

**THE REPUBLIC OF UZBEKISTAN:
PARLIAMENTARY ELECTIONS - 2004**

Report
by
Nils Gunnar Songstad

Copyright: the Norwegian Centre for Human Rights/NORDEM and (author(s)).

NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

NORDEM Report is a series of reports documenting NORDEM activities and is published jointly by NORDEM and the Norwegian Centre for Human Rights.

Series editor: Siri Skåre

Series consultants: Hege Mørk, Gry Kval, Christian Boe Astrup

The opinions expressed in this report are those of the author(s) and do not necessarily reflect those of the publisher(s).

ISSN: 1503–1330

ISBN: 82–90851–97–9

NORDEM Report is available online at:

<http://www.humanrights.uio.no/forskning/publ/publikasjonsliste.html>

Preface

In September 2004 the Ministry for Foreign Affairs of the Republic of Uzbekistan invited OSCE/ODIHR to observe the upcoming elections to the lower chamber of the parliament, Oliy Majlis, scheduled for 26 December 2004. OSCE/ODIHR undertook a Needs Assessment Mission (NAM) and reported that “the lack of registered opposition parties and obstacles for independent candidates seriously marginalizes the possibilities for meaningful political competition”. The NAM also expressed concerns about restrictions on civil and political rights, inadequate voting and counting procedures and the absence of provisions allowing for domestic non-partisan observation. The NAM recommended a Limited Election Observation Mission (LEOM) to be established to observe the forthcoming elections. The LEOM did not include short-term observers (STO) for election day observation as systematic short-term observation at polling station level was deemed to be irrelevant in the context of the parliamentary elections. Also elections to regional and local councils took place on 26 December 2004 but the OSCE/ODIHR did not observe these elections.

The LEOM was established on 1 December 2004, headed by Ambassador Lubomir Kopaj (Slovakia), comprising a core team and 12 long-term observers (LTO) from altogether 14 OSCE participating states. NORDEM, Norwegian Resource Bank for Democracy and Human Rights seconded Nils Gunnar Songstad to the Uzbekistan LEOM. LTO teams were deployed to Nukus, Bukhara, Karshi, Samarkand, Tashkent and Ferghana.

The Norwegian Centre for Human Rights / NORDEM
University of Oslo
February 2005

Contents

Preface

Contents

Introduction	1
Political background	1
The legislative framework	6
The electoral administration	7
Voter and civic education	9
Voter registration	9
Candidate registration	9
The election campaign	11
The media	11
Observation on election day	12
The review of complaints process	12
Conclusions and recommendations	12
Comments on the election observation mission	15
Appendices	16
OSCE/ODIHR Press Release 27 December 2004	16
Form for registration of turnout on election day	18

Introduction

On 27 December 2004, OSCE/ODIHR concluded “The electoral process in Uzbekistan requires major improvements”.¹ Minor improvements since the 1999 elections were identified but the LEOM concluded that the elections fell significantly short of OSCE commitments and other international standards for democratic elections.

The LEOM met political parties and their candidates, initiative groups nominating independent candidates, government officials, electoral authorities at all levels, representatives of the media, non-governmental organizations and unregistered opposition parties.

Although candidates from five registered political parties and more than fifty candidates from initiative groups participated in the elections, the similarity of the platforms of the political parties and restrictions on the possibility to run an effective election campaign deprived voters of a genuine choice among political alternatives. Three aspirant political parties were refused registration in the past twelve months by the authorities and this further restricted the voters’ choice of alternatives.

It was reported that independent candidates faced difficulties in the nomination process but the LEOM was not able to assess these claims because the Ministry of Justice declined to supply relevant information.

On election day, the LEOM visited a limited number of polling stations in Tashkent and the other areas where long term observers were deployed. The focus of the observation on election day was voter turnout.

This report is based on the findings from Kashkadarya province and its administrative centre Karshi in southern Uzbekistan, and information from the core team in Tashkent.

Political background

Uzbekistan became a republic of the Soviet Union in 1924 and in the 1930s the Uzbek capital was shifted from Samarkand to Tashkent. Cotton production became very important and Uzbekistan is today one of the main cotton producers in the world. Large scale cotton production with overuse of agrochemicals and massive irrigation schemes has left the land poisoned and caused depletion of water supplies and a significant decrease of the Aral Sea. Today, Uzbekistan is also a large producer of oil and gas. The majority of the population, 80 percent, is Uzbek, followed by 5 percent Russian and 5 percent Tajik. Russian is nevertheless widely spoken in the major cities. The population is predominantly Muslim but approximately 10 percent is Eastern Orthodox.

In 1989 Islam Karimov became leader of the Uzbek Communist Party. Following the collapse of the Soviet Union in 1991, Uzbekistan declared its independence and joined the Commonwealth of Independent States (CIS). Early in the transition, president Karimov announced that Uzbekistan would avoid avenues followed by some other post-

¹ www.osce.org/news/show_news.php?id=4632

communist states. The centrally planned economy was largely continued and there was no repetition of the eastern European reform experience.

The Communist Party changed its appearance and became the People's Democratic Party. The government maintained its control over the country and sees both the secular opposition and Islamic religious organisations as threats. Bomb blasts in Tashkent in February 1999 were blamed on Islamic militants as were later cross-border incursions which led to lengthy imprisonment of those held responsible by the government.

Following the terrorist attacks in the United States 11 September 2001, president Karimov allowed the US military forces to use Uzbek airbases for the activities in Afghanistan. In March 2004, many people were killed in a wave of shootings and bombings in the capital Tashkent. The authorities again blamed Islamic extremists. Several dozen people were subsequently sentenced to lengthy terms in prison. In July 2004, suicide bombers targeted US and Israeli embassies in Tashkent.

The economy is in decline and the IMF estimates that living standards in Uzbekistan are among the lowest of the former Soviet republics.² There are indications that cash is kept out of circulation and doing business has become more difficult. In November 2004, new restrictions on trading led to civil unrest and rioting in the city of Kokand in the Ferghana valley in eastern Uzbekistan.

The constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. However, the structure of power is heavily presidential and restricts the role of political parties and the legislative branch of government. The role of the parliament is marginal and can be illustrated by the fact that in the four year period of the outgoing parliament, it only convened 16 times, a few days at the time, to approve executive decisions. In practice, the president and the centralized executive branch exercise nearly complete control. Among the prerogatives of the president are appointing the prime minister, the Central Election Commission (CEC) chairman, Supreme Court judges, district governors (*khokims*), and members of the Senate of Oliy Majlis.

The 1999 parliamentary elections were monitored by a OSCE/ODIHR limited election observation mission and the final report concluded that "fundamental freedoms in Uzbekistan are severely restricted".³ In the 2000 presidential election, president Karimov was re-elected with 91.9 percent of the votes.⁴ In January 2002, president Karimov won support for extending the presidential term from five to seven years in a referendum on constitutional changes.⁵

The 2002 referendum also changed the structure of the legislature from a uni-cameral parliament of 250 seats to a bi-cameral parliament composed of a Legislative Chamber (lower chamber) of 120 seats and a Senate (upper chamber) of 100 seats. The 120 seats in the Legislative Chamber are elected by direct vote. The reduction to 120 seats elected by direct vote increased the competition for each seat.

² IMF Working Paper 04/151 Analysis of Recent Growth in Low-Income CIS Countries

³ OSCE/ODIHR Final Report on Parliamentary Elections in Uzbekistan, 5 and 19 December 1999

⁴ www.electionworld.org/uzbekistan.htm

⁵ Neither the 2000 presidential election nor the 2002 referendum was observed by OSCE/ODIHR

The provinces, each elects 6 members to the Senate of the Oliy Majlis, a total of 84 seats and the president appoints 16 members to the 100 seat strong Senate.⁶

Another change in electoral framework after the 2002 referendum is that local government bodies no longer have the right to nominate candidates for the elections to Oliy Majlis. In the 1999 elections candidates nominated by the local government won 44 percent of the seats. The new two-chamber Oliy Majlis keeps the local government out of the Legislative Chamber, but provide a new avenue to take part in the legislative process through the Senate. The Senate can be seen, along the Russian model, as representing regions.

Politics in Uzbekistan is not party-based and political parties do not expect to form governments. Five parties, all loyal to the government, are registered and were allowed to nominate candidates for the 2004 elections. The Central Election Commission provides the following statistics on the five registered political parties:⁷

Party	Founded	Members
People's Democratic Party	1 November 1991	> 580,000
Social Democratic party <i>Adolat</i>	10 February 1995	> 50,000
National Democratic party <i>Milliy Tiklanish</i>	3 June 1995	> 50,000
National Democratic party <i>Fidokorlar</i>	14 April 2000	61,750
Liberal Democratic party	15 November 2003	141,818

The People's Democratic Party, the successor of the Communist Party, has defined itself as a "left-wing" party and has declared that its role is to safeguard social protection in the transition to market economy and protect the needy and socially vulnerable groups.

Social-Democratic Party Adolat supports trade unions and promises to protect the socially vulnerable section of the population.

National Democratic Party Milliy Tiklanish says its main tasks are the revival of Uzbek culture, promoting solidarity with the rest of Central Asia, and supporting the idea of a greater Turkestan homeland.

National Democratic party Fidokorlar tries to try to portray itself as the party of the country's new, young elite. The *Watan Taraqqiyoti* party merged with *Fidokorlar* after the 1999 parliamentary elections.

The Liberal Democratic Party is the most recent registered political party and its inception was actively encouraged by president Karimov. The party is seen as an attempt to produce a centre-right political party. The party cultivates a modern, technocrat style representing modern and young people and vows to work towards the encouragement of entrepreneurship and initiative, rule of law and market economy.

The People's Democratic Party and the Liberal Democratic Party are considered to be the two major parties, despite the fact that the latter is a newcomer on the political arena. The People's Democratic Party is understood to control the centre-left part of the political spectrum, whereas the Liberal Democratic Party controls the centre-right.

⁶ Article 2 of the *Constitutional Law on the Senate of the Oliy Majlis* reads "Sixteen members of the Senate shall be appointed by the President of the Republic of Uzbekistan among the distinguished citizens with substantial practical experience and achievements in science, art, literature, manufacturing, and other spheres of government and public work." www.legislationline.org/view.php?document=58173

⁷ Website of CEC www.elections.uz/?lang=eng&sn=news

Independent candidates were nominated through Initiative Groups (see chapter on Candidate registration). A separate government appointed body, the National Centre for Supporting Independent Candidates, was established to facilitate and oversee the process.

The two major opposition groups are *Erk* (Freedom) and *Birlik* (Unity). *Birlik* and two smaller opposition parties were refused registration by the authorities and were thereby disqualified from taking part in the 2004 parliamentary elections.

*Birlik*⁸ was formed in 1989 and had the form of a movement until the 2003 congress announced the intention of registration as a political party and participation in the coming parliamentary elections. *Birlik* tried to register with the Ministry of Justice several times in 2003 and early 2004, but each time the application was turned down on alleged formal mistakes in the supporting documents. In March 2004 registration was again rejected, a decision upheld by a Supreme Court decision.

The *Party of Agrarians and Entrepreneurs* is a newer opposition party that has found its constituency among private farmers and small businessmen concerned about the slow economic reform. The party has been refused registration.

A splinter group, the *Ozod Dehkonlar (Free Peasants)* was also refused registration.

The reasons given for rejecting registration were generally mistakes and errors in the submitted documents. After being denied registration, some of the opposition parties tried other avenues to field candidates, e.g. *Birlik* made attempts of fielding candidates through the Liberal Democratic Party. These attempts were reportedly blocked.

*Erk*⁹ was established in 1990 by a group splitting from *Birlik*. The party was registered in 1991, but was banned on 9 December 1992.¹⁰ The chairman of the *Erk*, Muhammed Salih,¹¹ in exile in Norway, is accused of involvement in the bombings in Tashkent in February 1999. The pressure on *Erk* has been tough, however, the party managed to hold a conference in 2003, the first since the early 1990s. *Erk* called for a boycott of the elections and appealed to international organizations, including the OSCE, not to establish an observation mission, as this could be seen as legitimizing the elections.

Membership in unregistered secular political organizations and parties is not officially prohibited. Members in the religious (Islamic) opposition, however, are prosecuted. Amnesty International reported in 2004 that

*..... at least 6,000 political prisoners, who included dozens of women, continued to be held in cruel, inhuman and degrading conditions. Human rights defenders and hundreds of people suspected of political or religious dissent were harassed, beaten and detained without trial, or sentenced to prison terms after unfair trials and frequently tortured or ill-treated.*¹²

There are two main groups of Islamic opposition:

Hizb-ut-Tahrir (Islamic Party of Liberation) is an international Islamic movement that advocates the peaceful overthrow of the government and the establishment of a caliphate in Central Asia. Membership in *Hizb-ut-Tahrir* is prohibited and people believed to members are persecuted by the Uzbek authorities.

⁸ www.birlik.net

⁹ www.uzbekistanerk.org

¹⁰ CIA World Factbook www.cia.gov/cia/publications/factbook/print/uz.html

¹¹ Muhammad Salih website www.muhammadsalih.info

¹² Amnesty International <http://web.amnesty.org/report2004/uzb-summary-eng>

The radical and violent *Islamic Movement of Uzbekistan* (IMU) staged armed incursions in Uzbekistan in 1999 and 2000 and demanded the release of jailed Muslims in Uzbekistan, and declared that the group's goal was no less than the overthrow of the Uzbek government.¹³ The IMU has been less visible in recent years.

¹³ www.rferl.org/specials/uzbelections/parties.asp

The legislative framework

The implementation of the election legislation failed to ensure a pluralistic, competitive and transparent election. However, some improvements since the 1999 legislative elections were identified, such as a 30 percent quota for female party candidates and positive voting for candidates on the ballot paper.

The major legislative framework for the parliamentary elections is laid down in the *Constitution of the Republic of Uzbekistan*¹⁴ and the *Law on Elections of the Oliy Majlis*.¹⁵ OSCE/ODHIR has been engaged in consultations with the government of Uzbekistan regarding improvements to the electoral framework and in particular the *Law on Elections of the Oliy Majlis* adopted in 2003. Among the concerns of OSCE were¹⁶

limitations on fundamental freedoms, cumbersome candidate registration procedures, restrictions on campaigning, lack of pluralistic election commissions, inadequate voting and counting procedures, insufficient transparency for observation and an unclear process for complaints and appeals.

On recommendation by OSCE/ODIHR, Article 41 was changed from *negative voting*, i.e. the voter is required to cross out the names of the candidates he/she do not want to vote for, to *positive voting*, i.e. the voter marks his/her preference among the listed parties/candidates.

The 2002 referendum on constitutional changes introduced the bi-cameral parliament and the *Law on Elections of the Oliy Majlis*, article 1 reads

The Legislative Chamber (lower chamber) of the Oliy Majlis of the Republic of Uzbekistan shall consist of one hundred and twenty deputies elected for five year term from single mandate territorial electoral districts on multiparty basis.

Article 20 states that registered political parties may participate in the elections to the Legislative Chamber provided that the party has been registered no later than six months prior to the start of the election campaign, i.e. nine months before the elections, and has collected the required number of signatures in support of the party's participation in the elections.

The registration of a political party in Uzbekistan is regulated by the *Law on the political parties* which states that a political party shall be registered with the Ministry of Justice of the Republic of Uzbekistan. Registration requires 5,000 signatures from citizens who through their signature express their wish to become a member of the party. The application for registration of the party should be supported by various protocols and documents as proof of the party's leadership etc. The *Law on the political parties*, article 3 prohibits formation of parties based on religion or ethnicity and spells out that political parties that aim at altering the constitutional system, undermining state sovereignty or inciting social, national, racial and religious enmity are not allowed registered. In the year preceding the December 2004 elections, several political parties were denied formal registration and were thereby barred from participating in the elections.

¹⁴ Text available on www.legislationline.org/view.php?document=60972

¹⁵ Text available on www.legislationline.org/view.php?document=60974

¹⁶ OSCE/ODIHR Needs Assessment Mission report ahead of the Legislative Chamber elections in the Republic of Uzbekistan on 26 December 2004

The electoral administration

Uzbekistan is divided in 14 administrative entities as follows: The City of Tashkent, 12 provinces (sub-divided in districts) and the Autonomous Republic of Karakalpakstan. A presidential appointee, governor (*khokim*), represents the national government at the provincial level and liaises with the local authorities within the province. The Republic of Karakalpakstan has its own legislative, executive and jurisdiction bodies. Each province is allocated a number of seats in the Legislative Chamber based on the population.

Province ¹⁷	Number of seats
City of Tashkent	11
Andijan	11
Bukhara	7
Jizzakh	4
Navoi	4
Namangan	9
Samarkand	13
Syrdarya	3
Surkhandarya	8
Tashkent	12
Ferghana	14
Khorezm	7
Kashkadarya	10
The Republic of Karakalpakstan	7
Total	120

The law establishes a three-tier election administration

The Central Electoral Commission (CEC)

Not less than 15 members



120 District Electoral Commissions (DEC)

Not less than 9 members



8,048 Polling Station Commissions (PSC)

From 5 to 19 members

The CEC is a permanent body and consists currently of 21 members elected by the legislature. The CEC chairperson is elected from among the members of the CEC upon the recommendation of the President of the Republic of Uzbekistan. The CEC deputy chairperson and secretary are elected from among the CEC members.

¹⁷ Spelling of province names in accordance with *The Republic of Uzbekistan encyclopaedic reference* published by The State Scientific Publishing House, 2003

The composition of DEC and PSC is regulated by the *Law on Elections of the Oliy Majlis*. Article 16 states that members of DEC and PSC are “appointed among reputed members of community”. Political parties are not represented in the electoral administration.

The *Law on Elections of the Oliy Majlis*, Article 6 reads

Electoral districts shall generally be formed with the equal number of voters throughout the territory of the Republic of Uzbekistan. Limit of voters per each electoral district shall be set by Central Electoral Commission for each election.

Generally, the 120 electoral districts correspond with the territorial-administrative districts, with modifications were needed. The total number of voters was 14,323,709,¹⁸ approximately 119,300 voters per constituency. The maximum number of voters per polling station is 3000. A total of 8048 polling stations were designated for the elections. In addition, 40 polling stations were set up at Uzbek embassies abroad.

Article 12 states “District electoral commission shall be formed by the Central Electoral Commission no later than seventy days prior to elections, and shall consist of the chair, deputy chair, secretary, and no fewer than six members.” Members of the DEC are nominated by local councils and approved by the CEC.

Article 14 states that the PSCs are formed by the DEC not less than forty days before the election. The number of members of the PSC depends on the number of registered voters, but cannot be less than 5 and not more than 19, including the chair, deputy chair and secretary, cf. article 14. The polling stations were set up well in advance of the election day for reasons of early voting for voters away from the precinct on election day.

In addition to the prescribed the three-tier electoral administration for the parliamentary election, a provincial election coordinator has a role in administrating the elections. The responsibilities of the coordinator was primarily the local elections, however, the coordinator became the Kashkadarya province LTO team’s main interlocutor.

The LTO team observed a training session held by a CEC member in Shahrisabz (covering the northern part of Kashkadarya province). The training took the form of the CEC member expressing his dissatisfaction with the state of preparations for the elections and urging the DEC and PSC members to carry out their responsibilities in accordance with the relevant laws and regulations.

Ballot papers are printed locally, i.e. in printing facilities in the provinces. In Karshi, the LTO team visited the local publishing house that had been contracted for printing the ballot papers. Blank paper with the prescribed security measures, e.g. water mark, was delivered in sheets of A1 format to the local printing facilities. The paper was cut to A2 format before printing. After printing the sheets were cut to A4 format and packed for delivery to the respective DEC.

All DEC assured the LTO team that there were adequate arrangements for safe storage of the ballot papers. Some DEC reported to have a small percentage of ballot papers printed in Russian for Russian speaking voters. Although Uzbekistan will start using the Latin alphabet, ballot papers, posters and other election material were printed in Cyrillic.

¹⁸ Website of CEC www.elections.uz/?lang=eng&sn=news

Voter and civic education

The Needs Assessment Mission found that voters have restricted access to information on the electoral process. However, during the weeks leading up to the elections, the TV channels had a good amount of election related coverage. Frequently shown was information of very good quality on procedures for voting, including the new procedure for marking the ballot paper. It is however difficult to assess to what extent people outside the urban areas had access to this information. At many DEC offices there was a reception area where voters could access election related laws and other relevant documents. It is, however, difficult to assess to what extent this opportunity was used by the voters.

Voter registration

Registration of voters and compilation of the voter register is regulated by Article 32 of the *Law on Elections of the Oliy Majlis*. There is no central voter register and each polling station has the responsibility to update and make the voter register available to the public. Updating the voter register is done through input from local administration, including the primary administrative units, the *makhallas*. The voter register includes citizens who have reached the age of 18 and reside in the territory of the electoral precinct.

The voter registers were published in the polling stations 15 days prior to the election. Voters not included in the register had the opportunity to be added by proving residence in the territory of the polling station. Also on election day, voters not finding their names on the voter register could be added by proving their residence. In the polling stations visited, the number of additions before and on election day was on a modest scale.

Many polling stations had computerized voter registers but a significant number of polling stations visited period had hand-written or typed voter registers. Another issue of concern was that there was no standard procedure on the order of appearance on the voter register. Two much used sorting criteria were names in alphabetical order and by address.

Candidate registration

The registered political parties have the right to nominate one candidate per electoral district. A new requirement of minimum 30 percent female candidates per party has been implemented. The registration of candidates starts 65 days before the elections and is completed 45 days before the elections, cf. article 22 of the *Law on Elections of the Oliy Majlis*,

A total of 527 candidates were registered. The two largest parties, People's Democratic Party and the Liberal Democratic Party nominated candidates in all but a few constituencies.

Party	Registered candidates	Actual number of candidates ¹⁹	% women
People's Democratic Party	118	108	30,5
Social Democratic party <i>Adolat</i>	72	71	36,1
National Democratic party <i>Milliy Tiklanish</i>	61	58	32,8
National Democratic party <i>Fidokorlar</i>	89	84	32,6
Liberal Democratic party	119	114	32,7
Initiative groups	58	54	
Total	517	489	

Of the 517 candidates registered, 476 were of Uzbek ethnic origin, 18 were Karakalpaks and the remaining 23 of various ethnic groups of the former Soviet Union. Approximately 50 percent of the registered candidates were in the age range 41 – 50 years old. Very few of the registered candidates were younger than 30 years old.

Independent candidates were nominated through initiative groups. The nomination process of these candidates had two phases, starting with registering the initiative group through a public meeting of at least 300 voters supporting the nomination of the candidate. A meeting on this scale requires prior clearance from the local authorities. Phase two of the process is considered the most difficult as the candidate is required to collect supporting signatures from eight per cent of the voters in the electoral district, approximately 9,500 signatures. A further requirement is the proportional distribution of these signatures throughout the electoral district.²⁰ After receiving the list of signatures the DEC verifies the correctness of the documents. The DEC's tended to put much effort into scrutinizing the documents, in particular the list of signatures.

The LTO teams reported several cases where independent candidates had been rejected on the grounds of allegedly falsified signatures. The LEOM's attempt to look further into the matter was halted when the Ministry of Justice declined to supply the requested information.²¹ Despite the difficult process of registering candidates, initiative group candidates were registered in almost half of the electoral districts.

The LTOs also found that the CEC in some cases overruled DEC decisions on initiative groups' candidates. In one case, a candidate being rejected by the DEC on the grounds of not having collected the required number of signatures was registered by the CEC, whereas another candidate approved by the DEC was blocked by CEC. Further inquiries showed that the rejected candidate did not want to file any complaints or to meet the LEOM observers because of fear of possible repercussions.

¹⁹ Some candidates withdrew their candidature before election day. In a press release dated 4 January 2005 the CEC provided the final figure on candidates running in the first round of the elections 26 December 2004 www.elections.uz/?sn=reliz&ph=04_01_eng&lang=eng.

²⁰ Article 23 requires proportional distribution on the level of the smallest administrative entities. The DEC chairmen tended to use the precinct, polling station, as the check on the proportional distribution.

²¹ OSCE/ODIHR 27 December 2004 www.osce.org/news/show_news.php?id=4632

The election campaign

The election legislation restricts the possibility of the political parties and candidates to stage an effective election campaign. Outdoor rallies are not allowed and indoor rallies allowed only with the prior approval from the local authorities and election administration. In practice, the law encourages all parties and candidates to hold joint campaign meetings. No attempts of outdoor rallies or other forms of campaign activities of individual candidates were observed in Kashkadarya province.

The election campaign of registered parties is funded by the government and the *Law on Elections of the Oliy Majlis*, article 64 reads

Expenditures related to the preparation and holding of elections of the Oliy Majlis of the Republic of Uzbekistan shall be covered by the public funds. Providing financing and other material support to the candidates for deputy of the Legislative Chamber and the membership of the Senate by other means shall be prohibited.

In addition, public entities, businesses, institutions, organisations and citizens may donate funds for holding elections provided that such donations are accepted by the Central Election Commission.

The DEC arranged public meetings, chaired by the DEC chairmen, where the registered candidates were introduced to the voters. Following the presentation and speeches by the candidates a few voters were allowed to ask questions. The meetings were generally well attended but did not take the form of a debate among the candidates.

The DEC published posters with a uniform layout for all candidates. The A3 sized posters carried the Uzbek flag and state emblem, picture of the candidate and the candidate's biography. No posters produced by the political parties or other forms of party-initiated campaigning for the parliamentary elections were observed. As for the local elections locally produced campaign material was used to some extent.

The media

The media played an important role in informing the public about the upcoming elections. TV channels had news coverage and some commentary on the elections and the newspapers also carried some coverage on the elections. However, the nature of the campaign organised and controlled by the authorities gave no space for the media to critically probe the political platform of the parties and candidates. Journalists attempting to give a critic news coverage in Uzbekistan operate in a very hostile environment. One independent journalist was taken into police custody and was subject to a lengthy interrogation and serious threats shortly after a meeting with one of the LTO teams.

Observation on election day

The LEOM did not carry out regular election day observation. On election day, the LTO teams visited polling stations in their respective AoR. The LTO teams were tasked to repeatedly visit randomly selected polling stations and in particular focus on the voter turnout. In Karshi in Kashkadarya province the LTO team made the following observations in the six polling stations visited several times during election day.

The polling stations were open from 06.00 to 20.00. Several polling stations had more than 2500 voters on the voter register. Two polling stations had a turnout below 60 percent. Three polling stations had between 75 percent and 90 percent turnout and one polling station a staggering 94.4 percent turnout. Two of the polling stations, including the one with the highest turnout, had a very poor layout and no crowd control during the peak hours of voting.

The polling station with highest turnout had 2820 voters on the voter register. In the three hours period between 11.00 and 14.00 the PSC chair at this polling station reported an increase of 1,100 in the number of voters who had voted. Processing this number of voters in three hours gives the PSC only approximately 10 seconds per voter to check the voter register, hand out three ballot papers, one for each election, and let the voter sign the voter register.

One explanation to the high turnout is probably found in the very frequent proxy voting. Voters producing two or more sets of identification documents (passports) being given the same number of sets of ballot papers was a common sight in all polling stations. On several occasions the LTO team observed voters who had difficulties in inserting the folded ballot papers into the ballot box. The semi-transparent ballot box also offered ample evidence of frequent proxy voting.

The review of complaints process

To the knowledge of the LTO team in Karshi, Kashkadarya Province no complaints were submitted to the election commission or to the courts in the pre-election period. The LTO teams left their AoR the day after the elections and did thus not follow the complaints process.

Conclusions and recommendations

In the evening of 26 December the CEC announced that the voter turnout had been high. The CEC website carried the information that as of 21.00, 12.197 million people or 85.1 percent of 14.323 million registered voters had voted.²² The CEC provided the following regional breakdown:²³

²² CEC website www.elections.uz/?sn=mero&ph=26_12_2_eng&lang=eng

²³ CEC website www.elections.uz/?sn=mero&ph=27_12_1_eng&lang=eng

Province	Number of voters	Number of cast votes	Percent turnout
City of Tashkent	1 236 607	1 001 651	81,0
Andijan	1 297 947	1 139 597	87,8
Bukhara	828 978	716 236	86,4
Jizzakh	510 793	452 562	88,6
Navoi	474 086	381 639	80,5
Namangan	1 138 834	1 005 590	88,3
Samarkand	1 540 761	1 305 024	84,7
Syrdarya	341 964	297 166	86,9
Surkhandarya	977 338	798 485	81,7
Tashkent	1 449 616	1 193 033	82,3
Ferghana	1 661 508	1 425 937	87,4
Khorezm	824 543	700 037	84,9
Kashkadarya	1 226 010	1 060 498	86,5
The Republic of Karakalpakstan	844 724	719 704	85,2
Total	14 323 709	12 197 159	85,1

Given the general state of technology available in the polling stations and the remoteness of a large number of polling stations is not clear how the turnout figure could be announced with such accuracy only one hour after the close of the polling stations.

The Central Election Commission held a press conference and a grand reception for the international observers in Tashkent 27 December. The Deputy Chair of the CEC announced that “the elections were open and transparent in conjunction with the law requirements. Until now, the CEC has not received any complains of infringement of law”.²⁴ The press conference did not give any information about the outcome of the elections apart from announcing that 62 of 120 seats had been decided in the first round of elections and that 58 seats were to be decided in a run-off 9 January 2005.²⁵

The results from 26 December 2004 were later announced on the CEC website.²⁶

Party	Number of seats
People’s Democratic Party	18
Social Democratic party <i>Adolat</i>	2
National Democratic party <i>Milliy Tiklanish</i>	6
National Democratic party <i>Fidokorlar</i>	9
Liberal Democratic party	21
Voters’ initiative groups	6
Total	62

²⁴ www.gov.uz/en/content.scm?contentId=7834

²⁵ The second round of voting 9 January 2005 was not observed by OSCE/ODIHR.

²⁶ CEC press release dated 4 January 2005 www.elections.uz/?sn=reliz&ph=04_01_eng&lang=eng.

As for the overall results, including the 9 January 2005 re-run in 58 constituencies, the information on the CEC website is not clear. The following paragraph gives an indication on the results after the second round in 58 constituencies 9 January 2005²⁷

As a result of the elections the Liberal Democratic Party of Uzbekistan received the biggest number of votes and accordingly 34.2 % deputies were elected. 23.3 % deputies were elected from the People's Democratic Party of Uzbekistan. Also 18 members from the "Fidokorlar" Party, 11 members of the "Milliy Tiklanish" Party, as well as 10 members from the "Adolat" Party were elected to the Legislative Chamber.

Radio Free Europe / Radio Liberty reported 17 January 2005²⁸

According to the final results, the Liberal Democratic Party won 41 of the 120 seats in the legislature's lower house, followed by another pro-government party, the People's Democratic Party, with 33 seats.

The CEC reported that 18 percent of the new members of the Legislative Chamber were women.

The change in the procedure for marking the ballot caused much confusion as this was decided and announced late in the process. On election day, a significant number of ballots were deemed invalid due to incorrect marking. The Central Election Commission instructed the lower level commission to accept both the and mark on the ballot paper. It seems, however, to have been at the polling station commission's discretion to also accept other ways of marking the ballot paper.

THE OSCE/ODIHR statement of 27 December carried the title "Electoral process in Uzbekistan requires major improvements".²⁹ This report points out the following problems a the most important impediments to a democratic development

- 1) denied registration of opposition parties seriously restricts the democratic process,
- 2) harassment of journalists and opposition politicians is a threat to the democratic development,
- 3) lack of transparency in the work of the election commission make election observation difficult,
- 4) independent candidates face difficulties in registering for the elections, and
- 5) extensive proxy voting.

The public interest in the election results on and in the immediate period after election day is an indication as to whether people find the elections significant. The observed almost complete lack of public interest suggests that people do not see the parliamentary elections as any form of check on the government and it is thus difficult to explain the very high voter turnout.

Prior to the elections it was questioned whether OSCE/ODIHR should observe the elections to the Legislative Chamber as this could be seen as legitimizing an election which beforehand was expected to lack the pluralistic and competitive component. This report concludes that it was very important to have an election observation mission in Uzbekistan, although limited, in order to gather information on the democratic process, or lack thereof. The LEOM managed to collect a large amount of information with limited resources.

²⁷ www.elections.uz/?sn=mero&ph=15_01_eng&lang=eng

²⁸ www.rferl.org/features/features_Article.aspx?m=01&y=2005&id=7453FE12-43DA-41CA-99A3-85A209EE0591

²⁹ www.osce.org/news/show_news.php?id=4632

Comments on the election observation mission

The 2004 parliamentary elections in Uzbekistan took place in a difficult environment. The LEOM, core team and LTOs alike, found it difficult to get access to information. This is largely explained by the nature of the political context in Uzbekistan. Election officials' lack of experience with an open and competitive electoral process made the interlocutors very reluctant in sharing information with the observers. Furthermore, the lack of a real competitive election made candidates and parties less willing to share information on the electoral process. The LTO team also experienced being closely watched by government officials and it is very likely that intra LEOM communication was monitored. Difficulties in access to information notwithstanding, the OSCE/ODIHR observers were met with a hospitality surpassing experiences from any other country observed by the author of this report.

The Karshi LTO team learned towards the end of the mission that the Ministry of Foreign Affairs had an audio tape of a meeting between the LTOs and the unregistered opposition parties. There are two possible explanations to how the meeting was recorded, either by a hidden microphone in the room the meeting took place or by an unauthorized audio recording by one of the participants providing the police or intelligence service the recorded information. In either case, the opposition parties face serious restrictions on their activity being subject to close scrutiny by the police and the intelligence service.

The OSCE/ODIHR comment "Electoral process in Uzbekistan requires major improvements" stands in stark contrast to the CIS observation mission to Uzbekistan that drew a conclusion very different from that of OSCE/ODIHR. The conclusion of the *Statement of International Observers from the Commonwealth of Independent States on the Results of Observation of Elections to the Legislative Chamber of Oliy Majlis of Uzbekistan*³⁰ carries the following paragraph:

In the opinion of the Mission of observers from CIS, elections to deputies to lower chamber of parliament of Uzbekistan were carried at a high organisational level on the whole. Insignificant shortcomings and omissions during preparation to elections, in organisation of election agitation and voting were registered, but they did not affect the free will of voters and the results of the voting.

These two very different analyses of the elections to the Legislative Chamber show a fundamental problem in election observation. The different methodology applied on the same empirical data giving fundamentally different conclusions may, ultimately, discredit election observation. The need for a common election observation methodology is further exemplified through the very different conclusions drawn by the various international observers in the 26 December 2004 elections in Uzbekistan.

³⁰ Website of the Press Service of the President of the Republic of Uzbekistan www.press-service.uz/eng/pressa_eng/pressa_eng73.htm

Appendices

OSCE/ODIHR Press Release 27 December 2004



Press Release

Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights
27 December 2004

OSCE/ODIHR: Electoral process in Uzbekistan requires major improvements

TASHKENT/WARSAW, 27 December 2004 - The OSCE Office for Democratic Institutions and Human Rights (ODIHR) conducted a Limited Election Observation Mission (LEOM) in Uzbekistan for the parliamentary elections on 26 December. Although minor improvements since the 1999 elections were identified, the Mission concludes that the elections did fall significantly short of OSCE commitments and other international standards for democratic elections.

"Regrettably, the implementation of the election legislation by the authorities failed to ensure a pluralistic, competitive and transparent election," said Ambassador Lubomir Kopaj, Head of the OSCE/ODIHR Limited Election Observation Mission.

He identified some improvements since the 1999 legislative elections, such as a 30 percent quota for female party candidates and new financial regulations to support the political parties. Also, positive voting for candidates on the ballot paper was introduced, although at a very late stage.

"However, major improvements to the process are required, and a commensurate level of political will for implementation. Fundamental principles for a meaningful democratic election process, such as freedom of expression, association and assembly, must be respected in future elections," added Ambassador Kopaj.

Although candidates from five registered political parties and 55 candidates from initiative groups participated in the elections, the similarity of the political platforms of the registered political parties appeared to deprive voters of a genuine choice.

Three aspirant political parties were refused registration in the past twelve months by the authorities, and almost two-thirds of nominated candidates from initiative groups were not able to participate in the elections.

The OSCE/ODIHR requested from the Ministry of Justice all registration related documentation, but the Ministry declined to supply it to the Mission. The OSCE/ODIHR is therefore not able to contradict allegations from those non-registered subjects that the authorities treated them unfairly.

The Mission, established on 1 December, comprised 21 international election experts from 14 OSCE participating States. The decision to deploy a limited EOM was based on the report of the OSCE/ODIHR Needs Assessment Mission which identified, in particular, a need for major improvement in the legal framework and marginalized opportunities for genuine political competition. Due to these shortcomings, systematic short-term observation at polling station level was deemed to be irrelevant in this context.

The OSCE/ODIHR Limited Election Observation Mission, based in Tashkent, focused on the legal framework for elections, election administration, the campaign, and the role of the media. It met national and regional representatives and candidates of political parties as well as initiative groups, government officials, electoral authorities, representatives of the media, non-governmental organizations and representatives of the international community. Long-term observer teams were deployed to Nukos, Bukara, Karshi, Samarkand and Fergana.

On election day, the mission members visited a limited number of polling stations in Tashkent and the other areas where long term observers were deployed.

The OSCE/ODIHR will elaborate its findings in a Final Report, including recommendations, to be published approximately one month after the completion of the election process.

Urdur Gunnarsdottir

ODIHR Spokesperson, Press and Public Information Adviser

Public Affairs Unit

OSCE Office for Democratic Institutions and Human Rights

Aleje Ujazdowskie 19

00-557, Warsaw

Poland

Tel.: +48 22 520 06 00 ext. 4162

+48 603 683 122 (mobile)

+380 66 132 90 89 (mobile)

Fax: +48 22 520 06 05

E-mail: Urdur.Gunnarsdottir@odhr.pl

Form for registration of turnout on election day

Limited Election Observation Mission to the Parliamentary Elections Republic of Uzbekistan, 2004

LTO no. _____	DEC no. _____	PSC no. _____
----------------------	----------------------	----------------------

1. Was there any advance voting YES ___ NO ___

If yes, how many had voted in advance _____

2. Number of voters on the voter list at start of day _____

Time of arrival at PS	Time of departure	Number of voters who had voted

3. Number of voters on the voter list at time of the last visit _____