

PRELIMINARY REPORT ON THE RESULTS OF LONG-TERM OBSERVATION OF THE PREPARATIONS FOR THE ELECTIONS OF DEPUTIES TO LOCAL COUNCILS OF THE KYRGYZ REPUBLIC, SCHEDULED FOR APRIL 11, 2021

OBSERVATION PERIOD FROM MARCH 15 TO APRIL 04, 2021

THE COMMON CAUSE PUBLIC FOUNDATION

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ABBREVIATIONS AND ACRONYMS

BCC Bishkek City Council
GDP Gross Domestic Product
LTO Long-term observer

JK of the KR Jogorku Kenesh of the Kyrgyz Republic RRCG Rapid Response Coordination Group

KR Kyrgyz Republic

MIA of the KR Ministry of Internal Affairs of the Kyrgyz Republic

PBC Public Broadcasting Corporation
PIN Personal Identification Number

PP Political Party

President of the KR President of the Kyrgyz Republic

MM Mass media

TEC Territorial Election Commission

CEC Central Commission for Elections and Referenda of the

PEC Kyrgyz Republic

Foundation Precinct Election Commission

The Common Cause Public Foundation

1. SUMMARY

The Public Foundation "Common Cause" has prepared a preliminary report on the findings of long-term observation over the preparation and conduct of elections of deputies of local keneshes of the Kyrgyz Republic (KR), scheduled for April 11, 2021.

The preliminary report covers observation of the process of registration of political parties in local elections, the activities of election commissions at all levels, procedures for the formation and updating of voter lists, information and election campaigning, as well as the identification of violations of electoral legislation in the period from March 15 to April 4, 2021.

Along with the appointment of elections of deputies to local keneshes, a referendum on the Constitution was called, which caused great controversy in the society. It should be noted that this is already the third referendum called simultaneously with another election campaign, and one of the official reasons provided by the parliamentarians was saving of budgetary resources. However, such a quick calling of a referendum one month before the vote leaves it without due attention and does not enable voters to fully understand the significance of the changes introduced in the referendum on the new edition of the Constitution of the Kyrgyz Republic. To add, opponents of the referendum suggest that combining the two electoral processes pursues another goal - ensuring the required voter turnout in the upcoming referendum, which possibly could not be have been met otherwise.

This preliminary report covers the observation only of the elections of deputies of local keneshes of the Kyrgyz Republic and does not include the referendum due to its late appointment.

The pre-election period is taking place in the context of a pandemic and an economic crisis, similarly to the previous election campaigns (parliamentary elections and early presidential elections).

Elections to local keneshes are held in a highly competitive environment, while the emergence and participation of a large number of new parties should be noted, which may indicate an emerging public demand for new faces with a progressive outlook in politics.

According to the finding of observation, the socio-political situation in the country on the eve of the elections is relatively calm. It should be noted that locally there is a tense situation in two regions, in the city of Osh due to aggravated relations between political parties and in the city of Bishkek due to the worsening epidemiological situation, as well as high competition.

With regard to the administering of elections, one can note the absence of significant problems and the presence of positive advances in considering violations committed by political parties in part of the application of such sanctions as the exclusion and deregistration of candidates from political parties, as well as informing citizens

about measures taken in response to violations. To illustrate, the recent decision of the Bishkek TEC de-registers the candidate from the political party "Ak-Bata" Y.Kadyralieva. and issues a written warning to a political party for violating election campaign rules. However, attention should be paid to the process of considering complaints and applications by individual territorial election commissions. For example, some TECs do not always consider complaints within the established time frame.

The analysis of the received reports from observers carried out by the Foundation shows that mainly violations of the rules of campaigning, damage to campaign materials, misuse of administrative resources and bribery of votes are observed. The Foundation is concerned about the increase in reports from long-term observers (hereinafter - LTOs) on the facts of violations of the rules of pre-election campaigning by certain political parties.

Despite the improvement of the legislative technique and the institutional foundations of the electoral process, the development of the latest information technologies that make it possible to increase the transparency of elections, today the Kyrgyz Republic is faced with some problematic aspects in this area. In the Kyrgyz Republic, the electoral legislation has separate legislative acts regulating elections at different levels, which are not harmonized with each other. Thus, there are differences between the same processes for elections of deputies of local keneshes and elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic. For example, there are different rules governing the size of the electoral threshold, campaign rules, election observation process, etc. in different elections.

The Foundation considers it necessary to carry out activities aimed at improving and harmonizing the electoral legislation of the Kyrgyz Republic on an ongoing basis, based on an analysis of the past elections and taking into account the recommendations of international and public observers.

The monitoring of the Media and social networks on the eve of the elections showed that the media and social networks cover electoral processes quite actively, in particular, it concerns the identification of violations. Thus, the Foundation collected and analyzed 57 publications in the media about violations of electoral legislation, among which the most frequently mentioned are violations of the rules of election campaigning and vote-buying.

In general, it can be noted that the main pre-election competition is unfolding in the cities of republican significance - Bishkek and Osh. According to experts, the results of the elections in these cities will largely determine the atmosphere for the preparation and conduct of the upcoming parliamentary elections in the fall of 2021.

The Foundation will continue to observe the elections of deputies of local keneshes of the Kyrgyz Republic until the results are tabulated and officially published. At the end of long-term observation, the Foundation will prepare a separate final report, which will cover the entire electoral process.

2. INTRODUCTION

The Common Cause Public Foundation is a nonprofit 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 conduct 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 with the authorities and the population through dialogue, monitoring of important political processes, participation in decision-making processes and ensuring transparency of their promotion in order to protect the rights and freedoms of citizens, to take joint actions for the sustainable democratic development of the country.

The purpose of elections observation is to provide the citizens and election stakeholders with a professional, non-partisan and timely assessment of the compliance with international standards and the national legislation, including the information on potential violations, voter turnout and election results.

Long-term observation is conducted for the purpose of:

- ensuring a fair electoral process in accordance with international standards and national legislation.
- analyzing the electoral legislation in order to develop recommendations for its further improvement.
- detecting violations and falsification of elections and reporting on them.
- providing verified, timely and unbiased information about the pre-election and post-election periods.

Long-term observation covers the procedures of nomination and registration of candidates from political parties, the formation and the activities of election commissions at all levels, the informing and pre-election campaign period, the activities of election commissions on election day and the summing up of the results of elections of deputies to local councils of the Kyrgyz Republic.

The Foundation's long-term observation is carried out by the head office and 15 long-term observers, who are deployed in all regions of the country. Observers collect information about the work of territorial and precinct election commissions, headquarters of political parties and their representatives, and monitor the campaigning process. Moreover, the Foundation recruited two legal experts who analyze the electoral legislation and monitor the work of the CEC during the preparations for the elections of deputies to local councils and will conduct an analysis to assess the revealed violations. Lawyers of the Foundation were included in the interdepartmental working group for developing proposals on the procedure

¹ <u>https://commoncause.kg/about</u>

for electing the President of the Kyrgyz Republic and the deputies of the Jogorku Kenesh, established by the Presidential Decree No. 33 of March 23, 2021.

The Foundation conducts the monitoring of Mass Media and social media to assess the presence of political party candidates on Facebook, the most popular social media in Kyrgyzstan, and to assess election violations on the same platform. The preliminary monitoring results presented here are based on political party candidates' Facebook pages and the ads included in the Facebook Ad Library report, and cover the reporting period from March 15 to April 4, 2021. A more detailed report on the results of social media monitoring in local elections will be published after the elections.

During the period of elections of deputies to local councils of the Kyrgyz Republic scheduled for April 11, 2021, the Common Cause Public Foundation carries out the **following work**:

- ➤ Informing voters about their rights;
- ➤ Conducting long-term observation of the process of preparation and conduct of elections, including the work of election commissions, election campaigning, informing citizens, as well as the post-election period;
- > Carrying out short-term observation on election day;
- > Monitoring election disputes
- > Conducting a nationwide opinion poll about the upcoming elections
- ➤ Monitoring the mass media and social media in order to identify violations of the electoral legislation.

The Common Cause PF conducts **long-term observation** of the elections of deputies to nine city councils:

- 1) Bishkek city
- 2) Osh city
- 3) Tokmok city
- 4) Kaindy city
- 5) Karakol city
- 6) Talas city
- 7) Naryn city
- 8) Jalal-Abad city
- 9) Batken city

In the course of long-term observation during the pre-election period, the Foundation monitors the activities of TECs, observes the activities of political parties (the Foundation conducts the polling of political party representatives), and records violations.

Violations are classified into 3 types of violations:

- 1) Form on the abuse of administrative resources, pressure, violence and threats.
- 2) Form on vote-buying
- 3) Form on violations of election campaigning rules

The head office staff, legal experts, regional coordinators, three LTOs in Osh city and four LTOs in Bishkek city were involved to conduct long-term observation of the elections of deputies to local councils.

The head office, as part of the project on observing the elections of deputies to local councils, coordinates the process of long-term observation in the pre-election period.

3. ABOUT ELECTIONS

In accordance with the Presidential Decree No. 21 of February 8, 2021, "On appointment of the elections of deputies to local councils of the Kyrgyz Republic," the elections will be held on April 11, 2021, in 448 local councils, 28 of which are city councils.

According to the legislation on the elections of deputies to local councils, the registration of the lists of candidates of political parties for the elections of deputies to city councils ended 30 days before the polling day, i.e., March 11, 2021.

A total of 796 deputies will be elected to 28 city councils.²

Territorial electoral commissions registered the lists of candidates of 56 out of 59 parties that submitted notifications about their intention to participate in the elections.

- Osh TEC refused to register the candidates list of the "Tilekteshtik" PP due to failure to provide the necessary documents.
- In Bishkek, two political parties, "Eldik" and the "Youth Progressive Party of Kyrgyzstan", refused to further participate in the elections.
- Sulukta TEC refused to register the candidates list of "Butun Kyrgyzstan" PP due to the non-compliance with the procedure of candidates list nomination.

The total number of candidates on the registered 237 lists was 11,782. On average, more than 14 candidates compete for one vacant seat, the largest number of parties and candidates are in the capital Bishkek: 25 parties and 40 candidates per seat. The smallest number of parties and candidates is in Kok-Jangak city: 3 parties and 5 people per seat.

Lists of all candidates are published in the local media, as well as posted on the CEC website, in the "Talapker" system at https://talapker.shailoo.gov.kg, where the

² https://shailoo.gov.kg/ru/news/4511/

parties must also submit their election programs for publication, and information about the receipt and expenditure of party election funds.

The CEC of the Kyrgyz Republic at a meeting on February 9, 2021, approved the calendar plan of basic organizational and practical measures for the preparation and conduct of elections of deputies of local councils of the Kyrgyz Republic.

In accordance with the law, 30 days are allocated for campaigning for city council elections (from March 12 to April 9, 2021), and 20 days for local council elections.

- On April 10, mobile voting will be held, in which citizens who have submitted applications three days before the polling day will vote.
- Candidates tp the positions of deputies of city councils must be nominated as members of a party, that is, on party lists under the proportional representation system.
- Under the new legislation, the electoral threshold for the Jogorku Kenesh was lowered to 3%. However, parties wishing to win local council elections must overcome the 7 percent threshold, as before.

4. SOCIO-POLITICAL SITUATION

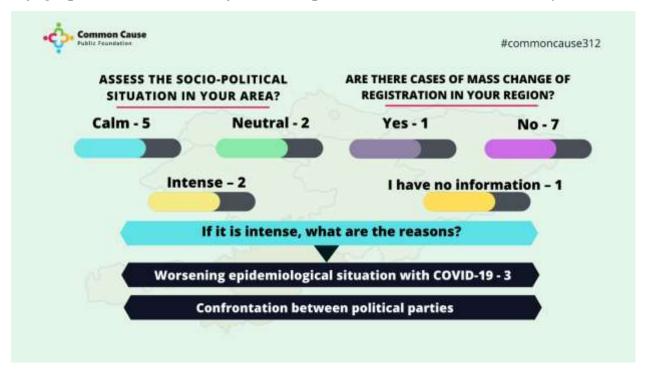
In general, describing the reporting period, the Foundation notes that the pre-election period falls under a difficult time for the republic. The economic crisis, the beginning of the third wave of the COVID-19 epidemic, the effects of the political crisis and other circumstances have their impact on the electoral process.

Regarding the social and economic situation in the country, the Foundation notes the concerns of the population about the rising prices of food, fuels and lubricants, rising unemployment and the effects of the COVID-19 epidemic. The negative impact of the pandemic continues in 2021, with GDP falling by 8.9% in the first two months of this year.

According to long-term observers, the socio-political situation in the country on the eve of local elections remains relatively calm, but there is some apprehension in connection with the upcoming elections and referendum. Thus, there are some tensions of local nature, in Bishkek due to the worsening epidemiological situation, and in Osh due to the escalating struggle of political parties.

It is observed that there have been changes in residence registration among citizens in Bishkek, thus in the final list the difference is 5224 voters, in the early presidential election there was a reverse trend away from the cities to the regions.

Infographic 1. Assessment of the socio-political situation in the country.



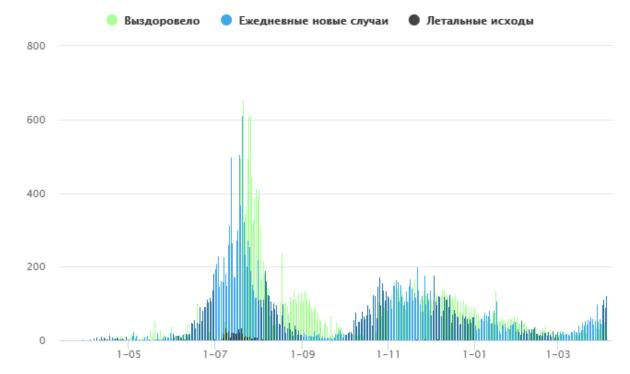
As of April 4, 2021, there were 89,014 confirmed cases of COVID-19 infection and in the last 24 hours 172 new cases³ were detected, of which 124 were in Bishkek, and the number of those infected has increased in the last 2 weeks. The total number of deaths reached 1,504. The chart below shows that we are approaching the third wave of increase in COVID-19 cases.

Figure 1. COVID-19 Infected Statistics, 2020-2021⁴

recovered daily identified infections. deaths

³ Data from the Ministry of Health,

⁴ https://zdorovie.akipress.org/news:1692857



In addition, the growing confrontation of political parties in the city of Osh raises concerns, where the representatives of five parties running for the local council declared gross violations of the law committed by their competitors during the campaign. In particular, they accused the local authorities of using administrative resources and urged the president to take notice of it.⁵

Nine parties are competing for seats in the Osh city council, five of which - "Uluu Zhurt", "Respublika", "Uluttar Birimdigi", "Butun Kyrgyzstan" and "Bir Bol" - held a press conference on March 31 where they stated that administrative resources had been applied during the election campaign. They accuse the "Ata-Zhurt Kyrgyzstan" party of using administrative resources and vote buying.

According to speakers at the press conference, some parties are engaged in road improvement, that is, they actually bribe voters, and local authorities promote certain political organizations, taking advantage of their power. At the same time, the speakers expressed dissatisfaction with the fact that information about all these electoral legislation violations was submitted to the territorial election commission and law enforcement agencies and there was no reaction.

Mirlan Orozbaev, the leader of the "Uluu Zhurt" party, admitted that they were tired of complaining about the obvious facts of using administrative resources and votebuying, for which reason he appealed to the head of state Sadyr Japarov.

The day before, on March 30, 2021, the RRCG of the KR CEC received a report about the post of Aitieva K. on Facebook social media in which she indicated that

⁵ https://rus.azattyk.org/a/31181179.html

the deputy mayor of Osh city Azimov Zh., who is a candidate of "Ata Zhurt Kyrgyzstan", bribes voters through canvassers of the said party by distributing grocery packages.

In the video, unknown woman and man canvassers from the "Ata Zhurt - Kyrgyzstan" PP, talking to the people in the houses, say that these grocery packages were given to them by Azimov Zh., vice-mayor of Osh city.

The information was sent to the General Prosecutor's Office of the KR, the MIA of the KR, and the Osh Territorial Election Commission.

During the April 3 rally in the central square of Osh, "Uluttar Birimdigi" political party leader Melis Myrzakmatov once again criticized the "Ata Zhurt - Kyrgyzstan" party, accusing them of having ties with the authorities and using administrative resources.

In other cities, observers note relatively calm situation, moderate activity of political parties, but they also note the existence of violations.

Hence, the pre-election environment features political and social tensions and economic problems against the backdrop of the ongoing global COVID-19 pandemic.

5. OVERVIEW OF THE LEGAL FRAMEWORK

According to Article 1 of the Law of the Kyrgyz Republic "On Elections of Deputies to Local Councils" of July 14, 2011, No. 98⁶, the present Law defines the electoral rights of Kyrgyz Republic citizens and the guarantees thereof, regulates relations related to the preparation and conduct of elections of deputies of local councils.

I. Current status:

The current state of the local council election system seems satisfactory, first of all, from the legislative side of the main issues related to the organization and conduct of elections.

The sources of electoral rights are legal acts containing norms regulating electoral legal relations. The main elements of the system of sources of electoral law are:

- 1) The first group includes laws and other statutory instruments adopted at the national level.
- The Constitution of the Kyrgyz Republic of June 27, 2010 (as amended by the KR Law No. 218 of December 28, 2016) ⁷;

 $^{^6}$ See: Law of the Kyrgyz Republic "On Elections of Deputies to Local Councils" of July 14, 2011, No. 98 // http://cbd.minjust.gov.kg/act/view/ru-ru/203103

⁷ See: Constitution of the Kyrgyz Republic of June 27, 2010 (as amended by KR Law No. 218 of December 28, 2016) // http://cbd.minjust.gov.kg/act/view/ru-ru/202913

- The Law of the Kyrgyz Republic "On Elections of Deputies to Local Councils":
- The Law of the Kyrgyz Republic "On Election Commissions for Elections and Referenda of the Kyrgyz Republic" of June 30, 2011, No. 628;
 - The Law of the Kyrgyz Republic "On Status of Deputies of Local Councils";
 - The Law of the Kyrgyz Republic "On Local Self-Government;
- Resolutions of the Central Election Commission of the Kyrgyz Republic (regulations, instructions, etc.) regulating the conditions and procedure of elections of the President of the Kyrgyz Republic and deputies of Jogorku Kenesh of the Kyrgyz Republic.
- 2) International treaties of the Kyrgyz Republic establishing international electoral standards;

This group includes generally recognized principles and regulations of international law, and international treaties of the Kyrgyz Republic aimed at regulating electoral legal relations. These are universal international instruments that enshrine human rights and freedoms to participate in genuine fair and free elections, to participate in the governance of their country, their municipal formation directly or through freely elected representatives:

- Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948⁹;
 - International Covenant on Civil and Political Rights of December 16, 1966¹⁰;
- Convention on the standards of democratic elections, electoral rights and freedoms in the member states of the Commonwealth of Independent States of October 7, 2002¹¹;
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, June 29, 1990¹²;

⁸ See: Law of the Kyrgyz Republic "On Election Commissions for Elections and Referenda of the Kyrgyz Republic" of June 30, 2011, No. 62 // http://cbd.minjust.gov.kg/act/view/ru-ru/203100?cl=ru-ru

⁹ See: Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948 // https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml

¹⁰ See: International Covenant on Civil and Political Rights of December 16, 1966 // https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml

¹¹ See: 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 // http://cis.minsk.by/page/616

¹² See: Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, June 29, 1990 // https://www.osce.org/ru/odihr/elections/14304

- Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4, 1950¹³, Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Paris on March 20, 1952¹⁴;
- 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 Venice¹⁵ and others.
- 3) Decisions of courts of the Kyrgyz Republic;
- 4) Resolutions of local self-government bodies affecting electoral legal relations;
- 5) At the same time, some regulations related to implementation of electoral rights of citizens of the Kyrgyz Republic are contained in legal acts that are not directly aimed at regulation of electoral relations and are structural elements of financial, administrative, criminal, civil procedural and other branches of legislation of the Kyrgyz Republic and other legislative acts, most of which are part of the state law and are directly dedicated to regulation of electoral relations
 - Criminal Code of the Kyrgyz Republic of February 2, 2017, No. 19¹⁶;
 - Code of the Kyrgyz Republic on Violations of April 13, 2017, No. 58¹⁷;
 - Misdemeanor Code of the Kyrgyz Republic, February 1, 2017, No. 18¹⁸;
- Administrative Procedure Code of the Kyrgyz Republic of January 25, 2017, No. 13¹⁹;
 - Civil Procedure Code of the Kyrgyz Republic of January 20, 2017, No. 6²⁰.

II. Influence on elections:

¹³ See: Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4, 1950 // Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4, 1950 // http://docs.cntd.ru/document/1000003045

¹⁴ See: Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Paris on March 20, 1952 // http://base.garant.ru/2540801/

¹⁵ See: 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 // https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-rus

¹⁶ See: Criminal Code of the Kyrgyz Republic of February 2, 2017, No. 19 // http://cbd.minjust.gov.kg/act/view/ru-ru/111527

¹⁷ See: Code of the Kyrgyz Republic on Violations of April 13, 2017, No. 58 // http://cbd.minjust.gov.kg/act/view/ru-ru/111565

¹⁸ See: Misdemeanor Code of the Kyrgyz Republic of February 1, 2017, No. 18 // http://cbd.minjust.gov.kg/act/view/ru-ru/111529?cl=ru-ru

¹⁹ See: Administrative Procedure Code of the Kyrgyz Republic of January 25, 2017, No. 13 // http://base.spinform.ru/show_doc.fwx?rgn=94228

²⁰ See: Civil Procedure Code of the Kyrgyz Republic of January 20, 2017, No. 6 // http://cbd.minjust.gov.kg/act/view/ru-ru/111521?cl=ru-ru

The regulations of these instruments lay the foundation of the electoral system, the procedure for elections to the government and local self-government bodies.

Among the above-mentioned statutory instruments, the Constitution of the Kyrgyz Republic enshrines the fundamental principles of the organization of elections, which are an integral part of the constitutional foundations of the state.

First of all, Article 2 of the Constitution enshrines the recognition of free elections as the direct expression of the power of the people.

Article 2 of the Constitution of the Kyrgyz Republic also lists the principles of electoral law: Elections of the President, deputies of Jogorku Kenesh, deputies of representative bodies of local self-government are held on the basis of universal, equal and direct electoral right by secret ballot.²¹

Deputies of local councils are elected by citizens residing in the territory of the respective administrative-territorial unit with observance of equal opportunities in the procedure established by law (Art. 112).

The procedure for the election of the President and deputies of the Jogorku Kenesh of the Kyrgyz Republic is determined by the Constitutional Law.

The statutory instrument that in the fullest extent regulates the activities of organizing and holding elections of deputies to local councils of the Kyrgyz Republic is the Law of the Kyrgyz Republic "On Elections of Deputies to Local Councils" (hereinafter referred to as the Law of the Kyrgyz Republic). The distinguishing features of the elections of deputies to local councils from the elections of deputies of Jogorku Kenesh of the Kyrgyz Republic, which are regulated by 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" of July 2, 2011, No. 68²² (hereinafter - the Constitutional Law) are as follows:

1. The electoral system:

If the elections of deputies to Jogorku Kenesh are held under the proportional system, the elections of deputies to local councils under Article 47 of the Law of the Kyrgyz Republic are held under two systems: elections of deputies to city councils are held under the proportional system, and elections of deputies to village councils - under the majoritarian system. In the elections of deputies to city councils, parties must pass the 7 percent threshold, as before.

2. The right **to nominate candidates** belongs to:

²¹ See: Constitution of the Kyrgyz Republic of June 27, 2010 (as amended by KR Law No. 218 of December 28, 2016) // http://cbd.minjust.gov.kg/act/view/ru-ru/202913

²² See: 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" of July 2, 2011, No. 68 // http://cbd.minjust.gov.kg/act/view/ru-ru/203244

- to city councils to political parties;
- to village councils to political parties and citizens by self-nomination.
- 2.1. Party nominations to <u>city councils</u> are made for each single electoral district in the number of candidates exceeding not less than **one and a half times** the number of deputy seats established for the local council.
- 2.2. Party nominations to the <u>village councils</u> are made for each multi-mandate constituency in the number of candidates not exceeding the number of mandates established for that constituency.

3. Terms of nomination:

- the candidates list for deputies by a political party and the submission of the necessary documents to the relevant TEC for city councils ends **40** calendar days before election day.
- candidates for deputies by a political party, **self-nomination** and submission of the necessary documents to the relevant TEC for village councils ends **30** calendar days before election day.
- 4. The **electoral deposit** is the amount of money paid by a candidate when he or she is nominated for a public elected office.

The electoral deposit is set at the following amount:

- to Bishkek and Osh city councils in the amount of five hundred times the calculation index established by the legislation (50,000 soms);
- to city councils, except for Bishkek and Osh cities in the amount of two hundred times the calculation index established by the legislation (20,000 soms);
- to village councils in the amount of ten times the calculation index established by the legislation (1,000 soms).

5. Electoral threshold

In contrast to the elections of deputies of the Jogorku Kenesh, where the three percent threshold is established, the seven percent electoral threshold remains the norm for local council elections.

5. Reserving mandates for women.

In contrast to the elections of deputies of the Jogorku Kenesh, where a 30% quota for people of the same sex is established, the elections to village councils have normative guarantees of gender equality through the introduction of a 30% reserve of mandates for women in each constituency of village councils and the distribution of mandates in village councils in accordance with the reservation of mandates for women.

The number of reserved mandates in a constituency depends on the total number of mandates in the respective constituency.

- 1) 1 mandate is reserved in 2,3-mandate constituencies;
- 2) 2 mandates are reserved in the 4,5,6-mandate constituencies;
- 3) 3 mandates are reserved in the 7,8,9,10-mandate constituencies;
- 4) 4 mandates are reserved in the 11,12,13-mandate constituencies;
- 5) 5 mandates are reserved in the 14,15,16-mandate constituencies.

6. Public Observer:

The Law of the Kyrgyz Republic, by analogy with the constitutional law, also has a norm about public observers, but Article 2 of the Law of the Kyrgyz Republic does not bring the concept of "observer" into line, which says that an observer is a person appointed by a candidate, political party and <u>other non-commercial organizations</u> to observe the preparation of elections, voting, vote count, tabulation of voting results and establishment of election results in the manner prescribed by law.

7. **Observer:**

The second paragraph of part one of Article 9 of the Constitutional Law stipulates that a candidate or a political party may appoint not more than two observers to each precinct election commission... However, Article 7 of the Law of the Kyrgyz Republic does not contain such a norm, in this connection candidates and political parties may appoint an unlimited number of observers at local elections.

8. Campaigning:

Clause 2 of Part 13 of Article 22 of the Constitutional Law stipulates that concerts and theatrical performances are not allowed in stadiums and streets of populated areas, as well as sports events. However, in a similar article of the Law of the Kyrgyz Republic there is no such norm.

In world practice, national electoral legislation is divided into two categories:

- general electoral law relating to all elections and establishing the legal framework for all elections, including elections to the executive and legislative branches at the national and local levels;
- special electoral legislation relating to elections to a particular body of government or referenda and containing special legal provisions.

In the Kyrgyz Republic, the electoral legislation has separate legislative acts. As can be seen from the comparison above, there are differences between the same processes between the elections of deputies to local councils from the elections of deputies of Jogorku Kenesh of the Kyrgyz Republic.

In our opinion, the second option is characteristic in federal systems or in the context of high decentralization, in this regard the first option is preferable for the Kyrgyz Republic, the option of one electoral codified statutory instrument - the code regulating all elections, because this approach guarantees consistency in the organization and practice of elections, as well as uniform application of law in relation to all elections. In addition, this option simplifies the process of drafting the necessary amendments to the legislation.

In early 2020, the Central Commission on Elections and Referenda of the Kyrgyz Republic adopted a number of statutory instruments containing norms of electoral law, while local self-government elections were scheduled for April 12, 2020.

We consider the adoption of these statutory instruments belated, because electoral legislation should be enacted sufficiently in advance of elections, so that voters and all participants in the electoral process - including the bodies responsible for elections, candidates, parties and the media - would know about the actual rules. Electoral legislation that comes into effect at the very last minute can undermine confidence in the electoral process and reduce opportunities for political forces and voters to become familiar with the rules relating to the electoral process in a timely manner.

Despite the improvement of the legislative technique and institutional basis of the electoral process, the development of the latest information technologies to improve the transparency of elections, the Kyrgyz Republic currently faces some problematic aspects in this area.

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 taking into account the recommendations of international and public observers.

6. ACTIVITIES OF ELECTION COMMISSIONS

Assessing the activities of election commissions for the period reflected in the Preliminary Report, the Foundation notes that the activities of the CEC is carried out transparently and within the established procedures, and the principle of collective leadership is observed in decision-making. All information about the activities of the CEC is publicly available and posted on the official website https://shailoo.gov.kg/. The Foundation notes that there are certain shortcomings in the work of some territorial election commissions, including lack of transparency, incompleteness of material and technical resources, and violations of sanitary standards.

The activity of election commissions is regulated by the legal acts where the main ones are the Constitution of the Kyrgyz Republic, the Constitutional Law "On Elections of the President of the KR and the Deputies of the JK of the KR", "On Election Commissions for Elections and Referenda of the Kyrgyz Republic", the

CEC Regulations and other legal acts of the Kyrgyz Republic. The CEC is a permanent state body ensuring the preparation and holding of elections and referenda in the Kyrgyz Republic and, according to the established hierarchy in the electoral legislation, is in charge of the system of election commissions.

The Unified System of Election Commissions of the Kyrgyz Republic is formed by:

- 1) Central Commission for Elections and Referendums
- 2) territorial election commissions for elections and referenda: district and city election commissions by decision of the Central Election Commission;
- 3) precinct election commissions for elections and referenda²³

Election commissions operate on the principles of:

- 1) legality;
- 2) publicity;
- 3) openness;
- 4) independence;
- 5) collegiality;
- 6) justice;
- 7) impartiality.

The Foundation's observers carry out observation in the following TECs:

- 1) Bishkek TEC
- 2) Osh TEC
- 3) Kaindy TEC
- 4) Tokmok TEC
- 5) Talas city TEC
- 6) Naryn city TEC
- 7) Karakol TEC
- 8) Jalal-Abad TEC
- 9) Batken city TEC

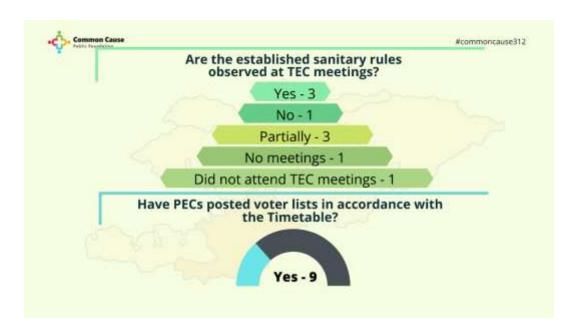
During the reporting period, all nine observed TECs were available for observation in the pre-election period. In seven TECs, the Foundation's observers were able to attend the meetings which were held in the usual (offline) mode and the quorum requirement was met. The observers did not take part in two TEC meetings. Eight out of nine TECs notify about upcoming meetings, in most cases by phone (6 out of 8), but also via messengers and in person. Observers noted that sanitary rules were not observed in one TEC, while in others they were sufficiently or partially observed. When considering complaints, applications and appeals, TECs do not always

²³ The Law of the Kyrgyz Republic "On Election Commissions for Elections and Referenda of the Kyrgyz Republic", https://shailoo.gov.kg/ru/ZakonodatelstvoMyyzamdar/ZakonyMyyzamdar/Ov_izbzratel_kom_provedeni/

comply with the deadlines for consideration of complaints, applications and appeals, for instance, there is an observed delay in the process of considering complaints and appeals in Osh city.

Infographic 2. TEC activities





There are positive developments in the consideration of violations committed by political parties in terms of imposing such sanctions as exclusion and de-registration of political party candidates.

This is evidenced by the de-registration of three candidates from two political parties.

On April 1, 2021, the Bishkek TEC adopted a number of decisions at its meeting:

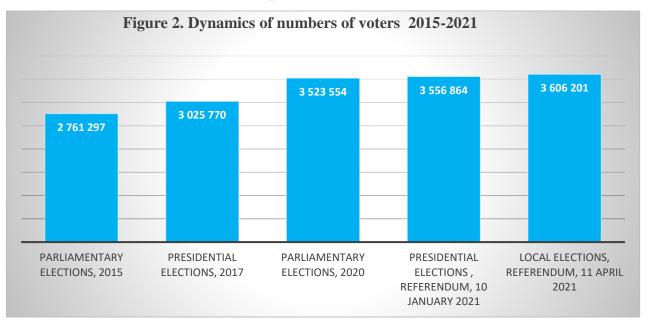
A member of the SDPK party's political council complained about individual candidates from the "Emgek", "Yntymak" and "NDPK" political parties arguing that some candidates for deputies of the BCC, being simultaneously the members of the "SDPK" political party, were nominated by other political parties and were registered as candidates for deputies of the BCC. Based on the results of consideration of additional materials provided by the complainant, the Bishkek TEC made a decision to cancel the registration of candidates from the "Emgek" PP A. Mambetova (head of the MTA No. 17) and M. Toktonaliev (head of the MTA No. 15) for non-compliance with the nomination procedure stipulated by Article 49 of the Law of the Kyrgyz Republic "On Elections of Deputies to Local Councils".

Concerning the video published in the mass media related to the fact of holding a mass sports event in the Ak-Bata housing estate (a soccer tournament among the residents of the housing estate) by the "Ak Bata" party in the presence of candidates for deputies N. Tyuleev and Y. Kadyralieva, where food was distributed for free, the Bishkek TEC ruled to cancel the registration of Y. Kadyralieva, the candidate for deputy from the "Ak Bata" PP, and issued a written warning to the party for violating the rules of election campaigning.

7. VOTER REGISTRATION

On April 1, 2021, the KR CEC posted the final list of voters for the elections of deputies to local councils and the list of referendum participants (nationwide vote) on the "Tizme" state voter portal - https://tizme.gov.kg/.

As of April 1, 2021, the number of referendum participants on the final list is as follows: **3,606,201** participants, of which **1,725,849** are men and **1,880,352** are women, or 47.86% and 52.14% respectively.



As of April 1, 2021, the number of voters on the final list of voters for the elections of deputies to local councils is as follows: **3,318,130** voters, of which **1,587,598** are men and **1,730,532** are women, or 47.85% and 52.15% respectively.

According to the CEC Calendar Plan, the lists of referendum participants must be posted at **2,483** polling stations by April 4, 2021 (no later than 7 calendar days before the election day);

By April 9, 2021 (no later than 3 calendar days before the election day), the lists of voters for the elections of deputies to local councils must be posted at **2,273** polling stations.

Voters can verify their polling station (number and address) and check themselves on the lists of voters in the following ways:

- on the <u>"Tizme"</u> state voter portal at <u>https://tizme.gov.kg/</u>;
- by calling the short number 1255 (toll free);
- by calling or sending an SMS to 119 specifying their PIN number indicated in their passport (the call and the SMS are free of charge).

The voters' list for the elections of deputies to local councils includes members of the local community - the city, the aiyl aimak. Membership in the local community is determined by the note of residence registration in the citizen's passport. (Articles 2 and 12 of the Law of the Kyrgyz Republic "On Elections of Deputies of the Local Councils").

In order for the citizens to participate in the elections of deputies to local councils, the citizens' address of residence registration must correspond to the address / record in the chip of residence in the passport.

The citizens of the Kyrgyz Republic who are entitled to vote on the election day and have completed biometric registration in accordance with the legislation on elections were included in the referendum.

Table 1. Information on the dynamics of the lists of voters and referendum participants:

	11.04.2021 Referendum of the Kyrgyz Republic				Differe nce
Region	Number of the PECs	Prelimin ary list as of 15.03.21.	Control list as of 20.03.21	Final list as of 01.04.2	15.03.21 01.04.21
COUNTRYWIDE:	2,483	3,597,476	3,603,86	3,606,2 01	8,725
BISHKEK CITY	228	415,563	415,944	420,787	5,224
OSH CITY	78	150,196	150,351	151,960	1,764
OSH TEC	78	150,196	150,351	151,960	1,764
BATKEN OBLAST	218	299,547	299,576	300,500	953
JALAL-ABAD OBLAST	452	672,654	672,870	672,859	205
NARYN OBLAST	169	206,111	206,122	204,218	-1 893
OSH OBLAST	515	732,231	735,063	730,057	-2,174
TALAS OBLAST	117	160,051	160,087	159,532	-519
CHUI OBLAST	408	595,292	597,632	596,832	1,540
ISSYK-KUL OBLAST	250	311,621	311,711	310,858	-763
MIA of the KR	48	54,135	54,202	58,598	4,463

Table 2. The number of voters in the final list for the elections of deputies to local councils, as of April 1, 2021, by gender and age.

Names of oblasts	Number of PECs	Number of village councils, names of districts	Number of city councils	Number of voters in the final list as of 11.04.21
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COUNTRYWIDE:	2,273	420	28	3,318,130
BISHKEK CITY	228	0	1	419,901
OSH CITY	78	0	1	151,671
JALAL-ABAD	418	62	7	620 106
OBLAST	416	02	/	620,106
BATKEN OBLAST	201	27	6	279,875
CHUI OBLAST	369	98	6	533,294
TALAS OBLAST	111	34	1	151,918
ISSYK-KUL	242	59	3	204 500
OBLAST	242	39	3	304,599
NARYN OBLAST	156	59	1	191,658
OSH OBLAST	470	81	2	665,108

8. ELECTION CAMPAIGN

Before the start of campaigning, 25 parties participating in the BCC elections signed a memorandum on compliance with the law and the conduct of fair elections. The signing of the memorandum is a positive indicator; the document contains the parties' commitment to a fair contest. But nevertheless, regardless of this, some political parties point to unfair competition on the part of individual parties.

As part of monitoring of local elections, long-term observers of the Foundation hold meetings with political party representatives and candidates for deputies to local councils of the Kyrgyz Republic. For instance, the meetings with 11 parties out of 25 registered parties were held in Bishkek. Full information on the results of meetings and surveys among political parties will be reflected in the final report.

As of April 4, 2021, observers met with 11 political parties in Bishkek:

- 1) Butun Kyrgyzstan
- 2) Uluu Zhurt
- 3) NDPK
- 4) Social Democrats
- 5) Ishenim
- 6) The Party of Communists of Kyrgyzstan
- 7) Reforma
- 8) Nash narod
- 9) Respublika
- 10) The Socialist Party of Kyrgyzstan
- 11) Ulutman

Based on the results of meetings with 11 political parties, the conclusions obtained were as follows:

1) The greatest discontent was caused by the situation around the debates on the state-owned channel PBC. In addition to the "Nash narod" PP and the "Party of

Communists" PP, 9 parties condemned the actions and omissions of the PBC in providing airtime. According to the testimonies of the candidates, the TV channel representatives first tried to cancel the debates, claiming that they did not have the technical capability and preparation. However, after a negative public reaction, the channel agreed to allocate time to all participants.

- 2) The possibility of low voter turnout is a particular concern for political parties competing for the seats in the Bishkek city council. Door-to-door canvasses and meetings with voters indicate a possible lack of interest in the local elections on the part of citizens. This was mentioned by the "NDPK", "Respublika", "Ishenim", and the "Socialist Party of Kyrgyzstan" political parties.
- 3) Some of the violations were related to the damage of campaign materials, when posters of one party were pasted over with the posters of other party. Such disputes were most often resolved through negotiations between authorized persons of the parties, who created a shared group in the WhatsApp messenger.

In this case, the only unresolved issue was that of the "NDPK" party, which was dissatisfied with the poor response of the Bishkek TEC. According to them, TEC did not take any measures, despite an official appeal of the party accompanied by the proofs of damage to campaign materials. The "Respublika" party also joined the statement of the NDPK about the TEC's poor response.

- 4) Surveyed representatives of the "Social Democrats" party shared the opinion that there is an urgent need to reform the work of law enforcement agencies in terms of meeting certain deadlines during the election period. The parties are dissatisfied with the delayed assessment by the law enforcement agencies. Without this assessment the CEC has no right to take measures against any party.
- There were separate complaints from the "Ulutman" political party about the use of administrative resources, when representatives of large shopping centers and markets, affiliated with the current deputies, prohibited campaigning in the adjacent areas of their establishments. In private conversations, they hinted that this area already belonged to another party, but officially, on camera, they said they were only concerned about the convenience of customers, who were allegedly disturbed by the canvassers.
- 6) In conclusion, the parties "Butun Kyrgyzstan", "Nash narod", and "Social Democrats" emphasized positive developments in the work of the Bishkek TEC and the KR CEC as a whole. They also noted that on the eve of the 2021 local council elections, the use of administrative resources and mass bribery had decreased, in contrast to previous election campaigns.

7) The "Social Democrats" party stressed the importance of bringing a request to consider the possibility of reducing the numerous duplications of documents at various stages of registration to the attention of the KR CEC. In particular, they had to fill out almost identical forms numbered No. 5, No. 6, No. 11, and No. 12.

Monitoring of the mass media

The KR CEC at its session of March 12, 2021 decided to accredit 179 media outlets and online media outlets²⁴ for participation in the pre-election campaign for the elections of deputies to local councils of the Kyrgyz Republic, particularly

- 115 media outlets;
- 64 online media outlets.

The decision was made by taking into consideration the Working Group's proposal on the issues of informing the voters and other electoral subjects and the campaigning rules on the accreditation of mass media and online media outlets in the elections of deputies to local councils in accordance with Articles 9, 22 of the Law of KR "On Elections of Deputies to Local Councils", Clauses 2, 21, Part 1, Articles 7 and 18 of the Law of KR "On election commissions for elections and referenda in the Kyrgyz Republic" and based on the "Regulation on the Accreditation of Mass Media and Online Media Outlets during the Preparation and Conduct of Elections of Deputies of the Local Councils", approved by the Resolution of the KR CEC No. 151 dated October 11, 2016.

The monitoring of the mass media in the local elections and the referendum of the Kyrgyz Republic is carried out by the staff of the Common Cause Foundation's head office during the period from March 15 to April 4, 2021. The information on the mass media monitoring is collected according to the following parameters:

- 1. Violations published in the media
- 2. Source, i.e., which media outlet published it
- 3. Publication date

The Foundation screens the mass media for violations such as:

- Abuse of administrative resources
- Threats, pressure and violence
- Bribery of voters and vote-buying
- Violation of the rules of election campaigning

The Foundation monitored the media scene in the cities of Bishkek, Osh, Kaindy, Tokmok, Karakol, Naryn, Talas, Batken and Jalal-Abad and across the country

²⁴ https://shailoo.gov.kg/ru/news/4509/

among such news outlets as 24.kg, Kloop, Sputnik, Kaktus Media and other local media outlets as well as online media outlets of the Kyrgyz Republic.

The main tasks of the mass media monitoring are as follows:

- analysis of revealed violations published in the media,
- support for the Foundation's observers in recording, verifying and appealing violations published in the media.
- daily monitoring of Kyrgyz- and Russian-language news for violations related to the local elections and the Referendum of the Kyrgyz Republic.

The monitoring of the local mass media revealed the following:

- The largest number of violations in the pre-election period was recorded in Bishkek and Osh cities.
- The following political parties were mentioned most often in the publications about violations of election campaigning, vote-buying and the abuse of administrative resources: "Ak-Bata", "Ata Zhurt Kyrgyzstan", "Emgek", "Ishenim", "Birge-Vmeste", "Nash Narod", "Onuguu Progress" and "Partiya Zelionyh".
- Moreover, there were noted publications related to the problems with the lists during the registration of the following political parties: "Yntymak", "Tilekteshtik", "Butun Kyrgyzstan".
- There are also noted publications about the CEC's response to violations, warnings to comply with the law, and demands to law enforcement agencies to investigate and respond to complaints and violations.

A total of 57 news items on violations were analyzed, including 27 cases of violations of election campaigning rules, 20 cases of vote-buying and 10 cases of the abuse of administrative resources.

Monitoring of social media

The monitoring of social media and the analysis of online content on certain Facebook pages since the pre-election campaign period for reports of violations in the discourse on the elections of deputies to local councils in Kyrgyzstan is part of the long-term observation. The Foundation carried out manual monitoring of social media during the pre-election period for reports of violations of the electoral process procedures, as well as an analysis of political parties' paid advertising posts. 54 pages were selected for monitoring, mostly on the Facebook platform, along with individual Telegram channels and personal Twitter profiles, which included pages and groups in six categories: candidates (political parties), civic activists, politicians, lawyers, opinion leaders and social public groups. The results of manual monitoring were recorded in a dedicated table.

The purpose of the research is to examine the publications about the following violations: pressure/threats against voters and party candidates, vote-buying, the use of administrative resources, as well as to study the role of social media in the electoral process and their influence on the electoral process and the audience.

During the reporting period (March 15-April 3, 2021), the Foundation detected 45 reports in social media about alleged violations of the electoral process, of which: 19 reports of vote-buying, 13 reports of the use of administrative resources, and 13 reports of pressure/threats against voters and candidates. The largest number of reports (14) were about alleged violations by the "Ata-Zhurt" party. Mostly, the reports were about alleged violations in the cities of Bishkek and Osh, as well as in the Chui oblast. Out of 45 reports of alleged violations found by the Foundation in social media, the Central Election Commission took action against 27 violations, according to the register of complaints and violations at the elections of deputies to local councils of the Kyrgyz Republic and at the referendum of the Kyrgyz Republic - April 11, 2021, published on the CEC website.

9. VIOLATIONS AND COMPLAINTS

Since the introduction of biometric identification of citizens and the automatic vote count, the impact of vote buying and the abuse of administrative resources to influence the voters' will and vote has increased significantly.

Unlike a number of previous local and international monitoring missions, the Foundation decided to monitor the elections of deputies to local councils of the Kyrgyz Republic with a focus on observing the possible facts of abuse of administrative resources, threats and pressure on voters, vote-buying and violations of election campaigning rules. A team of long-term observers was trained in order to monitor effectively. The main purpose of their work is to monitor violations by the subjects of the electoral process and partially monitor the TECs' activities. In order to exchange information and respond promptly, the special, so-called incident forms were developed for the LTOs for 3 types of violations:

- Abuse of administrative resources, threats, pressure and violence against voters
- Vote buying
- Violation of election campaigning rules.
- 1. As of April 4, 2021, the public observers of the Common Cause PF have sent information about 34 identified violations. Of these, 7 were cases of the use of administrative resources, pressure, threats and violence; 12 were cases of votebuying; 15 were cases of violations of election campaigning. For 2 violations, the information was referred to the Rapid Response Coordination Group (RRCG) formed at the CEC.

1) Administrative resources, pressure, threats, violence: against the "Ata-Zhurt Kyrgyzstan" Political Party - 3; "Uluttar Birimdigi" PP - 2; "Aikol" PP - 1; "Emgek" PP - 1.

By region: Osh city - 5; Talas city - 1; Tokmok city - 1.

2) Vote-buying: against the "Ata-Zhurt Kyrgyzstan" PP - 4; "Uluttar Birimdigi" PP - 2; "Yntymak" PP - 2; "Iman Nuru" - 1; "Onuguu-Progress" - 1; "Respublika" PP - 1; "Emgek" PP - 1.

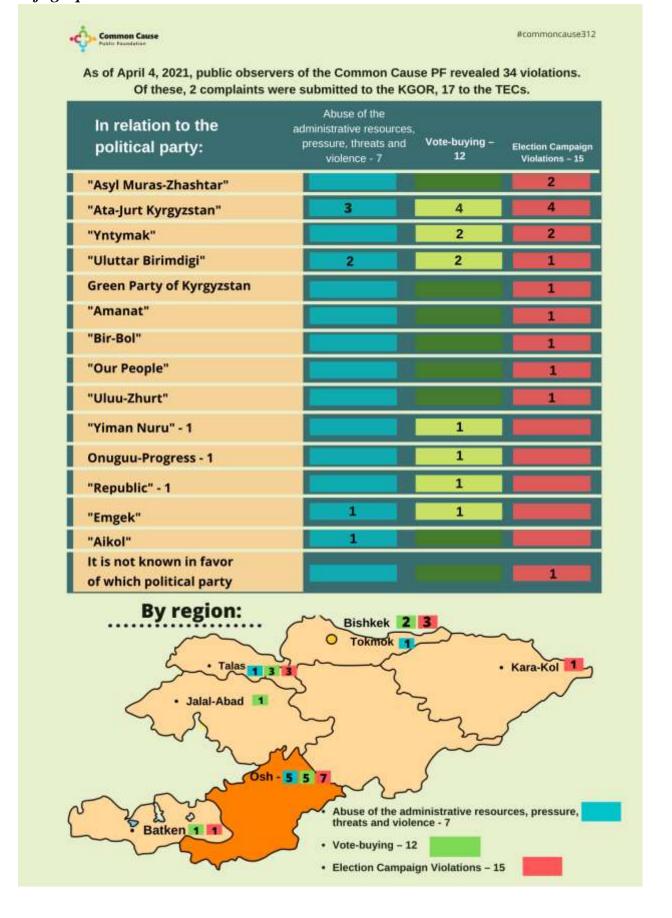
By region: Bishkek city - 2; Osh city - 5; Talas city - 3; Jalal-Abad city - 1; Batken city - 1.

3) Violation of election campaigning rules: against the "Asyl Muras-Jashtar" PP - 2; "Ata-Zhurt Kyrgyzstan" PP - 4; "Yntymak" PP - 2; "Uluttar Birimdigi" PP - 1; "Partiya Zelionyh Kyrgyzstana" PP - 1; "Amanat" PP - 1; "Bir-Bol" PP - 1; "Nash Narod" PP - 1; "Uluu-Zhurt" PP - 1, unknown against which PP - 1.

By region: Bishkek city - 3; Osh city - 7; Talas city - 3; Batken city - 1; Kara-Kol city - 1.

Of these, 2 complaints were submitted to the RRCG and 17 to TECs.

Infographic 1. Violation statistics



10.RECOMMENDATIONS

- 1. To the Central Election Commission for Elections and Referenda, territorial election commissions, law enforcement agencies of the Kyrgyz Republic within the limits of their powers, to respond, consider and investigate all incidents of violations of the electoral legislation openly, transparently and objectively, and to hold the guilty legal entities and individuals liable in the cases of violations of the electoral legislation, in all regions of the Republic.
- 2. To political parties, candidates, and supporters of political parties and candidates to conduct election campaign on the principles of the rule of law, openness and mutual respect, the priority of interests and rights of the citizens of the Kyrgyz Republic, and in strict compliance with the Memorandums signed between the political parties which have registered their lists of candidates for the elections of deputies to local councils of the Kyrgyz Republic, scheduled for April 11, 2021.