments related to democratic elections.<sup>6</sup> Positively and in line with previous ODIHR recommendation, Kyrgyzstan ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in May 2019.

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<sup>2</sup> Representatives of 180 non-commercial organizations [appealed](#) to the parliament to refrain from adopting the draft law, describing it as discriminatory and contrary to the principles of democracy.

<sup>3</sup> See UN Committee on the Elimination of Discrimination against Women [Concluding observations on the fourth periodic report of Kyrgyzstan](#) (11 March 2015), CEDAW/C/KGZ/CO/4, paragraphs 23 and 24.

<sup>4</sup> See all previous [ODIHR election-related reports on Kyrgyzstan](#).

<sup>5</sup> Other relevant laws include Law on Peaceful Assemblies, Law on Biometric Registration and laws governing the activities of the media and non-governmental organizations.

<sup>6</sup> These include the 1948 [Universal Declaration of Human Rights](#), the 1965 [Convention on the Elimination of All Forms of Racial Discrimination](#), the 1966 [International Covenant on Civil and Political Rights](#), the 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#) and its optional protocol, the 2003 [UN Convention Against Corruption](#) and the 2002 CIS [Convention on Standards of Democratic Elections, Electoral Rights and Freedoms](#).

The electoral legal framework has been extensively amended since the last parliamentary elections in line with the Strategy for Improving the Electoral Legislation in 2018-2020.<sup>7</sup> The amendments introduced in the Electoral Law related among others to withdrawal of candidates after the election day, strengthening of the existing gender quota mechanism within the candidate lists, administering the voter lists, reintroduction of seven per cent nationwide electoral threshold that despite previous ODIHR recommendation was raised in 2017 to nine per cent. A number of new provisions focus on enhancing participation of voters with various disabilities, including on voter and campaign information in different formats, assistive tools in polling stations, as well as independent access to polling stations and disabled-friendly environment in the voting premises.

On 25 June, the parliament adopted amendments to legislative acts related to sanctions for violation of electoral legislation, which addressed some of the previous ODIHR recommendations.<sup>8</sup> Some ODIHR NAM interlocutors positively noted that these amendments established adequate liability for the misuse of administrative resources and vote-buying, and clarified the deadlines for lodging appeals against violations of electoral rights. The parliament is currently considering a draft law on political parties with the aim of creating a level playing field for the parties in the electoral process, increasing financial transparency, as well as promoting participation of women and persons with disabilities in political life.<sup>9</sup>

At the same time, some previous ODIHR recommendations remain unaddressed, including on limitations to the right to vote and stand for elections for certain groups of citizens, existing regional electoral threshold, and accreditation of media outlets.

Members of parliament (MPs) are elected through a closed-list proportional system within a single nationwide constituency. To qualify for seat allocation, a party must surpass a 7 per cent threshold of votes cast nationwide and at least 0.7 per cent in each of the seven regions and Bishkek and Osh cities. To avoid the dominance of any party in parliament, the Constitution limits the number of seats that a single party can receive to 65 regardless of the number of votes received. ODIHR and the Venice Commission have previously recommended to revise seat allocation rules as well as to reconsider double threshold.<sup>10</sup>

### C. ELECTION ADMINISTRATION

The parliamentary elections are administered by the CEC, 54 Territorial Election Commissions (TECs) and 2,462 Precinct Election Commissions (PECs). Out-of-country voting will be conducted at 44 polling stations established at embassies and consulates, an increased number in comparison with previous elections.

The CEC is a permanent body responsible for organization of elections and referenda. The 12 CEC members are appointed for a five-year term by the parliament, upon nominations from the president, the parliamentary majority, and the parliamentary opposition, each nominating 4 members. Five of the current CEC members, including the chairperson, are women.<sup>11</sup>

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<sup>7</sup> The Strategy was developed by a Working Group on Improving Electoral Legislation under the President of the Kyrgyz Republic on the basis of previous ODIHR recommendations and broad public discussions held throughout the country.

<sup>8</sup> The amendments were made to the Electoral Law, Criminal Code, Code on Minor Offences, Code on Infractions, and Code of Administrative Procedure. See also the 2020 ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) [Joint Opinion](#) on recent amendments.

<sup>9</sup> See also the 2020 ODIHR [Urgent Opinion on the Draft Law on Political Parties](#).

<sup>10</sup> See the 2014 ODIHR and Venice Commission [Joint Opinion on Draft Electoral Law of the Kyrgyz Republic](#).

<sup>11</sup> The Law on Election Commissions provides for a gender quota of 30 per cent in the CEC composition.

Due to the COVID-19 pandemic, the CEC's Rules of Procedure were amended to allow holding CEC sessions online, thus allowing CEC members and secretariat working remotely. While most ODIHR NAM interlocutors noted overall openness and transparency of CEC activities, some expressed concerns that they are no longer able to follow the online CEC sessions as those are not livestreamed.

Preparations for the elections are ongoing.<sup>12</sup> The CEC, with considerable financial support from international donors, is running projects focusing on accessibility of polling stations, training of lower-level commissions, effective use of new voting technologies, and voter education. As positively noted by several ODIHR NAM interlocutors, the CEC is engaged in consultations with a wide range of electoral stakeholders in an effort to improve administration of elections.

The CEC has launched a number of information resources on its website and in social media to provide different participants of the electoral process with election-related information. In line with previous ODIHR recommendations, the CEC intends to keep the database of complaints and appeals online as well as timely publish voting results on its website, including in electronic interactive format as well as in the form of scanned voting results protocols.

As in previous elections, polling stations will be equipped with electronic vote counting equipment for scanning and counting the ballots, which immediately produces the election results after the close of the polls.<sup>13</sup> The CEC, with the support of international donors, is updating and testing the equipment's hardware and software, and developing training programme for operators.

In light of the COVID-19 pandemic, the CEC in co-operation with the Ministry of Health is developing specific measures against spread of the disease, which relate to voting procedures, including social distancing at voting premises and provision of electoral officials and voters with personal protective equipment. In this respect, the CEC also plans to conduct a comprehensive voter information campaign to inform on health-related adjustments to election day procedures. The CEC has also passed several instructions clarifying some aspects of campaigning, financial reporting, accreditation of media outlets, status of authorized representatives of political parties and election day procedures, including precautionary and protective measures related to the COVID-19.

The TECs and PECs were formed in January for the first time for five-year terms. The increased term of office for lower-level commissions is expected to strengthen their professionalism, increase efficiency of training activities and reduce negative effect of high-scale renewal of commissioners on the eve of the elections. The TECs are formed by the CEC with no less than 11 members, and the PECs are formed by relevant TECs with no less than 7 members.<sup>14</sup> One half of the members of each commission are nominated by political parties, while the rest are nominated by local councils. Each party can nominate only one member in a TEC or a PEC.

The CEC informed the ODIHR NAM about planned training of lower-level commissioners, including by means of video tutorials prepared for all electoral stages. Some ODIHR NAM

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<sup>12</sup> For these elections the CEC had to optimize the budget amid the need for reallocation of resources for fighting COVID-19 which resulted in reduction of initially allocated budget of KGS 732 million (some EUR 8 million; EUR 1 equals approximately KGS 90 (Kyrgyz *Som*)) to some KGS 446 million. Around KGS 60 million was allocated for sanitary and protection measures.

<sup>13</sup> This technology was previously applied nationwide in the 2015 parliamentary and 2017 presidential elections as well as in 2016 constitutional referendum and several local elections.

<sup>14</sup> The TECs are responsible, among others, for the formation of the PECs, compilation and update of the voter lists, and the establishment the election results within their territories. The PECs are responsible for the verification of voter lists and the conduct of voting and counting.



interlocutors questioned the ability of the CEC to effectively train the commissioners due to a lack of sufficient capacity and practical implications caused by the COVID-19 pandemic.

No ODIHR NAM interlocutors raised issues regarding effective administration of elections, while some interlocutors questioned the ability of the CEC to make decisions independently from the authorities.

#### **D. VOTER REGISTRATION**

The right to vote is granted to citizens who have reached the age of 18 years before or on election day. Only those who have submitted their biometric data, such as digital fingerprints, photo and a signature, are registered to vote. Despite previous ODIHR recommendations, the Electoral Law continues to disenfranchise citizens serving a prison sentence, irrespective of the severity of the crime committed, and those who are declared incapacitated by a court decision for reasons of mental disability.

Voter registration is passive and voter lists are extracted from the Unified Population Register (UPR) managed by the State Registration Service (SRS).<sup>15</sup> Following the legal amendments in 2019, the CEC is in charge of registration of voters, verification of information on voters and printing the voter lists, previously carried out by the SRS. The voter register is updated on a monthly basis between the elections and on a daily basis during pre-election period. As per CEC data, a total of 3,429,043 voters are registered for upcoming elections, an increase of some 400,000 voters since the 2017 elections.

Starting from 16 July, voters can verify their records online and locate their polling stations in the preliminary electronic voter lists. Printed preliminary voter lists should be posted for public scrutiny by each PEC by 26 July additionally allowing voters to confirm their data. By 30 August the CEC has to update the voters lists and post those by 4 September in polling stations. Voters can verify their records and if needed request corrections until 20 September. During the public scrutiny, voters may also request to change their electoral address in order to vote at the place of their temporary residence. Voters may not be added to the voter lists on election day.

Many ODIHR NAM interlocutors expressed confidence in the accuracy of voter lists, but noted that voter registration of citizens living abroad remains an issue. According to the SRS, some 500,000 citizens, most of whom reside abroad, have not yet submitted their biometric data and therefore are not able to vote.<sup>16</sup> The authorities informed the ODIHR NAM of planned activities to intensify collection of biometric data; however, outbreak of COVID-19 pandemic and consequent travel restrictions had negatively affected this process.

On election day, identification of voters will be based on fingerprint matching. For these elections, the CEC has replaced approximately one fourth of biometric identification equipment and introduced some software updates to ensure smooth operation on election day. In order to avoid any potential cyber interference, the biometric identification system runs offline.

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<sup>15</sup> The UPR includes citizens based on their personal and biometric data that are used for voter identification on election day. The UPR contains information from civil status, address, passport and biometric data registries.

<sup>16</sup> The UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in its [Concluding observations on the initial report of Kyrgyzstan](#), (22 May 2015, CMW/C/KGZ/CO/1, paragraph 37), recommended to guarantee the right to vote of Kyrgyz migrants.

## E. CANDIDATE REGISTRATION

Eligible voters over 21 years of age by election day may be elected to parliament, unless they have a criminal record that has not expired or been cleared according to the law. Voters declared incapacitated by a court decision for reasons of mental disability are also ineligible.<sup>17</sup> Candidates may be nominated within closed lists by the political parties.

A total of 44 political parties declared their intention to stand for upcoming elections by the legal deadline of 9 July.<sup>18</sup> Initially, the CEC registered authorized representatives of 43 parties to allow them to collect and submit necessary documents for registration of candidate lists. On 13 July, the CEC refused to register representatives of the SDPK referring to the ongoing legal disputes over the powers of the party's acting chairperson as well as legality of relevant decision of the SDPK to change its leadership.<sup>19</sup> The refusal was appealed to the court that obliged the CEC to register the representatives of the SDPK. On 28 July, the Supreme Court upheld the decision of the first instance court on appeal in its final decision. On 3 August, the CEC registered SDPK representatives as initially requested.

Political parties can submit their candidate lists to the CEC until 24 August, and the CEC has to decide on their registration within 10 days after submission of the nomination documents. To register a candidate list, a party must pay a deposit of KGS five million.<sup>20</sup> While no ODIHR NAM interlocutors raised issues with regards to the size of the deposit, some voiced concern that in view of the ongoing economic crisis some parties may have difficulties to deposit the required amount.

The Electoral Law establishes a number of quotas that parties must meet in order to have their lists registered. Parties must have at least 30 per cent of candidates of each gender, at least 15 per cent of its 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 law correspondingly sets placement requirements for each category within the candidate list.<sup>21</sup> Following recent legal amendments and in line with a previous ODIHR recommendation, if the term of office of an MP ends prematurely, his or her seat passes to the next registered candidate of the same gender.

For these elections, the CEC has launched a new web-resource *Talapker* where citizens can find the general information about parties and candidates, programmes of political parties as well as information on incomes and expenditures from the electoral funds of parties.

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<sup>17</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 [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”.

<sup>18</sup> According to the law, the CEC has three calendar days to decide on registration of authorized representatives of political parties.

<sup>19</sup> The CEC in [its decision No.61](#) (in Russian) referred to an application submitted on the official letterhead of the SDPK and signed by its acting chairperson who challenged authenticity of the documents submitted. The CEC also noted that the issues related to legality of party’s internal decisions and powers of leadership did not fall within the competence of the CEC.

<sup>20</sup> The deposit is returned to those parties that receive more than five per cent of all votes cast.

<sup>21</sup> A candidate of a less represented gender must be within each group of four candidates throughout each 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 first 50 positions.

## **F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE**

The official electoral campaign starts on 4 September and ends 24 hours before election day. Campaigning in public institutions is prohibited and campaign posters can only be displayed in designated public places. Election administration is responsible for ensuring equal campaign opportunities for contesting parties.

Following recent amendments to the Electoral Law, political parties are now obliged to prepare and distribute audio-visual campaign materials using sign language or subtitles, prepare materials in an easy to read format, as well as use Braille font or other special means for voters with disabilities. The amount of adapted materials should be at least one per cent of the total circulation of campaign materials.

The campaign is expected to focus on health care system, including measures taken to fight the pandemic, response to the consequent economic crisis as well as corruption. Most of ODIHR NAM interlocutors noted practical restrictions to campaigning caused by the COVID-19 pandemic. Many ODIHR NAM interlocutors informed that the parties seemed unprepared to conduct their campaigns during pandemic, including online. It is expected that advertisements in traditional and social media will be increasingly used as a tool to reach out to voters, and that in-person meetings with voters will be reduced to a minimum. At the same time, almost all ODIHR NAM interlocutors expressed concern regarding the absence of clear rules on campaigning online.

The law does not provide for direct public financing of campaigns. Parties should accumulate all contributions to their campaign funds on a dedicated bank account. Individuals and legal entities can donate to a party fund up to KGS 200,000 and KGS 3 million, respectively, a candidate can contribute up to KGS 1.5 million, and a party itself up to KGS 100 million. Cash donations as well as donations from foreign, state-owned or anonymous sources and religious and charitable organizations are prohibited. The campaign spending limit per party was reduced from KGS 500 million in 2015 to KGS 300 million.

Some ODIHR NAM interlocutors raised serious concerns over limited transparency of campaign incomes as well as expenses incurred by individual candidates. Control over compliance of political parties with campaign finance regulations is vested with the CEC. Banks are required to provide information to the CEC on party income and expenditure on a weekly basis and the CEC is required to publish this information on its website. For these elections, the CEC has adopted an instruction requiring political parties to submit two financial reports before election day and a final report after the elections.<sup>22</sup> All financial reports are to be published on the CEC website and will be audited by the CEC audit group.

## **G. MEDIA**

The media landscape includes a range of public and private television (TV) and radio stations, print media outlets and online media. Public Broadcasting Corporation (KTRK) possesses six TV and three radio channels and has the biggest coverage and viewership. TV remains the main source of political information for most people, but online media increasingly serve as an alternative source of information. Print media is losing circulation considerably and transforming to online versions. Due to the limited advertising market none of the many registered media outlets is considered to be self-sustainable.

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<sup>22</sup> The first financial report is 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.

Recent adoption of the draft law on manipulation of information caused major discontent, especially among media representatives, civil society and human rights activists.<sup>23</sup> The draft law grants authorities broad powers to censor digital communication and, based on court decision, allows to block access to allegedly false or inaccurate online information. Many ODIHR NAM interlocutors perceived the draft law as a threat to free speech and a tool for authorities to crack down on digital dissent.<sup>24</sup> On 25 July, President Sooronbay Jeenbekov announced that while supporting the idea of fighting against fake information he had decided to veto the law with the aim of its further discussion with the media sector, MPs, presidential administration and the government.

The Constitution guarantees freedom of expression and press and explicitly prohibits criminal prosecution for defamation. The Electoral Law regulates campaigning and requires the media to provide unbiased information and to treat contestants equally. It is prohibited to campaign through foreign media and, for the duration of the campaign, foreign media cannot broadcast live. No official and systematic media monitoring of the campaign coverage is envisaged to ensure compliance of the media outlets with the law; however, the CEC has established a working group on campaign and voter information, comprising CEC members and staff, media representatives and analysts to facilitate its oversight function.

Despite a previous ODIHR recommendation, media outlets, including online media, have to be accredited by the CEC in order to cover its activities and the campaign as well as sell advertisement airtime and space to the contestants. The CEC informed the ODIHR NAM that for these elections the procedure of accreditation has been simplified. Notwithstanding, the CEC may revoke accreditation if media outlet violates electoral legislation. The CEC accredited a total of 210 media outlets, including 57 TV stations, 52 newspapers and magazines, 26 radio stations and 75 online media outlets.

All broadcast and online media that are partially or fully financed from state or local budgets are obliged to provide equal opportunities for contesting parties. State-funded broadcasters with nationwide coverage should allocate at least one hour of free air time on working days shared equally among all contesting parties; at least half of this airtime should be used for debates seen as an important tool for ensuring informed choice of voters.<sup>25</sup> KTRK informed the ODIHR NAM that plans to organise public debates will depend on the final number of registered contestants. Each contesting party is entitled to receive at least one A4 page of free-of-charge advertising space in state-funded newspapers and online media. Additionally, parties can purchase airtime on public and private channels, as well as space in print and online media.<sup>26</sup>

Although defamation and insult are decriminalized, some ODIHR NAM media interlocutors considered multiple cases of excessive damages awarded against the media as a potential instrument of pressure on independent media leading to lack of security and self-censorship. The OSCE RFoM has also expressed concern over disproportionate damages requested in defamation suits.<sup>27</sup>

## H. COMPLAINTS AND APPEALS

Complaints and appeals can be filed by voters, political parties and candidates, their proxies, civil society organizations and observers. However, voters and citizen observers cannot appeal election

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<sup>23</sup> Several protest actions took place in June to demand a withdrawal of the draft law.

<sup>24</sup> See also statement by the [OSCE Representative on Freedom of the Media \(RFoM\)](#) regarding potential restriction to media freedom (29 June 2020).

<sup>25</sup> According to the Electoral Law, the CEC is mandated to define the rules of procedures for holding the debates.

<sup>26</sup> Prices for paid advertisement should be presented to the CEC in advance and apply equally to all parties.

<sup>27</sup> See [statement by the OSCE RFoM](#) regarding disproportionate defamation claims (13 December 2019).

results. Decisions and actions of election commissions and their officials can be appealed with the superior election commissions, while decisions and actions of the CEC and other institutions, as well as violations of electoral rights of citizens can be appealed to court of first instance on administrative matters and further to the Supreme Court whose decision is final.

Complaints, including on election results, have to be submitted within three days from the time when the complainant became aware of the infringing action or decision. Appeals on the first instance decisions should be lodged within three days after the issuance of the decision. The commissions and first instance courts have to decide on complaints and appeals within three days or, if 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. Appeals to the Supreme Court are heard within five days.

All election-related disputes are public and relevant court decisions are published in a timely manner. The Supreme Court informed the ODIHR NAM that the courts are ready to hold relevant hearings online to facilitate access of the participants to the process amid the COVID-19 pandemic.

Law enforcement bodies are entitled to investigate complaints from citizens regarding electoral offences that may be subject to administrative and criminal liability. Complaints against decisions or actions of state and other bodies, their officials, and other participants of the electoral process can be filed with the prosecutor's office, internal affairs bodies, election commissions or the courts. Several ODIHR NAM interlocutors noted that the 2020 legal amendments adequately equip law enforcement bodies with legal tools to prevent and counter cases of vote-buying and misuse of administrative resources.

## **I. ELECTION OBSERVATION**

The Electoral Law provides for election observation by contesting parties, citizen and international observers of all stages of the electoral process. Despite previous ODIHR recommendation, citizen observers can only be accredited to observe at one specific commission unlike party observers who enjoy the right to be accredited at multiple polling stations.

Several citizen observer groups informed the ODIHR NAM of their plans to observe election day procedures and publish post-election observation reports. Some NGOs plan to assess other aspects of the process, including women's participation, potential misuse of administrative resources and vote-buying, compliance with campaign and campaign finance regulations, campaign coverage in the media as well as the exercise of voting rights by some categories of voters. Civil society representatives expressed their concern and reservations regarding potential COVID-19-related restrictions which could hinder their activities. Political parties are also expected to mobilize observers at polling stations throughout the country.

## **IV. CONCLUSIONS AND RECOMMENDATION**

Most interlocutors met with by the ODIHR NAM noted the need to observe the upcoming elections. A number of aspects could merit specific attention by an ODIHR election observation activity, including the work of the election administration, the campaign and its coverage by the media and election day procedures, particularly under the circumstances caused by the COVID-19 pandemic. Representatives of state bodies emphasized that the electoral process would be transparent, noted the added value of an ODIHR assessment and welcomed any potential recommendations for improvement of the process.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM), subject to public health considerations and potential travel restrictions in light of the ongoing COVID-19 pandemic, to assess the forthcoming parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 24 long-term observers from OSCE participating States to follow the electoral process countrywide, and 350 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Ulan Danyarov, Deputy Director, 5<sup>th</sup> Political Department

### **Central Commission for Elections and Referenda**

Nurzhan Shaildabekova, Chairperson

### **Supreme Court**

Sherali Kamchibekov, Judge

### **State Registration Service**

Alibek Smagulov, Head, Sector of Strategic Development and Integration Processes

### **Political Parties**<sup>28</sup>

Aisuluu Mamashova, MP, Leader of faction, *Ata Meken*

Altynbek Sulaimanov, MP, Leader of faction, *Bir Bol*

### **Media**

Zhainak Usen Uulu, General Director, Public Broadcasting Corporation

Bakyt Asanov, Correspondent, Radio *Azatyk*

Venera Djumataeva, Correspondent, Radio *Azatyk*

Aigerim Bekboeva, Lawyer, AKI-press

Dina Maslova, Founder, Kaktus.media

Maria Orlova, Journalist, 24.kg

Daria Podolska, Journalist, 24.kg

### **Civil Society**

Bektur Osmonbaev, Deputy Director, Legal Clinic “*Adilet*”

Zulfiya Kochorbaeva, Director, Agency of Social Technologies

Dinara Oshurakhunova, Head, Public Fund “Civic Initiatives”

Ainura Usupbekova, Director, Public Fund “Civic Platform”

Cholpon Omurkanova, Head, Public Fund “*Eag!*”

Asyl Aitbaeva, Director, International Centre “*Interbilim*”

Nurgul Abdykerimova, Director, Public Fund “Media Development Centre”

Bova Edir, Director, Association “*Taza Shailoo*”

### **International Community**

Yuri Fenopetov, Yulia Netesova, Jannat Soronbaeva, OSCE Programme Office in Bishkek

Irja Berg, Deputy Head, German Embassy

Anne Moulin, Deputy Head of Mission, Swiss Embassy

Micah Savidge, Political Officer, US Embassy

David Rinnert, Deputy Country Director, DFID Central Asia

Ainura Kenjekaraeva, Coordinator, Donor Partnership and Coordination Council

Ulan Jylkybaev, Project Coordinator, Korean International Cooperation Agency

Alan Gillam, Country Director, NDI

Dori Hyseni, Deputy Director in Bishkek, NDI

Yulia Shypilova, Chief Technical Advisor on Electoral Assistance, UNDP

Adrienne Stone, Senior Specialist for Democratic Development, USAID

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<sup>28</sup> The ODIHR NAM requested meetings with representatives of all parliamentary parties; however, due to summer recess as well as the COVID-19 pandemic, only a few political parties were able to participate.