

**OSCE/ODIHR
Limited Election Observation Mission
Republic of Uzbekistan
Presidential Election 2007**

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**INTERIM REPORT
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I. EXECUTIVE SUMMARY

- Four candidates have been registered by the Central Election Commission (CEC) for the presidential election scheduled for 23 December 2007 in Uzbekistan. Three candidates have been nominated by political parties represented in Parliament (Oliy Majlis) and one candidate was nominated by an initiative group of voters. There is one female candidate.
- The incumbent president, who has been in office since 1991, is one of the candidates. Legal issues regarding his candidacy arise from the existing legal framework, which allows only two consecutive terms in office. Neither the election administration nor the representatives of the four candidates perceive any legal ambiguity in this respect.
- The election campaign which officially began on 17 November after completed registration of candidates has to date been low-key and completely non-confrontational. All candidates publicly support the policies of the Incumbent. There are no debates between candidates and no campaign materials of a competitive nature. Only neutral information about the candidates, mainly located inside election administration premises, is visible. The absence of a competitive spirit in the campaign has been explained to the OSCE/ODIHR Limited Election Observation Mission (LEOM) as reflecting Uzbek traditions, not favouring confrontations in public.
- State media is obliged to allocate an equal share of free airtime to all candidates. Daily election programs are aired by State TV and radio channels at prime time, covering campaign activities of the candidates, informing voters about voting procedures and about election preparations of the CEC. The election campaign in the media is low key, with limited footage of candidates' meetings with voters in the regions. A number of interlocutors expressed their view to the OSCE/ODIHR LEOM that the candidates and their programs are not known and questioned the existence of a real choice.
- All election related expenditure is directly settled by the CEC from a central State campaign fund. All campaign activities of the candidates are co-organized by the District Election Commissions. So far only in-door campaign meetings with limited audiences have taken place.
- While State bodies repeatedly declare the election legislation to be in full compliance with international standards, the extent of implementation of OSCE/ODIHR recommendations issued following the last parliamentary elections in 2004 remains to be established.

II. INTRODUCTION

On 18 September, the Central Election Commission of the Republic of Uzbekistan announced 23 December as date for the next presidential election. Following an invitation issued on 26 September by the Ministry of Foreign Affairs (MFA) of Uzbekistan, a Needs Assessment Mission (NAM) was conducted by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) between 28 and 30 November 2007¹.

Given the delayed timeframe within which the OSCE/ODIHR received visas for its staff members to undertake a NAM, and the decision by the Uzbek government, communicated to OSCE/ODIHR on 15 November, to allow no more than 30 observers and only for a limited time period, the OSCE/ODIHR still determined that there was value in deploying a Limited Election Observation Mission (LEOM). The OSCE/ODIHR LEOM comprises a core team of nine election experts as well as 12 observers seconded by OSCE participating States, to assess the legal and administrative framework of the election, follow aspects of the election campaign, and to maintain dialogue with the authorities and civil society in order to offer recommendations for improving the electoral framework in line with the OSCE Copenhagen commitments.

Due to the apparent limited nature of the competition, it was not considered meaningful to deploy short term observers to conduct any systematic or comprehensive observation of election-day proceedings. The OSCE/ODIHR LEOM, headed by Ambassador Walter Siegl, started its work in Tashkent on 5 December. 12 observers were deployed on 11 December to the Bukhara, Ferghana, Karshi, Nukus, Samarkand and Tashkent regions. Citizens of 16 participating States are represented in the LEOM.

The OSCE/ODIHR has previously issued a number of recommendations for the improvement of the electoral framework, in the context of its Final Report on the 26 December 2004 Parliamentary Elections.² The OSCE/ODIHR LEOM is in the process of assessing the extent to which these recommendations have been followed.

III. ELECTION SYSTEM AND ELECTION ADMINISTRATION

The President of the Republic of Uzbekistan is elected for a seven-year term with a simple majority of the votes of the eligible voters in the first round, or otherwise in a run-off between the two candidates with the most votes from the first round. There are 16,297,400 registered voters in Uzbekistan. A turnout higher than 33% is required in the first round for the election to be considered valid. The Presidential Election Law of 1991 (PEL) foresees the publication of final results within 10 days after the election.

The elections are being administered by a three-tier election administration headed by the Central Election Commission. The lower level election administration consists of 14 District Election Commissions (DECs) covering the 12 regions, the city of Tashkent and the republic of Karakalpakstan. Voting will be administered by Precinct Election Commissions (PECs) in 8,266 polling stations, of which 43 serve for out-of-country voting.

The CEC is a permanent body established in line with the Law on the Central Election Commission³. In its current composition it has 22 members appointed by the Parliament (Oliy

¹ http://www.osce.org/documents/html/pdf/html/28672_en.pdf.html

² The Final Report is available at www.osce.org/documents/odihr/2005/03/4355_en.pdf.

³ Adopted in 1998.

Majlis) on the proposals of the regional councils. Party members cannot be appointed as election officials. The majority of the members reside outside the capital and represent both the regions and various professional groups.⁴ Four of the members are women. According to the current legislation, the sessions of the CEC and all other election commissions are open to accredited observers. The CEC maintains a website where information on election preparations and selected sets of decisions and documents approved by the commission are published.⁵

Since the start of the current electoral period, the CEC has taken measures called for by the PEL, including the establishment of election districts, appointment and training of DEC's, registration of candidates, issuance of regulations on registration of observers and their rights, issuance of regulations on the election campaign, development of guidelines for the work of the DEC's and guidelines for the work of the PEC's. The CEC also approved the budget for the DEC's and issued spending regulations. Polling station and other election material were approved and the ballots were printed by authority of the CEC.

DEC's have 11 to 13 members, appointed by decision of the CEC of 17 October. The DEC's administer the election process on the territory of the region within the law and regulations provided by the CEC. The DEC's appoint the PEC's, train the PEC members and oversee their activities.

The CEC informed the OSCE/ODIHR LEOM that all PEC's were appointed by 13 November. The PEC's were to be supplied with a draft voters list (VL) prepared by the local administration based on residency data by 8 December. At least two PEC's reported to the OSCE/ODIHR LEOM that it had not received the draft VL. PEC's are also responsible for notifying the voters about the day and time of voting. The OSCE/ODIHR LEOM observed PEC's operating on a daily basis, allowing voters to verify voter lists and cast early votes.

Several of the regulations approved by the CEC seem to lack sufficient detail to serve as a basis for establishing a uniform pattern for the implementation of election-day procedures, in particular the vote count. Homebound voting is foreseen, but its precise procedures are left to the discretion of the PEC's. The OSCE/ODIHR LEOM was neither able to establish the cut-off-date for the start of the early voting program, nor clear procedures for the supply of early voting ballots to the PEC's⁶. In general, the early voting program appears to be hampered by the lack of uniformity, safeguards and transparent procedures.

The OSCE/ODIHR LEOM has established regular working relations with the CEC and receives continuous support for meeting the election administration at all levels and in all regions observed.

IV. CANDIDATE REGISTRATION

To register a candidate, political parties and initiative groups are required to present a registration petition to the CEC supported by at least 5 per cent (almost 815,000) of the registered voters. The signatures were to be collected between 19 October and 9 November.⁷ Four candidates were registered by the CEC, three of whom were nominated by parties with seats in Parliament. The

⁴ Recently 8 of the members were replaced in a mode strictly adhering to the rule of equal regional representation.

⁵ The web site is maintained in Uzbek and Russian (<http://www.elections.uz>)

⁶ PEC members claim they may request additional quantities of early voting ballots in case all of the delivered early ballots are used.

⁷ Art. 24.2 of the PEL

fourth candidate was nominated by an initiative group of voters. Two further parties represented in Parliament, the Fidokorlar party and the Tiklanish party, informed the OSCE/ODIHR NAM that they had not succeeded in collecting the required amount of signatures. The OSCE/ODIHR LEOM will follow up on the issue of signature collection and their verification by the CEC.

There are at least two un-registered parties/civil society movements known to the OSCE/ODIHR LEOM. One of them, “Birlik”, reported to the OSCE/ODIHR LEOM about their failed attempt to set up an initiative group. “Birlik” furthermore declared that authorities would claim procedural shortcomings to prevent “Birlik” from registering a candidate. One other non-registered political movement “Erk” has decided to boycott the elections, citing distrust in the electoral process.

V. LEGAL FRAMEWORK

The electoral framework in Uzbekistan comprises constitutional provisions and a number of laws and bylaws, with the PEL being the main piece of legislation pertaining to presidential election.

The CEC assured the LEOM of considerable efforts made to bring the legal framework into compliance with the recommendations of the OSCE/ODIHR Limited Election Observation Mission Report on the Parliamentary Elections of 26 December 2004. This remains to be followed up in detail with the CEC.

Most recently, Parliament adopted amendments to the PEL on 3 December 2004. Positive changes included the introduction of the possibility of nomination of candidates by initiative groups of citizens, potentially enhancing transparency of the election administration through the institutionalisation of international election observation, expanding the timeframe for electoral preparations, specifying the legal requirements for printing ballot papers and switching from negative to positive voting, i.e. voting in favour of one candidate rather than against less preferred ones. However, the possibility for domestic non-partisan observation of elections was abolished and political parties were excluded from election commissions.

Furthermore, the requirements for the collection of supporting signatures for candidates were made more demanding. It is also noteworthy that according to Article 25 of the PEL, three categories of citizens, were banned from registering as candidates. These are persons convicted in the past for deliberate crimes, persons prosecuted under law upon initiation of a criminal case against them and professional servicemen of religious organisations.

The Constitution of the Republic of Uzbekistan enshrines general principles essential for democratic elections, safeguarding, in particular, electoral rights of citizens, freedom of assembly and freedom of expression. The OSCE/ODIHR LEOM is studying the existing legislation to assess the efficiency of implementation of the declared principles in practice.

The term of office for the president was changed from five 5 to 7 years by constitutional amendments enacted in 2003, following a national referendum in 2002. The presidential election were scheduled for 23 December 2007 in line with Article 117, paragraph 2 of the Constitution as amended in 2003, while the presidential term under Article 90 of the Constitution had expired almost a year before. These constitutional provisions seem to be in conflict with each other.

Another debated legal issue is the registration of the incumbent President, Mr. Islam Karimov, as candidate for the forthcoming elections. Some interlocutors shared with the OSCE/ODIHR LEOM their opinion that President Karimov is not eligible to run for office having already served

two presidential terms. However, according to the CEC, President Karimov was elected following the adoption of the Constitution in 1992 only once – in 2000 – and thus meets the eligibility criteria under Article 90 of the Constitution. None of these different legal interpretations of the issue have been subject to judicial scrutiny. The OSCE/ODIHR LEOM is not aware of any official challenge of the CEC Resolution on the Registration of Presidential Candidates to the Supreme Court.

The procedures and division of competence for handling electoral complaints and appeals by the election administration and courts appear to lack clear legal regulation. Some DEC election officials encountered by the OSCE/ODIHR LEOM hesitated as to whether the election complaints are to be addressed first to the DEC or to courts. The OSCE/ODIHR LEOM has contacted the Supreme Court to clarify this and other legal issues.

VI. POLITICAL PARTY CONTEXT

The political landscape comprises five registered political parties represented in Oliy Majlis and at least two non-registered political parties/civil society movements.

The presidential candidate of the Liberal Democratic Party (LDP), created in 2003 and currently holding 41 seats in Parliament, is President Karimov, who advocates the continuation of existing policies and economic reforms to modernise the country.

The People's Democratic Party of Uzbekistan (PDP - 28 seats), a successor of the Communist Party of the Uzbek Socialist Soviet Republic, focuses on social protection. Since 2005 it describes itself as an opposition party, to distinguish itself from the market-oriented LDP. The party's candidate, Mr. Asliddin Rustamov, is the leader of the PDP faction in Oliy Majlis.

The Social Democratic Party "Adolat" (10 seats) has nominated its chairperson, Mrs. Dilorom Tashmuhamedova, the only female candidate. "Adolat" tries to attract different social groups, but specifies intellectuals as the core constituency.

Mr. Akmal Saidov, the candidate of the initiative group founded in November 2007, is an independent member of Parliament, who emphasises democratic principles and human rights.

While the declaration of parties and candidates point to a diversity of programmatic priorities, none of the candidates are challenging the policy of the incumbent president or presenting themselves as an alternative to President Karimov.

VII. CAMPAIGN ENVIRONMENT

The electoral campaigning started on 17 November, the day after candidate registration was completed. The election administration is obligated by law to provide equal campaign conditions for all candidates. The CEC prints official programme booklets and official information posters for each candidate and allocates equal slots of airtime in TV and radio, as well as space in print media. Campaign expenses are paid directly out of the State budget. Printed information about the candidates is mainly displayed inside election commission premises.

All candidates publicly support the policies of President Karimov. There are no debates between candidates and no campaign materials of a competitive nature, which has been explained by Uzbek traditions not favouring confrontational election campaigns.

The DEC's arrange public meetings for candidates in a strictly equal manner. These are indoor events attended by limited audiences, usually chaired by a DEC official and following an established format. Meetings between authorised candidate representatives and the electorate are also arranged in a similar manner.

VIII. MEDIA ENVIRONMENT

About 1,000 newspapers, 200 magazines and 74 TV/Radio stations are officially registered in Uzbekistan. The State owned National Television and Radio Company (NTRC) runs three nation-wide TV stations ("Uzbekistan", "Yoshlar" and "Sport"), a station covering Tashkent, 11 regional channels and five Radio stations. The decision-making about registration of media outlets is in government hands.

Television is the primary source of information, while print media circulation is limited. Internet plays a role in the coverage of the elections; however, its audience is not widespread. A number of internet websites with alternative views are not accessible in Uzbekistan.

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

The CEC has instructed the State broadcaster NTRC to guarantee a 40-minute TV and radio slot per week to each candidate to be aired during evening prime time. State print media must offer not less than 10 per cent of its reporting to equal coverage of candidates' activities. By law, media must refrain from spreading inadequate/untruthful information and any material defaming or insulting the dignity of a candidate. A governmental agency, the Uzbekistan Agency on Press and Information (UzAPI), monitors the compliance with these regulations. According to UzAPI, no violations have been detected so far.

On 10 December, the OSCE/ODIHR LEOM began daily monitoring of the political content of programs in a cross-section of Uzbek electronic and print media. The media sample consists of the State TV channels "Uzbekistan" and "Yoshlar" and a number of popular dailies and weeklies: "Narodnoe Slovo", "Pravda Vostoka", "Tashkent'skaya Pravda", "Jamiyat", "Uzbekistan Today", "Hurriyat, Zerkalo XXI", "Novosti Uzbekistana", "Darakchi".

The election campaign in the media is low key, with limited footage of candidates' meetings with voters in the regions. Voter information and education is carried out within the special programmes "Elections 2007" and "Mirror of Democracy". Apart from official voter education material, the media offers very limited information about the candidates and their programmes. A number of interlocutors expressed their view to the OSCE/ODIHR LEOM that the candidates and their programs are not known, and questioned the existence of a real electoral choice. On 7 December, the four candidates' meetings with voters in different regions were portrayed with virtually identical wording (Pravda Vostoka).

IX. ELECTION OBSERVATION

Political parties and initiative groups which have nominated registered candidates, media representatives and accredited international observers may attend any election event, including voting at the polling station on election day.⁸ The CEC announced that more than twenty thousand domestic observers have applied for registration at the DEC's. The number of expected international observers is approximately 300, including the OSCE/ODIHR LEOM, and election observation missions representing the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organisation.

X. OSCE/ODIHR LEOM ACTIVITIES

The OSCE/ODIHR LEOM has established regular contacts with the Ministry of Foreign Affairs, the CEC and lower level election administration. The LEOM has held initial meetings with representatives of the four registered candidates, political parties and with representatives of civil society. The OSCE/ODIHR Head of Mission met Ambassadors of OSCE participating States, and a briefing for representatives of the diplomatic community and international organisations accredited in Uzbekistan was held in Tashkent on 12 December 2007.

The LEOM is furthermore grateful to the OSCE Project Co-ordinator's Office in Tashkent for its excellent technical support to the mission.

⁸ Art 5 of the PEL