



OSCE/ODIHR LIMITED ELECTION ASSESSMENT MISSION
REPUBLIC OF UZBEKISTAN
ELECTION OF DEPUTIES TO THE OLIY MAJLIS (PARLIAMENT)
5 DECEMBER 1999

PRELIMINARY STATEMENT

Tashkent, 6 December 1999 – The Organization for Security and Co-operation in Europe, Office of Democratic Institutions and Human Rights (OSCE/ODIHR) Limited Election Assessment Mission issues this preliminary statement on the 1999 election of Deputies to the Oliy Majlis (Parliament) of the Republic of Uzbekistan. The OSCE/ODIHR will publish in January a comprehensive report on these elections, including recommendations.

Because of serious concerns that the broad electoral framework could not permit a truly pluralist and competitive election, the Limited Election Assessment Mission was restricted to an evaluation of all aspects of the electoral process leading up to election-day. The Limited Election Assessment Mission did not deploy observers on election-day.

SUMMARY OF PRELIMINARY CONCLUSIONS

Since the 1994 parliamentary elections in Uzbekistan, the legislative framework for the election of deputies to the Oliy Majlis has been improved. However, serious shortcomings remain, in particular in 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.

The Khokims (governors and mayors), appointed directly or indirectly by the President of the Republic, 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 elections.

While the establishment of a permanent Central Election Commission was an important recent improvement, the Commission failed in a number of areas, including by not addressing provisions of the election legislation requiring clarification. 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.

The law on Election for the Oliy Majlis establishes discriminatory conditions for the nomination of candidates, in effect creating three classes of candidates with different requirements. They faced enormous difficulties to collect signatures if they did not enjoy the support of local authorities and encountered significant difficulties during the signature verification phase. Nonetheless, the new provision for “independent” candidates proposed by citizens’ initiative groups was a constructive addition to the law and offered the few alternatives available to voters. In the end, 99 such candidates reached election-day, but the independence of many were in doubt.

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After registration, candidates faced further impediments from Khokimats and election commissions during the campaign period. Some candidates were subjected to undue pressure by Khokimats to withdraw from the election because another candidate was favored. More significantly, the opportunities for campaigning were extremely limited due to restrictions imposed by law, guaranteeing that campaign activities were strictly controlled by election commissions. Severe restrictions on the freedom of association and freedom of assembly in the country had a further and fundamentally chilling effect on the entire electoral process.

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 prohibited, in reality authorities exercised a strict control on the mass media akin to censorship. In addition, self-censorship was most prevalent.

In conclusion, the election of deputies to the Oliy Majlis of the Republic of Uzbekistan fell short of the OSCE commitments enshrined in the 1990 Copenhagen Document for democratic elections. In particular, the commitments for a free, fair, equal, transparent and accountable election were breached.

PRELIMINARY FINDINGS

Legislative Framework

Since the 1994 parliamentary elections in Uzbekistan, the legislative framework has been improved, partly incorporating recommendations proposed by ODIHR. Notably, the following positive amendments can be referenced: the possibility of citizens' initiative committees to nominate candidates; the elimination of a 50% turnout requirement during the second round of elections; the elimination of a 5% national threshold for party candidates competing in single-mandate constituencies; the introduction of a deadline for the withdrawal of candidates by nominating bodies; and the establishment of a permanent Central Election Commission.

However, serious shortcomings remain, in particular in the law on the Elections for 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.

Separation of Constitutional Powers and 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 enjoys the exclusive right to appoint and dismiss the Khokims (governors) of regions and the City of Tashkent with nominal confirmation by relevant local legislatures. These Khokims in turn appoint the district and city Khokims.

The Khokims and Khokimats (executive apparatus) at regional, district and city levels are heavily involved in and exercise 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 is in accordance with deficient legal provisions, including for the nomination of candidates, more often they interfere illegally through undue influence and intimidation. In part, this may be due to self-interest as more than 70 Khokims, their Deputies, and Khokimat staff are candidates in these elections.

Election Commissions

The establishment of a permanent Central Election Commission (CEC) was an important recent improvement, creating the conditions for a professional election administration at the national level. During the past months, the CEC adopted a number of regulations, instructions and decisions interpreting the legislative framework for

the election, disposing of disputes, and addressing administrative issues. However, the CEC failed to address a number of provisions of the election legislation requiring further clarification. Furthermore, while the Limited Election Assessment Mission received most of these regulations and instructions, and was informed of a number of decisions, candidates and voters were not always privy to this information.

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.

Nomination of Candidates

The law on Election for the Oliy Majlis establishes discriminatory 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 representative local bodies. The second class, requiring 50,000 signatures 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 well in advance of the electoral period. The five registered political parties allowed to present candidates support the current administration and offer no alternative. 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.

Because of the large number of required signatures and bureaucratic 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 76 had their petitions rejected, in most cases because of absent regulations and vague criteria for the validation of signatures. Many of these rejected candidates were not given notice, depriving them of the opportunity to appeal such decisions.

Nonetheless, the new provision for “independent” candidates proposed by citizens’ initiative groups was a constructive addition to the law and offered the few alternatives available to voters to choose independent candidates. 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. A “National Support Center for Independent Candidates”, a government-sponsored NGO, was established in Tashkent, with regional branches, to provide assistance to candidates nominated by citizens’ initiative groups.

In the end, 1,242 candidates were registered for the 250 seats in the Oliy Majlis. Of these, 132 were nominated by citizens’ initiative groups, and 1,110 by representative local bodies and political parties. By election-day, only 99 from the first group remained on the ballot.

Electoral Campaign

Once candidates qualified and were registered, they faced further impediments during the campaign period from Khokimats and election commissions. Some candidates reported to the Limited Election Assessment Mission that they were under undue pressure by Khokimats to withdraw from the election because another candidate was favored.

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More significantly, the opportunities for campaigning were extremely limited due to restrictions imposed by the law, guaranteeing that campaign activities were strictly controlled by election commissions. Candidates could not meet with voters without the prior approval of District Election Commissions and rarely without the presence of other candidates. In fact, all such meetings were organized and controlled by the commissions. Outdoor campaign meetings were prohibited. Moreover, campaign financing was dispensed under the authority of election commissions, adding another layer of control over candidates.

In the broader human rights context, severe restrictions on the freedom of association and freedom of assembly in the country had a further and fundamentally chilling effect on the entire electoral process.

Mass Media

The absence of a diverse and independent mass media further stunted the development of a genuine political debate and campaign during the elections.

The Limited Election Assessment Mission monitored the electronic and print media in Uzbekistan for a period of two weeks prior to election-day. The five political parties registered for the elections enjoyed equal time and space in the national and regional media, all praising the accomplishments of the State uniformly. Other candidates were also provided equal time and space, but voters were rarely offered an alternative political message. The State-run media seemed particularly concerned with voter education and with providing high visibility for State executive authorities.

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 yearly licensing requirements and other forms of pressure, self-censorship is most prevalent. The private media does not offer a balance to the State-run media. The extremely onerous registration requirements, discriminatory renewal of broadcast licenses, heavy taxation, and lack of funding further discourage the establishment of an independent media.

Election Day, Vote Count, and Tabulation of Results

As voters did not have a genuine choice on election-day, the Limited Election Assessment Mission did not deploy observers to monitor the polling procedures, the vote count and the tabulation of results.

Presidential Election

On 9 January 2000, the voters of Uzbekistan will cast their ballots in a presidential election. With the registration of candidates already closed, two have qualified for the ballot – the incumbent President Islam Karimov and Abdukhafiz Jalolov, the First Secretary of the President's former political party, the People's Democratic Party of Uzbekistan (PDPU). The PDPU is one of the five officially sanctioned political parties and offers no alternative. Again, the voters of Uzbekistan will have no genuine choice and the election cannot be considered competitive.

Consequently, the OSCE/ODIHR cannot justify the deployment of an observation or assessment mission for the presidential elections.

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End Notes

The Limited Election Assessment Mission was headed by Ambassador Madeleine Wilkens of Sweden and included 17 experts from OSCE participating States. The experts were deployed to six regions throughout Uzbekistan.

The OSCE Limited Election Assessment Mission wishes to express appreciation to the Ministry of Foreign Affairs and the Central Election Commission of the Republic of Uzbekistan for their assistance and cooperation.

The OSCE/ODIHR stands ready to continue the dialogue with the authorities of the Republic of Uzbekistan in order to assist the country to meet its OSCE commitments.

For further information, please contact: Until 10 December, Ambassador Madeleine Wilkens, Head of the OSCE/ODIHR Limited Election Assessment Mission in Tashkent (+998 71 546 818), or Emanuele Giaufret, ODIHR Election Officer in Warsaw (+48 22 520 0600).