



## LIMITED ELECTION OBSERVATION MISSION Republic of Uzbekistan – Parliamentary Elections, 21 December 2014

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Tashkent, 22 December 2014** – Following an official invitation from the Ministry of Foreign Affairs of the Republic of Uzbekistan and in accordance with its mandate the OSCE/ODIHR has deployed a Limited Election Observation Mission (LEOM) to observe the 21 December 2014 parliamentary elections.

The elections were assessed for their compliance with the OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term observers but not short-term observers. The OSCE/ODIHR LEOM did not undertake a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations.

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### PRELIMINARY CONCLUSIONS

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The 2014 parliamentary elections were competently administered but lacked genuine electoral competition and debate. The four contesting parties, all supportive of and supported by the government, are complementary rather than competitive. Recent legislative amendments, in combination with minor administrative improvements and the nomination of younger candidates by all political parties, were presented as steps towards strengthening the role of parliament and creating a more competitive political environment. They did not, however, address main concerns with regard to fundamental freedoms that are critical for elections to fully meet international commitments and standards. The campaign was tepid and the media, impeded by serious restrictions, did not facilitate a genuine and critical discussion on electoral issues. Voting and counting were generally conducted in an efficient and transparent manner. However, the practice of proxy voting on behalf of several voters appeared to be universally practiced and tolerated by everyone present in violation of the principle of equality of the vote.

The recent amendments to the electoral legal framework took into account some of the previous OSCE/ODIHR recommendations and introduced more detailed regulations with regard to election campaign activities and voting procedures. However, a number of key previous recommendations, in particular those pertaining to freedoms of expression and association, have not been implemented. In addition, the prohibition for independent candidates to stand for elections, residency-related restrictions on candidacy and limitations on suffrage rights of convicted individuals remain in place.

The Central Election Commission (CEC) managed the technical preparations for the elections competently and met legal deadlines. Election commissions visited by the OSCE/ODIHR LEOM

reported receiving all necessary information and resources for the conduct of their duties and demonstrated good knowledge of the electoral legislation. The CEC took active measures to increase the level of transparency in its work and to inform the public about the elections. Some CEC decisions were, however, not made public and could only be obtained upon request. Women were underrepresented in the election administration, particularly at the higher levels.

There is no central voter register and eligible voters are included in the voter lists according to their place of permanent or temporary residence. Quality of the voter lists was not questioned by the electoral stakeholders, although the absence of a unified voter register prevents any crosschecks for potential multiple registration. It is unclear how many eligible voters residing abroad were on the voter lists in the country.

In order to stand, candidates needed to be proposed by political parties. The CEC verified samples of the supporting signatures submitted by prospective electoral contestants and reported no problems with them. Candidates included slightly more than the legally-mandated 30 per cent of women, as well as representatives of national minorities.

In line with the legal framework, election-related expenses of contestants are covered by the state. The amount of state funding allocated to a political party depends on the number of candidates it registered and was significantly increased for these elections. Candidates and political parties organized their campaign events with support of and in co-ordination with the *mahalla* (community) committees and the election commissions. Campaign activities of political parties and candidates were well resourced and organized and ran undisrupted.

Vague legal provisions prohibiting the dissemination of false information, including about candidates, are subject to arbitrary interpretation and prevented the media from providing for a robust public debate on electoral issues. The CEC followed its legal obligation to allocate an equal amount of free airtime and space in state-owned media outlets to the political parties, which, positively, included televised weekly public discussions between them. However, the OSCE/ODIHR LEOM noted a significant lack of editorial coverage on the campaign by all monitored media.

The electoral dispute resolution system remains largely untested. There is a general preference to settle issues informally rather than through formal channels. Neither the CEC, nor the DEC's or the courts have received any formal complaints related to the electoral process before election day.

The CEC accredited over 300 international observers, while the contesting parties deployed over 70,000 representatives on election day. However, despite previous recommendations, and in contravention of the 1990 OSCE Copenhagen Document, the legal framework does not provide for observation by citizen organizations, which limits the transparency of the process.

Voting and counting were generally conducted in an efficient and transparent manner. On election day, OSCE/ODIHR LEOM observers noted that in virtually all polling stations visited proxy voting on behalf of several voters appeared to be widely practiced and tolerated by everyone present. This may have influenced the turnout, which was reported by the CEC at 88 per cent. While counting in the polling stations visited appeared to be well organized, some instances of serious procedural omissions were also noted. Tabulation was transparent in the limited number of DEC's visited by the OSCE/ODIHR LEOM observers.

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## PRELIMINARY FINDINGS

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### Background

In line with constitutional and legal provisions, the elections to the lower chamber of the *Oliy Majlis* (parliament) took place on 21 December. They were widely presented as an incremental step towards further democratization, conditioned by an overriding concern about maintaining stability and security. These elections were also described as contributing to strengthening the role of political parties and the parliament, and as creating the potential for a more competitive political climate.

The outgoing lower chamber of the *Oliy Majlis* was composed of the Liberal Democratic Party of Uzbekistan (LDPU) with 51 seats, the Democratic Party of Uzbekistan (DPU) *Milliy Tiklanish* with 30 seats, the People's Democratic Party of Uzbekistan (PDP) with 29 seats, and the Social Democratic Party of Uzbekistan (SDPU) *Adolat* with 15 seats. In accordance with the law, 15 additional seats are allocated to the Ecological Movement of Uzbekistan (EMU).

### The Electoral System and Legal Framework

The parliament comprises two chambers – a 100-member Senate and a 150-member lower chamber, both with five-year terms. The Senate includes 84 members indirectly elected by 12 regional councils, the city of Tashkent and the Republic of Karakalpakstan, as well as 16 senators appointed by the president. On 21 December, voters cast their ballots to directly elect 135 members of the lower chamber from single-member, majoritarian constituencies. An additional 15 deputies were indirectly elected by the EMU at its conference. Indirect election of members of the legislative chamber is not compatible with Paragraph 7.2 of the 1990 OSCE Copenhagen Document.<sup>1</sup> According to the law, if less than 33 per cent of voters on the voter list cast their ballots, elections are repeated within a month. To win, directly elected candidates need to garner a majority of the votes cast, otherwise the second round is organized within two weeks between the two leading candidates. There is no turnout requirement for the run-off elections to be valid.

The legal framework for the parliamentary elections includes the Constitution, last amended in 2014, the Law on Elections to the *Oliy Majlis* (Election Law), last amended in 2012, the Law on the Central Election Commission (CEC), last amended in 2014, the Law on Guarantees of Suffrage to Citizens, the Law on Political Parties, the Law on Financing of Political Parties, the Criminal Code, the Code of Administrative Responsibility, last amended in 2014, the Civil-Procedural Code, as well as normative acts of the CEC.

The recent amendments took into account some of the previous OSCE/ODIHR recommendations. More detailed regulations were introduced with regard to election campaign activities. Certain safeguards were introduced with respect to early voting procedures aiming to contribute to the integrity of early votes cast. A provision was introduced to allow organizing special precincts in pre-trial detention centers. Some of the amendments, however, were overly complex and could have been worded in a more clear and concise manner so that they are easily understandable to all stakeholders.<sup>2</sup>

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<sup>1</sup> Paragraph 7.2 of the Copenhagen Document provides that OSCE participating States “permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote.”

<sup>2</sup> See Joint Opinion of the OSCE/ODIHR and Council of Europe Commission for Democracy through Law (Venice Commission) on Draft Amendments and Addenda to the Law “On Elections to the *Oliy Majlis* of the Republic of Uzbekistan” and “On Elections to the Regional, District and City Councils (*Kengesh*) of People’s

While a new chapter on electoral offences was added to the Code on Administrative Responsibility,<sup>3</sup> there is lack of clarity on who could initiate an administrative case. In addition, a new provision prohibiting dissemination of false information about candidates and political parties is open to arbitrary interpretation. Also, the new ban on publication of the results of public opinion polls, forecasts of election results, and other studies related to ongoing elections for a period of three days before the elections, as well as on election day, unreasonably restricts freedom of expression.<sup>4</sup>

The recent amendments failed to address a number of key OSCE/ODIHR recommendations, in particular those pertaining to fundamental human rights. The constitutional safeguards of the right to freedom of expression, which is an essential precondition for an effective election campaign and voters' ability to make an informed choice, continue to be formulated in such broad terms that expression of any critical views on the constitutional order or political system may result in punitive measures.<sup>5</sup> Likewise, freedom of association, including the right to form a political party, may become subject to arbitrary and overly broad limitations. The law does not stipulate clear grounds for denial of political party registration, suspension of its activities or its possible liquidation.<sup>6</sup> According to the Ministry of Justice (MoJ), no attempts have been made to register any new political party since the last parliamentary elections. Several OSCE/ODIHR LEOM interlocutors attributed this to a general reluctance to take political initiative in the current political climate.

Due to the low intensity of political activities, a number of legal provisions, such as those pertaining to outdoor campaigning, citizens' rights to campaign, complaints and appeals procedures, and electoral offences, remained untested.

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Deputies of Uzbekistan", adopted on 14-15 December 2012, available at <http://www.osce.org/odihr/elections/98277?download=true>.

<sup>3</sup> Articles 51<sup>1</sup> – 51<sup>9</sup> pertain to such electoral offences as interference in the activity of election administration bodies, failure to comply with their decisions, violations of the rights of candidates, proxies, party agents or authorized representatives, violations of conditions and procedures of campaigning, including campaign financing, dissemination of false information about candidates and political parties, intentional destruction or damage of campaign materials, violation of regulations with regard to publication of the results of public opinion surveys and forecasts of election results.

<sup>4</sup> See paragraphs 2, 20, 22 of the General Comment 34 by the UN Human Rights Committee (UNHRC) on Article 19 of the of the International Covenant on Civil and Political Rights (ICCPR), which affirm the crucial importance of the freedoms of opinion and expression for every free and democratic society and subject possible restrictions to these freedoms to clear limitations. Uzbekistan has recognized the competence of the Human Rights Committee to receive and consider communications from individuals by acceding to Optional Protocol 1 to the ICCPR in 1995. In addition, paragraph 9.1 of the 1990 OSCE Copenhagen Document requires 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." See also 2012 Joint Opinion of the OSCE/ODIHR and Venice Commission, page 7.

<sup>5</sup> Article 29 of the Constitution provides that "everyone shall be guaranteed freedom of thought, speech and convictions. Everyone shall have the right to seek, obtain and disseminate any information, except that which is directed against the existing constitutional system and in some other instances specified by law. Freedom of opinion and its expression may be restricted by law if any state secrets are involved."

<sup>6</sup> Article 9 of the Law on Political Parties provides that "a political party shall not be subject to registration if its charter, goals and objects and methods of its activities contradict the Constitution of the Republic of Uzbekistan, present Law and other acts of legislation". Articles 10 and 11 of the Law on Political Parties provide that violations by a political party of "any provision stipulated in the Constitution of the Republic of Uzbekistan, present Law, other acts of legislation or of its own charter" could result in the suspension of its activity for half a year and liquidation in case of repeated violation during the year when its activity was suspended. As an example of good practice in this field, see paragraph 68 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation, which recommends that "grounds for denying a party's registration must be clearly stated in law and based on objective criteria", as well as paragraph 96 of the same Guidelines for an exhaustive list of possible reasons for party dissolution.

## Election Administration

These elections were administered by three levels of election administration: the CEC, 135 District Election Commissions (DECs) in as many single-mandate districts, and 9,035 Precinct Election Commissions (PECs), including 44 polling stations in diplomatic missions in 36 countries.<sup>7</sup>

The CEC is a permanent body, while the DECs and PECs are set up for each election. Members of political parties are prohibited from serving as members of election commissions at any level. Recent changes to the Constitution granted the CEC the status of a constitutional body and established independence, lawfulness, collegiality, transparency and fairness as the guiding principles of its work. The two chambers of the parliament appoint members of the CEC, at least 15 in total, upon proposals of the regional councils, for indefinite terms. The chairperson of the CEC is elected by its members from amongst themselves, upon nomination by the president. At present, there are 18 CEC members, including 3 women. While the longest-serving member joined the CEC in 1998, 10 CEC members were appointed in April 2014. Four members are permanently employed at the CEC and others perform their duties in addition to their regular work and reside in their respective regions, gathering in the capital when sessions are convened.

The CEC managed the technical preparations for the elections competently and met legal deadlines. Based on the recommendations of the regional councils, the CEC established the constituency boundaries with the average of 154,000 voters per constituency and announced approximate numbers of voters per district. There are, however, significant differences in the size of the constituencies.<sup>8</sup> The CEC appointed 1,463 individuals to 135 DECs on 9 October. Women are underrepresented at the DEC level, making up some 20 per cent of DEC members.

The DECs established 9,035 precincts, taking into consideration the administrative borders, the number of eligible voters, as well as recommendations of local councils or management of institutions where voters temporarily reside.<sup>9</sup> While the law provides for a general rule that electoral precincts should cover between 20 and 3,000 voters, the OSCE/ODIHR LEOM encountered polling stations with significantly higher number of registered voters. In some cases this was attributed to the recommendations of *mahalla*<sup>10</sup> leaders not to divide communities into separate precincts. The DECs appointed over 90,000 individuals, about 44 per cent of whom are women, to serve on the PECs that comprise from 5 to 19 members.

DECs and PECs visited by the OSCE/ODIHR LEOM reported receiving all necessary information and resources for the conduct of their duties and demonstrated good knowledge of the electoral legislation, although at times interpreted it variably. Training on electoral amendments and procedures was organized by the CEC for the chairpersons, their deputies and secretaries of DECs and PECs who were responsible for training other commission members.

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<sup>7</sup> List of locations is available at <http://elections.uz/en/events/news/3156/>.

<sup>8</sup> The smallest constituency includes some 107,000 voters (DEC 36 Zarafshan in Navoyi region) and the largest – some 183,000 voters (DEC 74 Denov in Surhandaryo region).

<sup>9</sup> Based on a recommendation of an institution's management, DECs can also set up special PECs in military units, pre-trial detention centers, hospitals, sanatoria and other health institutions and holiday resorts, as well as in remote and inaccessible places up to five days before elections.

<sup>10</sup> *Mahallas* are traditional Uzbek community structures that regulate everyday life of a settlement and serve to link the state and the community. Their role was formalized in the 1993 and 1999 Law on the Institutions of Self-Government of the Citizens ("Mahalla Law"). Violations of *mahalla* committee decisions are legally punishable.

*Mahalla* committees played a prominent role in assisting the election administration at the local level, including in constituency boundary delimitation, selection of commission members, distribution of election-related information to the voters, and compilation of the voter lists. In a number of PECs, chairpersons and members were at the same time chairing or working in the *mahalla* committees.

Early voting was organized between 6 and 19 December for voters who were not able to vote on election day. Based on the information provided by the DECAs, the CEC printed and distributed 103,948 early voting ballots, corresponding to 0.5 per cent of the total number of voters. There are no legal provisions requiring the election administration at any level to announce the number of people who voted early. Visited PECs reported a low level of interest in such an option. Early voting ballots were printed in a colour different to that of the regular ballots, which raises concern that in PECs with a low number of early voters secrecy of the vote may be jeopardized.

Ballots were printed by the CEC, instead of DECAs as prescribed by the law, due to the fact that only the state printing house could ensure that all security features were used and to maintain full control over distribution. The total number of ballots for election day included the legally prescribed 0.5 per cent surplus compared to the number of registered voters.<sup>11</sup>

The CEC took active measures to increase the level of transparency in its work and to inform the public about the elections, including through its website, the Republican Press Centre (established specifically for these elections), billboards, video clips and text messages, as well as events targeting political party representatives, *mahalla* leadership, youth and women. Activities and press conferences of the CEC featured prominently in the media. Sessions of the CEC were open to the accredited media, representatives of political parties and international observers, and key decisions were published in the media and posted on the CEC website. However, some CEC decisions were not made public and could only be obtained by the OSCE/ODIHR LEOM upon request.

## **Voter Registration**

Citizens who have reached the age of 18 have the right to vote, unless it has been suspended by a court decision or they are serving a prison sentence for any crime. Limitation of suffrage based on conviction for any crime contravenes the principle of proportionality, outlined in paragraph 24 of the 1990 OSCE Copenhagen Document and other international obligations and standards for democratic elections.<sup>12</sup>

Eligible voters are included in the voter lists according to their place of permanent or temporary residence. There is no central voter register and for each election the data from the local administration (*khokimiyats*) is provided to the PECs who are responsible for compiling and reviewing the lists. PECs reported conducting a door-to-door voter list verification, in collaboration

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<sup>11</sup> Out of a total of 20,893,548 ballots, 15,554,432 were printed in Cyrillic alphabet, 3,888,608 in Latin alphabet, 864,119 in Russian and 586,390 in Karakalpak languages. Other electoral materials were also available in national minority languages.

<sup>12</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 the 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 judgments of the European Court of Human Rights 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. Both available at [www.echr.coe.int](http://www.echr.coe.int). In a ruling on the *Hirst v. United Kingdom* case of 6 October 2005, the European Court of Human Rights ruled 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.

with the *mahalla* committees, using this opportunity to also check if the voters would like to vote early or would require mobile ballot box on election day.

The CEC announced a preliminary number of voters of 20,789,572, as well as a breakdown per constituency. A country-wide breakdown of the number of voters per precinct was not announced. Quality of the voter lists was not questioned by the electoral stakeholders, although the absence of a unified voter register prevents any crosschecks for potential multiple registration.

Voter lists were displayed in PECs from 6 December and, in special PECs, from 14 December, enabling voters to verify their accuracy and completeness and to request changes. In the PECs visited, very few voters used this opportunity. Neither the CEC nor the DEC announced the overall number of changes made to the voter lists prior to election day, and the total number of voters remained unchanged.

On election day, those voters who had been omitted from voter lists and could prove their residence in a precinct, were added to a supplementary voter list and could cast their votes. This is contrary to the international good practice that advises against election-day voter registration.<sup>13</sup>

Based on the information provided by the Ministry of Foreign Affairs (MFA), the CEC announced that 13,280 voters were included in the lists of voters residing out of country. Most OSCE/ODIHR LEOM interlocutors indicated that several million citizens might live abroad.<sup>14</sup> It is unclear how many of them are on the voter lists in the country. The MFA stated that all eligible voters have the right to vote in the diplomatic missions, even without prior registration, and had no concerns about running out of ballots. All votes cast in polling stations abroad were added to constituency No. 126 in Tashkent.

### Candidate Registration

The right to stand as a candidate is granted to Uzbek citizens over 25 years of age who have permanently resided in the country for at least five years before election day, which is contrary to the international commitments and good practice.<sup>15</sup> According to the Constitution, citizens currently serving a prison sentence for any crime are also barred from contesting elections, which is at odds with the OSCE commitments and other international obligations and standards for democratic elections.<sup>16</sup> In addition, those declared incapacitated by a court decision or with unspent convictions for committing grave or particularly grave crimes, active military or security servicemen, and professional clergy of religious organizations cannot stand as candidates.

To participate in the elections, candidates also need to be proposed by political parties registered by the CEC. Despite previous OSCE/ODIHR recommendations and contrary to paragraph 7.5 of the

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<sup>13</sup> See paragraph 1.2 of the Venice Commission's Code of Good Practice, which states that the "electoral registers must be permanent" and that "the registration should not take place at the polling station on election day."

<sup>14</sup> According to the Federal Migration Service of the Russian Federation, as of 4 December, there were some 2.28 million citizens of Uzbekistan officially registered in the Russian Federation, of whom some 2.1 million have reached the age of 18 years. See <http://www.fms.gov.ru/about/statistics/data/details/54891/>.

<sup>15</sup> Paragraph 15 of the UNHRC General Comment 25 states, in part, that "any restrictions on the right to stand for election...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 [...] residence [...]" See also paragraph 1.1 (c) of the Venice Commission's Code of Good Practice, which details that "a length of residence requirement may be imposed on nationals solely for local or regional elections."

<sup>16</sup> See footnote 12.

1990 OSCE Copenhagen Document, independent candidates cannot contest the elections.<sup>17</sup> A political party can nominate candidates provided that it is registered by the MoJ at least four months prior to the announcement of elections and has collected 40,000 supporting signatures. The percentage of signatures from one territorial unit should not exceed eight per cent of the total number of collected signatures and, in accordance with the CEC regulation from 2009, a voter cannot sign in support of more than one party.<sup>18</sup> The regulation on the verification of signatures stipulates that only a 15 per cent sample is checked.<sup>19</sup> The CEC verified samples of the signatures submitted by prospective electoral contestants and reported no problems with them. All four officially registered political parties were registered by the CEC.

In line with the law, candidate nomination process took place between 17 October and 6 November. A candidate can only be nominated in one constituency and each party is entitled to present only one candidate per constituency. According to the law, at least 30 per cent of the candidates proposed by each party should be women. All four parties nominated candidates for all 135 constituencies. Since five candidates withdrew before the final list was declared on 15 November, the CEC registered 535 candidates, including 170 women (31.8 per cent) and representatives of national minorities. All four parties nominated mostly new and younger candidates. They tended to be 10 to 15 years younger than the incumbent members of parliament, of whom about 20 per cent were up for re-election. This “rejuvenation” was presented as “another step” towards strengthening the role of the political parties and the parliament.

The law allows political parties to annul the nomination of their candidates until five days before elections, while the candidates can withdraw from the race at any time. Three candidates withdrew after the ballots were printed and the CEC instructed election commissions to cross out their names on the ballots and remove their posters from the DEC and PEC premises.

### **Campaign Environment**

In line with the law, the election campaign commenced on 15 November, following registration of candidates, and ended on 19 December. The Election Law was amended in 2012 to prescribe types and forms of election campaigning while allowing other methods as long as they are not prohibited by the law.<sup>20</sup>

Overall, the campaign was tepid. All four political parties are supportive of and supported by the government. They have been created, as stated by the parties themselves, to represent one of the four main segments of the Uzbek society each, broadly speaking – business and farming (LDPU), the ‘intelligentsia’ (SDPU *Adolat*), the socially vulnerable (PDPU) and those favouring traditional values (DPU *Milliy Tiklanish*). As such, they are complementary rather than competitive. As there are no other political options and the prevailing political climate is not conducive to expression of alternative political views, this resulted in the lack of genuine electoral competition and debate. A somewhat more competitive environment existed at the district level where individual candidates were actively seeking office.

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<sup>17</sup> See paragraph 7.5 of the Copenhagen Document, which committed the OSCE participating States to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.”

<sup>18</sup> As an example of good practice in this field, see paragraph 77 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation, which recommends 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>19</sup> Paragraph 1.3 of the Venice Commission’s Code of Good Practice 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>20</sup> Articles 27<sup>1</sup>, 27<sup>2</sup>, 27<sup>3</sup>, 27<sup>4</sup> of the Election Law define the framework of campaign activities.

The OSCE/ODIHR LEOM received no reports of interference in campaign activities. Candidates and political parties organized their campaign events with support of and in co-ordination with the *mahallas*, the PECs and the DECAs that provided venues to candidates and political parties for their meetings with voters. Main campaign messages were conveyed through billboards, posters, leaflets, indoor meetings and advertisement in the media, as well as on the internet. The focus was mainly on issues of social protection and economic development, as well as the need for stability, unity, security, and gradual political and economic reforms. Issues pertaining to women and national minorities were not explicitly addressed during these elections. Candidates freely used national minority languages in their campaigns. Campaign activities of political parties and candidates were well resourced and organized.

## Campaign Finance

In line with the legal framework, election-related expenses of contestants are covered by the state with a possibility of private contributions to be sent to the CEC for their equal distribution through the political parties among all their candidates. The amount of state funding allocated to a political party depends on the number of candidates it registered and was significantly increased for these elections.<sup>21</sup> The OSCE/ODIHR LEOM was informed that no private donations have been made.

According to the legislation, political parties must submit annual financial reports to the relevant financial authorities, tax inspectorates, Chamber of Accounts, and the MoJ. Additionally, political parties are required to disclose their campaign expenses to the CEC within 20 days of elections. Annual reports together with the statements from the CEC, Chamber of Accounts and the MoJ on parties' financial incomes and expenses during parliamentary election campaigns are presented to the lower chamber of the *Oliy Majlis* in presence of the media. While these reports are supposed to be published by political parties, there is no clarity in the law with regard to the mode and timeframes for their publication.

## Media

Overall, the media, impeded by serious restrictions, did not facilitate a genuine and critical discussion on electoral issues. Vague legal provisions prohibiting the dissemination of false information, including on candidates, are subject to arbitrary interpretation and can undermine the constitutional guarantee on freedom of expression. This prevented the media from providing for a robust public debate.<sup>22</sup> Provisions in the Criminal Code, which punish defamation by imprisonment of up to three years (up to five years in case of defamation of the president), have been used to convict journalists. On 8 September, the OSCE Representative on Freedom of the Media (RFoM) called again for the immediate release of three imprisoned journalists.<sup>23</sup> A lack of clarity on what constitutes "false information", as well as vague provisions in the Election Law that "information disseminated in the media must conform to the reality, not violate the rights and legitimate interests of candidates", make it difficult for journalists and political actors to foresee the consequences of their actions and lead to self-censorship.<sup>24</sup>

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<sup>21</sup> From 1,000,060 UZS (an equivalent of 330 EUR) per candidate during the last elections to 4,833,000 UZS (an equivalent of 1,600 EUR) per candidate now.

<sup>22</sup> See Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, page 19, point 52, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G00/102/59/PDF/G0010259.pdf?OpenElement>.

<sup>23</sup> See <http://www.osce.org/fom/123275>. In addition, Reporters without Borders currently lists 10 imprisoned journalists, see <http://en.rsf.org/press-freedom-barometer-journalists-imprisoned.html?annee=2014>.

<sup>24</sup> Furthermore, vague provisions in the Code of Administrative Responsibility on the "production or storage of materials for distribution containing ideas of religious extremism, separatism and fundamentalism, calling for massacre or violent eviction or aimed at creating panic among the population" have been used to convict

The main sources of information are Russia-based television stations. The media landscape is dominated by the state-owned National Television and Radio Company (NTRC), the only broadcaster with nationwide coverage, and state-owned newspapers which have low readership. All media outlets, including broadcast and print, as well as websites, are subject to registration by the Press and Information Agency (UPIA), which conducts content surveillance.<sup>25</sup> The prime minister appoints the head of the UPIA who subsequently appoints the other members. Infringement of legal provisions, including the provision on false information, might lead to de-registration. Journalists working with foreign media outlets are subject to accreditation by the MFA.<sup>26</sup> Undue interference by the state institutions with the right to freedom of expression results in a *de facto* absence of pluralism in the media.

It is considered that some internet-based outlets provide more critical reporting on the authorities at the local level. However, foreign and national online media publishing views critical of the government are systematically blocked or closed down, including the websites of some international human rights non-governmental organizations. Recent amendments to the Law “On Informatization” extend the obligation to provide truthful information to bloggers, banning “false” posts on the Internet.<sup>27</sup> According to OSCE/ODIHR LEOM interlocutors, these amendments result in even more self-restraint by the social media users in a public sphere dominated by self-censorship.

The CEC followed its legal obligation to allocate an equal amount of free airtime and space in state-owned media to political parties contesting the elections. A total of 18 hours of free-of-charge political advertising was broadcast on state-owned television stations during the monitored period, but little use was made of the opportunity to buy additional airtime.<sup>28</sup> Positively, free airtime included weekly discussion programmes on particular topics with representatives of political parties broadcast on *O'zbekiston*, the first channel of the NTRC. During the monitored discussion programmes, equal time slots dedicated to parties' programmes were followed by discussion, which was at times used by party representatives to challenge the opponents' positions. In addition, some cases of criticism towards other political parties' platforms were observed in the print space allocated free of charge. Importantly, political advertising was not marked as such by the broadcasters, leaving the audience unable to distinguish it from editorial coverage.

The OSCE/ODIHR LEOM noted, however, a significant lack of editorial coverage on the campaign by all monitored media. Only approximately 14 minutes per day were devoted to editorial coverage of the campaign by all monitored television stations combined. Within the limited editorial programming monitored by the OSCE/ODIHR LEOM, *O'zbekiston* and *Toshkent* provided rather balanced coverage of the political parties, while *UzReportTV* and *Yoshlar* gave a certain preference to the LDPU.<sup>29</sup> Based on the limited editorial coverage in the newspapers reviewed by the

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journalists who reported on local issues. See UNHRC General Comment No 34 on Article 19 of the ICCPR, available at <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

<sup>25</sup> Structures and competencies of other institutions involved into content monitoring are, however, not fully transparent. Representatives of the Monitoring Center under the State Committee for Communication, Informatization and Telecommunication Technologies have testified during trials against journalists.

<sup>26</sup> As of 1 December the MFA has accredited 24 journalists. See <http://www.mfa.uz/en/press/aboutpress/328/>. Uzbek journalists working with foreign media outlets have been fined for working without accreditation.

<sup>27</sup> See criticism by the OSCE RFoM, available at <http://www.osce.org/fom/123275>.

<sup>28</sup> On 5 December, the OSCE/ODIHR LEOM started monitoring four television stations and eight newspapers. The monitored TV stations were *O'zbekiston*, *Toshkent*, *UzReport TV* and *Yoshlar*. The monitored newspapers include *Adolat*, *Darakchi*, *Narodnoe Slovo*, *Milliy Tiklanish*, *O'zbekiston Ovozi*, *Pravda Vostoka*, *Xalq So'zi* and *XXI asr*.

<sup>29</sup> *O'zbekiston* and *Toshkent* devoted 32 and 29 per cent of their coverage to the LDPU, 25 and 28 per cent – to the SDPU *Adolat*, 24 and 22 per cent – to the DPU *Milliy Tiklanish*, and 20 and 21 per cent – to the PDPU, respectively. In comparison, *UzReportTV* and *Yoshlar* dedicated 53 and 39 per cent to the LDPU, while giving

OSCE/ODIHR LEOM during the monitoring period, among the state-owned newspapers, two provided a relatively balanced coverage of all political parties, one favoured PDU *Milliy Tiklanish*, and one – the LDPU.<sup>30</sup> All editorial coverage by the television stations and state-owned newspapers monitored was in a positive or neutral tone. All but one monitored newspapers owned by political parties devoted entire editorial coverage, in a positive tone, to their own parties.<sup>31</sup>

### Complaints and Appeals

Decisions of election commissions may be challenged by candidates, parties, voters and observers before a higher-level election commission or before the competent first instance (district) court in civil cases within a 10-day period. The respective institution then has three days to take a decision. When less than six days remain until election day, cases should be decided immediately. Complaints against decisions of the CEC can be filed to the Supreme Court. According to the law, complainants have the right to participate in deliberations of their complaints in courts or election commissions. The electoral dispute resolution system remains largely untested. There is a general preference to settle issues informally rather than through formal channels. Neither the CEC, nor the DEC or the courts have received any formal complaints related to the electoral process before election day.

### Citizen and International Observers

Legislation provides for observation of elections by international observers, international organizations and associations. For these elections, the CEC accredited international observers from the OSCE/ODIHR, the Commonwealth of Independent States, the Shanghai Co-operation Organization, the Organization of Islamic Conference, the World Association of Election Management Bodies, as well as foreign election commissions and officials. In total, some 60 representatives of international organizations and some 270 observers from foreign delegations were accredited.

The Election Law also provides for representatives of political parties that nominated candidates and the media to observe the process. According to the CEC, DEC accredited 35,203 party agents by 16 December, including 8,853 from the LDPU, 8,967 from the DPU *Milliy Tiklanish*, 8,883 from the SDPU *Adolat* and 8,500 from the PDPU. In addition, all parties accredited the same numbers of ‘authorized representatives’ to follow the counting process in the PECs.

Despite previous OSCE/ODIHR recommendations, and in contravention of the 1990 OSCE Copenhagen Document and international good practice, the legal framework does not provide for observation by citizen organizations, which limits the transparency of the process.<sup>32</sup>

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11 and 18 per cent to the SDPU *Adolat*, 25 and 18 per cent to the DPU *Milliy Tiklanish*, and 11 and 25 per cent to the PDPU, respectively.

<sup>30</sup> *Darakchi* devoted 29, 29, 17 and 25 per cent of editorial coverage to the LDPU, SDPU *Adolat*, DPU *Milliy Tiklanish* and the PDPU, respectively. *Xalq So'zi* devoted 32, 23, 23 and 22 per cent of its coverage to the LDPU, the SDPU *Adolat*, the DPU *Milliy Tiklanish* and the PDPU, respectively. *Narodnoe Slovo* devoted 50 per cent to both the DPU *Milliy Tiklanish* and the PDPU, and did not cover the other political parties. *Pravda Vostoka* devoted 46, 27 and 27 per cent coverage to the LDPU, the DPU *Milliy Tiklanish* and the PDPU, respectively, and did not cover the the SDPU *Adolat*.

<sup>31</sup> *Adolat*, *Milliy Tiklanish* and *XXI asr* (owned by the LDPU) devoted entire editorial coverage, in a positive tone, to their own parties, while *O'zbekistan Ovozi* (owned by the PDPU) gave 9 per cent of its coverage in a negative tone to other political parties.

<sup>32</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states that “The 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.” Section II.3.2 of the Venice Commission’s Code of Good Practice states that “Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise.”

## Election Day

Voting was generally conducted in an efficient and transparent manner. In the limited number of polling stations visited by the OSCE/ODIHR LEOM observers the layout allowed for an unimpeded flow of voters, although some of the premises were not accessible by voters with disabilities. In several visited precincts, unauthorized persons performed tasks legally assigned to the PEC members.

The OSCE/ODIHR LEOM observers reported that the identity of voters was not always verified. In virtually all polling stations visited, scrutiny of the voter lists revealed blocks of identical signatures and proxy voting on behalf of several voters appeared to be universally practiced and tolerated by everyone present. This violated the principle of equal suffrage, contained in paragraph 7.3 of the 1990 OSCE Copenhagen Document,<sup>33</sup> and may have influenced the turnout, which was reported by the CEC at 88 per cent. Group and family voting that was occasionally witnessed despite the CEC's campaign to discourage such practices contravened the principle of secrecy of the vote.<sup>34</sup> OSCE/ODIHR LEOM observers noted that in the visited polling stations representatives of political parties played a passive role and no election-day complaints were filed.

While counting in the polling stations visited by OSCE/ODIHR LEOM observers was generally well organized, some instances of serious procedural omissions, such as the failure to count and annul unused ballots, were also noted. It was pointed out that the design of the results protocols provided for by the law does not ensure that the numbers of ballots issued or found in the ballot box reconcile with the number of voters who cast ballots. The protocols were not always displayed at the PECs after the count was completed. Tabulation was transparent in the four DEC's visited by the OSCE/ODIHR LEOM observers.

***The English version of this report is the only official document.  
An unofficial translation is available in Uzbek and Russian.***

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<sup>33</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.” See also Article 21.3 of the UN Universal Declaration of Human Rights, as well as Article 25(b) of the ICCPR.

<sup>34</sup> See Paragraph 7.4 of the OSCE 1990 Copenhagen Document, in which OSCE participating States committed to “ensure that votes are cast by secret ballot or by equivalent free voting procedure.”

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### MISSION INFORMATION & ACKNOWLEDGMENT

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The OSCE/ODIHR LEOM opened in Tashkent on 2 December. The mission led by Ambassador Daan Everts included 12 experts in the capital and 8 long-term observers deployed throughout Uzbekistan. The LEOM members came from 16 OSCE participating States.

The observers wish to thank the authorities for their invitation to observe the election and the CEC and the MFA for their assistance. They also express their appreciation to other state institutions, political parties, civil society organizations and the international community representatives for their co-operation.

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