

**INTERIM REPORT
23 February – 19 March 2015**

20 March 2015

I. EXECUTIVE SUMMARY

- On 26 December 2014, the Central Election Commission (CEC) called the presidential election for 29 March 2015. The CEC has registered four candidates, nominated by the parliamentary parties, after they collected approximately one million signatures each. According to the OSCE/ODIHR LEOM interlocutors, there is little competition between them, as the incumbent president is being portrayed by the other presidential hopefuls as the best candidate.
- Since the last presidential election, the possibility to run as an independent candidate was abolished and the length of a presidential term was changed back from seven to five years. A number of previous OSCE/ODIHR recommendations relating to limitations to freedom of expression and association remain unaddressed.
- While the Constitution restricts the president to two consecutive terms in office, the incumbent is standing for re-election for the third time under the current Constitution. Several citizen groups have challenged the CEC decision to register President Islam Karimov as a candidate before the Constitutional Court, the General Prosecutor's office, the Senate, and the CEC.
- The election is administered by the CEC, 14 District Election Commissions (DECs) and over 9,000 Precinct Election Commissions (PECs). The CEC has so far met key legal deadlines. However, not all CEC decisions or instructions have been made public in a timely manner. The formal training of all DECs and PECs was completed by 13 March.
- While there is no unified voter register, according to the CEC, the preliminary number of citizens registered to vote stands at 20,798,052. The voter lists were made public by the PECs by 14 March in order for voters to confirm data or request corrections.
- The Constitution provides for freedom of expression and the Law on Elections of the President (PEL) and relevant CEC regulations govern the media's conduct throughout the electoral period. The media are held accountable for the trustworthiness of the disseminated information and defamation is criminalized. The legal framework requires an equal allocation of time and space within the media. The OSCE/ODHIR began quantitative and qualitative media monitoring on 25 February with a sample of 13 media outlets.
- Decisions and actions of election commissions may be challenged before a higher-level election commission or a competent first instance (district) court in civil cases. The OSCE/ODIHR LEOM is not aware of any election-related complaints, except for the two submitted by citizen groups with regard to the eligibility of the incumbent to run for office in light of the constitutional provisions.

II. INTRODUCTION

Following an invitation by the authorities of Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) on 23 February.¹ The LEOM, headed by Tana de Zulueta, consists of a core team of 11 members based in Tashkent and 10 long-term observers who were deployed throughout the country on 1 March. Mission members are drawn from 18 OSCE participating States. In line with OSCE/ODIHR's methodology, the LEOM will not carry out systematic or comprehensive observation of election day activities, but its members will visit a limited number of polling stations.

III. BACKGROUND

On 26 December 2014, following changes made to the legal framework in 2012, the Central Election Commission (CEC) called the presidential election for 29 March 2015.² This is the sixth election observed by the OSCE/ODIHR in Uzbekistan. The upcoming election takes place in the wake of the 2014 December parliamentary elections that were presented by the authorities as a step towards strengthening the role of parliament, as the largest parliamentary party was to nominate the Prime Minister for the first time.³ The only registered parties are those represented in parliament.

The incumbent President Islom Karimov has been in office since 1991 and won the presidential elections of 2000 and 2007. Most of OSCE/ODIHR LEOM interlocutors presented the incumbent as the guarantor of stability and security in the country and the region.

IV. THE ELECTORAL SYSTEM AND LEGAL FRAMEWORK

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

The presidential election is primarily regulated by the Constitution (last amended in 2014), the Law on Elections of the President (Presidential Election Law, PEL, last amended in 2011), the Law on Guarantees of Suffrage to Citizens (Law on Suffrage), as well as a multitude of other applicable legislation.⁴

¹ All previous OSCE/ODIHR reports on Uzbekistan are available at: www.osce.org/odihr/elections/uzbekistan.

² Notwithstanding Articles 90 and 117 of the Constitution, the 2012 Law on Regular Election to Representative Bodies and to the President prescribed that the parliamentary elections should be scheduled for December 2014 while the presidential election would take place 90 days after the announcement of the results of the parliamentary elections.

³ On 23 January, upon nomination of the Liberal Democratic Party of Uzbekistan (LDPU), President Karimov proposed Shavkat Mirziyoyev for the post of Prime Minister to the members of the Legislative Chamber and Senate of the parliament (*Oliy Majlis*), who unanimously approved the nominee.

⁴ Other applicable legislation includes the Constitutional Law on Next Elections to Representative Bodies of State Power and the President of the Republic of Uzbekistan; the Constitutional Law on Results of a Referendum and Fundamental Principles of Organization of State Power (amended in 2011); the Law on Introduction of Amendments to the Article 90 of the Constitution of the Republic of Uzbekistan; the Law on Introduction of Amendments to Some Legislative Acts of the Republic of Uzbekistan in Connection with the Adoption of the Law 'On Introduction of amendments to the Article 90 of the Constitution of the Republic of Uzbekistan'; the Law on CEC (last amended in 2014); the Law on Political Parties; the Law on Financing of Political Parties; relevant provisions of the Criminal Code, the Code of Administrative Offences (last amended in 2014); and regulations of the CEC.

Since the last presidential election of 2007, two key legal changes were introduced. In 2008, the possibility of running for president as an independent candidate supported by a group of citizens was abolished. In 2011, the length of a presidential term was changed back from seven to five years.⁵ Some changes since the last presidential election addressed previous OSCE/ODIHR recommendations. Specifically, the CEC adopted a regulation to provide more details with regard to early voting procedures and to allow setting up PECs in places of pre-trial detention. However, a number of previous OSCE/ODIHR recommendations relating to limitations to freedom of expression and association remain unaddressed. The right to form political parties and non-governmental organizations is subject to stringent requirements for registering them as legal entities.

While the Constitution restricts the president to two consecutive terms in office, the incumbent is standing for re-election for the third time under the current Constitution.⁶ The CEC informed the OSCE/ODIHR LEOM that political parties decide whom to nominate, whereas the CEC only has the power to check the eligibility of a party and the compliance of the candidate nomination documents with legal requirements. Other officials explained to the OSCE/ODIHR LEOM that the notion of ‘term’ means the exact number of years and, as the previous presidential term was seven years while the next will be five years, these cannot be considered as two consecutive terms. In February and March, a number of citizen groups challenged the constitutionality of the CEC decision to register President Karimov as a candidate before the Constitutional Court, the General Prosecutor’s office, the Senate and the CEC.⁷ To date, there is no official answer from any of the authorities.

V. ELECTION ADMINISTRATION

The election is administered by a three-tiered election administration, headed by the CEC. There are 14 District Election Commissions (DECs) and 9,058 Precinct Election Commissions (PECs), including 44 PECs that have been established for out-of-country voting in diplomatic missions in 36 countries.

The CEC is a permanent body, while the DECs and PECs are set up for each election. Members of the CEC are appointed for indefinite terms by the parliament, based on proposals from the regional councils. The CEC is currently comprised of 17 members, 9 of whom were appointed in 2014. Two CEC members are women. Members of the CEC elect a chairperson from amongst themselves, based on president’s nomination. Decisions are passed with a majority of the members present and in case of a tie, the chairperson’s vote is decisive. Two CEC sessions were held during the period covered by this report.

On 16 January, the CEC appointed the DECs upon the recommendations of the regional councils. Some 15 per cent of DEC members are women. DECs formed the precincts and appointed the PECs based on recommendations of the *mahallas* and district and city councils (*kengesh*).⁸ According to the CEC, nearly 43 per cent of PEC members are women. All DECs and PECs were appointed

⁵ The seven-year term was first introduced in the Constitution in 2002 by a referendum, but was changed back to a five-year term in 2011 by parliament. This method of adopting amendments contradicts Article 1 of the Law on Referendum according to which “decisions taken by referendum have the highest legal power and can be cancelled or changed only by referendum”.

⁶ President Karimov was first elected in 1991, and the current Constitution came into force in 1992.

⁷ The CEC transferred the complaint it received to the General Prosecutor’s office for consideration.

⁸ *Mahallas* are traditional Uzbek community structures that regulate everyday life of a settlement and serve to link the state and the community. Their roles were formalized in the 1993 and 1999 Law on the Institutions of Self-Government of the Citizens (“*Mahalla Law*”). Violations of *mahalla* committee decisions are legally punishable.

within legal deadlines. Chairpersons, deputies and secretaries are chosen by the DEC and PEC members from amongst themselves. Formal training of all DEC and PEC members was conducted throughout the country until 13 March. The CEC Regulation on Instructions for PECs provides for early voting between 19 and 28 March for voters who will be away from their polling station on election day. To take part, a voter must complete an application indicating the reason why s/he will be absent on election day, however, no proof is required.

Sessions of the CEC and all lower-level election commissions are open to representatives of the media, political parties, and international observers. The CEC informed the OSCE/ODIHR LEOM that decisions are made public through the media and its website. Not all decisions or instructions have been uploaded in a timely manner.⁹ It is also unclear whether all decisions are indeed being made public as those posted on the CEC website are not consecutively numbered. The CEC has so far met key legal deadlines, including for printing of ballots, formation of districts and candidate registration. In some cases, the CEC passed regulations, which provided useful elaborations on the legislation, such as with regard to the candidate nomination process and election day procedures.¹⁰ In other cases, the regulations essentially repeated the existing legislation. Since the legislation itself is in some cases formulated vaguely, this may result in varied implementation of the legal provisions, for example with regard to voter registration and mobile voting.

The CEC and DEC held meetings throughout the country on the electoral process with first-time voters, as well as influential local individuals, such as leaders of *mahallas* and local administrations. A number of these events were covered by the national media. Currently, television spots and electronic billboards that highlight the date of the election and explain voting procedures are prominent.

VI. VOTER REGISTRATION

The Constitution grants the right to vote to every citizen who has reached the age of 18, except those who have been declared incapacitated by a court decision or are serving a prison sentence, regardless of the severity of the crime committed. While there is no unified voter register, the CEC stated that the preliminary number of citizens registered to vote stands at 20,798,052. The PEL states that district and town administrations (*khokimiyats*) provide the PECs with initial data to create voter lists for each election, although in practice the DEC, PEC, *mahallas* and *khokimiyats* have described a variety of other ways in which the initial lists were compiled. According to the Law on Suffrage and the instructions for PECs, those eligible are included based on their permanent or temporary residence. The PECs then verify the lists through door-to-door visits with assistance provided by the *mahallas*. While the PEL provides for a general rule that precincts are to have between 20 and 3,000 registered voters, the OSCE/ODIHR LEOM has visited several precincts with more than 3,000 voters.

Voter lists were to be made public by the PECs no later than 14 March in order for voters to confirm data or request corrections. Voters who are not on the lists for any reason may be added to the supplementary voter list upon proof of residence and identity, including on election day. Special voter lists are created for voters temporarily staying in specifically designated locations on the basis of data compiled by the heads of these institutions.¹¹ Legally, a voter may only be included in one

⁹ For instance, in one decision made on 26 December 2014, the CEC adopted several instructions, including on the DEC, media, and collection of signatures. They were only uploaded to the CEC website in February 2015.

¹⁰ These include also instructions on DEC, PEC, observers, media, campaign finance, and political party agents.

¹¹ Article 23 of the PEL and the CEC Regulation on Instructions for PECs, state that such locations include pre-trial detention centres, military units, sanatoriums, resorts, hospitals and other in-patient medical facilities, remote regions, and diplomatic missions abroad.

list, however, in the absence of a unified voter register, no rigorous mechanism exists to cross-check for multiple entries, including between temporary and permanent places of residence. PECs were to send out invitations to voters with the time and place of voting no later than 19 March.

VII. CANDIDATE REGISTRATION

Citizens of at least 35 years of age, with an excellent command of the Uzbek language and having resided in the country for at least 10 years before election day, are eligible to stand as candidates. Individuals convicted of intentional crimes, prosecuted for a criminal case or professional clergy of religious organizations are not eligible. There are no legal provisions on how language proficiency is to be verified.

A political party may nominate a single presidential candidate provided it is registered with the Ministry of Justice at least six months prior to the announcement of the election and is registered by the CEC at least 70 days before the polls. Despite several previous OSCE/ODIHR and Council of Europe Commission for Democracy through Law (Venice Commission) recommendations, and contrary to Paragraph 7.5 of the 1990 OSCE Copenhagen Document and other international obligations and standards, citizens cannot run as independent candidates.¹²

According to the law, application of a political party to register its presidential candidate must include supporting signatures of at least five per cent of the total number of voters in the country, approximately one million signatures in total, from at least eight territorial units. In addition, no more than eight per cent of the signatures may come from any one territorial unit. Further, voters can only sign to support one candidate, though there is no mechanism to cross-check this. All four registered parties submitted their candidates' applications between 9 and 11 February.¹³

The CEC stated that it formed working groups to inspect the supporting signatures. The CEC informed the OSCE/ODIHR LEOM that these working groups inspected a sample of 15 per cent of the signatures based on criteria listed in the relevant regulation.¹⁴ Each nomination package was found acceptable and the CEC registered the four candidates on 14 February. The four political parties informed the OSCE/ODIHR LEOM that attaining the required number of signatures did not pose any problem and the CEC stated that there was no difficulty verifying these signatures within the seven-day period prescribed by the law.

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

Campaign started on 14 February and will last until two days before the election.¹⁵ Four candidates, each nominated by a parliamentary party, are: the incumbent President Karimov, nominated by the LDPU; Xotamjon Ketmonov, nominated by the People's Democratic Party of Uzbekistan (PDPU); Akmal Saidov, nominated by the Democratic Party of Uzbekistan (DPU *Milliy Tiklanish*); and, Narimon Umarov, nominated by the Social Democratic Party of Uzbekistan (SDPU *Adolat*).

¹² Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that OSCE participating States should "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Paragraph 17 of the General Comment 25 by the UN Human Rights Committee (UNHRC) on Article 25 of the International Covenant on Civil and Political Rights (ICCPR) also affirms that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties."

¹³ Party congresses to nominate candidates were held after the signature collection processes began.

¹⁴ CEC regulation No. 661, amended on 26 December 2014, provides elaborate instructions on inspecting the signature forms.

¹⁵ While the PEL provides for silence period only on election day, on 13 March, the CEC adopted a regulation which extended the silence period to the day before the election day as well.

Each candidate's platform focuses on a specific segment of the population and prioritizes targeted electorate's interests. This includes economic reforms for President Karimov, social protection for Mr. Ketmonov, national values and traditions for Mr. Saidov, and judicial reforms for Mr. Umarov. According to OSCE/ODIHR LEOM interlocutors, there is little competition between the candidates. The incumbent president is being portrayed by the other presidential hopefuls and party representatives as the best candidate. As a way of expressing a dissenting opinion, a virtual presidential election was organized on the Internet by human right activists and opposition figures in exile between 12 candidates, including 3 officially registered ones. Human rights defenders in the country operate in a restrictive environment and face persecution.¹⁶

The law contains provisions aimed at ensuring equal campaign opportunities for all contestants, including for holding meetings and access to media. Each candidate was given access to 829 billboards to be used across the country.¹⁷ While there are no statutory provisions for types, forms and methods of election campaigning, each of the parties and candidates have chosen to use the exact same type of materials, including booklets with their candidate's programme, calendars, notebooks and pens.

In spite of the importance of the presidential election, the campaign is hardly visible. Although the four candidates are in the process of holding public meetings in across the country, their officially registered proxies typically represent them. Parties have informed the OSCE/ODIHR LEOM that they conduct indoor meetings and door-to-door canvassing.¹⁸ The LEOM requested meetings with all four candidates but has not yet met any of them.

Parties received state funding in the amount of UZS 842 million (approx. EUR 327,000) each for campaign-related expenses. Other sources of financing or other material support for candidates are prohibited. While the law allows for voluntary contributions from political parties, organizations and citizens, all political parties stated that the allocated state funding is sufficient. If such contributions occur, they are to be channelled through the CEC and divided equally between all contestants. There is no clear requirement for political parties to submit election-related financial reports and there is no obligation to publish any financial information in a timely manner after the elections.¹⁹

IX. THE MEDIA

Television is the primary source of political information, followed by radio, which is more popular

¹⁶ In her February 2014 report, the United Nations (UN) Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, expressed concerns with regard to "credible reports and information received regarding the continuous harassment, detention, and prosecution of human rights defenders in connection to their work, including journalists." The UN Human Rights Committee has also previously expressed concerns about "the number of representatives of independent non governmental organizations (NGO), journalists, and human rights defenders imprisoned, assaulted, harassed or intimidated, because of the exercise of their profession." One member of an unregistered civil society movement Uzbek Human Rights Alliance went missing on 3 March. He was found in a psychiatric hospital on 11 March.

¹⁷ This number is based on Article 16 of the Law on Advertising that provides that "advertisement distributors must allocate for public service announcements (PSAs) at least five per cent of airtime, publication or advertisement space given annually to advertisement." SDPU *Adolat* informed the OSCE/ODIHR LEOM that this space for PSAs amounted to 3,316 banners, which the CEC divided equally between the four political parties.

¹⁸ So far, Mr. Ketmonov, Mr. Saidov, and Mr. Umarov each visited 13 out of 14 regions, while President Karimov visited all of them.

¹⁹ Political parties are required to submit and publish financial reports to the relevant authorities on an annual basis. The next reports are due in March 2016.

in rural areas. Social media are mainly used by the youth, and first-time voters in particular.²⁰ To date, 1,392 media outlets are registered with the Press and Information Agency (PIA), according to which 79 per cent of media outlets are privately owned. However, the state-owned National Television and Radio Company (NTRC), the sole outlet with nation-wide reach, dominates the market with its 25 television and radio channels.²¹ While mainstream media is largely ceremonial in both content and style, access to numerous local and international news websites is blocked.

The Constitution provides for freedom of expression, yet it also holds the media, and journalists in particular, accountable for the “trustworthiness” of the disseminated information. Furthermore, the primary legislation sets stringent limits to the freedom of reporting. The Criminal Code equates criticism with slander, a crime punishable by up to five years of imprisonment. It may also be a criminal offence to distribute false information defaming candidates.²² These provisions are conducive to self-censorship as confirmed by a number of OSCE/ODIHR LEOM interlocutors. The OSCE Representative on Freedom of Media (RFoM) has expressed concerns regarding limitation to the freedom of expression following amendments introduced in 2014 to the Law on Informatization.²³

The PEL and CEC regulations govern media’s conduct throughout the electoral period and provide for equal allocation of time and space. State-owned media is required to allocate a total of 900 minutes of free airtime to all contestants and to provide space in state print media free of charge as well. The authority to oversee the media’s compliance rests with the CEC at the central level and the DEC’s in the regions. Since the opening of the OSCE/ODIHR LEOM, the incumbent has not been using any free airtime on state owned TV’s prime-time programming.

The OSCE/ODHIR began quantitative and qualitative media monitoring on 25 February. The sample includes 13 media outlets.²⁴ Preliminary monitoring results reveal that up to 80 per cent of broadcasters’ election-related prime time programming is free-of-charge airtime, which is not labelled as such and is broadcast without critical analysis or editorial comment.

X. COMPLAINTS AND APPEALS

Decisions and actions of election commissions may be challenged before a higher-level election commission or a competent first instance (district) court in civil cases. Complaints against CEC decisions can be filed to the Supreme Court. PECs have five days to decide upon received complaints. This timeframe is extended to ten days if a commission needs to investigate further. Complaints submitted on election day are to be considered immediately. The legal framework does not stipulate election-specific timeframes for consideration of complaints by the DEC’s and,

²⁰ Since the last presidential election in 2007, the Internet penetration has increased more than five-fold, as 40 per cent of the population had access to the Internet at the end of 2014, see: <http://www.internetlivestats.com/internet-users-by-country/>.

²¹ The NTRC has 13 television and radio channels with nation-wide reach and 12 regional broadcasters, offering both a television channel and a radio programme.

²² Article 7 of the PEL prohibits “distribution of false information that defames honour and dignity of the candidate.” Article 146 of the Criminal Code holds a person responsible for breaking the electoral legislation, which is punishable by up to 3 years of imprisonment. Moreover, Articles 139 (libel) and 140 (insult) of the Criminal Code can also be applied to journalists.

²³ The OSCE RFoM noted that “under the threat of blocking websites and administrative liability the law now obligates bloggers to report only verified and truthful information on every topic.” See <http://www.osce.org/fom/123275>.

²⁴ This includes: television stations *O’zbekiston*, *Yoshlar*, *Toshkent*, *UzReportTV*; radio *O’zbekiston*; newspapers *Narodnoe Slovo*, *Pravda Vostoka* and *Xalq So’zi*, *Adolat*, *Milliy Tiklanish*, *O’zbekiston Ovozi*, *Darakachi*, and *XXI asr*.

according to the CEC, more general and longer provisions on citizens' appeals apply.²⁵ Decisions of election commissions on complaints may be appealed with the courts which have three days to take a decision or must do so immediately should the cases be submitted within six days of the election.

Complaints concerning voter lists can be brought before the relevant PECs, which are obliged to review them within two days or immediately should they be submitted on election day or one day before it. PEC's decision may be appealed to the court no later than three days before the election and the court has to decide about the appeal within two days. The court's decision is final.

The OSCE/ODIHR LEOM is not aware of any election-related complaints, except for the two submitted by citizen groups with regard to the eligibility of the incumbent to run for office in light of the constitutional provisions.

The CEC may invalidate the election in whole or in part (in some districts or in separate precincts) if violations committed during the election are deemed to have affected the results. Only candidates may appeal decisions on invalidation to the Supreme Court. This must be done within ten days of the publication of the results.

XI. PARTICIPATION OF NATIONAL MINORITIES

National minorities enjoy equal rights with other citizens under the Constitution. According to the last official census which dates back to 1989, there are more than 100 ethnic groups listed in Uzbekistan, among which Uzbeks represent the majority of approximately 80 per cent. Other large ethnic groups include Russians, Tajiks, Kazakhs, Karakalpaks, and Tatars. Elected representatives of all four parties in parliament include members of national minorities.

The PEL provides for ballot papers to be printed both in Uzbek and in languages used by the majority of the population of any given electoral district. Posters of candidates are printed in Russian and Uzbek for 13 regions and in Karakalpak in the Republic of Karakalpakstan. In addition, the CEC's website offers updates in Uzbek and Russian. The PDPU publishes its party newspaper in Russian and Uzbek.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

According to the law, political parties may nominate their representatives who, like international observers, may be present at sessions of all election commissions, as well as at polling stations for voting and counting. Such representatives must be accredited by the DEC by 14 March. The PEL, however, does not provide for citizen observation, which is at odds with OSCE commitments.²⁶

In addition to the OSCE/ODIHR LEOM, observers from the Commonwealth of Independent States have been accredited by the CEC, while the Shanghai Cooperation Organization, the Organization of the Islamic Cooperation, the Association of World Election Bodies, and a number of groups from diplomatic missions in Uzbekistan are also expected. According to the CEC, some 300 international observers have applied to observe the upcoming election.

²⁵ According to the CEC, on the basis of the Law on Citizens' Applications, a complaint needs to be processed within 15 days if the DEC needs to verify the information presented in a complaint, and a decision should be made no later than within a month.

²⁶ Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States "consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place."

XIII. OSCE/ODIHR LEOM ACTIVITIES

The OSCE/ODIHR LEOM has established regular contacts with the CEC and lower-level election commissions. The OSCE/ODIHR LEOM has also met with the Ministry of Foreign Affairs, the Ministry for the Development of Information Technologies and Communications, the State Committee on Statistics, the Senate, the Constitutional Court, the Supreme Court, the General Prosecutor, the Ombudsperson, the PIA, and the NTRC. The OSCE/ODIHR LEOM has held meetings with representatives of the four registered candidates, as well as representatives of civil society. Head of the OSCE/ODIHR LEOM also met with ambassadors of the OSCE participating States.