

NATIONAL INTEGRITY SYSTEM
ASSESSMENT
KYRGYZ REPUBLIC

POLITICAL PARTIES

The legal framework of Kyrgyzstan contains provisions for the free establishing and functioning of political parties, and contains safeguards against government interference in the activities of political parties. However, the norm on safeguards against external interference in the activities of political parties is in practice extremely inefficient and undermines effective political competition. The majority of political parties lacks effective procedures of internal democratic governance, because most parties are autocratic.

The most recent 2015 Parliamentary Election, as well as local Kenesh election have also highlighted some gaps in the electoral process in Kyrgyzstan. Political parties often rely on the popularity of local party members to attract votes rather than on ideology and political platforms. Currently, the voters are required to provide their biometric data. This decision was taken in order to create a mechanism for verification of the database of voters and reduce the incidence of fraud during election. Nevertheless, the cases of gathering and bribing voters are identified and registered during elections.¹

In May 2017,² the new amendments to the constitutional law 'On Election of the President and Jogorku Kenesh Deputies' were adopted, according to which the maximum amount of candidate's own funds was increased by 10-fold. Threshold of the maximum amount of funds that can be allocated to a candidate by a political party previously was 500,000 Som, and according to the new norm, it was also increased and amounts to 5 million. Same threshold is set for voluntary donations of individuals; it was increased by 10,000-fold. Size of donations of legal entities has also increased: from 500,000 to 50 million Som each. The changes have also affected the accreditation of public observers, where at one polling station no more than one public observer from one non-profit organization shall be accredited by one Election Committee; so-called barrier for political parties grew from 7% to 9% of votes. It caused wide discussions on the eve of 2020 elections.³ In June 2020, Parliament approved in the third reading the reverse reduction of the barrier of political parties to 7%

The latest changes that occurred in August 2019,⁴ provide for inclusion of the following: rules for observance of the rights of voters with disabilities; inadmissibility of misuse of administrative resources subject to criminal or other liabilities; obligations of political parties to publish their election programs at least in one national periodical printed mass media and to post them on the official websites. List of expenditures from election funds has been expanded. It is supplemented by the maximum amount of expenses of a candidate for the presidency at the expense of the electoral fund, which cannot exceed the estimated amount by more than 2,000,000-fold, and there is a liability for violating the procedure for establishing the election fund and exceeding the maximum amount of expenses. The maximum amount of expenses of candidates for KR MPs was reduced from 5,000,000 estimated indicator to 3,000,000 estimated indicators.

Regarding the transparency and accountability of political parties, the regulatory framework in Kyrgyzstan does not provide for clear and comprehensive procedures for disclosing information about revenues and expenses of political parties. Financial performance of parties remains open to some extent only during election period, which in practice has been criticized.

The table below shows the values of indicators that summarize the assessment of political parties in terms of their capacities and internal governance as well as their role in the national anti-corruption system in Kyrgyzstan. The rest of this Section is a qualitative assessment of each indicator.

¹ <https://freedomhouse.org/report/nations-transit/2016/kyrgyzstan> (Section Election Process: p. 2)

² <https://rus.azattyk.org/a/28521049.html>

³ https://rus.azattyk.org/a/kyrgyzstan_jogorkukenesh_elections_2019/30232659.html

⁴ KR constitutional laws 'On amendments to the KR constitutional laws,' 'On Election of the President and Jogorku Kenesh Deputies' dated August 8, 2019, 'On KR Referenda'

Overall Pillar Score: 31/100

DIMENSION	INDICATORS	LAW	PRACTICE
Capacity 38/100	Resources	50	25
	Independence	50	25
Governance 29/100	Transparency	25	25
	Accountability	50	25
	Integrity mechanisms	25	25
Role 25/100	Interest aggregation and representation	25	
	Anti-corruption commitment	25	
Law and practice average		36	25

Structure and organization

To date, 243 political parties are registered in Kyrgyzstan,⁵ although only few of them are more or less active in political life of country. Six political parties are represented in the Parliament: SDPK; Respublika-Ata Jurt; Kyrgyzstan; Onuguu-Progress; Bir Bol; and Ata Meken. The three factions are considered to be a parliamentary opposition: Ata Meken; Onuguu-Progress; and Respublika-Ata Jurt. They did not join the parliamentary majority coalition in the Jogorku Kenesh on November 3, 2016. Out of them, only a fraction of 'Ata Meken' used to speak openly with heavy criticism towards the authorities.

RESOURCES (LAW) - 75

To what extent does the legal framework provide an environment conducive to the formation and operations of political parties?

Existing legal framework does not establish any significant obstacles to founding and functioning of political parties. The right of citizens of the Kyrgyz Republic to 'establish political parties and participate in their activities' is guaranteed by the Constitution⁶. Kyrgyz Republic recognizes political diversity and multi-party system. Political parties can be founded by the citizens on the basis of free will and common interests. Political parties contribute to the expression of political will of citizens, take part in the elections of Members of Parliament, of the President and of local governments.

Constitution⁷ contains a provision on the right to freedom of association. Associations are regulated by the Civil Code⁸ and by the KR Law 'On Political Parties' (since the date of publication there have been no amendments).⁹

According to the Kyrgyz law,¹⁰ political parties shall implement the registration procedure as a legal entity with the State Registration Authority of the Ministry of Justice. To be registered, the party shall

⁵ <https://www.shailoo.gov.kg/media/gulina/2019/04/12/11-2019.pdf>

⁶ KR Constitution dated June 27, 2010 (Art. 4)

⁷ KR Constitution dated June 27, 2010 (Art. 35)

⁸ KR Civil Code dated May 8, 1996 № 15 Part 1 (Section 5, paragraph 5, Art. 85, 87, 161)

⁹ KR Law 'On Political Parties' dated June 12, 1999 No. 50

¹⁰ KR Law 'On state registration of legal entities, branches (representative offices); dated February 20, 2009 No. 57 (Art. 5)

provide a list of documents established by law.¹¹ State registration of political parties shall be implemented in 30 days from the date when registration authority has been provided with a full package of documents.¹²

Political parties shall be established on the initiative of at least 10 citizens of the Kyrgyz Republic. The initiators of political party shall convene a constituent congress (conference) or general meeting where the Charter is to be adopted, and governing bodies are to be formed.¹³ When the state registration of political party is performed, the approved political program of the party shall be attached to the Application form supplemented with the package of documents¹⁴. When the state registration of the branch (representative office) of political party is performed, in addition to the documents submitted to the registering authority, the list of political party members held by the branch shall be submitted specifying the information, address and date of acceptance of a political party member¹⁵. Political party shall have a Charter open to public.¹⁶

The following is prohibited in the Kyrgyz Republic: performance by the civil and municipal servants of political party work, except when such work is carried out outside of official activities; membership of military personnel, law enforcement officers and judges in political parties; and their statements in support of any political party¹⁷.

According to the Law on Political Parties,¹⁸ activities of political parties shall be financed by the own funds of these parties without allocation from the government budget. Foreign states, foreign parties, as well as y legal and physical persons of foreign states shall be forbidden to finance the activities of parties.

Financial resources of political parties shall be formed on the basis of membership fees, voluntary donations, loans, property income, events, distribution of print media, publications and other revenues not prohibited by law.¹⁹ Amount of donations of individuals and legal entities in favor of political parties is not limited by law. For the period of election campaigns, legislation²⁰ provides for the following limitation on the amount of donations to the election fund of a political party: own funds of the candidate included in the list of candidates cannot exceed 1.5 million soms, b) own funds of a political party of 100 million Som, c) donations from individuals of 200,000 thousand Som, and d) donations from legal entities of 3 million Som. In the same law and in the instructions,²¹ election funds of presidential candidates may be formed at the expense of: 1) candidate's own funds, which shall not exceed 15 million Som; 2) funds allocated to the candidate by the political party which shall not exceed 50 million Som; 3) voluntary donations from individuals, each of which shall not exceed 50 million Som; 4) voluntary donations of legal entities, each of which shall not exceed 50 million Som.

Founding and operating the political parties with the aim and method of action of overthrowing, forcibly changing the constitutional system, undermining sovereignty, etc., which contradict the KR constitutional set up and is not compatible with the generally recognized norms of international law

¹¹ Закон КР "О государственной регистрации юридических лиц, филиалов (представительств)" от 20 февраля 2009 года № 57 (Art. 6)

¹² KR Law 'On state registration of legal entities, branches (representative offices); dated February 20, 2009 No. 57 (Art. 7, 8 part 3)

¹³ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 5)

¹⁴ KR Law 'On state registration of legal entities, branches (representative offices); dated February 20, 2009 No. 57 (Art. 10 part 15)

¹⁵ KR Law 'On state registration of legal entities, branches (representative offices); dated February 20, 2009 No. 57 (Art. 15 part 3)

¹⁶ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 8)

¹⁷ KR Law 'On Civil Service and Municipal Service' dated May 30, 2016 , No. 75 (Art. 22)

¹⁸ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 16, 17)

¹⁹ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 16)

²⁰ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art.62 part 2)

²¹ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art.54 part 2), Instruction 'On the Procedure for Founding, Accounting of Election Fund of the Candidates for a Post of the President of the Kyrgyz Republic'

shall not be allowed. On the territory of the Kyrgyz Republic, founding and performance of political parties of foreign states, as well as their units, are not allowed.²²

Election Committees²³ organize the preparation and conduct of elections in the Kyrgyz Republic, ensure implementation and protection of electoral rights of citizens of the Kyrgyz Republic.

In accordance with the law 'On Election of Deputies of Local Keneshes',²⁴ Election Committees shall monitor compliance with the established procedure for campaigning. Candidates, candidate's spouses, close relatives of candidates, representatives of candidates and political parties are not entitled to engage in charitable activities from the time the election has been announced until the election results have been published, including outside the constituency in which the candidate is nominated.

Constitutional Law²⁵ obliges the public authorities and local governments to assist the candidates and political parties in organizing the gatherings and meetings with citizens, and in holding public debates and discussions, rallies, demonstrations and processions, ensuring safety during mass events. Applications submitted by candidates and political parties for the obtaining the space for meetings with voters shall be examined by public and local authorities at the day of submission. In the event that a candidate or political party have been denied space for meetings with voters, public authorities and local governments should provide the justified written motivation of the decision about the reason for denial. When one of the candidates or one of the political parties have been provided with the space to for mass events, refusal to provide the same space to another candidate or another political party shall not be allowed. Premises suitable for public events that belong to the government or to the municipal authorities shall be provided free of charge for meetings with voters for the time set by the Election Committee. When holding mass events, Election Committees shall ensure equal opportunities for the candidates of political parties.

The same law²⁶ establishes the right to provide free airtime²⁶ on those TV and Radio Channels that are financed in full or in part from the funds of the national or local budgets, as well as in those mass media outlets that have tax and mandatory payment benefits compared to other mass media. They are obligated to provide equal opportunities to political parties' candidates. The indicated airtime should fall on the period when television and radio programs gather the largest audience - from 20:00 to 24:00.

The law²⁷ also provides for the inadmissibility of abuse of the administrative resource by candidates that hold governmental and municipal posts, as well as the posts of heads of governmental and municipal enterprises, institutions, enterprises with a governmental (municipal) share of more than 30 percent and their divisions; they also are not allowed to take advantage of the official positions and other types of administrative resources. Persons who violate these requirements shall bear criminal or other liability provided by law. However, abuse of administrative resources is a big issue in the election legislation, so for better implementation, the legislation needs to provide clearer and detailed paragraphs about penalties for infringement, as well as mechanisms for the inadmissibility of such abuse.

RESOURCES (PRACTICE) - 50

²² KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art.3)

²³ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 1)

²⁴ KR Law 'On election of deputies of local keneshes', dated July 14, 2011 No. 98 (Art. 28)

²⁵ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 26)

²⁶ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 24 Art. 22 part 18)

²⁷ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 21-1)

To what extent do the financial resources available to political parties allow for effective political competition?

According to the law, political parties shall not obtain government funding and shall be self-funded. In 2013, an attempt to amend the current law 'On Political Parties' regarding the financing of political parties by the government failed and caused a lot of controversy and complaints from the MPs and the Ministry of Finance. Eventually, the attempt was not supported.²⁸

According to the MPs, the funding sources of political parties are not sustainable, as they are completely dependent on the party's sponsors, and for the majority, the party leader also acts as a sponsor of the party. Financial position of political parties does not depend on the age or size of the party, it depends on the amount of finances and sponsors of the party. In most cases, the sources of financing of political parties are formed by contributions of individuals, therefore even those parties that were established just on the eve of the elections may have more funds.²⁹ This statement is supported by the other experts, who note that due to finances, regardless of the age of the parties, they might appear in the Parliament, because at present, the results of election depend only on the amount of funds.³⁰ Macro parties have 3 sources of financing: a) financially secure potential MPs, b) contribution of the leader and c) international players, thanks to which, the resources of such parties dominate.³¹ Equally important is the administrative resource, which replaces the major part of financial resources, and due to which parties have the chance to come to power.³²

At present, political parties are increasingly looking to their internal sources, which are made up by contributions of local oligarchs. In the event that the leader of the party is successful, then it is easier to raise funds by attracting rich people as members of the party.³³

Campaign funding is provided through special bank accounts that are opened by political parties during the election period.

In the period of election campaign, the amount of spending from electoral fund for those political parties that have put forward a list of candidates shall not exceed the estimated indicator more than 3000000-fold; during election of President it shall not exceed the estimated indicator more than 2000000-fold.³⁴

In 2015, the Parliamentary elections displayed a variety of financial resources of the parties that ranged from 8 834 460 880 000 Som up to 131 540 711 million Som. According to the Cash Flow Report of the electoral funds of political parties, the highest contributions were obtained by the political party 'Respublika-Ata Jurt' in the amount of 131 540 711 million Som; the party 'Onuguu Progres' ranked the second with 119 409 370 million Som; the 'SDPK' party with 103,239,107 million Som ranked the third; and the 'Meken Yntymagy' party had the lowest amount of 8,834,460 million Som.³⁵

According to Freedom House, the 2015 election was the most expensive in the country. The average cost of each seat in the Parliament was more than 5 million Som (approximately 72,000 dollars), while 'Onuguu-Progress' that got about nine seats, spent more than 9 million Som for each seat, \$129500 - \$1165500). According to the information, SDPK spent about half of the amount for each candidate, saving money, possibly due to more favorable and frequent coverage in government media. Most parties raised funds from contributions of their wealthiest members. This report cites one of the former MPs who said that the order of priority in the Parliamentary Lists are often get bought for up to

²⁸ <http://www.stanradar.com/news/full/3586-finansirovanie-partij-v-kyrgyzstane-lobbi-za-schet-sponsorov.html>,
<http://www.stanradar.com/news/full/29949-kirgizija-politicheskaja-partija-kak-nagruzka-dlja-gosbjudzheta-nam-eto-nado.html>

²⁹ Interview with Deputies of the KR Jogorku Kenesh

³⁰ Interviews with reporters and experts

³¹ Interview with Ms. Nogoybayeva, head of the analytical center 'Polis Asia'

³² Interview with expert G. Mamatkerimova

³³ Interviews with MPs, experts and journalists

³⁴ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art.62, 54), (estimated indicator is 100 Som)

³⁵ <https://shailoo.gov.kg/ru/news/1031/> Cash Flow Report of the election funds of political parties as of October 4, 2015

\$300,000.00 each. Activists suggest that such high expenditures will inevitably force Members of Parliament (parliamentarians) to try to return their investments through the insider deals.³⁶

It is typical for the parties that party members often change their political orientation, i.e. move from one party to another in order to get into the Parliament.³⁷ In the 2015 parliamentary elections, the most recently established parties passed: Kyrgyzstan; Onuguu- Progress; and Bir Bol party. Moreover, the 'Kyrgyzstan' party, having appeared two months before the election, only in the first month of its existence managed to win over 20 MPs of the back-then Parliament. Significant financial resources and a balanced election list in which the first lines were taken by significant regional leaders made the parties successful.³⁸ Summarizing the above, it can be concluded that the sources of financing for political parties are not stable and depend on the contributions of the richest party members.

Regarding equal access of parties to airtime during election campaigns, the election law provides for proportional coverage of election campaign participants. So, all government-owned mass media, or mass media financed by the government, should allocate one hour of airtime on business days, on a non-reimbursable basis. However, it is not specified how this time will be allocated, each business day, or only on certain days. Newspapers financed by the government budget are also obliged to provide each participant with at least one A4 page, free of charge, during the entire pre-election campaign. However, the OSCE mission in its final report on 2015 parliamentary election³⁹ noted that the Public Television and Radio Corporation (OTRK) and the government-owned National Television and Radio Company (EITR) allocated free airtime in the form of one hour for each election participant. In 2015, the 'Channel 5' and 'Pyramid', recipients of government funding, did not provide any free airtime to the participants of the election campaign, despite the existing legal requirements.⁴⁰ The report also states that 'two of the three nationwide government-funded newspapers provided all participants with half of the free space required by law, and the 'Slovo Kyrgyzstana' did not provide any free print space at all.

Thus, according to the expert,⁴¹ formally all parties have equal access to airtime, but due to the fact that the management system has changed in the direction of the vertical of power, not all have equal access to airtime in practice. The 'sterility' of air and objectivity of national channels are seriously doubtful, including the provision of falsified information, for example: negative coverage of the opponent of the authorities, Mr. Tekebaev, or information about human rights defenders.

INDEPENDENCE (LAW) - 50

To what extent are there legal safeguards to prevent unwarranted external interference in the activities of political parties?

The government shall guarantee the observance of the rights and legitimate interests of political parties, equal legal environment for them to fulfill their statutory tasks in accordance with the Constitution and laws. Intervention of government bodies and officials in the activities of political parties is not allowed, with the exception of cases provided by law. Ministry of Justice has the right to request explanations from political party governing bodies on the issues related to violation of the Charter of a political party.⁴²

³⁶ <https://freedomhouse.org/report/nations-transit/2016/kyrgyzstan>, Избирательный процесс абз 6

³⁷ <http://kg.akipress.org/news:630027> How Kyrgyz politicians change one party to another; Field study: Party development and election situation in the regions. View of regional party representatives (p.4)

³⁸ <http://scipro.ru/article/18-01-16> International Journal of Professional Science №1-2016 'Modern Kyrgyzstan: Authorities, Political Parties and Society' (section: Comparative analysis of the results of the 2010 and 2015 Parliamentary Elections shows the following)

³⁹ <http://www.osce.org/ru/odihr/elections/kyrgyzstan/222521?download=true>, Parliamentary election on October 4, 2015. OSCE / ODIHR Election Observation Mission. Final Report (p. 20,21).

⁴⁰ <http://ru.sputnik.kg/infographics/20150908/1018053259.html>

⁴¹ Interview with Ms. Nogoybayeva, head of the analytical center 'Polis Asia'.

⁴² KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 12)

In accordance with the Law on Political Parties,⁴³ the government authority, in this case the KR Ministry of Justice and its territorial units, which has registered a political party, may suspend the activities of this party for up to two months for committing actions that go beyond the goals and objectives defined by its Charter, or violate the law. In this case, a political party shall be prohibited from using all the media, conducting propaganda and agitation, organizing meetings, demonstrations and other mass events, and participating in elections. Its right to use bank deposits shall also be suspended, with the exception of settlements under labor contracts, compensation for losses incurred as a result of its activities, and payment of fines. After the specified period has expired and violations have been eliminated, the activities of a political party shall be resumed.

During election, voters vote for political parties, not for the party candidates⁴⁴ due to which 'in the parliament there are members unknown by the public, because the list is compiled by the supreme body of political party, were 'unfortunately, the order of priority began to depend on the deposit amount, and also on the proximity to the party leader according to which the mandate has become a commodity'.⁴⁵

During the period of election campaigns, the activities of political parties are supervised by the CEC.⁴⁶ To control the sources of income, the correct accounting and use of the electoral funds of political parties, to inspect the financial statements, a Control-and-Audit Group shall be created at the CEC with not more than 7 members.⁴⁷

Termination of the activity of a political party may be carried out by reorganization (merger, acquisition, division) or liquidation. The reorganization of a political party shall be carried out by decision of its congress (conference). Registration of the newly established after reorganization political party shall be carried out in accordance with the law. Liquidation of a political party shall be carried out by the decision of its congress (conference). Political party shall be dissolved by Court Order. Submission for dissolution of a political party shall be made by the KR Ministry of Justice⁴⁸. The basis for the submission of the KR Ministry of Justice may be the failure to comply with the Warning of the KR Ministry of Justice in accordance with Art.13 of the KR Law 'On Political Parties'.

INDEPENDENCE (PRACTICE) - 25

To what extent are political parties free from unwarranted external interference in their activities in practice?

In practice, political parties are not protected against unreasonable interference in their activities.

Despite the fact that the interference of government bodies and officials in the activities of political parties is not permitted by law, in practice, the impact on parties is still exerted.⁴⁹ In the event that the party does not please the authorities, certain methods are used to stop or harm the reputation of the party in the political arena through bribery and intimidation of members of the party.⁵⁰ Criminal proceedings are filed against members of oppositional parties, for example in respect of the Deputies of the opposition party 'Ata-Meken' because the parliamentary faction 'Ata Meken' opposed the amendments to the Constitution.⁵¹

⁴³ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 14)

⁴⁴ KR Constitutional Law 'On Elections of the KR President and Deputies of the KR Jogorku Kenesh', Art.30, part 4

⁴⁵ <https://rus.azattyk.org/a/30168578.html>, Parliamentarism. kg: how the 'nuance' in the law can change the course of history.

⁴⁶ KR Law 'On Election Committee for the conduct of elections and referenda of the Kyrgyz Republic' dated June 30, 2011 No. 62 (Art. 7)

⁴⁷ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42 part1,2)

⁴⁸ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art.15)

⁴⁹ Interview with expert G.Mamatkerimova

⁵⁰ Interviews with Deputies and Ex-Deputies of the KR Parliament

⁵¹ <https://rus.azattyk.org/a/28469241.html> The cases of Ata Meken Deputies were transferred to court.

As already noted above, voters vote for parties, and the right to decide who will be on the list of parties is given to the leaders of these parties. According to the former Speaker of the Legislative Assembly of the 'legendary' Parliament, the ex-member of a CEC (Central Election Commission) I. Kadyrbekov,⁵² 'we used the worst modification of the proportional system, since the people did vote not for party candidates, they vote for the party itself, which turned this rule into a business project with the goal of removing people from participation and including in the parliament those people who could be manipulated.'

Furthermore, the parties might be dependent on the party sponsors. Thus, the OSCE/ODIHR report noted that 'the political parties mentioned that 'sales of seats or top positions' in party lists represented a potential mechanism for fund raising, and that some of the parties obtained a significant share of campaign funds from the candidates'.⁵³ Despite the fact that it is not considered a violation of law, 'there are doubts about the excessive dependence of political parties on private donations and dominance of business interests in the Parliament'.⁵⁴

According to the expert,⁵⁵ non-parliamentary opposition quite often is subjected to persecution, political investigation, lacks access to the air to express the opinion. Pressure is also exerted on the business of the opposition members by the authorities through unreasonable governmental inspections.

According to political scientists, from an ideological point of view, there is no systemic opposition in Kyrgyzstan,⁵⁶ and parties that did not enter the majority coalition become parliamentary opposition.⁵⁷ This is because the parties have no ideological programs, in fact opposition parties are the quasi-parties.⁵⁸ However, the Ata-Meken party is considered a more or less systemic opposition party. In general, the opposition in Kyrgyzstan is periodic and is the opposition only on some issues.⁵⁹ According to many MPs, investigations against members of opposition parties are biased, a striking example of which is the trial against the leader of the Ata-Meken party.⁶⁰

TRANSPARENCY (LAW) - 25

To what extent are there regulations in place that require parties to make their financial information publicly available?

Political parties and their organizations may own movable property and real estate, equipment, inventory, publishing houses, printing houses, as well as other property necessary for fulfilling statutory tasks. Parties are entitled to use buildings and other property in accordance with a loan or lease agreement concluded with legal entities or individuals.⁶¹

Political parties shall establish enterprises and organizations possessing the rights of a legal entity in the manner prescribed by law only for the purpose of fulfilling their statutory tasks. Revenues from the activities of these enterprises and organizations cannot be distributed among party members and shall be used only to achieve the statutory objectives. Party members are not entitled to the revenues and property of these enterprises and organizations, with the exception of the cases specified in the

⁵² <https://rus.azattyk.org/a/30168578.html> - Parliamentarism. kg: how the 'nuance' in the law can change the course of history.

⁵³ Parliamentary Election on October 4, 2015. OSCE/ODIHR Election Observation Mission Final Report <http://www.osce.org/ru/odihr/elections/kyrgyzstan/222521?download=true> , p.19

⁵⁴ Parliamentary Election on October 4, 2015. OSCE/ODIHR Election Observation Mission Final Report <http://www.osce.org/ru/odihr/elections/kyrgyzstan/222521?download=true> , p.19

⁵⁵ Interview with expert G.Mamatkerimova

⁵⁶ <http://cabar.asia/ru/iwpr-kyrgyzstan-oppozitsiya-kyrgyzstana-sistemnoj-net-vnesistemnaya-pod-davleniem/> IWPR Kyrgyzstan: Kyrgyzstan: Opposition of Kyrgyzstan: systemic is not available, non-systemic is under pressure

⁵⁷ <https://rus.azattyk.org/a/27307593.html> Parliament without opposition? Talant Egemberdiev, political scientist

⁵⁸ <https://rus.azattyk.org/a/27307593.html>, Parliament without opposition? Mars Sariev, political scientist

⁵⁹ Interview with Ms. Nogoybayeva, head of the analytical center 'Polis Asia' .

⁶⁰ https://kaktus.media/doc/361531_delo_tekebaeva_pytka_pravosydiem.html Tekebaev's case: Torture By Justice

⁶¹ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 18)

second part of this article, and also shall not be responsible for their debts. It is allowed to use income for charitable purposes and for acts of mercy, regardless of the requirements of the Charter⁶².

Article 7 (3) of the UN Convention against Corruption obliges signatory states to conscientiously make efforts to achieve greater transparency in financing candidates and political parties. Disclosure of funding for political activities is the main way to achieve this transparency. The guidelines for the legal regulation of the activities of political parties in the OSCE spell out the requirement for political parties in states to provide appropriate financial statements to authorized bodies at least once a year, even if the party does not participate in any election campaign. Such summary reports should disclose the proceeds from the donors, and should also include an explanation of all expenses. The information contained in the consolidated reports on the receipt of funds and expenses should reflect information on all levels of party activity.

Despite the fact that Kyrgyzstan ratified the UN Convention against Corruption on August 6, 2005 and was supposed to harmonize legislation in accordance with the Convention, the rules governing the financial accounting of disclosure of information on private financing of political parties do not yet exist on a regular and clearly defined period of time. A draft law on political parties has been drafted (June 24, 2020 adopted in the second reading), which sets out rules on financial transparency, according to which political parties must report by April 1 of each year and publish the annual financial statements on the official website of the political party and / or in the media report for the previous year, as well as submit financial statements to the authorized body for the conduct of elections and the organization of referenda. Also, political parties will have to, if this law is adopted, disclose information about the sources of origin of funds. This report must be posted on the official website of the political party for a period of at least one year, although, for example, in Latvia all donations and membership dues must be submitted within 15 days from the moment they are received. However, so far, this law has not been adopted and whether it will be adopted is not yet clear.

Now, information regarding financing shall be provided in the context of the electoral fund to the electoral body during the election campaign,⁶³ other disclosure obligations regarding funding of political parties are not provided by law. During election campaigns, political parties are required to submit financial reports about the election fund to the Central (territorial) Election Committee.⁶⁴ During preparation of elections, referenda, political parties are obliged to provide the Election Committees with the necessary information and materials related to the preparation and conduct of elections, referenda within two business days; on the day of voting or on the day following the day of voting it should be done immediately.⁶⁵ In the event of non-performance or improper performance of the requirements, as well as violation of established deadlines, officials of government bodies and local governments, political parties shall be liable according to the law.⁶⁶ Criminal liability is provided for failure to comply with the legal requirements of the Election Committee,⁶⁷ while the Code 'On Violations' describes violations against electoral rights implementation that should be examined by the Election Committees⁶⁸.

TRANSPARENCY (PRACTICE) - 25

To what extent can the public obtain relevant financial information from political parties?

⁶² KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 19)

⁶³ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. Art. 41, 42)

⁶⁴ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. Art. 41, 42)

⁶⁵ KR Law 'On Election Committees for the conduct of elections and referenda of the Kyrgyz Republic' dated June 30, 2011 No. 62 (Art. 3 part 4)

⁶⁶ KR Law 'On Election Committees for the conduct of elections and referenda of the Kyrgyz Republic' dated June 30, 2011 No. 62 (Art. 3 part 5)

⁶⁷ KR Criminal Code dated February 2, 2017 No. 19 (Article 191 Part 2 is punishable by community works of Category IV or correctional works of Category III, or a fine of Category IV.)

⁶⁸ Code of Violations dated April 13, 2017 No. 58 (Chapter 10, fines of various categories are provided)

Current regulation on financing of political parties does not contain requirements for transparency in development of party budgets, the law does not oblige parties to submit reports on revenues, expenses, property, and publish these information annually in national mass media,⁶⁹ therefore, financial reporting is superficial.⁷⁰ Thus, not a single political party properly reports to the public about sources of its financing; initiatives to adopt a law that allows controlling the finances of political parties have been raised several times, but without success.⁷¹

Access to information for citizens is provided by law⁷², according to which citizens must apply to political party with an appropriate request. However, in practice, getting information regarding finance of political party on request, depend on the leader and administrative personnel of a political party.⁷³ Public is unable to obtain information on the financial situation of political parties. An exception may be only the disclosure of information about donations, which can bring the benefits to a political party, but the information on funding sources, who and in what amount made financial contributions, is very closed, and political parties do not want to provide such information saying that this information does not have a significant impact on the political life of the country.

Representatives of many parties acknowledge that the party's budget is not open and 'some are afraid to allocate funds openly'.⁷⁴ Exception is the minimum information about the election fund of the CEC, which is made public officially, and is the only official and open source on the financial situation of political parties. Information on the receipt and expenditures of the election funds of political parties during the election campaign is published in a form of a cash flow report on the CEC website⁷⁵ and financial statements by categories of revenues and expenses with no indication on the sources of the funds.

In the 2015 Parliamentary Election Report, the OSCE/ODIHR Election Observation Mission noted that 'all political parties submitted interim reports, and the CEC regularly published the total revenues and expenses of each political party. Political parties shall submit final financial reports to the CEC within 10 days after the day of voting. However, on the day the report was prepared by the Mission, the CEC did not publish final financial reports, and the law does not oblige the CEC to do so, which limits the transparency of campaign financing'.⁷⁶ Political parties tend not to publish financial information and are not ready to do so.⁷⁷

Unfortunately, it is not common for political parties in Kyrgyzstan to publish financial reports or information about donations on their websites. All these disadvantages are also indicated in the OECD report⁷⁸, which noted that, in the area of financing of political parties and election campaigns, progress is almost absent and Kyrgyzstan shall provide the relevant authorities with the necessary powers and resources in order to carefully monitor the daily financing of political parties, with the provision of information to the public and voters about financial flows.

⁶⁹ Human Rights Council. Universal Periodic Review. Kyrgyz Republic Review Working Group
file:///C:/Users/User/Downloads/JS4_UPR21_KGZ_R_Main.pdf (Chapter 1, p.p. (5),
http://www.notabene.tj/un/kg/kyrgyzstan_upo/ 1 cycle – 2010, 2 cycle - 2015
[http://www.notabene.tj/Doc/Kaz/compl/JS4_UPR21_KGZ_R_Main%20\(1\)%D1%82.pdf](http://www.notabene.tj/Doc/Kaz/compl/JS4_UPR21_KGZ_R_Main%20(1)%D1%82.pdf)

⁷⁰ Interview with Ms. Nogoybayeva, head of the analytical center 'Polis Asia'

⁷¹ <https://rus.azattyk.org/a/26936235.html> Would the parties reveal where the money comes from?
<http://www.stanradar.com/news/full/29949-kirgizija-politicheskaja-partija-kak-nagruzka-dlja-gosbjudzheta-nam-eto-nado.html>

⁷² KR Law 'On guarantees and freedom of access to information' dated December 5, 1997 No. 89 (Art. 3, 5)

⁷³ Interviews with Deputies and Ex-Deputies of the KR Parliament

⁷⁴ <http://www.ca-portal.ru/article:6289>

⁷⁵ <https://shailoo.gov.kg/ru/news/1620/> Cash Flow Report on the election funds of candidates for the post of the KR President.

⁷⁶ Parliamentary Election on October 4, 2015. OSCE/ODIHR Election Observation Mission Final Report (p.19.20)
<https://www.osce.org/ru/odihr/elections/kyrgyzstan/222521?download=true>

⁷⁷ <https://rus.azattyk.org/a/26936235.html>

⁷⁸ OECD Report approved March 24, 2015 (p.7) <http://www.oecd.org/daf/anti-bribery/Kyrgyzstan-Round-3-Monitoring-Report-RUS.pdf>

To what extent are there provisions governing financial oversight of political parties by a designated state body?

Financial statements of political parties are regulated by various regulations,⁷⁹ according to which reporting can be divided into two types:

- 1) provision of financial statements on the current activities of the party, reports submitted to the Tax Authority and Social Welfare Fund;
- 2) provision of financial statements during election campaigns to the CEC.

In accordance with the law,⁸⁰ control over the political party's sources of income, the amount of funds received and the payment of taxes shall be carried out by the territorial bodies of Tax Authority. However, the Tax Authority has the right to control only the correctness, timeliness of tax payments to the budget.⁸¹ According to the 'Jogorku Kenesh: Issues of Efficiency and Transparency' Report, 'it is not clear how the tax office conducts control over the sources of income of political parties'.⁸²

All donations and membership fees obtained or rejected by political parties are not published at all, and it is not clear how the parties report, it contradicts the spirit of the UN Anti-Corruption Convention, which calls for transparency of donations. For example, in Latvia, all donations and membership fees shall be submitted within 15 days from the moment they have been received. According to international standards, legislation should clearly provide the rules on accountability of political parties, as well as be available online, in an accessible and easy-to-search format. In Latvia, the search database contains: donations, both in monetary form or in kind, indicating the amount; date of receipt and identity of the donor; membership fees, indicating the amount; date of receipt; identity of the donor; and annual declarations of political parties.

In order to control the sources of income, the correct accounting and the use of electoral funds of political parties, to verify the financial reports of candidates and political parties, the Control-and-Audit Group is to be created under the CEC with not more than 7 members.⁸³ Procedures and activities of the Control-and-Audit Group are determined by the CEC⁸⁴. Control-and-Audit Group, upon the written instructions of the CEC, should: inspect financial reports of political parties; request and obtain from political parties the information on all matters within its competence; control compliance with the established procedure for funding election campaigning; request the necessary information and materials related to the financial support of the elections. Responses to the Control-and-Audit Group and to requested by it materials should be provided in 3 days; 5 days or less before the day of voting and immediately on the voting day. Control-and-Audit Group shall develop the documents on financial irregularities in financing of elections, and ask relevant questions to the Election Committee about making candidates and political parties accountable for violations committed by them in financing the election campaign of candidates, political parties.⁸⁵

During the election campaign, political parties shall establish an election fund, special account is to be open in a bank or other institution with the permission of the Central Election Commission,⁸⁶ and

⁷⁹ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Article 22), Constitutional Law 'On the Election of the KR President and Deputies of the KR Jogorku Kenesh' dated July 2, 2011 No. 68 (Articles 41, 42), KR Law 'On Election of Deputies of Local Keneshes' dated July 14, 2011 No. 98 (Art. 15, 16).

⁸⁰ KR Law 'On Political Parties' dated June 12, 1999 No. 50 (Art. 22)

⁸¹ KR Tax Code dated October 17, 2008 No. 230 (Art. 49, Art. 50, 51), Regulation 'On State Tax Authority of the KR Government', passed by the Decree of the Government dated 16.02.2012 No. 100

⁸² '2012 Report of the Jogorku Kenesh: Issues of Efficiency and Transparency' prepared by the 'Citizens Against Corruption Human Rights Center', 2012.

⁸³ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42 part 2), KR Law 'On the election of deputies of local keneshes', dated July 14, 2011 No. 98 (Art. 16 part 2)

⁸⁴ KR Law 'On the election of deputies of local keneshes', dated July 14, 2011 No. 98 (Art. 16 part1-2)

⁸⁵ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42 part 6)

⁸⁶ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art.41 part 1, 5)

all funds shall be transferred there. Banking institutions are obliged to provide weekly reports to the Central Election Committee on the receipt and spending of funds of the special account of the candidates and political parties. At the request of the Central Election Committee, it should be provided with the reports in 24 hours. Information on the receipt and spending of candidates and political parties should be published on the website.⁸⁷

The Central Election Committee (CEC) approved a new instruction for the 2017 Presidential Election, 'On the procedure for the formation, accounting of the election fund of a candidate for the post of the KR President'.⁸⁸ This Instruction provides for reporting to the CEC about the amount and all sources of election fund, as well as about all expenses incurred. The first financial report shall be submitted along with submission to the CEC of the documents confirming the introduction of the election pledge, and other documents required for registration; the second financial report shall be submitted no later than 10 days before the voting day; the third final financial report shall be submitted no later than 10 days after the election. Criminal liability is provided for violation of campaign financing⁸⁹ which is punishable by deprivation of the right to occupy certain positions or engage in certain activities of Category IV or correctional works of Category IV, or a fine of category V, or imprisonment of Category I with a fine of Category I.⁹⁰ Financial statements shall be provided in established forms.⁹¹

Final report should contain the information on the receipt and expenditure of election fund as well as the attached primary financial documents confirming the receipt and spending of election funds.⁹² Unfortunately, the law does not stipulate that political parties shall be required to publish their annual and financial audit reports in mass media.

ACCOUNTABILITY (PRACTICE) - 25

To what extent is there effective financial oversight of political parties in practice?

The Law on Political Parties does not contain sufficient provisions aimed at ensuring the accountability of the funds of political parties; control is limited to the tax authorities; therefore, in practice, the main political parties of Kyrgyzstan do not publish annual financial reports and findings of the audits in mass media.

Political parties provide financial reports to CEC only during the election campaign and elections.⁹³ During election campaigns, the electoral fund shall be controlled by the CEC in accordance with the law⁹⁴ On the Election of the President and Parliament. Also, the legislation does not provide for publication of financial statements by political parties in mass media during the absence of election campaigns.

According to law,⁹⁵ the Election Committee has the right to demand from political parties full and detailed information on the financing of the election campaign by parties. The CEC website shall

⁸⁷http://old.shailoo.gov.kg/index.php?module=news&page=Otchet_o_dvijenii_deneinyh_sredstv_iz_izbiratelnyh_fondov_politicheskikh_partiy

⁸⁸ INSTRUCTION 'On the procedure for the formation, accounting of the election fund of a candidate for the post of the KR President', https://shailoo.gov.kg/ru/Kandidaty_Talapkerler/instrukciya-ob-izbiratelnyh-fondah-kandidatov/

⁸⁹ KR Criminal Code, dated February 2, 2017 No. 19 (Art.193)

⁹⁰ KR Criminal Code, dated February 2, 2017 No. 19 (Art.193)

⁹¹ INSTRUCTION 'On the procedure for the formation, accounting of the election fund of a candidate for the post of the KR President', (Section 9 п. 39 - 45) https://shailoo.gov.kg/ru/Kandidaty_Talapkerler/instrukciya-ob-izbiratelnyh-fondah-kandidatov/

⁹² INSTRUCTION 'On the procedure for the formation, accounting of the election fund of a candidate for the post of the KR President', (Section 9 п. 39 п.п.3), https://shailoo.gov.kg/ru/Kandidaty_Talapkerler/instrukciya-ob-izbiratelnyh-fondah-kandidatov/

⁹³ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42),
KR Law 'On Elections of Deputies of Local Keneshes' dated July 14, 2011 No.98 (Art.15,16).

⁹⁴ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42)

⁹⁵ KR Constitutional Law 'On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic' dated 02.07.2011 No. 68 (Art. 42)

publish the following: Cash Flow Report⁹⁶ with regards to electoral funds of political parties, which should contain general information on the amount of contributions, on the expenditure and balance of funds.

Election Committee has the authority to control and examine the accuracy of financial reports provided by political parties, but the effectiveness of this control and monitoring remains questionable, since there is no functioning mechanism to effectively monitor the finances of parties.⁹⁷ Despite the fact that the CEC works on the financial reports of parties and exercises control, nevertheless, according to journalists, experts and deputies, control is superficial, where in practice the main amounts of expenses of parties during the election campaigns remain unaccounted for and are not articulated.⁹⁸ Election Committee generally responds to serious financial irregularities of political parties⁹⁹ and issues warnings,¹⁰⁰ as for the rest of revenues and expenses, they are hidden.¹⁰¹ Information about performance of political parties and their financial resources is of interest to mass media and to the public only during election campaigns, and during the inter-election period no one is interested in political parties. Therefore, the accuracy and reliability of financial statements remains in doubt. Interviewed expert¹⁰² noted that the Election Committee has an unequal attitude to political parties and very selectively applies sanctions against the party in power and opposition parties, since after the election there were many complaints from the observers.

As mentioned above, in the second reading, the bill on political parties was adopted and the CEC adopted a number of provisions. But in some media publications,¹⁰³ observers say that “these measures are not enough to combat vote buying, and therefore criticized the absence of such tools in the adopted package as monitoring of third-party financial sources attracted outside of election funds, and the general cheapening of the electoral process. It’s also impossible to curb in this way political parties that are inclined to bribe voters through unspoken financial sources. ”

OECD recommended to improve the system of accountability of political parties in their current activities by committing to publish financial statements, as well as ensure the thorough monitoring of the contributions and usage by political parties of the funds for financing their participation in election campaigns.¹⁰⁴

INTEGRITY MECHANISMS (LAW) - 25

To what extent are there organizational regulations regarding the internal democratic governance of the main political parties?

The Law ‘On Political Parties’ does not contain rules on the procedure for electing the party leaders, selecting candidates, and the decision-making process for party platforms. According to the law,¹⁰⁵ the Charter reflects the formation procedure, competence and terms of office of its governing bodies, as well as the decision-making procedure. The Charter shall be adopted and the governing bodies of the party shall be formed at the Constituent Assembly of the party.¹⁰⁶

⁹⁶ <https://shailoo.gov.kg/ru/news/1031/> - Cash Flow Report on the election funds of political parties as of October 4 2015, <https://shailoo.gov.kg/ru/news/1620/> Cash Flow Report on the election funds of candidates for the post of the KR President.

⁹⁷ Interview with an expert Medet Tulegenov

⁹⁸ Interviews with journalists, experts, MPs and ex-deputies of the KR Parliament

⁹⁹ <https://ru.sputnik.kg/politics/20150923/1018602161.html>

¹⁰⁰ <https://rus.azattyk.org/a/27279328.html> Congress of the Peoples of Kyrgyzstan Party received a warning from the CEC

¹⁰¹ <https://rus.azattyk.org/a/27186402.html> Autumn elections promise to be the most expensive in the history of the Kyrgyz Republic

¹⁰² Interview with Ms. Nogoybayeva, head of the analytical center ‘Polis Asia’

¹⁰³ <https://rus.azattyk.org/a/30695882.html>

¹⁰⁴ <http://www.oecd.org/daf/anti-bribery/Kyrgyzstan-Round-3-Monitoring-Report-RUS.pdf>

¹⁰⁵ KR Law ‘On Political Parties’ dated June 12, 1999, No.50 (Art. 8)

¹⁰⁶ KR Law ‘On Political Parties’ dated June 12, 1999, No.50 (Art. 5)

Depending on the Party's Charter, all party members or party delegates make a decision by a simple majority of the total number of delegates present at the Assembly. The selection of candidates is not regulated by law.

INTEGRITY MECHANISMS (PRACTICE) - 25

To what extent is there effective internal democratic governance of political parties in practice?

Since the legislation does not directly provide for the procedure for election of governing bodies of parties, candidates and for decision-making procedure, this information should be available in the Party Charter.¹⁰⁷ Out of the 6 main parties, we found the websites of only 3 of them: Ata-Meken; Respublika-Ata-Jurt; and web archive of the Bir-Bol party. The websites of only the two parties, Ata-Meken and Bir-Bol, had their Charters available (unfortunately SDPK is going through a difficult time and therefore there might be a problem with access to their website). The Charters of political parties stipulate that the authority of a party assembly includes the issues on election of party governing bodies and candidates for MPs.¹⁰⁸

Currently, parties are poorly structured organizations, with an overly dominant influence of one person, a leader, on the entire decision-making process.¹⁰⁹ According to the expert,¹¹⁰ lists of candidates for political parties are arranged depending on the financial contribution from the regional resources of candidates, while the Party Assembly formally approves the already prepared list of candidates without considering the capacity of potential candidates, their education, experience, etc. In most cases, the List of candidates is determined either by the party leader or by the influential leaders of the party because the parties in the majority are leader-centric and established with the aim of retaining the power. In fact, a party, as another expert¹¹¹ confirms, is a formal organization established by one leader. There were cases when party lists were changed after the election and some deputies lost their mandates,¹¹² motivating that 'those who really deserve it will get seats in the Parliament, meaning that they have done a lot of work in the regions and helped to achieve the results that we have,' as well as 'their activity, taking into account the number of votes that they brought in the regions, and other criteria'.¹¹³ This situation was also mentioned in the Freedom House Report when 'after the election, parties replaced the members on their lists with those who received the most support in their designated regions, which, in particular, actually undermined gender and minority quotas'. Finally, the interviewed MPs and Ex-Deputies expressed the opinion that 'these circumstances show that the democratic governance of political parties in Kyrgyzstan does not exist yet'.¹¹⁴

INTEREST AGGREGATION AND REPRESENTATION - 50

To what extent do political parties aggregate and represent relevant social interests in the political sphere?

According to the study 'Parliamentarism at the electoral level of Kyrgyzstan before and after 2010', political parties have not yet been formed as independent actors.¹¹⁵ Platforms of political parties are vague and very similar, since the platforms are prepared for the electorate with similar problems:

¹⁰⁷ KR Law 'On Political Parties' dated June 12, 1999, No. 50 (Art. 8)

¹⁰⁸ Review of party charters: 'Zaman dash', 'Bir bol'.

¹⁰⁹ <http://www.ca-portal.ru/article:19177> Evolution of political parties in Kyrgyzstan: what have we come to?

¹¹⁰ Interview with expert G. Mamatkerimova

¹¹¹ Interview with Medet Tulegenov)

¹¹²

1) http://kaktus.media/doc/326332_ne_soglasnye_s_vyvodom_iz_spiskov_kandidaty_v_depytaty_proigrali_pervyy_syd.html, <https://freedomhouse.org/report/nations-transit/2016/kyrgyzstan> (Section Election Process: p. 5)

¹¹³ <https://ru.sputnik.kg/politics/20151006/1019046892.html>

¹¹⁴ Interviews with MPs and ex-deputies of the KR Parliament

¹¹⁵ Study: 'Parliamentarism at the electoral level of Kyrgyzstan before and after 2010', (p. 5)

https://www.auca.kg/ru/auca_news/1882/

unemployment; crime reduction; road quality; street lighting; and affordable loans, etc.¹¹⁶ Unfortunately, most parties do not have distinct political platforms, and give the similar promise.

According to the journalists,¹¹⁷ no political party in the country has been involved in party building and has been pursuing its ideology for years, since the election results depend on finances, where there is no need to develop the ideology of the party. At present, people tend to vote for the party that pays more, and this is due to the distrust of people in political parties, resulting to the situation when not many people are interested in the ideology of a certain party.

In the ideas depicted in the platforms of political parties, one can see that the parties do not have a sufficient vision of public administration and lack a vision of the institution of parliamentarism. Most parties do not work to develop the party and the ideas, to strengthen their capacity, to improve the structure of the party. Many parties do not have any regional branches,¹¹⁸ or they are not interested in the opinions of their regional cells and do not involve them in the processes of explaining the problems'.¹¹⁹

Due to the fact that political parties are leader-centric and clientelistic, and no party adheres to its ideology and political platform, the expert¹²⁰ expressed the opinion that 80% of the election programs were simply copied programs of political parties of other countries, however among them there were the election programs that the parties prepared themselves.

The party's ideology boils down to the 'ideology' of party leaders, where 'political programs in today's parties do not yet play a role, as they are replaced by other available social resources, such as kinship, fraternity, etc'.¹²¹ People tend to perceive not the party, but its leader, where even the historical parties, that have their own definite image are associated with their leaders.¹²²

The study on parliamentarism notes that 'since 1990s, in the electoral market, often not the 'invisible hand' according to Adam Smith has been functioning, but rather quite understandable hands growing out of the presidential administration, determining those who will be allowed to vote and who will receive the votes and how many votes'.¹²³ According to the expert interviewed, in almost every party there are people who provide spontaneous assistance to the party to lobby their businesses, but these people are not public, and very few know them.¹²⁴ In parties, specific interest groups exist and include various types of interests (private, business, etc.), and the impact on the party depends on the group that appeared in the party. It is difficult to track the actions of such groups and their degree of influence on the party.¹²⁵

Since a party is an organization that is established by one leader, and the party leader acts as the main sponsor of this party, most political parties in Kyrgyzstan have clientelistic relations or leader-subordinate relations. 'In fact, parties are tools in the hands of their leaders'.¹²⁶ Party is a machine to collect the votes. Distribution of the order of priority in the List depends on who and how many votes has collected in a particular area. Client relations are based on territorial affiliation, family ties, and

¹¹⁶ Interview with Medet Tiulegenov

¹¹⁷ Interview with journalists

¹¹⁸ Interview with expert G. Mamatkerimova

¹¹⁹ Report on 'Party Development and Election Situation in the Regions. View of the regional representatives of the parties '2014, p. 5. NISI together with the Representative Office of the Ebert Foundation in the Kyrgyz Republic

¹²⁰ Interview with E.A. Nogoibaeva, Head of analytical center 'Polis Asia'

¹²¹ Report on 'Party Development and Election Situation in the Regions. View of the regional representatives of the parties '2014, p. 29-32. NISI together with the Representative Office of the Ebert Foundation in the Kyrgyz Republic

¹²² Interview with expert Medet Tiulegenov

¹²³ Study: 'Parliamentarism at the electoral level of Kyrgyzstan before and after 2010', (p.5)

https://www.auca.kg/ru/auca_news/1882/

¹²⁴ Interview with E.A. Nogoibaeva, Head of analytical center 'Polis Asia'

¹²⁵ Interview with Medet Tiulegenov

¹²⁶ Study: 'Parliamentarism at the electoral level of Kyrgyzstan before and after 2010', (p. 4)

https://www.auca.kg/ru/auca_news/1882/

material assistance.¹²⁷ The result of such clientelistic relations is the massive change in party lists following the 2015 Parliamentary Election.¹²⁸

As a rule, parties unite in the pre-election period in order to maintain power or get the power,¹²⁹ while party leaders are looking at the opportunity to get power, where they anticipate the possibility of saving financial resources, attracting the image and organizational resources of the parties.¹³⁰

Among many opinions regarding what is meant by the problems of parliamentarism, one important element is the lack of communication between parliamentarians and voters.¹³¹ According to the 2016 survey of residents of Kyrgyzstan,¹³² 47% of respondents expressed a negative opinion on the performance of political parties,¹³³ while 38% do not approve the performance of the Parliament.¹³⁴ When asked 'which party can solve economic problems', 30% of respondents answered None.¹³⁵ According to Deputies and Ex-Deputies, people most likely do not trust political parties, since the parties maintain contact with people at a minimum level. The confidence of people is declining in relation to political parties, due to the fact that campaign promises are practically not fulfilled, or are populist.¹³⁶

Political parties are active only during the election campaigns, while in the inter-election period, many parties stop their Committees, the public also does not show interest in the activities of political parties in the inter-election period. On the whole, people are not interested in political parties and their membership, they look only at the party leader, whom they sympathize with and vote for. According to the study in the regions, regional representatives of parties note that regional leaders prefer to work with people on their own behalf, and not on behalf of the party¹³⁷.

Unfortunately, the connections between civil society and political parties is a rare and spontaneous thing and occur when the usurpation of power becomes stronger.¹³⁸ Furthermore, the relationship of political parties with civil society becomes better only to attract votes.¹³⁹

ANTI-CORRUPTION COMMITMENT - 25

To what extent do political parties give due attention to public accountability and the fight against corruption?

Almost all parties in their election campaigns promise to fight corruption, and this topic is very popular in the parties, but unfortunately, these promises are designed only to win elections in order to obtain votes. According to experts, the system in political parties has been established in such a way that it itself causes corruption, since the compilation of Lists of candidates for Parliament is based on selling the order of priority in the List, while the passage to Parliament depends on the amount that the candidate pays. According to the survey,¹⁴⁰ 24% of the respondents consider political parties to be 'Very corrupt', while 45% consider them to be 'Rather corrupt'. According to the expert 'on the

¹²⁷ Interview with Medet Tiulegenov

¹²⁸ <http://www.for.kg/news-341591-ru.html> Parties-winners have already begun updating the Lists of candidates for Parliament

¹²⁹ <https://centre1.com/kyrgyzstan/chetvero-kandidatov-v-prezidenty-kr-s-yuga-obedinyatsya-v-odnu-partiyu/> Four candidates for the KR Presidency from the South will unite in one party.

¹³⁰ Interview with Medet Tiulegenov

¹³¹ Study: 'Parliamentarism at the electoral level of Kyrgyzstan before and after 2010', (p.1)

https://www.auca.kg/ru/auca_news/1882/

¹³² <http://siar-consult.com/news/rezultaty-oprosa-zhitelej-kyrgyzstana/> Results of the 2016 Survey of residents of Kyrgyzstan

¹³³ <http://siar-consult.com/wp-content/uploads/IRI-Poll-Presentation-Kyrgyzstan-March-2016-RUS-21-27.pdf> (p. 25)

¹³⁴ <http://siar-consult.com/wp-content/uploads/IRI-Poll-Presentation-Kyrgyzstan-March-2016-RUS-39-49.pdf> (p. 47)

¹³⁵ <http://rus.azattyk.org/a/28138684.html>

¹³⁶ <http://rus.azattyk.org/a/28138684.html>

¹³⁷ Study 'Party Development and the Election Situation in the Regions. The view of the regional representatives of the parties', 2014 (p. 5 p. 9)

¹³⁸ Interview with E.A. Nogoybayeva, Head of Analytical Center 'Polis Asia'

¹³⁹ Interview with Medet Tiulegenov.

¹⁴⁰ Survey of residents of Kyrgyzstan on March 7-20, 2016. The study was commissioned by the International Republican Institute

essence, the political system is the exchange where trade takes place, and therefore corruption is present in all its manifestations.¹⁴¹ According to the IRI, 69% of respondents consider political parties to be corrupt¹⁴². The main form of corruption in political parties is the bribery of votes.¹⁴³ This study notes that very many civil and municipal servants (52.5%) mentioned that they obtained a civil position through party lists.

According to the expert,¹⁴⁴ although all parties emphasize the fight against corruption in their election promises, in practice there is no fight against corruption. According to mass media, in parliamentary elections¹⁴⁵ and local Kenesh elections,¹⁴⁶ the anti-corruption issues were not actively covered. The only leader who gave the promise, was the leader of 'Ata-Jurt Republic' Party, he promised to reduce corruption by 10-fold.¹⁴⁷

Recommendations

1. Introduce additions and amendments to the Law "On Political Parties" to enhance transparency and accountability of financing of political parties. All donations, both in cash and in kind, with an indication of the amount, date of receipt and personal details of the donor, as well as annual declarations of political parties must be published and made available online.
2. Equalize the chances of political parties that do not have sufficient funding, amend the legislation on political parties, regarding the possibility of financing from the state budget under certain criteria.
3. Create a permanent oversight body or assign functions to a certain state body to control the financing of political parties and over the compliance with regulations on the distribution of campaign finance. Introduce the responsibility on monitoring the investigation, prevention and awareness of corruption in political parties.
4. Develop principles for evaluating campaigning by a third party to establish a limitation of third-party expenses during election campaigns and create equal conditions for political parties in the election process. For example, organizations that advertise on their own behalf, thereby evading the limits of campaign spending.
5. Introduce criminal liability for violations of the financing of election campaigns into Article 13 of the Law of the Kyrgyz Republic "On Political Parties", to strengthen responsibility for non-compliance with the legislation on political parties.
6. The provision on guarantees against external interference in the activities of political parties is extremely ineffective in practice and undermines healthy political competition. In accordance with Article 12 of the Law of the Kyrgyz Republic "On Political Parties", it is necessary to develop a mechanism establishing the responsibility and consequences of unjustified interference in the activities of political parties. Since the law establishes that the interference of state bodies and officials in the activities of political parties is not allowed, with the exception of cases provided for by law, but it is not prescribed, what sanctions are imposed to the state body and officials in the event of real or indirect interference.
7. Introduce amendments and additions to the Law "On Political Parties" to strengthen effective procedures for internal democratic governance within the parties themselves.

¹⁴¹ E.A. Nogoybayeva, Head of Analytical Center 'Polis Asia'

¹⁴² International Republican Institute - https://www.iri.org/sites/default/files/february_2019_kyrgyzstan_poll.pdf

¹⁴³ Research 'Corruption in Kyrgyzstan: extent, causes and possibilities of reduction'

¹⁴⁴ Interview with expert G.Mamatkerimova

¹⁴⁵ <https://rus.azattyk.org/a/27251672.html> Election-2015. Parade of Promises

¹⁴⁶ http://kaktus.media/doc/347319_obhohocheshsia_obzor_predvybornyh_obeshaniy_partiy_v_odnom_materiale.html
Take a laugh! Review of the election promises of parties in one story.

¹⁴⁷ <http://www.ca-portal.ru/article:21386> Omurbek Babanov, the leader of e 'Ata Jurt Republic' party called on politicians in Kyrgyzstan to move from words to deeds.

8. Introduce an addition to article 30, paragraph 4 of the Constitutional Law "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic", on the inclusion of the list of candidates for deputies in the ballot. This provision would allow voting not for parties, but for lists of parties, those persons whom voters would know. Also, this rule would allow avoiding the inclusion in the list of candidates solely by party leaders, thereby reducing corruption risks, as today the mandate, unfortunately, has become a commodity.

9. The abuse of administrative resources is a big problem in electoral legislation, therefore, for better implementation of the legislation, clearer and more detailed clauses on punishment for violation, as well as mechanisms for the prevention and inadmissibility of such abuse, should be prescribed, since these norms do not work due to the fact that among the norms of criminal - legal regulation there are no articles providing for sanctions for abuse of administrative resources, in connection with which we recommend making additions or separate articles to criminal legislation, including the Criminal Code, providing for liability and sanctions for this act.