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Observation of the parliamentary elections in the Kyrgyz Republic (28 November 2021)

Election observation report
Ad hoc Committee of the Bureau
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1. Introduction

1. On 20 September 2021, Ms Nurzhan Shaildabekova, Chairperson of the Central Commission for Elections and Referenda of the Kyrgyz Republic (CEC), sent the Parliamentary Assembly an official invitation to observe the parliamentary elections of the Jogorku Kenesh (parliament) to be held on 28 November 2021. On 30 September 2021, the Bureau of the Assembly decided to observe these elections and for this purpose, constituted an ad hoc committee composed of 11 members (SOC: 3, EPP/CD: 3, ALDE: 2; EC/DA: 2 and UEL: 1), approved the composition of the ad hoc committee and appointed Ms Marina Berlinghieri as its Chairperson (see 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 legal adviser.

3. The ad hoc committee operated as part of an International Election Observation Mission (IEOM) which also included observers from the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE) and the election observation mission of the Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR).

4. The ad hoc committee met in Bishkek from 26 to 29 November 2021. Under the joint briefing programme, it met with leaders and representatives of the main political parties contesting the elections, the Chairperson of the CEC, the head of the OSCE/ODIHR election observation mission and her team, and representatives of civil society, international organisations and the media. The programme of the ad hoc committee's meetings is set out in Appendix 2.

5. On Election Day, 28 November 2021, the ad hoc committee split into seven teams which were deployed in Bishkek and the surrounding areas and in the localities of Kant, Sokoluk, Tokmok and Cholpon-Ata.

6. The IEOM concluded that the parliamentary elections in Kyrgyzstan were competitive, but they lacked meaningful voter engagement due to a stifled campaign, constitutional changes weakening parliament and extensive legislative changes to key aspects of the election. Generally adequate election legislation was undermined by limitations on civil and political rights as well as diminished separation of powers and the independence of the judiciary. Voters had a wide range of political options to choose from. Election preparations were handled efficiently by the election administration, and election day was peaceful. The press release issued by the international election observation mission can be found in Appendix 3.

7. The ad hoc committee wishes to thank the authorities of the Kyrgyz Republic for the support provided, as well as the heads and members of the parliamentary delegations of the OSCE Parliamentary Assembly and the OSCE/ODIHR EOM for their outstanding co-operation.

2. Political context and legal framework

8. The Kyrgyz Parliament Jogorku Kenesh was the first and only one of Central Asian countries to receive the partner for democracy status with the Assembly in 2014. On 8 April 2014, the Assembly adopted Resolution 1984 (2014) in which it considered that the following issues relating to elections were of key importance:

– holding free and fair elections in accordance with relevant international standards and improving the electoral legal framework in co-operation with the 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 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. The Assembly also observed the 2011 and 2017 presidential elections in the Kyrgyz Republic. Because of the travel constraints imposed by the Covid-19 pandemic, it could not observe the 4 October 2020 parliamentary elections, nor the 10 January 2021 presidential election. The OSCE/ODIHR Limited Election Observation Mission on 5 October 2020 concluded that "these elections took place under improved legislation and fundamental rights and freedoms were overall respected. The campaign was competitive and candidates could, in general, conduct their activities freely, but credible allegations of vote buying remain a serious concern. The elections were managed efficiently, despite the challenges posed by the COVID-19 pandemic, but a number of controversial CEC decisions raised questions about its impartiality. While public broadcasters fulfilled their obligation to provide free airtime to contestants, and overall lack of critical journalistic reporting and issue-based debate reduced the quality and variety of information available to voters. Election day was orderly and the process was generally transparent and well administered, although health protocols were not always followed."

11. The term of the mandate of the parliament, elected on 4 October 2015, was due to end in October 2020. However, as a result of civil unrest, following credible allegations of electoral fraud, the CEC cancelled the results of these elections two days later. Sadyr Japarov[1], a former MP freed from prison during the political uprising, was installed as caretaker Prime Minister. On 15 October 2021, following the resignation of President Sooronbay Jeenbekov, Sadyr Japarov assumed the interim presidency as well.

12. On 21 October 2020, in accordance with Articles 38 and 63 of the Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic", the CEC decided to call repeat elections and set the election date as 20 December 2020. However, a day later, the parliament passed, in three readings, the Constitutional Law "On the suspension of certain norms of the Constitutional Law of the Kyrgyz Republic "On Elections of President of the Kyrgyz Republic and Deputies of Jogorku Kenesh of the Kyrgyz Republic", which suspended Articles 38 and 63 and the decision was taken that the repeat elections should be announced in accordance with the legislation of the Kyrgyz Republic, but no later than 1 June 2021.

13. Between mid-October and early November 2020, at the initiative of Mr Japarov, parliament proposed a new Constitution introducing a presidential form of government with significantly increased powers for the president. On 17 November 2020, following the request by the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, the Venice Commission published an urgent *amicus curiae* brief concluding that during a period of prorogation, namely of diminished powers, the parliament should only be allowed to carry out some ordinary functions, and not to approve extraordinary measures, including constitutional reforms and

1. Sadyr Japarov, a former member of the Kyrgyz Parliament from 2005-2007 and 2010-2013, spent four years in exile during the rule of President Almazbek Atambayev and his successor and ally Sooronbai Jeenbekov. He also had two stints in prison until his supporters freed him in October 2020: first for his role in a political rally which turned violent, and a second for his alleged involvement in the kidnapping of a rival politician. Both incidents were related to Japarov's campaigns against the Canadian owners of the Kumtor mine, Kyrgyzstan's largest gold mine.

emphasising that any suspension of the elections should be for the shortest time possible.[2] However, on 2 December 2020, the Constitutional Chamber ruled that the parliament had acted constitutionally when postponing the elections for the sake of the constitutional reform, arguing that it was an exceptional necessity in a period of instability.

14. On 10 January 2021, the presidential election was held, which saw the victory of Sadyr Japarov who received 79% of the votes. The general turnout was as low as 33%. Alongside the presidential election, a constitutional referendum was called, asking voters to choose between their preferred form of government. 84% of those who voted opted for a presidential form of government rather than a parliamentary system, which also enabled the extension of presidential powers.

15. The change to a fully presidential system was initiated by President Japarov, who since taking office in January 2021 has significantly shaped the current political environment and taken decisions shifting the balance of power in the country which was hitherto considered one of Central Asia's most prominent democracies. He immediately postponed the parliamentary elections to autumn 2021. A new draft of the Constitution was unveiled in February 2021, which resulted in another call for another referendum. On 19 March 2021, the Venice Commission and the OSCE/ODIHR adopted a Joint Legal Opinion on the draft Constitution,[3] which concluded that some provisions of the draft legislation threatened the necessary balance of power and the protection of individual freedoms essential to democracy and the rule of law.

16. On 11 April 2021, the constitutional referendum to approve the new Constitution took place at the same time as local elections. In total, 36.7% of eligible voters took part in the referendum (whilst the required threshold was 30%), of whom 79.2% voted in favour of the presidential Constitution.

17. The new Constitution entered into force on 5 May 2021, changing the form of government from parliamentary to presidential, in line with the results of the January 2021 referendum. It reduced the size of the parliament by 25% and gave the President the power to appoint judges and heads of law enforcement agencies. The President is hitherto able to serve two five-year terms, as opposed to the earlier single six-year term. The new Constitution also granted the President the power to initiate laws and referendums, which had previously been the prerogative of parliament. Moreover, the President now has the right to name the chairman of the cabinet of ministers (the post of prime minister was abolished) and to strip MPs of their immunity from criminal prosecution.

18. Furthermore, Article 7 of the new Constitution also granted power to a new institution – the national *kurultai* (a public-representative assembly). The *kurultai* has key prerogatives including the ability to propose the dismissal of members of the Cabinet of Ministers and heads of executive bodies, the right of legislative initiative and the power to participate in the appointment of one third of representatives of the Judicial Council.[4] The rationale for introducing this new body, with such broad prerogatives and with no accountability, is neither clear nor justified. Also, its status vis-à-vis the Jogorku Kenesh, as "the highest representative body", is unclear.

19. On 21 April 2021, the caretaker parliament, whose mandate had been prolonged until the end of June, passed a draft law for amending the Criminal and Criminal Procedural Codes to broaden the scope for criminal prosecution of organisations deemed "extremist" to include those found to incite "political enmity". Human Rights Watch has estimated that this reform could put the political opposition and human rights groups at greater risk.

20. On 17 June 2021, the caretaker parliament adopted a draft law that requires further financial reporting requirements for NGOs operating in the country. President Japarov signed it into law on 26 June 2021. Largely mirroring Russian's "foreign agent law", the law imposes onerous financial and reporting requirements on NGOs, which many NGO representatives consider dangerous for NGOs' continuing operation in Kyrgyzstan.

21. On 28 July 2021, the parliament passed the "Law on Protection from False and Inaccurate information". This law, promulgated by President Japarov in August 2021, allows the government to block certain types of online information without a court order. Human Rights Watch has claimed that this law is a grave threat to human rights and freedom of expression in the country and could lead the way to State-managed censorship. The legislation was initially proposed in June 2020 by two MPs who claimed that it would help "protect the

2. See www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)040-e.
3. See www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)007-e.
4. The constitutional norm is not very clear, as it just enumerates President, Jogorku Kenesh, People's Kurultai and legal community as the entities which nominate one third of representatives in the Judicial Council.

honour and dignity of people smeared with false claims online" but it was rejected by the parliament. However, according to the International Fact-Checking Network (IFCN), the law is identical to Russian legislation, passed in 2014, that restricts the use of information and telecommunication networks. When the law was brought before parliament in June, it initially failed to secure of the votes of enough MPs. However, less than a month later however, it was adopted by the parliament without mandate, following a plea from President Japarov to MPs.

22. Despite several international bodies initially having hailed the presidential election as "an important step to return Kyrgyzstan to political stability"[5] in January 2021, the beginning of President Japarov's election has seen Kyrgyzstan suffer a serious democratic backslide, with a drop in its Freedom House world ranking down to "not free" category. Several activists and academicians who criticised the authorities have been charged with treason after being accused of calling for a violent seizure of power. According to Reporters Without Borders (RSF), journalists and bloggers have been targeted for speaking out against alleged corruption in both the public and private sectors. Kyrgyzstan was ranked 79 out of 180 countries in the 2021 World Press Freedom Index.

23. Under the new Constitution, the balance of power is being increasingly shifted to the executive, with the President able to dismiss ministers at will. On 12 October 2021, a month before the legislative elections, President Japarov reshuffled the government, appointing the Minister of Economy and Finance Akylbek Japarov (no relation to the President) as Chairman of the Cabinet of Ministers, merging the positions of prime minister and head of the president's office. Only one woman (out of 19) is represented in the new cabinet – Ms Dinara Kutmanova, Minister of Natural Resources, Environment and Technical Supervision.

24. Just days before the elections, Kyrgyzstan's State Committee for National Security (UKMK) announced the arrest of 15 suspects in an alleged conspiracy for a violent seizure of power. The names of those arrested were not revealed, however, it had a chilling effect on the election campaign.

25. The legal framework for parliamentary elections includes:

– the 2021 Constitution of the Kyrgyz Republic;

– the Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" (last amended in august 2021; hereafter "the Electoral Law");

– the Law on Central Commission for Elections and Conduct of Referenda (from June 2021; hereafter "Law on Elections Commission");

– the Law on Electoral Commissions for organisation of Elections and Referendums (from June 2011; hereafter "Law on Elections and Referendums Commissions").

26. There are also provisions dealing with electoral processes in the Code of Administrative Procedures and the Criminal Code as well as instructions and decisions issued by the CEC. Other applicable legislation includes the Law on Political Parties and the Law on Demonstrations.

27. The new Constitution does not provide any indication of the new electoral system. However, on election-related matters, the Constitution introduced several clauses that restrict some civil and political rights, contrary to Venice Commission and ODIHR recommendations. For instance, it introduced the possibility to recall MPs, raised the eligibility age to run for parliamentary elections from 21 to 25 years of age and granted the President a key role in the appointment of judges at national and local level.

28. The new Electoral Law, initiated by the President, was approved by the parliamentary committee on constitutional law on 27 July 2021 and signed into law by the President on 27 August, just three days before the beginning of the election campaign, which failed to grant voters and election officials sufficient opportunity to familiarise themselves with the new system and procedures. The changes were adopted by the caretaker parliament through an expedited procedure that did not provide any inclusive or meaningful consultations and compromised the stability of the electoral law.

5. See the European External Action Service statement of 11 January 2021: https://eeas.europa.eu/headquarters/headquarters-homepage/91322/kyrgyz-republic-statement-spokesperson-presidential-elections-and-referendum-future-political_en.

29. According to the amended law, the total number of members of parliament decreased from 120 to 90, out of which 54 members are elected by proportional representation in a single nationwide constituency and 36 are elected from single mandate constituencies, on the basis of a majoritarian electoral system.[6] A candidate no longer has to be a registered resident of the constituency in which he/she chooses to contest.

30. To qualify for the distribution of seats in the proportional component, political parties must pass a 5% threshold of votes cast nationwide and 0.5% in each of the seven regions and in the cities of Bishkek and Osh. Despite the number of votes received, a party can only receive a maximum of 27 seats through the proportional component. If, as a result of voting, one party wins more than 27 mandates, the remaining mandates will be distributed among the parties that passed the thresholds. The law does not foresee what will happen if only one party passes the threshold. While it may be intended to promote pluralism, the limitation on the number of parliamentary seats that a party can win challenges the principle of the equality of the vote and the free expression of voters' will.

31. Party lists are required to have at least 30% of the candidates from each gender, and every fourth candidate has to be of a different gender. Each list is also required to have at least 15% of the candidates being from ethnic minorities and 15% under 35 years old, as well as at least two candidates with disabilities. In single mandate constituencies, the candidate who receives the most votes cast in the district is elected. Some analysts argued from the outset that the changes to electoral rules would diminish the number of women in parliament. The 30% quota for women, people with disabilities, and youth candidates on party lists remains in place, but only for the 54 seats filled via preferential voting or party list. Single-mandate contests traditionally favour male candidates thus making it tremendously difficult for women and other under-represented groups to contest those seats.

32. Several other changes were introduced by the new amendments. For example, parties registered less than six months before election day are now eligible to enter candidates, which led to the mushrooming of new parties before the elections. Indeed, 73 mostly new formations of contesting parties applied and 21 were registered for the 2021 parliamentary elections. In addition, a limit on the number of hired campaigners was introduced: for political parties no more than 10 000 and for single-mandate deputies no more than 500 people could be mobilised during the campaigning period.

33. Furthermore, the use of Form No. 2, which allowed Kyrgyz voters to register to cast their ballots outside of their official home districts, was abolished. The earlier system was intended to allow migrant workers to vote where they worked, but after record numbers of this type of ballot were cast in the previous annulled election in October 2020, it was perceived that these forms had been abused to manipulate vote totals in the different regions.

34. A range of issues remain unaddressed by the new legislation. For example, transparency and accountability remain unobtainable, ignoring several long-standing recommendations by the Venice Commission and OSCE/ODIHR. There is no independent body tasked with enhancing the transparency of campaign funding and financial reporting for parties, which could address some of the above concerns about vote buying and manipulation of parties by monied interests.

3. Electoral administration, voter lists and candidate registration

35. These elections were administered by the CEC, 36 newly formed district electoral commissions (DECs), 54 territorial election commissions (TECs) and 2494 precinct election commissions (PECs). Out-of-country voting was conducted at 59 polling stations established in Kyrgyz embassies and consulates.

36. TECs and PECs are formed for five-year terms. The TECs are formed by the CEC with no less than 11 members, and the PECs are formed by the TECs with no less than 7 members. Each TEC and PEC should have half of its members nominated by political parties and the other half by local self-government bodies. Each political party can nominate only one member per commission. According to ODIHR around 70% of PEC members were women.

37. The establishment of the DECs was provided in the August 2021 amendments to the Electoral Law. DECs are formed by the CEC for the period of preparation and holding of elections of members of the Jogorku Kenesh, from among the members of relevant territorial election commissions, functioning in the respective constituencies. They have no less than 12 members. DECs terminate their powers by the decision of the CEC, after the official publication of the results of the elections of members of Jogorku Kenesh. The scheme

6. The Electoral Law, Article 59. See https://shailoo.gov.kg/media/aidana/2021/09/03/tsvtdx.pdf.

and new boundaries of electoral districts were adopted by the CEC on 5 September 2021 and amended on 15 September 2021. Contrary to the Venice Commission Code of Good Practice in Electoral Matters, the new law allows a deviation of up to 20% from the average. The CEC explained that the deviation was due to the specificities of the geographical distribution of the population within the country.

38. The composition of the CEC is 12 members exercising their functions for a period of five years. The new Constitution changed the manner the members of the CEC are appointed. The previous Constitution stipulated that 1/3 of CEC members were chosen by the President, 1/3 by the ruling majority in parliament, and 1/3 by the parliamentary opposition. The new Constitution, however, mandates the President to nominate half of the members, and the other half is nominated by the parliament. This move further encroaches on the principle of the separation of powers between the executive and legislative branches. The removal of the requirement of the participation of the parliamentary opposition within the composition of the CEC is also problematic.

39. The activities of the CEC are carried out collegially, publicly and openly, on the basis of free discussion and resolution of issues within its authority. Representatives of State bodies, local self-government bodies, candidates, political parties, non-profit organisations, mass media, candidates, members of initiative groups, observers, international observers can attend the meetings of the CEC. When proposals, applications and complaints are considered, the interested parties and their representatives have the right to be present.

40. Decisions of the CEC on the adoption of the regulations of the CEC on various matters, such as financial support for the preparation and conduct of elections, referendums, registration of candidates, cancellation of registration of candidates, lists of candidates, the refusal to register candidates, results of elections and referendums, recognition of elections or referendums as failed or void, repeat voting or repeated elections, cancellation of the decision of the lower election commission, dissolution of lower election commissions, early dismissal of the chairman or deputy chairmen of the CEC, must be adopted at a meeting by two-thirds of votes of the established number of members of the CEC. Decisions of the CEC on other issues are taken by the majority of votes of the established number of members of the CEC.

41. The current CEC was appointed on 30 June 2021. Eight of its twelve members are new; the chairperson has held this position since 2016. According to the ODIHR EOM, the CEC sessions observed were generally collegial and decisions were mostly adopted unanimously. However, not all decisions, particularly those on complaints, were made public in a timely manner. In the very limited time available, the CEC organised a comprehensive information campaign in order to train voters and election administration at all levels to cope with the complexities of the new electoral system and ballots. This Herculean task merits recognition.

42. In Kyrgyzstan voter registration is passive and voter lists are extracted from the Unified Population Register, managed by the State Registry Service (SRS). The register includes citizens based on their personal and biometric data (photo and fingerprints), which are used for voter identification on election day. The PECs are obliged to post a preliminary list of voters to be checked by voters residing in the territory of the respective polling station 70 calendar days before the voting day. The CEC, no later than 35 calendar days before the voting day, draws up a test voters' list containing updated information about voters and sends it to PECs, which have an obligation to make public the test voters' list 30 calendar days before the voting day. In case of an error or inaccuracy, or if a voter is not included in the preliminary list, voters have the right to apply to the relevant PEC, no later than 15 calendar days before the voting day.

43. Article 3 paragraph 4 of the Electoral Law withdraws the passive right of suffrage of a citizen whose “conviction has not been cancelled pursuant to the procedure established by law”. Under this provision, the passive right of suffrage is denied based on any conviction, regardless of the nature of the crime. In their 2011 and 2014 opinions, the Venice Commission and the OSCE/ODIHR recommended that the law should be amended so that the denial of passive suffrage rights could only occur where a person had been convicted of committing a crime of such a serious nature that the loss of political rights was proportionate to the crime committed and only where a judge made a specific determination that the circumstances of the individual case required the forfeiture of voting rights.[7]

7. OSCE/ODIHR and Venice Commission Joint opinion on the draft Law on presidential and parliamentary elections, the draft Law on elections to local governments and the draft Law of the formation of election commissions of the Kyrgyz Republic, CDL-AD(2011)025, 17-18 June 2011, para. 19-25; Joint opinion on the draft Electoral Law of the Kyrgyz Republic, CDL-AD(2014)019, 13-14 June 2014, para. 37-38.

44. The voter list used for these parliamentary elections was based on the Unified Population Register, which includes biometric data for all registered citizens. The final voter list included 3 703 420 voters for election in the single constituency on the basis of proportional electoral system and 3 619 292 voters for election in single-mandate constituencies on the basis of the majoritarian electoral system. The difference comes from the fact that certain migrant laborers could not vote for candidates in single-mandate districts, only for candidates on party lists. An additional 84,128 voters were registered for voting in the 59 polling stations abroad. Despite efforts made by the authorities to increase the inclusivity of the voter register, some 280 000 people had as yet to undergo biometric registration and therefore remained *de facto* disenfranchised.

45. The new Constitution provides that any citizen of the Kyrgyz Republic who has reached the age of 25 on the day of elections and has the right to vote can stand for parliamentary elections. There are however exceptions: citizens declared incapable by a court of law, those kept in places of confinement or citizens whose previous conviction has not been expunged pursuant to the procedures established by law are not eligible to run, contrary to the long-standing recommendations of the Venice Commission and OSCE/ODIHR.

46. The new Electoral Law introduced an additional condition for candidates – higher education. This requirement clearly goes against international standards and commitments as it significantly limits the number of citizens eligible to run.[8] Members of the Assembly's delegation were not at all convinced by the explanation received by the representative of the executive that the country needed "an intelligent parliament" and that there were enough educated people to run the country.

47. The right to nominate lists of candidates for deputies of the Jogorku Kenesh belongs to political parties that have State registration and/or re-registration in accordance with the established procedure. The list of political parties that notified CEC about their intention to nominate candidates for participation in the single electoral constituency on the base of proportional electoral system included 73 political parties. The CEC registered the list of candidates of 21 of those political parties in the single constituency on the basis of the proportional electoral system. In single-mandate constituencies the CEC registered 321 candidates. After the decision of 9 candidates not to run, the total number of candidates was 312.

48. According to the new legislation, the list of candidates submitted by a political party must include not more than 54 candidates. When preparing the list of candidates, a political party must ensure the representation of:

– no more than 70% of candidates of the same sex, under the condition that the order of priority in the lists, of women and men does not exceed three positions;

– at least 15% of candidates under 35 years old, and at least 3 of them in the list of the first 25 candidates;

– at least 15% of candidates of different ethnicity, and at least 3 of them in the list of the first 25 candidates;

– at least 2 candidates – persons with disabilities, and at least one of them in the list of the first 25 candidates.

49. The total number of registered candidates in the lists was 1 036, including 372 women (36 %), 46 persons with disabilities, 189 belonging to national minorities (18 %), and 267 persons under 35 years of age (26 %). Only 20 women (6.5 %) and 10 representatives of national minorities (3 %) were registered for contests in single mandate constituencies. The lack of provisions to maintain the quotas after nomination undermines their efficacy.

4. Election campaign, campaign financing and media coverage

50. According to Article 23 of the Electoral Law the election campaign starts after the expiration of the term for registration of candidates and ends 24 hours before the voting starts. The election campaign started on the night of 29 October 2021 and stopped on 27 November 2021 at 8 am. The legal framework provides for equal campaign opportunities for all contestants and the election administration is responsible for ensuring that it is respected.

51. The campaign remained to a large extent low-key and incident-free. With the diminished role and functions of the parliament to be elected, these elections attracted little public attention. The registered candidates could, in general, campaign freely using a variety of campaign methods. OSCE/ODIHR long-term

8. Around 40% of the Kyrgyz population are estimated to hold a higher education degree.

observers noted, however, that the authorities' call for "clean" elections and the 1 November 2021 Presidential decree and its strict enforcement, including through the State Committee of National Security (GKNB), had prompted election stakeholders to approach the contest with caution, which in turn had stifled the campaign. This apparently had a positive impact in deterring campaign violations such as vote buying and the misuse of administrative resources, both of which have been major infringement issues in all previous elections. Contesting parties also signed a non-binding electoral code of conduct pledging to run an "honest" campaign and to refrain from buying votes and misusing administrative resources.

52. The IEOM was nevertheless informed of a number of allegations of vote buying. The Ministry of the Interior opened investigations in 21 cases reported to them and was reportedly proactive in following up on reports of violations of electoral legislation and established violations in at least 128 cases. The Assembly's delegation was informed that the overly active role the GKNB took in investigating alleged violations of campaign regulations and interrogating some well-known candidates and their relatives had an intimidating effect on some participants.

53. The campaign was carried out via rallies, door-to-door canvassing, leafletting, posters, billboards, and traditional media but also increasingly via social media such as Facebook, Instagram, WhatsApp, Telegram and TikTok. The Covid-19 pandemic and related measures in place did not appear to hinder campaign activities.

54. Socio-economic issues dominated the campaign. The issues related to inter-ethnic peace figured less prominently in the campaign discourse than in previous elections. The IEOM did not receive any complaints about outstanding cases of anti-minority rhetoric, which is in itself a positive tendency in a country that has long struggled with inter-ethnic tensions.

55. The financing of the campaigns is regulated by Articles 40-42 of the Electoral Law. The legal framework for campaign finance provides a certain level of transparency; however, this remains overall insufficient. Candidates can finance their campaigns from funds of the nominating parties and their own resources, as well as via donations from individuals and legal entities. Cash donations as well as donations from foreign, State-owned or anonymous sources and religious and charitable organisations are prohibited. Direct public funding is not foreseen. Although the new law sets limits on total contributions for political parties, the Assembly's delegation noted that the absence of public funding could lead to a lack of a level playing field in terms of financing.

56. Recent legal amendments also introduced limitations on the sources of funding and expenditures for individual candidates in single mandate constituencies. However, oversight of these and other key aspects remain unregulated and inadequate. The electoral law does not require the disclosure of sources of funding. Furthermore, political parties do not need to submit annual financial reports.

57. The law mandates the CEC to oversee campaign finances and to publish information and updates on campaign incomes and expenditures on its website, but it does not provide a range of proportionate and dissuasive sanctions for violations of campaign finance rules. The CEC effectively made available on its website the income and expenditure of all electoral contestants but one party and a number of candidates failed to comply with reporting requirements.

58. Successive Venice Commission and OSCE/ODIHR opinions and Assembly recommendations have emphasised the need for increased transparency and accountability in campaign finance and effective mechanisms for monitoring legal compliance through audits. Regrettably, despite some improvements, the recommendation to establish an effective mechanism for monitoring legal compliance through audits has yet to be implemented.

59. According to OSCE/ODIHR monitoring, five political parties led in campaign spending and spent twice as much as all the rest combined. In total, all political parties in the nationwide constituency received KGS 216 million (€2.25 million) and spent some 182 million (€1.9 million). In single mandate constituencies, combined, all the candidates received some KGS 250 million (€2.61 million) and spent KGS 195 million (€2 million).

60. The 2014 opinion of the Venice Commission and OSCE/ODIHR mentions that the provision which stipulates that the balance of unspent funds from special accounts are returned to the candidates or political parties after voting day without specifying any limitation on how a candidate or political party was to use these returned funds was problematic as it allows a candidate to retain unspent campaign funds for personal use. This could have a corrupting effect, since allowing candidates to use unspent campaign funds for personal use could be seen as a form of bribery. The Venice Commission and the OSCE/ODIHR have previously recommended that this provision be amended to prohibit the use of unspent campaign funds for the personal

benefit of candidates. Unspent campaign funds could be returned to donors on a proportionate basis, given to charities, or required to be used for some other legitimate public purposes.[9] This recommendation remains unaddressed.

61. The media environment in Kyrgyzstan is diverse with some 1 500 outlets and considered to be the most free and liberal in Central Asia. However, an underdeveloped advertising market limits further development of the media and undermines their financial independence. The Assembly's delegation was informed that this often results in self-censorship in order to avoid controversial topics and stay on good terms with political allies of managers and advertisers.

62. Articles 22-28 of the Electoral Law regulate the media during elections. Television is the main source of political information followed by online media outlets. 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. The Electoral Law allows media outlets to sell airtime and space to contestants, provided that prices are equal for all contestants and cannot be higher than the price which was charged 6 months before the elections.[10]

63. The new Constitution guarantees freedom of expression, access to information and prohibits censorship as well as criminal liability for defamation. However, it also contains provisions that are unduly broad and vague in reference to potential grounds to limit freedom of expression. The OSCE/ODIHR election observation media monitoring pointed out that the CEC's restrictive definition of what constitutes campaigning in the media and the choice of many media outlets not to cover the campaign, had a detrimental effect on news and editorial coverage.

64. In summer 2021, the Law on "Protection from Inaccurate (False) Information" was adopted and enacted into law. It empowers an authorised State body to shut down or block websites containing information deemed to be "false" or "inaccurate", without a court order, on the basis of a complaint by either a private person or a legal entity. This law has been severely criticized by many international bodies for its vagueness, which has the potential to seriously restrict freedom of expression and lead to self-censorship of investigative and critical reporting.

65. Several interlocutors also voiced concern in relation to the activities of the GKNB which has over the course of the last year invited several media professionals and civil society representatives for informal questioning on dubious grounds. Overall, vague legislation in combination with the use of such law enforcement methods has had a chilling effect on investigative and critical reporting.

66. Furthermore, the electoral law prohibits criticism of other contestants within free airtime, including during debates, and allows the CEC, in case of violations, to revoke media accreditation for paid advertisements. This led many media outlets to choose not to cover the campaign. The Assembly's delegation was informed that most media offered only minimal information on contestants' campaigns, which narrowed voters' access to information beyond the free airtime formats on the State TV channels. Critical and analytical reporting was, with the exception of a few online media, largely absent during the official campaign in the monitored media, limiting the voters' ability to make an informed choice.

67. The Assembly's delegation reiterates 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 for media outlets to cover the electoral campaign.

5. Election day

68. On the election day, the Assembly's delegation was divided into seven teams who were deployed in Bishkek and its surroundings, Kant, Soklul, Tokmok and Cholpon Ata.

69. Election day was calm and the voting was overall well organised. The voting process was evaluated positively by the IEOM observers in 96% of the 1 054 polling stations visited. The Assembly's delegation commended the professional running of the voting procedures in the vast majority of polling stations observed, despite the last-minute modifications that changed the entire electoral system and required the

9. 2014 Opinion, para. 92.
10. Ibid.

PECs to manage a complicated system combining both single-mandate voting and preferential voting in the same ballot. Members of polling stations were cooperative with both international and national observers, and the voting process was transparent.

70. Transparency was ensured by a considerable number of candidate observers and citizen observers present in polling stations.

71. The Assembly's delegation identified a number of technical shortcomings and incompliances with voting procedures, but the latter were non-intentional and did not prejudice the results of these elections:

– The system of 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 easily visible on the ballot papers when they were scanned and placed in the ballot boxes. This problem was largely due to the design and positioning of the booths; it did not seem to bother the voters casting their ballots;

– The presence of unauthorised persons, including the police, in polling stations. However, they did not seem to interfere with the electoral process;

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

72. As has been the case in previous elections, NGOs and observer organisations informed the Assembly's delegation of some allegations of cases of vote buying, controlled voting, and voter intimidation. The CEC published information on 45 complaints received on election day. The alleged violations were mainly related to non-compliance with procedures, malfunctioning of ballot scanners and campaigning during election day. Other complaints were related to campaigning in breach of electoral silence, "bussing" of voters, and four cases of alleged vote-buying.

73. The Assembly observers noted the very low rate of participation, which corresponded to the final official voter turnout rate of 34.94% as announced by the CEC on 6 December (down from 56.5% in October 2020). This low turnout can be explained by both voter fatigue as it was the fourth time this year that the voters were called to the polls, and also by the disillusionment of large segments of the population as the change to the electoral law deprived greater proportions of women, young people and the almost 60% of the population without higher education from political representation in the parliament.

74. The following six parties have won seats in the Jogorku Kenesh:[11]

Party	Percentage
Ata-Jurt Kyrgyzstan (Fatherland):	17.30%
Ishenim (Trust):	13.63%
Yntymak (Harmony)	10.99%
Alyans (Alliance)	8.34%
Butun (United) Kyrgyzstan	7.04%
Yyman Nuru (Ray of Faith)	6.15%

75. Three are pro-government political parties – Ata-Jurt Kyrgyzstan (Fatherland), Ishenim (Trust) and Yntymak (Harmony), whereas Yyman Nuru (Ray of Faith) and Alyans (Alliance) are affiliated neither with the government nor the opposition. Butun (United) Kyrgyzstan is the only opposition party in the new composition of the parliament.

76. The electoral law foresees that at least 30% of the seats in parliament should be occupied by women. No women were elected from the single-mandate districts, which brings the number of women down to a maximum of 18%.

77. After the announcement of the preliminary results, opposition parties Ata-Meken (Homeland), Azattyk (Liberty), Social Democrats and Uluttar Birimdigi (Union of nationalities), all of whom failed to get at least 5% of the vote required to get seats in the parliament, denounced the election at a protest held in Bishkek on 29 November, citing alleged electoral fraud during the counting, as a blackout of the tabulation screen (for 40 minutes) had shown several parties falling below the 5% electoral threshold. Ata-Meken leader Omurbek

11. The official results were announced by the CEC on 6 December 2021 after the recount of the ballots Информационная избирательная система (shailoo.gov.kg).

Tekebaev claimed that his party had 6.17% of the vote before the screen went dark but had 3.4% when the monitor came back on. Uluttar Birimdigi leader Nurlan Adaev said that his party was approaching the 5-percent barrier with 4.47% of the vote when the monitor blackout occurred but the party finished with just 2.39%. In response, the CEC chairwoman asserted that the malfunctioning had occurred only at the monitor display and not within the counting process and had not affected the results. Other officials were reported in the media to have noted that the monitor had at one point indicated that about 150% of the electorate had cast ballots and the parties in the lead had received some 130% of the votes. The Assembly's delegation regrets that this incident tarnished the otherwise calm and orderly day where the main issue had been the record low turnout for the vote.

78. The CEC monitor blackout was nevertheless not the only issue that has raised concerns for those disputing the voting results. The CEC also threw out 116 346 ballots – some 9.64% of the vote – that were declared invalid. This number is indeed exceptionally high.

79. Two districts in Bishkek (Pervomaiski and Sverdlovsk) will have repeat elections as the number of ballots cast "against all" exceeded those cast for any of the contestants.

80. Despite these voting process complaints, there appeared to be fewer violations during election campaigning and on election day than has been the case in previous elections.

6. Conclusions and recommendations

81. The ad hoc committee concluded that these repeat parliamentary elections should be seen against the backdrop of the October 2020 failed elections, during which many people protested against corruption and the system that had failed to react against the multiple electoral abuses. Instead, Kyrgyz people were drawn into a spiral of repeated postponement of the rerun of the parliamentary elections, and a complete constitutional overhaul which gave the new President sweeping powers and which changed the structure and drastically diminished the powers of the parliament. The record low turnout reflects voter burnout, disillusionment and a faltering public trust in the country's institutions.

82. Moreover, the ad hoc committee is concerned about the substantial changes to the electoral system and the electoral legislation, adopted by the caretaker parliament whose mandate had expired and which were signed into law by the president just days before the election campaign started, which did not grant voters or election officials an opportunity to familiarise themselves with the new system. These changes also deprived many women, young people and the large proportion of the population without higher education to be elected to the parliament, which clearly goes against international standards.

83. Despite the electoral context having been modified and the composition of the CEC altered shortly before the elections, election preparations were handled efficiently by the election administration. The elections were competitive and offered voters a wide political choice from among a large number of candidates. Election Day was calm and the voting well organised. The ad hoc committee noted with satisfaction the presence of a large number of party representatives and non-partisan domestic observers at the polling stations visited, which increased the transparency of the vote. However, no election is limited to just the election day; it is a process which includes the election campaign.

84. Members of the ad hoc committee observed a number of technical shortcomings in the polling stations visited, in particular, the system for electronic scanning of ballot papers gave rise to concerns over the secrecy of vote, and incidents of unintentional failure to follow counting procedures were observed. Several polling stations remained inaccessible for people with physical disabilities, even if the administration's overall effort to assist visually impaired persons deserves recognition.

85. The ad hoc committee was informed about cases of misuse of public resources and pressure on voters, as well as some allegations of vote-buying. However, due to the strong messages from the executive and the memorandum signed by the political parties, these fraudulent attempts appeared fewer than in previous elections. On the other hand, certain pre-emptive steps by the executive and the proactive interference of the State Committee of National Security in rooting out cases of violations, stifled the campaign and prompted stakeholders to approach the contest with caution.

86. The new electoral legal framework adequately regulates many technical aspects of the electoral process. Nevertheless, the ad hoc committee regrets that a large number of the Venice Commission's and previous PACE recommendations remain unaddressed, in particular as regards certain limitations on the rights to freedom of expression and association; lack of effective provisions for transparency and

accountability in campaign finance; lack of effective provisions to ensure equitable media access and coverage. In addition, disproportionate restrictions to the suffrage rights of those serving prison sentences, irrespective of the gravity of the crime committed, and restrictions based on disabilities should be lifted.

87. While recognising that the move to a mixed election system may have aimed to promote pluralism and a more individual candidate approach, the ad hoc committee regrets its the negative impact on the participation and representation of women. It deplores the fact that no female candidate was elected in the majoritarian part of the elections, which further departs from the 30% quota. In addition, there are no legal provisions to maintain the quotas of participation of women or national minorities after nomination. The mechanisms aimed at enhancing the effectiveness of quotas in candidate lists should be revisited, including dissuasive sanctions for non-compliance with the quota requirements and financial incentives for the parties for each elected MP from the protected group.

88. With regard to the financing of political parties and the election campaign, the ad hoc committee deplores 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 transparency and accountability of campaign finance and the availability of effective mechanisms for monitoring legal compliance through audits. To ensure a transparent and meaningful oversight of campaign funding, the capacity of the CEC's audit group should be increased and the audit results should be published within a reasonable timeframe. To eliminate disadvantages based on contestants' financial capacity, the legal framework should be revised to allow in-kind donations and voluntary services for campaign purposes. Furthermore, the issue of unused campaign balance should be regulated.

89. The ad hoc committee strongly disapproves the recent tendencies to limit freedom of expression, notably the implementation of the recently adopted Law on "Protection from Inaccurate (False) Information" and the CEC's restrictive definition of what constitutes campaigning in the media. Special accreditation requirements for media outlets should be reconsidered as this creates unnecessary obstacles for media, potentially limiting the amount of information available to voters. On the other hand, public and State broadcasters should make greater efforts in their news and current affairs programmes to provide impartial and balanced editorial coverage of the campaign activities of contestants, thus helping voters to make informed choices.

90. The ad hoc committee calls on the newly elected Kyrgyz Parliament to step up its co-operation with the Assembly, to recommit to the aims of, and to fully use the opportunities offered by its partner for democracy status so as to ensure compliance with political commitments entered into upon requesting this status recommendations as contained in Resolution 1984 (2014).

91. The ad hoc committee further calls on the newly elected Kyrgyz Parliament to intensify its co-operation with the Venice Commission with a view to resolving the different problems noted during the November 2021 parliamentary elections, as well as the numerous issues raised in its 2011, 2014 and 2021 Opinions, in order to improve its democratic and human rights standards, the balance of powers and its legal framework and electoral practices.

92. The ad hoc committee considers that the Council of Europe should continue to help Kyrgyzstan, by means of their various co-operation programmes, with a view to ensuring that the ongoing constitutional reform upholds human right, democracy and the rule of law, and support the vibrant civil society in the country.

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: Ms Marina BERLINGHIERI, Italy

Socialists, Democrats and Greens Group

– Ms Marina BERLINGHIERI, Italy
– Mr Pere LÓPEZ, Andorra

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

– Mr Luís LEITE RAMOS, Portugal
– Mr Kęstutis MASIULIS, Lithuania
– Mr Krzysztof TRUSKOLASKI, Poland
– Mr Cristian NICULESCU-ȚÂGÂRLAȘ, Romania

European Conservatives Group and Democratic Alliance (EC/DA)

– Mr Alberto RIBOLLA, Italy

Alliance of Liberals and Democrats for Europe (ALDE)

– Ms Diana STOICA, Romania

Group of the Unified European Left (UEL)

– Mr Antón GOMEZ-REINO, Spain

Venice Commission

– Mr Nicolae ESANU, Republic of Moldova

Secretariat

– Ms Ivi-Triin ODRATS, Secretary of the ad hoc committee, Election Observation and Interparliamentary Cooperation Division
– Ms Anne GODFREY, Assistant, Election Observation and Interparliamentary Cooperation Division
– Mr Serguei KOUZNETSOV, Head of Division, Venice Commission

Appendix 2 – Programme of the International Election Observation Mission

Friday, 26 November

11:45-12:45 Briefing Meeting for PACE observers

13:00-13:30 Welcome and Introductory Remarks

- Peter Juel-Jensen, Special Co-ordinator and Leader of the short-term OSCE observer mission
- Marina Berlinghieri, Head of the PACE Observer Delegation
- Farah Karimi, Head of the OSCE PA Observer Delegation
- Ambassador Alexey Rogov, Head of the OSCE Programme Office in Bishkek

13:30-15:00 Briefing by the ODIHR Election Observation Mission

- Welcome and Overview of the ODIHR EOM's Work, Ambassador Audrey Glover, Head of ODIHR EOM and Polyna Lemos, Deputy Head of ODIHR EOM
- Legal Framework and Electoral System, Svetlana Chetaikina, Legal Analyst
- Political Context, Giovanni Gabassi, Political Analyst
- Election Administration and Voter Registration, Rashad Shirinov, Rokas Stabingis, Election Analysts
- Media Landscape, Ivan Godarsky, Media Analyst
- Complaints and Appeals, Svetlana Chetaikina, Legal Analyst
- Security Considerations and Covid-19 Update, Auset Mitchell, Security Expert
- Questions and Answers

15:30-17:00 Roundtable of party-nominated candidates

- Butun Kyrgyzstan, Iskhak Masaliev, Party member
- Social Democrats, Lira Bekchoroeva, Candidate
- Yntymak, Chyngyz Makeshov, Head of party list
- Ata-Meken, Tilek Toktogaziev, MP, Party member

17:00-17:45 Roundtable of self-nominated candidates

- Kanybek Imanaliev, Self-nominated single mandate candidate
- Karim Khandzheza, Self-nominated single mandate candidate represented by Lumazova Zarina
- Damira Niyazalieva, Self-nominated single mandate candidate *(written intervention)*
- Sukhrab Kasymov, Representative of self-nominated single mandate candidate Melis Turganbaev

18:00-19:30 Media landscape and election coverage panel

- Bolot Temirov, independent journalist
- Kubat Kasymbekov, Radio Azattyk
- Anna Kapushenko, Chief Editor, Co-founder of Kloop.kg
- Elina Karakulova, Director, Internews Kyrgyzstan
- Dilya Yusupova, Journalist, Kaktus.media

Saturday, 27 November

09:00-11:00 Socio-political context of the elections panel

- Bermet Stakeeva, Programme Director, Forum of Women's NGOs of Kyrgyzstan (FWNGO)
- Emil Dzhuraev, Political Observer
- Syinat Sultanalieva, Researcher at the Europe and Central Asia Division, Human Rights Watch

- Aida Suyundueva, Chairperson, “Common Cause” Public Fund
- Saniia Toktogazieva, Lawyer, “Lawyers of Kyrgyzstan”
- Ainura Usupbekova, Public Fund “Civic Platform”
- Dinara Oshurakhunova, Independent Observer
- Dimitar Stojkov, Director, IRI Kyrgyzstan

11:15-12:45 Election administration and legislation panel

- Nurzhan Shaildabekova, Chairperson, Central Commission for Elections and Referenda
- Louise Chamberlain, Resident Representative, UNDP
- Bekbosun Borubashov, Presidential Advisor and former Chairperson of the Constitutional Assembly
- Maksat Tolonov, Executive Director of Legal Affairs of the TV Broadcasting, Public Broadcasting Corporation (KTRK)

13:00-14:50 Briefing by the ODIHR Election Observation Mission – continuation

- Election Day Procedures, Rashad Shirinov, Election Analyst
- STO Reporting, Andreas Roth, Statistical Analyst
- Briefing by ODIHR Long Term Observers deployed in Bishkek (surroundings) and Chui West, Sherry Murphy and Stefan May, LTO 01; Susanne Greiter and Robert Mangham, LTO 13

Sunday, 28 November

08:00-20:00 Observation in polling stations

Monday, 29 November

08:00-09:00 Debriefing for OSCE PA observers

08:00-09:00 Debriefing for PACE observers

15:00 Joint press conference

Appendix 3 – Press statement of the International Election Observation Mission

Kyrgyzstan's parliamentary elections competitive but lacked meaningful voter engagement, international observers say

BISHKEK, 29 November 2021 – Kyrgyzstan's parliamentary elections were competitive, but they lacked meaningful voter engagement due to a stifled campaign, constitutional changes weakening parliament and extensive legislative changes to key aspects of the election. Generally adequate election legislation was undermined by limitations on civil and political rights as well as diminished separation of powers and the independence of the judiciary. Voters had a wide range of political options to choose from. Election preparations were handled efficiently by the election administration, and election day was peaceful, international observers said in a statement today.

The joint observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE), noted that the elections took place against the backdrop of an extensive legislative review by a parliament whose mandate had expired. The authorities displayed the political will to ensure clean elections, but strict enforcement of subsequent measures led to a cautious campaign."The past year has been dizzying for Kyrgyzstan, with massive political shifts and a rush to centralize power," said Peter Juel-Jensen, Special Co-ordinator and leader of the short-term OSCE observer mission. "While overall well run and competitive, yesterday's elections reflected this rushed approach. To fully meet international commitments, much greater care will need to be paid in the future to standard democratic processes including appropriate checks and balances on power."

The extensive amendments to the legal framework shortly before elections were called did not grant voters or election officials an opportunity to familiarise themselves with the new system. At the same time, the way in which the legal changes were introduced did not meet the standards of democratic law-making. Some 3.6 million voters were registered to cast their ballot, and turnout on election day was 35 per cent."These elections need to be seen against the backdrop of last year's failed elections that led to a political system with sweeping powers for the president and the adoption of a whole new set of rules. The new constitution has altered the balance of power and drastically diminished the role of the parliament, while the low turnout yesterday seems to indicate a faltering public trust in the country's institutions," said Marina Berlinghieri, Head of the PACE delegation. "The people of this country deserve to have their freedoms respected, and we call on the newly elected parliamentarians to stand up for democratic standards, the rule of law and the protection of human rights."

Election day was peaceful and procedures mostly followed. However, there were cases of ballot boxes not being properly sealed and overcrowding in some places. There were also unauthorised people present in a high number of polling stations, as well as external interference in a small number of cases. The presence of candidate observers in the overwhelming majority of polling stations helped to make the process more transparent. While the move to a mixed election system may have aimed to promote pluralism, it had a negative impact on the participation and representation of women across the country. Further there are no guarantees to maintain quotas aimed at ensuring greater participation of women, national minorities and people with disabilities.

Fundamental freedoms were generally respected in the campaign, which remained subdued. The new educational requirements that candidates have a higher education goes against international standards and significantly limits the number of citizens eligible to run. While the constitution guarantees freedom of expression and access to information, it also contains unduly broad and vague grounds that potentially limits freedom of expression. At the same time, a narrow definition of campaigning in the media and the decision of many media outlets not to cover the campaign, reduced coverage and left voters under-informed. Critical and analytical reporting was largely absent, with the exception of a few online media outlets."The recent reduction of the parliament's power has caused the people to lose confidence in the impact of their vote, while undue restrictions placed on candidate eligibility and the move to a mixed electoral system have inhibited a more diverse range of choices," said Farah Karimi, Head of the OSCE PA delegation. "Democracy is about representation and if women, young people and those who don't have university diplomas are so severely limited in the right to run, we should not be surprised by the lack of voter enthusiasm."

The change to a fully presidential system was initiated by the president, who since taking office earlier this year has significantly shaped the current political environment. As well as undue limitations on a number of civil and political rights, the constitution adopted in April gives the president a greater role in the appointment of judges and election officials, compromising the independence of the judiciary and the separation of powers. "While voters had a range of political options, we are seriously concerned with the lack of engagement with

voters and the efforts to inform them," said Audrey Glover, who heads the ODIHR election observation mission. "We hope that the new parliament will now have the opportunity to make a proper assessment of all the legislative changes that have been made and work to improve them for the good of all citizens."

The international election observation totalled 351 observers from 41 countries, made up of 283 ODIHR experts and long- and short-term observers, 55 parliamentarians and staff from the OSCE PA, and 13 from PACE.