



Office for Democratic Institutions and Human Rights

**REPUBLIC OF UZBEKISTAN**  
**PARLIAMENTARY ELECTIONS**  
**26 DECEMBER 2004**

**OSCE/ODIHR LIMITED ELECTION OBSERVATION MISSION**  
**REPORT**



Warsaw  
7 March 2005

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**REPUBLIC OF UZBEKISTAN  
PARLIAMENTARY ELECTIONS  
26 December 2004**

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

**I. EXECUTIVE SUMMARY**

In response to an invitation from the Ministry of Foreign Affairs of Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) conducted a Limited Election Observation Mission (LEOM) to assess the electoral process leading up to the 26 December 2004 parliamentary elections. The OSCE/ODIHR assessed the pre-election process in terms of its compliance with the 1990 OSCE Copenhagen Document and other election-related commitments.

The OSCE/ODIHR established a limited election observation mission rather than a standard observation mission, due to concerns that the present legal framework for elections does not sufficiently reflect OSCE commitments, and that the lack of registered opposition parties and obstacles for independent candidates would seriously marginalize the possibilities for meaningful political competition. As a result, an LEOM was deployed, which according to standard practice, does not envisage any utility in the deployment of short-term observers to monitor polling procedures, the vote count and the tabulation of results.

The 26 December 2004 election of Deputies to the Oliy Majlis of the Republic of Uzbekistan fell significantly short of OSCE commitments and other international standards for democratic elections, despite minor improvements identified in the election law. The implementation of the election legislation by the authorities failed to ensure a pluralistic, competitive and transparent election. An analysis of the election platforms of the five registered political parties revealed no significant differences, and in general neither they, nor independent candidates nominated by initiative groups, provided the electorate with a genuine choice. Fundamental freedoms in Uzbekistan remain severely restricted, and the relevant principles necessary for a meaningful democratic election process, such as freedom of expression, association and assembly, were not respected.

Although there have been some minor improvements to the legislative framework, further significant improvements are necessary in order for Uzbekistan to be in compliance with its OSCE commitments, and other international standards for democratic elections. All of the principal laws governing the electoral process – the law on Elections for the Oliy Majlis, the law on Political Parties, the law on the Central Election Committee and the laws that regulate the functioning of the mass media - need to be thoroughly reviewed.<sup>2</sup>

The absence of a diverse and genuinely independent mass media prevented any meaningful political debate, and thus negated the essence of an election campaign period. Whilst

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

<sup>2</sup> For a more detailed commentary on the Electoral Law of the Republic of Uzbekistan, see OSCE/ODIHR document, “Assessment of the Law on Elections of the Oliy Majlis” (February 2005)

censorship is prohibited, in reality, the authorities exert a tight control on the mass media through registration and licensing regulations. The tight control by the state, combined with heavy taxation and other forms of pressure, apparently resulted in self-censorship.

The possibilities for the creation and development of new political parties are strictly limited by the interpretation and implementation of legal provisions regulating the registration of political parties. Approximately one year before the elections, the Ministry of Justice agreed to accept and formally consider the applications for registration of several unregistered parties. However, these applications were all rejected, preventing these parties from competing in the parliamentary elections.

The law on Elections for the Oliy Majlis creates unequal conditions for the nomination of candidates, many of whom encountered significant difficulties, particularly during the signature verification phase. Independent candidates seeking to register through initiative groups also face unreasonable obstacles to registration. The authorities did not register a single political party, or initiative group candidate, which had indicated some critical attitude towards the Uzbek authorities.

The election campaign was conducted in a very low-key manner, in part due to the limitations and restrictions imposed on the candidates by the law and by the authorities. Financing and material assistance is only permitted through, and funded by the State, and is allocated equally and dispersed through the election administration. The local authorities control the regulation of the campaign; only candidate meetings organized by the District Election Commissions (DECs) were permitted, and outdoor rallies were prohibited.

Access to election-related documents, and some government officials, was frequently denied to the OSCE/ODIHR LEOM. Had access to information and officials been fully provided, the OSCE/ODIHR LEOM would have had more information upon which to base this report, in particular with regard to the candidate registration and the adjudication of complaints and appeals. This denial of access to important aspects of the process runs contrary to the 1990 Copenhagen Document, which states that election observers, both foreign and domestic, can enhance the electoral process, and also contravenes the OSCE/ODIHR's stated minimal conditions for effective election observation.

The OSCE/ODIHR continues to stand ready to co-operate with the Uzbek authorities, political parties and civil society, to address the concerns raised in this report, and is willing to offer its support to the authorities in follow-up to the recommendations contained herein.

## **II. INTRODUCTION**

Following an invitation received on 6 September 2004 from the Ministry of Foreign Affairs of the Republic of Uzbekistan to observe the 26 December 2004 election of Deputies to the Oliy Majlis of the Republic of Uzbekistan, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) conducted a Needs Assessment Mission (NAM) between 20-22 September. On the basis of the NAM report, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM).

Ambassador Lubomir Kopaj (Slovakia) was appointed by the OSCE/ODIHR as Head of the Limited Election Observation Mission. The LEOM established a head office in Tashkent on 1 December. This Report is based on the findings of 21 election experts from 14 OSCE participating States, who remained in country until 30 December 2004, and were deployed to Bukhara, Ferghana, Karshi, Nukus, Samarkand, as well as Tashkent.

The LEOM issued a preliminary press statement on the pre-election process on 27 December 2004 in Tashkent.

The OSCE/ODIHR LEOM wishes to recognise the Ministry of Foreign Affairs and the Central Election Committee of the Republic of Uzbekistan for their co-operation, and to express its appreciation to the OSCE Centre in Tashkent, and embassies and diplomatic missions of OSCE participating States accredited in Uzbekistan, for their valuable support.

### **III. BACKGROUND**

The 26 December 2004 parliamentary elections were the third parliamentary elections since Uzbekistan regained independence in 1991. These were the first elections since the Republic of Uzbekistan adopted a two-chamber parliament (Oliy Majlis) in the 27 January 2002 referendum. The new legislative chamber includes 120 seats elected in single-mandate constituencies, reduced from 250 seats. The new upper chamber includes 100 senators - 84 indirectly elected by regional councils and 16 appointed by the President. Unlike in the past, the new parliament will be a professional sitting body.

In addition to the parliamentary elections, elections to regional councils, district councils and municipal councils were also held on 26 December. However, the OSCE/ODIHR LEOM did not follow issues related to these parallel contests.

The OSCE/ODIHR deployed a Limited Election Assessment Mission to the previous parliamentary elections, which took place on 5 December 1999. At that time the OSCE/ODIHR concluded that the elections "...fell short of the OSCE commitments for democratic elections enshrined in the 1990 Copenhagen Document. In particular, the commitments for free, fair, equal, transparent and accountable elections were breached." The OSCE/ODIHR did not observe either the 2000 presidential elections or the 2002 referendum<sup>3</sup>.

### **IV. POLITICAL CONTEXT**

Political power is concentrated in the office of the President, who signs all laws, introduces most of them and makes all significant appointments (and therefore dismissals), including regional governors, the judiciary and the Central Election Commission (CEC).

Five political parties were registered and fielded candidates for the legislative chamber: Peoples' Democratic Party of Uzbekistan (ex-Communist Party), Social-Democratic Party "Adolat" ("Justice"), National Democratic Party "Milliy Tiklanish" ("National Revival"),

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<sup>3</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.

National Democratic Party “Fidokorlar” (“Self-Sacrificers”) and the Liberal Democratic Party of Uzbekistan (LDPU), registered on 3 December 2003. Only the Peoples’ Democratic Party of Uzbekistan (PDPU) and LDPU ran candidates in all or virtually all 120 electoral districts.

Political parties represent one of the most fundamental components of a competitive democracy, but in the Uzbek context, political parties do not present the voter with their intended legislative agenda, critical policy analysis, or polity alternatives. The parties’ public pronouncements supported the policies of President Karimov. During the campaign, the parties did not address topical issues appearing to be of most concern to the electors.

The stated electoral aims of all five registered political parties were to have a sizeable presence in parliament, in order to have an influence over legislation in the interest of their perceived constituencies, with only the PDPU and LDPU leadership talking of forming a majority or minority block of deputies depending on results of the vote. Unlike the previous elections of 1999, leaders of some parties were willing to place their organisations along a left-right spectrum, with the PDPU seeing itself as “left” and the LDPU as “right”.

There are four unregistered political parties in Uzbekistan, which were excluded from the 2004 elections: “Ozod Dehkonlar” (Free Peasants), Party of Agrarians and Entrepreneurs (both established in 2003), “Birlik” (“Unity”) and “Erk” (“Freedom”), in existence since 1989 and 1991 respectively. “Erk” has not applied for registration because its 1991 registration was discontinued (an act which under law is the prerogative of the Supreme Court alone) by the Ministry of Justice in 1993. The other three parties had attempted to register over 2003-4, with “Birlik” doing so on three consecutive occasions - a fourth attempt took place on 22 December 2004, four days before the elections.

For various reasons, all were unable to attain registration. “Ozod Dehkonlar” informed the LEOM that it had not received a reply to its application, delivered to the Ministry of Justice on 5 January 2004. The Party of Agrarians and Entrepreneurs was refused registration in October 2003 on dubious legal grounds (the Ministry of Justice demanding addresses for the 5,000 signatories, a provision not within the legislation). Similarly, “Birlik” failed to be registered on a variety of grounds, including the alleged absence of addresses and workplaces of signatories, something that the law does not require.

In the run-up to the elections, continued pressure seems to have been exerted on activists of opposition parties who were also involved in human rights groups defending individuals accused of extremism and subversion or of participation in public protest. Although not taking part in the elections, a number of opposition activists appear to have been harassed, detained and warned by the police. This contributed to the pervasive climate of fear and intimidation in which the election process was conducted. This was also reflected by some of the registered parties and their candidates, a number of whom were unwilling to discuss so-called “closed” topics.

## V. LEGAL FRAMEWORK

The Constitution of the Republic of Uzbekistan, adopted in December 1992 and amended in line with the January 2002 referendum and in April 2003, together with the Law on the

Elections to the Oliy Majlis, adopted in December 1993 with amendments and additions up to December 2004, form the basis of the electoral framework. Other relevant election-related laws include the Law on Political Parties of December 1996 with amendments up to December 2004, the Law on Financing Political Parties of August 2004, the Law on guaranteeing Citizens' suffrage of May 1994 with amendments up to December 2004, the Law on the Central Election Committee of April 1998 with amendments up to August 2004 and the Law on Appealing to the Court of Actions and Decisions violating Rights and Freedom of Citizens of August 1995. In addition, the Central Election Committee (CEC) issues Instructions and Regulations for the different electoral bodies prior to the elections.

As detailed more thoroughly in the OSCE/ODIHR "Assessment of the Law on Elections of the Oliy Majlis" (February 2005), the Electoral Law requires significant improvements in order to comply with OSCE commitments and other international standards for democratic elections. Specifically, paragraphs of the 1990 Copenhagen Document which are not respected include: 7.5 which calls on participating States to "...to respect the rights of citizens to seek political or public office...", 7.6 which calls on participating States to "...to respect the rights of individuals and groups to establish...political parties...", and 7.7 which calls on participating States to "... ensure that law and public policy work to permit political campaigning...". Provisions that hinder the registration of political parties and independent candidates should be reviewed and limits on candidates' freedom to campaign should be removed.

The OSCE/ODIHR has in the past repeatedly commented on the legal framework for elections in the Republic of Uzbekistan, and specifically the Election Law, and has recommended concrete amendments to improve the electoral process (see Section XIV "Recommendations"). Prior to the parliamentary elections, several minor improvements were adopted, including the introduction of a requirement that 30 per cent of the candidates on party lists be women (Article 22, part 4), withdrawal of the right of Khokims (heads of local executives) to nominate candidates and a change of the way the voter casts his/her vote on the ballot paper ('positive' instead of 'negative' voting), an improvement designed mainly to facilitate the count procedure. This last amendment was put into force by publication of the new provisions on 18 December, 2004 and concerned Articles 35, 41, 42, 43, 44 and 45 of the Election Law.

In addition, the introduction of the Law on Political Party Finance allows for citizens and legal entities to contribute to the political parties, however, only contributions from the State can be used to support election campaign activities.

The Election Law (Articles 10, 12, 14 and 16) defines the composition of the electoral committees on the different levels (Central, District and Polling Station) in detail, but nevertheless fails to ensure an inclusive, balanced and pluralistic representation. Members of any political party are explicitly excluded from all electoral committees. Transparency in the process could be enhanced through legal guarantees that introduce a more inclusive, balanced and pluralistic approach to constituting election commissions at all levels, that reflects the broad range of political interests.

The law presently does not provide for domestic non-partisan observer groups to observe the election process, which contravenes the 1990 Copenhagen Document.

## VI. ELECTION ADMINISTRATION

Elections in the Republic of Uzbekistan are administered by the Central Election Committee (CEC), 120 District (Constituency) Election Committees (DECs) and 8,046 Polling Station Committees (PSCs). The committees are supported by the administrative staff of the CEC and by Khokimat – local administrative bodies - staff at local levels.

The general approach of the local authorities to the OSCE/ODIHR LEOM, at all levels, was one of reluctance to cooperate, and on occasion outright obstruction. It took days, and even weeks, to establish the normal working contacts with the Central Election Committee, the Supreme Court and the Ministry of Justice, necessary for meaningful election observation.

At the first formal meeting of the OSCE/ODIHR LEOM with the CEC, a request was made to the Deputy Chairman of the CEC that the LEOM be notified of the dates and times of all forthcoming meetings of the CEC. The CEC only notified the OSCE/ODIHR LEOM of the date and time of one meeting (18 December), despite other meetings of the CEC being held during the presence of the LEOM in Uzbekistan. Requests for basic documentation – copies of agendas and minutes of CEC meetings – were referred to the Chairman of the CEC, who refused approval for them to be supplied. Even a request for the supply of a list of the dates and times of meetings of the CEC, as of September 2004, was rejected.

At a formal meeting with the Ministry of Justice, which took place on 17 December, a request for the supply of a copy of all registration related documentation was made by the OSCE/ODIHR LEOM. The Deputy Minister of Justice declined to supply the requested documentation.

In general, DEC chairmen appeared to have a good knowledge of the law. Polling stations were ready and prepared by 11 December for the commencement of the advanced voting. The deadline requirement for the display of voter lists for voters to check voter entries on the lists was met, as was the 25 November deadline for the publication of lists of registered candidates in the local media.

The CEC produced a series of voter education spots addressing the issues of family and proxy voting, and discouraging these practices.

An issue of concern was the composition of election committees. The Election Law fails to ensure an inclusive and pluralistic composition of election commissions at all levels. Members of any political party are explicitly excluded from all electoral committees. The criteria for eligibility to participate as an election official on an electoral body are vague, and facilitate the current government's control over the electoral administration. As mentioned above, a meaningful and inclusive participation of political party or initiative group representatives could enhance the transparency and credibility of these bodies, and thus enhance overall confidence in the process.

The late amendment to the Electoral Code, which changed the type of voting procedure from negative to positive voting, whereby a voter votes *for* the candidate selected, rather than checking the names of candidates de-selected, was welcome in substance. However, its late introduction was of concern, leaving the CEC very limited time to undertake a voter education programme to explain the new method of voting to the electorate.



## VII. PARTY AND CANDIDATE REGISTRATION

The registration procedures failed to ensure a genuine choice for voters on the ballot. A competitive democratic process was significantly hampered by discriminatory registration procedures, and there was a pattern of recurring and systematic registration related irregularities. The legal provisions (Election Law Articles 20 through 24, Law on Political Parties Articles 6, 8 and 9; Political Party Law Articles 6, 8 and 9) on registering political parties and initiative groups or candidates are in general extremely complicated, and more of an obstacle than an encouragement for citizens to participate in political life. This is exacerbated by the manner in which these provisions are applied by the respective officials.

The authorities did not register a single political party, or initiative group candidate, which had indicated some critical attitude towards the Uzbek authorities. Amendments to the Law on Political Parties raised the requirement for the registration of a political party from 5,000 to 20,000 signatures nationwide. The August 2004 amendments to the Electoral Code increased the requirement to register an initiative group which intended to field candidates from 100 to 300 individuals. The 8 per cent minimum of signatures from all precincts (mahalla) in an electoral district in order to register an initiative group candidate also was demonstrated to be a serious obstacle. Registration-related legislation appeared to be applied in an arbitrary and inconsistent manner, discriminating against candidates critical of government policies.

Three aspirant political parties were unable to register during the twelve months prior to the elections by the authorities, and almost two-thirds of nominated candidates from initiative groups were not able to participate in the elections. The OSCE/ODIHR LEOM requested from the Ministry of Justice all registration related documentation, but the Ministry declined to supply it to the LEOM. The OSCE/ODIHR was therefore not in the position to deny or verify allegations of unfair treatment from those non-registered subjects, beyond the level of assumption, as to how the authorities had dealt with their applications.

The OSCE/ODIHR LEOM's assessment is based mainly on the analysis of comments by individuals who approached the LEOM directly. From this information, it would appear that citizens regarded as 'anti-governmental' or opposition have to undergo a much more bureaucratic registration procedures, for example, when signatures are verified or when the ways and means of how signatures were collected are scrutinized. This appears to be in juxtaposition to supporters or followers of the 'pro-governmental' parties and initiative groups. Many of the provisions seem to be narrowly interpreted and applied by the authorities, to exclude citizens deemed as undesirable based on their political opinions from the political process.

Registration was routinely denied to initiative groups, and to their candidates, on grounds similar to the denial of registration of political parties (see Section IV, "Political Context"). Initiative groups and their aspirant candidates claimed that DEC officials refused to accept their registration documentation, were absent from the DEC office for the duration of the registration process, delivered no written responses to requests for registration, did not answer complaints in writing and did not provide written grounds for disqualification. The CEC followed this pattern on at least one occasion, regarding a candidate from a registered party (LDPU), who learned of his disqualification from a television news programme two days

before the elections, and was thereafter, for 24 hours, denied access to the written decision of the CEC on his case.

The refusal to register a single independent candidate with critical views of the status quo, significantly undermined the legislative intention to enhance voter choice by the fielding of initiative group-backed candidates. The great majority of independent candidates who were registered were in positions of authority or in state employment.

In the context of candidate registration, a provision open to potential abuse is that which details how signatures to support a candidate of an initiative group shall be verified. Only 15 per cent of the necessary number of required signatures (8 per cent of the voters in a district) has to be checked. If 10 per cent out of these 15 per cent are considered invalid, an additional 15 per cent will be scrutinized. If again 10 per cent or more are declared invalid the candidate has failed, notwithstanding whether he or she has submitted a sufficient number of valid signatures. Instead of searching for the sufficient number of valid signatures to enable a candidate to run for office, the controlling authority counts enough invalid signatures to exclude him or her. It remained unclear whether these rules were applied in the same strict way for all candidates.

In at least one case (Candidate Alisher Ochilov in District # 109, Karshi) the CEC overruled the decision of the DEC to register the candidate. According to the law, the DEC is the competent body to check and verify the application.

## VIII. THE ELECTION CAMPAIGN

In general, the election campaign was extremely low-key, and was conducted in a manner which negated the essence of an election campaign period. No outdoor rallies were permitted, and only very isolated examples of election material posted in public. Candidates of the five registered political parties took part in non-confrontational debate style television programmes, and there were some election articles by candidates/parties in newspapers. Candidates in individual constituencies could take part in public meetings organized by the DEC's, but were not permitted to organize their own campaign meetings with voters.

There was little evidence that the manner in which the campaign was regulated enjoyed broad support, or indeed the confidence, of all contestants or the voting public at-large. The prevailing mood of the public appeared to be one of lack of interest in, and alienation from, the election process. Apart from registered parties and officials, a more general perception of the election process appeared to be one of an unfair competition, or rather a non-competition. The odds were considered vastly in favour of the candidates backed by either the government or the local authorities (Khokimats), who were seen as fully in control of the DEC's, polling station commissions and the judiciary. Official opinion polls conducted between October and December by the Centre for Public Opinion, suggested a rising curve of expected voter participation, reaching 90 per cent in mid-December. No polls were, however, made public during the immediate run-up to the elections, and the Centre's Director refused to provide a copy of any poll-related data.

The election contestants in the campaign process were not very visible in public places, which in connection with other obstacles cited in this report, raised the question of how candidates

could effectively convey their views to the voters. Door-to-door campaigning by candidates was almost non-existent, although its absence was explained by some interlocutors as “not in the national character”. Posters related to the campaign were mostly government distributed, encouraging people to vote, as well as a limited number of LDPU billboards.

A small number of candidates did attempt to run more lively campaigns. However, their efforts at voter outreach were hampered by the widespread conviction that DEC organised discussions, in which all candidates in the district talked to groups of around 100 - 300 voters without engaging in debate among themselves, were the legitimate forum in which to address voters. In such local-level presentations, candidates, as a rule, presented their own talents and background, rather than the programmes or legislative intentions of their parties. The parties were more in evidence on televised video advertisements.

The authorities supplied some limited financial resources to all registered parties to provide for their campaigning activities. Parties were not allowed by law to use alternative sources of funding to support campaign activities. The registered parties viewed the new regulations establishing equal state campaign funds, with additional supplementary funding being distributed according to the number of deputies in the legislative chamber held by the respective parties, as fair (Law on the Financing of Political Parties).

## **IX. COMPLAINTS AND APPEALS**

According to the law, all decisions of all electoral bodies can be appealed to the next higher body or the court. Decisions of the CEC can be appealed to the Supreme Court. Procedures for complaints and appeals are generally stipulated by law in an appropriate manner, with the exception that it is not clear when a court or an election administration committee is the competent body to decide an issue. Nevertheless, arbitrary application of provisions by the officials and judges in charge, led to a highly unsatisfactory situation with regard to the election complaints and appeals process.

Lawyers who contacted the OSCE/ODIHR LEOM described the methods of the CEC, the Ministry of Justice and the Supreme Court as, at best, arbitrary. It seemed not to be unusual that cases were delayed, documents lost and chancelleries were closed on the days when a document had to be delivered. Should a case finally reach the last instance for a decision, it appeared that the case was never decided in favour of the plaintiff. Since the Supreme Court refused any formal contact with the OSCE/ODIHR LEOM, it was not able to submit questions to representatives of the Court and reflect the view of the Court in this regard.

The OSCE/ODIHR LEOM cannot make a first-hand assessment of how the CEC itself dealt with complaints, because it was not given access to relevant hearings. Despite repeated requests for the dates of CEC meetings, the LEOM was told that there were no meetings at all.

On the day before election day, the OSCE/ODIHR LEOM was informed orally (the existing documentation by the CEC was not handed out despite repeated requests) that 344 written and 61 oral complaints were submitted to the CEC prior to election day. Of these, 151 complaints were considered irrelevant and not election-related, 144 complaints were submitted by candidates, political parties or initiative groups and around 50 complaints concerned mainly administrative matters relating to DEC/PSCs (e.g. insufficient equipment at Polling Stations).

Only four complaints were appealed to a court, three to the Supreme Court and one to a District Court. The District Court Akmal Ikramov (Tashkent) dealt with an appeal by Candidate Murtazayev (Candidate of an initiative group based in Samarkand). The CEC had refused the application due to a missing seal on one of the original documents from the DEC and for alleged early campaigning. This assessment by the CEC was sent to the applicant in a letter, which was not considered a contestable decision of the CEC by the Supreme Court. Therefore the Supreme Court did not accept the appeal of the candidate, and the case had to be submitted to a District Court. The appeal was rejected.

Two similar cases were dealt with by the Supreme Court on December 21. Candidates of initiative groups, Arslanov and Alimbayev, were rejected by the CEC, due to allegedly invalid signatures on the supporters' lists. Both appeals were rejected.

The fourth and last case concerns a candidate from the LDPU. He was registered as a candidate in District 78 (Toytepa/Tashkent), but later – on December 22 - disqualified due to alleged unlawful campaigning and vote-buying. The appeal was rejected on 25 December in the late evening; however, his name was not on the ballot papers of his district, which were printed ten days prior to the day the CEC decided on his disqualification.

## **X. MEDIA ENVIRONMENT**

Since the 1999 OSCE/ODIHR Limited Assessment Mission, the media landscape has grown in number and seems to show a degree of diversity. However, onerous registration requirements, as well as a poor market, remain obstacles to the development of a competitive media environment. Over the past two years the Internet has become an alternative source of information, although only a small percentage of the population has access to it.

Free and independent media are not a reality in Uzbekistan. Although freedom of expression and information is guaranteed by the law and censorship prohibited, the State exerts strict control over the media with particular regards to reports on President Karimov and the government. The fear of negative consequences encourages journalists to resort to self-censorship. Access to information for journalists appears to have improved over the past few years, officials being more co-operative. However, in the regions, the local authorities seem to be more reluctant to share information with the media.

Independent journalists operate in a hostile environment, experiencing limitations to information access as well as to pressure and inquiries from officials, particularly in the regions outside of Tashkent. An example is Tolkein Karnae, a former correspondent for Voice of America and a human rights activist, who was detained for a few hours and questioned on the content of the meeting he had held with OSCE/ODIHR long-term observers in the Karshi region.

As a result of these constraints, most independent journalists turn towards the Internet where they can freely express their position. The Internet is the only source of information which can partly escape total control by the State, although authorities periodically impede access to opposition groups' websites.

In May 2002 the State Print Committee was transformed into an agency, losing some of its powers as a result, and the Office for the Protection of State Secrets was finally abolished. The committee now checks newspapers after publication, not before. However, as journalists reported to the OSCE/ODIHR LEOM, self-censorship is a common practice inherited from Soviet times, and a long list of “sensitive” issues are unofficially banned from public discussion. Furthermore, the editors are now responsible for any information published, and exert a strict control over content. Furthermore, the printing and distribution of newspapers are still managed by the State, putting editors in the position of reinforcing self-censorship.

Television remains the main source of information in the country along with radio. Until last September, only State TV had national coverage, and local private outlets could only reach regional borders. A network of private TV stations was created a few months ago, the NAEMSI, gathering about 24 different outlets operating all over the country, thereby ensuring a national coverage. According to the chairman, the network has adopted a code of conduct and a charter. Although this is a first attempt for the Uzbek media to enact self-regulation, concerns were expressed by independent journalists about the nature of this project. In their opinion, because of the close relations between the board members and the government, it was an attempt by the State to exert control over the private broadcast media.

The registration of broadcast media is a complicated procedure that involves more than one State agency. Furthermore, licenses have to be renewed every year, and the license-issuing agency is a special Inter-Agency Coordination Commission, which includes heads or members from each Ministry. There are a number of requirements for the renewal, some of them having little to do with a station’s professional activity.

Following the abolition of the State provider UzPAK's monopoly, a number of internet access points and Internet Service Providers appeared in the Uzbek market, attracting a growing number of users, mostly in Tashkent. All regional centres, however, are developing data access communications, but it remains unaffordable for most of the population.

Besides all the restrictions and difficulties facing the media in Uzbekistan, one of the main problems remains the lack of professionalism and scarce knowledge of professional rights and duties among journalists. Many of them started working as journalists during Soviet times, are still working in the Uzbek media, and have never received any kind of training or re-training since independence in 1991. This is particularly true in print media, where there is an apparent predisposition to self-censorship and a lack of investigative journalism.

Training and support for independent media is a priority for some international NGOs. Unfortunately, one of the most active in this sector is being impeded in the implementation of its project. The Uzbek branch of Internews Network was closed down a few months ago by the authorities, who claimed that its registration had not been in line with the procedures. In mid-December the Internews offices were searched by the Prosecutor General’s office. There was a specific mention in the warrant that Internews’ national staff could be sued.

For the election campaign, the Central Election Committee published a decree that defined the distribution of time and space to all registered parties and candidates. The media followed the regulations that provided contestants with equal treatment.

Regarding the election process, voters received limited information, both from print and electronic media. Voter education spots were broadcast covering proxy voting, family voting and information on the new positive method of casting a vote, whereby a voter votes *for* the candidate selected, rather than crossing the names of candidates de-selected. Political debates between the representatives of registered political parties were organized by both State TV channels and the private media. Candidates were given the opportunity to present their platform to the public. Local private outlets reported, however, that candidates often declined the invitation.

An interesting perspective was given by the head of the newly established Uzbekistan National Association of Electronic Media who stated that the candidates are not confident with non-State media and generally avoid any kind of contact with them. As a result of the lack of an open and genuine political debate, voters are not informed about the existence of alternative views.

## **XI. CIVIL SOCIETY**

In contravention to the 1990 Copenhagen Document, domestic non-governmental organizations (NGOs) do not have the legal right in Uzbekistan to observe elections, and therefore were not allowed to monitor these elections.

No new independent NGOs are being registered, and as mentioned above, a media NGO was recently de-registered. Existing NGOs, registered in the 1990s are still able to exist, include Ezgulik, associated with the opposition party Birlik. Non-registered NGOs mostly concentrate on the legal defence of people accused of links with terrorists or extremists, including Muslim preachers and teachers, and human rights defenders.

Under Council of Ministers Decree 56, since February 2004, NGOs not connected with the government have had virtually no access to their international grant funds. All grants coming from abroad are, under this Decree, overseen by a special Committee of the Central Bank. This committee is empowered to reject applications for access to grants – and even to return the grant to its source – should it decide that the project for which the grant was sent is unsound or unconstitutional. This has impacted on the elections, insofar as a number of NGOs, particularly organizations focused on women, were unable to conduct scheduled trainings for independent candidates.

International organizations are also under pressure from the authorities. The Soros Foundation and the International Crisis Group were made to leave the country, apparently in connection with the coming to power of the opposition in Georgia in early 2004. Human Rights Watch is presently under pressure to leave the country (expired visas, threats of criminal prosecution).

## **XII. INTERNALLY DISPLACED PERSONS (IDPs)**

A representative of the OSCE/ODIHR LEOM visited the southern province of Surxondaryo to determine the voting status of the internally displaced persons (IDPs) that were relocated in 2000. The LEOM was able to confirm that IDP's would be able to vote in a number of

villages visited. Polling stations had been set up in the same timely manner as elsewhere in Uzbekistan. All the IDPs were included on the voter lists in the villages checked.

### **XIII. ELECTION DAY**

The OSCE/ODIHR LEOM did not conduct systematic observation on election day. A limited observation was deployed rather than a standard observation, as there was no utility envisaged in election day observation, due to deficiencies in the overall legal framework for elections, and the lack of genuine political competition in the elections.

However, long-term observers and members of the core team did undertake a number of ad hoc polling station visits. During these visits they noted the widespread occurrence of proxy and family voting, despite the extensive CEC publicity campaign. Such voting activity was being permitted even where the respective polling station committee chairman was aware that this was not permitted under the law. Also noted during these visits were instances of open voting, and bulk signing of the voters lists by polling station committee members.

To be elected in the first round, candidates had to receive at least 50 per cent of the votes of the participating voters in their district. Sixty-two districts elected members of parliament in the first round. In the other 58 districts, second round elections were held on 9 January 2005.

### **XIV. RECOMMENDATIONS**

The OSCE/ODIHR is pleased to offer the following recommendations for consideration by the Uzbek authorities. Some of the recommendations were also contained in the 1999 Report. The recommendations require prompt attention, and a commensurate level of political will, for their effective implementation. These recommendations should be considered in conjunction with the OSCE/ODIHR “Assessment of the Law on Elections of the Oliy Majlis” (February 2005).

1. The appointment mechanism for all levels of election committees (CEC, DEC and PSC) should be modified. The current composition of the Central Election Committee, and other levels of the election administration, does not provide for an inclusive and pluralistic election management body based on professional performance. The inclusion of the main political interests in the administration of the elections has the potential to augment transparency and significantly raise public confidence in the electoral process.
2. The registration of political parties or initiative groups should be conducted in such a way that promotes participation by citizens and voters. The requirements for registration of political parties through the Ministry of Justice should be eased and made more transparent. The requirements on the collection of registration signatures, in particular, should be eased, and the registration deadline for parties to compete in elections should be shortened. Opportunities should be provided to candidates to correct technical omissions before registrations are denied.
3. Every eligible person should have a real and equal opportunity to run for office. The registration and nomination procedures for candidates should be amended to ensure equal conditions for all candidates irrespective of the nominating body. In particular, the

- requirements of nominating signatures for political parties and initiative groups should be reduced and simplified. The controlling authority should focus its attention on verifying the sufficient number of valid signatures contained in the list to enable a candidate to run for office, rather than identifying enough invalid signatures to exclude him or her.
4. The provision in Article 31 of the Electoral Code permitting de-registration of a candidate by the CEC following a decision of the nominating body should be removed.
  5. Clearer criteria for the rejection of candidates should be introduced in the legislation to guide the CEC in its decision making and to reduce its scope for discretion in this most sensitive area of the electoral process.
  6. Within the confines of the law and CEC regulations, the responsibility for election campaign activities should rest with the political parties and candidates, rather than the election administration. Unreasonable limitations on campaign activities, such as the prohibition of outdoor rallies, should be removed from the legislation.
  7. The provisions on election campaign financing should be reviewed. Candidates should be free to control their campaign funds and, within limits and according to procedures established by the CEC, to benefit from external contributions. The CEC should maintain a regulatory role over campaign financing.
  8. The compilation of a centralized and transparent Voter Register should be considered, preferably managed by a government agency on a permanent basis, with a clear division of responsibilities between this agency and local government authorities.
  9. Article 6 of the Electoral Code which regulates the rights and obligations of observers, both international and domestic partisan and non-partisan observers, should be amended in order to grant full and unimpeded access to all stages of the election process. Observers should have access to any election-related documentation, and all persons deemed relevant, including election and other officials.
  10. The chain of competence with regard to election complaints and appeals should be clarified, and the process reviewed in order to increase its transparency. Candidate complaints and appeals should be considered openly and all hearings should be open, including to international and domestic observers. Complainants should be informed of the outcome of their complaint or appeal in a timely manner and in writing.
  11. The authorities should refrain from interfering in media functions and should promote freedom of expression and a diversity of viewpoints through support of a genuinely independent media.
  12. Attacks on and harassment of journalists should be condemned, and those responsible should be held accountable. The abuse of defamation laws, including by politicians and other public figures, is unacceptable. Journalists should be allowed to freely express any opinions without the fear of retaliation and the arbitrary use of legal provisions.
  13. The regulatory mechanism and bodies, both for electronic and print media, should be independent from political parties and the government. Therefore, the appointment of the



membership of such bodies should not be under the exclusive control of the government and the composition of such bodies should include representatives of media and civil society.

14. Journalists should adhere to standards of professionalism and ethics whilst carrying out their activity. The creation of a genuinely independent association of journalists and the adoption of a code of conduct and ethics should be encouraged.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (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 Document).

The 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 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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/odihhr](http://www.osce.org/odihhr)).