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## **ELECTION OBSERVATION DELEGATION TO THE PARLIAMENTARY ELECTIONS IN KYRGYZSTAN**

**(13-16 OCTOBER 2017)**

**Report by**

**Laima Andrikiene, Head of the Delegation**

**Annexes:**

**Annex A. List of participants, Programme and press statement of the  
Chair of the EP Delegation.**

**Annex B. IEOM Preliminary Findings and Conclusions**

**Annex C. IEOM Joint Press Statement**

## Introduction

On 7 September 2017, the Conference of Presidents (CoP) authorised the sending of an Election Observation Delegation to observe the presidential elections in Kyrgyzstan. This followed an invitation on 26 July 2017 from the Chairman of the Central Election Commission of Kyrgyzstan to the European Parliament.

On 29 May 2017, Kyrgyzstan had been included in the list of priorities of the Democracy Support and Election Coordination Group (DEG) for observation of elections in the second half of 2017. The presidential elections represented a significant test of the progress of democratisation in Kyrgyzstan where the government has avoided many of the authoritarian leanings of its neighbours. The European Parliament has historically supported Kyrgyzstan along this democratic path, deploying Election Observations Delegations to the parliamentary and presidential elections in 2005, the parliamentary elections in 2010, the presidential elections in 2011, and the parliamentary elections in 2015. Moreover Kyrgyzstan is a [GSP+ beneficiary country](#), which is conditional on the effective implementation of a number of international conventions. The EP Delegation therefore considered the respect of those conventions that would have an electoral dimension, such as the [UN International Covenant on Civil and Political Rights \(ICCPR\)](#).

The European Parliament Election Observation Delegation was composed of six Members: Ms Laima ANDRIKIENE (EPP, LT), Mr Cristian Dan PREDA (EPP, RO), Ms Ramona Nicole MĂNESCU (EPP, RO), Mr Joachim ZELLER (EPP, DE), Mr Doru-Claudian FRUNZULICĂ (S&D, RO) and Ms Julie WARD (S&D, UK).

Ms [ANDRIKIENÉ](#) was unanimously elected as the Chair of the Delegation at the constituent meeting on 26 September 2017.

The European Parliament Delegation performed the election observation in accordance with the [Declaration of Principles of International Election Observation](#) and the [Code of Conduct for international election observers](#). It followed the OSCE/ODIHR's methodology in the evaluation procedure and assessed the election for its compliance with OSCE commitments for democratic elections. All Members of the EP Delegation signed the [Code of Conduct for Members of the European Parliament Election Observation Delegations](#), in conformity with the decision of the Conference of Presidents of 13 September 2012.

Thanks are extended to the OSCE/ODIHR EOM in Bishkek and Mr Azay Guliyev, Special Co-ordinator and leader of the short-term OSCE mission, as well as Mr Jaap Ora, Charge d'Affaires a.i. at the [Delegation of the European Union](#) to the Kyrgyz Republic and his colleagues for their support in organising the programme.

## Background

**Elections.** Kyrgyzstan, where national elections in recent years have been genuinely competitive, enjoys by far the highest degree of political pluralism of any Central Asian country. The 2011 elections, during which Almazbek Atambayev was elected, marked the first peaceful transfer of presidential power in Kyrgyzstan's post-Communist history. However, the country has suffered from considerable instability, having experienced two revolutions since 2005 and upsurges of inter-ethnic conflict in the south between the ethnic Kyrgyz and Uzbek populations.

President Atambayev was constitutionally prevented from standing in 2017 for a second term. There were initially 59 candidates to succeed him, of whom 46 were disqualified for failing to reach the threshold of certified signatures (30,000), not paying the relevant fees, or not passing the required Kyrgyz language test. By Election Day on 15 October 2017, there were eleven candidates, of whom only one was a woman. The winning candidate needed to achieve over 50% of the vote, otherwise a second round would be required.

President Atambayev's preferred successor was Sooronbai Jeenbekov, who had been prime minister until August 2017 when he had stood down to run for the presidency. Both Mr Atambayev and Mr Jeenbekov were members of the Social Democratic Party of Kyrgyzstan (SDPK). Mr Omurbek Babanov from the Respublika party (although running as an independent) was the candidate who enjoyed the highest level of support among the other candidates. Mr Babanov was also a former prime minister, as was another candidate, Mr Temir Sariev, the nominee of the Akshumkar party.

**Human rights situation.** The elections took place again a backdrop of some worrying developments in the country, which indicated that the government was backtracking on its path of democratisation and embedding human rights in the legal system. These changes included the following:

- The 2016 amendments to the constitution, which removed the primacy of international human rights treaties in favour of rulings issued by domestic courts, reduced the independence of the Constitutional Chamber and defined marriage as the union between a man and a woman. The Venice Commission of the Council of Europe, in its [endorsed opinion](#) considered that the changes *“negatively impact the balance of powers by strengthening the powers of the executive, while weakening both the parliament and, to a greater extent, the judiciary”*. It added that the *“proposed amendments raised concerns with regard to key democratic principles, in particular the rule of law, the separation of powers and the independence of the judiciary, and have the potential to encroach on certain human rights and fundamental freedoms”*
- A number of amendments to the electoral law, which were introduced as late as June 2017 covered areas such as campaigning in online media, handling of voter lists, voter identification, the status of national observers, deposits and campaign funding. There was particular disquiet about the removal of limits on campaign spending and the raising of the level of contributions that donors could make to candidates.
- Court cases launched against journalists and independent media on charges of insulting the dignity of the president, which had served to intimidate the media and result in self-censorship. Specific case that were subsequently raised in the EP delegation's meetings were those of the journalist Mr Zulpukar Sapanov who had been initially sentenced to four years' imprisonment (subsequently reduced to two years' probation) for *“inciting hatred between religious faiths”* and a number of journalists who were being required to pay huge damages on charges of defamation of the incumbent President and Mr Jeenbekov.
- Steps taken by the government to curb the relatively vibrant civil society, including the attempt to pass a *“foreign agents”* bill similar to that adopted in Russia, which was however rejected by parliament in May 2016
- A series of judicial cases brought against leading opposition politicians, including the prison sentences imposed in two separate cases in August 2017 on Mr Omurbek Tekebayev, leader of the Ata Meken opposition party, and on Mr Sadyr Japarov, a member of the Ata-Jurt party and former MP. Both claimed that the charges against them were politically motivated.

The concerns about the aforementioned developments prompted Mr Antonio PANZERI, Chair of the EP's Sub Committee on Human Rights, to issue a [press statement on 13 September 2017](#). In this statement he expressed the hope that the *“worrying tendencies...will be replaced by a common effort by the authorities in Kyrgyzstan (to) support the vibrant civil society and the plurality of political voices that historically exist”*

**EU-Kyrgyzstan relations** The visit of the EP delegation coincided with the [decision by the Council on 9 October 2017 to adopt a mandate](#) for the European Commission and HRVP Mogherini to negotiate a comprehensive

agreement with the Kyrgyz Republic. The aim of the new agreement was to build on the partnership and cooperation agreement that had been in force since 1999. In announcing the adoption of the mandate, the EU stressed its expectations that the presidential elections would be “*carried out in line with (Kyrgyzstan’s) international obligations and commitments in terms of holding credible, inclusive and transparent elections*”.

## **EP Programme**

In line with normal practice, the EP delegation was integrated within the framework of the International Election Observation Mission. It cooperated closely with the [OSCE/ODIHR long term Election Observation Mission](#) headed by Ambassador Alexandre KELTCHEWSKY; Mr Azay GULIYEV, Special Coordinator of the OSCE Short-term observer mission; the OSCE PA delegation headed by Mr Artur GERASYMOV; and the PACE delegation headed by Ms Doris FIALA.

On 13 and 14 October 2017, experts from the OSCE/ODIHR mission provided extensive briefings to the parliamentary delegations. There were presentations on the political environment, the campaign activities, the media landscape and the legal framework of the presidential elections. The joint programme also included a series of meetings with media representatives, with NGOs, with the Chair of the Central Election Commission and with representatives of most political parties.

The EU Delegation in Bishkek organised additional bilateral meetings with the Foreign Minister, Mr Erlan ABDYLDAEV, and the Prime Minister, Mr SAPAR ISAKOV, also facilitated by the Embassy of Kyrgyzstan in Brussels.

In the meeting with Mr Abdylaev, both sides welcomed the mandate for the launch of negotiations on a new EU-Kyrgyz agreement and stressed the need for the relationship to deepen and for the EU to be more visible in Kyrgyzstan. The EP side applauded the holding of competitive elections in which it was not clear which side would win. Mr Abdylaev noted that democracy in Kyrgyzstan made it an “uncomfortable neighbour” for other - more authoritarian - Central Asian countries. Indeed, he considered that the EU could do more to support Kyrgyzstan, although he very much welcomed the granting of GSP+ status, which he recognised as a very important step. Prime Minister Sapar Isakov and Foreign Minister Erlan Abdylaev also raised the GSP+ dimension of EU-Kyrgyzstan relations, remarking that its net effect, in terms of trade growth during the first 18 months of application, was not yet significant (3 Million EUR). While this figure may be dwarfed by the magnitude of Kyrgyz-China trade, it is also clear there is untapped potential in terms of EU-Kyrgyzstan GSP+ trade relations, and that EU financial and technical support (particularly when it comes to inspections and certification) would help in making this instrument a real incentive.

The Foreign Minister further stressed the need for Kyrgyzstan, as a small landlocked country, to have good political and economic relations with their giant neighbours Russia and China - despite the difference in their political systems. He underlined too the presence of 600,000 Kyrgyz citizens who worked in Russia and the active implementation of the ‘One-Belt-One-Road’ strategy by China.

Prime Minister Isakov also highlighted Kyrgyzstan’s exceptional status in Central Asia as a country with political pluralism and genuinely competitive elections. He thanked the EU for granting GSP+ status and stressed that he wanted Kyrgyzstan’s products to meet the necessary environmental standards so that they could be exported to the European market. The development of railway links with Europe would be a significant factor in this respect.

Mr Isakov also stressed that the economic and strategic importance of Russia to Kyrgyzstan was a reality. He underlined that the Russian military bases in the south of the country were a strategic necessity, as the situation in Afghanistan was very difficult and he compared the bases to those of the USA in Japan or South Korea. China was the second most important trade partner for Kyrgyzstan, which served as a re-exporter of Chinese goods. He recognised that there was some uneasiness in Kyrgyzstan regarding China and there was some anti-Chinese sentiment. As to foreign military bases operating on Kyrgyz soil, PM Isakov stressed that the government was in principle opposed to such a presence: this was the reason the US one had been closed, in the absence of renewal of its contractual basis. The same approach, PM Isakov underlined, would eventually prevail regarding the Russian military basis which was still present.

## Election Day and Results

On Election Day, the EP Delegation was deployed in three different areas: in the capital city Bishkek (Chair), in Kara Balta to the west of the capital (two members), and in Balykchy to the east of the capital (three members). The teams visited more than 25 polling stations, from opening to closing and counting.

The EP delegation members, generally, noted with satisfaction that voting took place in a calm and peaceful manner and they were impressed by the effective functioning of the biometric identification equipment and ballot scanners. However, they noted that, at times, the secrecy of the vote was not fully safeguarded. The presence of unauthorised persons (usually police) inside polling stations was also observed in some instances, although Members did not witness any occurrence of direct interference in the electoral process. Most of the polling stations visited, on the other hand, were not suitable for the disabled people.

Members also noted the active and prominent role played by women in the running of the elections at the local level; as to the counting procedure, the (admittedly) limited number of polling stations visited showed that the process was not without problems, with polling station officials not always adhering strictly to the standing procedures.

## Results

The turnout was 56.32% and the results, as announced officially, were as follows:

- |                                 |                           |
|---------------------------------|---------------------------|
| - Mr Sooronbay JEENBEKOV (SDPK) | 54.74% with 920.620 votes |
| - Mr Omurbek BABANOV            | 33.49% with 568.665 votes |
| - Mr Adakhan MADUMAROV          | 6.57% with 110.284 votes  |

*(The aggregated result of the eight remaining candidates was less than 5%).*

As Mr Jeenbekov scored more than 50%, no second round took place, and Mr Jeenbekov is thus expected to be inaugurated on 1 December 2017.

## Post-election day

In line with normal practice, the [statement of preliminary findings and conclusions](#) (Annex B) was thoroughly discussed between the Chairs of the EP Delegation, the OSCE Parliamentary Assembly, the Council of Europe and the OSCE/ODIHR mission. The EP Delegation therefore fully endorsed the findings of the International IEOM. The key message from the preliminary findings focused on the fact that, while the election was competitive and voters enjoyed a wide choice of candidates, several concerns remained. These included cases of misuse of public resources, pressure on voters and vote buying, as well as, some instances of biased adjudication of election disputes by the Central Commission for Elections, with its impartiality being negatively affected by such developments.

The press conference took place on 16 October 2017 and attracted considerable media attention. The Head of the EP Delegation in her statement (Annex C) underlined in particular concerns at the reports of undue restrictions on media freedoms, especially the defamation claims against journalists, which had resulted in self-censorship. While civil society had played a role in increasing the transparency of the electoral process, there were also many reports of increasing pressure against civil society, with the Chair reminding that the EP Delegation remained deeply concerned about several criminal cases and imprisonment of members of the opposition.

Ms ANDRIKIENE further emphasised that such issues were part of the EU's regular dialogue with Kyrgyzstan, including the discussions under the EU's special incentive for sustainable development and good governance (GSP+). The EU's principled engagement towards Kyrgyzstan, therefore, remained based on a commitment to undertake reforms to strengthen democracy, fundamental freedoms, the rule of law, and the independence of the judiciary. Ms ANDRIKIENE encouraged the country to pursue related reforms, which could only further entrench democracy consolidation, for the benefit of the people of Kyrgyzstan.

Following the press conference Ms Andrikiene and the heads of the other observer delegations held a meeting with President Atambayev.

## **Conclusions**

The European Parliament Election Observation Delegation recommends that the Election Coordination Group and the Delegation to the EU-Kazakhstan, EU-Kyrgyzstan, EU-Uzbekistan and EU-Tajikistan Parliamentary Cooperation Committees and for relations with Turkmenistan and Mongolia follow-up closely the conclusions and recommendations of the preliminary report issued by the International EOM, and of the Final Report to be issued by the OSCE/ODIHR.

The attention of the EP's Foreign Affairs Committee is particularly drawn to these recommendations in light of the imminent start of the negotiations in view of a new EU-Kyrgyzstan Comprehensive Agreement. The subsequent visit to Kyrgyzstan of HR/VP Mogherini on 9 November attested to the significance of the agreement. During her visit Ms Mogherini reiterated the EU's continued support to the reform of the electoral processes and underlined the need for the Kyrgyz authorities to fully implement the OSCE/ODIHR recommendations.

Moreover, given the role played by the EP's International Trade Committee - and in particular its Central Asia Monitoring Group - in the monitoring of the GSP+ scheme, the EP Election Observation Delegation believes that these findings provide a valuable update on the situation. This is especially pertinent since the EC's initial assessment on the merits of Kyrgyzstan's GSP+ application dates back to late 2015<sup>1</sup> and has been, to some extent, overtaken by subsequent developments. Indeed, in terms of key issues on which an EP Delegation would focus during an electoral observation exercise, many, and serious, shortcomings were found regarding freedom of expression (ICCPR Art 19) which had led - as noted above - to self-censorship by journalists. From the point of view of the EP Election Observation Delegation, raising the issue seriously in a GSP+ framework through the ongoing questionnaire / scorecard is certainly warranted and a condition of GSP credibility that extends beyond the specific case of Kyrgyzstan.

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<sup>1</sup> SWD (2015)258 final, 25 November 2015

## **Annex A**

# **ELECTION OBSERVATION DELEGATION PRESIDENTIAL ELECTIONS IN KYRGYZSTAN**

**15 October 2017**

## **LIST OF PARTICIPANTS**

### Members

Ms Laima ANDRIKIENE, EPP, Lithuania  
Mr Cristian Dan PREDA, EPP, Romania  
Ms Ramona Nicole MĂNESCU, EPP, Romania,  
Mr Joachim ZELLER, EPP, Germany  
Mr Doru-Claudian FRUNZULICĂ, S&D, Romania  
Ms Julie WARD, S&D, United Kingdom

### EP Secretariat

Tim BODEN, Administrator  
Philippe KAMARIS, Administrator  
Helen COLLINS, Assistant

# EUROPEAN PARLIAMENT

## ELECTION OBSERVATION DELEGATION

### PRESIDENTIAL ELECTIONS IN KYRGYZSTAN

15 October 2017

#### FINAL PROGRAMME

##### Members

1. Laima ANDRIKIENE, EPP, Lithuania - Head of Delegation
2. Cristian Dan PREDA, EPP, Romania
3. Ramona Nicole MĂNESCU, EPP, Romania
4. Joachim ZELLER, EPP, Germany
5. Doru-Claudian FRUNZULICĂ, S&D, Romania
6. Julie WARD, S&D, United Kingdom

##### Secretariat

Timothy BODEN, Administrator  
Philippe KAMARIS, Administrator  
Helen COLLINS, Assistant

##### Political groups

Gabriela VIROSTKOVA, Advisor, EPP  
Ambroise PERRIN, Advisor, S&D



## Wednesday 11 October

05:40 Arrival of Secretariat in Bishkek, transfer to Hyatt Regency

## Thursday 12 October

10:30 Meeting with OSCE/ODIHR Liaison Officer, Monica Moracova

Venue: OSCE/ODIHR offices

13:00 Meeting with counterparts of ODIHR, Council of Europe PA, OSCE PA

Venue: Hyatt Hotel, Kurultai A

15:30 Meeting with Mr Jaap Ora, Charge d'affaires a.i.

Venue: EU Delegation office

## Friday 13 October

Arrival of Members

11:00-12.00 **Briefing with the EU Head of Delegation and EU Heads of Mission:**

Mr Jaap Ora, Charge d'affaires a.i., EU Delegation

H.E. Mr Robin Ord-Smith, UK Ambassador;

H.E. Mr Michael Roux, French Ambassador;

Ms Irja Berg, Deputy German Ambassador.

Venue: EP meeting room (Kurultai B, Hyatt Hotel, ground floor)

## **Joint briefings OSCE-PA, PACE and EP – Shayr Meeting Room, ground floor, Hyatt**

### **13:00 – 13:20 Opening by the Heads of Parliamentary Delegations**

- Mr Azay Guliyev, Special Co-ordinator and leader of the short-term OSCE mission
- Ms Doris Fiala, Head of the PACE delegation
- Mr Artur Gerasymov, Head of the OSCE-PA delegation
- Ms Laima Andrikiene, MEP, Head of European Parliament delegation

### **13:20 – 13:50 Introduction by International Community Representatives:**

- Mr Valeriu Chiveri, Deputy Head of the OSCE Programme Office in Bishkek
- Mr Jaap Ora, Charge d'affaires a.i., Delegation of the European Union to the Kyrgyz Republic

### **13:50 – 15:50 Briefing by the OSCE/ODIHR Election Observation Mission - Part One**

- Ambassador Alexandre Keltchewsky, Head of Mission.

#### **Political overview, campaign activities and media landscape**

- Mr. Per Normark, Political Analyst
- Ms. Elma Šehalić, Media Analyst

#### **Electoral Legal Framework, Election System, and Complaints and Appeals**

- Mr. Vasil Vashchanka, Legal Analyst

#### **Election Administration, Voter and Candidate Registration**

- Mr. Kakha Inaishvili and Mr. Marcell Nagy, Election Analysts

14:15 Meeting of EP deployment teams with drivers and local assistants

Venue : Akyn room, Hyatt hotel, ground floor

15:00-16:00 Meeting with Mr Erlan Abdyldaev, Foreign Minister - EP Delegation only

16:00 - 16:30 Mr. Melor Moydunov, Head of Department (civil and political rights, the rights of migrants, foreign citizens, stateless persons and military personnel), Office of the Ombudsman (joint briefing programme)

16:30 – 18:30 **Meeting with the main Presidential candidates**

16:30-16:50	▪ Ms Aknazarova Roz, Leader of Women’s Forum, representative of Mr Omurbek Babanov
16:50–17:10	▪ Mr. Niyazov Farid, Head of Campaign Office , representative of Mr. Sooronbay Jeenbekov
17:10-17:30	▪ Mr. Ulukbek Kochkorov, independent candidate
17:30-17:50	▪ Mr. Talatbek Masadykov, independent candidate
17:50-18:10	▪ Ms Orozakiunova Aijan, representative of Mr Temir Sariiev, candidate of the party “Akshumkar”
18:10-18:30	▪ Mr. Ysmanaliev Mederbek, representative of Mr. Adakhan Madumarov
	▪ Ms. Toktaiym Umetalieva, independent candidate

## Saturday 14 October

09:30 – 10:15 **Electoral Administration and Voter Registration**

- Ms. Nurzhan Shaildabekova, Chairperson of the Central Commission for Elections and Referenda
- Mr. Dastan Dogoev, Chairperson of the State Registration Service

10:15 - 10:45 Mr. Zalkar Aknazarov, Deputy Head of the Department (overseeing the implementation of laws), **General Prosecutor’s Office**

10:45 - 11:45 **Civil society roundtable:**

- Ms. Cholpon Dzhakupova, Director - Legal Clinic “Adilet”
- Ms. Cholpon Omurkanova, Head - Public Fund “Eagle”
- Ms. Dinara Oshurakhunova, Head - Coalition “For Democracy and Civil Society”
- Ms. Aynura Usupbekova, Director - Public Fund “Civic Platform”
- Ms. Rita Karasartova, Director - “Institute for Public Analysis”
- Ms. Roza Otunbayeva, leader - civic movement “For Fair Elections”

11:30 - 12:30 **Meeting with Mr Sapar Isakov, Prime Minister (EP Delegation only)**

12:00 – 13:00 **Media Roundtable:**

- Ms. Adelya Laisheva, Head of the training centre - Public Broadcasting Corporation (KTRK)
- Ms. Aizada Kasymalieva, Director for Kyrgyzstan - Radio "Azattyk"
- Mr. Narynbek Idinov, journalist - "KaktusMedia" online news site
- Ms. Ulan Kasenov, Correspondent - Radio Birinchi
- Ms Begaim Usenova, Director - Media Policy Institute
- Mr. Kabay Karabekov, journalist - "24.kg" news agency
- Mr. Mirjan Balybaev, Chief Editor - NTS TV

13:00 - 14:00 **Briefing by the OSCE/ODIHR Election Observation Mission - Part Two**

**Election Day Procedures and Observation Forms**

- Mr. Kakha Inaishvili and Mr. Marcell Nagy, Election Analysts
- Mr. Anders Eriksson, Statistical Analyst

**Security Overview**

- Mr. Valeriu Mija, Security Expert

14:00 - 14:15 OSCE/ODIHR EOM Long-Term Observers area specific briefings for Bishkek - Q&A

**Sunday 15 October - Election Day**

***Election Day: deployment and observation***

8:00 Opening of polling stations

20:00 Closing of polling stations and counting

**TEAM A - Bishkek and surroundings**

Laima ANDRIKIENE

Tim BODEN

**TEAM B - Kara Balta**

Cristian Dan PREDA

Ramona Nicole MĂNESCU

Helen COLLINS

Gabriela VIROSTKOVA

**TEAM C – Balykchy**

Julie WARD

Joachim ZELLER

Doru-Claudian FRUNZULICĂ

Philippe KAMARIS

Ambroise PERRIN

17:00                    **Meeting of Heads of Delegation to discuss joint statement**

(Mrs Andrikiene only)

Venue: Kurultai A meeting room, Hyatt hotel, ground floor

22:00-23.00        **EP delegation debrief / feedback**

Venue: Hyatt Hotel

## Monday 16 October

08:30 **Meeting with OSCE/ODIHR statistician**

Venue: Kurultai B meeting room, Hyatt hotel, ground floor

09:30 **Final meeting of Heads of Delegation to discuss joint statement**

(Mrs Andrikiene only)

Venue: ODIHR HQ, Bokonbaeva Street, 194

14.00 **Joint press conference**

Venue: Hyatt – Shayr Room, ground floor

15.20 Depart hotel (all heads of delegations only)

16:00 Joint meeting of **H.E. President Almazbek Atambaev** with Heads of Parliamentary Delegations (Mrs Andrikiene only)

Venue: Parliamentary House, Chuy 205

## Tuesday 17 October

12:30 Departure of the secretariat from Hyatt Regency Hotel to the airport

14:35 Flight to Brussels via Istanbul

\*\*\*\* End of mission \*\*\*\*



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Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European  
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

## 16 OCTOBER PRESS CONFERENCE

### **Statement by Ms Laima Andrikiénė**

#### **Chair of the EP election observation delegation,**

#### **15 October 2017 Presidential elections Kyrgyzstan**

Ladies and gentlemen, dear friends,

I am Laima Andrikiénė, Chair of the European Parliament Election Observation Delegation and also Vice-President of our standing Delegation for relations with Central Asia, and it is my pleasure to have this opportunity to speak to you today.

The European Parliament, the only directly elected body of the EU, represents 500 million European citizens and is committed to strengthening democracy all over the world. Election observation is one of our key foreign policy instruments in this process.

Prior to Election Day, we met in Bishkek with both your Prime Minister and your Foreign Minister, as well as with the election authorities, political parties, media and civil society and of course with our ambassadors. In these meetings we familiarised ourselves with the situation ahead of the elections.

On Election Day we observed voting in various polling stations across the country, from the opening to the closing of activities, as well as the vote count. We divided into three teams, deployed in Bishkek, Balykchy and Kara Balta, visiting both urban and rural areas.

I would like to make some specific remarks:

- As a Delegation, we were integrated within the framework of an International Election Observation Mission. I would like to thank my colleagues from the OSCE/ODIHR, from the OSCE Parliamentary Assembly, from the Parliamentary Assembly of the Council of the Europe and from the Venice Commission for our excellent cooperation during the Mission.
- The European Parliament delegation **fully supports** and endorses the preliminary findings and conclusions of the Observer Mission.
- *I fully agree with the statements of my colleagues; the European Parliament has been observing elections in your country since 2005. This is a clear sign we think Kyrgyzstan is a unique example in the region, and that its democratic course should be encouraged.*
- *I would therefore like to focus on a number of issues we saw in the campaign and on Election Day: we were concerned at the reports of undue restrictions being placed on media freedom, in particular the defamation claims against journalists, which adversely affected public debate and resulted in self-censorship. Even though TV debates were organised, which contributed to greater pluralism, overall television did not provide sufficient and unbiased news coverage of the campaign.*
- *We welcome the important role played by civil society in civic and voter education, which increased the transparency of the electoral process. However we also heard reports of increasing pressure being placed on civil society in recent years; speaking for the European Parliament, we are deeply concerned about several criminal cases and imprisonment of members of the opposition.*
- *Turning to EU Kyrgyzstan relations, I would like to stress that these elements are part of our regular dialogue with Kyrgyzstan, also under the EU's special incentive for sustainable development and good governance (GSP+).*
- *We further welcome the adoption of a mandate in order for the EU to enter into negotiations leading to a new Comprehensive Agreement with Kyrgyzstan. Our principled engagement must be based on a commitment to undertake reforms strengthening democracy, fundamental freedoms, the rule of law and the independence of the judiciary: in order for the EP to ratify the future agreement, progress on such issues will therefore be needed.*
- *In this context, we look forward to the final OSCE/ODIHR report and the recommendations it will contain. The EP attaches great significance to them and will pay full attention to their implementation.*

Thank you very much for your attention.





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## **INTERNATIONAL ELECTION OBSERVATION MISSION Kyrgyz Republic – Presidential Election, 15 October 2017**

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

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#### **PRELIMINARY CONCLUSIONS**

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The 15 October 2017 presidential election in the Kyrgyz Republic contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another. The election was competitive, as voters had a wide choice and candidates could, in general, campaign freely, although cases of misuse of public resources, pressure on voters, and vote-buying remain a concern. The technical aspects of the election were well-administered, but the adjudication of election disputes by the Central Commission for Elections and Referenda (CEC) was, at times, biased. While televised debates contributed to greater pluralism, self-censorship and limited editorial coverage of the campaign signalled deficiencies in media freedom. Voting was orderly and well organized in the large majority of polling stations observed, despite problems with ballot secrecy. Numerous and significant procedural problems were noted during the vote count and the initial stages of tabulation.

The legal framework, which underwent numerous amendments in 2017, in general adequately regulates many technical aspects of the electoral process. Legal provisions on some aspects, including campaigning and campaign financing, citizen observation, and complaints, are not comprehensive and lack clarity, and, at times, depart from international standards. There is room for improvement in the legal framework in order to prevent misuse of public resources in election campaigns and to effectively deter vote-buying.

Technical aspects of the election were well-organized by the CEC, 54 Territorial Election Commissions (TECs), and 2,375 Precinct Election Commissions (PECs). CEC sessions included open substantive and extensive discussions. The CEC members are nominated by different political forces. CEC members favoured certain candidates, which resulted in disagreements during decision-making on important issues and negatively affected the CEC's impartiality. Most interlocutors of the International Election Observation Mission (IEOM) did not raise any concerns over the impartiality of TECs and PECs. Many IEOM interlocutors welcomed the efforts of the CEC to facilitate the electoral participation of persons with disabilities.

The voter register, which includes more than 3 million voters, is based on the centralized population register and contains biometric data of all voters. IEOM interlocutors expressed general confidence in the accuracy and transparency of the voter registration and verification system, and public scrutiny of voter lists contributed to the transparency. However, a significant number of Kyrgyzstani citizens, mainly those residing abroad, did not undergo biometric registration, and are thus not included in the voter register and are not able to exercise their right to vote.

Eleven presidential candidates were standing for election, giving voters a wide choice. Nevertheless, the inclusiveness of the registration process was challenged by a burdensome nomination process, including the collection of support signatures and a restrictive approach of the CEC in their verification. While no candidates were deregistered, the law continues to provide overly broad grounds for candidate deregistration, despite previous OSCE/ODIHR recommendations.

The registered candidates could, in general, campaign freely. Several candidates and their regional structures mounted active campaigns throughout the country, using a variety of campaign methods. The election campaign was peaceful; however, over time, it became more confrontational, as signalled by several accusations of misconduct. The IEOM received credible reports of widespread abuse of public resources and pressure on voters, as well as of vote-buying. Furthermore, the elections were held concurrently with several criminal cases against opposition politicians or others supporting one of the main candidates.

The recent legal amendments significantly increased the limits for contributions to candidates' campaigns and removed the spending limit, raising concerns over equality of opportunities for candidates. The law does not require disclosure of sources of campaign funding, departing from the international obligation to provide transparency, and does not provide a range of proportionate sanctions for violations of campaign finance rules. While candidates submitted detailed campaign finance reports before election day, the CEC published only the total amounts of campaign revenues and expenditures.

The Constitution guarantees freedom of expression; however, the IEOM received reports of undue restrictions on media freedom. Defamation claims against the media by the incumbent president and some candidates had an adverse effect on public debate and resulted in self-censorship among journalists. Television, including the public broadcasters, failed to provide sufficient and unbiased news coverage of the campaign, in sharp contrast to the high volume of paid political advertising. In their editorial coverage, both public broadcasters monitored by the OSCE/ODIHR EOM were clearly biased. Televised debates provided a welcome opportunity for voters to get information about candidates, contributing to greater pluralism.

The majority of complaints received by the CEC before election day alleged violations of campaign rules. The CEC maintained an online registry of complaints, enhancing the transparency of their resolution. While the CEC considered most complaints, handling of complaints revealed a bias in CEC's interpretation and application of the law. The CEC did not always use the sanctions available and provide effective remedies. The courts upheld all CEC decisions appealed. While parties were able to present their cases and court rulings were reasoned, the scope of judicial review was often limited and indicated reluctance to question CEC decisions, limiting effectiveness of redress.

National minorities were involved in the election campaign, and candidates were competing for the minority vote. At the same time, contestants' platforms did not specifically address the situation of national minorities, inter-ethnic relations, or integration of society. The IEOM did not observe any antiminority rhetoric during the campaign. Inter-ethnic and identity issues were at times utilized for political ends, contributing to the confrontational nature of the campaign. Minorities were significantly underrepresented in most TECs, even in areas where they reside compactly.

Women remain under-represented in political life, including in elected office. Only one registered candidate was a woman. Women were well represented in the election administration, accounting for 5 of 12 CEC members, 48 per cent of TEC members, and 71 per cent of PEC members in polling stations visited by the IEOM observers on election day.

Civil society played an important role in civic and voter education and also undertook comprehensive long-term and short-term observation, which contributed to increasing the transparency of the electoral process. However, the recent legal amendments limit the number of observers a civil society organization or a candidate can deploy to an election commission, restrict their mobility on election day, and remove the rights of citizen observers to appeal election results.

Election day was peaceful and voter turnout, as announced by the CEC, was 56 per cent. The voting process was assessed positively in 94 per cent of polling stations observed. Problems with ballot secrecy were widespread, especially as voters were taking their ballots from the booths to the scanners. Some cases of vote-buying and controlling voters' access were observed by the IEOM. The voter identification equipment generally worked well. In 3 per cent of polling stations observed the ballot scanner had to be replaced due to equipment failure. Forty-six of the 138 vote counts observed were assessed negatively, a high quantity that is of concern. Significant number of PECs failed to perform basic reconciliation and counting procedures. More than one in five PECs relied on the results produced by the ballot scanners instead of manually counting the votes, which is required by the law. The initial stages of tabulation were assessed negatively in many TECs, mainly due to inadequate premises and deficient protocols delivered by the PECs.

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## PRELIMINARY FINDINGS

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### Background

The Kyrgyz Republic has a semi-presidential system of government. The 2017 presidential election was the second one since the adoption of the current Constitution in 2010, under which the incumbent president cannot stand for re-election. The latest amendments to the Constitution were initiated in 2016 by members of parliament (MPs), including from the ruling Social Democratic Party of Kyrgyzstan (SDPK). This initiative met strong resistance from parts of the opposition and from civil society organizations who claimed that the law prohibited changes to the constitutional powers of the president and parliament until 2020. The proposed amendments were eventually adopted through a referendum in December 2016. The OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) in their assessment of the amendments noted potentially negative consequences for the rule of law and the protection of human rights.<sup>2</sup>

### Electoral System and Legal Framework

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 runoff takes place between the two candidates with the most votes. The law does not specify a deadline for the second round.<sup>3</sup> There is no turnout requirement for the validity of either round.

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<sup>2</sup> See OSCE/ODIHR and Venice Commission's [Joint Opinion on the draft Law "On Introduction of Changes and Amendments to the Constitution"](#). While most constitutional amendments entered into force in January 2017, the amendments related to the powers of the president and the parliament will enter into force on 1 December 2017.

<sup>3</sup> The second round is held no earlier than two weeks from the announcement of the first-round results, which the CEC must establish within 20 days of the first-round election day.

Kyrgyzstan is a party to major international instruments related to democratic elections, which form part of the national legal system.<sup>4</sup> The legal framework for presidential elections comprises the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (electoral law), the 2011 Law on Electoral Commissions, and other legislation.<sup>5</sup> Numerous amendments were made to the electoral law in June 2017.<sup>6</sup> Some OSCE/ODIHR Election Observation Mission (EOM) interlocutors opined that these amendments were insufficiently consulted with electoral stakeholders.

The legal framework in general adequately regulates issues related to election and voter lists administration as well as voter identification. Rules on candidate nomination and registration are detailed but complex, making compliance difficult. At the same time, regulation of campaigning, campaign financing, citizen observation, and complaints is not clear and comprehensive, and at times departs from international standards. In particular, campaign-related prohibitions, including those aimed at preventing the misuse of public resources, lack precision and proved challenging for the the Central Commission for Elections and Referenda (CEC) to apply.<sup>7</sup> The law does not provide clear rules for establishing campaign violations and consistent application of proportionate sanctions.<sup>8</sup> Newly introduced rules for citizen observers contributed to inconsistent regulation.<sup>9</sup> Deadlines for filing complaints with the courts were unclear in the law, making the effectiveness of available legal remedies questionable.<sup>10</sup> There is room for improvement in the legal framework to effectively deter vote-buying.<sup>11</sup>

## **Election Administration**

The presidential election was administered by the CEC, 54 Territorial Election Commissions (TECs) and 2,375 Precinct Election Commissions (PECs), including 37 polling stations established in embassies and consulates of the Kyrgyz Republic for voters abroad.

The CEC is a permanent, collegial body responsible for the organization of elections.<sup>12</sup> Its sessions included substantive and extensive discussions and were open to and regularly attended by various

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<sup>4</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women, and the 2003 UN Convention against Corruption. The monitoring of all three conventions is also undertaken under the EU's Special Incentive Mechanism for Sustainable Development and Good Governance.

<sup>5</sup> Including the 1999 Law on Political Parties, the 2012 Law on Peaceful Assemblies, the 1998 Code on Administrative Liability, and the 1997 Criminal Code.

<sup>6</sup> Changing, *inter alia*, provisions related to campaigning in online media, handling of voter lists, voter identification, election-day procedures, campaign financing, electoral deposits, and the status of citizen observers.

<sup>7</sup> For example, the CEC discussed at length whether the prohibition on participation of officials in campaigning included use of their photos; whether a school director could call to vote for a candidate during a meeting with parents; whether the head of state railways was allowed by law to do the same during a meeting with workers; and whether MPs were allowed to campaign.

<sup>8</sup> The law prohibits incitement of hatred in campaigns, defamatory publications, and vote-buying but does not contain procedures and criteria for establishing such violations by election commissions. The only sanctions for campaign violations in electoral law are a warning and the possibility of deregistration for "repeat violation". While fines may be imposed under the Code on Administrative Liability, election commissions have not applied these sanctions.

<sup>9</sup> The term "citizen observers" was introduced in the electoral law with the 2017 amendments. Many provisions of the law continue to refer only to "observers" (e.g. Articles 8, 29, 31, 33, 35, 36, 39, 43, and 44), and it is unclear whether they also cover citizen observers.

<sup>10</sup> Several court appeals against CEC decisions were rejected because they were submitted within three, and not two days from the date of the respective decisions. Courts may only cancel a contested CEC decision but not order the CEC to take a different decision.

<sup>11</sup> Vote-buying is criminalized but is a matter of "private prosecution". The Prosecutor General's office confirmed to the OSCE/ODIHR EOM that vote-buying is neither investigated nor prosecuted by law-enforcement bodies.

<sup>12</sup> Twelve CEC members are appointed for a five-year term by the parliament, upon nominations from the president, the parliamentary majority, and the parliamentary opposition, who each nominate four members.

stakeholders.<sup>13</sup> According to the law, CEC decisions must be published on the CEC website within 24 hours; however, not all decisions were published in a timely manner. While decisions on technical matters were often passed unanimously, the CEC was often divided while handling complaints against candidates Omurbek Babanov and Sooronbay Jeenbekov, who were seen as the main contenders. At times, these discussions were tainted by mutual personal accusations among CEC members. Some CEC members and candidate representatives, during sessions, repeatedly called upon CEC members to refrain from taking politically motivated decisions. CEC members favoured certain candidates, which resulted in disagreements during decision-making on important issues and negatively affected CEC impartiality, especially with regard to handling the complaints.

CEC decisions are taken by the majority of votes of the appointed CEC members.<sup>14</sup> The legislation provides for mandatory participation of members in all sessions. However, those who expect to be absent may leave their votes in advance for or against a decision in writing.<sup>15</sup> On a number of occasions, such votes were deposited and counted, even though some draft decisions were amended during the respective session. As such, this practice could undermine the collegiality in the work of the CEC.

Lower-level election commissions are formed for two-year terms.<sup>16</sup> The OSCE/ODIHR EOM observed that technical preparations for the election were well organized, and TECs and PECs visited were well-resourced and operational. Most interlocutors of the International Election Observation Mission (IEOM) did not raise any questions regarding impartiality of the lower-level commissions. The TECs, however, often failed to notify the OSCE/ODIHR EOM about the time of session and did not publicize session agendas in advance, thus decreasing the transparency of their work. Women are well represented in TECs, accounting for 48 per cent of all members, although they only account for 33 per cent of TEC chairpersons. Some 67 per cent of PEC chairpersons of polling stations observed were women, and women accounted for 71 per cent of all PEC members in these polling stations.

The CEC also prepared and aired on public television (TV) voter information spots in Kyrgyz and Russian languages, focusing on the importance of elections, voter registration, participation of out-of-country voters and voters with disabilities, election-day procedures, and vote-buying. Some of the spots were supported by sign language. Most IEOM civil society interlocutors welcomed the efforts of the newly established CEC working group on facilitation of voting rights of persons with disabilities, while acknowledging that its efforts mainly focused on the next electoral cycle.

## **Voter Registration**

Citizens who have attained the age of 18 before or on election day are eligible to vote, except those serving a prison sentence, irrespective of the gravity of the crime committed,<sup>17</sup> and those having been

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<sup>13</sup> Since the election was called, the CEC conducted some 65 sessions and adopted some 330 decisions and regulations.

<sup>14</sup> Article 18.2 of the Law on Election Commissions stipulates that certain decisions (e.g. registration of a candidate) require two thirds of the votes to be adopted.

<sup>15</sup> Article 25 of the Rules of Procedures of the CEC stipulates that a CEC member who is absent for valid reasons may familiarize herself or himself with the agenda and draft resolutions in advance and leave her/his decision in writing. In such cases, the member is considered to have voted.

<sup>16</sup> One half of the members of each commission are nominated by political parties, while the rest are nominated by local councils. Each political party can only have one member in a TEC or a PEC.

<sup>17</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”. Paragraph 14 of the UN Human Rights Committee’s (CCPR) General Comment No. 25 on Article 25 to the ICCPR requires that “if a conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence”.

declared incapacitated by a court decision, which is at odds with international commitments.<sup>18</sup> The voter registration system is passive. However, to be registered as a voter, eligible citizens must submit their digital fingerprints, photo, and signature to the biometric database of the State Registration Service (SRS); biometric data is used for voter authentication on election day.

The voter register is based on the extract from the nationwide, electronic Unified Population Register maintained by the SRS. Final voter lists, according to the SRS, included 3,025,770 voters.<sup>19</sup> Between 16 August and 29 September, citizens could verify their data.<sup>20</sup> During this period, 111,182 citizens submitted their biometric data and were added to the voter register, 28,397 citizens initiated corrections, while 316,064 voters requested that their voting address be temporarily changed according to their place of stay (among them 103,822 in Bishkek and 47,992 in Osh). In order to accommodate these voters, 33 additional polling stations were established in Bishkek.

Most IEOM interlocutors expressed general confidence in the accuracy and transparency of the voter registration system, while noting that a significant number of citizens, especially those residing abroad, remain excluded from biometric registration, and thus from the voter register.<sup>21</sup> This effectively deprived citizens of exercising their right to vote. While PECs in general provided adequate conditions for voters to initiate changes and corrections in the voter lists during the public scrutiny period, the OSCE/ODIHR EOM observed, at times, long queues and overcrowding at a number of the SRS biometric data collection points.

## Candidate Registration

Any Kyrgyzstani citizen between the age of 35 and 70, who has resided in the country for more than 15 years in total and has command of the state language, can stand for president. The electoral law bans from candidacy individuals who are not eligible to vote, as well as those with unexpunged or unexpired criminal records.<sup>22</sup> To register, each candidate has to establish an electoral fund, submit an electoral deposit, and provide support signatures of at least 30,000 voters.<sup>23</sup> Candidates can be nominated by political parties or through self-nomination.

The CEC registered 13 out of the 59 initially nominated candidates, including 1 woman and 5 candidates nominated by political parties.<sup>24</sup> Nine nominees withdrew before registration, and the CEC denied

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<sup>18</sup> Article 29 of the [Convention on the Rights of Persons with Disabilities](#) (CRPD) stipulates that state parties to the convention shall “Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others; [...] including the right and opportunity for persons with disabilities to vote and be elected”. The CRPD was signed by the president of the Kyrgyz Republic in 2011; however, the parliament has thus far not ratified it.

<sup>19</sup> By 12 October, the final voter lists were posted by PECs and also published on the CEC website.

<sup>20</sup> Voters could verify their data via the voter lists posted for public scrutiny at PECs, on the website [shailoo.srs.kg](http://shailoo.srs.kg), and through the SRS call centre by phone or SMS; the OSCE/ODIHR EOM noted that in some areas the PECs led door-to-door campaigns to verify the accuracy of voter lists.

<sup>21</sup> According to data from the National Statistical Committee, there are 3,876,985 adult Kyrgyzstani citizens. According to the SRS, the number of voters registered abroad on the final voter register is 18,580.

<sup>22</sup> Convicted offenders retain a criminal record for up to ten years after they serve their sentence, depending on the gravity of the crime committed. A motion may be made to a court to expunge the criminal record before it expires.

<sup>23</sup> The 2017 legal amendments increased tenfold the electoral deposit, to 1 million Kyrgyzstani *Som* (KGS, some EUR 12,500; EUR 1 is approximately KGS 82). The deposit is returned to candidates who receive at least 5 per cent of all votes cast. On 2 October, the CEC decided to return the deposit to all five nominees who had paid the deposit but had not been registered as candidates.

<sup>24</sup> Arstanbek Abdylidayev, Omurbek Babanov, Azimbek Beknazarov, Sooronbay Jeenbekov, Ulukbek Kochkorov, Adakhan Madumarov, Arslanbek Maliev, Taalatbek Masadykov, Temir Sariev, Kamchybek Tashiev, Bakyt Torobayev, Toktayim Umetaliyeva, Ernis Zarlykov.

registration to 37 candidates, mostly due to failure to establish electoral funds, provide sufficient valid signatures, or pass the language test.<sup>25</sup> Seven rejected candidates appealed the respective CEC decisions to the court, without success.

Although voters were presented with a wide choice of candidates, the inclusiveness of the registration process was challenged by a burdensome nomination process, including the process of collecting of support signatures, and a restrictive approach in their verification.<sup>26</sup> Some OSCE/ODIHR EOM interlocutors raised serious questions regarding the procedure and methodology of support signature verification.<sup>27</sup> Indeed, the extrapolation of the number of invalid signatures from a sample verified to the total number of collected signatures may lead to an unjustified refusal in registration, thus endangering the right to stand.<sup>28</sup> Three prospective candidates were not registered based only on presumption of invalidity of signatures that had not been verified as such. The signature verification process is open to candidate representatives, although in at least one instance, it was conducted in the absence of the candidate representative.<sup>29</sup> The law is silent regarding the right of citizen observers to scrutinize the verification process.<sup>30</sup>

While no candidates were deregistered, the law continues to provide for overly broad grounds regarding the deregistration of candidates, including for violating campaign finance regulations and campaign rules, or if candidate's representatives are involved in vote-buying.

## **Election Campaign**

The election campaign lasted from 10 September to 13 October. The registered candidates could, in general, campaign freely using a variety of campaign methods. Several candidates and their regional structures were actively campaigning throughout the country.<sup>31</sup> Campaign materials of candidates Babanov and Jeenbekov were the most visible, followed by those of Mr. Sariev.<sup>32</sup> Some candidates were predominantly active on social media and in more low-profile encounters with voters, rather than at rallies. Two candidates withdrew from the race and endorsed the leading contenders.

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<sup>25</sup> Of the 37 rejected candidates, 10 submitted more than 30,000 signatures, but the CEC considered most of them to be invalid for various reasons. For instance, nominees Omurbek Tekebayev and Iskhak Masaliev were denied registration, primarily because the costs for producing signature collection sheets were not covered from their electoral fund accounts. Nominee Rita Karasartova fell short of some 2,900 signatures, partly due to the fact that voters, besides signing, did not fill in other details (such as address and telephone number) themselves. In her court complaint, nominee Kamila Sharshkeeva argued that the CEC members invalidated the same signatures on different grounds but counted these separately, artificially inflating the number of invalid signatures.

<sup>26</sup> Paragraph 17 of the CCPR General Comment No. 25 on Article 25 to the ICCPR states that “if a candidate is required to have a minimum number of supporters for nomination, this requirement should be reasonable and not act as a barrier to candidacy”. Section I.1.3.iii of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “Checking of signatures must be governed by clear rules”.

<sup>27</sup> The electoral law allows for full or partial verification of signatures, the latter by randomly selecting and verifying 20 per cent of the submitted support signatures. Criteria for determining the validity of the support signatures and details on the verification process are regulated by the CEC Instruction No. 165 of 17 June 2017.

<sup>28</sup> According to CEC Instruction, the number of valid signatures is determined by multiplying the number of invalid signatures found during verification by five and subtracting that figure from the total number of submitted signatures.

<sup>29</sup> On 4 September, the CEC conducted additional verification of Kanatbek Isayev's support signatures, whereby an additional 2,080 signatures were recognized as invalid. According to the complaint submitted to the court, neither the nominee nor his representative were invited to attend this signature verification, contrary to the law.

<sup>30</sup> The OSCE/ODIHR EOM is aware of one citizen observer organization which was not granted access to the signature verification process and to the language test for presidential candidates.

<sup>31</sup> Omurbek Babanov, leader of opposition Respublika-Ata-Jurt party, Sooronbay Jeenbekov, nominated by the SDPK, and Temir Sariev, leader of Akshumkar party, all three former prime ministers, led the most active campaigns.

<sup>32</sup> Copies of all campaign materials are to be submitted to the CEC. In practice, candidates did so before distributing such materials, resulting in *de facto* pre-approval of their content.

The campaign took place amid several criminal cases against opposition politicians and their supporters. On 16 August, the leader of opposition party *Ata-Meken* and MP Omurbek Tekebayev was sentenced to eight years in prison for corruption.<sup>33</sup> On 10 October, another member of *Ata-Meken* party and MP Aida Salyanova was sentenced to five years in prison for a “misuse of office”, a case dating back to 2010. On 30 September, MP Kanatbek Isayev, Mr. Babanov’s supporter, was detained on suspicion of preparing mass disturbances and a violent takeover of power. Three more people have since been detained in connection with this case.

The election campaign was peaceful; however, it also became more confrontational closer to election day, and the IEOM received credible reports of misuse of public resources and pressure on voters, as well as allegations of vote-buying. In addition, many IEOM interlocutors as well as media reported about public officials strongly encouraging voters to register new temporary voting addresses and to support a certain candidate. However, little evidence was brought forward to substantiate such claims and many IEOM interlocutors attributed this to fear of repercussions and/or a lack of trust in the law enforcement and the justice system.<sup>34</sup> The OSCE/ODIHR EOM received information of cases of destruction of campaign materials in several regions.<sup>35</sup>

The electoral law bans the participation in campaigns of certain individuals, including public officials, charity workers, religious figures, and minors. On 21 September, Prime Minister Sapar Isakov relieved Deputy Prime Minister Duishenbek Zilaliev of his duties as head of the task force for technical and logistical support to the electoral commissions, after it emerged that Mr. Zilaliev during a meeting in Batken city hall had called on state employees to vote for Mr. Jeenbekov.<sup>36</sup> Towards the end of the election campaign, President Atambayev made several statements in favour of Mr. Jeenbekov. On 4 October, in response to claims of Mr. Babanov that he would be elected in the first round, President Atambayev made an official statement that in order to ensure the free expression of the voters’ will and to prevent “imposition of false information”, he was releasing poll results with “real information”.<sup>37</sup> On 9 October, following the death of Deputy Prime Minister Temir Dzhumakadyrov, in a traffic accident, and during the 12 October visit to Osh, President Atambayev made several harsh statements against Mr. Babanov. This altogether challenged paragraph 7.6 of the 1990 OSCE Copenhagen Document.<sup>38</sup>

On 28 September, Mr. Babanov made a speech in Osh addressing the local Uzbek community. Starting from the next day, several TV stations, including public broadcasters, started intensive coverage of this speech, largely taken out of context. The coverage implied that the speech constituted incitement to interethnic hatred. Subsequent, potentially orchestrated, demonstrations against Mr. Babanov in Bishkek, Jalal-Abad, and Osh were covered for several days on TV. The CEC received multiple

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<sup>33</sup> After subsequent application of an amnesty, the sentence was reduced to 4.5 years of imprisonment.

<sup>34</sup> In one case of a teacher of the Kyrgyz State Law Academy, the General Prosecutor’s office launched an investigation into the allegation that she pressured students to vote for Mr. Jeenbekov.

<sup>35</sup> The Ministry of Interior informed the OSCE/ODIHR EOM that it received over 40 complaints about damage to and destruction of campaign materials. Representatives of some campaign offices in the regions opined to the OSCE/ODIHR EOM that they did not have confidence in impartiality and effectiveness of the police.

<sup>36</sup> During the inauguration of a sports stadium on 3 October, the OSCE/ODIHR EOM observed that Mr. Zilaliev used more careful language but again, in effect, campaigned for Mr. Jeenbekov.

<sup>37</sup> The [statement](#) was accompanied by previously unpublished survey results of voting intentions for leading candidates with largely positive dynamics in favour of Mr. Jeenbekov. These opinion results did not contain all elements required by the electoral law, including the survey method, margin of error, and the person who ordered and paid for the poll.

<sup>38</sup> Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits participating States to “provide ... parties ... with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities”.



complaints requesting to deregister candidate Babanov and issued a warning to him (See *Complaints and Appeals*).

Freedom of assembly was generally respected during the election campaign, with the significant exception of Bishkek where the city authorities decided on a ban of public gatherings near official buildings throughout the election period, contrary to the legislation and international standards.<sup>39</sup> Two district courts in Bishkek confirmed this prohibition.<sup>40</sup> Nevertheless, the final campaign rally of Mr. Jeenbekov took place at the Ala-Too square in Bishkek on 13 October.

Women remain underrepresented in political life, including in elected office. Currently, 19 of the 120 MPs, 3 of the 22 members of the government, and none of the 9 governors are women. While the OSCE/ODIHR EOM observed a gender balance among the voters attending the rallies, there was a strong predominance of men among campaign staff and a lack of platforms addressing gender issues in society.

## **Campaign Finance**

Election campaigns may be financed from candidates' own contributions, as well as by donations from citizens and legal entities.<sup>41</sup> Candidates do not receive public funding. In June, the limits for own contributions and for donations for election campaigns were significantly increased, while the limit on campaign spending was removed from the law.<sup>42</sup> In the absence of public funding and campaign spending limits, the free choice of voters and equality of opportunities of candidates may be undermined by disproportionate expenditure.<sup>43</sup>

Nominated candidates are required by law to open designated bank accounts for their electoral funds. The CEC published on a weekly basis the total amounts of income, expenditure, and balance on these accounts.<sup>44</sup> In line with a CEC instruction, all candidates presented interim reports of their campaign revenues and expenditures prior to election day. These reports, as well as candidates' final reports

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<sup>39</sup> Paragraph 7.7 of the 1990 OSCE Copenhagen Documents commits participating States to “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views”. Paragraph 9.2 further states that “everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards”.

<sup>40</sup> On 28 July, the Pervomaisky district court of Bishkek upheld the application of the district administration to ban all peaceful assemblies in specified central locations of Bishkek, including the Ala-Too square, between 27 July and 20 October 2017, “with the exception of official cultural mass gatherings”. On 26 September, a similar application of the Oktyabrsky district administration of Bishkek was upheld by the district court, banning all peaceful assemblies anywhere in the district, with the exception of the Botanical Garden, until 20 October. The Law on Peaceful Assemblies only provides for a possibility of restricting a specific assembly in time and place, in response to the application of organizers, but not for a pre-emptive blanket ban on assemblies. See also Article 21 of the ICCPR.

<sup>41</sup> Donations from foreign sources and stateless individuals, public bodies and companies with state participation, religious and charitable organizations, tax and social security debtors, and anonymous donors are prohibited.

<sup>42</sup> A candidate may contribute KGS 15 million (EUR 187,000), while an individual or legal entity may donate up to KGS 50 million (EUR 623,300). Para 19 of CCPR General Comment No. 25 on Article 25 to the ICCPR states that “reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party”.

<sup>43</sup> Section I.2.3.e of the 2002 Venice Commission Code of Good Practice in Electoral Matters states “The principle of equality of opportunity can ... lead to a limitation of [campaign] spending, especially on advertising”.

<sup>44</sup> As of 9 October, the largest amounts have been spent by candidates Babanov (some KGS 197 million), Jeenbekov (some KGS 99 million), and Sariev (some KGS 39 million).

presented 10 days after the election day, are audited by the CEC audit group to oversee compliance with campaign finance rules. There is no requirement to publish these reports and audit results.<sup>45</sup>

Transparency of campaign financing was insufficient, and the legal framework is not clear enough to meet contemporary challenges of political finance regulation.<sup>46</sup> The electoral law does not require disclosure of sources of funding, thus departing from the international obligation to provide transparency.<sup>47</sup> The law does not provide a range of proportionate sanctions for violations of campaign finance rules.<sup>48</sup>

## Media

The Constitution guarantees freedom of expression and explicitly prohibits criminal prosecution for defamation. However, contrary to international standards, the Law on Guarantees for Activity of the President grants higher protection to the president in civil defamation cases, and the Civil Code does not

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<sup>45</sup> According to the paragraph 200 of OSCE/ODIHR and Venice Commission's [Guidelines on Political Party Regulation](#), it is good practice for campaign finance reports to be made available on the Internet in a timely manner.

<sup>46</sup> Section II.B.2.2.3 of the 2016 OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes recommends: "Political parties and candidates should be required to report on the origin and purposes of all the campaign finance transactions in order to facilitate transparency and the detection of the potential misuse of administrative resources".

<sup>47</sup> Article 7.3 of the UN Convention against Corruption prescribes to consider taking "appropriate legislative and administrative measures ... to enhance transparency in the funding of candidatures for elected public office".

<sup>48</sup> The only available sanctions for violations of campaign financing rules are a warning, possible deregistration of a candidate by the CEC, and criminal charges under the Criminal Code.

limit the amount of damages awarded to the plaintiff.<sup>48</sup> An increasing number of defamation cases with excessive damages claimed by the incumbent president and Mr. Jeenbekov and awarded against media and journalists before and during the campaign had an adverse effect on an open debate of matters of public concern.<sup>49</sup> Furthermore, 13 complaints on alleged defamation were filed with the CEC against media outlets, in most cases demanding, among others, that the media's accreditation be revoked.<sup>50</sup> Although the CEC revoked only one accreditation, before the start of the campaign, the mere threat of financial damage results in self-censorship among journalists.

Provisions of Article 299 of the Criminal Code, regarding “incitement of national (inter-ethnic), racial, religious or interregional enmity” are broadly formulated and are thus not in line with international standards on freedom of expression.<sup>51</sup> On 29 September, the Bishkek City Court upheld the conviction of journalist Zulpukaar Sapanov based on Article 299, but changed the sentence from the initial four years imprisonment to two years on probation.<sup>52</sup>

While ultimate media ownership is not transparent, commercial TV stations are publicly perceived as being owned by political actors. Public broadcasters, still the main source of information, are not perceived as independent from the government.<sup>53</sup> The closing of TV station *September* by a court on 22 August for broadcasting allegedly extremist content further reduced views critical of the government. Positively, a generally free Internet increasingly provides room for alternative information to people.<sup>54</sup>

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<sup>49</sup> On 5 October, the court awarded Mr. Jeenbekov KGS 10 million (EUR 124,700) in a defamation suit against the online news portal *24.kg* and journalist Kabay Karabekov. The lawsuit was filed after Mr. Jeenbekov, following a complaint filed with the CEC on 15 September in the same case, was given the right to refutation by *24.kg* and the incriminated article was removed from its website. The article implied concerns expressed by the Russian Secret Service over alleged ties of Mr. Jeenbekov's brothers with Arab extremist groups. Other recent cases include a total of KGS 27 million (EUR 336,600) awarded in August and September 2017 in five claims filed by the Prosecutor General on behalf of President Atambayev against the NGO *ProMedia*, which ran the online news site *Zanoza*.

<sup>50</sup> In order to “participate in the pre-election campaign” – to sell advertising time or space, as well as to cover the activities of the CEC, media outlets, including online media, have to be accredited by the CEC. On 4 October, the CEC amended its Regulation on Media Accreditation to provide that media accreditations can only be revoked for repeat violation and that media must be warned before their accreditation is withdrawn. On 9 August, the CEC decided in favour of Mr. Babanov and revoked the accreditation of *chagylgan.kg*. The case was further forwarded to the prosecutor. The Internet source had published an article alleging that Mr. Babanov's campaign was being financed by an organization which in some countries, including Turkey, is categorized as a terrorist organization.

<sup>51</sup> Article 299.1 of the Criminal Code does not explicitly define “incitement of national (inter-ethnic), racial, religious or interregional enmity” as “any advocacy of national, racial or religious hatred *that constitutes incitement to discrimination, hostility, or violence*” as required by Article 20.2 of the ICCPR. Furthermore, the same article is not formulated with sufficient precision to enable people to regulate their conduct and as such does not conform to Article 19.3 of the ICCPR (see the 2011 CCPR General Comment No. 34 to the ICCPR, para 25).

<sup>52</sup> Mr. Sapanov was convicted for publishing a book which, according to the court, called upon all Turkic peoples to unite and, at the same time, incited inter-religious enmity.

<sup>53</sup> On 29 September, public *KTRK* broadcast seven minutes prime-time coverage of Mr. Babanov addressing ethnic Uzbeks in Osh on 28 September (see *Election Campaign*). In contrast, matters of public interest like the conviction of Mr. Sapanov were not featured in news on *KTRK* and *EITR*.

<sup>54</sup> Internet penetration is 34.5 per cent according to [Internet World Stats](#).

OSCE/ODIHR EOM media monitoring<sup>55</sup> results revealed that 68 hours of paid political advertising were broadcast on the four monitored TV stations, compared to only 19 hours of campaign coverage in their

news.<sup>56</sup> The electoral law and the CEC Instruction on Media Accreditation imply that covering candidates' campaigns could *de facto* be equated to "participating in the pre-election campaign". Journalists told the IEOM that they refrained from covering the campaign in order not to violate the law that they interpreted as permitting campaigning only on a contractual basis and if paid from the candidate's funds. Within the limited amount of campaign coverage TV stations were clearly biased.<sup>57</sup> An additional 2.7 hours of coverage on both public TV of the president Atambayev *de facto* campaigning for Mr. Jeenbekov gave the latter a distinct advantage. The monitored newspapers and online news sources also did not provide an adequate amount of coverage and, at times, displayed bias, albeit to a lesser extent.

Televised debates provided a welcome opportunity for voters to get information about candidates, who were otherwise virtually invisible to the audience to present their platform. This contributed to greater pluralism. Nevertheless, this could not counterbalance the absence of sufficient, unbiased, and analytical information for voters.

## Complaints and Appeals

Complaints about violations of electoral rights may be filed by voters, candidates, political parties, NGOs, their representatives and observers to election commissions, police, and prosecutors. Decisions and actions or inaction of election commissions and their officials are appealed to the higher-level election commission. Complaints about the CEC and appeals against its decisions are submitted to the Inter-district Court for Bishkek City (ICB), whose rulings may be appealed to the Supreme Court for a final decision.

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<sup>55</sup> From 10 September to 13 October, the OSCE/ODIHR EOM conducted quantitative and qualitative monitoring of the prime-time coverage of political actors on four TV stations and in three newspapers: the public *EITR* and *KTRK*, the commercial *NTS* and *7 Channel*, and the newspapers *Delo No*, *Super Info*, and *Vecherniy Bishkek*. The OSCE/ODIHR EOM also followed the campaign coverage on online outlets *Jalbyrak.tv* and *kaktus.media*.

<sup>56</sup> Some 85 per cent of the total paid airtime on the monitored TV were purchased by Mr. Babanov and Mr. Jeenbekov.

<sup>57</sup> Both public TVs, *KTRK* and *EITR*, displayed bias in favour Mr. Jeenbekov. *KTRK* devoted 70, 16, and 6 per cent of its relevant news coverage to Mr. Babanov, Mr. Jeenbekov, and Mr. Sariiev, respectively. However, 84 per cent of Mr. Babanov's coverage was in a negative tone, while 88 per cent of Mr. Jeenbekov's coverage was positive. Mr. Sariiev's coverage was 98 per cent positive in tone. *EITR* devoted 70 and 22 per cent of its news to Mr. Babanov and Mr. Jeenbekov, respectively. However, 95 per cent of Mr. Babanov's coverage was in a negative tone, while Mr. Jeenbekov's coverage was 98 per cent positive. *7 Channel* (formally owned by Mr. Tashiev's brother, but reportedly affiliated with people close to the president) devoted 54, 8, 11, and 12 per cent of its news coverage to Mr. Babanov, Mr. Jeenbekov, Mr. Tashiev and Mr. Torobayev, respectively. However, 90 per cent of Mr. Babanov's coverage was in a negative tone, while 93 per cent of Mr. Jeenbekov's coverage was positive. Mr. Tashiev was covered in 96 per cent in a positive tone and Mr. Torobayev in 82 per cent in a negative tone. *NTS* (reportedly owned by a businessman connected to Mr. Babanov) devoted 39 and 54 per cent of its news to Mr. Babanov and Mr. Jeenbekov, respectively. However, 96 per cent of Mr. Babanov's coverage was in a positive tone, while 96 per cent of Mr. Jeenbekov's coverage was in negative tone.

The CEC received some 90 complaints before election day, all of which were reviewed by its working groups.<sup>58</sup> The majority of these complaints alleged violations of campaigning rules.<sup>59</sup> The CEC maintained an online registry of complaints, enhancing the transparency of complaint resolution. While the legal deadlines were generally observed and parties could present their arguments,<sup>60</sup> there were notable exceptions.<sup>61</sup> The CEC considered most complaints, but did not always use the sanctions available and provide effective remedies.<sup>62</sup> Candidate Babanov was given three warnings, while complaints against other candidates were not subjected to the same scrutiny, revealing a bias in the CEC's interpretation and application of the law.<sup>63</sup> The decision to issue a third warning to Mr. Babanov, primarily for his address to the ethnic Uzbek voters in On-Adyr district of Osh, did not explain which specific rules of electoral law were breached by the conduct of Mr. Babanov.<sup>64</sup>

Some 30 appeals against the CEC were made to courts before election day. The ICB and the Supreme Court upheld all contested CEC decisions.<sup>65</sup> The parties were able to present their cases in courts and rulings were reasoned; however, the scope of judicial review was often limited and indicated reluctance to question CEC decisions, especially related to candidate registration, challenging paragraph 5.10 of the 1990 OSCE Copenhagen Document.<sup>66</sup> A

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<sup>58</sup> Complaints were primarily reviewed by the working groups on complaints and on campaigning, sometimes jointly.

Reflecting divisions within the CEC, these working groups suggested different draft decisions on some complaints.

<sup>59</sup> Including by candidates and the media, campaigning by officials, and misuse of public resources.

<sup>60</sup> Complaints must be filed within two days from the time the complainant became aware of the infringing action. Election commissions and courts must decide on pre-election complaints within three days; this period may be extended to five days for additional verification.

<sup>61</sup> Two complaints against Mr. Babanov by Mr. Jeenbekov's representative that resulted in written warnings to Mr. Babanov were filed after the two-day deadline for filing complaints and the CEC decisions were made after the five-day deadline. At the CEC session on 7 October, Mr. Babanov's representative was not given the opportunity to present his views on the proposed second warning, on the grounds that he had addressed CEC working group meetings earlier. After he protested, he was expelled from the CEC session.

<sup>62</sup> The CEC discussed imposing administrative fines on several occasions but did not impose any. Complaints against officials and a religious figure who were found in breach of campaign rules were forwarded to other bodies with a request to "consider the issue of liability". A complaint about pressure on students to vote for Mr. Jeenbekov was forwarded to the Prosecutor General's office, without any follow-up. On 26 September and on 2 October, the CEC was unable to reach the required majority for decision on two complaints, and the law does not prescribe the consequences of such a deadlock.

<sup>63</sup> The decision to issue the first warning to Mr. Babanov for his campaign billboards broadly interpreted provisions of the electoral law prohibiting campaigning by officials and false and defamatory publications. The second warning to Mr. Babanov, for endorsement by a religious figure during a rally, followed a thorough investigation by the CEC effectively aimed at refuting the evidence submitted by Mr. Babanov's representative. Similar investigations were not undertaken with respect to other complaints. By contrast, Mr. Jeenbekov did not receive a warning for participating in a campaign event where he was endorsed by an influential religious leader.

<sup>64</sup> Numerous complaints about Mr. Babanov's speech in On-Adyr district were made to the CEC after the public broadcasters aired reports on this campaign event, taking parts of the speech out of context (See *Media*).

<sup>65</sup> In one appeal against CEC inaction, the ICB ruled that the CEC must make a decision.

<sup>66</sup> Three challenges of CEC decisions on the results of support signature verification, by Iskhak Masaliev, Kanatbek Isayev, and Kamila Sharshekeeva, were rejected by the ICB due to the missed deadline of two days, although a threeday deadline could be applied to such appeals. A subsequent appeal by Mr. Isayev of the CEC resolution denying him registration was not satisfied by the court, *inter alia* because the resolution was based on the prior CEC decision on support signature verification, which the ICB said remained in force as it was not "invalidated by a court". Paragraph 5.10 of the 1990 OSCE Copenhagen

number of IEOM interlocutors raised concerns about the lack of independence of the judiciary.<sup>67</sup> Positively, court rulings were published online.<sup>68</sup>

## **Participation of National Minorities**

Inter-ethnic relations remain a relevant factor in politics as minorities constitute 27 per cent of the population, with the biggest communities residing compactly in the south of the country.<sup>69</sup> The Constitution acknowledges that the population of Kyrgyzstan is composed of different ethnicities, with principles of non-discrimination and equality enshrined in the Constitution and other laws. There is neither a law on national minorities nor a separate anti-discrimination law, but non-discrimination provisions feature in the Criminal Code.

National minorities are significantly under-represented in most TECs even in the areas where they reside compactly. Although all voter education material was published in the state (Kyrgyz) and official (Russian) languages, IEOM interlocutors did not raise any complaints with regard to lack of materials in minority languages. While the law allows for campaign material in minority languages, with very few exceptions, such materials were produced in the Kyrgyz and Russian languages only.

Although issues related to inter-ethnic peace and national unity featured in some candidates' rhetoric at campaign events observed by the OSCE/ODIHR EOM, contestants' platforms did not specifically address the situation of national minorities, inter-ethnic relations, or integration of society.

The OSCE/ODIHR EOM did not observe any anti-minority rhetoric, but inter-ethnic and identity issues were at times utilized for political ends, contributing to the confrontational nature of the campaign. In particular, the stir related to Mr. Babanov's 28 September campaign event in Osh and the subsequent reaction by a number of officials and prominent public figures, caused considerable disquiet to members of the Uzbek community (See *Election Campaign*).

## **Citizen and International Observers**

Civil society organizations, candidates, and international organizations are entitled to appoint election observers. The electoral law provides for election observation of all stages of the electoral process. However, the 2017 legal amendments limit the number of observers that civil society organizations and candidates can deploy, restrict observers' mobility on election day, and remove the right of citizen observers to appeal election results. IEOM civil society interlocutors generally evaluate these changes as an attempt to limit the scope of citizen observation and thus undermine its effectiveness. At the same time, OSCE/ODIHR EOM noted that in the pre-electoral period civil society organizations, such as Civic Platform, Coalition for

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Document states: "...everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

<sup>67</sup> See UN Human Rights Committee's [Concluding observations on the second periodic report of Kyrgyzstan](#), para 18.

<sup>68</sup> Court rulings are edited to remove names of the parties and are posted on the official website sot.kg.

<sup>69</sup> The second-biggest ethnic community are ethnic Uzbeks, making up about 14.6 per cent of population and compactly residing predominantly in Osh and Jalal-Abad regions. Other sizeable ethnic communities include Russians (5.8 per cent), Dungans, Tajiks, and Uigurs (1 per cent each).

Democracy and Civil Society, and *Taza Shailoo* played an important role in civic and voter education campaigns and undertook comprehensive long-term observation which contributed to increasing the transparency of the electoral process.

Citizen observers are accredited by the election commission where they observe. A number of OSCE/ODIHR civil society interlocutors reported arbitrary application of the accreditation rules by some lower-level commissions, including requesting documents not foreseen by the law.

International observers may be invited by the president, the parliament, the government, or the CEC. Some 773 observers representing 57 international organizations and foreign election commissions were accredited by the CEC to observe this election.

### **Election Day**

Election day was peaceful, and voter turnout, as announced by the CEC, was 56 per cent. The CEC started posting on its website detailed preliminary election results by polling station, based on initial results provided by the ballot scanners, shortly after the end of voting. Unauthorized people, including so-called ‘volunteers’, were present at all stages of the election day, at times interfering in the work of the commissions. Some cases of vote-buying and controlling voters’ access were observed by the IEOM.

Opening procedures were assessed negatively in 11 of the 112 polling stations observed, largely due to presence of unauthorized people. IEOM observers reported some problems with the sealing of ballot boxes and control sheets not being inserted in ballot boxes (6 reports each).

The voting process was assessed positively in 94 per cent of polling stations observed. It was orderly and well organized in the large majority of polling stations observed, despite the presence of and interference by unauthorized people in a number of cases and problems with ballot secrecy. Voting was assessed more positively in Bishkek and the north than in the south where 9 per cent of observations were negative.

Problems with the secrecy of the vote were of particular concern. IEOM observers reported from 16 per cent of polling stations observed that not all voters marked their ballots in secrecy, largely due to the design and positioning of the booths. In 55 per cent of polling stations observed, voters’ choice could be seen as they took their ballot to the ballot box. IEOM observers noted some procedural problems, in particular ballot boxes that were not properly sealed in 11 per cent of polling stations observed. They also reported some serious violations, including group voting (4 per cent), attempts to influence voters who to vote for, and series of seemingly identical signatures on voter lists (2 per cent each). IEOM observers also reported cases of tension, intimidation of voters, and indications of vote-buying. There was one report of a PEC member handing pre-marked ballots to voters.

In 5 per cent of polling stations observed, non-PEC members directed or interfered in the work of the PEC. Candidate observers were present in 99 per cent of polling station observed, and citizen observers in 67 per cent. The voter identification equipment generally worked well, and identification procedures were adhered to in almost all polling stations observed. Although in 27 per cent of polling stations observed not all voters could be identified by fingerprint

scanning, facial recognition worked in most cases. In 20 per cent, voters were turned away because their name was not on the voter list of the respective polling station. In 3 per cent of polling stations observed, the ballot scanner had to be replaced due to equipment failure.

Some 60 per cent of polling stations observed were not accessible for persons with disabilities, and in 30 per cent the layout was not suitable for these voters. IEOM observers reported overcrowding from 7 per cent of polling stations observed, and voters waiting outside polling stations to vote from 19 per cent.

The vote count was assessed negatively in more than a third of polling stations where it was observed (46 of the 138), which is of concern. Many PECs failed to perform basic reconciliation procedures, such as cancelling unused ballots (20 reports), counting the number of signatures on the voter list (42 reports), or producing an act on the number of ballots issued to voters (38 reports). In 34 counts observed, the PECs did not announce the preliminary results provided by the ballot scanner. Counting procedures were frequently not followed, including separating ballots by contestants (36 reports). In two thirds of the counts observed (82 reports), the PECs did not count the ballots one by one or announced who they were marked for. In 28 counts observed, the results protocol was not based on the manual vote count, as required by law, with some PECs simply transferring the results produced by the ballot scanner (in one observed case even before opening the ballot box). In 38 cases, protocols had been pre-signed by PEC members. In essence, more than one in five PECs relied on the results produced by the ballot scanners instead of manually counting the votes, which is required by the law.

In 24 counts observed, not everybody entitled to a protocol copy was issued one upon request, and in 43 cases, no copy was posted for public display. Unauthorized people were present during 74 counts observed and interfered in 19. Candidate observers were present in all but six counts observed, while citizen observers were present in 85 of the 138 observed.

The initial stages of the tabulation process were assessed negatively in 22 of the 50 TECs where it was observed. Many TEC premises were so overcrowded that it affected the process in 34 TECs. IEOM observers reported that many TECs delayed tabulation until all PECs had delivered their election materials. In many TECs, PECs arrived with protocols that were incomplete or did not reconcile correctly. The presence of candidate observers was reported from 16 TECs and of citizen observers from 39. In 23 TECs, not everybody present had a clear view of procedures, but IEOM observers could generally observe without restrictions.

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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Bishkek, 16 October 2017 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE), and the European Parliament (EP). The assessment was made to determine whether the election complied with OSCE commitments, international obligations and standards for democratic elections and with national legislation.



Mr. Azay Guliyev was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Mr. Artur Gerasymov headed the OSCE PA delegation. Ms. Doris Fiala headed the PACE delegation. Ms. Laima Andrikiene headed the EP delegation. Ambassador Alexandre Keltchewsky is the Head of the OSCE/ODIHR EOM, deployed from 5 September.

Each of the institutions involved in this International Election Observation Mission 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 post-election day complaints or appeals. The OSCE/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 Standing Committee meeting in Vienna in February 2018. The PACE will present its report at its Standing Committee meeting in November 2017 in Copenhagen. The EP will present its report at a forthcoming meeting of its Committee on Foreign Affairs.

The OSCE/ODIHR EOM includes 17 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 369 observers from 43 countries were deployed, including 298 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 37-member delegation from the OSCE PA, a 23-member delegation from the PACE, and a 11-member delegation from the EP. Opening was observed in 112 and voting was observed in 1071 polling stations across the country. Counting was observed in 138 polling stations and the tabulation in 50 TECs.

The IEOM wishes to thank the authorities for their invitation to observe the election, and the CEC and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media, civil society organizations, and international community representatives for their co-operation.

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



## **Competitive Kyrgyzstan presidential election provides for orderly transfer of power, although cases of misuse of public resources, pressure and vote buying remain a concern, international observers say**

BISHKEK, 16 October 2017 – The 15 October presidential election in Kyrgyzstan contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another, the international observers concluded in a preliminary statement released today. The election was competitive, as voters had a broad choice and candidates could generally campaign freely, although cases of the misuse of public resources, pressure on voters and vote buying remain a concern, the observers said.

The technical aspects of the election were well-administered, but the adjudication of election disputes by the Central Commission for Elections and Referenda (CEC) was sometimes biased. While televised debates contributed to greater pluralism, self-censorship and limited editorial coverage of the campaign signaled deficiencies in media freedom, the statement says. Voting was orderly and well-organized in the large majority of polling stations observed, despite problems with ballot secrecy. Numerous and significant problems were noted during the vote count and the initial stages of tabulation.

“Kyrgyzstan has demonstrated a generally positive example for holding competitive elections and a peaceful transfer of power, but some concerns remain,” said Azay Guliyev, Special Co-ordinator and Leader of the short-term OSCE observer mission. “I look forward to engaging with Kyrgyzstan on the issues we have identified, including on strengthening the legal framework for campaign financing, improving secrecy of the vote and curbing vote buying.”

Eleven candidates were registered, among them only one woman. The burdensome nomination process, including the collection of support signatures and the restrictive approach to verifying them, was a challenge for the inclusiveness of the registration process. While no candidates were deregistered, the law continues to provide overly broad grounds for candidate deregistration, despite previous OSCE/ODIHR recommendations.

Several candidates mounted active campaigns throughout the country. While peaceful, the campaign became more confrontational over time, the statement says.

“Yesterday’s voting was transparent and voters could make their choices freely among a wide range of candidates. This is a sign of the growing political maturity of Kyrgyz society. As for the election campaign – cases of restrictions on freedom of expression were reported, as well as of misuse of public resources,” said Doris Fiala, Head of the PACE Delegation. “As there is still some room for improvement in the legal framework and electoral practices, I invite the Kyrgyz authorities to continue their close co-operation with the Parliamentary Assembly and the Council of Europe Venice Commission.”

The legal framework adequately regulates many technical aspects of the electoral process. Legal provisions on some aspects, including campaigning and campaign financing, citizen observation and

complaints, are not comprehensive and lack clarity and, at times, do not conform to international standards. There is room for improvement in the legal framework in order to prevent misuse of public resources in election campaigns and to effectively deter vote-buying.

“This election was an important benchmark for the Kyrgyz Republic. New technological advances surely contributed to increased confidence in the election process, but there is still work to be done in improving the voter register,” said Artur Gerasymov, Head of the OSCE PA delegation. “I hope that the positive developments we have seen will serve as the basis for a consolidation of democracy in this country and in the region.”

The voter register, which includes more than 3 million voters, is based on the centralized population register and contains biometric data for all voters. There was general confidence in the accuracy and transparency of the voter registration and verification system, and public scrutiny of voter lists contributed to this. However, a significant number of Kyrgyzstani citizens, mainly those residing abroad, did not undergo biometric registration, and are thus not included in the voter register and not able to exercise their right to vote.

“National legislation on media freedoms appeared to be at odds with international commitments, including the ICCPR.” said Laima Andrikiene, Head of the EP delegation. “This issue has to be addressed, both within the framework of standing EU trade preferences, and in order to move forward quickly with the negotiations of a new and ambitious EU-Kyrgyzstan agreement.”

The observers received reports of undue restrictions on media freedom. Defamation claims against media outlets by the incumbent president and some candidates had an adverse effect on public debate and resulted in self-censorship, the statement says. Television outlets, including public broadcasters, failed to provide sufficient and unbiased news coverage of the campaign, in sharp contrast to the high volume of paid political advertising. In their editorial coverage, both public broadcasters monitored were clearly biased.

“The election campaign was peaceful, but took place at the same time as several criminal cases against opposition politicians,” said Ambassador Alexandre Keltchewsky, Head of the OSCE/ODIHR long-term election observation mission. “The technical aspects of the process were well-administered, but the CEC demonstrated bias in its adjudication of election complaints. Voting was orderly in the large majority of polling stations observed, although a number of commissions reported the results produced by the ballot scanners, rather than manually counting the votes, which is required by the law.”

The CEC members are nominated by different political forces and CEC sessions included open substantive and extensive discussions. CEC members favoured certain candidates, which resulted in disagreements during decision-making on important issues and negatively affected the CEC’s impartiality. There were no concerns expressed to the international observers over the impartiality of lower commissions. Many of the observers’ interlocutors welcomed the efforts by the CEC to facilitate the participation of persons with disabilities.

The recent legal amendments significantly raised the limits on campaign contributions and removed the limit on spending, leading to concerns over equality of opportunity for candidates. The law does not require disclosure of sources of campaign funding, and does not include proportionate sanctions for violations of campaign finance rules.

The majority of complaints received before election day by the CEC, which were maintained in an online registry, alleged violations of campaign rules. While it considered most complaints, their handling revealed a bias in the CEC’s interpretation and application of the law, the observers said.

National minorities were involved in the election campaign, and candidates were competing for the minority vote. Inter-ethnic and identity issues were at times utilized for political ends, contributing to the confrontational nature of the campaign, the statement says.

Civil society played an important role in civic and voter education and also undertook comprehensive long-term and short-term observation, contributing to increased transparency in the electoral process. However, the recent legal amendments limited the number of observers a civil society organization or candidate can have in an election commission, restricted their mobility on election day and removed the rights of citizen observers to appeal election results.

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