



INTERNATIONAL ELECTION OBSERVATION MISSION Kyrgyz Republic – Parliamentary Elections, 4 October 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bishkek, 5 October 2015 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP).

Ignacio Sanchez Amor (Spain) was appointed by the OSCE Chairperson-in-Office as Special Coordinator and leader of the short-term OSCE observer mission. Ivana Dobešová (Czech Republic) headed the OSCE PA delegation, Meritxell Mateu Pi (Andorra) led the PACE delegation, and Ryszard Czarnecki (Poland) headed the EP delegation. Ambassador Boris Frlec is the Head of the OSCE/ODIHR Election Observation Mission (EOM) deployed from 25 August.

The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation. This statement of preliminary findings and conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee in February 2016. PACE will present its report at its Standing Committee on 27 November. The EP will discuss the elections in its Foreign Affairs Committee in the near future.

PRELIMINARY CONCLUSIONS

The 4 October 2015 parliamentary elections in the Kyrgyz Republic were competitive and provided voters with a wide range of choice, while the manner in which they were administered highlighted the need for better procedures and increased transparency. The elections were characterized by a lively campaign, but the amount of impartial information available to voters in the news was limited. While the use of new voting technologies, signaling the political will to improve elections, was in many respects successful, the hurried introduction of biometric registration resulted in significant problems with the inclusiveness of the voter list. This, concerns over ballot secrecy, and significant procedural problems during the vote count were the main issues that tarnished what was a generally smooth election day.

The electoral legal framework generally provides an adequate basis for the conduct of democratic elections. These were the first parliamentary elections to be held under the 2011 Election Law. This law, as amended in 2015, addresses some earlier OSCE/ODIHR recommendations, while other recommendations remain unaddressed. Also, inconsistencies between different laws negatively affected legal certainty. Furthermore, greater clarity in regulations could provide proper guidance to electoral stakeholders and ensure uniform application of the law. The closed-list proportional election system features a double threshold, which has been previously criticized by the OSCE/ODIHR and the Council of Europe's Venice Commission.

The elections were keenly contested, with the main parties, in particular, mounting highly visible campaigns throughout the country. The campaign was conducted in a generally peaceful environment,

with the exception of one violent incident between two candidates, which resulted in one of them being deregistered. While some parties ran campaigns based on their platforms, others reminded voters of accomplishments that had rendered specific benefits to their constituents, including past charitable activities and projects of candidates and parties. However, allegations of vote-buying were widespread, and some formal complaints were filed and criminal investigations opened. The president was highly visible during the election campaign, and one political party used his prestige to its benefit. In a positive development, misuse of state administrative resources did not appear to be a major concern in these elections.

Candidate registration was inclusive, resulting in a wide range of political choices for voters. The Central Election Commission (CEC) registered the candidate lists of all 14 political parties which submitted the required documents and paid the electoral deposit. However, the legal framework does not permit independent candidates, contrary to OSCE commitments. One candidate was deregistered by the CEC less than one week before election day due to his alleged involvement in a violent incident, before charges were brought. The quotas for gender, minorities, youth, and people with disabilities were respected at the time of registration, but there are no provisions to maintain the quotas after registration, which undermines their efficacy.

Biometric registration and identification, based on a unified nationwide population register, was implemented with the stated intention to limit the possibility for electoral malfeasance and to increase voters' trust. The authorities conducted a public information campaign on the need and obligation of citizens to register biometrically. Despite the efforts of the authorities aimed at an inclusive population register, some voters did not submit their biometric data, including due to concerns over data protection. As a result, their right to vote was de facto limited and the inclusiveness of the voter lists is of serious concern. The authorities did not provide sufficient information about the practical implications of the new voter registration process. Voters could check their voter list records and request to change their voting address in a generally open process. The OSCE/ODIHR EOM received credible reports of various forms of pressure on citizens, especially public-sector employees, to provide biometric data ahead of the elections.

The elections were administered by the Central Commission for Elections and Referenda (CEC), 54 Territorial Election Commissions (TECs), and some 2,374 Precinct Election Commissions (PECs). CEC sessions were open to party representatives, media, and citizen and international observers. However, the manner in which the CEC operated, including the holding of informal 'working meetings', as well as a lack of up-to-date and complete information on its website decreased the transparency of the CEC's work. Also, CEC decisions and resolutions were not always firmly based on the legal framework and, at times, in direct contradiction with it. The CEC did not always meet legal deadlines, including on candidate registration. Most OSCE/ODIHR EOM interlocutors did not question the impartiality of TECs and PECs and generally expressed trust in their work, which before election day was conducted professionally overall, including facilitating updates in voter lists and testing of new equipment. However, a lack of nominations of commissioners, and frequent resignations of TEC and PEC members, at times, negatively affected the work of election commissions.

The Election Law regulates campaign financing and sets limits on the contributions, donations, and campaign expenditures of contestants. These limits have been significantly increased compared to previous elections, and are expected to result in the most expensive election campaign ever. The CEC established an audit group, which regularly published reports about parties' total campaign revenues and expenditures. However, campaign financing would benefit from greater transparency, as previously recommended by the OSCE/ODIHR and Council of Europe's Venice Commission, including by regular publication of more detailed reports prior to election day and an obligation that the reports that parties must submit to the CEC after election day be published.

The media provided contestants with a platform to present their views. Political advertisement was used extensively, and direct debates between the candidates enabled voters to familiarize themselves with the candidates. The limited news coverage of the election campaign by the majority of media outlets, as well as a lack of political, investigative, and analytical reporting significantly reduced the amount of impartial information available to voters. The coverage of contestants consisted largely of paid-for reports in the news and current affairs programmes. The lack of news coverage of contestants highly contrasted with the extensive positive coverage of the president and other state officials in all state-financed media. The CEC went beyond its mandate by establishing accreditation requirements for media outlets and websites, reserving the right to revoke such accreditation, which effectively prohibits media to air paid advertisement.

The adjudication of electoral disputes has been streamlined and was largely handled by election commissions, with courts serving as an instance for appeals. While election commissions responded to pre-election complaints and appear to have often provided timely review, the tracking and documentation of complaints was insufficient, and the process lacked transparency. These aspects need to be addressed in order to improve the efficiency of and trust in electoral dispute resolution, as previously recommended by the OSCE/ODIHR and Council of Europe's Venice Commission. The courts rejected all but one appeal against the CEC and often did not provide sufficient reasoning.

Women remain underrepresented in political life, including in elected office. Just over 19 per cent of the members on the outgoing parliament are women. All registered lists complied with the requirement that at least 30 per cent of candidates on each list, and at least one candidate in every group of four candidates, are from the less represented gender. Women were well represented in the election administration.

Candidate lists complied with the national minority quota, with many placing minority representatives among the top 10. Some parties disseminated campaign materials in the Uzbek language. Minorities participated in rallies held by different parties. In a positive development, most parties refrained from nationalist rhetoric, and neither anti-minority campaigning nor intimidation of minorities was reported in the course of the campaign. In areas compactly populated by national minorities, they were underrepresented in a number of TECs. Neither voter education material nor ballot papers were printed in minority languages, which does not correspond to OSCE commitments.

Civil society was actively involved in observing these elections, conducting both long-term and short-term observation and publishing observation reports. The CEC started to accredit international observers only 30 days before election day, effectively limiting their right to observe all stages of electoral process.

Election day proceeded peacefully. The voting process was assessed positively in 95 per cent of polling stations observed. However, in a significant number of polling stations, not all voters could be found on voter lists. The biometric identification equipment and ballot scanners worked well, overall, although occasional technical problems led to temporary but regular interruptions of the process. IEOM observers reported problems with the secrecy of the vote, as well as instances of procedural violations. Party representatives were present at nearly all polling stations observed, and citizen observers in about one half. The vote count was assessed negatively in over one third of polling stations where it was observed, mainly due to procedural violations and omissions; a high quantity, which is of concern. The CEC announced voter turnout at 58 per cent. It started posting detailed preliminary election results by polling stations on its website almost immediately after the closing of the polls. The initial stages of the tabulation process were assessed negatively at many TECs observed: inadequate conditions resulted in overcrowding that negatively affected transparency, many procedural violations were noted mainly in connection with results protocols.

PRELIMINARY FINDINGS

Background

The 4 October parliamentary elections were called by President Almazbek Atambayev on 25 July 2015. They took place in a political environment which is, in part, characterized by an ongoing debate about the future political structure of the country. The Constitution provides for a semi-parliamentary system with a directly elected president and a government led by a prime minister. There continues to be a debate among political elites about moving the country to a presidential system, with more executive power concentrated in the president's office, or shifting towards a purely parliamentary system. Although parliament's authority to amend the Constitution is restricted by law until 2020, several members of parliament (MP), as well as President Atambayev, have continued to call for constitutional amendments through a referendum; the initiatives were met by criticism from some political parties and segments of civil society. Judicial independence remains of concern,¹ highlighted by the dismissal of a Supreme Court judge.²

The government established after the 2010 parliamentary elections included representatives of three parties that formed a majority coalition. Since then, the ruling coalition was reconstituted three times. Currently, three parties – the Social Democratic Party of Kyrgyzstan (SPDK, 26 seats in the parliament), *Ar-Namys* (25 seats), and *Ata Meken* (18 seats) – form the parliamentary majority, while *Ata-Jurt* (28 seats) and *Respublika* (23 seats) are in opposition. The political party system in Kyrgyzstan is fragmented, with 203 parties officially registered by the Ministry of Justice. Political parties in Kyrgyzstan are characterized by the personalities leading them, rather than by their platforms, which overlap significantly.

Legal Framework and Electoral System

Parliamentary elections are regulated primarily by the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (hereinafter Election Law), and the 2011 Law on Election Commissions to Conduct Elections and Referenda.³ The Election Law was amended in April 2015 to accommodate mandatory biometric voter registration and the use of ballot scanners, streamline election dispute resolution, increase electoral deposits and raise campaign funding and spending limits. Constitutional challenges against biometric registration were rejected.⁴

The legal framework generally provides an adequate basis for the conduct of democratic elections. Recent amendments address some earlier OSCE/ODIHR and the Council of Europe's Venice

¹ In [Kyrgyzstan's second Universal Periodic Review](#) in January 2015, the Human Rights Committee recommended that Kyrgyzstan pursue judicial reforms to ensure an independent and impartial judiciary, including the establishment of objective criteria for selecting and dismissing judges. The UN High Commissioner for Human Rights, the Committee against Torture, and the Human Rights Council made similar recommendations.

² Klara Sooronkulova, a judge of the Constitutional Chamber of the Supreme Court, was appointed the reporting judge on the Law on Biometric Registration proceeding. At the hearing, the Chamber recused her from the case. Ms. Sooronkulova publicly stated that her recusal had been influenced by the president's administration, reflecting executive interference in the case. The Judicial Council initiated disciplinary proceedings against Ms. Sooronkulova and recommended her dismissal. On 30 June, the proposal was passed by the parliament. The President of the Council of Europe's European Commission for Democracy through Law (Venice Commission) [stated](#) that her dismissal was "an indication that there are not sufficient guarantees for the independence of constitutional judges in the Kyrgyz Republic."

³ Other relevant laws include the Law on Political Parties, Law on Peaceful Assemblies, Law on Biometric Registration, Code on Administrative Responsibility, and Criminal Code.

⁴ On 14 September, the Constitutional Chamber of the Supreme Court upheld the constitutionality of the Law on Biometric Registration. On 23 September, it upheld the constitutionality of the requirement of the Election Law for biometric registration for inclusion in voter lists.

Commission recommendations, such as recommendations to improve the accuracy of the voter list, take measures to prevent ballot box stuffing, amend the electoral threshold, and provide greater clarity in election dispute resolution.⁵ Other recommendations, however, remain to be addressed including recommendations to allow independent candidates to stand in parliamentary elections, ensure that gender quotas are complied with until the distribution of mandates, and increase transparency of campaign financing. Inconsistencies between the laws negatively affected legal certainty.⁶ Decisions and resolutions of the Central Commission for Elections and Referenda (CEC) were not always firmly based on the legal framework, and, at times, in direct contradiction with it.⁷

MPs are elected for five years in a single nationwide constituency through a closed-list proportional system. Independent candidates are not permitted to contest parliamentary elections. To win seats, a party must receive at least 7 per cent of valid votes cast nationwide and at least 0.7 per cent of valid votes cast in each of the seven regions (*oblasts*), as well as in Bishkek and Osh cities. The Constitution limits the number of mandates of any one party in the *Jogorku Kenesh* (parliament) to 65 of a total of 120 seats. Both the double threshold and the limit on seats have been criticized by the OSCE/ODIHR and the Council of Europe's Venice Commission in the past.⁸

The right to vote is granted to citizens who reach 18 years of age by election day, with the exception of those who are serving a prison sentence or are legally incapacitated. Eligible voters who have reached 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. Restricting the suffrage rights of those with prior criminal records, regardless of the severity of crime committed, is at odds with OSCE commitments and other international obligations.⁹

Election Administration

The elections were administered by a three-level system of election commissions: the CEC, 54 Territorial Election Commissions (TECs) and 2,374 Precinct Election Commissions (PECs), including at 36 polling stations in 26 countries established for out-of-country voting.

The CEC is a permanent body elected by parliament for a five-year term. It consists of 12 members, with the president, the parliamentary majority, and the parliamentary opposition each nominating 4 members.¹⁰ CEC sessions were open to party representatives, media, and citizen and international observers; however, the CEC routinely held 'working meetings', which were not open to observers.¹¹

⁵ See all [previous OSCE/ODIHR reports on Kyrgyzstan](#) and [the 2014 OSCE/ODIHR and Council of Europe's Venice Commission Joint Opinion on the Draft Electoral Law of the Kyrgyz Republic](#).

⁶ For example, the Law on Biometric Registration is not consistent with the law on personal data; the law on election commissions is not harmonized with the Election Law.

⁷ For example, the CEC procedures for the accreditation of media are not provided for by the law (see *Media Section*), and the procedures for registering to vote in additional polling stations in Bishkek and Osh were more restrictive than the law provides for. Furthermore, the late accreditation date for international observers imposed by the CEC is not provided for by the law. Finally, a CEC resolution stipulating that voting and the vote count in 11 polling stations abroad will be conducted without the use of fingerprint scanners and automated ballot count is in direct contradiction to the Election Law.

⁸ The double threshold requirement compromises the objectives of a proportional representation system. Limiting a single political party to 65 seats, notwithstanding the number of votes received, challenges the free expression of the voters' will. Op.cit, see also Joint Opinion, paragraphs 12, 18–19.

⁹ See paragraphs 7.3, 7.5, and 24 of the 1990 OSCE Copenhagen Document, paragraph 14 of the 1996 UN Human Rights Committee's General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), and section I.1.1.d.iv of the 2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters. Op.cit, see also Joint Opinion, paragraphs 12, 37–39.

¹⁰ One CEC member resigned in August in order to stand as a candidate and has not yet been replaced.

¹¹ The Election Law requires the CEC to operate on the basis of legality, collegiality, and openness.

The CEC did not consistently update its website, which limited the information available to stakeholders and the public about the process of preparations for the elections and arguably caused confusion about which information on the website was applicable for these elections.¹² Some CEC resolutions were not published in full or were published with a delay,¹³ as well as were not made available to the OSCE/ODIHR EOM, despite repeated requests. The CEC did not publish the agenda of its sessions in advance and rarely informed international observers about upcoming sessions. In these respects, the CEC's approach decreased the transparency of the process. In addition, it did not offer the OSCE/ODIHR EOM the necessary cooperation, which hampered the mission's work.¹⁴

TECs and PECs are permanent bodies formed for two-year terms from among nominees of all political parties registered with the Ministry of Justice and local self-governing bodies. The majority of TECs positively assessed the logistical support provided by local authorities. Most OSCE/ODIHR EOM interlocutors did not question the impartiality of TECs and PECs and generally expressed trust in their work. However, some OSCE/ODIHR EOM interlocutors were concerned that a lack of nominations of commissioners, as well as failure or lack of interest by some TEC and PEC members to fulfill their duties negatively affected the work of election commissions. In addition, many TEC and PEC members were replaced before election day.¹⁵ Not all the sessions of the TECs were open to party representatives and observers.¹⁶

The OSCE/ODIHR EOM positively assessed the work of the lower-level election commissions before election day, including facilitating updates in voter lists and testing of new equipment.

Women were well-represented at the TEC and PEC level, where they accounted for 45 per cent of all TEC members and 56 per cent of PEC members (including 62 per cent of chairpersons) in polling stations visited by IEOM observers. Four CEC members, including the two deputy chairpersons, are women.

For the first time, all polling stations were provided with automatic ballot scanners attached to the ballot boxes. However, according to the Election Law, only the results of the manual count of votes are legally binding. The CEC reported that ballot scanning was introduced as a control mechanism against falsifying election results as well as to increase the transparency of tabulation and publication of results.

The CEC performed tests and public demonstrations of the scanners, before deploying them to polling stations, where they were further tested by PEC members on a daily basis.¹⁷ However, the CEC did not publish any documentation on the scanners' functionality or conduct an independent public audit

¹² For example, the CEC did not publish on its website final candidate lists for voters to clearly know who was standing on election day; the list of accredited international observers on the CEC website was from the last election.

¹³ The CEC resolutions on establishing the forms of results protocols and the form of the ballot paper were published without the forms attached. The resolution on approval of the budget for the elections did not include a breakdown of costs estimates. Resolutions on the accreditation of international observers were posted with significant delays.

¹⁴ The CEC did not keep the OSCE/ODIHR EOM informed about the process of accreditation of its observers and did not timely issue accreditation badges, although the EOM submitted the required documentation on time.

¹⁵ Among reasons for replacements were lack of remuneration for most PEC members, resignations of commissioners who wished to participate in the campaign, and business related to the harvest season.

¹⁶ TECs did not always inform the OSCE/ODIHR EOM about upcoming sessions, despite repeated requests. Some TECs in Batken and Talas *oblasts*, and Osh city held *ad-hoc* sessions and unofficial meetings without party proxies and observers.

¹⁷ From 23 September until 2 October.

of the system, which reduced transparency.¹⁸ The PEC members operating ballot scanners underwent a two-day CEC training, which was generally assessed positively by the OSCE/ODIHR EOM.

Voter Registration

For these elections, significant changes were introduced to the voter registration system, following an initiative launched by the president in 2013. Voter lists were based on a unified nationwide population register, and maintained by the State Registration Service (SRS). As an additional requirement, introduced in part to remove inaccurate voter list entries, citizens had to submit biometric data, or were otherwise not registered to vote.¹⁹ The mandatory submission of biometric data started in October 2014, shortly after the Law on Biometric Registration was passed.²⁰ The Election Law provided for identification of voters on election day based on fingerprint matching.²¹

The biometric identification was implemented with the stated intention to limit the room for electoral malfeasance and to increase voters' trust, and was supported as a concept by most OSCE/ODIHR EOM interlocutors, although some opposed it on the grounds that it limited the constitutional right to vote. However, the inclusiveness of the voter list remained of serious concern, as some citizens were effectively excluded from biometric registration, and thus from the voter list, because they live in remote locations or abroad. Other citizens lacked interest or were unwilling to undergo biometric registration, due to concerns about the use and protection of personal data, aspects that are not adequately regulated by existing legislation.²²

The limited time available for the complex process compelled the authorities to undertake comprehensive public information campaigns on biometric registration. However, the OSCE/ODIHR EOM also received credible reports of various forms of pressure on some citizens, especially public-sector employees, to provide biometric data. The OSCE/ODIHR EOM noted that the central and local authorities did not provide sufficient information about the practical implications of the new voter registration process,²³ which is at odds with international standards,²⁴ and thus failed to address some citizens' concerns.

In a mainly open process, from 20 August to 19 September, voters could confirm their voter list records at their PECs, online, and via an SRS telephone hotline and could request changes to their records.²⁵ The voters, including a significant number living but not registered in Bishkek and Osh,

¹⁸ The OSCE/ODIHR EOM was informed that the components of the system were certified in South Korea, where the system is from, although no public reports are available. The CEC did not allow The OSCE/ODIHR EOM to meet CEC technical staff to discuss technical details related to the ballot scanners.

¹⁹ Biometric data included citizens' fingerprint scans, photos, and signatures.

²⁰ Biometric registration became a requirement for inclusion in the voter list in April 2015. The deadline for biometric registration for inclusion in the voter list for these elections was 19 September.

²¹ In case of mismatch after five attempts, voters' personal identification numbers (PINs) and photos were considered. The Election Law does not foresee contingency procedures in case of equipment failure.

²² The SRS reported that as of 19 September, a total of 2,849,000 citizens over 16 (some 75 per cent) were registered. However, on 23 September, the government reported that some 95 per cent of all voters residing in Kyrgyzstan were registered to vote in these elections. Various OSCE/ODIHR EOM interlocutors assessed both of these percentages as unrealistic. The CEC chairperson, on 2 October, informed international observers that 99 per cent of eligible voters had been registered.

²³ For example, voters were not informed about the process of compiling and updating the voter list, about the time required between biometric registration and their names appearing in the voter list, about possible discrepancies between the electronic and printed voter list during the public display period, or about the fact that the location where they provided biometric data was not linked to where they would be included on the voter list.

²⁴ Paragraph 11 of the 1996 UN Human Rights Committee's General Comment No. 25 states, among others, that "[voter] education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."

²⁵ The SRS published the complete voter list online. The SRS hotline had several operators and was largely unavailable during peak times, such as on 18 September.

also could request to vote at their place of temporary residence.²⁶ Some voters submitted biometric data close to the deadline, and the fact that this was not immediately reflected in voter lists available in PECs led to confusion in some cases.²⁷

The initial allocation of voters to polling stations was conducted automatically, using a newly created address register held by the SRS. However, according to the SRS, some 15 per cent of all registered voters had to be re-allocated to the correct polling stations, according to the precinct boundaries maintained by the CEC.

In total, 2,761,297 voters were registered to vote. Despite a significant number of Kyrgyzstani citizens living abroad, only 15,322 were registered for out-of-country voting.²⁸

Candidate Registration

In an inclusive process, the CEC registered all 14 political parties which submitted their candidate lists and paid the required electoral deposit of five million KGS.²⁹ Twenty more parties had initially stated their intention to run in the elections but did not submit all required documents, including proof that they had paid the electoral deposit.

The Election Law establishes a number of quotas for candidate lists, which parties must meet in order to have their lists registered. Parties must have at least 30 per cent of candidates from each gender, with the less represented gender being given at least one place in each group of four candidates on the list. Furthermore, a party must ensure that at least 15 per cent of its candidates belong to national minorities, that 15 per cent are younger than 35 years old, and that it fields at least two candidates with disabilities, of which one in the top 50. The quotas apply to candidate lists at the time of registration, rather than to the actual distribution of seats, and the law does not require that the quotas are maintained after registration of a list, undermining efficacy of measures aimed to increase participation of underrepresented groups.

Parties were aware of the nomination and registration rules, and party representatives and citizen observers were allowed to attend meetings of CEC working groups during the processing of registration documents. Some parties had to amend their initial lists to meet the quota requirements, following requests from the CEC. Many candidates who fell under the ban to stand for elections for those whose criminal convictions had not expired or been cleared either withdrew or were taken off the list by the nominating parties.³⁰ The CEC refused the registration of one candidate from *Ata Meken* because he was not eligible to be a candidate due to a court conviction.

According to the Election Law, the CEC has 10 days from the day it receives a party's registration documents to decide on the registration of that party's candidate list. The CEC did not meet this legal deadline and registered all candidate lists on 3 September, the final deadline for list registration, regardless of when they had been submitted. The CEC published names of registered candidates on its

²⁶ Of some 200,000 citizens who live in Bishkek but are registered to vote elsewhere according to their permanent residence and who registered biometrically, some 79,205 requested to vote in Bishkek. The OSCE/ODIHR EOM noted long lines of voters attempting to register to vote according to their temporary residence, and it appeared that not all such voters managed to do so by the deadline of 19 September.

²⁷ Some voters could not find their names either on the paper copy of the voter list or in the electronic version, although they claimed to have undergone biometric registration. The SRS told the OSCE/ODIHR EOM that some 4,000 voters were not included in the voter list, due to various problems during the biometric registration.

²⁸ The Ministry of Foreign Affairs reported to the SRS that 612,747 Kyrgyz citizens over the age of 16 live abroad.

²⁹ Equal to some 72,800 EUR (at the time of registration, 1 EUR equalled some 68.6 Kyrgyzstani *Som*, KGS).

³⁰ According to the Ministry of Internal Affairs, 234 nominees fell under the ban to stand. The CEC did not provide information about how many candidates were withdrawn.

website, but it did not update the publication after the deregistration of candidates.³¹ Due to lack of data published, it was not possible for the OSCE/ODIHR EOM to confirm whether the parties fulfilled the quota requirements.

Campaign Environment and Campaign Finance

During the official campaign, which started on 4 September and ended 24 hours prior to voting, parties were actively canvassing throughout the country, holding public meetings and rallies ranging from less than 100 participants in Balykchy to more than 12,000 people in Osh city. Billboards, banners, and other signage, including stickers and small posters on private homes and vehicles, were widely visible in many locations, as were party offices. The campaign was conducted in a generally peaceful environment, except for one violent incident involving one of the two co-chairpersons of *Respublika-Ata Jurt*, Kamchybek Tashiev, who allegedly assaulted an *Onuguu-Progress* candidate in Jalal-Abad. Before charges were brought, the CEC deregistered Mr. Tashiev less than one week before election day. In addition, isolated scuffles between supporters of different parties and instances of signage being destroyed or removed were reported.³²

The SDPK, *Ata Meken*, and *Respublika-Ata Jurt* ran highly visible campaigns throughout the country from the beginning of the campaign period, using considerable resources. There was also active canvassing of voters by *Bir Bol*, *Onuguu-Progress*, and *Kyrgyzstan*.³³ These six parties, along with *Butun Kyrgyzstan-Emgek* and *Zamandash*, were observed to have offices in all *oblasts*. *Ar-Namys* had some prominent candidates and tried to capitalize on its role as a member of the governing coalition, although the party's campaign approach was lower key due to its limited resources. Other parties with limited campaign funds intensified their campaigning at later stages.

While some parties ran campaigns based on their platforms, others reminded voters of accomplishments that have rendered specific benefits, ranging from infrastructure projects to provision of services reportedly at discounted rates, to increases in civil servant salaries. The President was highly visible during the election campaign.³⁴ Some party and civil society representatives expressed their concerns to the OSCE/ODIHR EOM that the SDPK, due to its affiliation with the president, tried to use his prestige to its benefit and took credit for state projects in order to capitalize on his popularity. There were some allegations from various stakeholders of misuse of state administrative resources, but this did not appear to be a major issue of concern in these elections. Allegations of vote buying and selling were widespread,³⁵ and some formal complaints were filed and criminal investigations launched.³⁶ Party representatives told the OSCE/ODIHR EOM that voters expect to either receive cash or promises of individual benefits for their votes.

³¹ Seventeen candidates from seven parties were deregistered due to their withdrawal or withdrawal by the nominating parties; one candidate was deregistered by the CEC (see Campaign Environment and Campaign Finance).

³² Another incident reported by the media was of a *Respublika-Ata Jurt* candidate stabbing a *Kyrgyzstan* party member in Kochkor district (Naryn *oblast*). The police clarified that the incident was not related to the elections.

³³ According to the CEC audit group report of 3 October, the parties that received the most funds were *Respublika-Ata Jurt*, *Onuguu-Progress*, SDPK, *Bir Bol*, *Kyrgyzstan*, and *Ata Meken*.

³⁴ President Atambayev helped to establish the SDPK in 1993, led the party from 1999 and terminated his membership in 2011.

³⁵ Prime Minister Temir Sariyev, in a meeting with political parties in Bishkek on 15 September, asked parties to stop any vote-buying and collection of voters' passports.

³⁶ The police in Jalal-Abad confirmed to OSCE/ODIHR EOM observers that on 3 October, five residents of Jalal-Abad city reported that they had received money and rice from a political party in return for their votes. Media reported on election day that according to the deputy interior minister, 80 cases of vote-buying were registered during the pre-election period, and 6 criminal investigations had been launched. While vote-buying is punishable under the Criminal Code, voters need to request prosecution, which in practice leads to little incentive for individuals to pursue the matter.

Election campaigns are funded through electoral funds created by political parties. These funds may be financed from a party's and from candidates' own contributions, as well as from voluntary donations of citizens and legal entities.³⁷ Parties do not receive public funding. The law sets limits on the amounts of contributions, donations, and total campaign expenditures. These limits have been significantly increased compared to previous elections, and are expected to result in the most expensive election campaign ever. The Election Law prohibits charitable activities by contestants from the moment elections are called. However, past charitable activities and projects featured prominently in some campaigns.³⁸ The CEC set up an audit group led by a CEC member to oversee compliance with campaign finance rules.

Campaign financing would benefit from greater transparency including by regular publication of more detailed reports prior to election day and an obligation that the reports that parties must submit to the CEC after election day be published. Parties submitted interim reports prior to election day and must submit detailed reports within 10 days after election day.³⁹ However, there is no obligation for parties to disclose sources of funds. The audit group regularly published reports with total amounts of incomes and expenditures for each party.⁴⁰ The CEC issued formal warnings to *Aalam*, *Bir Bol*, and the Congress of Peoples of Kyrgyzstan for breach of campaign funding rules, while *Ata Meken*, *Onuguu-Progress*, and *Zamandash* were notified about the "impermissibility of violations in the future".

Despite constitutional guarantees of equality, women remain under-represented in political life, including in elected office. In the outgoing parliament, 23 of the 120 members are women (19.2 per cent). The percentage of women candidates on individual party lists registered for these elections ranged from 30.1 to 35.3 per cent. The role of women in the political parties varies considerably: some parties report no women in decision-making positions, while others report up to 50 per cent of members of their political councils being female. As of 24 September, 1 of 4 deputy prime ministers, 2 of 15 cabinet ministers, 1 of 7 *oblast* governors, as well as 10 out of 48 state secretaries and deputy ministers are women.

Media

The media provided contestants with a platform to present their views through debates and political advertisement. However, the limited coverage of the election campaign in the news and current affairs programmes of the majority of media outlets, as well as a lack of political, investigative, and analytical reporting significantly reduced the amount of impartial information available to voters.

The Election Law allows media outlets to sell airtime and space to contestants, provided that prices are equal for all contestants and are published within 10 days of the calling of an election. Although not foreseen in the law, the CEC established accreditation requirements for those media outlets that chose to offer paid political advertisement, reserving the right to revoke such accreditations.⁴¹ Although Internet is generally not regulated by the legal framework, the CEC established similar requirements for websites. The CEC also established an unofficial procedure that required all campaign material to be prescreened and authorized by the CEC in order to be broadcast.⁴² Many

³⁷ The Election Law prohibits donations from foreign, state-owned, and anonymous sources, as well as from religious and charitable organizations. Candidates may not create their own electoral funds.

³⁸ For example, by *Butun Kyrgyzstan-Emgek*, *Onuguu-Progress*, and the SDPK.

³⁹ There are no sanctions for non-compliance with this obligation. The CEC is not obliged to publish these reports.

⁴⁰ On 24 September, the audit group also published interim reports submitted by the parties with totals for each revenue and expenditure category.

⁴¹ The CEC reserved the right to revoke an accreditation, thus suspending the right to publish paid political advertisement, if a media outlet fails to provide objective coverage of the campaign or the elections, or if it attempts to damage the honour or dignity of election commissioners.

⁴² On 1 October, the CEC issued an official warning to KTRK for airing spots that had not been approved.

OSCE/ODIHR EOM interlocutors perceived such requirements as excessive and beyond the CEC's mandate, although the prescreening was widely welcomed by political parties.

Given the ambiguity of the legal requirements,⁴³ the public Television and Radio Corporation (KTRK) and the state National Television and Radio Company (EITR) allocated free airtime, using one hour per contestant as a basis. Channel 5 and *Piramida*, which were nationalized in 2011 and received state funding in 2015, did not allocate free airtime, despite the legal requirements to do so.⁴⁴ Two out of three national state-funded newspapers provided to all contestants only a half of the legally required free space, while *Slovo Kyrgyzstana* did not allocate any space.

Media outlets largely perceived the campaign as a business opportunity and provided only limited editorial coverage of the campaign in their news and current affairs programmes; several OSCE/ODIHR EOM interlocutors stated that this was done in order to maximize advertisement revenue. In particular, some 79 per cent of the time allotted to contestants on the KTRK was paid for. A similar approach was observed on other television stations monitored by the OSCE/ODIHR EOM, where between 77 and 95 per cent of coverage of contestants was paid for.⁴⁵

Reports about parties and their candidates in the news and current affairs programmes accounted for over half of the paid contents. Such reports were prepared by the parties, broadcast as part of the regular newscasts, and virtually indistinguishable from regular newscasts and programmes. While the majority of such items contained notices that they were paid for, these notices were usually displayed only at the end and in small text.⁴⁶ Such practices, although in line with the law, undermined the editorial autonomy and credibility of media outlets, potentially deceiving the voters regarding the nature of the content.

The lack of news coverage of contestants highly contrasted with the extensive positive coverage of the president and other state officials in all state-affiliated media, which devoted between 29 and 42 per cent of all politically relevant news coverage to the president, mainly positive in tone, and between 25 and 48 per cent to the government, mainly neutral in tone. All contestants combined received between 7 and 17 per cent. The coverage of the president in the news and current affairs programmes often contained elements (such as music, slogans, or video footage) that were also part of the SDPK's paid spots.

During the last week of the campaign, editorial coverage of the SDPK, *Respublika-Ata Jurt* and, to lesser extent, *Ata Meken* increased on KTRK and private NTS; however, the tone of presentation differed. While KTRK covered *Respublika-Ata Jurt* and *Ata Meken* mainly in a negative tone, the SDPK was presented mainly in a positive and neutral manner. NTS devoted extensive positive and neutral coverage to *Respublika-Ata Jurt*, mainly related to the deregistration of Mr. Tashiev.

OSCE/ODIHR EOM media monitoring results showed a pronounced contrast between the coverage of public Radio *Birinchi* (part of KTRK) and Radio *Azattyk* (the Kyrgyz language service of RFE/RL). Radio *Birinchi* largely focused on the activities of the authorities, while contestants received a combined total of one hour (or 11 per cent) of editorial news coverage during the entire

⁴³ The Election Law requires state-owned or state-funded media to allocate at least one hour of free airtime per working day or an A4-page space to parties contesting the elections.

⁴⁴ On 16 February 2015, the government allocated 5.7 million KGS to Channel 5 and *Piramida*, each.

⁴⁵ On 4 September, the OSCE/ODIHR EOM commenced its quantitative and qualitative media monitoring of 6 TV channels (Channel 5, EITR, KTRK, NBT, NTS, and *Piramida*), 2 radio stations (Radio *Birinchi* and Radio *Azattyk*), and 11 newspapers (state-funded *Erkin-Too*, *Kyrgyz Tuusu*, and *Slovo Kyrgyzstana*, and the private newspapers *Alibi*, *Asia-News*, *De Facto*, *Delo No.*, *Fabula*, *Respublika*, *Super-Info*, and *Vecherniy Bishkek*).

⁴⁶ EITR was the only broadcaster monitored by the OSCE/ODIHR EOM which constantly indicated paid content during the whole duration of such paid programmes.

campaign period. Radio *Azattyk* focused more on the contestants and their platforms – one half of electoral and politically relevant coverage was devoted to the contestants without favouring any particular party.

Complaints and Appeals

Following the latest amendments, the Election Law channels most election-related complaints to elections commissions. Decisions and actions or inactions of election commissions and their officials that violate the rights of electoral stakeholders are appealed to the higher-level election commission. Complaints about the CEC and appeals against its decisions are submitted to the Pervomaisky district court in Bishkek and can be further appealed to the Supreme Court. Complaints about actions or decisions of state bodies and officials, as well as other election contestants, can be made to the police, the prosecutor's office, election commissions, or to courts.⁴⁷ Complaints and appeals must be made within two days from the time the complainant became aware of the infringing action.⁴⁸

Election commissions responded to pre-election complaints but did not always meet legal deadlines. At the CEC, most complaints were handled by working groups.⁴⁹ However, the tracking and documentation of complaints resolution by election commissions need improvement and the process lacked transparency.⁵⁰ CEC decisions did not always contribute to consistent and uniform application of the law; some of its decisions lacked legal grounding.⁵¹ The majority of appeals against the CEC were upheld by the courts, which did not often provide sufficient legal reasoning.⁵² Court proceedings respected legal deadlines, but the parties were not always informed about the time of their hearings.⁵³

Participation of National Minorities

Kyrgyzstan has an ethnically diverse population, with ethnic Kyrgyz constituting 71 per cent of the total population of 5.6 million, while minorities account for 29 per cent. Minority groups include ethnic Uzbeks (14.7 per cent), Russians (8.3 per cent), Dungans (1.2 per cent), Uighurs (1 per cent), as well as groups of Tajiks, Kazakhs, Tatars, Ukrainians, Koreans, and Meskhetian Turks.⁵⁴ The Constitution does not make direct reference to national minorities and does not allow for political parties to be formed on the basis of ethnicity. Although principles of non-discrimination and equality are enshrined in the Constitution, there is no specific legislation on non-discrimination. The Constitution grants Russian the status of an official language.

All parties' candidate lists complied with the national minority quota, with many parties placing minority representatives in the top 10 of their lists. In areas compactly populated by Dungan, Uzbek, and Tajik ethnic communities the national minorities were underrepresented in a number of TECs and

⁴⁷ The Civil Procedure Code retains provisions on election dispute resolution by local courts. However, both the Supreme Court and the CEC informed the OSCE/ODIHR EOM that judges had been instructed to give precedence to the Election Law.

⁴⁸ Three complaints were rejected by courts on the grounds that complainants missed the legal deadline taking into account only date when the decision was taken, but not the date when the decisions were published.

⁴⁹ The CEC working groups on complaints and on control over the campaign reviewed over 300 pre-election complaints and instructed parties and other actors to eliminate violations. Those who did not comply were given warnings in CEC sessions, where actors involved not always had an opportunity to present their case.

⁵⁰ Working group meetings were not documented in protocols.

⁵¹ See for example the CEC Resolution No. 157 "On violation of electoral legislation by the political party *Respublika-Ata Jurt* and the co-chair of the party Kamchybek Tashiev" and CEC Decision No. 129 "On warning the political socialist party *Ata Meken* for violations of the rules of conducting the campaign".

⁵² The Pervomaisky district court upheld 14 CEC decisions and cancelled 1 on appeal, and 10 of its decisions further appealed were upheld by the Supreme Court.

⁵³ Representatives of *Egemen Kyrgyzstan* as well as Mr. Iriskulbekov and Mr. Arykov, who appealed CEC decisions, were not informed by the Pervomaisky district court about the time of hearings.

⁵⁴ See [the 2009 national census data](#).

PECs. Neither voter education and information material nor ballot papers were printed in the minority languages. This practice does not correspond to international standards and OSCE commitments⁵⁵ and may have resulted in *de facto* disenfranchisement of those persons belonging to national minorities who do not have sufficient command of either Kyrgyz or Russian.

Minorities participated in rallies held by different parties. In a positive development, most parties refrained from nationalist rhetoric, and neither anti-minority campaigning nor intimidation of minorities was reported in the course of the campaign. However, there were instances of anti-minority content on the Internet, including in social media. During the campaign, a number of parties put specific emphasis on the importance of national unity and accord between different ethnic communities for the country's stability and security. Some parties disseminated campaign materials in the Uzbek language.

Citizen and International Observers

The law allows for observation of the entire electoral process by both citizen and international observers. While international observers must be accredited by the CEC, citizen observers acquire their status after their organization has submitted a letter with their names to the election commission where they will observe (CEC, TECs or PECs). In a positive step, civil society, including the Coalition for Democracy and Civil Society and *Taza Shailoo*, was actively involved in election observation, conducting both long-term and short-term observation and publishing observation reports, and thus contributing to transparency of the process.

According to CEC Resolution No. 87 of 28 July, the CEC started to accredit international observers only on 4 September, effectively limiting their right to observe all stages of the electoral process. In total, the CEC accredited 613 international observers from various organizations and embassies.

Election Day

Election day proceeded peacefully. Opening procedures were assessed positively in all but 3 of the 122 polling stations observed, although prescribed procedures were not always followed. Technical problems setting up the voter identification equipment and configuring the ballot scanners (16 reports) were the main reasons for the late opening of 27 polling station observed; in most cases, the delays were small.

Voting was assessed positively in 95 per cent of polling station observed. The voting process was orderly and well organized in the large majority of polling stations observed, and only relatively minor technical problems with the voter identification equipment and ballot scanners were reported. However, in a significant number of polling stations observed, not all voters could find themselves on the voter list.

In 2 per cent of polling stations observed, the ballot scanner had to be replaced due to equipment failure, and in 1 per cent, the PEC had to use a ballot box without a scanner. The voter identification equipment worked well, overall. However, occasional software and hardware problems of the voter identification equipment or the ballot scanner led to regular but usually brief suspensions of voting. Voter identification procedures were followed in almost all polling stations observed, but in almost one half of them, not all voters could be identified by fingerprint scanning. In 34 per cent of polling stations observed, voters were turned away because their names could not be found on the voter list;

⁵⁵ Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that “persons belonging to national minorities have the right (...) to disseminate, have access to and exchange information in their mother tongue.” The 1996 UN Human Rights Committee’s General Comment 25 states that “information and materials about voting should be available in minority languages.”

the SRS personnel deployed to direct voters to the correct polling station failed to find some voters on the voter list of any polling station, even though they had undergone biometric registration. Overcrowding was reported from 9 per cent of polling stations observed, and voters were waiting outside 25 per cent of polling stations observed to vote.

The secrecy of the vote was not always safeguarded. In 13 per cent of polling stations observed, not all voters marked their ballots in secrecy, in 28 per cent, voters' choice could be seen as they took their ballot to the ballot box, and in 11 per cent, the mark on the ballot could be seen through the reverse side. IEOM observers reported some procedural errors, in particular ballot boxes which were not properly sealed (13 per cent). They also reported instances of serious violations, including attempts to influence voters who to vote for (1 per cent), group voting (4 per cent), and proxy voting (1 per cent). In the vicinity of 2 per cent of polling stations observed, IEOM observers saw evidence of vote-buying.

Party representatives were present in all but 2 polling station observed, while citizen observers were present in just over one half. Unauthorized people, mainly police, were present in 30 per cent of polling stations observed; there were reports from 4 per cent of polling stations observed that non-PEC members directed or interfered in the work of the PEC.

The CEC announced voter turnout at 58 per cent. It started posting detailed preliminary election results by polling stations, on the basis of initial results provided by the ballot scanners on its website almost immediately after the closing of the polls.

The vote count was assessed negatively in over one third of the 113 polling stations where it was observed, which is a high quantity and of concern. Many PECs did not perform basic reconciliation procedures, such as cancelling unused ballot papers (11 reports) or counting the signatures on the voter list and recording this number in the results protocol (24 and 13 reports, respectively). In 12 counts ballots were not separated by contestants, and there were 12 instances where not all ballots were counted correctly. IEOM observers reported that two PECs did not count the ballots cast for contestants at all and simply copied the numbers from the results slip produced by the ballot scanner. The determination of ballot validity was often not reasonable or consistent (18 and 15 reports, respectively). In almost one-half of counts observed, the results of the manual count did not match those produced by the ballot scanner. Many PECs did not complete the protocols in full and in ink (15 and 10 reports), or pre-signed the protocol (12 reports). Copies of the results protocol were frequently not given to those entitled or posted for public information (28 and 39 reports, respectively). Non-PEC members participated in 12 counts observed. Party representatives were present during all counts observed, and citizen observers in about one half. Unauthorized persons, almost always police, were present during 46 counts.

The initial stages of the tabulation process were assessed negatively in 29 of 83 reports submitted by IEOM observers from 45 TECs during election night. Almost one half of reports on tabulation noted that conditions were not adequate for the reception and processing of PEC protocols, which resulted in frequent overcrowding (33 reports) and negatively affected transparency. IEOM observers reported that in many cases, not all PEC results protocols were fully completed (40 reports) and that the figures on many protocols did not reconcile (36 reports) or did not match those from the scanner-generated results slip (31 reports). IEOM observers filed 21 reports that figures in protocols were changed at the TEC without a recount. Cases of problems with the data processing of results were noted in 14 reports.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Bishkek, 5 October 2015 – The OSCE/ODIHR EOM opened in Bishkek on 25 August. It includes 16 experts in the capital and 22 long-term observers deployed to 10 locations throughout the Kyrgyz Republic.

On election day, some 313 observers were deployed, including a 30-member delegation from the OSCE PA, a 21-member delegation from the PACE, and an 11-member delegation from the EP. In total, there were observers from 40 countries. Opening was observed in 122 polling stations, while voting was observed in some 1,040 of 2,338 polling stations across the country. The vote count was observed in 113 polling stations, and the tabulation of results in 45 out of 54 TECs.

The observers wish to thank the authorities for the invitation to observe the elections, the CEC for providing accreditation documents, and the Ministry of Foreign Affairs and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Centre in Bishkek,⁵⁶ the OSCE High Commissioner on National Minorities, and other international organizations and embassies, as well as political parties, civil society organizations, and media representatives for their co-operation and support.

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The OSCE/ODIHR EOM and the OSCE Centre in Bishkek operate separately under their specific mandates.