

# **FINAL REPORT**

## **ON THE RESULTS OF LONG-TERM AND SHORT-TERM OBSERVATION OF THE ELECTIONS OF DEPUTIES TO THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC ON OCTOBER 4, 2020**



**OBSERVATION PERIOD  
FROM AUGUST 24 TO OCTOBER 30, 2020**



This report was made possible by the assistance of the American people through the U.S. Agency for International Development (USAID). The Common Cause Public Foundation is responsible for the content of the publication, which does not necessarily reflect the position of USAID or the US Government.

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## ABBREVIATIONS

<b>KR</b>	Kyrgyz Republic
<b>ARBB</b>	Automatically Reading Ballot Box
<b>CEC</b>	Central Election Commission
<b>BTEC</b>	Bishkek Territorial Election Commission
<b>TEC</b>	Territorial Election Commission
<b>PEC</b>	Precinct Election Commission
<b>HO</b>	Head Office
<b>SRS</b>	State Registration Service
<b>LTO</b>	Long-Term Observation
<b>STO</b>	Short-Term Observation
<b>CEC</b>	Central Election Commission
<b>LSG</b>	Local Self-Government
<b>CP</b>	Calendar Plan
<b>NGO</b>	Non-governmental Organization
<b>PF</b>	Public Foundation
<b>SBO</b>	Statistically Based Observation
<b>PP</b>	Political Party
<b>RC</b>	Regional Coordinator
<b>MM</b>	Mass Media
<b>KR CL</b>	Constitutional Law of the Kyrgyz Republic
<b>KR CC</b>	Criminal Code of the Kyrgyz Republic
<b>KR CCP</b>	Code of Criminal Procedure the Kyrgyz Republic
<b>KR APC</b>	Administrative Procedure Code of the Kyrgyz Republic
<b>KR CPC</b>	Civil Procedure Code of the Kyrgyz Republic
<b>ORCG</b>	Operational Resilience Collaboration Group
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OSCE/ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>USAID</b>	U.S. Agency for International Development

## ABOUT US

The Common Cause Public Foundation is a non-profit organization established to monitor elections in the Kyrgyz Republic, to implement civic education projects, and to promote greater citizen participation in governance processes.

The Foundation has joined the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring. This is the core document of the authoritative Global Network of Domestic Election Monitors. 251 organizations in 89 countries have adopted it to provide nonpartisan monitoring of the electoral process.

The Foundation implements the "Nonpartisan Observation of Parliamentary Elections in the Kyrgyz Republic in 2020" project with the support of USAID. This project is aimed at ensuring transparency of the election process and timely informing the citizens about the preparation and conduct of elections.

The implementation of this project involved 8 regional representative offices with the central office in the capital city, 116 public observers, who monitored the preparations of the Jogorku Kenesh elections across the country and the work of the Central Election Commission, 54 Territorial Election Commissions, the election campaign, and the post-election period, 300 stationary observers deployed at 300 polling stations to observe Election Day processes.

The purpose of the election observation was to provide citizens and stakeholders at the elections with a professional, nonpartisan, and timely assessment of the compliance with international standards and national legislation, including the information on potential violations and voter turnout.

## MAIN FINDINGS

At the time of writing this report, the political situation in Kyrgyzstan has changed dramatically. As a result, the Common Cause Public Foundation had to revise its findings and recommendations to reflect the established circumstances.

The socio-political situation in the country before the elections was complicated by a wide range of social and economic problems: poverty, growing dissatisfaction of citizens with the work of the government and the parliament, the outbreak and consequences of COVID-19, the crisis of the health care system during the pandemic, the return of migrant workers, as well as the decline of small and medium-sized businesses against the backdrop of quarantine measures and lack of adequate government support. All this had a significant impact on the preparation and conduct of elections.

The pre-election period was characterized by high uncertainty of citizens about whom to vote for at the elections. This indicator made up 82%, that could relate to the disappointment in the work of parliament amid the crisis and absence of worthy candidates in the eyes of the population. In addition, a few weeks before the election, voters estimated very highly the probability of using the administrative resources (49%) and bribing of voters (65%) as most common violations.<sup>1</sup>

It should be noted that there were several small new parties that were able to participate in the last elections. In addition, one of these parties for the first time managed to collect the electoral deposit by crowdfunding. Appearance of alternative political forces in the arena is a positive phenomenon and one of the evidence of the ongoing changes in society associated with the increasing share of the young electorate in the country and the growing desire for changes among the population.

Taking into account the socio-political situation and the results of measurements of public sentiments before the elections of deputies to the Jogorku Kenesh, as well as the peculiarity of the Kyrgyz politics influencing the parliamentary elections, which is that parties in the country are not organized after strategies and programs, but after influential persons who are behind the interests of families and groups from different regions, the probability that the elections would be unfair was high.

Concerning the legal framework for the preparation and conduct of elections, it has been greatly improved since the last parliamentary elections. Despite the obvious positive changes in the electoral law, the amendments have not been able to remove some of the restrictions, and several amendments have even resulted in new restrictions. Thus, public observers were denied the right to appeal, which had a significant negative impact on the credibility of the process and the identification of problems for the further improvement of the electoral process. Furthermore, the high size of the electoral deposit and the established thresholds give advantage to wealthy parties and to some extent hinder the equal participation of citizens in political processes.

In general, the election commissions carried out their activities in compliance with the legislation, the calendar plan, as well as the algorithm of conducting elections, developed by the CEC jointly with the Ministry of Health of the Kyrgyz Republic, which contained several recommendations aimed at regulating the work of election commissions before and during election days, considering the sanitary

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<sup>1</sup> <http://commoncause.kg/en/analytics/29>

and epidemiological norms. Almost all election commissions were formed in accordance with the requirements of the Kyrgyz legislation, except for some isolated cases. However, the Foundation noted the low level of training of members of some election commissions, which could be related to the staff turnover, as well as to the process of preparing commissions under conditions of the epidemic. For example, observers faced a misinterpretation of the legislation and of their functions by members of some election commissions. Therefore, the Foundation recommends improving the preparation of election commissions at all levels.

Regarding the registration of voters, one of the positive changes in this election was the use of a variety of methods to verify oneself on voters' lists. This allowed to improve the conditions for the implementation of the active electoral right of citizens by increasing the ability to apply for changes in the voters' list, the list of referendum participants and the change of the voting address in electronic format. For example, in addition to the possibility to clarify their data in the list directly at PEC, this year voters had the opportunity to use the "Voter's Cabinet" on the Internet portal developed by the CEC, as well as to send a text message or make a call.

The negative aspect related to the registration of voters in this election was the large number of applications from voters to vote on Form No. 2 (an application to change the voting address) which raised concerns regarding the risk of possible manipulations to overcome the regional threshold by some political parties. The Foundation repeatedly filed applications on this issue and appealed to the Prosecutor's Office. Form No. 2 mechanism was abolished after the cancellation of the election results. On the one hand, cancellation of the Form No. 2 prevents possible manipulations on the part of certain political parties, and on the other hand, the absence of a mechanism for voting at another voting address deprives the citizens of an active electoral right. Therefore, the Foundation considers that it is important to develop a mechanism that would allow citizens to vote at another voting address and would also reduce the risk of manipulation by interested parties.

Although the party/candidate registration was generally smooth, problems arose in the public outcry related to the late submission of the necessary documents for registration by the political party "Kyrgyzstan" and the court case related to the decision of the KR CEC to refuse to register the list of candidates from "Butun Kyrgyzstan". This revealed some gaps in the procedural issues related to the deadlines for submission of lists of candidates for registration, submission of documents by an authorized person in case of unavailability for valid reasons, amendments to candidate lists both after approval at the congress of a political party and after registration of candidate lists. Considering this situation, the Foundation made recommendations for amendments that would clearly regulate the procedural issues related to the registration of political parties and lists of candidates.

The issue related to the lists of candidates provided by political parties should be noted separately. For example, when registering with the KR CEC, the lists must comply with legal requirements regarding compliance with quotas on gender, representation of youth, PWDs and ethnic minorities, as well as other requirements. However, after registration, these lists may be changed both at the initiative of political parties and based on decisions of the CEC, which leads to violations of legislation on quotas and makes them meaningless.

In an overall inclusive process, 16 political parties registered their lists. While most registered parties did not raise concerns regarding the size of electoral deposit, some suggested that the amount of the deposit should be lowered. At the moment of registration, all contesting parties met quota requirements for the candidate lists, including on gender and national minorities; however, withdrawals and deregistration of some female and national minority candidates resulted in some

lists not complying with the quotas. The campaign was competitive and lively, although at times harsh, and lacked discussion on actual election platforms. Fundamental freedoms were generally respected during the campaign and the contestants used a variety of means to campaign, including online. However, several instances of intimidation, disruption of events as well as online misinformation campaigns were also observed. Credible allegations of vote-buying and pressure on civil servants remained a serious concern throughout the process.

Women constituted only 16.7 per cent in the outgoing parliament. In line with legal requirements to improve the situation, a third of candidates nominated by political parties were women. Majority of campaign events observed by the ODIHR LEOM were well attended by women, but gender issues were almost absent from the campaign. Women were also well represented in election administration at all levels, including in decision-making positions.

In general, the election campaign was held in a competitive environment. Regardless of the size of election funds, all political parties used different methods of campaigning, from traditional door-to-door canvassing and meetings with the voters to mass text messaging. Printed materials, television/radio, internet, and meetings with voters were the most common campaigning tools according to the reports of long-term observers. The most common types of violations during the pre-election race were vote buying, administrative resources, damage to campaign materials, unequal access, and violation of election campaign rules, as well as violence and pressure, according to the data of the Foundation. In this connection, the Foundation recommends strengthening the work of law enforcement agencies and prosecutors on violations that occur during the election period.

One of the new developments of the past elections for the purpose of prompt response and immediate action on reports of violations of electoral legislation was the creation of the operational response coordination group (hereinafter - CEC ORCG). The data obtained by the CEC ORCG largely confirmed the observers' reports on the types of the most common violations.

Regarding the election day, the opening, voting, closing and summing up procedures were mainly conducted in accordance with the law as reported by short-term observers deployed at 300 polling stations nationwide. It should be noted that with the introduction of ARBBs and biometric registration, the number of serious violations in polling stations that could have affected the election results decreased. Automation of the process of identification of voters and the voting process largely avoids the violations associated with the manipulation of the number of votes for one or another party or candidate. Thus, there were mainly procedural irregularities at polling stations, which are more related to the level and quality of training of PEC members. For example, the most common irregularities on the election day were violations of procedures for opening the polling station, drawing lots, and ARBB interruptions. Given the improvement in the process technology, which in many ways made the election day less problematic, special attention should be given to the irregularities that take place outside the voting premises and in the pre-election period.

The post-election period was characterized by very unpredictable developments and consequences, expressed by protest actions, public unrest, cancellation of election results by the CEC and change of power. The reasons for this situation lie in the injustice of the electoral system itself, which is favoring rich political parties and the interests of narrow interest groups. Under such system, there is always the possibility that most of the electorate will remain unrepresented in parliament, which causes discontent among the population. Given the fact that the elections were held under conditions

affected by a wide range of political, social, and economic problems, the results of the elections caused a wave of resentment and led to mass protests demanding the cancellation of the election results.

Even though the last election campaign revealed gaps both in the legislation and in the implementation of legal norms and procedures, and a number of recommendations were provided by the Foundation, the need to conduct several election campaigns in a row in a short time does not allow all participants of the election process to make a full analysis and work on mistakes. For example, only top-priority recommendations to amend electoral legislation were implemented, such as: abolishing the Form No. 2, reducing the electoral threshold and the deposit. At the same time, the lack of clear timeframes and rules for the next parliamentary elections creates new problems for the participants of the electoral process and does not allow implementing all recommendations provided by the civil society and international organizations. Even greater uncertainty is posed by the issue of the constitutional reform, which can fundamentally change the electoral system.

## SECTION 1. SOCIAL AND POLITICAL SITUATION BEFORE THE ELECTION OF DEPUTIES TO THE JOGORKU KENESH

The socio-political situation in the country before the elections was complicated by a wide range of social and economic problems: poverty, growing dissatisfaction of citizens with the work of the government and parliament, the outbreak and consequences of COVID-19, the crisis of the health care system during the pandemic, the return of migrant workers, as well as the decline of small and medium-sized businesses against the backdrop of quarantine measures and lack of adequate government support. In addition, proposals to postpone parliamentary elections due to the epidemiological situation in the country were repeatedly voiced in the pre-election period. Despite the objective concerns related to the second wave of COVID-19, in accordance with the norms of the constitutional law "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic" the elections were scheduled for October 4, 2020, by Presidential Decree No. 139 of July 3, 2020.

During the pre-election period, the Foundation conducted a few surveys on the social and political situation. The data of field research "Parliamentary Elections 2020 in Kyrgyzstan through the eyes of citizens" conducted in June 2020 showed that more than a half of respondents (57,7%) believed that the country is in crisis. The indicators of dissatisfaction with the economic and political developments in the country at the moment of the poll were rather high. Thus, 34,6% of population were not satisfied with the existing political system and 33,9% were dissatisfied with the conducted economic policy.<sup>2</sup>

Besides, the pre-election period was characterized by high uncertainty of citizens about whom to vote for at the elections. This indicator was 82 %<sup>3</sup> which could be connected with the disappointment in the work of parliament, the lack of new persons in politics and decent candidates according to the population. The top six expectations from the new parliament were: elimination of corruption, revival of the industrial sector, strengthening of the statehood and borders, transparency of the judicial bodies, overcoming the economic consequences of the coronavirus, and, according to the

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<sup>2</sup> <http://commoncause.kg/en/analytics/29>

<http://commoncause.kg/en/analytics/25>

<sup>3</sup> <http://commoncause.kg/en/analytics/27>

respondents, the concepts of justice, peace, order, and human rights ought to form the basis of the future parliament's policy. It should also be noted that citizens' choice was influenced more by the rhetoric and eloquence of candidates than by the independent analysis of deputies' work in recent years.

Almost all respondents (96%) put education on the first place among the qualities they wanted to see in future parliamentarians. In addition, the demand for young, new and "people's" candidates and the representation of women in parliament increased. Such citizen preferences can be attributed to the electorate's frustration with competency levels and the work of the sixth convocation. The influence of religion on political life in Kyrgyzstan is also worth noting. Thus, about half of respondents believed that a candidate's religiosity would also play a big role in choosing who to vote for.

After the elections were scheduled, high level of awareness of citizens about the upcoming elections and readiness to vote regardless of the epidemiological situation was noted. This was confirmed by the telephone survey "Citizens' views about the upcoming parliamentary elections on October 4, 2020" which was conducted by the Foundation in August 2020. 94% of population indicated their awareness of the upcoming parliamentary elections, 74% planned to take part in the elections. 60% were ready to go to the polls regardless of the epidemiological situation related to Covid-19.<sup>4</sup>



Compared to the survey of the socio-political situation in June, the level of uncertainty among voters about which party to vote for decreased from 82% to 58%, which was most likely due to the registration of political parties to participate in elections and the beginning of the election race. It should be noted that there were a number of new small parties that were able to participate in the last elections. Moreover, one of these parties for the first time managed to collect the electoral deposit by crowdfunding, which is a positive phenomenon and one of the evidences of the ongoing changes in society associated with the increasing share of the young electorate in the country and

the growing desire for changes among the population. Despite public demand for new persons and appearance of new participants in the political process, poll's data and experts' opinions coincided in that the richest pro-governmental parties had the greatest advantage. Three leaders according to poll's results were: "Mekenim Kyrgyzstan". (3%), "Birimdik" and "Ata-Meken" (2% each).

A few weeks before the election, the social media discussed the use of illegal methods such as vote buying, the use of administrative resources and pressure on election participants. Thus, according to the poll data, 65% of respondents assessed the probability of vote buying as "high" and "very high". 49% spoke about high probability of the use of administrative resource.

Taking into account the socio-political situation and the results of measurements of public sentiments before the elections of deputies to the Jogorku Kenesh, as well as the peculiarity of the Kyrgyz politics affecting the parliamentary elections, which is that parties in the country are not organized after strategies and programs, but after the influential figures behind which are the interests of families, groups from different regions, the probability that the elections would be unfair was high.

## SECTION 2. ANALYSIS OF LEGAL FRAMEWORK

Electoral legislation is fully formed, that is, there are quite a number of statutory acts of various legal force, adequately regulating individual issues related to the organization and conduct of elections at the national and local levels. However, due to excessive procedural regulation, the protection of certain electoral rights has been overshadowed, such as the rights of public observers, the size of the electoral thresholds and deposit, issues related to campaigning, etc.

### Summary of major legislative changes

The legal framework for parliamentary elections includes the following legal acts:

- Constitution of the Kyrgyz Republic.
- Constitutional Law of the Kyrgyz Republic No. 68 of 2 July 2011 "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic";
- The Law of the Kyrgyz Republic No. 62 of 30 June 2011 "On Election Commissions for Elections and Referenda in the Kyrgyz Republic";
- Decrees of Central Electoral Commission (regulations, instructions, etc.)
- The Law "On Political Parties", No. 50 of 12 June 1999 №50;
- The Law "On Peaceful Assemblies", No. 64 of 23 May 2012;
- KR Criminal Code No. 19 of 2 February 2017;
- KR Code of Violations No. 58 of 13 April 2017;
- KR Code of Misdemeanors No. 18 of 1 February 2017;
- KR Administrative Procedure Code No. 13 of 25 January 2017;
- KR Civil Procedure Code No. 6 of 20 January 2017;
- Rulings of courts of the Kyrgyz Republic; and
- International treaties signed by the Kyrgyz Republic providing for international electoral standards.

In line with the Strategy for Improving the Electoral Legislation in 2018 - 2020., the electoral legal framework has been amended three times since the last parliamentary elections, namely in 2017, 2019 and 2020. Alongside from the Electoral Code and Code on Election Commissions, KR Criminal Code, KR Administrative Procedure Code, KR Code of Violations, and KR Code of Misdemeanors were amended.

The recent amendments introduced the 7% electoral threshold (compared to nine percent as of 2017 amendments) and established rules for preservation of the gender quota in case of withdrawal of a member of parliament. Other major changes concern sanctions for vote buying and abuse of administrative resources, deadlines for lodging complaints and appeals, administration of voters' lists, and participation of voters with disabilities in elections.

Whilst the lowering of the electoral threshold was a welcoming move, the established 7% threshold combined with a 0.7 regional threshold might result in a limited number of political parties gaining seats and many voters not been represented in the Parliament. Additionally, as Constitution limits the maximum number of mandates that a party may hold in the parliament to 65, provisions are not detailing cases of when only one party passes the electoral threshold and exceed the ceiling number of mandates.

The high electoral deposit represents a hurdle for smaller parties and candidates and creates more favorable environment for wealthier ones. Although the electoral deposit instrument is designed to eliminate the inflation of non-serious candidates, the current provision potentially violates the principle of equality and opens possibilities for the dubious collection of necessary campaign funds.

The administration of voter registration has been amended to enable voters who would like to exercise their right to vote at a different polling station other than the one assigned per their residential address. Such voters are to apply to the precinct election commission where they would like to vote no later than 15 days before the election day according to the Paragraph 5 of Article 15 of the Kyrgyz Republic's Constitutional Law "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic". A Regulation on the Single Voter Registration System, approved by the CEC resolution of February 11, 2020 No. 38, stipulates the procedure for this mechanism to be used through a Form No. 2. This rule was created to facilitate voter participation, the opportunity to use their active suffrage in case of inability to vote at their polling station (labor migration, business trips, students, temporary change of residence, etc.).

The electoral law recognizes international observers, political/party candidate observers and public observers appointed by not-for-profit organizations, whose work is regulated by Articles 9, 10 and 101 of the Constitutional Law. The amendments regulating the rights of observers were introduced in 2017 and 2019 and limit the possibility of public observers to effectively observe and take legal action related to observed violations.

Up to three observers can be appointed to observe the work of each election commission, whilst only one can observe their operations on a single occasion. This restriction adversely affects the way public observers fulfill their duties and restricts the functionality of independent monitoring institute. While monitoring the electoral process, observers closely oversee two election procedures at polling stations. They involve the voter identification procedure and the voting procedure itself. As these procedures take place simultaneously, it is almost impossible for one observer to monitor them fully.

Additionally, the provision stipulating that observer accreditations are issued for a specific precinct

election commission only is problematic as it limits the free movement of observers and unnecessarily complicates the accreditation process.

Public observers were restricted the right to appeal against decisions of electoral commissions in terms of drawing conclusions on voting and appealing to relevant agencies in case of election process breaches. The standing practice of nonpartisan observation since the country's independence shows a high expert potential of nonpartisan observers whereby mitigating risks of breaches of electoral legislation of the Kyrgyz Republic.

According to Para. 10 of Part 6 hereof, public observers are entitled to submit their remarks and proposals pertaining election process administration to the Chairperson of Precinct Election Commission they were assigned thereto and in case of absence of such Chairperson then to his/her deputy. Whereas, as per Para. 2 of Article 44 of the Constitutional Law, not-for-profit organizations are entitled to appeal against decisions and/or actions (non-feasance) of electoral commissions whereby infringing the suffrage of electoral subject<sup>5</sup>. As regards the rights of candidates' observers and political party observers, they remained intact.

During the adoption of electoral amendments, the civil society organizations under various expert platforms have repeatedly highlighted the inadmissibility of nonpartisan observers' rights restrictions, whereof they believe that as per the Constitution of the Kyrgyz Republic such amendments infringe the principle of openness and transparency of electoral process and violate international standards of nonpartisan observation, in particular Part 3 of Article 14 of the Convention on Standards of Democratic Elections, Voting Rights and Freedoms in the Member States of the Commonwealth of Independent States ratified by the Law of the Kyrgyz Republic No. 185 as of 01 August 2003 as regards the rights of national observers<sup>6</sup>.

#### International standards

The final report of the OSCE/ODIHR Mission to Monitor the Elections of the President of the Kyrgyz Republic on October 15, 2017 contained 25 recommendations. These recommendations cover both legislation and procedural issues. It needs to be noted that unlike previous recommendations by the OSCE/ODIHR, a number of recommendations were implemented through various amendments.

The following amendments to the Constitutional Law No. 116 of 8 August 2019 “On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic”, “On the Kyrgyz Republic Referendum” were introduced as per OSCE/ODIHR recommendations:

- The Constitutional Law was supplemented by Article 21-1, on the inadmissibility of abuse of administrative resources.
- The Para. 5 of Article 46 amended whereby any violations by a candidate, his or her representatives of the requirements stipulated in Article 21-1 of the Constitutional Law on

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<sup>5</sup> See: Constitutional Law of the Kyrgyz Republic No. 68 of 2 July 2011 “On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic” // <http://cbd.minjust.gov.kg/act/view/ru-ru/203244>

<sup>6</sup> See: Convention on the standards of democratic elections, electoral rights and freedoms in the member states of the Commonwealth of independent states // <http://cis.minsk.by/page/616>

inadmissibility of abuse of administrative resources for the purpose of electing a candidate constitute grounds for repealing the registration (Recommendation 1);

- Article 6 has been supplemented with a Para. 2 referring to the responsibility for breaching the secret ballot (Recommendation 2);
- Para. 3 of Article 12 has been supplemented by Para. 7 prescribing another principle, the principle of impartiality of electoral commissions (Recommendation 9);
- Articles 22, 29, 30 and 33 were supplemented to ensure appropriate access of persons with disabilities to voting procedures including requirements to outreach, voting premises, information stands, ballot stencils, etc. (Recommendation 12);
- Article 14 of Constitutional Law is amended whereby stipulating provisions entitling biometric registration on the territories of airports and railway stations of the Kyrgyz Republic during preparation of elections pursuant to a decision of the Central Electoral Commission and the government agency in charge with population registration (Recommendation 14);
- In Para. 2, Part 4, Article 62, the figures "50,000,000" have been replaced by "30,000,000" (Recommendation 18) lowering the amount of donations from legal entities.
- Articles 22, 24, 26, 27 and 28 were amended and supplemented in order to establish criteria for information to be used by media outlets (Recommendation 19);
- Article 10-1 was amended whereby not-for-profit organization can register no more than three public observers in each electoral commission. Only one public observer from one not-for-profit organization can be present at one electoral precinct (Recommendation 22).

The Law of the Kyrgyz Republic No. 121 of 5 November 2019 "On amendments to the Law of the Kyrgyz Republic "On Election Commissions for Elections and Referenda" has introduced the following amendments:

- Part 6 of Article 18 is amended whereby CEC member votes on issues under consideration solely while present at the meeting of Central Electoral Commission whereof eliminating absentee ballot (Recommendation 10).
- Article 7 has been supplemented with paragraph 9-1, whereby CEC shall conduct training including online one for members of territorial and precinct election commissions and other actors in the electoral process.
- Article 10 is amended whereby CEC shall establish a Centre for Civic Education and Electoral Technology in order to arrange, coordinate and ensure efforts aimed to improve legal culture of citizens, voters (participants of referendum), training the members of election commissions and other actors in electoral process.
- Part 3, Article 23 is supplemented by the second paragraph whereby members of territorial and precinct election commissions shall go through annual training and continuous education. The procedure and the training and continuous education programs are determined by Central Electoral Commission (Recommendation 11).

The Decree No. 33 of Central Commission for Elections and Referenda of the Kyrgyz Republic of 4 February 2020 approved the Regulations on operational response coordination group (hereinafter - CEC ORCG) is comprised of members of Central Electoral Commission, territorial election commissions, staff of the Central Electoral Commission, staff of Prosecutor's Office, interior agencies and national security agency of the Kyrgyz Republic of respective chain of command respectively (Recommendation 7).

## SECTION 3. RESULTS OF OBSERVATION DURING THE PRE-ELECTION PERIOD

### Methodology of long-term observation during the pre-election period

During the elections of deputies to the Jogorku Kenesh of the Kyrgyz Republic on October 4, 2020, the Common Cause Public Foundation monitored the pre-election period using the method of long-term observation based on the international standards applied in the countries of the OSCE.

The main role of election observation is to assess the extent to which the election process follows the OSCE commitments and other international standards in democratic elections, as well as the extent to which laws of the Kyrgyz Republic are being complied with.

The monitoring of the preparation and conduct of long-term observations was carried out by 116 long-term observers throughout the country, who conducted observations in 54 TECs, as well as 3 observers at the CEC.

Long-term observers were trained and deployed to all regions of our country to monitor the following:

- ✓ formation and activities of election commissions of all levels (CEC, 54 TECs);
- ✓ election campaigns;
- ✓ nomination of candidates;
- ✓ voters' list;
- ✓ on summing up the voting results in TECs;
- ✓ monitoring and reporting violations

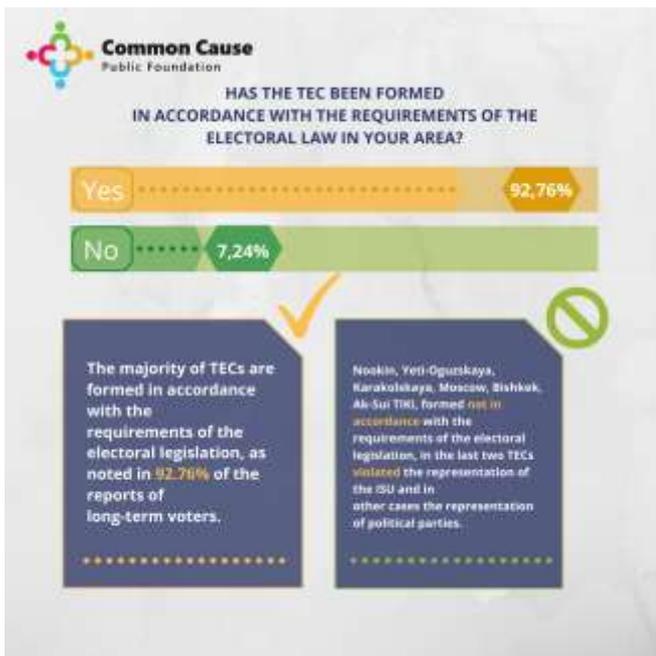
Long-term election observers of the Foundation sent reports on 2 standardized forms. In total, over 350 reports were received. Their work was supported by 8 regional coordinators and 8 lawyers, who assisted in processing the received information and consulted on election irregularities and complaints.

### Administration of elections

To prepare and conduct parliamentary elections in Kyrgyzstan, a system of election commissions was established, consisting of the Central Election Commission (CEC), 54 Territorial Election Commissions (TECs) and 2520 Precinct Election Commissions (PECs).

Due to the pandemic (COVID-19), the KR CEC meetings were held mostly online. This new adjustment made it much more difficult to conduct the observation of meetings at the initial stages of observation, as the access to the KR CEC meeting room for public observers was limited and the meetings were not broadcast on information resources. Moreover, public observers of the Foundation at the KR CEC noted their dissatisfaction with the organizational work of the KR CEC meetings as the meetings were appointed inconsistently and suddenly, with untimely notification and with the delay in the start of the meetings for an indefinite period of time. In addition, the unprofessional behavior of the KR CEC staffs in responding to questions and written inquiries from the Foundation made the observation process more difficult. It should be noted that decisions made by the CEC are the information of public importance. Transparency and openness of the CEC activities are the cornerstone for building public trust in the electoral administration.

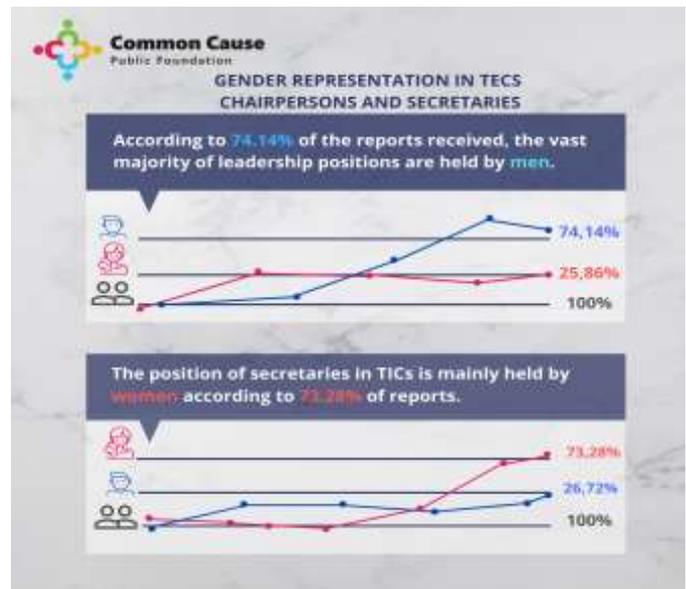
In TECs, public observers noted the lack of uniform interpretation of the electoral legislation regarding the requirement to hold meetings to register public observers, as there were even cases of refusal of registration since some members of election commissions believed that it was necessary to have certain decisions from the CEC to include them in the list of non-profit organizations. All cases of misunderstandings were settled on the spot. However, it should be noted that a number of TECs referred to the norms of the Constitutional law regarding the legal status of public observers and noted that Article 10-1 did not stipulate a mandatory meeting for registration of public observers. In this regard, the public observers had reasonable questions terms of the legality and validity of their observation without the appropriate decision of the TEC. Because without a decision of the TECs, their activities could be considered illegitimate.

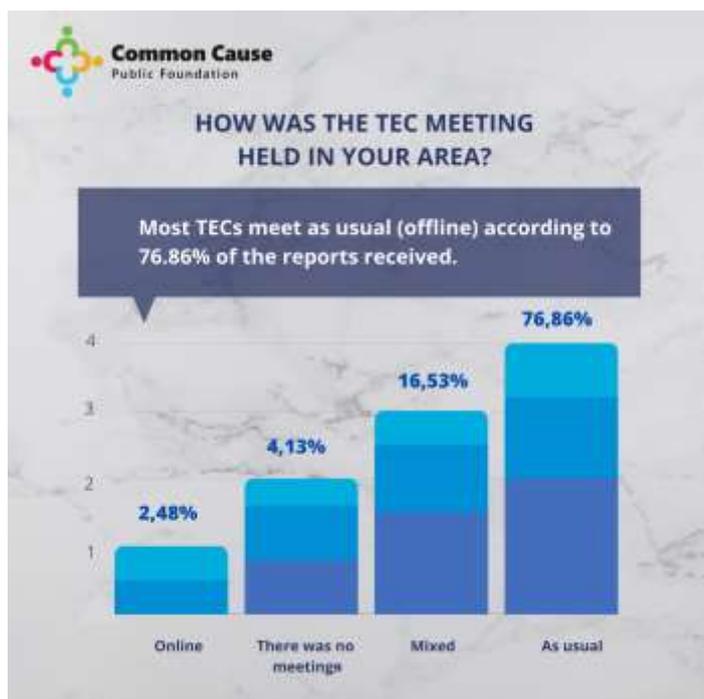


According to the observation, the majority of TECs were established in accordance with the requirements of electoral legislation, as noted in 92.76% of reports of long-term voters. Of these, 6 TECs were formed with violations of quotas for representation of local governments or political parties. For instance, the following TECs were formed with violations: Nookin, Jeti-Oguz, Karakol, Moscovsky, Bishkek and Ak-Suu TECs. Even though these violations are not systematic, the causes of these imbalances may be indicative problems such as loss of personnel, which leads to the understaffing of TECs in accordance with the law and the formation of their composition from existing personnel reserves in violation of

representation quotas.

In 74.14% of cases the positions of TEC chairmen are occupied by men, while the positions of secretaries in TECs are occupied mainly by women (73.28%). This suggests that leading positions are traditionally given to men. Therefore, it may make sense to create more conditions for equal participation of both women and men in leadership positions.





During the reporting period, TECs held 352 meetings from August 24 to October 30, 2020. Despite the COVID-19 pandemic and current restrictions, many TEC meetings (76.86%) were held offline, 16.53% were held in mixed mode, for example, some of the commission members were in the meeting room and the other part was present virtually. Only 2.48% of meetings were held fully online. It should be noted that regardless of the format in which meetings were held, the quorum was observed in 98.44% of cases.

Overall, it can be noted that the election commissions carried out their activities in compliance with the legislation, the calendar plan, as well as the Algorithm of holding elections, developed by the CEC in collaboration with the Ministry of Health of

the Kyrgyz Republic, which contained a number of recommendations aimed at regulating the work of election commissions before and during the election days on October 3 and 4, 2020, holding congresses of political parties and election campaigning taking into account the sanitary and epidemiological standards.

### Voter registration

One of the positive changes in these elections is the use of a variety of methods to check oneself in the voters' lists. This allowed improving the conditions for the implementation of the active electoral right of citizens by increasing the possibility of submitting applications to make changes to the voters' list, to the list of referendum participants and to change the voting address in electronic format. For example, in addition to the opportunity to clarify one's own data in the list directly in the PEC, this year voters had the opportunity to use the "Voter's Cabinet" on the Internet portal <https://tizme.gov.kg/> developed by the KR CEC, to send an SMS to short number 199 or to call 115119.

As of September 24, 2020, 3,523,532 voters were registered, from which the number of applications on Form No. 2 (change of voting address) amounted to 496,239. Such many applications from voters on the intention to vote on Form No. 2 raised concerns about possible manipulations to overcome the regional threshold by some political parties.

The total number of applications for Form No. 2 increased significantly compared to the previous elections. Thus, the number of applications for Form No. 2 at this election made up 14.08% of the total electorate. For example, at the 2015 parliamentary elections, this number was 297,327 or 10.76% of registered voters, while at the 2017 presidential elections, 315,461 applications were submitted for 3,025,770 registered voters, or 10.42%.

The largest number of applications for Form No. 2 was received in the city of Bishkek (146,248), Chui (112,602), Jalal-Abad (58,059) and Osh oblasts (56,239) and the city of Osh (50,110). In the

breakdown by TECs, the largest number of applications on Form No. 2 was completed in all four districts of Bishkek (Leninsky District of Bishkek - 45,376, Sverdlovsky District of Bishkek - 41,313, Pervomaiskiy District of Bishkek - 31,226, Oktyabrsky District of Bishkek - 28,333) in the city of Osh (50,110), in Kara-Suu (31,559), Alamedin (26,079), Sokuluk (23,639) and Suzak (21,206).

Region	Number of registered voters	Number of applications on Form No. 2	% of Form No. 2 in relation to the total number of voters	% of Form No. 2 in relation to the total number of applications for Form No. 2
<b>Bishkek</b>	497,692	146,248	29.38	29.47
<b>Osh</b>	179,972	50,110	27.84	10.09
<b>Batken oblast</b>	284,265	6,757	2.37	.36
<b>Jalal-Abad oblast</b>	643,774	58,059	9.01	11.69
<b>Naryn oblast</b>	176,202	15,795	8.96	3.18
<b>Osh oblast</b>	682,603	56,239	8.23	11.33
<b>Talas oblast</b>	149,011	17,155	11.51	3.45
<b>Chui oblast</b>	586,664	112,602	19.19	22.69
<b>Issyk-Kul oblast</b>	290,769	13,951	4.798	2.81
<b>MINISTRY OF FOREIGN AFFAIRS OF THE KR</b>	32,580	4,794	14.715	0.96
<b>"Voter's Cabinet" Service</b>		14,529		2.92

75 PECs in the country received more than 1,000 applications for voting on Form No. 2, of which 35 were located in Bishkek, 15 in Chui oblast, 13 in Osh oblast, 6 in Jalal - Abad oblast, 3 in Talas and Osh oblasts. A significant increase in the number of registered voters for the period from July 16, 2020, to September 24, 2020, can also be noted. The largest increase in the number of registered voters was observed in Bishkek (105,859 or 27.01%), followed by Osh oblast (36,595 or 25.52%) and Chui oblast (17,294 or 3.03%).

Public observers from the Common Cause PF in the CEC note that on September 24, 2020, at a press conference on preparations for the election of deputies to the Jogorku Kenesh of the Kyrgyz Republic, the CEC Chairperson N. Shaildabekova announced the end of the period for voters to clarify themselves in the voters' lists in accordance with the calendar plan and the constitutional law. Thus, according to her, based on the data of the SRS and processing of voter applications received during the list clarification, the number of voters in the checklist of voters as of September 24, 2020, is 3,523,532 citizens. Compared to the preliminary voters' list, which was formed 80 days before the election day, the increase was 94,489 voters, or 2.75%.

If this data is compared with the data of the elections to the Jogorku Kenesh in 2015, the number of voters increased by 762,235, or 27.6%, and compared to the Presidential Elections of the Kyrgyz Republic in 2017, the number of voters increased by 497,762, or 16.5%. Of the total number of voters, 47.74% are men and 52.26% are women. The number of voters under 30 is up to 29.67%<sup>7</sup>.

<sup>7</sup> See: The number of voters increased by 27.6% compared to the previous parliamentary elections // <https://shailoo.gov.kg/ru/news/3629/>

In 172 polling stations, the number of voters increased by more than 500 people. Of these, 87 polling stations are in Bishkek, 24 in the Chui oblast, 19 in the Jalal - Abad oblast, 18 in the city of Osh, and 14 in the Osh oblast. The number of registered voters increased by more than 1500 people at 18 of these polling stations, out of which 14 of them were in Bishkek.

Furthermore, according to the CEC data, 557,856 people have not undergone the biometric registration. These citizens were not included in the voters' list and were deprived of an active electoral right.

### Informing voters

Informing the voters about the preparation and conduct of elections in most districts was carried out in both online and mixed format, according to 78.45% of received LTO reports. Strengthening the CEC work on informing citizens about elections can be noted as a positive practice.

The mass media offered much more information than in previous elections on relevant issues related to the elections. Unlike in previous years, the debates were held not only on KTRK (Public Television and Radio Broadcasting Corporation of the Kyrgyz Republic) and ELTR (State television of the Kyrgyz Republic), but also on other TV channels, which represented a positive change.

The KR CEC, with support from UNDP, conducted training seminars for participants of the electoral process throughout the country. Such seminars were held for political parties on the topic of financial reporting, for labor migrants abroad on registration issues, for public observers on monitoring of political parties' expenditures, and for the media.

In accordance with the Law on electoral commissions, the KR CEC established the Center for Civic Education and Electoral Technology in order to organize, coordinate and provide work in the field of improving the legal culture of citizens, voters, in the field of training members of election commissions and other participants of the electoral process. However, this Center has not yet become fully operational.

Within the framework of voter education, the CEC of the Kyrgyz Republic has released a number of information videos about the order and procedures of the election day, requirements to the voting premises, compliance with sanitary and epidemiological measures related to COVID-19, etc., and voting of persons with disabilities.

Furthermore, the CEC has launched the information portal for voters at <https://talapker.shailoo.gov>, in which voters for the first time can find programs of political parties, lists of candidates, and financial reports on receipts and expenditures. As well, the CEC also organized a call center to better involve Kyrgyz citizens living outside the country in electoral processes by providing advice on electoral issues and procedures: biometric registration, consular registration, inclusion in voters' lists and polling stations, etc. The call center hotline was available to Kyrgyzstani citizens living in Kazakhstan and Russia. The conditions for people with disabilities to work in the call center were created.

### Nomination and registration of political parties

44 political parties have notified the CEC of their decision to participate in the elections out of which only 17 parties submitted documents for registration. There were 3 cases of CEC refusal to register such political parties: "Kyrgyzstan", "Butun Kyrgyzstan" and "Aktiv". After the process of appealing the decisions of the CEC KR in court, the first two political parties were registered. Thus, 16 political parties were included in the ballot.

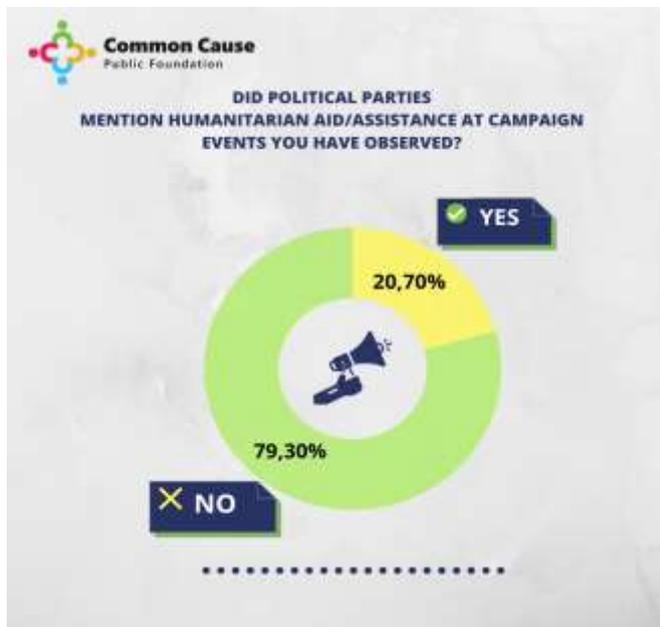
Public outcry related to the late submission of the necessary documents for registration by the "Kyrgyzstan" political party and the legal process related to the decision of the CEC to refuse to register the list of candidates of "Butun Kyrgyzstan" revealed some gaps in the procedural issues related to the timing of submission of the lists of candidates for registration, the submission of documents by an authorized person in case of being absent for a valid reason, making changes to the lists of candidates after the approval at the congress of the political party as well as after the registration of the list of candidates.

We would like to separately highlight an issue related to the lists of candidates provided by political parties. For example, when registering with the CEC KR, the lists may comply with legal requirements regarding compliance with quotas on gender, representation of youth, PWDs and ethnic minorities, as well as other requirements. However, after registration, these lists may be changed both at the initiative of political parties and based on the decisions of the CEC, which leads to violations of legislation on quotas and makes them meaningless.

There is an objective need to amend the legislation to determine the procedures for submitting documents and making changes to the lists of candidates.

### Election campaigning

In general, the election campaign was held in a competitive environment. Regardless (I think you should mention violence and intimidation here, as isolated cases.) of the size of election funds, all political parties used different methods of campaigning, from traditional door-to-door canvassing and meetings with the voters to mass text messaging via SMS. Printed materials, television/radio, internet, and meetings with voters were the most common campaigning tools according to the reports of long-term observers.



During the observation it was noted that some political parties mentioned the humanitarian assistance they provided during the time when the situation with COVID-19 escalated. This was most often mentioned by "Birimdik" and "Mekenim Kyrgyzstan" (35 and 27 %, respectively).

The most common types of violations during the pre-election period were vote buying, administrative resources, damage to campaign materials, unequal access, and violation of election campaign rules, as well as violence and pressure as indicated in the reports of long-term observers. This is also confirmed by a nationwide telephone survey conducted by the Common Cause PF in the period from

September 7 to September 15, 2020.

According to the data of the Foundation's observers, political parties have opened over 600 headquarters across the country. The largest number of headquarters were opened by as "Mekenim Kyrgyzstan", "Birimdik", "Kyrgyzstan" and "Ata-Meken". The largest number of headquarters was opened in the regions with higher numbers of voters.

Immediately after the start of the pre-election campaigning, meetings of political parties with voters have taken on a traditional offline format. The CEC recommended political parties to refrain from holding mass meetings with voters in favor of online campaigning, but the Constitutional Law does not provide for such a restriction, and the observation showed that most political parties participating in the elections were not ready to completely abandon traditional methods of campaigning. Despite the prevalence of traditional forms of campaigning, it is noted that political parties began to use social networks more actively during the pre-election race.

Thus, 21% of respondents have heard about cases of using administrative resources during the campaign, 35% of respondents have heard about vote buying, and, among those who have heard, 37% noted that they were "asked to vote for a certain party in exchange for money".<sup>8</sup> Thus, the reports of observers indicated the use of administrative resources and buying of votes by such parties as "Birimdik", "Mekenim Kyrgyzstan" and "Kyrgyzstan".

### Pre-election violations

From August 24, 2020, to October 3, 2020, during the election campaigning, public observers of the Foundation recorded about 94 violations of the election process across the country, among which the most common types of violations were: violation of campaigning rules by political parties, vote buying, and abuse of administrative resources.



One of the novelties of the past elections for the purpose of prompt response and immediate action on reports of violations of electoral legislation was the creation of the operational response coordination group (CEC ORCG), which included the members of the CEC and representatives of law enforcement agencies (Ministry of Internal Affairs, State Committee for National Security and the

<sup>8</sup> <https://commoncause.kg/en/analytics/27>

Prosecutor's Office). All complaints, applications and appeals were included in the online register of the CEC, according to the official data there are four main registers: 1) Register of appeals received by the CEC; 2) Register of complaints; 3) Register of appeals received by the CEC ORCG; 4) Register of court decisions.<sup>9</sup>

The CEC ORCG online register at central, oblast and district levels, which included members of election commissions and representatives of law enforcement agencies, received 101 appeals before the election day. According to the CEC website, the most common violations were: vote buying and abuse of administrative resources, which is also confirmed by the data from long-term observers of the Foundation.

Below is the information on violations recorded by the Foundation during the pre-election period. One of the most serious cases that received wide publicity was the violation of the law on peaceful assemblies during the campaigning of one of the political parties, which grew into a mass fight between participants of the assembly. Following the results of the consideration at the CEC ORCG meeting on September 24, 2020, and after hearing the information from the KR MIA, the CEC decided to cancel the registration of candidates Shukurullo Faizullaev and Ilkhom Mannanov from the political parties "Mekenim Kyrgyzstan" and "Birimdik", whose actions led to a conflict between supporters of two parties in Aravan district of Osh oblast. Also, the Aravan TEC reported that, upon the application from the Foundation's public observer, a criminal case has been initiated under the article "Hooliganism" and a pre-trial investigation is underway.



	REGISTER OF VIOLATIONS RECEIVED BY THE CEC OPERATIONAL RESPONSE COORDINATION GROUP BEFORE VOTING DAY	REGISTERED BY LAW ENFORCEMENT AGENCIES FOR TAKING NECESSARY ACTION
<b>Total</b>	<b>101</b>	<b>62</b>
VIOLATION OF THE PROCEDURE FOR IDENTIFYING VOTERS	1	1
BRIBERY OF VOTERS	47	26
ABUSE OF ADMINISTRATIVE RESOURCES	20	11
VIOLATION OF SANITARY AND EPIDEMIOLOGICAL REQUIREMENTS	1	0
VIOLATION OF THE SECRECY OF VOTING	1	0
VIOLATION OF CONDITIONS OF PRE-ELECTION CAMPAIGN	11	10
MASS VEHICLE DELIVERY AND REGISTRATION ACCORDING TO FORM 2	9	9
OTHER VIOLATIONS	11	5

In 37 cases, participants of the electoral process violated some norms of the Code of Violations. In most cases political parties did not adhere to the election campaigning rules, in 6 cases the damage of campaign materials was recorded by public observers and in one case unequal access for the participant of the electoral process and a black PR against a candidate from a political party were reported.

In 10 cases, public observers of the Foundation noted the abuse of administrative resources by representatives and candidates of political parties, which is a violation of electoral law and is punishable under the Misdemeanor Code. In addition, public observers noted 22 cases of vote buying, which constitutes a criminal act.

We would also like to note that public observers reported about 9 cases of delivery of voters to the polling stations for the purpose of mass registration for Form No. 2. According to the observation and information in the media, the delivery of voters by transportation was systematic and organized in the city of Bishkek, Jalal-Abad, Osh, and Chui oblasts. Since electoral legislation allows voters to

<sup>9</sup> <https://commoncause.kg/en/analytics/24>

change their electoral addresses at their discretion, it is assumed that political parties have used this provision in the legislation to pass the regional threshold by means of material remuneration. Also, they used administrative resources to try to obtain additional votes. In this regard, to verify the above information, the Foundation has sent 7 applications to district and regional prosecutor's offices, to the prosecutor's office of Bishkek city, as well as to the General Prosecutor's Office to verify the voters' lists on Form No. 2 and to request information from the TEC. These applications were registered in the Unified Register of Crimes and Misdemeanors and pre-trial proceedings have been initiated.

According to the received incidents from long-term observers, the regional lawyers of the Foundation also sent 23 appeals and applications to the TEC, 9 of them for exceeding the voters' list, 7 for violations of election campaigning, 5 for the damage to campaign materials, 1 for vote buying and 1 for the abuse of administrative resources.

As a result of the consideration of appeals of long-term observers, the participants of the election campaign, in particular representatives of political parties and PEC chairmen in eight cases were issued warnings with the elimination of violations. In three cases, TECs found no violations of electoral law. In four cases, political parties did not make claims to anyone for the damage to their campaign materials. In other six cases, violations were eliminated by the participants of the election campaign immediately after the decisions of TECs (technical irregularities and an error in the production of campaign materials by the printing house). In one case, the TEC rejected the Foundation's application, and in two more cases, it did not make a decision. In two cases, pre-trial investigations are being conducted by law enforcement agencies under the articles on the abuse of administrative resources and vote buying.

In addition, the Foundation sent an application to the Bishkek TEC and the Prosecutor's Office of Oktyabrsky district on the fact of abuse of administrative resources by Belegenova Ch.D., the principal of gymnasium school No. 64, in terms of abuse of administrative resources, which she was given as the principal of this educational institution during the allocation of the precinct election commission No. 1112 premises on the territory of the school, where the principal of gymnasium school No. 64 Belegenova Ch.D. is also the chairperson of the PEC No. 1112. Thus, on this fact, on September 3, 2020, the Foundation sent an application to the Bishkek TEC to recognize the actions of the principal of the gymnasium school No. 64 Belegenova Ch.D. illegal and demanded the dismissal of the chairperson of PEC No. 1112. On September 7, 2020, the Foundation received a written response from the Bishkek TEC that this fact was registered in the "Unified Register of Crimes and Misdemeanors" automated information system.

The analysis of consideration of applications and complaints filed by representatives of the Common Cause Public Foundation showed that the procedure of appealing against violations of electoral rights remains ineffective and does not allow achieving full restoration of these rights.

## SECTION 4. ELECTION DAY OBSERVATION RESULTS

### Methodology of election day observation

The Foundation announced the recruitment of nonpartisan short-term observers to conduct the PVT and collected 1,176 applications across the country. All applications have been thoroughly checked

and screened. The Foundation selected 300 primary and 75 reserve candidates to train and prepare for the election day observation.

On the election day, the Foundation deployed 300 short-term observers, 58 long-term observers, 58 mobile teams, and 8 regional lawyers to observe the opening, voting, vote counting, and summing-up procedures throughout the country. 300 nonpartisan short-term observers were deployed to 300 PECs across the country, which were selected using a random, sample. Observers were sending data through coded SMS messages, and that the data was analyzed in the call center, operators, lawyers.

### Election Day

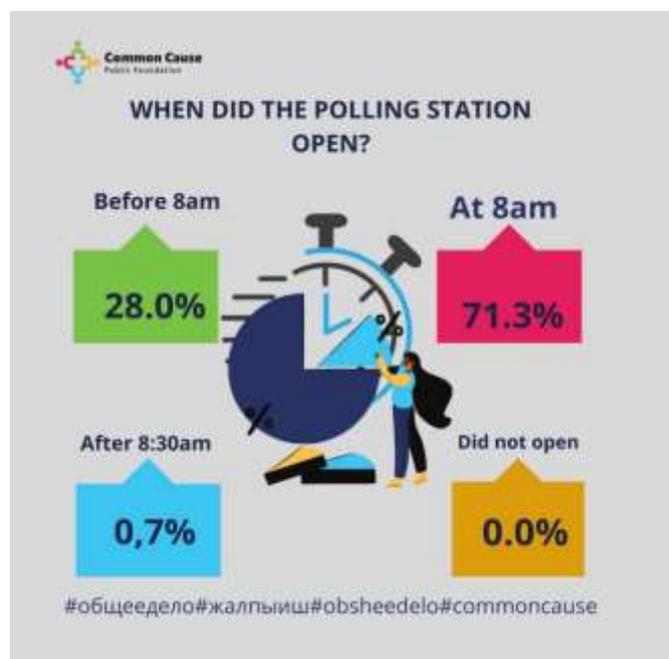
The procedures for opening, voting, closing, and summing up were mainly conducted in accordance with the law. It should be noted that with the introduction of ARBBs and biometric registration, the number of serious violations on the election day that could affect the election results decreased. Automation of the process of voter identification and the voting process largely avoids violations related to manipulation of the number of voters for one or another party or candidate. Thus, at polling stations, mostly there were procedural violations, which are more related to the level and quality of training of PEC members. For example, the most common violations on election day were violations of procedures for opening, drawing lots, and interruption in the work of the ARBB.

Taking into account the improvement in process technology, which in many ways made election day less problematic, special attention should be paid to violations that take place outside the voting premises. In order to assess the situation around the polling stations, the Foundation involved 58 mobile teams that conducted the observation around 452 PECs. The results of observation of mobile teams showed that at 6% of polling stations it was noted how various political parties organized mass delivery of voters by transportation and conducted illegal campaigning during the election day.

According to the statistical observation of the Common Cause PF, voter turnout in the 2020 elections was 56% with a 1.7% margin of error. For comparison, the turnout according to the CEC as of October 4 at 22:30 was 56.2%. Compared to the last parliamentary elections in 2015, the voter turnout (37.9%) increased by 18.3%.

### Opening of polling stations

Observers reported the start of the election day with minor irregularities. All observers of the Common Cause PF were granted access to observe the electoral process.

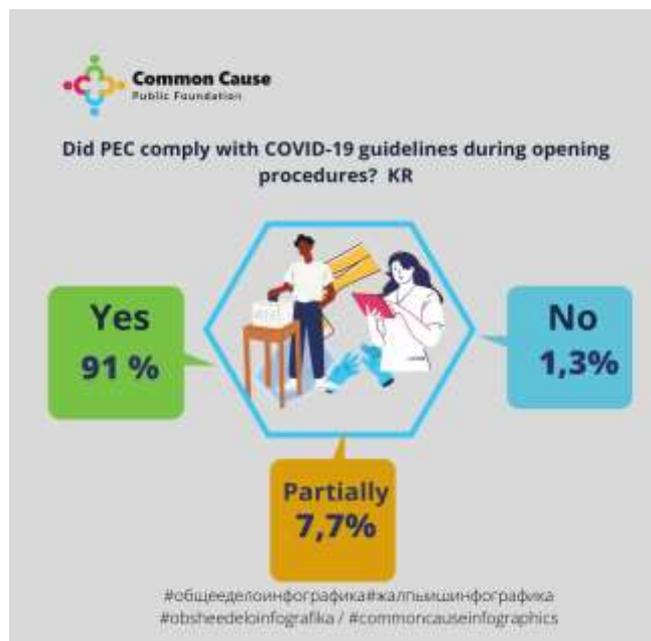


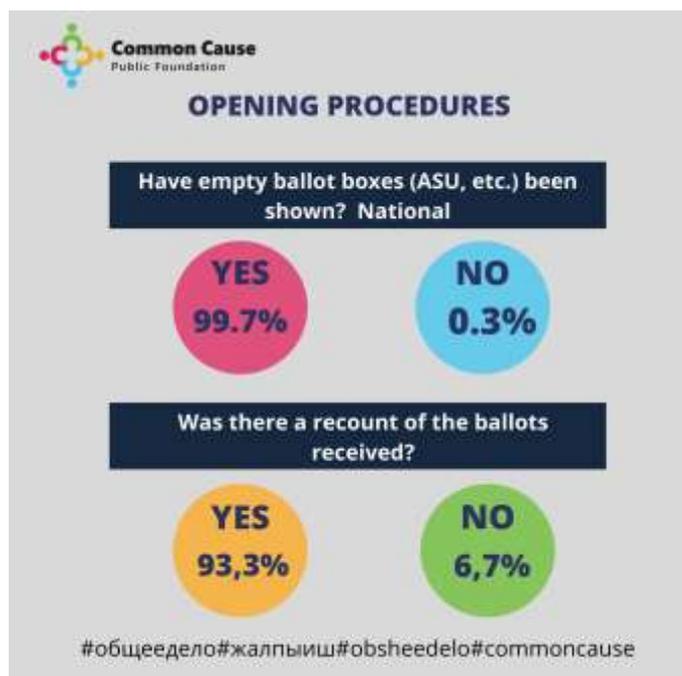
Most PECs (83%) held meetings before 07:30, 28% of polling stations were open for voting before 8:00, 71% - at 8:00 and less than 1% - a little later.

Observers reported that 68.3% of the polling stations were fully accessible for people with disabilities (PWD) and another 11.3% were partially accessible. 20.3% of the PECs were not accessible for PWD.

At most polling stations, 91% of PECs observed COVID-19 precautions during the opening. In 7.7% of PECs, these measures were partially followed.

96.3% of observers did not experience any obstacles in observing or receiving information for observation, and 98% of observers did not experience serious violations that could affect the results of voting (before 8:00).





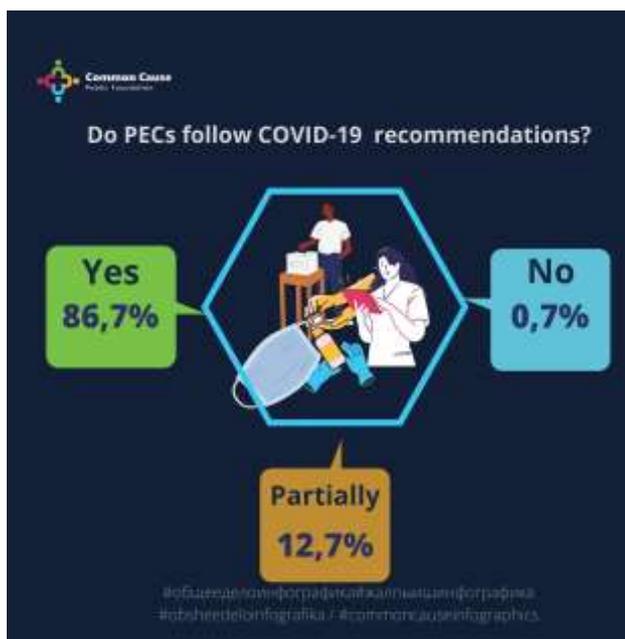
At 96% of the polling stations, the drawing of lots was conducted in accordance with the law. At 99.7%, the empty ballot boxes were shown, and at 99% of them they were properly sealed. The signed checklist was dropped into the ballot box and the recount of the received ballots was carried out at 93.3% of the polling stations.

#### Voting and voter turnout

Observers reported that voting was generally calm, but that there were procedural and isolated serious violations. Almost all observers of the Common Cause Public Foundation had full access to carry out observation. However, at 4% of polling stations, observation was difficult due to improper work of PEC members.

**The process of voting and voter turnout from 8:00 to 10:00.** Voter turnout across the republic at 10:00, according to the data of observers, was 8.6% with a margin of error of 1.1%. Voters followed the recommendations for COVID-19 precautions at 82% of polling stations, and at 17% these measures were followed partially. At 52% of polling stations, observers reported waiting lines due to the compliance with the COVID-19 precautionary measures.

**The process of voting and voter turnout from 8:00 to 12:00.** The voter turnout across the republic at 12:00, according to the data of observers, was 21% with a margin of error of 0.6%. According to the data of the PEC observers, 54,096 voters registered at 300 polling stations according to Form No. 2, which is 13% across the republic with an error of 1.8%. Maximum number of registered applications on Form No. 2 per polling station was 1,309 people. At all 300 polling stations the voting went peacefully. There were no cases of intimidation, pressure or frightening of voters either inside or outside the polling stations. At 1.3% of polling stations, observers encountered obstacles to observation and other irregularities that may affect the results of voting. 98.7% of observers did not experience obstacles to observation or obtaining information for observation or other irregularities.

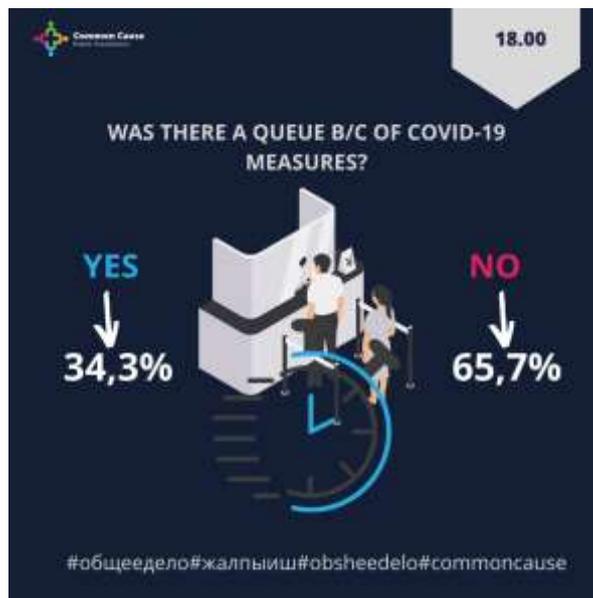


**The process of voting and voter turnout from 8:00 to 14:00.** According to the data of observers, the voter turnout across the republic at 14:00 was 30% with a margin of error of 0.7%. 80% of PECs followed the instructions related to COVID-19 in their work, and 18% of PECs partially followed these measures. At 49.3% of polling stations, observers reported that there were waiting lines due to the compliance with the COVID-19 precautionary measures. 99.3% of observers did not experience obstacles in observing or receiving information for observation, and 98% of observers did not encounter serious violations that could affect the results of voting, however, 2% reported such incidents (before 14:00).

**The process of voting and voter turnout from 8:00 to 16:00.** According to the data of the observers, the voter turnout across the republic by 16:00 was 39% with a margin of error of 0.9%. At most polling stations, 86.7% of PECs followed COVID-19 precautionary measures, while 12.7% of PECs observed these measures partially.

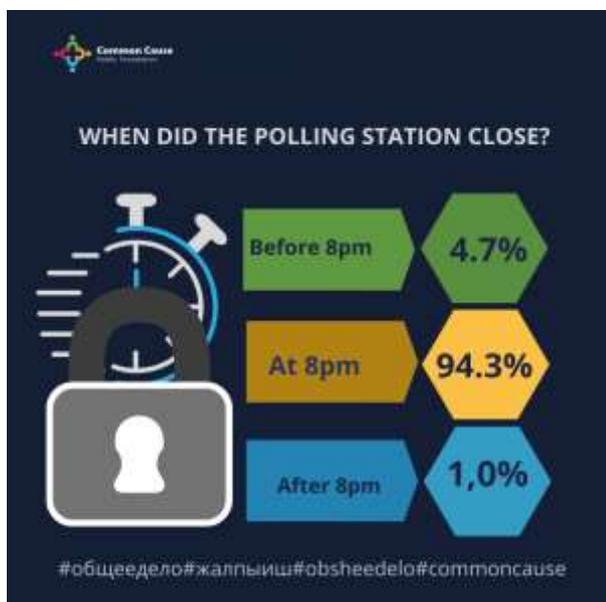
**The process of voting and voter turnout from 8:00 to 18:00.** Voter turnout across the republic at 18:00, according to observers, was 47% with a margin of error of 1.0%. 78.8% of PECs followed the instructions related to COVID-19 in their work, and 19.7% of PECs partially followed these measures. At 34.3% of polling stations, observers reported that there were waiting lines due to the observance of precautions to prevent COVID-19.

**The process of voting and voter turnout from 8:00 to 20:00.** Voter turnout across the republic at 20:00 according to observers was 56% with a margin of error of 1%. At 10% of the polling stations, there were more than 10 people who were unable to vote due to their absence in the voters' lists. Fewer people faced similar problems at 61% of polling stations. Voter identification, generally, was conducted without any complaints. There were no polling stations where observers would report that 10 or more voters had been allowed to vote without being identified. At 91% of polling stations there were no problems related to technical failures. However, at 8% of the polling stations, a small number of voters (five or fewer people in each of the polling stations) were unable to vote due to such failures. In almost all (99%) polling stations, there were no cases when someone could vote without being included in the voters' list. At 2 % of polling stations, intimidation and/or pressure on voters was observed. At 4% of polling stations, the presence of persons who cannot be in the voting premises on the election day



was noted. Vote buying and election campaigning in violation of the terms of campaigning were observed in 3% of PECs.

### Closing and counting of votes

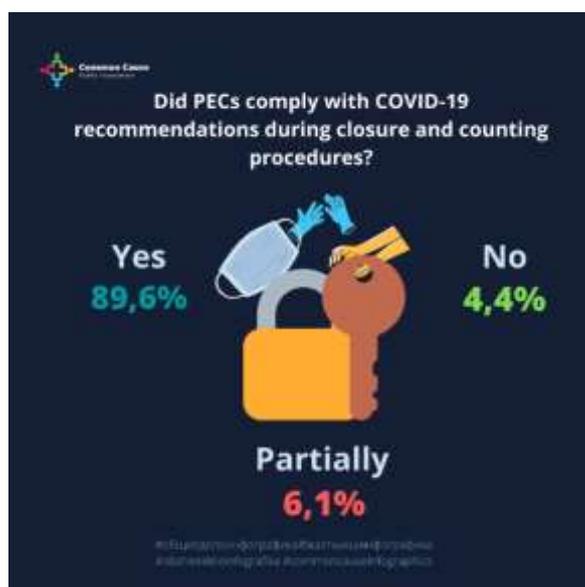


Observers reported the completion of the voting process with minor procedural irregularities and isolated cases of serious violations. All observers could easily observe the counting process. Almost all polling stations (94.3%) closed on time, while 4.7% closed before 20:00 and 1% after the official closing time. The Law on Elections allows people who are inside the polling station premises at 20:00 to vote, while people who are outside the polling station are not allowed to vote. At the time of closing, 8% of polling stations had waiting lines. At 5.7% of polling stations at 20:00, there were voters outside the premises who were unable to vote.

Unused ballots were cancelled in accordance with the law at 98% of polling stations. Mobile ballot boxes were opened in accordance with the law at 96% of polling stations. The counting of ballots was conducted openly and transparently. Manual counting of ballots was carried out openly and publicly at 99% of polling stations. Only 1% of the PEC polling stations did not consider the existing complaints before signing the protocol.

Protocols were drawn up at all polling stations where the observation was carried out. At 96% of the polling stations, observers were able to obtain a certificate on the number of ballots issued to voters and a certified copy of the manual counting protocol based on the results of voting, and at 99% - the copies of the protocols from identification devices and ballot boxes.

89.6% of PECs followed the precautions/recommendations related to COVID-19 during closing procedures and vote counting, while 6.1% of PECs followed these measures partially. 98.3% of the observers did not experience any obstacles in observing or receiving information for observation. 99% of observers did not encounter serious violations that could affect the voting results.



### Mobile observation

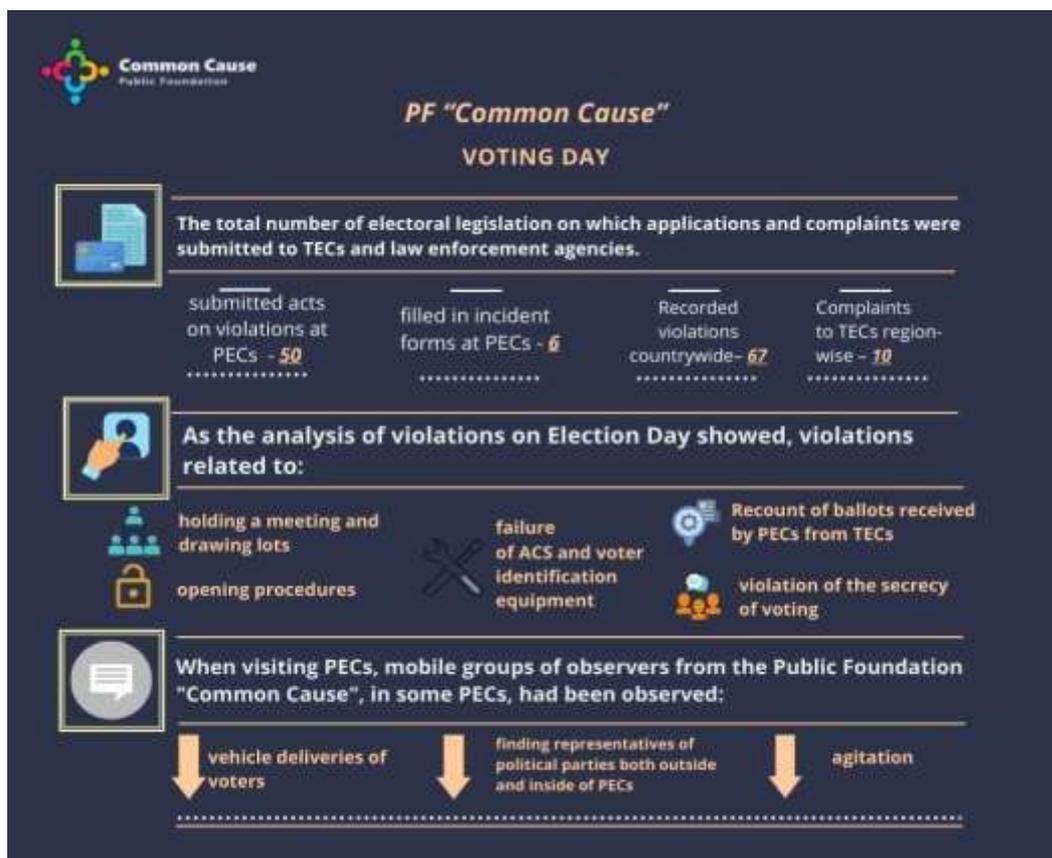
58 mobile teams visited 452 different PECs to monitor the situation around the polling stations. Mobile teams described the situation around 407 polling stations as peaceful, while a tense situation was recorded at 28 polling stations. It was difficult for mobile groups to assess the situation at 17 polling stations.

Due to the precautionary measures taken to prevent COVID-19, long waiting lines were observed at almost a third of polling stations. The presence of strong-bodied people was observed on 19 PECs, but their actions could not be considered illegal during the visits of mobile groups. Mass delivery of voters by transportation was observed at 29 PECs (7%), and illegal campaigning was observed at 26 polling stations.

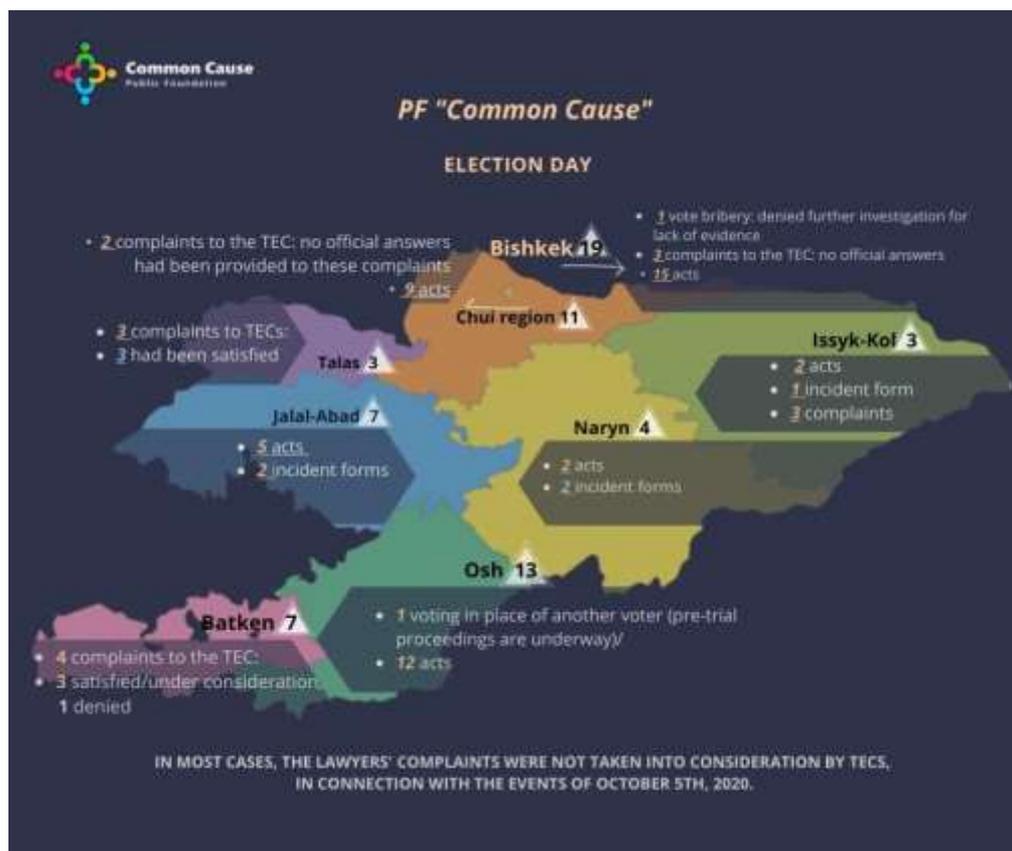
### Violations on Election Day

On October 4, 2020, 67 violations of electoral legislation were recorded by the Foundation. As analysis of violations on the election day showed, in most cases violations concerned procedures of opening, holding of meetings, and drawing lots, recalculation of ballots received by PECs from TECs, violation of the secrecy of ballot, interruption of ARBB and the equipment for identification of voters.

The total number of submitted acts on violations at PECs by public observers and lawyers was 50, complaints to TECs - 10, applications to the internal affairs bodies - 2 and completed incident forms - 6.



By region, the largest number of violations on election day were recorded in the city of Bishkek, as well as in Osh and Chui oblasts.



- A total of 13 violations were recorded in Osh oblast, on 1 violation an application was filed to the Internal Affairs Department of the Osh oblast, under the article of the Code of Misdemeanor "Voting instead of another voter," on this fact pre-trial proceedings are conducted, on 12 violations reports were drawn up.
- 7 violations were recorded in Jalal-Abad oblast, in 5 cases reports were drawn up and in 2 cases incident forms were filled in since the violations were eliminated on the spot.
- 7 violations were recorded in Batken oblast, a lawyer in Batken oblast filed complaints on 4 violations to the TECs, where 3 complaints were satisfied, 1 rejected, on 2 violations reports were drawn up and on 1 violation the incident form was filled in since the violations were eliminated on the spot.
- 10 violations were recorded in Chui oblast, on 2 violations a complaint was filed to the TEC, no official answers were provided on these complaints and on 9 violations the reports were drawn up.
- 4 violations were recorded in Naryn oblast, reports were drawn up in 2 cases and in 2 more cases incident forms were filled in since the violations were eliminated on the spot.
- 3 violations were recorded in Talas oblast, complaints on all violations were submitted to TECs, satisfactory answers were received on all complaints, TECs were issued warnings.
- 3 violations were recorded in Issyk-Kul oblast, in 2 cases reports were drawn up and in 1 case an incident form was filled in since the violation was eliminated on the spot.
- 19 violations were recorded in the city of Bishkek, on 1 violation an application was submitted to the District Department of Internal Affairs under the article of the Criminal Code of the Kyrgyz Republic "Bribing voters", but later was denied the further investigation for the lack of

evidence, on 3 violations complaints were submitted to TECs, on these complaints and the application no official answers were provided, and reports were drawn up on 15 violations.



	REPORTED TO THE CEC OPERATIONAL RESPONSE COORDINATION GROUP ON ELECTION DAY	REGISTERED BY LAW ENFORCEMENT AGENCIES FOR TAKING NECESSARY ACTION
<b>Total:</b>	<b>160</b>	<b>48</b>
EQUIPMENT FAILURE	14	1
BRIBERY OF VOTERS	35	19
COMPLAINTS AGAINST PEC MEMBERS	24	3
VIOLATION OF SANITARY AND EPIDEMIOLOGICAL REQUIREMENTS	2	0
VIOLATION OF THE SECRECY OF VOTING	13	0
VIOLATION OF CONDITIONS OF PRE-ELECTION CAMPAIGN	18	8
MASS VEHICLE DELIVERY	11	2
PHOTOGRAPHING OF VOTER BALLOTS	23	8
OTHER VIOLATIONS	20	7

For comparison, the CEC online registry received about 160 messages on the election day, mostly related to vote buying, complaints against PEC members and violations of the secrecy of ballot. In addition, violations of campaigning conditions, equipment failure and mass delivery of voters by transportation were noted. These data partly reflect the results of the Foundation's statistics and mobile observation.

### Section 5. POST-ELECTION PERIOD

The post-election period was characterized by very unpredictable developments, expressed by protest actions, public unrest, cancellation of election results by CEC and change of power. According to long-term observers' reports, the situation in 31 districts across the republic was assessed as "very tense" or "tense". Among them, the situation was "very tense" in the city of Bishkek, Kara-Suu, Nookat, Aravan districts. The tense situation in all districts of the country was linked to demonstrations, public disorder, and illegal change of the heads of district administrations.

In the post-election period, the Common Cause Public Foundation together with other non-profit organizations made statements on certain emerging situations on the decision of the CEC to cancel the election results and on the noninterference in the CEC activities by law enforcement agencies during the pre-election period.<sup>10</sup>

Popular unrest that triggered fundamental changes in the entire situation in the Kyrgyz Republic started with the disagreement of some political parties with the preliminary results of the elections. On October 5, 2020, after announcement of preliminary results of elections, representatives of certain political parties united and came to a peaceful meeting not accepting preliminary results of elections and with a demand to cancel these results and to schedule repeated elections. But later the above-mentioned meeting and protest actions grew into mass riots, violent clashes of citizens with law-enforcement bodies and subsequent seizure of the building of Jogorku Kenesh of the Kyrgyz Republic.

Following the mass riots, the CEC by its resolution No. 249 of October 6, 2020, invalidated the results of voting in the elections to the Jogorku Kenesh of the Kyrgyz Republic that were held on October 4, 2020, based on applications from 10 political parties. However, this decision was made in violation of the procedure for declaring the election results invalid defined by the Article 37 of the Constitutional Law "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic". Thus, the decision to cancel the election results was made

<sup>10</sup> <https://commoncause.kg/en/analytics/43>

before receiving the results from TECs and the process of appealing against violations. In addition, the process of adopting a decision to cancel the results of voting at a meeting of the CEC was held behind closed doors taking into account the political situation, without the participation of party representatives and observers.

In connection with the cancellation of the elections, the Common Cause Public Foundation and the "Association Taza Shailoo" Association of Legal Entities, which carry out nonpartisan observation of the parliamentary elections in the Kyrgyz Republic, expressed concern about the situation and made a statement about the need to comply with the norms and procedures stipulated by the current legislation.<sup>11</sup>

The CEC decision was not appealed to the courts of the Kyrgyz Republic by any political party within the established timeframe and, therefore, entered into legal force.

After the cancellation of the elections, the CEC scheduled repeat elections for December 20, 2020. This CEC decision was issued in full accordance with Articles 38 and 63 of the Constitutional Law. This decision was declared illegal by the decision of the Administrative Court of Bishkek on the complaint of "Coalition for Democracy and Civil Society" PF. Despite attempts by the CEC to appeal the decision of the Administrative Court to the Supreme Court, the cassation appeal was returned to the applicant.

As a result of popular outrage, the country also changed its power. Thus, President Sooronbai Jeenbekov dismissed Prime Minister Kubatbek Boronov and the entire Government. After that, the Jogorku Kenesh at an extraordinary meeting unanimously approved the program, structure and composition of the new government headed by Sadyr Zhaparov. Later, Sooronbai Jeenbekov resigned himself. Sadyr Zhaparov became the acting head of the state. Early presidential elections were scheduled for January 10, 2021.

Within a short period of time, 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" has undergone significant changes. In addition to cancellation of the change of the voting address on the Form No. 2 inside the country, reduction of the size of the electoral deposit and the electoral threshold, the Jogorku Kenesh of the Kyrgyz Republic adopted the draft law on suspension of some norms of the constitutional Law. The draft law was adopted in three readings at once. According to this draft law, parliamentary elections will be held after the constitutional reform. The draft law suspends Articles 38 and 63 of the Constitutional Law "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic", which regulates the procedure for repeated parliamentary elections until the end of the constitutional reform.

On October 28, the Reform party applied to the Constitutional Chamber of the Supreme court of Kyrgyz Republic with a petition about unconstitutionality of this law on postponement of elections.

Since November 17, 2020, the draft Law of the Kyrgyz Republic on the referendum and the draft law of the new version of the Constitution of the Kyrgyz Republic were submitted for public discussion. This draft law caused wide public outcry. The civil society openly protested the draft law of the new version of the Constitution. The project was initiated by 80 deputies of the Jogorku Kenesh of the Kyrgyz Republic. However, a certain part of deputies stated that they had not seen this draft

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<sup>11</sup> <https://commoncause.kg/en/analytics/27>

Constitution and withdrew their signatures. A number of events were held with the demand to withdraw the above-mentioned draft laws.

During the discussion of the constitutional reform, the issues of introducing a majority or mixed system are periodically raised, which may radically change the legislative framework for holding parliamentary elections. This innovation may lead to discrimination on the basis of gender, age, nationality and inclusion of persons with disabilities.

## Section 6. RECOMMENDATIONS

The need to conduct several consecutive election campaigns in a short period of time does not allow all participants in the election process to make a full analysis and correct mistakes. For example, only top-priority recommendations on changing the electoral legislation were made, such as: abolishing Form No. 2, reducing the electoral threshold and deposit. At the same time, the lack of clear timeframes and rules for the next parliamentary elections creates new problems for the participants of the electoral process and does not allow implementing all recommendations provided by civil society and international organizations. Even greater uncertainty is posed by the issue of constitutional reform, which can fundamentally change the electoral system.

We note that initially the Common Cause Public Foundation developed a number of recommendations, but at the time of preparing the final report, the political situation in the Kyrgyz Republic changed dramatically. Some of the recommendations made by the Foundation were considered and introduced to the current legislation. For example, the size of the electoral threshold and deposit were revised and reduced.

Below are the recommendations that require government action to improve the process of preparing and holding fair and transparent elections.

### **1. To the Jogorku Kenesh of the Kyrgyz Republic on introducing amendments and additions to certain regulatory legal acts:**

- 1) Prohibit political parties to exclude the candidates of a political party from the registered list, candidates according to the established quota norms.
- 2) Reconsider the requirement on the number of public observers simultaneously present at a polling station.
- 3) Return to public observers the right to appeal against irregularities in the preparation and conduct of elections and allow for free movement of observers.
- 4) Strengthen, in the relevant normative legal acts, the norm providing for the protection of personal data and information collected during the voter registration.
- 5) Establish responsibility for noncompliance with established deadlines, review of received applications (appeals, complaints, etc.).

### **2. To the Government of the Kyrgyz Republic**

- 1) Strengthen the work with the civil sector. Proposals of the civil sector implemented through a legislative initiative.
- 2) Strengthen the work of law enforcement agencies in reviewing complaints and applications.
- 3) Strengthen the work of internal affairs agencies in ensuring public security.
- 4) Strengthen the operational work for the prevention and avoidance of certain local conflicts (public disorders), including the preventive measures.

5) Strengthen the work of informing citizens of the Kyrgyz Republic about the upcoming elections (regardless of their status).

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

1) Ensure the full transparency of all procedural actions of the Central Election Commission, including the work of approved working parties.

2) When forming the composition of precinct election commissions, exclude the practice of including directors of general educational institutions in the composition of precinct election commissions.

3) Develop indicators based on which the violations should be assessed, to adopt certain sanctions.

4) Strengthen control over political parties to conduct campaigning in accordance with the electoral legislation of the Kyrgyz Republic.

5) Ensure full access and equal conditions for all observers of electoral processes (in particular public observers).

**4. To the Government of the Kyrgyz Republic together with the Central Commission for Elections and Referenda of the Kyrgyz Republic: develop and submit the following amendments for consideration to the Jogorku Kenesh of the Kyrgyz Republic:**

1) on amendments and supplements to legislative acts:

✓ on detailed regulation of submission of documents for the registration of lists of candidates, including additional subjects (physical persons) in case of an impossibility to submit documents by the authorized representative for valid reasons (by the example of election dispute of the political party "Kyrgyzstan").

✓ on the detailed regulation of drawing up and approving lists of candidates of political parties (by the example of the electoral dispute of the political party "Butun Kyrgyzstan").

2) on granting powers to public observers, to appeal against decisions and/or actions (inactions) of election commissions.

**5. To the authorities that consider electoral disputes (courts, election commissions):**

1) Strictly observe procedural terms of consideration of received applications (appeals).

2) Improve the transparency regarding the procedures for resolving electoral disputes.

3) Increase the public access to the information about complaints and their resolution.

**6. To political parties:**

1) conduct the election campaign on the principles of the rule of law, openness, mutual respect and prioritization of the interests and rights of citizens.

2) strictly observe the Code of Conduct? traditionally concluded between political parties that have registered lists of candidates for the elections of deputies to the Jogorku Kenesh of the Kyrgyz Republic.