



## **INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Uzbekistan –Parliamentary Elections, 22 December 2019**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 22 December parliamentary elections in Uzbekistan took place under improved legislation and with greater tolerance of independent voices but did not yet demonstrate genuine competition and full respect of election day procedures. The elections showed that the ongoing reforms need to continue and be accompanied by more opportunities for grassroot civic initiatives. The contesting parties presented their political platforms and the media hosted debates, many aired live, but campaign rules are still restrictive, and the range of political options remained limited. There is more acceptance of free expression, but few independent associations exist. Regrettably, the new legislation and modernized administration of elections did not improve the polling process, with international observers reporting numerous serious irregularities, such as voting on behalf of others and disregard for key procedures during counting.

The recently adopted Election Code incorporates several previous ODIHR recommendations and brings the legal framework closer in line with OSCE commitments and other international obligations and standards. Its adoption also enhanced the clarity and accessibility of the electoral legislation. However, some provisions continue to be at odds with OSCE commitments. Despite some relaxation, the legal framework related to exercising fundamental rights and freedoms which are essential for democratic elections still restricts the opportunity for citizens and candidates to fully enjoy these rights.

Despite the adoption of a number of socio-economic and political reforms and some improvements in the respect for human rights, the range of political options remains limited. With one exception, no new party has been registered since 2003. All parties are supportive of presidential policies, and while parties worked to distinguish themselves during the campaign, none identify themselves as an opposition party. The law does not allow individual, self-nominated non-party candidates to stand for election. These factors limited the opportunity for elections to serve as a contest between distinct political viewpoints and narrowed the choice available to voters.

The Central Election Commission (CEC) made a great effort to prepare the parliamentary elections in an improved manner. Noteworthy changes included redistricting the constituencies to ensure equal suffrage, compiling a completely new countrywide voter register, adopting numerous resolutions to operationalise the Election Code, improving access for persons with disabilities, training thousands of polling officials and conducting an intensive voter information campaign. However, these efforts did not bring about anticipated improvements as multiple irregularities persisted during all stages of election day.

The introduction of the new centralized voter register, the Single Electronic Voter List (SEVL), is a significant achievement which was designed to both lessen the possibility for multiple entries for the same person and to better ensure the universality of the vote. The CEC did not publish voter registration data prior to verification of the voter list, thereby reducing transparency of the registration process. Citizens who found that they were not included in a voter list could request to be registered

on election day at the polling station; while intended to ensure inclusion, this process lacks safeguards, contrary to international good practice. For the first time, citizens sentenced to a term of imprisonment not exceeding five years were eligible to vote.

The CEC registered 750 candidates, one for each party in every one of the 150 constituencies. The registration process was made more open by changing the legal provisions so that voters can sign in support of more than one party. Only about 30 per cent of all members of parliament were seeking re-election and the majority of candidates nominated by parties were running for the first time. Six candidates withdrew before election day.

Women are currently underrepresented in public and political life. For these elections, 41 per cent of the nominated candidates were women, with all parties exceeding the gender quota requirement of 30 per cent. Women were well represented in the PECs observed by the ODIHR EOM. Gender equality was a marginal campaign topic and media attention focused almost exclusively on male candidates.

The campaign took place in an environment characterized by increased assertion of and tolerance by the authorities for freedom of expression, though legal restrictions on this and other fundamental freedoms persisted. While the Election Code improves the rules on holding campaign meetings between candidates and voters, mass rallies still require prior authorisation from the local executive bodies.

Under the Election Code, the Law on Financing of Political Parties, and CEC resolutions, all of the parties' and candidates' election spending must be taken out of allocated public funding. Fundraising from private sources is not permitted. The sum set and provided by the CEC for candidates was only enough to cover small expenses and was overall insufficient for candidates to pay for additional visibility beyond their free coverage in the media, limiting the voter outreach capacity.

While the campaign was more open, relevant CEC resolutions created an inflexible and overly detailed framework for election campaigning. Outside the media there was limited campaigning and there was little evidence of parties' self-organized campaign activities. Often, meetings with voters were confined to events organised by election administration. A literal interpretation of the requirement for equal opportunity, and funding constraints gave parties and candidates only a very limited scope to define their individual campaign strategies. Nevertheless, the political parties expressed their satisfaction with the opportunities to campaign, and did not engage their rivals in a genuinely competitive manner.

The Election Code affords political parties the right to access broadcast and print media on an equal basis and a CEC resolution details the actual allocation of airtime and print space to parties. The context of improved respect for freedoms of opinion and speech provided greater ability for the media to cover the elections. An important novelty, frequent live debates took place. However, it was not until a late stage of the campaign that journalists in traditional media began to appraise party programmes. Bloggers are seen as the most important source of independent commentary, and their influence is increasing.

The Election Code establishes a reasonable legal framework for securing legal remedy in the event of violations of the law. The CEC received a large number of written addresses of various kinds and transferred most of them to other stakeholders. As many of these submissions did not require resolution by the CEC or courts, the legal procedures remain untested.

National minority issues did not feature prominently in the elections and the IEOM observers did not report any discriminatory practice or commentary on minorities during the campaign. All political

parties nominated candidates from minority populations, and informed the IEOM that some of their campaign materials were prepared in minority languages. Ballots in some constituencies were printed in Russian and Karakalpak languages.

The authorities accredited a large number of international observers. While party agents are able to observe the elections, private organizations and individual citizens are not entitled to observe the election process, thereby lessening the scope for independent scrutiny. The Election Code introduced the status of citizen observers, although it is restricted to members of *Mahalla* committees, whose involvement in many aspects of election administration and in day-to-day life at community level raises questions about their ability to function as independent observers.

The voting process was assessed negatively in 14 per cent of the polling stations observed. Voting was conducted in a calm environment but serious irregularities tarnished the process as voters were allowed to vote without identification documents, many voted with multiple ballots and on behalf of others, and voters were registered on election day without applying the required checks. The vote count was assessed negatively in 42 per cent of reports. In almost half of the polling stations observed, PECs did not follow procedures and many PECs had difficulty in reconciling the data in the protocols. In a number of polling stations, PECs pre-signed blank protocols and some observers reported falsification of voter list entries and the data entered into the protocol. In 15 out of 105 DEC observed, observers reported significant procedural errors or omissions. Many PEC results protocols were completed or changed, often without a formal decision, at the DEC premises. The IEOM observers were granted full access to all stages of the process.

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## **PRELIMINARY FINDINGS**

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### **Background and Political Context**

On 20 September, the Central Election Commission (CEC) called the parliamentary elections to the lower (legislative) chamber of *Oliy Majlis* (parliament) for 22 December 2019.<sup>1</sup> The elections were conducted in the context of comprehensive reforms, initiated by President Shavkat Mirziyoyev in 2017. The reform strategy, which is being implemented in stages, aims to transform Uzbekistan's economic, social and political life. The elections, held under the slogan "New Uzbekistan – New Elections", constituted an important milestone in what the president has termed an irreversible modernisation and democratisation process. On 22 December, elections were also held to regional and local councils (*Kengashes*).

The Constitution confers strong powers on the presidential office. The Head of State shares legislative powers with the parliament through the issuance of binding decrees, resolutions and ordinances. In 2014, the role of the parliament was reinforced by granting the largest parliamentary party the power to nominate the prime minister. A further change was approved in March 2019 such that the parliament considers and approves the prime minister's nominations for ministerial positions, which are subsequently confirmed by the president. This represents a potentially significant revision of the balance of governmental power. Notwithstanding these changes, the outgoing legislative chamber has only 108 sitting members as most of the other 42 have been appointed to executive posts, without by-

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<sup>1</sup> The Parliament is composed of two chambers, both with a five-year term: an indirectly elected Senate, composed of 100 senators, and the Legislative Chamber, composed of 150 deputies.

elections to replace them.<sup>2</sup> Women are currently underrepresented in public and political life. Only 16 per cent of the outgoing legislative chamber and 17 per cent of the Senate members were women. President Mirziyoyev openly criticized political parties for not nominating a higher number of women candidates.<sup>3</sup>

The reforms have created more space for citizens to air grievances, to discuss the political parties' policy proposals and a greater tolerance of criticism including directed towards the state administration. Independent voices are not numerous but do exist and are becoming audible. Some citizens feel that they are now at liberty to post views online through blogs and social networks. However, a security apparatus with capabilities for close surveillance remains in place, and active, impacting on citizens' behaviour. Though some rules on the freedom of assembly have been relaxed, public dissent, including on social media, can result in prosecution or even detention.

Despite the registration of a new political party, the Ecological Party of Uzbekistan (EPU), the political party landscape is largely unchanged.<sup>4</sup> Four other registered parties are all represented in the outgoing parliament.<sup>5</sup> All five parties are supportive of the government and the president, and none have proposed policies that are at odds with theirs. After the last elections, majority and minority blocs were formed of the parliamentary parties. However, none of the parties can yet be considered as in opposition to the president. With the exception of the EPU, no new party has been registered since 2003.<sup>6</sup> This limits the pluralistic nature of contest and potentially challenges paragraphs 3 and 7.6 of the 1990 OSCE Copenhagen Document.<sup>7</sup>

In addition to the existing administrative infrastructure, including election administration, *Mahallas*, and local executive bodies assume certain roles and functions that are usually the prerogative of political parties. While regarded as civil society organizations by the authorities, *Mahallas* are vested with government powers and some ODIHR EOM interlocutors described them as a form of local social control.<sup>8</sup>

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<sup>2</sup> In 2017, the President criticized the parliament for its inactivity, stating that only 27 of the 136 laws adopted by the *Oliy Majlis*, were initiated by the deputies of the legislative chamber. These mainly related to the introduction of some amendments to the existing laws based on decrees and resolutions of the president.

<sup>3</sup> President's speech at the 20th plenary session of the Senate on 22 June 2019. During the same event, Tanzila Norboyeva was appointed as the first female chairperson of the Senate. In September 2019, two laws, 'On protection of women from violence and oppression' and 'On guarantees of equal rights and opportunities for women and men' came into force, the latter providing also for equal opportunities for women and men while forming election commissions.

<sup>4</sup> Previously, the law reserved 15 seats for the Ecological Movement of Uzbekistan (EMU). On 22 January 2019, the EPU was registered by the Ministry of Justice as a political party. While EMU remains in place, its chairperson and some party executives of EMU became that of the EPU.

<sup>5</sup> Liberal Democratic Party of Uzbekistan (LDPU), Democratic Party of Uzbekistan (DPU) *Milliy Tiklanish*, People's Democratic Party of Uzbekistan (PDPU), and Social Democratic Party of Uzbekistan (SDPU) *Adolat*.

<sup>6</sup> The LDPU was registered in November 2003. The DPU *Milliy Tiklanish* was established through a merger of *Milliy Tiklanish* and the National Democratic Party *Fidokorlar* in August 2008. *Ezgulik* human rights group in June 2019 through their Facebook page appealed to president, parliament, Ministry of Justice, and Ombudsman to relax the requirements for registration of political parties.

<sup>7</sup> Paragraph 3 of the 1990 OSCE Copenhagen Document reaffirms the importance of pluralism with regard to political organizations. Paragraph 7.6 of the 1990 OSCE Copenhagen Document refers to "the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations [...]" See also Paragraph 26 of the 1996 United Nations Human Rights Committee General Comment (General Comment) No. 25 to the 1966 International Covenant on Civil and Political Rights (ICCPR).

<sup>8</sup> *Mahallas* are traditional Uzbek community structures which regulate the everyday life of a settlement and serve to link the state and the community. However, their role was formalized in the 1993 Law on the Institutions of Self-Government of the Citizens, such that violations of *Mahalla* committee decisions are legally punishable.

## **Legal Framework and Electoral System**

Elections take place in 150 single-mandate majoritarian election districts (constituencies). In order to win a seat in the first round, a candidate must win a majority of the votes cast; otherwise a run-off election is held between the two leading candidates within two weeks. In line with an OSCE commitment and a previous ODIHR recommendation, all 150 MPs stood for direct election.<sup>9</sup> All constituency elections are considered invalid if national turnout is less than 33 per cent. At repeat voting, the candidates who receive the most votes are elected, and there is no turnout requirement.

The legal framework for parliamentary elections includes the 1992 Constitution (last amended in September 2019), a new Election Code (in force since June 2019), the 1996 Law on Political Parties (last amended in October 2019), the 2004 Law on Financing of Political Parties (last amended in December 2019), the 1994 Criminal Code and the 1994 Code of Administrative Responsibility (both last amended in November 2019), and resolutions (normative acts) adopted by the CEC on the preparation and conduct of these elections.

The new Election Code, which was adopted following a comprehensive review of election procedures, replaced five separate laws, thereby enhancing the clarity and accessibility of electoral legislation.<sup>10</sup> During the review process the Uzbek authorities considered previous ODIHR recommendations, engaged in a constructive dialogue with ODIHR and requested the ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission) to provide an opinion on the draft of the law.<sup>11</sup> Positively, the Election Code incorporates several past ODIHR recommendations, and brings the legal framework closer in line with OSCE commitments and other international obligations and standards. Recommendations which were addressed included: the abolishment of reserved seats, meaning that all members of the parliament are now directly elected; introduction of a maximum deviation of 10 per cent from the average in the size of constituencies' voting populations, equalising suffrage; removing the blanket restriction on convicts voting; and allowing citizens to sign in support of more than one political party.

While the adoption of the Election Code has created an improved legal framework for elections, some provisions replicated from previous laws are at odds with OSCE commitments and international good practice, including the length of residency required for candidacy and the denial of voting rights to persons deemed by a court to be "legally incapable". It is noteworthy that the authorities sought to raise awareness of the new legal framework, and numerous training events were organised to ensure that election officials and judges were familiar with the new law.

Beyond the Election Code, laws and subordinate normative acts on the exercise of the rights and freedoms which are essential for the enjoyment of electoral rights continue to unduly restrict the opportunity for citizens and candidates to enjoy these rights.<sup>12</sup> The right to freedom of association, including the right to form a political party, remains subject to broad limitations. The rules on the

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<sup>9</sup> Paragraph 7.2 of the 1990 Copenhagen Document provides that OSCE participating States "permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote".

<sup>10</sup> Regulating the conduct of presidential, parliamentary and local elections, citizens' suffrage rights, and the CEC activity.

<sup>11</sup> See the ODIHR and the Venice Commission [Joint Opinion on the Draft Election Code of Uzbekistan](#).

<sup>12</sup> According to paragraph 25 of General Comment 25 on article 25 of the ICCPR, "[ensuring the] full enjoyment of rights protected by article 25, [...] requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas".

registration and suspension of political parties continue to impose burdensome registration requirements.<sup>13</sup>

Positively, some progress has been made related to the right to civic association through the recent easing of administrative requirements for the functioning of non-governmental organizations (NGOs).<sup>14</sup> Freedom of expression, albeit enshrined in the Constitution, is circumscribed by numerous legal provisions on criminal and administrative offences, which could inhibit free speech.

### **Election Administration**

The elections were administered by the Central Election Commission (CEC), 150 District Election Commissions (DECs) and some 10,300 Precinct Election Commissions (PECs), including 55 abroad. The CEC is a permanent and independent constitutional body. The Election Code confers the CEC with strong regulatory power. DECs and PECs are formed temporarily for each election. The Constitution requires that all election commissions are guided by the principles of independence, lawfulness, collegiality, transparency and fairness.

The right to propose CEC and DEC members rests with the regional and Tashkent city-level elected representative bodies and the Parliament of the Republic of Karakalpakstan. The CEC members are appointed for indefinite terms by the *Oliy Majlis*. The CEC appoints DEC members.<sup>15</sup> PEC members are proposed by *Mahalla* committees, public associations, enterprises, institutions and organizations, and appointed by DECs. The CEC's composition rose from 16 to 21 members over the course of 2019, increasing the number of women members from 3 to 7. In all, 11 of the CEC's 21 members were appointed this year, including the Deputy Chairperson and Secretary. The 1,600 DEC members and some 112,000 PEC members were appointed in a timely manner.<sup>16</sup> According to the CEC, women represent 46 and 49 per cent of DEC and PEC members, respectively.<sup>17</sup> Requirements for gender balance in the election administration were established through a law adopted in September 2019.

The CEC made a great effort to improve the electoral process and to prepare the parliamentary elections under the new legal framework. The increase in the number of constituencies from 135 to 150 required the CEC to undertake a comprehensive redrawing of the electoral boundaries. At the time of delineation, the new constituencies had an approximately equal number of registered voters, thereby meeting the international standard on the equality of suffrage. The CEC used its authority to approve many binding regulations, thereby adding a substantial level of detail to the legal framework.<sup>18</sup> Its resolutions and actions were in conformity with the legislation, but some were adopted at a late stage. The CEC also took some 80 decisions among other things on the formation of DECs, party certification, candidate registration, and observer accreditation. The CEC maintains an

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<sup>13</sup> ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) recommend that the “grounds for denying a party’s registration must be clearly stated in law and based on objective criteria”.

<sup>14</sup> Changes relate to registration of grant contracts of NGOs, payments of state duties, annual reporting requirements, and the requirement to notify the Ministry of Justice about planned activities. The Ministry of Justice informed the ODIHR EOM that in 2018, there were 921 applications for NGO registration, out of which 811 were approved; in 2019, until 1 December, 605 request for registration were received, out of which 462 were approved.

<sup>15</sup> The Election Code states that the DECs are “formed by the CEC” and does not deal with the issue of a proposal not being approved.

<sup>16</sup> DEC members were appointed on 11 October and PECs were appointed by DECs on 12 November.

<sup>17</sup> Paragraph 26 of the [1997 UN CEDAW Committee’s General Recommendation No. 23](#) requires States to include gender disaggregated data when reporting on the inclusion of women in political and public life.

<sup>18</sup> Among other things relating to the formation of polling stations in detention centres, penitentiaries and abroad, campaign expenditures and authorized campaign activities, measures to enhance the participation of persons with disabilities, rights and obligations of candidate proxies, rights and duties of party representatives and observers, and election day procedures.

informative website and updates information regularly, although a few key regulations or their annexes were not posted in a timely manner.

At local level, prior to formation of DEC and PECs, *Mahalla* committees were instrumental in the processes of constituency boundary delimitation, nomination of PEC members, compilation and verification of voter list data, and after the candidate registration were active in the organization of candidates' campaign events.

With few exceptions, all DEC met by the ODIHR EOM reported holding sessions that are open to the public, in accordance with the law. The ODIHR EOM observers met with the CEC and 142 DEC across the country and generally received requested information in a timely manner. The law does not provide for a consistent method for disclosing the DEC and PEC decisions and while some DEC decisions were displayed or published in the media, others were available to the ODIHR EOM upon request.

Electoral preparations were conducted efficiently and in a timely manner. Early voting took place between 12 and 18 December, with many polling stations ready well ahead of the start. Election commissions met by the ODIHR EOM had a good understanding of the new Election Code, and all reported being fully equipped and sufficiently staffed and funded.

The CEC informed the ODIHR EOM that its training programme commenced in July, some six months before the elections. Fifteen training modules were developed and posted on the CEC website. However, CEC resolution on the organization of early voting and on ensuring the voting rights of persons with disabilities, were only adopted on 3 December after many training sessions had been conducted. Given that three elections were held simultaneously, over 170,000 members at various levels required training.<sup>19</sup>

The CEC launched an intensive and visible voter information campaign, including through posters, billboards and public service announcements in the media. The media, including private channels, relayed information on CEC activities and disseminated a wide range of election information, including calls for citizens to vote and particularly highlighting specific voting provisions such as the need to vote in person, thereby seeking to address previous shortcomings. The media spots were aired in Uzbek, Russian and English.

While the law grants the right to vote early and at home, a CEC resolution provided an additional set of measures for persons with physical disabilities and visual impairments to exercise their right to vote at polling stations. These included designated parking spaces, ramps and voting booths adapted to wheelchairs, braille sleeves for the ballot, lamps and magnifying glasses.

## **Voter Registration**

All citizens aged 18 years or more have the right to vote, with the exception of citizens who have been declared "legally incapable" by a court decision, including on the basis of intellectual or psychosocial disability. Suffrage restrictions based on disability are at odds with OSCE commitments and other international standards.<sup>20</sup> Citizens in pre-trial detention and, for the first time, those sentenced to a

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<sup>19</sup> In addition to the 112,000 PEC members appointed to conduct the parliamentary elections, a further 58,000 PEC members were appointed to organise local elections.

<sup>20</sup> Uzbekistan is signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD) Paragraph 9.4 of the CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and others v. Hungary*) states that "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability,

term of imprisonment not exceeding five years, are eligible to vote. This required a change in the Constitution. While there is no out-of-country constituency, the Election Code also grants the right to vote to citizens abroad.

Voter registration is passive and is based on permanent and temporary residence.<sup>21</sup> The elections utilised a new countrywide, centralized voter register, the Single Electronic Voter List (SEVL). The process of compiling the SEVL began in 2017 and drew on a country-wide cadastral mapping exercise and databases of state bodies including from the State Personalization Centre, which manages identity cards. All DEC and PEC representatives met by the ODIHR EOM welcomed the introduction of the SEVL and expressed confidence in its accuracy.

During the verification of the SEVL data, extracts of the lists were created for each polling station and provided to each PEC. Verification was primarily conducted through door-to-door visits by PECs together with *Mahalla* committee members. Voters could also verify their data online and in the voter lists displayed at polling stations. Any complaints about inaccuracies could be submitted to the respective PEC.<sup>22</sup> Changes to the voter lists are not permitted within three days of the election. The Election Code is silent on how court decisions taken after this deadline would be implemented. On 22 December, the CEC reported a preliminary number of 20.5 million voters, including some 1.8 million abroad.

The introduction of the SEVL is a significant achievement and an improvement on the previous approach to voter registration. However, despite adopting a completely new countrywide voter register, citizens who found that they were not included in a voter list could request to be registered at the polling station on election day, based on proof of identity and residency. This is not in line with international good practice.<sup>23</sup> The ODIHR EOM observers reported that voters were transferring their registration on the basis of temporary residence, often not in person as required by the law.<sup>24</sup> Such application of the rules for transferring registration, combined with election day registration, opens the possibility for citizens to vote anywhere, diminishing the safeguards provided by the SEVL.

## **Candidate Registration**

Citizens aged 25 or older on election day who have resided permanently in the country for at least five years before election day, are eligible to stand as candidates.<sup>25</sup> The application of a residency requirement for national elections is at odds with international standards.<sup>26</sup> Those deprived of the right to vote by a court decision on “legal incapacitation” grounds or because of a conviction for a serious

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including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability”. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens”.

<sup>21</sup> Presidential Decree No VII-2240 of 1999 stipulates that for a period of temporary residence lasting three days to six months citizens do not have to change their permanent residence. The 3 December 2019 CEC resolution 994 states that “it is not permitted to require additional documents to prove that a citizen is temporarily residing in the territory of a polling station”.

<sup>22</sup> Everyone can appeal to the PEC on an inaccuracy in the voter list. The Election Code does not provide a deadline for doing so.

<sup>23</sup> Paragraph 1.2 (iv) of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends: “There should be an administrative procedure subject to judicial control or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day”.

<sup>24</sup> Such requests were sometimes done by phone despite a CEC resolution requiring this be done in person.

<sup>25</sup> Active military or security personnel or professional clergy of religious organizations are not eligible.

<sup>26</sup> Paragraph 15 of the UN Human Rights Committee General Comment 25 on Article 25 of the ICCPR states that “any restrictions on the right to stand ... 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 paragraphs 7.3, 7.5 and 24 of the 1990 OSCE Copenhagen Document.



crime are also ineligible, contrary to international standards for universal suffrage. Self-nominated non-party candidates cannot contest the elections.

A political party may nominate one candidate per constituency provided that the party is registered with the Ministry of Justice at least four months prior to the announcement of the election and has collected at least 40,000 signatures of voters across the 14 administrative territorial units provided that no more than 8 per cent of the signatures collected are from one unit. Following a change in the legal provisions, and in line with a previous ODIHR recommendation, voters can sign in support of more than one party. According to the CEC, all five registered political parties supplied a sufficient number of signatures and were certified by the CEC thereby allowing them to nominate candidates.

On 15 November, the CEC registered 750 candidates; one for each party in every one of the 150 constituencies. Only about 30 per cent of sitting MPs were seeking re-election and the majority of candidates nominated by parties were running for the first time. All parties complied with the gender quota of 30 per cent of the total number of candidates nominated by each party. Collectively, parties nominated 310 women candidates (41 per cent).<sup>27</sup>

By law, parties may withdraw a candidate until up to 15 days before elections. A candidate may withdraw on his or her own volition any time before election day, including after early voting has started. The law does not stipulate what should happen to ballot papers where a candidate withdraws or dies close to election day or how votes already cast during early voting are dealt with. Six candidates withdrew, two during the early voting period, bringing the total of candidates to 744.

### **Election Campaign and Campaign Finance**

The Election Code, the Law on Financing of Political Parties and CEC resolutions regulate the conduct of the campaign and campaign finance. The Election Code allows candidates to conduct meetings with voters using a system of ‘notification’ but mass rallies still require authorisation by the local executive bodies.<sup>28</sup> However, a CEC resolution recommends that, within the election campaign, local executive bodies review and approve any requests “as quickly as possible” and issue a single permit for multiple mass rallies.

The campaign took place in an environment characterized by an increased assertion and tolerance of the authorities towards freedom of expression, though restrictions on this and other fundamental freedoms persisted. Parties and candidates did not report to the ODIHR EOM that they had experienced any administrative obstacles in organizing campaign events, and the campaign period was calm and uneventful.

The campaign period officially commenced on 20 September and ended on 20 December. All candidates though began their campaigns on 18 November after candidate registration was completed.

By law, neither parties nor candidates can raise campaign funds from private sources. All of the parties’ and candidates’ election-related expenses, including for campaigning, are financed from the state budget and the CEC sets the amount of the funds available. The size of a party’s financial entitlement is determined by the number of candidates registered to contest the elections. For these elections, the CEC allocated a total of UZS 8.12 billion (equivalent to approximately EUR 853,800

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<sup>27</sup> The actual number of women nominated by political parties ranged from 36 percent (EPU) to 48 percent (DPU *Milliy Tiklanish*).

<sup>28</sup> While there is no specific law on public assemblies, the organization of mass events is regulated by the 2014 Cabinet of Ministers Resolution No. 205. Prior authorisation is still necessary for rallies of over 100 persons at the local level and over 200 persons in major cities.

EUR) for all parties combined to conduct their campaigns, which amounts to UZS 1.62 billion (EUR 154,750) per party.<sup>29</sup> The CEC determined parties are required to transfer 30 per cent of their allocated funds to their candidates meaning that each candidate received about UZS 3.25 million (EUR 350).<sup>30</sup> Candidates informed the ODIHR EOM that this sum was enough to cover small expenses such as transportation costs of their proxies or to produce additional campaign materials, mostly fliers, for distribution.<sup>31</sup>

The ban on private financing of parties and candidates during the campaign prevents citizens from financially supporting their preferred party or candidate. The amount of funding made available by the CEC to candidates caps the funding of campaigns at a low level and thus limits the scope for purchasing additional campaign material and advertising, notably for constituency-level campaigning.

There are no legal requirements on pre-election campaign finance reporting, which weakens the transparency of campaign finance. Positively, for the first time, political parties are obliged to publish information on their campaign expenditures on their official websites as well as in the press within one month of the publication of the final results.

The CEC resolutions created an inflexible and overly detailed framework for election campaigning. The legal requirement to provide ‘equal conditions’ for contestants was applied in a literal way and parties had little leeway to define their own campaign strategies, resulting in a degree of homogeneity of campaign materials and methods which, outside of media debates, reduced the visibility of the campaign in public spaces. For example, the DEC in consultation with local executive bodies (*Hokimiyats*), allocated, albeit free of charge, only 225 billboards to each party as well as a total of 74 electronic screens to all parties across Uzbekistan.<sup>32</sup> Parties and candidates also placed campaign material in public spaces using their financial allocations, and conducted small-scale local meetings and door-to-door activities.

The DEC organized and moderated campaign events for the parties and the local authorities provided campaign meeting venues for free. Observers reported that events were similar in form. *Mahalla* committees and some government-supported public associations mobilized voters to attend campaign events.

The chairmen of the five parties informed the ODIHR EOM that, in their view, rather than being restrictive, the campaign and campaign finance rules created an environment that was conducive for campaigning, and none indicated that they would campaign differently if permitted to do so. This, combined with limited campaigning, raises questions about the parties’ intention to engage in a genuine competition.

The campaign appeared to generate only limited public interest, and the CEC called on parties to campaign more intensively.<sup>33</sup> With few exceptions, parties and candidates did not appear to target

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<sup>29</sup> 1 EUR equals approximately 10,400 Uzbek Soms.

<sup>30</sup> The remaining 70 per cent was retained by the party for other election related expenses.

<sup>31</sup> The Election Code provides for up to 10 proxies for each candidate. According to an advertising agency in Tashkent, the current allocated sum covers the price of two billboards. A number of candidates expressed a wish for higher limits on campaign finance.

<sup>32</sup> The CEC informed the ODIHR EOM that the numbers were assessed by the election administration as sufficient for political parties’ needs.

<sup>33</sup> On 10 December, the CEC chairperson in a press conference cited complaints received from voters that candidates were not visible and remained unknown to the electorate.

voters beyond their traditional electorates.<sup>34</sup> In general, candidates did not challenge their rivals on their political platforms. The prevalent themes were social policies, delivery of services and economic development. All parties repeatedly expressed support for presidential policies and the reform agenda. As a result, the campaign was not competitive and voters were presented with few discernible political alternatives, which limited their choice.

Gender equality was not a prominent campaign topic. Although women appeared in electoral events both as participants and speakers, they lacked visibility overall.<sup>35</sup> Political parties did not advance women candidates through active promotion. Women are not conspicuous in party leadership positions and 99 per cent of coverage on monitored media was concentrated on male candidates.

Issues related to the rights of persons with disabilities were marginal in campaign discourse. Positively, sign language interpretation was provided for during free TV airtime allocated to contestants, but parties did not produce any campaign materials in formats more accessible for disabled voters. Campaign events were not always accessible for persons with disabilities.

## **Media**

The Constitution provides for the right to access information, the freedom of thought and speech and prohibits censorship, but holds media liable for the “trustworthiness” of disseminated information. The main legal acts regulating the media – the Mass Media Law and Law on Informatization – limit media freedoms by holding intermediaries liable for third-party content hosted on their platforms.<sup>36</sup> The Criminal Code and the Code of Administrative Responsibility stipulate that slander, libel, “insulting the dignity of the citizens”, dissemination of “false information” and “interference in internal affairs” by journalists are offences punishable by up to three years in prison. On 13 December 2019, the President tasked the Agency for Information and Mass Communications (AIMC) to work on amending the laws such that libel and insult are no longer punished by imprisonment.<sup>37</sup>

The degree of freedom of expression in the media has recently improved. In May 2019, the AIMC restored access to approximately ten independent, internet-based media. The AIMC retains the authority to block access to the websites for non-compliance with legal provisions without prior notice. This year, a number of journalists who were serving long terms of imprisonment related to their work have been released. A greater number of programmes on political issues are aired live, and according to the ODIHR EOM interlocutors media increasingly covers sensitive issues such as corruption or forced labour. Notwithstanding positive developments, journalists’ safety remains a major concern as they face the threat of violence and intimidation, often resulting in self-censorship.

Uzbekistan has a large number of media outlets. Television remains the most important source of information followed by news websites and radio stations. Four state broadcast media with national reach and the two largest private TV stations cover political issues. Independent bloggers are active and are seen as the most important source of independent commentary.

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<sup>34</sup> The parties claim to target distinct social-economic segments of the electorate each, broadly speaking – business and farming (LDPU), the employees and civil servants (SDPU *Adolat*), the socially vulnerable (PDPU) and those favouring traditional values (DPU *Milliy Tiklanish*).

<sup>35</sup> The ODIHR EOM estimated that, on average, around 52 per cent of audience in the observed campaign events were women.

<sup>36</sup> The Law on Informatization provides a definition of a ‘blogger’ and obliges owners of websites and bloggers to verify the truthfulness of published information, including third-party commentary.

<sup>37</sup> The AIMC is responsible for registering all privately owned media, including online media, and is tasked with supervising the mass media’s compliance with the legal framework.

The media's coverage of the contestants' election campaigns during the official campaign period is regulated by the Election Code and a CEC resolution. The Election Code requires the state owned mass media to provide equal conditions to the contesting parties free of charge.<sup>38</sup> The private media, if they sell advertising space to the contestant, must provide equal conditions.

The ODIHR EOM monitored a sample of media with a national and regional reach.<sup>39</sup> Results of media monitoring indicate that the two state-owned TV stations *O'zbekiston* TV and *O'zbekiston24* provided equal coverage to the five parties, but the bulk of their news coverage was devoted to activities of the president (80 per cent). The private TV channel *UzReport* complied with equality provisions and also dedicated 7 per cent to the president and 11 per cent to the government in its editorial coverage, which includes news. State-owned radio stations *Yoshlar* and *O'zbekiston* allocated 19 and 16 per cent of their news coverage to the government and the president, respectively.

In total, on state TV and radio, the free airtime provided to the five parties exceeded the amount of editorial coverage of the campaign. In the private media, the volume of campaign coverage in news and discussion programmes was also low. The state and private media also carried some paid advertisements placed by the parties. Monitored print media provided exactly the amount of free space as prescribed by the CEC resolution.

For the first time in Uzbekistan, a total of 25 debates were organized between the representatives of the five parties. Debates were hosted by the CEC's International Press Centre (IPC). Most of these debates were broadcast live on the state-owned television and those that were not, were only edited for quality control purposes. In addition to the IPC, the National Association of Electronic Mass Media (NAESMI) also organized 26 debates, six of them live, broadcast on private channels. The holding of debates between candidates is an important step in the opening up of the media and political space. In a notable and welcome development, albeit late in the campaign, journalists and commentators in the broadcast media began to analyse and discuss the political issues raised during the debates.

Parties sought to diversify their campaign methods by using social networks, particularly Facebook and Telegram, but the general level of campaigning through the social media was at a low level.<sup>40</sup> The ODIHR EOM is not aware of any political party or candidates placing paid advertisements or sponsored content in the main social networks.

## **National Minorities**

Uzbekistan is a diverse country with ethnic Tajiks, Kazakhs, Russians and Karakalpaks being the largest national minority communities.<sup>41</sup> Although, no party particularly focused on a minority electorate and inter-ethnic relations did not feature in the campaign platforms, all five political parties nominated candidates from minority populations.

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<sup>38</sup> Every contesting party was entitled to receive 30 minutes of free airtime weekly and 30 seconds per day in each of the four state-owned television stations. From 18 November to 15 December every contesting party was entitled to receive one page (the second page of the publication) for placing materials and space on the first page to make announcements. From 17 to 19 December, each party was allocated a half page of space for materials on one occasion.

<sup>39</sup> From 1 December, the ODIHR EOM analysed the content of three TV channels (*O'zbekiston*, *O'zbekiston 24* and *UzReport*), two radio stations (*O'zbekiston* and *Yoshlar*) and three print media outlets (*Xalq So'zi*, *Narodnoe Slovo* and *Pravda Vostoka*).

<sup>40</sup> The contestants' activities on social media refer mostly to informing voters about campaign events and reposting news headlines from media.

<sup>41</sup> According to the 2017 statistics published by the State Statistics Committee, Uzbeks constitute 83.8 per cent of the population. The last official census was conducted in 1989.

Ballot papers were printed in Uzbek (in Latin and Cyrillic alphabets), Russian and Karakalpak languages.<sup>42</sup> No ballots for national elections were printed in other minority languages, which are broadly used in certain electoral districts.<sup>43</sup>

Some electoral materials, including for voter education, legislation and CEC regulations, were published in both Uzbek and Russian. Political parties informed the ODIHR EOM that they printed campaign materials also in minority languages. No cases of negative rhetoric or discrimination against national minorities during the campaign were reported or observed.

### **Complaints and Appeals**

The legal provisions on the filing of complaints regarding violations of the electoral law create a generally reasonable basis for hearing and ruling on election complaints and for appeals. Violations of the electoral law may be reported by individuals and legal entities to election commissions, which are obliged to examine the complaint and respond within three days, or immediately if the complaint was received less than six days before the elections or on election day. All complaints must be recorded in a special register, and election commissions must inform complainants of the adopted decision.

There is no legally prescribed obligation to publish the decision on complaints and the Election Code provides for a dual system of appeals against decisions of DEC and PEC, which may be contested either to higher election commissions or to a court, within 10 days, by political parties, candidates, proxies, observers and voters. This could lead to confusion, overloading of commissions and courts with repetitive claims, and possibly cause inconsistent decisions to be issued by the two bodies.<sup>44</sup> The timeframe for hearing and ruling on such appeals is the same as for complaints adjudicated by the election administration: within three days, or immediately if less than six days remain before the elections. CEC decisions can only be appealed to the Supreme Court.

From 20 September until 20 December, the CEC reported that it received 573 written addresses and submissions from individuals and legal entities. They concerned a broad range of issues, from candidate nomination and registration (mostly for city, regional and district elections) to general requests for information, suggestions for practical improvements and infrastructure repairs. The CEC responded to more than half of those addresses and appeals itself, including by providing legal advice and explanations, while over 200 complaints were transferred to other institutions.<sup>45</sup> The General Prosecutor's Office reported 11 complaints regarding alleged unlawful interference in the election process by local executive authorities during the campaign. As many of these submissions did not require resolution by the CEC or courts, the legal procedures remain untested.

### **Citizen and International Observers**

The Election Code provides for observation of elections by party agents, international observers and invited international organizations, and for the first time, by members of *Mahalla* committees. It is noteworthy that *Mahalla* committees supported the work of election commissions at all levels during various stages of the electoral process, thus raising a potential conflict of interest issue. International

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<sup>42</sup> The Election Code provides that ballots shall be published in the official language, as well as in the languages spoken by the majority of the population of the respective district upon DEC's decision.

<sup>43</sup> Tajik is broadly used in Bukhara and Samarkand provinces.

<sup>44</sup> See paragraphs 87-88 of the ODIHR and Venice Commission [Joint Opinion on the Draft Election Code](#).

<sup>45</sup> Including to the prosecution offices (76), to political parties (62), to the Ministry of Internal Affairs (8), to the Legislative Chamber (7), to the Supreme Court (2). A number of submissions were still pending resolution as of 20 December 2019.

and national media representatives are granted similar access to the election process. Independent, non-governmental civil society organizations, private organizations or individual citizens are not entitled to apply for accreditation and observe, which runs counter to international obligations and standards.<sup>46</sup>

In total, the DEC accredited a total of 70,000 party agents and members of the *Mahalla* committees, while the CEC accredited 820 international observers and 1,135 journalists, including 135 international journalists.

### **Early Voting and Election Day**

Early voting took place between 12 to 18 December with only a very small number of citizens using this opportunity.<sup>47</sup>

The IEOM observed the opening of 134 polling stations assessing this phase positively in 93 per cent of their reports. The process was reasonably well organized although 30 per cent of PECs did not report on the number of registered voters and 43 per cent did not announce the number of ballots received.

The IEOM observed voting in 1,270 polling stations. The majority, 77 per cent, were accessible for voters with reduced mobility and in 92 per cent the layout of polling stations facilitated voting for persons with a disability. Women formed over half of PEC members, but less often were appointed as PEC Chairs (34 per cent). Party agents were seen in almost all polling stations visited. *Mahalla* committees were almost always present as authorised citizen election observers. Unauthorised persons were present in 18 per cent of polling stations and in 6 per cent were interfering in or directing the work of the PEC.<sup>48</sup>

Voter participation was higher during the morning and overcrowding was reported much more frequently during this period than later in the day.<sup>49</sup> A negative assessment of the process was made twice as often during the first four hours of voting (18 per cent) as during the next 8 hours of voting (9 per cent). Overall, the voting phase was assessed negatively in some 14 per cent of observations, which indicates significant procedural flaws.

Voting was conducted in a largely calm environment although 3 per cent of IEOM observers reported indications that citizens were compelled to vote and 12 cases of undue influence on voters' choice. The polling layout was conducive to a secret ballot but in 4 per cent of polling stations one or more voters showed their marked ballot papers to other persons.

Contrary to the law, in 10 per cent of polling stations observed, voters without a valid identity document (ID) were allowed to vote. Notwithstanding the effort made to create an entirely new voter register, during early voting and on election day, some PECs added large numbers of persons to supplementary voter lists.<sup>50</sup> Usually, this occurred without the PEC checking the electronic system to verify if the voter was resident in the precinct or registered at a PEC elsewhere.<sup>51</sup> Thus, in practice, citizens could vote anywhere and safeguards preventing a citizen voting at multiple polling stations

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<sup>46</sup> See paragraph 8 of the Copenhagen Document and Paragraph 21 of General Comment 25 on Article 25 of the ICCPR.

<sup>47</sup> The CEC announced that 59,266 citizens voted early in the country and 89,807 abroad.

<sup>48</sup> Including representatives of *Mahallas* that had not been accredited as election observers, officials, personnel of the institutions housing polling stations and 'volunteers', whose role is not established in the law.

<sup>49</sup> In total, overcrowding was reported in 15 per cent of polling stations observed.

<sup>50</sup> Observers reported a variety of pre-printed and supplementary voter lists in different formats.

<sup>51</sup> In 12 per cent of polling stations visited, the PEC did not have the terminal to access electronic database.

were absent. Other significant procedural irregularities that were observed included groups of voters marking ballots together in a polling booth (7 per cent), improperly sealed ballot boxes (3 per cent) and indications of ballot box stuffing in 27 polling stations.

Despite intensive voter education and training programmes, multiple and proxy voting was reported in 8 and 10 per cent of polling stations, respectively.<sup>52</sup> Proxy voting was evidenced through series of apparently identical signatures on voter lists which were seen in 28 per cent of polling stations.<sup>53</sup> These serious violations raise questions over PECs' commitment to ensure the integrity of the vote.

IEOM observers observed counting of votes in 130 polling stations with 42 per cent of reports assessing the process negatively. Many party agents were present but often did not know which party they represented and displayed limited interest in the counting process. In 23 per cent of polling stations observed unauthorised persons were present during the count and in 17 per cent non-PEC members, including party agents and accredited citizen (*Mahalla*) observers, interfered in or directed the counting process, and on occasions actively participated in the actual counting of votes.

During counting, PECs often did not follow ballot reconciliation procedures.<sup>54</sup> When the ballot boxes were emptied, 20 per cent of IEOM observers saw indications of ballot box stuffing or multiple voting including bundles of ballots folded together. In almost half of polling stations observed, the sequence of counting procedures, as set out in law, was not followed and despite the regulation that votes for the parliamentary elections should be counted first, votes for the different elections were often counted simultaneously.<sup>55</sup>

The validity of votes was determined in an inconsistent and at times unreasonable manner. Over half of the IEOM observers reported that the counting of votes for each candidate was not done transparently. Many PECs had difficulty in reconciling the figures and completing the official results protocol. In 13 per cent of polling stations, protocols were pre-signed and observers reported falsification of voter list entries and data entered into the protocol (5 and 7 per cent respectively). Over half of the observation reports indicate that a copy of the results protocol was not displayed publicly, thereby reducing transparency.

After the vote count, the protocols were not, as required by law, always transported directly to the DEC. Some observers reported that the figures in the official protocols were changed between the polling station and the DEC, sometimes by unknown persons. The IEOM observed tabulation at 105 DEC premises where party observers were present in only 16 per cent, while unauthorised persons were reported in 9 per cent, on three occasions directing proceedings. In 15 per cent of DEC premises visited, observers reported significant procedural errors or omissions. Some 40 per cent of DEC premises identified errors in the PEC protocols and 6 DEC premises annulled one or more PEC protocol. In 7 districts, PEC submitted blank protocols; on 17 occasions observers reported that PECs were completing protocols at the DEC premises and on 15 occasions PECs were seen correcting the figures in the protocols without a formal decision of the DEC. The CEC reported a voter turnout of 71.1 per cent.

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<sup>52</sup> Observers frequently reported that voters presented ID of persons who were not present with polling officials handing to them the corresponding number of ballot papers.

<sup>53</sup> A few observers reported that PEC members had informed some voters holding multiple IDs that they could only vote for themselves because international observers were present.

<sup>54</sup> Including not determining the number of ballots received, not verifying the ballot box seal serial numbers, not counting and cancelling unused and spoiled ballots, not determining the number of signatures on the voter list and ballots issued (the number of signatures on the voter list(s) should correspond to the number of ballots in the ballot box) and not entering this data into the protocol before opening the ballot boxes.

<sup>55</sup> The similarity of the parliamentary and regional ballots caused errors to be made during the sorting of ballots.

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**MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Tashkent, 23 December 2019 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (OSCE PA). The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

George Tsereteli was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. The OSCE PA delegation was led by Kari Henriksen. Tana de Zulueta is the Head of the ODIHR EOM, deployed from 25 November.

Both institutions involved in this International Election Observation Mission have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Winter Meeting in Vienna in February 2020.

The ODIHR EOM includes 13 experts in the capital and 30 long-term observers deployed throughout the country. On election day, 316 observers from 37 countries were deployed, including 271 long-term and short-term observers deployed by ODIHR, as well as a 45-member delegation from the OSCE PA. Opening was observed in 134 polling stations and voting was observed in 1,270 polling stations across the country. Counting was observed in 125 polling stations, and the tabulation in 94 DECes.

The IEOM wishes to thank the Central Election Commission for their invitation to observe the elections, and the Ministry of Foreign Affairs for their co-operation. They also express their appreciation to other state institutions, political parties, candidates, media and civil society organizations, the OSCE Project Co-ordinator in Uzbekistan and representatives of the international community, for their support and co-operation. For further information, please contact.

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