



Office for Democratic Institutions and Human Rights

# REPUBLIC OF UZBEKISTAN

## PARLIAMENTARY ELECTIONS

21 December 2014

OSCE/ODIHR Limited Election Observation Mission  
Final Report



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**REPUBLIC OF UZBEKISTAN  
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**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an official invitation from the authorities of the Republic of Uzbekistan and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 21 December 2014 parliamentary elections.

The overall political climate in Uzbekistan remains tightly controlled as a consequence of the official view that stability and security are overriding concerns, which permit only a 'step-by-step approach' to democratic reform. Recent legislative amendments, in combination with minor administrative improvements and the nomination of younger candidates by all political parties were described as contributing to strengthening the role of political parties and the parliament, and creating the potential for a more competitive political climate. However, they did not address the main concerns with regard to fundamental freedoms that are critical for elections to fully meet international commitments and standards.

The amendments to the electoral legal framework took into account some 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. As a result, the electoral environment remained restricted and was not conducive to new initiatives offering voters wider and alternative choices.

The Central Election Commission (CEC) managed the technical preparations for the elections competently and met all legal deadlines. The CEC took active measures to increase the level of transparency in its work and to inform the public about the elections. However, there was a significant delay in announcing certain important information about the electoral process and some of this data was never made public, which limited the transparency of the process. A lack of clarity and detail in CEC decisions and insufficiently practical training resulted in an uneven implementation of legal provisions by election officials, in particular at the precinct level.

In order to stand for election, candidates needed to be proposed by political parties. The CEC verified samples of supporting signatures submitted by prospective contestants and reported no problems. Four parties with a total of 535 candidates contested the elections, including a number of representatives of national minorities.

There was no central voter register and eligible voters were included in voter lists according to their place of permanent or temporary residence. The quality of voter lists was not questioned by electoral stakeholders, although the absence of a unified voter register prevented any crosschecks for potential multiple registration. Different Precinct Election Commissions (PECs) and community representatives

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

reported applying different rules for inclusion in or exclusion from lists. It was not possible to determine how many eligible voters residing abroad were on in-country voter lists.

Overall, the campaign was tepid and characterized by the lack of substantive and genuine debates among candidates, although campaign activities slightly increased closer to election day. The four political parties that took part in the elections were created to each represent one of the four main segments of Uzbek society. As such, they were complementary rather than competitive.

Women were generally underrepresented in the election administration, particularly at the higher levels; only 3 of 18 CEC members are women. Political parties nominated slightly more than the legally-mandated 30 per cent of women candidates.

Registration and accreditation requirements for all media and journalists working with foreign media outlets as well as interference into Internet freedom led to an absence of political pluralism in the media. Provisions prohibiting the dissemination of false information, including about candidates, coupled with criminal defamation provisions, prevented the media from providing a forum for robust public debate on electoral issues. The CEC allocated a significant amount of free airtime and space in state-owned media outlets, dividing it equally among contesting political parties, in compliance with its legal obligation. Allocated airtime, positively, included televised weekly public discussions among the contestants. However, the OSCE/ODIHR LEOM noted a significant lack of editorial campaign coverage by all monitored media.

The electoral dispute resolution system remained largely untested. There was a general preference to settle issues informally rather than through formal channels. The CEC, the District Election Commissions and the courts did not receive any formal complaints related to the electoral process before election day.

In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not include short-term observers, and did not carry out comprehensive or systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some districts. Where observed, voting and counting were generally conducted in an efficient and transparent manner. OSCE/ODIHR LEOM observers noted that in almost all polling stations visited, proxy voting on behalf of several voters appeared to be widely practiced and tolerated, undermining the principle of equality of the vote. This practice influenced the turnout percentage. 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, although detailed procedural guidelines were not in place.

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

## **II. INTRODUCTION AND ACKNOWLEDGEMENTS**

Following an official invitation from the authorities of the Republic of Uzbekistan and based on the recommendation of a Needs Assessment Mission conducted from 28 to 30 October, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 21 December 2014 parliamentary elections. The OSCE/ODIHR LEOM was headed by Ambassador Daan Everts and consisted of 12 experts based in

Tashkent and 8 long-term observers (LTOs) deployed throughout the country. Mission members were drawn from 16 OSCE participating States.

The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not include short-term observers, and did not carry out comprehensive or systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some districts. Concurrent local elections were observed by the OSCE/ODIHR LEOM only to the extent that they impacted upon the overall conduct of the parliamentary elections. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 22 December 2014.<sup>2</sup>

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Uzbekistan for the invitation to observe the elections, and the Ministry of Foreign Affairs (MFA), the Central Election Commission (CEC), national and local authorities, as well as candidates, political parties, and civil society organizations for their assistance and co-operation. The OSCE/ODIHR LEOM also wishes to express its appreciation to the OSCE Project Co-ordinator in Tashkent, diplomatic representations of OSCE participating States and international organizations for their support and co-operation throughout the course of the mission.

### III. BACKGROUND

The official policy of Uzbekistan professes to pursue democratic reforms through a 'step-by-step' approach that is conditioned by its country-specific historical and cultural context. In addition, there is an overriding concern about security and stability heightened by geopolitical factors, notably unrest and serious security problems in the region, which has led to a perceived need to tightly control political developments.

Against this background, the 2014 parliamentary elections were widely presented as an incremental step towards further democratization. Given a 2014 constitutional amendment that provides for the nomination of the prime minister by the largest parliamentary party, these elections were described as contributing to strengthening the role of political parties and the parliament, as well as creating the potential for a more competitive political climate.

The outgoing lower chamber of the parliament (*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 (PDPU) with 29 seats, and the Social Democratic Party of Uzbekistan (SDPU) *Adolat* with 15 seats. In accordance with the law, 15 additional seats were allocated to the Ecological Movement of Uzbekistan (EMU).

### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

#### A. ELECTORAL SYSTEM

The bi-cameral parliament comprises a 100-member Senate and a 150-member lower chamber, both with five-year terms. The Senate comprises 84 members indirectly elected by 12 regional councils, the

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<sup>2</sup> Previous OSCE/ODIHR reports on Uzbekistan are available at: [www.osce.org/odihr/elections/uzbekistan](http://www.osce.org/odihr/elections/uzbekistan).

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. Despite previous OSCE/ODIHR recommendation, an additional 15 deputies were indirectly elected by the EMU at its conference held on the same day. Indirect election of some members in both chambers of the legislature is not compatible with paragraph 7.2 of the 1990 OSCE Copenhagen Document.<sup>3</sup>

*The legal framework should be amended to ensure that all deputies in at least one of the chambers of the parliament are elected by popular vote.*

According to the law, if less than 33 per cent of voters registered nationally cast their ballots, elections are repeated within a month. Candidates require a majority of votes cast in order to be elected, otherwise a second round is held within two weeks between the two leading candidates. There is no turnout requirement for a run-off election to be valid.

## **B. LEGAL FRAMEWORK**

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, 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. Uzbekistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 19 July 1995, to the International Covenant on Civil and Political Rights (ICCPR) on 28 September 1995, and signed the Convention on the Rights of Persons with Disabilities (CPRD) on 27 February 2009.<sup>4</sup>

The legal framework for elections remains inconsistent with several OSCE commitments and other international obligations and standards for democratic elections. A number of key previous OSCE/ODIHR recommendations are still to be addressed, in particular those pertaining to fundamental human rights. Constitutional safeguards as well as limitations on 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 the political system may result in punitive measures.<sup>5</sup> Defamation, insult, peaceful infringement on constitutional order, activities of unregistered organizations, and the production or storage of materials for distribution deemed a threat to public order continue to be criminalized by law.<sup>6</sup>

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<sup>3</sup> Paragraph 7.2 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>4</sup> Uzbekistan has yet to ratify these conventions.

<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> These provisions have been enforced, for example, on 24 December 2014. Asadulla Rihsiyev, Jahongir Tojiyev, Ahmadjon Khalikov, Shuhrat Ilkhamov, Zafar Karimov and Davron Rakhmanov were all sentenced to either 12 or 13 years in prison by the Tashkent Regional Court for criminal cases according to the Criminal Code of the Republic of Uzbekistan under Articles No. 159 "Infringement on the constitutional system of the Republic of Uzbekistan", No. 244<sup>1</sup> "Production or distribution of materials containing threat to public security and public order", No. 244<sup>2</sup> "Creation, management, participation in religious extremist, separatist, fundamentalist or other banned organizations," and No. 246 "Smuggling".

Freedom of association, including the right to form a political party or non-government organization, may become subject to arbitrary and overly broad limitations, which is not in line with Article 22 of the ICCPR.<sup>7</sup> The law does not stipulate specific grounds for denial of political party registration, suspension of its activities, or possible liquidation.<sup>8</sup> Legislation also bans the conduct of activities on behalf of unregistered non-governmental organizations, while those registered had to overcome excessive registration requirements and face legal restrictions. These legal provisions place undue restrictions on freedoms of expression and association, which are at odds with paragraphs 9.1 and 9.3 of the 1990 OSCE Copenhagen Document, respectively.

According to the Ministry of Justice (MoJ), no attempts have been made to form 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. With legal provisions in place that discourage free expression and association, the political environment was not conducive to new initiatives that could offer voters a wider choice.

*It is recommended that the legislation affecting political parties and non-governmental organizations is revised to exclude disproportionate or discriminatory restrictions on the right to freedom of association. Any restrictions should be provided for by law, consistent with international standards, and subject to clear and narrow criteria that do not leave excessively broad margins for interpretation by the authorities.*

Recent amendments to the legislation, introduced in 2012 and 2014, took into account some previous OSCE/ODIHR recommendations. More detailed regulations were introduced with regard to election campaign activities. Certain safeguards were adopted 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 centres. However, some amendments were overly complex and would have benefited from more clear and concise wording so as to be more easily understandable by all stakeholders.<sup>9</sup>

A new chapter on electoral offences was added to the Code on Administrative Responsibility in 2014 to list punishable electoral offences.<sup>10</sup> However, it lacks clarity on how and by whom an

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<sup>7</sup> Article 22 states that “Everyone shall have the right to freedom of association with others...”.

<sup>8</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.

<sup>9</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 Deputies of Uzbekistan”](#), 17 December 2012.

<sup>10</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.

administrative case may be initiated.<sup>11</sup> In particular, OSCE/ODIHR LEOM interlocutors also lacked a clear understanding of this process.

*In order to be an effective mechanism to address procedural irregularities, the law could be clarified with regard to the process of initiating election-related administrative cases.*

A new ban on publishing the results of public opinion polls, forecasts of election results, and other studies related to ongoing elections unreasonably restricts freedom of expression as it allows for an overly wide margin of appreciation by the implementing authorities for a period of three days before the elections as well as on election day.<sup>12</sup>

*It is recommended that the ban on dissemination of election-related information be revised to avoid ambiguity and in order for the constitutional guarantee to freedom of expression to be fully implemented.*

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.

## V. ELECTION ADMINISTRATION

The 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. The CEC is a permanent body, while 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 parliament appoint a minimum of 15 CEC members upon proposals of regional councils, for indefinite terms. The CEC chairperson is elected by and from its members, 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.

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<sup>11</sup> Article 280 of the Code on Administrative Responsibility prescribes that protocols on administrative offense should be filed by an authorized official of the relevant body which controls or supervises the observance of the rules, the violation of which entails administrative responsibility.

<sup>12</sup> See paragraphs 2, 20, 22 of the General Comment 34 by the United Nations Human Rights Committee (UNHRC) on Article 19 of the of the 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 UNHRC to receive and consider communications from individuals by acceding to Optional Protocol 1 to the ICCPR. 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 the 2012 Joint Opinion of the OSCE/ODIHR and Venice Commission, paragraphs 34-35.



The CEC appointed 1,463 members to the DEC's following suggestions of regional councils.<sup>13</sup> Each DEC should have at least nine members. According to the CEC, two-thirds of members had experience in election administration. Women were underrepresented at the DEC level, making up some 20 per cent of members.

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>14</sup> While the law provides for a general rule that precincts should contain between 20 and 3,000 voters, the OSCE/ODIHR LEOM encountered polling stations with a significantly higher number of registered voters. In some cases this was attributed to the recommendations of *mahalla* (local community) leaders not to divide communities into separate precincts.<sup>15</sup> DEC's appointed over 90,000 individuals to serve on PECs that comprised from 5 to 19 members, of which women made up some 44 per cent.

*Consideration could be given to enhancing the participation of women in decision-making roles within the election administration.*

The CEC managed the technical preparations for the elections competently and met all legal deadlines. 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, a 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.

CEC activities and press conferences featured prominently in the media. Sessions of the CEC were open to 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. There was also a significant delay in announcing certain important information about the electoral process, including the full list of precinct locations, number of voters registered in each precinct, and number of ballots cast during out-of-country voting and some of this data was never made public. This contravened the principle of transparency of the CEC activities provided for by the Constitution.

*As a measure to enhance transparency, all CEC decisions and other essential election-related data should be made publicly available in a timely manner, including on the CEC website.*

Based on the recommendations of regional councils, the CEC established constituency boundaries with an average of 154,000 voters per constituency and announced the approximate numbers of voters per district. However, there are significant differences in the size of a limited number of constituencies, explained by unequal population density and terrain.<sup>16</sup>

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<sup>13</sup> Among the DEC members, some 45 per cent are representatives of the education sector, 29 per cent from social associations and nongovernmental and non-profit organizations, 8 per cent from the healthcare system and 4 per cent from the manufacturing industry and the rest from other sectors.

<sup>14</sup> Based on a recommendation of an institution's management, DEC's can also set up special PECs in military units, pre-trial detention centres, hospitals, sanatoria and other health institutions and holiday resorts, as well as in remote and inaccessible locations until five days before elections.

<sup>15</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 Law on the Institutions of Self-Government of the Citizens (*Mahalla Law*). Violations of *mahalla* committee decisions are legally punishable.

<sup>16</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).

DECs and PECs visited by the OSCE/ODIHR LEOM reported receiving all necessary information and resources to undertake their duties. However, they demonstrated diverse levels of knowledge on electoral legislation and at times varied in their interpretation of procedures. Instructions and regulations issued by the CEC mainly repeated the legal provisions and lacked sufficient detail, in particular regarding the compilation and review of voter lists, provisions for early and mobile voting, voting and counting procedures, and handling of sensitive electoral material before, during and after election day.

OSCE/ODIHR LEOM observers reported that training sessions organized by the CEC for DEC and PEC chairpersons, their deputies, and secretaries lacked practical exercises and procedural details. Each election commission received a compilation of at least 16 booklets covering members' roles and responsibilities throughout the elections. A procedural video provided to PECs appeared to have been used only in a limited number of cases.

*Uniform application of the election legislation could be strengthened by providing PEC members with more detailed and user-friendly guidance materials and by organizing interactive training for all commission members.*

*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 simultaneously working in the *mahalla* committees. Staff of the institutions where the PECs were located were also observed directing the PECs as well as performing duties of election officials, including handling sensitive electoral materials and conducting various PEC tasks on election day. This practice contradicts the electoral laws and regulations that entrust PEC officials with organizing elections and stipulate their duties, and dilutes responsibility for possible malpractices.

*Clear distinction should be made between the roles of election commission members and other officials in order that the electoral process is only administered by authorized individuals.*

Early voting was organized between 6 and 19 December for voters unable to vote on election day. The CEC 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. The CEC announced that 8,311 voters cast early votes. As early voting ballots were printed in a colour different from regular ballots, a low number of early voters jeopardized the secrecy of the vote.

*In order to ensure the secrecy of the vote, consideration could be given to using regular ballots for early voting.*

Ballots were printed by the CEC, instead of DECs as prescribed by the law, as only the state printing house could ensure that all security features were used and maintain full control over distribution. The total number of ballots for election day included a legally prescribed 0.5 per cent surplus compared to the number of registered voters.<sup>17</sup>

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<sup>17</sup> Out of a total of 20,893,548 ballots, 15,554,432 were printed in Cyrillic and 3,888,608 in the Latin alphabet of the Uzbek language, 864,119 in Russian and 586,390 in Karakalpak languages. Other electoral materials were also available in national minority languages.

## VI. VOTER REGISTRATION

Citizens who have reached 18 years of age have the right to vote, unless it has been suspended by a court decision. According to the Constitution and the Election Law, citizens serving a prison sentence for any crime are denied both active and passive suffrage. A limitation of suffrage based on a conviction for any crime is overly broad and contravenes the principle of proportionality as outlined in paragraph 24 of the 1990 OSCE Copenhagen Document and other international obligations and standards for democratic elections.<sup>18</sup>

*The blanket restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.*

Eligible voters were included in the voter lists according to their place of permanent or temporary residence. According to the law, each voter can be included in only one voter list. There was no central voter register and for each election data from the local administrations (*khokimiyats*) was provided to PECs who were responsible for compiling and reviewing the lists. PECs reported conducting door-to-door voter list verification, in collaboration with the *mahalla* committees, and also used this opportunity to check if voters would vote early or require a mobile ballot box on election day. The OSCE/ODIHR LEOM LTOs reported that rules for inclusion or exclusion of eligible citizens from the voter list varied from one precinct or *mahalla* committee to another.

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

*Consideration could be given to developing a centralized voter register to allow for crosschecks and limit shortcomings such as multiple entries. In order to enhance the integrity of voter lists, authorities could provide data on voter registration by precinct as well as on the number and type of changes made during the voter list verification period.*

On election day, eligible voters who had been omitted from voter lists can be added to a supplementary voter list and vote, provided they present a proof of residence. International good practice advises against election day voter registration.<sup>19</sup> A substantial number of voters added to the supplementary list on election day could indicate incompleteness and inaccuracies in the voter lists.

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<sup>18</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”. For example, see judgments of the European Court of Human Rights: *Scoppola v. Italy (No. 3)* [GC], no. 126/05, 22 May 2012; and *Hirst v. The United Kingdom (No.2)* [GC], no. 74025/01, 6 October 2005. In these two rulings, the Court noted that the disenfranchisement of prisoners without regard to the gravity of the crime committed and the duration of the sentence was disproportionate and incompatible with the right to participate in elections.

<sup>19</sup> See Section 1.2 of the [Venice Commission Code of Good Practice in Electoral Matters](#), which states that the “electoral registers must be permanent” and that “the registration should not take place at the polling station on election day.”

*Consideration could be given to removing the possibility for voters to register on election day and to establish a deadline for changes to voter lists, after which amendments would only be possible by decision of a court or higher-level election commission.*

Based on information provided by the MFA, the CEC announced that 13,280 voters were included in out-of-country voter lists. Most OSCE/ODIHR LEOM interlocutors indicated that several million citizens might live abroad.<sup>20</sup> It is not possible to determine how many of them were also included on in-country voter lists. The MFA stated that all eligible voters had the right to vote, even without prior registration, and expressed no concerns about running out of ballots at diplomatic missions, even though only 13,944 ballots were distributed.<sup>21</sup> All votes cast in polling stations abroad were added to a designated constituency in Tashkent. The CEC did not announce how many voters used the opportunity to vote abroad.

*Authorities are encouraged to take steps to ensure that voters residing abroad have opportunities to exercise their right to vote in line with legal provisions.*

## VII. CANDIDATE REGISTRATION

The right to stand as a candidate is granted to citizens over 25 years of age who have the right to vote and have permanently resided in the country for at least five years before election day. This residency requirement appears disproportionate and contrary to international standards and good practice.<sup>22</sup> Those declared incapacitated by a court decision or with unspent convictions for committing grave or particularly grave crimes, active military or security personnel, and professional clergy of religious organizations cannot stand as candidates.

To participate in the elections, candidates also need to be proposed by political parties. Despite previous OSCE/ODIHR recommendations and contrary to paragraph 7.5 of the 1990 OSCE Copenhagen Document, independent candidates cannot contest parliamentary elections.<sup>23</sup>

*Consideration should be given to repealing the five-year residency requirement for candidates and to allowing independent candidates to stand for elections in line with the OSCE commitments and other international obligations and standards.*

A political party can nominate candidates provided that it is registered by the MoJ at least four months prior to the announcement of the 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

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<sup>20</sup> For example, according to the Federal Migration Service of the Russian Federation, as of 4 December 2014, there were some 2.28 million citizens of Uzbekistan officially registered in the Russian Federation, of whom some 2.1 million reached the age of 18 years. See <http://www.fms.gov.ru/about/statistics/data/details/54891/>.

<sup>21</sup> This included 664 of extra ballots (0.5 per cent of surplus over the number of voters registered abroad).

<sup>22</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 Section I.1.1(c) of the Venice Commission Code of Good Practice, which states that “a length of residence requirement may be imposed on nationals solely for local or regional elections.”

<sup>23</sup> See paragraph 7.5 of the Copenhagen Document, in which the OSCE participating States committed to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.”

of collected signatures. In accordance with CEC regulations, a voter cannot support more than one party, which is contrary to international good practice.<sup>24</sup>

*Consideration could be given to allow voters to support more than one party.*

The regulation on signature verification stipulates that only a 15 per cent sample is checked and if more than 10 per cent of the sample is found invalid further verification is discontinued and the party is not registered.<sup>25</sup> The CEC verified samples of the signatures submitted by prospective electoral contestants and did not report any issues. All four officially registered political parties were registered by the CEC.

*CEC guidelines could be amended to ensure that parties that submit a sufficient number of valid signatures are registered and that no prospective contestants are disqualified based on inaccuracies of a limited sample of signatures.*

In line with the law, the 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 a number of representatives of national minorities. All four parties nominated mostly new candidates who tended to be 10 to 15 years younger than the incumbent members of parliament, of whom some 20 per cent were up for re-election. This “rejuvenation” was presented by the authorities 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 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.

## VIII. ELECTION CAMPAIGN

The election campaign commenced following candidate registration on 15 November 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. The law stipulates that candidates have equal rights and conditions for participation in elections.

Overall, the campaign was tepid and characterized by the lack of substantive and genuine debates among candidates, although campaign activities slightly increased closer to election day. The four political parties that took part in the elections were created, as stated by the parties themselves, to each represent one of the four main segments of Uzbek society – broadly categorized along the following: business and farming (LDPU), ‘intelligentsia’ (SDPU *Adolat*), socially vulnerable (PDPU), and those favouring traditional values (DPU *Milliy Tiklanish*). The four parties were all supported by and

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<sup>24</sup> 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>25</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 fulfil the legal requirement.

supportive of the government and were complementary rather than competitive. Somewhat more competitive conditions existed at the district level where individual candidates were actively seeking office.

The OSCE/ODIHR LEOM did not receive any reports of interference in campaign activities, although the PDPU and the SDPU *Adolat* noted that in some instances the other contestants breached the campaign silence period. However, no official complaints were filed.<sup>26</sup>

Candidates and political parties organized their campaign events with support of and in co-ordination with the *mahallas*, and PECs and 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. Generally, the campaign was characterized by a lack of substantive and genuine debate among parties or candidates.

The campaign's 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. Candidates freely used national minority languages in their campaigns. Campaign activities of political parties and candidates were well resourced and organized.

## IX. CAMPAIGN FINANCE

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 and was significantly increased for these elections.<sup>27</sup> Private contributions could also be sent to the CEC for equal distribution through the political parties among all of their candidates; however, the OSCE/ODIHR LEOM was informed that no such donations were made during these elections. The provision of financial payments or gifts (i.e. goods and services) to voters during the campaign is prohibited. Political parties and candidates did not raise any concerns regarding campaign financing.

Political parties are required to 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 the announcement of results. 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 parliament in the 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. In accordance with the Code of Administrative Responsibility, violations of political finance regulations are punishable by fines.

*Consideration should be given to amend the legal framework to ensure that financial reports of political parties clearly distinguish expenditures by the party and individual candidates. To further transparency, it is recommended that such reports be made publicly available, including on the*

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<sup>26</sup> At the briefing following the announcement of the preliminary election results held on 22 December, Mr. Khotamjon Ketmonov, Chairman of Central Council of the PDPU said, that there were some cases where the LDPU violated the campaign rules. At the meeting with the OSCE/ODIHR LEOM on 25 December Mr. Nariman Umarov, Chairman of the Executive Committee of the Political Council of the SDPU *Adolat* said that there were noted instances when the other parties did not remove campaign posters during the silence period and when their representatives attempted to influence voter choice on election day.

<sup>27</sup> From 1,000,060 UZS (approx. 330 EUR) to 4,833,000 UZS (approx. 1,600 EUR) per candidate.

*Internet, in a timely manner and contain enough detail to be useful and understandable to the general public.*

## **X. MEDIA**

### **A. LEGAL FRAMEWORK AND MEDIA ENVIRONMENT**

Undue restrictions in the legal framework and institutional interference into the right to freedom of expression result in absence of political pluralism in the media. The liability of media for the “trustworthiness” of information, provided for by both the Constitution and the 1997 Law on Mass Media, undermines the constitutional guarantee on freedom of speech. Furthermore, the Election Law explicitly prohibits the dissemination of ‘false’ information about candidates, which effectively prevents the media from facilitating a robust public debate on electoral issues.

*The authorities should consider repealing existing legal provisions prohibiting the dissemination of false information.*

In addition, provisions in the Criminal Code that punish defamation through mass media by imprisonment of up to three years (up to five years in case of defamation of the president), have been used to convict journalists.<sup>28</sup> The Civil Code does not contain a ceiling on compensation for defamation and a limitation period for such offences. In addition, the vagueness of defamation-related and other provisions in the law restricting freedom of expression results in legal uncertainty, which makes it difficult for journalists and political actors to foresee the consequences of their actions, and thus leads to self-censorship.<sup>29</sup>

*Consideration should be given to repealing criminal defamation laws in favour of proportionate civil sanctions in accordance with relevant international standards. Furthermore, measures should be taken to ensure that civil sanctions are not so large as to negatively affect freedom of expression and are designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant.*

The main sources of political 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.

*Consideration could be given to transforming the state-owned National Television and Radio Company into a public service broadcaster in order to provide citizens with impartial and politically balanced information on election campaigns.*

All media outlets, including broadcast and print, as well as websites, are subject to registration by the

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<sup>28</sup> Furthermore, 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 journalists who reported on local issues. On 8 September, the OSCE Representative on Freedom of the Media (RFoM) called again for the immediate release of three imprisoned journalists. 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>29</sup> See [UNHRC General Comment No. 34 on Article 19 of the ICCPR](#).

Press and Information Agency (UPIA), which conducts content surveillance.<sup>30</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, could lead to de-registration. Registration of media outlets by a body dependent on the government may result in government control over media and, hence, a limitation on freedom of expression.<sup>31</sup> In addition, journalists working with foreign media outlets are subject to accreditation by the MFA.<sup>32</sup>

*Registration of broadcast media outlets should be carried out by an independent body in order to ensure equitable opportunity of access. Consideration should also be given to repealing registration requirements for print and online media outlets, as well as accreditation requirements for journalists working with foreign 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” also subjected bloggers to the obligation to provide truthful information by banning “false” posts on the Internet.<sup>33</sup> According to OSCE/ODIHR LEOM interlocutors, these amendments result in even more self-restraint by the social media users in a public sphere already dominated by self-censorship.

## B. MEDIA MONITORING RESULTS



The CEC allocated a significant amount of free airtime and space in state-owned media outlets, dividing it equally among contesting political parties, in compliance with its legal obligation. A total of 18 hours of free-of-charge political advertising was broadcast on state-owned television stations during the monitored period.<sup>34</sup> Parties made little use of the opportunity to buy additional airtime. 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 their 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.

*Consideration should be given to clearly marking political advertising to differentiate it from news broadcasts and other programming.*

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<sup>30</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>31</sup> The United Nations Special Rapporteur on the Freedom of Opinion and Expression, the OSCE RFoM and the OAS Special Rapporteur on Freedom of Expression declared that “All public authorities which exercise formal regulatory powers over the media should be protected against interference, particularly of a political or economic nature, including by an appointments process for members which is transparent, allows for public input and is not controlled by any particular political party.” See the [2003 Joint Declaration](#).

<sup>32</sup> As of 1 December, 24 journalists were accredited by the MFA. Journalists working with foreign media outlets have been fined for working without accreditation. In the 2003 Joint Declaration, the UN Special Rapporteur on the Freedom of Opinion and Expression, the OSCE RFoM and the OAS Special Rapporteur on Freedom of Expression declared that “Individual journalists should not be required to be licensed or to register.”

<sup>33</sup> The OSCE RFoM has previously raised concern on these amendments. See <http://www.osce.org/fom/123275>.

<sup>34</sup> From 5 to 21 December, the OSCE/ODIHR LEOM monitored four television stations and eight newspapers. The monitored television stations were *O'zbekiston*, *Toshkent*, *UzReport TV* and *Yoshlar*. The monitored newspapers included *Adolat*, *Darakchi*, *Narodnoe Slovo*, *Milliy Tiklanish*, *O'zbekiston Ovozi*, *Pravda Vostoka*, *Xalq So'zi* and *XXI asr*.



The OSCE/ODIHR LEOM noted 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>35</sup> Based on the limited editorial coverage in the newspapers reviewed by the OSCE/ODIHR LEOM during the monitoring period, among the four state-owned newspapers, two provided relatively balanced coverage of all political parties, one favoured the PDU *Milliy Tiklanish*, and one favoured the LDPU.<sup>36</sup> All editorial coverage by television stations and state-owned newspapers monitored was positive or neutral in tone. All but one monitored newspaper owned by political parties devoted their entire editorial coverage, in a positive tone, to their own parties.<sup>37</sup> Overall, the media did not facilitate a genuine and critical discussion on electoral issues.

## XI. COMPLAINTS AND APPEALS

Decisions of election commissions may be challenged by candidates, parties, voters and observers within a 10-day period before a higher-level election commission or competent first instance (district) court in civil cases. 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 CEC decisions can be filed to the Supreme Court. Judges of all courts of general jurisdiction are appointed by the executive branch every five years (or nominated by the president in the case of the Supreme Court). This raises concerns with regard to independence and impartiality of the judiciary.

According to the law, complainants have the right to participate in deliberations of their complaints in courts or election commissions. The Election Law, however, does not provide clear grounds and timeframes for submitting and processing complaints on the invalidation of election results.

*The Election Law should be amended to set objective criteria for the invalidation of election results and to specify a timeframe for submitting and processing such complaints.*

The electoral dispute resolution system was largely untested. There was a general preference to settle issues informally rather than through formal channels. More than 150 petitions were received by CEC in the pre-election period. However, most concerned matters outside the CEC's competence, such as the work of judiciary, communal problems, as well as issues pertaining to the conduct of local elections and were forwarded to the competent state institutions in accordance with the Law on

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<sup>35</sup> *O'zbekiston* and *Toshkent* devoted 32 and 29 per cent of 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 PDP, respectively. In comparison, *UzReportTV* and *Yoshlar* dedicated 53 and 39 per cent to the LDPU, while giving 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 PDP, respectively.

<sup>36</sup> *Darakchi* devoted 29, 29, 17 and 25 per cent of editorial coverage to the LDPU, SDPU *Adolat*, DPU *Milliy Tiklanish* and the PDP, 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 PDP, respectively. *Narodnoe Slovo* devoted 50 per cent to both the DPU *Milliy Tiklanish* and the PDP, 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 PDP, respectively, and did not cover the SDPU *Adolat*.

<sup>37</sup> *Adolat*, *Milliy Tiklanish* and *XXI asr* (owned by the LDPU) devoted their entire editorial coverage, in a positive tone, to their own parties, while *O'zbekistan Ovozi* (owned by the PDP) gave 9 per cent of its coverage in a negative tone to other political parties.

Appeals of Citizens. The CEC, the DEC's and the courts did not receive any formal complaints related to the electoral process during these elections.

## **XII. 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 entire electoral process. According to the CEC, DEC's accredited 35,203 party agents, including 8,853 from the LDPU, 8,967 from the DPU *Milliy Tiklanish*, 8,883 from the SDPU *Adolat* and 8,500 from the PDP. In addition, all parties accredited 'authorized representatives' to follow the counting process in the PECs.

Despite previous OSCE/ODIHR recommendations, and at odds with 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>38</sup>

*As previously recommended, in order to increase the transparency and accountability of the electoral process, the law should be amended to allow for observation by non-partisan civil society organizations.*

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

In line with the OSCE/ODIHR's standard methodology for LEOMs, the mission did not carry out a systematic or comprehensive observation of the voting, counting and tabulation on election day. However, mission members visited a number of polling stations and followed tabulation of results in some districts.

Based on the limited number of polling stations observed, voting was generally conducted in an efficient and transparent manner. In the polling stations visited, observers noted that the layout generally allowed for an unimpeded flow of voters, although in some PECs it restricted the ability of election officials or party representatives to oversee all stages of voting. Some premises were not accessible to voters with disabilities. Unauthorized individuals were present in many of the visited precincts and in several instances also performed tasks assigned to PEC members.

The use of supplementary voter list varied among PECs, and the rules requiring voters to prove their permanent or temporary residence in the precinct to be added to the list and vote were not always

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<sup>38</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 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."

followed.<sup>39</sup> While the law stipulates that voters can only be included in one voter list, on election day, election officials did not appear to follow CEC instructions to inform their colleagues in the precincts where the voter resides permanently when adding him/her to a supplementary list in the place of temporary residence.

*The CEC should issue clear and detailed procedural guidelines on handling the voter list.*

In the limited number of polling stations observed, the OSCE/ODIHR LEOM noted that the identity of voters was not always verified. In almost all polling stations visited, scrutiny of voter lists revealed blocks of identical signatures and proxy voting on behalf of several voters appeared to be universally practiced and tolerated. This violated the principle of equal suffrage, contained in paragraph 7.3 of the 1990 OSCE Copenhagen Document, and influenced the turnout, which was reported by the CEC at 89 per cent.<sup>40</sup> Despite the CEC's campaign to discourage group and family voting, such practices were occasionally witnessed by observers, which contravened the principle of secrecy of the vote.<sup>41</sup>

*Concerted efforts by election officials, political parties, civil society and other electoral stakeholders are needed to address practices of multiple, proxy and group voting. The CEC should ensure that the laws and regulations are implemented and that failure to do so is appropriately sanctioned.*

While counting in the limited number of polling stations observed by OSCE/ODIHR LEOM was generally well organized, some instances of serious procedural omissions were also noted, including failing to count and annul unused ballots, not including ballots cast early in the count, not establishing the total number of voters on the list or the number of voters who voted before opening the ballot boxes. 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. Several PECs were unable to account for the discrepancies in the data in the final protocol, despite several recount attempts. The protocols were not always displayed at the PECs after the count was completed.

*As a measure to increase accountability of the elections, the design of the PEC results protocol should be reviewed to allow for more detailed information concerning the results. Specifically, consideration should be given to include information on changes in the voter list, detailed data on early and mobile voting, and the number of spoiled and unused ballots. PECs could benefit from additional trainings on counting procedures and compilation of results protocols.*

Tabulation was transparent in the four DECAs visited by the OSCE/ODIHR LEOM observers, although detailed procedural guidelines were not in place.

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.

The CEC announced the preliminary results by party the day after the elections. On 25 December, winners in 113 districts were declared, without detailed information about voter turnout, the number of

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<sup>39</sup> Some PECs used a separate list to add new voters, others had several lists or added voters to the bottom of each page or to the end of the regular list, making it difficult to track the total number of voters on the list or the number of ballots issued. In some PECs, members were using several copies of the voter list.

<sup>40</sup> Paragraph 7.3 of the OSCE 1990 Copenhagen Document commits 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>41</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."

invalidated ballots or the number of votes garnered by each candidate. Second rounds were organized for 22 constituencies on 4 January and were not followed by the OSCE/ODIHR LEOM.

*To enhance the transparency and confidence in the election results, the preliminary and final results should be published as soon as they are available in a format disaggregated by polling station and district.*

#### **XIV. RECOMMENDATIONS**

The following recommendations, as contained thorough the text, are offered for consideration by the authorities, political parties and civil society with a view to supporting efforts to conduct elections fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of the Republic of Uzbekistan to further improve the electoral process and in following up on the recommendations contained in this and previous reports.<sup>42</sup>

##### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework should be amended to ensure that all deputies in at least one of the chambers of the parliament are elected by popular vote.
2. It is recommended that the legislation affecting political parties and non-governmental organizations is revised to exclude disproportionate or discriminatory restrictions on the right to freedom of association. Any restrictions should be provided for by law, consistent with international standards, and subject to clear and narrow criteria that do not leave excessively broad margins for interpretation by the authorities.
3. Concerted efforts by election officials, political parties, civil society and other electoral stakeholders are needed to address practices of multiple, proxy and group voting. The CEC should ensure that the laws and regulations are implemented and that failure to do so is appropriately sanctioned.
4. Authorities are encouraged to take steps to ensure that voters residing abroad have opportunities to exercise their right to vote in line with legal provisions.
5. Consideration should be given to repealing the five-year residency requirement for candidates and to allowing independent candidates to stand for elections in line with the OSCE commitments and other international obligations and standards.
6. The authorities should consider repealing existing legal provisions prohibiting the dissemination of false information.
7. Consideration should be given to repealing criminal defamation laws in favour of proportionate civil sanctions in accordance with relevant international standards. Furthermore, measures should be taken to ensure that civil sanctions are not so large as to negatively affect freedom of

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<sup>42</sup> According to the paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

expression and are designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant.

8. As previously recommended, in order to increase the transparency and accountability of the electoral process, the law should be amended to allow for observation by non-partisan civil society organizations.
9. To enhance the transparency and confidence in the election results, the preliminary and final results should be published as soon as they are available in a format disaggregated by polling station and district.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework**

10. In order to be an effective mechanism to address procedural irregularities, the law could be clarified with regard to the process of initiating election-related administrative cases.
11. It is recommended that the ban on dissemination of election-related information be revised to avoid ambiguity and in order for the constitutional guarantee to freedom of expression to be fully implemented.

### **Election Administration**

12. Consideration could be given to enhancing the participation of women in decision-making roles within the election administration.
13. As a measure to enhance transparency, all CEC decisions and other essential election-related data should be made publicly available in a timely manner, including on the CEC website.
14. Uniform application of the election legislation could be strengthened by providing PEC members with more detailed and user-friendly guidance materials and by organizing interactive training for all commission members.
15. Clear distinction should be made between the roles of election commission members and other officials in order that the electoral process is only administered by authorized individuals.
16. In order to ensure the secrecy of the vote, consideration could be given to using regular ballots for early voting.

### **Voter Registration**

17. The blanket restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense.
18. Consideration could be given to developing a centralized voter register to allow for cross-checks and limit shortcomings such as multiple entries. In order to enhance the integrity of voter lists, authorities could provide data on voter registration by precinct as well as on the number and type of changes made during the voter list verification period.

19. Consideration could be given to removing the possibility for voters to register on election day and to establish a deadline for changes to voter lists, after which amendments would only be possible by decision of a court or higher-level election commission.

### **Candidate Registration**

20. Consideration could be given to allow voters to support more than one party.
21. CEC guidelines could be amended to ensure that parties that submit a sufficient number of valid signatures are registered and that no prospective contestants are disqualified based on inaccuracies of a limited sample of signatures.

### **Campaign Finance**

22. Consideration should be given to amend the legal framework to ensure that financial reports of political parties clearly distinguish expenditures by the party and individual candidates. To further transparency, it is recommended that such reports be made publicly available, including on the Internet, in a timely manner and contain enough detail to be useful and understandable to the general public.

### **Media**

23. Consideration could be given to transforming the state-owned National Television and Radio Company into a public service broadcaster in order to provide citizens with impartial and politically balanced information on election campaigns.
24. Registration of broadcast media outlets should be carried out by an independent body in order to ensure equitable opportunity of access. Consideration should also be given to repealing registration requirements for print and online media outlets, as well as accreditation requirements for journalists working with foreign media.
25. Consideration should be given to clearly marking political advertising to differentiate it from news broadcasts and other programming.

### **Complaints and Appeals**

26. The Election Law should be amended to set objective criteria for the invalidation of election results and to specify a timeframe for submitting and processing such complaints

### **Election Day**

27. The CEC should issue clear and detailed procedural guidelines on handling the voter list.
28. As a measure to increase accountability of the elections, the design of the PEC results protocol should be reviewed to allow for more detailed information concerning the results. Specifically, consideration should be given to include information on changes in the voter list, detailed data on early and mobile voting, and the number of spoiled and unused ballots. PECs could benefit from additional trainings on counting procedures and compilation of results protocols.

## ANNEX: FINAL ELECTION RESULTS

Of the 135 elected seats, 113 were won by candidates in the first round, while the remaining 22 seats were filled in the run-off elections on 4 January 2015. In addition, 15 seats were assigned to the Ecological Movement of Uzbekistan.

| Party  | Number of Seats |
|--|-----------------|
| Liberal Democratic Party of Uzbekistan                 | 52              |
| Democratic Party of Uzbekistan <i>Milliy Tiklanish</i> | 36              |
| People's Democratic Party of Uzbekistan                | 27              |
| Social Democratic Party of Uzbekistan <i>Adolat</i>    | 20              |

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

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

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

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

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

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).