



Office for Democratic Institutions and Human Rights

# REPUBLIC OF UZBEKISTAN

EARLY PRESIDENTIAL ELECTION

9 JULY 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

17 -18 May 2023



Warsaw  
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**REPUBLIC OF UZBEKISTAN**  
**EARLY PRESIDENTIAL ELECTION**  
**ODIHR Needs Assessment Mission Report**

## **I. INTRODUCTION**

In accordance with its mandate and following an official invitation to observe the 2023 early presidential election in Uzbekistan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) on 17 and 18 May. The NAM included Meaghan Fitzgerald, ODIHR Head of Election Department, and Kseniya Dashutsina, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the election. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the upcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, representatives of media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs (MFA) and the Central Election Commission (CEC) for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

## **II. EXECUTIVE SUMMARY**

On 8 May, President Mirziyoyev appointed early presidential election for 9 July 2023, stating that the new Constitution calls for reforming and balancing all branches of power. The early presidential election will be held in the context of ongoing reforms in the social, economic and political spheres and follow the 30 April 2023 Constitutional Referendum and adoption of the new Constitution. The president is directly elected for a seven-year term. A constitutional limit of two consecutive presidential terms applies, however, the new Constitution reset the term limits of the incumbent president, who is now serving his second term, enabling him to run for two more terms.

Presidential elections are primarily regulated by the 2023 Constitution and the 2019 Election Code, the latter most recently amended in May 2023 to regulate peculiarities of holding an early presidential election under the new constitution. Several other changes were introduced in 2021, and these partially addressed some prior ODIHR recommendations, including those related to the regulation of certain aspects of public gatherings for campaign purposes, the prohibition of the misuse of state resources, campaign finance and election dispute resolution. However, several long-standing ODIHR recommendations, including those related to certain aspects of fundamental freedoms of association, assembly and expression, citizen election observation and registration of political parties, remain unaddressed. According to the Central Election Commission (CEC), following these elections authorities intend to revise electoral legislation to align it with the new constitutional norms, and in that process they intend to consider previous ODIHR recommendations.

The presidential election will be administered by the CEC, 14 District Election Commissions (DECs), and 10,750 Precinct Election Commissions (PECs), including PECs abroad. The election preparations are on-going and the CEC has so far adopted 18 regulations related to the conduct of early election, including the election calendar. The CEC, in co-ordination with other state institutions, intends to introduce an enhanced interactive cascade training for members of election commissions at all levels, focusing on issues that raised concerns during recent referendum day and aiming to improve the knowledge of election day procedures. All ODIHR NAM interlocutors from the state institutions

expressed trust in the work of election administration and its ability to professionally manage the process. Several ODIHR NAM interlocutors from civil society and media voiced concerns over the independence and impartiality of the election administration, particularly on the local and regional level. These concerns were based on perceived influence on its decision-making and previous reported instances of malpractices during elections, in particular on the most recent referendum and election days.

Citizens aged 18 or older have the right to vote. Recent constitutional changes lifted the blank restriction on voting rights from those serving a prison sentence for serious and grave crimes and those declared legally incapable and stated that their voting rights can only be limited based on a court decision; this brings the legal framework further in line with international standards and addressed a long-standing ODIHR recommendation. The Single Electronic Voter Register is maintained and operated by the Ministry for Digital Technologies and Communications, and overseen by the CEC. There are some 22.2 million voters registered. Most of the ODIHR NAM interlocutors did not raise concerns with the accuracy of the voter list.

Citizens aged 35 or older, who have resided permanently in the country for at least 10 years before election day and have full command of the Uzbek language are eligible to stand as candidates. Only registered political parties can nominate candidates. With early elections held two months from the call for the election, this means that no new political parties would be able to register in time to put forward a candidate. Contrary to international standards and OSCE commitments, independent candidates may not stand for election. While all parliamentary political parties expressed confidence in the candidate registration process, some ODIHR NAM interlocutors raised concerns over burdensome requirements for party and candidate registration, as well as the genuineness of the signature collection and verification process.

Reforms aimed at increasing women's participation in public and political life have been underway since 2016 and the number of women in the parliament has increased, they hold 48 out of 150 seats in the current parliament. The Chairperson of the Senate and the Deputy Speaker of the lower chamber of the parliament are women. However, gender stereotypes persist, and women are generally underrepresented in political life. Only 2 out of 27 ministers in the government and 2 out of 12 members of the Supreme Judicial Council are women and all regional *hokims* are men. Seven out of 21 current CEC members are women. Out of the four prospective presidential candidates, one is a woman.

The law guarantees equal campaign opportunities for all contestants, including in terms of holding meetings, access to the media, and for the publication and distribution of campaign materials. In line with a prior ODIHR recommendation, recent legal amendments abolished the authorization procedure of campaign events in favour of a simple notification requirement. The campaign is expected to focus on topics such as public health, economy, ecology, human rights, corruption, and ongoing reforms. Parties expect to campaign using traditional campaign methods including rallies, door-to-door campaigning and distribution of posters, as well as on-line. Campaigning on social networks and in the online media is not regulated by the law. All parties met by the ODIHR NAM expect to campaign without hindrance. Some ODIHR NAM interlocutors anticipated a low-key campaign, due to lack of open opposition from the registered political parties to the president's policies and agenda.

All election related expenses are funded by the state, and each nominating party receives an equal amount of public funds to conduct the campaign. Other sources of funding for campaigns, including funds of political parties and candidates, and private monetary or in-kind donations, are prohibited. Political parties have to submit an interim campaign finance report before election day and a final report to the CEC. Political parties are required to publish the reports on their websites and in the print media.

The media environment is characterized by a large number of state-owned media. The law provides for the allocation of free air-time to presidential candidates. Several ODIHR NAM interlocutors stated that the slight opening of online space since 2016 allowed for certain critical reporting on local government and social issues but not for direct criticism of the higher public officials. Self-censorship is pervasive which some ODIHR NAM interlocutors attributed to journalists and bloggers facing threats and arrests and being offered bribes, and some ODIHR NAM interlocutors stated that they are subject to interference into editorial autonomy on critical coverage. The national broadcaster is planning to organize debates, a number of talk-shows, and air voter information materials on its channels, much of which will be available in Uzbek, Russian and Karakalpak, as well as sign language and other locally used languages.

Individuals and legal entities can report violations of the electoral legal framework, including campaign procedures and violations related to the organization of the election, to election commissions. In line with an ODIHR recommendation, regarding the decision and actions of the election commissions the May 2021 legal amendments provided for the adjudication of appeals exclusively by courts, abolishing the previous dual system of submitting appeals in parallel to courts and higher-level commissions. In recent processes, the courts have not received any appeals. Several ODIHR NAM interlocutors raised concerns over the lack of independence of judiciary.

Observers from international organizations, political parties, *Mahalla* committees and media representatives are entitled to observe the election. The legislation does not contain provisions for observation by citizen observers, contrary to international standards and previous ODIHR recommendations. International observers are accredited by the CEC, while others are subject to accreditation at the District Election Commissions. Some ODIHR NAM interlocutors highlighted registration procedures and restrictions on funding as the main obstacles for the growth of civil society and their full participation in election processes.

All ODIHR NAM interlocutors emphasized the importance of an independent scrutiny of the election process and underlined the need for an ODIHR observation activity. Representatives of official bodies described planned revisions of electoral legislation following this election and welcomed any recommendations for further improvement of the legal framework and process. Several ODIHR NAM interlocutors stressed the need to deploy an election observation mission with a long-term presence to cover regional aspects of the process as well as a short-term observation component to detect any possible election day irregularities and assess the effectiveness of trainings of election commission members. Specific aspects that could benefit from review include the implementation of the legal framework, the work of election commissions at all levels, including the conduct of election day procedures, the voter and candidate registration, the conduct of the election campaign, its media coverage and election dispute resolution.

On this basis, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 9 July early presidential election. In addition to a core team of experts, ODIHR will request the secondment by OSCE participating States of 28 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers to follow election day procedures. In line with ODIHR's standard methodology, the EOM should include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Uzbekistan is a presidential republic with legislative powers vested in the parliament and the president, with strong powers conferred to the president. The president issues binding decrees and resolutions and

appoints some of the members of the upper chamber of the parliament and has a key role in the appointment of regional *hokims*, and other high-ranking officials.<sup>1</sup> The *Oliy Majlis* can call referenda, adopts the budget, and following the 2019 constitutional amendments, its legislative chamber is responsible for electing the prime minister upon nomination of the president.<sup>2</sup>

President Shavkat Mirziyoyev won the 2021 presidential election with an overwhelming majority of the votes.<sup>3</sup> Following the 2019 parliamentary elections, all of the five registered parties in Uzbekistan are represented in the parliament. Besides the registration of the Ecological Party of Uzbekistan (EPU) in 2019, no other party has been registered since 2003 and the political landscape remains unchanged.<sup>4</sup> On 16 April 2023, the Truth, Development and Unity Democratic Party held a founding meeting and notified the Ministry of Justice about their intention to register as a party.<sup>5</sup> Representatives of the party informed ODIHR NAM that they are subject to pressure and intimidation during the signature collection process. Furthermore, according to the ODIHR NAM interlocutors, civil society associations face difficulties to register, and the registered organizations are subject to extensive governmental control challenging their genuine separation from the state. Previously, in its election-related reports ODIHR noted that the lack of genuine competition, combined with burdensome requirements for party registration, continue to challenge the pluralistic nature of the political environment.<sup>6</sup>

In November 2021, during his inaugural speech, President Mirziyoyev announced his intentions to reform the Constitution to further develop the democratic state. Following an overall comprehensive consultation process on the draft Constitution, the constitutional referendum took place on 30 April 2023. The proposed amendments affecting approximately two thirds of the Constitution were voted on as a single package. Turnout was reported by the Central Election Commission (CEC) as 84.5 per cent and 90.2 per cent of voters voted in favour of the amendments. The 2023 Constitution establishes a secular and social state, enhances important aspects of human rights and gender equality, increases the state's social obligations toward citizens and vulnerable groups and promotes fair competition in business activities and land ownership rights among others. The amendments to the Constitution, however, did not address a number previous ODIHR recommendations key to a democratic process, including on candidacy rights, freedom of assembly, and association and media freedoms. The new Constitution extends the presidential terms of office from five to seven years and resets the term limits of the incumbent.

According to the previous Constitution the current term of the incumbent president ends in 2026, however, on 8 May, President Mirziyoyev appointed early presidential election for 9 July 2023, stating that new Constitution calls for reforming and balancing all branches of power. Moreover, on the same date, President signed a Decree with a recommendation to develop a draft law shifting the election system for the parliamentary elections from fully majoritarian to a mixed majoritarian and proportional system.

Reforms aimed at increasing women's participation in public and political life have been underway since 2016 and the number of women in the parliament has increased and they hold 48 out of 150 seats in the

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<sup>1</sup> Including members of the Supreme Judicial Council, the prosecutor general as well as the chairperson of the State Security Service. *Hokim* is the high-ranking executive authority in a region, district or city.

<sup>2</sup> These were adopted by the parliament. Constitutional changes can be made by a majority of at least two-thirds of the votes of the members of each parliamentary chamber or by referendum.

<sup>3</sup> President Shavkat Mirziyoyev won the 2021 presidential election, with 80.1 per cent of the valid votes cast.

<sup>4</sup> According to some ODIHR NAM interlocutors, activists from the Free Motherland and *Erk* Democratic Party did not pursue their plans to establish a party after complaints of intimidation and harassment.

<sup>5</sup> According to the representatives of the party, 12,000 out of 20,000 required signatures were submitted to Ministry of Justice, with the plan to submit additional signatures by July 2023. In 2021, the party was denied registration for not meeting the formal requirements for collection of signatures.

<sup>6</sup> See all previous ODIHR election [reports](#) on Uzbekistan.

current parliament (32 per cent). The Speaker of the Senate and the Deputy Speaker of the lower chamber of the parliament are women. However, gender stereotypes persist, and women are generally underrepresented in political life.<sup>7</sup> Only 2 out of 27 ministers in the government and 2 out of 12 members of the Supreme Judicial Council are women and all regional *hokims* are men.<sup>8</sup>

ODIHR has observed nine elections and a referendum in Uzbekistan. Most recently, ODIHR deployed an Election Observation Mission (EOM) for the 24 October 2021 presidential election, and a Limited Referendum Observation Mission (LROM) for the 30 April Constitutional Referendum. The final report for the 2021 EOM issued on 22 April 2022 contains 24 recommendations, including 9 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.<sup>9</sup>

## B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected from a single nationwide constituency. The 30 April 2023 Constitutional referendum and the adoption of the new Constitution extended the presidential term from five to seven years and reset the term limits applicable to the current president. If no candidate obtains more than 50 per cent of the valid votes cast, a second round is held between the two candidates who have the highest number of votes one month after the election day. For the election to be valid, at least 33 per cent of all voters should take part in the first round, and there is no such requirement for the potential second round.

Uzbekistan is party to main international instruments related to the holding of democratic elections.<sup>10</sup> Presidential elections are primarily regulated by the 2023 Constitution and the 2019 Election Code.<sup>11</sup> The Election Code was most recently amended on 6 May 2023, and more extensively in 2021. According to the CEC, the 2023 changes were done to implement amendments to the Constitution and thus did not require additional consultation with relevant stakeholders prior to their adoption. These changes introduced a two-month deadline for holding early presidential election in case the president calls them, and a three-month deadline for early parliamentary elections. Several other changes were introduced in 2021, and these partially addressed some prior ODIHR recommendations, including those related to the regulation of certain aspects of public gatherings for campaign purposes, the prohibition of the misuse of state resources, campaign finance and election dispute resolution. Other changes, mostly technical, related to moving the date of the formation of precinct election commissions (PECs), increasing modalities for out-of-country voting, amending accreditation procedures for election observation, the publication of election results and other aspects of the electoral process.

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<sup>7</sup> In its [Concluding observations](#) on the sixth periodic report of Uzbekistan the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee expressed its “concern that the Convention has not been directly applied or invoked in court proceedings, despite the existing provisions ensuring the precedence of international treaties over national legislation”.

<sup>8</sup> The UNDP [study](#) on Negative Impact of Gender Stereotypes and Patriarchal Attitudes on Gender Equality underscored that women’s participation in the parliament improved by reaching 32 and 25 per cent of the seats in the Legislative Chamber and the Senate, respectively, however, women continue to be significantly underrepresented in the executive power (3.4 per cent), as well as in the managerial positions (27 per cent) and in the entrepreneurship (25 per cent).

<sup>9</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

<sup>10</sup> These include the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), [1979 Convention on the Elimination of All Forms of Discrimination against Women](#), [2003 Convention against Corruption](#), and the [2006 Convention on the Rights of Persons with Disabilities](#) (CRPD, ratified by Uzbekistan in June 2021).

<sup>11</sup> Other applicable legislation includes the Law on Political Parties (last amended in 2019), the Law on Financing of Political Parties (LFPP), the Criminal Code and the Code of Administrative Responsibilities (all three last amended in 2021), as well as presidential decrees and resolutions. In addition, the Central Election Commission (CEC) issues binding regulations.

Several long-standing ODIHR recommendations, including those related to certain aspects of fundamental freedoms of association, assembly and expression, citizen election observation and registration of political parties, remain unaddressed. According to the Central Election Commission (CEC), following these elections, authorities intend to revise electoral legislation to align it with the new constitutional norms, and in that process, they intend to consider previous ODIHR recommendations. These changes are anticipated to focus on, procedures for PEC appointments and composition, changing to a more permanent DEC and PEC structure with five-year term limits and detailing their competences, revising procedures for adding voters to supplementary voters list on election day, and increasing the effectiveness of sanctions for electoral malfeasance.

### C. ELECTION ADMINISTRATION

The presidential election is administered by the CEC, 14 District Election Commissions (DECs), and over 10,750 PECs, including some 60 PECs abroad. The CEC members are appointed by the *Oliy Majlis* for an indefinite term, based on proposals from regional representative bodies.<sup>12</sup> The current CEC has 21 members, including seven women.

The CEC is mandated with the organization and conduct of elections and provides overall guidance and support for the activities of the lower-level commissions. It plays a leading role in all stages of the electoral process, including voter registration, registration of candidates, ensuring equal campaign opportunities, including in the media, the distribution of the ballots, validating and invalidating the election results. The DECs oversee the electoral process at the regional level; the PECs organize and conduct voting and counting at polling stations.<sup>13</sup> State and local authorities are obliged to provide logistical and operational support to election commissions.

The CEC forms the DECs upon recommendations of the regional representative bodies, and the DECs appoint PEC members based on proposals from the local councils who receive nominations from *Mahalla* committees, public associations and other organizations.<sup>14</sup> One organization may not nominate more than a half of the PEC members for a specific PEC. Political parties are not entitled to nominate members to any commission. Sessions of election commissions at all levels are open to representatives of the media, political parties, and international observers. By law, all CEC decisions are to be published on the official CEC website on the same day.

On 10 May, the CEC held a session commencing electoral preparations, announcing the start of the election period and adopting the timeline for the conduct of the election. It has so far adopted 18 regulations related to the work of DECs and PECs, voting abroad, and the rights and obligations of citizen and international observers. The CEC, in co-ordination with other state institutions, intends to hold a three-stage cascade training for members of election commissions at all levels, and plans to train some 140,000 members of DECs and PECs. According to the CEC, the training curricula was developed after analysis of the irregularities during the referendum day and in it the CEC aims to focus on issues that raised concerns during the recent referendum day to make the training more practical and improve the knowledge of election day procedures. Authorities expressed their commitment to conduct the election in line with international democratic standards, to promote inclusive participation of all categories of voters, and strive to improve gender equality in election administration. The ODIHR NAM was informed

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<sup>12</sup> The CEC members elect a chairperson from amongst themselves, based on the nomination of the president.

<sup>13</sup> Moreover, DECs are mandated with other functions, including formation of PECs, registration of representatives of the contestants, voter information, determination of results, and consideration of complaints.

<sup>14</sup> *Mahallas* are Uzbek community structures involved in numerous aspects of citizens' everyday life. According to the 1993 Law on the Institutions of Self-Government, they, among others, provide financial assistance and advice on weddings, facilitate the timely collection of taxes, assist law enforcement agencies in maintaining public order and safety, and act as a guarantor for loans by business entities. There are 9,214 *Mahalla* units across Uzbekistan, each with a committee comprised of four regular members.



about the CEC's plans to launch an inclusive awareness-raising and voter education campaign in a various formats targeting voters with disabilities, first-time voters, women and other groups.

The legislation provides for several alternative voting methods for a limited category of voters. Early voting for those away from the polling station of their residence on election day takes place between ten and three days prior to election day. Voters who for health or other reasons are not able to come to the polling station may use the option of mobile voting. By law, each polling station must be equipped with ramps and specially designed voting booths for persons with physical disabilities. Special polling stations are established in places where voters temporarily reside such as penitentiary institutions, military units, hospitals and other health institutions. Voters staying in densely populated areas of citizens of Uzbekistan abroad can vote in embassies and consular offices.

According to the CEC, equipment for electronic voter identification, piloted for the 30 April constitutional referendum, will be provided in fifty polling stations in Tashkent for the upcoming election. In these polling stations voters' IDs or biometric passports will be scanned to determine if the voter is registered at that polling station and to match the voter's face on the video camera.

All ODIHR NAM interlocutors from the state institutions expressed trust in the work of election administration and its ability to professionally manage the process. Several ODIHR NAM interlocutors from civil society and the media voiced concerns over the independence and impartiality of the election administration, particularly on the local and regional level. These concerns were based on perceived influence on its decision-making and previous reported instances of malpractices during elections, in particular on the most recent referendum and election days.

#### **D. VOTER REGISTRATION**

Citizens aged 18 or older have the right to vote. Recent constitutional changes lifted the blank restriction on voting rights from those serving a prison sentence for serious and grave crimes and those declared legally incapable, and stated that their voting rights can only be limited by a court decision.<sup>15</sup> These changes bring the legal framework further in line with international standards and addressed a long-standing ODIHR recommendation.

Voter registration is passive, based on permanent or temporary residence. The Single Electronic Voter Register (SEVR) is maintained and operated by the Ministry for Digital Technologies and Communications (MDITC), and overseen by the CEC. A number of government agencies, including the State Centre for Personalization, the Ministries of Interior, Justice, Defense, and Foreign Affairs, provide input data for the compilation of the SEVR. The SEVR is updated in a real-time mode and cross-checked for duplicate and outdated records. There are some 22.2 million voters registered.

Voter lists will be extracted from the SEVR and compiled separately for each polling station; a person may be included in only one voter list.<sup>16</sup> By law, citizens are given the opportunity to verify their voter registration data online as well as in-person at polling stations starting 10 days before election day.<sup>17</sup> Mistakes in the lists may be appealed by citizens to the PECs, which shall decide on the matter within 24 hours. Changes to voter lists are permitted up to five days prior to election day. None of the ODIHR NAM interlocutors raise concerns with the accuracy of the voter register.

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<sup>15</sup> According to the CEC, there are 10,702 disenfranchised prisoners and 6,608 persons with mental and psychological disabilities.

<sup>16</sup> Lists of eligible voters temporarily residing at penitentiary institutions, military units, hospitals and other health institutions are compiled by the heads of these institutions.

<sup>17</sup> Voters abroad can verify their registration and appeal non-registration through the website of the MFA.

## E. CANDIDATE REGISTRATION

Citizens aged 35 or older, who have resided permanently in the country for at least 10 years before election day and have full command of the Uzbek language are eligible to stand as candidates. Unreasonable criteria regarding the length of residency and language proficiency are contrary to international standards.<sup>18</sup> Individuals convicted of intentional crimes, those declared incapable by the court, and professional servants of religious organizations are not eligible.

Only political parties registered with the Ministry of Justice (MoJ) at least four months prior to the announcement of the election have the right to nominate presidential candidates. The CEC first has to approve the right of the parties to nominate candidates. With early elections held two months from the call for the election, this means that no new political parties would be able to register in time to put forward a candidate. A candidate must be supported by signatures from at least one per cent of the electorate, and not more than 8 per cent collected in one administrative unit. Voters can sign for more than one candidate. Contrary to international standards and OSCE commitments, independent candidates may not stand for election.<sup>19</sup>

The CEC registers the candidates no later than 32 days prior to election day. On 15 May, the CEC has approved the eligibility of all five registered political parties to nominate the candidates. The candidate registration process commenced on 17 May and will last until 7 June. The signature collection process is ongoing. Four political parties announced their plans to nominate a candidate, and the fifth registered party publicly stated that they will support the incumbent president. Out of the four prospective presidential candidates, one is a woman. All parliamentary political parties expressed confidence in the candidate registration process. Some ODIHR NAM interlocutors raised concerns over burdensome requirements for party and candidate registration and the genuineness of the signature collection and verification process.

## F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The Election Code, the LFPP and CEC instructions regulate the conduct of the election campaign and campaign finance. On 10 May, the CEC announced the start of the election period. Election campaign will commence following the end of candidate registration period. Campaigning is prohibited on election day and the day preceding it, and the campaign silence also applies to publication of opinion polls related to election results, including online.

The legislation contains provisions aimed at ensuring equal campaign opportunities for all contestants, including for holding meetings, access to media and the publication and distribution of campaign materials. Dissemination of false information as well as information discrediting the honour and dignity of candidates is not allowed. State management bodies, local government authorities, and public associations are obliged to provide, free of charge, venues to contestants for their meetings with voters. Positively, the 2021 amendment to the Election Code limited the involvement of election commissions in the conduct of the campaign.

Following a prior ODIHR recommendation, the 2021 amendments to the Election Code also change the previous requirements for authorization of public campaign events to a requirement to notify local

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<sup>18</sup> Paragraph 15 of the UN HRC 1996 General Comment No.25 to the ICCPR states, that “any restrictions on the right to stand for election...must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”.

<sup>19</sup> Independent candidacy was allowed prior to 2009.

authorities three days in advance of holding of the event. The changes also prohibit the misuse of state resources during the campaign, including involvement of state officials in campaigning. Nevertheless, the rules on public events still include other restrictions, in particular those related to holding of assemblies only in specifically designated places and at specific times, and the application of these rules during the election period is unclear.<sup>20</sup>

The campaign is expected to focus on topics such as public health, economy, ecology, human rights, corruption, and ongoing reforms. Parties expect to campaign using traditional campaign methods such as rallies, door-to-door campaigning and distribution of posters, as well as on-line. Campaigning on social networks and in the online media is not regulated by the law. All parties met by the ODIHR NAM expect to campaign without hindrance. Some ODIHR NAM interlocutors anticipated a low-key campaign, due to lack of open opposition from the registered political parties to the president's policies and agenda. Political parties met by the ODIHR NAM stated they do not have specific internal policies to promote women candidates.

Political parties with a faction in the legislative chamber of the *Oliy Majlis* are entitled to annual public funding distributed proportionally to the number of seats gained in the last parliamentary elections. Additionally, parties receive funds from the state budget for campaign purposes. Other sources of funding, including private funding and donations from foreign entities, are prohibited. According to some ODIHR NAM interlocutors the issue of the funding and free airtime rules for a political party supporting another party's candidate, will need further regulation if such case arises.

Political parties have to submit an interim campaign finance report before election day and a final report after the election to the CEC. Political parties are required to publish the reports on their websites and in the print media. Parties must also submit annual financial reports to the legislative chamber of the *Oliy Majlis*, the Chamber of Accounts directly subordinate to the President, the MoJ, the Ministry of Economy and Finance and the Tax Committee.

## G. MEDIA

The media environment is characterized by a high number of commercial media that compete with state-owned media outlets.<sup>21</sup> Television (TV) is the main source of information, especially in the regions. The State National Television and Radio Company (NTRC) operates 12 national TV channels and 13 regional broadcasters.<sup>22</sup> Only a very few media outlets are considered self-sustainable. The Mass Media Law prohibits a foreign share of over 30 per cent in a mass media outlet and local mass media are prohibited from receiving foreign funding. No international media NGO is registered in the country.<sup>23</sup>

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<sup>20</sup> See also ODIHR's 2019 Comments on the Draft Law on Rallies, Meetings, and Demonstrations of the Republic of Uzbekistan. The Comments concluded that "the Draft Law is generally not compliant with international human rights standards, [...] and there are severe and unjustified restraints on time and place, and the organizers of assemblies".

<sup>21</sup> According to Freedom House's 2022 Nations in Transit country [report](#), the rating of independent media is 1.25 out of 7 in 2021. In Reporters Without Borders's 2023 [World Press Freedom Index](#), out of 180 countries Uzbekistan is now ranked 137. According to the media regulator, a total of 736 state and 1,180 private media outlets operate in Uzbekistan.

<sup>22</sup> The general director of the NTRC is appointed by the government in coordination with the president.

<sup>23</sup> The 2000 Joint Declaration on Current Challenges to Media Freedom by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE RFoM and the OAS Special Rapporteur on Freedom of Expression stipulates that civil sanctions for defamation should not be so large as to exert a chilling effect on freedom of expression and should be designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant; in particular, pecuniary awards should be strictly proportionate to the actual harm caused and the law should prioritize the use of a range of nonpecuniary remedies. EUR 1 equals UZS 12,591.

The Constitution provides for freedom of speech and prohibits censorship. Defamation and libel remain criminal offenses but are no longer punishable with imprisonment. However, slander and insult of the president still entails up to five years imprisonment.<sup>24</sup> The 2021 amendments to the Law on Informatization introduced responsibility of bloggers and owners of websites and instant messaging systems for third-party content and the trustworthiness of the information hosted on their platforms.

Several ODIHR NAM interlocutors stated that the slight opening of online space since 2016 allowed for certain critical reporting on local government and social issues but not for direct criticism of the higher public officials. Self-censorship is pervasive which some ODIHR NAM interlocutors attributed to journalists and bloggers facing threats and arrests and being offered bribes, and some ODIHR NAM interlocutors stated that they are subject to interference into editorial autonomy on critical coverage. A number of websites remain inaccessible in Uzbekistan, including the Radio Free Europe's Uzbek-language service (Radio Ozodlik). The authorities informed the ODIHR NAM that they do not publish information on the blocked websites or the reasons for blocking.<sup>25</sup> Following 2021 amendments to the Law on Personal Data, the access to the social networks *Twitter*, *TikTok* and *Vkontakte* and instant messengers Skype and WeChat had been limited, but was restored in August 2022. Access to *TikTok* remains blocked to date.

Public and private media is obliged to provide equal conditions for all contestants. In addition to equal free time and space in state media, contestants can purchase extra airtime and space for political advertisement both in public and private media. The CEC informed the ODIHR NAM that it plans to determine the exact amount, order and timing of airtime and space in consultation with political parties. The media regulator, the Agency of Information and Mass Communications (AIMC) oversees compliance of all mass media with the legal framework and plans to coordinate the coverage of the elections.

The national broadcaster is planning to organize debates, a number of talk-shows, and air voter information materials on its channels, much of which will be available in Uzbek, Russian and Karakalpak, as well as sign language and other locally used languages. The NTRC plans to conduct its own media monitoring to ensure compliance with the campaign rules, but the monitoring will be quantitative and will not record the tone of coverage. According to the NTRC the activities of the incumbent will continue to be covered extensively to inform citizens about the important events in the country, but on the main news channel, all campaign related coverage will be aired under a heading 'Elections 2023'.<sup>26</sup>

## H. ELECTION DISPUTE RESOLUTION

Individuals and legal entities can report violations of the electoral legal framework, including campaign procedures and violations related to the organization of the election, to election commissions, which are obliged to decide and respond in writing within three days. The CEC may invalidate the election results fully or partially, if violations committed during the election are deemed to have affected the results. In line with an ODIHR recommendation, regarding the decision and actions of the election commissions the May 2021 legal amendments provided for the adjudication of appeals exclusively by courts, abolishing the previous dual system of submitting appeals in parallel to courts and higher-level

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<sup>24</sup> Amendments to the Criminal Code in December 2020 removed imprisonment for defamation and insult, which remain criminal offences punishable with fines, corrective labour or limitation of freedom. However, criminal prosecution for slander and insult of the president was expanded in March 2021 to online media and social networks.

<sup>25</sup> The AIMC says that the person whose website is blocked may submit a request to the Agency to look into the blocking of their website.

<sup>26</sup> According to the CEC Regulation on conduct of the presidential campaign, performing of official functions and duties by presidential candidates during the campaign period does not constitute campaigning, and can be covered by the media.

commissions. The courts have to rule on complaints within five days or immediately if a complaint has been submitted within six days before or on election day. In recent processes, the courts have not received any complaints or appeals. Several ODIHR NAM interlocutors raised concerns over the lack of independence of judiciary.

## I. ELECTION OBSERVATION

Observers from international organizations, political parties, *Mahalla* committees and media representatives are entitled to observe elections. Despite previous ODIHR recommendations, the legislation does not contain provisions for observation by citizen observers.<sup>27</sup> The 2021 amendments to the Election Code extend the period for organizations to notify the CEC about their planned observation activity from 15 to 10 days before election day. International observers are accredited by the CEC, while others are subject to accreditation at the DEC. Some ODIHR NAM interlocutors highlighted procedures for registering civil society organization and restrictions on funding as the main obstacles for the growth of civil society and their full participation in election processes.

## IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors emphasized the importance of an independent scrutiny of the election process and underlined the need for an ODIHR observation activity. Representatives of official bodies described planned revisions of electoral legislation following this election and welcomed any recommendations for further improvement of the legal framework and process. Several ODIHR NAM interlocutors stressed the need to deploy an election observation mission with a long-term presence to cover regional aspects of the process as well as a short-term observation component to detect any possible election day irregularities and assess the effectiveness of trainings of election commission members. Specific aspects that could benefit from review include the implementation of the legal framework, the work of election commissions at all levels, including the conduct of election day procedures, the voter and candidate registration, the conduct of the election campaign, its media coverage and election dispute resolution.

On this basis, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 9 July early presidential election. In addition to a core team of experts, ODIHR will request the secondment by OSCE participating States of 28 long-term observers to follow the electoral process countrywide, as well as 250 short-term observers to follow election day procedures. In line with ODIHR's standard methodology, the EOM should include a media monitoring element.

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<sup>27</sup> Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Shigabuddinov Ildar, Head, Department for cooperation with the UN and other international organizations

Alisher Mirzaliev, 2nd Secretary, Department for cooperation with the UN and other international organizations

### **Central Election Commission**

Zayniddin Nizamkhodjaev, Chairperson

Bakhrom Kuchkarov, Deputy Chairperson

Gulnoza Rakhimova, Member

### **Supreme Court**

Halilillo Turahujaev, Deputy Chairperson

Gulnora Parpieva, Judge

Djakhangir Djuraev, Judge

Dilmurod Karimov, Judge

Oybek Barakabaev, Judge

Otabek Ismoilov, Head, Department of Legislative Research

Jasur Umarov, Head, Department of ICT and information security

Farruhon Malikov, Head, International Law Department

### **Agency of Information and Mass Communications**

Asadjon Hodjaev, Director

Marat Aitov, Head, Information Policy Department

### **Media**

Alisher Hadjaev, Chairperson, NTRC

Muhayo Kalkonova, Head, Legal Department, NTRC

Haidar Hasanov, First Deputy Director, "O'zbekiston 24"

Ruzimahmat Ikromov, Deputy, Department of Planning and Co-Ordination

Nodir Uljaboev, Leading Specialist, International Co-Operation Department

Azamat Atajanov, Editor-in-Chief, *Gazeta.uz*

### **Political Parties**

Bakhtiyor Yakubov, Deputy Chairman, Liberal Democratic Party,

Bakhodirjon Mamathonov, Deputy Chairperson, "*Milliy Tiklanish*"

Firuza Mukhamedzhanova, Deputy Chairperson, "*Milliy Tiklanish*"

Ulugbek Vafaev, Deputy Chairperson, People's Democratic Party

Firdavs Sharipov, Deputy Chairperson, People's Democratic Party

Malika Rashidova, Head of Campaign Department, People's Democratic Party

Abdukamol Rakhmonov, Deputy Chairperson, "Adolat"

Gulniso Saidova, Head, Department for Promoting the Political Activism of Women and Youth, "Adolat"

Kamol Jumaniyazov, Deputy Chairperson, Ecological Party

Oybek Rakhimov, Head of Staff, Ecological Party

Khidirnazar Allakulov, Truth, Development and Unity Democratic Party

### **Civil Society**

Abdurakhmon Tashanov, Chairperson, Human Right Society *Ezgulik*

Hurshid Alimardonov, Human Right Society *Ezgulik*  
Shukhrat Ganiev, Center for Humanitarian Law  
Sergey Mayorov, Human Rights Lawyer

**International Community**<sup>28</sup>

Nadia Yakhlaf-Lallemand, Senior Project Officer, OSCE Project Co-Ordinator in Uzbekistan  
Ildar Fayzullin, National Project Officer, OSCE Project Co-Ordinator in Uzbekistan  
Representatives of diplomatic missions of Italy, Montenegro, Netherlands, Russian Federation, Switzerland and United States.

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<sup>28</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Uzbekistan.