



Office for Democratic Institutions and Human Rights

REPUBLIC OF UZBEKISTAN

ASSESSMENT OF THE LAW ON ELECTIONS OF THE OLIY MAJLIS



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TABLE OF CONTENTS

<u>I.</u>	<u>INTRODUCTION</u>	1
<u>II.</u>	<u>EXECUTIVE SUMMARY</u>	2
<u>III.</u>	<u>DISCUSSION OF THE ELECTION LAW</u>	3
<u>A.</u>	<u>CANDIDACY RIGHTS</u>	4
<u>1.</u>	<u>Article 20 Registration Requirements for New Political Parties</u>	4
<u>2.</u>	<u>Article 25 Limitation on Candidacy Rights</u>	4
<u>3.</u>	<u>Article 31 Limitation on Candidacy Rights</u>	5
<u>4.</u>	<u>Discriminatory Registration Requirements</u>	7
<u>5.</u>	<u>Limitation on Candidacy Rights due to Unreasonable Nomination Procedures</u>	7
<u>6.</u>	<u>Correction of Defects in Candidate Registration Documents</u>	9
<u>B.</u>	<u>ELECTION COMMISSIONS</u>	10
<u>1.</u>	<u>Formation of Electoral Constituencies</u>	11
<u>2.</u>	<u>Establishment of Electoral Wards</u>	12
<u>C.</u>	<u>ELECTION RULES</u>	13
<u>1.</u>	<u>Voter Lists</u>	13
<u>2.</u>	<u>Election Campaign Provisions</u>	13
<u>3.</u>	<u>Financing of Elections</u>	14
<u>4.</u>	<u>Media Regulation during the Elections</u>	15
<u>5.</u>	<u>Early Voting</u>	15
<u>6.</u>	<u>Mobile Voting</u>	15
<u>7.</u>	<u>Ballots and Voting Procedures</u>	16
<u>8.</u>	<u>Determination of Election Results</u>	17
<u>D.</u>	<u>TRANSPARENCY</u>	19
<u>E.</u>	<u>LEGAL PROTECTIONS</u>	20
<u>1.</u>	<u>Lack of a Uniform and Consistent Process for Legal Protections</u>	20
<u>IV.</u>	<u>CONCLUSION</u>	21

ASSESSMENT OF THE LAW ON ELECTIONS OF THE OLIY MAJLIS

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I. INTRODUCTION

This assessment reviews and comments on the Law on Elections of the Oliy Majlis of the Republic of Uzbekistan adopted by the Parliament on 29 August 2003 (herein “the Election Law”) and amendments to the Law adopted by Parliament on 27 August and 2 December 2004. The Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has previously commented on the legal framework for elections in Uzbekistan.¹ This assessment should be viewed as complementary to earlier comments and recommendations, which are particularly relevant as many of them are based on actual observations, and in conjunction with this assessment of the written text of the Election Law, provide a comprehensive commentary on the legal framework for elections in Uzbekistan.

The assessment is provided with the goal of assisting the authorities in Uzbekistan in their stated objective to develop a sound legal framework for democratic elections. However, the extent to which any amendments to the law can have a positive impact will ultimately be determined by the commensurate level of political will, to be exhibited, first and foremost, by State institutions and officials responsible for implementing and upholding the law.

The assessment is based on an unofficial English translation of the Election Law, as reflected in 65 articles covering 20 pages of text, provided to the OSCE/ODIHR. Any legal review based on translated laws may be affected by issues of interpretation resulting from translation. A law can be assessed only on the literal translated text that is provided for review.

It should be noted that on several occasions, the assessment refers to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) as well as the International Covenant on Civil and Political Rights (ICCPR). While the former is not binding on Uzbekistan, it serves as a reference point for legally acceptable international standards.

The OSCE/ODIHR is grateful to the Ministry of Foreign Affairs and the Central Election Commission of the Republic of Uzbekistan for their cooperation on this project. The support of the OSCE Center in Tashkent is also highly appreciated.

¹ See Report of the ODIHR Needs Assessment Mission, Uzbekistan Legislative Chamber Elections, 20-22 September 2004, published on 13 October 2004; OSCE/ODIHR Analysis and Recommendations Concerning the Election Legislation of the Republic of Uzbekistan, 30 June 1999; Report of the ODIHR Needs Assessment Mission, Uzbekistan Parliamentary Election, 5 December 1999; OSCE/ODIHR Limited Election Assessment Mission Final Report, Republic of Uzbekistan Election of Deputies to the Oliy Majlis, 5 and 19 December 1999, published on 28 April 2000.

II. EXECUTIVE SUMMARY

The OSCE/ODIHR assessment of the Law on Elections of the Oliy Majlis of the Republic of Uzbekistan is offered to the authorities, as well as political parties and civil society of the Republic of Uzbekistan, with the intention of supporting improvements to the legal framework for democratic elections, and to bring the law more closely in line with OSCE commitments and other international standards for the conduct of democratic elections.

While a few positive changes have been introduced, the Election Law requires significant improvements in order to comply with OSCE commitments and other international standards for democratic elections.

The OSCE/ODIHR recognizes that some improvements have been introduced in the Election Law, which include:

- Withdrawal of the right of Khokims (heads of local executive) to nominate candidates for members of parliament;
- Introduction of a 30 per cent party list quota for women parliamentary candidates;
- Removal of the possibility for negative voting;
- Provisions partially clarifying the procedures for verification of signatures given in support of political parties' and independent candidates for members of parliament.

In addition, the new Political Party Finance Law permits citizens and legal entities, as well as the State, to contribute to political parties, although only contributions from the State can be used to support election campaign activities.

However, a number of provisions in the Election Law run contrary to OSCE Commitments contained in the 1990 Copenhagen Document, and other international standards for democratic elections, including limitations on the right(s):

- of **freedom of expression, assembly and association**, thus marginalizing possibilities for a pluralistic, robust and vigorous election campaign;
- to **be elected**, if convicted for *any* crime, or if the “sudimost” for *any* crime has not expired, thus imposing disproportionate sanctions;
- to **fulfil an elected candidate’s mandate** by creating the possibility for premature termination of his or her mandate;
- of **equal treatment** for candidates nominated by political parties and candidates nominated by initiative groups of citizens; and
- of **unimpeded access of domestic non-partisan observers** to all stages of the election process.

Serious consideration should also be given to the following issues in the context of established best practices, in order to improve transparency, accountability and overall confidence in the election process in Uzbekistan, including:

- **Composition of election commissions:** meaningful and inclusive participation of political parties' representatives as members of election commissions will enhance transparency.

- **Registration of candidates:** ease of conditions for registration of parties and candidates will enhance pluralism and competition. This refers to the need for a party to start registration procedures some eight months before the election, an unacceptably long period of time. Similarly, the need for a two-stage registration of candidates complicates unnecessarily the whole process.
- **Signatures in support of candidates of initiative groups:** ease of conditions for participation of such candidates will enhance pluralism and competition. This refers to the need to decrease the number of required signatures to a maximum of one percent of the number of registered voters, remove the requirement for geographical proportionality and decrease the required number of members of an initiative group.
- **Verification of signatures in support of parties and candidates:** verification of all signatures in a consistent and transparent manner will minimize the potential for disproportionate sanctions.
- **Liberalisation of campaign rules:** meetings of candidates with voters should be conducted without any interference from the ward election commissions and any restrictions, such as permitting only in-door meetings, should be lifted in order to enhance a robust and vigorous campaign, critical to election campaigning in a democracy.
- **Complaints and appeals procedures:** there is a need to establish an efficient and uniform process for filing complaints and appeals to protect suffrage rights. This refers to the need for legally guaranteed consistency of decisions, with clear roles for each level of election commission and each level of the courts, rather than permitting appeals to be made “to a higher electoral commission *or* courts”.

The OSCE/ODIHR stands ready to work with the authorities, political parties and civil society of the Republic of Uzbekistan and support their efforts to bring its election legislation in line with OSCE Commitments, other international standards and best practices for democratic elections.

III. DISCUSSION OF THE ELECTION LAW

Discussion of the Election Law is presented under five general topics and not in the numerical order in which articles appear in the law. The five topics are:

- Candidacy Rights,
- Election Commissions,
- Election Rules,
- Transparency, and
- Legal Protections.²

² *Candidacy Rights* discusses provisions of the law that open and/or close the door for citizens who seek the opportunity to participate in representative government by being a candidate for public office; *Election Commissions* discusses provisions that govern the election commissions responsible for the conduct of election processes; *Election Rules* discusses all aspects of the campaign, including media, voting, counting of ballots, tallying of results, and declaration of winners; *Transparency* discusses what mechanisms are in place to ensure that the election processes are open to public scrutiny to ensure that the will of the people is respected and that the election results are genuine ; and *Legal Protections* discusses what mechanisms are in place to ensure that citizens, candidates, and political parties can seek meaningful redress in the event of violation of legal rights.

This approach facilitates evaluation of whether the Election Law is in conformity with OSCE commitments and other international standards for democratic elections.

A. CANDIDACY RIGHTS

It is a universal human rights principle that every citizen has the right, on a non-discriminatory basis and without unreasonable restrictions, to:

- (1) take part in the conduct of public affairs, directly or through freely chosen representatives;
- (2) vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and
- (3) have access, on general terms of equality, to public service in his or her country.³

The Election Law does not satisfy fully this basic principle as it contains a number of provisions that limit citizens' opportunity to participate in representative government by being a candidate for public office.

1. Article 20 Registration Requirements for New Political Parties

Article 20 of the Election Law requires that political parties wishing to participate in an election must be registered with the Ministry of Justice not less than six months before election day. The OSCE/ODIHR has noted previously that the relevant law regulating political parties provides that the Ministry of Justice has two months to consider the registration application of a political party. Thus, in order to compete in the election, a new political party needs to start the registration procedures more than eight months before election day⁴. As previously *recommended* by the OSCE/ODIHR, this registration time requirement should be significantly reduced, or even deleted.

2. Article 25 Limitation on Candidacy Rights

Article 25 of the Election Law establishes some disproportionate and unjustified limitations on the right to be a candidate. These limitations are contrary to OSCE commitments and international standards for democratic elections.

The first clause of Article 25 abrogates the passive right of suffrage of a citizen "with unserved or unacquitted conviction for crime" (sic). It is clear that, for a substantial period of time, the passive right of suffrage is denied regardless of the nature of the underlying crime.⁵ The denial of suffrage, due to a conviction for *any* crime, is a disproportionate exercise of state power.⁶ The denial of candidacy should occur only where a person has been

³ See, e.g., Article 25 of the International Covenant on Civil and Political Rights.

⁴ See OSCE/ODIHR Analysis and Recommendations Concerning the Election Legislation of the Republic of Uzbekistan (30 June 1999), page 2.

⁵ The notion of "conviction" is defined in the Criminal Code of Uzbekistan (CCU). Conviction is cancelled two to 10 years after the completion of the prison sentence, depending on the crime and length of imprisonment.

⁶ It is assumed that "unacquitted" means that a person has been convicted, but not officially "forgiven" by the State for the crime. This assumption is made because if "unacquitted" means a person has not yet been convicted, then the clause would impermissibly revoke a political right based on a mere charge,

convicted of committing a crime of such a serious nature that forfeiture of political rights is indeed proportionate to the crime committed.

It is *recommended* that the first clause in Article 25 be amended so that denial of candidacy can occur only where a person has been convicted of committing a crime of such a serious nature that forfeiture of political rights is indeed proportionate to the crime committed. Further, the law should specifically list those crimes that are considered to be so serious that forfeiture of a fundamental human right, suffrage, is required. The forfeiture should be for an established period of time, likewise proportionate, and restoration of political rights should occur automatically after the expiration of this period of time. Legal barriers to candidacy must always be scrutinized as they limit voter choice and prevent candidates from seeking public office based on disqualifying conditions that may be unrelated to the character of the office. It is also *recommended* that the word “unacquitted” be clarified.

The last clause of Article 25 provides that a citizen who is on the “professional staff of the religious organization and unions” (sic) cannot be a candidate. This prohibition violates the principles of freedom of religion, the right to seek employment of one’s own choosing, and non-discrimination. Every person has the right of free choice of employment, and such choice cannot be a basis for denying candidacy.⁷ Further, OSCE participating States commit to “take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers.”⁸ It is *recommended* that Article 25 be amended to conform to OSCE commitments and international standards protecting freedom of religion, choice of employment, and the right to non-discrimination in the application of suffrage rights.⁹

3. Article 31 Limitation on Candidacy Rights

The first clause in Article 31 allows a political party or voter initiative group to “cancel” its decision on the nomination of a candidate if done no later than five days prior to election day. There is no justification for a political party or other nominating body to have the power to revoke a nomination. Once it has made its decision, and the nominee has been registered by the election authorities within the legal timeframe, the nominating body should abide with the consequences. The members of that body will have the opportunity of voting

which is contrary to the internationally recognized legal norm that a person is presumed innocent. Forfeiture of a human right is a State imposed penalty. Thus, the person subject to such penal punishment must be presumed innocent until proved guilty according to law. *See* Article 11 of Universal Declaration of Human Rights; Article 14(2) of the International Covenant on Civil and Political Rights; Article 6(2) of the European Convention on the Protection of Human Rights and Fundamental Freedoms.

⁷ *See* Article 23 of the Universal Declaration of Human Rights; Article 6 of the International Covenant on Economic, Social and Cultural Rights; Article 1 of the European Social Charter; Paragraph 7.5 of the OSCE 1990 Copenhagen Document.

⁸ Paragraph 16.1 of the OSCE 1989 Vienna Document. *See also* Paragraph 9.4 of the OSCE 1990 Copenhagen Document. *See* Principle VII, Paragraph 1 of the OSCE 1975 Helsinki Document; Paragraphs 13.7 and 16.1 of the OSCE 1989 Vienna Document; Paragraphs 5.9, 7.3, and 7.5 of the OSCE 1990 Copenhagen Document; Paragraph 7 of the OSCE 1994 Budapest Document; Paragraph 2 of the OSCE 1999 Istanbul Document; Articles 2, 21, and 23 of the Universal Declaration of Human Rights; Articles 2 and 26 of the International Covenant on Civil and Political Rights; Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

⁹ *Id.*

for another candidate on polling day. One reason to avoid such a possibility is that it creates the opportunity for the nominating bodies to be exposed to external influences if it is felt in any quarter that a particular candidate should not have been nominated. Another significant problem with this clause is that its mere existence does not ensure the right of a person to compete as an independent candidate, as it permits a voter initiative group to “cancel” the independent candidate. Once “cancelled”, the independent candidate does not have the opportunity to compete in the elections. This possibility is contrary to Paragraph 7.5 of the OSCE 1990 Copenhagen Document, which provides that citizens have the right “to seek political or public office, individually or as representatives of political parties or organization, without discrimination”. Moreover, a registered candidate, nominated by initiative group of voters, is supported by at least 8 percent of the registered voters in the relevant constituency and his/her de-registration would represent a limitation of these voters’ choices.

It is therefore *recommended* that Article 31 be amended by deleting this cancellation provision.

Article 31 also provides that “registered candidates for deputy may be deprived of their status by the Central Electoral Commission should the political party that nominated their candidacy for deputy cease its work.” First, the phrase “cease its work” is vague and subject to abuse. Not only is this provision subject to abuse, it could also be applied in a post-election situation to deprive an elected candidate of a mandate where it was discovered after the election that a political party had “ceased its work” before the election.¹⁰ This is contrary to Paragraph 7.9 of the 1990 OSCE Copenhagen Document, which provides that: “candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures”. Although Article 31 is a legal provision, it is not a legal provision that is in conformity with democratic parliamentary and constitutional procedures.¹¹

Further, the right to be *elected*, including in a single member constituency, belongs to the individual candidate and not the political party. It is *recommended* that the Election Law be amended to preserve the rights of individual candidates. In particular, a candidate should not forfeit the right of passive suffrage due to the subsequent “ceasing of work” of the political party that nominated the candidate.

¹⁰ This concern is supported by the phrase in Article 47 that provides that the Central Election Commission can “invalidate the authority” of a particular deputy. This clearly recognizes post-election revocation of a mandate. Article 47 also recognizes the possibility of a “recall” election. Depending on the particular text of a recall election provision, the possibility for a recall election may violate democratic principles. Thus, all legal provisions for recall elections should be reviewed and considered carefully.

¹¹ See *Sadak and Others v. Turkey*, Application Nos. 25144/94, 26149/95, 26154/95, 27100/95 and 27101/95, European Court of Human Rights (11 June 2002) (post-election forfeiture of a mandate due to dissolution of political party is incompatible with the very essence of the right to stand for election and to hold Parliamentary office, and infringes the unfettered discretion of the electorate to exercise free and universal suffrage).

4. Discriminatory Registration Requirements

While amendments to the constitution (Constitutional Law on the Legislative Chamber of Oliy Majlis, 12 December 2002) reduced the number of deputies in the Oliy Majlis from 250 to 120, the requirements for collecting signatures in support of political parties and non-party candidates remained unaltered – 50,000 signatures (with no more than 8 per cent collected in any one region) for parties and at least 8 per cent of the number of voters in the relevant constituency – for non-party candidates. The requirement for non-party candidates is formulated as a percentage of the eligible voters and therefore the number of signatures requested for registration is more than doubled. As the average number of voters in a constituency is more than 100,000, more than 8,000 (compared with 4,500 required for the last election in 1999) signatures should be collected by each “independent” candidate.

Articles 20 and 23 should be amended to comply with the universal principle of non-discrimination in the treatment of candidates in elections.¹² It is recommended that the signature requirement in Article 23 for a non-political party candidate be the number of 400, which approximately corresponds to the requirement of 50,000 signatures for a political party competing in all 120 single member constituencies. Further, Article 20 should be amended to permit a political party to present a candidate in a single member constituency if the political party has the signature support of 400 voters within the constituency. These amendments would allow regionally based political parties and independent candidates to compete in single member constituencies where they have political support, and would still allow a political party with a nationwide base to compete in all 120 single member constituencies by the presentation of 50,000 signatures or 400 signatures for each single member constituency in which the party desires to present candidates. This would substantially simplify the registration process by avoiding different nomination and registration procedures provided by the Law for party and individual candidates.

The 29 August 2004 amendments additionally complicate the nomination of candidates by initiative groups of citizens, raising the number of citizens forming the initiative group three times, from 100 to 300. In view of the fact that none of the five registered political parties describes itself as opposition, this new restriction further limits the pluralistic and competitive nature of the election.

5. Limitation on Candidacy Rights due to Unreasonable Nomination Procedures

The procedures for nominating candidates are unreasonable and contrary to OSCE commitments and international standards.

Articles 1, 7, 44, and 45 of the Election Law establish a majoritarian election system with 120 single member constituencies. Past election results released by the Central Election Commission indicate that there are approximately 12 million voters in Uzbekistan. Assuming there are 12 million voters, each single member constituency will have

¹² See Paragraph 13.7 of the OSCE 1989 Vienna Document; Paragraphs 5.9, 7.3, and 7.5 of the OSCE 1990 Copenhagen Document; Articles 2, 21, and 23 of the Universal Declaration of Human Rights; Articles 2 and 26 of the International Covenant on Civil and Political Rights; Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

approximately 100,000 voters. It is generally accepted that the number of signatures required should not exceed one percent of the voters in the constituency concerned.¹³

Should the actual pre-condition for participation in elections of political parties stay, then it is *recommended* that Article 20 be amended and the figure of 50,000 be lowered to a reasonable number of signatures to be obtained only in those constituencies, where the political party intends to stand candidates.

Article 20 also prohibits the collection of more than 8 percent of the 50,000 signatures from voters in a single administrative-territorial unit (Republic of Karakalpakstan, 12 regions, Tashkent city). This is also unreasonable. It requires a regionally or minority based political party, which is standing a candidate in just one single member constituency, to seek the signature support of voters outside of the constituency. As this unreasonable requirement also discriminates against smaller political parties, it is *recommended* that it be deleted from the law.

The last provision in Article 20, that requires the denial of registration based on forgeries on the signature support list, is disproportionate. It is possible to imagine voters who will introduce forged signature with the objective to cancel a specific party list. In addition, the Law does not specify how many forged signatures are required to invalidate a candidature, nor does it define what a forged signature is.

The verification process is intended to check for a sufficient number of valid signatures in order to establish a minimum level of electoral support. It is not intended to punish or disqualify sufficient signature electoral support just because a few signatures are not proper. This can lead to abuse where an election commission may have the goal of finding a forgery for the sole purpose of rejecting a candidacy instead of finding enough valid signatures to register the candidacy.

A forged signature should not invalidate other signatures or the signature list. Instead of being barred for presenting two forged signatures, candidates should be required to submit a quantum of valid signatures. It is *recommended* that Article 20 be amended and this “forgery” provision be deleted. A verification process that provides the possibility for an election commission or a voter to “invalidate” a candidacy with the forgery of only two signatures should be eliminated.

Article 20 should also be expanded to provide greater details on the verification process. The article should clearly state “how” a signature is determined to be valid. It is *recommended* that Article 20 be accordingly amended. Further, the verification process should be the same for signatures verified by the Central Election Commission (Article 21) and signatures verified by the district election commission (Article 23). The checking process must in principle cover all signatures. However, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked.¹⁴

¹³ See, e.g., Paragraph 1.3(ii) of Council of Europe, Venice Commission, Code of Good Practice in Electoral Matters (2002), page 25.

¹⁴ See, e.g., Paragraph 1.3(iv) of Council of Europe, Venice Commission, Code of Good Practice in Electoral Matters (2002), page 25.

Article 23 has troublesome provisions for the nomination of a candidate by an initiative group of citizens. Article 23 requires that such a candidate must have the candidate's signature support "proportionately distributed throughout every mahalla (commune), village, or aul (township)". Creation of artificial conditions for uniform distribution of the supporters of the candidates in a single-mandate constituency election should be avoided, since no such conditions are stipulated in determining the winner of the election, only the number of votes won is important. This provision discriminates against a candidate who may be relying on the support of a particular ethnic minority that is concentrated in a few villages within a single member constituency. It is *recommended* that this "proportionate" signature requirement in Article 23 be deleted from the law.

Article 23 also limits the places where signatures may be collected. There is no justification for such a restriction. In addition, Article 23 limits the number of signatures to one per voter. A voter should have the possibility to bring his support to more than one candidate if he deems them credible to represent the people, and therefore participate in the election. It is also very difficult to control if a voter has signed a petition for only one candidate. It is *recommended* that these limitations in Article 23 be deleted from the law.

It is also questionable whether the Central Election Commission should be responsible for the decision on candidate registration (Article 24) when the registration process is so heavily controlled by the actions of the district election commissions (Article 23), and as the district election commissions approve the text of the ballot (Article 13) and "ensure equal conditions for participation of candidates for deputy" in the campaign (Article 13). It is *recommended* that all articles governing candidate registration be revised to develop a single, understandable, consistent, and uniform system of candidate registration that places the authority to make the decision on candidate registration with the proper election commission. This revision is critical, particularly in light of the fact that these articles and Article 47 can be applied to delay candidate registration until a very short time period before elections, thus possibly leaving no time to mount an effective election campaign, or seek credible legal remedy.

6. Correction of Defects in Candidate Registration Documents

Article 24 of the Election Law provides that, within seven days of receipt of candidate registration documents, the Central Election Commission shall make a decision on the registration. Article 24 obliges the CEC to inform candidates of mistakes in their documents "in due order", which is too vague. However, it makes no provision for the possibility of a candidate or political party to correct a defect in documents. Candidates should not be denied registration based on a defect in documents where the defect can be corrected in a timely manner. It is *recommended* that Article 24 be amended to provide that if the Central Election Commission identifies incorrect or incomplete information, then it shall immediately notify the applicant, who shall have 48 hours to submit corrected information. The respective election commission should be required to consider re-submitted documents within 24 hours, and either register the candidate or issue a motivated decision on the refusal to register. Although this would delay the campaign of such a candidate, it would allow the possibility for the candidate to participate in the elections and not be denied candidacy based on a minor defect in submitted documents.

B. ELECTION COMMISSIONS

Article 10 of the Election Law states that the “Central Election Commission shall be formed in conformity with the Law of the Republic of Uzbekistan ‘On the Central Election Commission of the Republic of Uzbekistan’”. The OSCE/ODIHR has previously expressed concern about this law, noting:

The law *requires* that the Oliy Majlis appoint the individual selected by the President of the Republic of Uzbekistan as chairman of the Central Electoral Commission and also requires that the members must be approved by the Oliy Majlis or the ruling Councils across the country. This means that all of those put forward will be individuals acceptable to the establishment and not necessarily a representative group of persons covering the “political spectrum” (sic).

Obviously, the credibility of all of the election commission, of the management process and of the very election itself would be significantly strengthened by a change in the appointment processes which would create both the real and perceived political neutrality of the election Commission (sic).¹⁵

The above concern is also applicable to lower election commissions, as Articles 12 and 14 establish a hierarchical appointment process that starts at the top level with the Central Election Commission. Further, Article 16 provides that the initial list of names provided to the appointing commission are compiled and “reviewed” by government authorities. The concern remains that election commissions are not pluralistic and are subject to the control of government authorities.

It is *recommended* that the legal framework be amended to substantially broaden and ensure the representation of major political parties on all election commissions, including the Central Election Commission.¹⁶ Equally, consideration should be given to include representatives of initiative groups in lower level commissions as well. This is necessary to ensure the impartial and inclusive administration of elections and to increase the confidence in and transparency of election processes.

Article 14 provides for the *ad hoc* formation and elimination of ward election commissions “in case of necessity”. It is not clear what would constitute a “case of necessity”. Nor is it clear why such a “necessity” could not be anticipated when ward election commissions are originally formed. This provision creates the opportunity for last minute changes that could deprive voters of the right to vote. It is *recommended* that this provision, absent a clearly articulated and justified rationale, be deleted from the law.

Article 16 provides that a member of an election commission can be dismissed by the “authority” that “formed the commission”. It is *recommended* Article 16 be amended to prevent removal of a member for unjustifiable, including political, reasons. At a minimum,

¹⁵ See OSCE/ODIHR Analysis and Recommendations Concerning the Election Legislation of the Republic of Uzbekistan (30 June 1999), page 4.

¹⁶ The OSCE/ODIHR Final Report on the 1999 Parliamentary Elections already stated that “the appointment mechanism for CEC members as well as for DEC and PEC should be modified. The composition of the Central Election Commission does not provide for a neutral and independent body. The main political interests should be included in the administration of the electoral process in order to increase the confidence in and the transparency of the process.”

the amendment should provide for (1) written notice to the commission member of the proposed grounds for removal, (2) a hearing before an appropriate tribunal to contest the challenged removal, (3) a voting requirement greater than simple majority in order to support the removal, and (4) the right to appeal to a court to challenge a decision for removal.

Article 16 also provides that “in case of necessity, a new member of electoral commission shall be appointed in the order established by this Law” (sic). It is not clear whether this refers to the situation where a member was dismissed or is generally applicable at all times. It is *recommended* that this be clarified.

Article 17 provides that a decision of an election commission is made by majority vote. However, if a tie vote occurs, then the vote of the chairperson of the election commission is decisive. Although deadlock should be avoided, giving the chairperson a weighted vote effectively gives tie breaking power to the political party that controls the appointment process for the election commission chairperson. It is *recommended* that consideration be given to applying the principle of one person-one vote to the decision making process in election commissions, regardless of whether there is a tie vote, in order to encourage consensus decision-making.

Article 16 provides no criteria for the professional qualifications of members of election commissions, other than members must be “among reputed members of community” (sic). This is not sufficient. It is *recommended* that Article 16 be amended to provide some minimum qualifications that a member of an election commission must possess.

No explicit prohibitions and relating sanctions are stated in the Election Law to prevent interference in the work of electoral commissions. The OSCE/ODIHR has noted previously that, from the moment of their nomination, electoral commissions have remained subject to interference from executive authorities and local councils.¹⁷ It is *recommended* that the law be amended to forbid interference by government authorities in the electoral process and to include specific sanctions for it.

1. Formation of Electoral Constituencies

Article 7 provides that electoral constituencies are “formed by the Central Election Commission in accordance with proposals of Jokargi Kenes of the Republic of Karakalpakstan, authorities of regions and of Tashkent city”. Article 7 fails to state whether these proposals are binding on the CEC. This should be clarified in Article 7.

Article 7 requires that electoral constituencies be established no less than 75 days prior to an election. It is important that electoral constituencies be established sufficiently in advance of elections to ensure that political parties and prospective candidates have the opportunity to become familiar with the demographics of constituencies in order to determine the viability of competing in a particular constituency, and to engage in preliminary planning for the election campaign. The timeframe of 75 days is too short. It is *recommended* that Article 7 be amended to provide that all constituencies must be established and their boundaries published at least six months before an election.

¹⁷ See OSCE/ODIHR Limited Election Assessment Mission Final Report, Republic of Uzbekistan Election of Deputies to the Oliy Majlis, 5 and 19 December 1999 (28 April 2000), page 6.

Article 7 does not state what numerical deviation is permitted in the population of a constituency. The article merely states that the “limit of voters per each electoral district shall be set by the Central Election Commission for each election.” It is *recommended* that the law be amended to specifically state what percentage of population deviation is permitted, and which would be the source of the respective data.

Electoral constituencies should not be changed before each election. Generally, most countries examine and re-establish constituencies every ten years. This allows for constituencies to be periodically adjusted as necessary to reflect population changes within constituencies. However, frequent changes in election constituencies should be avoided. Electoral manipulation through the drawing of constituencies becomes easier when constituencies are changed frequently. Further, the fundamental rationale for single member constituencies – making deputies accountable to their electorate and creating a “link between the deputy and voters” – is completely undermined when deputies know that they will acquire new voters with new constituencies before every election. It is *recommended* that Article 7 be amended to prevent the re-establishment of constituencies between consecutive elections and provide a longer period before constituencies are re-established.

2. Establishment of Electoral Wards

Article 8 regulates the establishment of electoral wards. The limit of 3,000 voters for electoral wards is excessively large. In the case of traditionally high turnout (95 percent for the parliamentary elections in 1999) 2,800 electors should vote within 14 hours (voting starts at 6:00 and closes at 20:00), i.e. 200 in one hour or 3-4 persons every minute, which is clearly impossible if all voting rules are respected. It is recommended that the number of voters assigned to a polling station should be significantly decreased, e.g. not to exceed 1,500.

Article 8 permits the establishment of electoral wards in military units. This is problematic for two reasons. First, voting by military personnel at the military unit may intimidate and influence military personnel since the voting is not taking place in a civilian setting. Secondly, it may not be possible for an observer to obtain access to a military unit in order to observe the voting process. It is *recommended* that Article 8 be amended and that no voting take place on a military unit, and military personnel are provided with a leave of absence to vote in the nearest civilian polling station.

Article 8 also provides that “electoral wards shall be formed by the district election commissions on the proposal of district and town administrations.” Article 8 fails to state whether these proposals are binding on the district election commission. This should be clarified in Article 8 and it should clearly state that the district election commission establishes electoral wards and the proposals are not binding. This is particularly applicable to the provision in Article 8 that electoral wards in military units are formed “in accordance with the proposal of the commander of the regiment or military units” (sic).

C. ELECTION RULES

1. Voter Lists

Articles 32 through 34 regulate compilation of the voter lists prior to an election. These articles should be clarified and provide greater detail on how the lists are to be prepared.

Article 32 provides that the ward election commission prepares the list for the electoral ward, based on data provided by the administrations of districts and towns. However, other than the Article 33 deadline for making the lists public, there are no deadlines for when the process must begin or end in the ward election commission. Article 32 also fails to provide for a uniform format for lists as “Family names of the voters shall be indicated in the voter register in the order that is convenient for organization of voting.” What is “convenient” may vary in each electoral ward and will make it extremely difficult to locate duplications in different lists. It is *recommended* that family names be listed alphabetically in order for there to be a uniform format to facilitate the checking of lists.

Article 33 states that lists of voters shall be made available for public inspection not later than 15 days prior to election day for regular voting wards, and 7 days prior for overseas, hospital, and remote wards. This may not be sufficient time for public scrutiny, appeals, decisions and revisions in the lists. It is *recommended* that the law be amended to provide for additional time for public scrutiny in order to improve the quality of the voter lists.

Article 34 provides that actions and decisions of the electoral commissions on the voter lists may be appealed in court “in due order”. The phrase “in due order” is vague. It is *recommended* that Article 34 be accordingly amended to state a specific number of days in which the appeal may be made as well as a fixed period of time, e.g. 2 or 3 days, and on election day, immediately, for the court decision.

2. Election Campaign Provisions

Article 27 of the Election Law creates significant restrictions on political parties’ ability to campaign by placing their activities under the control and supervision of the election administration. As an example, Article 27 provides that a “meeting of voters shall be organized by the ward election commission.” These restrictions are unreasonable and violate paragraph 7.1 of the OSCE 1990 Copenhagen Document. The provisions regulating the election campaign should be reviewed and the election administration should be left with regulatory, controlling and facilitating functions and not organizational ones as far as the election campaign is concerned.

Additionally, Article 27 prohibits campaign programs that are “directed against sovereignty, integrity, and security of the state, shall not inflict harm to the health and morale of the people, contain war propaganda, ethnic hatred, racial and religious confrontation, calls for coercive change of constitutional order, actions limiting the constitutional rights and liberties of citizens” (sic). Some aspects of this provision are too broad. What is harmful to the “morale of the people” is certainly open to a subjective interpretation that could be applied in violation of a person’s right to free speech and expression. Further, Article 65 provides that a person who violates any provision of the law “shall be held responsible”. This limitation on free expression and speech prevents a robust and vigorous campaign, which is critical to

election campaigning in a democracy. Outside the context of a political campaign, a government may limit freedom of expression if necessary to ensure protection of public safety or security.¹⁸ However, in the context of a political campaign, or where a person is exercising the right to express political opinions, the law should not provide such a broad prohibition on speech, as is contained in Article 27. It is *recommended* that Article 27 be amended to comply with OSCE commitments and international standards.

Article 65 of the Election Law prohibits distributing “false information about the candidate for deputy.” This phrase should be reformulated to comply with international standards and OSCE commitments protecting freedom of expression and speech. “False speech” cannot be prohibited, unless the “false speech” also contains elements that justify prohibition of the speech, *e.g.*, “false speech” that threatens national security or the integrity of the judicial processes. It is *recommended* that this prohibition in Article 65 be reformulated.¹⁹

The OSCE/ODIHR has also noted:

Freedom of assembly is limited by a 1990 decree that permits only indoor public meetings and with the prior consent of authorities. As such, no outdoor political rallies were permitted during the election campaign.²⁰

The above referenced decree is contrary to OSCE commitments and international standards. It is *recommended* that the above referenced decree, which appears to be still in force, be repealed immediately.

3. Financing of Elections

Article 64 violates a citizen’s right to freedom of expression and association as it prohibits a citizen from “providing financing and other material support to the candidates for deputy”. Such a blanket prohibition is unacceptable. Although a reasonable limitation on the amount that a citizen or political party can contribute would be permissible, the absolute prohibition of citizen or political party contributions violates international standards and OSCE commitments.²¹ Further, the prohibition is so broad that it would prevent a supporter from making a campaign sign in support of a candidate and displaying the sign publicly, since this

¹⁸ See, *e.g.*, Article 10(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁹ See, *e.g.*, Article 10(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 10(2) recognises the right of a government to limit freedom of expression “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” However, in the context of a political campaign, or where a person is exercising the right to express political opinions, a law for the protection of the reputation or rights of others *cannot rest in the safe harbor of Article 10(2)*. See *Oberschlick v. Austria*, Case No. 6/1990/197/257, European Court of Human Rights, 23 May 1991 and *Bowman v. The United Kingdom*, Case No. 141/1996/760/961, European Court of Human Rights, 19 February 1998.

²⁰ See OSCE/ODIHR Limited Election Assessment Mission Final Report, Republic of Uzbekistan Election of Deputies to the Oliy Majlis, 5 and 19 December 1999 (28 April 2000), page 8.

²¹ See Article 2 of the Universal Declaration of Human Rights; Articles 22 and 24 of the International Covenant on Civil and Political Rights; Articles 11 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; *Bowman v. United Kingdom*, European Court of Human Rights (19 February 1998).

would be “other material support”.²² It is *recommended* that Article 64 be amended to address these concerns. The Article 64 possibility to contribute funds to the CEC is inconsequential as to this issue. It should also be noted that the law provides no formula, procedures, or guidelines as to whom, when, and how the CEC must distribute such contributions.

It is strongly *recommended* that the law be amended to permit candidates and political parties to establish campaign funds, subject to legislative regulation, requiring the publication of accounts, and allowing candidates to spend their funds openly and accountably.

4. Media Regulation during the Elections

Article 27 requires “equal opportunities to the use the media in the order determined by the Central Electoral Commission.” This is the only media regulation during elections contained in the law. There is remarkably little in the Election Law about the powers and duties of the mass media in covering the elections. Clearly, it is imperative that the state mass media are prohibited from promoting or undermining any candidate or party. It is *recommended* that the law be amended to provide detailed regulations on the obligations and responsibilities of media during election broadcasts, especially on television, to ensure that candidates enjoy equal campaigning opportunities.

5. Early Voting

Article 41 also provides for “early voting” before election day. Article 41 does not provide any time period during which early voting will take place. The only requirements for the exercise of early voting are that the voter list and ballots be available in the ward election commission. The use of early voting, as described has the potential to increase the opportunity for electoral abuse. As transparency is critical to democratic elections and Article 41 has *no transparency safeguards for early voting*, it is *recommended* that the early voting process, if retained, should be clearly regulated.

6. Mobile Voting

Article 41 also provides for “mobile voting”. Like the early voting provision, the mobile voting provision fails to provide details on the mobile voting process other than “ward election commissions shall assign the members of the commission to organize voting in the place of these voters”. Thus, mobile voting cannot be effectively observed. Secondly, the use of mobile voting, as described, only increases the opportunity for electoral abuse. It places a greater burden on election administration and significantly hinders observation efforts. The burden placed on observer organization and candidate representatives is substantial. As transparency is critical to democratic elections and Article 41 has *no transparency safeguards for mobile voting*, it is *recommended* that the mobile voting process should be deleted from Article 41.

²² It is also not clear, for instance, whether the use of premises or resources of a political party before a candidate is nominated could be considered material support and thus a violation.

Should mobile voting be retained, it is strongly recommended to amend the law so as to provide for a series of measures guaranteeing the necessary level of transparency and security against possible abuse, including:²³

- clear procedures for identifying the voters using mobile voting, ways of applying and deadline for applications;
- inclusion of all applicants in an extract of the voter list (to be attached to the voter list after the end of mobile voting), which voters using mobile voting sign upon receiving the ballot papers;
- authorization for observers to accompany the mobile ballot box;
- formal records for the numbers of ballot papers taken out, used and returned to the polling station;
- records in the protocols of all levels of commissions of the number of voters who have used mobile voting;
- minimum of two members of the ward election commission, representing different political interests, administering the mobile voting.

7. Ballots and Voting Procedures

A very common problem in many elections is that unauthorized personnel attend polling stations on polling day, especially representatives of local authorities. In order to secure the independence of the electoral commissions, it is strongly *recommended* that the Election Law be amended to provide an express prohibition on any person being present in the polling station during voting and the processing of votes otherwise than in accordance with the law.

Article 35 provides for the translation of ballot papers in the languages used by the majority of the population of the election constituency. This is a positive element that can enhance the participation of national minorities in electoral processes.

It is further strongly *recommended* that representatives of law and order bodies be permitted to enter polling stations *only* in order to vote or in order to restore public order at the express request of the ward election commission. They should leave the premises for voting as soon as they have voted or restored public order. This is not to say that policemen may not be present in the vicinity of the polling station so that they are available to deal with any problems.

Article 38 provides that, in certain electoral wards, the “ward election commission may declare voting closed at any time in case all voters included in the register finished voting.” This is not possible since Article 40 expressly recognizes that the register might have errors and a supplement register is created on election day for those voters “not included in the voters register for any reasons.” It is *recommended* that the provision for early closing of the polling station be deleted from the law.

Article 40 does not state what documentation is acceptable for the purpose of “proving identity and residence of the voter”. It is *recommended* that this article specifically identify

²³ See e.g., Paragraph 3.2.2.1 (40) of Council of Europe, Venice Commission, Code of Good Practice in Electoral Matters (2002), page 34: “The use of mobile ballot boxes is **undesirable** because of the attendant serious risk of fraud. Should they nonetheless be used, strict conditions should be imposed to prevent fraud”.

which documents may be used to confirm the identity of voters (both civilian and military) and their residence.

It is *recommended* that Article 42 be amended to make clear that counting of the votes commences immediately after the completion of voting, without a break. It is also *recommended* that Articles 39 and 42 be amended to clearly state that all actions taken by the ward election commission, including the sealing and opening of the ballot boxes, must be done in the presence of observers and other persons listed in Article 6.

Article 42 of the Election Law does not adequately describe what constitutes an invalid ballot. It is *recommended* that the law have a separate article defining in specific detail each category.

8. Determination of Election Results

Article 42 fails to require sufficient transparency in the establishment of the election results in the ward election commission. It is *recommended* that Article 42 be amended to include the following minimum requirements: (1) results in each ward should be read aloud by the chairperson or deputy chairperson of the ward commission, (2) a copy of the protocol must be posted at the polling station for public viewing for at least 48 hours, and (3) the protocol must provide sufficient details on all ballots, including early voting daily turnout figures corresponding to ballots issued, mobile ballots, spoiled ballots, invalid ballots, and unused ballots.

Article 42 fails to provide for the delivery by the ward election commission of all important election material – ballot papers (used and unused), voter list, complaints to the relevant district election commission, together with the results protocol. The Election Law also does not fix a deadline for the delivery of the protocols to the relevant district election commissions. It is *recommended* to amend Article 42 to explicitly state:

- The protocol and all important election material - ballot papers (used and unused), voters list, complaints lodged with the ward election commission, are delivered to district election commissions;
- The chairperson of the ward election commission, accompanied by at least one ward election commission member, representing a different political interest, is in charge of the delivery;
- The deadline for delivery of the protocols and other election material to ward election commissions – e.g. 24 hours after the close of the poll.

The Law should also specify which institution should be charged with keeping the election material after the election and until the next elections are called.

Article 43 regulates the procedure for determining the election results by district election commissions. Article 43 fails to require sufficient transparency in the establishment of the election results in the district election commission. It is *recommended* that Article 43 be amended to clearly state the following minimum requirements:

(1) The meeting of the district election commission to determine the results must be a public meeting held in the presence of observers and other persons listed in Article 6;

- (2) Results of each electoral ward protocol shall be read aloud by the chairperson or deputy chairperson of the district election commission;
- (3) A copy of any electoral ward protocol must be given to each observer or person listed in Article 6 who requests a copy;
- (4) Results of the tabulation of the electoral ward protocols by the district election commission shall be read aloud by the chairperson or deputy chairperson;
- (5) A copy of the district election commission's protocol tabulating all the results must be given to each observer or person listed in Article 6 who requests a copy;
- (6) A copy of the district election commission protocol must be posted at the district election commission for public viewing for at least 48 hours; and
- (7) The district election commission's protocol must provide sufficient details on all ballots, including early voting ballots, mobile ballots, spoiled ballots, invalid ballots, and unused ballots, including a summary table with all information broken down to the electoral ward level so that all results can be traced from the lowest level of voting through the tabulation.

This degree of detail is necessary to ensure complete transparency during this crucial phase of the election process. It will enable observers to track results and locate specifically where abuse has occurred if the numbers are unlawfully changed during the tabulation processes. This measure will substantially increase the confidence in the accuracy of the final results.

Article 44 regulates the procedure for determining the final results by the Central Election Commission, based on the protocols of the district election commissions. Article 44 fails to require sufficient transparency in the establishment of the election results in the Central Election Commission. It is *recommended* that Article 44 be amended to incorporate each of the transparency safeguards recommended above for inclusion in Articles 42 and 43.

It is also *recommended* that the following sentence in Article 44 be clarified: "Candidate for deputy in receipt of more than half of the votes of the voters participating in the elections shall be considered elected" (sic). This sentence suggests that invalid ballots, as well as valid ballots, are considered since the winner is determined based on the number of "voters participating", regardless of the validity of the ballots actually cast. "More than half of the valid votes cast", or a similar phrase, would be more appropriate.

Article 49 provides for the publication of election results. It is *recommended* that Article 49 be amended to require that publication of results must be in the form of tables with a breakdown of results per electoral ward and constituency, which will enable all interested parties to audit the outcome of the elections from polling stations, through intermediate levels, to the Central Election Commission level. The tables should include the number of voters in each electoral ward who used the mobile ballot box and other alternative voting procedures (early voting) in order to identify particular areas where the proportion of votes cast using early, mobile, or other alternative voting procedures is unusually high, which may point to abuse.

It is also *recommended* that the Central Election Commission be required to publish preliminary results in a much shorter time period than is currently stated in Article 49. A time period of two days is suggested for the publication of preliminary results. The CEC should also be required to publish final results, after any changes or additions are required (for instance arising appeals), within a period of two days of the day the results are final due to exhaustion of all appeals.

D. TRANSPARENCY

Article 6 of the Election Law does provide for observation of election processes. However, the law should be further improved in the area of transparency as the current text of Article 6 is not fully adequate. The OSCE/ODIHR was informed that the CEC plans to develop and publish “provisions on observers” which will take into account international standards and requirements.²⁴ It is a positive element that observers are entitled “to be present in all procedures for preparation and holding of elections”. Unfortunately, it appears that observers cannot attend meeting of the CEC, which would greatly contribute to public confidence in the work of the election administration. Article 6 also mentions district and ward election commissions.

Article 6 does not provide for public associations to serve as observers. Although the Election Law does not forbid public associations to field observers it would be more appropriate if the Law would clearly envisage this possibility in accordance with paragraph 8 of the OSCE Copenhagen document. It is regrettable since domestic non-partisan observer groups enhance transparency in the election process.

Article 6 establishes a limit of one observer from each organization, political party, or voter initiative group “to be present in all procedures for preparation and holding of elections, and in the election premises on the day of elections and counting of votes.” This limitation is not appropriate where there is sufficient space for more than one observer from each organization, political party, or voter initiative group. Observers are often deployed in observer teams of two persons. It is *recommended* that Article 6 be amended to include additional language that states the limitation is not applicable where there is sufficient space to accommodate a two person observer team.

Article 6 does not clearly define what documents must be made available to an observer. Instead, it generally mentioned “copies of documents on the outcome of elections approved by the respective electoral commission.” This is insufficient. The law should clearly state that all observers have the right to inspect documents, observe election activities at all levels including the CEC, and to obtain copies of decisions, tabulations, minutes, and other documents, at all levels, *during the entirety of the election processes*, including processes before and after election day. It is *recommended* that Article 6 be accordingly amended.

The requirement in Article 6 that an observer organization provide the names of its observers no later than 15 days before election day does not encourage observation. Many observer organizations will not have the names of individual observers until a few days before election day. It is *recommended* that this deadline be shortened. The law should also establish an expedited process for observer organizations to obtain corrective relief when an election commission denies the rights of an observer organization, including the right to be registered, or fails to consider an application for accreditation.

Article 28 limits candidates for deputy to five authorized representatives. This number is not sufficient for an electoral constituency that will have approximately 100,000 voters. It is *recommended* that this limitation of five be removed from the law.

²⁴ See “Comments to the OSCE/ODIHR Expert Opinion on the Law on Election to the Oliy Majlis”, 9 March 2004.

Articles 35 and 36 of the Election Law do not define who can observe the printing of ballot papers and who can be present when the ballot papers are delivered from the printing house. Both the printing and delivery processes, as well as the destruction of defective ballots, should be open to the same level of transparency as other parts of the election process. Accordingly, it is *recommended* that the law be amended to explicitly allow the printing process, delivery of ballot papers to election commissions, and destruction of defective ballots be open to observers and representatives of the media.

E. LEGAL PROTECTIONS

1. Lack of a Uniform and Consistent Process for Legal Protections

Article 18 regulates the appeal process that is stated in three sentences. These three sentences fail to establish an efficient and uniform process for protection of electoral rights. Further, this article creates the possibility for a complainant to "shop" for a particular election commission or court where the complainant feels he or she will receive the most favorable decision, permitting appeals to be made "to a higher electoral commission or court". To ensure uniformity and consistency in decisions, challenges to decisions should be filed in only one forum designated by the law. If the forum designated by the law is an election commission, then the law must provide that the right to appeal to a court is available after exhaustion of the administrative process.

It is *recommended* that Article 18 be amended to state a clear, understandable, singular hierarchical complaint process that defines the roles of each level of election commission and each level of courts. It is important that this process be uniform to ensure that a complainant cannot "shop" for the most favorable forum. This process should also identify which bodies act as fact-finding bodies of first instance and which bodies act as appellate review bodies. Finally, at minimum, the law should provide the following for voters, candidates, and political parties:

- The right to file a complaint to protect suffrage rights
- The right to present evidence in support of the complaint
- The right to a public hearing on the complaint
- The right to a fair hearing on the complaint
- The right to an impartial tribunal to decide the complaint
- The right to transparent proceedings on the complaint
- The right to an effective remedy
- The right to a speedy remedy
- The right to appeal to an appellate court if a remedy is denied²⁵

It is *recommended* that Article 18 be amended to include the above legal protections. It is also *recommended* that the deadlines in Article 18 be reconsidered in light of the legal protections that should be adopted. The Article 18 requirement that some appeals be reviewed "immediately" may not comport with some of the legal safeguards noted above.

²⁵ See Articles 8 and 10 of the Universal Declaration of Human Rights; Paragraph 13.9 of the OSCE 1989 Vienna Document, Paragraphs 5.9 through 5.12 of the OSCE 1990 Copenhagen Document, and Paragraphs 18 through 21 of the OSCE 1991 Moscow Document.

Article 65 of the Election Law does provide for liability for some legal violations. However, this article does not provide sufficient details on the mechanisms for enforcement and is rather limited in its scope. It is *recommended* that the law include specific sanctions for violations of the law and identify the body responsible for the imposition of sanctions.

IV. CONCLUSION

The OSCE/ODIHR assessment of the Law on Elections of the Oliy Majlis of the Republic of Uzbekistan is offered to the authorities, political parties and civil society of the Republic of Uzbekistan with the intention to support their stated objective to improve the legal framework for democratic elections, and to bring the law more closely in line with OSCE commitments and other international standards for the conduct of democratic elections.

The OSCE/ODIHR wishes to acknowledge the constructive dialogue with the national authorities and the civil society of the Republic of Uzbekistan during the process of assessing the election legislation.