



ELECTION OBSERVATION MISSION Republic of Uzbekistan – Early Presidential Election, 9 July 2023

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 9 July early presidential election was technically well-prepared but took place in a political environment lacking genuine competition. Ongoing reforms provided some improvements in line with previous ODIHR recommendations, but substantial changes are needed to provide a sound legal basis for the conduct of democratic elections. The Central Election Commission undertook measures to increase transparency of the process and implemented its mandate efficiently, but further safeguards for the independence of lower-level commissions are needed. In an environment where fundamental freedoms and the right to stand remain restricted, registered candidates were able to campaign freely. The low-key campaign lacked meaningful engagement with voters and candidates refrained from presenting alternative political views and the introduction of social measures and new projects gave the incumbent an undue advantage and blurred the line between party and state. Further reforms are needed to remove limitations and allow for the full participation of civil society in election processes. While online media provided some space for the discussion of social issues, restrictive legal provisions and interference with editorial independence of the media led to an absence of analytical reporting, undermining voters' ability to make an informed choice. Conduct of election day was calm, but serious irregularities were observed, and important safeguards were often not followed during voting, counting and tabulation, challenging the integrity of the process.

On 8 May 2023, President Shavkat Mirziyoyev set the early presidential election for 9 July 2023, which follows a constitutional reform process widely promoted as intending to enhance various rights and freedoms and provide some improvements. The exercise of fundamental freedoms of association, assembly and expression remains excessively circumscribed by legislation and in practice. The burdensome requirements for party registration continue to restrict the pluralistic nature of the political environment. All registered political parties and their candidates endorsed the President's policies.

The president is directly elected from a single nationwide constituency. The legal framework has been undergoing a reform that included revision of the Constitution and the Election Code, and in this process some prior ODIHR recommendations were addressed. However, several long-standing ODIHR recommendations key to a democratic process remain outstanding, including those related to regulation and exercise of fundamental freedoms. Overall, the current legal framework does not fully provide a sound legal basis for the conduct of democratic elections.

The election administration handled technical preparations effectively despite the compressed timeline set, and met legal deadlines. The Central Election Commission (CEC) conducted regular sessions, and started publicly disclosing some information on electoral disputes for this election, contributing to the transparency of the process. While overall informative and interactive, the training sessions did not sufficiently address previously observed malpractices and important safeguards. Despite a longstanding ODIHR recommendation, the independence and neutrality of lower-level election administration remained negatively impacted by the prominence of *mahallas* closely aligned with state and local administration in various aspects of the election process.

19,593,838 voters were registered in the final voter lists. Recent constitutional changes lifted the blanket restriction on voting rights of those declared legally incapable in line with international standards and

prior ODIHR recommendations. Despite a long-standing ODIHR recommendation, the legislation provides for voters to be added to supplementary voter lists on election day without ensuring sufficient safeguards against misuse of this procedure, and some ODIHR EOM interlocutors, including DEC members raised this as a concern impacting the accuracy of the voters lists. The Election Code provides sufficient mechanisms for voters to request corrections, inclusions and deletions ahead of elections.

Citizens of at least 35 years of age can stand for elections. The legislation retains restrictive rules for registration of political parties and also limits the right to stand, not in line international standards and OSCE commitments, which detracted from the inclusiveness of the candidate registration process. Four candidates stood for this election, including one woman.

The presidential election took place in a constrained political environment that was lacking genuine political alternatives. Still, all registered candidates were able to campaign freely and were treated equally for the production and distribution of campaign materials, organizing of events and access to public funding. The campaign was low-key and observed events often appeared orchestrated and attended by public employees in office hours. The campaign regulations include some prohibitions against the misuse of administrative resources and the participation of state officials during campaign but lack effective safeguards to prevent public officials to misuse their positions. In the campaign, the introduction of social measures, legislated by presidential decrees, and announcements of new projects and social benefit plans provided an undue advantage of incumbency and blurred the separation between State and party, at odds with OSCE commitments.

Reforms aimed at increasing women's participation in public and political life have been underway since 2016 and the number of women in the parliament has increased significantly with women currently holding 29.8 per cent of all the seats in the parliament. While women were well represented in the election administration, their representation in leadership positions and at higher levels of election administration was lower. Gender issues were discussed at times, however, the topic did not feature prominently in the campaign discourse and with an exception of the female candidate, women did not feature prominently in the campaign.

The funding for campaign purposes is allocated exclusively from the state budget. Alternative sources for election campaigns are prohibited, contrary to international good practice. Positively, as of 2021, the legislation requires interim and final reporting on campaign finance to the CEC. According to the CEC, all four parties submitted interim campaign reports within legal deadlines and positively, two of them published them on their websites. Overall, the effectiveness and transparency of campaign financing is negatively affected by the lack of thorough and timely oversight, and dissuasive sanctioning mechanisms.

Legal provisions, in particular related to defamation, false information and extremism disproportionately criminalize speech contrary to international law. Recent arrests, detentions and convictions based on these provisions, including for the use of social media, *de facto* limit freedom of expression. While there is a certain space online for the discussion of social issues, interference into editorial autonomy and self-censorship impede criticism of high political authorities. State-owned media outlets provided free airtime and space for contestants in line with the law. Editorial coverage of the campaign was limited, and the incumbent received disproportionately more news coverage, providing an undue advantage. Overall, media did not facilitate a critical public discourse on political alternatives, undermining voters' ability to make an informed choice.

The law grants broad legal standing to all stakeholders and guarantees resolution of disputes within reasonable deadlines. According to the prosecutor's office and the Ministry of Internal Affairs, no election-related complaints were received. Supreme Court received one case related to candidate registration, which was dismissed. The CEC reported about 184 appeals and complaints received by the

election day. The CEC published brief information on 147 of cases and measures taken. Of these, 77 related to the electoral process, including the composition, functioning and locations of polling stations, and most were rejected on technical grounds. However, the consideration of complaints and appeals by the election administration does not fully ensure transparency, as it is limited to voting on the pre-drafted decisions and complaints are not heard in public. Despite certain recent legislative and practical measures taken, the independence of the judiciary is still undermined by insufficient safeguards. According to some ODIHR EOM interlocutors, the low number of election related cases being filed is symptomatic of a lack of public trust in the judiciary.

The law allows election observation by observers from international organizations, political parties, *mahalla* committees and media representatives. Despite longstanding ODIHR recommendations and not in line with OSCE commitments, the legislation does not contain provisions for observation by citizen observers. The CEC has registered 797 international observers. The DEC's accredited 53,677 observers from political parties and from *mahallas*. Registered observers are entitled to observe all stages of the process. Procedures for registering civil society organizations and restrictions on foreign funding and government oversight are obstacles for the growth of civil society and limit their full participation in election processes.

Overall, the election day was calm. However, observers negatively assessed the voting process in a significant number of polling stations, with the administration of the voting process observed as bad or very bad in 13 per cent of observations. The process was impacted by shortcomings including serious irregularities, such as large numbers of voters added to supplementary voter lists without proper safeguards, voters who voted without proper identification or on behalf of others and compromises to the secrecy of the vote. Further, in a number of polling stations observed, indications of ballot box stuffing as well as numerous observations of seemingly identical signatures on the voter lists were noted by the ODIHR EOM. The closing and counting process was assessed as negative to a great degree in 39 of the 87 polling stations observed due to significant procedural errors and omissions and the disregarding of reconciliation procedures. The tabulation process was negatively assessed in nearly half of the DEC's visited, as it lacked transparency. Overall, the counting and tabulation processes raised questions about whether ballots were counted and reported honestly, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document. Throughout the day, ODIHR EOM observers consistently noted discrepancies between the number of voters casting their ballots and the officially reported preliminary turnout figures.

PRELIMINARY FINDINGS

Background

Uzbekistan has a presidential system of government. Most executive and decision-making functions lie with the president, who shares legislative power with the parliament, raising concerns about limitations on the effective separation of powers.¹

¹ The president has the right to a legislative initiative under the Constitution, issues binding decrees and resolutions and appoints some of the members of the upper chamber of the parliament and also has a key role in the appointment of regional *hokims*, the prosecutor general, members of the Supreme Judicial Council as well as the chairperson of the State Security Service and other high-ranking officials. The *Oliy Majlis* can call referenda, adopts the budget, is responsible for electing the prime minister upon nomination by the president.

On 8 May 2023, President Shavkat Mirziyoyev set the early presidential election for 9 July 2023.² The election was preceded by the 30 April 2023 constitutional referendum and a subsequent adoption of an amended Constitution.³ The recent constitutional amendments grant an absolute discretion to the president to call an early election.⁴ The constitutional reform process was widely promoted as intending to enhance various rights and freedoms, and provide some improvements.⁵ The two thirds of the text of the Constitution was revised, however, fundamental freedoms of association,⁶ assembly⁷ and expression⁸ remain excessively circumscribed by legislation and in practice.⁹ Moreover, several ODIHR EOM interlocutors noted cases where they saw the use of administrative and criminal penalties, detentions and imprisonment to be arbitrary and used to silence voices critical to the authorities.

The political landscape remains largely unchanged. President Mirziyoyev, won a second term in the 2021 presidential election with an overwhelming majority of 80 per cent of the votes, and is prominent in all aspects of political life. Following the 2019 parliamentary elections, all of the five registered political parties are represented in the parliament, and all of them openly endorse the president's policies. The burdensome requirements for party registration continue to restrict the pluralistic nature of the political environment. Besides the registration of the Ecological Party of Uzbekistan (EPU) in 2019, no other party has been registered since 2003. Several attempts for registration of political parties have failed and

² According to the previous Constitution, the current term of the incumbent president ends in 2026. However, in his call for an early election, President Mirziyoyev cited that the new Constitution is reforming and rebalancing all branches of power, which brings with it new social, political and economic challenges.

³ The Constitution established a secular and social state, extended the presidential mandate from five to seven years and reset the term limit of the incumbent. According to official results, the voter turnout was 84.5 per cent with 90.2 per cent of the voters being in favour of the proposed changes.

⁴ The Council of Europe's European Commission for Democracy through Law (Venice Commission) [Opinion](#) on the Draft Modification to the Constitution of Azerbaijan states that "providing the president with the sole discretion to call early [presidential] elections is "incompatible with democratic standards" as it "may turn elections into plebiscites on the leadership of the country and provide legitimacy to authoritarian tendencies". Paragraph 9 of the [ICCPR General Comment No.25](#) states that "genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them".

⁵ The Constitution now contains additional safeguards in relation to persons deprived of liberty, prohibition of death penalty, prevalence of the international treaties over national law in case of contradiction and direct application of human rights. It also prescribes that all interventions by state shall be proportionate and necessary to achieve legitimate aims provided by law.

⁶ Criminal and administrative laws prohibit and penalize unregistered associations. The 1999 Law on Non-Governmental Organizations is supplemented by numerous decrees and resolutions governing their operation and funding, requiring approval of foreign grants by the Ministry of Justice (MoJ). The Criminal Code criminalizes unlawful organization and active participation in unregistered associations, punishable with up to five years of imprisonment. Some ODIHR EOM interlocutors stated that due to existing barriers in legislation and practice, they have been repeatedly denied registration by the MoJ. In one [case](#), an organization was registered only after the UN Human Rights Committee found a violation of the founder's right to the freedom of association.

⁷ Despite absence of legally prescribed procedures for holding rallies and demonstrations, administrative laws prohibit and penalize peaceful assemblies organized or conducted in violation of legally prescribed procedures, and if repeated, the act is criminalized and punishable with up to three years of imprisonment. Further, the Code of Administrative Responsibilities has sanctions up to UZS 33,000,000 for 'creation of conditions to hold unauthorized gatherings, meetings, rallies and demonstrations (EUR 1 equals 12,589.4 UZS). Paragraph 36 of the 2020 ODIHR and Venice Commission [Guidelines](#) on Freedom of Peaceful Assembly states that "Offences such as the failure to provide advance notice of an assembly or the failure to comply with route, time and place restrictions imposed on an assembly should not be punishable with prison sentences, or heavy fines".

⁸ Provisions of the Criminal Code on offenses of terrorism, religious extremism, public insult or slander against the president are vague and open to arbitrary application.

⁹ International standards prescribe that any restrictions to those rights should be necessary and proportional to legitimate aims. See articles 21, article 22.2 of the [ICCPR](#). See also Paragraphs 4 and 27 of [the 1996 UN Human Rights Committee \(HRC\) General Comment No. 25 to the ICCPR](#). Paragraph 24 of [the 1990 OSCE Copenhagen Document](#) prohibits limitations of the human rights and fundamental freedoms "except those which are provided by law, [...] and [are] strictly proportionate to the aim of that law".

representatives of the unregistered parties have reported intimidation, harassment and hindrances organizing meetings and in collection of signatures of support for the party.¹⁰ Furthermore, civil society associations face difficulties to register whereas other organizations are subject to extensive governmental control precluding genuine separation from the state.¹¹

Reforms aimed at increasing women's participation in public and political life have been underway since 2016 and positively the number of women in the parliament has increased to 47 of the 150 seats in the current Legislative Chamber and 21 out of 100 members of the Senate are women. The Speaker of the Senate and the Deputy Speaker of the lower chamber of the parliament are women. However, women are generally underrepresented in political life and gender stereotypes persist.¹² Only 2 out of 27 ministers in the government and 3 out of 12 members of the Supreme Judicial Council are women. All regional *hokims* are men. On 6 April 2023, the Senate confirmed amendments, which positively extended the scope of legal protection for victims of sexual abuse.

Electoral System and Legal Framework

The president is directly elected from a single nationwide constituency. If no candidate obtains more than 50 per cent of the valid votes cast, a second round is held between the two candidates with the highest number of votes organized not earlier than 15 days, but not later than a month after the first round of the election.¹³

The presidential election is primarily regulated by the 2023 Constitution, and the 2019 Election Code.¹⁴ The legal framework has been undergoing a reform process, with both the Constitution and the Election Code substantially revised. The 2023 amendments to the Constitution and the Election Code addressed some of ODIHR's previous recommendations, including removing a blanket ban on active suffrage rights for people declared legally incapable by a court, and further defined the eligibility criteria for members

¹⁰ Since 2021, Social Democratic Party Truth and Progress, the Peoples' Interests Party and the Truth, Development and Unity Democratic Party were denied registration for not meeting the formal requirements for collection of signatures. On 7 June 2023, the leader of the TDUDP, Khidirnazar Allakulov, was detained and later on the same day released. The Department of Internal Affairs and Fergana released a statement that Mr. Allakulov injured two police officers and the Prosecutor's Office is currently investigating the case. The Tashkent City Court on 24 February 2022 sanctioned Vazira Egamberdieva, an activist of the TDUDP with a UZS 1,350,000 fine for holding an unauthorized meeting with party activists in her house.

¹¹ The 1999 Law on Non-Governmental Organizations and decrees and resolutions governing their operation and funding, require approval by the Ministry of Justice (MoJ) of foreign grants, mandatory partnering with a state body, seeking approval of events with the MoJ and ensuring access of a representative of the MoJ to all events, informing the MoJ about organization of visits of CSO representatives abroad in the context of their activities. [The Concluding observations on the 2022 third periodic report of Uzbekistan of the UN Committee on Economic, Social and Cultural Rights states](#) that "the Committee remains concerned about the administrative and procedural burdens for the registration of new civil society organizations, their inability to operate freely due to restrictions, and the low number of newly registered organizations".

¹² The UNDP [study](#) on Negative Impact of Gender Stereotypes and Patriarchal Attitudes on Gender Equality underscored that women's participation in the parliament improved by reaching 32 and 25 per cent of the seats in the Legislative Chamber and the Senate, respectively, however, women continue to be significantly underrepresented in the executive power (3.4 per cent), as well as in the managerial positions (27 per cent) and in the entrepreneurship (25 per cent).

¹³ A voter turnout requirement of 33 per cent of all registered voters applies to the first round.

¹⁴ It is further supplemented by the 1996 Law on Political Parties (LPP), the 2004 Law on Financing of Political Parties (LFPP), the 1994 Criminal Code and the 1994 Code of Administrative Responsibilities as well as presidential decrees and resolutions and binding regulations issued by the CEC.

of election commission.¹⁵ However, several long-standing ODIHR recommendations remain unaddressed, including those related to the regulation and exercise of fundamental freedoms, limitations on the right to stand, the possibility for alternative sources of campaign financing, citizen election observation and the registration of political parties. Furthermore, some ambiguities and gaps remain in the legislation.¹⁶ Overall, the current legal framework does not fully provide a sound legal basis for the conduct of democratic elections.

While now the Constitution stipulates priority of international treaties over national law and the direct application of human rights, the subordinate legislation that regulates exercise of fundamental freedoms has so far not been revised.¹⁷ The Constitution allows limitations on the right of assembly only by a statute, but freedom of assembly is not regulated by any specific law,¹⁸ and existing by-laws contain excessive limitations.¹⁹ Several aspects continue to be regulated by presidential decrees and other by-laws and not by law.²⁰ The prevalence of regulating through subordinate legislation does not provide legal certainty and predictability of legislation.

Election Administration

The presidential election is administered by the CEC, 14 District Election Commissions (DECs), and 10,784 PECs, including 59 PECs established abroad.²¹ The CEC is a permanent body; its members are appointed by the *Oliy Majlis*, based on proposals from regional representative bodies, for an indefinite term.²² The current CEC has 21 members. While seven of them are women, most of them have not been observed as being actively involved in the CEC decision-making.²³

¹⁵ Several other changes were introduced in 2021, and these partially addressed some prior ODIHR recommendations, including relaxation of procedures for organizing campaign events, the prohibition of the misuse of state resources, and some related to campaign finance and election dispute resolution.

¹⁶ The legislation does not detail some procedures for candidate nomination and (de)-registration, including in cases when the same candidate is supported by two and more parties, procedure for verification of signatures, and coalitions of political parties.

¹⁷ See, for example, [2020 UN Human Rights Committee Concluding observations on the fifth periodic report of Uzbekistan](#) which expressed concerns ‘about undue restrictions on the right to peaceful assembly in law and in practice’. The decree of the president on the priority measures to implement the new edition of the Constitution requests the Ministry of Justice to conduct complete review of the legislation and assess its compliance with the principle of proportionality provided in the Constitution.

¹⁸ A draft law on rallies, meetings and demonstrations was proposed for two rounds of consultations. In 2019, based on the request from the OSCE Project Coordinator in Uzbekistan to review the draft, ODIHR provided a [legal comments](#) on the draft law and concluded that ‘the Draft Law is generally not compliant with international human rights standards’, ‘the right is most limited and there are severe and unjustified restraints on time and place, and the organizers of assemblies.

¹⁹ Paragraph 73 of [UN HRC General Comment No. 37 on Article 21 to the ICCPR](#) states that “Where authorization regimes persist in domestic law, they must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise”. The 29 July 2014 Decree of the Cabinet of Ministers requires authorization for organizing mass events, however, it explicitly excludes rallies, meetings and demonstrations. ODIHR interlocutors stated that there was no understanding among the relevant public institutions about applicability of this decree to pickets, rallies and demonstrations.

²⁰ The Decree of the President “On measures to fundamentally improve the system of financing the activities of judicial bodies” regulates remuneration of judges, mass events are regulated by the Decree of the Cabinet of Ministers, limitations on the operation of civil society organizations are imposed by the decrees of the Minister of Justice.

²¹ Special polling stations (321) are established in penitentiary institutions, military units, hospitals and other health institutions.

²² According to the recent constitutional amendments, the CEC chairperson is elected for a five-year term by the CEC from among its members and can hold this position for no more than two consecutive terms. The current CEC Chairperson was appointed and subsequently elected as a Chairperson in 2021.

²³ Only two female members consistently attended CEC sessions in person during the observed period. The ODIHR EOM has observed sessions in which only one woman was present as well as a session held by male members only.

The CEC is mandated with the organization and conduct of the elections, and it is vested with broad powers.²⁴ Overall, the CEC effectively managed preparations for elections, meeting legal deadlines, despite a compressed timeframe. It has conducted regular sessions and provided detailed regulation of different aspects of the electoral process.²⁵ Positively, the CEC sessions included reporting on complaints and communications received, including by the lower-level election administration, enhancing transparency. While most of the CEC decisions and regulations were published in a timely manner, only summary information on complaints was publicly available.

DECs and PECs are temporary bodies. Due to the compressed timeline for holding an early election, the electoral calendar provided ten days for the formation of 14 DECs and ten days for subsequent formation of PECs. The legislation provides for *mahallas*, public associations and organizations to nominate PEC members. Aggregated information on the nominating subjects was not always available, limiting the practical opportunity to assess representation of different entities within PEC compositions.²⁶ While the list of the criteria for eligibility of commissioners has been recently expanded,²⁷ the ODIHR EOM observed that in practice, *mahallas* continue to be prominent in the lower-level election administration, negatively impacting the independence and neutrality of the election administration despite previous ODIHR recommendations.²⁸ Although the 2023 Constitutional amendments stipulate the independence of *mahallas*, in practice they continue to be closely aligned with local and state administration, including financially.²⁹ While political parties expressed trust in election administration, several ODIHR interlocutors voiced concerns over the management of election procedures, especially by lower-level election commissions, and how they will report on voter turnout. Some ODIHR EOM interlocutors refrained from commenting about the independence and impartiality of the election administration.

Training sessions observed by ODIHR EOM were overall informative and interactive. These sessions mostly focused on possible violations during the voting process, but did not address malpractices during the vote count, important safeguards and corresponding legal responsibilities.³⁰ A variety of voter education materials were produced by the CEC, emphasizing the importance of the secrecy of the vote

²⁴ These powers include registration of candidates, ensuring equal campaign opportunities, including in the media, distribution of the ballots, validating and invalidating election results.

²⁵ Including related to DEC and PEC membership criteria, voter identification with the use of biometric devices in fifty polling stations in Tashkent, organization of the work of DECs, election day procedures, the rights of observers, and the use of video cameras on election day. The CEC sessions were attended by media and international observers, and streamed online.

²⁶ Each PEC has from 5 to 19 commissioners. Information could only be accessed through individual decisions on the appointment of commissioners for each PEC. The ODIHR EOM LTOs reported that such information was not always available in the regions, including upon requests. Paragraph 19 of [the General Comment No.34 to the ICCPR](#) requires the States parties to “proactively put in the public domain Government information of public interest” and “make every effort to ensure easy, prompt, effective and practical access to such information”.

²⁷ According to the 2023 amendments to the Election Code, deputies of the Legislative Chamber and local *Kengashes* and members of the Senate, deputies of *hokims*, representatives of political parties, candidates as well as persons whose conviction for grave or particularly grave crimes has not been cancelled or expired are no longer eligible to be members of DECs and PECs. Existing requirements include that one organization may not nominate more than a half of members for a specific PEC. Political parties are not entitled to nominate members to any commission.

²⁸ Section II.3.1.b of [the Venice Commission’s 2002 Code of Good Practice in Electoral Matters](#) states “where there is no longstanding tradition of administrative authorities’ independence from those holding political power, independent, impartial electoral commissions must be set up at all levels.”

²⁹ Ahead of and during this electoral period the president issued several decrees in respect to allocation of funds to the *mahallas*. See, for instance, the 7 June decree setting additional measures for infrastructure of *mahallas* in Tashkent. In Jizzakh region, the ODIHR EOM LTO reported the ongoing allocation of funds to *mahallas* for improvement of neighbourhood roads, water, electricity poles as well as support to small businesses.

³⁰ Several PEC members met by the ODIHR EOM after the trainings were not aware of the reconciliation procedures as well as safeguards before opening of ballot boxes.

and freedom of choice. However, the ODIHR EOM LTOs reported that voter information in the regions mainly focused on encouraging participation. In line with international obligations, significant efforts were made to increase the participation of persons with disabilities in the electoral process.³¹

Overall, women are well represented in the election administration, but their representation decreased at the higher levels of election administration and in the leadership positions. According to the CEC, 52.1 per cent of PEC members are women; at the DEC level women comprise 41.4 per cent; and only a third of CEC members are women. While some 38,6 per cent PECs are chaired by women, only 1 out of 14 DEC chairpersons is female.

Voter Registration

Citizens of 18 years of age or older have the right to vote. In line with international standards and addressing a longstanding ODIHR recommendation, recent constitutional changes lifted the blanket restriction on voting rights of those declared legally incapable. Following the adoption of the Constitutional amendments, these citizens were automatically enfranchised.³²

Voter registration is passive, and is based on permanent or temporary residence.³³ The Single Electronic Voter Register (SEVR) is compiled automatically on the basis of databases of several ministries and agencies.³⁴ Preliminary voter lists were compiled in the SEVR for each polling station. PECs were responsible for public display and verification of the voter lists and were collecting the data from the local bodies and *mahallas* and together with *mahalla* representatives conducted door-to-door visits to verify the factual addresses of the voters. Most PECs visited by the ODIHR EOM LTOs displayed the voter lists for public scrutiny, as required by the law. Citizens were given the opportunity to verify their voter registration data online and in-person in the polling stations. According to the CEC, 113,000 voters changed their voting addresses, and PECs did not receive any complaints related to voting addresses. The CEC reported that the preliminary number of voters on 13 May 2023 was 22,118,261 citizens. The final number of registered voters was 19,593,838.³⁵

Voter lists were finalized five days prior to election day. Some ODIHR EOM interlocutors, including DEC members, raised concerns over the integrity of voter lists as the alterations are possible on election day. Despite a long-standing ODIHR recommendation, the legislation provides for voters to be added to supplementary voter lists on election day without ensuring sufficient safeguards against the possible misuse of this procedure.³⁶

³¹ This includes provision of equipment for the accessibility of polling stations, including Braille sleeves, bigger voting booths to accommodate voters in wheelchairs, provision of voter information materials with sign language and large font as well as inclusions of persons with disabilities in the compositions of the election commissions.

³² According to the CEC, there were 6,608 persons with mental and psychological disabilities that were previously disenfranchised. In addition, 10,702 disenfranchised prisoners were enfranchised, following the constitutional amendments.

³³ Registration for out-of-country voting is active, including based on voters' applications. According to official information, approximately two million citizens currently live abroad.

³⁴ A number of government ministries and agencies, including the Ministry of Justice's Agency for Personalization, the Ministries of Interior, Defense, and Foreign Affairs.

³⁵ According to the CEC, citizens that left the country more than three months ago were taken of the final voter list.

³⁶ In particular, the PEC protocols do not account separately voters added on supplementary voter list and the CEC does not publish the countrywide data on supplementary voter lists. Section I.1.2 of [the Venice Commission's Code of Good Practice in Electoral Matters](#) states that "a supplementary register may be a means of giving the vote to persons who have moved or reached statutory voting age since final publication of the register" and "there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day". See also *Election Day* section.

Fifty polling stations in Tashkent were provided with the electronic voter identification equipment, first piloted in the 2023 Referendum, where voters' IDs or biometric passports are scanned to determine if the voter was registered in that polling station and matched with the voter's face on the video camera.³⁷ There was no wide voter information on the use of technologies for voter identification.

Party and Candidate Registration

The right to nominate candidates only belongs to parties registered with the Ministry of Justice (MoJ) at least four months prior to the announcement of the election. The timeline for an early presidential election does not allow for any new entity to be registered in order to nominate a candidate.³⁸ The legislation on political party registration, previously assessed by ODIHR as burdensome and open to arbitrary application, remains unchanged.³⁹

Citizens of at least 35 years of age can stand for elections.⁴⁰ Recent constitutional reform retained a lengthy 10-year residency requirement for presidential candidates. While candidates must be fluent in Uzbek language, the legislation does not contain clear criteria for the evaluation of language command, despite a previous ODIHR recommendation.⁴¹ The legislation does not permit individual candidates to stand for elections. These excessive restrictions on the right to stand are at odds with international standards and OSCE commitments and limit the inclusiveness of the candidate registration process.⁴²

On 15 May, the CEC confirmed the eligibility of all five registered political parties to nominate candidates. According to the CEC, a candidate must be supported by signatures of at least 221,183 voters. Some ODIHR EOM interlocutors raised as a concern the low visibility of the public signature

³⁷ The equipment was connected to a computer with an electronic copy of the voter lists to check if the voter had already been marked in the system as having voted.

³⁸ According to the May 2023 amendments to the Electoral Code, an early presidential election is to be held within two months from their appointment.

³⁹ Paragraph 41 of [the ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that, “[i]t is the responsibility of the state to ensure that relevant general and specific legislation provides for the necessary mechanisms that, in practice, allow the exercise of the right to freely associate and form political parties with others.” Paragraph 178 specifies that “[l]egislation should avoid restricting the number of parties through overly burdensome requirements for registration or expressions of minimum support. Not only do such restrictions inherently reduce the free function of political pluralism, they can also easily be manipulated to silence parties or candidates who express opinions unpopular to those in power.” Paragraph 14 of the [CCPR General Comment No. 31](#) states that the requirement “to take steps to give effect to the Covenant rights is unqualified and of immediate effect. A failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State.”

⁴⁰ Individuals convicted of intentional crimes, those declared incapable by a court, and professional servants of religious organizations are not eligible to stand.

⁴¹ Paragraph 4 of the [CCPR General Comment No. 25](#) states that “any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria”. There is no regulation on how to assess the language requirement, and the CEC informed the ODIHR EOM that no evaluation takes place unless there are doubts in the language command of candidates.

⁴² Paragraph 15 of the [CCPR General Comment No. 25](#) confirms that the “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”. Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) requires that citizens be permitted “to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. Paragraph 3 of [the OSCE Copenhagen Document](#) states that political pluralism, fostered by the existence of a variety of political parties, with different priorities and programmes, is critical to the proper functioning of democracy. Paragraph 47 of [the ODIHR and Venice Commission Guidelines on Political Party Regulation](#) further states that “[p]olitical pluralism is critical to ensuring effective democratic governance and providing citizens with a genuine opportunity to choose how they will be governed.”

collection.⁴³ Political parties reported that they collected signatures primarily from their own members.⁴⁴ Four political parties submitted nominations to the CEC.⁴⁵ A CEC regulation provides that at least 15 per cent of signatures collected for each candidate should be verified, without specifying how the sample should be selected. According to the CEC the signatures were verified within three days and checked only in cases of doubt and the verification committees stated that the time was sufficient to complete the task. All four candidates were registered on 6 June.⁴⁶ One candidate was a woman.

Campaign Environment

The election campaign period officially started on 7 June and ended on 7 July. The contestants held primarily small and some medium-sized meetings with voters, mainly indoors.⁴⁷ All registered candidates were able to campaign freely and were treated equally for the production and distribution of campaign materials, organizing of events and access to public funding. The presidential election took place in a political environment that was significantly restrained and lacking genuine political alternatives. None of the registered candidates publicly criticized or authentically challenged the incumbent.⁴⁸ Some parties used the campaign to galvanize their members and consolidate their positions. However, political engagement in the contest was restrained and dissenting voices were excluded from the mainstream public debate.

The legal framework provides equal opportunities for candidates to campaign. However, special “protection and inviolability” of the personality of the president are granted by the Constitution. Campaign regulations include some prohibitions against the misuse of administrative resources and the participation of state officials during campaign, but lack effective safeguards to prevent state and local officials to misuse their positions. The incumbent introduced various social measures, legislated by presidential decrees shortly after their announcement.⁴⁹ Furthermore, announcements of plans in the process of being implemented for large-scale projects and various social benefits were publicized during

⁴³ The CEC calendar allocated 17 days for the collection of signatures.

⁴⁴ According to the information, provided to the ODIHR EOM by the political parties, SPD has approximately 570 000 members, EPU - some 485 000 members, PDPU – some 565 000 members, and LDPU – 1 269 998. According to the CEC, all activities related to signature collection and verification were carried out in line with relevant procedures, and the CEC shared with ODIHR EOM videos of collection of the signatures, and samples of the signatures submitted.

⁴⁵ The incumbent was initially nominated by two political parties and subsequently registered as a candidate of the Liberal Democratic Party of Uzbekistan (LDPU).

⁴⁶ The four presidential candidates are, Abdushukur Khamzaev– nominated by Ecological Party (EPU), Shavkat Mirziyoyev – nominated by Liberal Democratic Party of Uzbekistan (LDPU), Ulugbek Inoyatov –nominated by People’s Democratic Party of Uzbekistan (PDPU) and Robakhon Makhmudova – nominated by Social Democratic Party of Uzbekistan Adolat (SDPU).

⁴⁷ All of the 42 campaign events observed by ODIHR EOM were held in Uzbek language and in one case both Russian and Uzbek were used. Out of 44 main speakers 11 were women.

⁴⁸ In Namangan and Tashkent region during events of PDPU candidate Ulugbek Inoyatov, the campaign messages shifted to openly favouring President Mirziyoyev. The absence of authentic competition in the campaign was also underlined by the lack of critical engagement with the other contestants in all of the events observed by ODIHR EOM, including during the televised debates between the candidate’s proxies.

⁴⁹ On 1 June, the president established the National Social Protection Agency to enhance the citizen’s social protection and improve the quality of social services; on 12 June the president approved amendments to the legislation for tax reductions in Karakalpakstan; on 14 June, a presidential decree cleared property tax and land tax debts, and terminated legal proceedings relating to the collection of tax debts, penalties and fines. Paragraph II. B. 1.1 of the 2016 ODIHR and [Venice Commission’s Joint Guidelines on Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) stipulate that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes”.

the campaign period.⁵⁰ These instances blurred the separation between State and party, at odds with paragraph 5.4 of the 1990 Copenhagen Document and provided an undue advantage to the incumbent.⁵¹ The ODIHR EOM observers noted instances of campaign events with orchestrated campaign setting where attendance was seemingly directed.⁵² On several occasions, the ODIHR EOM observed presence of public employees during office hours at campaign events.⁵³

The candidates' platforms focused on topics related to water management and the environment, economy, healthcare, education, the rule of law and legislative improvements. While gender issues were mentioned and discussed at times, the topic did not feature prominently in the campaign discourse. The subdued character of the campaign was mirrored online with a very low engagement rate with the contestants' posts.⁵⁴ Although social media provides some diverse opinions mainly pertaining to social problems and low-level corruption, the legislation allows for prosecution based on content on the social networks, which according to some ODIHR EOM interlocutors results in widespread self-censorship.⁵⁵

Campaign Finance

Campaign finance is regulated by the Election Code and the 2004 Law on Financing of Political Parties (LFPP), and by CEC regulations.⁵⁶ Funding for campaign purposes is allocated exclusively from the state budget, and only to the political parties that nominated a candidate.⁵⁷ Alternative sources for election

⁵⁰ On 13 July, in Khorezm the president announced 2,500 projects in the region in the automotive, textile, chemical, green energy and construction industries worth USD 10 billion. On 23 July, in Kashkadarya the President announced plans to allocate USD 114 million to preschool education alongside the modernization of around 1,000 schools, and the opening of 37 polyclinics and 95 family medical centres; on 20 July, in Bukhara the incumbent campaigned on existing plans for new medical and pharmaceutical centres.

⁵¹ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) calls for “a clear separation between the State and political parties.”

⁵² For example, the ODIHR EOM observed: in the Tashkent region, a directed event of Ulugbek Inoyatov with the head of the regional council as a main speaker in front of an audience organized to attend by their respective *mahallas*; an orchestrated event with teachers held in support of Abdushukur Hamzaev in Samarkand; in Surkhandarya a directed event in support of Shavkat Mirziyoyev with organizers handing questions to the audience and staging applause: orchestrated upon invitation events of the incumbent were observed in Samarkand and Bukhara.

⁵³ During an event of Ulugbek Inoyatov in Namangan *mahallas* organized attendance of teachers, doctors and nurses; an event in support of Shavkat Mirziyoyev in Samarkand was attended by public servants during office hours; in Andijan an event in support of Ulugbek Inoyatov was attended mostly by healthcare staff; for an event in support of Abdushukur Khamzaev, held at the Fergana Public Health Medical Institute, the institute employees had to sign attendance list.

⁵⁴ ODIHR EOM monitored 27 social media accounts, including those of the candidates and the parties and accounts run by prominent bloggers and activists.

⁵⁵ According to [media reports](#), on 8 May the Supreme Court announced that a citizen was sentenced to 3 years imprisonment after sharing a religious song on a Telegram group.

⁵⁶ CEC regulations determine reporting deadlines and templates, require the return of private campaign donations, as well as allow for parties to prepay election related expenditures from party funds, subject to compensation from state campaign funds.

⁵⁷ Both direct and indirect public campaign financing is provided for in law and in practice and equipped premises are provided by public and self-governing bodies for campaign events free of charge.

campaigns are prohibited, contrary to international good practice.⁵⁸ For this election, the CEC allocated UZS 19,655 billion for campaign purposes and each party received some UZS 4.9 billion.⁵⁹

Positively, as of 2021, the legislation requires parties nominating candidates to submit an interim report prior to election day and a final report on campaign spending to the CEC, based on the CEC's approved template.⁶⁰ According to the CEC, all four parties submitted interim campaign reports within legal deadlines and positively, two of them published them on their websites. The law provides only general responsibility for failure to comply with campaign finance regulations but does not list specific types of violations covered by this administrative offence. According to the CEC, not meeting reporting deadlines will result in administrative liability for failing to comply with CEC decisions. Political parties shall publish their campaign finance reports on their webpages and in print media within a month after the announcement of the election results. Overall, the effectiveness and transparency of campaign financing is undermined by the lack of thorough and timely oversight, and dissuasive sanctions for possible violations.

Media

The Constitution provides basic guarantees of freedom of expression and access to information.⁶¹ Although imprisonment for defamation was positively removed from the Criminal Code in 2020, defamation, insult and the dissemination of false information are still criminalized and public slander and insult of the president carries up to 5 years of imprisonment.⁶² Broad and not clearly defined provisions in the Criminal Code on terrorism, religious extremism, separatism, storage and dissemination of extremist materials, and attempts to undermine public order, further disproportionately restrict the right to freedom of expression contrary to binding international law.⁶³ Recent arrests, detentions and convictions based on these provisions *de facto* limit this freedom.⁶⁴

⁵⁸ See Paragraphs 204 and 209 of the [Guidelines on Political Party Regulation](#) which reiterate that “[f]unding of political parties is a form of political participation, and it is appropriate for parties to seek private financial contributions” and that “all individuals should have the right to freely express their support for a political party of their choice through financial and in-kind contributions”. Paragraph 233 states that “subsidies [...] should not be the only source of income or create conditions for over-dependency on state support.”

⁵⁹ The allocated amount has increased as compared to the 2021 presidential elections when the campaign funding was equal to UZS 15.5 billion. ODIHR EOM interlocutors from political parties stated that they were consulted prior to the approval of the campaign budget.

⁶⁰ The interim report is due five days prior to election day and the final report shall be submitted within 20 days after the announcement of the election results. Expenditures on campaigning online and on social media must also be included in the interim report.

⁶¹ However, in addition to the exhaustive list of permissible grounds of limitations as provided for in Article 19.3 of the ICCPR, the Constitution permits limitations on the grounds of the “existing constitutional system”, as well as “if any state or other secrets, protected by law”, are involved.

⁶² See paragraph 39 of the [2011 UNHRC General Comment No.34 to the ICCPR](#). The law provides for defamation under aggravating circumstances for excessive fines of up to UZS 165,000,000 and up to three years restriction of freedom. Furthermore, a 2021 amendment expanded public defamation and insult of the president to telecommunication networks and the internet, including online media and social networks.

⁶³ In addition, the production, import, and distribution of “religious content materials” requires an obligatory prior examination by a state expert on religious issues, hereby amounting to prior censorship.

⁶⁴ On 13 April 2023, the Mirabad district court extended the compulsory treatment in a psychiatric hospital of blogger Shohida Salomova. A psychiatric examination was ordered by court, after her detention on 18 December 2022 for defamation and slander of another blogger, under Articles 139 and 140 of the Criminal Code. According to [media reports](#) (access to Radio *Ozodlik* is restricted in the country), the detention followed her accusations of the president and his relatives of corruption and nepotism. She also provided free legal aid to victims of evictions. On 31 May 2023, the Nurota district court convicted a woman for “liking” religious content on a social media page for storing and disseminating materials containing ideas of religious extremism that threaten public safety and public order by using the Internet. Due to mitigating circumstances, she was convicted to *inter alia* three years restriction of liberty, prohibited to leave her residence between 22:00hrs and 06:00hrs, coupled with the prohibition to use the Internet.

Owners of websites or other public “information resources”, including bloggers, are obliged to monitor third-party content for its compliance with the law and the veracity of the information hosted on their platforms. The law provides overly broad and insufficiently precise grounds for online content to be deemed illegal, contrary to international standards.⁶⁵ Filtering and blocking of websites, following a warning for non-compliance with legal requirements is executed without judicial authorization, but may be appealed in court.⁶⁶ Legal restrictions, their monitoring and the interference into editorial autonomy, result in pressure leading to widespread self-censorship among journalists and bloggers, according to a number of ODIHR EOM interlocutors. While online and social media provide some room for discussion of social issues, criticism of high political authorities remains significantly inhibited.

A large number of media outlets operate in the country.⁶⁷ While online news media located in Tashkent increasingly provide the main source of information for urban and young people, state television still has considerable influence in the regions. Bloggers constitute a significant element of the media sphere. Commercial media compete with numerous state funded media outlets in a growing, yet limited advertising market.⁶⁸ Very few media outlets are considered self-sustainable. The Mass Media Law prohibits a foreign share of over 30 per cent in a mass media outlet and local mass media are prohibited from receiving foreign funding.

Legislation entitles contestants to free-of-charge airtime and space on state-owned national and regional media outlets.⁶⁹ According to the CEC decision, all media have to “in principle” provide equal coverage in the news.⁷⁰ The AIMC monitors media’s compliance with requirements and regularly reports to the CEC, however, not publicly. According to the CEC, no violations have been observed nor complaints on media coverage received. According to ODIHR EOM media monitoring results, state-owned media outlets provided free airtime to candidates in line with the law.⁷¹

⁶⁵ The Law on Informatization restricts information that *inter alia* “demonstrates disrespect for society, the state, state symbols, including information expressed in an indecent form” and that “calls for riots, violence against citizens, as well as participation in meetings, rallies, street processions and demonstrations held in violation of the established order, as well as the coordination of these illegal actions.” Article 19.3 of the ICCPR stipulates that restrictions must be “provided by law”, meaning that they must be formulated with sufficient precision to enable and individual to regulate his or her conduct accordingly. In addition, they may only be imposed for one of the grounds including the “respect of the rights or reputations of others” or the “protection of national security or of public order or of public health or morals” and they must conform to the strict tests of necessity and proportionality.

⁶⁶ See paragraphs 2.a and b of the [2011 Joint Declaration on Freedom of Expression and the Internet](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information.

⁶⁷ According to the Agency for Information and Mass Communication (AIMC), a total of 736 state and 1,180 commercial media outlets are registered in Uzbekistan. ODIHR EOM interlocutors assessed the registration process as not burdensome.

⁶⁸ The National Television and Radio Company (NTRC) operates 12 TV stations with nation-wide coverage, as well as 14 regional broadcasters and 4 radio stations. The general director is appointed by the government in consultation with the president.

⁶⁹ For the first week of the campaign, the four candidates are allocated 90 min free airtime on each of the 4 national state TV stations, while for the weeks two to five they receive 30 min. On regional state TV the total amount of free airtime is 100 min per station and candidate. In addition, they receive space in state - owned newspapers.

⁷⁰ The CEC informed ODIHR EOM that the CEC decision on this does not entail a legal obligation for the media to provide an equal amount of news coverage.

⁷¹ On 12 June, the ODIHR EOM started monitoring five television stations, including the state owned *O'zbekiston* and *O'zbekiston24* and the commercial *MY5*, *Sevimli*, and *UzReport* and five online media outlets: *Daryo.uz*, *Gazeta.uz*, *Kun.uz*, *Podrobno.uz* and *Qalampir.uz*.

In state-owned *O'zbekiston* and *O'zbekiston24* news, the incumbent received 34 and 37 per cent of campaign coverage respectively, comparing to 22, 24 and 20 per cent and 21, 22 and 20 per cent, allocated to Ulugbek Inoyatov, Abdushukur Khamzaev and Robakhon Makhmudova respectively, giving the incumbent an undue advantage. In addition, the President received coverage in his institutional capacity.⁷² The commercial TV stations My5 and Sevimly did not cover the campaign in the news and only the incumbent received news coverage, while on UzReport TV the incumbent received 93 per cent of a limited amount of campaign coverage. Virtually, no coverage of the candidates in a negative tone was monitored on the selected media outlets, reflecting the lack of genuine competition, but also the inability of media to facilitate a critical discourse in the public sphere. Two pre-recorded debates with proxies of the contestants were broadcast on state television. While political parties had an opportunity to present their platforms, the format did not allow for counter-arguments and follow-on questions which resulted in a lack of interaction.

Complaints and Appeals

The law grants broad legal standing to all stakeholders.⁷³ The election administration has jurisdiction over all election related complaints, except for those against the actions and decisions of election commissions that shall be exclusively filed with administrative courts.⁷⁴ Decisions of the CEC, including on the election results, can be challenged to the Supreme Court. The deadlines for election-related disputes are in line with international good practices.⁷⁵ Complainants are subject to filing fees that may pose additional barriers, in particular for legal entities.⁷⁶

In a positive development, as of 10 May 2023, the CEC started concisely reporting on received appeals and complaints. However, the consideration of complaints and appeals by election administration does not fully ensure transparency, as it is limited to voting on pre-drafted decisions and complaints are not heard in public sessions.⁷⁷ According to the CEC, about 184 applications were received from citizens and none from legal entities and political parties.⁷⁸ Regarding 147 of these, the CEC published brief information about the complaint and measures taken. Of these, only 77 were related to the electoral process, including the composition, functioning and locations of polling stations. Most of these were

⁷² Including the president's institutional coverage in the news, the incumbent received 55 and 53 per cent on *O'zbekiston* and *O'zbekiston24*, while the other candidates received 15, 17 and 14 per cent and 15, 16 and 15 per cent respectively. In campaign coverage in the news on *O'zbekiston*, 63 per cent of the coverage of the incumbent as a candidate was direct speech time, comparing to 15, 12 and 10 per cent of direct speech time for the other contestants.

⁷³ Any person or legal entity can file an appeal with the election commissions. Decisions of the election commissions may be challenged in court by political parties that nominated a candidate, candidates themselves, candidate's proxies, observers and voters.

⁷⁴ While the law does not explicitly provide for challenging the inactions of the election administration in court, the Law on Consideration of Appeals of Persons and Legal Entities (LCAPLE) as well as a CEC resolution provide for the right to challenge the unlawful refusal to accept and process appeals. In several cases, the CEC responded in writing to appeals related to the appointment of election commission members longer than three days after the receipt, considering that such appeals fall under the LCAPLE provided deadlines.

⁷⁵ Decisions of election administration, including the final results, may be challenged in court within five days after their adoption and shall be decided within three days, or immediately if filed within six days prior to the election day. Mistakes or inaccuracies in voter lists may be raised by any citizen and shall be examined within 24 hours by the relevant PEC, and the decision is subject to appeal in court.

⁷⁶ For natural persons the filing fee is one base unit, equal to UZS 330,000, and for legal entities it is ten base unit, equal to UZS 3,300,000.

⁷⁷ Only a brief overview of appeals and complaints received in the reporting period and measures taken in response are attached to CEC resolutions adopted in public sessions.

⁷⁸ In reported cases, the CEC generally respected the three-day legal deadline, but the concurrent applicability of the deadlines set by the Election Code and the LCAPLE in some cases affected the timeliness of electoral dispute resolution.

rejected on technical grounds.⁷⁹ The CEC set up a toll-free call-centre to respond to election-related inquiries, complaints and provide legal counselling in a real-time format. As of 8 July, they received 432 calls, including inquiries about the location of polling stations and complaints about the composition of PECs.⁸⁰

According to the Supreme Court, one complaint related to this election was received by the courts, and dismissed.⁸¹ The office of the Prosecutor General and the Ministry of Internal Affairs informed ODIHR EOM that they did not receive any election-related complaints, neither did they institute any proceedings *ex officio*.

Despite certain recent legislative and practical measures taken,⁸² the independence of the judiciary is undermined by insufficient safeguards in the legislation and in practice.⁸³ Some ODIHR EOM interlocutors stressed that the lack of independence of the judiciary continues to diminish public trust, and results in a low number of cases challenging alleged violations of fundamental freedoms and election-related disputes in court.

Participation of National Minorities

The Constitution stipulates that Uzbekistan is a multi-ethnic country where all citizens have equal rights without discrimination based on nationality, ethnicity and language. The Law on Political Parties forbids the establishment of parties based on grounds of national origin. The majority of the population in the country is ethnic Uzbek and according to official data, the minorities amount to 16.3 per cent.⁸⁴ Uzbek is the official state language and, by law, the state has to create the necessary conditions for the development of other minority languages.

According to the CEC, 95.1 per cent of ballot papers were printed in Uzbek and in some constituencies in Karakalpak (2.4 per cent) and Russian (2.5 per cent). No ballots in other languages were requested by DEC. Political parties informed the ODIHR EOM that they also printed and disseminated campaign materials in Russian and Karakalpak languages. National minority issues did not feature prominently during the campaign, and the ODIHR EOM did not observe any instances of nationalist rhetoric. The majority of the campaign events observed by the ODIHR EOM were in the Uzbek language.

⁷⁹ The rest were not relevant to the CEC's mandate.

⁸⁰ Three communications on alleged violations in the composition of PECs were forwarded to the competent DEC, where one was resolved.

⁸¹ The applicant challenged the CEC decision on the registration of one of the presidential candidates. The Supreme Court informed ODIHR EOM that the decision is not publicly available. According to the Supreme Court, in 2019-2022, the courts examined over 450 cases related to the election of chairpersons of the self-governing bodies and local councils, one case related to 2019 parliamentary elections. No complaints related to presidential elections were received in this period.

⁸² In recent years, the Law on Courts was adopted in 2021, the Supreme Judicial Council was established, several electronic portals introduced to facilitate access to the courts.

⁸³ The president maintains extensive influence on the formation of the judiciary, including the powers to appoint the majority of the members of the Supreme Judicial Council (SJC), the presidents and vice-presidents of the regional and Tashkent city courts, upon the proposal of the SJC, and nominate chairperson and deputy chairpersons of the Supreme court, chairperson of the SJC as well as justices of the Constitutional Court. The UN Special Rapporteur on the independence of the judiciary in his country visit [report](#) expressed concerns over undermined institutional and personal independence of judges and that 'provisions regarding the composition and functions of the Council are not fully in line with international standards and do not provide sufficient guarantees to insulate the judiciary and judicial career processes from external political pressure'. See also paragraph 5.12 of the [1990 OSCE Copenhagen Document](#), [OSCE 1991 Moscow Document](#), and the [1985 UN Basic Principles on the Independence of the Judiciary](#).

⁸⁴ Some of the other sizeable ethnic groups include Tajiks, Kazakhs, Russians, Karakalpaks, Tatars, and Turkmens, among others. The last official census was conducted in 1989 and the information about ethnic minorities was updated by the State Statistics Committee in 2017. A new census is scheduled to take place in 2023.

multiple voting in two per cent and proxy voting in three per cent of polling stations observed. Campaign materials were also noted in 7 per cent of observations. ODIHR EOM observers were not ensured a clear view of the voting procedures in three per cent of polling stations visited and were not given access to review the voter list in a five per cent of polling stations.

Party agents as well as accredited representatives of *mahalla* committees were present in almost all of the polling stations visited, contributing to the transparency of the process. However, observers also noted unauthorized persons in 10 per cent of polling stations visited. ODIHR EOM observers reported 27 instances of party agents, *mahalla* committee representatives, and other unauthorized persons unduly interfering in the voting process.

Despite positive measures introduced to facilitate the access of persons with different types of disabilities to the polling process, independent access for persons with physical disabilities was not ensured in 21 per cent of polling stations observed and in 18 per cent of observations polling stations were not equipped with the necessary materials, such as Braille stencils for ballots.

The Ministry of Interior reported receiving no complaints and the Prosecutor General reported on 5 complaints, received through the hotline but no violations were established. The CEC did not publicly announce number of complaints received and stated that no electoral violations were established.

Most of the polling stations observed closed on time. The closing and counting processes were reported as negative to a great degree, with 39 out of 87 polling stations assessed as bad or very bad, due to further significant procedural errors and omissions. Counting procedures were not followed in more than a half of polling stations observed. In particular, some critical reconciliation steps before the opening of ballot boxes were omitted, challenging the integrity of the counting process.⁹¹ The validity of the ballots was not determined in accordance with prescribed procedures in 22 cases and ballots were not counted correctly in 36 cases. The ODIHR EOM observed 12 cases of indications of ballot box stuffing during the count, including bundles of ballots folded together. In 30 counts observed, PECs had difficulties completing the results protocol, and the EOM noted that in 10 cases protocols were pre-signed and there was evidence of deliberate falsification of protocols or voter lists entries in 10 and 15 cases, respectively. In some cases, not all phases of the counting process were visible to observers.⁹² Overall, the counting process raised serious concerns about whether ballots were counted and reported honestly, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document.⁹³ This further underlines the need for further reforms and training of election officials.

The law provides for PEC protocols to be posted outside of PEC premises, and in 20 of 77 observations PEC protocols were not publicly displayed. These measures neither safeguard the integrity of election results nor provide for cross-checking of these protocols. Contrary to a longstanding ODIHR recommendation, the CEC does not publish results broken down by polling stations.

The tabulation process observed by the ODIHR EOM lacked transparency, detracting from meaningful observation. In particular, in 6 cases not all present had a clear view of the tabulation procedures and in 7 cases not all present could observe the process without restrictions. The ODIHR EOM observers were prevented from meaningful observation of the tabulation process as in 8 cases they were not allowed to

⁹¹ For example, PEC members failed to determine the total number of ballots received in 25 cases and did not determine the total number of ballots issued to voters on election day in 26 cases; unused and spoiled ballots were not counted in 16 and not canceled in 20 cases.

⁹² The EOM observers reported that they were not able to observe counting procedures without restrictions in 13 polling stations and they were not granted full cooperation from the PECs in 11 cases.

⁹³ Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) provides that the participating States will ensure that the votes are counted and reported honestly.

observe the data entry and DEC members did not provide a sufficient level of cooperation in 5 observations.

The CEC shared updates about the voting process via press conferences throughout the election day, contributing to the transparency of the process. These updates included information on the turnout, and at the close of the polls, the preliminary turnout countrywide was reported at 79.8 per cent. The EOM observers consistently noted discrepancies between the number of voters casting their ballots and the officially reported preliminary turnout figures.⁹⁴

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

⁹⁴ ODIHR EOM observers reported data on the number of voters registered on the voter list, the number of people who had voted before their observation of voting procedures at the respective polling station, and the number of people who voted during their observation of voting procedures. Statistical analysis of this data suggests that the number of voters casting their ballots was lower than officially reported by the authorities. In a substantial number of polling stations, ODIHR observers were not allowed to access the voter list, even upon request. In the polling stations where a visual inspection of the voter list was granted, the data reported by the polling staff was higher than would be supported by the number of signatures observed in the voters list.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tashkent, 10 July 2023 – Following an invitation from the Central Election Commission (CEC) of the Republic of Uzbekistan, based on the recommendations of a Needs Assessment Mission conducted from 17 to 18 May 2023 in accordance with its mandate, the ODIHR deployed an Election Observation Mission to observe the 9 July 2023. The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the electoral process.

The ODIHR EOM, headed by Ambassador Urszula Gacek, was deployed from 7 June and consists of a core team of 11 international experts based in Tashkent and 24 long-term observers deployed throughout the country. On election day, 198 observers from 26 countries were deployed. Opening was observed in 95 polling stations and voting was observed in 933 polling stations across the country. Counting was observed in 87 polling stations, and the tabulation in 14 DECes.

The Election Observation Mission (EOM) wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for their assistance. The EOM wishes to also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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