

INTERIM REPORT
2 December – 11 December 2014

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I. EXECUTIVE SUMMARY

- On 21 December, voters will directly elect 135 members of parliament from single-member majoritarian constituencies, with an additional 15 deputies indirectly elected by the Ecological Movement of Uzbekistan at its conference. The upcoming elections are viewed as an important political event, especially since recent amendments to the Constitution envisage nomination of the Prime Minister by the party that obtains the largest number of seats in the lower chamber.
- The electoral legislation has been amended since the last elections. Some of the introduced provisions addressed previous OSCE/ODIHR recommendations. However, a number of OSCE/ODIHR recommendations, including those pertaining to fundamental freedoms such as registration of political parties and public associations, and safeguards of the right to freedom of expression remain unaddressed.
- Elections are administered by the CEC, 135 District Election Commissions and some 9,000 Precinct Election Commissions (PECs). Electoral deadlines have generally been respected so far. Training of PECs is ongoing and early voting commenced on 11 December.
- The CEC announced a preliminary number of voters of 20,789,572. Voter lists have been displayed at the PECs from 6 December and voters can request changes.
- The election campaign officially commenced on 15 November, after the CEC had registered 535 candidates, including 170 women. Four existing political parties are contesting the race. So far, little evidence of campaign activities has been observed.
- Political parties contesting the elections are granted an equal amount of free airtime and print space in state-owned media and also have the right to purchase airtime and space in state-owned and commercial media. The legal framework contains provisions on the liability of media for the truthfulness of disseminated information and criminalizes defamation, including of the candidates.
- Decisions of the election commissions may be challenged by candidates, parties, voters and observers before a higher-level election commission or before the competent first instance court. The CEC has received no formal complaints related to electoral process at this stage.

II. INTRODUCTION

Following an invitation by the authorities of Uzbekistan and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 28 to 30 October, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election

Observation Mission (LEOM) on 2 December.¹ The LEOM, led by Ambassador Daan Everts, consists of 12-member core team based in Tashkent and 8 long-term observers (LTOs) who were deployed throughout the country on 4-5 December. Mission members are drawn from 16 OSCE participating States. In line with ODIHR's methodology, the LEOM will not carry out systematic or comprehensive observation of election day activities, but its members will visit a limited number of polling stations.

III. BACKGROUND

On 15 September, the Central Election Commission (CEC) officially commenced preparations for the 21 December elections to the lower chamber of the *Oliy Majlis*. Elections to the local and regional councils will be held concurrently with the parliamentary ones. The upcoming elections are viewed as an important political event, especially since recent amendments to the Constitution envisage nomination of the Prime Minister by the party that obtains the largest number of seats in the lower chamber. Some OSCE/ODIHR LEOM interlocutors interpreted this as an indication of a possible development towards a more competitive electoral climate.

The last parliamentary elections took place on 27 December 2009 and the seats were distributed among four political parties: Liberal Democratic Party of Uzbekistan (LDPU) obtained 53 seats, People's Democratic Party of Uzbekistan (PDP) – 32 seats, Democratic Party of Uzbekistan (DPU) *Milliy Tiklanish* – 31 seats, Social Democratic Party of Uzbekistan (SDPU) *Adolat* – 19 seats. In accordance with the law, 15 seats were allocated to the Ecological Movement of Uzbekistan (EMU).

IV. THE ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The parliament (*Oliy Majlis*) comprises two chambers – a 100-member Senate and a lower chamber with 150 members, both with five-year terms. The composition of the Senate is based on territorial representation, with 6 members elected from each of the 12 regions, city of Tashkent and the Republic of Karakalpakstan, and 16 senators appointed by the president. On 21 December, voters will directly elect 135 members of the parliament from single-member, majoritarian constituencies, with an additional 15 deputies indirectly elected by the Ecological Movement of Uzbekistan (EMU) at its conference. Indirect election of 15 members of the legislative chamber by the EMU is not compatible with the Paragraph 7.2 of the 1990 OSCE Copenhagen Document.² Elections are repeated if less than 33 per cent of voters on the voter list cast their ballots. To win, directly elected candidates need to garner a majority of the votes cast, otherwise the second round is organized within two weeks between the two leading candidates.

The legal framework for the parliamentary elections includes the Constitution, last amended in April 2014, the Law on Elections to the *Oliy Majlis* (Election Law), last amended in August 2014, the Law on the CEC, last amended in September 2014, the Law on Guarantees of Suffrage to Citizens, the Law on Political Parties, the Law on Financing of Political Parties, the Criminal Code, the Code of Administrative Responsibility, last amended in August 2014, as well as normative acts of the CEC.

The electoral legislation has been amended since the last elections. Some of the amendments addressed previous OSCE/ODIHR recommendations. Specifically, more detailed regulations were

¹ The NAM report and other OSCE/ODIHR reports on Uzbekistan are available at: www.osce.org/odihr/elections/uzbekistan.

² See Paragraph 7.2 of the Copenhagen Document, which provides that OSCE participating States “permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote.”

introduced with regard to election campaign activities and early voting procedures, a provision was introduced to enable observation of the EMU conference, and voting in places of pre-trial detention is now provided for by the law. However, publication of the results of public opinion polls, forecasts of election results, and other studies related to ongoing elections, which allows for an overly wide margin of appreciation by the implementing authorities, was banned for a period of three days before the elections, as well as on election day.³

A new chapter on election-related offences was added to the Code on Administrative Responsibility. Introduced provisions pertain to such electoral offences as interference in the activity of election administration bodies, failure to comply with their decisions, violations of the rights of candidates, proxies, party agents or authorized representatives, violations of conditions and procedures of campaigning, including campaign financing, dissemination of false information about candidates and political parties, intentional destruction or damage of campaign materials, violation of regulations with regard to publication of the results of public opinion surveys and forecasts of election results.

Some of the amendments have been qualified as improvements by OSCE/ODIHR LEOM interlocutors. However, a number of OSCE/ODIHR recommendations, including those pertaining to fundamental freedoms, remain unaddressed. Thus, the amendments did not address previous OSCE/ODIHR recommendations on registration of political parties and public associations, citizen election observation, and safeguards of the right to freedom of expression.

V. ELECTION ADMINISTRATION

These elections will be organized by three levels of election administration: the CEC, 135 District Election Commissions (DECs) in as many single-mandate districts, and some 9,000 Precinct Election Commissions (PECs). *Mahalla* committees play a prominent role in assisting the election administration at the local level, including in the process of border delimitation, selection of commission members and compilation of the voter lists.

The CEC is a permanent body, while the DECs and PECs are set up for each election. Recent changes to the Constitution granted the CEC the status of a constitutional body and established independence, lawfulness, collegiality, transparency and fairness as the guiding principles of its work. CEC members are appointed by the two houses of the parliament, upon proposals of the regional councils, for indefinite terms. The chairperson of the CEC is elected by its members from amongst themselves, upon nomination by the president. Currently, out of 18 CEC members, 3 are women. While the longest-serving member joined the CEC in 1998, 10 CEC members were appointed in April 2014. Four members are permanently employed at the CEC and others perform their duties in addition to their regular work and reside in their respective regions, gathering in the capital when sessions are convened.

On 11 September, the CEC announced that the electoral process will commence on 15 September and adopted a package of resolutions and instructions. Since then, five sessions were held to decide on pertinent issues, including on the establishment of district boundaries, registration of candidates, appointment of DEC members, allocation of free slots in the media to political parties contesting the elections, and accreditation of international observers. The sessions are open to the representatives

³ See Joint Opinion of the OSCE/ODIHR and Council of Europe Commission for Democracy through Law (Venice Commission) on Draft Amendments and Addenda to the Law “On Elections to the *Oliy Majlis* of the Republic of Uzbekistan” and “On Elections to the Regional, District and City Councils (Kengesh) of People’s Deputies of Uzbekistan”, adopted on 14-15 December 2012, available at <http://www.osce.org/odihr/elections/98277?download=true>.

of political parties and media, as well as international observers. While the law provides for publication of the CEC decisions in the media, it does not provide any time limits for it. Electoral deadlines have generally been respected so far and the CEC reported no challenges with regard to implementation of the amended electoral legal framework.

The CEC maintains a webpage and has established the Republican Press Center tasked with informing the public about the electoral process and its activities. In an effort to inform voters and other stakeholders about the elections, the CEC organized a variety of public outreach activities, such as roundtable discussions with political party representatives, *mahalla*⁴ leadership, youth and women, training of journalists, press conferences and distribution of printed materials and videos on various aspects of the process.

Constituency boundaries were established by the CEC at its 3 October session, based on the recommendations of the regional councils. In line with a CEC decision, the average number of voters per constituency should be 154,000. There are, however, significant differences in the size of the constituencies, the smallest of which covers some 107,000 voters (DEC 36 Zarafshan in Navoiy region) and the largest some 183,000 voters (DEC 74 Denov in Surhandaryo region).

On 9 October, the CEC approved the composition of the 135 DEC, with a total of 1,463 members. Each DEC should have at least nine members. According to the CEC, two-thirds of members have experience in election administration. Women are underrepresented at the DEC level, making up some 20 per cent of DEC members.

Taking into consideration administrative unit borders and the recommendations of local councils, DEC have so far established 9,035 electoral precincts, which range in size from 20 to 3,000 voters.⁵ The DEC appointed over 90,000 individuals, about 44 per cent of whom are women, to serve on the PECs that comprise from 5 to 19 members. According to the CEC, training of DEC has been completed, while the two-hour PEC trainings are taking place between 6 and 13 December. The agenda includes recent legislative amendments, roles of PECs and local administration, and electoral violations.

Voters residing abroad will be able to vote in 44 polling stations set up by the CEC in diplomatic missions in 36 countries upon a proposal from the Ministry of Foreign Affairs.⁶ All votes cast in out-of-country polling stations will be added to constituency No. 126 in Tashkent. Voters who will not be able to vote on election day are entitled to cast their ballots at PECs from 11 to 19 December. Ballots for early voting have been printed and are being distributed to the PECs.

VI. VOTER REGISTRATION

Citizens who have reached the age of 18 have the right to vote, unless it has been suspended by a court decision or they are serving a prison sentence for any offence. Eligible voters are included in the voter lists based on their place of permanent or temporary residence. There is no central voter register and for each election the data from the local administration (*khokimiyats*) is provided to the PECs who are responsible for compiling and reviewing the lists with the assistance of the *mahalla* committees. The CEC announced a preliminary number of voters of 20,789,572. According to the

⁴ *Mahallas* are traditional Uzbek community structures that regulate everyday life of a settlement and serve to link the state and the community. Their roles were formalized in the 1993 and 1999 Law on the Institutions of Self-Government of the Citizens (“*Mahalla Law*”). Violations of *mahalla* committee decisions are legally punishable.

⁵ Additional special polling stations can be established until five days before elections.

⁶ List of locations is available at <http://elections.uz/en/events/news/3156/>.

law, each voter can only be included in one voter list although in absence of a unified voter register, it may be problematic to verify.

Voter lists are displayed at PECs from 6 December and, in special PECs, will be available from 14 December. Voters are entitled to verify the accuracy and completeness of the lists and request changes. The PECs should respond to their request within 24 hours and provide a substantive justification for their decision. Decisions of the PEC can be appealed in court. On election day, those voters who had been omitted from voter lists and can prove their residence in a precinct, can be added to a supplementary voter list and cast their votes.

Lists of eligible voters temporary residing at penitentiary institutions, military units, holiday resorts, sanatoria, hospitals and other inpatient health institutions, as well as those who live out of country, are compiled by the heads of these institutions or respective diplomatic missions. Preliminary CEC figures indicate that about 13,280 voters are included in the lists of voters residing abroad, although most OSCE/ODIHR LEOM interlocutors indicated that several million citizens might live out of country.

VII. CANDIDATE REGISTRATION

Citizens aged 25 or older who have resided in the country for at least five years before election day are eligible to stand as candidates. According to the law, those with unspent convictions for committing grave or particularly grave crimes, active military or security servicemen, and professional clergy of religious organizations cannot stand as candidates.

To participate in the elections, candidates also need to be proposed by political parties registered by the CEC. Despite previous OSCE/ODIHR recommendations and contrary to Paragraph 7.5 of the 1990 OSCE Copenhagen Document, independent candidates cannot contest the elections.⁷ A political party can nominate candidates provided that it is registered by the Ministry of Justice at least four months prior to the announcement of elections and has collected 40,000 voters' signatures in support of its participation. The percentage of signatures from one territorial unit should not exceed eight percent of the total number of collected signatures and, in accordance with the CEC regulation from 2009, a voter cannot sign in support of more than one party. All four officially registered political parties were registered by the CEC. The CEC verified samples of the signatures submitted by prospective electoral contestants and reported no problems with them.

In line with the law, candidate nomination process took place between 17 October and 6 November. A candidate can only be nominated in one constituency and each party is entitled to present only one candidate per constituency. According to the law, at least 30 per cent of the candidates proposed by each party should be women. All four parties nominated candidates for all 135 constituencies. Since five candidates withdrew before the final list was declared on 15 November, the CEC registered 535 candidates, including 170 women (31.8 per cent).⁸ The law allows the political parties to annul the nomination of their candidates until five days before elections, while the candidates can withdraw from the race at any time.

⁷ See Paragraph 7.5 of the Copenhagen Document, which committed the OSCE participating States to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.”

⁸ The list of contestants is available at <http://elections.uz/634-%D0%BA%D0%B0%D1%80%D0%BE%D1%80%20%D0%B8%D0%BC%D0%B7%D0%BE%D0%B3%D0%B0.pdf>.

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The Election Law provides that candidates have equal rights and conditions for participation in elections. The law was amended in 2012 to prescribe types, forms and methods of election campaigning and allows other types, forms and methods as long as they are not prohibited by the law.⁹ Candidates and political parties must organize their campaign events in co-ordination with PECs. Local administration must provide venues to candidates and political parties for their meetings with voters. The law establishes equal access of candidates to state media and to production and dissemination of campaign materials.

In accordance with the legal provisions, the campaign commenced on 15 November and will end on 19 December. There is a campaign silence period on election day and the day preceding it.

Four registered political parties launched their campaign by introducing their platforms and candidates to the public through electronic and printed media and by organizing meetings with voters throughout the country. Party programmes mainly focus on issues of social protection and economic development, underlining the need for stability, unity and gradual political and economic reforms. Electoral contestants inform the OSCE/ODIHR LEOM that they rely on billboards, posters, leaflets, indoor meetings and advertisement in the media to reach the voters. So far, little evidence of campaign activities has been observed.

All election related expenses are funded by the state. The amount of state funding allocated to a political party depends on its number of registered candidates. This amount has increased from 1,000,060 UZS (an equivalent of 330 EUR) per candidate during the last elections to 4,833,000 UZS (an equivalent of 1,600 EUR) per candidate now. Private contributions, if any, must be sent to the CEC for their equal distribution by the political parties among all their candidates. The OSCE/ODIHR LEOM was informed that no private donations have been made so far. The provision of financial payments or gifts (i.e. goods and services) to voters during campaign events is prohibited.

According to the legislation, once a year, political parties must submit financial reports to the relevant financial authorities: the tax inspection, Chamber of Accounts, and the Ministry of Justice. Additionally, in accordance with legislation, political parties are required to submit a report on their campaign expenses within 20 days of election to the CEC. Besides that, the annual budgets of political parties are published and presented to the Legislative Chamber. They include a statement from the CEC, Chamber of Accounts and Ministry of Justice on party financial incomes and expenses during parliamentary election campaigns. One tenth of deputies may initiate the audit of campaign expenses.

IX. THE MEDIA

The Constitution guarantees freedom of expression, access to public information and prohibits censorship. At the same time, the Constitution and the 1997 Law on Mass Media hold the media responsible for the ‘trustworthiness’ of disseminated information. Furthermore, the Law on Elections provides that “information disseminated in the media must conform to the reality, not violate the rights and legitimate interests of candidates...” and prohibits defamation of candidates. Criminal Code punishes defamation by imprisonment of up to three years (up to five years in case of defamation of the president). The media environment has been criticized by the OSCE

⁹ Articles 27¹, 27², 27³, 27⁴ of the Election Law define the framework of the campaign activities.

Representative on Freedom of the Media, who, on 8 September, called again for the immediate release of three imprisoned journalists.¹⁰

All media, including print and broadcast outlets, as well as websites, are subject to registration by the Press and Information Agency which is overseen by the Cabinet of Ministers. While there is a significant number of registered media outlets, the state-owned broadcaster – the National Television and Radio Company of Uzbekistan – is the only one with nationwide coverage. According to some OSCE/ODIHR LEOM interlocutors, the legal framework jeopardizes political pluralism in the media.

The internet, despite frequent blocking of access and closing down of websites, publishes alternative views, in particular on social media. However, the 5 September amendments to the Law “On Informatization” banned “untrue posts and reposts” on the internet, obliging bloggers to report only verified and truthful information. According to official data, there were 10,000,089 internet users in 2013.¹¹

Political parties contesting the elections are each granted a total of 238 minutes of free airtime per week on nationwide state-owned television and radio channels and an equal amount of free space in state-owned newspapers. Contestants have the right to purchase time and space in state-owned and commercial media outlets. Legislation does not include provisions on the editorial coverage of the campaign. The OSCE/ODIHR LEOM was informed by the CEC that private media outlets are recommended to provide equal coverage to candidates. On 5 December, the OSCE/ODIHR LEOM started monitoring four television stations and eight newspapers.¹²

X. COMPLAINTS AND APPEALS

Decisions of election commissions may be challenged by candidates, parties, voters and observers before a higher-level election commission or before the competent first instance (district) court in civil cases within a 10 day period. The respective institution then has three days to take a decision. In cases where less than six days remain until election day, cases should be decided immediately. Complaints against decisions of the CEC can be filed to the Supreme Court. According to the law, complainants have the right to participate in deliberations of their complaints in courts or election commissions. The CEC has received no formal complaints related to the electoral process at this stage.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Law provides for observation of elections by international observers from other countries, international organizations and associations. Besides the OSCE/ODIHR LEOM, the CEC has accredited a Commonwealth of Independent States (CIS) advance team and expects to register around 300 international observers. The Election Law also provides for representatives of political parties that nominated candidates, as well as of the media to observe the process. Despite previous OSCE/ODIHR recommendations, the legal framework does not provide for observation by citizen organizations.

¹⁰ See <http://www.osce.org/fom/123275>.

¹¹ www.parliament.gov.uz/ru/events/other/9031.

¹² The monitored TV stations are *O'zbekiston*, *Toshkent*, *UzReport TV* and *Yoshlar*. The monitored newspapers include *Adolat*, *Darakchi*, *Narodnoe Slovo*, *Milliy Tiklanish*, *O'zbekiston Ovozi*, *Pravda Vostoka*, *Xalq So'zi* and *XXI asr*.

The accreditation of international observers and media representatives is ongoing. Political parties were entitled to submit lists of their representatives and agents to DEC's by 6 December. All parties reported plans to deploy trained representatives to the majority of precincts on election day.

XII. OSCE/ODIHR LEOM ACTIVITIES

The OSCE/ODIHR LEOM formally opened in Tashkent with a press conference on 2 December. The Head of Mission has met with the CEC chairperson and members, the Deputy Minister of Foreign Affairs, representatives of political parties and civil society, as well as members of the diplomatic community. The LEOM has also established regular contacts with the CEC, government institutions involved in the election process, political parties and candidates, civil society and the media.