



Office for Democratic Institutions and Human Rights

# REPUBLIC OF UZBEKISTAN

## CONSTITUTIONAL REFERENDUM

ODIHR NEEDS ASSESSMENT MISSION REPORT  
19 -21 July 2022



Warsaw  
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**REPUBLIC OF UZBEKISTAN**  
**CONSTITUTIONAL REFERENDUM**  
**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

In accordance with its mandate and in anticipation of an official invitation to observe the 2022 constitutional referendum in Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 19 to 21 July. The NAM included Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Kseniya Dashutsina, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-referendum environment and preparations for the referendum. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the upcoming referendum, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, representatives of media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs (MFA) and the Central Election Commission (CEC) for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

## **II. EXECUTIVE SUMMARY**

On 20 June the president of Uzbekistan proposed to the parliament to organize a nationwide constitutional referendum to be held in 2022. The constitutional reform process started prior to the call for referendum, on 20 May, when a Constitutional Commission was established by the parliament and public consultations commenced. After the call for referendum, the public consultation process was prolonged twice and concluded on 1 August. According to the Constitutional Commission over 117,000 proposals were submitted by citizens, public institutions and other interested parties. Following the public consultation period, the Constitutional Commission will finalize the draft amendments and submit the new draft text for the approval to both chambers of the parliament, and the referendum date will be set.

The current draft of the referendum package which has been submitted for public discussions contains 200 amendments to 64 articles of the constitution. Some of the proposed amendments include enhanced provisions related to the protection of certain human rights, fundamental freedoms, and procedural guarantees, and an extension of the length of the presidential term from five to seven years. Many ODIHR NAM interlocutors welcomed proposed amendments as an improvement. However, other interlocutors voiced concerns over the extension of the presidential mandate and that subordinate legislation will continue to restrict freedom of speech, peaceful assembly and association, as was previously assessed by ODIHR, and underlined the importance of proper implementation of possible constitutional changes.

Constitutional amendments can be adopted by votes of at least two thirds of members of each parliamentary chamber, or a referendum. The latest amendments to the constitution were made in 2019 through the parliamentary procedure. Referenda can be called by *Oliy Majlis* based on the proposals of the citizens, chambers of *Oliy Majlis*, or the president. Results of the constitutional referendum are binding. For the constitution to be amended by a referendum, a turnout threshold of 50 per cent of all registered voters applies and more than a half of the valid votes cast must be in favour of the

amendments. According to the CEC, voters will be asked a single “Yes” or “No” question on the approval of the entire package of constitutional amendments.

Referenda are regulated primarily by the 1992 Constitution, 1991 Referendum Law, and the 2019 Election Code. The Referendum Law was most recently amended in 2019 and 2022, and the changes mostly reflected the changes introduced to Election Code in 2019 and 2021, including enhancing the effectiveness of the referendum dispute-resolution process, introducing a requirement of neutrality of the lower commissions members, altering the procedure of voting abroad, as well as a number of technical adjustments. The Referendum Law provides basic provisions for the conduct of referenda including structure, roles and responsibilities of the referenda administration, however, it does not contain specific regulations on ensuring equal opportunities for the proponents and opponents of the referendum, objective voter education, campaigning, transparency of campaign finance, balanced and objective representation in media and observation of referenda. Moreover, the Referendum Law does not prescribe the neutrality of public authorities, or ban their use of public funds for referendum campaigns.

The referendum will be administered by the Central Election Commission (CEC), 14 District Referendum Commissions (DRCs), and some 10,700 Precinct Referendum Commissions (PRCs), including PRCs abroad. The referendum preparations are on-going and the CEC has so far adopted five regulations related to the conduct of the referendum. The CEC, in co-ordination with other state institutions, intends to hold a comprehensive, interactive cascade training for members of referendum commissions at all levels. All ODIHR NAM interlocutors from the state institutions expressed full confidence in the ability of the referendum administration to conduct the process in a professional and transparent manner. Some ODIHR NAM interlocutors from civil society and media expressed low trust in the independence and impartiality of the referendum administration, in particular on local and regional level citing perceived undue influence over their decision-making, and some pointed to malpractices and a lack of transparency observed in previous elections. While no additional safeguards to address issues identified with voting and counting procedures noted in previous ODIHR reports were introduced since the 2021 election, the majority of the ODIHR NAM interlocutors did not express concerns about irregularities during the referendum day.

Citizens aged 18 or older have the right to vote, except for those who have been declared legally incapable by a court decision, including on the basis of intellectual or psychosocial disability, and those serving a prison sentence for serious and grave crimes. Suffrage restrictions based on mental disability are at odds with OSCE commitments and other international standards. Voter registration is passive, and is based on permanent or temporary residence. The Single Electronic Voter Register is maintained and operated by the Ministry for Development of Information Technologies and Communications, and overseen by the CEC. There are some 21.8 million voters registered. Most of the ODIHR NAM interlocutors did not raise concerns with the accuracy of the voter list.

The Referendum Law guarantees the right to campaign to citizens and public associations in the form of meetings, rallies, citizens’ gatherings and in the media but does not provide for registration of any campaign groups and equal campaign opportunities. Most ODIHR NAM interlocutors noted that so far, no party, association or organization is openly opposing the referendum. Some stated that due to lack of general political pluralism they do not expect active referendum campaign, apart from the one conducted by the government.

All expenses related to the organization of the referendum are covered by the state budget. By law, public associations, enterprises, legal entities and citizens can donate funds for conduct of the referendum to the CEC. The Referendum Law is silent on fundamental aspects of a transparent and

accountable campaign finance framework; provisions on campaign finance contributions and expenditures, campaign finance reporting and disclosure, oversight and monitoring, and on sanctions.

The media environment is characterized by a large number of state-owned media. Many ODIHR NAM interlocutors acknowledged moderate improvements in access to information and social networks are increasingly used as a source of political information, mostly in urban areas. However, a number of ODIHR NAM interlocutors opined that media freedoms are exercised in a controlled environment, and editorial independence is often compromised. Self-censorship among journalist and media outlets remains of concern. The Referendum Law entitles citizens and public associations to express their opinions of referendum options, including in the mass media. Nevertheless, the law does not include requirements to provide balanced and impartial coverage in the news or guarantee equal conditions for the campaigns. Interlocutors from the public broadcaster informed the ODIHR NAM that some of these matters would be regulated by a CEC decision and stated their commitment to give voice to those critical to the referendum and organize a number of talk-shows, air voter information materials, including in Uzbek, Russian and Karakalpak, as well as sign language.

Individuals and legal entities can report legislative violations, including campaign procedures and violations related to the organization of the referendum, to referendum commissions. The 2022 amendments to the Referendum Law reduced the deadlines to submit complaints and appeals to referendum commissions and the courts from ten to five days, and provided for the adjudication of complaints regarding decisions and actions of all referendum commissions exclusively by courts. The Supreme Court informed the ODIHR NAM about ongoing training for judges, and efforts to enhance access to public hearings and the timely publication of decisions. While several ODIHR NAM interlocutors highlighted improvements in the organization and functioning of the judiciary, some expressed a lack of trust in the independence of the judiciary and effectiveness of the referendum dispute resolution process. Most of the ODIHR NAM interlocutors do not expect many complaints due to lack of competitiveness of the upcoming referendum.

Observers from international organizations, political parties, *Mahalla* committees, citizen's initiative groups and media representatives are entitled to observe the referendum. The legislation does not contain provisions for observation by citizen observers, contrary to international standards and previous ODIHR recommendations. International observers are accredited by the CEC, while others are subject to accreditation at the District Referendum Commissions.

All ODIHR NAM interlocutors noted the importance of an independent scrutiny of the referendum process and stressed the need for an ODIHR observation activity. Most of the interlocutors underlined the vital role of ODIHR in Uzbekistan's efforts to fulfil its human rights commitments and highlighted the support that ODIHR is providing to the state authorities and civil society in building their institutional and legal capacities to organize and participate in the democratic voting processes. While recent amendments to the legal framework did not address issues previously observed by ODIHR related to election day and counting, most of the ODIHR NAM interlocutors did not expressed concerns over these issues for the referendum. However, they stressed the need to deploy a referendum observation mission with a long-term presence to cover regional aspects of the process, in particular, implementation of the legal framework, conduct and referendum preparations by the referendum administration, and media coverage of the referendum campaign.

On this basis, the ODIHR NAM recommends the deployment of a Limited Referendum Observation Mission (LROM) to observe the constitutional referendum. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 14 long-term observers from OSCE participating States to follow the referendum process throughout the country. In line with ODIHR's standard methodology, the LROM would include a media monitoring element. While the mission would visit a limited number of polling stations, systematic observation of the voting proceedings is not envisaged.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Uzbekistan has a strong presidential system, in which the head of state shares legislative powers with parliament through the issuing of binding decrees, resolutions and ordinances. Furthermore, the president plays a key role in the appointment of the prosecutor general, chairperson of the State Security Service and other high-ranking officials and judges. The *Oliy Majlis* exercises legislative powers, appoints the prime minister upon the president's nomination. Following the 2019 constitutional amendments, the parliament pre-approves all ministers before their appointment by the president.<sup>1</sup>

President Shavkat Mirziyoyev won the 2021 presidential election, with 80.1 per cent of valid votes. Following the last parliamentary elections in 2019, all five registered political parties obtained seats: the Liberal Democratic Party obtained 53 seats, Democratic Party *Milliy Tiklanish* – 36 seats, Social Democratic Party Adolat – 24 seats, People's Democratic Party – 22 seats, and Ecological Party – 15 seats.<sup>2</sup> Nevertheless, none of the registered political parties have positioned themselves in opposition to the President's policies, and no party proposed an agenda distinct to his. Previously, in its election-related reports ODIHR noted that the lack of genuine competition, combined with burdensome requirements for party registration, continue to challenge the pluralistic nature of the political environment.<sup>3</sup>

The recent presidential election took place against the backdrop of reforms in the social, political and economic spheres initiated by President under his 2017-2021 Development Strategy, referred to in the wider political discourse as "New Uzbekistan". In November 2021, during his inaugural speech, President Mirziyoyev announced his intentions to reform the constitution as a necessary step for further development of the democratic state.

On 20 May 2022, members of parliament (MPs) from the Liberal Democratic Party and the Democratic Party *Milliy Tiklanish* submitted a proposal for constitutional changes and Constitutional Commission was formed. The Commission is chaired by the Vice-Speaker of *Oliy Majlis*, and consists of 46 representatives, including members of political parties, MPs and senators, lawyers, and representatives of civil society organizations. Out of 46 members, 10 are women. On 24 June, the draft constitutional amendments were adopted by *Oliy Majlis* in the first reading, and combined in one Constitutional Law "On Amendments and Additions to the Constitution of the Republic of Uzbekistan". All 131 MPs present at the session voted for the adoption of the draft text unanimously.

On 25 June, the draft amendments to the constitution were published on the on-line portal "My Constitution" to allow citizens to submit their proposals and comments to the draft text.<sup>4</sup> Initially, the public consultation process was intended to last ten days, however, this period was extended twice due to the high amount of submitted suggestions and the need to process them, and was concluded on 1 August. Over 117,000 suggestions were received by the Commission from citizens, state and public

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<sup>1</sup> Latest amendments to the constitution were made in 2019 through parliamentary procedure. Constitutional amendments can be adopted by votes of at least two thirds of members of each parliamentary chamber, or a referendum.

<sup>2</sup> In 2021, two aspiring parties the Social Democratic Party Truth and Progress and the Peoples' Interests Party were denied registration by the Ministry of Justice due to not meeting the requirements for party registration. No new political party was registered ahead of 2021 election. The Ecological Party of Uzbekistan (EPU) was registered in 2019, and prior to that no other new party has been registered since 2003.

<sup>3</sup> See all previous ODIHR election [reports](#) on Uzbekistan.

<sup>4</sup> Citizens can submit their proposals via on-line portal "[My Constitution](#)", e-mail, using call-center, mail or in person.

institutions and other legal entities to be considered for the draft of the new constitution.<sup>5</sup> Moreover, authorities informed the ODIHR NAM that public debates are organized in all regions of the country, and state bodies, citizens' self-government bodies, institutions and organizations reach out to the citizens to explain the essence of constitutional reforms. Some ODIHR NAM interlocutors voiced concerns over insufficient transparency of the process of incorporating some changes, especially those critical of the state bodies and whether the suggestions requiring checks and balances of institutions will be reflected in the in the final text.

The referendum package submitted for public discussions contains 200 amendments to 64 articles of the constitution, and introduces 6 new articles. Some of the proposed amendments in the current draft include enhanced provisions related to the protection of certain human rights, fundamental freedoms, and procedural guarantees, formal abolition of death penalty, and the reiteration of the principle of irremovability of judges. Other changes related to economic, ecological and labour rights, private ownership of land, and give the Central Election Commission (CEC) and the Ombudsperson the right of legislative initiative.<sup>6</sup> Moreover, proposed changes include an extension of the length of the presidential term from five to seven years.<sup>7</sup> According to some ODIHR NAM interlocutors, the Constitution will in effect reset the term limit of the President Mirziyoyev, allowing him to serve two additional terms. Many ODIHR NAM interlocutors welcomed proposed amendments as an improvement. However, some other interlocutors voiced concerns over the extension of the presidential mandate and that subordinate legislation will continue to restrict freedom of speech, peaceful assembly and association, as was previously assessed by ODIHR and underlined the importance of the proper implementation of possible changes.<sup>8</sup>

The initial draft included amendments related to the status of the Republic of Karakalpakstan, which under the current Constitution is defined as a sovereign republic within Uzbekistan that has the right to secede by holding a referendum. The draft constitution proposed to eliminate the sovereign status within Uzbekistan and the right of secession. Following the publication of the draft amendments, on 1 and 2 July, large protests erupted in Nukus, the capital of the Republic of Karakalpakstan. These turned violent and deadly and were dispersed by police after some of them tried to storm local government buildings.<sup>9</sup> The President visited Nukus right after the protests and stated that the changes related to the status of Karakalpakstan will be excluded from the draft.<sup>10</sup>

Women are generally underrepresented in political life, and hold 48 out of 150 seats in the current parliament. Although reforms aimed at increasing women's participation in public and political life have been underway within the framework of the "National strategy to achieve gender equality in 2020-

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<sup>5</sup> Two working groups established by the parliament and operating within the Commission are responsible for analyzing the suggestions. The Commission also set up a press-office to inform the public about its activities.

<sup>6</sup> Further changes envision transferring the authority to appoint the heads of the anti-corruption agency and Accounts Chamber from the president to the Senate.

<sup>7</sup> Previously, presidential term was extended in 2002 from five to seven years, and in 2011 again decreased to five years.

<sup>8</sup> Paragraphs 20, 44, 46, 48 and 50 of the [2020 UN HRC Concluding observations on the fifth periodic report of Uzbekistan](#) provide assessment of legal restrictions on the fundamental freedoms.

<sup>9</sup> According to the Prosecutor General, 21 person was killed and 274 injured. The European Union has [called](#) for an open and independent investigation into the violent events in Karakalpakstan following the publication of the proposed amendments to Uzbekistan's Constitution. On 5 July, the UN High Commissioner for Human Rights Michelle Bachelet [called](#) for a prompt, impartial and "transparent investigation" into the deaths of at least 18 people during clashes at protests in the Uzbek region of Karakalpakstan last Friday. On 15 July, a Commission on investigation of the Karakalpakstan events was established by the decision of the Parliament. The Ombudsperson was appointed to lead the Commission. The investigation is ongoing.

<sup>10</sup> On 3 July, state of emergency was introduced in Karakalpakstan until 1 August, and was lifted on 20 July by the presidential Decree due to stabilization of the security situation.

2030”, there are no special legislative measures to promote women’s participation and only one out of 30 ministers and 6 out of 170 district governors are women. All regional governors (*Hokims*) are men.

ODIHR has observed nine elections in Uzbekistan. Most recently, ODIHR deployed an Election Observation Mission (EOM) for the 24 October 2021 presidential election. The final report issued on 22 April 2022 contains 24 recommendations, including 9 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.<sup>11</sup>

## B. REFERENDUM SYSTEM AND LEGAL FRAMEWORK

A referendum can be called by the *Oliy Majlis* based on the proposals of the citizens, chambers of *Oliy Majlis*, or the president.<sup>12</sup> Results of the constitutional referendum are binding. For the Constitution to be amended by a referendum, a turnout threshold of 50 per cent turnout of all registered voters applies and more than a half of the valid votes cast must be in favour of the amendments. According to the CEC, voters will be asked a single “Yes” or “No” question on the approval of the entire package of constitutional amendments.

The referendum is regulated primarily by the 1992 Constitution, the 1991 Referendum Law, and the 2019 Election Code. Other applicable legislation includes the Criminal Code and the Code of Administrative Responsibilities, as well as presidential decrees and resolutions. In addition, the CEC issues binding regulations. Uzbekistan is a party to main international instruments related to the holding of democratic elections and referenda.<sup>13</sup>

The Referendum Law was most recently amended in 2019 and 2022, and the changes mostly reflected provisions of the 2019 Election Code, and its 2021 amendments. The amendments expand observer rights to self-governance bodies, enhance the effectiveness of the referendum dispute-resolution process, increase the minimum number of members of the territorial commissions from nine to eleven and introduce a requirement of neutrality of the lower commissions members, alter the procedure of voting abroad, and cap the timeline for changes to the voter’s list at five days prior to the referendum day.<sup>14</sup> Moreover, results protocols now have to be immediately displayed outside of the polling stations for at least 48 hours.

The Referendum Law does not prescribe the neutrality of public authorities, nor ban their use of public funds for referendum campaigns. The Referendum Law does not contain specific regulations on ensuring equal opportunities for the proponents and opponents of the referendum, objective voter education, campaigning, campaign finance, media and observation of referenda. On some aspects, including the referendum administration, voter registration, voting and counting of the votes, complaints and appeals, relevant provisions in the Election Code are applicable.

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<sup>11</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

<sup>12</sup> If a referendum is initiated by the president, he can call it on his own or submit his proposal to the *Oliy Majlis*.

<sup>13</sup> These include the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), [1979 Convention on the Elimination of All Forms of Discrimination against Women](#), [2003 Convention against Corruption](#), and the [2006 Convention on the Rights of Persons with Disabilities](#) (CRPD, ratified by Uzbekistan in June 2021).

<sup>14</sup> Further changes stipulate that decisions adopted by the referendum can only be changed through a referendum (unless otherwise specified by the decisions adopted through the referendum). Also, previously envelopes with the ballot for early voting had to be signed by two members of the Precinct Referendum Commission and the voter, now the law no longer require voter’s signature.



### C. REFERENDUM ADMINISTRATION

The referendum will be administered by the CEC, 14 District Referendum Commissions (DRCs), and some 10,700 Precinct Referendum Commissions (PRCs), including PRCs abroad.<sup>15</sup> The CEC has wide regulatory powers and provides overall guidance and support for the activities of the lower-level commissions. It plays a leading role in all stages of the referendum process, including voter registration, distribution of the ballots, validating and invalidating the referendum results. The DRCs oversee the electoral process at the regional level, and the PRCs organize and conduct voting and counting at polling stations. State and local authorities are obliged to provide logistical and operational support to the referendum commissions.

The CEC is a permanent body, while the DRCs and PRCs are formed temporarily for the referendum. The CEC members are appointed by the *Oliy Majlis* for indefinite terms based on proposals from regional representative bodies. The CEC has 21 members, and seven of these are women.<sup>16</sup> The CEC members elect a chairperson from amongst themselves based on the nomination of the president.

On 28 June, the CEC held a session commencing referendum preparations, and has so far adopted five regulations related to setting the referendum districts, work of DRCs and PRCs, voting abroad, and the rights and obligations of citizen and international observers. The CEC, in co-ordination with other state institutions, intends to hold a comprehensive, interactive cascade training for members of referendum commissions at all levels, and plans to train 140,000 members of DRCs and PRCs. According to the CEC, DRCs and PRCs will be formed on the principle of gender equality. Authorities expressed their commitment to promote inclusive participation of different categories of voters.

Once the date of the referendum is set, the CEC plans to develop the calendar for the referendum activities. By law, the CEC forms the DRCs no later than ten days after the referendum is called. Members of DRCs are proposed by the regional and Tashkent city-level elected representative bodies and the Parliament of the Republic of Karakalpakstan.<sup>17</sup> The DRCs appoint PRC members no later than 25 days after the referendum is called based on proposals from the local councils who receive nominations from *Mahalla* committees, public associations and other organizations.<sup>18</sup> Political parties are not entitled to nominate members to any commission. One organization may not nominate more than a half of the PRC members for a specific PRC.<sup>19</sup> Sessions of the referendum commissions at all levels are open to representatives of the media, political parties, and international observers. By law, all CEC decisions are to be published on the official CEC website on the same day. The CEC informed the ODIHR NAM about its readiness to conduct the referendum in line with international democratic standards.

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<sup>15</sup> According to the MFA, out-of-country voting will be organized in some 57 polling stations in 37 countries.

<sup>16</sup> Eight members, including the chairperson, were newly appointed in February 2021. The law “On Guarantees of Equal Rights and Opportunities for Women and Men” prescribes gender balance in the election administration.

<sup>17</sup> Prior to approval by the CEC, candidates for the membership of DRCs are discussed at the meetings of Parliament (Jokarghy Kenes) of the Republic of Karakalpakstan, regions and Tashkent city Councils (Kengashes). Prior to approval (by DRCs), candidates for the membership of PRCs are recommended by citizens' self-governing bodies (*Mahallas*), public associations, enterprises, institutions and organizations, and nominees are discussed at the meetings of the district and city Councils.

<sup>18</sup> *Mahallas* are Uzbek community structures involved in numerous aspects of citizens' everyday life. According to the 2013 Law on the Institutions of Self-Government, they, among others, provide financial assistance and advice on weddings, facilitate the timely collection of taxes, assist law enforcement agencies in maintaining public order and safety, and act as a guarantor for loans by business entities. There are 9,349 *Mahalla* units across Uzbekistan, each with a committee comprised of five regular members.

<sup>19</sup> Referendum precincts shall be established no later than 15 days after the announcement of the decision on the appointment of a referendum. Referendum precincts are made up of not less than twenty and not more than three thousand citizens who have the right to participate in the referendum.

The legislation provides for several alternative voting methods for a limited category of voters. Early voting for those away from the polling station of their residence on the referendum day takes place between ten and three days prior to referendum day. Voters who for health or other reasons are not able to come to the polling station may use the option of mobile voting. Special polling stations are established in places where voters temporarily reside such as penitentiary institutions, military units, hospitals and other health institutions. Voters staying abroad can vote in embassies and consular offices, and following the June 2022 amendments, citizens abroad can also vote by mobile ballot box.

All ODIHR NAM interlocutors from the state institutions expressed full confidence in the ability of the referendum administration to conduct the process in a professional and transparent manner. Some ODIHR NAM interlocutors from civil society and media expressed a low level of trust in the independence and impartiality of the referendum administration, in particular on local and regional level citing perceived undue influence over their decision-making and some pointed to malpractices and a lack of transparency observed in previous elections, including on election days. While no additional safeguards to address issues identified with voting and counting procedures noted in previous ODIHR reports were introduced since the 2021 elections, the majority of the ODIHR NAM interlocutors did not express concerns about possible irregularities on the referendum day.

#### **D. VOTER REGISTRATION**

Citizens aged 18 or older have the right to vote, except for those who have been declared legally incapable by a court decision, including on the basis of intellectual or psychosocial disability, and those serving a prison sentence for serious and grave crimes. Suffrage restrictions based on mental disability are at odds with OSCE commitments and other international standards. The proposed changes state that voting rights of those declared incapable and those serving a prison sentence for serious and grave crimes can only be limited by a court decision.

Voter registration is passive, based on permanent or temporary residence. The Single Electronic Voter Register (SEVR) is maintained and operated by the Ministry for Development of Information Technologies and Communications (MDITC), and overseen by the CEC. A number of government agencies, including the State Centre for Personalization, the Ministries of Interior, Justice, Defense, and Foreign Affairs, provide input data for compilation of the SEVR. The SEVR is updated in a real-time mode and cross-checked for duplicate and outdated records. There are some 21.8 million voters registered.

Voter lists will be extracted from the SEVR and compiled separately for each polling station; a person may be included only in one voter list.<sup>20</sup> By law, citizens are given the opportunity to verify their voter registration data online as well as in-person at polling stations starting 10 days before referendum day.<sup>21</sup> Mistakes in the lists may be appealed by citizens to the PECs, which shall decide on the matter within 24 hours. Changes to voter lists are permitted up to five days prior to referendum day. Most of the ODIHR NAM interlocutors did not raise concerns with the accuracy of the voter register.

#### **E. REFERENDUM CAMPAIGN AND CAMPAIGN FINANCE**

The Referendum Law guarantees the right to campaign to citizens and public associations in the form of meetings, rallies, citizens' gatherings and in the media but does not provide for registration of any campaign groups. The law does not include any provisions on crucial aspects of the conduct of the

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<sup>20</sup> Lists of eligible voters temporarily residing at penitentiary institutions, military units, hospitals and other health institutions are compiled by the heads of these institutions.

<sup>21</sup> Voters abroad can verify their registration and appeal non-registration through the website of the MFA.

campaign, including the use of administrative resources or guarantees of equal opportunities for disseminating opposing opinions. Campaigning is prohibited one day before and on referendum day.

Most ODIHR NAM interlocutors noted that so far, no party, association or organization is openly opposing the referendum. Some stated that due to lack of general political pluralism they do not expect any campaigning around the referendum, apart from the government's. Some ODIHR NAM interlocutors voiced concerns that to ensure sufficient turnout for the referendum to be valid, authorities might exert pressure on citizens, especially public employees to vote.

All expenses related to the referendum are covered by the state budget. By law, public associations, enterprises, legal entities and citizens can donate funds for conduct of the referendum to the CEC. The Referendum Law is silent on fundamental aspects of a transparent and accountable campaign finance framework; provisions on campaign finance contributions and expenditures, campaign finance reporting and disclosure, oversight and monitoring, and on sanctions.

## F. MEDIA

The media environment is characterized by a large number of state-owned outlets.<sup>22</sup> Television (TV) is the main source of information, especially in the regions. The State National Television and Radio Company (NTRC) operates 12 national TV channels and 13 regional broadcasters. It is mainly funded from the state budget and receives more funds annually than the entire TV advertising market. The general director of the NTRC is appointed by the government in coordination with the president.

The Constitution provides for freedom of speech and prohibits censorship. Following an amendment to the Criminal Code in December 2020, defamation and libel are no longer punishable with imprisonment but remain criminal offences. The March 2021 amendments to the Criminal Code expanded remaining criminal provisions on denigration against the president in printed and other mass media to include the Internet and telecommunication networks. The 2021 amendments to the Law on Informatization introduced responsibility of bloggers and owners of websites and instant messaging systems for third-party content and trustworthiness of the information hosted on their platforms.

Many ODIHR NAM interlocutors acknowledged that access to information has improved in the recent years and social networks are increasingly used as a source of political information, mostly in urban areas.<sup>23</sup> However, a number of ODIHR NAM interlocutors opined that media freedoms are exercised in a controlled environment, editorial independence is often compromised, and news items are routinely taken down by the media upon requests of the government. Self-censorship among journalist and media outlets remains of concern.<sup>24</sup>

The Referendum Law contains only general provisions and entitles citizens and public associations to express their opinions of referendum options, including in the mass media. Nevertheless, the law does not define any referendum regulations for the media, including requirements to provide impartial coverage in the news or guarantee equal conditions for the campaigns. The NTRC informed the ODIHR

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<sup>22</sup> According to Freedom House's 2021 Nations in Transit country [report](#), the rating of independent media is 1.25 out of 7 in 2021. In Reporters Without Borders's 2022 [World Press Freedom Index](#), out of 180 countries Uzbekistan is now ranked 133. According to the media regulator, a total of 736 state and 1,180 private media outlets operate in Uzbekistan.

<sup>23</sup> The Agency of Information and Mass Communications (AIMC) oversees compliance of all mass media with the legal framework. In 2019, the AIMC restored access to some independent, Internet-based media. In December 2020, the AIMC warned some of the country's top media outlets that it would take action against them for hurting the government's image, reporting inaccurate statistics, and increasing sentiment against the government.

<sup>24</sup> The Freedom House 2021 Country [report](#) states "Journalists began to openly complain about censorship during the year, received threats and faced harassment from the authorities."

NAM about their commitment to give voice to those critical to the referendum. The NTRC is planning to organize a number of talk-shows, air voter information materials, including in Uzbek, Russian and Karakalpak, as well as sign language. The CEC and NTRC are planning to sign a Memorandum of Understanding to outline their co-operation. The CEC informed the ODIHR NAM about its plans to adopt a resolution to further clarify rules for the conduct of the media during the referendum campaign.

## **G. COMPLAINTS AND APPEALS**

Individuals and legal entities can report violations of the referendum legal framework, including campaign procedures and violations related to the organization of the referendum, to referendum commissions, which are obliged to decide and respond in writing within three days. Referendum-related complaints, including on the referendum results, may be submitted by all referendum participants and public associations to either the superior referendum commission or the administrative courts, within five days of the decision, action or inaction in question. Referendum commissions and courts have to rule on complaints within three days or immediately if a complaint has been submitted within six days before or on election day.

The 2022 amendments to the Referendum Law reduced the deadlines to submit complaints and appeals to referendum commissions and the courts from ten to five days, and provided for the adjudication of complaints regarding decisions and actions of all referendum commissions exclusively by courts, abolishing the previous dual system of submitting appeals in parallel to courts and higher-level commissions.

The Supreme Court informed the ODIHR NAM about ongoing training for judges, efforts to enhance access to public hearings and the timely publication of decisions. While several ODIHR NAM interlocutors highlighted improvements in the organization and functioning of the judiciary, some expressed a lack of trust in the independence of the judiciary. Several ODIHR NAM interlocutors do not expect many complaints due to lack of competitiveness of the upcoming referendum.

## **H. ELECTION OBSERVATION**

Observers from international organizations, political parties, *Mahalla* committees, citizen's initiative groups and media representatives are entitled to observe elections. The legislation does not contain provisions for observation by citizen observers, contrary to international standards and previous ODIHR recommendations. Recent amendments to the referendum law extended the period for interested entities to apply for registration of their nominated observers from up to 15 to 10 days before referendum day. International observers are accredited by the CEC, while others are subject to accreditation by the DRCs.

## **IV. CONCLUSIONS AND RECOMMENDATION**

All ODIHR NAM interlocutors noted the importance of an independent scrutiny of the referendum process and stressed the need for an ODIHR observation activity. Most of the interlocutors underlined the vital role of ODIHR in Uzbekistan's efforts to fulfil its human rights commitments and highlighted the support that ODIHR is providing to the state authorities and civil society in building their institutional and legal capacities to organize and participate in the democratic voting processes. While recent amendments to the legal framework did not address issues previously observed by ODIHR related to election day and counting, most of the ODIHR NAM interlocutors did not express concerns over these issues for the referendum. However, they stressed the need to deploy a referendum observation mission with a long-term presence to cover regional aspects of the process, in particular,

implementation of the legal framework, conduct and referendum preparations by the referendum administration, and media coverage of the referendum campaign.

On this basis, the ODIHR NAM recommends the deployment of a Limited Referendum Observation Mission (LROM) to observe the constitutional referendum. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 14 long-term observers from OSCE participating States to follow the referendum process throughout the country. In line with ODIHR's standard methodology, the LROM would include a media monitoring element. While the mission would visit a limited number of polling stations, systematic observation of the voting proceedings is not envisaged.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Vladimir Norov, Acting Minister of Foreign Affairs

Shigabuddinov Ildar, Head, Department for cooperation with the UN and other international organizations

Alisher Mirzaliev, 3rd Secretary, Department for cooperation with the UN and other international organizations

### **Central Election Commission**

Zayniddin Nizamkhodjaev, Chairperson

Bakhrom Kuchkarov, Deputy Chairperson

Gulnoza Rakhimova, Member

### **Legislative Chamber of the Oliy Majlis, Members of the Constitutional Commission**

Akmal Saidov, MP, First Deputy Speaker, Chairperson of the Constitutional Commission

Shukrat Bafaev, MP, Chair, Committee on Democratic Institutions

Inomjon Kudratov, MP, Deputy Chair, Committee on Democratic Institutions

Djahangir Shirinov, MP, Chair, Anti-Corruption Committee

### **Supreme Court**

Robakhon Makhmudova, Deputy Chairperson

Nodira Hakimova, Judge

Djakhangir Djuraev, Judge

Bakhrom Ochilov, Head, Department of ICT and information security

Farruhon Malikov, Head, International Law Department

### **Ministry of Interior**

Yahyo Abdulhakov, Deputy Minister

Nodir Mahmudov, Head, Department of International Relations

### **National Guard**

Maymurzhon Ganiev, Deputy Chief Commander

### **Prosecutor General**

Bahtiyor Babadjanov

Tolibjon Umarov

### **Agency of Information and Mass Communications**

Dilshod Saidjanov, First Deputy Director

Bohir Toshhodzhev, Head, Information Policy Department

Ulukbeg Kurbanbaev, Head, Department for Development of Media

Tuhtasin Gaybullaev, Head, International Relations Division

### **Ombudsperson's Office**

Feruza Eshmatova, Ombudsperson

Saidbek Azimov, Head of Secretariat

Aliya Yunusova, Deputy, Child Rights Ombudsperson

Jasur Islamov, Head, Department of International Relations

**Media**

Alisher Hadjaev, Chairperson, NTRC  
Laziz Djuraev, Head, Department of International Relations, NTRC  
Muhayo Kalkonova, Head, Legal Department, NTRC

**Civil Society**

Nigina Khudaybergenova, “Don’t Be Silent” (*Nemolchi.uz*) Project  
Bekzod Nurmatov, Deputy Chairperson, Human Right Society *Ezgulik*  
Abdulasom Ergashev, Human Rights Activist  
Timur Karpov, Human Rights Activist

**International Community**<sup>25</sup>

Sergei Sizov, Senior Project Officer, OSCE Project Co-ordinator in Uzbekistan  
Representatives of diplomatic missions of France, Greece, Italy, Poland, Russian Federation, Switzerland, United Kingdom, United States.

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<sup>25</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Uzbekistan.