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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KYRGYZSTAN

AMENDMENTS

TO SOME LEGISLATIVE ACTS (*)

RELATED TO SANCTIONS

FOR VIOLATION OF ELECTORAL LEGISLATION

WITH EXPLANATORY MATERIALS

() Unofficial translation provided by the authorities*

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To the Office for Democratic
Institutions and Human Rights of the
Organization for Security and
Co-operation in Europe

The Central Commission on Elections and Referenda of the Kyrgyz Republic (hereinafter - CEC) is looking for further fruitful cooperation and expresses its gratitude for the support of the CEC in its activities on the improvement of the electoral rights of citizens and of the electoral system. Following the results of the fruitful meeting held within the CEC on 14 November 2019, we are sending you the following information regarding the sanctions for the abuse of administrative resources and vote-buying.

On abuse of administrative resources. The Constitutional Law of the Kyrgyz Republic “On Amendments of the Constitutional Laws of the Kyrgyz Republic “On Elections of the President of the Kyrgyz Republic and the Deputies of Jogorku Kenesh of the Kyrgyz Republic”, “On Referendum of the Kyrgyz Republic” entered into force in August, 2019 and aimed to realization of the Strategy of Improvement of the Legislation of the Kyrgyz Republic on the Elections for 2018-2020, approved by the National Council on Sustainable Development.

In accordance with the mentioned Constitutional Law, the Constitutional Law of the Kyrgyz Republic “On Elections of the President of the Kyrgyz Republic and the Deputies of Jogorku Kenesh of the Kyrgyz Republic” (hereinafter – the Constitutional Law) was supplemented with the article 21-1 “Inadmissibility of the Abuse of Administrative Resources” which defines “the abuse of administrative resources” as well as indicates the types of the abuse of administrative resources.

On vote-buying. In accordance with Part 3 of Article 28 of the Constitutional Law: *«From the moment of calling the elections it is prohibited to carry out the vote-buying: to pay money; to hand over gifts and any other tangible assets; to carry out preferential sale of goods; to distribute any goods free of charge except printed materials, badges, T-shirts, caps, scarves bearing the symbols of the political party that nominated a list of candidates, the images of candidates in accordance with the list approved by the Central Election Commission; to provide free of charge services or services on preferential conditions».*

Article 192 of the Criminal Code of the Kyrgyz Republic states that: *«Vote-buying by a candidate to the post of the President of the Kyrgyz Republic, a candidate to the deputies of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh or a candidate to any other elected bodies of state power and municipal service as well as by his/her spouse, close relatives, proxies and authorized representatives through giving or distributing material assets or assistance in obtaining any position or any other benefits –*

shall be punished by deprivation of the right to hold certain positions or carry out certain activities of the IV category, or by corrective works of the IV category, or with the fine of the V category or by imprisonment of the I category».

The Strategy of Improvement of the Legislation of the Kyrgyz Republic on the Elections for 2018-2020, adopted at the VII session of the National Council on Sustainable Development of the Kyrgyz Republic on 13 August 2018, envisages "Increasing the Effectiveness of the Mechanisms for the Prevention and Suppression of Violations of Electoral Legislation. Improving the Protection of Electoral Rights of Citizens" which shall contribute to strengthening of the principles of free and democratic elections.

Within the frames of realization of the Strategy, the deputies of Jogorku Kenesh of the Kyrgyz Republic developed and submitted to Jogorku Kenesh of the Kyrgyz Republic the Draft Law "On amending some legislative acts of the Kyrgyz Republic related to electoral legislation (the Code of the Kyrgyz Republic on Violations, the Code of the Kyrgyz Republic on Offences, the Criminal Code of the Kyrgyz Republic, the Administrative Procedural Code of the Kyrgyz Republic)».

According to the above-mentioned Draft Law, the Article 192 of the Criminal Code of the Kyrgyz Republic is amended as follows:

«Article 192. Vote-buying

1. *Vote-buying made by giving money, handing over material assets or assisting in obtaining any position or any other benefits during the period of elections shall be punished with the fine of the IV category;*

2. *The same act committed by a candidate to the post of the President of the Kyrgyz Republic, a candidate to the deputies of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh, a candidate to any other elected bodies of state power and local self-government, the authorized representatives, proxies of candidates shall be punished with the fine of the V category or imprisonment of the I category».*

In accordance with the Draft Law, the Code of the Kyrgyz Republic on Offences is supplemented with the Article 87-1 stipulating responsibility for abuse of administrative resources:

«Article 87¹ Abuse of administrative resources

Abuse of administrative resources in the course of preparation and holding elections (referenda), on the election day by candidates, heads and founders of the state mass media and internet editions, organizations with more than 30 per cent of the state (municipal) participation, made with the aim of electing a candidate, a list of candidates, shall be punished with the fine of the II category.

The same act committed by heads of state and municipal bodies shall be punished with the fine of the III category with dismissal from office and deprivation of the right to hold certain positions of the II category.».

The mentioned Draft Law, comparative table to the Draft Law and reference of justification to the Draft Law are given the Appendix.

Sincerely yours,

Deputy Chairman

A. Eshimov

DRAFT

LAW OF THE KYRGYZ REPUBLIC

On Amending some Legislative Acts of the Kyrgyz Republic related to Electoral Legislation (the Code of the Kyrgyz Republic on Violations, the Code of the Kyrgyz Republic on Offences, the Criminal Code of the Kyrgyz Republic, the Administrative Procedural Code of the Kyrgyz Republic)

Article 1.

Introduce into the Code of the Kyrgyz Republic on Violations (Vedomosty of Jogorku Kenesh of the Kyrgyz Republic, 2017, #4, p.285) the following changes:

1. Supplement with Article 42¹ with the following contents:
«Article 42¹. Failure to comply with the decisions and requirements of the election commission adopted within its authorities.

Failure to present information or materials to the election commission by individuals or legal entities within the time limits established by the law, as well as failure to comply with the decisions and requirements of the election commission adopted within its authorities, which are necessary for preparation of and holding the elections - shall entail the fine of the III category».

2. Supplement with Article 42² with the following contents:

«Article 42². Provision by the voter of deliberately false information
Provision by the voter of deliberately false information about the change of the election address to the election commission - shall entail the fine of the III category».

Article 2.

Introduce into the Code of the Kyrgyz Republic on Offences (the newspaper "Erkin Too" from 8 February 2017, #17-18) the following changes:

1. Supplement with Article 87¹ as follows:

«Article 87¹. Abuse of administrative resources

Abuse of administrative resources in the course of preparation of and holding elections (referenda), on the election day by candidates, heads and founders of the state mass media and internet editions, organizations with more than 30 per cent share of the state (municipal) participation, made with the aim of electing a candidate, a list of candidates - shall be punished with the fine of the II category.

The same act committed by heads of state and municipal bodies - shall be punished with the fine of the III category with dismissal from office and deprivation of the right to hold certain positions of the II category.».

2. Supplement with Article 87² with the following contents:

«Article 87². Provision by a candidate to an elected office of deliberately false information
Provision by a candidate to the post of the President of the Kyrgyz Republic, a deputy of Jogorku Kenesh of the Kyrgyz Republic, a local Kenesh, a candidate to the position of the head of the executive body of the local self-government of deliberately false information, documents, as well as concealment of the data about the existence of the citizenship of another State, with the aim of being nominated, registered and elected - shall be punished with the fine of the I category.

The same act committed by state and public servants - shall be punished with the fine of the II category with deprivation of the right to hold certain positions of the II category.».

3. Supplement with Article 87³ with the following contents:
«Article 87³. Acceptance by a voter (a participant of a referendum) of funds and material assets.

Acceptance by a voter (a participant of a referendum) of funds and/or material assets for himself / herself or for a third person for an act of realization of suffrage right within the course of preparation of and holding elections (referenda) or on the election day - shall be punished with the fine of the I category.

Note. A person who committed the act foreseen in this article shall be exempted from liability if the given person has reported voluntarily about distribution of funds and material assets for acts of realization of suffrage right.».

Article 3.

Introduce into the Criminal Code of the Kyrgyz Republic (the newspaper "Erkin Too" from 31 January 2017, #9) as follows:

1. Part 2 of the Article 191 shall be read as follows:

«2. Obstruction to the work of election commissions, commissions on holding referenda or activities of a member of an election commission, the commission on holding a referendum, related to his/her duties, as well as deliberate attempt to obstruct work of or falsify the data of state information systems applied in the electoral process shall be punished with public works of the IV category or corrective works of the III category, or with the fine of the IV category. ».

2. Article 192 shall be read as follows:

«Article 192. Vote-buying

1. Vote-buying made by giving money, handing over material assets or assisting in obtaining any position or any other benefits during the period of elections shall be punished with the fine of the IV category;

2. The same act committed by a candidate to the post of the President of the Kyrgyz Republic, a candidate to the deputies of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh, a candidate to any other elected bodies of state power and local self-government, the authorized representatives, proxies of candidates shall be punished with the fine of the V category or imprisonment of the I category».

Article 4.

Introduce into the Administrative Procedural Code of the Kyrgyz Republic (Vedomosty of Jogorku Kenesh of the Kyrgyz Republic, 2017, #1 (2), p.13) the following changes:

1. In Part 4 of Article 201 the word «two» shall be replaced by the word «three».

Article 5.

1. This Law shall become effective from the date of its official publishing.

2. The Government of the Kyrgyz Republic shall bring its normative legal acts in accordance with this Law within three months.

**The President
of the Kyrgyz Republic**

REFERENCE OF JUSTIFICATION

to the Draft Law of the Kyrgyz Republic “On Amending Some Legislative Acts of the Kyrgyz Republic related to Electoral Legislation (the Code of the Kyrgyz Republic on Violations, the Code of the Kyrgyz Republic on Offences, the Criminal Code of the Kyrgyz Republic, the Administrative Procedural Code of the Kyrgyz Republic) “

The Working Group on improvement of the electoral legislation of the Kyrgyz Republic, set by the Decree of the President of the Kyrgyz Republic from 22 May 2013, developed the Strategy of Improvement of the Legislation of the Kyrgyz Republic on the Elections for 2018-2020. The Strategy was adopted at the VII session of the National Council on Sustainable Development of the Kyrgyz Republic on 13 August 2018. The framework of realization of the Strategy envisages “Increasing the Effectiveness of the Mechanisms for the Prevention and Suppression of Violations of Electoral Legislation. Improving the Protection of Electoral Rights of Citizens”, which shall contribute to strengthening of the principles of free and democratic elections. This Draft Law is proposed taking into account the necessity to take measures of legislative character directed at high-quality improvement of the electoral processes and introduction of liability for violation of the electoral legislation.

The adoption of this Draft Law will be an important step for improving the electoral system and the state in general on the way to honest, democratic elections. The purpose of this Draft Law is to prevent acts that may distort the will of voters as well as to form conditions for provision of inevitability of punishment for violations of the electoral legislation.

According to the current legislation, liability for violations of the electoral legislation is provided for under the following articles: «Obstruction of electoral rights» (Article 191 CC KR), «Vote-buying» (Article 192 CC KR), «Violation of the rules of financing the election campaign» (Article 193 CC KR), « Illegal use of funds in elections and referenda» (Article 194 CC KR), «Falsification of election documents» (Article 195 CC KR), «Voting on behalf of another person» (Article 87 of the Code of Offences), «Violation of rights of a participant of the electoral process» (Article 42 of the Code of Offences), «Refusal to grant leave to participate in elections» (Article 43 of the Code of Violations), «Violation of the election campaigning rules» (Article 44 of the Code of Violations), «Distribution of deliberately false information about a candidate» (Article 45 of the Code of Violations), «Distribution by mass media information defaming honour, dignity and business reputation of a candidate» (Article 46 of the Code of Violations), «Distribution of anonymous campaign materials» (Article 47 of the Code of Violations), «Destruction or damage of campaign materials» (Article 48 of the Code of Violations).

1. According to the result of the survey conducted by the internet edition “Vecherniy Bishkek”, about half of voters expressed readiness to sell their votes. Question is in price only. Some 27.5 per cent of the survey participants are ready to consider the offer of remuneration only in case it is really worthy and solid. **Activization of the process of vote-buying is caused** by excluding the opportunity of falsifying the voting and election results due to use of new technologies and impossibility to influence the choice of citizens through election administration. The last elections demonstrated deficiencies of legal framework that not only fails to prevent such a phenomenon but also does not create real mechanisms to hold guilty persons accountable.

At the same time, an important achievement is the fact, that according to the current Criminal Procedural Code of the Kyrgyz Republic, the vote-buying cases shall be referred to the category of cases of public prosecution. This creates conditions for more effective counteraction to vote-buying as opposite to the previous version of the Criminal Procedural

Code when such cases were referred to the matter of private prosecution (only the voter himself /herself who received funds and other material assets as bribery could initiate the criminal case).

Vote-buying is the result of both the work of candidates on attraction of votes and a low legal culture of citizens. Participation of citizens themselves, public censure of this phenomenon through public education about harmful consequences of vote-buying distorting will of voters, is important for effective counteraction to vote-buying.

In international practice, for example in Germany, Denmark, Canada, Austria, Switzerland and other democratic states, voters are subject to criminal liability for selling their votes. The Working Group considers that at this stage of forming legal culture of voters it is premature to introduce criminal liability for vote-buying. It is proposed, in this regard, to introduce liability for this violation in accordance with the Code of Violations of the Kyrgyz Republic. In view of that, the Draft Law suggests to introduce into the Code of Offences of the Kyrgyz Republic:

- liability for Acceptance by a voter (a participant of a referendum) of funds and/or material assets for himself / herself or for a third person for an act of realization of suffrage right within the course of preparation of and holding elections (referenda) or on the election day. It is suggested to exempt from liability a voter who voluntarily reported about distribution of money and material assets for voting for a given candidate (**Article 87³. Acceptance by a voter (a participant of a referendum) money and material assets**).

Violation of a secrecy of voting by a voter himself / herself involves vote-buying in most cases. According to Article 192 of the Criminal Code of the Kyrgyz Republic, vote-buying is bribery by a candidate to the post of the President of the Kyrgyz Republic, by a candidate to deputies of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh, or by a candidate to any other elected bodies of state power and municipal service as well as by his / her spouse, close relatives, proxies and authorized representatives by means of giving or distributing materials assets or assisting in obtaining any position or any other benefits. Disposition of this article defines exhaustive list of subjects of criminal liability which, to our mind, does not cover use of other persons involved in vote-buying. In connection with that, there appears legal uncertainty regarding, for example, criminal liability for the members of a candidate's headquarters who carried out vote-buying. In this regard, it is suggested to amend the **Article 192 of the Criminal Code** extending the list of subjects of criminal liability for vote-buying. The given measures will also allow to exclude liability of candidates, political parties for the actions of persons who distribute material assets on behalf of a given candidate with the provocative purposes.

During the elections of the President of the Kyrgyz Republic in 2017, 30 complaints on vote-buying were received. Information on ten facts was not confirmed during verification. The decisions to refuse from institution of legal proceedings were taken by OIA (Office of Internal Affairs) on six cases. Materials on 11 cases were referred to judicial bodies. As for the remaining cases, judicial bodies decided to dismiss the cases because of reconciliation of the parties.

2. The Code of the Kyrgyz Republic on Administrative Liability, which was in effect till 1 January 2019, provided for administrative liability for failure to present information or materials necessary for activity of an election commission as well as for non-execution of the decisions of a commission adopted within its powers. Meanwhile, the Code of the Kyrgyz Republic of Violations does not provide for liability for such a violation. Election commissions organize preparation of and holding elections and referenda in the Kyrgyz Republic, provide for realization and protection of electoral rights of the citizens of the Kyrgyz Republic. While preparing for elections, election commissions can request an information and make decisions concerning lists of voters, urgent measures on creation of conditions for voting of citizens, etc.

Absence of the mechanism for quick consideration of facts about non-execution of decisions and requests of an election commission may affect the effectiveness of protection of electoral rights and rights for the citizens of the Kyrgyz Republic to participate in a referendum on the territory of the Kyrgyz Republic. The Draft Law suggests introducing liability for non-execution of decisions and requests of an election commission into the Code of the Kyrgyz Republic on Violations **(the Code of the Kyrgyz Republic on Violations. Article 42¹. Non-execution of decisions and requests of an election commission).**

3. Realization of the principle “one voter – one vote” has become the main achievement of the implemented electoral reform. It should be noted that in the course of the last elections the cases when voters reported false information on their inclusion or non-inclusion in the list of voters were reported and confirmed. Meanwhile, a number of measures on improvement of organizational measures (extension of the period for verification of lists of voters, expansion of the forms of filing applications to change the election address and correction of personal data in lists of voters by means of applying online in “the office of a voter” at the state portal).

In order to exclude falsification of election documents that include lists of voters, this Draft Law suggests introducing liability for citizens for submitting deliberately false information when they file an application about the change of election address to the election commission. **(the Code of the Kyrgyz Republic on Violations. Article 42² Submitting by a voter (a participant of a referendum) deliberately false information).** At the same time, a citizen shall bear personal liability only for submitting deliberately false information about personally himself/herself. It should be noted that liability for falsification of election documents by an authorized body is provided for by Article 195 of the Criminal Code of the Kyrgyz Republic.

4. Analysis and the character of complaints about “the use of administrative resources” by candidates during election campaign demonstrated the absence of a real mechanism in legislation for bringing guilty persons to liability.

According to the 2016 Joint Guidelines of the OSCE/ODIHR and the Venice Commission for preventing and responding to the misuse of administrative resources during electoral processes and according to the Final Report of the Election Observation Mission on the election of the President of the Kyrgyz Republic: “The legal framework should provide for a clear and predictable prohibition of (abuse of administrative resources). Sanctions for misuse of administrative resources have to be provided for and implemented”.

In order to prevent abuse of administrative resources during elections and its influence distorting the will of voters, the Draft Law suggests introducing liability for abuse of administrative resources **(the Code of the Kyrgyz Republic on Offences.**

Article 87¹. Abuse of administrative resources).

5. One of the specific problems in the country is non-disclosure by candidates to elected positions of information about existence of citizenship of another state, of valid criminal records or falsification of documents that shall be submitted for nomination and/or registration of candidates, lists of candidates from political parties. It should be taken into account that the state bears costs as the result of such dishonest actions of candidates as well as the image of both elected bodies and election commissions can be also compromised. In order to exclude such actions by the candidates, additional measures of liability shall be introduced. Article 195 of the Criminal Code of the Kyrgyz Republic provides for liability for falsification of election documents, deliberately incorrect counting of the votes or deliberately incorrect establishment of elections/referenda results. However, this wording of the article does not provide for liability for falsification of documents submitted for nomination of a candidate, a list of candidates from a political party. In this regard, it is suggested to introduce liability in the

Code of the Kyrgyz Republic on Offences for deliberate submitting by a candidate to the post of the President of the Kyrgyz Republic, to deputies of Jogorku Kenesh of the Kyrgyz Republic, a local Kenesh, a candidate to the post of the head of a local self-government of false documents as well as for both non-disclosure of information about himself / herself that creates obstacles for his / her registration and election and for concealment of the data on citizenship of another state.

6. The Information System for Voter Lists Management (ISVLM) shall be applied to generate the voter lists. The history of all changes according to the Form #2 (changes of election address) shall be reflected in ISVLM. In order to hold identification of voters, the Information System for Identification of Voters (ISIV) shall be used on the election day and on the day before the election day for mobile voting. The State Portal of Voters shailoo.sis.kg is functioning. The Portal has become more open as the result of its real-time updates with the opportunity for voters to get familiar with the date of the updates and the history of its changes. This means that the Central Election Commission uses a number of electronic election-related systems and equipment that provide for the rights of citizens to elect and be elected. Attempts to undermine functioning of these state automatized systems entail high public danger. During the 2017 elections of the President of the Kyrgyz Republic between 1 October and 14 October, there were 39,584 attempts of cyberattacks on the Election Information System and on the election day **15 October 2017 – 80,013 attempts**. The peak of attempts of cyberattacks on the system was fixed around 9:05 p.m. on 15 October 2017 – 18,358 attacks for the given period of time. The Draft Law suggests introducing amendments in the **Article 191 of the Criminal Code of the Kyrgyz Republic** and making criminal deliberate attempts to undermine the functioning of or falsify the data of State Information systems applied in electoral process.

7. The practice of holding elections, appealing the decisions, actions (inactions) of election commissions demonstrated that there is uncertainty with regards to the timeframe within which the election commissions have to consider the submitted complaints and appeals, as well as terms for handling appeals against decisions of election commissions. For example, Part 4 of Article 201 of Administrative Procedural Code of the Kyrgyz Republic establishes the term for submitting a complaint, application by a subject of electoral process, as within two days. Meanwhile, Part 5 of the given article establishes that applications (complaints) against taken decisions shall be submitted within three calendar days from the moment of taking decision. The Draft Law suggests establishing concrete terms (harmonizing) for submitting applications (complaints) against violations of electoral rights of subjects of electoral process; against decisions, actions (inactions) of election commissions as within three days after taking the decision, with the purpose to improve the manner of consideration of complaints on violations during elections, the order of handling the electoral disputes, to increase transparency of activities of election commissions and enhance trust of citizens to electoral system. (Administrative Procedural Code of the Kyrgyz Republic. Article 201. Appeal of decisions and/or actions (inactions) violating electoral rights of participants of electoral process).

Adoption of this Draft Law will not require additional financing from the state budget.

This Draft Law is in full compliance with the legislation of the Kyrgyz Republic. According to Article 22 of the Law of the Kyrgyz Republic “On Normative Legal Acts of the Kyrgyz Republic”, the Draft Law was posted on the official website of Jogorku Kenesh of the Kyrgyz Republic for public discussion; proposals and remarks were not filed.

This Draft Law does not require analysis of regulative effect as it is not directed at regulation of entrepreneurial activity.

It should be also noted that adoption of this Draft Law will not lead to social, gender, ecological, corruptive, economic, legal consequences and consequences related to protection of rights.

APPENDIX I

Comparative Table to the Draft Law of the Kyrgyz Republic “On Amending Some Legislative Acts of the Kyrgyz Republic related to Electoral Legislation” (the Code of the Kyrgyz Republic on Violations, the Code of the Kyrgyz Republic on Offences, the Criminal Code of the Kyrgyz Republic, the Administrative Procedural Code of the Kyrgyz Republic)

	Current wording	Suggested wording
	the Code of the Kyrgyz Republic on Violations	
1.		Article 42 ¹ . Failure to comply with the decisions and requirements of the election commission adopted within its authorities 1. Failure to present information or materials to the election commission by individuals or legal entities within the limits established by the law, as well as failure to comply with the decisions and requirements of the election commission adopted within its authorities, which are necessary for preparation of and holding the elections – shall entail the fine of the III category.
2.		Article 42 ² Provision by the voter of deliberately false information Provision by the voter of deliberately false information about the change of the election address to the election commission shall entail the fine of the II category
	the Code of the Kyrgyz Republic on Offences	
5.		Article 87 ¹ Abuse of administrative resources Abuse of administrative resources in the course of preparation of and holding elections (referenda), on the election day by candidates, heads and founders of the state mass media and internet editions, organizations with more than 30 per cent share of the state (municipal) participation, made with the aim of electing a candidate, a list of candidates - shall be punished with the fine of the II category. The same act committed by heads of state and municipal bodies shall be punished with the fine of the III category with dismissal from office and deprivation of the right to hold certain position of the II category

		<p>Article 87². Provision by a candidate to an elected office of deliberately false information</p> <p>Provision by a candidate to the post of the President of the Kyrgyz Republic, a deputy of Jogorku Kenesh of the Kyrgyz Republic, a local Kenesh, a candidate to the position of the head of the executive body of the local self-government of deliberately false information, documents, as well as concealment of the data about the existence of the citizenship of another State, with the aim of being nominated, registered and elected shall be punished with the fine of the I category.</p> <p>The same act committed by state and public servants shall be punished with the fine of the II category with deprivation of the right to hold certain positions of the II category.</p>
		<p>Article 87³ Acceptance by a voter (a participant of a referendum) of money and material assets.</p> <p>Acceptance by a voter (a participant of a referendum) of money and/or material assets for himself/ herself or for a third person for an act of realization of suffrage right within the course of preparation of and holding elections (referenda) or on the election day - shall be punished with the fine of the I category.</p> <p>Note. A person who committed the act foreseen in this article shall be exempted from liability if the given person has reported voluntarily about distribution of money and material assets for acts of realization of suffrage right.</p>
the Criminal Code of the Kyrgyz Republic		
7.	<p>Article 191. Obstruction to realization of suffrage right</p> <p>1. Obstruction to a free realization by a citizen of his/her suffrage right or the right to participate in a referendum, violation of the secrecy of vote - shall be punished with public works of the IV category or corrective works of the III category, or with the fine of the IV category.</p>	<p>Article 191. Obstruction to realization of suffrage right</p> <p>1. Obstruction to a free realization by a citizen of his/her suffrage right or the right to participate in a referendum, violation of secrecy of vote - shall be punished with public works of the IV category or corrective works of the III category, or with the fine of the IV category.</p>

	<p>2. Obstruction to the work of election commissions, commissions on holding referenda or activities of a member of an election commission, the commission on holding a referendum, related to his/her duties</p> <p>shall be punished with public works of the IV category or corrective works of the III category, or with the fine of the IV category.</p>	<p>2. Obstruction to the work of election commissions, commissions on holding referenda or activities of a member of an election commission, the commission on holding a referendum, related to his/her duties, as well as deliberate attempt to obstruct work of or falsify the date of state information systems applied in the electoral process shall be punished with public works of the IV category or corrective works of the III category, or with the fine of the IV category.</p>
<p>8.</p>	<p>Article 192. Vote-buying</p> <p>1. Vote-buying by a candidate to the post of the President of the Kyrgyz Republic, a candidate to a deputy of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh, or by a candidate to any other elected bodies of state power and municipal service, as well as by his/her spouse, close relatives, proxies and authorized representatives made by giving or distributing material assets or assisting in obtaining any position or any other benefits-</p> <p>shall be punished with deprivation of the right to hold certain positions or exercise certain activities of the IV category or corrective works of the IV category, or with the fine of the V category or imprisonment of the I category.</p>	<p>Article 192. Vote-buying</p> <p>1. Vote-buying made by giving money, handing over material assets or assisting in obtaining any position or any other benefits during the period of elections – shall be punished with the fine of the IV category;</p> <p>2. The same act committed by a candidate to the post of the President of the Kyrgyz Republic, a candidate to the deputies of Jogorku Kenesh of the Kyrgyz Republic or a local Kenesh, a candidate to any other elected bodies of state power and local self-government, the authorized representatives, proxies of candidates- shall be punished with the fine of the V category or imprisonment of the I category.</p>
<p>the Administrative Procedural Code of the Kyrgyz Republic</p>		
<p>9.</p>	<p>Article 201. Appealing the decisions and/or actions (inactions) violating the suffrage rights of participants of electoral process</p> <p>1. A citizen or any other subject of electoral process (a voter, a candidate, a political party, their representatives in election commissions, proxies, a non-commercial organization, observers) considering that suffrage right of subjects of electoral process are violated by decision, action (inaction) of a body of state power, a body of local self-government, a non-commercial organization, an election commission, their officials, are entitled to appeal to the court of the first instance at the place of location of the defendant.</p> <p>2. Candidates, political parties that nominated lists of candidates, their representatives in election commissions and observers, deputies</p>	<p>1. A citizen or any other subject of electoral process (a voter, a candidate, a political party, their representatives in election commissions, proxies, a non-commercial organization, observers) considering that suffrage right of subjects of electoral process are violated by decision, action (inaction) of a body of state power, a body of local self-government, a non-commercial organization, an election commission, their officials, are entitled to appeal to the court of the first instance at the place of location of the defendant.</p> <p>2. Candidates, political parties that nominated lists of candidates, their representatives in election commissions and observers, deputies or fractions that nominated candidates to the position of the head of an executive body of local self-government, as well as candidates to this position, are entitled to appeal decisions of</p>

<p>or fractions that nominated candidates to the position of the head of an executive body of local self-government, as well as candidates to this position, are entitled to appeal decisions of election commissions on establishing the results of voting and the results of elections.</p> <p>3. Decisions of precinct and territorial election commissions can be appealed to the court only after consideration of corresponding complaints by superior election commissions. Decisions and/or actions (inactions) of the Central Commission on Elections and Referenda of the Kyrgyz Republic shall be appealed only to the court.</p> <p>4. An application to the court shall be submitted immediately after an applicant has got information about violation of his/her suffrage right, taking decisions, actions (inactions), but not later than within two calendar days.</p> <p>5. Applications against decisions of elections commissions on establishing the results of voting and the results of elections shall be submitted within three calendar days after establishing the results of voting and the results of elections.</p> <p>6. Applications against the decisions mentioned in the Part 3 of this Article, shall be submitted within three calendar days after taking the decision.</p> <p>7. The deadline for submitting applications shall not be reinstated.</p>	<p>election commissions on establishing the results of voting and the results of elections.</p> <p>3. Decisions of precinct and territorial election commissions can be appealed to the court only after consideration of corresponding complaints by superior election commissions. Decisions and/or actions (inactions) of the Central Commission on Elections and Referenda of the Kyrgyz Republic shall be appealed only to the court.</p> <p>4. An application to the court shall be submitted immediately after an applicant has got information about violation of his/her suffrage right, taking decisions, actions (inactions), but not later than within three calendar days.</p> <p>5. Applications against decisions of elections commissions on establishing the results of voting and the results of elections shall be submitted within three calendar days after establishing the results of voting and the results of elections.</p> <p>6. Applications against the decisions mentioned in the Part 3 of this Article, shall be submitted within three calendar days after taking the decision.</p> <p>7. The deadline for submitting applications shall not be reinstated.</p>
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APPENDIX II

**Types and sizes of penalties for crimes for the purpose of sanctions unification
Appendix to the Criminal Code of the Kyrgyz Republic¹**

Type of penalties, its category	Main penalties							Additional penalties	
	Community service	Deprivation of the right to occupy certain positions / To be engaged in certain activities	Correctional work	Fine	Detention in a disciplinary military unit	Imprisonment for a fixed term	Life imprisonment	Deprivation of the right to occupy certain positions or to be engaged in certain activities	Fine
	I categories	x	x	I categories					
	II categories	I categories - till 2 years	I categories	II categories					
	III categories	II categories - till 3 years	II categories	III categories	x				
	IV categories	III categories - till 4 years	III categories	IV categories	from 3 to 6 months	x		x	x
	x	IV categories - till 5 years	IV categories	V categories	from 6 months to one year	I categories (up to 2 years 6 months)		Up to 2 years	I categories
		x		VI categories	x	II categories (from 2 years 6 months to 5 years)		Up to 3 years	II categories
						III categories (from 5 years till 7 years 6 months)			III categories
						IV categories (from 7 years 6 months to 10 years)			IV categories
						V categories (from 10 years to 12 years 6 months)	x		
						VI categories (from 12 years 6 months to 15 years)	Life imprisonment		

¹ Unofficial translation of the secretariat