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## **INTERNATIONAL ELECTION OBSERVATION MISSION Kyrgyz Republic – Early Presidential Election 10 January 2021**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The early presidential election and a referendum were held against the backdrop of a political crisis that unfolded following the annulment of the October 2020 parliamentary elections. The legal framework allows for a competitive election, and fundamental freedoms were generally respected. The campaign, however, was dominated by one candidate who benefited from disproportionate financial means and misuse of administrative resources, resulting in an uneven playing field. Both electoral processes and debate were weakened by the linkage of presidential election and the referendum, and specifically to one candidate. Allocation of free airtime by public broadcasters provided a campaign platform to contestants; yet, an overall lack of critical media reporting, partially due to a restrictive legal media framework, limited the voter's ability to make an informed choice. Election day was orderly and overall well administered, although COVID-related health regulations were not well implemented.

The legal framework provides a sound basis for holding democratic elections. The election legislation was amended several times, mostly in line with previous ODIHR recommendations. Yet, some longstanding recommendations remain unaddressed. The president is elected for a single six-year term by direct universal suffrage. The parliament extended its own term and subsequently appointed a referendum on a constitutional question in a hasty manner, departing from the law-making procedures and without public consultations. Simultaneous application of laws on elections and referenda revealed gaps and ambiguities that would merit additional regulation.

The early presidential election as well as the referendum were generally well organized by the election administration. The Central Commission for Elections and Referenda (CEC) has been holding open sessions live-streamed online, increasing transparency. It published most of its decisions in a timely manner and adopted regulations on various aspects of the electoral process, as well as addressed the existing shortcomings; however, bias exhibited by the CEC while dealing with complaints and other alleged violations of the electoral legislation remains of concern. Yet, most ODIHR Limited Election Observation Mission (LEOM) interlocutors did not question performance and the impartiality of lower-level commissions.

Approximately 3.5 million voters were included in the final voter lists. Despite aiming at preventing vote buying, the removal of the opportunity to temporarily change the voting address created obstacles for around 300,000 voters, to exercise their right to vote. At the same time, the CEC made efforts to provide voting opportunities to citizens working at polling stations on election day, irrespective of their registration address. The blanket denial of voting rights to those imprisoned and limitations on those declared incapable by a court run contrary to international standards and commitments. Some 450,000 voters who have not undergone biometric registration remain disenfranchised.

In an overall inclusive process, 18 presidential candidates were registered including one woman. Several nominated candidates complained about the shortened timeframe for the collection of signatures, which was further compressed by the CEC's lengthy procedural requirements. The verification of signatures was transparent and applied consistently. The CEC registered 15 campaign groups for the referendum. Candidates could mostly campaign freely, but many lacked the financial and organizational resources necessary. The campaign was overwhelmingly dominated by Sadyr Japarov. The referendum campaign was largely waged along the lines of preferences of presidential candidates. The presidential campaign lacked thorough debate of programmatic issues, with discussion focused more on the personalities of the

candidates. Allegations of misuse of administrative resources and expressions of overall concerns about the influence of organized crime were raised throughout the process.

The laws on elections and referenda provide a level of transparency of campaign finance, however, certain aspects remain unregulated. While expenditure caps on the presidential campaign exist, there are no limits on campaign income and expenditures for the referendum. All campaign funds must be channelled through a special bank account, however, many ODIHR LEOM interlocutors alleged some unaccounted spending. The oversight of campaign finance is vested with the CEC, which publishes respective information on its website.

The vibrant media environment is constrained by a small advertisement market resulting in financial dependence on external sources. An overly broad interpretation of the law prohibiting incitement of ethnic or religious hostility and a history of excessive compensation claims in civil defamation cases serves as a deterrent for investigative, analytical and critical reporting. Furthermore, recently increased physical and verbal attacks on journalists have not been thoroughly investigated and created an atmosphere of impunity, contributing to self-censorship.

The election law provides for a broad definition of campaigning which implies that journalistic coverage of contestants can *de facto* be equated to campaigning, requiring it to be paid for. This limits the allowed scope of analytical, investigative and editorial reporting, as does the formalistic interpretation of requirements for equality of coverage. Consequently, it resulted in the overwhelming majority of election related news coverage being paid for by candidates, 99 percent of it by Mr. Japarov. Furthermore, all state-affiliated broadcasters monitored by the ODIHR LEOM largely promoted the presidential system as the only viable solution for Kyrgyzstan. The allocation of free time on two national broadcasters served as the only campaign platform for many candidates and referendum campaign groups. While some direct debates were organized and served as an opportunity to contrast candidates, the reluctance of private media to organize debates significantly limited voters' opportunity to make an informed choice. Candidate Japarov was the only presidential candidate, who chose not to participate in the debates.

There were no ethnic minority representatives among presidential candidates, and issues related to inter-ethnic relations did not feature prominently in candidates' programmes. Voter education and campaign materials were published only in the state (Kyrgyz) and official (Russian) languages. No incidents of hate speech targeting national minorities in broadcast, print or social media were observed or reported to the ODIHR LEOM.

The majority of the over 80 complaints, published on the CEC's online registry before election day, alleged violations of campaign rules. Most of these complaints and communications were referred to the law enforcement bodies and some were dealt with by the CEC working groups without further CEC reaction, diminishing the effectiveness of remedies against electoral violations. Complaints on campaign violations reviewed by the CEC during its sessions raised concerns over its impartiality due to its selective approach and inconsistent application of the law.

The election law provides for observation of all stages of the electoral process and the referendum. Citizen groups actively participated in election observation.

The International Election Observation Mission did not undertake systematic or comprehensive observation of election day proceedings. In the limited number of polling stations visited, the election process was orderly and overall well administered, however at times, the secrecy was compromised while the ballots were inserted into the scanners. Protective measures against the spread of COVID-19 were not well implemented. The CEC posted detailed preliminary results on its website shortly after the end of voting, thus ensuring transparency. The turnout was reported at about 40 per cent both for the presidential election and the referendum.

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## PRELIMINARY FINDINGS

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### Background and Political Context

On 10 January 2021, an early presidential election and a referendum on the form of governance were held against the backdrop of a political crisis that had unfolded following the 4 October 2020 parliamentary elections. The publication of preliminary voting results, indicating that the new parliament would be dominated by pro-presidential parties, had triggered large-scale protests, claiming that the elections were fraudulent, and demanding their annulment.

After the protests grew and turned violent, the Central Commission for Elections and Referenda (CEC) voided the voting results on 6 October. This was followed by a period of uncertainty, during which a former member of parliament (MP), Sadyr Japarov, claimed the office of the prime minister and was then confirmed in this position on 14 October by the outgoing parliament, which had extended its own mandate.<sup>1</sup> The then-President Sooronbay Jeenbekov who would have served until 2023, announced his resignation on 15 October. Next in line for presidential succession would have been the Speaker of Parliament Kanat Isayev, yet he declined to take up the office, stating that he would not be able to stand for presidential election if he were to assume the office.<sup>2</sup> Thus, the acting presidency, according to the constitution, passed to acting Prime Minister Japarov, who subsequently filled both offices.

Mr. Japarov formed an interim government, which included members from a wide range of the political spectrum, and an early presidential election was called on 24 October. During his 28 days as acting president, Mr. Japarov replaced key state security officials as well as a large number of regional and sub-regional officials throughout the country, including all seven regional governors. In the run-up to the election, 20 politicians and high officials were arrested on corruption charges.

On 14 November, Mr. Japarov resigned from the position of president and suspended his position as prime minister in order to stand as a candidate, and the newly appointed Speaker of Parliament Talant Mamytov was appointed as acting president.<sup>3</sup>

Also, during this period, a group of parliamentarians, in line with Mr. Japarov's stated goals, proposed a new draft constitution. It contained wide-ranging changes that would have vested the president with significantly increased powers. A countrywide constitutional referendum was announced for 17 November. The proposition, however, sparked widespread protest from Kyrgyz civil society and concerns from the international community.<sup>4</sup> Eventually, the referendum on the draft constitution was replaced with a referendum in which citizens were asked to determine the form of governance - presidential or parliamentary - or choose a third "against all" option. This referendum also took place on 10 January 2021, given that candidate Japarov was the initiator and principle advocate for the presidential model, an intrinsic connection between his presidential campaign and the referendum developed.<sup>5</sup>

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<sup>1</sup> Mr. Japarov had been serving an eleven year prison sentence since 2017 at the time, but was freed when his supporters stormed the detention facility on 5 October. See also *Electoral System and Legal Framework* section.

<sup>2</sup> According to the Constitution, holders of the office of president cannot stand as candidates.

<sup>3</sup> Mr. Japarov never relinquished these offices via legal acts, but just announced it in a public speech.

<sup>4</sup> Concerns were both substantial and procedural: the draft constitution proposed a considerable weakening of the parliament in favour of a strengthened presidency and a new type of national assembly - *Kurultay*. Procedurally, the fact that an outgoing parliament, which had extended its own mandate, was introducing such far-reaching changes was seen as problematic by the Constitutional Chamber of the Supreme Court and by the 2020 [Venice Commission's urgent amicus curiae brief relating to the postponement of elections motivated by constitutional reform](#).

<sup>5</sup> [The 2020 Venice Commission's Revised Guidelines on the holding of referendums](#) advise against holding elections and referendum on the same day "if the referendum is about the institution facing elections". In response to the invitation from the CEC, dated 15 December 2020, an observation of the referendum was carried out by the ODIHR LEOM to the extent made possible by its format and available resources.

## Electoral System and Legal Framework

Under the Constitution, the president is elected for a single six-year term by direct universal suffrage. A candidate who receives more than one half of the votes cast in the first round is declared elected. If no candidate receives the required majority, a second round takes place between the two front runners. Addressing a previous ODIHR recommendation, the law provides a timeframe for the run-off, which should take place within 20 days from the announcement of the first-round results. There is no turnout requirement for the validity of either round. The law requires a participation threshold of 30 per cent of registered voters for a referendum to be considered valid.

The legal framework for elections and referenda comprises the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (election law), the 2016 Referendum Law, the 2011 Law on Electoral Commissions for the Conduct of Elections and Referenda (law on election commissions), and other legislation.<sup>6</sup> Kyrgyzstan is a party to the main international treaties related to democratic elections.<sup>7</sup>

The electoral legal framework has been amended several times since the last presidential election. Most of the amendments were in line with previous ODIHR recommendations and contributed to an adequate regulation of the election administration, citizen observation, election complaints, and sanctions for electoral violations.<sup>8</sup> Yet, some longstanding ODIHR recommendations remain unaddressed, including those concerning limitations on the right to vote and to stand and the necessity of accreditation of media outlets. Further, the 2020 amendments excluded the possibility to change the electoral address for voters residing in the country, lowered the threshold for the return of the electoral deposit for presidential candidates, and allowed for the engagement of volunteers in the electoral campaign.

The Referendum Law regulates basic aspects for holding referenda, however, it is vague on salient issues such as the definition of referendum campaign, deadlines for registration of referendum campaign groups, and details on financing of the referendum campaigns. Simultaneous application of laws on elections and referenda revealed gaps and ambiguities that would merit additional regulation.<sup>9</sup> While the CEC addressed some of these shortcomings by issuing regulations, its interpretation of law did not always facilitate the actions of stakeholders.<sup>10</sup>

After the cancellation of the 2020 parliamentary election results by the CEC and the scheduling of repeat elections, the outgoing parliament adopted on 26 October a law which suspended the holding of repeat elections. The suspension was justified, among others, by the explicit goal to conduct constitutional

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<sup>6</sup> Including the Law on Political Parties, the Law on Peaceful Assemblies, the Criminal Code, the Code on Infractions, and Code on Minor Offences.

<sup>7</sup> These include the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [Convention on the Elimination of All Forms of Racial Discrimination](#), the [Convention on the Elimination of All Forms of Discrimination Against Women](#) and its optional protocol, and the [Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

<sup>8</sup> Importantly, changes in 2017 and 2019 introduced the definition of misuse of administrative resources in electoral legislation and sanctions, including liability for misuse of administrative resources and vote buying. Other changes related to the inclusion of persons with disabilities, campaigning in online media, participation of volunteers in campaign, rights of observers, and clarification of deadlines for complaint resolution.

<sup>9</sup> For example, the laws do not regulate how voter identification should be performed when an election and a referendum are held on the same day, how to differentiate between the referendum and the election campaign conducted by a presidential candidate, and how to calculate free media time in the absence of a final deadline for registration of referendum campaign groups.

<sup>10</sup> The CEC issued an instruction providing some groups of voters with the possibility to vote in polling stations where they work (see *Voter Registration*). However, the CEC limited the free-media time, calculating the number of hours from the moment of their distribution, rather than from the appointment of the referendum (see *Media*) and new requirements for support signature sheets further complicated the process of collecting signatures (see *Candidate Registration*).

reform.<sup>11</sup> While the Constitutional Chamber of the Supreme Court found it constitutional, it criticised the length of the suspension and noted the lack of mandate of the expired parliament with regard to constitutional reform, citing also the Venice Commission.<sup>12</sup> Despite these conclusions and criticism from the civil society, on 10 December, the parliament appointed a referendum on a constitutional question, departing from the law-making procedures and not providing time for public consultations.<sup>13</sup> The appointment of the referendum was challenged in the Constitutional Chamber which rejected the complaint as inadmissible stating that the rights of the applicant were not affected as the need for public consultations cannot “impede the rapid manifestation of the legislative power”. This reasoning is undermining the constitutional right of citizens to participate in discussion of the legislation.<sup>14</sup>

According to the law on referenda, the decision taken on the referendum is binding.<sup>15</sup> However, the nature of the referendum question suggests that the referendum results will not lead to an automatic constitutional change, leaving the constitutional consequences of this referendum undefined.<sup>16</sup> While the referendum asked voters to choose between the presidential and parliamentary systems of governance, a constitutional drafting council appointed by the acting President Mamytov informed the ODIHR LEOM that it has developed a draft constitution which would provide for a presidential system.

## Election Administration

The early presidential election and referendum were administered by the CEC, 54 Territorial Election Commissions (TECs) and 2,474 Precinct Election Commissions (PECs), including 48 PECs established abroad. All election commission members are appointed for five-year terms.

The CEC is a permanent and collegial body responsible for the organization of elections and referenda.<sup>17</sup> It has been holding open sessions on a regular basis, attended by media, observers and candidate representatives and live-streamed online.<sup>18</sup> Sessions were often announced on the CEC website only shortly before their start, not always providing sufficient time for all to attend. While most of the CEC decisions were published on its website within 24 hours, as prescribed by law, decisions on complaints were published with significant delay.<sup>19</sup> While decisions on technical matters were mostly passed

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<sup>11</sup> The 26 October law remains in force until the completion of constitutional reform. [The Venice Commission’s urgent amicus curiae brief](#) stated: “With respect to the actual aim of the suspension, [...] outgoing parliament *in prorogatio* would in principle lack the democratic legitimacy to carry out constitutional amendment”.

<sup>12</sup> The Constitutional Chamber stated that eight months was “excessive and unjustifiable by objective circumstances”. It also noted that “in the prolongation period the activity of the parliament must be guided by the principle of reasonable restraint”. The Venice Commission’s urgent amicus curiae brief noted that the outgoing parliament should not “approve extraordinary measures, including constitutional reforms”.

<sup>13</sup> While a first reading of the referendum bill was conducted on 9 December, the second and third took place on 10 December, and the law entered into legal force on 11 December. The parliamentary Rules of Procedure envisage breaks of at least ten days between the readings, with members of parliament receiving draft laws no less than three days in advance of parliamentary sessions. Paragraph 5.3 of [the 1990 OSCE Copenhagen Document](#) commits OSCE participating States to comply with the Constitution and act in a manner consistent with the law.

<sup>14</sup> According to Article 52 of the Constitution, citizens have the right to participate in discussion of legislation.

<sup>15</sup> The law states that such decision does not need an additional approval.

<sup>16</sup> Paragraph I.3.1.c of the Venice Commission code of good practice on referendums states that “electors must be informed of the impact of their votes, and thus of the effects of the referendum”.

<sup>17</sup> The 12 CEC members are appointed by the parliament, upon nominations from the president, the parliamentary majority and the opposition, who nominate four members each. Four CEC members are women, including the chairperson. Whereas most of the current members were appointed in June 2016, two were recently replaced. One CEC member resigned in September due to his candidacy in the 2020 parliamentary elections, while the second member resigned in October after strongly criticizing the CEC for not responding to alleged violations and fraud.

<sup>18</sup> Notably, livestream was not available for any of the three events of drawing of lots that the CEC held for presidential candidates and referendum campaign groups: on 14 December, the CEC distributed free airtime and print space among presidential candidates, on 19 December established the order of presidential candidates on the ballot and on 28 December allocated free airtime among referendum campaign groups.

<sup>19</sup> For example, according to the CEC website, at least seven complaints were resolved by the CEC on 4 December; however, the decisions appeared on the website only ten days after their adoption.



unanimously, the CEC was often divided and exhibited bias when dealing with complaints and other alleged violations of the electoral legislation. Several ODIHR LEOM interlocutors questioned the impartiality of the CEC, citing lack of its independence.

The activities of the working groups created by the CEC to facilitate its work and perform preliminary reviews of different aspects of the process contributed to the inclusivity of discussions of election-related issues. While their decisions must have an advisory nature, these groups, at times, disposed the cases on campaign violations and campaign finance issues without their further review by the CEC.<sup>20</sup>

The presidential election was held in a shortened timeframe and concurrent with the referendum which, according to the ODIHR LEOM interlocutors, posed additional challenges for the preparation and conduct of the electoral processes in winter season conditions.<sup>21</sup> The ODIHR LEOM observed that TECs and PECs visited throughout the country received adequate logistical support from the local authorities and were adequately resourced. In addition to training sessions, TEC and PEC members were provided with computers and video tutorials covering all stages of their work.<sup>22</sup> While almost half of the TEC members and a majority of the PEC members were women, various ethnic minorities remained significantly underrepresented in the TECs, even in areas where they constitute a significant part of the population. Overall, the work of the lower-level commissions was positively assessed by the ODIHR LEOM.

In the run-up to the election, the CEC conducted a series of trainings for law enforcement bodies on how to respond and investigate campaign violations, in particular vote-buying and misuse of administrative resources. The CEC also organized trainings for candidate representatives on campaign regulations and financial reporting.

The CEC prepared and aired voter information spots in Kyrgyz and Russian languages on public television (TV), focusing on the importance of participation in the election and the referendum, voter registration, information on candidates, participation of youth and out-of-country voters as well as election day procedures. Some of the TV spots were supported by sign language. Apart from these, there was no comprehensive voter information campaign explaining the consequences of the choices on referendum ballot. ODIHR LEOM observers found in practice that voters had little to no information in this regard.<sup>23</sup>

## Voter Registration

Citizens who turned 18 by election day, except those declared incapable by a court decision and those serving a prison sentence irrespective of the gravity of the crime, are eligible to vote. Both limitations run contrary to international standards and commitments.<sup>24</sup>

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<sup>20</sup> See *Complaints and Appeals*.

<sup>21</sup> For instance, availability of sufficient number of reserve ballot scanners, adequate premises to comply with COVID-19 rules and ensure transparency of the process were among the frequently noted issues among the ODIHR LEOM interlocutors. According to Article 48.2 of the election law, the timeframe for an early election is shortened by a quarter.

<sup>22</sup> TECs are formed by the CEC with no less than 11 members, and PECs are formed by relevant TECs with no less than seven members. One half of the members of each commission are nominated by political parties, and the other half by local councils.

<sup>23</sup> Paragraph 11 of the 1996 UN CCPR [General Comment No. 25 on Article 25 of the ICCPR](#) states that “Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community”.

<sup>24</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will “guarantee universal and equal suffrage to adult citizens”, while Paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. Paragraph 14 of the 1996 UN CCPR [General Comment No. 25 on Article 25 of the ICCPR](#) states that grounds for the deprivation of voting rights should be “objective and reasonable”. Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”. See also Article 29 of the [CRPD](#).

Voter registration is passive and eligible citizens must submit biometric data to be registered as voters. According to the State Registration Service (SRS), around 450,000 citizens have no biometric registration and thus remain disenfranchised.<sup>25</sup> Two identical voter lists were extracted from the Unified Population Register for the early presidential election and the referendum. These were further administered and updated by the CEC. The final voter lists included 3,563,574 voters, of which 52 per cent were women.

Voters are assigned to polling stations based on their permanent addresses. Following recent amendments, voters residing in Kyrgyzstan could no longer change their voting address to vote at their current place of stay. While many ODIHR LEOM interlocutors highlighted that the removal of this opportunity potentially may have contributed to a reduction of vote-buying schemes, widely alleged during 2020 parliamentary elections, it ultimately created obstacles for the voters concerned to exercise their right to vote.

According to the SRS, there is a discrepancy between the databases of national IDs and the registry of permanent and temporary addresses, stemming from a lack of data synchronization and affecting around 300,000 voters.<sup>26</sup> Related intricacies may have prevented some voters from voting on election day.

In order to be included in the voter lists according to their new registration address, voters were allowed to submit requests for corrections until 29 December. As observed by the ODIHR LEOM, the CEC instructions on handling such requests by PECs were not applied in a consistent manner.<sup>27</sup>

Following amendments in the CEC regulation, members of election commissions, police officers on duty on election day, biometric voter identification equipment operators, medical workers and other persons assigned to polling stations were included in the voter lists of the respective polling stations, based on the orders of heads of their organizations and institutions.<sup>28</sup> Overall, no ODIHR LEOM interlocutor expressed concerns about technologies used for voter registration and identification.

## Candidate Registration

Candidates must be eligible voters between the age of 35 and 70, who have resided in the country for more than 15 years in total and have command of the state language. Those with an un-expunged criminal record are not eligible to run,<sup>29</sup> regardless of the gravity of the committed crime, which is at odds with paragraph 24 of the OSCE Copenhagen document.<sup>30</sup> Citizens in possession of another nationality are also ineligible.<sup>31</sup>

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<sup>25</sup> Biometric data (digital fingerprints, photo and signature) is used for voter authentication on election day.

<sup>26</sup> Of these, some 270,000 voters, holding older (2004) IDs remained assigned to polling stations according to the address indicated in their IDs, regardless of their current permanent place of residence. Similarly, some 30,000 voters holding newer 2017 IDs also remain assigned to old addresses unless they requested an update of their biometric IDs, as announced by the CEC chairperson on 23 December.

<sup>27</sup> For example, instead of accepting the request for correction, a PEC in Bishkek advised a voter to update the old ID in the SRS. Another voter received a similar advice at the CEC hotline. Also, a PEC in Bishkek did not accept a voter's request for corrections due to the address database being temporarily down, while different PEC accepted such request in the absence of access to the database.

<sup>28</sup> The amendments do not address observers (see *Citizen and International Observers*).

<sup>29</sup> In October 2020, the Supreme Court cancelled prior guilty verdicts against Mr. Asanov, Mr. Japarov and Mr. Jeenbekov.

<sup>30</sup> Paragraph 15 of the 1996 UNCHR General Comment No. 25 states that "any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements".

<sup>31</sup> The 2020 ODIHR and the Venice Commission's Joint Opinion on the Amendments to Some Legislative Acts Related to Sanctions for Violation of Electoral Legislation recommended "to give due consideration to minimizing and eventually abolishing limitations on holding public offices for citizens with dual nationalities".

Candidates may stand independently or be nominated by political parties. Initially, 65 individuals submitted nomination documents to the CEC, which confirmed the eligibility of 50 candidates.<sup>32</sup> In order to register, candidates had to provide support signatures of at least 30,000 voters, establish an electoral fund and pay an electoral deposit of KGS one million (approximately EUR 10,000).<sup>33</sup> In line with a previous ODIHR recommendation, the signatures are now verified up to the point when the required number of valid signatures is established.

By the legal deadline, twenty nominated candidates managed to submit registration documents, including the requisite number of signatures and a proof of payment of electoral deposit.<sup>34</sup> Following the signature verification process, the CEC denied the registration of two candidates due to an insufficient number of valid signatures.<sup>35</sup> The CEC hence registered 18 candidates, including one woman. The verification process was open to candidate representatives and observers, ensuring transparency. One candidate withdrew.

While the registration of candidates was overall inclusive, the compressed timeframe for compliance with the legal and procedural requirements proved to be burdensome for several candidates.<sup>36</sup>

Citizens have the right to form campaign groups in support of or against the referendum questions put forward on the ballot. As there was no deadline for campaign groups to apply for their registration, the CEC distributed the free airtime by a lottery to the 13 groups registered before 28 December. The CEC continued to register campaign groups after this date, however, such groups formally were not allocated free airtime.

## Campaign Environment

The presidential campaign started on 15 December and ended on 9 January 2021, 24 hours before the opening of the polls.<sup>37</sup> It was mostly focused on general messages, promoting the personality and the profile of the candidates and broad topics such as the fight against corruption and poverty. During rallies, candidates also promised to address a variety of regional issues, in messages tailored to the respective audience. The presidential campaign lacked thorough debate of programmatic issues, with discussion focused more on the personalities of the candidates. The campaign for the referendum was mostly conducted alongside the campaigns of presidential candidates.

The campaign environment was characterized by the dominance of candidate Japarov in terms of visibility, reach and geographical scope. While other candidates were largely able to campaign freely, a lack of resources and organizational capacity prevented them from launching nationwide efforts. Some candidates held sporadic campaign events in the regions, while others did not campaign at all outside of the capital Bishkek.<sup>38</sup>

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<sup>32</sup> Three rejected applicants were found to have criminal records and nine failed to submit a language certificate, while three withdrew. Of the 65 applicants, only eight were women and only one was nominated by a political party.

<sup>33</sup> The deposit is returned to candidates that receive at least one per cent of the votes or withdraw before the approval of the ballot and to those who are denied registration. 1 EUR equals approximately 100 KGS (Kyrgyz *Som*).

<sup>34</sup> Eighteen nominees withdrew their intention to run and twelve did not submit the required signatures.

<sup>35</sup> In one case, 902 of the submitted 30,106 signatures were found invalid, while in the second case all signature sheets were deemed invalid due to the violation of rules for financial reporting on their production.

<sup>36</sup> Seven nominees appealed to the CEC, expressing their concerns regarding the shortened timeframe for the collection of signatures. Prospective candidates can only start collection of signatures after opening of the electoral fund following the confirmation of their eligibility. The CEC issued eligibility certificates to candidates within four to nine days, which further shortened the signature collection period.

<sup>37</sup> On 9 January, the ODIHR LEOM Media monitoring has identified several cases of breaches of campaign silence, on *Channel 7*, that aired several items that were negatively portraying candidates Madumarov and Isayev.

<sup>38</sup> Candidate Sooronkulova stated that she did not campaign outside the capital as she felt threatened by supporters of Mr. Japarov, while candidate Jeenbekov was confined to Bishkek by a court order due to ongoing criminal proceedings against him.



Candidates campaigned via rallies, door-to-door canvassing, posters and billboards and traditional and social media.<sup>39</sup> Campaign events of candidate Japarov were attended by several thousand participants, while the turnout for rallies and events of other candidates was never higher than several hundred. A coordinated, nationwide door-to-door campaign was only observed on behalf of Mr. Japarov. A large number of posters, billboards and banners promoting his candidacy were visible throughout the country, whereas, in stark contrast, advertisements for other candidates were only observed in a few instances. Finally, Mr. Japarov also enjoyed the highest visibility on social media. This imbalance in scope and visibility of the campaigns was also underpinned by an imbalance of campaign funds.<sup>40</sup>

Several ODIHR LEOM interlocutors alleged the illegal use of governmental resources, such as the official presidential residence, by candidate Japarov in his campaign.<sup>41</sup> Furthermore, credible reports about organized attendance of state employees at rallies of Mr. Japarov as well as about unequal assistance of local authorities for campaigns of different candidates were received.<sup>42</sup> Allegations of misuse of administrative resources and expressions of overall concerns about the influence of organized crime were raised throughout the process.

Whereas most of the candidates campaigned independently, during the second half of the campaign period, candidates Imanaliyev, Isayev, Madumarov, and Sooronkulova co-ordinated their messaging with the goal to portray Mr. Japarov as an illegitimate candidate, focusing on the alleged illegality of the expungement of his criminal convictions, and claiming that he had, *de facto*, never relinquished the powers and resources of the presidency.<sup>43</sup>

Fifteen referendum campaign groups were registered with the CEC.<sup>44</sup> The campaign in support of a presidential system was conducted largely through the presidential campaign of Mr. Japarov.<sup>45</sup> Most other candidates rejected the holding of the referendum in general, either calling on their supporters to abstain, to vote for the parliamentary or the “against all” option. Yet, as the campaigns of these candidates received little visibility overall, so did their messages regarding the referendum. It was frequently remarked by ODIHR LEOM interlocutors that the three options on the referendum ballot are hard to understand for the electorate and that such far-reaching changes to the constitution would require more time for explanations and consultations.<sup>46</sup>

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<sup>39</sup> The ODIHR LEOM received credible reports about well-coordinated social media campaigns, launching personal attacks against critics of Mr. Japarov.

<sup>40</sup> See *Campaign Finance*.

<sup>41</sup> Article 21-1 of the election law forbids the use of administrative resources in campaign, mentioning, inter alia, “the use [...] of premises occupied by state agencies.” In an [interview](#) on 22 December, Mr. Japarov stated that his use of the presidential residence was legal.

<sup>42</sup> For instance, ODIHR LEOM interlocutors informed that in the town of Uzgen (Osh region), the head of the village council ordered teachers to attend a rally of candidate Japarov. In the town of Tokmok (Chuy region), more than 150 police officers attended a rally of Mr. Japarov. In Osh, state employees reported being fearful of expressing their political preferences and being afraid of putting up posters in designated spaces for anyone else but Mr. Japarov. In Naryn, state employees reported feeling pressured to allocate the local stadium for the rally of Mr. Japarov, despite the stadium still being under renovation.

<sup>43</sup> On 29 December, these candidates filed a joint lawsuit with the Bishkek Administrative Court, challenging a prior CEC decision. They alleged the use of the official presidential residence, the official car-pool, the presidential security detail, as well as the *de-facto* exercising of presidential powers over state and regional officials by Mr. Japarov. The lawsuit was dismissed on 2 January, as it was not filed by the deadline stipulated for appeals against CEC decisions.

<sup>44</sup> Eight groups were registered “for” and one group “against” the presidential option, three groups were registered “for” and one group “against” the parliamentary option and two groups for the “against all” option.

<sup>45</sup> ODIHR LEOM Long-Term Observers reported from all regions that the interlocutors’ understanding of the referendum question comes primarily from the campaign speeches of Mr. Japarov.

<sup>46</sup> Paragraph 3.1. of [the Venice Commission Code of Good Practice on Referendums](#) states that “[t]he authorities must provide objective information. This implies that the text submitted to a referendum and an explanatory report or balanced campaign material from the proposal’s supporters and opponents should be made available to electors sufficiently in advance”.

## Campaign Finance

The laws on elections and the referendum provide a level of transparency of campaign finance; however, certain aspects remain unregulated. Both laws allow for private sources of campaign funding and no direct public funding is foreseen. Recent amendments to the election law allowed volunteers to work free of charge, addressing a previous ODIHR recommendation.<sup>47</sup>

All campaign contributions and expenditures must be channelled through a special bank account of a dedicated election fund. The oversight of campaign finance is vested with the CEC which publishes information about campaign income and expenditure on its website.<sup>48</sup>

Both the presidential and referendum campaigns can be financed by donations from citizens and legal entities, including political parties. However, none of the political parties made donations. Contributions from foreign, state-owned or anonymous sources, religious and charitable organizations are prohibited. In-kind donations are allowed, but must be evaluated according to their market value.<sup>49</sup>

Regulations allow for large contributions to the presidential campaign up to KGS 50 million (approximately EUR 500,000). A presidential candidate may contribute to his/her own campaign up to KGS 15 million (EUR 150,000), while the cap on spending stands at KGS 200 million (EUR 2,000,000).<sup>50</sup> The law does not establish limits on campaign contribution and expenditures for the referendum, contrary to international standards and good practice.<sup>51</sup>

According to the CEC, candidate Japarov spent over KGS 67 million (EUR 670,000), candidate Tolbayev around KGS 11 million (EUR 110,000), while the remaining candidates spent on average KGS 3 million (EUR 30,000) each.<sup>52</sup> Many ODIHR LEOM interlocutors alleged that some campaign related financial transactions were not channelled through the special bank accounts, contrary to the law.<sup>53</sup> Fifteen special accounts were opened for the referendum groups. However, information on campaign contributions and expenditures was published on a weekly basis for only six campaign groups, which in total had over KGS 1 million (EUR 1,000,000) of contributions and some KGS 360,000 (EUR 360,000) of expenditures.

By law, all presidential candidates submitted two interim reports before election day ensuring transparency. In contrast, referendum campaign groups are required to only submit a final financial report 30 days after the referendum results are announced.

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<sup>47</sup> Article 41.10 reads that authorized representatives, trustees, observers, representatives of candidates, political parties in election commissions have the right to exercise their powers, perform work and services directly or indirectly related to elections, free of charge.

<sup>48</sup> During the campaign period, the *ad hoc* Control and Audit Group was formed to assist the CEC with the oversight of campaign financing, consisting of CEC members and employees.

<sup>49</sup> These contributions will only be reflected in the final report by the presidential candidates.

<sup>50</sup> Only candidate Japarov contributed the maximum allowed amount from his own resources.

<sup>51</sup> Paragraph 19 of the [1996 UN Human Rights Committee General Comment No. 25](#) to Article 25 of the ICCPR provides for reasonable limitations on campaign expenditures “where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure on behalf of any candidate or party”. The Article 24 of the [2006 Venice Commission’s Code of Good Practice on Referendums](#) states: “National rules on both public and private funding of political parties and election campaigns must be applicable to referendum campaigns”.

<sup>52</sup> In total, all 17 candidates have spent KGS 123 million (EUR 1,230,000). Out of this sum, Mr. Japarov’s expenditures constituted 54 per cent, Mr. Tolbayev’s – 10 per cent, and the rest – 36 per cent altogether.

<sup>53</sup> For example, the rent of the conference hall for the meeting of candidates Sooronkulova, Madumarov, Imanaliev and Isayev on 29 December was paid directly by a civic activist. In another instance, a billboard of candidate Japarov in Kara-Balta in Chuy region was paid by the owner of the billboard.

## Media

The vibrant media environment is constrained by a small advertising market that became further reduced due to the COVID-19 pandemic. TV remains the main source of information, followed closely by online and social media. The most watched state-funded broadcasters, public *KTRK* and state *EITR*, had their general directors replaced shortly after the October protests. Another two national TV stations, *Channel 5* and *Piramida*, have remained under the control of the state since their nationalisation in 2010. In the absence of financial sustainability, all private media met by the ODIHR LEOM reported to operate at a loss, and private media outlets often rely on political sponsorship or the support of international donor organizations, while the owners of major private broadcasters are seen as politically engaged.

As the legislation does not contain caps on awarded material damages in civil defamation lawsuits, significant compensation claims risk having a chilling effect on impartial, analytical and investigative reporting, and could potentially lead to the closure of a concerned media outlet.<sup>54</sup> Recent physical and verbal attacks on journalists, including in social media, at times directly instigated by a presidential candidate, further contribute to self-censorship.<sup>55</sup> Most private media outlets that the ODIHR LEOM met with noted difficulties in obtaining information from public institutions, alleging preferential treatment of state affiliated media.<sup>56</sup> Moreover, the broad interpretation of the articles of the Criminal Code that prohibit incitement of racial, religious or interregional enmity, resulted in blocking a number of websites, including *change.org*, and the detention of bloggers within the past years.<sup>57</sup>

The election law provides for a broad definition of campaigning which implies that journalistic coverage of contestants can *de facto* be equated to campaigning, requiring it to be paid for. This limits the allowed scope of analytical, investigative and editorial reporting, as does the formalistic interpretation of requirements for equality of coverage. Consequently, it resulted in the overwhelming majority of election related news coverage being paid for by candidates. The ODIHR LEOM media monitoring concluded that in all monitored broadcasters, 77 per cent of the news coverage of the presidential contestants was paid for.<sup>58</sup> Such coverage was not clearly or consistently identified as paid and was potentially misleading the voters regarding its nature. A number of broadcasters met by the ODIHR LEOM explained the limited editorial coverage of the presidential campaign with their fear of losing accreditation and thus advertisement revenue.<sup>59</sup> As 99 per cent of all paid content in the newscasts of the monitored media was promoting candidate Japarov, the limited editorial coverage of the campaign has significantly reduced the

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<sup>54</sup> Following the publication of an investigatory report on corruption in November 2019, defamation court cases were initiated against a local branch of Radio Free Europe/Radio Liberty (*Azattyk*), *Kloop.kg* and the journalist that led the investigation. The charges amounted to KGS 22.5 million, KGS 12.5 million and KGS 10 million, respectively. The case is currently pending at the Sverdlovsk District Court in Bishkek. Paragraph 47 of the CCPR [General Comment No 34](#) to the ICCPR reads “Care should be taken by States parties to avoid excessively punitive measures and penalties. Where relevant, States parties should place reasonable limits on the requirement for a defendant to reimburse the expenses of the successful party”.

<sup>55</sup> During a press conference on 10 October, Mr. Japarov explained that *Azattyk* was threatened by his supporters as the radio station was “slightly distorting information”. On 20 December, Mr. Japarov called journalists from *Azattyk* “enemies of the people” in a (later edited) Facebook [post](#).

<sup>56</sup> Paragraph 19 of the [CCPR General Comment No 34](#) to the ICCPR reads “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information”.

<sup>57</sup> The [2019 report by NGO Media Policy Institute](#) detailed three cases of prosecution of bloggers for incitement of enmity. Article 20.2 of the [ICCPR](#) prohibits “any advocacy of national, racial or religious hatred that *constitutes incitement* to discrimination, hostility or violence”. Paragraph 25 of the CCPR [General Comment No 34](#) to the ICCPR requires the laws to “provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not”.

<sup>58</sup> Between 15 December and 8 January, the ODIHR LEOM monitored six TV channels (*Channel 5*, *Channel 7*, *EITR*, *KTRK*, *NTS* and *Piramida*) and four websites (Russian editions of *24.kg*, *kaktus.media* and *Kloop.kg* and Kyrgyz edition of *Azattyk*).

<sup>59</sup> The CEC required all media interested in selling time or space to submit a number of documents, including the pricelists for political advertisements, in order to receive accreditation that could later be revoked in case of violations.

spectrum of information available to voters and thus hindered their opportunity of making an informed choice.

By contrast, four state-affiliated broadcasters *Channel 5*, *EITR*, *KTRK*, *Piramida* and private *Channel 7* in their news, talk shows and current affairs programmes were mainly promoting the presidential system as the only viable solution for Kyrgyzstan in their newscasts and current affairs programmes, while criticizing the parliamentary system as irresponsible.<sup>60</sup> Another private broadcaster *NTS* in their newscasts has largely refrained from the coverage of the referendum option, and mainly focused on the official statements of the CEC. After, the leader of a campaign group for the parliamentary system, complained to the CEC regarding direct campaigning in favour of the presidential system in the news and current affairs programmes of *KTRK*, *EITR* and *Piramida*, the CEC has called on all three broadcasters to provide balanced coverage of all referendum questions. The *KTRK* claimed that they were not able to find speakers that supported the parliamentary system. Although no paid political advertisement promoting referendum options were aired during campaign, some political advertisement within news, paid by Mr. Japarov were promoting the presidential system, while other presidential candidates promoted the parliamentary system within their free time.<sup>61</sup>

The electoral legislation requires state affiliated media to allocate free airtime - a total of “at least one hour per working day” - to all contestants and campaign groups in support or against referendum questions. While *KTRK* and *EITR* allotted free time, which for many candidates and referendum campaign groups served as the only opportunity to appeal to voters, *Channel 5* and *Piramida* did not do so, despite both being managed and funded by the state. Furthermore, the lottery for allocation of free time for the referendum conducted on 28 December, considered only the remaining days of the campaign, which further limited the opportunity for voters to make an informed choice. While the legal framework requires broadcasters to devote at least half of the allotted time to the debates, *EITR* did not organize any debates among presidential candidates. Neither did private broadcasters, claiming to have been discouraged by the CEC Working Group during the parliamentary campaign.<sup>62</sup> A total of six presidential debates were organized on *KTRK*. Candidate Japarov was the only presidential candidate, who chose not to participate in the debates, stating that he does not want to waste time on gossip. The format of the debates provided only a limited interaction among the contestants, as candidates could ask each other only one question, while the questions asked by the hosts of the debates were at times supporting the presidential system.<sup>63</sup> The informational value of the debates further diminished after *KTRK* had prohibited any statements regarding the candidates that could be perceived as negative, following a letter from the deputy head of the CEC.<sup>64</sup>

Compared to the broadcast media, the monitored online media provided more coverage of the activities of all presidential contestants; however, Sadyr Japarov received most of the coverage mainly in a negative

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<sup>60</sup> Paragraph I.2.2.c of the Venice Commissions’ [Code of Good Practice on Referendums](#) states that “balanced coverage must be guaranteed to the proposal’s supporters and opponents in other public mass media broadcasts, especially news broadcasts”.

<sup>61</sup> Presidential candidate Kalmamatov also registered a referendum campaign group against the presidential system, receiving a quarter of all referendum free airtime as a result.

<sup>62</sup> On 22 September, the CEC Working Group on Issues of Campaign and Voter Information had recommended to *Next TV* to abstain from organizing debates. This was perceived by the main private media outlets as an official position of the CEC.

<sup>63</sup> For example, during the debate on 6 January the host of the debates stated “According to many experts the parliamentary system did not work out. Exactly during the parliamentary system the irresponsibility, corruption, misappropriation grew. Why did the parliamentary system not work?”

<sup>64</sup> Shortly after airing a debate among six candidates on 30 December that included critical questions posed to the absent Sadyr Japarov, *KTRK* restricted access to its recording on Youtube and deleted it from its official Facebook page. The broadcaster explained that program disappeared due to a technical malfunction and re-uploaded the recording only on 4 January. Following the complaint of three candidates the CEC has concluded that because online access to the debates was later restored by the *KTRK*, no further action to restore the equality of affected candidates was necessary. The CEC has however, fined the director of the *KTRK* for KGS 5,500.

context. While all four monitored websites in their editorial coverage were questioning the legitimacy of the referendum, the referendum questions received limited coverage: *Azattyk* has clearly favoured the parliamentary system, while *Kloop.kg* was visibly critical of the presidential system.

## Complaints and Appeals

Complaints can be filed by voters, political parties and candidates, their proxies, civil society organizations and observers. Decisions, actions and inaction of election commissions can be appealed to higher election commissions, and those of the CEC to the Administrative Court of Bishkek, whose rulings may be appealed to the Supreme Court for a final decision.<sup>65</sup>

In order to promptly respond to violations of electoral legislation, the CEC created a Rapid Reaction Group which included representatives of law enforcement bodies and functioned as a respective referral mechanism. However, most communications received by this group were not regarded as formal complaints and therefore were not addressed by the CEC, despite the CEC's powers to consider applications within its competences.<sup>66</sup> The CEC could have promptly applied election related sanctions as the investigations by law enforcement agencies may continue after the electoral process. There are no deadlines for pre-trial investigation in the current legislation. 14 complaints remained unresolved prior to election day.

In addition, some complaints regarding election and referendum campaign and campaign finance violations were dealt with by other working groups and at times in an informal manner.<sup>67</sup> The lack of timely reaction to alleged violations by the CEC diminished the effectiveness of legal remedies against electoral violations. In total, the CEC considered only 18 complaints during its sessions, most of them on violation of campaign rules. A number of these complaints regarded unequal treatment of candidates as well as the referendum groups supporting parliamentary system vis-à-vis those supporting the presidential model. While the CEC established the violation of the equity, it was, in some cases, reluctant to take effective measures to ensure level playing field.<sup>68</sup>

The CEC maintained an online registry of complaints which also included communications received by the Rapid Reaction Group. This tool increased an overall transparency and public awareness about cases of electoral violations. According to this registry, more than 40 out of some 80 complaints and communications alleged violations of election rules by candidate Japarov. Of these, some 30 were dismissed by law enforcement agencies and only four were reviewed by the CEC during its sessions. While the CEC fined two candidates on early campaigning, in a similar case related to Mr. Japarov, a fine was imposed on an involved citizen. In another case, the CEC fined a manager of Mr. Madumarov's campaign for the involvement of minor in the campaign event, while the allegation of a similar violation by candidate Japarov was not considered at the session at all. The CEC also fined an authorized representative for violation of campaign rules during Mr. Japarov's meeting with voters.<sup>69</sup> This diminished the consistency of application of law by the CEC and raised concerns over a selective approach in handling complaints. Many ODIHR LEOM interlocutors opined that the election administration and the law

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<sup>65</sup> Complaints and appeals lodged with election commissions and courts, including on election results, should be submitted within three days and resolved within three days or, in case an additional investigation is required, within five days. Appeals to the Supreme Court have to be decided within five days.

<sup>66</sup> According to Article 7 of the law on election commissions, the CEC has the discretion over compliance with electoral legislation and can apply administrative sanctions.

<sup>67</sup> Some complaints were answered by letters from the working groups.

<sup>68</sup> For example, during the CEC session, it was not evident whether the CEC obligated the allocation of the equal amount of the airtime on *KTRK* to the referendum group supporting parliamentary model. The applicant informed the ODIHR LEOM that his group was not provided with this time. See also *Media*. According to Article 6 of the law on election commissions, the CEC should ensure equal legal conditions for participants.

<sup>69</sup> While the law prescribes that candidates are responsible for actions of their authorized representatives, the proposal to sanction Mr. Japarov did not get enough votes of the CEC members.



enforcement bodies only thoroughly consider election violations when they did not concern the leading candidate. It is noteworthy that during his acting presidency Mr. Japarov replaced heads of law-enforcement bodies.<sup>70</sup>

Three CEC decisions were appealed, all unsuccessfully.<sup>71</sup> The legal deadlines for consideration of appeals were respected and the decisions were timely published. As the level of trust in impartial resolution of election disputes by the judiciary remains low, many ODIHR LEOM interlocutors expressed concerns over political influence on the court. On 25 December, the Council of Judges issued an open letter to draw public attention to “an overt pressure on the judicial system by law enforcement agencies”.

### **Participation of National Minorities**

Kyrgyzstan has an ethnically diverse society, where national minorities comprise about 27 per cent of the total population. Ethnic Uzbeks are the largest ethnic minority, residing mostly in Osh and Jalalabad, where they make up to 28 per cent of the local population. There were no ethnic minority representatives among presidential candidates, and issues related to inter-ethnic relations did not feature prominently in candidates’ programmes. Voter education and campaign materials were published in the state (Kyrgyz) and official (Russian) languages. In addition, some local media also published voter information in Uzbek language. No incidents of hate speech targeting national minorities in broadcast, print or social media were observed or brought to the attention of the ODIHR LEOM.

### **Citizen and International Observers**

Election legislation provides for observation of the presidential election and referendum by candidates, civil society organizations, campaign groups and international observers. Candidate and non-partisan citizen observer groups can register up to two and three observers per election commission, respectively.<sup>72</sup> The cancellation of the opportunity to change the voting address could potentially create obstacles for citizen observers who were not able to vote in the polling stations they observed in on election day.

The CEC accredited 333 international observers, representing 44 countries and 35 embassies and organisations. A total of 13 citizen observer groups notified the CEC on their intention to observe the early presidential election, 5 of them also did so in relation to the referendum.

### **Election Day**

The International Election Observation Mission did not undertake systematic or comprehensive observation of election day proceedings. Mission members visited a limited number of polling stations in all regions of the country as well as in Bishkek and Osh cities.

Election day proceeded in an orderly manner and transparency of the process was ensured. In the polling stations visited, the voting procedures were in general followed but the secrecy was, at times, compromised while the ballots were inserted into the scanners. The process of voter identification and registration was overall smooth, however, technical problems with voter identification equipment and ballot scanners caused delays and interruptions of the process in few observed polling stations.

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<sup>70</sup> The Minister of Internal Affairs was appointed on 10 October, the head of State Security Service on 16 October and Prosecutor General on 21 October.

<sup>71</sup> One challenge against the CEC decision to schedule the presidential election was denied by the Administrative Court, whose decision was further upheld by the Supreme Court. The Supreme Court also upheld in the final instance the CEC’s decision to declare a candidate’s signature collection sheets invalid because their production was not paid from the electoral fund. An appeal challenging the CEC decision on the complaint regarding the registration of Mr. Japarov was denied by the Administrative Court, whose ruling was further upheld by the Supreme Court.

<sup>72</sup> Election law does not specify the maximum number of observers from campaign groups which can be registered per election commission.



In light of the COVID-19 pandemic, the CEC, in co-operation with the Ministry of Health, developed specific guidelines against the spread of the virus, including social distancing at voting premises and the provision of electoral officials and voters with personal protective equipment. Nevertheless, prevention measures were not well implemented and social distancing not always respected.

Most of the polling stations were equipped with ramps, braille voting templates and magnifying glasses to facilitate voting by persons with disabilities. Yet, some polling stations were located on the second floor.

Counting was conducted in a transparent manner without delays. However, some procedural irregularities regarding the validity of ballots were also observed. Preliminary results were in general generated from the ballot scanners in a timely manner, followed by a manual count.

Candidate and citizen observers were present in most polling stations visited. Only candidate Japarov's representatives were present in almost all polling stations visited. Some IEOM observers reported the presence of unauthorized persons in a few polling stations.

The CEC continued to publish complaints and communications on alleged violations during the election day. These mainly related to non-compliance with election day procedures, including one case of alleged vote-buying in the vicinity of a polling station. According to the CEC, allegations of electoral offences were referred for verification to law-enforcement agencies. The CEC posted the preliminary results on its website shortly after the end of voting and turnout was reported at about 40 per cent both for the presidential election and the referendum.

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

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#### **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Bishkek, 11 January 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Mr. Peter Juel Jensen was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. OSCE PA delegation was led by Mr. Reinhold Lopatka. Mr. Tamás Meszerics is the Head of the ODIHR LEOM, deployed from 9 December.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible postelection day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next Standing Committee meeting.

The ODIHR LEOM includes 15 experts in the capital and 22 long-term observers deployed throughout the country.

On election day, 84 observers were deployed, including 40 observers deployed by the ODIHR, as well as a 44-member delegation from the OSCE PA. Observers were drawn from 24 OSCE participating States.

The observers wish to thank the Central Commission for Elections and Referenda for the invitation and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, candidates, civil society organizations and the international community representatives for their views and co-operation.

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