

**PRELIMINARY REPORT ON THE RESULTS OF LONG-TERM  
OBSERVATION OF THE ELECTIONS OF DEPUTIES TO THE  
JOGORKU KENESH**

**OBSERVATION PERIOD FROM  
AUGUST 24 TO SEPTEMBER 25, 2020**

**The Common Cause Public Foundation**

**September, 2020**

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## REPORT SUMMARY

The preliminary report was prepared by the Common Cause Public Foundation based on the results of long-term observation. It covers the period from August 26 to September 25, 2020, and includes an assessment of: the activities of election commissions, voter information campaigns, the nomination and registration of candidates, election campaigning. The report also includes an analysis of complaints related to the electoral process and statements filed during the pre-election period.

- The socio-political situation in the country was assessed as calm according to 80% of reports received by the long-term observers. However, in Bishkek, Aravan, Kara-sui and Panfilov districts, the pre-election socio-political situation was observed to be more tense due to rallies and confrontations between the political parties. It should be noted that the elections are held against the backdrop of the first wave of the coronavirus pandemic (COVID-19). Thus, before the official announcement of elections, the issue of feasibility of holding elections during the pandemic was actively discussed in the media. After the announcement of elections, the focus of discussions shifted to issues of the process of election preparation and voting procedure in the conditions of the pandemic.

- The pandemic (COVID 19) has resulted in significant adjustments to the activities of election commissions and the electoral process. Thus, the Kyrgyz Republic Central Election Commission (KR CEC) meetings were held in an online format in accordance with the amendments made to the Regulations of the KR CEC. This change significantly complicated the procedure of monitoring the meetings, as the access to the meeting room was limited. The Foundation's public observers note dissatisfaction with the organizational work of the KR CEC meetings with regards to inconsistent and sudden scheduling of meetings and indefinite delays. The work of the KR CEC on informing observers about the time of the meetings and publishing meeting agendas is insufficient. The administrative discipline of the KR CEC staff regarding the provision of feedback on questions and written requests from the Foundation is low.

- The electoral legislation is fully formed, i.e. there is a large number of regulatory laws of various legal impact, adequately regulating certain issues related to the organization and the conduct of elections at the national and local levels. But there are certain inaccuracies and contradictions. For instance, the Constitutional Law allows for greater protection of citizens' voting rights in several areas. However, due to excessive procedural and regulatory activities, the protection of some norms of voting rights has been pushed aside, including the rights of public observers, the size of the election threshold and deposit, and issues related to campaigning. Among the positive changes in contrast to previous years, several ODIHR recommendations were implemented that bring the Kyrgyz Republic closer in line with international standards. Out of 25 recommendations, 14 were taken into account.

- During these elections, the CEC has made efforts to expand the number of citizens in the voting process. These efforts include the creation of mobile groups to include labor migrants and people with disabilities (PWDs), as well as the "**Voter's Account**" service, which is designed to improve the conditions for the implementation of voters' right to vote by expanding the options for submitting applications to amend the voters' list, the list of referendum participants, and to change the voting address in electronic format.

- During the period from July 16 to September 24, the number of registered voters increased significantly. The largest increase in the number of registered voters is observed in Bishkek (105,859 or 27.01%), followed by Osh oblast (36,595 or 25.52%) and Chui oblast (17,294 or 3.03%).

- Massive cases of voter bussing and 496,239 applications on Form No. 2 simultaneously created several problems by increasing the inequality of opportunities for political parties, nullifying the sense of the regional electoral threshold, and undermining trust in the electoral system. The total number of applications for Form No. 2 has increased significantly compared to previous elections. The total number of applications on Form No. 2 for these elections is 496,239, which is 14.08% of the total electorate. During the parliamentary elections of 2015, this number was 297,327 or 10.76% of registered voters, and during the presidential elections of 2017 there were 315,461 applications for 3,025,770 registered voters (10.42%). There are some concerns that political parties may manipulate this mechanism to reach the regional threshold of 0.7% and to pass an intraparty "soft" rating.

- In general, campaigning takes place in a competitive environment. Regardless of the size of election funds, all political parties use different methods of campaigning, from traditional door-to-door canvassing to SMS campaigns. Printed materials, television/radio, internet resources and meetings with voters are the most common methods of campaigning according to reports from long-term observers.

- Compared to previous elections, mass media offers much more information on pressing issues related to the elections. Unlike in previous years, the debates are held not only on KTRK and EITR, but also in other media platforms, which is a change for the better. Citizens are actively interested in lists of candidates and discuss the programs of political parties.

- Regarding the lists of political parties' candidates, it is a matter of concern that changes may be made to the composition of these lists after their registration. For example, the political party "Mekenim Kyrgyzstan" excluded 8 women candidates from their list. Gaps in legislation allow parties to fail to comply with established quotas for young people, women, ethnic minorities, and PWDs. In practice, it is sufficient for political parties to comply with established quotas only before the registration of candidate lists.

- Since the beginning of campaigning, the Public Foundation, as a nonprofit organization and through its representatives, has recorded and submitted 19 complaints and statements to the territorial election commissions of the Republic regarding violations of electoral legislation on the basis of which individual members of PEC were issued warnings. In total, observers filled out 63 incident forms.
  
- According to the reports of long-term observers, the most common types of violations during the campaigning are bribery, misuse of administrative resources, destruction of campaign materials, unequal level playing field and violation of election campaign rules.
  
- Educating voters on the preparation and conduct of elections in most districts was carried out in both online and mixed format, according to 78.45% of received reports. Strengthening the work by the CEC on informing citizens about elections can be noted as a positive practice. The State Registration Service and local self-government bodies are also engaged in informing citizens. Voter education by the CEC was assessed as satisfactory and good in almost all aspects by the long-term observers.

## INTRODUCTION

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

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

The Foundation has established a nationwide network of observers who have been trained to build and develop skills and competencies to observe elections at a professional level.

The activities of the Common Cause PF are aimed at building constructive interaction between authorities and the general population through dialogue, monitoring of important political processes, participation in decision-making processes, and ensuring transparency of their implementation. These activities are undertaken in order to protect the rights and freedoms of citizens to take action towards the sustainable democratic development of their country.

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

Long-term observation is conducted for the following purposes:

- Ensuring a fair electoral process in accordance with international standards and national legislation.
- Analysis of electoral legislation.
- Detection of violations and falsification of elections and reporting on them.
- Provision of verified, timely and objective information about the pre-election and post-election periods.

Along with the staff involved in the head office, 116 long-term observers were trained and sent to all regions of the country for the monitoring of:

- the formation and activities of election commissions of all levels (CEC, 54 TECs);
- election campaigns;
- nomination of candidates;

- voters' list;
- voting results in TECs.

Their work is supported by 16 regional coordinators and lawyers, who are tasked to assist in processing the information received on violations and complaints during elections.

- Informing the general public (about the elections') compliance with national and international standards for democratic elections in a timely, professional and unbiased manner.

## ABOUT THE ELECTIONS

The President of the Kyrgyz Republic by his Decree of July 2, 2020, Decree No. 139, declared the election of deputies to the Jogorku Kenesh to be held on Sunday, October 4, 2020.

Elections to the Parliament of the Kyrgyz Republic are held on the basis of universal, equal and direct voting rights by secret ballot. Persons with active voting rights who have reached the age of 21 by the day of the election may be elected to the Parliament if they are not recognized by the court as legally incapable and have no criminal conviction that is outstanding or was not expunged.

Parliamentary elections are held under the proportional system where 120 deputies are elected for a 5-year term by party lists in a single national election constituency with a double electoral threshold, i.e. to receive at least 7 percent of the valid votes cast in the whole country and at least 0.7 percent of the valid votes cast in each of the seven oblasts, as well as in Bishkek and Osh cities. Also, in order to obtain deputy mandates, a political party must take into account representation of:

- no more than 70 percent of candidates of the same sex, with the gap between women and men candidates on party lists not exceeding three positions;
- at least 15% of candidates not older than 35 years, with at least 5 of them to be included in the list's first 65 candidates;
- at least 15% of candidates with different ethnic background, with at least 5 of them to be included in the list's first 65 candidates;
- at least 2 candidates - persons with disabilities, with one of them to be included to be included in the list's first 50 candidates.

The total number of candidates nominated by a political party on the list may not be less than 75 or more than 200 candidates. No more than 65 MPs out of 120 seats in the Parliament may be granted to one political party.

The voters' list includes all citizens of the Kyrgyz Republic who have reached the age of 18 on the day of voting, have active voting rights and have passed biometric registration.

Voters are required to bring a valid ID card to the polling station. Other types of documents are excluded.

The voters' list is based on the Unified State Register of Population, which contains biometric data of all registered citizens. Citizens who have not provided biometric data will not be included in the voters' list and thus will not be allowed to vote. The number of voters who have passed biometric registration as of September 25, 2020, totaled 3,523,532 citizens.

Fingerprint scanners will be used during the elections to identify and verify voters, and automatic ballot boxes will automatically count votes at all polling stations. However, the official voting results will be established on the basis of manual counting.

The unified system of election commissions consists of the KR Central Election Commission, Territorial Election Commissions (TECs), and Precinct Election Commissions (PECs).

The total number of TECs located in administrative and territorial units of the Republic is 54, and the total number of PECs is 2,475.

The voters' list includes 3,523,532 people, which is 497,762 more than in the 2017 Presidential Election<sup>1</sup>. Women account for 52% and men for 48%. 495 thousand citizens, or 12.61 percent of voters did not provide their biometric data<sup>2</sup>, and thus, will not be included in the voters' list and will not vote.

44 political parties declared their intention to participate in elections. The lists of candidates of 16 political parties are registered for participation.

As of September 14, 2020, the KR CEC registered 5 international organizations and 11 non-profit organizations as international and public observers in the elections. The OSCE/ODIHR mission was forced to limit its election observation mission in Kyrgyzstan because of the risks associated with the pandemic and the subsequent travel restrictions.

## **ANALYSIS OF THE ELECTORAL LEGISLATION**

Analysis of the electoral legislation shows that the electoral legislation of the Kyrgyz Republic has become an independent and dynamically developing branch of law. For a long period of time the electoral legislation of the Kyrgyz Republic has been developing based on the desire to protect the electoral rights of citizens in accordance with international electoral standards.

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<sup>1</sup> Ibid.

<sup>2</sup> Information resource: <http://24.kg>

The main legislative basis for holding the Parliamentary Elections are the Constitution and the constitutional law regulating the conduct of parliamentary elections, the law on election commissions, as well as other regulatory statutes, including the decisions of the CEC of the Kyrgyz Republic regulating certain provisions of the Constitutional law within its purview<sup>3</sup>.

In general, the electoral legislation is fully formed, i.e. there is a large number of statutes of varying legal impact, adequately regulating certain issues related to the organization and the conduct of elections at the national and local levels. But there are certain inaccuracies and contradictions. For instance, the new Constitutional Law allowed for greater protection of citizens' voting rights in several areas. However, due to excessive procedural regulatory activities, the protection of some norms of voting rights has been pushed aside, for example, the rights of public observers, the size of the election threshold and deposit, and issues related to campaigning.

*International standards:*

In order to assess the compliance of the electoral process in the Kyrgyz Republic with international obligations and standards for democratic elections, as well as national legislation, the Central Commission for Elections and Referenda of the Kyrgyz Republic sent invitations to international institutions to observe the elections.

One of them was the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which established on September 5, 2017 the Presidential Election Observation Mission. The Final Report of the OSCE/ODIHR Mission on its observation of the election of the President of the Kyrgyz Republic on October 15, 2017, contains 25 recommendations. These Recommendations cover both legislative norms and procedural issues.

In contrast to ODIHR's previous recommendations, certain dynamics are observed in the implementation of ODIHR's recommendations in terms of bringing regulatory legislation of the Kyrgyz Republic into line with international standards:

- 14 recommendations were taken into account, 3 of them partially;
- 4 recommendations not taken into account;
- 7 recommendations relate to procedural issues.

For example, from the recorded recommendations, it is worth noting the following recommendations by OSCE / ODIHR that were addressed in constitutional Law:

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<sup>3</sup>See: The Constitution of the Kyrgyz Republic 2010, the Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" of 2011 (hereinafter - the Constitutional Law), the Law of the Kyrgyz Republic "On Election Commissions for Conducting Elections and Referenda" of 2011.

- introduction of Article 21-1 on the inadmissibility of administrative resource misuse<sup>4</sup> and clause 5 of Article 46, which is set forth in a new revision, according to which violations by a candidate; his representatives, compliant with the requirements set forth in this Article for the purpose of electing a candidate, are a basis for the cancellation of registration.

- introduction of amendments to the second paragraph of Article 6, which establishes liability for violation of voter secrecy;

- introduction of the principle of nonpartisanship of election commissions. With the Recommendation No. 12, amendments have been made to ensure access to the voting premises for PWDs, implementation of voting procedures, information requirements, etc.;

- expansion of opportunities for biometric registration at airports and railway stations during the election preparation period, as articulated in the new version of Article 14 of the Constitutional Law.

- introduction of amendments to Part 2 of Article 62 where the figure "5000000" is replaced by the figure "3000000".

- establishment of criteria of information in mass media according to which amendments were made to the Articles 22, 24, 26, 27;

- amendments to Article 10-1 related to the implementation of Recommendation No. 22 impacted the introduction of further changes, including the ability of NGOs to register no more than 3 public observers at each election commission. Although, only one public observer may be present at one polling station at a time, etc.

Recommendations that have been partially implemented:

- recommendation 13, suggesting the revision of the disenfranchisement of prisoners, regardless of the severity of the offense, as well as those with mental disabilities.

Part three of Article 3 of the Constitutional Law has been supplemented with the words "upon the judgment of a court that has come into force." Thus, citizens recognized by the court as legally incapable or in detention on the basis of a court's sentence that has been enforced continue to not have the right to elect or be elected<sup>5</sup>.

- Article 3 of the Law of the Kyrgyz Republic "On Election Commissions for Conducting Elections and Referenda" was supplemented by clause 7, which establishes the principle of nonpartisanship in election commissions.

However, the recommendation to "consider allowing non-political groups, such as civil society and the judiciary, to appoint CEC members in order to improve impartiality and pluralism in the CEC" was not implemented (recommendation 9).

Additionally not implemented was recommendation 8, "to consider setting a clear deadline for a possible second round of voting."

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<sup>4</sup> See: The Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" of July 2, 2011, No. 68 // <http://cbd.minjust.gov.kg/act/view/ru-ru/203244>

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

Given that the report of the OSCE/ODIHR mission, as mentioned above, contains many procedural recommendations, we believe that a plan on the implementation of recommendations based on observation results of the upcoming elections to the Jogorku Kenesh of the Kyrgyz Republic should be presented.

*Electoral threshold:*

The intention of a proportional electoral system is to ensure that all electoral associations supported by a certain part of citizens of the Kyrgyz Republic are proportionally represented in the legislative (representative) body. The legislator is obliged to establish certain legal regulations which would guarantee the electoral rights of citizens and the legitimacy of public authorities formed as a result of democratic elections, preventing voters' will from becoming distorted.

As a purpose of introducing the electoral threshold, the following can be specified:

1. To limit the excessive influence of small parties on parliamentary decision-making, including the formation of government.
2. To prevent excessive factional fragmentation of the deputy corps.
3. To ensure that all parties represented in the parliament have the opportunity to participate in functioning parliamentary factions.

The argument that the threshold improves parliamentary performance can be considered the most substantiated. In opposition to benefits of the threshold, it should be noted that it leads to some limitation of the proportionality of representation and subsequently to the restriction of citizens' rights to representation in the parliament. An excessive barrier can lead to another negative phenomenon in limiting the proportionality of representation: a party that has less than half of the electorate voted for gets the majority of seats by cutting off participation in the distribution of seats the parties with significant total voter support. Thus, the decisions made by the majority of deputies may not reflect the will of the majority of voters.

It can therefore be concluded that from the legal point of view that the electoral threshold constitutes a significant restriction of citizens' rights and therefore it can be considered acceptable only to the extent that it allows to solve the task of ensuring constitutionally protected values. In other words, it is necessary, based on the principle of reasonable sufficiency, to establish the size of the threshold at which it would fulfill its constitutional and legal purpose. A threshold above this level would be damaging as it strengthens the limitations without further strengthening its protective function.

Before the adoption of the Constitutional Law of the Kyrgyz Republic "On Amendments to the Constitutional Law of the Kyrgyz Republic On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" of June 30, 2020, No. 68 (entered into force on July 3, 2020), a nine percent electoral threshold was in force.

However, according to the above mentioned Constitutional Law, in the Constitutional Law of the Kyrgyz Republic "On the Election of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" in clause 1, second paragraph of

part 2, first paragraph of part 3 of the Article 64 the figure "9" has been replaced with the figure "7".

Even so, we believe that based on the results of the Parliamentary Elections in 2015, we can assume that the current seven percent threshold will not be reached by many political parties and, therefore, a large number of voters will remain without accurate representation in the Jogorku Kenesh.

Taking into account international experience and recommendations of international institutions, it seems both reasonable and necessary to set the electoral threshold at 5%. This level of the threshold can be considered a reasonable compromise between the requirements of a parliament's efficiency and its representativeness.

This will make it possible to bring the percentage of voters who voted for a party closer to the number of seats it has received and to reduce the number of unaccounted votes (those who voted for parties that did not enter the Jogorku Kenesh).

#### *Election deposit:*

Articles 49 and 61 of the Constitutional Law establish an election deposit, i.e. a sum of money, the payment of which is a prerequisite for registration of candidates to participate in elections. The deposit is returned if a candidate has received a certain percentage of votes in the elections, and if the candidates, political parties in the elections do not collect more than 5 percent of the votes, it is transferred to the state.

The election deposit, on one hand, is justified, as it is used for the purpose of legal exclusion from elections of "irresponsible candidates", who do not have the support of voters and/or who use the electoral process for means other than its intended purpose..

However, the high amount of the election deposit (ten thousand times the statutory calculation index for presidential candidates and fifty thousand times the statutory calculation index for political parties) may seriously limit the number of applicants for parliamentary seats, especially for small parties and candidates without rich sponsors.

The expensive election deposit can create more favorable conditions for materially wealthy people, thus violating the principle of equality of citizens at elections.

The amount of the deposit should be sufficient to put a barrier against non-serious parties and candidates, but not so large as to prevent legitimate parties or candidates from being included on the ballot. The threshold required for a refund must be reasonable. The legal provisions on registration, including the amount of the deposit, should take into account the economic situation in the country. The amount of the election deposit may seem reasonable, but in fact this amount may be impossible for most citizens due to their economic situation. We propose the making of a commission decision based on an economic analysis on this issue, involving all subjects of electoral legal relations and specialists in the field of economics.

#### *Brief overview of the main amendments*

Major amendments and addenda to the Constitutional Law regulating the parliamentary elections were made on August 8, 2019, and June 30, 2020<sup>6</sup>.

This constitutional law of the Kyrgyz Republic introduced the following set of legislative changes regarding the following:

2.1. Optimization of work with voters' lists:

2.1.1. measures to improve inclusiveness (involvement) of citizens in the election process;

2.1.2. implementation of active voting rights of citizens who are not able to vote on election day at the polling station;

2.1.3. citizens temporarily staying abroad.

2.2. Ensuring of the electoral rights of PWD.

2.3. Implementation of passive voting rights:

2.3.1. to improve the quality of elected bodies;

2.3.2. regulation of the procedure for nomination and registration of candidates to the President;

2.3.3. regulation of the procedure for registration of the list of candidates to the Jogorku Kenesh;

2.3.4. bringing the provisions on the status of deputies of the Jogorku Kenesh in accordance with the Constitution.

2.4. Public observers.

2.5. Inadmissibility of misuse of administrative resources.

2.6. Informing voters and election campaigning.

2.7. Control and transparency of election campaign financing:

2.7.1. reducing the influence of financial resources on elections;

2.7.2. expenses from the election fund;

2.7.3. activities of the control and audit group.

2.8. Electoral disputes.

Amendments to the Violations Code, the Misdemeanors Code and the Criminal Code of the Kyrgyz Republic are no less important changes<sup>7</sup>. Since the regulatory laws in the field of liability are aimed at preventing actions that distort the expression of the will of voters, as well as the formation of conditions to ensure the inevitability of punishment for the violations of electoral legislation.

These amendments included such articles as the following: failure to comply with the decisions and requirements of the election commission, taken within its authority, the provision of knowingly unreliable information to the voter, the receipt by the voter (participant of the referendum) of funds and material values, misuse of administrative resources, etc.

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<sup>6</sup> See: Constitutional Law of the Kyrgyz Republic "On Amendments to the Constitutional Laws of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" of August 8, 2019, No. 116; Constitutional Law of the Kyrgyz Republic "On Amendments to the Constitutional Laws of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" of June 30, 2020, No. 68 // <https://online.toktom.kg/Toktom/106136-0>

<sup>7</sup> See: Law of the Kyrgyz Republic "On Introducing Amendments to Certain Legislative Acts in the Field of Election Legislation" of July 24, 2020, No. 88 // <http://cbd.minjust.gov.kg/act/view/ru-ru/112052?cl=ru-ru>

Of these amendments, two are worth noting:

- receipt by the voter (participant of the referendum) of funds and material values.

Vote buying is a result of both the way candidates work to easily attract voters and the limited legal culture of citizens. In order to effectively counteract bribery, it is important to involve citizens themselves and to address this phenomenon through informational and educational measures detailing the harmful consequences of bribery, which distorts the expression of the will of voters;

- misuse of administrative resources.

According to the Joint Recommendation of the OSCE/ODIHR and the Venice Commission of 2016 on preventing and combating misuse of administrative resources in the electoral processes and the Final Report of the OSCE Presidential Election Observation Mission to the Kyrgyz Republic: "The legislation should establish a clear and predictable prohibition" (on misuse of administrative resources). Sanctions for "misuse of administrative resources" should be stipulated and applied.

In order to prevent the misuse of administrative resources during elections and its influence distorting the expression of the will of voters, responsibility for the misuse of administrative resources shall be introduced.

## ACTIVITIES OF ELECTION COMMISSIONS

### *CEC meetings*

The pandemic (COVID 19) made significant adjustments to the electoral preparatory process. One of the changes was holding the meetings of the KR CEC online. This innovation significantly complicated the observation of meetings, as public observers were not allowed in the conference room and the meetings were not broadcast.

Public observers from the Common Cause Public Foundation were only able to participate in the meetings of the KR CEC on August 17, 2020, although they had been registered since July 30, 2020, which resulted in their absence from 4 meetings of the KR CEC. However, as of September 28, 2020 (inclusive), they had already taken part in 18 KR CEC meetings.

On August 24, 2020, the KR CEC issued a decision under No. 93 on the best practices to ensure sanitary and epidemiological safety and protection of citizens' health from COVID-19 during the organization and conduct of elections. The Ministry of Health of the Kyrgyz Republic approved this plan on September 7, 2020, but public observers received a copy only on September 14, 2020.<sup>8</sup>

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<sup>8</sup> See: In connection with the epidemiological situation related to the COVID-19 coronavirus infection, Algorithms of Actions to Provide Deputies of the Jogorku Kenesh of the Kyrgyz Republic on October 04, 2020, were developed by the Central Commission for Elections and Referenda of the Kyrgyz Republic developed and approved by the Decision of the KR CEC dated August 24, 2020, No. 93 - At the same time, the Ministry of Health of the Kyrgyz Republic approved this Algorithm by order No. 695 of September 07, 2020. However, the Common Cause Public Foundation was able to receive an approved copy of the Algorithm for work only on September 14, 2020.

Public observers of the Foundation at the KR CEC note dissatisfaction with the organizational work of the KR CEC meetings with regards to inconsistent and sudden scheduling of meetings and indefinite delays. The work of the KR CEC on informing about the time of the meeting and publishing the meeting agenda is insufficient. The administrative discipline of the KR CEC staff regarding feedback on the questions and written requests from the Foundation is low.

At a publicly observed briefing of Shaildabekova N.K, the Chairman of the KR CEC, that took place on September 16, 2020, representatives from the Foundation raised all the above-mentioned issues. The Foundation suggested the creation of a group messenger chat for all public observers of the KR CEC to expedite communication about planned activities. The Foundation also requested that the KR CE create a dedicated supervisor of public observers through whom certain issues could be solved without burdening other KR CEC specialists.

The process of nomination and registration of candidates was held in accordance with established deadlines. A total of 44 political parties notified the KR CEC about their participation in the elections. Of those 44 parties, 16 party candidates lists were registered.

Public observers note 3 cases of the CEC refusing to register the list of candidates of "Kyrgyzstan", "Butun Kyrgyzstan", and "Aktiv" political parties. After appealing the decisions of the KR CEC in court, the first two political parties were registered.<sup>9</sup>

In order to further improve electoral legislation, we consider it necessary to recommend amendments to the Constitutional Law, as well as enforce these through an order by the KR CEC Resolution. We believe that precisely the provisions based on the Constitutional Law, associated with a different interpretation of the norms on the registration of candidates, should be regulated by this law. On September 09, 2020, the CEC approved the text and the form of the ballot.

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<sup>9</sup> See: 1) By the decision No. 94 of the KR CEC dated August 25, 2020, it was decided to return the documents for the registration of the list of candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic to the "Kyrgyzstan" political party due to non-submission of documents by the appropriate person in the order and within the terms established by the legislation. This decision of the KR CEC was appealed to the courts by the "Kyrgyzstan" political party. By the decision of the Supreme Court of the Kyrgyz Republic, decision No. 94 of the KR CEC dated August 25, 2020, was abolished. In this regard, by decision of the KR CEC No. 119 dated September 3, 2020, the CEC has registered the list of candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic nominated by the "Kyrgyzstan" political party. In this particular case, it should be noted that based on the court decision, the KR CEC accepted the documents from the "Kyrgyzstan" political party after the established deadline.2) By the decision of the KR CEC No. 121 of September 3, 2020, it was decided to deny registration of the list of candidates to the Jogorku Kenesh of the Kyrgyz Republic nominated by the "Butun Kyrgyzstan" political party due to the non-compliance with the order of nomination and approval of candidates at the party convention. Once again, the "Butun Kyrgyzstan" political party appealed the aforementioned decision of the KR CEC to the court. By the decision of the Administrative Court of Bishkek dated September 9, 2020, the decision No. 121 of September 3, 2020 of the Central Commission for Elections and Referenda of the Kyrgyz Republic "On refusing to register the list of candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic, nominated by the "Butun Kyrgyzstan" political party" was recognized illegal and revoked. By decision No. 125 of the KR CEC of September 9, 2020, the CEC registered the list of candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic nominated by the "Butun Kyrgyzstan" political party. In this particular case, it should also be noted that the KR CEC registered the list of candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic nominated by the "Butun Kyrgyzstan" political party after the established term.

### *External voting*

Since August 22, 2020, the CEC mobile groups have started their work. They will help citizens who are living or located outside the country to exercise their voting rights.

Mobile groups carry out outreach activities on the organization of the upcoming parliamentary elections, including the issues related to the inclusion of citizens on the voters' list, the addresses and the number of polling stations established abroad, the placement of citizens on the consular register, and biometric registration.

In order to increase the electoral opportunities for the citizens of Kyrgyzstan living or located outside the country, 45 polling stations were set up abroad, including, for the first time, in the cities of Irkutsk, Surgut, Yuzhno-Sakhalinsk, and Yakutsk of the Russian Federation, and in Italy and France. Due to the termination of air services due to the pandemic, the departures of mobile groups were organized as flights reopened.

### *Voter registration*

In these elections, the CEC developed the "**Voter's Account**" service designed to improve conditions for the implementation of the voting right of citizens by expanding the options for submitting applications to amend the voters' list, the referendum electorate list, and to change the voting address in electronic format.

The number of registered voters increased significantly between July 16 and September 24. The largest increase in the number of registered voters is observed in Bishkek (105,859 or 27.01%), followed by Osh oblast (36,595 or 25.52%) and Chui oblast (17,294 or 3.03%).

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

In addition, due to the lack of data on the number of registered voters with Form No. 2 and data on the total number of voters who were successfully registered through the biometrics system at each polling station, it is impossible to assess the potential impact of Form No. 2 on electoral processes.

The total number of Form No. 2 applications has increased significantly compared to previous elections. The total number of Form No. 2 applications for these elections is 496,239, which is 14,08% of the total electorate. During the parliamentary elections of 2015 this number was 297,327 or 10.76% of registered voters, and during the presidential elections of 2017 there were 315,461 applications for 3,025,770 registered voters

(10.42%). Subsequently, there are some concerns that political parties may manipulate this mechanism.

Such a large number of applications from voters who have undergone biometric registration for intention to vote at the new voting address (Form No. 2) is causing concern. The largest number of applications on Form No. 2 was received in Bishkek (146,248), Chui oblast (112,602), Jalal-Abad oblast (58,059) and Osh oblast (56,239) and Osh (50,110). In the breakdown by TECs, the largest number of Form No. 2 applications was completed in all four districts of Bishkek (Leninsky District of Bishkek - 45,376, Sverdlovsky District of Bishkek - 41,313, Pervomaiskiy District of Bishkek - 31,226, Oktyabrsky District of Bishkek - 28,333) in the city of Osh (50,110), Kara-Suu (31,559), Alamedin (26,079), Sokuluk (23,639) and Suzak (21,206).

Region	Number of registered voters	Number of applications on Form No.2	% of Form No. 2 in relation to the number of voters	% of Form No. 2 in relation to the total number of Form No. 2 applications
BISHKEK	497,692	146,248	29.38	29.47
OSH	179,972	50,110	27.84	10.09
BATKEN OBLAST	284,265	6,757	2.37	1.36
JALAL-ABAD OBLAST	643,774	58,059	9.01	11.69
NARYN OBLAST	176,202	15,795	8.96	3.18
OSH OBLAST	682,603	56,239	8.23	11.33
TALAS OBLAST	149,011	17,155	11.51	3.45
CHUI OBLAST	586,664	112,602	19.19	22.69
ISSYK-KUL OBLAST	290,769	13,951	4.798	2.81
MINISTRY OF FOREIGN AFFAIRS OF THE KR	32,580	4,794	14.715	0.96
"VOTER'S ACCOUNT" SERVICE		14,529		2.92

75 PECs in the country received more than 1,000 applications for voting through Form No. 2, of which 35 are located in Bishkek, 15 in Chui oblast, 13 in Osh oblast, 6 in Jalal - Abad oblast, 3 in Talas and Osh oblasts. As shown in the table below:

Region/Oblast	No of PECs	Region/Oblast	No of PECs
BISHKEK	35	OSH OBLAST	3
LENINSKY DISTRICT	14	KARA-SUU TEC	2
OKTYABRSKY DISTRICT	2	NOOKAT TEC	1
PERVOMAISKY DISTRICT	8	TALAS TEC	3
SVERDLOVSKY DISTRICT	11	TALAS CITY TEC	3
OSH	13	CHUI OBLAST	15
OSH TEC	13	ALAMEDIN TEC	6
JALAL-ABAD OBLAST	6	PANFILOV TEC	4

JALAL-ABAD TEC	3	SOKULUK TEC	2
NOOKEN TEC	1	ISSYK-ATA TEC	3
SUZAK TEC	2		

Form No. 2 is intended for the convenience of citizens who for some reason can not vote at the polling stations where they voted previously. The purpose of implementing Form No. 2 was to include as many voters as possible in the voting process. The CEC introduced mandatory biometric identification for voters who filled in Form No. 2. We regret to note that in a short period of time certain political parties have organized systematic transfers of voters in order to pass the electoral thresholds, increasing the inequality of opportunities for political parties and undermining confidence in the electoral system.

Observers note that in the last days of updating the voters' lists, a new problem has arisen. Some voters were barred from filling out Form No. 2 by precinct election commissions, citing the fact that the voters' list had already reached the maximum permissible value of 2,500 voters. Such cases occurred in Bishkek and the Chui oblast.

#### *Ballot*

A total of 3,523,532 ballots were produced. Additionally, 5928 bulletins were produced in Braille letters.

On September 24, 2020, in the building of "Uchkun" a ceremony of signing the act of acceptance and delivery of produced ballots to the TECs of Jalal-Abad, Osh, Batken, Naryn, Issyk-Kul, Talas and Chui oblasts took place. Observers had the opportunity to observe this process.

#### *Activities of TECs*

The majority of TECs were formed in accordance with the requirements of the electoral legislation, as noted in 92.76% of reports of long-term voters. The Nooken, Jeti-Oguz, Karakol, Moscow, Bishkek, and Ak-Suu TECs were not formed in accordance with the requirements of electoral legislation. Of this list, in the last two TECs the representation of local self-governments was violated, and in the remaining cases the representation of political parties was violated.

**HAS THE TEC BEEN FORMED  
IN ACCORDANCE WITH THE REQUIREMENTS OF THE  
ELECTORAL LAW IN YOUR AREA?**



The majority of TECs are formed in accordance with the requirements of the electoral legislation, as noted in 92.76% of the reports of long-term voters.

Nookin, Yeti-Oguzskaya, Karakolskaya, Moscow, Bishkek, Ak-Sui TIKI, formed **not in accordance** with the requirements of the electoral legislation, in the last two TECs **violated** the representation of the ISU and in other cases the representation of political parties.

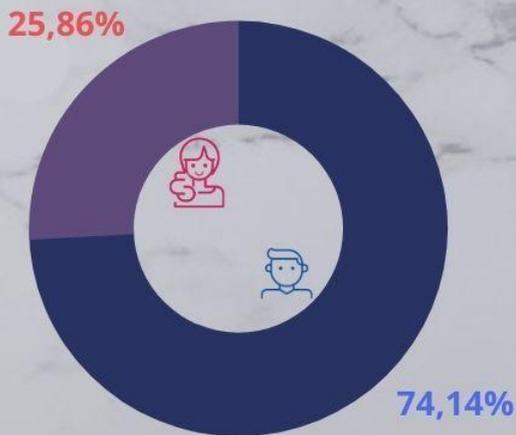
*The majority of TECs were formed in accordance with the requirements of electoral legislation, as noted in the reports of long-term voters.*

*Nookin, Jeti-Oguz, Karakol, Moscow, Bishkek, Ak-Suu TECs were formed in accordance with the requirements of electoral legislation, the last two TECs have the representation of local governments and in other cases there's the representation of political parties.]*

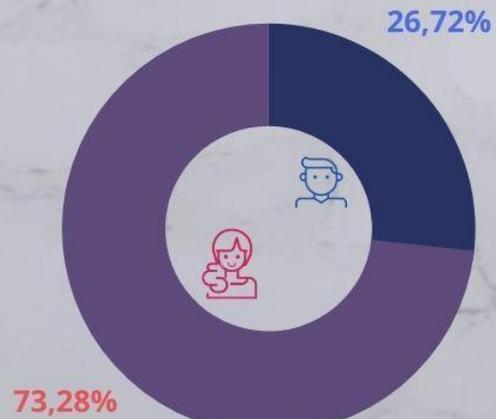
According to 74.14% of the reports received, the overwhelming majority of the TECs chairmen are men. The positions of secretaries in TECs are mainly held by women according to 73.28% of reports.

## GENDER REPRESENTATION IN TECS CHAIRPERSONS AND SECRETARIES

According to **74.14%** of the reports received, the vast majority of leadership positions are held by **men**.



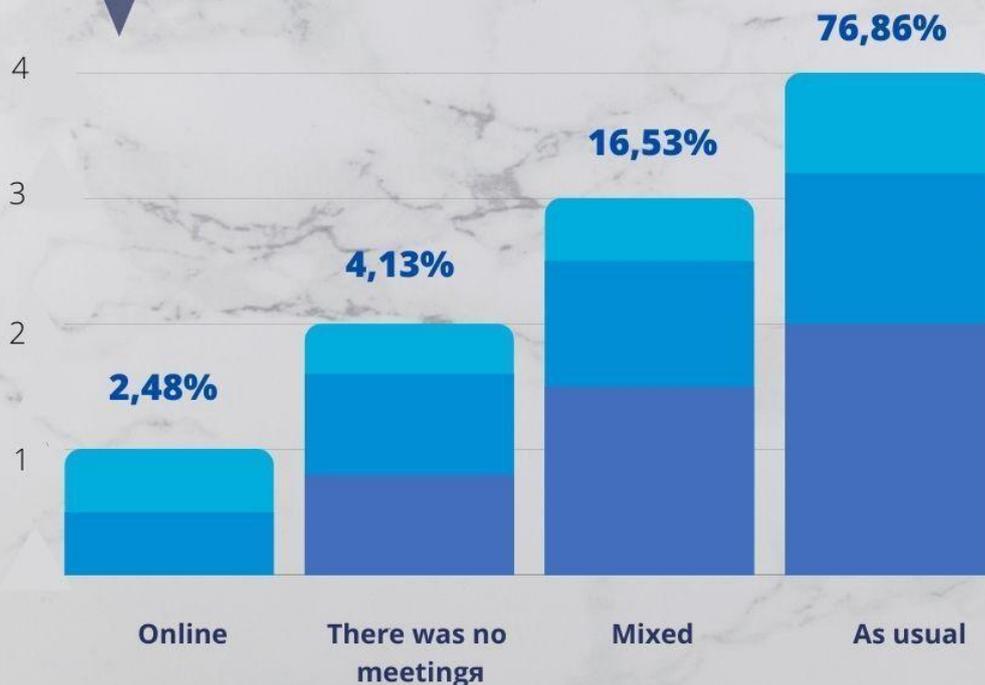
The position of secretaries in TICs is mainly held by **women** according to **73.28%** of reports.



During the reporting period, TECs held 352 meetings. Most TECs meet as usual (offline) according to 76.86% of reports received. A quorum of commission members was observed according to 98.44% of the reports received.

## HOW WAS THE TEC MEETING HELD IN YOUR AREA?

Most TECs meet as usual (offline) according to 76.86% of the reports received.



### *Registration of public observers in TECs*

Public observers in the TECs note the lack of uniform interpretation of the norms of the electoral legislation regarding the need to hold meetings on the registration of public observers.

There were also difficulties in obtaining certificates for the Foundation's public observers. 81 out of 109<sup>10</sup> long-term observers of the Foundation had received their certificates as of September 20.

<sup>10</sup> Out of 116 LTOs of the Foundation, only 109 shall obtain certificates due to the quantitative restriction on public observers in one commission.

### *Compliance with social distancing and health standards in connection with Covid19*

Social distancing is fully observed according to 63.93% of reports and partially according to 20% of reports. Wearing masks in most cases was fully or partially observed (51.64% and 36.89%, respectively). The temperature check with the thermovision camera was more often not observed according to 51.64% of reports.

### *Activities of PECs*

The total number of PECs was originally 2,462, 42 of them were outside the country. Later, 3 additional PECs were opened outside the country. As of September 2, 2020, 10 additional PECs were opened in the city of Osh. As of September 14, 2020, the number of PECs is 2,475. It is noted that the addresses of individual TECs and PECs are periodically changed. The total number of PECs increased by 99 compared to the 2017 presidential election.<sup>11</sup>

In terms of the voters' lists, the Foundation's public observers note that the placement on the [tizme.gov.kg](https://tizme.gov.kg) state portal and the posting of the preliminary and control voters' list drawn up for each polling station, district, and city, are carried out in accordance with the established deadlines.

## **POLITICAL PARTIES AND ELECTION CAMPAIGNING**

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<sup>11</sup> Official website of the CEC //https://tizme.gov.kg/

## HOW WOULD YOU DESCRIBE THE SOCIAL AND POLITICAL SITUATION IN YOUR AREA?



THE SOCIAL AND POLITICAL SITUATION IN THE COUNTRY IS CALM ACCORDING TO 80% AND NEUTRAL ACCORDING TO 17.24% OF THE RECEIVED REPORTS ON LONG-TERM OBSERVATION.



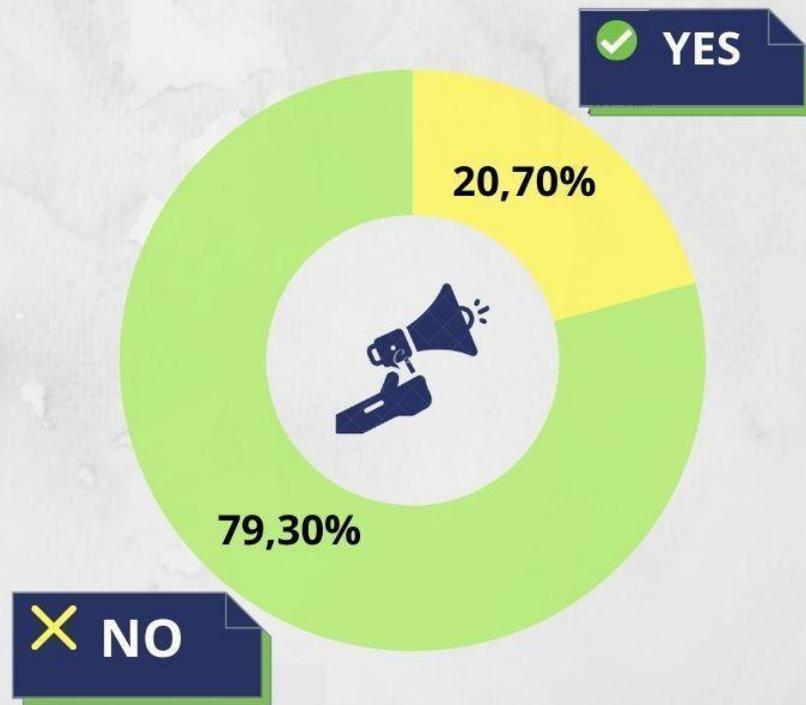
HOWEVER, IN BISHKEK, ARAVAN, KARA-SUY AND PANFILOV DISTRICTS, THE PRE-ELECTION SOCIO-POLITICAL SITUATION WAS ASSESSED AS TENSE DUE TO THE RALLIES AND THE CONFRONTATION BETWEEN THE TWO POLITICAL PARTIES, **MEKENIM KYRGYZSTAN** AND **BIRIMDIK**.



Generally, election campaigning occurs in a competitive environment. Regardless of the size of election funds, all political parties use different methods of campaigning. These range from traditional door-to-door canvassing to mass text messaging. Printed materials; ads on television, radio, and the internet; and meetings with voters are the most common methods of campaigning according to the reports of long-term observers.

Long-term observers noted that some political parties mentioned the humanitarian assistance they provided during the aggravation of the COVID-19 pandemic. This was mentioned most often by the "Birimdik" and "Mekenim Kyrgyzstan" parties, through a respective 35 and 27 references.

**DID POLITICAL PARTIES  
MENTION HUMANITARIAN AID/ASSISTANCE AT CAMPAIGN  
EVENTS YOU HAVE OBSERVED?**



According to the reports of long-term observers, the most common types of violations during the campaign are bribery, misuse of administrative resources, damage to campaign materials, unequal level playing field, and violation of election campaign rules. According to the reports received, such parties as "Birimdik" (42 reports), "Mekenim Kyrgyzstan" (13 reports) and "Kyrgyzstan" (4 reports) misused administrative resources by attracting individuals to carry out activities that promoted the nomination and/or election of a candidate. The individuals recruited could include subordinates, dependents, state or municipal officials, and employees of state or municipal educational organizations and healthcare institutions. Moreover, 62 reports of long-term observers reported on vote buying by the "Mekenim Kyrgyzstan" party and 51 reports - by the "Birimdik" party.

These violations were also discussed in a nationwide phone survey conducted by the Common Cause Foundation between September 7 and September 15, 2020. In particular,

21% of respondents had heard about the cases of misusing administrative resources during the campaign. Additionally, 35% of respondents had heard about vote buying, and, of that group, 37% said that they had been "asked to vote for a certain party in exchange for money".

During the registration process, three complaints from political parties "Kyrgyzstan", "Butun Kyrgyzstan" and "Aktiv" were received and reviewed. In the first two cases, the disputed situations occurred due to a lack of clarity in the legislation regarding the holding of conventions of political parties to nominate candidates. The legislation does not outline requirements for this process, which inevitably led to disputes within the parties themselves. These disputes, in turn, were formalized in the form of complaints and applications to the CEC. In the third case, the "Aktiv" party did not provide an election deposit in accordance with the law and was not registered.

On 4 September, the first day of campaigning, the Central Election Commission (CEC) met with several of the 13 political parties participating in the election of deputies of the Jogorku Kenesh of the Kyrgyz Republic<sup>0</sup>. In this meeting, political parties agreed not to use social media as a weapon against their opponents, not to spread disinformation, not to use the language of hostility against each other, and not to place political ads on social media through front groups or individuals.

Since the start of campaigning, political parties have opened more than 600 headquarters across the country. The largest number of headquarters were opened by "Mekenim Kyrgyzstan", "Birimdik", "Kyrgyzstan" and "Ata-Meken".

Immediately after the start of election campaigning, meetings between political parties and voters were through the traditional offline format. The CEC recommended that political parties refrain from holding mass meetings with voters in favor of online campaigning but the constitutional law does not provide for such a restriction, and, as the observation showed, most political parties participating in the elections were not ready to completely abandon traditional methods of campaigning. However, political parties continue to use social media for campaigning more actively than in prior campaign seasons.

Observation has shown that almost all political parties have opened their headquarters in the regions and are holding meetings with voters. The largest number of headquarters operates in the regions due to the higher number of voters. These are the headquarters of Mekenim Kyrgyzstan, Birimdik, Kyrgyzstan, Bir Bol, Ata-Meken, and Respublika.

All registered political parties submitted their programs and candidate lists within the established time frame to the CEC. In turn, these were posted on the CEC website portal. Most political parties display huge banners with images of candidates from political parties to emphasize the personality of the candidates. While political parties use a variety of campaign tools and methods in elections, regardless of the size of the electoral fund, the

use of the Internet and social networks had increased significantly before the start of campaigning in connection with the coronavirus pandemic and the country's quarantine.

It is a matter of concern that changes may be made to the qualitative composition of political party candidate lists after the registration of the lists. For example, the political party "Mekenim Kyrgyzstan" removed 8 women candidates for deputies of the Jogorku Kenesh from their list. Gaps in legislation allow parties to fail to comply with established quotas for young people, women, ethnic minorities, and people with disabilities. In fact, the law deems it sufficient for political parties to comply with established quotas only before the process of registration of candidate lists.

## CREATION OF AWARENESS AMONG THE VOTERS

The creation of awareness among the voters about the preparation and conduct of elections in most districts was carried out in both online and mixed format, according to 78.45% of received reports. One positive practice from the findings was the CEC's growing work on informing citizens about elections. The SRS and local self-government bodies are also engaged in informing voters. Informing voters by the CEC was assessed as satisfactory and good in almost all aspects by the long-term observers.

The media has also offered much more information and analysis on the pressing issues related to the elections. Unlike in previous years, debates are held not only on KTRK and EITR but also through other media platforms, which is a positive change. Through this media coverage, citizens are actively interested in lists of candidates and discuss programs of political parties.

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

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

Within the framework of voter education, the CEC of the Kyrgyz Republic has released a number of informational videos related to the order and procedures of Election Day, including requirements to the voting premises, compliance with sanitary and epidemiological measures related to COVID-19, etc., and voting measures for persons with disabilities.

The CEC has launched an information portal for voters, <https://talapker.shailoo.gov>, where for the first time voters can find programs of political parties, lists of candidates, and financial reports on receipts and expenditures.

The CEC also organized a call center to better involve Kyrgyz citizens living outside the country in electoral processes by providing advice on electoral issues and procedures including biometric registration, consular registration, and inclusion in voters' lists and polling stations. The call center hotline was available to Kyrgyzstani citizens living in Kazakhstan and Russia. The call center also created workplace conditions to accommodate employees with disabilities.

From August 21 to September 4, 2020, Common Cause Foundation conducted a nationwide poll on "Citizens' views on upcoming Parliamentary Elections on October 4, 2020"<sup>12</sup>, the results of which indicate that more than 60% of citizens are ready to vote on October 4 irrespective of the coronavirus pandemic. 14% of respondents will make a decision depending on the epidemiological situation, while 11% of respondents stated that they would not vote because of fear for their health.

The poll also measured the awareness of citizens about new changes in legislation concerning bribery and administrative resources, and the probability of using these violations from the point of view of citizens. 90% of respondents stated that they know that vote buying is a crime according to new changes in the law. 38% rated the probability of vote buying as high, while 27% of respondents rated it as very high. Furthermore, 57% of respondents know that the use of administrative resources is a crime according to the new changes in the law. 33% assessed the probability of using administrative resources during the elections as high and 14% of respondents assessed the probability as very high.

## VIOLATIONS AND COMPLAINTS

The Constitutional Law and provisions of the KR CEC on consideration of complaints and applications is one of the primary regulatory laws this subject<sup>13</sup>. Applications, complaints, and appeals, in accordance with electoral legislation, may be filed by voters, political parties and candidates, their agents, non-commercial organizations, and their representatives and observers. However, only candidates, political

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<sup>12</sup> The full version of the report is available online in Kyrgyz, Russian and English at <http://commoncause.kg>.

<sup>13</sup> See: Regulations on the procedure for consideration by the election commissions of applications (complaints) of voters and other subjects (participants) of the election process during the elections and referenda in the Kyrgyz Republic, approved by the Central Commission for Elections and Referenda of the Kyrgyz Republic dated July 7, 2017, No. 212, with amendments by the Resolution of the KR CEC dated January 22, 2020, No. 12; by the Resolution of the KR CEC dated **July 10, 2017, No. 217, the Regulation on the Working Party for consideration of applications and complaints of voters and other subjects of the election process during the conduct of elections and referenda in the Kyrgyz Republic was approved, and by another** Resolution of the KR CEC dated February 4, 2020, No. 33, the Regulation **on the procedures of the Operational Response Coordination Group (ORCG) was approved.**

parties, and their agents may appeal against the establishment of voting results and the results of elections. The action or decisions taken can be appealed to higher election commissions. The complaints against the KR CEC to the court of the first instance, whose decision can also be appealed to the Supreme Court. Complaints related to the preparation and conduct of elections, in accordance with the law, can be filed with the internal affairs bodies and the prosecutor's office.

The KR CEC established a Working Party on complaints, consisting of members and staff of the CEC, which examines complaints and provides recommendations for their resolution. These complaints are then formally processed at a CEC meeting.

In order to promptly respond to complaints and take immediate action on reports of violations of electoral regulations, an operational response coordination group, the Coordination Group on the Operational Response of the KR CEC, was established. This group included members of the CEC and representatives of law enforcement bodies from the Ministry of Internal Affairs, State Committee for National Security, and the Prosecutor's Office.

All complaints, statements, and appeals are included in the online register of the KR CEC. According to official data as of September 20, 2020, there are three main registers: the register of complaints and petitions, the register of appeals, and the register of appeals received by the ORCG of the KR CEC. The total number of received complaints is 78, while the number of appeals received is 435. The total number of appeals received by the ORCG of the KR CEC is 46. Lastly, the total number of complaints in TECs was 102.

The Public Foundation, a nonprofit organization, has recorded and transmitted 19 complaints and applications on violations of electoral legislation on the basis of which individual members of PEC were issued warnings. These complaints and applications were collected through its representatives since the beginning of campaigning and transmitted to the territorial election commissions of the Republic.

According to the results of long-term observation during the election period, the public observers of the Common Cause PF in the republic noted about 63 violations of the electoral process from August 26. In one case, the rights of a public observer was violated and, in eight cases, the number stipulated in the CL "On elections" for the voters' list was violated at more than 2,500 PECs. Furthermore, in one case, a voter was included in the voters' list at a different voting address. In five additional cases, it was revealed that the PECs were closed to participants of the electoral process, which is a violation of the Law of the KR "On election commissions".

The norms of the legislation on peaceful assembly were violated in one instance during the canvassing of one of the political parties, which grew into a mass altercation between the participants of the meeting. Based on the consideration of the CECE's Coordination Group of rapid response at their meeting on September 24, 2020, as well due

to a hearing from the Ministry of Internal Affairs, the CEC decided to cancel the registration of candidates from "Mekenim Kyrgyzstan" and "Birimdik" political parties.

In 23 cases, participants of the electoral process violated several norms of the Code of Violations. In most of those cases, political parties did not adhere to the election campaign. In particular, in four of those cases, the damage of campaign materials was recorded by public observers. Moreover, in one case, one participant did not have equal access to the electoral process and "black PR" against a candidate was recorded.

In six cases, the Foundation's public observers noted abuse of administrative resources by representatives and candidates of political parties, which is a violation of the electoral law and is provided for in the Code of Misdemeanors. Additionally, 13 cases were noticed by public observers, as some representatives of political parties were engaged in bribery of voters. Information on these criminal acts were disseminated through various media sources and Internet sites. In one case, an observer from the Foundation recorded an act of bribery and wrote a statement to the relevant authorities. A pre-trial investigation corresponding to this case is currently underway.

Public observers have also documented many cases of voter deliveries by transportation to the polling stations for the purpose of mass registration by Form No. 2. It is presumed that, since the electoral law allows voters to change their electoral addresses at their own discretion, political parties use this provision in the law to provide material remuneration for illegally obtained votes.

Regional lawyers of the Foundation appealed to the district offices of the Prosecutor's Office and the Prosecutor General's Office of the Kyrgyz Republic to inspect PECs for violations of electoral legislation, namely, the abuse of administrative resources, vote buying, and exceeding the voters' list by Form No. 2. These appeals are registered with the prosecution authorities and are currently undergoing legal assessment.

According to the incidents documented by long-term observers, the regional lawyers of the Foundation also sent 19 appeals and applications to TECs. Seven of those appeals and applications were related to exceeding the voters' list and eight related to violations of election campaigning. Furthermore, two related to damage to campaign materials, one covered vote buying, and one covered the abuse of administrative resources.

Based on the findings of long-term observers, eight warnings with the elimination of violations were issued by the TECs to the participants of the election campaign, particularly the representatives of political parties and PEC chairmen. In three cases, TECs found no violations of electoral law. In two cases, political parties did not make any targeted claims regarding the damage to their campaign materials. Moreover, in four additional cases, violations were eliminated by the participants of the election campaign immediately after the decisions of the TEC. These included technical violations and an error in the production of campaign material by the printing house. Lastly, in two cases,

pre-trial investigations are being conducted by law enforcement agencies under the articles on the abuse of administrative resources and vote buying.

In order to verify this information, the Public Foundation sent seven applications to district and regional prosecutor's offices, to the Prosecutor's Office of Bishkek, and to the Prosecutor General's Office on the aforementioned facts in order to verify the voters' lists by Form No. 2 and to request information from territorial election commissions. This was also due to the systematic and organized nature of the transportation of voters to Bishkek, as observed by the Foundation's public observers and represented in reports widely covered in varied media platforms. These statements were registered in the Unified Register of Crimes and Misdemeanors and pre-trial proceedings are underway.

Thus, on September 3, 2020, the Public Foundation submitted an application to the Bishkek territorial election commission to recognize the actions of the principal of gymnasium school No. 64 Belegenova Chynarkul Dzhakypbekovna illegal, and to dismiss her from the position of chairman of PEC No. 1112 (Inc. No. 49 of 03.09.2020 - BTEC of the KR). On September 7, 2020, under Ref. No. 512, a written response was given to the Common Cause Public Foundation, signed by the Chairman of the Bishkek Territorial Election Commission, K. Mamatov, stating that the Bishkek Territorial Election Commission, having considered our application regarding the abuse of administrative resources by the principal of gymnasium school No. 64, reports the following: "This fact has been registered in the "Unified Register of Crimes and Misdemeanors" automated information system. According to our information, pre-trial proceedings are being conducted by the Oktyabrsky District Department of Internal Affairs. Currently, the Bishkek TEC is awaiting the results of pre-trial proceedings."

## **RECOMMENDATIONS**

Based on the results of the analysis, the following recommendations can be formulated:

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

In the long-term:

- 1) To revise the electoral threshold downwards;
- 2) To revise the size of the election deposit downwards;
- 3) To prohibit political parties from excluding political party candidates from the registered list and include candidates according to the norm of established quotas;
- 4) To revise the requirement for the number of public observers to be present at a polling station at the same time; and

5) To strengthen the norm that provides for the protection of personal data and information collected during the voter registration in the law.

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

### In the short-term:

1) To strengthen the work of internal affairs agencies in ensuring public security; and  
2) To strengthen operational work for the prevention and avoidance of certain local conflicts, including preventive measures.

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

### In the long-term:

1) To develop indicators based on which the violations should be assessed, in order to adopt certain sanctions.

### In the short-term:

2) To strengthen control over political parties in conducting campaigns, in accordance with the electoral legislation of the Kyrgyz Republic; and  
3) To publish data on the number of voters at each polling station, in turn showing changes in the numbers by Form No. 2.

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

### In the long-term:

1) On making amendments and additions to legislative acts:  
- On the detailed regulation of the submission of documents for the registration of candidate lists, including additional entities (individuals) in case of failure to submit documents by an authorized representative for valid reasons (for example, an electoral dispute of the "Kyrgyzstan" political party); and  
- On the detailed regulation of the formation and approval of candidate lists of political parties (for example, the electoral dispute of "Butun Kyrgyzstan" political party).  
2) On granting powers to public observers to appeal against decisions and/or actions of election commissions.

## **5. To the bodies that consider electoral disputes (courts, electoral commissions):**

### In the short-term:

- 1) To increase the transparency of resolution procedures of electoral disputes; and
- 2) To increase public access to information about complaints and their resolution.

## **6. To political parties:**

### In the short-term:

- 1) To conduct election campaigning on the principles of the rule of law, openness and mutual respect, and priority of citizens' interests and rights;
- 2) To strictly observe the Memorandum between the political parties that have registered the candidate lists to participate in the elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic, scheduled for October 4, 2020, signed by political parties on September 4, 2020 in Bishkek; and
- 3) Not to exclude the candidates of a political party from the registered list and include candidates according to the norm of established quotas.