



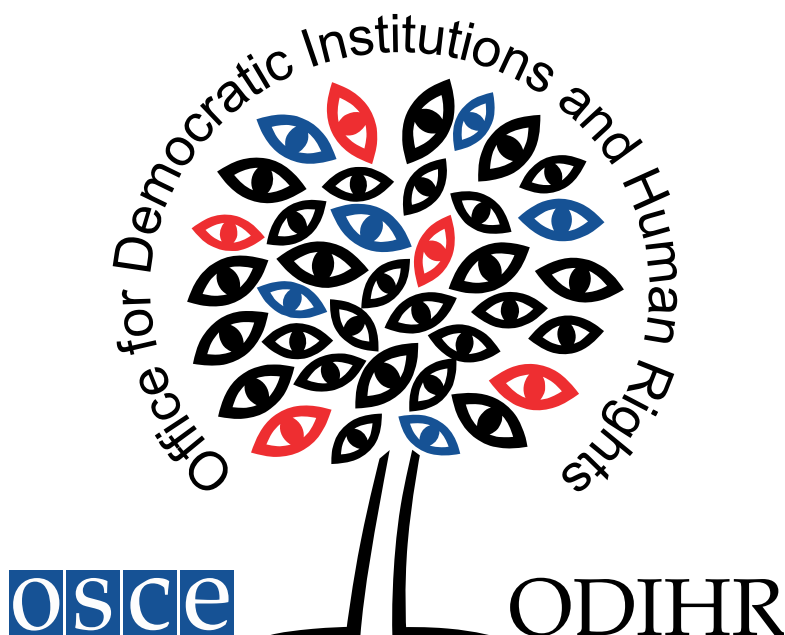
Office for Democratic Institutions and Human Rights

# REPUBLIC OF UZBEKISTAN

## PRESIDENTIAL ELECTION

29 March 2015

OSCE/ODIHR Limited Election Observation Mission  
Final Report



Warsaw  
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**REPUBLIC OF UZBEKISTAN**  
**PRESIDENTIAL ELECTION**  
**29 March 2015**  
**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an official invitation from the authorities of the Republic of Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) to observe the 29 March 2015 presidential election.

The 29 March presidential election took place in the wake of the 2014 December parliamentary elections that were presented by the authorities as a step towards strengthening the role of parliament and political parties. However, despite the formation of a majority and an opposition bloc, the parliament remains in substantial agreement with the president and his policy course. Most OSCE/ODIHR LEOM interlocutors pointed to the lack of a political alternative to the incumbent president, who has been in office since 1991.

The Central Election Commission (CEC) registered four candidates, nominated by the parliamentary parties, after they collected approximately one million signatures each. Despite a clear limit of two consecutive presidential terms contained in Article 90 of the Constitution, the CEC registered the incumbent in contravention of the general principle of the rule of law enshrined in paragraph 5.3 of the 1990 OSCE Copenhagen Document.

The electoral legal framework does not provide for the conduct of democratic elections. Despite changes since the last presidential election addressing a few previous OSCE/ODIHR recommendations, the possibility of running for president as an independent candidate was abolished and the fundamental freedoms of association, assembly and expression are effectively curtailed by overly broad limitations. The right to stand for election faces further limitations based on the length of residency, language proficiency, professional occupation, as well as blanket restrictions of those convicted of a crime or still to stand before a court, contrary to OSCE commitments and other international obligations and standards.

The election administration met all legal deadlines and performed its work in a generally transparent manner. However, CEC decisions or regulations were not always made public and, if so, not always in a timely manner, which resulted in the inconsistent implementation of important elements of the electoral process. Although the CEC adopted a number of regulations clarifying election-related legislation, in many cases, these repeated inconsistent or incomplete legal provisions.

The quality and accuracy of voter lists remained a serious concern due to the fact that voter lists were compiled in a variety of ways. The lack of clear instructions for the compilation of voter lists, the inconsistent practices of Precinct Election Commissions (PECs), the lack of crosschecks of data between precincts and the use of supplementary lists on election day could allow for multiple registrations. The number of registered voters communicated to the OSCE/ODIHR LEOM in February remained unchanged after the election, despite voter lists being updated before and on election day.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Uzbek and Russian.

The campaign was lacklustre and none of the other three presidential candidates questioned the incumbent's policies and achievements. In the absence of a political debate or genuine competition, the campaign was a background to a process centred on the incumbent, who appeared as an unchallenged guarantor of peace and stability for the country and the region.

While all campaigns were entirely funded by the state, the legal framework for campaign finance was not comprehensive and only premised upon one article in the election law and two paragraphs in a CEC regulation. There was no requirement for political parties to submit election-related financial reports and no obligation to publish any financial information before or after the election.

While the Constitution provides for freedom of expression, the legal framework for media hindered media pluralism and was conducive to self-censorship. The OSCE/ODIHR LEOM's media monitoring showed that the rigidly constrained media did not provide a genuine political debate. None of the current affairs programmes aired direct speech by any candidate, except for the president's yearly address on the occasion of a national holiday. No public debates among the candidates or their proxies took place during the campaign period. The lack of a genuine and pluralistic political debate and the inability to exchange information appear to diminish the opportunity for voters to make an informed choice.

Women were generally underrepresented in the election administration, particularly at the higher levels; only 2 of 17 CEC members are women. While women's attendance represented on average more than half of audiences in those campaign events attended by the OSCE/ODIHR LEOM, female party activists and proxies were underrepresented in the media.

National minorities enjoy full political rights under the Constitution. Campaign materials were available in two languages, Uzbek and Russian, and candidates could campaign in both. Ballots were printed in Uzbek, Russian and Karakalpak.

As no violations were reported to prosecutors or addressed by the CEC, the electoral dispute resolution system remained largely untested. Overall, the legal framework does not comprehensively regulate electoral dispute resolution. While a few citizens challenged the constitutionality of the president's nomination and the CEC decision to register him as a candidate, the Supreme Court claimed that it never received any complaints, while the Constitutional Court did not consider the questions raised in the complaints. This left the complainants without effective redress, contrary to OSCE commitments.

In line with OSCE/ODIHR's standard methodology for LEOMs, the mission did not undertake comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations in seven districts. During voting, OSCE/ODIHR LEOM observers noted that in almost all visited polling stations proxy voting on behalf of several voters appeared to be widely practiced and tolerated, undermining the principle of equality of the vote and potentially affecting the turnout. During counting, PECs often did not establish the number of signatures of voters on the voter lists and, therefore, did not reconcile it with the number of ballots found in the ballot box. PECs often faced difficulties filling out results protocols. In five District Election Commissions visited by OSCE/ODIHR LEOM observers, tabulation was conducted inconsistently and a number of results protocols had to be corrected.

The CEC accredited 299 international observers, while political parties deployed more than 35,000 representatives on election day. However, despite previous recommendations by the OSCE/ODIHR, the

election law does not provide for citizen observation, at odds with the OSCE commitments and international good practice.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an official invitation from the authorities of the Republic of Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) to observe the 29 March 2015 presidential election.<sup>2</sup> The OSCE/ODIHR LEOM was headed by Tana de Zulueta and consisted of a core team of 11 members based in Tashkent and 10 long-term observers (LTOs) deployed throughout the country. Mission members were drawn from 18 OSCE participating States.

The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not include short-term observers, and did not carry out comprehensive or systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some districts. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 30 March 2015.

The OSCE/ODIHR LEOM wishes to thank the authorities of Uzbekistan for the invitation to observe the election, and the Ministry of Foreign Affairs (MFA), the Central Election Commission (CEC) and national and local authorities for their assistance and co-operation. It also expresses its gratitude to the representatives of political parties, media, civil society and other interlocutors for sharing their views. The OSCE/ODIHR LEOM also wishes to express its appreciation to the OSCE Project Co-ordinator in Tashkent, diplomatic representations of OSCE participating States and international organizations for their support and co-operation throughout the course of the mission.

## III. BACKGROUND

The 29 March presidential election took place in the wake of the 2014 December parliamentary elections that were presented by the authorities as a step towards strengthening the role of parliament and political parties. Consequently, for the first time, the largest parliamentary party was to nominate the prime minister, who upon nomination by the president, was to be appointed by the majority of votes in the parliament. On 23 January, the members of the Legislative Chamber and Senate of the parliament (*Oliy Majlis*) unanimously approved Shavkat Mirziyoyev as the prime minister.

In accordance with the Constitution, the president continues to enjoy extensive powers and retains control of all state institutions and branches of power.<sup>3</sup> Despite the formation of two blocs in the lower house of parliament, purportedly representing the majority and the opposition, the parliament remains in

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<sup>2</sup> See [all previous OSCE/ODIHR reports on Uzbekistan](#).

<sup>3</sup> The president nominates the prime minister, the chairpersons of the Senate, the Board of the Central Bank and the CEC, approves the Cabinet of Ministers, and appoints and dismisses all judges and local executive authorities (*khokimiyats*) as well as the chairperson of the National Security Service.

substantial agreement with the president and his policy course.<sup>4</sup> With the only registered parties being those represented in parliament, the potential for a competitive political climate is severely limited.

The incumbent president has been in office since 1991 and won the presidential elections of 2000 and 2007. Most OSCE/ODIHR LEOM interlocutors presented him as the guarantor of stability and security in the country and the region, pointing to the lack of political alternative.

#### IV. THE ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is elected by popular vote for a five-year term by a simple majority of votes cast. If no candidate receives more than 50 per cent of votes cast, a second round between the two leading candidates takes place within one month. There is a turnout requirement of 33 per cent for the first round to be valid, but no such requirement is in place for the second round.

Despite a clear limit of two consecutive presidential terms provided for by Article 90 of the Constitution, the CEC registered the incumbent as a candidate in contravention of the general principle of the rule of law enshrined in paragraph 5.3 of the 1990 OSCE Copenhagen Document.<sup>5</sup> This questioned the CEC's will to act in compliance with the Constitution and raised doubts about its independence. The CEC informed the OSCE/ODIHR LEOM that it only has the power to check the eligibility of a party and the compliance of candidate nomination documents with legal requirements. Other officials explained to the OSCE/ODIHR LEOM that the notion of 'term' means the exact number of years and, as the previous presidential term was seven years while the next will be five years, these cannot be considered as two consecutive terms. Notwithstanding Articles 108 and 109 of the Constitution, which clearly assign the Constitutional Court the responsibility for defining the compliance of legal acts and interpreting the norms of the Constitution, it did not clarify Article 90 (see Complaints and Appeals section).

*The Constitution should be adhered to and the Constitutional Court, as the assigned body, should interpret the norms of the Constitution.*

The date of the election itself raised a number of constitutional issues. Notwithstanding existing, albeit contradicting, provisions in the Constitution and the Presidential Election Law (PEL) about the length of a presidential term and scheduling of the new election, the CEC announced the election day based on the 2012 Law on Regular Election to Representative Bodies and to the President. This law, in essence, also

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<sup>4</sup> On 14 March, the Liberal Democratic Party of Uzbekistan (LDPU) and the Democratic Party of Uzbekistan (DPU *Milliy Tiklanish*) formed a bloc of "Democratic Forces," thus forming a majority with 88 of 150 seats. On 16 March, the People's Democratic Party of Uzbekistan (PDPU) and the Social Democratic Party of Uzbekistan (SDPU *Adolat*) announced that they were in opposition to the Bloc of Democratic Forces.

<sup>5</sup> Paragraph 5.3 of 1990 OSCE Copenhagen Document provides for "the duty of the government and public authorities to comply with the constitution ... and to act in a manner consistent with law." Additionally, as an example, under Article 19.2(j) of the Commonwealth of Independent States (CIS) Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms (CIS Convention), the State parties undertook an obligation "to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and independent obligations of the state."

contradicts the Constitution.<sup>6</sup> Keeping all of these conflicting norms in force is cause for confusion and may lead to differing interpretations.

The presidential election is primarily governed by the Constitution (last amended in 2014), the PEL (last amended in 2011), the Law on Guarantees of Suffrage to Citizens (Law on Suffrage, last amended in 2004), the Law on CEC (last amended in 2014), as well as a multitude of other legislation.<sup>7</sup> The electoral legal framework does not provide for the conduct of democratic elections, as a number of provisions contravene OSCE commitments and other international obligations and standards, and laws and supplementary regulations contain contradictory norms. As noted by previous OSCE/ODIHR reports, fundamental freedoms of association, assembly, and expression are effectively curtailed by overly broad limitations that can be arbitrarily applied.

Since the last presidential election of 2007, two key legal changes were introduced. In 2008, the possibility of running for president as an independent candidate supported by a group of citizens was abolished, in contravention of paragraph 7.5 of the 1990 OSCE Copenhagen Document and other international obligations and standards.<sup>8</sup> In 2011, the length of a presidential term was changed back from seven to five years.<sup>9</sup> Some changes since the last presidential election addressed a few previous OSCE/ODIHR recommendations. Specifically, the CEC adopted a regulation that provides more details with regard to early voting procedures and allows establishing Precinct Election Commissions (PECs) in places of pre-trial detention. Some omissions in the legislation were addressed by a CEC regulation, which obliges PECs to publicly display the results protocols after counting.

*A comprehensive review of the legal framework should be undertaken well in advance of the next elections in order to bring it in accordance with OSCE commitments and other international obligations*

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<sup>6</sup> Article 117 of the Constitution determines that the election should take place on the third Sunday of December in the year the presidential term expires. However, under Article 90 of the Constitution the incumbent's seven-year office term should have expired on 16 January 2015 while as per Article 8 of the PEL, the election period should have started no later than three months before the end of the term. The Law on Regular Election to Representative Bodies and to the President prescribed that parliamentary elections should be scheduled for December 2014 while the presidential election would take place 90 days after the announcement of the results of the parliamentary elections.

<sup>7</sup> Other applicable legislation includes the Constitutional Law on Next Elections to Representative Bodies of State Power and the President of the Republic of Uzbekistan; the Constitutional Law on Results of a Referendum and Fundamental Principles of Organization of State Power (amended in 2012); the Law on Introduction of Amendments to the Article 90 of the Constitution of the Republic of Uzbekistan; the Law on Introduction of Amendments to Some Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of the Law 'On Introduction of amendments to the Article 90 of the Constitution of the Republic of Uzbekistan'; the Law on Political Parties; the Law on Financing of Political Parties; relevant provisions of the Criminal Code, the Code of Administrative Offences (last amended in 2014); and regulations of the CEC.

<sup>8</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that OSCE participating States should "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Paragraph 17 of the United Nations Human Rights Committee (UNHRC) General Comment 25 on Article 25 of the International Covenant on Civil and Political Rights (ICCPR) also affirms that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties."

<sup>9</sup> The seven-year term was first introduced in the Constitution in 2002 by a referendum, but was changed back to a five-year term in 2011 by parliament. This method of adopting amendments contradicts Article 1 of the Law on Referendum, according to which "decisions taken by referendum have the highest legal power and can be cancelled or changed only by referendum".

*and standards, with special consideration given to ensuring that fundamental freedoms, including freedoms of association, assembly, and expression, are adequately protected by the law.*

The legal framework contains repetitive and contradictory norms, including with regard to the link between residency and voter registration, the timeframes for complaints, and possibility for judicial review of CEC decisions.<sup>10</sup> In addition, the legislation does not regulate electoral dispute resolution or campaign finance in sufficient detail.

*A clear and detailed legislative framework for conducting elections should be established through statutory law, either in a comprehensive code or through a set of laws that operate together consistently and without ambiguities or omissions.*

## V. ELECTION ADMINISTRATION

The election was administered by a three-tiered election administration: the CEC, 14 District Election Commissions (DECs), and 9,060 PECs, including 44 PECs in diplomatic missions in 36 countries.<sup>11</sup> The CEC is a permanent body, while the DECs and PECs are set up for each election.

CEC members are appointed for indefinite terms by the parliament, based on proposals from the regional councils. The CEC is currently comprised of 17 members, 9 of whom were appointed in 2014. Two CEC members are women. The members of the CEC elect a chairperson from amongst themselves, based on the president's nomination. Decisions are passed with a majority of the members present and in case of a tie, the chairperson's vote is decisive. Most commissioners maintain other employment in addition to their CEC responsibilities, with the majority traveling to Tashkent from their respective regions specifically for CEC sessions. A total of four CEC sessions were held during the observation period.

The CEC is responsible for overseeing the uniform implementation of the election legislation and clarifying its application in practice. Changes made to the Constitution in 2014 granted the CEC the status of a constitutional body and established independence, lawfulness, collegiality, transparency, and fairness as the guiding principles of its work. However, as the CEC is appointed and may be dismissed by the parliament, this raises concerns with regard to its independence.<sup>12</sup>

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<sup>10</sup> Article 21 of the PEL provides that voters can be added to voter lists at places of their permanent residence, while Article 8 of the Law on Suffrage and a CEC regulation on instructions for PECs allows registration of voters in places of their temporary residence. The timeframe for submitting complaints on voter lists differs between 24 hours, according to Article 10 of the Law on Suffrage, and 2 days, according to Article 23 of the PEL. Article 14 of the PEL provides that CEC decisions are final, while Article 12 of the Law on CEC provides for an opportunity to appeal them to the Supreme Court.

<sup>11</sup> According to the CEC, two PECs were established in mid-March in pre-trial detention centres. Until that time, the respective DECs informed the OSCE/ODIHR LEOM LTOs that voters in these centres were to be serviced by a mobile ballot box. However, the chairperson of PEC No. 654 in Tashkent stated that the PEC was formed in February and that they had completed all necessary trainings and other preparatory work long in advance.

<sup>12</sup> See, for example, section 3.1.b of the 2002 Council of Europe Commission for Democracy through Law (Venice Commission) [Code of Good Practice in Electoral Matters](#), which states that "where there is no longstanding tradition of administrative authorities' independence from those holding political power, independent, impartial electoral commissions must be set up at all levels, from the national level to polling station level."



*Consideration could be given to amending the legislation to ensure that the CEC is appointed in an inclusive and pluralistic manner with the aim of guaranteeing its independence.*

All DEC and PECs were appointed within the legal deadlines. On 16 January, the CEC appointed members of DEC upon recommendations of the regional councils. Each DEC has between 9 and 11 members. Women were underrepresented in DEC, especially in leadership positions, making up just some 15 per cent of membership. DEC formed the precincts and appointed some 86,000 members of PEC based on recommendations of the *mahallas*, district and city councils (*kengesh*).<sup>13</sup> Chairpersons, deputies and secretaries are chosen by DEC and PEC members from amongst themselves. PEC consist of between 5 and 19 members. Some 43 per cent of PEC members were women. The criteria for nominating PEC members are not specified by the PEL, although they were generally employees of the institution where the PEC was located or members of the local *mahalla*. PEC chairpersons were often the head of the institution where the PEC was physically located.

The DEC and PECs visited by the OSCE/ODIHR LEOM reported they received all the necessary information and resources to undertake their duties. The CEC trained DEC and PECs throughout the country. Training sessions were assisted by various experts from institutions with knowledge on specific aspects of the process, such as the Ministry of Justice (MoJ). Trainings were also provided through video spots, some of which were also aired on public television for PECs to watch at specific times. OSCE/ODIHR LEOM LTOs noted that training sessions were more formal than practical and, while many subjects were covered, little attention was given to the tabulation process or to addressing complaints about possible violations. This contributed to the inconsistent implementation of the PEL.

The CEC met all legal deadlines and performed its work in a generally transparent manner by opening its sessions to the media, political parties and international observers. However, the CEC did not make all of its decisions or regulations public, even though Article 84 of the Constitution and the Law on Legal Acts hold that the publication of laws and other legal acts is a prerequisite for their enforcement. Those published were not always posted on the CEC website or printed in newspapers in a timely manner.<sup>14</sup> As such, those left unpublished, were legally non-binding, although in practice they were implemented. While the CEC used its website for public communication, including extensively on election day, the vast majority of the postings were laudatory comments from groups or individuals invited by the government of Uzbekistan to observe the electoral process.

In an effort to clarify how to apply election-related legislation, the CEC adopted a number of regulations, some of which usefully elaborated legal provisions with regard to candidate registration and early voting. In many cases, however, CEC decisions simply repeated but did not clarify inconsistent or incomplete legal provisions, leaving the DEC and PECs without appropriate guidance on how to properly and consistently carry out important elements of the electoral process.<sup>15</sup> Consequently, DEC and PEC members were generally well-versed in the legislation, but encountered difficulties implementing unclear instructions, especially on election day with regard to counting and tabulation. Furthermore, some

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<sup>13</sup> *Mahallas* are traditional Uzbek community structures that regulate everyday life of a settlement and serve to link the state and the community. Their roles were formalized in the 1993 Law on Bodies of Self-government of Citizens. Violations of *mahalla* committee decisions are legally punishable.

<sup>14</sup> For instance, in one decision made on 26 December 2014, the CEC adopted several instructions, including on the DEC, media, and collection of signatures. They were only uploaded to the CEC website in February 2015.

<sup>15</sup> These include instructions on PECs, voter registration, observers, campaign finance, mobile voting and tabulation.

regulations, including on the sealing of ballot boxes and posting protocols at PECs were approved two weeks prior to election day. Such late adjustments may be difficult to effectively communicate to all commissioners, which could result in their inconsistent implementation.

While the legislation provides for a limited role of the *mahallas*, in practice they were actively involved in several key stages of the electoral process.<sup>16</sup> They assisted in the selection of PEC members, provided base data for voter lists and assisted the PECs with their verification, helped distribute voter invitations, contributed to voter education efforts and worked to bring citizens to vote on election day. Most PECs and DECAs included at least one member of a *mahalla*. Their impact may be positive, but the absence of legal provisions regarding their role created a general confusion of roles.

Early voting started 10 days before election day. To take part, voters had to submit an application indicating the reason why they were to be away from their polling stations on election day, but no proof was required. According to the CEC, while 103,990 ballots were printed for early voting, a total of 28,422 citizens cast early ballots (an average of 3 voters per polling station). Since ballots for early voting were printed in a different colour and could be distinguished from the regular ballots, the secrecy of votes cast early was often compromised.

The CEC actively undertook a voter education campaign on national and regional television that intensified as election day neared. National and regional television spots and programming, as well as electronic billboards and text messages, highlighting the date of the election and explaining voting procedures were prominent. The CEC and DECAs held meetings throughout the country, specifically focusing on reaching out to first-time voters, women, as well as influential local individuals, such as leaders of *mahallas* and local administrations.

## VI. VOTER REGISTRATION

The Constitution grants every adult citizen who has reached 18 years of age the right to vote, except those declared incapacitated by a court or serving a prison sentence, regardless of the severity of the crime committed. As previously noted by the OSCE/ODIHR, an indiscriminate limitation of suffrage based on incapacitation or conviction for any crime contravenes the principle of proportionality.<sup>17</sup>

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<sup>16</sup> Specific mention of the *mahallas* and their role in elections is only made in the Law on Bodies of Self-Government of Citizens, stating the *mahallas* propose PEC candidates to the DECAs.

<sup>17</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.” See also paragraph 14 of General Comment 25 by the UNHRC on Article 25 of the ICCPR, which requires that grounds for deprivation of voting rights should be “objective” and “reasonable”. See also, for example, judgments of the European Court of Human Rights (ECtHR) in *Scoppola v. Italy (No. 3)* [GC], no. 126/05, 22 May 2012, and *Hirst v. The United Kingdom (No.2)* [GC], no. 74025/01, 6 October 2005. In these two rulings, the ECtHR noted that the disenfranchisement of prisoners without regard to the gravity of the crime committed and the duration of the sentence was disproportionate and incompatible with the right to participate in elections. In its judgment in *Kiss v. Hungary*, no. 38832/06, 20 May 2010, the ECtHR noted that for the cases of disenfranchisement based on legal incapacitation that “an indiscriminate removal of voting rights, without an individualised judicial evaluation ... cannot be considered compatible with the legitimate grounds for restricting the right to vote.”

The quality and accuracy of voter lists remain a serious concern. While the PEL states that district and town executive authorities (*khokimiyats*) provide the PECs with initial data to create voter lists for each election, according to OSCE/ODIHR LEOM LTOs, voter lists were compiled in a variety of ways. In some places, *mahallas* compiled voter lists based on their knowledge of population actually residing in the locality. In other places, voter lists were drawn from the formal address register.<sup>18</sup> The OSCE/ODIHR LEOM was also made aware that many internal migrants choose not to register their current address, which means that voter lists do not necessarily reflect the actual place where a citizen lives. The lack of clear instructions for the compilation of voter lists, the inconsistent practices of PECs, and the lack of crosschecks of data between precincts could allow for multiple registrations.

*Consideration could be given to establishing uniform procedures of voter registration that would enable updates, revisions, crosschecks, and the elimination of multiple entries in voter lists. Procedures for voter registration should be clearly detailed in the legislation and consistently implemented.*

PECs reported that they conducted door-to-door verification of voter lists with assistance from the *mahallas* during which they also checked if any voter would have liked to cast early ballots or through a mobile ballot box. Voter lists were made public by the PECs by 14 March for citizens to complain about non-inclusion or incorrect data in lists until and on election day. In the PECs visited, few voters used this opportunity and it is unclear what effect this had on the final number of registered voters.

The PEL states that voter lists may be arranged in a format that is convenient for organizing voting – some lists were ordered by address and others by last name. The OSCE/ODIHR LEOM also observed some handwritten voter lists, although most were typed. A large number of lists viewed were incomplete, often lacking information on names and birthdates and, in a few cases, the inclusion of underage voters was observed.

Special voter lists were compiled for military units, pre-trial detention centres, diplomatic missions, sanatoriums and other health establishments by the heads for these institutions. Any voter with identification and proof of residency in the precinct could be added to a supplementary voter list on election day. Voter registration on election day is not in line with international good practice and could result in multiple voter registrations.<sup>19</sup>

After the election, the CEC confirmed that the number of 20,798,052 registered voters that had been previously communicated to the OSCE/ODIHR LEOM in February remained unchanged, even though voter lists had been since updated by voters and officials, including with supplementary lists on election day. Disaggregated voter registration data, including by sex, was not available. While the PEL provides for a general rule that precincts are to have between 20 and 3,000 registered voters, the OSCE/ODIHR LEOM visited several precincts with more than 3,000 voters, the largest of which included 3,999 voters.

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<sup>18</sup> According to the law, each voter may only be included in one voter list in the place where his/her address is formally registered with the appropriate local office of the Ministry of Interior. As per the Law on Suffrage, this may be the voter's permanent or temporary address of registration.

<sup>19</sup> See, for example, section 1.2.iv of the Venice Commission Code of Good Practice in Electoral Matters, which recommends that "polling stations should not be permitted to register voters on election day itself."

Just prior to the election, the CEC stated that 15,537 voters were registered abroad, although DEC protocol figures confirmed by the CEC showed a figure of 12,198.<sup>20</sup> The reasons for the discrepancy were unclear. Nevertheless, most OSCE/ODIHR LEOM interlocutors indicated that several million citizens might live abroad.<sup>21</sup> It is unclear how many of them remain on the voter lists in the country. The MFA stated that all eligible voters have the right to vote in diplomatic missions, even without prior registration.

## VII. CANDIDATE REGISTRATION

Citizens of at least 35 years of age, with an excellent command of the Uzbek language and having resided in the country for at least 10 years before election day, are eligible to stand as candidates. Individuals convicted of intentional crimes, those under ongoing prosecution for a criminal case, and professional clergy of religious organizations are ineligible. The right to stand for election is further restricted by the requirement that candidates can only be proposed by political parties.

Limitations based on the length of residency, language proficiency, professional occupation, as well as the blanket restrictions of those convicted of a crime are contrary to OSCE commitments and other international obligations and standards.<sup>22</sup> Excluding those who are still to stand before a court is contrary to the principle of presumption of innocence.<sup>23</sup> Furthermore, there are no legal provisions or practical mechanisms on how language proficiency is to be verified.<sup>24</sup> Despite several previous OSCE/ODIHR and Venice Commission recommendations, and contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document and other international obligations and standards, citizens cannot stand as independent candidates.<sup>25</sup>

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<sup>20</sup> The 12,198 figure did not include 2,301 voters who, according to the DEC protocol figures, were added to the supplementary lists abroad.

<sup>21</sup> According to the [Federal Migration Service of the Russian Federation, as of 4 March](#), there were some 2.13 million citizens of Uzbekistan officially registered in the Russian Federation, of whom some 1.98 million have reached the age of 18 years.

<sup>22</sup> See paragraphs 7.3, 7.5 and 24 of the 1990 OSCE Copenhagen Document, and for example, Section 1.1.c of the Venice Commission Code of Good Practice in Electoral Matters. In addition, Paragraph 15 of the UNHRC General Comment 25 on Article 25 of the ICCPR states that “any restrictions on the right to stand... must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation.” Additionally, see for example, Article 2.b of the 2002 CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms, which states that “The right of a citizen to elect and be elected... shall be given effect without any limitations of discriminatory nature on the basis of gender, language, religion or faith, political or other beliefs, national or social origin, belonging to a national minority or ethnic group, property or other similar status.”

<sup>23</sup> Paragraph 5.19 of the 1990 OSCE Copenhagen Document states that “everyone will be presumed innocent until proved guilty according to law”.

<sup>24</sup> The CEC informed the OSCE/ODIHR LEOM that it does not need a language test for candidates as they know each of them and have heard them speak publicly.

<sup>25</sup> Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that OSCE participating States should “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.” Paragraph 17 of the UNHRC General Comment 25 to Article 25 of the ICCPR also affirms that “the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.”

*Undue restrictions on the right to stand for president should be removed from the legal framework. The 10-year residency requirement should be lifted, as well as the requirement for proficiency in the state language. The restriction of candidate rights for citizens on trial or those in prison irrespective of the gravity of the crime should be repealed. Independent candidates should have the right to stand.*

Candidates can be nominated only by political parties that have been registered with the MoJ for at least six months prior to the announcement of the election and with the CEC at least 70 days before election day. The electoral framework requires each party to hold a national congress to nominate its candidate, however, in practice candidates were selected and signatures collected before the holding of the congresses, therefore denying party memberships of ultimate control over the candidates put forward.<sup>26</sup>

An application of a political party to register its presidential candidate must include supporting signatures of at least five per cent of the total number of voters in the country, approximately one million signatures, from at least eight territorial units, with not more than eight per cent of signatures coming from any single territorial unit. In total, at least one in five citizens needed to sign in support of one of the four candidates. The required number of support signatures is unreasonably high and contrary to international good practice.<sup>27</sup> Although there is no mechanism to crosscheck signatures, a voter can only support one candidate, which may limit competition.<sup>28</sup> The four political parties, however, informed the OSCE/ODIHR LEOM that signature collection did not pose any problems and one party submitted far more than the number required.

*In line with good electoral practice, the number of supporting signatures could be reduced and the restriction that citizens may sign for only one candidate could be removed.*

All four registered parties submitted their candidates' applications between 9 and 11 February. The CEC stated that it formed working groups to inspect 15 per cent samples of the signatures based on criteria listed in the relevant regulation.<sup>29</sup> If more than 10 per cent of a sample would be found invalid further verification was to be discontinued and the candidate would not be registered. Each nomination package was found to be acceptable and the CEC registered the four candidates on 14 February, having completed the verification of signatures within five out of seven days allowed by the law. All registered candidates were men, unlike in the last presidential election.<sup>30</sup>

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<sup>26</sup> As per Article 24-2 of the PEL, internal party nominations are held between 65 and 45 days prior to election day.

<sup>27</sup> For example, section 1.3.ii of the Venice Commission Code of Good Practice in Electoral Matters provides that "the law should not require collection of the signatures of more than 1% of voters in the constituency concerned."

<sup>28</sup> As an example, paragraph 77 of the OSCE/ODIHR and CoE Venice Commission [Guidelines on Political Party Regulation](#) states that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

<sup>29</sup> CEC regulation No. 661, amended on 26 December 2014, provides elaborate instructions on inspecting the signature forms. However, for example, section 1.3.iv of the Venice Commission Code of Good Practice in Electoral Matters recommends that "the checking process must in principle cover all signatures." Current rules allow for a party to be disqualified based on the number of invalid signatures in a sample, even if the remaining signatures would suffice to fulfill the legal requirement.

<sup>30</sup> In 2007, the speaker of the lower chamber of parliament was one of the four candidates, representing the SDPU Adolat.

## VIII. CAMPAIGN ENVIRONMENT

The campaign officially started on 14 February and ran until 28 March. The four candidates were the incumbent, President Islom Karimov, nominated by the LDPU; Xotamjon Ketmonov, nominated by the PDPU; Akmal Saidov, nominated by the DPU *Milliy Tiklanish*; and, Narimon Umarov, nominated by the SDPU *Adolat*. The OSCE/ODIHR LEOM was not able to meet with any of the candidates despite repeated requests.

The incumbent did not face meaningful opposition. Each candidate's platform focused on a specific segment of the population, prioritizing the targeted electorate's interests. This included social protection and health care for low-income families for Mr. Ketmonov; national values, traditions and support of locally produced goods for Mr. Saidov; and judicial and political reforms for Mr. Umarov. President Karimov's proxies focused on the merits of stability, security and prosperity achieved to date. The other presidential hopefuls portrayed the incumbent as the best candidate for most of the campaign and none questioned his policies and achievements. In the absence of a political debate, the figure of the incumbent as an unchallenged guarantor of peace and stability dominated the political landscape, overshadowing a lacklustre campaign.

The only visible signs of campaigning were candidates' billboards and a few posters. The campaign was mostly premised on applying the PEL provisions for equal treatment of all contestants, including with regard to access to free-of-charge airtime and space in the media and holding meetings. Although there was no statutory provision for the type, form, and method of campaigning, campaign materials and methods were all strikingly similar. In this context and in the absence of a political debate or genuine competition, the campaign was a background to a process centred on the incumbent. The figures of the three hopefuls were effectively blurred, and the incumbent appeared unopposed.

As a way of expressing a dissenting opinion, human rights activists and opposition figures in exile organized a virtual presidential election on the Internet among 12 candidates, including the 3 officially registered ones, excluding the incumbent.<sup>31</sup> Human rights defenders in the country continue to operate in a restrictive environment<sup>32</sup> and face persecution<sup>33</sup> while a number of international human rights organizations are still denied the right to resume work<sup>34</sup>. An unregistered civil society movement that had challenged the constitutionality of the president's nomination by the LDPU informed the OSCE/ODIHR LEOM that as they did not receive the permission to organize a silent protest against the lack of response

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<sup>31</sup> The virtual campaign was hacked on several occasions and the organizers had to eventually close it on 27 March.

<sup>32</sup> In a [February 2014 report](#), the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, expressed concerns with regard to "credible reports and information received regarding the continuous harassment, detention, and prosecution of human rights defenders in connection to their work, including journalists." The UNHRC has also previously [expressed concerns](#) over "the number of representatives of independent non-governmental organizations, journalists, and human rights defenders imprisoned, assaulted, harassed or intimidated, because of the exercise of their profession."

<sup>33</sup> A member of an unregistered civil society movement, Uzbek Human Rights Alliance, went missing on 3 March, following a meeting with the OSCE/ODIHR LEOM the day before. He was found in a psychiatric hospital on 11 March.

<sup>34</sup> The international non-governmental organization Human Rights Watch has sought to re-open its office in Uzbekistan since it was closed down in 2011.

from the Supreme Court regarding their complaint, they had to forsake it or face a fine from 60 to 80 minimum salaries or 15 days of arrest.<sup>35</sup>

*Disproportionate or discriminatory restrictions to the right of freedom of association in the law should be lifted. In addition, restrictions on the activities of non-governmental organizations should also be reviewed and amended to comply with the ICCPR and paragraphs 9.3 and 10.3 of the 1990 OSCE Copenhagen Document.*

*All electoral stakeholders should be able to exercise their right to assemble during elections, including during the pre-election and post-election periods, without the threat of arrest.*

Reportedly, all four candidates held one public meeting in each of the 14 regions in person, while their official proxies represented them in up to 12 meetings per region. Out of 14 proxies per candidate, the incumbent and Mr. Ketmonov had each 2 female proxies, Mr. Saidov had 3, and Mr. Umarov, 4. Overall, the OSCE/ODIHR LEOM attended a total of 19 such meetings held by or on behalf of Mr. Ketmonov, Mr. Saidov and Mr. Umarov. Despite several requests, the OSCE/ODIHR LEOM was denied access to the meetings held by the incumbent and attended six meetings held by his proxies.<sup>36</sup> Although meetings with candidates were not advertised in the media in advance, contrary to the legal requirement, seating in the venues was filled exactly to capacity.<sup>37</sup> Most of the observed meetings followed the same format.<sup>38</sup> While women's attendance at campaign events varied greatly from party to party, they represented more than half in those campaign events attended by the OSCE/ODIHR LEOM.<sup>39</sup>

## IX. CAMPAIGN FINANCE

While the campaign is entirely funded by the state, the legal framework for campaign finance is not comprehensive. As the Law on Financing of Political Parties contains provisions that pertain only to parliamentary elections, the regulation of campaign finance for the presidential election is premised upon only one article in the PEL and two paragraphs in a CEC regulation.

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<sup>35</sup> In the absence of legislation on the conduct of different types of assemblies, except for mass events with participation of more than 100 participants, the Code on Administrative Responsibility prescribes excessive fines for violating the order on the conduct of gatherings, rallies, street processions and demonstrations, which inhibits the application of the right to freedom of assembly, contrary to paragraph 9.2 of the 1990 OSCE Copenhagen Document.

<sup>36</sup> Meetings in Fergana on 11 March and in Tashkent region and city on 16 and 17 March.

<sup>37</sup> The OSCE/ODIHR LEOM observed that the attendance at meetings in rural area included approximately 100 people, 200 people in urban areas for meetings with proxies and higher numbers for candidate meetings. While in most cases, participants represented middle-aged and elderly groups, in one instance a proxy meeting was organized in a pedagogical college where 80 per cent of the audience were students and teachers from the school (Urgench, 26 March).

<sup>38</sup> Meetings with proxies were generally introduced by the DEC, followed by a presentation of the candidate's biography and programme by the proxy. In some cases, elected officials at district and regional councils attended the meetings to support the proxies.

<sup>39</sup> The OSCE/ODIHR LEOM LTOs noted that women represented some 39 per cent of the public in DPU meetings, some 43 per cent in LDPU meetings, some 60 per cent in PDPU meetings and some 70 per cent in SDPU meetings.

Parties each received state funding in the amount of UZS 842 million (approximately EUR 327,000) for campaign-related expenses.<sup>40</sup> In addition, the candidates received indirect benefits in the form of free-of-charge use of meeting premises, free-of-charge airtime in the public media, and generic candidate posters prepared by the CEC.

The PEL prohibits any other sources of financing or material support for candidates. While the PEL allows for voluntary contributions from political parties, organizations and citizens, these can only be received by the CEC. Since the funds are to be equally divided between the candidates, such a provision effectively requires a private contributor to support not only his or her preferred candidate, but also that candidate's opponents.<sup>41</sup> However, the OSCE/ODIHR LEOM was informed that no such donations were made and all political parties stated that the allocated state funding was sufficient. There is neither a requirement for political parties to submit election-related financial reports nor to publish any financial information before or after the election. There is a requirement to publish and present general party financial reports to the lower chamber of the parliament. The next reports are due in March 2016.<sup>42</sup>

*The legal framework governing campaign finance should be reviewed to ensure that the principles of accountability and transparency of the electoral process are respected. Possible amendments could separate the regulation of general party and campaign financing, as well as clarify provisions on public and private financing, campaign contributions and campaign expenditure, campaign finance reporting and disclosure, oversight and monitoring.*

## X. MEDIA

### A MEDIA ENVIRONMENT

Television is the primary source of political information, followed by radio, which is more popular in rural areas. Since the last presidential election, social platforms have become more prominent compared with the print media. While the Press and Information Agency (PIA) reports that in total there are 1,392 media outlets, 79 per cent of which are privately owned, the state-owned National Television and Radio Company (NTRC) dominates the market as the only outlet with a nationwide coverage.<sup>43</sup>

Mainstream media is largely ceremonial in both content and style, while access to numerous national and international news websites is often blocked. Overall, the media environment is not conducive to voters

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<sup>40</sup> Legislation provides for an exhaustive list of possible expenses: publishing campaign materials, promoting candidate programmes, arranging candidate appearances in the media, organizing candidate meetings, and organizing the work of proxies, and other party activists in election districts.

<sup>41</sup> As an example, paragraph 77 of the OSCE/ODIHR and CoE Venice Commission Guidelines on Political Party Regulation states that "funding of political parties is a form of political participation" and that "with the exception of sources of funding that are banned by relevant legislation, all individuals should have the right to freely express their support for a political party of their choice through financial and in-kind contributions."

<sup>42</sup> During the observation period, the political parties submitted their 2014 reports to the relevant financial authorities and presented them to the Legislative Chamber of the parliament. Political parties were also supposed to publish their reports. However except for small articles in several newspapers mentioning the reports' presentation to the parliament, no additional information was available to the public.

<sup>43</sup> The NTRC has 13 television and radio channels with nationwide coverage and 12 regional broadcasters, each offering both a television and a radio programme.



receiving information about alternative views. The lack of a genuine and pluralistic political debate and the inability to exchange information appear to diminish the opportunity for voters to make an informed choice.

## **B LEGAL FRAMEWORK**

The legal framework for media is scattered among the Constitution and several laws establishing the sector's modalities and reporting standards for journalists.<sup>44</sup> In addition, presidential decrees on a wide range of subjects, most notably on the establishment of television channels by the NTRC, supplement the primary legislation.

The Constitution provides for freedom of expression, yet it also holds the media and journalists, in particular, accountable for the "trustworthiness" of the disseminated information. Furthermore, the primary legislation sets stringent limits to the freedom of reporting.<sup>45</sup> Vaguely defined criteria used for rejecting the registration of media and suspending their activities have previously been used in an arbitrary manner.<sup>46</sup> Moreover, the PIA has the authority to register media outlets and can initiate their suspension. It operates under the sole supervision of the government, giving the state a control over the media, which is not in line with the OSCE commitments with regard to freedom of expression and other related international standards.<sup>47</sup>

*Legislation governing the media should be extensively reviewed and could be consolidated into one comprehensive law. Overall, the legal framework should provide for a truly independent regulatory body, and exhaustive and clear criteria for the denial of registration or the suspension of media outlets.*

The Criminal Code equates criticism with slander, a crime punishable by up to five years of imprisonment. It may also be an offence under the PEL to distribute false information defaming candidates.<sup>48</sup> These provisions hinder media pluralism and are not in line with OSCE commitments and Article 19 of the ICCPR.<sup>49</sup> They also are conducive to self-censorship, especially at the editorial level.

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<sup>44</sup> These include, among others, the Mass Media Law; the Law in Informatization; the Law on the Guaranties for Media Practitioners; and the Law on Openness in the State Institutions.

<sup>45</sup> Article 6 of the Mass Media Law broadly prohibits, among other things, to take "actions that entail criminal and other liability in accordance with the law."

<sup>46</sup> Article 22 of the Mass Media Law provides for rejection of the registration if "the goals and objectives of the mass media contradict the law."

<sup>47</sup> In the 1997 Copenhagen Ministerial Council Document, OSCE participating States reaffirmed that "free, independent and pluralistic media are essential to a free and open society and accountable systems of government." UNHRC General Comment No. 25 on Article 25 of the ICCPR reads that "In order to ensure the full enjoyment of rights protected under the article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."

<sup>48</sup> Articles 139 (libel) and 140 (insult) of the Criminal Code can also be applied to journalists.

<sup>49</sup> Paragraph 9.1 of the OSCE Copenhagen document states that "everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards." UNHRC General Comment No 34 on Article 19 of the ICCPR reads that "a free press and other media [must be] able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output". It further states that "a free uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and enjoyment of other Convent rights."

*Undue restrictions on freedom of expression should be eliminated from the legal framework in order to foster a free campaign environment and to ensure full respect for fundamental freedoms crucial to the conduct of democratic elections. The legal framework should be revised to decriminalize defamation and distribution of false information and replace it with reasonable and proportional civil responsibility.*

## C OSCE/ODIHR MEDIA MONITORING

The OSCE/ODIHR LEOM conducted comprehensive media monitoring.<sup>50</sup> It showed that the state-owned media granted candidates an ample amount of free-of-charge airtime and print space, as foreseen by the law.<sup>51</sup> While all candidates used provided space in the newspapers, the incumbent did not use free-of-charge airtime on state television with nationwide coverage.<sup>52</sup> Free advertising was neither clearly marked in broadcast media, nor subject to critical analysis or editorial commentary. All coverage of candidates was either in a positive (54 per cent for television and radio and 79 per cent for the press) or neutral tone (46 per cent for television and radio and 21 per cent for the press).

The rigidly constrained media did not provide for genuine political debate with a plurality of opinions. The OSCE/ODIHR LEOM media monitoring revealed that overall, 11 and 5 per cent of the primetime coverage on state-owned and private television channels, respectively, were dedicated to the presentation of political issues. This airtime was mainly used for broadcasting free-of-charge pre-recorded advertising and voter education programmes. An average of nine minutes per day was allocated by each television channel to political issues in current affairs programmes and the news combined. Between 23 and 59 per cent of this airtime was devoted by the different television channels to coverage of the incumbent's institutional activities, giving him a clear advantage.<sup>53</sup> None of the current affairs programmes aired direct speech by any candidate, except for the incumbent, whose yearly address on the occasion of a national holiday was featured prominently. As a result, the electorate was deprived of the possibility to hear the other candidates outside of the allocated free-of-charge advertising time. In the news, all candidates were covered equally and in an identical manner on all monitored television channels.<sup>54</sup> No public debates among the candidates or their proxies took place during the campaign period.

The information on electoral matters offered by the print media did not provide for alternative formats. While state-owned newspapers covered the four candidates equally, as on television, they also dedicated a significant share of space to coverage of the incumbent in his institutional capacity.<sup>55</sup> Moreover, the

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<sup>50</sup> From 25 February to 29 March, the OSCE/ODHIR LEOM monitored 13 media outlets: television stations: *O'zbekistan, Yoshlar, Toshkent, UzReport TV*; radio: *O'zbekiston*; and newspapers: *Narodnoe Slovo, Pravda Vostoka, Xalq So'zi, Adolat, Milliy Tiklanish, O'zbekiston Ovozi, Darakachi* and *XXI asr*.

<sup>51</sup> Two state-owned nationwide television channels allocated a total of 15 hours to the contestants, while each regional channel gave them a total of 3 hours. State-owned national and regional newspapers allocated a total of 10 and 5 pages, respectively, to the coverage of contestants.

<sup>52</sup> On 26 March, President Karimov used free-of-charge airtime on *Toshkent*.

<sup>53</sup> During the monitored period, *UzReport TV* dedicated 54 per cent of its current affairs and news airtime to coverage of the incumbent in his institutional capacity, *Toshkent* – 49 per cent, *O'zbekistan* – 29 per cent, and *Yoshlar* – 23 per cent. All of this coverage was in a positive (15 per cent) or neutral tone (85 per cent).

<sup>54</sup> As confirmed by most television stations monitored, news items on all candidates were prepared in advance and aired in blocs in order not to breach the CEC regulation on equal access.

<sup>55</sup> During the monitored period, *Pravda Vostoka, Narodnoe Slovo*, and *Xalq So'zi* dedicated 44, 28, and 27 per cent of election-related space to the incumbent in his institutional capacity, respectively. All of this coverage was in a positive (32 per cent) or neutral tone (68 per cent).

incumbent's image prevailed in photos illustrating the editorial material in the state-owned newspapers.<sup>56</sup> The private newspaper *Darakachi* strived to cover the candidates equally in some two per cent of the space that it dedicated to election-related issues. Party-owned newspapers featured only their own candidates. The OSCE/ODHIR LEOM did not observe any issue-oriented editorials or analytical reporting on or comparing candidates' platforms.

By and large, female party activists and proxies were underrepresented across the media landscape. The state-run television and radio channels broadcasting nationwide allocated about four per cent of their prime time programming to the female party representatives.<sup>57</sup> Moreover, state-run newspapers *Narodnoe Slovo* and *Pravda Vostoka* did not feature women activists in their electoral coverage.<sup>58</sup> The only exception was the state-run regional television channel *Toshkent*, which allotted 14 per cent of its coverage to female representatives.

*Comprehensive measures such as airtime allocation to female proxies and party activists by state media outlets could be considered, in order to promote women's participation in the political process.*

The authority to oversee media compliance with regulations rested with the CEC at the central level and the DEC's in the regions. The CEC stated that a mechanism to oversee compliance was in place. However, despite repeated requests, the OSCE/ODHIR LEOM was not provided access to the media monitoring facility nor to the reports on the media's performance that were reportedly at the CEC's disposal. These reports were also not published on the CEC website.<sup>59</sup>

## XI. COMPLAINTS AND APPEALS

Various elements of electoral dispute resolution are regulated by different legal acts, which limit the clarity of the legal framework.<sup>60</sup> Overall, the legal framework provides for a hierarchical structure of electoral dispute resolution, as decisions of lower-level commissions can be appealed to the higher-level ones or courts. It does not, however, comprehensively define the timeframes for complaints and appeals or who may submit a complaint. This does not provide an adequate basis for ensuring effective remedy required by paragraph 5.10 of the 1990 OSCE Copenhagen Document.<sup>61</sup> Only in some cases does the legislation provide for public hearing of complaints and publication of decisions, or envisage consideration of electoral disputes in the presence of concerned parties, limiting the transparency of the process. The legal framework stipulates, through in a CEC instruction rather than in the law, the election-

<sup>56</sup> Out of all pictures printed in the state-owned newspapers *Pravda Vostoka*, *Narodnoe Slovo*, and *Xalq So'zi*, 44, 42 and 33 per cent, respectively, featured President Karimov.

<sup>57</sup> *UzReport TV*, *Yoshlar*, radio *O'zbekiston*, and *O'zbekistan*, allocated respectively nine, four, three and one per cent of the coverage to female political actors.

<sup>58</sup> The highest coverage of female political actors was allocated by *O'zbekiston Ovozi* with six per cent; then came *Xalq So'zi*, and *Darakachi* with two per cent; and *Narodnoe Slovo*, *Pravda Vostoka*, *Adolat*, *Milliy Tiklanish*, and *XXI asr* with about one per cent.

<sup>59</sup> The CEC released partial results of the media monitoring on 6 April, confirming the incumbent's domination of the editorial coverage on the state-run television channels due to coverage of his institutional activities.

<sup>60</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "everyone will have an effective means of redress against administrative decisions..."

<sup>61</sup> The PEL, the Law on CEC, the Law on Suffrage, Civic Procedural Code, and the CEC Regulation on Instructions to PEC contain provisions on the complaints system.

specific timeframes for the consideration of complaints by the PECs and the courts but not by the DEC's or the CEC.<sup>62</sup> Positively, the legal framework defines specific procedures for adjudicating complaints pertaining to voter registration by the PECs and provides for judicial review of their decisions. The OSCE/ODIHR LEOM noted that, while election officials lacked knowledge on electoral dispute resolution, voter education materials and observed training sessions for the lower-level commissions did not cover this topic.

*The legal framework should be amended to provide the right to lodge a complaint to every voter, candidate or political party at any stage of the electoral process, specify a timeframe for submitting complaints and their consideration, and guarantee transparency and public access to complaint proceedings. Consideration could be given to prescribing this in a law rather than in sub-legal acts.*

During the election period, no violations were reported to the prosecutors and the electoral dispute resolution system remained largely untested. More than 140 petitions were received by the CEC in the election period. However, only a few were related to the election and most concerned matters outside the CEC's competence, such as the work of judiciary and communal problems. As such, they were forwarded to the competent state institutions in accordance with the Law on Citizens' Applications. None of them were made publicly available.

In February and March, two complaints supported by three citizens each, challenged the constitutionality of the nomination of President Karimov by the LDPU and the CEC decision to register him as a candidate. These were submitted to the Constitutional Court, the General Prosecutor's office, the Senate, and the CEC. According to the Law on Citizens' Applications, the CEC was obliged to forward this complaint to the body authorized to adjudicate it (in this case, the Supreme Court) and to notify the complainant. In a departure from this provision, the CEC transferred the complaint to the General Prosecutor, who was not authorized to deal with it and returned it to the CEC. The CEC once again did not forward the complaint to the Supreme Court and only informed the complainants that its decisions could be appealed to the Supreme Court.

Following this, on 6 March, three citizens appealed the CEC decision to register the incumbent with the Supreme Court. Following an official request, on 2 April, the Supreme Court informed the OSCE/ODIHR LEOM through the CEC that they never received the complaint. The Constitutional Court received the complaint on 3 March and informed the OSCE/ODIHR LEOM that it answered to the complainants only after election day with a letter explaining the formal deficiencies of their complaint.<sup>63</sup> No further efforts were made by the court to consider on its own initiative the questions raised in the complaints.<sup>64</sup> This left

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<sup>62</sup> PECs have five days to decide upon received complaints. This timeframe is extended to ten days if a commission needs to investigate further. Complaints submitted on election day are to be considered immediately. Courts have three days to take a decision or must do so immediately should a case be submitted within six days of the election.

<sup>63</sup> The complainants claim that they never received the letter. Unfortunately, the Constitutional Court did not grant access to its answer to the OSCE/ODIHR LEOM.

<sup>64</sup> According to Article 19 of the Law on the Constitutional Court, three judges of the Constitutional Court may bring a case before the court, while citizens have no such right. As the OSCE/ODIHR LEOM was informed by the Constitutional Court's Chairperson, when a citizens' complaint raises issues that are under the court's powers, the judges may initiate such case for review and decision. If the complaint is not under the competence of the Constitutional Court, this should be indicated to the applicant within one month of reception of the complaint as prescribed by the Law on Citizens' Applications.

the complainants without effective redress, contrary to the OSCE commitments.<sup>65</sup> Judges of all courts of the general jurisdiction are appointed (and nominated in the case of the Supreme Court) by the president every five years. This raises concerns with regard to the independence and impartiality of the judiciary.

*Political will and respect of the legal provisions is needed to ensure that courts and the election administration act genuinely, impartially and transparently with a view to guaranteeing effective redress.*

## **XII. PARTICIPATION OF NATIONAL MINORITIES**

National minorities enjoy full political rights under the Constitution. According to the government, there are more than 130 nationalities listed in Uzbekistan, among which the Uzbeks represent the majority with 83 per cent.<sup>66</sup> Elected representatives of all four parties in parliament include members of national minorities.

The International Cultural Centre serves as an umbrella organization for the 130 nationality groups and informed the OSCE/ODIHR LEOM that they did not address political parties with any issues regarding civil rights of minorities. According to the Ombudsperson, the country enjoys a high level of tolerance and no cases of discrimination have been reported recently.

The OSCE/ODIHR LEOM observed that campaign materials were available in Uzbek and Russian languages. OSCE/ODIHR LEOM interlocutors mentioned that most meetings with proxies were held in Uzbek, but Russian could be used freely if needed. Billboards and posters were produced in Uzbek and Russian in 12 regions and Tashkent City, and in Karakalpak in the Republic of Karakalpakstan. The PDPU publishes its party newspaper in Russian and Uzbek. In accordance with the PEL, ballots were printed in Uzbek, Russian and Karakalpak.

## **XIII. CITIZEN AND INTERNATIONAL OBSERVERS**

According to the law, political parties may nominate their representatives, and similar to international observers, may be present at sessions of all election commissions, as well as at polling stations for voting and counting. Such representatives had to be accredited by DEC by 14 March. According to the CEC, DEC accredited 35,747 party agents, including 9,003 from the LDPU, the SDPU *Adolat*, and the PDPU each, as well as 8,738 from the DPU *Milliy Tiklanish*.

Despite previous OSCE/ODIHR recommendations, the PEL does not provide for citizen observation, at odds with the OSCE commitments and international good practice.<sup>67</sup> The Independent Institute for

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<sup>65</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions...”

<sup>66</sup> According to the CEC, other ethnic groups include Tajiks (4.6 per cent), Russians and Kazakhs (2.6 per cent each), Karakalpaks (2.2 per cent), Kyrgyzs (0.9 per cent), and Tatars (0.7 per cent).

<sup>67</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States “consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place.” See also, for example, section 3.2.a of the 2002 Venice Commission Code of Good Practices in Electoral Matters that states: “both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.”

Monitoring the Formation of Civil Society (*NIMFOGO*) informed the OSCE/ODIHR LEOM that it monitored the campaigns of the four candidates and observed their meetings, reportedly to check if they abided by the law.<sup>68</sup>

In addition to the OSCE/ODIHR, observers from the CIS, the Shanghai Cooperation Organization, the Organization of the Islamic Cooperation, the Association of World Election Bodies, and a number of representatives from foreign election commissions and diplomatic missions in Uzbekistan were accredited by the CEC. According to the CEC, 299 international observers from 43 countries were accredited, including businesspersons and politicians, who came at the invitation of the government. In the run-up to the election, the CEC organized a 10-day programme, including travel and other forms of entertainment for international observers.<sup>69</sup>

The OSCE/ODIHR LEOM was not at liberty to contact either institutional or political actors without the direct involvement of the CEC or the DEC. This may have hindered the ability of the OSCE/ODIHR LEOM's interlocutors to interact freely.

*In order to increase the transparency of the electoral process, legislation should be amended to provide for non-partisan citizen observation. Furthermore, unhindered access to all electoral stakeholders should be ensured for international observers.*

#### **XIV. ELECTION DAY AND ANNOUNCEMENT OF RESULTS**

In line with OSCE/ODIHR's standard methodology for LEOMs, the mission did not undertake comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations in seven districts. In almost all polling stations visited during voting, OSCE/ODIHR LEOM observers noted numerous instances of blocks of seemingly identical signatures on voter lists, as well as proxy voting on behalf of several individuals that contravenes the principle of vote equality.<sup>70</sup>

The OSCE/ODIHR LEOM observers also reported that the identity of voters was not always verified. The staff of the polling stations visited appeared to be aware of most procedural and legal requirements for voting, including those that explicitly prohibit proxy voting. Disregarding these provisions may have affected the turnout figure, reported by the CEC, at 91.08 per cent. Legislation and CEC instructions make clear that proxy voting is not permitted and while voters may be unaware that such practices are

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<sup>68</sup> *NIMFOGO* was created in 2003 by educational and social institutions and, since 2010, has been supporting the implementation of President Karimov's "Concept of Further Deepening the Democratic Reforms and Establishing the Civil Society in the Country." It is a state-funded organization and reports its findings to the authorities.

<sup>69</sup> Some of the international observers informed the OSCE/ODIHR LEOM that their expenses, including flights and accommodation, were paid for by the government of Uzbekistan. This is contrary to paragraph 12 of the CEC regulation on observers from other countries, international organizations and movements participating in election of the president, which states that "the funding and organizational support of observers' activities should come from the countries, international organizations or movements they are representing."

<sup>70</sup> Paragraph 7.3 of the OSCE 1990 Copenhagen Document contains a commitment by the OSCE participating States to "guarantee universal and equal suffrage to adult citizens." In paragraph 7.4 of the OSCE 1990 Copenhagen Document OSCE participating States committed to "ensure that votes are cast by secret ballot or by equivalent free voting procedure." See also Article 21.3 of the UN Universal Declaration of Human Rights, as well as Article 25(b) of the ICCPR.

illegal, the law places responsibility on the election administration, and the PECs in particular, to end this practice.

*Political will is needed to resolve the widespread and persistent practices of proxy and multiple voting. Perpetrators, including election commission members who participate or tolerate such practices, should be held accountable.*

PEC members worked in a transparent manner, giving the OSCE/ODIHR LEOM observers full access to the premises. However, the presence of OSCE/ODIHR LEOM observers appeared to affect the behaviour of PEC members who, in some cases, discontinued the practice of issuing multiple ballots to voters or started to turn away voters who arrived carrying multiple identification documents. While party agents were present in most polling stations visited, they tolerated ongoing proxy voting and other irregularities. The parties informed the OSCE/ODIHR LEOM that they would have agents in almost all polling stations: however, OSCE/ODIHR LEOM observers noted a limited presence of party agents in the majority of stations visited.

Unauthorized individuals were present in most of the visited precincts. These were mostly volunteer staff of the institutions where the polling stations were located or representatives of the *mahallas*. Such individuals often performed tasks assigned to PEC members, including handling sensitive electoral materials, while the PECs supervised them or performed other duties. This practice contradicts the electoral laws and regulations that entrust PEC officials with organizing elections and stipulate their duties. It also dilutes responsibility for any possible malpractice.

In many polling stations visited, PEC chairpersons were reluctant to admit that their polling station had a supplementary voter list, although after further scrutiny it was clear many citizens took advantage of the possibility of being added to these lists on election day. This casts further doubt on the accuracy of the compilation of the initial voter lists. In addition, in at least two cases, it was observed that the voter list posted on the wall of a polling station was not the same as the one used to conduct the election. OSCE/ODIHR LEOM observers also noted a number of instances when ballot boxes were not sealed properly, at times due to the poor quality of seals. Few polling stations visited were accessible for disabled voters.

During counting, OSCE/ODIHR LEOM observers noted serious procedural irregularities in all polling stations visited. Among other things, PECs often neglected to establish the number of signatures of voters on the voter lists and, therefore, did not reconcile this number with the number of ballots found in the box, which negatively impacted the accountability of results.<sup>71</sup> They also failed to count and annul unused ballots. They often faced difficulties filling out results protocols, in part due to the poor application of counting procedures and, to a significant degree, due to disregard of legal requirements and procedures for ballot reconciliation. Despite a CEC regulation, none of the polling stations visited displayed the protocols after the count was completed, which undermined the transparency of the results and limited the possibility for electoral stakeholders to submit complaints.

In five DECAs visited by the OSCE/ODIHR LEOM observers, tabulation was conducted inconsistently and a number of results protocols had to be corrected, including numerous instances where PECs had

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<sup>71</sup> Paragraph 7.4 of the 1990 OSCE Copenhagen Document contains a commitment that votes “are counted and reported honestly with the official results made public.”

several blank protocols ready for use in case of corrections. OSCE/ODIHR LEOM observers noted that in the DECAs visited during tabulation, representatives of political parties were generally not present. Tabulation continued into the afternoon of 30 March and preliminary results were announced by the CEC that same afternoon.

The CEC announced the final results on 6 April, which gave President Karimov 17,122,597 votes, followed by Mr. Saidov with 582,688 votes, Mr. Ketmonov with 552,309 votes and Mr. Umarov with 389,024 votes. The results for each of the three losing candidates show they received far fewer votes than supporting signatures collected during the candidate registration process. This casts doubt on the credibility of the candidate registration process. Neither the preliminary nor final results included detailed information about voter turnout or breakdown of valid and invalid ballots by polling station, which would provide for transparency.

## **XV. RECOMMENDATIONS**

The following recommendations, as contained throughout the text, are offered for consideration by the authorities, political parties and civil society with a view to supporting efforts to conduct elections fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed, in particular in its final report on the 2014 parliamentary elections. The OSCE/ODIHR stands ready to assist the authorities of the Republic of Uzbekistan to further improve the electoral process and in following up on the recommendations contained in this and previous reports.<sup>72</sup>

### **A PRIORITY RECOMMENDATIONS**

1. The Constitution should be adhered to and the Constitutional Court, as the assigned body, should interpret the norms of the Constitution.
2. A comprehensive review of the legal framework should be undertaken well in advance of the next elections in order to bring it in accordance with OSCE commitments and other international obligations and standards, with special consideration given to ensuring that fundamental freedoms, including freedoms of association, assembly and expression, are adequately protected by the law.
3. Disproportionate or discriminatory restrictions to the right of freedom of association in the law should be lifted. In addition, restrictions on the activities of non-governmental organizations should also be reviewed and amended to comply with the ICCPR and paragraphs 9.3 and 10.3 of the 1990 OSCE Copenhagen Document.
4. All electoral stakeholders should be able to exercise their right to assemble during elections, including during the pre-election and post-election periods, without the threat of arrest.

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<sup>72</sup> According to the paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”



5. Undue restrictions on the right to stand for president should be removed from the legal framework. The 10-year residency requirement should be lifted, as well as the requirement for proficiency in the state language. The restriction of candidate rights for citizens on trial or those in prison irrespective of the gravity of the crime should be repealed. Independent candidates should have the right to stand.
6. Political will and respect of the legal provisions is needed to ensure that courts and the election administration act genuinely, impartially and transparently with a view to guaranteeing effective redress.
7. In order to increase the transparency of the electoral process, legislation should be amended to provide for non-partisan citizen observation. Furthermore, unhindered access to all electoral stakeholders should be ensured for international observers.
8. Political will is needed to resolve the widespread and persistent practices of proxy and multiple voting. Perpetrators, including election commission members who participate or tolerate such practices, should be held accountable.

## **B OTHER RECOMMENDATIONS**

### **Legal framework**

9. A clear and detailed legislative framework for conducting elections should be established through statutory law, either in a comprehensive code or through a set of laws that operate together consistently and without ambiguities or omissions

### **Election administration**

10. Consideration could be given to amending the legislation to ensure that the CEC is appointed in an inclusive and pluralistic manner with the aim of guaranteeing its independence.

### **Voter registration**

11. Consideration could be given to establishing uniform procedures of voter registration that would enable updates, revisions, cross checks, and the elimination of multiple entries in voter lists. Procedures for voter registration should be clearly detailed in the legislation and consistently implemented.

### **Candidate registration**

12. In line with good electoral practice, the number of supporting signatures could be reduced and the restriction that citizens may sign for only one candidate could be removed.

### **Campaign finance**

13. The legal framework governing campaign finance should be reviewed to ensure that the principles of accountability and transparency of the electoral process are respected. Possible amendments

could separate the regulation of general party and campaign financing, as well as clarify provisions on public and private financing, campaign contributions and campaign expenditure, campaign finance reporting and disclosure, oversight and monitoring.

## **Media**

14. Legislation governing the media should be extensively reviewed and could be consolidated into one comprehensive law. Overall, the legal framework should provide for a truly independent regulatory body, and exhaustive and clear criteria for the denial of registration or the suspension of media outlets.
15. Undue restrictions on freedom of expression should be eliminated from the legal framework in order to foster a free campaign environment and to ensure full respect for fundamental freedoms crucial to the conduct of democratic elections. The legal framework should be revised to decriminalize defamation and distribution of false information and replace it with reasonable and proportional civil responsibility.
16. Comprehensive measures such as airtime allocation to female proxies and party activists by state media outlets could be considered, in order to promote women's participation in the political process.

## **Complaints and appeals**

17. The legal framework should be amended to provide the right to lodge a complaint to every voter, candidate or political party at any stage of the electoral process, specify a timeframe for submitting complaints and their consideration, and guarantee transparency and public access to complaint proceedings. Consideration could be given to prescribing this in a law rather than in sub-legal acts.

## ANNEX: FINAL RESULTS

The CEC announced the following official results:

- Number of registered voters: 20,798,052 (12,198 abroad)
- Number of votes cast: 18,942,349 (11,261 abroad)
- Turnout: 91.08 per cent
- Number of invalid ballots: 295,731

<b>Candidates</b>	<b>Number of votes</b>	<b>Percentage</b>
Karimov Islom Abduganievich	17,122,597	90.39
Ketmonov Xotamjon Abdurrakhmonovich	552,309	2.92
Saidov Akmal Kholmatovich	582,688	3.08
Umarov Narimon Madjitovich	389,024	2.05

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/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 Summit Document). This is referred to as the OSCE human dimension.

The OSCE/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 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/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.

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