



INTERNATIONAL OBSERVATION MISSION OF THE PARLIAMENTARY ASSEMBLY OF TURKIC-SPEAKING COUNTRIES

Referendum on drafting of the Law of the Kyrgyz Republic “On Constitution of the Kyrgyz Republic” 11 April 2021

STATEMENT

Following the invitation from Jogorku Kenesh (Parliament) of the Kyrgyz Republic, the International Observation Mission (*hereinafter referred to as the Mission*) of the Parliamentary Assembly of Turkic Speaking Countries (TURKPA) conducted a short-term monitoring of the Referendum on the draft of the Law of the Kyrgyz Republic “On the Constitution of the Kyrgyz Republic” (*hereinafter referred to as constitutional referendum*) held in the Kyrgyz Republic on 11 April 2021. The Mission comprised members of the parliaments of Azerbaijan, Kazakhstan and Turkey, as well as the diplomatic staff of the TURKPA Secretariat (*see the list of Mission*). On the same day, Kyrgyzstan held local elections to 448 rural and city councils (Kenesh).

The referendum in the Kyrgyz Republic are primarily regulated by the Constitution, the Constitutional Law on Referendum (Referendum Law) and legislation on criminal and administrative sanctions, as well as instructions of the Central Election Commission. Kyrgyzstan is a party to the main international and regional human rights and election-related instruments, having also ratified the UN Convention on the Rights of Persons with Disabilities (CRPD).

The referendum is administered by the Central Election Commission (CEC), 54 Territorial Election Commissions (TECs) and 2,483 Precinct Election Commissions (PECs). Out-of-country voting was conducted at 48 polling stations. Total number of registered voters for referendum is 3606201 people. The CEC is a permanent body responsible for the organization of elections and referenda. The 12 CEC members are appointed for a five-year term by the Parliament, upon

nominations from the president, the parliamentary majority, and the parliamentary opposition, each nominating 4 members.

Preparations for the referendum were carried out in accordance with sanitary norms and recommendations relating to the COVID-19 pandemic, as it was during the previous elections and referendum. The specific measures included social distancing at voting premises and provision of electoral officials and voters with personal protective equipment. At the same time, the CEC was running a number of projects focusing on accessibility of polling stations, training of lower-level commissions, effective use of technologies and voter education.

The Mission met with the Chairman of the Jogorku Kenesh Mr. Talant Mamytov, Chairperson of the CEC Ms. Nurzhan Shaildabekova and Minister of Foreign Affairs Mr. Ruslan Kazakbayev. During these meetings, the Mission was informed on the preparations for the referendum, including those related to coordination between election administration bodies and law enforcement authorities.

Within its programme, the Mission also held meeting with the observation mission of the Inter-Parliamentary Assembly of the Commonwealth of Independent States (IPA CIS). Members of both missions have held an exchange of views on the pre-referendum environment and voting process and shared information on practical experience with regard to the observation of referendums in the member countries.

The CEC has registered 15 agitation groups, 12 of which are supporters, while 3 are opponents of the Referendum, with approximately 10-15 people in each group. Agitation groups conducted their missions both in urban and rural areas of each region of the country. Activities of the agitation groups and participations of people at the meetings of the groups represent high political interest on the election process among the population of the country. The Referendum Law requires the media to provide unbiased information and to treat contesting parties equally. It is prohibited to campaign through foreign media and foreign media cannot broadcast live during the duration of campaign. The CEC established a working group on campaign and voter information consisting of CEC members, media representatives and analysts for facilitating its oversight function.

On the voting day, the Mission visited a number of polling stations in the capital city Bishkek and observed the voting process at different stages. The Mission had an opportunity to monitor the casting of votes, talk to voters, polling stations' officials and also to local observers on the ground.

According to the information of the CEC based on automatic reading urns (ARU), voter turnout for the referendum was 37,22%, meanwhile referendum results

deemed valid if more than 30% of eligible voters cast their votes. The CEC shall recognize the new Constitution of Kyrgyzstan as adopted if more than half of citizens voted in its favour.

The Mission emphasizes significant achievements of Kyrgyzstan in strengthening democratic standards of election and referendum-related legislation. The Referendum Law and its last amendments stipulates the basic democratic principles of the nation-wide voting, such as transparency and votes cast by secret ballot. Additionally, the Law precisely determines rules for the agitation and procedural aspects of election administration during the referendum, as well as the listing of the issues, which cannot be put to the referendum. Furthermore, in 2020 the Parliament adopted amendments to legislative acts regarding sanctions for violation of electoral legislation establishing liability for the misuse of administrative resources and vote-buying.

The Mission commends the application of advanced technologies during the voting process, as it was during the previous elections and referendum, including use of biometric data, electronic vote counting equipment for scanning and counting the ballots, which immediately produces the election results after the close of the polls. Alongside, the Mission points out to the preparation and distribution of audio-visual campaign materials using sign language or subtitles and in an easy-to-read format and other special means for voters with disabilities. As prescribed by the legislation, the amount of such adapted materials should be at least one percent of the total circulation of campaign materials.

The Mission highly appreciates an enormous work carried out by the CEC in terms of raising awareness about the referendum. In this context, the CEC has launched a number of resources on its website and in social media to provide citizens with relevant information. At the same time, the CEC has maintained the database of complaints and appeals online in timely manner, as voting results to be timely published on its website, including in electronic interactive format as well as in the form of scanned voting results protocols. As regards the pandemic-related measures on the voting day, the Mission commends the excellent work of the election administration bodies in this direction and obedience of rules by voters. The Mission particularly underlines that those measures did not create obstacles for polling places` accessibility.

The Mission notes that another improvement at this Referendum was financial transparency of all participants of referendum process and strengthening of oversight mechanisms. The CEC, in its turn, has regularly published information about payments and expenditures of the agitation groups.

The Mission underlines that the Referendum was held in calm and, at the same time, highly competitive environment characterized by the variety of opinions and attitudes to the issue of referendum and adoption of new constitution. The Referendum has explicitly demonstrated a solid foundation of democratic institutions and active role of non-governmental sector in socio-political life of Kyrgyzstan.

The Mission highly appreciates all necessary conditions provided for international observation of elections in Kyrgyzstan. In its activity, the Mission followed the objectivity, justness, transparency and impartiality principles in accordance with the TURKPA Regulations on Election Observation and relevant international instruments.

The Mission concludes that the Referendum on the Constitution in the Kyrgyz Republic of 11 April 2021 were held in compliance with the democratic and international election standards.