



**FINAL REPORT ON THE RESULTS OF
OBSERVATION OF PREPARATIONS AND CONDUCT
OF THE EARLY PRESIDENTIAL ELECTION OF THE
KYRGYZ REPUBLIC, HELD ON JANUARY 10, 2021**

**OBSERVATION PERIOD FROM OCTOBER 25, 2020
TO JANUARY 24, 2021**

COMMON CAUSE PUBLIC FOUNDATION

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ABBREVIATIONS

ARB	Address and Reference Bureau
ARBB	Automatically Reading Ballot Box
OSCE/ODIHR	OSCE Office for Democratic Institutions and Human Rights
GDP	Gross Domestic Product
SRS	State Registration Service under the Government of the Kyrgyz Republic
SCNS	State Committee for National Security of the Kyrgyz Republic
LTO	Long-term observer
USRP	Unified State Register of Population
USVR	Unified System of Voter Registration
JK of the KR	Jogorku Kenesh of the Kyrgyz Republic
Election Law	Constitutional Law of the Kyrgyz Republic " On Elections of the President of the Kyrgyz Republic and deputies of the Jogorku Kenesh of the Kyrgyz Republic»
TIN	Tax Identification Number
RRCG	Rapid Response Coordination Group
KR	Kyrgyz Republic
HRC	Human Rights Committee
PWD	People with disabilities
MIA	Ministry of Internal Affairs
ICCPR	International Covenant on Civil and Political Rights
OJSC	Open Joint-stock Company
UN	United Nations
PBC	Public Broadcasting Corporation
PMC	Passenger Motor-transport Company
PIN	Personal Identification Number
President of the KR	President of the Kyrgyz Republic
MM	Mass media
TEC	Territorial Election Commission
CEC	Central Election Commission
PEC	Precinct Election Commission
Foundation	“Common Cause” Public Foundation
Full Name	First Name, Middle Name, Last Name

ABOUT US

The Common Cause Public Foundation is a non-profit organization established to monitor elections of various levels in the Kyrgyz Republic, implement civic education projects, and promote greater citizen participation in decision-making processes. The Foundation supports the facilitation of free and fair elections and the development of civil society and democracy in Kyrgyzstan¹.

The Foundation's activities are aimed at building effective interaction between the authorities and citizens through dialogue, monitoring of important political processes, participation in decision-making processes and ensuring general transparency of these processes in order to protect the rights and freedoms of citizens, and to cooperate for the sustainable democratic development of the country.

The purpose of citizen election observation is to provide citizens and election stakeholders with a professional, non-partisan and timely assessment of an election's compliance with international standards and the national legislation, including the provision of information on potential violations, voter turnout, verification of election results, as well as providing recommendations to improve electoral processes.

Taking into account the changes in biometric voter registration, identification on the day of the vote and the automatic counting of votes, which reduced the probability of fraud at the polls, in contrast to several previous monitoring missions, it was decided to monitor the early presidential elections with an emphasis on observation in the pre-election period over possible violation including bribery, abuse of administrative resources, threats and pressure on voters based on the incident forms developed by the Foundation.

Foundation's long-term observation was carried out by the Head Office based on the information collected by 58 long-term observers and 8 regional coordinators who were present in all regions of the country, as well as 7 regional lawyers, who were tasked with assisting the processing of violations and complaints during the elections. Observers collected information from election commissions, candidates' headquarters and their representatives, voters, and monitored the campaign and the activities of the TEC, including the social media. In addition, since the announcement of the early presidential election and referendum, 5 legal experts have been analyzing the electoral legislation and monitoring the work of the CEC, its working groups and the RRCG. They also performed analytical work on the assessment of reported irregularities on the election day and monitored the process of determining the election results.

To observe the opening, voting, counting, and closing procedures throughout the country, on the election day monitoring mission of the Foundation consisted of 500 short-term observers; 58 long-term observers; 58 mobile teams; 20 employees of the head office; 8 regional coordinators and 16 regional lawyers. The 500 independent short-term observers were deployed to 500 PECs across the country, selected using a random, stratified, interval sample. The Foundation used statistically based observation, an advanced election monitoring methodology that allows conclusions to be drawn that are representative of the entire country about specific electoral processes on election day.

¹ <http://commoncause.kg/about>

The Foundation launched a pilot monitoring of the most popular social media platform in the Kyrgyz Republic, Facebook, to assess the presence of candidates on Facebook. The social media monitoring results presented here are based on the candidates' Facebook pages and ads included in the Facebook Ad Library report and cover the reporting period from December 17, 2020 to January 15, 2021.

SUMMARY

The Foundation's independent monitoring of the early presidential elections of the Kyrgyz Republic, held on January 10, 2021, showed that, in general, the organization and administration of the elections were conducted in accordance with the norms of national legislation and international standards. At the same time, a comprehensive analysis of the data collected during the monitoring process shows a number of problems that require attention, both on the part of state bodies and on the part of citizens. In particular, the lack of competition between candidates, insufficient information of voters, low voter turnout and the attitude of citizens of the country to the electoral processes as such raise questions.

The Foundation emphasizes that, the past election cycle since 2016 has demonstrated that, thanks to biometric registration of citizens, improved voter identification and automatic vote counting, the election results generally reflect the real will of the voters. However, the lack of inclusion of a large number of voters in the electoral process, insufficient political competition, violations of electoral legislation and manipulation of public opinion in the information field, which could affect the election results, make people think and face the need to resolve issues related to the implementation of the principle of equality of candidates, stimulating party building, promoting the political participation of women, youth and other underrepresented groups in politics, creating opportunities for voters to have a real choice between the presented political candidates.

The past election campaign is clearly characterized by two distinctive features. One of them was the dominance of one candidate in the socio-political and information space. During the election race, the difference between the possibilities and the size of the candidates' election funds was obvious. In addition, the unequal access of candidates to campaigning also contributed to the lack of competition. We should also consider issues concerning transparency of revenues and expenditures of candidates, impartial state media during the election, as well as violations of influencing the election results.

Another distinguishing feature of the presidential election is the low turnout. Thus, according to the CEC, the number of voters included in the electoral lists was 3,563,574. Of them in the vote was attended by only 1 395 513 or 39.16%. 1 105 248 of voters voted in favor of the candidate S. Japarov, the remaining part of voters, namely 2 458 326 remained unaccounted for, as some of them voted in favor of other candidates - 290 265, a significant part 2 168 061 did not vote in these elections. At the same time, it should be taken into account that about 517,836 citizens did not pass biometric registration and were not included in the voter lists. Thus, 2,685,897 citizens of the country who have an active right to vote actually did not use it. In this situation, the newly elected President of the Kyrgyz Republic should take into account that in fact, less than a third (27%) of the total number of voters with active suffrage voted for his candidacy.

In general, assessing the past elections, the Foundation notes that democratic institutions in Kyrgyzstan are at the stage of their formation. Thus, with all the tools available to conduct fair and fair elections, the country's electoral system still needs to monitor and improve a number of aspects of the electoral process, as well as monitor the implementation of laws to ensure political competition, ensure the principle of equality for candidates and political parties, and compliance with democratic principles.

Implementation of active suffrage

A distinguishing aspect of the last election was the cancellation of potential voting at the changed voting address (Form No. 2). Under current regulations, on January 10, 2021, only voters residing or located outside of the Kyrgyz Republic on election day could vote using the Form No. 2 mechanism. The Foundation notes that by deciding to cancel the possibility to change the voting address, without introducing an alternative option, parliamentarians practically deprived voters who do not live at their place of registration of the right to exercise their active voting rights.

In this regard, the Foundation considers it necessary to restore the possibility of changing the voting address, provided the voter presents supporting documents on the need to change the voting address. At the same time, it is recommended to limit the right to change the voting address within one oblast and increase the processing time of applications. Otherwise, provide an alternative mechanism that ensures the implementation of the active electoral right of citizens, regardless of the place of its registration (registration).

In addition, to ensure the implementation of the active voting rights of citizens, state authorities should take measures for quality voter registration and continuing record-keeping.

In order to exercise the active voting right of persons who are imprisoned under a court sentence that came into legal force, the possibility of removing restrictions depending on the severity of the crime committed should also be considered².

Despite the efforts of the CEC and other state and local authorities, the issue of accessibility of polling stations for persons with disabilities is still not completely solved and the work in this regard must be continued.

The Foundation also notes that further efforts are needed by the CEC and the authorized state bodies in order to implement the active electoral right of citizens of the Kyrgyz Republic who are outside the country.

Implementation of passive suffrage

The Foundation notes that, despite several recommendations of international observation missions, the current legislation contains rules according to which the candidates for President of the Kyrgyz Republic must, in fact, overcome two electoral barriers - pay the electoral deposit and collect at least 30,000 valid voter signatures. In this regard, the Foundation believes that the elimination of the electoral deposit barrier and the retention of the requirement to collect 30,000 signatures of voters will provide the most equal conditions for all candidates. In this case, candidates with less financial resources, including women, will have greater opportunities to participate in elections. In addition, in the case of conducting a presidential election of the Kyrgyz Republic within a short period of time, the number of valid voter signatures required for registration should be revised downward.

The possibility of introducing special temporary measures to support women's active participation as candidates in elections should also be considered. Thus, similarly with elections for local

² Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “any limitation of rights and freedoms in a democratic society must be linked to one of the objectives of the applicable law and must be strictly proportionate to the purpose of that law”. Paragraph 14 of UN HRC General Comment 25 to the 1996 ICCPR requires that “if the ground for suspension of voting rights.

keneshes, it is necessary to consider the possibility of introducing special temporary measures during presidential elections, including provision of additional free airtime to women candidates, and reduction of the number of valid voter signatures to be submitted by women candidates.

Pre-election Campaigning

Not all candidates for President of the Kyrgyz Republic enjoyed equal conditions for campaigning. The most active campaign was conducted by the candidates for President of the Kyrgyz Republic S. Japarov, A. Madumarov, B. Tolbaev, and K. Asanov. At the same time, due to judicial restrictions, some candidates were not able to move freely around the country and meet with voters. For example, the court refused to cancel the measure of restraint in the form of house arrest for presidential candidate R. Jeenbekov, because of which the candidate had difficulties in moving around the country and traveling outside the country to meet with voters who were abroad. At the same time, for another candidate, K. Asanov, the measure of restraint was canceled and conditions to meet with voters were created. The CEC, courts, and law enforcement bodies, in this situation, should develop effective responses in such situations in order to ensure equal rights and opportunities for all candidates.

The current legislation of the country contains contradictions in terms of the regulation of "For" and "Against" campaigning. The Election Law includes a provision that allows campaigning both "For" and "Against" a candidate or candidates³. At the same time, another provision of the Election Law prohibits candidates from using the provided airtime and print area to post information containing signs of campaigning against this or that candidate (candidates)⁴, and this contradiction must be eliminated.

The Foundation also notes that, in accordance with the provisions of the Election Law, debates are usually held at the expense of free airtime on the channels of state television and radio organizations. In this regard, it is necessary to consider the possibility of holding debates of candidates on alternative channels of broadcasting organizations.

Campaign financing

Analysis of the candidates' campaign finances showed that the lack of a universal declaration of income and expenditures of the population creates a number of obstacles in the monitoring of candidates' finances. The existing system does not allow tracing the sources of origin of funds of persons who contribute to candidates' election funds. In addition, the changes made in November 2020 to the Election Law to permit the free provision of services by canvassers and candidate representatives contradict other parts of the Law⁵.

At the same time, as part of a pilot project to monitor the social media Facebook, in accordance with the data provided by the candidates in their second financial reports, the Foundation notes that a number of candidates, for example, did not reflect in their official expense reports the costs of placing political ads on social media. To solve these problems, in addition to the introduction

³ See Article 1, 22 of the Constitutional Law "On Elections of the President of the KR and the Deputies of the JK of the KR"

⁴ See Article 28 of the Constitutional Law "On Elections of the President of the KR and the Deputies of the JK of the KR"

⁵ See part 10 article 41 of the Constitutional Law "On Elections of the President of KR and the Deputies of the JK of the KR"

of a universal declaration and disclosure of the sources of contributors' funds, there should be detailed reporting forms for candidates on income and expenditures. The CEC should ensure that these reports with all the information of candidates' contractors are publicly available in machine-readable format on its official website with the possibility of downloading them in Word and Excel formats.

Activities of Election Commissions

In general, evaluating the activities of election commissions for the period reflected in the Final Report, the Fund notes that the activities of the CEC are carried out transparently and within the established procedures, and the principle of collegiality was observed when making decisions. All information on the activities of the CEC is publicly available and posted on the official website <https://shailoo.gov.kg/>.

Foundation observers noted that the main obstacle faced by public and candidate observers was inconsistent and sudden scheduling of meetings and untimely announcements and delays in the start of meetings indefinitely. There were also problems related to the untimely provision of copies of the decisions made to the participants in the electoral process.

Analysis of the activities of election commissions shows that, despite the efforts made, the level of competence of a number of Precinct and Territorial Election Commissions remains low. In addition, there were certain shortcomings in the work of individual Territorial Election Commissions, including lack of transparency, insufficient staffing with a material and technical base, and violations of sanitary standards.

In view of this circumstance, the CEC should take measures to regularly train members of lower-level election commissions on the norms of electoral legislation. In addition, in order to encourage members of election commissions to perform their duties effectively, the Government of the Kyrgyz Republic together with the CEC should consider the possibility of optimizing the payroll fund for members of PECs and TECs with a view of increasing the remuneration of commission members.

The Foundation also notes that the current electoral legislation does not contain rules governing elections in a pandemic and other similar situation that differ from the standard ones. In connection with the above, the indicated gap in the legislation should be eliminated.

Election day

The cancellation of Form 2 led to an increase in outdoor voting activity. Thus, according to the reports of the Foundation's observers, there was an increase in the number of applications for voting outside the premises in the Osh region and Bishkek. Based on the results of selective monitoring of individual precincts, violations were recorded and the Foundation filed complaints with election commissions. As a result, the results of voting outside the premises in several precincts were canceled. In general, in order to prevent the repetition of these violations in the future, clear criteria should be established for filing applications for voting outside the premises and procedures should be established for annulling the results of outdoor voting.

Analysis of the signals received on the polling day showed that there were a number of problems associated with the full functioning of ARBBs in a number of districts. The Foundation notes that on election day, January 10, 2021, a significant number of domestic and international observers reported technical problems related to improper operation of ARBBs. After analyzing the results

of monitoring efforts from the day of voting, the Foundation noted that some observers had problems related to an unclear understanding of what constitutes correct and incorrect operating procedures. In connection with the above, the Foundation considers it necessary to introduce concepts into the legislation that distinguish between ARBB temporary technical inoperability and ARBB failure.

During the polling day, a number of Foundation's observers faced problems with obtaining information on voter turnout percentages for a certain time. At the same time, the Foundation noted the lack of uniform standards for recording voter turnout at different polling stations. To resolve this issue, the CEC should consider the option of uniform recording of voter turnout and the introduction of protocols for recording voter turnout, because, due to ARBB failures in some regions the turnout information provided by the Foundation's observers and precinct election commissions did not always match.

In this regard, the Foundation notes that the problems associated with the education of voters, representatives of candidate headquarters, election commissions, and civil society representatives on the norms of electoral legislation remain urgent. The CEC should carry out work on informing citizens not only during the election period, but also in the period between the elections. Moreover, it is necessary to conduct sociological studies on a regular basis to measure the level of voters' confidence in the existing electoral system.

Public observers' rights

A big problem for the last election cycles was the introduction in 2017 of the category "public observers" from non-profit organizations and the limitation of the rights of public observers to appeal decisions, and the action or inaction of election commissions. Despite the changes made in 2019 which abolished the accreditation procedure for public observers, facilitated registration procedures, and created opportunities for the monitoring of the commissions' work by several observers, restrictions for public observers still remained in terms of appealing the results of voting and election results. Despite the established practice of issuing certificates to observers by election commissions, the Foundation notes that the Election Law does not contain rules governing this issue and that this gap must be eliminated, or the election commissions should abandon the practice of issuing certificates, limiting themselves only to the existing registration procedure.

The Foundation considers it necessary to revise the requirement on the number of public observers being present at a polling station at the same time, to provide an opportunity for public observers to carry out their activity without certificates and to give public observers the power to appeal the decisions and the action (inaction) of election commissions, including decisions on establishing voting results and determining election results.

Electoral disputes

The analysis of the revealed violations by the Foundation showed that they mainly concerned the facts of early campaigning, violations of campaigning procedures, vote buying, and abuse of administrative resources. At the same time, despite the introduction in the Misdemeanors Code of the Kyrgyz Republic a new article establishing liability for the abuse of administrative resources, no changes to establish the publicity of the charges in such cases have been introduced. In practice, this can lead to problems in bringing the perpetrators to responsibility. The Foundation believes that it is necessary to amend the Misdemeanors Code of KR, which would establish the publicity

of the charges in cases over violations of electoral legislation norms, including the abuse of administrative resources.

The analysis of statements on possible facts of violation of the secrecy of ballot shows that election commissions need unified algorithms of actions to consider such statements, because in some cases these facts were considered by the commissions themselves, and in some cases, they were referred to law enforcement agencies, which led to an ambiguous practice in considering these facts. Taking into account that the violation of the secrecy of ballot provides for criminal liability, the Foundation considers it appropriate to refer this type of cases to law enforcement agencies for investigation. In general, election commissions and law enforcement agencies should develop effective measures to counter violations of electoral legislation and consider allegations of violations in accordance with the delineation of competence established by law.

The problem of voters bussing both to meetings with candidates and to polling stations on the polling day was and remains one of the most frequent reasons for the observers' appeals, from candidates and from non-profit organizations. This issue should be resolved through legislative measures.

The applications and complaints received by the CEC were handled in a timely manner and in compliance with the deadlines established by law. Moreover, the decisions rendered always contained a justification for denial or satisfaction. However, lower-level election commissions (TECs, PECs) did not always consider incoming applications and complaints within the established deadlines, and sometimes didn't consider them at all.

The Foundation notes that the procedure for filing complaints on a number of violations, such as bribery, abuse of administrative resources, threats, and pressure, should be as simple and clear as possible for the subjects of the electoral process. Law enforcement agencies and the prosecutor's office should make further efforts to comprehensively address incoming alarms in a timely manner and inform the public of the action taken.

That said, the Foundation notes that there are no effective mechanisms for public observers to monitor the activities of law enforcement agencies and that appropriate mechanisms need to be introduced.

INTRODUCTION

Elections in the Kyrgyz Republic are held on the basis of universal, equal and direct voting rights by secret ballot. According to the Constitution of the Kyrgyz Republic, the President of the Kyrgyz Republic is elected by the citizens for a six-year term. The same person cannot be elected as President of the Kyrgyz Republic twice.

On October 15, 2020, President S. Jeenbekov made a public announcement of his voluntary resignation. The JK of the KR accepted the resignation of President S. Jeenbekov on October 16. Under the Election Law, early presidential elections are appointed by the JK of the KR no later than one week from the date the powers of the President are terminated and must be held within 3 months from the date the powers of the current President of the KR are terminated. Since the JK of the KR did not schedule early elections within the specified timeframe, on October 24, 2020, the CEC decided to schedule early presidential elections for January 10, 2021. Due to the fact that

the elections are early, all the time limits for electoral activities have been reduced by a quarter in accordance with the Election Law.

According to the LTO data, the socio-political situation in the country was relatively calm. There were tensions of a local nature in only two regions. There was a worsening of the epidemiological situation in Osh oblast, and there were border conflicts in Batken oblast. There were cases of citizens' concerns in 18 districts in connection with the cancellation of the voting address change (Form No. 2). Public observers of the Foundation note that people are concerned about not being able to vote in the elections.

In general, the Foundation notes that the election period fell under a difficult time for the republic. The economic and political crisis, the pandemic, the winter period, and other such circumstances affected the quality of the procedures.

CHAPTER I. LEGAL FRAMEWORK ANALYSIS

In general, the electoral legislation of the Kyrgyz Republic has a solid base of statutory instruments regulating issues related to the organization and conduct of elections at various levels.

The main legislative base for elections and referenda is the Constitution of the Kyrgyz Republic, the constitutional laws "On Elections of the President of the KR and the Deputies of the JK of the KR", "On Referendum" regulating elections and referenda, as well as the laws "On Election Commissions", "On Political Parties", "On Peaceful Assemblies" and other statutory instruments, including the CEC resolutions issued within its competence in order to enforce the provisions of the laws.

The Kyrgyz Republic adheres to the principles of democratic elections in the country, and is among the countries that are parties to main international election treaties:

- Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948⁶;
- International Covenant on Civil and Political Rights of December 16, 1966⁷;
- Convention on the standards of democratic elections, electoral rights and freedoms in the CIS member states⁸;
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation⁹;
- The Convention for the Protection of Human Rights and Fundamental Freedoms¹⁰, Protocol No. 1¹¹;

⁶ Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948

⁷ International Covenant on Civil and Political Rights of December 16, 1966

⁸ Convention on the standards of democratic elections, electoral rights and freedoms in the member states of the Commonwealth of Independent States of October 7, 2002

⁹ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, June 29, 1990

¹⁰ The Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4, 1950

¹¹ Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Paris on March 20, 1952

- Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report, adopted by the European Commission for Democracy¹² and others.
- Convention on the Elimination of All Forms of Discrimination against Women,
- The UN Convention on the Rights of Persons with Disabilities.

In order to improve the electoral legislation, amendments and additions were made in 2019 and 2020, mainly in accordance with the Strategy for Improving Electoral Legislation for 2018-2020, developed by the Working Group under the President and based on the recommendations of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The OSCE/ODIHR made recommendations and detailed analysis on these changes in its report in October 2020.

The adopted amendments and additions to the electoral legislation were aimed at broadening the opportunities to exercise the active voting right of the citizens temporarily staying outside the KR, increasing the inclusiveness of elections, protecting the voting rights of certain categories of citizens, ensuring the voting rights of persons with disabilities, raising awareness and improving the mechanisms of election campaigning aimed at solving the objective of forming a free, informed choice (expression of will).

In order to create conditions to ensure the inevitability of punishment for violations of electoral legislation, amendments were made to the Violations Code, the Misdemeanors Code and the Criminal Code of the Kyrgyz Republic. Harsher punishment for vote buying and the expansion of the list of criminal liability subjects, as well as the introduction of liability for the person who receives material valuables as a bribe, introduction of liability for the violation of the secrecy of ballot, introduction of liability for the abuse of administrative resources is a positive development.

The main reasons for dissatisfaction with the elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic held on October 4, 2020, which led to protests and subsequently to the cancellation of election results, were the use of administrative resources by some election participants, bribery and abuse of the norm on the change of voting address (Form No. 2).

Jogorku Kenesh adopted the Constitutional Law "On Amendments to the Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic" on October 22, 2020, which provides for the following:

- exclusion of a voter's right to submit an application to change the voting address in the territory of the Kyrgyz Republic (Form No. 2), except for the voters residing and staying outside the country;
- return of the electoral deposit to presidential candidates and political parties, which have nominated lists of candidates to deputies of the Jogorku Kenesh, which have received at least 1 percent of the votes of electors who took part in the voting (previously, the law required at least 5 percent of the votes of electors who took part in the voting);
- reducing the electoral deposit size for political parties, which nominated lists of candidates, from 5 million soms to 1 million soms;

¹² Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report, adopted by the European Commission for Democracy through Law (Venice Commission of the Council of Europe) at its 51st and 52nd plenary sessions on July 5-6 and October 18-19, 2002 in Venice.

- lowering the electoral threshold for political parties from 7 percent to 3 percent of votes.

It should be pointed out that the previously established norm in Article 15 of the Constitutional Law allowed a voter to change his voting address by submitting an application in the prescribed form (Form No. 2), to the relevant election commission, provided that the application was submitted directly in person and with the biometric identification.

This norm was established in view of the high level of internal migration and to ensure that citizens who do not live at their place of registration can fully exercise their active electoral rights.

However, some political parties participating in the elections of deputies to the Jogorku Kenesh started using "soft ratings" for candidates included in the nominated lists, establishing, and assigning certain precincts to each candidate. However, candidates from political parties began to abuse this norm and have used Form No. 2 on a massive scale to move voters, in order to obtain the necessary number of votes in their favor and to have the possibility to bribe the voters, with ensuing control over the expression of their will, which eventually became one of the causes of dissatisfaction with the results of the election.

The deputies of the Jogorku Kenesh, by excluding the possibility of changing the voter's voting address from the electoral legislation without offering another alternative solution, practically deprived citizens living outside their place of registration (estimated over 300,000 voters) of the right to exercise their active voting right.

The Foundation considers it necessary to continuously carry out activities aimed at improving the electoral legislation of the Kyrgyz Republic based on the analysis of the past elections of deputies of Jogorku Kenesh of the Kyrgyz Republic, the early presidential election and the Referendum of the Kyrgyz Republic, as well as taking into account the recommendations of international and public observers¹³.

CHAPTER II. MONITORING OF THE ELECTION COMMISSIONS' ACTIVITIES

In general, the Foundation notes that the activities of the CEC were carried out transparently and within the established procedures, and the principle of collegiality was observed when making decisions. All information about the activities of the CEC is publicly available and posted on the official website <https://shailoo.gov.kg/>.

The Foundation's observers noted that the main obstacle faced by public observers and observers from candidates was inconsistent and sudden appointment of meetings, late notification and delay of the start of meetings for an indefinite time. There were also problems related to the late provision of copies of the decisions made to the participants of the electoral process.

A system of election commissions in the course of organizing and conducting elections and referendums in the Kyrgyz Republic is formed by the CEC, territorial and precinct election commissions. The activities of election commissions are regulated by a number of regulatory legal acts¹⁴.

¹³ For recommendations, see each chapter and the "Recommendations" chapter.

¹⁴ The Constitution of KR, The Electoral Law, the Law of the Kyrgyz Republic "About the electoral commissions for elections and referenda of the Kyrgyz Republic", the Regulations CEC and other CEC regulations

Election commissions operate on the principles of¹⁵: legality, publicity, openness, independence, collegiality, justice, and impartiality.

It should be noted that the principle of impartiality was included in accordance with the changes and additions made in 2019 based on the recommendations of the OSCE/ODIHR Mission for Observation of the 2017 presidential election of the Kyrgyz Republic¹⁶. The inclusion of this principle has been positively received by the local and international community.

The organization of early elections of the President of the Kyrgyz Republic was carried out by the CEC, 54 Territorial Election Commissions (TECs) and 2,474 Precinct Election Commissions (PECs), including at 48 polling stations established outside the Kyrgyz Republic for voters abroad, arranged the early presidential election.

CENTRAL ELECTION COMMISSION

The Central Election Commission is a permanent state body that ensures the preparation and conduct of elections and referenda in the Kyrgyz Republic and leads the system of election commissions. In accordance with the Constitution of the Kyrgyz Republic, the composition of the CEC is elected by the JK of the KR. At the same time, one third of the composition is appointed by the President of the KR, one third by the parliamentary majority, and one third by the parliamentary opposition.

However, a number of experts express the opinion that it is necessary to review the procedure for electing CEC members. Moreover, following the monitoring of the 2017 presidential election, the OSCE / ODIHR mission indicated that consideration should be given to allowing non-political groups, such as the civil and judicial communities, to appoint CEC members in order to improve impartiality and pluralism in the CEC.

In total, 55 CEC meetings have been held since the moment of determining the day of early presidential elections of the Kyrgyz Republic. A positive aspect is the implementation of a live broadcast of the CEC meetings.

During the organization and conduct of the early presidential election of the Kyrgyz Republic, a number of Working Groups were established and operated in the CEC¹⁷. The working groups included both CEC members and experts from the relevant fields. In this way, each working group carried out its activities within the limits of its powers as set forth in the relevant regulations.

In addition to the mentioned working groups, the Control and Audit Group was established under the CEC to control the targeted spending of funds by election commissions, monitor the sources of proceeds, proper accounting and the use of funds from candidates' election funds.

In addition, in order to promptly respond to potential violations of electoral law and inform citizens about the measures taken, the RRCG¹⁸s was formed at the levels of the CEC and TEC, which

¹⁵ Law of the Kyrgyz Republic on Election Commissions for Holding Elections and Referendums of the KR

¹⁶ https://shailoo.gov.kg/media/gulina/2018/07/24/kg-2017_ru.pdf

¹⁷ The Working Group responsible for accepting the candidates' documents, the Working Group responsible for accepting and verifying the candidates' signature sheets, the Working Group responsible for campaigning, the Working Group responsible for complaints and others.

¹⁸ In accordance with p. 5 By the Regulation on the procedure for the activities of the Coordination Group of Rapid Response (RRCG), approved by the CEC Resolution No. 33 of February 4, 2020, during the preparation and conduct of elections of the Kyrgyz Republic, decisions of election commissions form Coordination Groups of Rapid

included members of the CEC, TEC, CEC staff and representatives of law enforcement agencies (Prosecutor's Office, Ministry of Internal Affairs, SCNS of the KR).

Via the <https://www.shailoo.gov.kg/ru/registry/submit/> URL, every user could send an electronic appeal and track the status of the submitted application online; the procedure for sending an electronic appeal is simplified, not time-consuming.

The official website of the KR CEC featured the "Register of Complaints and Violations" section, where applications and complaints of voters and other electoral subjects were published online.

Monitoring the activities of the CEC Working Groups

Foundation's experts monitored the work of the Working Group responsible for accepting the documents, the Working Group responsible for verifying the signature sheets, the Working Group responsible for campaigning, the Working Group responsible for complaints and the RRCG.

Based on the results of monitoring the groups' work, the Foundation notes that during the period from October 25, 2020 to January 24, 2021, the Working Group responsible for considering applications and complaints of voters and other electoral subjects considered 45 applications and complaints, of which 1 application was withdrawn by the applicant.

The nature of the applications received can be divided into the following categories:

- 1) violation of the terms for election campaigning - 20;
- 2) issues related to candidates' registration - 3;
- 3) vote buying - 1;
- 4) miscellaneous (letters of informational nature) - 7;
- 5) abuse of administrative resources - 2;
- 6) Complaint about PEC - 11;
- 7) Complaint about TEC - 1;

Based on the results of the consideration of applications, the Central Election Commission made 18 decisions. In accordance with the Violations Code of the Kyrgyz Republic, fines were imposed on 12 persons in the total amount of 93 thousand soms.

A warning was issued to the Public Broadcasting Corporation of the Kyrgyz Republic, and it was recommended to provide information in full accordance with the law, not including any elements of campaigning in the course of providing information. 3 TECs, 6 PECs, the operator of the ARBB at the PEC No. 3137 received a warning, and explanatory work was conducted with PEC members on complying strictly with the provisions of the Election Law of KR. At polling stations No. 5319, No. 5320, No. 5559 of Osh city the recount of votes was conducted. The results of referendum voting at polling station No. 5555 were declared invalid and the Osh Territorial Election Commission was instructed to consider dissolving the precinct election commission. The results of early presidential election voting at polling stations No. 2238 and No. 5555 were declared invalid and the Osh and Toktogul territorial election commissions were instructed to consider dissolving the precinct election commissions. Letters of information and explanatory nature were sent in response to 30 applications. Of these, 4 applications were sent to the TEC for action.

Based on the results of the work monitoring of the Working Group responsible for informing and pre-election campaigning, the Foundation notes that from October 26, 2020 to January 9, 2021, 12

Response at the level of the CEC, TEC, which include, respectively, members of the CEC, TEC, CEC staff, representatives of the prosecutor's office, internal affairs bodies, national security bodies of the Kyrgyz Republic at the appropriate level (law enforcement agencies).

meetings on 21 electoral subjects were held as part of the monitoring of compliance with the rules for conducting the election campaign.

Of these, considerations were made and decisions rendered with respect to:

- 14 candidates for President of the KR;
- 2 citizens;
- 5 media outlets (a letter was sent to the SCNS regarding one media outlet, regarding three media outlets the CEC made a decision on the provision of equal conditions for informing about the referendum, and a warning was issued to one media outlet).

With regard to two candidates and five subjects, the CEC issued decisions to send the case file to an authorized official to consider prosecution under the Violations Code:

Candidates:

- I. Tashov;
- B. Kalmamatov.

Electoral subjects:

- to the Head of the district headquarters of the candidate A. K. Madumarov, N. H. Darveshov
- to B. Zh. Aliev, General Director of PBC
- to A. A. Korobaev, Chief of Staff of the Karakol Headquarters of the candidate for President of the Kyrgyz Republic S. Japarov;
- to Erkin Tentshev, Head of the Asian Medical Institute named after S. Tentshev;
- to T. K. Salikeev, Head of the campaigning group No. 3 "in favor" of the presidential form of government.

It should be noted that in a conversation with the Foundation's observers, a number of candidate representatives expressed their dissatisfaction with the work of the Working Group responsible for informing and campaigning, because the decisions made by this group were not always brought to the CEC meeting and, according to the Foundation's respondents, often did not contain legal justification. An analysis of the CEC bylaws shows that there are a number of norms that do not allow distinguishing the competence to consider electoral disputes between the Working Group on Consideration of Applications and Complaints and the working group on information and campaigning¹⁹.

In this regard, the Foundation considers it necessary for the CEC to introduce clear boundaries of competence for the Working Groups to consider certain violations during election campaigns²⁰.

In general, during the organization and holding of the early presidential elections of the Kyrgyz Republic, the RRCG received 133 complaints about possible violations of the electoral legislation²¹. The procedure for the consideration of complaints and applications by both the Working Groups and the CEC was carried out in a transparent and transparent manner. However, the Foundation's experts noted that in a number of cases when, in accordance with the electoral legislation norms, an official warning should have been issued for certain candidates, a number of CEC members spoke out and voted against it. As a result, despite the violations, the candidates were not held responsible. The Foundation's experts also noted that in a number of cases candidates avoided responsibility for violations, arguing that they were not involved in them.

¹⁹ Regulations "On the Working Group on Consideration of Applications and Complaints of Voters and Other Subjects of the Electoral Process during Elections and Referendums in the Kyrgyz Republic", Regulations "On the Working Group on Informing Voters and Other Subjects of the Electoral Process and the Rules of Campaigning", Regulations "On the Procedure for Consideration by Election Commissions of Applications (Complaints) of Voters and Other Subjects (Participants) of the Electoral Process during Elections and Referendums in the Kyrgyz Republic", Regulations on the procedure for consideration by election commissions of cases of violations

²⁰ <https://shailoo.gov.kg/>

²¹ For more information, see the chapter "Violations and Complaints"

With regard to the practice of considering cases of abuse of administrative resources, the Foundation, while recognizing that it is difficult to collect evidence and prosecute in cases of this type, nevertheless notes that the procedure for filing complaints in cases of this kind should be as simple as possible and understandable for the subjects of the electoral process. Law enforcement authorities should make further efforts to comprehensively and timely address alarms of violations and inform the public of the action taken, indicating the reasons for the action.

CEC Resources

Open data posted on the CEC website in public access on the Internet on conditions of free receipt, use and distribution, allows for analysis of complaints and applications received. Nevertheless, the Foundation notes that there is a large amount of work to improve the placement of information, both in terms of the timing and format of data publication.

The observers note that a lot of work has been done with regard to the activities of the CEC on informing the voters. For instance, the CEC website has a number of resources aimed at informing voters, candidates and other subjects of the electoral process.

The main information source for participants in the electoral process is the CEC website <https://shailoo.gov.kg/ru/>



Infographic 1. Information resources of CEC

At the same time, the analysis of the CEC website and web resources showed that there are certain shortcomings and inconveniences in the work, which makes it very difficult for voters and observers to use the information on the CEC website. Examples:

- website and web resources navigation: highlighting of the active menu items on the CEC website.
- the button to send an electronic complaint, as the main menu of the website provides only a "send an appeal" box.

Loading time is another important factor to work out and create a user-friendly experience. The optimal page load time is 2-3 seconds, no more. However, during an active election period, the CEC web resources are not loaded at all or are loaded slowly.

In this regard, there are a number of recommendations that will make it easier to get information from resources, so it is necessary to:

- refine the website to introduce the CEC website navigation, placement of banners on the CEC website, as well as highlighting the active menu items on the website;
- web resources <http://www.tizme.gov.kg/>, <https://talapker.shailoo.gov.kg/ru/>, as well as <http://ess.shailoo.gov.kg/> ServiceJSP.do to be separated into a separate website with a link to the CEC website;
- improve the system for searching the necessary information on the website

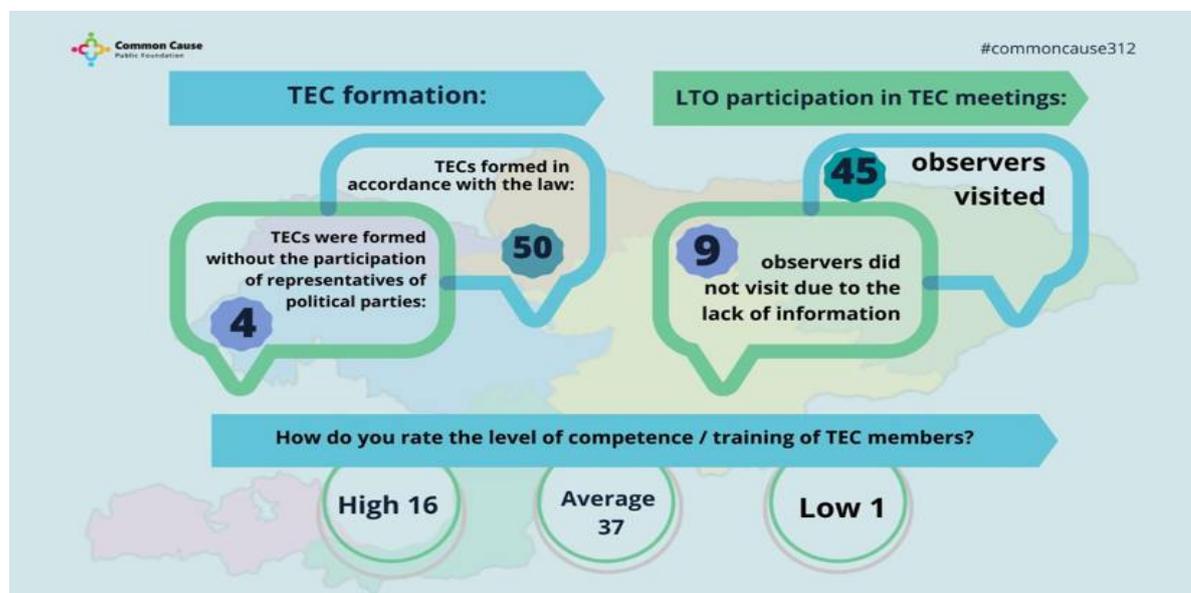
TERRITORIAL AND PRECINCT ELECTION COMMISSIONS

In accordance with changes and amendments made in November 2019, the term of office of precinct and territorial election commissions has been increased from 2 to 5 years²².

According to LTO reports, in general, territorial election commissions (hereinafter - TECs) and precinct election commissions (hereinafter - PECs) work within the CEC Calendar Plan for elections and referenda, but there are certain irregularities at individual polling stations.

In 50 districts TECs were formed in accordance with the requirements of the electoral legislation, in 4 districts the TECs were not formed in accordance with the requirements.

TECs often did not notify observers about the time of meetings and did not publish the agenda in advance, thus reducing the transparency of their work. Out of 54 observers, 9 were unable to attend the TEC meetings during the reporting period due to the lack of information about the date and time of the meeting, 45 of observers attended the meeting. It should be noted that in some TEC meetings were not held on a regular basis, although according to the Law²³, during the preparation and conduct of elections, referendums, meetings are held at least once a week. On election day, all 54 TECs were available for observation.



Infographic 2 Monitoring of TEC during the pre-election period

²² The Law "On Election Commissions for Elections and Referenda of the Kyrgyz Republic"

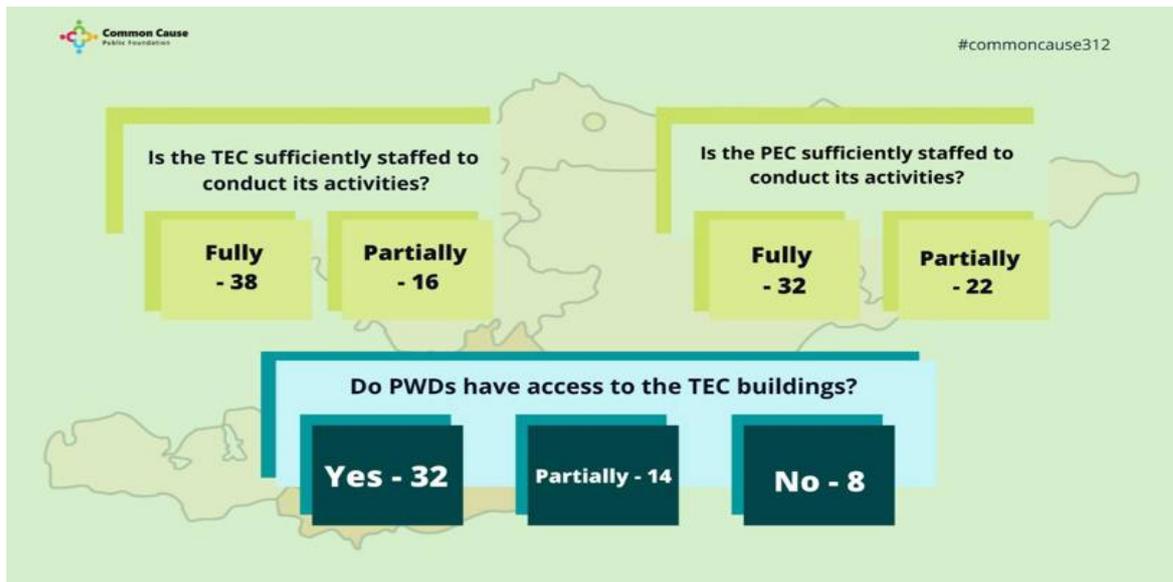
²³ The Law "On Election Commissions for Conducting Elections and Referendums of the Kyrgyz Republic", according to part six of Article 23

The observers also rated the level of competence of the TEC members as "High" in 16 TECs, the average rating was awarded to 37 TECs, while the low level of competence of the members was noted in one TEC.

According to LTO in the territorial commissions where were monitored, rules are followed in 35 districts, 8 parts was observed partially in 2 TECs sanitary norms are not followed. The meetings were mostly held in a regular mode, and in some cases online. When making decisions, the quorum was observed in all 45 observed TECs. In 38 districts, TECs are equipped with sufficient material and technical resources to conduct their activities, 15 TECs have managed to prepare only partially, and only 1 district has a lack of equipment and consumables.

In general, most of the PECs where selective monitoring was conducted during the pre-election period were formed in accordance with the requirements of the legislation. In 2 districts, the observation showed that the PECs were formed without the participation of party representatives. In 32 districts, the observed PECs are fully equipped with a material and technical base. In 22 districts, the observed PECs are partially staffed.

In 32 districts, there is access to the TEC building for PWDs, in 14 partially, in 8 districts, access to the TEC building for PWDs is difficult.



Infographic 3 Preparation of TEC and PEC for early presidential elections

CHAPTER III. REGISTRATION OF CANDIDATES

In general, at the stages of receiving documents, checking subscription lists, and registering candidates for the post of President of KR, all procedures were open and transparent, and conditions were created for monitoring the activities of the CEC working groups. It should be noted that the process was conducted openly in compliance with the electoral deadlines, and decisions were made in a timely manner.

The establishment of an upper limit on the subscription lists submitted by candidates allowed the CEC to process the subscription lists²⁴ received from candidates in a timely manner. However, there were problems associated with the reduced deadlines for collecting subscription lists, the

²⁴ For more information, see the section "Collecting and submitting subscription lists"

opening of electoral funds, the payment of an electoral deposit. A number of candidates expressed their dissatisfaction with the late delivery of certain documents. Some candidates expressed their dissatisfaction with the untimely issuance by the CEC of a certificate of compliance of the nominated candidate with the requirements of the Constitution and the Election Law of Kyrgyz Republic, which in turn affected the timely opening of their special settlement accounts and the formation of their election funds.

At the stage of receipt and verification of signature sheets for candidates for President, public observers and authorized representatives were given the opportunity to observe the process of verification of signature sheets in a separate room with live broadcasting. The process of verification of signature sheets was carried out in accordance with the requirements and procedures established by law.

The current legislation establishes a number of requirements for the President: citizenship of the Kyrgyz Republic, absence of citizenship of another state, age from 35 to 70 years, command of the state language. There is also the residency requirement of at least 15 years in total. At the same time, persons with a criminal record, as well as those held in detention facilities under a court sentence, cannot run for the office of President of the Kyrgyz Republic.

The nomination procedure for presidential candidates began on October 25. However, in order to be registered, candidates had to go through a number of specific procedures and meet a number of requirements of the Election Law²⁵. As of November 14, 2020, according to the CEC, the total number of nominees was 65 people, 18 of them were registered, 17 men and one woman who met the requirements of the Constitutional Law and fulfilled all the requirements.

NOMINATION OF CANDIDATES

The number of candidates for President is not limited. A person who has collected at least 30 thousand signatures of voters and who has submitted an electoral deposit of 1 million soms from his personal funds or from his election fund to a CEC special account in accordance with the requirements of the Constitution and the Election Law can be registered as a candidate for President.

Thus, the electoral legislation contains two electoral barriers, which is contrary to democratic principles and has a negative impact on candidates' competitiveness.

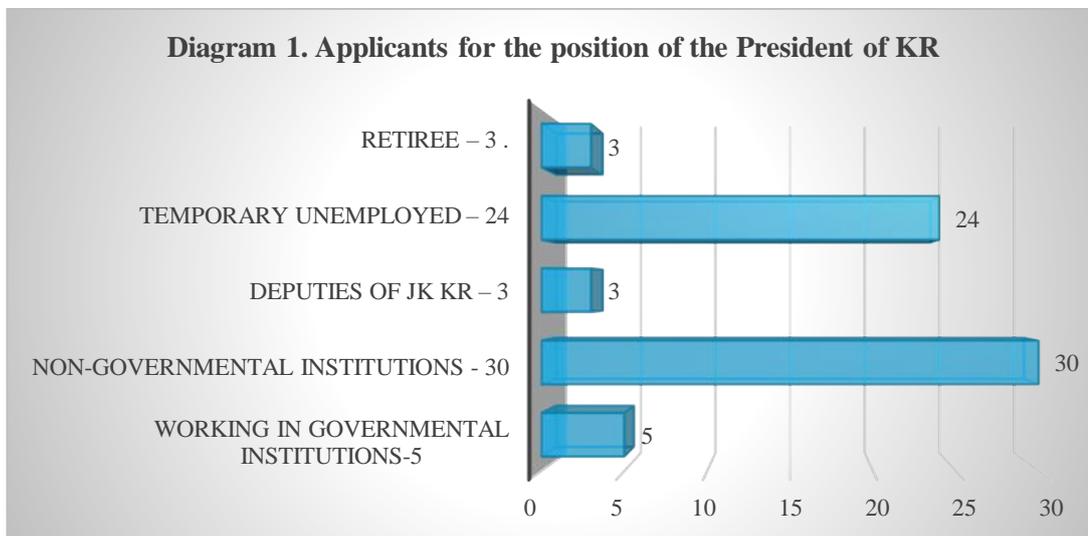
In this regard, the Foundation believes that the elimination of the electoral deposit barrier and the retention of the requirement to collect 30 thousand signatures of voters will provide the most equal conditions for all candidates. In this case, candidates with low financial resources, including women candidates, will have the opportunity to participate in elections.

In accordance with the electoral legislation of the country, the presidential election of the Kyrgyz Republic goes through several stages, beginning with the appointment and ending with the official publication of election results and the inauguration of the President-elect of the Kyrgyz Republic. Traditionally, at the nomination stage, a large number of the country's citizens tend to run for office, and their number decreases at later stages. In total, 65 citizens submitted their documents to the CEC, to the Working Group responsible for accepting the documents of candidates for President. In the end, 20 candidates paid the electoral deposit and submitted their signature lists.

²⁵ Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic", https://shailoo.gov.kg/ru/konstitucionnye-zakony-kr/konstitucionnye-zakony-kr/O_vyborah_Pr-1913/

Other candidates were denied registration, or their documents were returned due to an outstanding conviction, failure to submit certificates of proficiency in the state language, failure to establish an election fund, failure to pay the electoral deposit, and failure to submit signature lists.

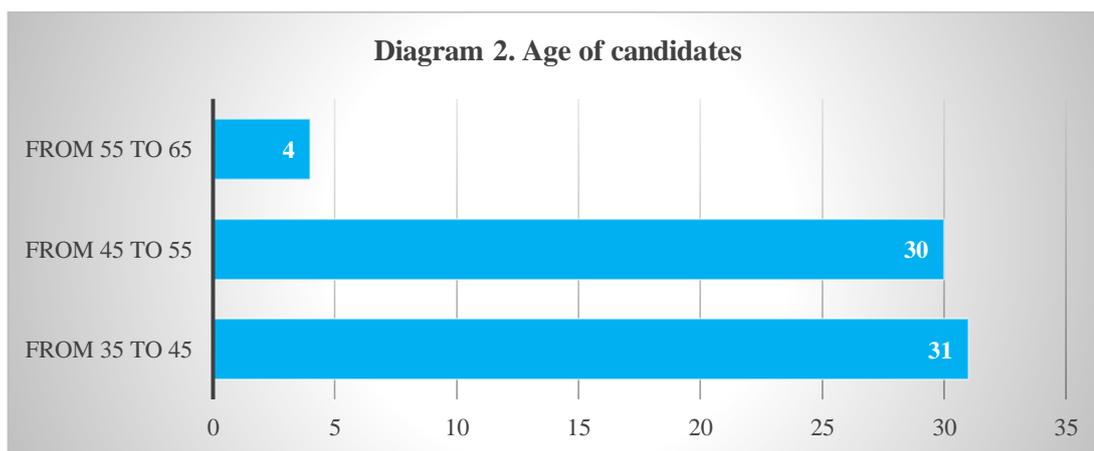
So, as of November 14, 2020, 65 citizens submitted documents to the CEC to participate in the presidential elections.



Age category:

- from 35 years old to 45 years old – 31;
- from 45 years old to 55 years old – 30;
- from 55 years old to 65 years old – 4.

Of 65 candidates only one candidate was nominated by a political party (S. A. Turdumaliev, a nominee from the "Ulutman" Republican Party), other candidates were self-nominated. Of self-nominated candidates, 8 were women.



At the stage of nomination and registration, S. Japarov's candidacy caused discontent among some candidates. As a result, some candidates (A. Madumarov, K. Isaev, B. Asanov) addressed the CEC with a statement requesting to deny registration to S. Japarov referring to the fact that he was the person acting as the President of KR and the fact that he had not resigned but only suspended his

powers of the Prime Minister of the country²⁶. The CEC decision denied the applicants, and this decision was upheld by the court of original jurisdiction and the court of cassation.

Based on the results of consideration of 65 initially nominated candidates, it was found that 3 candidates had a criminal history on record (N. Motuev, B. Asanov and K. Kadyrov), 9 candidates did not provide certificates of proficiency in the state language (K. Bazarkulov, Z. Iskenderov, A. Araev, A. Zaripov, E. Klipacheva, S. Adzhimatov, T. Akzholtoev, Ch. Kaporov and Yu. Liliental), 14 candidates were denied registration due to their failure to submit signature sheets and pay the election deposit (N. Nyshanov, B. Romanov, B. Kerimbekov, E. Turdubekova, U. Kabylbekov, T. Umetalieva, M. Bolgombaev, E. Toktogulov, A. Erketaev, Zh. Suyunaliyev, M. Kalybekov and S.K. Ibraev), 21 candidates withdrew their applications on the nomination of their candidacies.

COLLECTION AND SUBMISSION OF SIGNATURE SHEETS

Under the country's legislation, a candidate for President of the Kyrgyz Republic must submit 30,000 valid voter signatures in order to be registered. In total, 20 candidates submitted signature sheets and paid election deposits to the CEC. One of them submitted less than 30 thousand voter signatures and was denied registration.

In order to verify the signature sheets submitted by the candidates, the CEC created a special Working Group²⁷ which included, in addition to the CEC members and staff, employees of the registration services and experts of the authorized state body in the field of forensic science (handwriting experts). The procedure for verifying the signature sheets was carried out on the basis of the Election Law, as well as the CEC regulatory instruments.²⁸

Some candidates criticized the signature collection procedure. For example, candidate K. Sooronkulova noted that she only had a week to collect 30 thousand signatures. In addition, the representative of the candidate R. Tagaev noted that the procedure for collecting signatures is too bureaucratic and requires a lot of information from citizens who sign the signature sheets.

Candidate for President T. Umetalieva also addressed the CEC with a statement where she said that the signature sheet form developed by the CEC raises a lot of questions and distrust among voters due to the need to specify certain information (name, address, phone number, ITN).

During the verification of signature sheets a number of candidates applied to the CEC citing the reduction of all time limits during the early presidential election of the Kyrgyz Republic, the tight time limits for collecting signatures, and demanded that the number of valid signatures required for registration of a candidate be also reduced by a quarter. In its turn, the CEC, referring to the fact that the requirement of 30 thousand valid voter signatures is stated in the Constitution of the Kyrgyz Republic, denied the candidates.

The Foundation notes that the requirement to provide a large amount of information in the subscription lists is due to the need to check the provided subscription lists for reliability and validity. At the same time, at the stage of verification, signature lists are checked by the CEC

²⁶ See the Application of candidates in the CEC Register dated 09.12.2020

²⁷ See the Regulation on the Working Group responsible for accepting and verifying the signature sheets of the KR CEC

²⁸ See the instruction on the procedure for collecting signatures in support of a candidate for President of the Kyrgyz Republic and verifying the authenticity of signatures on signature sheets.

members together with employees of the State Registration Service and handwriting experts. At the same time, the SRS needs such data of voters as their “full name”, personal identification number, and address for verification.

The Foundation believes that it is necessary to solve the issue of the option to collect voter signatures digitally or to introduce alternative forms of voter support (e.g., interactive SMS voting in favor of one or another candidate with sending data to the CEC resource). In addition, in the case of conducting a presidential election of the Kyrgyz Republic within a short period of time, the number of valid voter signatures required for registration should be revised downward.

A positive norm, which allowed for high-quality and timely verification of the signature sheets, was the norm that established the upper limit for the signature sheets that each candidate could submit - not more than 60 thousand²⁹. For instance, in the 2017 presidential election, some candidates for President of the Kyrgyz Republic submitted a large number of voter signatures (O.T. Babanov - 107,000, B.E. Torobaev - 72,276, T.A. Sariev - 61,032), which greatly complicated the work of election commissions and created grounds for discontent and disputes.

During the 2017 presidential election of the Kyrgyz Republic, a number of candidates and international observers made comments on the procedure for verifying the signature sheets, according to which a random sampling was carried out and only randomly selected folders were verified. For instance, the OSCE/ODIHR mission, in its Final Report, also noted that the extrapolation of the number of invalid signatures from the verified sample to the total number of collected signatures may lead to an unjustified denial of registration, which jeopardizes the right to be elected. In connection with these recommendations, the Election Law was amended. According to the amendments, the upper limit for the submitted signatures was set at 60 thousand, and the verification was conducted until the necessary number of authentic signatures was achieved, i.e., up to 30 thousand.

According to the results of the authenticity check of signatures in support of candidates for President of the Kyrgyz Republic, the number of submitted authentic signatures in support of candidates Choroev K. and Toktosunov K. were insufficient, and therefore, they were denied registration in CEC.

Not agreeing with the CEC decision, on December 10, 2020, K.A. Choroev filed a lawsuit to the Bishkek Administrative Court to invalidate and cancel the CEC decision. By the decision of Bishkek Administrative Court dated December 12, 2020, the application of K.A. Choroev to cancel the CEC decision on signature sheets of the candidate for President of the Kyrgyz Republic K.A. Choroev was denied³⁰. The CEC also invalidated 902 signatures out of the submitted 30,106 signatures when verifying the signature sheets of candidate K. Toktosunov. Thus, after checking all the documents, on December 12, 2020, 18 citizens of the republic were registered as candidates for President of the Kyrgyz Republic.

Overcoming the approved criteria (knowledge of the state language and submission of collected signature sheets), as well as the reduction of time limits for verifying these signatures eventually proved to be burdensome for candidates. In the end, though, voters were presented with a wide

²⁹ Amendments to the Election Law of 2019

³⁰ In accordance with Article 203 of the Administrative Procedure Code of the Kyrgyz Republic, a court decision comes into force as soon as it is rendered and is mandatory for execution by public authorities, LSGB, NPOs, electoral commissions and their officials.

choice of candidates (18 candidates) on the ballot. A few days before election day, candidate R. Tagaev submitted an application stating his refusal to participate in the elections. However, by that time his information had already been put on the ballot and the commission members had to cross him off the ballots manually.

The Foundation notes that there was a gender imbalance among the candidates in the elections. Of the 18 registered candidates, there were 17 men and only one woman. The Foundation believes that temporary special measures should be envisaged to support women candidates for President, similar to the elections to local keneshes (reduced size of the election deposit for women, fewer authentic signatures, more free airtime, etc.).

CHAPTER IV. VOTER REGISTRATION

In general, analyzing the voter registration process, the Foundation notes the changes made in 2020 to the Electoral law that canceled the procedure for changing the electoral address (Form No. 2) created obstacles for voters in exercising their active suffrage. The mandatory requirement of biometric registration as a condition for inclusion in the voter list, according to the CEC and the State Registration Service, led to the absence of 517 836 citizens of the country in the voter lists.

The Constitution establishes comprehensive criteria for the exercise of voting rights, granting all citizens who are 18 years old or older on election day the right to vote. However, the Election Law denies this right to those who are imprisoned under a court sentence, regardless of the severity of the crime committed, and to those who have been declared incompetent by a court, including for reasons of mental disability.

The Foundation notes that in terms of exercising the active voting right of prisoners, regardless of the severity of the crime, these restrictions should be reconsidered as not complying with the international obligations of the Kyrgyz Republic.

In accordance with the adopted amendments and additions to the Constitutional Law on elections, a number of amendments and additions to the voters' lists forming procedure were made in August 2019. According to the adopted amendments and additions, forming and verifying the voters' lists goes through several stages.

In accordance with the recommendations of the OSCE/ODIHR³¹ mission, in order to assist all persons eligible to vote in registering their biometric data, especially those living abroad, the Election Law was amended in 2019, under which biometric registration can be carried out in the territories of airports and train stations in the Kyrgyz Republic during the preparation of elections by the decision of the CEC and the SRS.

It should be noted that prior to the changes made in 2019, the responsibility for forming and updating the voters' list rested with the SRS. In accordance with the changes made in 2019, the Election Law was amended to provide for the following procedure for forming and updating the voters' list.

The voters' list was formed on the basis of personal information (including biometric data) that are contained in the Unified State Register of Population (USRP). The preliminary voters' list was published on the state portal tizme.gov.kg and posted at the polling stations by November 11, 2020

³¹ See Final report of the OSCE / ODIHR mission for the 2017 presidential election

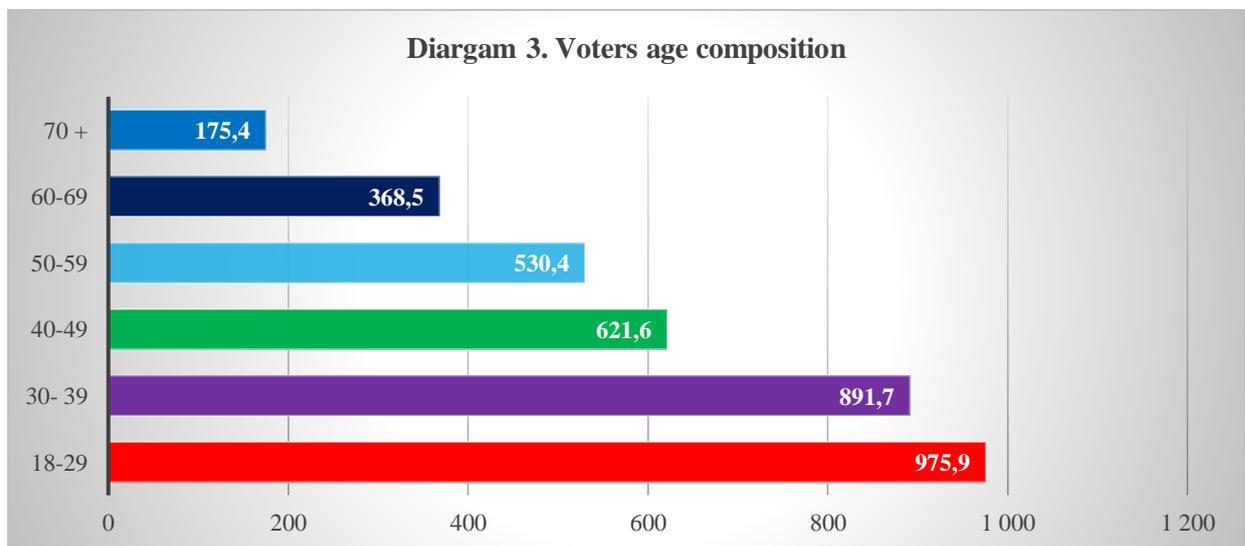
in accordance with the Law and the Calendar Plan³². N. Shaildabekova, head of the CEC, explained that all citizens were included in the initial voters' list by their passport information and based on the USRP information. However, according to her, many voters have a certain address written in their passports while being listed as having a different address in the USRP. In addition, the State Registration Service (SRS) identified discrepancies for almost 270 voters with an old-style passport.

Then, the procedure on forming the verification voters' list took place in accordance with the established procedures which included voters who have reached the age of 18 and voters who have gone through biometric registration for the first time, the changes based on citizens' complaints about errors or inaccuracies in the voters' list on Form No. 1, the information about deceased citizens and the citizens who have changed their permanent residence address were added.

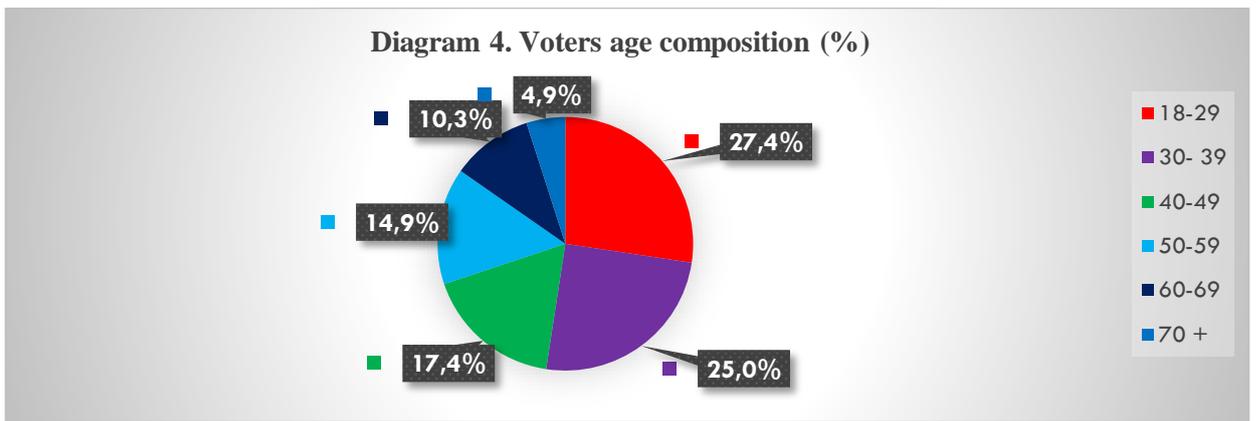
As of December 18, 2020, verification voters' lists had been posted at the PECs for voters to see. For instance, according to the "Tizme" state voter portal, 3,556,864 people were on the verification voters' list as of December 19, 2020. 47.77% of them are men and 52.23% are women. There were 2,474 PECs in total; 48 polling stations out of them are located outside the Kyrgyz Republic.

The Foundation notes that despite the efforts made, the number of citizens outside the Kyrgyz Republic exercising their active voting right is still relatively low and requires further work.

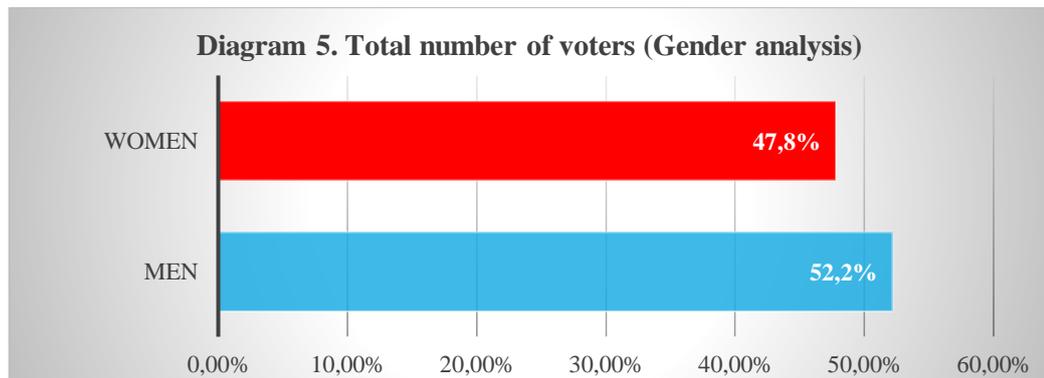
Since the beginning of January 2021, a final voters' list has been posted on the CEC official website, which was also posted at polling stations by January 5, 2021. According to information posted on the Tizme portal, the age distribution of voters on the final voters' lists is as follows.



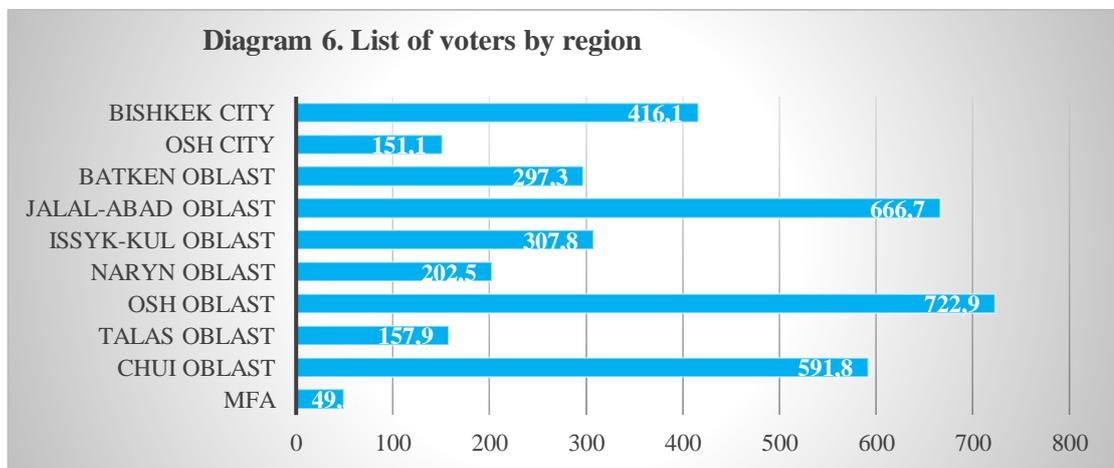
³² See KR CEC Calendar Plan



The gender analysis of voters showed that men make up 52.2% of voters, women 47.8%.



The final voters' lists at TECs and PECs by oblasts are as follows.



Taking into account a large number of internal migrants and the persons whose registration mark in the passport does not match the actual registration mark, as well as the cancellation of the Form No. 2, on December 3, 2020, the CEC introduced amendments and additions to a number of internal CEC regulations³³.

³³ See The Regulation on the Unified System of Voter Registration, the Regulation on the interaction between the KR CEC and the authorized state bodies on forming and verifying the voters' lists, the Regulation on ensuring the enforcement of voting rights of KR citizens residing or being abroad, the Regulation on the "Voter's Cabinet" service, the Instructions on the procedure for voter identification.

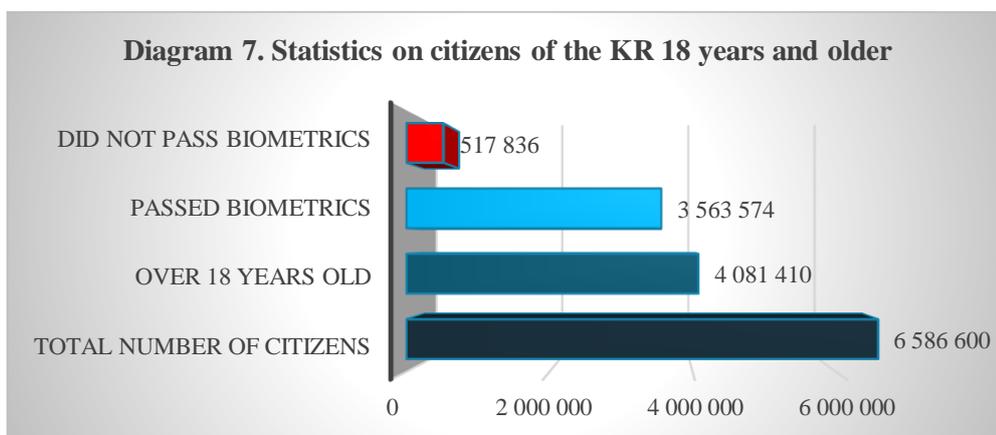
In accordance with the adopted amendments and additions, voters now have the right to submit an application on updating their information or regarding their absence in the voters' list, attaching a copy of their passports. At the same time, the registration record (residence permit) was the criterion for assigning a citizen to a certain polling station. Voters had to submit applications to update the information in the voters' list by December 29 (including that date), if the residence registration address (residence permit) specified in the passport does not match the residence registration address specified in the "Address and Reference Bureau" automated information system (hereinafter - ARB), voters had to undergo biometric identification. Such voters were included in the voters' list at the place of their registration in the ARB.

Meanwhile, the voters with a 2004-style passport (AN series) who have changed their residence registration address in the ARB but have not changed their passport in accordance with the residence registration address had the right to come to the polling station at the place of their permanent residence and submit an application to update the information in the voters' list (formerly - Form No. 1).

Voters with a 2017-style passport (e-ID) were included in the voters' list of the respective polling station based on the permanent residence registration address in the ARB and the approved boundaries of polling stations.

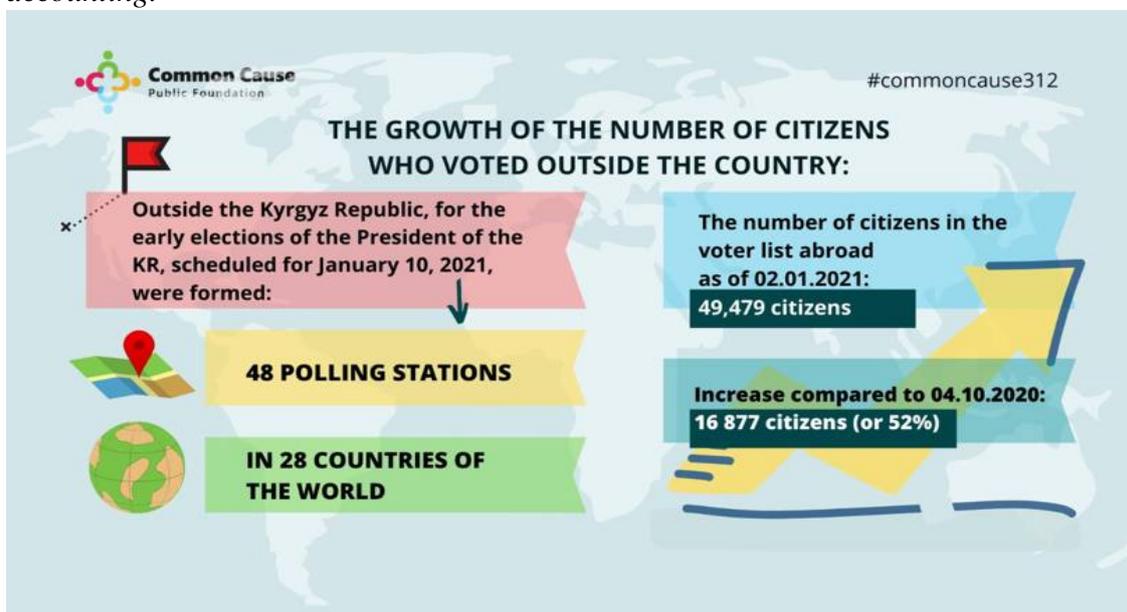
Moreover, in order to enforce the voting rights of election commission members, recruited persons providing citizen identification and ARBB maintenance services, law enforcement officials protecting public order on election day, healthcare professionals and other persons assigned to polling stations, the chairpersons of the respective election commissions had to transfer the lists of the above mentioned categories of persons to the TEC system administrator to include them in the corresponding polling station's voters' list.

According to the CEC and National Statistics Commission of KR, the population as of August 1, 2020 was 6,586,600 people, of whom 4,081,410 were 18 years old or older and had passports. Of these, 3,563,574 citizens underwent biometric registration and were included in the voters' lists, and 517,836 citizens of the Kyrgyz Republic did not undergo biometric registration and were not included in the voters' lists.



The Foundation notes that despite the measures taken by the CEC, due to the cancellation of Form No. 2, a number of voters were unable to exercise their active right to vote.

In connection with this circumstance, it is necessary to consider the possibility of returning the procedure for changing the voting address on Form No. 2 or to provide other alternative ways to exercise the active voting right of citizens who, for whatever reason, cannot vote on election day at the place of registration record in their passports. In addition, the competent state and local authorities should take measures for quality and ongoing voter registration and population accounting.



Infographic 4. Data on voting of citizens KR outside the country

The turnout of voters residing outside the Kyrgyz Republic still remains relatively low. The CEC and other state bodies should continue to work in this direction in order to make polling stations accessible to citizens of the Kyrgyz Republic abroad and to ensure the exercise of their active voting right.

CHAPTER V. INFORMING VOTERS AND PRE-ELECTION CAMPAIGNING

With regard to the CEC's activities to inform the population, the observers note that a lot of work has been done. Thus, the CEC website has created a number of resources aimed at informing voters, candidates and other subjects of the electoral process³⁴.

The Foundation notes that the CEC took the necessary special measures on informing the voters, including voters with disabilities. To do this, information materials were prepared in audio or video format (on digital media) using sign language translation or subtitles, printed in an enlarged font that is easy to read, as well as using Braille or other special tools for voters with disabilities.

In accordance with the legislation, informing voters and other participants of the electoral process about the preparation and conduct of the presidential election of the Kyrgyz Republic was carried out by state bodies, local self-government bodies, mass media, Internet publications, bodies

³⁴ For more information about the web resources of the CEC of the Kyrgyz Republic see the chapter Organization of the activities of election commissions

ensuring preparation and conduct of elections and referenda in the Kyrgyz Republic, physical persons and legal entities³⁵.

ELECTION CAMPAIGN

The campaign for the early presidential election of the Kyrgyz Republic began on December 15. Based on the results of the monitoring of the pre-election campaign stage, the Foundation notes that not all candidates for the post of President of the Kyrgyz Republic had equal conditions for conducting pre-election campaigning. Candidates for the post of President of the Kyrgyz Republic independently determined the form and nature of their campaign. At the same time, the campaign was characterized by an uneven participation of candidates in the election campaign. Some candidates were highly active, while others campaigned relatively passively.

A positive norm introduced in the Election Law in 2019 was the ban on concerts and theatrical performances in stadiums and streets of residential areas, as well as sports events.

During the campaign period, the candidate for President of the Kyrgyz Republic S. Japarov was the most active. He had the highest number of headquarters in the regions, campaign billboards, and the highest number of canvassers. For example, according to the Foundation observers, in Osh oblast the candidate for President of the KR S. Japarov created 66 headquarters, engaged 590 canvassers in each district, and placed 127 billboards. The candidate for President of the KR A. Madumarov opened 8 headquarters, had 180 canvassers, and placed 12 billboards.

³⁵ See, The Constitution, Election Law, Law "On election commissions for elections and referenda of the Kyrgyz Republic", "ON protection of the professional activities of journalists", "On mass media", "On guarantees and freedom of access to information", "On peaceful assemblies", bylaws CEC.

Which candidates are most active in campaigning?

№	List of candidates	Answers from LTO	%
1	Sadyr Zhaparov	52	96.3 %
2	Kanatbek Isaev	0	0
3	Myktybek Arstanbek	1	1.85 %
4	Klara Sooronkulova	2	2.78 %
5	Imamidin Tashov	3	5.56 %
6	Rashid Tagaev	0	0
7	Abdil Segizbaev	4	7.41 %
8	Adakhan Madumarov	21	38.89 %
9	Aimen Kasenov	4	7.41 %
10	Ulukbek Kochkorov	5	8.33 %
11	Zhenishbek Baiguttiev	1	0.93 %
12	Eldar Abakirov	2	2.78 %
13	Kursan Asanov	7	12.96 %
14	Arstanbek Abdyldaev	0	0
15	Ravshan Zheenbekov	1	1.85 %
16	Baktybek Kalmatov	1	0.93 %
17	Babyrzhan Tolbaev	8	15.74 %
18	Kanybek Imanaliev	1	1.85 %

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Infographic 5. Activity of the candidates

Total

№	List of candidates	Headquarters	Billboards	Agitators
1	Sadyr Zhaparov	431	569	5636
2	Kanatbek Isaev	1	0	0
3	Myktybek Arstanbek	1	0	170
4	Klara Sooronkulova	1	0	80
5	Imamidin Tashov	2	0	0
6	Rashid Tagaev	1	0	0
7	Abdil Segizbaev	4	0	112
8	Adakhan Madumarov	21	22	299
9	Aimen Kasenov	1	0	0
10	Ulukbek Kochkorov	6	87	135
11	Zhenishbek Baiguttiev	1	4	0
12	Eldar Abakirov	2	0	0
13	Kursan Asanov	10	9	254
14	Arstanbek Abdylbaev	1	0	102
15	Ravshan Zheenbekov	1	0	0
16	Baktybek Kalmatov	1	0	0
17	Babyrzhan Tolbaev	2	10	64
18	Kanybek Imanaliev	1	0	0

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Infographic 6. The number of headquarters, billboards, and canvassers

As part of the monitoring of the electoral process, the Foundation staff held meetings with the candidates for President of the KR. It was not always possible to meet with the candidates themselves due to the very busy schedule of meetings and trips to the regions. In this regard, meetings were held either with authorized election representatives, or with chiefs of staff, or with PR specialists. So meetings were held with 16 candidates except Arstanbek Myktybek and Tashov I. A.

Ravshan Dzheenbekov, a candidate for President of the Kyrgyz Republic, said during meetings that he was denied free movement within the country and banned from travelling abroad. Ravshan Dzheenbekov believes that "his rights as a presidential candidate have been violated, and that the court is fulfilling a political put-up job"³⁶.

³⁶ For more information, see Summary and Recommendations

Individual candidates and their representatives also expressed their concern about the issue of access to campaign materials of representatives of ethnic minorities.

According to some candidates, the work of the PBC state channel is perplexing. For instance, that channel removed the video of the presidential candidates' debates held on December 30 from their pages on social media and YouTube. The video of the broadcast became unavailable immediately after the end of the debate, which was attended by Babyrzhan Tolbaev, Kursan Asanov, Ravshan Jeenbekov, Jenishbek Baiguttiev, Ulukbek Kochkorov, Abdil Segizbaev³⁷.

Given the fact that the right to conduct debates is granted only to state-owned television channels, the Foundation suggests considering the possibility of holding candidate debates on alternative channels of television broadcasting organizations.

The Foundation also notes that the current legislation contains contradictions in terms of the regulation of "For" and "Against" campaigning. The Election Law, for example, provides for two norms, one of which states that campaigning can be conducted either "For" or "Against" any candidate or candidates, also another provision stipulates that the airtime and print area provided to candidates cannot be used by them to spread appeals to vote against a candidate (candidates), to describe possible negative consequences in case of election of a certain candidate, negative comments about a certain candidate, etc.

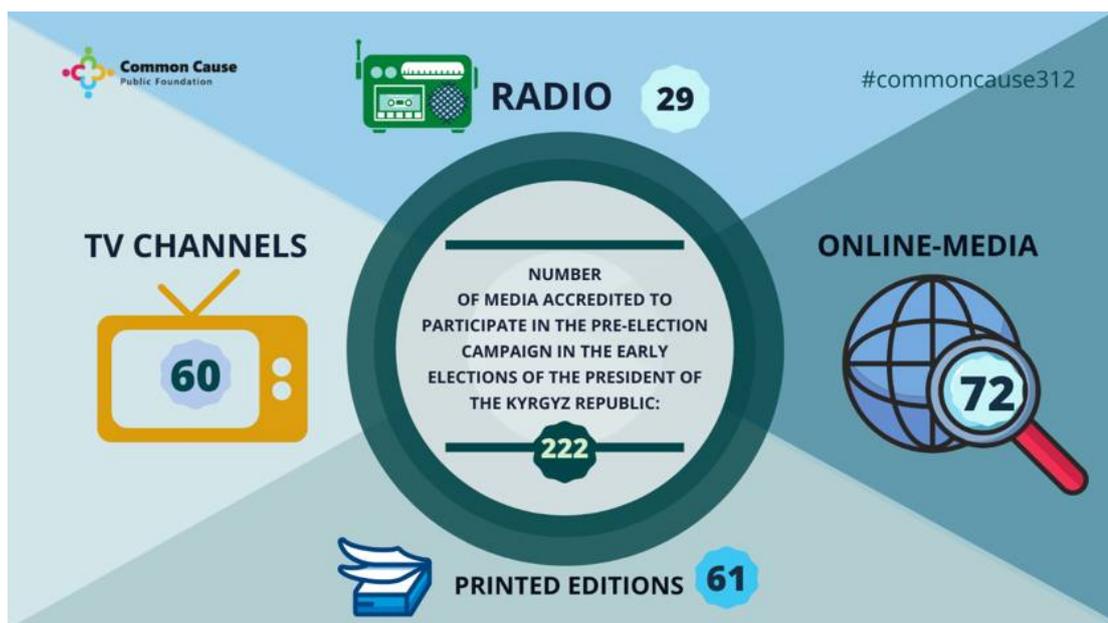
In this connection, the Foundation considers it necessary to amend the electoral legislation in order to provide a uniform interpretation of the legal norms regulating the procedure of campaigning "For" and "Against" a particular candidate (candidates).

During the meetings with Foundation's observers, the majority of candidates pointed out that they do not want to write complaints and petitions, to confront state and municipal bodies, to send complaints to the CEC, believing that no meaningful decisions will be taken by the relevant authorities.

There were 222 mass media outlets (hereinafter - the media) accredited to participate in the election campaign in the early presidential election of the Kyrgyz Republic.

State print media provided candidates with free print space of at least one A4 page. Free print space was provided in the newspapers "Erkin-Too" and "Kyrgyz Tuusu". The candidates were also provided with free TV broadcasts on state TV channels, and from December 28, 2020, TV debates between the presidential candidates of the Kyrgyz Republic started on OTRK.

³⁷ For the measures taken by the CEC in relation to the OTRK, see the chapter " Organization of the activities of election commissions"



Infographics 7. Number of accredited media

Schedule of TV debates of candidates for President of the Kyrgyz Republic³⁸

PBC: TV debates round 1

Broadcast time	Candidates for President of the Kyrgyz Republic	
<i>Monday, December 28</i> 20:00-22:30	Kanatbek Isaev Klara Sooronkulova Adakhan Madumarov	Aymen Kasenov Baktybek Kalmamatov Kanybek Imanaliev
<i>Tuesday, December 29</i> 20:00-22:30	Myktybek Arstanbek Sadyr Japarov Rashid Tagaev	Arstanbek Abdylidaev Imamidin Tashov Eldar Abakirov
<i>Wednesday, December 30</i> 20:00- 22:30	Babyrjan Tolbaev Kursan Asanov Ravshan Jeenbekov	Jenishbek Baiguttiev Ulukbek Kochkorov Abdil Segizbaev
PBC: TV debates round 2		
<i>Wednesday, January 6</i> 20:00-23:00	Sadyr Japarov Adakhan Madumarov Kanatbek Isaev	Kursan Asanov Eldar Abakirov Aymen Kasenov
<i>Thursday, January 7</i> 20:00-23:00	Klara Sooronkulova Abdil Segizbaev Arstanbek Abdylidaev	Ravshan Jeenbekov Rashid Tagaev Kanybek Imanaliev
<i>Friday, January 8</i> 20:00-23:00	Ulukbek Kochkorov Babyrjan Tolbaev Baktybek Kalmamatov	Jenishbek Baiguttiev Imamidin Tashov Myktybek Arstanbek

³⁸ Source: www.24.kg

ANALYSIS OF THE SOCIAL MEDIA FACEBOOK

The Foundation conducted a pilot social media monitoring prior to the presidential election on January 10, 2021. Given the nature and scale of the monitoring initiative, the Foundation decided to focus on only one social media platform - Facebook. Facebook is the most popular social media in the Kyrgyz Republic. In December 2020, the number of Facebook users was 3,123,000, representing 49 percent of the country's total population (NapoleonCat, 2020). In December 2020, the attained involvement was 36.78 percent. Despite the fact that television remains the main source of information in the Kyrgyz Republic, especially in the regions, election campaigns increasingly take place on social media, especially in the context of COVID-19. In addition, social media are becoming useful for state structures and the electoral process in general, so it was important to study the role of social media in the election campaign.

The monitoring results presented here are based on candidates' Facebook pages and ads included in the Facebook Ad Library report for 30 days (December 17, 2020 - January 15, 2021).

As of January 10, 2021, sixteen of the seventeen presidential candidates had Facebook pages that presumably operated as campaign pages. Only one presidential candidate does not have a Facebook page: Arstanbek Myktybek. Instead of public pages, the above-mentioned candidate uses a personal profile (account) for campaign purposes. None of the above pages and profiles are marked as verified. Accordingly, the Foundation is unable to verify whether those pages were official pages of campaign / candidate or not. However, since there were no other pages for campaigns / candidates in the early presidential election on January 10, 2021, the Foundation considers these pages as the main platforms used by candidates for online campaigning and has included them in the monitoring.

- **Adakhan Madumarov** - page of the leader of "Butun Kyrgyzstan" opposition party, was created on November 25, 2015. No active ads are currently displayed on this page in the Facebook Ad Library.
- **Asanov Kursan** - the page was created on November 24, 2020. No ads are displayed on this page in the Facebook ad library.
- **Kanat Isaev** - the page was created on November 6, 2017. His page now shows seven advertising posts in the Facebook Ad Library.
- **Ravshan Jeenbekov** - the page was created on December 6, 2015. His page currently shows one advertising post in the Facebook Ad Library.
- **Klara Sooronkulova** - the page was created on September 4, 2020. Her page currently shows one advertising post in the Facebook Ad Library.
- **Kalmamatov Baktybek** - the page was created on February 16, 2015. His page currently also shows one advertising post in the Facebook Ad Library.
- **Abakirov Eldar** - the page was created on June 3, 2017. His page currently shows one post in the Facebook Ad Library.
- **Kochkorov Ulukbek**-the page was created on July 28, 2017. The page displays two active advertisement posts in the Facebook ad library.
- **Babur Tolbaev**-the page was created on August 3, 2016. The page currently shows four active advertising posts in the Facebook Ad Library.

- **Aymen Kasenov** - the page was created on November 28, 2020. His page currently shows nine active posts in the Facebook Ad Library.
- **Abdil Segizbaev** - the page was created on November 17, 2020. Currently, the page shows two posts in the Facebook Ad Library.
- **Jenishbek Baiguttiev** - the page was created on December 23, 2020. His page currently shows three active advertising posts in the Facebook Ad Library.
- **Imamidin Tashov** - the page was created on November 4, 2019. Currently, no ads are displayed on this page in the Facebook Ad library.
- **Kanybek Imanaliev** - the page was created on May 5, 2017. Currently, no ads are displayed on this page in the Facebook Ad library.
- **Arstanbek Myktybek** - the page was created on May 30, 2012. Currently, this page in the Facebook Ad Library displays three ad posts.
- **Sadyr Japarov** - the page of the leader of the "Mekenchil" party was created on May 27, 2015. Currently, this page does not display ads based on the Facebook Ad Library.

The main country / region of residence of the people who manage all of the above pages is Kyrgyzstan. All listed pages are active.

Facebook Ads Library is a transparency tool that offers a comprehensive, searchable collection of all ads that are currently posted on Facebook. This tool is useful for monitoring the electoral process and campaigning in order to examine the possible interference in elections and increase confidence in the electoral process. Facebook made the tool available in Kyrgyzstan ahead of the 2020 parliamentary elections.

The Facebook Ad Library report includes information for 30 days (December 17, 2020 - January 15, 2021), including the official campaign period.

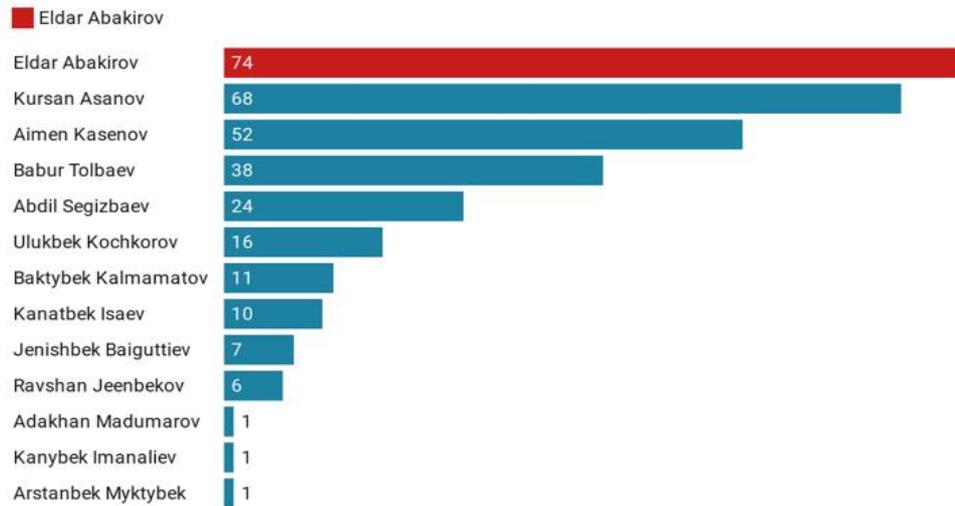
During that time, 13 of the 17 candidates posted 309 ads from their Facebook pages. Comparing the first three weeks of the election campaign with the last election week, the foundation concluded that the activity of the candidates increased significantly - they began to publish more paid ads. For example, the candidate Babur Tolbaev out of a total of 38 paid ads, 25 were published after January 2, 2021. Candidate Kursan Asanov has all 68 paid ads only on the last four days of the election week (January 5-8, 2021).

Some candidates did not place paid ads on Facebook from their pages that the Foundation has considered as official campaign/candidate pages. There were no paid ads found in the Facebook Ad Library report from those pages. Klara Sooronkulova, Arstanbek Abdyldaev, Imamidin Tashov and Sadyr Japarov were among those candidates.

The largest number of advertising posts was published from the page of candidate Eldar Abakirov - 74 (\$947). Most of his advertising posts were devoted to problems in such industries as economy, industry, tourism and agriculture. He also addressed such topics as the referendum and elections, infrastructure, populism and ecology. All of his advertising posts were in video format, with a brief text description. Candidates Adakhan Madumarov, Kanybek Imanaliev and Arstanbek Myktybek were limited to only one advertising post, according to the Facebook Ad Library. Their advertising

posts were also in video format, the theme of which was an appeal to citizens to take part in the vote and “make the right choice” in the upcoming presidential elections.

Number of ads published by candidates



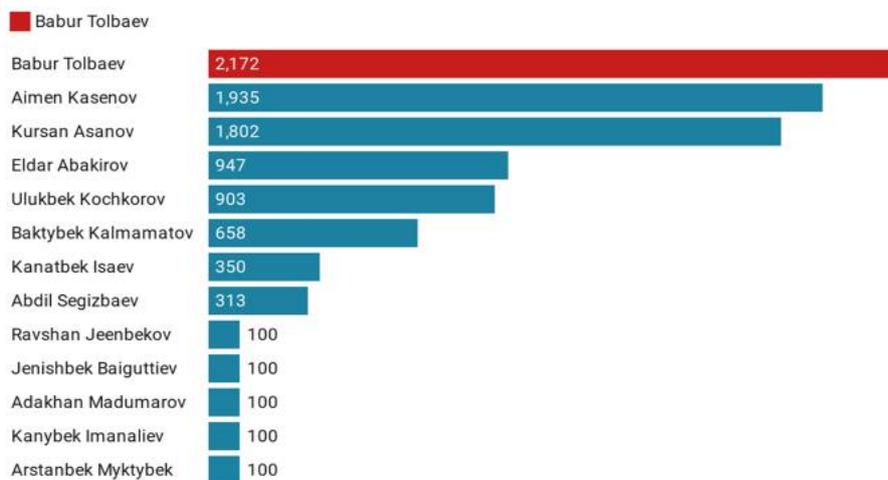
Created with Datawrapper

Infographics 8. Number of advertising posts

Only three candidates invested over a thousand dollars in advertising on Facebook: Aymen Kasenov, Babyrzhan Tolbaev, and Kursan Asanov. Babur Tolbaev invested the most money in advertising - over two thousand dollars for the time period from December 17, 2020 to January 15, 2021. Compared to the fund's interim report, which showed it was spent \$536 between December 3, 2020 and January 1, 2021, its advertising spending increased by \$1,636 in the last election week.

In total, all 13 candidates spent more than \$ 9,000 on paid advertising on Facebook for the period from December 17, 2020 to January 15, 2021.

The amount of money spent on Facebook Ads in US dollars



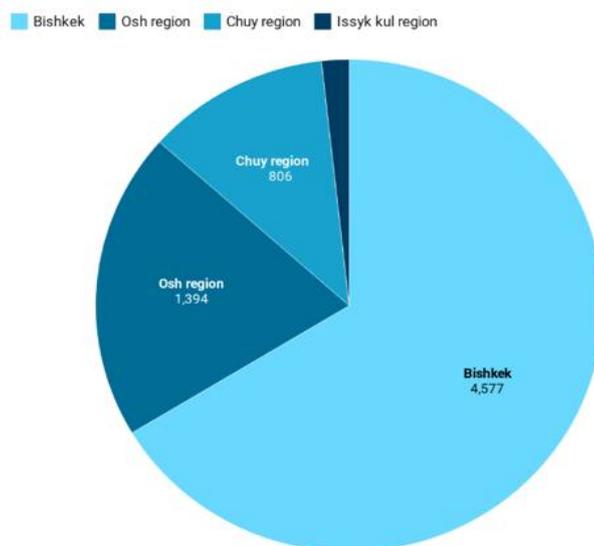
Created with Datawrapper

Infographics 9 The amount of advertising costs

The candidates' Facebook advertisements differed in the regional context as well. None of the candidates have advertising posts that are targeted at the audience from the Batken oblast. There were also almost no advertisements aimed at the audience from Jalal-Abad oblast - it is unknown why the candidates decided to bypass this oblast. There are only a few posts by Kasenov, Abakirov and Asanov, which were mainly directed at the audience from Jalal-Abad.

All the other candidates targeted advertising mainly in Bishkek, also Chuy and Osh oblasts.

Candidates' expenses on Facebook ads by regions in US dollars



Created with Datawrapper

Infographic 10. The amount of candidates' advertising costs by regions

It is important to note that Sadyr Japarov, who was the most popular candidate according to opinion polls³⁹ and campaigned most actively offline (he had the largest number of headquarters, billboards, and canvassers), did not place paid political advertising from his Facebook campaign page, according to the Facebook Ad Library. It should be noted that while he appears to have a page that worked as a platform for his campaign, there were several separate accounts on Facebook under his name that appeared to be campaigning for him, but the Foundation cannot verify whether these accounts actually belong to him or are linked to his campaign headquarters.

Having studied the information on the receipt and expenditure of election funds of candidates for the post of President of the Kyrgyz Republic, as of December 31, 2020, on the official website of the CEC⁴⁰, the Foundation found that the expenses for paid advertising on Facebook are not mentioned in the published data. Some candidates in the purpose of payment note the costs of campaign materials, as well as the services of advertising agents (who probably can run ads on Facebook, among others), the candidate Baktybek Kalmamatov indicates in his expenses Internet services and targeting, but no one specifically mentions spending money on paid advertising in social media.

³⁹ <https://kg.akipress.org/news:1672667/?from=kgnews&place=search&sth=8849553872d6aba50f0eb36ef6ea54b3>

⁴⁰ <https://shailoo.gov.kg/ru/news/4260/>

14	16.12.2020	ОсОО "Медиа Партнер КейДжи"	Интернет услуги, таргетинг согласно договора	40000
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The Common Cause Foundation analyzed the expenses of political parties participating in the 2020 parliamentary elections in the Facebook Ad library. According to the Facebook Ad Library Report for all available dates (August 4, 2020 - January 23, 2021), nine political parties spent the following amounts on advertising: Republic of 8476\$, Zamandash 8223\$, Bir Bol 4013 \$, Ata Meken 3641 \$, Mekenim Kyrgyzstan 3640 \$, Kyrgyzstan 3487 \$, Reforma 2132 \$, Social Democrats 1329 \$ and Birimdik 488 \$. However, it should be noted that these parties have not placed ads during the reporting period of December 17, 2020 to January 15, 2021.

None of these parties officially nominated a candidate for the early presidential election on January 10, 2021, but some of them supported the candidates and posted content in support of them on their pages. For example, the Reforma political party openly supported its leader and candidate Klara Sooronkulova on its Facebook page, and the Kyrgyzstan party posted materials in support of candidate Kanatbek Isaev.

Considering the comparison of Facebook's Ad Library report on the 2021 elections with the 2020 parliamentary elections, we can conclude that the current presidential campaigns spent less financial resources on paid political advertising on Facebook than the previous parliamentary campaigns the total cost of which amounted to more than 35 thousand \$ according to the Ad Library report for all available dates (August 2020-January 2021).

Based on the analysis, the Foundation believes that candidates need to ensure transparency of the costs spent on advertising on social media, as well as mark the launched ads as political, indicating the source of funding. These measures are necessary to avoid suspension and removal of advertising from the Facebook platform, due to the lack of a disclaimer in the advertising post. At the same time, the CEC should ensure that these expenditure reports are available in a machine-readable format, and not only in PDF format.

CHAPTER VI. FINANCING OF ELECTION CAMPAIGNING

Analysis of the candidates' campaign finances showed that the lack of a universal declaration of income and expenditures of the population creates a number of obstacles in the monitoring of candidates' finances. Existing system does not allow to trace the sources of origin of funds of persons who contribute to candidates' election funds. In addition, the changes made in November 2020 to the Election Law to permit the free provision of services by canvassers and candidate representatives contradict other parts of the law and create grounds for public discontent.

The Foundation also notes that according to the data provided by the candidates in the second financial report published on the CEC website, a number of candidates did not show in their official expenses the costs of placing political ads on social media.

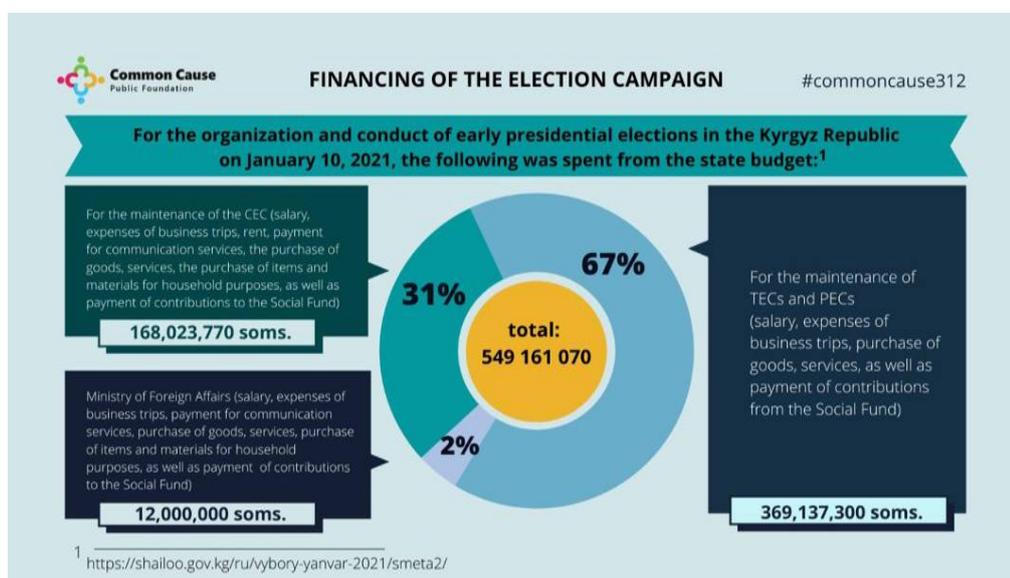
The authority to monitor the receipt, proper accounting and use of the election fund is vested in the Control and Audit Group under the CEC⁴¹. This group is created under the KR CEC and includes both members of the KR CEC and specialists from law enforcement, financial and other

⁴¹ Regulation "On the Activity of the Control and Audit Group under the Central Commission for Elections and Referenda of the Kyrgyz Republic," approved by CEC Decision No. 157 of June 14, 2017

state bodies. For monitoring purposes, the law requires banks and other institutions to provide information about the receipt and expenditure of funds in the candidate's special account. According to the amendments made to the Constitutional Law in 2019, this information must be provided by banks, taking into account the legislation on personal information and banking secrecy. In turn, a presidential candidate must submit reports to the CEC on the size and all sources of his/her election fund, as well as all expenses incurred⁴².

In accordance with the electoral legislation of the Kyrgyz Republic, the financial support of preparation and holding elections (expenses of election commissions) is made at the expense of the republican budget and special funds of election commissions. However, the legislation contains a number of prohibitions on funding of elections by foreign states, foreign bodies, institutions, enterprises, foreign legal entities and physical persons, etc.⁴³ It should also be noted that in accordance with the changes made in 2019, a ban on anonymous donations to election funds was also established.

Thus, for the organization and conduct of the early presidential election of the Kyrgyz Republic, the following amount⁴⁴ of money was allocated from the state budget.



Infographic 11. Financing of the election campaign

With regard to the regulation of funding of election funds of candidates for President of the Kyrgyz Republic, it should be noted the positive changes and additions to the Election Law, which were introduced in 2019. Thus, at the 2017 presidential election of the KR, a great criticism from a number of national and international organizations and experts was caused by the absence of the limit amount of expenses from the election fund by candidates for President of the KR. In accordance with the amendments and additions in 2019, the maximum amount of expenses of a

⁴² Clause 44 of the Regulation "On the Procedure of Formation, Accounting of Receipts and Expenditures of Monetary Fund of a Candidate for President of the Kyrgyz Republic", approved by the CEC Resolution No. 279 of October 29, 2020 1) First financial report - simultaneously with submission to the CEC of documents confirming the payment of election deposit and other documents necessary for registration; 2) Second financial report (including information from the first financial report) - no later than 10 days before voting day; 3) Third final financial report (summarized information) - no later than 10 days before voting day.

⁴³ Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic".

⁴⁴ <https://shailoo.gov.kg/ru/vybory-yanvar-2021/smeta2/>

candidate for President of the Kyrgyz Republic was set at the amount of no more than 2,000,000 calculation indexes, i.e., 200 million soms.

Election campaigns of presidential candidates of the KR can be financed from candidates' own funds (not more than 15 million soms), funds allocated to a candidate by a political party (not more than 50 million soms), as well as voluntary contributions of citizens and legal entities (not more than 50 million soms). Candidates do not receive funding from the budget.

The Foundation notes that the maximum amount of funds that can be contributed by the candidate himself (15 million soms) and individuals (50 million soms) are unequal.

It is necessary to make amendments and additions to the legislation in terms of establishing reasonable and proportionate maximum amounts of funds that can be contributed to election funds by both the candidates themselves and citizens.

The constitutional law establishes that citizens and legal entities have the right to provide financial (material) support for activities that contribute to the election of a candidate only through election funds. However, according to the changes introduced in 2020⁴⁵, authorized representatives, proxies, observers, representatives of candidates, political parties in election commissions have the right to exercise their powers, perform works and services directly or indirectly related to the elections free of charge. This amendment generally had a negative impact on the procedures for financial transparency of candidates' election funds because it created a number of opportunities for shadow financing of election funds.

The Foundation notes that the existing system does not allow tracing the sources of origin of funds of persons who contribute to the election funds of candidates. It is necessary to introduce legislation prescribing the disclosure of the sources of origin of funds deposited in election funds, in case of making a contribution in excess of the amount specified by law in the election funds. It is necessary to introduce mandatory universal declaration of income and expenses by all citizens of the country. In addition, the CEC should provide for special detailed reporting forms for candidates for elective positions, indicating the sources of origin of the contributors' funds, indicating all the data of the candidates' counterparties in a machine-readable format with the ability to download in Word / Excel.

According to the information on the website of KR CEC, the receipt and expenditure of funds in the election funds of candidates for President of the Kyrgyz Republic as of December 31, 2020, is as follows:

⁴⁵ Constitutional Law "On Amendments and Additions to the Constitutional Law " On Elections of the President of the KR and the Deputies of the JK of the KR" of November 11, 2020, No. 2

Receipt of funds to the electoral funds of candidates for the presidency of the Kyrgyz Republic and expenses (in soms)



Infographic 12. Receipt of funds

It should be noted that the legislation of the Kyrgyz Republic does not contain clear rules requiring political parties to contribute money only to the election funds of candidates nominated by the relevant political party. Based on the reports provided, published on the CEC website as of December 31, 2020, it follows that not a single political party has contributed money to the fund of candidates for President of the Kyrgyz Republic.

Analysis of the financial statements showed that some candidates were limited to their own campaign funds, and some candidates were assisted by physical persons in replenishing the fund.

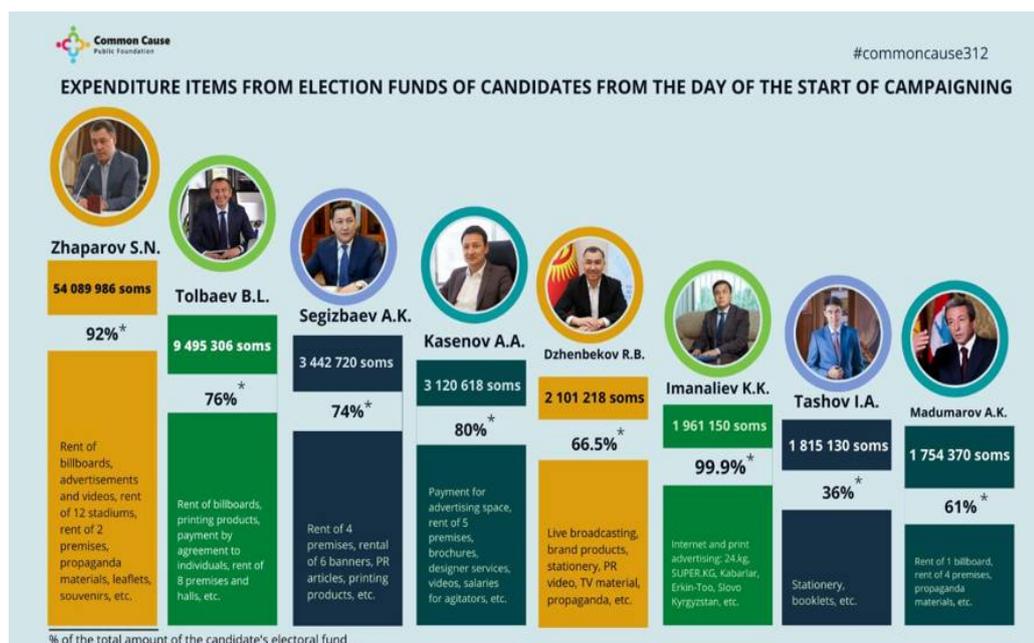
The largest number of receipts as of December 31, 2020, was transferred to the electoral fund of candidate S. Japarov. - 62,049,700 soms.

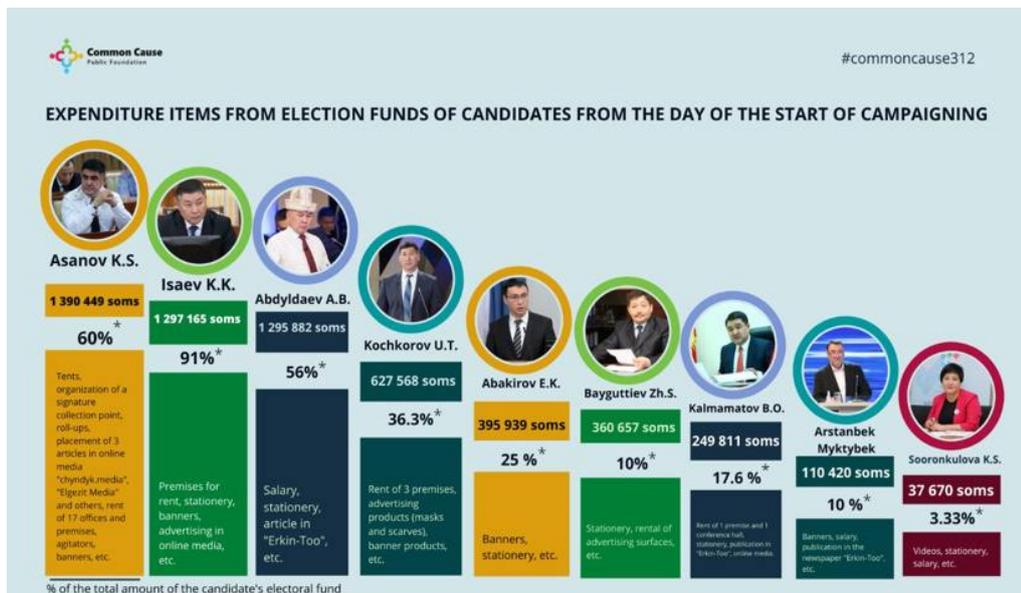
In general, the candidate S. Japarov had the greatest number donators of individuals and legal entities, who have contributed money to election funds - 21 individuals and 4 legal entities. Other candidates did not have donators as legal entities.



Infographic 13. Voluntary contributions to the electoral fund

Since the start of campaigning, candidate to the position of President of the Kyrgyz Republic Japarov S. has spent on campaigning the most (rental of billboards, payment for advertising and videos, rental of 12 stadiums, rental of 2 premises, production of campaign materials, leaflets and bulletins, payment for souvenirs, etc.). - 54,089,986 soms (92%) from the election fund.





Infographic 14. Expenditures

However, it should be noted that in some cases, payments for services were not reflected in the financial statements and did not pass through a special bank account. For example, candidate Japarov S.N. held a meeting with voters in Tokmok city. Transportation of voters was provided by minibuses of "Tokmok PATP" OJSC. In order to establish the source of funding the Foundation sent an inquiry to "Tokmok PATP" OJSC. The reply was that there was no information since the contracts could have been individual with minibus drivers⁴⁶.

It should be noted that previous election campaigns in 2015 and 2017 caused a lot of controversy related to the return of the electoral deposit. Due to these disputes, the Election Law was amended in 2019 to establish the conditions for the return of the electoral deposit. Thus, in accordance with these norms, the electoral deposit will be returned to candidates who, according to voting results, won at least 1% of the votes of voters who took part in the polls. In order to refund the election deposit, these candidates must submit a financial report in a timely manner.

However, the practice of parliamentary elections in 2020 has shown that the legislation contains a gap in the part related to the return of the electoral deposit in case of invalidation of the voting results, election results, which needs to be addressed.

CHAPTER VII. ELECTION DAY

Based on the results of voting day monitoring, the Foundation notes that the voting day generally took place in a peaceful environment.

The Foundation used Statistically Based Observation, an advanced election monitoring methodology that draws nationally representative conclusions about election day processes.

On Election Day, January 10, 2021, the Foundation deployed 500 short-term observers, 58 long-term observers, 58 mobile teams, 20 head office staff, 8 regional coordinators, and 16 lawyers to observe the opening, voting, counting, and tabulation procedures throughout the country. The 500 independent short-term observers were deployed to 500 PECs across the country, which were selected by random, stratified, interval sampling.

⁴⁶ Ref. No. 4 of 11.01.2021 "Tokmok PATP" OJSC signed by the Chairman of the Board I.Zh. Ismankulov

According to the Foundation, the voter turnout for the early presidential elections in the KR was 39.3% with an error of +/- 1.04%. According to the official data of CEC, the final voter turnout was 39.16% of the total number of voters on the voters' list. Compared to the official turnout in the 2017 presidential election, which was 56.32%, this is a decrease of 16.57%.

OPENING OF POLLING STATIONS AND VOTING

According to the independent observation of the Foundation on election day, the procedures of opening of polling stations, the process of voting, closing of polling stations and summing up the results were conducted with some procedural and serious irregularities.

It should be noted that on a national scale, the introduction of ARBB and biometric registration has reduced the number of serious irregularities affecting the results of elections in general. Nevertheless, procedural irregularities and faulty identification equipment and ARBBs continued to account for most of the Foundation's observations.

The Foundation notes that on election day, January 10, 2021, a significant number of domestic and international observers reported technical problems related to improper operation of ARBBs.

Based on the results of the monitoring of signals received on the polling day, the Foundation considers it necessary to introduce concepts into the legislation that separate ARBB temporary technical inoperability and ARBB failure.

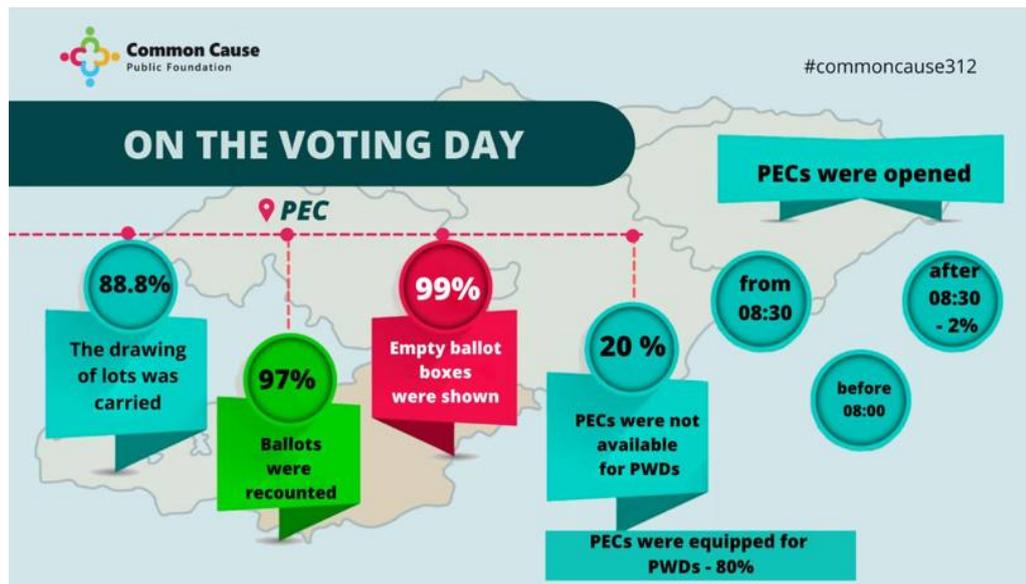
Given the technical improvements in the voting process that have made the election day less problematic, special attention should be paid to violations that occur outside the polling station and during the pre-election period.

Most polling stations opened on time. However, one of the polling stations where the Foundation's observer was present did not open at all. Most PECs held preparatory meetings in accordance with the law. Meetings started before 07:00 in 11% of polling stations, before 07:30 in 56%, after 07:30 in 33%, there were no meetings in 1% of polling stations.



Infographics 15. Preparatory meetings

83% of PECs fully followed COVID-19 recommendations during opening procedures, while 16% of polling stations followed the procedures partially.



Infographics 16. Opening of the PEC on the day of voting

In 88.8% of the polling stations, the drawing of lots was conducted in accordance with the law. A recount of ballots was conducted at 97% of polling stations. Empty ballot boxes were shown to observers in 99% of polling stations.

Polling stations were mostly accessible to voters with limited mobility: 80% of polling stations. Other 20% were completely inaccessible. The majority of polling stations were opened at 08:00 - 78%, before 08:00 - 20% of polling stations. 2% of polling stations opened after 08:30.

In this regard, the Foundation believes that the training of members of lower-level election commissions on election procedures should be conducted on a regular basis, not only during the election period.

Secrecy of ballot was violated in 1% of polling stations⁴⁷. At 99% of polling stations, no pressure or intimidation was reported.

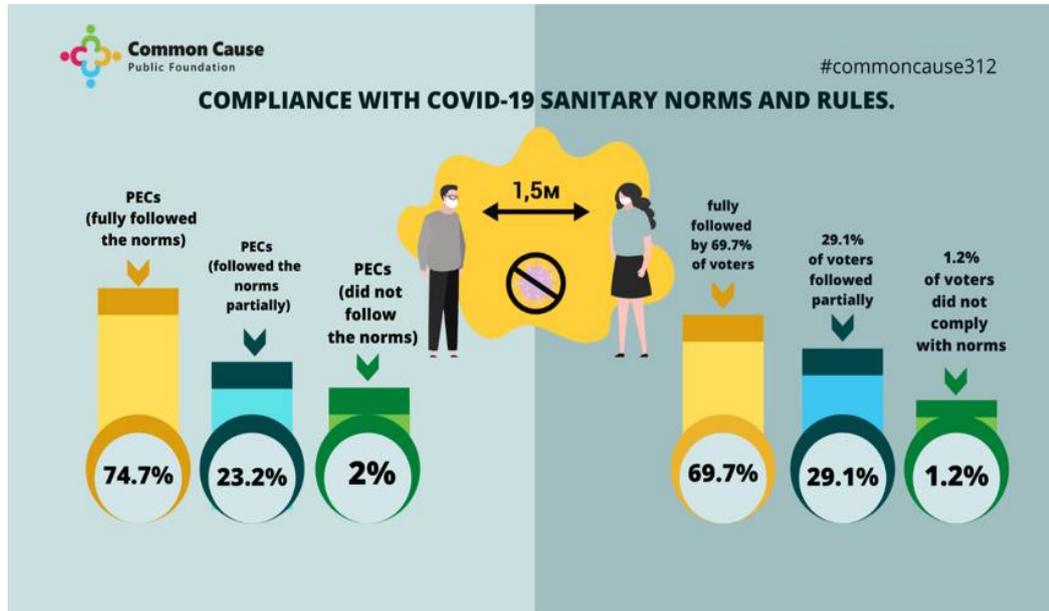
The analysis of statements on possible facts of violation of the secrecy of ballot shows that election commissions need unified algorithms of actions to consider such statements, because in some cases these facts were considered by the commissions themselves, and in some cases, they were referred to law enforcement agencies, which led to an ambiguous practice in considering these facts. Taking into account that the violation of the secrecy of ballot provides for criminal liability, the Foundation considers it appropriate to refer this type of cases to law enforcement agencies for investigation.

During the election day, there were long queues outside 26.9% of polling stations, while occasional queues were observed in 44.9% of polling stations.

There were also serious technical problems during the voting process throughout the day related to voter identification and automatic reading devices (ARBBs). Technical problems related to the ARBB were observed in 29.1% of polling stations and 10% of the problems were with identification equipment, respectively. Due to the malfunction of the ARBBs at 4% of polling stations, they were replaced with stationary ballot boxes.

⁴⁷ Signals sent to the CEC RRCG

The majority of PECs (74.7%) followed the recommendations related to COVID-19 procedures during voting. However, 23.2% followed them only partially, while 2% did not follow them at all. COVID-19 procedures were also largely followed by voters (69.7%), followed partially by 29.1% of voters, while 1.2% of voters did not.

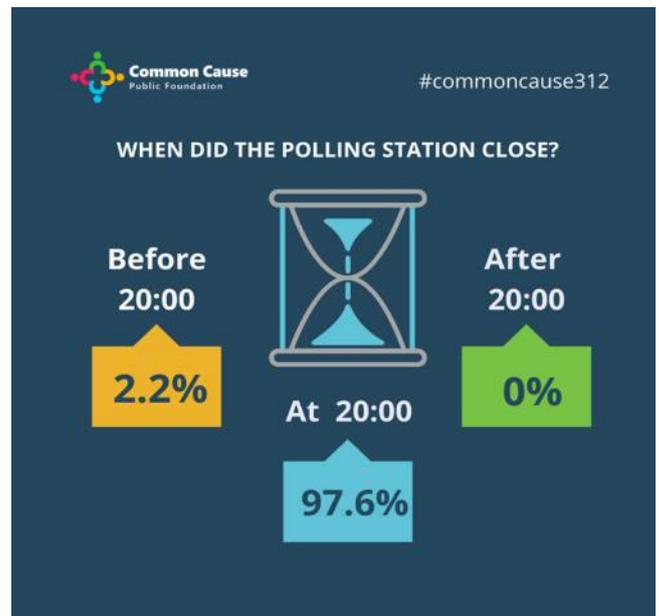


Infographics 17. Compliance with sanitary norms

In addition, there were problems related to voters' lists on the election day at a large number of polling stations. In 12.2% of polling stations, between 6 and 10 voters could not find their names on the voters' lists, despite having proper identification documents, and in 15.6% of polling stations this number was more than 10 people.

Most polling stations closed on time. 2.2% of polling stations were closed before 20:00 and 97.6% at 20:00 in accordance with the law.

75% of the polling stations had no voters inside at the time of closing. In 25% of the polling stations, there were voters inside at the time of closing, and they were all given the opportunity to vote.



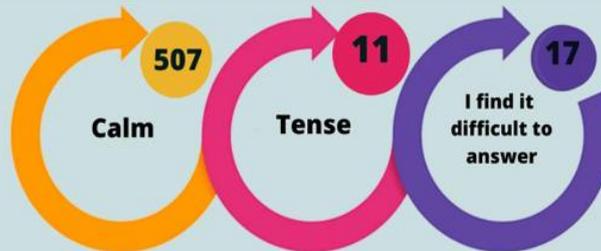
Infographics 18. PECs closure

During the polling day, a number of Foundation's observers faced problems with obtaining information on voter turnout percentages for a certain time. At the same time, observers noted the lack of uniform standards for recording voter turnout at different polling stations. To resolve this issue, the CEC should consider the option of uniform recording of voter turnout and the keeping of protocols for recording voter turnout, because due to ARBB failures in some regions the turnout information provided by the Foundation's observers and precinct commissions did not always match.

ANALYSIS OF MOBILE TEAMS REPORTS

On January 10, 2021, Mobile Teams (MT) of 58 observers conducted their observation from 8 am until 9 pm around 535 PECs.

The observers assessed the situation around the polling station:



Infographics 19. Analysis of mobile teams

According to the results of the observation of mobile teams outside 535 stations, the situation was assessed as tense in 11 stations, as calm in about 507 stations, and in 17 cases, the observers found it difficult to assess. In addition, queues were observed near 61 polling stations due to the observance of precautions related to COVID-19, 12 polling stations were marked with the delivery of voters⁴⁸, and in 3 cases, people were seen violating public order.

In general, in assessing the procedures for opening polling stations and the course of voting, the Foundation considers it necessary to pay attention in the following areas:

- *Despite the efforts made, the level of competence of a number of precinct election commissions remains low. In view of this circumstance, the CEC should take measures to regularly train members of lower-level election commissions on the norms of electoral legislation.*
- *Government of the KR together with the CEC should consider the possibility to optimize the salary fund for PEC and TEC members in order to increase the remuneration of commission members and, accordingly, stimulate them to effectively perform their duties.*

Despite the fact that the Foundation did not monitor the voting outside the premises, based on the information about the increase in the number of applications for voting outside the premises received from long-term observers, the Foundation carried out a spot monitoring of some polling stations in Bishkek city and Osh oblast. According to the results of the Foundation, an application was submitted to the CEC about irregularities that took place during the voting outside the premises. Based on the results of the consideration of the Foundation's application, the results of voting outside the premises were cancelled at 4 PECs in Osh city.

Based on the results of the analysis of irregularities that occurred on the day of voting outside the premises, the Foundation believes that it is necessary to establish clear criteria for applying for voting outside the premises and to establish procedures for cancelling the results of voting outside the premises.

COUNTING OF VOTES

The vote count procedure was followed at almost all polling stations, where the monitoring was conducted. The observation procedures included the use of voters' lists, unused ballots were

⁴⁸ According to these facts, signals were sent in the RRCG

reconciled and declared invalid, and a manual recount was conducted in accordance with the Electoral Law. The Foundation observers reported minor procedural violations during the closing and counting processes. For example, Common Cause observers could not receive certified copies of the final protocols. 92% of Common Cause observers reported that other election stakeholders did not file complaints at polling stations on election day, and 7% of observers reported that 1-5 complaints were filed.

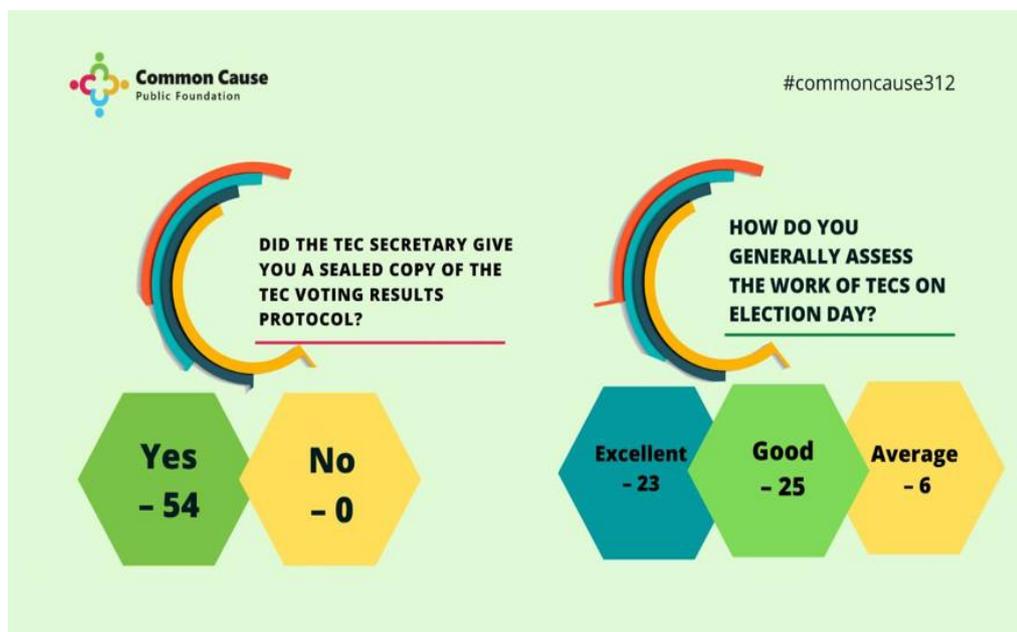
69% of PECs observed precautionary measures during the closing and counting procedures, 29% of PECs they were observed partially, and 2% did not observe them at all.

During the vote count, from 1% of polling stations there were reports of infringement of observers' rights during the observation of the closing and counting procedures.

OBSERVATION IN TECs ON THE ELECTION DAY

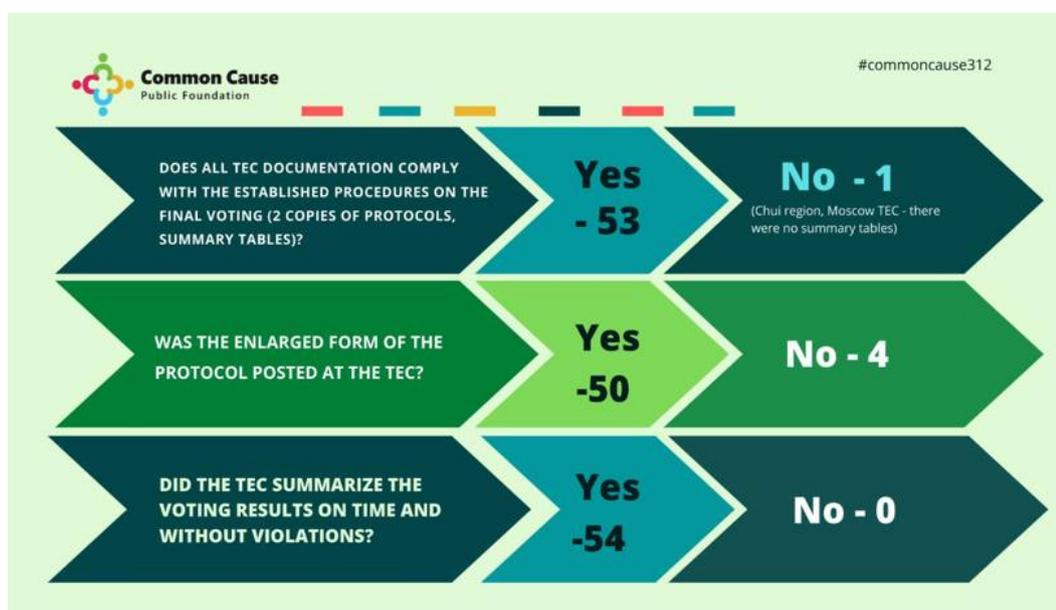
After the polls closed at 20:00, the Territorial Election Commissions began collecting and analyzing the information, as well as reviewing the complaints they received. According to the reports of the Foundation's long-term observers, all 58 LTOs had access to observation in the TECs during the elections. The work in all TEC was carried out transparently on election day. Only half of the TECs adhered to the precautions associated with COVID-19.

First copies of PECs' final voting protocols were handed over to TECs in all 54 districts. In 50 districts protocols could be received immediately after the elections (January 11-12), while in 4 districts protocols could be received only after January 17. The process of transferring all documentation from PECs to TECs was generally positively assessed.



Infographics 20. TECs operation on election day

Preliminary checks of PEC protocols on the results of voting for summing up the results in the respective territory were conducted in 53 districts, only in one district the checks were carried out partially (protocols of one PEC in Jalal-Abad oblast were not checked).



Infographics 21. TECs operation on election day

Separately, it is necessary to analyze the reasons for the low voter turnout in the elections, whereas in the last presidential election in 2017, the voter turnout was 56.32% of the total number of voters included in the list.

The Foundation believes that one of the reasons for the low voter turnout is the lack of interest in the elections and their results on the part of voters, alternative mechanisms for citizens to exercise their right to vote, as well as the cancellation of Form No. 2.

CHAPTER VIII. ELECTION RESULTS

On January 20, 2021, the CEC passed a resolution to determine the results of the early presidential election of the Kyrgyz Republic, held on January 10, 2021. Voting results were declared invalid at 8 polling stations out of 2,474⁴⁹, including the one polling station where it was done upon the application of the Foundation.

In accordance with the decision of the CEC of January 20, 2021, the presidential election was recognized as valid and Sadyr Nurgozhoevich Japarov was elected President, who received 1,105,248 votes, which is 79.20%, that is, more than half the votes of all voters who took part in the polls. Out of 12 members of CEC, 10 members voted for the above Decision, two members of CEC - Dzhurabaeva G. and Satygulov A. expressed their dissenting opinion, stating that while agreeing in general that the held elections can reliably determine the results of expression of will of the voters who took part in the voting, they pointed out that during the organization and conduct of elections there were irregularities, which affected the legitimacy of results of early election of the President of Kyrgyz Republic held on January 10, 2021.

In support of their dissenting opinion Dzhurabaeva G. and Satygulov A. noted:

1. S. Japarov should not have been registered as a candidate due to the restrictions for the acting President of the KR, his failure to submit a document on resignation from the office of the acting President of the KR.

⁴⁹ https://shailoo.gov.kg/ru/npacik/Postanovleniya_CIK_KR-BShKnyn_toktomdoru/20012021-26-ob-opredelenii-rezultatov-dosrochnyh-vyborov-prezidenta-kyrgyzskoj-respubliki-10-yanvarya-2021-goda/

2. The CEC members also doubted the transparency of contributions to the election fund of S. Japarov, which was not ensured in a proper way. The candidate's claims that the 15 million soms he contributed to the fund was the money of his constituents, pensioners, were not supported by documents or other means. At least this part of the financial transactions was not conducted through a bank account, which is a violation of legal requirements.
3. Campaigning for elections. The conditions for campaigning could not have been equal because of the financial advantages and the use of administrative resources. Video and audio materials posted in social media and messengers, complaints received by the CEC were about the fact that some leaders in the regions (Tokmok, Kara-Suu, Kara-Kol) forced their employees to participate in campaign events. These materials and complaints were sent to law enforcement agencies and were not properly investigated, which can also be regarded as an additional advantage from the use of administrative leverage given to one of the candidates.
4. The debates on the public TV channel PBC demonstrated the unprofessionalism and bias of their organizers against some candidates. Such behavior not only showed a violation of the basic principles of impartiality, but also could influence the opinion of voters in relation to these candidates.

In accordance with the Election Law, the CEC decision on the determination of election results may be appealed to the Administrative Court of Bishkek by candidates, their representatives and observers within 3 calendar days after the determination of election results. The decision of the Administrative Court may be appealed to the Supreme Court of the Kyrgyz Republic within 3 calendar days. The decision of the Supreme Court of the Kyrgyz Republic is final and not subject to appeal.

Candidate Sooronkulova K. S. appealed to the Administrative Court of Bishkek with a claim for declaring illegal the resolution of the CEC of the Kyrgyz Republic dated January 20, 2021 No. 26 "On determining the results of the early presidential elections of the Kyrgyz Republic scheduled for January 10, 2021". By the decision of the Bishkek Administrative Court of January 23, 2021, the administrative claim was dismissed. A subsequent appeal to the Supreme Court was not filed.

According to the LTOs' reports, in general the socio-political situation after the elections in the regions is assessed as calm, and only in Bishkek the situation was a bit tense. The reason for this is social tension due to the issues of raising public transport fares.

Dissatisfaction with the election results was present in 10 districts, in 38 districts, the situation is noted as calm, and in 6 districts there was noted indifference to the election results.

CHAPTER IX. VIOLATIONS AND COMPLAINTS

The Foundation's analysis of the identified violations showed that they mainly concerned the facts of premature campaigning, violations of the order of campaigning, vote buying, and abuse of administrative resources. During the reporting period, observers of the Foundation was identified 179 violations of the electoral legislation, including 86 enrolled in the pre-election period on the basis of filled observers incident forms, 4 complaints in the pre-election period was filed in violation of the rules of election campaigning, 8 violations were recorded on the day of voting outdoor and 81 on the day of voting.

The introduction of new technologies into the electoral process - the system of voter identification based on biometric data and automatically reading ballot boxes (ARBB) as a tool to control manual

counting, as well as the regulation of a number of basic procedures during the voting and tabulation of voting results and election results helped to solve a number of problems, in fact to eradicate methods of election rigging, such as mass ballot box stuffing and "carousel voting". The election results became available with up to a 95% probability based on the open data of the CEC within two hours after the end of voting. However, along with this, since 2015 there has been an increase in the influence of such factors affecting the voters' expression of will as vote buying, abuse of administrative resources, threats and pressure on voters.

In 2017, based on the results of the monitoring of the presidential election of the Kyrgyz Republic, the OSCE/ODIHR mission in its final report paid close attention to the factors of pressure on state and local government employees and vote buying, calling on the Kyrgyz Republic to take a set of effective measures aimed at addressing these problems⁵⁰.

As for the Foundation, it notes that these recommendations have been taken into account to a large extent. For instance, in August 2019 amendments and additions were made to the Election Law, legislatively introducing the concept of "abuse of administrative resources", as well as its forms. In 2020, amendments were made to the Misdemeanors Code of the Kyrgyz Republic, introducing a new article that established liability for the abuse of administrative resources. Moreover, amendments were made to the Violations Code of the Kyrgyz Republic, which established the liability of a person who receives material goods as a bribe for the exercise of his/her active right to vote in favor of a particular candidate or political party.

Taking into account the created conditions, which practically reduces the probability of fraud at polling stations, in contrast to a number of previous monitoring missions of local and international scale, the Foundation decided to monitor the early presidential election with a focus on the possible facts of vote buying, abuse of administrative resources, threats and pressure on voters during the pre-election period.

VIOLATIONS IDENTIFIED DURING PRE-ELECTION PERIOD

During the pre-election period, the Foundation's observers submitted information about **86** cases of detected violations. Of these, 53 - on the use of administrative resources, 17 - on cases of vote buying, 16 - on cases of pressure, threats and violence. For 22 violations, the information was referred to the Rapid Response Coordination Group (RRCG) formed at the CEC.

⁵⁰ See Final report of the OSCE / ODIHR mission on the results of monitoring the 2017 presidential election of the Kyrgyz Republic



Infographics 22. Violations during the pre-election period

From the reported violations, the breakdown of violations by candidate and region was as follows:

1) Out of 53 cases, the abuse of administrative resources on the part of the candidates: S. Japarov and his supporters - 44 reports were received, Madumarov - 3; A. Segizbaev– 1; unidentified persons – 5 reports.

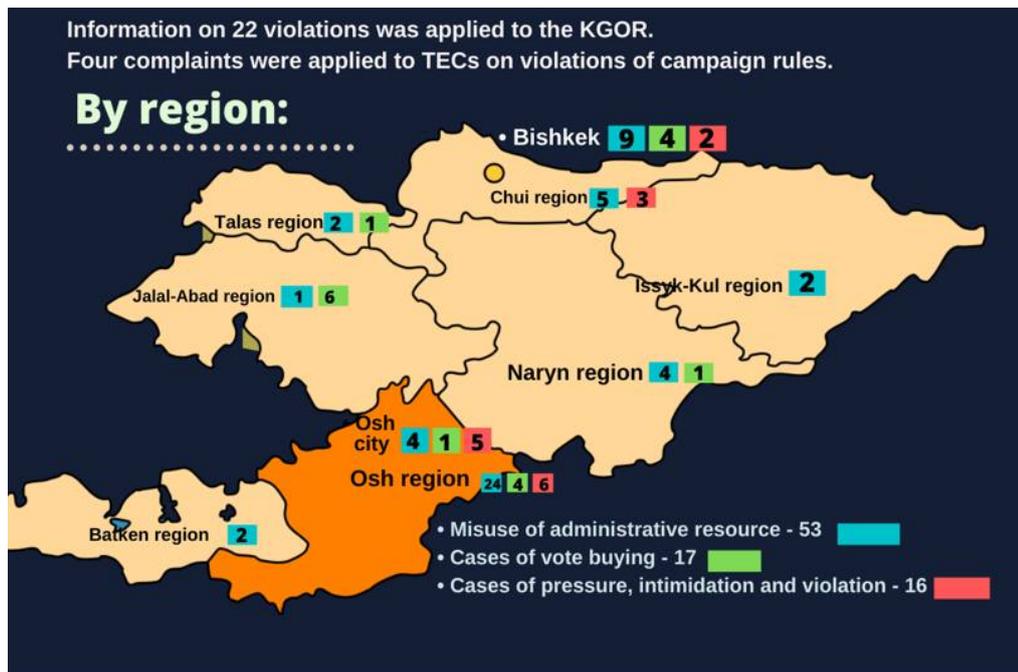
The basic nature of the reports comprised the involvement of persons who are subordinate or in other official dependence to carry out activities contributing to the election of a candidate, campaigning by state and municipal employees, and preferential access to the media.

2) Out of 17 detected cases of possible vote buying on the part of the candidates: S. Japarov and his supporters - 12 reports were received; Madumarov – 1; I. Tashov – 2; B. Tolbaev – 1; unknown persons– 1.

The received reports contained information about the arrangement of free transportation for voters to meet with one of the candidates, the collection of passport information from voters for a cash reward, promises to reduce interest rates on loans, the allocation of funds to the heads of local women's councils in exchange for votes, the arrangement of free feasts, etc.

3) Out of the 16 detected cases on the facts of pressure, threats, violence on the part of the candidates: S. Japarov and his supporters - 12 reports were received; B. Tolbaev – 1; unknown candidates – 3.

By regions: Bishkek city – 2; Osh city – 5; Osh oblast - 6; Chui oblast - 3.



Infographics 23. Violations during the pre-election period by regions

The nature of the reports contained information about the pressure on state and municipal employees to support a certain candidate in the upcoming elections, the pressure on voluntary contributors of funds to the election funds of other candidates, the pressure on teachers and university professors under threat of dismissal, the threat and pressure on employees of financial institutions to vote in favor of a certain candidate.

In addition to the above-mentioned incident forms for 3 types of violations, observers and lawyers of the Foundation submitted 4 complaints to TECs, which were not included in the above-mentioned forms, on the issues of violation of election campaigning rules.

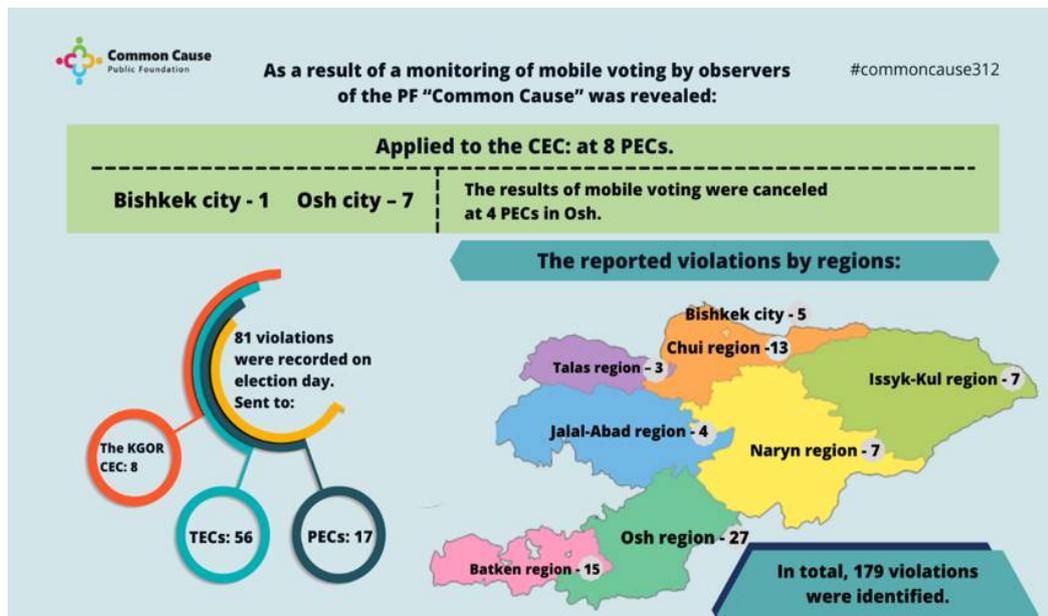
VIOLATIONS DETECTED ON THE DAY OF VOTING OUTSIDE THE PREMISES

It should be noted that despite the fact that the Foundation did not monitor the voting outside the premises, based on the information received from public observers, the Foundation submitted an application to the Central Election Commission regarding the violations that took place during the voting outside the premises in 8 PECs: 7 in Osh city and 1 in Bishkek city. Based on the Foundation's application, the results of voting outside the premises were cancelled at 4 PECs in Osh city.

VIOLATIONS DETECTED ON THE ELECTION DAY

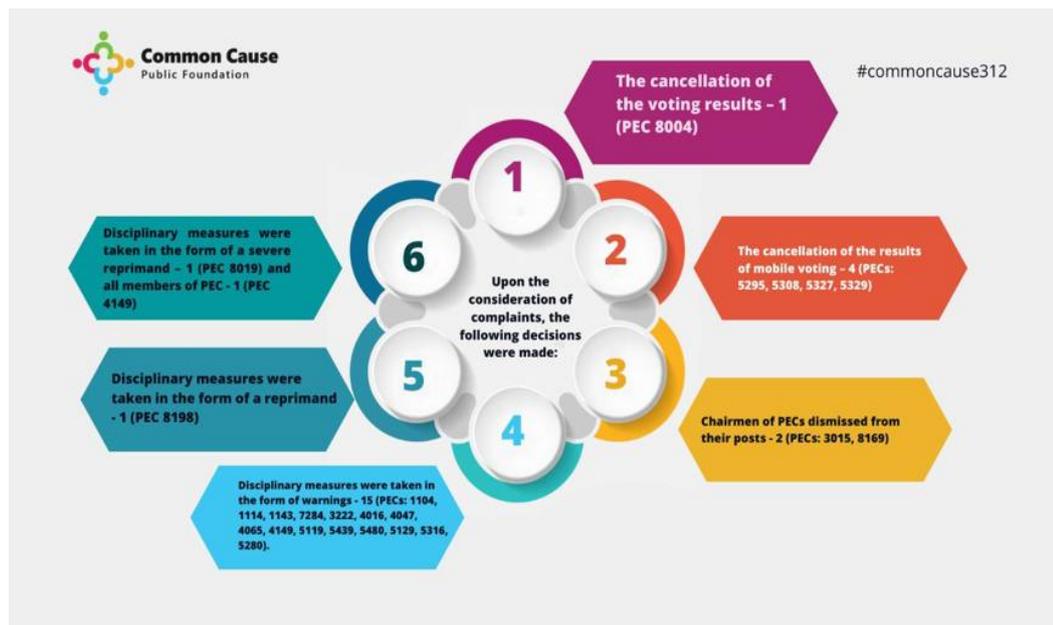
A total of 81 violations were recorded by the Foundation's observers on the polling day, with 8 reports forwarded to the CEC RRCG and the TEC RRCG. Appeals were sent to TECs regarding 56 cases. Acts were drawn up and 17 appeals were submitted to the PEC chairpersons. The distribution of received appeals by region is as follows: Bishkek city – 5, Osh oblast – 27 appeals, Chui oblast – 13, Batken oblast – 15, Issyk-Kul oblast – 7, Naryn oblast – 7, Jalal-Abad oblast – 4, and from Talas oblast – 3.

Thus, during the organization and conduct of the early presidential election of the Kyrgyz Republic, the Foundation detected 179 violations.



Infographics 24. Violations outside the premises on election day

Of these, 30 complaints were submitted to the RRCGs, 68 - to the TECs, and 17 - to the PECs. One complaint was reviewed by the CEC Working Group. As a result of the CEC's consideration of the Foundation's complaints submitted on the voting day, the following decisions were made:



Infographics 25. Decisions on the results of the consideration of complaints

1. Cancellation of voting results – 1 (PEC 8004);
2. The results of voting outside the premises were canceled - 4 (PEC 5295, 5308, 5327, 5329).
3. The chairperson of PEC were dismissed from their post – 2 (PEC 3015, 8169).
4. Disciplinary penalties were imposed in the form of a strict reprimand-1 (PEC 8019) and all members of PEC-1 (PEC 4149);
5. Disciplinary penalties were imposed in the form of a reprimand-1 (PEC 8198).
6. Disciplinary penalties were imposed in the form of a warning – 15 (PEC 1104, 1114, 1143, 7284, 3222, 4016, 4047, 4065, 4149, 5119, 5439, 5480, 5129, 5316, 5280).

The Foundation's analysis of the complaints received showed that during the pre-election period they mainly concerned the facts of abuse of administrative resources. There were also cases of election campaigning violations.

RRCG forwarded 22 complaints of the Foundation to law enforcement agencies for review. According to all appeals from the law enforcement agencies, responses were received that, according to the results of the investigation, the facts indicated in the appeals were not confirmed.

On election day, a large number of violations were recorded with regard to the procedural aspects of the PECs' work, violation of the secrecy of ballot, bussing of voters and attempts to campaign on election day.

In total, the CEC received 173 complaints during the reporting period, according to the Register of Complaints and Violations. Of these, the RRCG received 133 signals, the rest were submitted to the Working Group for Consideration of Applications and Complaints of Voters and Other Subjects of the Electoral Process and the Working Group on Informing Voters and Other Subjects of the Electoral Process and the Rules of Campaigning. Together, the RRCG and the Working Group on Complaints considered 9 complaints, RRCG and the Working Group on Agitation considered 2 complaints, the Working Group on Complaints and the Working Group on Agitation considered 1 complaint.

During the early elections of the President of the Kyrgyz Republic, during the reporting period a total of 5 administrative lawsuits were filed to the Administrative Court of Bishkek:

Table 1. Administrative lawsuits

No.	Administrative Plaintiff	Content of the administrative claim	The decision (ruling) of Bishkek Administrative Court	Judgment of the Supreme Court of the Kyrgyz Republic
1	K. B. Imanaliev, Chairman of the "Aktiv" political party	Administrative claim for cancellation of the resolution of the KR CEC No. 263 dated October 24, 2020 (for cancellation of the decision dated October 24, 2020 "On early presidential election of the Kyrgyz Republic" on January 10, 2021.)	October 27, 2020 By the decision of Bishkek Administrative Court, the administrative claim was dismissed.	November 4, 2020 By the judgment of the Supreme Court, the decision of the Administrative Court was upheld.
2	K. A. Choroiev, Candidate for President of the Kyrgyz Republic	Administrative claim on invalidating and canceling the Decision of the KR CEC No.287 of December 7, 2020. ("On invalidating the signature sheets of Choroiev Kuban Amanbekovich, a candidate for President of the Kyrgyz Republic, prepared before the day of paying for the preparation of signature sheets from the election fund").	December 12, 2020 By the decision of Bishkek Administrative Court, the administrative claim was dismissed.	December 17, 2020 By the judgment of the Supreme Court, the decision of the Administrative Court was upheld.
3	K. A. Choroiev, Candidate for	Administrative claim on invalidating and canceling the	December 18, 2020 By the decision of	-

	President of the Kyrgyz Republic	Resolution of the KR CEC No. 468 of December 14, 2020. ("On denying Choroev Kuban Amanbekovich a registration as a candidate for President of KR")	Bishkek Administrative Court, the administrative claim was dismissed.	
4	K. S. Sooronkulova, Candidate for President of the Kyrgyz Republic	Administrative claim on invalidating the Resolution of the KR CEC № 463 of December 12, 2020. ("On the registration of Japarov Sadyr Nurgozhoevich as a candidate for President of the Kyrgyz Republic")	December 18, 2020 By the decision of Bishkek Administrative Court, the administrative claim was dismissed.	December 23, 2020 By the judgment of the Supreme Court, the decision of the Administrative Court was upheld.
5	K. S. Sooronkulova, Candidate for President of the Kyrgyz Republic	Administrative claim on invalidating the Resolution of the KR CEC No. 26 of January 20, 2021. ("On determining the results of the early presidential election of the Kyrgyz Republic scheduled for January 10, 2021")	January 23, 2021 By the decision of Bishkek Administrative Court, the administrative claim was dismissed.	-

While monitoring the activities of the bodies that handle electoral disputes, the Foundation noted a number of problems that need to be solved. In particular, this applies to the failure of lower election commissions (TECs and PECs) to meet deadlines for reviewing complaints and applications received. A similar situation was recorded in the work of law enforcement agencies. At the same time, reports on the review of violations often did not contain justifications for the decisions taken.

It should be noted that during the meetings with the candidates' headquarters, representatives of the headquarters stated that the review of complaints on some violations of the electoral legislation by the CEC and law enforcement agencies was biased.

In view of the above, the Foundation believes that it is necessary to consider the possibility of establishing responsibility for the full and timely consideration of received applications (appeals, complaints, etc.). At the same time, it is necessary to develop indicators and algorithms of actions by which violations should be assessed, for the adoption of certain sanctions. The CEC should strengthen its control over candidates and their headquarters to comply with the rules of election campaigning, in accordance with the electoral legislation of the Kyrgyz Republic. In general, the Foundation notes that law enforcement agencies should continue their efforts to address the complaints and applications received, while providing public observers with the opportunity to monitor their activities.

CHAPTER X. MAIN RECOMMENDATIONS

In connection with all findings and conclusions, the Common Cause Public Foundation recommends the following:

1. To the Jogorku Kenesh of the Kyrgyz Republic on introducing amendments and additions to certain statutory instruments:

- 1) Return the possibility to change the voting address to Article 15 of the Constitutional Law, provided that the voter submits supporting documents about the need to change the voting address, to limit the right to change the voting address within the same oblast, to increase the time frame for processing applications. Or provide an alternative mechanism that ensures the implementation of the active electoral right of citizens, regardless of the place of its registration(registration).
- 2) Revise the number of electoral barriers when submitting documents to participate in elections for the post of the President of the Kyrgyz Republic. It is recommended to eliminate the election deposit and leave at least 30,000 voter signatures. At the same time, as temporary special measures, consider the possibility of reducing the number of valid voter signatures for women running for President of the Kyrgyz Republic.
- 3) In case of holding the presidential elections of the Kyrgyz Republic in a shortened period, provide in the legislation the possibility of reducing the number of reliable signatures of voters required for registration as a candidate.
- 4) Review the requirement for the number of public observers to be present at a polling station at the same time.
- 5) Provide public observers with the powers to appeal against the decisions and (or) actions (inaction) of election commissions, including decisions on establishing the voting results and determining the election results.
- 6) Establish responsibility for the failure to comply with the established deadlines for consideration of received applications (appeals, complaints, etc.) by subjects authorized to consider electoral disputes.
- 7) Amend the criminal law to provide for a public prosecution in cases of abuse of administrative resources.
- 8) In order to ensure greater transparency of election funds, establish in the law the requirements to disclose the sources of money of contributors to election funds, if they make a contribution in excess of the amount determined by law to the election funds and consider limits on the amount of money contributed to the funds both by candidates and citizens.
- 9) Consider the possibility of adding the representatives of civil society to the CEC composition and provide for an odd number of CEC members.
- 10) Review the deprivation of the active right to vote of persons who are in places of deprivation of liberty under a court sentence that has entered into legal force, depending on the severity of the crime committed.
- 11) Introduce special temporary measures into the law aimed at encouraging the active participation of women candidates in presidential elections (providing additional free airtime, reducing the number of required valid voter signatures for candidate registration, etc.).
- 12) Amend the Election Law to clearly regulate the rules for campaigning "in favor" and "against" a particular candidate(s).

13) Regulate by law the possibility of holding candidate debates on alternative channels of television broadcasting organizations.

14) Establish the cases of return of the electoral deposit in the event of the declaration of invalid voting results, election results.

15) Amend the Election Law to provide for a clear list of grounds for submitting an application for voting outside the premises and establish procedures for canceling the results of voting outside the premises

16) To include into the electoral law the concepts regulating a temporary technical inefficiency of ARBB and ARBB failure

2. To the Government of the Kyrgyz Republic

1) Implement the proposals of the civil sector through a legislative initiative.

2) Strengthen the work of law enforcement agencies to address complaints and applications received in a timely and complete manner, as well as to ensure public safety, including preventive measures.

3) Work together with the CEC on informing the citizens of the Kyrgyz Republic about the norms of electoral law and procedures not only during elections but also in the period between elections.

4) Provide effective mechanisms for public observers to monitor the activities of law enforcement agencies.

5) Together with the CEC, consider the possibility to optimize the salary fund for PEC and TEC members in order to increase the remuneration of commission members and, accordingly, stimulate them to effectively perform their duties.

6) Together with the CEC, draw up an inventory and harmonize statutory instruments containing norms of the electoral law.

7) Together with the CEC and other authorized state bodies, local self-government bodies, take measures to ensure high-quality and continuous registration of voters.

3. To the Central Commission for Elections and Referendums of the Kyrgyz Republic:

1) Ensure the timely delivery of Central Election Commission decisions to all participants in the electoral process.

2) Timely post the statutory instruments of the Central Election Commission on the website of the Central Election Commission when making amendments and additions to the existing statutory instruments.

3) Develop a consistent practice of accountability for certain types of violations of electoral legislation.

4) Strengthen the control over compliance of candidates and their headquarters with the rules of election campaigning in accordance with the electoral legislation of the Kyrgyz Republic.

- 5) Consider strengthening the training of PEC members, with a special focus on the operation of equipment, counting procedures, and filling in the protocols on the results of voting
- 6) Develop special protocols for recording voter turnout, because due to the ARBB failures in some regions the turnout information provided by the Foundation's observers and precinct election commissions did not always match.
- 7) Develop special detailed financial reporting forms for candidates for elected offices, indicating full details of the candidate's counterparties. Provide for the possibility of publicly posting the said reports in a machine-readable format with the possibility to download in Word/ Excel.
- 8) Strengthen the work on ensuring equal rights of candidates during the election campaign
- 9) To continue working together with other state bodies to ensure the accessibility of polling stations for citizens of the Kyrgyz Republic abroad and to ensure the exercise of their active right to vote, and also citizens with disabilities.
- 10) To carry out work on informing citizens not only during the election period, but also during the inter-election period.

4. Authorities that consider electoral disputes:

- 1) Internal affairs bodies and the Prosecutor's Office bodies shall strictly comply with deadlines for reviewing applications (appeals) received, as prescribed by electoral legislation, stating a reasoned justification for the decisions made.
- 2) Law enforcement agencies should make further efforts to fully and timely address incoming signals of violations and inform the public about the measures taken.
- 3) Prosecutor's Office bodies shall supervise compliance of internal affairs bodies with deadlines for reviewing complaints and applications related to electoral disputes
- 4) The CEC, together with law enforcement agencies, should develop effective measures to counteract violations of the electoral law.
- 5) The CEC and law enforcement agencies should consider complaints of violations in accordance with the division of competence established by law.
- 6) The CEC, courts and law enforcement agencies should develop effective mechanisms to guarantee the implementation of the rights of candidates who have been subjected to preventive measures (house arrest, detention).

5. To the candidates for President of the Kyrgyz Republic:

- 1) Conduct the election campaign on the principles of the rule of law, openness, priority of citizens' interests and rights, and mutual respect among the candidates.
- 2) Ensure greater transparency of financial funds, including the costs spent on advertising on social media, as well as mark the launched ads as political, indicating the source of funding. These measures are necessary to avoid suspension and removal of advertising from the Facebook platform, due to the lack of a disclaimer in the advertising post.

