

INTERIM REPORT
25 August–14 September 2015

17 September 2015

I. EXECUTIVE SUMMARY

- The President of the Kyrgyz Republic, Almazbek Atambayev, on 25 July 2015 called parliamentary elections for 4 October. The elections will be held under a proportional representation system under which the 120 members of parliament are elected for a five-year term from closed party lists in one nationwide constituency with a double threshold.
- The Central Commission for Elections and Referenda (CEC) has registered the candidate lists of all 14 parties, which paid the required electoral deposit. Twenty more parties had initially stated their intention to run in the elections but did not submit all required documents, including proof that they had paid the electoral deposit. All registered party lists complied with the gender quota, as well as the quotas for national minorities, youth, and persons with disabilities.
- The CEC is holding regular, open sessions. Below the CEC, the elections are administered by 54 Territorial Election Commissions (TECs) and some 2,400 Precinct Election Commissions. Many TEC members are currently being replaced after they resigned for a variety of reasons. Some of CEC resolutions are not published promptly and OSCE/ODIHR EOM observers were denied access to several TECs due to the late publication of the resolution on their accreditation.
- For the first time, finger print scanners will be used to identify and verify voters, and ballot scanners will provide an automated vote count in all polling stations. However, official voting results will be based on the manual count.
- The voter list is based on the new Unified Population Register, which includes biometric data of all citizens registered. Citizens who did not undergo biometric registration will not be included in the voter list and will thus not be allowed to vote. The Supreme Court's Constitutional Chamber on 14 September ruled that the Law on Biometric Registration was constitutional. As of this date, the voter list contained some 2.6 million records of eligible voters.
- The official election campaign started on 4 September. Since the start of the campaign, parties have been actively campaigning throughout the country.
- The Election Law allows media to sell airtime and space to contestants under equal conditions. The CEC has introduced accreditation requirements for media that plan to air paid political advertisement. Media that are wholly or partly owned or state-funded must allocate free airtime and space to contestants and so far, only two of them have done so.
- The CEC has thus far reviewed two complaints in formal sessions, with the CEC working group on complaints settling most complaints informally. Three CEC decisions have been appealed and all were upheld by the court.
- The OSCE/ODIHR Election Observation Mission opened in Bishkek on 25 August, with a 15-member core team and 22 long-term observers, deployed throughout the country.

II. INTRODUCTION

President Almazbek Atambayev on 25 July 2015 called parliamentary elections for 4 October. Following an invitation from the Central Commission for Elections and Referenda (CEC), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 25 August. The EOM, led by Ambassador Boris Frlec, consists of a 15-member core team based in Bishkek and 22 long-term observers deployed on 2 September to 10 locations around the country. The OSCE/ODIHR EOM is drawn from 19 OSCE participating States. The OSCE/ODIHR has requested participating States to second 350 short-term observers to observe voting, counting, and the tabulation of results.

III. BACKGROUND

Under the 2010 Constitution, the Kyrgyz Republic has a semi-parliamentary system of government, with legislative powers vested in a 120-member unicameral Supreme Council (*Jogorku Kenesh*). The government is led by the prime minister, who is nominated by the party holding more than 50 per cent of seats in the parliament; if there is no such party, the president selects the party to form the coalition majority and government. Following the 2010 parliamentary elections when five parties gained seats in the parliament, three parties formed a government coalition, while two parties went into opposition. Since 2010, the ruling coalition has been reconstituted three times. The current governing coalition is comprised of the Social Democratic Party of Kyrgyzstan (SDPK) with 26 seats in the parliament,¹ *Ar-Namys* (25 seats), and *Ata Meken* (18 seats). *Ata Jurt* (28 seats) and *Respublika* (23 seats) are in opposition.

In 2013, the president announced plans to improve the electoral process in order ‘to ensure fair and transparent elections’. In particular, the concepts of biometric population registration, a unified voter register, and the use of ballot scanning technology were proposed as part of a strategy purported to decrease potential manipulation and improve the electoral process.

The OSCE/ODIHR has previously observed eight elections and one referendum in Kyrgyzstan.² Following the 2011 presidential election, the OSCE/ODIHR concluded in its final report on that election that it “was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments.”

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are regulated primarily by the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (hereinafter Election Law), and the 2011 Law on Election Commissions to Conduct Elections and Referenda. Other relevant laws include the Law on Political Parties, Law on Peaceful Assemblies, Law on Biometric Registration, Code on Administrative Responsibility, and Criminal Code. The CEC issues resolutions to supplement the legal framework and decisions to manage the electoral process. Certain CEC resolutions have introduced requirements not envisioned in electoral legislation.³

These are the first parliamentary elections to be held under the 2011 Election Law. Amendments to the Election Law adopted in April 2015 accommodate mandatory biometric voter identification and

¹ President Atambayev helped establish the SDPK in 1993 and was its chairperson from 1999 until 2011.

² See all [previous OSCE/ODIHR reports on Kyrgyzstan](#).

³ See the *Media* and *Citizen and International Observers* sections below.

the use of ballot scanners, streamline election dispute resolution, increase electoral deposits and raise campaign funding and spending limits. Three challenges with regard to biometric registration were submitted to the Constitutional Chamber of the Supreme Court, which on 14 September ruled that the Law on Biometric Registration was constitutional.⁴

Eligible voters who have reached 21 years of age by election day may be elected to parliament, unless they have a criminal record that has not expired or been expunged. Members of parliament are elected for five years in a single nationwide constituency through a closed-list proportional system. Independent candidates are not permitted to contest parliamentary elections. To win seats, a political party must receive at least 7 per cent of the votes cast nationwide and at least 0.7 per cent in each 7 regions (*oblasts*), as well as in Bishkek and Osh cities; this dual threshold has been previously criticised by the OSCE/ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission).⁵ The Constitution limits the number of mandates of any one party in the *Jogorku Kenesh* to 65, which has also been noted in past OSCE/ODIHR reports.

V. ELECTION ADMINISTRATION

The upcoming elections are administered by a three-level system of election commissions: the CEC, 54 Territorial Election Commissions (TECs) and some 2,400 Precinct Election Commissions (PECs).⁶

The CEC is a permanent body elected by parliament for a five-year term. It consists of 12 members. The president, the parliamentary majority, and the parliamentary opposition each nominate four members. The CEC in its current composition was elected in July 2011; four of its members, including the two deputy chairpersons, are women.⁷

The CEC is responsible for the conduct of the elections and should operate on the basis of legality, collegiality, and openness. CEC sessions are open to party representatives, media, and observers and include substantial and extensive discussions among CEC members and party representatives.⁸ However, the CEC does not publish the agenda of its sessions in advance and does not always inform international observers about upcoming sessions. Some CEC resolutions have not been published in a full version or published with a delay, affecting the transparency of the elections.⁹ OSCE/ODIHR EOM observers were denied access to several TECs due to the late publication of the CEC resolution on their accreditation on the CEC website.¹⁰

TECs and PECs are permanent bodies formed for two-year terms from among nominees of political parties and local self-governing bodies.¹¹ Many TEC and PEC members are currently being

⁴ On 14 September, the Supreme Court rejected two applications against the Law on Biometric Registration and upheld its constitutionality. The third application against the provision of the Election Law requiring biometric registration for inclusion in the voter list, is pending hearing on 23 September.

⁵ See [Joint Opinion of the OSCE/ODIHR and Venice Commission on the Draft Electoral Law](#).

⁶ The CEC formed 39 additional polling stations in Bishkek and 7 polling stations in Osh due to the high number of internal migrants in these cities wishing to vote there according to their electoral address, rather than at their place of permanent registration. The CEC also established 36 polling stations in 26 countries for out-of-country voting.

⁷ One CEC member resigned in order to stand as a candidate in these elections.

⁸ After its sessions, the CEC occasionally holds 'working meetings', which are not open to observers.

⁹ The CEC Resolutions on establishing the forms of results protocols and the form of the electoral ballot have been published without attachments. The resolution on accreditation of international observers (No. 130) was published five days after its adoption.

¹⁰ Aksy, Batken city, Batken district, and Karakol TECs.

¹¹ The list of nominees by local self-government bodies is based on proposals from NGOs and groups of voters.

replaced, following their withdrawal for various reasons, including their affiliation with candidates, lack of remuneration for PEC members, and because they are busy with the harvest season.¹²

For the first time, all polling stations will be provided with automatic ballot scanners attached to ballot boxes.¹³ However, only results of the manual count of votes will be legally binding. The CEC performed tests and public demonstrations of the scanners, and is actively training PECs on their use. However, it did not publish any documentation on their functionality or conduct an independent public audit of the system.¹⁴

VI. VOTER REGISTRATION

The right to vote is granted to citizens who reach 18 years of age by election day, with the exception of those serving a prison sentence and those declared legally incapacitated. For these elections, significant changes were introduced to the voter registration process. Voter lists are based on the newly established Unified Population Register (UPR), maintained by the State Registration Service (SRS). As a measure introduced mainly to eliminate inaccurate entries in the population register and as a mechanism against electoral malfeasance, citizens have to submit biometric data to the SRS, or will otherwise not be registered to vote.¹⁵ On election day, identification of voters will be based on fingerprint matching.¹⁶

As of 14 September, a total of 2,619,575 voters were registered.¹⁷ This includes some 16,000 voters living abroad, who submitted their biometric data in Kyrgyz diplomatic missions.¹⁸ While most OSCE/ODIHR EOM interlocutors support the concept of biometric identification, some voiced serious concerns about the short time to implement such a complex process. It appears that a number of citizens are still not registered, because they live in remote locations, lack interest or are unwilling to provide biometric data due to concerns about the use and protection of personal data, an issue that has also been raised by some NGOs. Some political parties expressed to the OSCE/ODIHR EOM their opposition to the mandatory biometric registration for elections, arguing that it limits the constitutional right to vote. The SRS and CEC launched campaigns inviting citizens to register or to check their registration. However, public information about the process thus far appears insufficient, failing to address some citizens' concerns and any misinformation.

From 20 August to 19 September, voters can confirm their voter list records at their PECs, online or via an SRS telephone hotline¹⁹ and can request corrections to their records and change their 'electoral address' according to temporary residence.²⁰ The testing of equipment for voter identification and the training of SRS election-day operators are in progress.

¹² Higher-level commissions are replacing members of lower-level commissions with people from 'reserve lists' comprising local government nominees and political party representatives.

¹³ After the closing of polls and before the manual count, the scanners will send voting results data to the CEC over a secure connection, provided Internet is available at the polling station.

¹⁴ The OSCE/ODIHR EOM was informed that the components of the system were certified in South Korea, where the system is from, although no public reports are available.

¹⁵ The mandatory submission of biometric data started in October 2014, and the deadline for those who wish to be included in the voter list for these elections is 19 September. Fingerprint, photo and signature scans are collected as electronic data and integrated in the UPR.

¹⁶ In case of mismatch after five attempts, voters' photos, which are part of their biometric data, will be considered. The Election Law does not foresee contingency procedures in case of equipment failure.

¹⁷ The total number of citizens with the constitutional right to vote is not clear, as different institutions such as the CEC and the SRS operate with significantly different figures.

¹⁸ This is less than half of the number of citizens previously registered to vote abroad.

¹⁹ By 7 September, the SRS had received some 6,000 calls to the hotline.

²⁰ Some 200,000 internal migrants residing in Bishkek can submit their requests to vote by electoral address.

Only biometric ID cards and passports will be permitted for voter identification on election day. The authorities have yet to address the problem of some 28,000 voters who only hold an older ID (so-called 1994 passports) and detainees who are not in possession of their IDs.

VII. CANDIDATE REGISTRATION

By the legal deadline of 25 August, 14 political parties, out of 34 that had initially announced their intention to stand for the elections, submitted their candidate lists to the CEC and paid the required electoral deposit of five million KGS.²¹ The deposit is refunded only to those parties which receive at least five per cent of the votes cast nationwide.

The Election Law establishes a number of quotas for candidate lists, which parties must meet in order to have their lists registered. Parties must have at least 30 per cent candidates from each gender, with the less represented gender being given at least one place in each group of four candidates on the list. Furthermore, a party must ensure that at least 15 per cent of its candidates belong to national minorities, that 15 per cent are younger than 35 years old, and that it fields at least two candidates with disabilities.²² Some parties had to amend their initial lists to meet these quotas, following requests from the CEC.²³

According to Article 61.3 of the Election Law, the CEC has 10 days from the day it receives a party's registration documents to decide on the registration of that party's candidate list. The CEC did not meet this legal deadline. Nevertheless, it registered all 14 candidate lists, with a total of 2,151 candidates were registered on 3 September.²⁴ The ban to stand for elections for those whose criminal convictions had not expired or been cleared was the main reason for the rejection of individual candidates by the CEC.²⁵ Some candidates who fell under this ban either withdrew or were taken off the list by the nominating parties.

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCING

The political party system is fragmented, with 203 political parties officially registered by the Ministry of Justice. In anticipation of the upcoming elections, some parties merged in order to improve their chances and to reach across the regional divide between the north and the south of the country; these are *Ata Meken* and *Uluttar Birimdigi*, *Butun Kyrgyzstan-Emgek* and *Respublika-Ata Jurt*. Other parties, which were formed (or re-activated after previous mergers) by leaders from existing parties, include *Aalam*, *Azzatyk*, *Bir Bol*, and *Onuguu-Progress*. Two parties, *Meken Yntymagy* and *Zamandash*, count Kyrgyzstani migrants, primarily in the Russian Federation and Kazakhstan as their constituencies. Other parties contesting these elections include the governing *Ar-Namys* and SDPK, the Congress of Peoples of Kyrgyzstan, *Kyrgyzstan*, and *Uluu Kyrgyzstan*.

The official campaign period started on 4 September and will end 24 hours prior to voting. OSCE/ODIHR EOM observers report that parties are actively campaigning, holding rallies and public meetings throughout the country. Billboards, banners, and other signage are widely visible in many locations, as are party offices. Members and activists of various parties are actively canvassing voters by handing out campaign materials or driving through streets with loudspeakers.

²¹ Equal to some EUR 72,800 (1 EUR equals approximately 68.6 Kyrgyz Som, KGS).

²² At least one person with disabilities must be among the top 50 candidates on the list. This quota is new. There are no placement requirements for youth and national minorities.

²³ Since the law does not allow parties to add new candidates after submitting their candidate lists, some parties had to remove male candidates from their lists in order to comply with the gender quota.

²⁴ Following the receipt of registration documents from the last five parties on 24 September, a CEC session for registration the lists was scheduled for 2 September, but was canceled without official explanation.

²⁵ According to the Ministry of Internal Affairs, 234 nominees fell under the ban to stand.

In the first days of the campaign, the parties with the most visible campaigns were *Ata Meken*, *Bir Bol*, *Onuugu-Progress*, and SDPK. Also active in some areas are *Ar-Namys*, *Butun Kyrgyzstan-Emgek*, *Kyrgyzstan*, *Meken Yntymagy*, *Respublika-Ata Jurt*, and *Uluu Kyrgyzstan*.

Women remain underrepresented in political life, including in elected office. After the number of women in parliament rose significantly in 2007, from 0 to 23 of then 90 members (25.6 per cent), their share started decreasing. Currently, 25 of the 120 members of parliament are women. The percentage of women candidates on registered party lists ranges from 30.1 to 35.3 per cent.

Election campaigns are funded through electoral funds created by political parties. These funds may be financed from a party's and from candidates' own contributions, as well as from voluntary donations of citizens and legal entities. Candidates on party lists may not create their own electoral funds. Parties do not receive public funding. The Election Law prohibits donations from foreign, state-owned, and anonymous sources, as well as from religious and charitable organizations and sets limits on the amounts of contributions, donations, and total campaign expenditures.

The CEC has set up an audit group led by a CEC member to oversee compliance with campaign finance rules. Since 10 August, the audit group has regularly published reports with total amounts of incomes and expenditures for each party's electoral fund.²⁶

IX. MEDIA

Television (TV) remains the main source of political information for the overwhelming majority of the population, with the Public TV and Radio Company (KTRK) holding the leading position in terms of territorial coverage and viewership. Since the nationalization of two prominent TV stations, Channel 5 and *Piramida*, in 2011, the majority of TV stations with nationwide coverage are fully or partly state-owned. Despite a large number of print media outlets, their small circulation is limited to urban centres. The small advertisement market limits the development of the media and undermines their financial independence.

The Election Law allows media outlets to sell airtime and space to contestants, provided that prices are equal for all contestants and are published within 10 days of the calling of an election. Although not foreseen in the law, the CEC established accreditation requirements for those media outlets that choose to offer paid political advertisements.²⁷ The CEC reserves the right to revoke an accreditation, thus suspending the right to publish paid political advertisement, if a media outlet fails to provide objective coverage of the campaign or the elections, or if it attempts to damage the honor or dignity of election commissioners. For these elections, the CEC has accredited 66 TV and radio channels and 137 newspapers.

Regarding Internet media, the CEC has signed a declarative memorandum with selected online media, establishing accreditation procedures similar to the ones for traditional media outlets. Unaccredited online media are effectively prohibited from selling their space to political parties. The popular web portal *Namba.kg* was not included in the memorandum and challenged the CEC decision in court which, on 3 September, upheld the CEC decision.²⁸

²⁶ According to the audit group's report of 14 September, *Onuugu-Progress* spent the highest amount since it established its electoral fund (92.6 million KGS, around 1.2 million EUR), followed by *Respublika-Ata Jurt*, *Ata Meken*, and SDPK.

²⁷ Accredited outlets are entitled to attend CEC sessions and press conferences and enjoy the co-operation of the CEC in organizing meetings and interviews with members of election commissions.

²⁸ The court reasoned that *Namba.kg* was late to apply with the CEC for accreditation. The court did not examine whether the CEC's memorandum arrangement was in compliance with the law and whether it unduly restricted rights of online media.

The Election Law requires state-owned or state-funded broadcasters to allocate at least one hour of free airtime per working day to parties contesting the elections. So far, only public KTRK and state National TV and Radio Company (ElTR) have allocated free airtime, starting from 14 September.²⁹ Channel 5 and *Piramida*, which received state funding in 2015, have not yet indicated whether they plan to allocate free airtime.

On 4 September, the OSCE/ODIHR EOM commenced its quantitative and qualitative media monitoring of 6 television channels (Channel 5, the state broadcaster ElTR, public KTRK, NBT, NTS, and *Piramida*), 2 radio stations (public *Birinchi Radio*, which is part of KTRK, and *Radio Azattyk*), and 11 newspapers.³⁰

X. PARTICIPATION OF NATIONAL MINORITIES

The Constitution does not make direct reference to national minorities, but principles of non-discrimination and equality are enshrined in the Constitution and other legislation. The Constitution acknowledges that the country's population is composed of different ethnicities. However, there is no law, or other specific legislative provisions on national minorities in domestic legislation. Furthermore, there is no specific legislation on non-discrimination. The Constitution prohibits the formation of political parties on a religious or ethnic basis. All official election material is produced only in the Kyrgyz and Russian languages.

All parties complied with the 15 per cent quota for national minorities, with some placing minority representatives in the top 10 of their lists. One CEC member belongs to a national minority (Kazakh). Most TECs in areas with dense minority populations also include representatives of national minorities.

XI. COMPLAINTS AND APPEALS

Decisions and actions or inaction of election commissions and their officials that violate the rights of participants in the electoral process can be appealed to the higher-level election commission. Complaints about the CEC and appeals against its decisions are submitted to the Pervomaisky district court in Bishkek and further appealed to the Supreme Court. Complaints on errors in voter lists are forwarded by PECs to the SRS for response within two calendar days.

Complaints about actions or decisions of state bodies and officials, as well as other contestants in the elections, can be made to the police, the prosecutor's office, election commissions, and to local courts. Complaints and appeals must be made within two days from the time the complainant became aware of the infringing action. Prior to election day, election commissions and courts must decide on complaints and appeals within three days (five days if the alleged facts require additional verification). Police and prosecutors' offices must respond to complaints within two days (three days if additional verification is required).

The CEC issued regulations on the handling of communications from electoral participants and created a working group on communications and complaints. The working group reviews

²⁹ The order of appearance of the contestants was determined by the drawing of lots on 7 September.
³⁰ *Erkin-Too*, *Kyrgyz Tuusu*, and *Slovo Kyrgyzstana* (all state-funded), *Alibi*, *Asia-News*, *De Facto*, *Delo No.*, *Fabula*, *Respublika*, *Super-Info*, and *Vecherniy Bishkek*.

complaints and settles most of them through informal discussions with applicants.³¹ Two complaints have been addressed in formal CEC sessions. Thus far, all three CEC decisions appealed were upheld by the Pervomaisky district court, with one further appealed to the Supreme Court.³²

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The law allows for observation of the entire electoral process by both citizen and international observers. While international observers must be accredited by the CEC, citizen observers acquire their status after their organization has submitted a letter with their names to the election commission where they will observe (CEC, TECs or PECs). Civil society is actively involved in election observation. The NGO *Taza Shailoo* is observing the elections with 35 long-term observers and plans to deploy 850 short-term observers on election day. The Coalition for Democracy and Civil Society has 60 long-term observers and plans to deploy short-term observers to 500 randomly selected polling stations on election day. According to CEC Resolution No. 87 of 28 July, the CEC started to accredit international observers only on 4 September, effectively limiting their right to observe all stages of electoral process, which is granted to them by Election Law.³³

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM formally opened in Bishkek with a press conference on 25 August. The Head of Mission has met the CEC chairperson, the state secretary in the Ministry of Foreign Affairs, the head of the SRS, the chairperson of the Supreme Court, the head of the OSCE Centre in Bishkek, the EU Special Representative for Central Asia, and representatives of political parties. The OSCE/ODIHR EOM has also established regular contacts with the CEC, governmental institutions involved in the electoral process, courts, political parties and candidates, civil society, the media, and the diplomatic community.

The OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament have announced that they will deploy observer delegations for election day observation. The OSCE Chairperson-in-Office has appointed Christine Muttonen as Special Co-ordinator and Leader of the short-term OSCE observer mission for these elections.

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

³¹ The CEC working group on complaints and the working group on control over campaign also give verbal warnings to political parties found in breach of campaign rules. The Election Law grants authority to issue formal warnings to the CEC as a collegial body.

³² Besides the complaint of Namba.kg, one complaint challenged the non-registration of a party's candidate list and one complaint requested to postpone the elections due to the late registration of candidate lists by the CEC.

³³ The Election Law does not define any accreditation deadline for international observers.