OSCE Office for Democratic Institutions and Human Rights
Election Observation Mission
Republic of Uzbekistan
Early Presidential Election, 4 December 2016

INTERIM REPORT
2 – 20 November 2016

24 November 2016

I. EXECUTIVE SUMMARY

• Following the passing away of President Islam Karimov, an early presidential election will be held in the Republic of Uzbekistan on 4 December, in line with the Constitution. The president is elected for a five-year term with a simple majority of the votes cast. If no candidate receives more than 50 per cent of the valid votes cast, a second round between the two leading candidates takes place within one month. There is a voter turnout requirement of 33 per cent for the first round to be valid, but no such requirement for a potential second round.

• The Presidential Election Law (PEL) is the main legal act for the election. A number of previous OSCE/ODIHR recommendations, mainly of a technical character, have been reflected in the legal framework. However, most other long-standing recommendations addressing shortcomings on fundamental rights and freedoms remain unaddressed.

• The Central Election Commission (CEC) is responsible for the overall administration of the elections. The 14 District and 9,378 Precinct Election Commissions were formed by the legal deadline. All commission members are appointed based on proposals made by local councils.

• Since the announcement of the election, the CEC has adopted and posted on its website a number of decisions related to the registration of candidates, accreditation of observers and preparations for the elections. It launched an intensive voter awareness campaign to increase voter turnout, as well as televised spots against proxy voting. For the first time, some ballot papers will be printed in Braille.

• The CEC registered four presidential candidates proposed by four political parties, within the legal deadline. Independent candidates cannot stand for election.

• The strictly regulated campaign began on 30 October and is moderately visible, with all four parties opting for a similar array of campaign materials and following uniform outreach strategies. All candidates are holding well-attended meetings with voters across the country. There is no debate among candidates planned and their programmes do not appear to offer voters a significant range of alternative viewpoints. Campaign discourse is dominated by a demand for continuity and stability during the unprecedented transition of power.

• There is no centralized voter register. All citizens over 18 years of age are eligible to vote, except those declared incompetent by a court, or serving prison sentences irrespective of the severity of the crime. Voters can register at polling stations on election day provided they can prove their residence in the respective precinct. Public scrutiny of voter lists commenced on 19 November upon posting in polling stations. Some 21 million voters are registered to vote.
• The PEL and relevant CEC regulations determine the amount of campaign coverage. Free airtime and space are uniformly shared among the contestants on 7 state outlets with a national coverage and 43 state outlets with a regional reach. All media are compelled to allot equal coverage to contestants within editorial coverage. Defaming a candidate’s dignity is a criminal offence, as are libel, insulting the president or “the dignity of citizens” and the dissemination of false information. Online sources with critical viewpoints are often blocked.

• The election dispute resolution process is regulated by several laws and CEC resolutions. The law does not explicitly prescribe who may file complaints. Election disputes are adjudicated either by election commissions or the courts. The CEC and the Ombudsman operate hotlines for receiving election-related complaints.

• The law does not permit citizen election observation, but electoral contestants may nominate observers.

• The OSCE/ODIHR Election Observation Mission opened in Tashkent on 2 November, with a 15-member core team and 20 long-term observers later deployed throughout the country.

II. INTRODUCTION

Following an invitation from the Central Election Commission (CEC), and based on the recommendation of Needs Assessment Mission conducted from 11 to 13 October 2016, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 2 November. The EOM, headed by Ambassador Peter Tejler, consists of a 15-member core team based in Tashkent and 20 long-term observers deployed on 9 November to 9 locations around the country. Mission members are drawn from 21 OSCE participating States. Participating States have been requested to second 250 short-term observers to observe election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

On 9 September, a week after Islam Karimov, Uzbekistan’s first president, passed away in office, the CEC announced the 4 December early presidential election. On 8 September, the Oliy Majlis (parliament) appointed Prime Minister Shavkat Mirziyoyev as acting president during a joint session of its two chambers, after the Senate Chairperson decided to forego taking the interim position as envisaged by the Constitution.

The election represents an important juncture for Uzbekistan after 25 years of independence under the same head of state. The transition is significant given that the political system concentrates most decision-making and executive powers in the office of the president. The president shares legislative power with the parliament, which challenges the effective separation of powers.
Despite the existence of two factions that self-identify as opposition to the majority bloc, the parliament has supported the late president’s policy line. The political party system is rigid, with all four registered political parties represented in parliament to protect the interests of distinct socio-economic segments of the electorate. No new political party has been registered since 2003.

This will be the seventh election observed by the OSCE/ODIHR, and the first full-scale election observation mission with short-term observation of election day proceedings.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected by popular vote for a five-year term with a simple majority of the valid 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 voter turnout requirement of 33 per cent for the first round but none for a potential second round. There is a constitutional limit of two consecutive presidential terms.

The presidential election is primarily regulated by the Constitution, the Law on Election of the President (PEL), the Law on the Central Election Commission (Law on the CEC) and the Law on Guarantees of Suffrage to Citizens (Law on Suffrage). Provisions are dispersed throughout a multitude of other legal acts and CEC resolutions. In December 2015, following the last presidential election, some amendments were introduced to the PEL, the Law on the CEC and other election-related laws. Namely, the number of supporting signatures required for candidate registration was lowered from five to one per cent of voters nationwide and an obligation was introduced for the CEC to publish its resolutions on its website, in line with previous OSCE/ODIHR recommendations. In addition, the legal provisions on campaigning and early voting were elaborated.

The legal framework includes limitations on fundamental freedoms that allow for overly restrictive and arbitrary implementation. Limitations on the freedom of assembly include a one-month advance authorization requirement for holding public assemblies, as well as possible sanctions for...
violations, including fines and imprisonment of up to three years. Limitations on the freedom of association include burdensome requirements for registering political parties and non-governmental organisations (NGOs), wide discretionary powers for denial of registration and deregistration, and legal and administrative impediments to their work. In 2016, the already burdensome procedure for foreign funding of NGOs was further complicated. Limitations on the freedom of expression include numerous provisions on criminal and administrative offences. Most OSCE/ODIHR recommendations pertaining to fundamental freedoms remain unaddressed.

V. ELECTION ADMINISTRATION

The presidential election is administered by the CEC, 14 District Election Commissions (DECs) and 9,378 Precinct Election Commissions (PECs). The CEC is a permanent body, while DECs and PECs are set up for each election. State and local institutions are obliged to provide logistical and operational support to election commissions.

The CEC has 16 members and is appointed for an indefinite term by the parliament, based on regional council proposals. CEC members elect a chairperson from amongst themselves, based on the president’s nomination. Five members are permanent while the others work on a voluntary basis. They reside in their respective regions and meet in the capital when sessions are convened. Two CEC members are women.

Following the call for the early presidential election, the CEC adopted and posted on its website 55 decisions, including on the formation of commissions, registration of candidates, accreditation of observers and on preparations for the election. Importantly, to facilitate independent participation and further protection of electoral rights of voters with disabilities, the CEC passed a regulation addressing the needs of persons with disabilities. For the first time, some ballots will be printed in Braille.

The CEC formed the DECs based on nominees recommended and selected by the deputies of the city and regional Kengashes (councils). DECs formed PECs based on the recommendations of the councils who receive nominations from mahallas. By law, members of political parties, candidates and their proxies cannot serve on election commissions; the only criterion for membership in lower-level commissions is ‘reputation’. PEC members often simultaneously work in mahalla committees or are employees of institutions located where the premises of the polling station are. In some instances, PEC chairpersons are also heads of institutions where the polling station is located and the PEC members are also their subordinates.

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11 The law requires approval by the Ministry of Foreign Affairs, the Ministry of Justice and the Banking Commission for foreign funding of NGOs as well as notification on the NGOs’ representatives’ trips abroad. These requirements were introduced by amendments to the Law on Non-Governmental, Non-Commercial Organisations (NNOs) of 25 April 2016 and the adoption of Ministry of Justice Order No. 2802 on foreign funding of NNOs of 15 June 2016.

12 Including 44 out-of-country polling stations established in diplomatic missions in 36 countries; 226 in military compounds and 11 in pre-trial detention centres. The number of DECs corresponds to the number of electoral districts established in the 12 regions, the Republic of Karakalpakstan and the city of Tashkent.

13 According to CEC regulation No 773 of 8 November, all PS are to be equipped with ramps to facilitate access of voters with wheel-chairs to the premises, and separate voting booths, adapted to the needs of such voters will also be available. According to the CEC, there are over 39,000 blind or visually impaired voters.

14 Mahallas are traditional Uzbek community structures that regulate the 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.

15 Such instances were observed by the OSCE/ODIHR EOM in Tashkent and Ferghana.
The CEC launched its training programme for all PEC members on 1 November. A second set of trainings with a focus on election day procedures is planned between 20-30 November. The CEC has also launched a comprehensive voter awareness campaign on various aspects of the electoral process including a campaign against proxy voting and aiming to increase voter turnout. Some televised spots are in sign language and in Uzbek, Karakalpak and Russian. Posters mentioning the date of the election and general information on contestants are visible.

The law provides for early voting for those who are away from their polling station on election day. To take part, a voter must apply in writing indicating the reason for their absence, although no proof is required. Early voting starts on 24 November and ends on 2 December.

VI. VOTER REGISTRATION

The right to vote is granted to citizens of Uzbekistan, who have reached 18 years of age. Voters declared mentally incompetent or serving a prison sentence irrespective of the severity of the crime are ineligible to vote, while those in pre-trial detention centres are eligible. There is no centralized voter register. Voters are registered based on their permanent place of residence; the PEL allows for temporary registration of voters at their current place of stay. By law, a voter may be included only in one voter list (VL). According to the law, PECs compile VLs based on data provided by the local executive authorities (khokimyats). However, in practice the DECs, PECs, mahallas and khokimyats have described a variety of other ways in which the initial lists were compiled. PECs verify data through door-to-door visits.

VLs in regular polling stations were to be printed and posted for public scrutiny by 19 November, and by 2 December in special polling stations. Voters may verify their records and request amendments from their PECs, including on election day. PEC decisions and appeals against those decisions at the corresponding district court have to be made within 24 hours. Voter registration complaints filed a day prior to or on election day must be reviewed immediately.

The PEL provides for election day registration, whereby voters can be added to an annex to the main VL based on their identification and proof of residence. The CEC reported a preliminary number of 21,435,009 in-country voters based on data provided by the State Statistics Committee and some 12,000 out-of-country voters.

VII. CANDIDATE REGISTRATION

Uzbek citizens who are at least 35 years old, have resided in the country for at least 10 years before election day and have an excellent command of the Uzbek language, are eligible to stand. There are no legal provisions on how language proficiency is to be verified. Individuals convicted of intentional crimes, those under ongoing prosecution for a criminal case or professional clergy of religious organizations are not eligible. Self-nominated independent candidates are not permitted.

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16 One spot on the date of the election is in English.
17 This is performed together with representatives of mahalla committees and of the public.
18 VL for military bases, healthcare institutions, pre-trial detention centres and diplomatic missions are based on the data provided by heads of these institutions. Service personnel and members of their families residing outside of military units are included into VLs at their respective PECs.
19 In case of non-inclusion, incorrect inclusion or exclusion from the VL as well as inaccuracies in a voter’s data.
A registered political party may nominate one candidate after having held its national congress.20 By law, applications for registration of candidates must include supporting signatures.21 Each voter can support only one candidate.22 The nomination of candidates and collection of signatures ended on 20 October, followed by a ten-day period for submission and verification of documents and registration.23

By the 30 October deadline, the CEC registered four presidential candidates representing four political parties: Shavkat Mirziyoyev, Liberal Democratic Party of Uzbekistan (LDPU), Xatamjon Ketmonov, People’s Democratic Party of Uzbekistan (PDPU), Narimon Umarov, Social Democratic Party of Uzbekistan *Adolat*, and Sarvar Otamuratov, Democratic Party of Uzbekistan *Milliy Tiklanish*.

VIII. CAMPAIGN

The official election campaign commenced on 30 October and ends on 2 December. It is strictly regulated by law, and the election administration plays an active role in its conduct. A candidate may have up to 15 proxies to assist in campaigning. The law provides for equal campaign opportunities, including an equal amount of free media coverage and an equal number of outdoor campaign advertisements in every region, as determined by the CEC. Outdoors campaign materials are placed by the local administration in the locations determined by DECs.

State and local authorities, public associations and enterprises are obliged to provide equipped venues for meetings at no cost. Procedures and timeframe for requesting and allocating campaign venues are not specified. Candidates and their proxies can participate in campaign events of other candidates. The content of candidates’ messages is restricted by several prohibitions.24

The campaign is moderately visible, with the four political parties opting for a similar array of campaign materials and following uniform outreach strategies. Each contestant has 642 billboards displayed across the country and equal access to 36 electronic screens to broadcast campaign messages. All candidates are touring the country and holding meetings organized with the help of the election administration and are well-attended, often by local dignitaries invited by local party branches. For the first time candidates employ video-conferencing to reach a higher number of voters.

Although debating is foreseen in legislative amendments introduced in 2015, no debates have yet been held. There is no perceptible exchange of views among the candidates with regard to their

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20 A political party must be registered with the Ministry of Justice at least six months prior to the announcement of the election and with the CEC at least 70 days before the polls.

21 Parties also needed to submit a decision of the party’s congress on nomination of a candidate, the minutes of the party congress confirming its decision, accompanied by the candidate’s party membership certificate, personal details, and the candidate’s written consent to run.

22 Parties had to collect signatures from at least 1 per cent of the total number of voters in the country representing at least 8 out of 14 regions – around 214,000 signatures. In addition, no more than 8 per cent of the signatures may come from any one territorial unit. Signatures could be collected at the place of work, service, study, residence and other places, where campaigning and collection of signatures is not prohibited. All 4 candidates collected signatures from all 14 regions.

23 On 3 October, the CEC established two working groups to inspect the supporting signatures, which consisted of representatives of the CEC, Ministry of Justice, Ministry of Interior, Women’s Committee, Tashkent State Law University, Youth movement “*Kamolot*”, Independent Institute on Monitoring of Formation of Civil Society, and the Trade Union of Information and Communication Technologies specialists.

24 For instance, candidates’ messages must not encroach on the health and morality of the people, discredit the honour and dignity of other candidates or reveal personal or family secrets.
programmes. All candidates refrain from criticizing the government or each other, and claim to target distinct segments of the electorate. Several government-supported civil society organizations are running active campaigns to encourage voter turnout.

The prevalent campaign discourse stresses continuity and stability during this unprecedented transition of power. Building on past practice, parties have reception centers to receive public complaints. The Prime Minister and acting president uses his official government website to invite the public to forward queries through different channels, including to local LDPU branch offices. The LDPU candidate is attracting wide attention with a Facebook page that showcases some of the issues resolved by state institutions.

During an election year, parties receive additional public funding for campaign-related expenses. For this election, each party is entitled to approximately UZS 1 billion (some EUR 294,000). Private funding specifically to parties or candidates for campaigning is prohibited; however, funds may be donated to the CEC which is required to distribute them equally among contestants.

Political parties are required to submit campaign finance reports on their expenditures to the CEC within 20 days after the publication of election results. In addition, they are required to publish income in party newspapers and the official party websites within one month after the publication of election results. The Chamber of Accounts and the Ministry of Finance are mandated with monitoring compliance with party and campaign finance regulations.

IX. MEDIA

The Constitution provides for the right to access information and for freedom of expression, yet it holds media liable for the “trustworthiness” of disseminated information. Primary legislation further limits the freedom to report, including online, and holds intermediaries liable for third-party content hosted on their platforms. Slander, libel, “insulting the dignity of the citizens”, dissemination of “false information” during election and “interference in internal affairs” by journalists are criminal offences punishable by up to five years in prison. State actors are instrumental in retribution against critical publications. The OSCE Representative on Freedom of the Media (RoFM) has criticized the unduly restrictive legislation and its application.

The state-owned National Television and Radio Company (NTRC), the sole outlet with a nationwide reach, is the primary source of political information. The NTRC’s editorial coverage is based on output from government-controlled news agencies. Private broadcast and print media content is similar to that of the NTRC, but with a larger entertainment component. Online sources strive to challenge the traditional media’s selective approach to covering domestic events, including

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25 Citizens can also file their complaints online or through a telephone hotline.
26 According to the official rate, 1 EUR equals approximately 3,400 Uzbekistani Som (UZS).
27 Several government-controlled entities monitor and control the media sector. The Press and Information Agency (PIA), whose head is appointed by the president, can initiate media suspension on broadly worded grounds; the Ministry for the Development of Information Technologies and Communications (MDITC), established in 2015, is mandated to consolidate the state’s oversight of online media and information technologies; there are a Monitoring Center and an Expert Commission on Information and Mass Communication - both institutions are opaquey governed and composed, both analyze online and offline content. On 20 May 2016, the Tashkent Economic court revoked the license of Uzbekistan’s oldest newspaper Noviy Vek, widely perceived for balanced reporting. The PIA states that the newspaper has consistently violated four different laws.
28 See OSCE RFoM statements on 10 October 2016, 29 April 2016 and 8 September 2014.
29 The NTRC’s head is appointed by the president. The NTRC has offices in regional capitals and includes a total 26 TV and radio stations, each with a defined target-audience and a distinct thematic focus.
with reference to the election. Access to websites critical of the president’s or government policies is often blocked.

The PEL and CEC regulations determine, among other things, the amount of campaign coverage. A CEC regulation grants each candidate approximately one hour of free airtime on two national state TV channels daily, and a total of approximately eight hours on 13 regional broadcasters; the daily free print advertisement space is uniformly shared in 5 national and 30 regional newspapers. Both state and private media must allot equal coverage within editorial materials and refrain from featuring the candidates in their official capacity. Nevertheless, a CEC regulation does not consider reports on candidates’ achievements in office as campaigning.

The CEC and DECs oversee the media’s compliance on national and provincial levels respectively. The Ministry for the Development of Information Technologies and Communications conducts content monitoring and reports to the CEC. Monitoring results are not made public before the election. The OSCE/ODIHR EOM commenced its media monitoring on 4 November.

X. COMPLAINTS AND APPEALS

The election dispute resolution is regulated by several laws and CEC resolutions. Overall, there is a hierarchical structure as complaints against decisions, actions and inactions of election commissions may be filed with higher-level commissions. Appeals of PEC and DEC decisions are filed with the district courts whereas CEC decisions may be challenged at the Supreme Court. The law does not explicitly prescribe who may file complaints.

As a rule, election commissions and courts must decide within three days. Complaints filed during the last six days prior to election day must be reviewed immediately. In contrast to complaints filed with election commissions, those submitted to the courts require a public hearing with the presence of the parties concerned. The CEC may invalidate an election, totally or partially. A CEC decision invalidating the election may only be appealed by candidates and should be filed to the Supreme Court within ten days following the publication of election results. The CEC and the Ombudsman operate hotlines for receiving election-related complaints.

XI. PARTICIPATION OF NATIONAL MINORITIES

The Constitution provides for equal rights and freedoms without discrimination by sex, race, nationality, language, religion, social origin, convictions, individual and social status and respectful attitude toward languages, customs and traditions of other nationalities.

Uzbekistan is a multinational country, with ethnic Uzbeks constituting approximately 82 per cent of the population. The State Statistics Committee informed the OSCE/ODIHR EOM that, as of 2016, other sizable ethnic communities are Tajiks – 4.7 per cent, Kazakhs – 2.5 per cent, Russians – 2.4 per cent and Karakalpaks – 2.0 per cent. The latter group predominantly resides in Karakalpakstan, which has the status of a Republic.

30 The CEC regulation Nr. 764, 28 October 2016 establishes the order of the candidates and allocation of free airtime/space within the state media’s programming. Free airtime programmes are not broadcast on Saturdays and Sundays.

31 The OSCE/ODIHR EOM monitors media daily during prime-time hours on the state-owned TV O’zbekiston, Yoshlar, Toshkent and private UzReportTV; state-owned radio O’zbekiston; state-owned newspapers Narodnoe Slovo, Pravda Vostoka, Halak Suizi and commercial publication Darakachi.

32 Including the PEL, the Law on Suffrage and the Law on Applications of Citizens.

33 The last official census was conducted in 1989.
The Law on the State Language reiterates that Uzbek is the official language, but adds that “questions relating to the use of language in the Republic of Karakalpakstan shall also be determined by the legislation of the Republic of Karakalpakstan”. Although the Russian language does not have an official status, all electoral material, including related legislation and CEC regulations, were published in both Uzbek and Russian. According to the law, ballots are printed in the State language and potentially in other languages in areas where other languages are broadly spoken or used. A CEC resolution prescribes publishing ballots in three languages: Uzbek, Russian and Karakalpak, and another resolution stipulates that state-owned national newspapers should provide candidates with free print space for campaign messages in Russian, Tajik and Kazakh.

While most PECs in areas with a dense minority population have adequate representation of national minorities, some sizable ethnic communities appear under-represented in some DECs.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

Political party and international observers may observe all stages of the electoral process and may receive copies of results protocols. Only international observers are entitled to conduct press-conferences and give interviews. Citizen observation is not provided for in the law despite previous OSCE/ODIHR recommendations.

Applications for the accreditation of observers must be submitted by 19 November. Party observers are accredited by the respective DECs, and foreign observers are to be accredited by the CEC. The CEC and DECs have five days to take a decision. Each political party is entitled to one observer per polling station. All four political parties plan to deploy observers.

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened in Tashkent with a press conference on 2 November. The OSCE/ODIHR EOM has met with the government authorities, the CEC, representatives of political parties, media, civil society, the OSCE Project Co-ordinator and the international community.

*The English version of this report is the only official document. Unofficial translations are available in Uzbek and Russian.*

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34 State owned national newspapers *Narodnoe slovo, Ovozi Tojik* and *Nurli Jol*.
35 There are no ethnic Tajiks represented in the DECs in Samarkand and Bukhara.
36 The OSCE/ODIHR EOM and the OSCE Project Co-ordinator in Uzbekistan operate separately under their respective mandates.