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Observation of the presidential election in Kyrgyzstan (15 October 2017)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Ms Doris FIALA, Switzerland, Alliance of Liberals and Democrats for Europe

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1. Introduction

1. On 26 July 2017, Ms Nurzhan Shaildabekova, Chairperson of the Central Commission for Elections and Referenda of Kyrgyzstan, sent to the Parliamentary Assembly an official invitation to observe the presidential election to be held on 15 October 2017. On 30 June, the Bureau of the Assembly decided to observe this election, set up an ad hoc committee to this end composed of 20 members (EPP/CD: 7, SOC: 6, EC: 3, ALDE: 3, UEL: 1 – in accordance with the D'Hondt system) and the rapporteur of the Committee on Political Affairs and Democracy on the evaluation of the partnership for democracy in respect of the Parliament of the Kyrgyz Republic, approved the list of members and appointed Ms Doris Fiala (Switzerland, ALDE) as its Chairperson. The list of members appears in Appendix 1.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

3. The ad hoc committee visited Kyrgyzstan from 13 to 16 October 2017. It operated as part of an International Election Observation Mission (IEOM) together with delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), the European Parliament and the electoral observation mission (EOM) of the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The programme of the delegation's meetings is set out in Appendix 2.

4. On polling day, the Parliamentary Assembly delegation split into 11 teams which observed the elections in Bishkek and the surrounding region, as well as in the following areas: Cholpon-Ata, Kayyngdy, Kemin Kochkor and Balykchy.

5. The Assembly's ad hoc committee concluded that the presidential election in Kyrgyzstan on 15 October 2017 contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another. The voting was transparent and voters could make their choice freely among a wide range of candidates. This was 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. The press release by the IEOM is set out in Appendix 3.

6. The ad hoc committee wishes to thank the authorities of Kyrgyzstan for the support provided, as well as the heads and members of the parliamentary delegations of the OSCE-PA and the European Parliament and the OSCE/ODIHR EOM for their outstanding co-operation.

2. Political context and legal framework

7. The Parliamentary Assembly observed the presidential election in the Kyrgyz Republic for the first time in 2011 in the framework of the International election observation mission (IEOM) which concluded that "the presidential election in the Kyrgyz Republic was conducted in a peaceful manner, but shortcomings underscored that the integrity of the electoral process should be improved to consolidate democratic practice in line with international commitments".

8. On 27 October 2011, the President of the Parliament of the Kyrgyz Republic submitted an official request for partner for democracy status with the Parliamentary Assembly of the Council of Europe. The Assembly welcomed this request, the first from a country of Central Asia. On 8 April 2014, the Parliamentary Assembly adopted Resolution 1984 (2014) granting partner for democracy status to the Parliament of the Kyrgyz Republic and made a number of recommendations to the Kyrgyz authorities linked to elections:

– holding free and fair elections in accordance with relevant international standards, and improving the electoral legal framework in co-operation with Venice Commission;

– enhancing public interest in, and awareness of, the democratic process, as well as ensuring a higher level of participation in elections and involvement of citizens in political life;

– strengthening public monitoring of elections by independent observers, including strengthening the capacities of domestic observer networks.

9. On 4 October 2015, the Parliamentary Assembly observed the parliamentary election and concluded that "[t]he parliamentary elections in Kyrgyzstan were competitive and offered voters a wide choice; voters were able to choose freely from among a large number of candidates. Voting was also transparent, polling day was calm and the voting quite well organised. Nevertheless, Kyrgyzstan needs to improve its electoral legal framework, and more particularly its implementation, to guarantee the constitutional right of all citizens to participate in elections, to improve their biometric data protection and to make strict regulations concerning their use. The transparency of election campaign and political party financing should be reinforced".

10. On 14 June 2017, the parliament of Kyrgyzstan fixed the date for the presidential election for 15 October 2017.[1] The legal framework for the presidential election includes the 2010 Constitution of the Kyrgyz Republic, the 2010 Constitutional Law on Presidential and Parliamentary Elections (last amended in 2017; hereafter "the Electoral Law") and the Law on Election Commissions, amended in June 2015.

11. There are also provisions dealing with electoral matters in the Law on Mass Media, Code of Administrative Procedures, Code on Administrative Liability, and the Criminal Code as well as instructions and decisions issued by the Central Commission for Elections and Referenda (hereafter "the CEC"). Other applicable legislation includes the Law on Political Parties and the Law on Demonstrations.

12. The Electoral Law in its current version was applied for the first time to the presidential election of 2017. Significant amendments introduced in 2015 provided for biometric voter registration and a centralised voter register, clarified a number of problematic issues in the electoral dispute resolution system, and introduced the use of ballot scanners. In 2017, in addition to advancing the date of the election, changes included an increase of the electoral deposit for candidate registration, improvement of voter lists, the abolition of spending limits for campaign expenses, new regulations on campaign coverage online, as well as limitations to the status of citizen observers.

1. Decision No. 1681-VI of 14 June 2017. See https://shailoo.gov.kg/ru/vybory-prezidenta-kr-2017_/postanovlenie-zhogorku-kenesha-o-naznachenii-vyborov-prezidenta-kyrgyzskoj-respubliki/.

13. The six-year term of office of the current President of Kyrgyzstan, Almazbek Atambayev, ends on 1 December this year. In accordance with the law, the presidential election had to take place on the third Sunday of November (19 November). In April, the opposition in the Kyrgyz Parliament demanded that the date of the elections be changed so that all procedures, including a possible second round and inauguration ceremony, could be completed before 1 December, to prevent a conflict of law. Later this initiative was also supported by the majority coalition in parliament, but to make it happen it was necessary to introduce amendments to the constitutional law on elections.[2]

14. The president is elected by direct universal suffrage requiring an absolute majority. A candidate who gets more than one half of the valid votes in the first round is considered elected. There are no turnout requirements for the validity of an election. If no candidate receives the required majority, a run-off takes place between the two candidates with the most votes. The law does not specify a date for the second round but stipulates that it should be held not earlier than two weeks after the establishment of the first round results.[3]

15. 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 including from the ruling Social Democratic Party of Kyrgyzstan (SDPK). This initiative met strong resistance from parts of the opposition and from civil society organisations who claimed that the law prohibited changes to the constitutional powers of the president and parliament until 2020. The proposed amendments were adopted through a referendum in December 2016.

16. The Venice Commission and the OSCE/ODIHR, in their assessment of the amendments, underlined progress based on the 2014 draft amendments, but also highlighted the fact that an important number of the previous recommendations remained unaddressed.[4] The fact that the law was amended in June 2017 had a negative impact on the pre-electoral atmosphere.

3. Election administration, registration of voters and presidential candidates

17. The presidential election of 15 October 2017 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.

18. The CEC is a permanent, collegial body responsible for the organisation of elections. It has 12 members nominated for a period of five years according to political lines: the President, the parliamentary majority and the parliamentary opposition each appoint four members. TECs and PECs are formed for two-year terms from political parties and local self-governing bodies. The appointments made by local self-government bodies are based on proposals from non-governmental organisations and groups of voters. In its current composition, the chairperson and a deputy chairperson of the CEC are women.[5]

19. The members of the Parliamentary Assembly's observation delegation were informed about the fact that in some cases the CEC members favoured certain candidates, which resulted in disagreements during decision-making on important issues and negatively affected the CEC's impartiality. Also, the CEC members were often divided when dealing with 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. During sessions, some CEC members and candidate representatives repeatedly called on CEC members to refrain from taking politically motivated decisions.

20. The President of the CEC and different interlocutors of the Assembly's observation delegation pointed out that technical preparations for the presidential election were well organised by TECs and PECs, most interlocutors did not raise any questions regarding impartiality of the lower-level commissions. Women are

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2. President Atambayev cannot take part in the 2017 presidential elections since, according to Article 61 of the Constitution, the same person does not have the right to hold the office of president twice.
3. According to the Electoral Law, the CEC establishes the election results in the first round no later than 20 days after the election. In case of a judicial challenge, the establishment of the results is suspended until the court decision.
4. In particular: numerous articles in the draft law that unreasonably restrict the right to vote (similar concerns as in the 2011 Opinion) and candidacy rights (cancellation of registration of a candidate for a variety of reasons); increased electoral deposits and the continuation of the requirement for both supporting signatures and electoral deposits for candidacies; limitations on the rights to freedom of expression and association; lack of effective provisions to ensure equitable media access and coverage; and lack of effective provisions for transparency and accountability in campaign finance.
5. The Law on Election Commissions provides for a gender quota of 30% in the CEC composition.

well represented in TECs, accounting for 48% of all members, although they only account for 33% of TEC chairpersons. Some 67% of PEC chairpersons of polling stations observed were women, and women accounted for 71% of all PEC members in these polling stations.

21. The CEC also prepared and aired on public television voter information spots in the 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 also in sign language. Most 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.

22. The voters list used for the presidential election was based on the Unified Population Register, which includes biometric data for all registered citizens. According to the information of the CEC, there were some 2 857 000 citizens who have passed biometric registration and were included in voters lists. During the period of verification of the voters lists, from 16 August to 29 September, some 111 182 citizens submitted their biometric data and were added to the voters register.

23. 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, and those having been declared incapacitated by a court decision. This is at odds with international commitments. 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 authentification on election day.

24. The Parliamentary Assembly's observation delegation noted with satisfaction that most interlocutors, including the presidential candidates and their representatives, expressed general confidence in the accuracy and transparency of the voter registration system. The delegation also noted that a significant number of citizens, especially those residing abroad, remain excluded from biometric registration, and thus from the voter register, and could not exercise their right to vote.

25. Article 62 of the Constitution of Kyrgyzstan provides that any citizen between the ages of 35 and 70, who has resided in the country for more than 15 years in total and speaks the State language, can stand for presidential election. The 2017 amendments to the Electoral Law increased tenfold the electoral deposit for registration of candidates.[6]

26. A presidential candidate nomination should be supported by at least 30 000 signatures, which are subject to verification either partially or in full (Article 62 of the Constitution and Article 49 of the Electoral law). The Electoral Law legal framework contains broad criteria for determining the validity of supporting signatures and does not provide details on verification procedures.

27. The Electoral Law provides that after the CEC receives all documents from potential candidates it has five days to take a decision on whether he or she meets the requirements and 10 days to register the candidate or to refuse registration (Articles 50 and 53 of the Electoral Law). The registered candidate receives a corresponding certificate from the CEC.

28. By the legal deadline of 10 September, the CEC had registered 13 of the 59 initially nominated candidates, including one woman. Of the registered 13 candidates 8 were self-nominated (some of them have a party affiliation) and 5 candidates nominated by political parties. Nine nominees withdrew before registration, and the CEC denied registration to 37 candidates, mostly due to failure to establish electoral funds, provide sufficient valid signatures, or pass the language test. Seven rejected candidates appealed the respective CEC decisions to the court, without success.

29. Finally, 11 of the 13 registered presidential candidates participated in the election, including one woman. Three of the eleven candidates were former prime ministers of the country. The Assembly's delegation considered that voters could make their choice among a wide range of candidates, which was a sign of the growing political maturity of Kyrgyz society.

30. As for women's participation in political life in general, the Head of the Assembly's delegation regretted the fact that there was only one female candidate in the presidential election. Women remain under-represented 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.

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6. The deposit is KGZ 1 million (about €13 700). The deposit is returned to candidates who receive 5% or more of all votes cast.

31. The inclusiveness of the registration process of candidates was challenged by a burdensome nomination process, including the process of collecting support signatures, and a restrictive approach to their verification. Some interlocutors of the IEOM raised questions regarding the procedure and methodology of support signature verification. The extrapolation of the number of invalid signatures from a sample verified to the total number of collected signatures could lead to an unjustified refusal in registration, thus endangering the right to stand. Three prospective candidates were not registered based only on presumption of invalidity of signatures that had not been verified.

4. Election campaign, funding and the media

32. According to Article 23 of the Electoral Law, the election campaign starts 35 days before the election day and ends 24 hours before the voting starts. The election campaign lasted from 10 September to 13 October. The campaign was rather intense and focused on democratic development and economic growth, the fight against corruption and geopolitical issues.

33. The election campaign was peaceful; 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. Campaign materials of candidates Babanov and Jeenbekov were the most visible. Some candidates were predominantly active on social media and in more low-profile encounters with voters, rather than at rallies.

34. The election campaign became more confrontational closer to election day; the IEOM received a number of reports of misuse of public resources and pressure on voters, as well as allegations of vote-buying. In addition, many interlocutors and 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 law enforcement and the justice system.

35. The issues related to interethnic peace and national unity featured in some candidates' rhetoric at campaign events. The IEOM did not observe any anti-minority rhetoric, but inter-ethnic and identity issues were at times utilised for political ends, contributing to the confrontational nature of the campaign.

36. In particular, on 28 September, the presidential candidate Mr Babanov made a speech in Osh addressing the local Uzbek community. The very 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 complaints requesting that the candidate Babanov be deregistered and it issued him with a warning.

37. According to the IEOM's Statement of preliminary findings and conclusions,[7] several criminal cases were opened 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. On 10 October, another member of Ata-Meken party and MP Aida Salyanova was sentenced to five years in prison for "misuse of office", a case dating back to 2010. On 30 September, MP Kanatbek Isayev, who is a supporter of the presidential candidate Mr Babanov, 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.

38. The electoral law bans the participation in election 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 the presidential candidate Mr Jeenbekov. Towards the end of the election campaign, President Atambayev made several statements in favour of Mr Jeenbekov.

39. The financing of campaigns is regulated by Articles 40-42 and 54 of the Electoral Law. Presidential candidates can fund their campaigns from nominating party resources and from their own resources, as well as by means of donations from individuals and legal entities. In 2017, the limits of these contributions were significantly increased, while the overall spending limit for the presidential campaign was removed.

7. Statement of Preliminary findings and conclusions of the IEOM, p. 7.

40. 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 concerning these accounts. 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 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.

41. For many interlocutors of the observation delegation, the transparency of the election campaign financing was insufficient, and the legal framework is not clear enough to meet contemporary challenges of political finance regulation. Representatives of Kyrgyz non-governmental organisations (NGOs) actively involved in election observation indicated that there was a lack of transparency related to the campaign finance of many candidates. In this regard, the Assembly's delegation highlighted that the absence of public funding and campaign spending limits could lead to the lack of a level playing field in terms of the financing of presidential candidates.

42. It has to be pointed out that the 2014 Venice Commission and OSCE/ODIHR opinion emphasised the need for increased transparency and accountability in campaign finance and effective mechanisms for monitoring legal compliance through audits.[8] The removal of the overall spending limits for presidential candidates did not meet these recommendations.

43. The Constitution guarantees freedom of expression and explicitly prohibits criminal prosecution for defamation. Articles 22-28 of the Electoral Law regulate the media and internet during elections. Television is the main source of political information for the population of Kyrgyzstan. The majority of TV stations with nationwide coverage are fully or partly State-owned and the Electoral Law requires these TV stations to allocate at least one hour of free airtime per working day to parties competing in the upcoming elections.[9]

44. The Electoral Law allows media outlets to sell airtime and space to contestants, provided that prices are equal for all contestants and are published within ten days after elections are announced.[10] The CEC has established special accreditation for media outlets that offer paid political advertisements and can suspend the right to publish paid political advertisement if a media outlet fails to provide objective coverage of the campaign or the elections, or if it attempts to damage the honour or dignity of election commissioners.

45. The Assembly's delegation was informed about cases of restrictions on freedom of expression. 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 limit the amount of damages awarded to the plaintiff. Some interlocutors reported an increasing number of defamation cases with excessive damages claimed by the incumbent president and the presidential candidate Mr Jeenbekov and awarded against media and journalists before and during the election campaign. Furthermore, 13 complaints of alleged defamation were filed with the CEC against media outlets, in most cases demanding, among other things, that the media's accreditation be revoked. However, the CEC revoked only one accreditation.

46. According to OSCE/ODIHR election observation media monitoring, 55 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. 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.

47. Televised debates provided a welcome opportunity for voters to get information about presidential candidates who were otherwise virtually invisible to the audience and about their programme. This contributed to greater pluralism, but could not counterbalance the absence of sufficient, unbiased, and analytical information for voters. On a positive note, a generally free internet increasingly provided access to alternative information.

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8. 2014 Opinion, paragraph 89. Similar criticism was expressed by different national and international observers during the 2015 parliamentary elections.
9. Article 24 of the Electoral Law.
10. Article 22 of the Electoral Law.

48. Media ownership is not transparent in Kyrgyzstan; commercial TV stations are publicly perceived as being owned by political actors. Public broadcasters, still the main source of information, are not perceived as being independent from the government. The closing of the TV station Sentyabr (September) by a court on 22 August for broadcasting allegedly extremist content further reduced views critical of the government.

49. The Assembly's election observation delegation pointed out the importance of the conclusions contained in the 2014 Opinion of the Venice Commission, which reiterated the need for improvement in the provisions regulating media in elections, and in particular: to provide for equitable coverage of contestants; to respect the right of media to exercise independent editorial coverage of campaign events; and to remove the requirement for special accreditation[11] for media outlets to cover the electoral campaign.[12]

50. Articles 8 to 10 of the Electoral Law allows for observation and transparency of the entire electoral process by both domestic and international observers. According to recent amendments to the Electoral Law, citizen groups and candidates are now limited to only one and two observers per polling station, respectively. The Assembly's observation delegation welcomed the active involvement and the important role played by domestic observers in undertaking comprehensive long-term observation which contributed to increasing the transparency of the electoral process.

5. Voting day and counting

51. Voting day was calm and the voting, in general, well organised. According to OSCE/ODIHR observers, the voting process was assessed positively in 94% of polling stations visited. The Assembly's delegation took note of the presence of presidential candidates' representatives and observers at a large number of the polling stations visited. Polling stations gave the observers their full co-operation.

52. The Assembly's delegation members identified a number of technical shortcomings in the polling stations visited:

– the system for scanning ballot papers worked well on the whole, with some problems noted; however, it gave rise to concerns over ballot secrecy because voters' choices were visible on the ballot papers when they were scanned and placed in the ballot box; this problem was largely due to the design and positioning of the booths;

– the presence of unauthorised persons, including the police, in polling stations, but they didn't interfere in the electoral process;

– many polling stations visited had an excessive number of registered voters which did not correspond to the size of polling stations for adequate conduct of voting;

– in general, the polling stations visited were inaccessible for people with physical disabilities;

– cases of non-respect of the voting procedures by members of polling stations due to lack of training;

– cases were noted of unintentional failure to comply with procedures for counting votes and preparing the results protocols.

53. On 30 October 2017, the CEC of Kyrgyzstan announced the official results of the presidential election: Mr Sooronbay Jeenbekov obtained 54.22% of votes cast; Mr Omurbek Babanov – 33.49%; Mr Adakhan Madumarov – 6.57%; Mr Temir Sariev – 2.57%. Other candidates – less than 1%. The turnout was 56.34%.

6. Conclusions and recommendations

54. The Parliamentary Assembly's ad hoc committee concluded that the presidential election in Kyrgyzstan on 15 October 2017 contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another. This was a sign of the growing political maturity of Kyrgyz society. The voters could make their choice freely among a wide range of candidates.

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11. The 2017 amendments to the Electoral Law introduced the accreditation requirements for broadcast and printed media as well as for websites with more than 1 000 unique monthly visitors (notably, blogs and personal pages in social networks are excluded), which contain news and analytical materials and are either moderated from the Kyrgyz Republic or owned by Kyrgyz citizens or legal entities.
12. 2014 opinion, paragraphs 96-97.

55. The Assembly's observation delegation noted with satisfaction that the voting day was calm and the voting, in general, well organised. Also, the members of the Assembly's delegation observed a number of technical shortcomings in the polling stations visited, in particular: the system for scanning ballot papers gave rise to concerns over ballot secrecy because voters' choices were visible; cases of unintentional failure to follow voting and counting procedures; the polling stations visited were inaccessible for people with physical disabilities.

56. A presidential election is not just limited to election day; it is a process which includes the election campaign. In this regard, the Assembly's observation delegation was informed about cases of misuse of public resources and pressure on voters, as well as allegations of vote-buying. The election campaign was peaceful; the registered candidates could, in general, campaign freely. Issues related to interethnic peace and national unity featured in some candidates' rhetoric at campaign events and was at times utilised for political ends, contributing to the confrontational nature of the campaign.

57. The electoral legal framework general adequately regulates many technical aspects of the electoral process. Nevertheless, according to the Venice Commission's opinion, a large number of its previous recommendations remain unaddressed, in particular: increased electoral deposits and the continuation of the requirement for both supporting signatures and electoral deposits for candidacies; limitations on the rights to freedom of expression and association; lack of effective provisions to ensure equitable media access and coverage; lack of effective provisions for transparency and accountability in campaign finance. In addition, the legislation was amended in June 2017, which had a negative impact on the pre-electoral atmosphere.

58. As for women's participation in political life in general, women remain under-represented. The Assembly's delegation regretted the fact that Kyrgyzstan had only one female presidential candidate while women were largely represented in the election administration, in particular at the level of TECs and PECs.

59. With regard to the financing of the election campaign of candidates, the Assembly's delegation regrets that the Venice Commission's recommendations contained in the 2014 Opinion have still, to a large extent, not been acted upon. This applies in particular to the recommendations concerning the need for increased transparency and accountability in campaign finance and effective mechanisms for monitoring legal compliance through audits. The removal of the overall spending limits for presidential candidates did not meet these recommendations and such a situation could lead to the lack of a level playing field in terms of the financing of presidential candidates.

60. While the Constitution guarantees freedom of expression, the relevant legislation grants higher protection to the president in civil defamation cases. Some interlocutors reported an increasing number of defamation cases with excessive damages claimed by the incumbent president. The Assembly's delegation welcomed the televised debates of candidates which allowed voters to get information about presidential candidates who were otherwise virtually invisible to the general public and about their programme. This contributed to greater pluralism. On a positive note, a generally free internet increasingly provided access to alternative information. Media ownership is not transparent in Kyrgyzstan; commercial TV stations are publicly perceived as being owned by political actors.

61. Different interlocutors of the Assembly's observation delegation pointed out that technical preparations for the presidential election were well organised by the election administration. The CEC members are nominated according to political lines and in some cases they favoured certain candidates, which resulted in disagreements during decision-making on important issues and negatively affected the CEC's impartiality. In this regard, the Assembly's observation delegation is convinced that the legal mechanisms for insuring the neutrality and impartiality of the election administration must be reinforced.

62. The ad hoc committee considers that the Parliamentary Assembly should continue its close co-operation with Kyrgyzstan via its partner for democracy status, and that the country should continue to co-operate with both the Parliamentary Assembly and the Venice Commission in order to resolve the problems noted during the presidential election of 15 October 2017. It calls on the Kyrgyz authorities to continue co-operating with the Parliamentary Assembly in order to implement the recommendations contained in Resolution 1984 (2014), as well as those of the Venice Commission contained in its 2014 Opinion, in order to improve its legal framework and electoral practices.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Doris FIALA, Switzerland (ALDE)

Group of the European People's Party (EPP/CD)

– Corneliu Mugurel COZMANCIUC, Romania
– Zsolt CSENGER-ZALAN, Hungary
– María Concepción de SANTA ANA, Spain

Socialists, Democrats and Greens Group (SOC)

– Maryvonne BLONDIN, France
– José CEPEDA, Spain
– Paolo CORSINI, Italy
– Pierre-Alain FRIDEZ, Switzerland
– Antonio GUTIÉRREZ, Spain
– Idalia SERRAO, Portugal

European Conservatives Group (EC)

– Ingebjørg GODSKESEN, Norway
– Arkadiusz MULARCZYK, Poland
– Suat ÖNAL, Turkey

Alliance of Liberals and Democrats for Europe (ALDE)

– Doris FIALA, Switzerland
– Simonas GENTVILAS, Lithuania
– Carles JORDANA, Andorra

Group of the Unified European Left (UEL)

– Henk OVERBEEK, Netherlands

Venice Commission

– Serhii KALCHENKO, Expert
– Serguei KOUZNETSOV, Head of Division, Neighbourhood Co-operation

Secretariat

– Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division
– Bogdan TORCĂTORIU, Administrator
– Franck DAESCHLER, Principal administrative assistant
– Anne GODFREY, Assistant

Appendix 2 – Programme of the International Election Observation Mission (IEOM)

Friday 13 October 2017

11:45-12:45 PACE ad hoc committee internal meeting:
- Opening by Ms Doris Fiala, Head of the delegation
- Information by the Venice Commission representatives on recent developments in the legal framework
- Information by the secretariat of PACE on deployment, logistic questions, distribution of files

Joint parliamentary briefing:

13:00-13:20 Opening by the Heads of parliamentary delegations:
- Mr Azay Guliyev, Special Co-ordinator and Leader of the short-term OSCE observer mission
- Ms Doris Fiala, Head of the PACE Delegation
- Mr Artur Gerasymov, Head of the OSCE-PA Delegation
- Ms Laima Andrikiene, Head of the European Parliament Delegation

13:20-13:50 Introduction by representatives of the international community:
- Mr Valeriu Chiveri, Deputy Head of the OSCE Programme Office in Bishkek
- Mr Jaap Ora, Chargé 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 I

Introduction:
- Ambassador Alexandre Keltchewsky, Head of Mission

Political overview, campaign activities, national minorities and media landscape:
- Mr Per Normark, Political Analyst
- Mr Andrei Khanzhin, National Minority Analyst
- Ms Elma Šehalić, Media Analyst

Electoral legal framework, election system, and complaints and appeals:
- Mr Vasil Vashchanka, Legal Analyst

Election administration, candidate and voter registration:
- Mr Kakha Inaishvili and Mr Marcell Nagy, Election Analysts

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

16:30-18:50 Meetings with the main presidential candidates (or their proxies):
- Ms Roza Aknazarova, Leader of Women Forum, representative of Mr Omurbek Babanov
- Mr Farid Niyazov, Head of Campaign Office, representative of Mr Sooronbay Jeenbekov
- Mr Kuban Choroev, representative of Mr Ulukbek Kochkorov
- Mr Talatbek Masadykov, independent candidate
- Ms Aijan Orozakunova, representative of Mr Temir Sariev
- Mr Ysmanaliev Mederbek, representative of Mr Adakhan Madumarov
- Ms Toktaiym Umetalieva, independent candidate

19:00-20:00 Meeting with drivers and interpreters of the PACE ad hoc committee

Saturday 14 October 2017

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 round table: – Mr Bektur Osmonbaev, Manager – Legal Clinic "Adilet" – Mr Azamat Adilov, 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"
12:00-13:00	Media round table: – Ms Adelya Laisheva, Head of the training centre – Public Broadcasting Corporation (KTRK) – Mr Narynbek Idinov, journalist – "KaktusMedia" online news site – Mr Nazira Moldukulova, Correspondent – Radio Birinchi – Ms Begaim Usenova, Director – Media Policy Institute – Mr Kabay Karabekov, journalist – "24.kg" news agency
13:00-14:00	Briefing by the OSCE/ODIHR Election Observation Mission – Part II Election day procedures and observation forms: – Mr Kakha Inaishvili and Mr Marcell Nagy, Election Analysts – Mr Anders Eriksson, Statistical Analyst Security: – Mr Valeriu Mija, Security Expert
14:00-14:15	OSCE/ODIHR EOM long-term observers – area-specific briefing for the Bishkek region

Sunday 15 October 2017

08:00	Observation of voting
20:00	Observation of counting at polling stations

Monday 16 October 2017

08:00-09:00	PACE ad hoc committee debriefing
14:30	Press conference

Appendix 3 – Press release issued by the International Election Observation Mission (IEOM)

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

Strasbourg, 16.10.2017 – 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 signalled deficiencies in media freedom, the statement says. Voting was orderly and well-organised 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 (Switzerland, ALDE), 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 centralised 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 Andrikienė, Head of the European Parliament 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 utilised 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 organisation 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.