



Office for Democratic Institutions and Human Rights

## REPUBLIC OF UZBEKISTAN

### PRESIDENTIAL ELECTION

23 December 2007

OSCE/ODIHR Limited Election Observation Mission Final Report



Warsaw  
23 April 2008

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**REPUBLIC OF UZBEKISTAN  
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**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

In response to an invitation by the Ministry of Foreign Affairs of Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to the 23 December 2007 presidential election. The OSCE/ODIHR assessed the election process in terms of its compliance with domestic legislation, the 1990 OSCE Copenhagen Document and other international standards for democratic elections.

The OSCE/ODIHR Needs Assessment Mission (NAM), which preceded the LEOM, concluded that conducting a systematic and comprehensive observation of election day proceedings would not be necessary due to the apparent limited nature of the electoral competition. In this context, it should be noted that attempts by the Uzbek authorities to influence the scale of the mission by offering a conditional invitation of no more than 30 observers proved to be immaterial.

The 23 December 2007 presidential election took place within a tightly controlled political environment and failed to meet many OSCE commitments for democratic elections as laid down in the 1990 OSCE Copenhagen Document. While there were four candidates, including one woman and one candidate nominated by an initiative group of voters, the voters were nonetheless left without a real choice as all contestants publicly endorsed the policies of the incumbent president, Mr. Islam Karimov. Legal and administrative obstacles prevented political movements representing alternative views from registering as political parties or initiative groups, thereby precluding them from fielding presidential candidates.

Some positive changes have been introduced to the electoral legislation since the previous presidential election in 2000, most notably the possibility for initiative groups of voters to nominate candidates. However, some other changes introduced between 1997 and 2000 to the original Law on Elections of the President of the Republic of Uzbekistan seem to contradict constitutional provisions and international standards by making candidate registration excessively difficult. This is due to the increased number of supporting signatures required, and the exclusion of certain groups of citizens from running as candidates, such as persons convicted in the past or currently prosecuted.

The registration of the incumbent as candidate raised legal issues. While Article 90 of the Constitution allows for a maximum of two consecutive presidential terms for the same person, the incumbent has been president of Uzbekistan since its independence in 1991, having won both previous presidential elections in 1991 and 2000. There were no formal challenges regarding the issue, nor was it publicly discussed.

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<sup>1</sup> This report is also available in Uzbek and Russian. However, the English version remains the only official document.

The election administration organised the election in a generally competent, but not always transparent manner. Some important Central Election Commission (CEC) decisions were sometimes published late, only partially, or not published at all.

The electoral campaign was hardly visible, without any campaign materials other than neutral information about the candidates published by the CEC. The CEC monopoly on the production of campaign materials essentially prevented individualized campaigns. Similarly, meetings of candidates with the electorate were co-organized by the election administration with what appeared to be pre-selected audiences.

Media in Uzbekistan is subject to restrictive registration and accreditation policies, and only a small number of international correspondents were accredited to report about the pre-electoral process. State media complied with the legal requirement of equal allocation of free airtime to candidates, mainly within special electoral programmes. However, the restricted length and the format of these programmes, without debates or direct dialogue, significantly limited their value. The OSCE/ODIHR monitoring of news coverage revealed that the main broadcaster, Uzbekistan State Television, was distinctly biased in favour of the incumbent.

While no systematic or comprehensive observation of polling station procedures was conducted on election day, representatives of the OSCE/ODIHR LEOM did visit a number of polling stations. Voting appeared to be conducted in a generally calm atmosphere, but in almost all polling stations visited, instances of proxy voting were observed. In many of the polling stations visited by the OSCE/ODIHR LEOM, substantial numbers of identical signatures were noticed on the voter lists.

In addition, insufficiently detailed procedures for the administration of polling, including all stages of the count, resulted in a variety of different applications. Some of the practices observed by the OSCE/ODIHR LEOM, such as PECs delivering to DEC's pre-signed blank protocols or protocols filled out in pencil, are in violation of Uzbek legislation.

While international election observation is provided for by the electoral legislation, and a total of 264 international observers were reportedly accredited by the CEC,<sup>2</sup> domestic civil society groups are not entitled to observe elections unless they form an Initiative Group and field a candidate, thus contravening paragraph 8 of the OSCE's 1990 Copenhagen Document.

The recommendations for improvement of the electoral framework issued by OSCE/ODIHR following the 2004 parliamentary elections, many of which also pertain to presidential elections, have not yet been implemented.

The OSCE/ODIHR stands ready to co-operate with the Uzbek authorities, political parties and civil society, to continue dialogue on the issues raised in this report, including follow-up to the recommendations contained herein, as well as in its final report on the parliamentary elections of 2004 and in its "Assessment of the Law on Elections of the Oliy Majlis", issued in 2005.

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<sup>2</sup> Most of whom represented the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO).

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

In response to an invitation by the Ministry of Foreign Affairs of the Republic of Uzbekistan to observe the presidential elections of 23 December 2007, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) on 5 December, 2007. The OSCE/ODIHR LEOM was comprised of a nine-member core team of election experts, and was headed by Ambassador Walter Siegl. In addition, 12 seconded observers were deployed to Bukhara, Ferghana, Karshi, Nukus, Samarkand and Tashkent regions. Citizens from 16 OSCE participating States were represented in the LEOM. The OSCE/ODIHR assessed the election process in terms of its compliance with the 1990 OSCE Copenhagen Document, other international standards for democratic elections, as well as domestic legislation.

The OSCE/ODIHR had deployed a Needs Assessment Mission (NAM), which preceded the LEOM, and which concluded that conducting a systematic and comprehensive observation of election day proceedings would not be necessary due to the apparent limited nature of the electoral competition<sup>3</sup>. In this context, attempts by the Uzbek authorities to influence the scale of the mission by offering a conditional invitation of no more than 30 observers proved to be immaterial. It should be underscored that as one of the conditions for effective observation, the OSCE/ODIHR should be in a position to determine the number of observers necessary to mount a viable observation mission at its own discretion.<sup>4</sup>

Based on the findings of the LEOM, an Interim Report was issued on 17 December<sup>5</sup> and a press statement was published on 24 December, the day after election day.<sup>6</sup>

The OSCE/ODIHR is grateful for the cordial reception provided to the LEOM by the Uzbek Ministry of Foreign Affairs, the CEC, lower level election commissions and local authorities. The OSCE/ODIHR also wishes to thank civil society organizations and resident embassies for their time and information. Finally, the OSCE/ODIHR wishes to express its appreciation for the technical support provided by the OSCE Project Coordinator Office in Tashkent.

## III. BACKGROUND

The 23 December 2007 election was the first presidential election observed by the OSCE/ODIHR in Uzbekistan. Presidential elections have been held twice in Uzbekistan since independence, in December 1991 and in January 2000. Previously, OSCE/ODIHR monitored the parliamentary elections held in Uzbekistan in 1999 and 2004 respectively, deploying limited election observation missions on both occasions. The OSCE/ODIHR LEOM for the 2004 parliamentary elections concluded that the election “fell significantly short of OSCE commitments and other international standards for democratic elections”. Recommendations for improvement of the electoral framework were issued in the final

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<sup>3</sup> Cf. its report: [http://www.osce.org/documents/odihhr/2007/12/28672\\_en.pdf](http://www.osce.org/documents/odihhr/2007/12/28672_en.pdf)

<sup>4</sup> OSCE/ODIHR Election Observation Handbook, fifth edition, 2005.

<sup>5</sup> [http://www.osce.org/documents/odihhr/2007/12/28940\\_en.pdf](http://www.osce.org/documents/odihhr/2007/12/28940_en.pdf)

<sup>6</sup> <http://www.osce.org/item/29125.html>

report.<sup>7</sup> In February 2005, OSCE/ODIHR issued an assessment of the parliamentary election law and concluded that "...further significant improvements are necessary in order for Uzbekistan to be in compliance with its OSCE commitments, and other international standards for democratic elections."<sup>8</sup>

The President of Uzbekistan is now elected for a seven-year term<sup>9</sup>. A simple majority of the votes and a turnout of at least 33 per cent are required for being elected in a first round of voting. Any second round of voting is to be organized by the CEC between 15 days and one month after the first round. In the run-off between the two leading candidates with most votes from the first round, the candidate who receives more votes is proclaimed elected. There is no turnout requirement in the second round.

The registration of the incumbent as candidate raised a legal issue. While Article 90 of the Constitution allows for a maximum of two consecutive presidential terms for the same person, the incumbent has been President of Uzbekistan since its independence in 1991, having won both previous presidential elections in 1991 and 2000, against one competing candidate in these respective elections. There were no formal legal challenges regarding this issue, nor was it publicly discussed.

In a referendum in 1995 the president's term of office was extended until 2000, while another referendum held in 2002 resulted in the extension of the term of office from five to seven years.<sup>10</sup> The extension was applied to the running mandate, extending it to 2007.

According to the CEC, Mr. Islam Karimov was elected president following the adoption of the Constitution in 1992 only once – in 2000 – and thus met the eligibility criteria under Article 90 of the Constitution. Despite criticism from some opposition forces and civil society groups, there have been no formal court appeals in this respect.<sup>11</sup> The Constitutional Court did not receive any petitions and did not use its power to decide on the interpretation of Article 90 of the Constitution.<sup>12</sup>

Another issue raising legal questions was the date of the election. The CEC announced 23 December as election day, in line with Art 117 of the Constitution, determining that elections should take place on the third Sunday of December of the year of expiry of the constitutional term of the presidential powers.<sup>13</sup> However, the incumbent president took his oath on 22 January 2000, which means that his seven-year office term under Article 90 of the Constitution expired on 22 January 2007, i.e. almost a year before the election. In the absence of any constitutionally envisaged transitory solution, these two constitutional provisions are conflicting, as the adherence to one of them necessitates

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<sup>7</sup> [http://www.osce.org/documents/odihhr/2005/03/4355\\_en.pdf](http://www.osce.org/documents/odihhr/2005/03/4355_en.pdf), p.1.

<sup>8</sup> "Assessment of the Law on Elections of the Oliy Majlis", 21.02.2005, [http://www.osce.org/documents/odihhr/2005/02/4316\\_en.pdf](http://www.osce.org/documents/odihhr/2005/02/4316_en.pdf), p. 2.

<sup>9</sup> A referendum was conducted on 27 January 2002 which proposed two constitutional amendments: to establish a bi-cameral parliament; and to extend the presidential term in office from five to seven years.

<sup>10</sup> With the respective amendment introduced to Art. 90 of the Constitution in 2003.

<sup>11</sup> According to the information provided to the LEOM by the Supreme Court and the Constitutional Court.

<sup>12</sup> According to Article 19 of the Law on the Constitutional Court of the Republic of Uzbekistan, three judges of the Constitutional Court may bring a case before the Constitutional Court.

<sup>13</sup> Article 117, para. 2 of the Constitution as amended in 2003.

violation of the other. Because President Karimov was confirmed as the winning candidate by the CEC on 29 December 2007 and sworn into office on 16 January 2008, the problem will potentially remain in 2015 when the President's term will expire in January but the elections would only be held in December of that year.

#### IV. CONSTITUTIONAL AND POLITICAL CONTEXT

The election was conducted against the backdrop of a strictly controlled political environment. The current political situation in Uzbekistan is characterized by centralized powers of a strong executive concentrated in the office of the president. The President appoints and dismisses the Prime Minister, the Cabinet of Ministers and the Prosecutor General. He nominates the judges to the Constitutional Court and the Supreme Court, and appoints and dismisses judges of regional and district courts. In addition, the President appoints and dismisses the heads of the regional administration (Khokims). Presidential decrees are a frequently used form of legislation.

With the parliamentary election of 2004, Uzbekistan changed from a unicameral to a bi-cameral parliament with members working full time in their parliamentary capacity. The lower chamber comprises 120 members elected from single mandate constituencies, whereas the upper chamber has 100 senators – 84 indirectly elected and 16 appointed by the President. Five parties<sup>14</sup> and 14 non-partisan deputies are represented in the lower chamber, all of which are generally perceived as pro-government. Nonetheless, the People's Democratic Party of Uzbekistan (PDP), which is the successor of the Communist Party of the Uzbek Socialist Soviet Republic, since a few years describes itself as an opposition party on the left.

Some political movements that have more convincingly articulated opposition viewpoints, such as "Birlik", "Erk" and "Ozod Dehkon", have not been able to register as political parties. According to representatives of these movements, their applications for registration have in some instances not received any response from the authorities, while in other cases they were rejected due to an insufficient number of supporting signatures or lacking details in their applications.<sup>15</sup>

While a new law on strengthening the role of political parties<sup>16</sup> potentially increases the power of parliament and therefore enhances the role of political parties with parliamentary representation, no provisions are foreseen for facilitating the diversification of the political landscape, i.e. for making it easier for political movements

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<sup>14</sup> Liberal Democratic Party: 41 seats; People's Democratic Party: 28 seats; National Democratic Party "Fidokorlar" (Selflessness): 18 seats; Milly Tiklanish Party (National Revival Party): 11 seats; Social Democratic Party "Adolat" (Justice): 10 seats.

<sup>15</sup> "Birlik" representatives told the LEOM that registration papers have been submitted to the Ministry of Justice (MoJ) together with the supporting documentation four times between May 2003 and May 2005. Each time the request was rejected on the grounds of „falsified signatures“. „Ozod Dehkon“ representatives informed the LEOM that an application for registration was submitted to the MoJ in 2004. Since then, the party claims, it has not heard back from the MoJ and did not receive an answer to the application for registration.

<sup>16</sup> Law on Strengthening the Role of Political Parties in the Renewal and Further Democratization of State Governance and Modernisation of the Country, adopted on 28 February 2007, enacted on 1 January 2008.

to register as political parties.<sup>17</sup> On the contrary, the requirements for registration of political parties as legal entities have become more stringent. Until an amendment in 2004, the Law on Political Parties<sup>18</sup> required 5.000 supporting signatures, while 20.000 supporting signatures collected in at least eight regions are currently necessary for registration with the Ministry of Justice.

The possibility for initiative groups of voters to nominate candidates for the presidential elections is a significant improvement since the previous presidential election in 2000.<sup>19</sup> However, the establishment of an initiative group requires an initial meeting of 300 voters,<sup>20</sup> which in practice is hampered by a legal vacuum around the right of freedom of assembly and allegedly by administrative obstructions. Apart from Article 33 of the Constitution, which contains a general guarantee for the right to freedom of assembly, there is no primary legislation on this issue.<sup>21</sup> In addition, the Criminal Code foresees criminal liability for attempts to organise illegal public associations.<sup>22</sup> “Birlik” reported to the OSCE/ODIHR LEOM about a failed attempt to set up an initiative group of voters, caused by the lack of permission from the authorities to hold a meeting to found an initiative group.

## V. LEGISLATIVE FRAMEWORK

The legislative framework for the presidential elections comprises constitutional provisions<sup>23</sup> as well as a number of laws and by-laws which have been amended on a number of occasions. The “Law of the Republic of Uzbekistan on Elections of the President of the Republic of Uzbekistan” (PEL)<sup>24</sup> is the main applicable legislation. The composition and activities of the CEC are governed by the Law on the CEC.<sup>25</sup> Other relevant legislation includes the Law on Safeguards of Electoral Rights of Citizens,<sup>26</sup> the Law on Political Parties,<sup>27</sup> the Law on Funding of Political Parties,<sup>28</sup> certain provisions of the Criminal Code<sup>29</sup> and the Criminal Procedure Code.<sup>30</sup>

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<sup>17</sup> Law on Strengthening the Role of Political Parties in the Renewal and Further Democratization of State Governance and Modernisation of the Country, adopted on 28 February 2007, enacted on 1 January 2008.

<sup>18</sup> Law on Political Parties, adopted 1996.

<sup>19</sup> Art. 24 Presidential Election Law (PEL) as amended in 2004.

<sup>20</sup> PEL, Art. 24.

<sup>21</sup> Apart from the outdated Soviet-era Decree of the Presidium of the Supreme Council of UzSSR “On Regulation of Organisation and Conduct of Assemblies, Meetings, Street Rallies and Demonstrations in the UzSSR” of 19 August 1988, the legal status of which is unclear.

<sup>22</sup> Criminal Code, Art. 216.

<sup>23</sup> The Constitution of the Republic of Uzbekistan was adopted in 1992 and amended in 1994, 2003 and 2007. Amendments in 2003 included the extension of the term of office for the president from five to seven years and the reform of the Oliy Majlis into a bi-cameral parliament.

<sup>24</sup> Adopted in 1991, with subsequent amendments in 1997, 1999, 2000 and most recently on 3 December 2004.

<sup>25</sup> Adopted in 1998, last amended in 2004.

<sup>26</sup> Adopted in 1994, last amended in 2005.

<sup>27</sup> Adopted in 1996, last amended in 2007, with enactment on 1 January 2008.

<sup>28</sup> Adopted in 2004.

<sup>29</sup> Articles 146 and 147.

<sup>30</sup> Article 272.



There have been a number of improvements to the PEL since its adoption in 1991. In particular, in 1997, international electoral observation was institutionalised and the CEC was transformed into a permanent body. Since 2004, the law allows nomination of candidates by initiative groups of voters<sup>31</sup> and the deadlines for establishing election districts and lower-level election commissions were considerably extended, thereby providing more time for electoral preparations. In another welcome development, positive voting was introduced instead of negative (i.e. voting for a candidate rather than crossing out candidates).

Other amendments to the electoral framework, however, run contrary to OSCE commitments for the conduct of democratic elections. Since 1997, domestic non-partisan organizations (not participating in the elections as initiative groups of voters) are excluded from observing the electoral process. Moreover, following another amendment in 1997, article 25 of the PEL bans certain categories of citizens from registration as candidates, namely persons convicted in the past, those against whom a criminal case is open and those serving professional functions in religious organisations. These restrictions contradict Article 117, Paragraph 2 of the Constitution, which explicitly prohibits any direct or indirect limitations to the right of citizens to stand for office other than those foreseen in the Constitution. Article 25 of the PEL also contravenes Paragraph 7.5 of the OSCE's 1990 Copenhagen Document.<sup>32</sup>

Constitutional requirements for the passive electoral right are Uzbek citizenship, at least 35 years of age, fluency in the state language and permanent residence in Uzbekistan for at least 10 consecutive years prior to the election. Moreover, the requirements for the collection of supporting signatures for candidates were made more demanding. During the first years of the existence of the PEL (1991-1997), groups of voters needed only 60,000 supporting signatures to nominate a candidate and there was no geographical distribution requirement for the signatures. Currently both political parties and initiative groups are required to collect a number of supporting signatures equal to or exceeding five per cent of the registered voters, i.e. almost 815 000 voters, to be gathered from at least eight different territorial units (regions), with no more than eight per cent of the signatures from any single unit. The registration requirements for candidates have thus become unreasonably high and constitute a serious hurdle for the exercise of the constitutionally guaranteed right to seek presidential office by eligible persons, thereby also conflicting with Paragraph 7.5 of the 1990 Copenhagen Document.<sup>33</sup>

According to the Constitution, citizens of the Republic of Uzbekistan who have reached 18 years of age have the right to vote, unless they have been declared incompetent by a court or are imprisoned. The latter is too general a restriction as it does not take into

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<sup>31</sup> Since 1997, apart from political parties, only the representative bodies of the state power had the right to field candidates.

<sup>32</sup> "To ensure that the will of the people serves as the basis of the authority of government, the participating States will respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination".

<sup>33</sup> For example, according to the European Commission for Democracy Through Law (Venice Commission) Code of Good Practice in Electoral Matters (CDL-AD (2002) 23 rev, pages 6 and 16, it is preferable for election legislation to set a maximum 1 % signature requirement.

account the offence's gravity and would therefore seem to be in violation of paragraph 7.3 of the 1990 Copenhagen Document<sup>34</sup>.

There have been no amendments to the electoral legislation during the period between the publication of the Final Report of the OSCE/ODIHR LEOM for the Parliamentary Elections in 2004 and the presidential elections of 23 December 2007. Thus, the recommendations of the 2004 Final Report, many of which pertain to both parliamentary and presidential elections, still remain to be addressed.

## VI. ELECTION ADMINISTRATION

The presidential election is administered by a three-tier election administration headed by the CEC. 14 District Election Commissions (DECs) administer the election in 12 regions, the city of Tashkent and the republic of Karakalpakstan. On the precinct level, 8266 Precinct Election Commissions (PECs) administer voting in polling stations, of which 43 serve out-of-country voters. According to data published by the CEC there were 16,297,400 registered voters, out of which 14,765,444 participated in the election, equalling a turnout of 90, 6%.

The CEC is, contrary to DECs and PECs, a permanent body established in line with the Law on the Central Election Commission.<sup>35</sup> Presently the CEC has 22 members appointed by the Parliament (Oliy Majlis) on proposal of the regional councils. Party members cannot be appointed as election officials.<sup>36</sup> The majority of CEC members live outside the capital and are closely involved in the election preparations in their respective region, regularly attending meetings of the local DEC.<sup>37</sup> Most CEC members have a legal background and four are women.

DECs had 11 to 13 members, appointed by CEC decision of 17 October. DECs administered the election process on the territory of the region within the law and regulations provided by the CEC and were also responsible for co-organizing the election campaigns of registered candidates.<sup>38</sup> DECs had their own budget approved by the CEC. They appointed PECs, trained PEC members and oversaw PEC activities. DECs also registered observers of political parties and initiative groups with candidates participating in the election.

PECs with five to 19 members were appointed by DECs by 13 November on proposal of the respective local authorities. The criteria for membership in election commissions have become increasingly vague since 1997. The law originally stated that representatives of political parties, public associations, assemblies of teachers and

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<sup>34</sup> "To ensure that the will of the people serves as the basis of the authority of government, the participating States will guarantee universal and equal suffrage to adult citizens".

<sup>35</sup> Adopted in 1998. Among others the CEC is vested with the authority to "control the implementation of the election laws.... and to provide for their uniform pattern of implementation on the territory of the Republic of Uzbekistan" (Art. 5 of the Law on CEC).

<sup>36</sup> PEL, Art. 19, paragraph 8.

<sup>37</sup> Oliy Majlis appointed six new members on 30 June 2007 and two on 25 August, strictly adhering to the rule of regional representation, i.e. replacing a member from one province with a new one from the same province.

<sup>38</sup> PEL, Art. 16.3.

students of universities and colleges, as well as voters, were entitled to be members of election commissions. However, the amendments of 1997 removed any clear membership criteria, general as they may have been, and an amendment in 2004 qualified the eligibility for election commissions to being an “authoritative representative of the community”.<sup>39</sup>

The sessions of the CEC and the lower level election administration are open to accredited media representatives and observers, as well as to authorized representatives of registered candidates. The CEC held nine sessions related to the preparation of the election.<sup>40</sup> During the period of the OSCE/ODIHR LEOM’s deployment, only two sessions took place, on 7 and on 21 December. The CEC shared with the LEOM a list of decisions taken since 18 September. These decisions included approval of the election calendar, establishment of election districts, appointment of the DEC’s, registration of candidates, regulations on registration of observers and their rights, regulations on the election campaign, guidelines for the work of DEC’s and PEC’s, as well as financial regulations. The CEC furthermore approved samples of election materials for polling stations, the official campaign posters and ballots for printing.

Notwithstanding the sharing of the above-mentioned decisions and the cordial relations between the OSCE/ODIHR LEOM and the CEC, the former’s repeated requests for disclosure of a full list of CEC decisions remained unaddressed.<sup>41</sup> Furthermore, important questions regarding the number of printed ballots<sup>42</sup> and early voting ballots, the total budget for the election and validity checks of supporting signatures for candidates,<sup>43</sup> were left unanswered. CEC decisions regarding the working group set up to carry out validity checks of supporting signatures and regarding the official candidate information booklets only appeared in public three days before the election.<sup>44</sup> While these decisions were finally published, important data, such as the names of the members of the working group performing validity checks, and the number of booklets the CEC printed per candidate, were not published.

The CEC maintains an internet website, where selected decisions and other relevant documents approved by the commission and news on the status of election preparations were published.<sup>45</sup> In addition, the CEC publishes a quarterly printed newsletter with similar information.<sup>46</sup>

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<sup>39</sup> PEL, Art. 18-1.

<sup>40</sup> The first session was held on 18 September, the last on 21 December. The latter was the only session observed by the LEOM.

<sup>41</sup> A list of 48 CEC decisions presented to the LEOM was obviously incomplete. In that list Decision N 331 is followed by Decision N 334, while between Decisions N 345 and N 357 only four decisions are listed (CEC decisions are numbered for internal bookkeeping purposes only, in public they are referred to by title and date of approval).

<sup>42</sup> The PEL provides that the total number of ballots received by a PEC may not exceed the total number of voters at the PS by 0, 5%. (Art 27, paragraph 6). The CEC maintained that this refers also to the total number of ballots ordered though no documentation was provided.

<sup>43</sup> The CEC registered four out of six candidates, for whom support signatures had been collected.

<sup>44</sup> CEC Newsletter N 4 (17) 2007.

<sup>45</sup> The website is maintained in Uzbek and Russian (<http://www.elections.uz>), as is much of the content of the printed Newsletter of the CEC.

<sup>46</sup> Several issues are also available in electronic format on the CEC website.

Several of the regulations approved by the CEC did not provide sufficient detail for a uniform application of election day procedures by PECs. Of particular concern was the vote count, for which the different stages of the process and the respective procedures were only briefly outlined.

While homebound voting and early voting are foreseen in the legislation, the absence of detailed procedural guidance meant that decisions on these issues were largely left to the discretion of PECs. Early voting was frequently referred to in the media and official publications with regard to 5,000 pilgrims leaving for Mecca. By CEC decision of 16 November, the Council of Ministers' Committee on Religious Matters was tasked with delivering the names of the pilgrims and their addresses to the CEC. Subsequently, the CEC was to distribute the necessary number of early voting ballots to the corresponding Polling Stations by 30 November. As the draft voter lists had to be prepared by 8 December, questions arose regarding signatures in voter lists of voters using early voting between 30 November and 8 December.<sup>47</sup> The OSCE/ODIHR LEOM was not able to establish exactly when early voting started, either with regard to the pilgrims, or as concerns any other early voters. There seemed to be no clear pattern for the supply of early voting ballots to PECs.<sup>48</sup>

#### A. VOTER LISTS

There is no national voter list (VL) database in Uzbekistan. While the local administration is required to provide the PECs with "necessary data about the voters living in the respective territory",<sup>49</sup> practices varied and in number of cases PECs started the compilation of a new voter list by visiting every address within the precinct. While procedures for updating and using voter lists are not explicitly defined by law, PECs generally operate with at least two versions of the VL. The first one is a preliminary one, used in the pre-election period and the second and final one is used on election day.

The preliminary VL is updated by door-to-door verifications normally performed by PEC members and available for public inspection after 8 December.<sup>50</sup> There is no tracking requirement for names added or deleted from the VL. On election day, voters may be added to the VL upon presentation of a passport or other identity document.<sup>51</sup> Thus, the total number of voters on the voter list emerges only at the end of voting and after figures are reported to the higher level election administration.

The number of registered voters reported by the CEC did not change after election day. However, in some of the polling stations visited by the OSCE/ODIHR LEOM on election day, a considerable number of names - at least 749 voters - were added to the VL,<sup>52</sup> as they could prove their identity and residence data. In general this practice fails

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<sup>47</sup> There were no CEC decisions or regulations regarding the use of provisional voter lists for early voting.

<sup>48</sup> PEC members informed they would request additional quantities from the DEC in case all delivered early voting ballots were used.

<sup>49</sup> PEL, Art. 22, paragraph 2.

<sup>50</sup> PEL, Art. 23, paragraph 1.

<sup>51</sup> PEL, Art. 31, paragraph 4.

<sup>52</sup> At the following precincts (PEC N2, PEC N93, PEC N97 and PEC N612 from DEC N8; PEC N693/DEC12; PEC N641/DEC N2) the number of added names by far exceeded the number of additional ballots delivered to the particular precincts. PEC members claimed they can request more ballots

to provide for sound and reliable voter lists and cross checking for multiple entries becomes impossible.

## **B. REGISTERED CANDIDATES**

The CEC registered four candidates for the 23 December election.<sup>53</sup> Candidates were nominated by three of the five political parties with seats in the lower house of Parliament. *The Liberal Democratic Party of Uzbekistan* (LDPU), with 41 seats, nominated the incumbent president, Mr. Karimov, the *Peoples' Democratic Party of Uzbekistan* (PDPU) holding 28 seats nominated its leader Mr. Asliddin Rustamov and the *Social Democratic Party "Adolat"*, with 10 seats, nominated Mrs. Dilorom Tashmukhamedova, leader of the parties' parliamentary faction. One candidate, Mr. Akmal Saidov, Head of the National Centre for Human Rights and leader of the parliamentary committee on democratic institutions, non-governmental organizations and autonomous bodies, was nominated by an initiative group of voters. This initiative group of voters mainly represented NGOs organized in a government-initiated NGO umbrella organization.

The two other political parties with representation in Parliament, the *National Democratic Party "Fidokorlar"* ("Selflessness", 18 seats)<sup>54</sup> and the *Milliy Tiklanish Party* ("National Revival Party", 11 seats) each nominated a candidate, but failed to collect the required five per cent supporting signatures. The *Milly Tiklanish Party* informed the OSCE/ODIHR LEOM that no official request for registration was made with the CEC, as the amount of signatures collected in support of their candidate was insufficient. The *Fidokorlar Party* did not respond to the OSCE/ODIHR LEOM request for a meeting and it was therefore not possible to discuss the registration question directly with the party.

The CEC was reluctant to disclose information other than the total number of signatures submitted by each candidate. The verification process was regarded by the CEC as an area beyond the limits of election observation.

## **VII. THE ELECTION CAMPAIGN**

The election campaign which began on 17 November was low-key and markedly non-competitive. By law, the election administration is obliged to provide equal campaign conditions for all registered candidates, including financial resources managed through a central campaign fund. It must also allocate free airtime in State radio and television.

The exclusive production of campaign materials, financed by a State campaign fund, was managed by the CEC. According to information received by the OSCE/ODIHR LEOM from the CEC, the financing was limited to about 8 million Sums (approx. 4,500 Euro) per candidate. Additional private contributions in support of one of the candidates are allowed, but would have to be equally divided to the campaigns of each registered

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from the DEC. The LEOM was not able to trace the actual quantity and scheme of distribution of the ballots and whether reserve quantities were kept by the DEC.

<sup>53</sup> CEC session of 16 November 2007.

<sup>54</sup> In the presidential election of 2000, Islam Karimov was nominated as candidate by the *Fidokorlar Party*.

candidate. While the CEC did not publicly announce the actual amount of state funds used, it informed that no additional contributions had been received.

The CEC printed information booklets and posters with neutral information about each candidate, which were mainly displayed in the premises of the election administration. Apart from these voter information materials, virtually no other posters or individualized campaign materials were used, resulting in an all but invisible campaign. Nevertheless, the incumbent was portrayed on large posters in some public places in his capacity as head of State. These posters were not campaign-related, but in the virtual absence of posters of the other candidates, this raises concerns as to the existence of equitable conditions for all candidates.

The four registered candidates met voters at in-door meetings, co-organized by the DEC's, with what appeared to be pre-selected audiences. These meetings were not publicly announced and the OSCE/ODIHR LEOM did not receive a full list of all meetings in advance. This information was only made available afterwards by the respective campaign headquarters, and showed that Mr. Karimov had held 14 meetings, Mr. Saidov and Mrs. Tashmukhamedova, seven each and Mr. Rustamov six meetings with voters. Similar meetings were held by authorized representatives of the registered candidates. All candidates underlined the necessity for continuation of the policies of the incumbent, and none of them presented themselves as offering a policy alternative. Representatives of all candidates informed the OSCE/ODIHR LEOM that they deemed the campaign environment fair and adequate. The OSCE/ODIHR LEOM regrets that it was not able to meet the registered candidates despite repeated requests to the respective campaign headquarters.

## **VIII. THE MEDIA**

### **A. MEDIA ENVIRONMENT**

A considerable number of media outlets operate in Uzbekistan. There are over one thousand publishers of print media and 74 TV/Radio stations registered. Nevertheless, there is no real pluralism in terms of information and views presented. The State-run National Television and Radio Company (NTRC) comprises the four TV stations "Uzbekistan", "Yoshlar", "Tashkent" and "Sport" at central level as well as 11 regional channels and five Radio stations. The only two news channels with nation-wide territorial coverage are "Uzbekistan TV" and "Yoshlar TV". Electronic media is the most important source of information, while print media has limited circulation.

A registration system for all media outlets is still under government control, administered through the Uzbekistan Agency on Press and Information (UzAPI). Private media are not genuinely independent as journalists are subject to accreditation requirements. Moreover, some interlocutors told the OSCE/ODIHR LEOM that journalists perceive that there is active oversight of their work by the authorities. Internet websites have started to play a role as providers of information, but a number of websites with alternative views are blocked in Uzbekistan.

Some local and international journalists were refused accreditation to follow the electoral process<sup>55</sup> and some cases of delays in answering applications for accreditation were reported to the OSCE/ODIHR LEOM. Uzbek citizens working for bureaus of foreign media need to be accredited by the Ministry of Foreign Affairs.<sup>56</sup>

## **B. LEGAL FRAMEWORK FOR THE MEDIA**

The Constitution recognizes the right to freedom of speech, thought and belief, as well as the right to seek, receive and disseminate any information, with the exception of information that can disrupt the Constitutional order or disclose State secrets.<sup>57</sup> While censorship is prohibited by the Constitution,<sup>58</sup> one of the presidential candidates publicly said that self-censorship should be reduced.

Recently adopted amendments to the Law on Mass Media came into force on 15 January 2007. Provisions still include a broad definition of mass media (Art. 4) and the requirement for media to be responsible for the truthfulness of what is published (Art. 5). It also sets limitations on the publication of information that is considered to be a State secret, and anything considered to be aimed at destabilising the constitutional order, or that could threaten the integrity of the country or violate the honour or dignity of citizens (Art. 6). Moreover, the publication of information about judicial investigations without prior written permission of a prosecutor is banned (Art.6).

All candidates in presidential elections have equal rights to use the media, and the PEL holds the CEC responsible for providing equal conditions for the contestants.<sup>59</sup> The UzAPI was charged by the CEC to monitor the compliance of the media with the election regulations. The UzAPI and the CEC did not report any violations. However, no reports on the findings of the monitoring were published.

## **C. MONITORING OF MEDIA COVERAGE OF THE ELECTIONS**

In its monitoring of a cross-section of Uzbek media outlets,<sup>60</sup> the OSCE/ODIHR LEOM noted only sparse coverage of the election campaign in the media. During the two weeks prior to the election, the main State channel, Uzbekistan TV, devoted in all its prime time broadcasting monitored by the LEOM, including news and electoral programmes, a total of 103 minutes to the four candidates. No debates among the candidates were organized, no direct speeches of the candidates were aired by the State channels and no interviews

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<sup>55</sup> According to the Minister of Foreign Affairs of Uzbekistan, the offices of foreign correspondents presently accredited in Uzbekistan are: RIA Novosti (Russia), Regnum (Russia), Rossiyskaya gazeta (Russia), Voskresenye (Russia), BBC Monitoring Service (Great Britain), TRT (Turkey), Cihan (Turkey), Kabar (Kyrgyzstan) and Rendezvous (Kazakhstan). Reuters operates in Uzbekistan, but is not registered with the MFA, but with the Ministry for Foreign Economic Relations.

<sup>56</sup> Decision of the Cabinet of Ministers of 24 February 2006.

<sup>57</sup> Constitution, Art. 29.

<sup>58</sup> Constitution, Art. 67.

<sup>59</sup> PEL, Art. 14.

<sup>60</sup> From 10 December, the sample of media monitored included the two main state broadcast media ("Uzbekistan" and "Yoshlar" TVs from 18:00 to 24:00) and 10 print publications of which three are State owned and seven are private (State owned: "Narodnoe Slovo", "Khalk Suzi", "Pravda Vostoka" - Private: "Tashkent'skaya Pravda", "Jamiyat", "Uzbekistan Today", "Hurriyat", "Zerkalo XXI", "Novosti Uzbekistana" and "Darakchi").

with any candidate were broadcast. As a consequence, voters had no possibility to hear candidates on television, apart from the incumbent.

Two special electoral programmes were prepared in accordance with CEC instructions. A bi-weekly voter education and information programme named “Mirror of democracy”, with participation of CEC experts, was aired by Uzbekistan TV, while the 20-minutes programme “Elections 2007” was aired six times during the two weeks prior to election day.<sup>61</sup> This programme was rebroadcast on Yoshlar TV after a ten-minute delay.

The CEC instructed the State broadcaster to allot a total of 40 minutes of free airtime per week, to be equally divided between the candidates, with no further clarification on format or schedule to be used to allocate the airtime. The programme “Elections 2007” provided a fairly equal amount of free airtime to coverage of each candidate’s meetings with voters in the regions and to party and initiative group representatives. However, the OSCE/ODIHR LEOM monitoring established that the amount of free airtime broadcast for the candidates in the two weeks prior to the election was less than 30 minutes per week, even if the four 60-seconds political advertisements for each candidate aired shortly after each one of these election programmes was included. The limited length and the format of these programmes, including the political advertisements, without debates or direct speech, significantly limited the value of the free airtime.

The State broadcaster failed to provide balanced coverage of the candidates within its news programmes. Coverage of the incumbent, often in his capacity of head of State far exceeded the coverage of the other three candidates. The two State channels with nationwide coverage, Uzbekistan TV and Yoshlar TV, allotted 84% of their news coverage to Islam Karimov, 7% to Asliddin Rustamov, 5% to Akmal Saidov and 4% to Diloram Tashmukhamedova. From 10 December<sup>62</sup>, Uzbekistan TV opened all its news editions with a story about President Karimov, always positive in tone.

The three State owned newspapers Pravda Vostoka, Narodnoye Slovo and Khalk Suzi devoted over 60% of their coverage to President Karimov. The private print media monitored by the OSCE/ODIHR LEOM also showed a bias in favour of the incumbent.

## IX. COMPLAINTS AND APPEALS

Decisions of election commissions may be challenged to a higher-level election commission<sup>63</sup> or directly to courts. The legislation neither provides a clear division of responsibilities between election commissions and courts, nor timeframes for decision-making, nor sufficient and clear procedural rules for handling electoral complaints with the exception of complaints regarding voter lists.<sup>64</sup>

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<sup>61</sup> On 11 December the programme “Elections 2007” was not broadcast without any public explanation.

<sup>62</sup> With the only exception of 15 December.

<sup>63</sup> Article 14, para. 11 PEL; Article 16, para. 8 PEL; Article 18, para. 8; PEL; and Article 19, para. 3 PEL.

<sup>64</sup> According to Article 23, para. 3 of the Presidential Election Law (PEL), each citizen has the right to complain on inaccuracies/ omissions in the voter lists (VL) to the precinct election commission (PEC). The same guarantee is provided by Article 10 of the Law on Safeguards of Electoral Rights. However, there is a discrepancy between the two provisions. Namely, under the PEL, the PEC is



Article 20 of the “Law on Safeguards of Electoral Rights” guarantees for each citizen judicial protection of his/her electoral rights and the possibility to challenge in courts any illegal actions by election commissions, public authorities or public organisations. Only court complaints against election commissions are regulated procedurally – by Article 272 of the Civil Procedural Code (CPC) – while other categories of electoral complaints mentioned in the “Law on Safeguards of Electoral Rights” lack clear regulation.

The OSCE/ODIHR LEOM was informed by the Supreme Court that provisions of the “Law on Challenging to Courts Actions and Decisions Violating Rights and Freedoms of Citizens” (1995) in practice are adjusted by courts to the specificities of the electoral process in analogy with Article 272 of the CPC, i.e. the courts shorten the deadlines for handling election-related disputes. Such an approach does not ensure the uniformity of practices in courts. Decisions of the CEC can be challenged to the Supreme Court, which is required to rule on complaints within three days, or immediately if no more than six days are left before election day.<sup>65</sup> Article 36, paragraph 1 of the PEL allows candidates to contest a CEC decision to invalidate the election result (in general or by constituencies or by precincts) to the Supreme Court within ten days after the official publication of the results.

The CEC received over thirty requests for explanations of legal provisions or minor complaints, which according to the CEC were mainly submitted by citizens, including citizens intending to establish an initiative group of voters. The Supreme Court informed the OSCE/ODIHR LEOM that no election-related complaints were registered by lower-level courts or the Supreme Court during the election process.<sup>66</sup>

However, according to interlocutors, two persons, Mr Abdullo Todshiboy Ugli and Akhtam Schaimardanov, who are linked to the Human Rights Alliance of Uzbekistan, wanted to register an independent candidate for the presidential election, but the CEC rejected their application. In December 2007 the two persons then filed several complaints, first with the Supreme Court against the CEC and then with the Prosecutor General’s Office against the CEC and the Supreme Court respectively. There is no official information available about this case.

## **X. ELECTION OBSERVATION**

Political parties and initiative groups with registered candidates, representatives of the media and accredited international observers may attend any election event, including the voting on election day.<sup>67</sup> The CEC announced that more than twenty thousand local

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required to take a decision on such complaint within two days, or immediately if the complaint was received on the day before the election or on election day. According to the Law on Safeguards of Electoral Rights, the PEC has only 24 hours for decision-taking. The PEC decision may be appealed to the district (city) court no later than three days before the election day. The court has two days for adjudicating the appeal, and its decision is final.

<sup>65</sup> Art. 12 of the Law on the CEC.

<sup>66</sup> The LEOM was informed however by the Human Rights Defendants’ Alliance that it had attempted to file several complaints against the CEC to the Supreme Court, but the Supreme Court allegedly refused to register those. The complaints contain general allegations and do not challenge specific CEC decisions.

<sup>67</sup> Art 5 of the PEL.

observers were registered at the DEC's. Domestic civic groups (not participating in the elections as initiative groups of voters) are excluded from observing the electoral process, in contravention of Article 8 of the 1990 Copenhagen Document.<sup>68</sup>

According to the CEC, 264 international observers were reportedly registered to observe the election, including the OSCE/ODIHR LEOM and observation missions representing the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO). Additional international observers, not affiliated with any election observation organization, were also accredited and visited polling stations on election day.

## **XI. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES**

One of the four candidates in the presidential election was the first female candidate to contest the presidential elections in Uzbekistan. In the higher levels of election administration women were not well represented as only four out of 22 CEC members were women. While all DEC chairs were male, only 13 (8%) of the 160 DEC members were female. At the PEC level, women were better represented, making up 40-50% of the precinct election commission membership.

Eighty per cent of the population living in Uzbekistan are Uzbeks, 5.5% are Russians, 5 % Tajiks, 3 % Kazakhs, 2,5% Karakalpaks, 1,5% Tatars and 2.5 % other nationalities.<sup>69</sup> Uzbek is the official state language. Issues of nationality or ethnicity did not seem to play a role in the election campaign. Election materials were available in Uzbek and Russian and additionally, in the Republic of Karakalpakstan, in the Karakalpak language.

## **XII. ELECTION DAY**

### **A. VOTING**

The OSCE/ODIHR LEOM did not conduct a systematic or comprehensive observation of election day procedures. However, OSCE/ODIHR LEOM members visited a number of polling stations on election day both in the regions and in Tashkent. In the polling stations visited, PEC commission members were co-operative and generally provided information requested by the OSCE/ODIHR LEOM. While voting was described as generally calm and without incidents by observers, they also observed many practices which were clearly not in line with international election standards.

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<sup>68</sup> "The Participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings."

<sup>69</sup> Data according to an analytical report on 'Intercultural Dialogue in Uzbekistan' - prepared within the framework of the UNESCO programme 'Intercultural Dialogue in the Central Asia', by the National UNESCO Committee of the Republic of Uzbekistan – Tashkent 2007

In polling stations visited, all or most PEC members were employees of one institution, usually a school. Frequently the head of the institution served as chairperson, raising concern about the independence of the commission members.

In almost all polling stations visited, persons who were not members of the precinct election commission were present, including representatives of the local administration and law enforcement agents. In some polling stations, persons who were not members of the PEC were involved in handling the electoral process by, for instance, checking voters' IDs.

The major concern regarding polling on election day was the widespread practice of proxy voting, instances of which were noted by the OSCE/ODIHR LEOM. While the CEC had produced voter education materials, pointing out that a person is allowed to vote only once, OSCE/ODIHR LEOM members noticed in almost all polling stations visited that there were cases of voters receiving more than one ballot. In almost all polling stations OSCE/ODIHR LEOM members also witnessed considerable numbers of identical signatures on voter lists, indicating a pattern of proxy voting.

Some other shortcomings noted on election day included instances of ballot boxes which were not properly sealed, cases of voting outside voting booths and lack of uniform practices for handling the VL for mobile voting.

The officially announced voter turnout was 90.6 %. This would appear to be an unusually high turnout figure.

## **B. COUNTING AND TABULATION OF RESULTS**

In general, where OSCE/ODIHR LEOM members were present, counting was characterized as transparent, while procedural shortcomings, in some cases severe, were noted. There were instances in which the PEC commenced with counting all ballots cast to compare with the number of signatures in the VL. In other counts, the ballots were immediately counted per candidate and figures were then adjusted to match the number of signatures on the VL.<sup>70</sup> There were instances in which the counting of ballots for the candidates did not follow a uniform procedure and seemed non-transparent, and in which results of the count were not announced to all members of the PEC.

In some polling stations visited, persons who were not members of the PEC were actively taking part in the count. There were examples in which the way ballots were marked led to controversies between PEC members, and some PECs considered only ballots marked with "+" valid, thus also invalidating ballots marked with "X".

In those cases followed, protocols of the count were transferred to DEC by the PEC chairperson together with the deputy chair or secretary and escorted by police. OSCE/ODIHR LEOM members described the atmosphere at those DEC visited as calm, though some DEC were crowded. The process at the DEC visited, however, was generally assessed as lacking transparency. OSCE/ODIHR LEOM members witnessed cases of PEC chairpersons consulting with DEC members before transferring figures to pre-signed, but otherwise blank protocols, or introducing changes to PEC protocols filled

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<sup>70</sup> In PEC 54 (DEC 04) the PEC increased the figure for votes cast for I. Karimov by 100 compared to the number of ballots counted for I. Karimov. In PEC 545 (DEC 02) the PEC counted 400 votes more for I. Karimov in a second count after observers asked about the discrepancy of ballots counted and signatures on the VL. This number was then further increased by 17 on the protocol to match the number of signatures on the VL.

out in pencil or pen. This practice clearly violates minimal procedural requirements and is in violation of Uzbek legislation.

While OSCE/ODIHR LEOM members repeatedly visited some DEC's on 24 December and asked to be provided with the final tabulation protocol, none of the DEC's concerned complied with this request.

The CEC did not publish the following data, essential to the electoral process, which includes the number of:

- Early voting ballots and regular ballots printed;
- Unused ballots, invalid ballots, spoiled ballots, unused early voting ballots, invalid early voting ballots;
- Homebound voters, number of votes cast by mobile box and number of votes cast early;
- Names added to VL, names deleted from VL;
- Voters enrolled for out-of-country voting, ballots delivered for out-of-country voting.

Election results were released as nationwide figures only, as the PEL does not provide for publication of results by PEC or DEC.

### **XIII. RECOMMENDATIONS**

The OSCE/ODIHR offers the following recommendations for consideration by the Uzbek authorities. Many of these, or similar recommendations, were also contained in the OSCE/ODIHR Final Report on the Uzbek Parliamentary Elections of 2004. The recommendations require prompt attention, and a commensurate level of political will, for their effective implementation.

#### **A. LEGAL FRAMEWORK**

1. Provisions of Article 90 and Article 117 of the Constitution of the Republic of Uzbekistan should be harmonised in order to ensure conduct of elections before the expiry of the constitutionally-established presidential term or within a reasonable time-limit following such expiry. The Constitution should establish who should fulfil the presidential duties in the period after the expiry of powers of the previous president and instalment in office of the newly elected one.
2. Adequate legal mechanisms for implementation of the constitutional guarantee of the freedom of assembly should be introduced. Their absence, combined with non-uniform administrative practices, hampers the right to form initiative groups of voters, and for such groups to nominate candidates, to campaign freely and to express publicly their opinions at rallies, meetings and demonstrations.
3. Withdrawal or suspension of suffrage on the grounds of imprisonment under court sentence should be made proportionate to the gravity of the offence, i.e. it should be applicable only in a case of conviction for a serious criminal offence.

4. Article 25 of the PEL which prohibits certain categories of citizens from registering as candidates should be made less stringent to be brought in compliance with Article 117 of the Constitution and Paragraph 7.5 of the Copenhagen Document of 1990. Furthermore, the number of supporting signatures required for registration of a political party and for nomination of candidates for election should be decreased. The provisions for verification of signatures should be spelt out in detail and allow for a meaningful verification process open to public scrutiny.
5. Domestic observers, including those from non-partisan civil society groups, should be allowed to carry out election observation (in addition to those participating in the elections as initiative groups of voters), as domestic observers are provided for by Paragraph 8 of the Copenhagen Document 1990.
6. The liberalisation of the pre-election campaign regulations should be considered. In particular, the responsibility for election campaign activities should rest with the candidates, rather than the election administration. Candidates should be free to manage their campaign funds, with the CEC maintaining only a regulatory role over campaign financing.
7. A clear division of responsibilities and procedural rules should be envisaged for handling pre- and post-election day complaints by the election commissions and courts.

## **B. ELECTION ADMINISTRATION**

8. The appointment of precinct commission members should be changed to provide for an inclusive and pluralistic election management body based on relevant professional skills. Political parties and initiative groups of voters participating in the elections should be allowed to nominate members to the election administration.
9. The State authorities should consider establishing a centralised voter register, which would allow for cross-checking of possible double-entries. There should also be a unified procedure for certifying voter registers.
10. As a matter of standard procedure, the CEC should publish data essential to the election process, including: the number of early voting ballots and regular ballots printed; unused ballots; invalid ballots; spoilt ballots; unused early voting ballots; invalid early voting ballots; the number of homebound voters, number of votes cast by mobile box and number of votes cast early; names added to VL, names deleted from VL; voters enrolled for out-of-country voting, ballots delivered for out-of-country voting.
11. Detailed early voting procedures should be established by law or CEC instruction, including clear rules for when to make final voter lists available to PECs and for adding or deleting names to or from the list.
12. Clear and detailed instructions should be issued for all PEC procedures, particularly those pertaining to election day, including counting and drafting of protocols. Clear instructions should be issued on the reconciliation of the number of signatures on the VL and the number of ballots found in the boxes before counting. Mandatory

procedures for submission of sensitive election materials from PECs to DEC's should be established. The practice of submitting blank and pre-signed PEC protocols to the DEC or of such protocols drafted in pencil should be prohibited. PEC Chairmen should receive clear instructions not to permit the presence of any unauthorised persons in polling stations.

13. Results should be published by PECs and DEC's, as it would increase transparency, accountability and trust in the accurate reporting of results.
14. Voter education programmes should target the practice of proxy voting. PECs should be instructed and trained to prevent this practice.

### **C. MEDIA**

15. The regulatory body responsible for issuing broadcasting licenses should be made independent from the government.
16. Access to public information should not be limited by broad exceptions; information should be considered state secrets only in exceptional circumstances.
17. The CEC instructions on the media coverage of the elections should not undermine the freedom of the media to cover elections, but should merely ensure, in a transparent manner, equal conditions for the use of free airtime among candidates. This airtime should be sufficient to allow candidates to accurately and directly communicate their political programmes to the electorate.
18. During the election campaign, public news programmes should adhere to the principle of equal opportunity for all candidates and refrain from giving an unfair advantage to the incumbent.

## **ANNEX: OFFICIAL ELECTION RESULTS**

The CEC approved the following figures as final results on 29 December. The same figures had been announced as preliminary results on 24 December.

<b>Candidate</b>	<b>Number of votes</b>	<b>Percentage</b>
Islam Karimov	13,008,357	88.10
Asliddin Rustamov	468,064	3.17
Diloram Tashmukhamedova	434,111	2.94
Akmal Saidov	420,815	2.85

Total number of votes: 14 765 444 (90.6% turnout)

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).