

Election Season in Kyrgyzstan: How Journalists and Media should Work in this Period

On January 10, 2021, Kyrgyzstan is having early presidential election. On the same day, there will be the referendum on the form of government in the republic. The acting president of the Kyrgyz Republic, Talant Mamytov, has just recently endorsed the law.

Moreover, the repeat election to the 7th convocation of the Zhogorku Kenesh will be expectedly held no later than June 1 next year.

CABAR.asia together with media lawyer Akmat Alagushev collected the answers to the questions about how journalists should cover election processes in terms of the national legislation.

What the media outlet should do if it is going to take part in the election campaign?

TV and radio organisations, editorial staff of print media, owners of internet outlets who are willing to take part in the election campaign must publish information about the rates and other terms of fees for broadcasting, printed area, and provide this information to the Central Election Commission (CEC) no later than 20 calendar days after the official publication of a decision on the election date.

This year the situation is slightly different – it's less than six months before the election, what about this situation?

Most probably, all media outlets that were accredited for the

parliamentary election held in October 2020 may take part in the election.

What the media outlets may not do when covering the election?

They may not hold election campaign before it is launched officially. They may cover preparations for the election, CEC's work in this regard, they may provide general information about candidates. However, they may not campaign for any candidates, parties, assess the consequences of their election.

What are the terms of the election campaign?

The terms depend on the date of registration of the last candidate. As a rule, the election campaign starts after the registration of the last candidate.

It ends one day before the election day.

The presidential election campaign starts in the Kyrgyz Republic on December 15.

If the media outlet enters into agreement with a candidate, should they publish everything sent by the campaign headquarters to them?

This is the subject of private agreement between the media outlet and the headquarters.

Do journalists need separate accreditation to cover the election process?

There are no special requirements to journalists in this regard.

Is there a list of documents that are mandatory for foreign media outlets who want to cover election?

To cover the preparation and holding of the election, reporters of foreign media outlets should be accredited by the

Central Election Commission upon their request and upon presentation of the accreditation certificate issued by the foreign ministry of the Kyrgyz Republic according to the regulations on accreditation of reporters of the foreign media in the republic.

What information may a journalist receive to prepare the material?

Any information that is set forth in the media law.

How many journalists from one media outlet can work on the election day at one polling station?

The law of the Kyrgyz Republic does not have such restrictions. Every media outlet may refer as many journalists as it thinks reasonable to a polling station.

Are there any restrictions on photo and video coverage?

All photo and video materials at polling stations should be prepared taking into account the secrecy of vote. In other words, they may not take videos and photos of ballot boxes, voting bulletins, etc.

There are also restrictions related to the coronavirus pandemic.

How to publish opinion polls about candidates, parties in a right way?

Every opinion poll is a part of provision of information to voters. But the media outlet must indicate the surveying organisation, the time and region of the survey, its method and inaccuracies. Moreover, the name of the customer who ordered the poll must be published.

Opinion polls must not be published in the last five calendar days before the election.

What is the liability for dissemination of information

discrediting the candidates?

Article 46 of the Code of Offences of the Kyrgyz Republic provides for media's liability for dissemination of information that discredit honour, dignity and business reputation of a candidate, political party from the election calling day up to the official publication of voting results.

Election commissions shall consider the cases under this article. However, CEC's decisions may be appealed in court.

Can accreditation be withdrawn from media outlets?

Yes, the CEC may decide to do that based on a complaint filed by any citizen of the Kyrgyz Republic.

What should be the content of materials about candidates not to become the cause of action?

Information provided by the media during the elections is divided into three kinds: negative, positive and neutral.

Neutral information is usually never contested.

Positive information can be contested if someone reports a violation during the election campaign.

And, of course, negative information often involves litigation.