



LIMITED ELECTION OBSERVATION MISSION Republic of Uzbekistan – Presidential Elections, 29 March 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Tashkent, 30 March 2015 – Following an official invitation from the authorities of Uzbekistan and in accordance with its mandate, the OSCE/ODIHR has deployed a Limited Election Observation Mission (LEOM) to observe the 29 March 2015 presidential election.¹

The election was assessed for its compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the election process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term observers but not short-term observers. The OSCE/ODIHR LEOM did not undertake a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations.

PRELIMINARY CONCLUSIONS

The figure of the incumbent dominated the political landscape without genuine opposition. In this environment, persistent legal and organizational shortcomings of the electoral process remained unaddressed. Despite a clear constitutional limit of two consecutive presidential terms, the Central Election Commission registered the incumbent as a candidate in contravention of the rule of law, raising doubts about its independence. The rigidly restrained media gave the incumbent a clear advantage. During voting and counting, election commissions disregarded key legal provisions in most polling stations visited by the OSCE/ODIHR LEOM observers. Proxy voting on behalf of several voters appeared to be universally practiced and election commissions often faced difficulties filling out results protocols.

The electoral legal framework does not provide for the conduct of democratic elections, as a number of provisions contravene OSCE commitments and other international obligations and standards, and laws and supplementary regulations contain contradictory norms. The possibility to stand as an independent candidate has been abolished since the last election. Some previous OSCE/ODIHR recommendations were addressed by regulations; however, fundamental freedoms of association and expression remain effectively curtailed.

The CEC met all legal deadlines and performed its work in a generally transparent manner but did not make all its decisions public. In an effort to clarify electoral legislation, the CEC adopted a number of regulations, some of which usefully elaborated on the law but many simply repeated inconsistent or incomplete legal provisions. Women were underrepresented in the election administration, especially at higher levels.

¹ All previous OSCE/ODIHR reports on Uzbekistan are available at: www.osce.org/odihr/elections/uzbekistan.

Voter lists were compiled in a variety of ways throughout the country on the basis of either officially registered or effective residence in a specific locality. Inconsistency in the method of compilation put the accuracy of voter lists in doubt. In the absence of a unified voter register, no crosschecks for multiple entries or for inclusion of those residing abroad are possible.

The right to stand is restricted by the requirement that candidates can only be proposed by political parties, as well as by other unreasonable limitations on candidate eligibility, including an unduly high number of supporting signatures required for registration. All registered candidates were men.

Most of the campaign was premised on applying the legal provisions for equal treatment of all contestants, including with regard to access to media and holding meetings. Each candidate's platform focused on a specific segment of the population and prioritized targeted electorate's interests. Policies and achievements of the incumbent were never questioned by other contestants.

While the campaign is entirely funded by the state, the legal framework for campaign finance is not comprehensive. There is no requirement for political parties to submit election-related financial reports, neither is there an obligation to publish any financial information before or after the election.

The Constitution provides for freedom of expression, yet the legislation sets stringent limits to the freedom of reporting, which lead to self-censorship. Overall, the media environment is not conducive to voters receiving information about alternative views and making an informed choice. OSCE/ODIHR LEOM media monitoring showed that the state-owned media granted candidates an ample amount of free-of-charge airtime and print space, as foreseen by the law. However, current affairs programming and news in both state-owned and private media dedicated a large portion of coverage to the incumbent's institutional activities, giving him a clear advantage.

As there were almost no complaints during this election, the electoral dispute resolution system remains largely untested. Overall, the legal framework does not provide an adequate basis to ensure effective remedy. Citizens' appeal against CEC decision to register the incumbent as a candidate was not adjudicated by the Supreme Court within legal deadlines.

National minorities enjoy full political rights under the Constitution. Campaign materials were available in two languages, Uzbek and Russian, and candidates could campaign in both. Ballots were printed in Uzbek, Russian and Karakalpak languages.

The CEC accredited more than 300 international observers, while political parties deployed more than 35,000 representatives on election day. However, despite previous recommendations and at odds with Paragraph 8 of the 1990 OSCE Copenhagen Document, the legal framework does not provide for observation by citizen organizations.

During voting and counting, election commissions disregarded a number of key legal provisions and regulations in most polling stations visited by the OSCE/ODIHR LEOM observers. Proxy voting on behalf of several voters appeared to be universally practiced. During counting, PECs often did not establish the number of signatures of voters on the voter lists and, therefore, did not reconcile it with the number of ballots found in the box. They often faced difficulties filling out results protocols. In 5 DEC's visited by the OSCE/ODIHR LEOM observers, tabulation was conducted inconsistently and a number of results protocols had to be corrected.

PRELIMINARY FINDINGS

Background

On 26 December 2014, following changes made to the legal framework in 2012, the Central Election Commission (CEC) called the presidential election for 29 March 2015.² This election took place in the wake of the 2014 December parliamentary elections that were presented by the authorities as a step towards strengthening the role of parliament. However, in accordance with the Constitution, the president enjoys extensive powers and retains control of all state institutions and branches of power. The incumbent President Islom Karimov has been in office since 1991 and won the presidential elections of 2000 and 2007. Most of OSCE/ODIHR LEOM interlocutors presented the incumbent as a guarantor of stability and security in the country and the region.

The Electoral System and Legal Framework

The president is elected by popular vote for a five-year term by a simple majority of the votes cast. If no candidate receives more than 50 per cent of the votes cast, a second round between the two leading candidates takes place within one month. There is a turnout requirement of 33 per cent for the first round to be valid, but no such requirement is in place for the second round.

The presidential election is primarily regulated by the Constitution (last amended in 2014), the Law on Election of the President (Presidential Election Law, PEL, last amended in 2011), the Law on Guarantees of Suffrage to Citizens (Law on Suffrage), the Law on CEC (last amended in 2014), as well as a multitude of other applicable legislation.³ The electoral legal framework does not provide for the conduct of democratic elections, as a number of provisions contravene OSCE commitments and other international obligations and standards, and laws and supplementary regulations contain contradictory norms.

Since the last presidential election of 2007, two key legal changes were introduced. In 2008, the possibility of running for president as an independent candidate supported by a group of citizens was abolished in contravention of Paragraph 7.5 of the 1990 OSCE Copenhagen Document and other international obligations and standards.⁴ In 2011, the length of a presidential term was

² Notwithstanding Articles 90 and 117 of the Constitution, and other legal provisions which regulate the length of a presidential term and scheduling of the new election, the 2012 Law on Regular Election to Representative Bodies and to the President prescribed that the presidential election would take place 90 days after the announcement of the results of the 21 December 2014 parliamentary elections. This law effectively shortened the term of the parliament and scheduled the presidential election for the date that is different from the one provided for by the Constitution.

³ Other applicable legislation includes the Constitutional Law on Next Elections to Representative Bodies of State Power and the President of the Republic of Uzbekistan; the Constitutional Law on Results of a Referendum and Fundamental Principles of Organization of State Power (amended in 2012); the Law on Introduction of Amendments to the Article 90 of the Constitution of the Republic of Uzbekistan; the Law on Introduction of Amendments to Some Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of the Law ‘On Introduction of amendments to the Article 90 of the Constitution of the Republic of Uzbekistan’; the Law on Political Parties; the Law on Financing of Political Parties; relevant provisions of the Criminal Code, the Code of Administrative Offences (last amended in 2014); and regulations of the CEC.

⁴ Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that OSCE participating States should “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.” Paragraph 17 of the General Comment 25 by the UN Human Rights Committee (UNHRC) on Article 25 of the International Covenant on Civil and Political Rights (ICCPR) also affirms that “the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

changed back from seven to five years.⁵ Some changes since the last presidential election addressed previous OSCE/ODIHR recommendations. Specifically, the CEC adopted a regulation which provides more details with regard to early voting procedures and allows setting up PECs in places of pre-trial detention. As noted by the OSCE/ODIHR in connection with the 2014 parliamentary elections, freedoms of association and expression are effectively curtailed by overly broad limitations that can be arbitrarily applied.⁶

The legal framework contains repetitive and contradictory norms, including with regard to the link between residency and voter registration, the timeframes for complaints, and possibility for judicial review of CEC decisions.⁷ In addition, the legislation does not regulate electoral dispute resolution or campaign finance in sufficient detail. Some omissions in the legislation were addressed by a CEC regulation, which, positively, obliges the PECs to publicly display the results protocols after counting.

While the Constitution restricts the president to two consecutive terms in office, the incumbent is standing for re-election for the third time under the current Constitution.⁸ Despite a clear limit of presidential terms contained in Article 90 of the Constitution, the CEC decided to register the incumbent as a candidate in contravention of the general principle of the rule of law enshrined in Paragraph 5.3 of the 1990 OSCE Copenhagen Document and raising doubts about its independence.⁹ The CEC informed the OSCE/ODIHR LEOM that it only has the power to check the eligibility of a party and the compliance of candidate nomination documents with legal requirements. Other officials explained to the OSCE/ODIHR LEOM that the notion of ‘term’ means the exact number of years and, as the previous presidential term was seven years while the next will be five years, these cannot be considered as two consecutive terms.

Election Administration

The election was administered by a three-tiered election administration: the CEC, 14 District Election Commissions (DECs), and 9,060 Precinct Election Commissions (PECs), including 44 PECs in diplomatic missions in 36 countries. The CEC is a permanent body, while the DECs and PECs are set up for each election.

Members of the CEC are appointed for indefinite terms by the parliament, based on proposals from the regional councils. The CEC is currently comprised of 17 members, 9 of whom were appointed in 2014 and 2 are women. The members of the CEC elect a chairperson from amongst themselves,

⁵ The seven-year term was first introduced in the Constitution in 2002 by a referendum, but was changed back to a five-year term in 2011 by parliament. This method of adopting amendments contradicts Article 1 of the Law on Referendum, according to which “decisions taken by referendum have the highest legal power and can be cancelled or changed only by referendum”.

⁶ See [final report of the OSCE/ODIHR LEOM to 21 December 2014 parliamentary elections](#).

⁷ Article 21 of the PEL provides that voters can be added to voter lists at places of their permanent residence, while Article 8 of the Law on Suffrage and a CEC regulation on Instructions for PECs allow registration of voters in places of their temporary residence. The timeframe for submitting complaints on voter lists differs between 24 hours, according to Article 10 of the Law on Suffrage, and 2 days, according to Article 23 of the PEL. Article 14 of the PEL provides that CEC decisions are final, while Article 12 of the Law on CEC provides for an opportunity to appeal them to the Supreme Court.

⁸ President Karimov was first elected in 1991, and the current Constitution came into force in 1992.

⁹ Under Article 19.2(j) of the Commonwealth of Independent States (CIS) Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms (CIS Convention), the State parties undertook an obligation “to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and independent obligations of the state.” Paragraph 5.3 of 1990 OSCE Copenhagen Document provides for “the duty of the government and public authorities to comply with the constitution ... and to act in a manner consistent with law.”

based on the president's nomination. Decisions are passed with a majority of the members present and in case of a tie, the chairperson's vote is decisive. A total of three CEC sessions were held during the observation period.

On 16 January, the CEC appointed the DEC's upon recommendations of the regional councils. DEC's formed the precincts and appointed the PEC's based on recommendations of the *mahallas*, district and city councils (*kengesh*).¹⁰ According to the CEC, some 15 per cent of DEC and 43 per cent of PEC members are women. The CEC trained DEC's and PEC's throughout the country. OSCE/ODIHR LEOM long-term observers (LTOs) noted that training sessions were more formal than practical and while many subjects were covered, little attention was given to the tabulation process or to addressing complaints about possible violations.

The CEC met all legal deadlines and performed its work in a generally transparent manner by opening its sessions to the media, political parties and international observers. While the Law on Legal Acts requires that all legal acts be published, the CEC did not make all of its decisions and regulations public. Those published were not always posted on the CEC website or printed in the newspapers in a timely manner.¹¹

In an effort to clarify how to apply election-related legislation, the CEC adopted a number of regulations, some of which usefully elaborated legal provisions with regard to candidate registration and early voting. In many cases, however, CEC decisions simply repeated but did not clarify inconsistent or incomplete legal provisions, leaving the DEC's and PEC's without appropriate guidance on how to properly and consistently carry out important elements of the electoral process.¹² Consequently, DEC and PEC members were well-versed in the legislation, but encountered difficulties implementing unclear instructions.

While the legislation provides for a limited role of the *mahallas*, in practice they were actively involved in several key stages of the electoral process.¹³ They assisted in the selection of PEC members, provided base data for voter lists and assisted the PEC's with their verification, helped distribute voter invitations, and contributed to voter education efforts. Most PEC's and DEC's include at least one member of a *mahalla*.

Early voting started 10 days before election day. To take part, voters had to submit an application indicating the reason why they will be away from their polling stations on election day, but no proof was required. According to the CEC, few voters cast their ballots early. Since ballots for early voting were printed in a different colour and could be distinguished from the regular ballots, secrecy of votes cast early could be compromised.

The CEC undertook a voter education campaign on national and regional television that intensified as election day neared. The CEC and DEC's held meetings throughout the country, specifically focusing on reaching out to first-time voters, women, as well as influential local individuals, such as leaders of *mahallas* and local administrations.

¹⁰ *Mahallas* are traditional Uzbek community structures that regulate everyday life of a settlement and serve to link the state and the community. Their roles were formalized in the 1993 Law on Bodies of Self-government of Citizens. Violations of *mahalla* committee decisions are legally punishable.

¹¹ For instance, in one decision made on 26 December 2014, the CEC adopted several instructions, including on the DEC's, media, and collection of signatures. They were only uploaded to the CEC website in February 2015.

¹² These include instructions on PEC's, voter registration, observers, campaign finance, mobile voting and tabulation. Some regulations were approved in the last two weeks before the election.

¹³ Specific mention of the *mahallas* and their role in elections is only made in the Law on Bodies of Self-Government of Citizens, stating the *mahallas* propose PEC candidates to the DEC's.

Voter Registration

The Constitution grants every adult citizen who has reached the age of 18 the right to vote, except those declared incapacitated by a court or serving a prison sentence, regardless of the severity of the crime committed. As previously noted by the OSCE/ODIHR, limitation of suffrage based on conviction for any crime contravenes the principle of proportionality.¹⁴

According to the law, voters may only be included in the voter lists where their addresses are formally registered with the appropriate local office of the Ministry of Interior. According to OSCE/ODIHR LTOs, voter lists were compiled in a variety of ways. In some places, *mahallas* compiled voter lists based on their knowledge of local population actually residing in the locality. In other places, voter lists were drawn from the formal address register. The OSCE/ODIHR LEOM was made aware that many of those who move within the country choose not to register their new addresses. Thus, inconsistency in the method of compilation put the accuracy of voter lists in doubt. Moreover, in the absence of a unified voter register, it is impossible to crosscheck the lists for duplicate entries.

PECs reported that they conducted door-to-door verification of the voter lists. This was when they also checked if any voters would have liked to cast their ballots early or through a mobile ballot box. Voter lists were made public by the PECs by 14 March for citizens to review them and request changes until and on election day. Two days prior to the election, the CEC confirmed that the number of citizens registered to vote remained at 20,798,052, a figure that had been announced earlier as preliminary. Any voter with identification and proof of residency in the precinct could be added to the supplementary voter list on election day. Voter registration on election day is not in line with international good practice and could result in multiple voter registrations.¹⁵

According to the CEC, 15,537 voters were registered abroad. Most OSCE/ODIHR LEOM interlocutors indicated that several million citizens might live abroad.¹⁶ It is unclear how many of them remain on the voter lists in the country. The MFA stated that all eligible voters have the right to vote in diplomatic missions, even without prior registration.

Candidate Registration

The right to stand for election is restricted by the requirement that candidates can only be proposed by political parties, as well as by unreasonable limitations on candidate eligibility, including an unduly high number of supporting signatures. A political party may nominate a single presidential candidate provided it is registered with the Ministry of Justice at least six months prior to the announcement of the election and is registered by the CEC at least 70 days before the polls.

¹⁴ Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.” See also paragraph 14 of the General Comment 25 by the UNHRC on Article 25 of the ICCPR, which requires that grounds for deprivation of voting rights should be “objective” and “reasonable”. See also judgments of the European Court of Human Rights (ECtHR) in *Scoppola v. Italy (No. 3)* [GC], no. 126/05, 22 May 2012 and *Hirst v. The United Kingdom (No.2)* [GC], no. 74025/01, 6 October 2005. Both available at www.echr.coe.int. In a ruling on the *Hirst v. United Kingdom* case of 6 October 2005, the ECtHR ruled that the disenfranchisement of prisoners without regard to the gravity of the crime committed and the duration of the sentence was disproportionate and incompatible with the right to participate in elections.

¹⁵ See, for example, section 1.2.iv of the 2002 Council of Europe Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters](#), which recommends that “polling stations should not be permitted to register voters on election day itself.”

¹⁶ According to the [Federal Migration Service of the Russian Federation, as of 4 March](#), there were some 2.13 million citizens of Uzbekistan officially registered in the Russian Federation, of whom some 1.98 million have reached the age of 18 years.

Nominees of the four political parties also had to satisfy other criteria for eligibility provided for by the law. Only citizens of at least 35 years of age, with an excellent command of the Uzbek language and having resided in the country for at least 10 years before election day, are eligible to stand as candidates. Individuals convicted of intentional crimes, those under on-going prosecution for a criminal case, and professional clergy of religious organizations are not eligible. Limitations based on the length of residency, language proficiency, professional occupation, as well as the blanket restrictions of those convicted of a crime are contrary to OSCE commitments and other international obligations and standards.¹⁷ Excluding those who are still to stand before a court is contrary to the principle of presumption of innocence.¹⁸ Furthermore, there are no legal provisions or practical mechanisms on how language proficiency is to be verified.¹⁹

An application of a political party to register its presidential candidate must include supporting signatures of at least five per cent of the total number of voters in the country, approximately one million signatures in total, from at least eight territorial units with not more than eight per cent of signatures coming from any single territorial unit. The required number of support signatures is unreasonably high and contrary to international good practice.²⁰ Although there is no mechanism to cross-check this, a voter can only sign in support of one candidate, which may limit competition.²¹ The four political parties, however, informed the OSCE/ODIHR LEOM that signature collection did not pose any problems and one party submitted far more than the number required.²²

All four registered parties submitted their candidates' applications between 9 and 11 February. The CEC stated that it formed working groups to inspect 15 per cent samples of the signatures based on criteria listed in the relevant regulation.²³ Each nomination package was found acceptable and the CEC registered the four candidates on 14 February, having completed verification of signatures within five out of seven days allowed by the law.

Campaign Environment

The campaign officially started on 14 February and lasted until 28 March. Four candidates, each nominated by a parliamentary party, were: the incumbent President Karimov, nominated by the

¹⁷ See Paragraphs 7.3, 7.5 and 24 of the 1990 OSCE Copenhagen Document and Section 1.1.c of Venice Commission Code of Good Practice in Electoral Matters. In addition, Paragraph 15 of the 1996 UNHRC General Comment No. 25 to Article 25 of the ICCPR states that "any restrictions on the right to stand... must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation." According to Article 2.b of the 2002 CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms, "The right of a citizen to elect and be elected... shall be given effect without any limitations of discriminatory nature on the basis of gender, language, religion or faith, political or other beliefs, national or social origin, belonging to a national minority or ethnic group, property or other similar status."

¹⁸ Paragraph 5.19 of the 1990 OSCE Copenhagen Document states that "everyone will be presumed innocent until proved guilty according to law".

¹⁹ The CEC informed the OSCE/ODIHR LEOM that it does not need a language test for candidates as they know each of them and have heard them speak publicly.

²⁰ Section 1.3.ii of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that "the law should not require collection of the signatures of more than 1% of voters in the constituency concerned."

²¹ As an example, the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) state that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

²² The LDPU informed the OSCE/ODIHR LEOM that they submitted 1.8 million support signatures to the CEC.
²³ CEC regulation No. 661, amended on 26 December 2014, provides elaborate instructions on inspecting the signature forms. However, section 1.3.iv of the Venice Commission Code of Good Practice in Electoral Matters recommends that "the checking process must in principle cover all signatures." Current rules allow for a party to be disqualified based on the number of invalid signatures in a sample, even if the remaining signatures would suffice to fulfill the legal requirement.

Liberal Democratic Party of Uzbekistan (LDPU); Xotamjon Ketmonov, nominated by the People's Democratic Party of Uzbekistan (PDPU); Akmal Saidov, nominated by the Democratic Party of Uzbekistan (DPU *Milliy Tiklanish*); and, Narimon Umarov, nominated by the Social Democratic Party of Uzbekistan (SDPU *Adolat*). The OSCE/ODIHR LEOM was not able to meet with any of the candidates despite repeated requests.

The incumbent did not face meaningful opposition. Each candidate's platform focused on a specific segment of the population and prioritized targeted electorate's interests. This included social protection for Mr. Ketmonov, national values and traditions for Mr. Saidov, and judicial reforms for Mr. Umarov. President Karimov's proxies focused on the merits of stability, security, and prosperity. The incumbent was portrayed by the other presidential hopefuls as the best candidate during the first part of the campaign. In the week before the election, some of the candidates began to call for the vote of their audiences in campaign meetings. None of them, however, questioned President Karimov's policies and achievements. The figure of the incumbent as an unchallenged guarantor of peace and stability dominated the political landscape, overshadowing a lackluster campaign.

The only visible signs of campaigning were candidates' billboards and a few posters.²⁴ The campaign was mostly premised on applying the PEL provisions for equal treatment of all contestants, including with regard to access to free-of-charge airtime and space in the media and holding meetings. Though there was no statutory provision for the type, form, and method of campaigning, campaign materials and methods were all strikingly similar. In this context and in the absence of a political debate or genuine competition, the campaign was a background to a process centered around the incumbent. The figures of the three hopefuls were effectively blurred, and the incumbent appeared unopposed.

Reportedly, all four candidates held one public meeting in each of the 14 regions in person, while their official proxies represented them in up to 10 meetings per region. Overall, the OSCE/ODIHR LEOM attended a total of 19 such meetings held by or on behalf of Mr. Ketmonov, Mr. Saidov and Mr. Umarov. Despite several requests, the OSCE/ODIHR LEOM was denied access to the meetings held by the incumbent himself and attended six meetings held by his proxies.²⁵ Although meetings with candidates were not advertised in the media in advance, contrary to the legal requirement, seating in the venues was filled exactly to capacity. Most of observed meetings followed the same format.

As a way of expressing a dissenting opinion, a virtual presidential election was organized on the Internet by human rights activists and opposition figures in exile between 12 candidates, including 3 officially registered ones. Human rights defenders in the country continued to operate in a restrictive environment and face persecution.²⁶

²⁴ Each candidate could use 829 billboards across the entire country.

²⁵ Meetings in Fergana on 11 March, and in Tashkent region and city on 16 and 17 March.

²⁶ In her February 2014 report, the United Nations (UN) Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, expressed concerns with regard to "credible reports and information received regarding the continuous harassment, detention, and prosecution of human rights defenders in connection to their work, including journalists." The UN Human Rights Committee has also previously expressed concerns about "the number of representatives of independent non governmental organizations (NGO), journalists, and human rights defenders imprisoned, assaulted, harassed or intimidated, because of the exercise of their profession." A member of an unregistered civil society movement Uzbek Human Rights Alliance went missing on 3 March, following a meeting with the OSCE/ODIHR LEOM the day before. He was found in a psychiatric hospital on 11 March.

Campaign Finance

While the campaign is entirely funded by the state, the legal framework for campaign finance is not comprehensive. As the Law on Financing of Political Parties contains provisions that pertain only to parliamentary elections, regulation of campaign finance for the presidential election is premised upon one article in the PEL and two paragraphs in a CEC regulation. In accordance with these, parties received state funding in the amount of UZS 842 million (approximately EUR 327,000) each for campaign-related expenses.²⁷ In addition, the candidates received indirect public benefits in the form of free use of meeting premises, free airtime in the public media, and generic candidate posters prepared by the CEC.

The PEL prohibits any other sources of financing or material support for candidates. While the PEL allows for voluntary contributions from political parties, organizations and citizens, these can only be received by the CEC. The OSCE/ODIHR LEOM was informed that no such donations have been made and all political parties stated that the allocated state funding was sufficient. There is no requirement for political parties to submit election-related financial reports and there is no obligation to publish any financial information before or after the election.²⁸

Media

Television is the primary source of political information, followed by radio, which is more popular in rural areas. Social media platforms are mainly used by the youth. While the Press and Information Agency (PIA) reports that there are 1,392 media outlets, 79 per cent of which are privately owned, the state-owned National Television and Radio Company (NTRC) dominates the market as the only outlet with a nationwide reach.²⁹ Mainstream media is largely ceremonial in both content and style, while access to numerous national and international news websites is often blocked. Overall, the media environment is not conducive to voters receiving information about alternative views and making an informed choice.

The Constitution provides for freedom of expression, yet it also holds the media, and journalists in particular, accountable for the “trustworthiness” of the disseminated information. Furthermore, legislation sets stringent limits to the freedom of reporting. Vaguely defined criteria used for rejecting the registration of media and suspending their activities have previously been used in an arbitrary manner.³⁰ The Criminal Code equates criticism with slander, a crime punishable by up to five years of imprisonment. It may also be an offence, under the PEL, to distribute information defaming candidates.³¹ These provisions hinder media pluralism and are not in line with Article 19 of the ICCPR.³² They also lead to self-censorship, especially at the editorial level.

²⁷ Legislation provides for an exhaustive list of possible expenses: publishing campaign materials, promoting candidate programmes, arranging candidate appearances in the media, organizing candidate meetings, and organizing the work of proxies, and other party activists in election districts.

²⁸ Political parties are required to submit and publish financial reports to the relevant authorities on an annual basis. The next reports are due in March 2016.

²⁹ The NTRC has 13 television and radio channels with nation-wide reach and 12 regional broadcasters, offering both a television and a radio programme.

³⁰ Article 22 of the Mass Media Law provides for rejection of the registration if “the goals and objectives of the mass media contradict the law.”

³¹ Article 7 of the PEL prohibits “distribution of false information that defames honour and dignity of the candidate.” Moreover, Articles 139 (libel) and 140 (insult) of the Criminal Code can also be applied to journalists.

³² Paragraph 34 of the UNHRC General Comment 34 to Article 19 of the ICCPR states that “a free uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and enjoyment of other Convent rights.”

The OSCE/ODIHR LEOM conducted comprehensive media monitoring.³³ It showed that the state-owned media granted candidates an ample amount of free-of-charge airtime and print space, as foreseen by the law.³⁴ While all candidates used provided space in the newspapers, the incumbent did not use free-of-charge airtime on state television with nationwide reach.³⁵ Free advertising was not clearly marked in broadcast media. Neither was it subject to critical analysis or editorial commentary. All coverage of candidates was in a positive (54 per cent for television and radio and 79 per cent for the press) or neutral (46 per cent for television and radio and 21 per cent for the press) tone.

The rigidly constrained media did not provide for a genuine political debate with a plurality of opinions. The OSCE/ODIHR LEOM media monitoring revealed that, overall, 11 and 5 per cent of the prime-time coverage on state-owned and private television channels respectively were dedicated to the presentation of political issues. This airtime was mainly used for broadcasting free-of-charge pre-recorded advertising and voter education spots. An average of nine minutes per day was allocated by each television channel to political issues in current affairs programmes and the news combined. Between 23 and 59 per cent of this airtime was devoted by the different television channels to coverage of the incumbent's institutional activities, giving him a clear advantage.³⁶ None of the current affairs programmes aired direct speech by any candidate, except for President Karimov, whose address, in a capacity of the president, on the occasion of a national holiday featured prominently. As a result, the electorate was deprived of a possibility to hear the other candidates outside the allocated free-of-charge advertising time. In the news, all candidates were covered equally and in an identical manner on all monitored television channels.³⁷ No public debates between the candidates or their proxies took place during the campaign period.

The information on electoral matters offered by the print media did not provide for alternative formats. While state-owned newspapers covered the four candidates equally, they, like the television, also dedicated a significant share of space to coverage of the incumbent in his institutional capacity.³⁸ The private newspaper *Darakachi* strived to cover the candidates equally in some two per cent of the space that it dedicated to election-related issues. Party-owned newspapers featured only their own candidates. The OSCE/ODHIR LEOM did not observe any issue-oriented editorials or analytical reporting on or comparing candidates' platforms.

The authority to oversee media compliance with regulations rested with the CEC at the central level and the DEC's in the regions. The CEC stated that a mechanism to oversee compliance was in place, yet the OSCE/ODIHR LEOM was not provided access to the media monitoring facility or to the reports on the media's performance that were reportedly at the CEC's disposal.

³³ From 25 February to 29 March, the OSCE/ODHIR LEOM monitored a sample of 13 media outlets: television stations *O'zbekistan*, *Yoshlar*, *Toshkent*, *UzReport TV*; radio *O'zbekiston*; newspapers *Narodnoe Slovo*, *Pravda Vostoka*, *Xalq So'zi*, *Adolat*, *Milliy Tiklanish*, *O'zbekiston Ovozi*, *Darakachi* and *XXI asr*.

³⁴ Two state-owned nationwide television channels allocated a total of 15 hours to the contestants, while each regional channel gave them a total of 3 hours. State-owned national and regional newspapers allocated 10 and 5 pages respectively.

³⁵ On 26 March, President Karimov used free-of-charge airtime on *Toshkent* television station.

³⁶ During the monitored period, *UzReport TV* dedicated 54 per cent of its current affairs and news airtime to coverage of the incumbent in his institutional capacity, *Toshkent* – 49 per cent, *O'zbekistan* – 29 per cent, and *Yoshlar* – 23 per cent. All of this coverage was in positive (15 per cent) or neutral (85 per cent) tone.

³⁷ As confirmed by most of the television stations monitored, the news items on all candidates were prepared in advance and aired in blocs in order not to breach the CEC regulation on equal access.

³⁸ During the monitored period, *Pravda Vostoka*, *Narodnoe Slovo*, and *Xalq So'zi* dedicated 44, 28, and 27 per cent of election-related space to the incumbent in his institutional capacity, respectively. All of this coverage was in a positive or neutral tone.

Complaints and Appeals

Various elements of electoral dispute resolution are regulated by different legal acts, which limits the clarity of the framework.³⁹ Only in some cases the legislation provides for public hearing of complaints and publication of decisions or envisages consideration of electoral disputes in the presence of concerned parties, limiting the transparency of the process. The legal framework stipulates election-specific timeframes for the consideration of complaints by the PECs and the courts but not by the DEC's or the CEC.⁴⁰ Positively, the legal framework defines specific procedures for adjudicating complaints pertaining to voter registration by the PECs and provides for judicial review of their decisions. Overall, the legal framework does not comprehensively regulate electoral dispute resolution and, therefore, does not provide an adequate basis for ensuring effective remedy required by Paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁴¹ The OSCE/ODIHR LEOM noted that, while election officials lacked knowledge on electoral dispute resolution, voter education materials and observed training sessions for the lower-level commissions did not cover this topic.

As there were almost no complaints during this election, the electoral dispute resolution system remains largely untested. In February and March, two complaints supported by three citizens each, challenged the constitutionality of the nomination of President Karimov by the LDPU and the CEC decision to register him as a candidate. These were submitted to the Constitutional Court, General Prosecutor's office, the Senate, and the CEC. According to the Law on Citizens' Applications, the CEC was obliged to forward this complaint to the body authorized to adjudicate it and to notify the complainant about it. In departure from this provision, the CEC transferred the complaint to the General Prosecutor, who was not authorized to deal with it and returned it to the CEC. The CEC did not forward the complaint to the Supreme Court, which according to the law was the appropriate instance, and only informed the complainants that its decisions could be appealed to the Supreme Court. Following this, on 6 March, three citizens appealed the CEC decision to register the incumbent with the Supreme Court. To date, in violation of legal deadlines, the Supreme Court has not responded, which deprived the claimants of effective legal remedy.

National Minorities

National minorities enjoy full political rights under the Constitution.⁴² According to social-economic development indicators prepared by the Uzbek government for the presidential election, there are more than 130 nationalities listed in Uzbekistan, among which Uzbeks represent the majority of 83 per cent.⁴³ Elected representatives of all four parties in parliament include members of national minorities.

The International Cultural Centre that serves as an umbrella organization for the 130 nationality groups informed the OSCE/ODIHR LEOM that they did not address political parties with any

³⁹ The PEL, the Law on CEC, the Law on Suffrage, Civic Procedural Code, and CEC Regulation on Instructions to PEC contains some provision on complaints system.

⁴⁰ PECs have five days to decide upon received complaints. This timeframe is extended to ten days if a commission needs to investigate further. Complaints submitted on election day are to be considered immediately. Courts have three days to take a decision or must do so immediately should a case be submitted within six days of the election.

⁴¹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "everyone will have an effective means of redress against administrative decisions..."

⁴² Article 18 of the Constitution states that "all citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before law without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status."

⁴³ According to the CEC, other ethnic groups include Tajiks (4.6 per cent), Russians and Kazakhs (2.6 per cent each), Karakalpaks, (2.2 per cent), Kyrgyzs (0.9 per cent) and Tatars (0.7 per cent).

issues regarding civil rights of minorities. According to the Ombudsperson, the country enjoys a high level of tolerance and no cases of discrimination have been reported recently.

The OSCE/ODIHR LEOM observed that campaign materials were available in Uzbek and Russian languages. OSCE/ODIHR LEOM interlocutors mentioned that most meetings with proxies were held in Uzbek, but Russian could be used freely if there was a need. Billboards and posters were produced in Uzbek and Russian for 12 regions and Tashkent City, and in Karakalpak in the Republic of Karakalpakstan. The PDPU publishes its party newspaper in Russian and Uzbek. In accordance with the PEL, ballots were printed in Uzbek, Russian and Karakalpak.

Citizen and International Observers

According to the law, political parties may nominate their representatives who, like international observers, may be present at sessions of all election commissions, as well as at polling stations for voting and counting. Such representatives must be accredited by the DEC by 14 March. According to the CEC, the DEC accredited 35,747 party agents, including 9,003 from the LDPU, the SDPU *Adolat*, and the PDPU each, as well as 8,738 from the DPU *Milli Tiklanish*.

Despite previous recommendations by the OSCE/ODIHR, the PEL does not provide for citizen observation, at odds with the OSCE commitments and international good practice.⁴⁴ Yet, the Independent Institute for Monitoring the Formation of Civil Society (*NIMFOGO*) informed the OSCE/ODIHR LEOM that it monitored campaigns of all four candidates and observed their meetings, reportedly to check if they abide by the law.⁴⁵ *NIMFOGO* is a state-funded organization and report their findings to the authorities.

In addition to the OSCE/ODIHR LEOM, observers from the Commonwealth of Independent States, the Shanghai Cooperation Organization, the Organization of the Islamic Cooperation, the Association of World Election Bodies, and a number of representatives from foreign election commissions and diplomatic missions in Uzbekistan have been accredited by the CEC. According to the CEC, over 300 international observers were accredited.

The OSCE/ODIHR LEOM was not at liberty to contact either institutional or political actors without direct involvement of the CEC or the DEC. This may have hindered the ability of the OSCE/ODIHR LEOM's interlocutors to interact freely.

Election Day

In line with standard OSCE/ODIHR methodology for LEOMs, the mission did not undertake a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations. In almost all polling stations visited during voting, OSCE/ODIHR LEOM observers noted numerous instances of blocks of seemingly identical signatures on the voter lists, as well as proxy voting on behalf of several individuals, which contravenes the principle of

⁴⁴ Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States “consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.”

⁴⁵ *NIMFOGO* was created in 2003 by educational and social institutions and, since 2010, has been supporting the implementation of President Karimov's “Concept of Further Deepening the Democratic Reforms and Establishing the Civil Society in the Country.”

equality of the vote.⁴⁶ The staff of the polling stations visited appeared to be aware of most procedural and legal requirements for voting, including those that explicitly prohibit proxy voting. Disregarding these provisions may have affected the preliminary turnout figure, reported by the CEC at 91 per cent. OSCE/ODIHR LEOM observers also noted a number of instances when ballot boxes were not sealed properly, at times due to the poor quality of seals. In most polling stations visited, unauthorized persons either assisted PEC members in carrying out their duties or stepped in on their behalf. These were mostly representatives of the *mahallas* and employees of the institutions where the polling stations were located. Few polling stations visited were accessible for the disabled voters.

PEC members worked in a transparent manner, giving the OSCE/ODIHR LEOM observers full access to the premises. However, the presence of OSCE/ODIHR LEOM observers appeared to affect the behaviour of PEC members who, in some cases, discontinued the practice of issuing multiple ballots to voters or started to turn away voters who arrived carrying multiple identification documents. Party agents were present in most polling stations visited and tolerated on-going proxy voting and other irregularities.

During counting, OSCE/ODIHR LEOM observers noted serious procedural irregularities in all polling stations visited. Among other things, PECs often did not establish the number of signatures of voters on the voter lists and, therefore, did not reconcile it with the number of ballots found in the box, which negatively impacted accountability of results.⁴⁷ They often faced difficulties filling out results protocols, in part due to the poor knowledge of counting procedures and, to a significant degree, due to disregard of legal requirements and procedures for ballot reconciliation. In 5 DEC's visited by the OSCE/ODIHR LEOM observers, tabulation was conducted inconsistently and a number of results protocols had to be corrected.

***The English version of this report is the only official document.
An unofficial translation is available in Uzbek and Russian.***

⁴⁶ Paragraph 7.3 of the OSCE 1990 Copenhagen Document contains a commitment by the OSCE participating States to “guarantee universal and equal suffrage to adult citizens.” In Paragraph 7.4 of the OSCE 1990 Copenhagen Document OSCE participating States committed to “ensure that votes are cast by secret ballot or by equivalent free voting procedure.” See also Article 21.3 of the UN Universal Declaration of Human Rights, as well as Article 25(b) of the ICCPR.

⁴⁷ Paragraph 7.4 of the 1990 OSCE Copenhagen Document contains a commitment that votes “are counted and reported honestly with the official results made public.”

MISSION INFORMATION & ACKNOWLEDGMENT

The OSCE/ODIHR LEOM opened in Tashkent on 23 February. The mission led by Tana de Zulueta included 11 experts in the capital and 10 long-term observers deployed throughout the country. The LEOM members came from 18 OSCE participating States.

The observers wish to thank the authorities for their invitation to observe the election and the CEC, the Ministry for Foreign Affairs and the DEC's for their assistance and co-operation. They also express their gratitude to the representatives of political parties, media, civil society, the international community and other interlocutors for sharing their views.

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