



Office for Democratic Institutions and Human Rights

**REPUBLIC OF UZBEKISTAN
ELECTION OF DEPUTIES
TO THE OLIY MAJLIS (PARLIAMENT)
5 & 19 December 1999**

**OSCE/ODIHR LIMITED ELECTION ASSESSMENT MISSION
FINAL REPORT**



**Warsaw
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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	NEEDS ASSESSMENT MISSION (NAM).....	3
IV.	LEGAL FRAMEWORK AND ELECTION ADMINISTRATION	4
	A. LEGAL FRAMEWORK.....	4
	B. SEPARATION OF CONSTITUTIONAL POWERS & INTERFERENCE BY EXECUTIVE AUTHORITIES.....	4
	C. ELECTION COMMISSIONS	5
	D. CEC ACTIVITIES	6
	E. NOMINATION OF CANDIDATES	7
V.	FUNDAMENTAL FREEDOMS.....	7
VI.	POLITICAL ENVIRONMENT AND CANDIDATES.....	8
	A. POLITICAL ENVIRONMENT.....	8
	B. CANDIDATES.....	9
	1. <i>Independent candidates</i>	9
	2. <i>Local Council candidates</i>	9
	3. <i>Political Party Candidates</i>	9
VII.	ELECTORAL CAMPAIGN	10
	A. FUNDING.....	10
	B. CANVASSING.....	10
VIII.	MASS MEDIA.....	11
IX.	ELECTION COMPLAINTS AND APPEALS.....	12
X.	ELECTION DAY.....	12
XI.	RECOMMENDATIONS.....	14

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I. INTRODUCTION

Following an invitation received on 22 September 1999 from the Ministry of Foreign Affairs of the Republic of Uzbekistan to observe the 5 December 1999 parliamentary and 9 January 2000 presidential elections, the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) conducted a Needs Assessment Mission (NAM) on 20-24 October. On the basis of the NAM report, the OSCE/ODIHR deployed a Limited Election Assessment Mission (LEAM).

Ambassador Madeleine Ströje-Wilkens of Sweden was appointed by the OSCE/ODIHR as Head of the Limited Election Assessment Mission. The LEAM established a head office in Tashkent on November 15. This Report is based on the findings of nineteen election experts from eleven OSCE participating States, who remained in country until 10 December 1999, and were deployed to Andijan, Bukhara, Ferghana, Karshi, Namangan, Nukus, Samarkand, Tashkent, Termez and Urgensh.

The LEAM issued a preliminary statement on the pre-election process on 6 December 1999 in Tashkent.

The LEAM wishes to thank the Ministry of Foreign Affairs and the Central Election Commission (CEC) of Uzbekistan for their support, co-operation and assistance during the course of the assessment. The LEAM also expresses appreciation to the OSCE/CALO (Central Asian Liaison Office) in Tashkent for valuable assistance received.

II. EXECUTIVE SUMMARY

Serious concerns that the electoral framework in Uzbekistan could not permit a pluralist and competitive election prompted the OSCE/ODIHR not to establish a standard Election Observation Mission for the 5 December 1999 parliamentary election. Instead, the OSCE/ODIHR deployed a Limited Election Assessment Mission tasked to evaluate all aspects of the electoral process leading up to election day. The LEAM did not deploy observers on election day.

No significant differences were noted in the platforms of the five registered political parties. In general, neither the registered parties nor independent candidates nominated by citizens' initiative groups offered genuine alternatives to the electorate.

Fundamental freedoms in Uzbekistan are severely restricted. During the pre-election phase, individuals, groups, political parties and non-governmental organisations that oppose the government could not freely associate, present their views and take part in the political and electoral process. Freedom of association is limited through denial of registration by the Ministry of Justice to non-governmental organisations and political parties that criticise state authorities and their policy. Freedom of assembly is limited by a Soviet era decree, which only permits indoor public meetings and demonstrations, and only with prior consent of authorities. The electronic and printed media are subject to structural censorship through direct control, as well as licensing and registration obstacles.

Since the 1994 parliamentary elections in Uzbekistan, the legislative framework for the election of deputies to the Oliy Majlis was improved. However, further improvements are necessary to meet OSCE commitments. In particular, the law on the Elections for the Oliy Majlis, the law on the Central Election Commission, the law on political parties, and the laws regulating the functioning of the mass media should be reviewed. Provisions regulating the registration of political parties severely limit possibilities for the development of new parties. Provisions regarding the registration of candidates are inadequate. The provisions on election administration do not guarantee independence and impartiality.

The law on Election for the Oliy Majlis establishes unequal conditions for the nomination of candidates, in effect creating three classes of candidates with different requirements. The candidates who were not nominated by legislative bodies faced enormous difficulties to collect the requisite number of signatures without the support of local authorities. They also encountered significant difficulties during the signature verification phase.

The executive power, in particular through its local branches, unduly interfered with the election process. The Khokims (governors and mayors), having both legislative and executive powers, and Khokimats (executive apparatus) at regional, district and city levels were heavily involved in and exercised overwhelming influence on the electoral process, including a key role in the nomination of candidates and the conduct of the elections. After registration, candidates faced further impediments from Khokimats and election commissions during the campaign period. Some candidates were subjected to pressure by Khokimats to withdraw from the election because another candidate was favoured. District and precinct election commissions were neither impartial nor independent. From their nomination these commissions remained subject to interference by the Khokims and local legislatures.

While the establishment of a permanent Central Election Commission (CEC) was an important recent improvement, the CEC did not fulfil its role in a number of areas. In particular, the CEC failed to issue adequate regulations, addressing provisions of the election legislation requiring clarification, and therefore left the implementation of the law to the arbitrary interpretation of subordinate election commissions.

The new provision of the election law allowing independent candidates proposed by citizens' initiative groups to be registered was a positive addition to the law. However, only 98 such candidates reached election day, as 50% of the nominated candidates were denied registration, and the independence of those who were registered was in doubt.

The opportunities to campaign were extremely limited due to restrictions imposed by law. Election commissions imposed a strict control on all campaign activities. No outdoor rallies were allowed and indoor meetings could be arranged only by the authorities and when all other candidates in the district were invited. Material assistance was only allowed through a State fund, dispensed under the authority of the election administration and equally allocated to all candidates.

The absence of a diverse and independent mass media stunted the development of a genuine political debate and campaign during the elections. Although censorship is formally prohibited, in reality authorities exercised a strict control on the mass media akin to censorship. Burdensome registration and licensing requirements, heavy taxation and other forms of pressure resulted in self-censorship.

In the end, the 95% voter turnout announced by the Central Election Commission on election day and the overwhelming majority of (93%) of Members of Parliament elected from among those nominated by the five registered political parties and executive bodies confirmed the OSCE/ODIHR's initial concerns about the legislative framework and the absence of pluralism in this election.

In conclusion, the election of Deputies to the Oliy Majlis of the Republic of Uzbekistan 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 election were breached.

III. NEEDS ASSESSMENT MISSION (NAM)

The NAM was tasked to assess whether the relevant Uzbek legislation and the overall pre-election environment in the country had created the necessary pre-conditions allowing for the conduct of an election in line with OSCE commitments. The findings of the NAM revealed serious concerns, in particular:

- The pre-election environment could not permit a pluralist election;
- The election legislation, while improved marginally, remained far from meeting OSCE commitments;
- Involvement of State Administration in all aspects of the election process;
- Restrictions on fundamental freedoms.

As a consequence, the OSCE/ODIHR decided not to establish a standard election observation mission and instead deployed a Limited Assessment Mission, focusing on the pre-election day developments.

IV. LEGAL FRAMEWORK AND ELECTION ADMINISTRATION

A. Legal Framework

The legislation governing the election included:

- The Constitution adopted in 1992;
- The Law on the Central Election Commission of Uzbekistan, adopted in 1998 and amended in 1998 and 1999;
- The Law on the Elections of the Oliy Majlis of Uzbekistan, adopted in 1993 and amended in 1997 and 1999; and
- The Law on political parties, adopted in 1996.

Since the 1994 parliamentary elections in Uzbekistan, the legislative framework was improved, partly incorporating recommendations proposed by the OSCE/ODIHR. In 1998, a possibility of citizens' initiative groups to nominate candidates was introduced in the Oliy Majlis law, thus allowing individuals not linked to registered political parties to participate in the elections. In May 1999, the OSCE/ODIHR started a more extensive dialogue with Uzbek authorities to bring existing election legislation into conformity with international standards. In June, ODIHR developed recommendations on the legislative framework and, in July, held an expert-level round table in Tashkent to discuss the recommendations with Government and parliamentary representatives. Following the round table, a number of amendments were introduced into the election legislation in August 1999. Notably, the 50% turnout requirement during the second round of elections was eliminated; the rule preventing party candidates from being elected if the party failed to get 5% of the votes nationally was eliminated; a deadline for the withdrawal of candidates by nominating bodies was introduced; and a permanent Central Election Commission was established.

However, serious shortcomings remained, in particular in the law on the elections of the Oliy Majlis, the law for the Central Election Commission, the law on political parties, and the laws regulating the functioning of the mass media. The main shortcomings are detailed below.

B. Separation of Constitutional Powers & Interference by Executive Authorities

The principle of separation of powers between the executive and legislative branches enshrined in the Constitution is not respected.

The President of the Republic heads the executive branch of Government. He enjoys an exclusive right to nominate the members of the Government, the members of the

Constitutional and Supreme Courts as well as all other judges, and the chairman of the Central Electoral Commission. He also appoints the Khokims (governors) of each region of Uzbekistan, who in turn appoint local (district or city) Khokims. Under the Constitution, the Khokims head both executive and legislative powers at regional, district and city levels.

The Khokims and Khokimats (executive apparatus) at regional, district and city levels were heavily involved in and exercised overwhelming influence on the electoral process for the Oliy Majlis, including a key role in the nomination of candidates and the conduct of elections. While in some cases, their interference was in accordance with deficient legal provisions, including for the nomination of candidates, they also interfered illegally through undue influence and intimidation. In part, this may have been due to self-interest as more than 70 Khokims, their Deputies, and Khokimat staff were candidates in the elections. All 14 regional Khokims who ran for office were eventually elected and 44% of elected Members of Parliament were State employees.

C. Election Commissions

A hierarchy of election commissions – central, district (constituency) and local (polling station) – administers the election process. The commissions are supported by administrative staff at the Central Election Commission and by Khokimat staff at local levels.

The Central Electoral Commission has the task to organise and conduct elections for the President and deputies of the Oliy Majlis. The CEC works on a permanent basis, and its members, not less than 15, are appointed by the Oliy Majlis. The Chairman is nominated by the President of the Republic from among the CEC members. The main tasks of the CEC are to form the District (constituency) Electoral Commissions (DEC); to form the constituencies; to guide and co-ordinate the work of the DECs; to register candidates; to distribute funds to the DECs; to summarise the results of elections; and to consider applications and complaints on decisions and actions of DECs.

The District Electoral Commissions include a Chairman, a Deputy Chairman, a Secretary and at least six members. The members are appointed by the CEC upon recommendation of the provincial councils and the council of the City of Tashkent. The main tasks of DECs are: to form the Polling Station Commissions (PSC); to co-ordinate the work of the PSCs and distribute funds to them; to identify polling premises; to publish information on candidates in the constituency; to assist in organising meetings of candidate with voters; to approve the text on ballots; to print ballot papers and distribute them to PECs; to compile and report to the CEC constituency results; and to consider and adjudicate applications and complaints on PSC decisions.

The Polling Station Commissions (PSC) are formed by DECs and include five to 19 members, confirmed by local councils. The main tasks of the PSCs are: to complete voter lists; to publicise voter list; to decide on changes to voter lists; to prepare polling

stations; to organise and conduct voting and counting procedures; and to adjudicate on complaints.

The establishment of a permanent Central Election Commission (CEC) was an important improvement, creating the conditions for a professional election administration at the national level.

However, the appointment procedures for both the Chairman and members of the CEC put the independence and impartiality of the body in question. The law requires that the Oliy Majlis appoint the individual nominated by the President of the Republic as Chairman of the CEC, and that the CEC and DEC members must be approved by the Oliy Majlis and the local Councils respectively. As such, all nominated commission members must be individuals acceptable to the establishment and not necessarily representative of the political spectrum. In the end, commissions were neither impartial nor independent.

The OSCE/ODIHR recommendations in July 1999 included the introduction of clear criteria for the removal of members of the Central Electoral Commission. That recommendation was implemented. The OSCE/ODIHR also recommended adding “independence” and “impartiality” as principles enshrined in the law and guiding the work of the CEC. The amendments to the law adopted in August added the principles of “independence” and “justice” instead.

No criteria were established for the formation of lower commissions. In addition, no explicit prohibitions and relating sanctions were established to prevent interference in the work of electoral commissions. From their nomination, commissions remained subject to interference from executive authorities and local councils.

D. CEC Activities

During the months before the election, the CEC adopted a number of regulations, instructions and decisions. These further interpreted the legislative framework and addressed administrative issues such as the compilation of voter lists, documents required to identify voters, and some details on counting procedures. One instruction prohibited officials from using their position to campaign for or against a candidate. Other decisions addressed disputes. Regrettably and despite formal requests to the CEC, the LEAM did not receive all relevant documents adopted by the CEC.

Most of the regulations and instructions adopted by the CEC were vague and a number of provisions of the election legislation requiring clarification remained not addressed. Provisions insufficiently regulated included: voter registration, gathering and verification of petitions for the registration of political parties, registration of candidates, holding campaign meetings, and appeals procedures.

The CEC made a considerable effort in voter education, especially to motivate citizens to vote. The CEC also arranged training seminars for election officials on a regional basis.

E. Nomination of Candidates

The law on Election for the Oliy Majlis establishes unequal conditions for the nomination of candidates, in effect creating three classes of candidates. The first class, requiring no petitions or other approval, are candidates nominated by Jokorgy Kenes of Karakalpakstan, Regional and Tashkent City and Councils of Peoples Deputies. They were often referred to as the “Executive Body” candidates. The second class, requiring 50,000 signatures and with no more than 8% collected from any one region of the country, are candidates nominated by political parties registered by the Ministry of Justice six months prior to the day the elections were called. The third class, requiring a petition signed by more than 8% of total voters in a district, are “independent” candidates nominated by voters’ initiative groups.

The unequal nomination procedures for the three classes of candidates breach paragraph 7.5 of the Copenhagen Document which calls on the participating States to respect “the right to seek political or public office (...) without discriminations”.

Neither the procedure for gathering signatures for nominations by parties or citizens’ initiative groups, nor the procedures and criteria for verifying the signatures, were regulated by law or CEC instructions. This was a particularly onerous omission as even a single allegedly defective signature could bar the registration of a candidate.

Because of the large number of required signatures and administrative impediments, candidates from the second and third classes faced enormous difficulties to meet the petition requirements if they did not enjoy the support of local authorities. These candidates encountered more significant difficulties during the signature verification phase when 88 had their petitions rejected, in most cases because of absent regulations and vague criteria for the validation of signatures. Many of the rejected candidates were not given notice, depriving them of the opportunity to appeal such decisions. Only 50% of the candidates nominated by initiatives group were registered and represented 10% of all candidates.

The requirement for political parties to collect no more than 8% of the 50,000 required signatures from any one territorial region implied that political parties need to have a nation-wide structure in order to be able to obtain the right to nominate candidates. This penalised political parties with regional support.

V. FUNDAMENTAL FREEDOMS

The Constitution enshrines a number of fundamental human rights, including the right to freedom of assembly, association, and expression. However, the freedoms of expression, association and assembly are de facto severely restricted, with a fundamentally chilling effect on the entire electoral process.

Although official censorship does not exist in Uzbekistan, de facto, strict control on the media is applied by the executive resulting in self-censorship. No progress was achieved since the visit of the OSCE Representative for the Freedom of the Media in April of 1999. The media continued to be subject to structural censorship through direct control, licensing and registration difficulties as well as discriminatory taxation.

Freedom of association is limited through denial of registration by the Ministry of Justice to non-governmental organizations and political parties that criticize State authorities and their policy. The registration process is burdensome and arbitrary.

The political party law lacks provisions that clearly define actions to be taken, sanctions to be imposed, and authorities responsible, if provisions of the law are not met either by political parties or the Ministry of Justice. For example, article 8 of the law states that an “application for registration of a political party is considered within 2 months from the date it is accepted” (presumably by the Ministry of Justice). If this is not done, the law does not specify the remedies or sanctions and the authorities responsible for action.

Two of the three main human rights organisations in Tashkent, the Independent Human Rights Society and the Human Rights Society, and the Association of Journalists were denied registration. In contrast, the Committee for Protection of Human Rights, renamed International Human Right Society, was granted registration as it worked closely with the Government.

Freedom of assembly is limited by a 1990 decree that permits only indoor public meetings and with the prior consent of authorities. As such, no outdoor political rallies were permitted during the election campaign.

The Constitutional Court has never used its power to annul unconstitutional legislation and decrees. Apart from a decision interpreting the Law on Citizenship, the Court has never considered a case involving civil or political rights.

VI. POLITICAL ENVIRONMENT AND CANDIDATES

A. Political environment

In general, the election campaign was low-key with no outdoor rallies and very little election material posted in public. Registered political parties and candidates had little possibility to propagate their programs because of restrictions on campaign financing, but more importantly on political activities. In a heavy-handed attempt to ensure equal rights for all candidates, the State closely controlled every step of the electoral process.

All five registered political parties supported the State administration and offered no alternative to voters. The party leaders were first to admit that there were no substantial differences in their programs. All supported the five principles established by President

Karimov: economy over politics; the state as principal guide for reforms; the implementation of progressive reforms; strong social policy; and the rule of law.

B. Candidates

1. Independent candidates

A welcomed addition to the amended election law was the introduction of provisions to allow independent candidates proposed by citizens' initiative groups, thus broadening the potential for political choice offered to the electorate. However, a number of candidates registered under this category were in fact supported by one of the five political parties or were linked to the Khokimats. Independent candidates could hardly gather the minimum of 4,500 signatures required without the assistance of local authorities. Traditional local neighbourhood organisations (Makhallas), set up to assist the population with social issues, took on an important political function. A person not acceptable to the Makhalla could hardly be nominated.

A "National Support Centre for Independent Candidates" was established in Tashkent, with regional branches, to provide material and legal assistance to candidates nominated by citizens' initiative groups. The Director of this Centre and his Deputy were also the Director and Deputy Director of a State institution.

In the end, over 50% of the independent candidates nominated by citizens' initiative groups were rejected or withdrawn, twice the average of candidates nominated otherwise. By election day, the independent candidates represented only 10% of all candidates on the ballot and 16 were eventually elected, all professionally associated with State structures. The 16 elected represented 6,42% of the Oliy Majlis.

2. Local Council candidates

Candidates nominated by local representative bodies, often referred to as Executive Body candidates, were employee of the Khokimats. From the 250 candidates thus nominated, 205 were registered, and 110 eventually were elected, corresponding to 44.17% of the Oliy Majlis.

3. Political Party Candidates

Five political parties are registered with the Ministry of Justice: The People's Democratic Party of Uzbekistan (PDPU), Vatan Taraqqiyoty (Homeland Progress), Adolat (Social Democratic Party - Justice), Milliy Ticklanish (National Revival Democratic Party) and Fidokorlar (National Democratic Party -Self-sacrificers).

PDPU is the oldest party, a direct successor of the Communist Party and representing the majority in the outgoing Parliament. President Karimov was the first secretary of the PDPU until 1996.

Fidokorlar was created a year prior to the election and was registered promptly by the Ministry of Justice. Fidokorlar was the political party that nominated President Karimov for the January 2000 presidential elections. This party had the lowest number of withdrawn candidates in the parliamentary election.

VII. ELECTORAL CAMPAIGN

A. Funding

The election law prohibits campaign financing and material assistance from sources other than the State Fund for election. In addition, the Fund was set up to finance the preparations and conduct of the election. The Fund was under the control of the Ministry of Finance. The LEOM was not provided with any regulation on the procedures for disbursing the Fund.

Each candidate was allocated 500 campaign posters free of charge. In addition, the State refunded candidates' lost wages while campaigning and offered free local transport. A candidate could print an additional 5,000 posters and pay for the cost from personal funds. Any individual wishing to support a candidate financially could not contribute directly to the candidate's campaign fund, but had to contribute to the State Fund. The contribution was then distributed equally between all candidates. According to the CEC, no such voluntary contributions were received.

B. Canvassing

Once candidates were registered, they faced further impediments during the campaign period from Khokimats and election commissions. Outdoor campaign meetings were prohibited. Information posters were normally only displayed inside polling stations and party headquarters.

The opportunities for campaigning were extremely limited due to restrictions imposed by the law, guaranteeing that all campaign activities were strictly controlled by election commissions. Candidates could not meet with voters without the prior approval of District Election Commissions (DEC) and rarely without the presence of other candidates in the district. All such meetings were organized and controlled by the commissions. Candidates were often instructed by the Chairman from the DEC not to criticize each other. The only criticism of other candidates was when Fidokorlar accused the PDPU of representing Soviet mentality.

Some candidates came under pressure by Khokimats to withdraw from the election because another candidate was favored. In some cases, candidates suggested to voters that they should cast their ballots for another candidate, often also the Khokim.

VIII. MASS MEDIA

The State runs two news agencies, three TV stations, four radio stations, and controls 76% of the 427 registered newspapers. Only the State-run media have national coverage. Independent media have either local coverage, limited audience because they are forced to broadcast on short-wave, or broadcast only entertainment programs.

The limited field of independent media stunted the development of a genuine political debate during the elections. Onerous registration requirements, discriminatory renewal of broadcast licenses, heavy taxation, and lack of funding contributed to this state.

Although the Constitution of Uzbekistan and the Law on Mass Media prohibit censorship, in reality authorities exercise a strict control on the mass media akin to censorship. Because of licensing requirements and other forms of pressure, self-censorship was most prevalent. The private media did not offer a balance to the State-run media.

Control on mass media is exercised under a variety of laws and regulations:

- A law adopted in 1991 prohibiting commentary offending the honour and dignity of the President.
- Rules adopted in 1991 controlling registration.
- A decree adopted in 1996 giving favourable treatment to state-run TV and radio stations by freeing them from taxes until the year 2000. The independent media have to pay a 5% tax on advertisement income.
- A law adopted in 1997 “On Guarantees of and Freedom of Access to Information”.
- A law adopted in 1997 “On the Protection of the Professional Work of Journalists”.

A number of State authorities are responsible for the enforcement of the above laws, decrees and regulations:

- An Interdepartmental Commission with officials from the Ministry of Justice and the Cabinet of Ministers controls the registration process.
- The Ministry of Telecommunication controls broadcast licenses and frequencies.
- The State Committee on the Press, appointed by the President and the Government, also controls mass media registration.
- The State Control Inspectorate protects State secrets, in effect exercising censorship powers.

The registration of print media is valid for an indefinite time. The registration of printing houses is valid for five years. But in case of a business interruption of three months, the registration is revoked. TV and Radio broadcasters must renew their registration on a yearly basis and require authorisation from four State bodies: the Ministry of Telecommunication, the State Committee on TV and Radio, the State Press Committee for Registration, and the Commission for TV and Radio.

The LEOM monitored the national electronic and print media in Uzbekistan for a period of two weeks prior to election day. Election advertisements were broadcast free of charge and many TV programs were devoted to the election campaign. The five registered political parties enjoyed equal time and space in the national and regional media, all uniformly supporting the accomplishments of the Government. Other candidates also enjoyed equal time and space, but voters were rarely offered an alternative political message. The State-run media was particularly concerned with voter education and provided high visibility to State executive authorities.

IX. ELECTION COMPLAINTS AND APPEALS

The CEC informed the LEOM that 84 candidates were refused registration, of whom 59 were nominated by citizens' initiative groups, 15 by political parties, and 10 by local representative bodies. Most refusals were due to "falsification of signatures" and four to prior criminal convictions. The CEC did not provide the LEOM a list of rejected candidates or appellate decisions. In general, the CEC appeal process lacked transparency. Likewise, the Supreme Court denied the LEOM access to appeals against CEC decisions. Furthermore, the Supreme Court declined the LEOM's request to attend a hearing on the appeal of a candidate who had requested the presence of international election experts. Article 6 of the law on Courts stipulates that the "examination of cases is open in all courts".

Most independent candidates refused registration did not receive notification of their rejections. They became aware of the rejection only when the final list of candidates was published in newspapers.

X. ELECTION DAY

The LEOM did not deploy observers to monitor polling procedures, the vote count and the tabulation of results.

However, data published by the CEC on registered candidates, elected candidates and voter turnout are revealing.

Registered candidates:

Nominating Bodies Political Parties	Number of applications submitted to the CEC	Number of Registered Candidates by the CEC	Percent of Application/ Registration	Percent of Registered Candidates
People's Democratic Party	250	180	72%	
Fidokkorlar Party	224	207	92%	
Vatan Tarakkoti	136	108	79%	
Adolat Party	161	119	74%	
Milli Tiklanish	116	93	80%	
TOTAL for Political Parties	887	707	81%	70%
Executive Bodies	250	205	82%	20%
Citizens' Initiative Groups	193	98	51%	10%
TOTAL of All Candidates	1330	1010	76%	100%

A total of 12,692,202 voters were registered to take part in the election, of which the turnout on election day was 12,061,266 or 95.03%. No figures on spoiled or void ballots have been made public.

In 184 constituencies, one candidate received more than 50% of the vote during the first round and was elected to Parliament. In 66 constituencies, no candidates was elected during the first round. The run-off elections in those constituencies took place on 19 December. However, at the end of December one constituency (no. 179) had not yet elected a deputy.

Final results:

Nominating Bodies / Political Parties	Number of deputies elected on the first round	Number of deputies elected on the second round	Total Number of Elected Deputies	Percent of Elected Deputies
People's Democratic Party	32	16	48	19%
Fidokkorlar Party	19	15	34	14%
Vatan Tarakkoti	9	11	20	8%
Adolat Party	9	2	11	4%
Milli Tiklanish	6	4	10	4%
TOTAL for Political Parties	75	48	123	49%
Executive Bodies	98	12	110	44%
Citizens' Initiative Groups	11	5	16	6%
TOTAL for all Candidates	184	65	249	100%

XI. RECOMMENDATIONS

The OSCE/ODIHR Limited Election Assessment Mission in Uzbekistan revealed serious flaws in the 5 and 19 December parliamentary election process. The following recommendations summarise the changes necessary for Uzbekistan to meet its OSCE commitments for democratic elections formulated in the 1990 Copenhagen document:

1. Amendments should be introduced in the legislative framework to fully enforce the constitutionally enshrined principle of separation of power between the legislative, executive and judiciary, in connection with the conduct and administration of elections.
2. Specific sanctions should be introduced against interference by executive authorities, in particular by Khokims, in the electoral process.
3. The independence of the judiciary should be strengthened, for example by life-appointment of judges.
4. The appointment mechanism for CEC members as well as for DEC and PEC members should be modified. The composition of the Central Election Commission does not provide for a neutral and independent body. The main political interests should be included in the administration of the electoral process in order to increase the confidence in and the transparency of the process.
5. The CEC should issue written regulations in all cases where the law requires clarifications. In particular, detailed regulations are required for the following procedures: voting in advance, inclusion in the appendix to voter lists, voting at home, voting at hospitals, voting abroad, gathering and verifying nomination signatures, candidate withdrawal procedures, and complaints and appeals processes.
6. All CEC regulations should be published and made available to the public.
7. The requirements for registration of political parties with the Ministry of Justice should be eased and made more transparent. In particular, the requirements on the collection of registration signatures (article 6 of the law on political parties) should be eased and the registration time to compete in elections (article 8 of the law on political parties and 20 of the law on the election of the Oliy Majlis) should be reduced.
8. Registration and nomination procedures for candidates should be amended to ensure equal conditions for all candidates regardless of the nominating body. In particular, the requirements of nominating signatures for political parties and citizens' initiative groups should be reduced.

9. Article 29 of the election law providing for the de-registration of a candidate by the CEC following a decision of the nominating body should be removed.
10. Criteria for the rejection of candidates should be introduced in the law to guide decision of the CEC and reduce its discretion in this sensitive matter.
11. Article 25 and 49 of the law on the election of the Oliy Majlis have been interpreted and implemented in a manner that allowed strict control by the election administration and local authorities on candidates' campaign activities. The election administration should be responsible for the administration of the election, the implementation of the election law, and the issuance of adequate regulations in line with the law. Election campaign activities should be under the responsibility of the political parties within the confines of the law and CEC regulations.
12. Provisions on campaign financing should be reviewed. The State Fund for campaign activities should not be used to channel voluntary contributions to individual candidates and political parties. However, the CEC should maintain a regulatory function, but candidates should be able to control their campaign funds and benefit from external contributions within limits and according to procedures established by the CEC.
13. New legislation on public gatherings and rallies in line with international standards should be introduced. The 1990 decree number 3930-XI prohibiting outdoor public meetings should be repealed.
14. Procedures for media registration and licensing should be simplified and their transparency increased. NGOs active in the media field, like the Association of Journalist, and media organisations should be registered without discrimination
15. The presence of non-authorised persons within polling stations during the voting and counting process should be expressly prohibited by law. The presence of representatives of law enforcement agencies at meetings of the Precinct, District and Central Election Commissions and during the voting, counting and tabulation process should be regulated according to internationally accepted practice.
16. The law should include more detailed provisions on the procedures for preparing the voter lists. Additionally, documents that can be used to confirm the identity of voters should be precisely defined in law.
17. Article 6 of the election law, regulating the rights and obligations of observers, should be amended in order to eliminate any limitation for observers, both domestic and international, to visit polling stations. The accreditation of observers, both international and domestic, by the CEC should be sufficient to permit observers to visit any polling station in the country. The law should also take into account that observers, both international and domestic, may conduct their activity in teams of

two. Moreover, observers should be allowed explicitly to attend sessions of election commissions at all levels.

18. Protocols prepared by election commissions should be made available to observers and candidates' representatives and posted outside polling stations immediately after the completion of counting procedures.
19. Preliminary results should be published by the Central Election Commission; and detailed results, showing the individual results in each precinct, should be published at the constituency and national level within a short timeframe.
20. Election complaints and appeals process should be reviewed in order to increase its transparency. Candidate complaints and appeals should be considered openly and decisions made public, in writing. All hearings on complaints and appeals should be open to international and domestic observers. Complainants should be informed in a timely manner and in writing. Specific deadline for the filling of electoral complaints and appeals as well as for addressing such matters should be introduced.

These recommendations should be considered in conjunction with the review of the election code and recommendations submitted by the OSCE/ODIHR to the authorities and Parliament of Uzbekistan in June 1999.

The OSCE/ODIHR stands ready to assist the authorities and the Parliament of Uzbekistan in their endeavour to meet the OSCE commitments.