



Office for Democratic Institutions and Human Rights

**REPUBLIC OF UZBEKISTAN**  
**LEGISLATIVE CHAMBER ELECTIONS**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

20 – 22 September 2004



Warsaw  
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# **REPUBLIC OF UZBEKISTAN**

## **26 DECEMBER 2004 PARLIAMENTARY ELECTIONS**

### **OSCE/ODIHR Needs Assessment Mission Report**

#### **I. INTRODUCTION**

Following an invitation from the Ministry for Foreign Affairs of the Republic of Uzbekistan, on 6 September 2004, to observe the upcoming Legislative Chamber elections, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Uzbekistan between 20–22 September. The NAM included Mr. Nikolai Vulchanov, OSCE/ODIHR Deputy Head of Election Section and Ms. Holly Ruthrauff, OSCE/ODIHR Election Adviser. The purpose of the NAM was to assess the conditions and level of preparation for the 26 December Legislative Chamber elections, in line with OSCE commitments, and to advise on the establishment of an Election Observation Mission (EOM).

The NAM held meetings in Tashkent with representatives of the governmental authorities, election administration, political parties, civil society, media and international community (see annex for list of meetings).

The OSCE/ODIHR is grateful to the Uzbek authorities for their co-operation and assistance provided during the NAM. The OSCE/ODIHR would also like to thank the OSCE Centre in Tashkent for the assistance offered during the visit.

#### **II. EXECUTIVE SUMMARY**

The 26 December Legislative Chamber Elections are taking place in a static political environment. Despite indications at the end of last year that the government might register opposition political parties, none of these parties were registered. The lack of registered opposition parties and obstacles for independent candidates seriously marginalizes the possibilities for meaningful political competition. At the same time, media outlets and civil society groups are increasingly coming under pressure, and in some cases they have been closed down.

The legal framework has been improved in a few respects, but still falls short of OSCE commitments. The OSCE/ODIHR has engaged in consultations with the governmental authorities during the past year to improve the legal framework, but its recommendations have been largely disregarded. Of particular concern are limitations to civil and political rights, lack of pluralism on election commissions, obstacles to independent candidacy, inadequate voting and counting procedures and the absence of provisions allowing for domestic non-partisan observation.

Although electoral competition might be possible only among those in support of the executive authorities, registered political parties expect a more vibrant election campaign than in the past, with some limited coverage in the media of candidates and platforms.

The NAM was well-received and the governmental authorities expressed support for OSCE/ODIHR observation of the elections. Other interlocutors expressed more cautious support for observation and a few indicated concerns that observation might be misunderstood as an automatic endorsement of the process.

The OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) for the 1999 Election of Deputies to the Oliy Majlis. The LEOM concluded that the election fell short of OSCE commitments for democratic elections enshrined in the 1990 Copenhagen Document, and that in particular, the commitments for free, fair, equal, transparent and accountable elections were breached.

The NAM recommends that an OSCE/ODIHR Limited Election Observation Mission be established to observe the forthcoming Legislative Chamber Elections in the Republic of Uzbekistan. The OSCE/ODIHR requests OSCE participating States to second to the mission 12 long-term observers, to follow the election process country-wide from the beginning of December.

### **III. FINDINGS**

#### **A. POLITICAL CONTEXT**

There are five registered political parties in Uzbekistan, none of which describe themselves as opposition. Four of these parties are currently represented in the parliament: Peoples' Democratic Party of Uzbekistan, Social-Democratic Party "Adolat," Party "Milliy Tiklanish" and National-Democratic Party "Fidokorlar." The newest party, the Liberal Democratic Party of Uzbekistan (LDPU), was registered on 3 December 2003 and claims to represent the interests of businessmen and farmers.

In addition, there are at least four unregistered political parties in Uzbekistan. Three of these parties recently applied for registration as political parties and were not registered (Party "Ozod Dehkon", Party of Agrarians and Entrepreneurs and "Birlik" Political Movement). According to representatives of the unregistered parties, they were not registered due to supposed invalid signatures and minor administrative violations. The refusal of registration and subsequent refusal of appeals has prevented these parties from participating in the parliamentary elections, unless they can register initiative groups to nominate independent candidates, which one party representative described as "practically impossible." Representatives of unregistered parties claimed that lists of the intended legislative chamber deputies had already been drawn up by the executive authorities. They expressed little hope that representatives of their parties would be able to participate in the elections in any meaningful way.

Candidates to the Legislative Chamber can be either nominated by political parties or independently through initiative groups. Political parties seeking to nominate candidates had to be registered by the Ministry of Justice six months prior to the day elections were

called and are required to collect 50,000 signatures, with no more than 8 per cent from any one of the 12 regions, the City of Tashkent and the Autonomous Republic of Karakalpakstan. Candidates nominated independently of a political party are required to form an initiative group of at least 300 voters, in accordance with the latest amendments to the election law, and to collect signatures from at least 8 per cent of voters, proportionally distributed, in the constituency where the candidate wishes to run. According to government representatives, the requirement that signatures be “proportionally distributed” means an equal number of signatures should be collected from each of the 40 precincts in a constituency. The deadline for registration of candidates from both political parties and initiative groups is 11 November.

Representatives of registered parties expressed optimism about the recent introduction of the law on financing political parties that will allow parties to receive state funding for the purpose of campaigning. These representatives also felt that the campaign would be more apparent in the broadcast and print media than during previous elections. Still the campaign is likely to be limited, with a ban on outdoor rallies and prior consent required for indoor meetings. In addition, citizens are prohibited from providing material or financial support to candidates.

## **B. GOVERNMENT BODIES TO BE ELECTED**

The 26 December Legislative Chamber Election will be the first election since the Republic of Uzbekistan adopted a two-chamber parliament (Oliy Majlis) in the 27 January 2002 referendum. The new legislative chamber will include 120 seats elected in single-mandate districts, reduced from the current 250 seats. The new upper chamber will include 100 senators - 84 indirectly elected by regional councils and 16 appointed by the President.

Candidates are elected to the legislative chamber if they receive more than 50 per cent of the votes cast, otherwise a second round is held two weeks later (9 January 2005). Elections in the first round are considered valid if more than thirty-three per cent of voters in the voter list participate.

In addition to the legislative chamber elections, elections to regional councils, district councils and municipal councils will also take place on 26 December.

## **C. LEGAL FRAMEWORK**

Elections in the Republic of Uzbekistan are regulated by the Law on Elections of the Oliy Majlis, the Constitution, the Law on the Central Election Commission, the Law on Political Parties and the Law on the Mass Media.

Since December 2003, the ODIHR has been engaged in consultations with the Uzbek authorities regarding possible improvements to the electoral framework. The ODIHR reviewed the Law on Elections of the Oliy Majlis adopted in August 2003 and raised several issues of concern, none of which were addressed in the law. These included limitations on fundamental freedoms, cumbersome candidate registration procedures, restrictions on campaigning, lack of pluralistic election commissions, inadequate voting and counting procedures, insufficient transparency for observation and an unclear process

for complaints and appeals. The ODIHR plans to complete a legal commentary on the election framework that will be released prior to the deployment of the LEOM.

Several interlocutors expressed that a few improvements were made to the electoral framework since the 1999 elections. Notably, that Kengashes (Regional Councils of people's deputies) can no longer directly nominate candidates, therefore reducing the influence of the Khokims (governors) - an improvement recognized by most interlocutors both during the NAM and previous visits. Should Khokims wish to contest the elections, they should either be nominated by a political party or initiative group, rather than directly put forward by the executive authorities. Some interlocutors indicated that Khokims would instead seek office in the upper chamber. Another change that was highlighted was to the Law on Financing of Political Parties which now permits political parties to receive state funds for a campaign and also allocates funds to political party factions in the legislative chamber after the elections.

The Law on Elections of the Oliy Majlis was amended in August 2004. The changes that were made included:

- Increase of the requirement for an initiative group from 100 to 300 voters, which only complicates the registration of independent candidates;
- Instituting a 30 per cent quota for women on the party candidate lists, a welcome development; and
- Designating institutions that can verify signature lists, which partially clarifies the implementation of this stage of the election process.

#### **D. ELECTION ADMINISTRATION**

Elections in the Republic of Uzbekistan are administered by the Central Election Commission (CEC), 120 District (Constituency) Election Commissions (DEC) and approximately 8,000 Precinct Election Commissions (PEC).

The CEC works on a permanent basis and includes 15 members elected by the Oliy Majlis. The Chair is elected among the CEC members on suggestion from the President of the Republic. The DECs are appointed by the CEC upon recommendation of the Regional Councils and the DECs form the PECs upon recommendation of the District or Municipal Councils. In past reports the ODIHR has expressed concern that the method of appointment of election commissions does not provide for plurality and are subject to the control of the government authorities. The ODIHR has previously recommended that an appointment mechanism be adopted that would ensure the representation of major political parties on election commissions and allow for more transparent and inclusive election administration.

The CEC announced the beginning of the election period on 20 September. During the NAM visit, the CEC was in the process of drawing constituency boundaries and the DECs were locating polling station premises.

Interlocutors expressed concern that voters do not have access to information about elections and voter education is needed. Concern was expressed that state employees may

be pressured to vote. Inadequate training for DEC officials was also identified as a potential problem.

#### **E. MEDIA**

According to a number of interlocutors, there are no opportunities for citizens to receive independent viewpoints through broadcast or print media in Uzbekistan. According to these interlocutors, though censorship has been officially banned, in practice editors at broadcast and print media outlets exercise self-censorship and are afraid to publish articles and broadcast information that could be considered to be against the government viewpoint, particularly related to elections. There are no independent private nationwide broadcast media outlets and prior to the visit of the NAM, several newspapers were closed by the authorities.

Several interlocutors expressed that independent information about the elections would only be available on the Internet, although some websites carrying such information are occasionally blocked by the authorities.

Other interlocutors expressed optimism that the “media blockade” previously enforced during elections had been lifted, and that for the first time information about candidates and political parties has been published in the print media and broadcast on television. Some representatives of registered political parties expressed the view that the LDPU was receiving more media attention than the other parties. LDPU representatives stated that they are actively seeking media attention since they are the newest party and relatively unknown to the electorate.

#### **F. INTERNATIONAL AND DOMESTIC OBSERVERS**

Governmental authorities and registered political parties with whom the NAM met strongly encouraged the OSCE/ODIHR to observe the forthcoming legislative chamber elections. Most other interlocutors also welcomed the prospect of an OSCE/ODIHR presence, although a few were concerned that an OSCE/ODIHR presence might be misunderstood as an automatic endorsement of the process.

Although the Law on Elections of the Oliy Majlis appears to allow for both international and domestic observers, in practice representatives of domestic non-governmental organizations reported that they are not eligible to observe. According to these interlocutors, only representatives of political parties or candidate initiative groups, as well as journalists, are eligible to participate as observers. In accordance with paragraph 8 of the Copenhagen Document, domestic non-partisan observation should be permitted under the Law.

### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The NAM recommends that a Limited Election Observation Mission be established, some five weeks before the scheduled 26 December election day, to observe the forthcoming legislative chamber elections in the Republic of Uzbekistan. In addition to a core team of

experts, the mission should also include 12 long-term observers (6 teams of two observers each) to be deployed throughout Uzbekistan at the beginning of December.



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**ANNEX**

**List of Meetings  
Tashkent  
20 -22 September 2004**

**UZBEK AUTHORITIES**

**Ministry of Foreign Affairs**

Mr. Sadyk SAFAEV, Minister of Foreign Affairs

Mr. Vladimir NOROV, Deputy Minister of Foreign Affairs

**Central Election Commission**

Mr. Buritosh MUSTAFAEV, Chair of the Central Election Commission

Ms. Sayora KHODJAEVA, Deputy Chair of the Central Election Commission

**Ministry of Justice**

Mr. Pulat SAMATOV, Deputy Minister of Justice

**Oliy Majlis**

Mr. Abdil TUKHTASHEV, Deputy-Chair of the Committee for Legislative and Judicial Issues

**POLITICAL PARTIES**

Peoples' Democratic Party of Uzbekistan

Social-Democratic Party "Adolat"

Party "Milliy Tiklanish"

National-Democratic Party "Fidokorlar"

Liberal Democratic Party of Uzbekistan

Party "Ozod Dehkon" (unregistered)

Party of Agrarians and Entrepreneurs (unregistered)

Birlik Political Movement (unregistered)

**MEDIA AND CIVIL SOCIETY**

Representatives of media and civil society organizations

## **INTERNATIONAL COMMUNITY**

### **International Republican Institute**

Mr. Gregory STEPHENSON

### **Freedom House**

Mjusa SEVER

### **Human Rights Watch**

Alisson GILL

### **Embassies of OSCE Participating States**