

INTERIM REPORT
19 October – 10 November 2021

12 November 2021

I. EXECUTIVE SUMMARY

- The 28 November elections to the *Jogorku Kenesh* (parliament) will be the first ones held since the new Constitution entered into force in May 2021. The change from a semi-presidential system back to a presidential republic has resulted in a significant shift in the balance of power. President Japarov, who initiated the constitutional reform process, has since taken a dominant role in the political life of the country, shaping the current political environment. These elections take place in the wake of an extensive review of legislation implemented by a parliament whose mandate expired in October 2020 but was extended to June 2021, and are largely viewed as the last step of a process of centralization that began following the October 2020 events.
- Shortly before elections were called by the President, the Parliament amended the electoral legal framework with many new provisions impacting the electoral system, voter registration, candidate registration, the composition of the election administration and election day procedures. Some ODIHR EOM interlocutors noted that the timing of the reforms limits opportunities for voters and election officials to familiarize themselves with the new system and procedures. Despite ODIHR and Venice Commission recommendations, the Constitution adopted in April 2021, includes provisions that unduly limit some civil and political rights. The new Constitution also grants the president greater involvement in the formation of the election administration and a pivotal role in the appointment of judges at the national and local levels.
- Elections will be held under a mixed electoral system with 54 Members of Parliament (MPs) elected from open party lists in one nationwide constituency with a national threshold of 5 per cent and a regional one of 0.5 per cent in each of the 7 regions and 2 cities. The remaining 36 MPs are elected in single mandate districts (SMD) in a first past the post system.
- A three-tiered election administration, comprising of the Central Commission for Elections and Referenda (CEC), 36 newly formed District Election Commissions and 2,494 Precinct Election Commissions administers the parliamentary elections. Following recent legislative amendments, the president appoints half of the 12-membered CEC and the remaining half by are appointed by parliament. Preparations are ongoing by commissions at all levels and an information and awareness-raising campaign targeting voters and other key stakeholders has commenced.
- The updated preliminary voter lists include some 3.6 million eligible voters.. About 290,000 citizens, mostly residing abroad, remain disenfranchised since they have not undergone biometric registration. Voter lists are available for public scrutiny and voters can request corrections in person at precincts and through the state web-portal. The removal of the possibility for voters to request a temporary change of voting address may negatively affect some groups of voters.
- Eligible voters who are 25 years and older have the right to stand with the exception of those with an unexpunged criminal record. Recent amendments increased the age requirement and introduced a requirement for a higher education. The CEC registered 21 political parties with 1,036 candidates competing in the nationwide constituency, of which 26 per cent are under the

age of 35 and 18 per cent belong to national minorities. All political parties met the 30 per cent gender quota and 36 per cent of candidates on party lists are women. In the SMDs, of the 304 competing candidates, only 20 (6.5 per cent) are women. The election law allows the withdrawal of candidates after the lists are registered up to three days before election day, but does not require the 30 per cent gender quota to be sustained.

- The campaign started on 29 October and has thus far been low-key, with billboards and posters slowly appearing across the country. ODIHR interlocutors have indicated that social networks will be used as a main campaign tool. On 1 November, President Japarov signed a decree on ensuring the holding of free, fair and transparent elections instructing all levels of state administration and election commissions to strictly comply with legislation.
- All contesting parties and candidates in SMDs are required to open designated bank accounts to manage their campaign funds. The law does not provide for direct public funding, and legal limits apply to both private contributions and campaign expenditures. The oversight of campaign finance is vested with the CEC. The CEC regularly publishes updates on contributions and expenditures of electoral contestants based on information provided by the banks and parties and candidates are required to submit one financial report 10 days before election day. However, these reports are audited after election day and contrary to previous ODIHR recommendations the law does not require the publication of audit results.
- The Constitution guarantees freedom of expression, prohibits censorship and the criminal prosecution for defamation. At the same time, several legal acts contain provisions that are unduly broad and vague in reference to potential grounds for limiting freedom of expression. On 1 November nationwide state-funded channels *KTRK* and *EITR* commenced prime time broadcasts of free airtime allocated by the CEC. Contestants are not allowed to use free airtime, including in debates, to criticize other contestants. The ODIHR EOM commenced media monitoring on 22 October.
- The CEC has received some 50 complaints, including complaints on vote-buying and misuse of administrative resources. In 4 of these cases referred to law enforcement, pre-trial investigations are ongoing. The Constitutional Court, established by the new Constitution, has received 3 election-related complaints. However, it is not operational since the law regulating its activity has not yet been signed by the President.

II. INTRODUCTION

Following an invitation from the authorities of the Kyrgyz Republic to observe the 28 November parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 19 October 2021.¹ The ODIHR EOM is led by Ambassador Audrey Glover and consists of 13 core team members based in Bishkek and 26 long-term observers (LTOs) who were deployed to all seven regions of the Kyrgyz Republic and the cities of Bishkek and Osh on 27 October. Core team members and LTOs are drawn from 18 OSCE participating States.

III. BACKGROUND

On 29 August, President Sadyr Japarov set 28 November as the date for the elections to the unicameral *Jogorku Kenesh* (parliament). ODIHR EOM interlocutors have indicated that these elections are the last step of a process of centralization that began following the October 2020 events. The dominant role the

¹ See previous [ODIHR election observation reports on the Kyrgyz Republic](#).

President has taken in the political life of the country, has shaped the current political environment and significantly shifted the balance of power.

The last parliamentary elections were held on 4 October 2020 with the results cancelled by the CEC two days after, following large-scale and violent protests. A period of uncertainty followed, during which a former Member of Parliament (MP), Sadyr Japarov, claimed the office of the Prime Minister and was then confirmed in this position by the parliament. The mandate of the outgoing parliament ended in October 2020 but was extended by law to June 2021.² President Jeenbekov announced his resignation on 15 October. Next in line for presidential succession would have been the Speaker of Parliament who declined to take up the office. Thus, the acting presidency, according to the constitution, passed to acting Prime Minister Japarov, who subsequently filled both offices.

Between mid-October and early November 2020, at the initiative of Mr. Japarov, parliament proposed a new draft constitution for a presidential republic. It contained wide-ranging changes that would have vested the president with significantly increased powers. A constitutional referendum on the draft constitution announced for 17 November resulted in widespread protests from civil society and expressions of concern from the international community. As a result, a referendum to determine the form of governance was scheduled for 10 January 2021 alongside an early presidential election. Mr. Japarov contested the presidential election and won while a presidential republic was the outcome of the referendum.³ The draft constitution was submitted to parliament in February and in early March, through an expedited procedure, a referendum on the draft was scheduled for 10 April. As a result, there was insufficient time provided for proper public consideration of the draft and a lack of meaningful consultation with stakeholders or parliamentary debate.

The new Constitution entered into force in May 2021. Under the new Constitution the number of seats in parliament were reduced by 25 per cent from 120 to 90.⁴ Many provisions in the Constitution on the institutional framework and separation of powers, including the powers and competencies of the president, the parliament and the judiciary, as well as those dealing with human rights and freedoms were assessed as not being in line with international standards and OSCE commitments.⁵

In early February, the President issued a decree mandating a extensive review of legislation, which has since affected an extraordinarily large amount of laws.⁶ Since June, despite the expired mandate, parliament has continued to adopt numerous bills, including those that streamline the president's new

² While the Constitutional Chamber of the Supreme Court found the law constitutional it criticized the length of the postponement, stating that it was “excessive and unjustifiable by objective circumstances”. Of note, the law stated that repeat elections should not be held later than 1 June. It further stated that in the prolongation period of the parliament, its activity “must be guided by the principle of reasonable restraint. The European Commission for Democracy through Law (Venice Commission) in its November 2020 [Urgent Amicus Curiae Brief related to the Postponing of Elections motivated by Constitutional Reform](#) stated: “during the *prorogatio* that takes place after the legal term of the legislature has expired, the Parliament is only allowed to carry out some ordinary functions, whereas it is not allowed to approve extraordinary measures, including constitutional reforms”.

³ Mr. Japarov won 79.2 per cent of the votes. In the referendum, 81.3 per cent voted for a presidential republic, 10.9 per cent for a parliamentary one and 4.4 per cent were against all options. Turnout was 39.1 per cent.

⁴ The Constitution among other things transfers the powers of the head of the executive branch from the prime minister to the president; it foresees the replacement of the single six-year mandate for the president with the possibility of two five-year terms; the Constitution also grants the president the right to speak at sittings of a newly-established 2,500 strong “People’s Kurultai” - a traditional consultative assembly of highest elders amongst historic nomadic communities.

⁵ See the March 2021 [Joint Opinion on the Draft Constitution of the Kyrgyz Republic](#) by the Venice Commission and the OSCE/ODIHR.

⁶ ODIHR EOM interlocutors have estimated that some 400 laws have been affected. The decree can be found on the [website of the President](#) of the Kyrgyz Republic.

constitutional powers.⁷ ODIHR EOM interlocutors view these changes as steps toward a consolidation of power in response to public sentiment, which has demanded quick and strong decisions to address issues of public concern, such as corruption and efficiency of the public administration.

ODIHR EOM interlocutors have also noted profound changes in the political environment that began before October 2020, with traditional parties losing clout, while new ones emerge, thereby further fragmenting a predominantly personality driven landscape.⁸ ODIHR EOM interlocutors stated that in the upcoming electoral contest, there is no clearly identifiable ruling party, but there are a few parties that are considered to be closely associated with the president. The president on the other hand has openly stated that he would not be supporting any party. The out-going parliament, elected in 2015, consists of six parties: Social Democratic Party of Kyrgyzstan (SDPK, 38 seats), Respublika - Ata Jurt (28), Kyrgyzstan Party (18), Bir-Bol (12), Ata Meken (11), Onuguu-Progress (10) and MPs without party affiliation (3).

Legislation on gender equality has been in place since 2008.⁹ It guarantees equal political rights for men and women and introduces a representation requirement in state and local self-government bodies which limits the number of persons of the same sex to 70 per cent. The same representation requirement is also reflected in the proportional component of the new electoral system. Currently, there are only 20 women in the 120-seated parliament. Several ODIHR EOM interlocutors have noted that the reduction in the number of MPs combined with the introduction of a mixed electoral system are expected to negatively affect women's participation and representation.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The current Constitution was adopted by referendum in April 2021.¹⁰ While it decreased the number of MPs from 120 to 90, it does not prescribe a system for their election.¹¹ On 26 August 2021, following the initiative of the president, parliament adopted legislation, that, amongst other things, introduced a mixed electoral system that replaced the previous, closed list proportional representation system.¹²

Under the newly adopted electoral system, voters will elect 90 MPs for 5 year terms, with 54 proportionally elected in a single nationwide constituency, through open party lists, and 36 elected in single mandate districts (SMD) under a one round plurality system (first-past-the-post). To qualify for the distribution of seats in the proportional component, political parties must pass a five per cent threshold of votes cast nationwide and 0.5 per cent in each of the seven regions and in the cities of Bishkek and Osh.¹³ A party can only receive a maximum of 27 seats through the proportional

⁷ The constitutional Law on the Cabinet of Ministers replaces the Prime Minister by a Chair-of-Cabinet who is answerable to the president, and who also heads the Presidential Administration. The law further forbids criminal investigations against members of government, unless approved by the president, who also has the authority to appoint and dismiss individual members of government. The Law on Local State Administration and Local Self-Government Bodies grants the president sweeping powers in the appointment and dismissal of local officials. Both laws were adopted in October 2021 during the ongoing election process.

⁸ Of the 21 parties that are contesting the elections, five ran in last year's parliamentary race (*Yiman Nuru*, *Ata Meken*, *Butun Kyrgyzstan*, *Ordo*, and the Social Democrats). The remaining parties are participating in this year's elections either for the first time or are the outcome of a process of re-branding. Of note, the August 2021 election law amendments repealed the requirement for parties to be registered at least six months prior to election day.

⁹ The 2008 Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women.

¹⁰ None of the recommendations made by the ODIHR and the Venice Commission in the joint opinion on the draft constitution were reflected in the final text.

¹¹ Previously, the electoral system was defined in the Constitution.

¹² The new Constitution grants the president the right to legislative initiative.

¹³ [ODIHR and the Council of Europe's Commission for Democracy through Law \(Venice Commission\)](#) have previously recommended to revise seat allocation rules as well as to reconsider double threshold.

component.¹⁴ The law preserves the 30 per cent gender quota for the proportional race. In SMDs, the candidate who receives the most votes cast in the district is elected.¹⁵

Following the recent amendments, the CEC delineated boundaries for the 36 SMDs. The law requires the number of eligible voters across districts to be approximately equal with a possible deviation of up to 20 per cent from the average. While within the legal limits, the number of voters in eight constituencies exceeded 15 per cent deviation from the national average number of registered voters per parliamentary seat.¹⁶ The CEC informed the ODIHR EOM that the deviation is due to the specificities of the geographical distribution of the population within the country.

The legal framework for parliamentary elections primarily consists of the 2021 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (election law), the 2021 Law on Central Election Commission, and the 2011 Law on Election Commissions. Other relevant acts include the Law on Political Parties, the Law on Peaceful Assemblies, and legislation providing for sanctions for electoral offences.¹⁷ The Kyrgyz Republic is a party to the main international treaties related to democratic elections.¹⁸

The current Constitution was adopted by referendum in April 2021. Despite the recommendations of the ODIHR and the Venice Commission, it includes provisions that unduly limit some civil and political rights.¹⁹ Among other changes, it introduced provisions that introduced the possibility to recall MPs, increased the eligibility age for candidates to stand for parliamentary elections from 21 to 25 years of age and granted the president greater involvement in the formation of the CEC and a pivotal role in the appointment of judges at the national and local levels.²⁰

The election law was amended several times after the invalidation of the results of the 20 October 2020 parliamentary elections. The November 2020 amendments excluded the possibility to vote at one's temporary place of stay and lowered the electoral deposit for political parties from Kyrgyz Som (KGS)

¹⁴ If, as a result of voting, one party wins more than 27 mandates, the remaining mandates will be distributed among the parties that passed the thresholds. The law does not foresee what will happen if only one party passes the threshold.

¹⁵ Should a seat remain vacant as a result of withdrawal of a candidate after being elected, new elections in this district shall be held within two months.

¹⁶ The districts mentioned are Kok-Zhar (80,426), Nookat (82,006), Toloikon (118,551), Aksy (80,516), Ala-Buka (80,453), Manas (82,676), Talas City (80,433), Ak-Suu (118,513). The average number of voters per district was established by the CEC at 100,476. The Venice Commission [Code of Good Practice in Electoral Matters](#) Section 2.2 para 15 provides that “The maximum admissible departure from the distribution criterion... should seldom exceed 10% and never 15% except in really exceptional circumstances ...”.

¹⁷ Reform of the administrative legislation is pending. In addition according to ODIHR EOM interlocutors, the Criminal Code adopted by parliament is pending the signature of the president. The final version of the Code is not available to the public.

¹⁸ These include the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women and its optional protocol, the 2002 CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms and the 2003 UN Convention Against Corruption and the 2006 Convention on the Rights of Persons with Disabilities (CRPD).

¹⁹ For example, Article 10 (4) of the Constitution provides that “[i]n order to protect the younger generation, activities that contradict moral and ethical values and public conscience of the people of the Kyrgyz Republic may be restricted by law”. [The Venice Commission and ODIHR has previously recommended](#) to remove this restriction (see *Media*). In addition, while the [Venice Commission and the ODIHR in their joint opinion on the Draft Constitution in March 2021](#) state that “a blanket ban on the establishment of political parties with religious or ethnic attributes would, as a rule, be disproportionate”, Article 8.3.3 of the Constitution prohibits, *inter alia* “creation of political parties on a religious and ethnic basis”.

²⁰ According to the Constitution, the parliament shall: “elect members of the Central Elections and Referenda Commission; one half as nominated by the president and the other half on its own initiative.” Previously, the president was only able to propose the nomination of one third of the CEC composition.

5 to 1 million (approximately EUR 10,150 EUR).²¹ While in November 2020 the electoral threshold was lowered from 7 to 3 percent, it was increased in August 2021 back up to 5 percent.

The introduction of the new mixed electoral system was accompanied by requisite changes in provisions on voter registration, candidate registration, campaign finance and election administration and significantly altered election day procedures. In addition, the August amendments to election legislation introduced a higher education as a new eligibility requirement for parliamentary candidates as well as new provisions on official positions and capability with the status of candidate and on campaign regulations (see *Campaign Environment*). Some ODIHR EOM interlocutors opined that the amendments were not sufficiently consulted with all electoral stakeholders and that, due to the timing of their adoption, voters and election officials have not had sufficient opportunity to familiarize themselves with the new system and procedures.²²

V. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered election administration, comprising the Central Commission for Elections and Referenda (CEC), 36 District Election Commissions (DECs), and 2,494 Precinct Election Commissions (PECs), including 59 polling stations in 29 countries for voters abroad.²³ DECs are only temporary bodies appointed by the CEC for each parliamentary election and disbanded after the announcement of results.

The current CEC was appointed on 30 June 2021 and consists of 12 members approved by the parliament through secret vote.²⁴ Pursuant to recent constitutional amendments, half of its members are nominated by the president, and half by the parliament, increasing the role of the President in the composition of the CEC, notwithstanding recommendations of ODIHR and the Venice Commission.²⁵ Parliamentary procedure for nominating commissioners is not regulated and some interlocutors raised concerns about a lack of transparency in the process.²⁶ Four CEC members including the chairperson are women, complying with the 30 per cent gender quota.

DEC have no less than 12 members who are drawn from members of the relevant Territorial Election Commissions members functioning within the respective electoral district.²⁷ The method for forming DECs is defined by a CEC regulation adopted in August 2021, however, this regulation has still not been published, creating uncertainty and leaving electoral stakeholders uninformed.²⁸ All DECs were established by 12 September 2021, within the legal deadline. Around half of their members are women, including 10 of the 36 chairpersons and 26 secretaries.

²¹ Both of these demands were tabled by protesters in the aftermath of the October 2020 parliamentary elections. EUR 1 equals approximately KGS 99.

²² The amendments were adopted on 26 August, three days before elections were called.

²³ Voters abroad may vote only in the unified national constituency. 48 PECs were established abroad during the presidential election in January 2021. For these elections, additional PECs were established in Hungary, Italy, Russia, Turkey and the US.

²⁴ CEC members nominated by parliament represent six parties: *Bir Bol*, *Ata-Meken*, *Onuguu-Progress*, *Respublika Ata-Jurt*, *Kyrgyzstan*, and SDPK.

²⁵ The Venice Commission and the ODIHR in their joint opinion on the Draft Constitution in March 2021 state that the “proposed model assumes broader involvement of the President in formation of the CEC detracting from the current balanced approach”.

²⁶ The CEC informed the ODIHR EOM that the regulation was not adopted due to the short timeframe between the law entering into force on 26 June and parliament’s approval of the new composition of the CEC on 30 June.

²⁷ Territorial Election Commissions (TECs) are part of the election administration system but do not operate in the administration of these elections. The CEC, TECs and PECs are permanent bodies appointed for a five-year term

²⁸ CEC Regulation No 658 of 29 August 2021 on the formation of election commissions.

Sessions of the CEC are public and open to observers and media, as well as streamed online, and subsequently posted on the CEC's Youtube channel. The legislation obliges CEC members to be present at all sessions. Following recent pandemic-related amendments, Article 25 of the Rule of Procedures of the CEC allows for remote attendance only through videoconferencing. While, in general, the sessions had combined online and in-person attendance, in practice, some members sent their votes for the agenda of a given session or for particular issues, in advance using Whatsapp voice messaging.

Sessions are often announced on the CEC website and in the Commission's social media channel shortly before their start, thus leaving little time for those willing to attend or watch online.²⁹ While the law requires that CEC decisions must be published on its website within 24 hours not all decisions have been published in a timely manner.

Trainings of DEC members were conducted by the CEC on 27-28 October and PEC trainings are ongoing. The CEC approved specific anti-COVID-19 measures developed in co-operation with the Ministry of Health to ensure epidemiological safety pertinent to electoral process, including for election day. The CEC will provide assistive tools for voters with visual impairments in all polling stations, including tactile ballot papers. According to the CEC, 85 per cent of PECs are accessible for voters with reduced mobility.

Given the new mixed electoral system, some ODIHR EOM interlocutors have raised concerns over possible voting and counting difficulties in relation to new complex ballot papers. The CEC has launched an education campaign for various electoral stakeholders including voters, candidates, candidate representatives, and media, through the use of billboards and posters as well as explanatory videos on TV, internet and social media, and materials in sign language.³⁰

VI. VOTER REGISTRATION

Citizens who are at least 18 years of age on election day are eligible to vote. The election law disenfranchises those serving a prison sentence, irrespective of the gravity of the crime committed, and those who have been declared incapable by a court, both contrary to international standards and obligations.³¹

Voter registration is passive and voter lists are extracted from the Unified Population Register (UPR), administered by the State Registration Service (SRS).³² Biometric civil registration is mandatory for all citizens above the age of 16 in order to be included in voter lists.³³ According to the CEC, some 290,000 citizens, mostly residing abroad, have no biometric registration and thus remain disenfranchised.³⁴ The

²⁹ For instance, sessions on 19 and 26 October were announced on the Telegram channel 17 and 8 minutes before the start respectively. On 20 October, 10 minutes after it started and the 24 October session was only announced after it was over.

³⁰ By law, election commissions, state and local self-government bodies are responsible for providing timely and reliable information to voters.

³¹ See Articles 12 and 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). See also paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011, which states that Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Paragraph 24 of the 1990 OSCE Copenhagen Document provides that "any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law".

³² The voter register is linked to the CEC for further updates via interoperability platform TUNDUK, which is a governmental portal of electronic services provided to citizens.

³³ The SRS is responsible for biometric registration with 107 in-country offices.

³⁴ This is a 36 per cent decrease as compared to the figure during the last presidential elections in 2021 (450,000).

Law on Internal Migration provides a few bases for the revocation of a residency address in the population register.³⁵

According to a legislative amendment adopted four months before the elections, voters wishing to vote in the SMD race must have registered their residential address in the given electoral district at least 90 days before election day.³⁶ Following amendments after the 2020 parliamentary elections reportedly aimed at introducing safeguards against vote buying, the possibility for voters to change their place of their temporary stay was removed.³⁷ The ODIHR EOM interlocutors expressed concerns that this may create obstacles for those currently not residing at their permanent residence to exercise their right to vote.

As of 9 November, the preliminary voter lists include 3,699,046 voters, of whom some 52 per cent are women. There are 75,651 voters registered for out of country voting.³⁸ Voters abroad have the right to vote only for the nationwide constituency. Voters can check their data and request corrections at the PECs or through the state web-portal during the public scrutiny period, which begins at least 80 days before election day and ends on 12 November. Voter lists for citizens in hospitals, pre-trial detention centers, enterprises with an uninterrupted work cycle (shift work), and military facilities are compiled using data provided by the heads of the institutions or enterprises, which is in turn transmitted to the relevant PEC no later than 12 days prior to the voting day.³⁹

VII. REGISTRATION OF CANDIDATES AND CANDIDATE LISTS

Eligible voters that are 25 years of age by election day and have a higher education have the right to be elected with the exception of those with an unexpunged criminal record.⁴⁰ Citizens in possession of another nationality are also not eligible

Nomination for the nationwide electoral constituency is done by political parties through candidate lists. For SMDs, candidates can be nominated either by political parties or, in the case of independent candidates through self-nomination. Parties are entitled to put forward candidate lists of up to 54 candidates for the nationwide electoral constituency and one candidate in each SMD. Independent candidates may only stand in SMDs.

In order to register a candidate list or candidates in SMDs, contestants are required to pay a deposit of KGS 1 million and KGS 100,000, respectively. The deposit is returned if a candidate list or a candidate in a SMD gains 1 per cent and 5 per cent of votes, respectively. There is no requirement for residency within the district in which a candidate contests. A candidate list must have at least 30 per cent of candidates from each gender, with the lesser represented gender given at least one place in each group of four candidates on the list.⁴¹ By law, each contesting party should include at least two persons with

³⁵ A residency address can be revoked in some of the following situations: eviction from the occupied dwelling by court decision, conviction, conscription for military service or the registration was based on falsified data.

³⁶ There is no such requirement for voting in the nation-wide constituency.

³⁷ The previous Form No.2 which granted voters the possibility to vote at their current place of stay instead of their registered residence was abolished for in-country voters. Yet, the law allows for out-of-country voters to vote at their current place of stay.

³⁸ Since the last parliamentary elections in October 2020, the total number of voters has increased by almost 5 per cent and those registered abroad have more than doubled.

³⁹ Voters who are unable to travel to the polling station for voting due to health reasons or disability or are in hospitals, detention centers or military facilities, may also apply directly to the relevant PEC to vote in the place of their temporary residence. This must be done no later than three days before election day.

⁴⁰ The recently adopted requirement of a higher education has been challenged in court.

⁴¹ In addition, the Election Law establishes a number of other quotas for candidate lists, which parties must meet in order to have their lists registered. At least 15 per cent of candidates on the list must belong to national minorities; 15 per cent must be younger than 35. The law establishes specific placement requirements for each category.

disabilities in the candidate list, one of them should be among first 25 names. In filing their candidacy application, persons with disabilities may be assisted if desired by another person on the basis of a notarized request.

The CEC registered 21 candidate lists and 321 candidates in SMDs by the 29 October deadline. The total number of registered candidates in the lists was 1,036 with 372 women (36 per cent), 46 persons with disabilities, 189 belonging to national minorities (18 per cent), and 267 persons (26 per cent) under 35 years of age. Only 20 women (6 per cent) were registered for the contest in SMDs.

Candidates may withdraw from both types of contests up until three days before election day; replacements in the lists are not allowed. By 9 November, 17 candidates withdrew from the single-mandate contests, with 304 candidates remaining and 16 candidates withdrew from party lists. Some ODIHR EOM interlocutors, including the CEC, raised concerns regarding the maintenance of the quota due to withdrawals, as the law does not guarantee the maintenance of the quota after the registration.

Thirty one candidates were not registered due to non-payment of the electoral deposit and three for not submitting higher education diplomas. The CEC did not register the speaker of the parliament Talant Mamytov, on the *Yntymak* Party list, as following recent amendments the CEC found that the position of speaker is a political and public one, which requires a prospective candidate to step down.⁴² This decision was later overturned on appeal (see *Complaints and Appeals*).

VIII. CAMPAIGN ENVIRONMENT

The electoral campaign officially started on 29 October, following the completion of candidate registration, and it is set to last until 27 November, 24 hours prior to voting.

State and local administrations are obliged to assist candidates in organizing campaign activities, such as debates or rallies, and to ensure security and the provision of venues on a non-discriminatory basis. Campaigning has thus far been low-key, with billboards and posters slowly starting to appear across the country.⁴³ In addition, ODIHR EOM interlocutors have indicated that social networks will be used as a campaign tool by both parties and SMD candidates.

Candidates as well as their close relatives are not allowed to engage in charitable activities from the moment of calling the election until the publication of results. The use of religious themes, and concerts and theatrical performances are prohibited during the campaign. New regulations aim to address the misuse of administrative resources. Candidates are now required to resign or take a leave of absence from certain political positions.⁴⁴ DEC's control and enforce these regulations during the official campaign period.

⁴² Recent amendments to the election law introduced the obligation for certain categories of state and municipal officials to resign or take a leave of absence. The CEC explained that this new requirement is a safeguard against misuse of administrative resources. According to the CEC 136 candidates resigned or took a leave of absence from state and municipal offices.

⁴³ As of 9 November 14 rallies were observed by the ODIHR EOM - 4 in Talas region, 4 in Naryn region, 2 in Osh, and 1 in each of the following 4 regions: Chuy, Batken, Issyk-Kul and Jalal-Abad. The rallies were organized by: Ata Jurt Kyrgyzstan (3); Azattyk (3); Butun Kyrgyzstan (2); Yman Nuru (1); Isenim (1); Social Democratic Party and El Umutu (1); El Umutu; 2 rallies by self-nominated candidates for single mandate districts. Of the 14 rallies, seven were for the nationwide contest; three for SMDs; and four for both races.

⁴⁴ Candidates who are political officials (except for MPs), the head of a state enterprise, municipal enterprise, institution, enterprise with a state (municipal) participation of more than 30 per cent and their subdivisions, should resign from the moment they are nominated as candidates. Candidates who are civil servants, regardless of the type of public service (civil, military, law enforcement, diplomatic), municipal employees, media workers, suspend the exercise of

Prior to the start of the campaign, the CEC received six complaints related to vote buying.⁴⁵ One *Akim* (head of district) was dismissed until the end of the elections for allegedly lobbying the interests of a party, this was seen by ODIHR EOM interlocutors as a warning for all public officials.⁴⁶

In the weeks preceding the start of the electoral campaign, the President repeatedly stressed that the election campaign would directly affect the stability of the socio-political situation in the country, and stated that the elections should be fair and the campaign should be flawlessly organized.⁴⁷ He also assured that there would be no persecution of journalists. On 1 November, President Japarov signed a decree instructing all election commissions, state bodies, local state administrations, local self-government bodies and their officials to strictly comply with the electoral legislation during the preparation and conduct of elections so as to ensure the free choice of voters.⁴⁸

IX. CAMPAIGN FINANCE

Campaigns may be financed from private sources while direct public funding is not foreseen. Cash donations as well as donations from foreign, state-owned, or anonymous sources and religious and charitable organizations are prohibited. The recent legal amendments on campaign finance introduced provisions on the sources of funding for individual candidates in SMDs, limits on the total amount of contributions they can receive and expenditures. The law also sets limits on total contributions for electoral funds of political parties contesting in the nationwide constituency.

The law requires candidates and parties to establish an electoral fund and open a bank account through which all campaign contributions and expenditures must be managed.⁴⁹ Campaign expenditures can only be incurred for election purposes. The limits on campaign contributions and expenditures are set at KGS 300,000,000 (some EUR 3,000,000) for political parties contesting nationwide, in the proportional race and KGS 10,000,000 (some EUR 100,000) for candidates competing in SMDs. The provision of services or the sale of goods to electoral contestants free of charge or at unreasonably discounted prices are forbidden. An exemption applies to authorized representatives of electoral contestants, trustees, observers, representatives of candidates, and of political parties to supply election related services.

The law mandates the CEC to oversee campaign finances and to publish information and updates on campaign incomes and expenditures on its website. The two banks authorized to open accounts for electoral funds are required to transmit information on electoral contestants' income and expenditures to the CEC on a daily basis.⁵⁰ As of 5 November, information on the income was available on the CEC

official or office powers from the moment they are nominated as candidates. The list of positions is specified in the [Register for State and Municipal officials](#).

⁴⁵ One complaint was over a candidate handing over the key to an apartment and another one over a candidate distributing school uniforms.

⁴⁶ This was announced by the President on 23 October during a traditional big press conference (usually held at the end of a year). On 27 October, the chairman of the cabinet of ministers informed the parliament of the dismissal.

⁴⁷ The [president](#) touched upon these themes in his 21 October 2021 address to the Republic meeting of heads of local self-government bodies and local state administrations. He also touched upon these themes during his 23 October press conference.

⁴⁸ The decree appears on the [website](#) of the president of the Kyrgyz Republic.

⁴⁹ Electoral funds of SMD candidates can be financed from: a candidate's own funds (not more than KGS 150,000); funds of a political party that has nominated a candidate (not more than KGS 1,000,000); donations by citizens (not more than KGS 200,000 per citizen); and donations by legal entities (not more than KGS 500,000 per legal entity). Electoral funds of political parties contesting in the nationwide constituency can be financed from: funds of a candidate included in the list of candidates (not more than KGS 1,500,000); funds of a political party (KGS 100,000,000); donations by citizens (not more than KGS 200,000 per citizen); and donations by legal entities (not more than KGS 3,000,000 per legal entity).

⁵⁰ *RSK bank* and *Aiyl bank*, both state-owned, have the right to open dedicated bank accounts for electoral funds, and their information systems have been integrated with the CEC to facilitate the transfer of data.

website for all 21 political parties and 280 out of 304 candidates contesting in SMDs. According to this information, three political parties lead in terms of campaign spending: Ishenim – KGS 19.5 million, Ata-Jurt Kyrgyzstan – KGS 17.6 million and Alyans – KGS 12.9 million. In total, all political parties in the nationwide constituency received KGS 120,180,392 and spent KGS 102,478,016. In SMDs, combined, the 280 candidates received almost KGS 119 million and spent some KGS 68 million.

Parties and candidates are required to submit one financial report 10 days before election day and a final one 10 days after election day and the CEC is to audit these reports after the elections. The law however, does not foresee how the audit should be conducted nor the requirement for publication of audit results, contrary to previous ODIHR recommendations.

X. MEDIA

The media environment is vibrant and diverse with some 1,500 outlets, but is constrained by a small advertising market that has been further reduced due to the COVID-19 pandemic. Television remains the main source of information, followed by an ever-growing influence of online media and social networks. The Public Television and Radio Broadcasting Corporation (*KTRK*) has the biggest coverage and viewership, followed by another state-funded, Osh-based channel, People’s Television and Radio (*EITR*).⁵¹

The new Constitution guarantees freedom of expression, access to information, prohibits censorship as well as criminal liability for defamation. While defamation was decriminalized in 2011, there are no limits for damage claims within civil cases.⁵² The Constitution also now envisages state protection of information security and limitations on activities that contradict moral and ethical values and the public conscience with the aim to protect the younger generation.⁵³

On 28 July parliament adopted the Law on Protection from Inaccurate (False) Information. The law re-used the wording of the previous draft law (on the Manipulation of Information) that was criticized by the OSCE Representative on Freedom of the Media and rejected by former president Jeenbekov in August 2020.⁵⁴ Other legal acts also contain provisions that appear unduly broad and vague in reference

⁵¹ In the framework of a broad legislative review declared by the president in February 2021, several media-related laws are affected (the 1992 Law on Mass Media, the 1997 Law on Protection of Professional Activity of Journalist and the 2011 Law on Public Television and Radio Corporation of the Kyrgyz Republic). On 29 October 2021, local media organizations and professionals protested against the proposals concerning public broadcaster, which envisages a change of its status from public to state-owned.

⁵² In November 2019 and October 2020 the Organized Crime and Corruption Reporting Project (OCCRP), *Kloop.kg* (OCCRP’s local partner) and *Azattyk* (Kyrgyz service of the RFE/RL) published the investigative reports on corruption of prominent public officials. A defamation case was filed against journalists and media outlets with cumulative claims amounting to some EUR 780,000, which were seen as disproportionate by the [OSCE Representative on Freedom of the Media](#) (RFoM). The plaintiff was found guilty of corruption and decided to drop the lawsuits in April 2021.

⁵³ The Venice Commission and OSCE/ODIHR in their [Joint Opinion](#) on the Draft Constitution of the Kyrgyz Republic recommended the reference to the protection of the younger generation or to contradiction with “moral and ethical values and public conscience of the people of the Kyrgyz Republic” be removed entirely since it can be used “as a potential ground for limiting freedom of expression and of the media (and potentially other freedoms) appears unduly broad and vague to comply with the principle of legal certainty”.

⁵⁴ The RFoM in its June 2020 [statement](#) voiced its concern that “vague legal definitions will not provide media and social media users with the necessary legal certainty in order to foresee the consequences of their activities. Furthermore the regulation of online content by an ‘authorized state body’ may, in the absence of a clear mechanism and due process, seriously restrict freedom of expression”.

to potential grounds for limiting freedom of expression.⁵⁵ Overall, this legislation may lead to self-censorship and have a chilling effect on investigative and critical reporting.

The election law requires media to treat electoral contestants equally and provide objective and reliable information. In the news programs, election-related reports should be given during a separate information block and without comments. All types of media, after mandatory accreditation with the CEC, may offer time and space for paid advertising. A total of 243 outlets were accredited by the CEC, mostly online.

The law provides for free airtime for parties with registered candidate lists and individual candidates. On the national level, each state-funded broadcaster is obliged to provide at least one hour during working days for all parties, whereas on the regional level at least 30 minutes should be granted. At least half of the total time should be dedicated to debates. The law defines “election activities” of contestants in a broad manner, however it prohibits criticism of other contestants within free airtime.⁵⁶

On 30 October, the CEC, as legally required, allocated through a lottery the free air time for parties and individual candidates. On 1 November the nationwide state-funded channels *KTRK* and *EITR* started with their prime time allocation. On 29 August, the CEC Working Group on Informing and Campaigning was established as an advisory panel to oversee the media and contestants’ compliance with campaign regulations.⁵⁷ The group operates based on complaints and does not conduct media monitoring as part of its oversight. It has reportedly held eight sessions, two of which the EOM has observed.

On 22 October, the ODIHR EOM commenced its media monitoring of the prime-time programs of six broadcast media (five TV and one radio station), one print and six online media outlets, with quantitative and qualitative monitoring of their relevant coverage.⁵⁸

XI. COMPLAINTS AND APPEALS

Election-related complaints can be filed by voters, political parties and candidates, their proxies, civil society organizations and observers. Decisions, actions, and inactions of election commissions can be appealed to higher election commissions, and those of the CEC to the Administrative Court of Bishkek, whose decision can be further appealed before the Supreme Court.⁵⁹ Election results can only be appealed by individual candidates, political parties, and their proxies. Complaints can also be filed with the prosecutor’s office and the police.

⁵⁵ The RFoM in its October 2021 [statement](#) pointed to the “recommendations of the United Nations Universal Periodic Review for 2015–2019 to review Article 313 of the Criminal Code on incitement to racial, ethnic, religious, and other forms of hostility as to comply with Articles 19 and 20 of the United Nations International Covenant on Civil and Political Rights”.

⁵⁶ Article 28(6) of the Election Law stipulates that a candidate or a political party may not use air time or space provided free of charge for the following purposes: dissemination of calls to vote against [...]; description of possible negative consequences in case a certain candidate is elected; dissemination of information related to a candidate or a party in combination with negative comments; dissemination of information that contributes to the creation of a negative attitude of voters [...].

⁵⁷ The group officially consists of 14 members, including two CEC members, CEC workers and external media experts.

⁵⁸ The ODIHR EOM is monitoring the prime-time broadcasts of the nationwide TV channels *KTRK*, *EITR*, *Channel 5* (state-funded), *Channel 7*, *NTS* (private). The ODIHR EOM is also monitoring the news programs of *Birinchi Radio* (state-funded), politics-related content of online media *akipress.kg*, *azattyk.kg* (local service of RFE/RL), *kaktus.media*, *kloop.kg*, *sputnik.kg* (local service of Russian *Sputnik*), *24.kg*, and also follows election-related content in social networks.

⁵⁹ Complaints and appeals lodged with election commissions and courts, including on election results, must be submitted within three days and resolved within three or, in case an additional investigation is required, within five. Appeals to the Supreme Court must be heard within five days.

The CEC has created a working group composed of members and staff to review complaints and provide advisory opinions on their resolution for the full CEC's consideration. In order to respond to violations of electoral legislation, it has created a Rapid Reaction Group composed of members of election commissions and representatives of the prosecutor's office, police and national security agency.⁶⁰ This group's role is primarily to refer complaints to law enforcement agencies. According to the CEC registry of complaints, thus far the CEC has received some 50 complaints, including 19 on vote-buying and misuse of administrative resources; in 4 cases referred to law enforcement, pre-trial investigations are ongoing. On complaints related to campaigning, the CEC warned 5 candidates. Decisions on these complaints, including on sanctions applied, were not always post in a timely manner by the CEC on its website.

To date, five CEC decisions have been appealed to the Administrative Court of Bishkek, which upheld two CEC decisions to reject registration documents submitted by prospective candidates after the deadline. One decision on non-registration of the speaker of parliament was overturned by the Administrative Court. The CEC attempted twice to further appeal the decision to the Supreme Court. In both cases its appeals were dismissed.⁶¹

After his registration, candidate Ravshad Jeenbekov, who is in pre-trial detention, appealed to be released in order to campaign. On 3 November, a district court rejected his petition stating that the Code on Criminal Proceedings does not list a status of registered candidate as ground on which to change preventive measures.

The 2021 Constitution established the Constitutional Court. It is currently composed of the judges of the former Constitutional Chamber of the Supreme Court.⁶² In total, the Constitutional Court has received some 20 complaints, including three on the constitutionality of candidacy requirements. It has not reviewed this matter as the constitutional law, adopted on 30 September, which regulates its activity, has not yet been signed by the President.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The election law provides for observation of all stages of the electoral process by political parties, civil society organizations and international observers, and for the first time, by representatives of candidates in SMDs.⁶³ Candidates contesting in SMDs and political parties contesting in the nationwide constituency may appoint up to two observers, and civil society organizations up to three, per lower level election commission. While party and candidate observers can appeal all decisions of the election administration, the law does not provide for appeals of election administration decisions by citizen observers. Some ODIHR EOM interlocutors indicated that the new Law on NGOs may hamper the activities of civil society organizations.⁶⁴ Citizen observers can be accredited up to the election day.⁶⁵

⁶⁰ Similar working groups were established at the DEC level.

⁶¹ The Supreme Court dismissed the first appeal citing non-compliance with the procedures for submission; the second appeal was dismissed as submitted after the legal deadline.

⁶² The Law on the Constitution prescribes that judges of the Constitutional Chamber keep their offices as judges of the Constitutional Court.

⁶³ While it is understood this rights extends to candidates in SMDs, the election law was not amended to explicitly reflect this.

⁶⁴ The recent amendments introduce new financial reporting requirements that require disclosure of funding sources that some NGOs feel may put their donors at risk. There is also uncertainty about further implications of the amendments as the complete financial reporting procedures have not been published.

⁶⁵ As of 9 November, five citizen observers' groups have been officially registered by the CEC to observe. The Kloop Media was denied registration on 5 November, because election observation was not included in its statute. However, the Kloop Media was accredited as mass media outlet to cover electoral process.

XIII. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened with a press conference in Bishkek on 19 October. It established working relations with the relevant stakeholders in the election process at central and regional level. The ODIHR EOM has met with representatives of the Ministry of Foreign Affairs, the CEC, the State Registration Service, and representatives of the diplomatic community. The ODIHR EOM has established regular contacts with the CEC, governmental institutions involved in the electoral process, candidates' campaign offices, political parties, civil society, and the media. The OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) have each announced their intention to deploy a delegation for election-day observation. The OSCE Chairperson-in-Office has appointed Peter Juel Jensen 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.***