



Office for Democratic Institutions and Human Rights

# REPUBLIC OF UZBEKISTAN

## CONSTITUTIONAL REFERENDUM

30 April 2023

ODIHR Limited Referendum Observation Mission  
Final Report



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>3</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>4</b>
<b>IV.</b>	<b>LEGAL FRAMEWORK .....</b>	<b>6</b>
<b>V.</b>	<b>REFERENDUM SYSTEM.....</b>	<b>8</b>
<b>VI.</b>	<b>REFERENDUM ADMINISTRATION.....</b>	<b>9</b>
<b>VII.</b>	<b>VOTER REGISTRATION.....</b>	<b>11</b>
<b>VIII.</b>	<b>REFERENDUM CAMPAIGN.....</b>	<b>13</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE .....</b>	<b>15</b>
<b>X.</b>	<b>MEDIA .....</b>	<b>15</b>
	<b>A. MEDIA ENVIRONMENT .....</b>	<b>15</b>
	<b>B. LEGAL FRAMEWORK .....</b>	<b>16</b>
	<b>C. MEDIA MONITORING FINDINGS.....</b>	<b>18</b>
<b>XI.</b>	<b>REFERENDUM DISPUTE RESOLUTION .....</b>	<b>18</b>
<b>XII.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS .....</b>	<b>19</b>
<b>XIII.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES.....</b>	<b>20</b>
<b>XIV.</b>	<b>REFERENDUM DAY.....</b>	<b>20</b>
<b>XVII.</b>	<b>RECOMMENDATIONS.....</b>	<b>22</b>
	<b>A. PRIORITY RECOMMENDATIONS.....</b>	<b>23</b>
	<b>B. OTHER RECOMMENDATIONS .....</b>	<b>23</b>
	<b>ANNEXE I: FINAL RESULTS .....</b>	<b>26</b>
	<b>ANNEXE II: LIST OF OBSERVERS IN THE LIMITED REFERENDUM OBSERVATION MISSION.....</b>	<b>27</b>
	<b>ABOUT ODIHR .....</b>	<b>28</b>

**REPUBLIC OF UZBEKISTAN**  
**CONSTITUTIONAL REFERENDUM**  
**30 April 2023**

**ODIHR Limited Referendum Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Uzbekistan and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Referendum Observation Mission (LROM) for the 30 April 2023 constitutional referendum. The ODIHR LROM assessed the compliance of the referendum process with OSCE commitments, other international obligations and standards for democratic referenda and elections, and national legislation.

In its Statement of Preliminary Findings and Conclusions issued on 1 May, the ODIHR LROM concluded that the referendum “was technically well-prepared and widely promoted as intending to enhance various rights and freedoms. The consultation process on the draft amendments was overall comprehensive while lacking open debate on some contentious issues, and there was no organized opposition to the amendments. The referendum was introduced as a continuation of broader reforms implemented over the last years but took place in an environment short of genuine political pluralism and competition. This highlighted the need to further encourage alternative views, provide opportunities for independent civil society and respect for fundamental freedoms, which continue to be restricted. Some technical improvements were introduced to the legal framework while additional efforts are needed to align it with international norms to adequately regulate key aspects of the process. The Central Election Commission implemented its mandate efficiently, but the lower-level commissions lacked neutrality and independence. Authorities organized an extensive voter information campaign on referendum day procedures and promoted some of the amendments, but media did not provide impartial and balanced information, undermining voters’ ability to make an informed choice. In the limited number of polling stations visited, the voting process was calm but various serious violations were observed during voting and counting undermining the integrity of the process.”

The adoption of constitutional amendments through a referendum are subject to a 50 per cent turnout threshold of all registered voters and a simple majority of the valid votes cast in favour of the proposal. Some ODIHR LROM interlocutors welcomed the amendments as beneficial for certain rights and freedoms, promoting gender equality and social obligations toward citizens, including vulnerable groups. The consultation process on the draft amendments was sufficiently long, however, it lacked open debate on some contentious issues, such as the extension of the presidential term of office and reset of the terms applicable to the incumbent. The amendments affecting approximately two thirds of the Constitution were voted on as a single package, thus not providing voters with an opportunity to make a choice about each distinct issue, at odds with international good practice.

Despite some improvements, the legal framework for referenda contains a number of shortcomings, and does not adequately regulate several substantive aspects of the process, including campaign and campaign finance, objective voter information, neutrality of public authorities, balanced media coverage and citizen observation. Recent amendments addressed some prior ODIHR recommendations, including elimination of alternative dispute resolution fora and timelines for consideration of complaints. The exercise of fundamental freedoms of assembly, association and expression continue to be excessively circumscribed by legislation and by-laws.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Uzbek and Russian languages.

The Central Election Commission (CEC) implemented its mandate efficiently and met all legal deadlines. The legislation does not sufficiently equip the CEC with the powers necessary for administering important aspects of the referendum process and the CEC's duties are substantially supplemented by state institutions. While the law includes some criteria for the nomination of lower-level commissions, these are vague, and lack clarity in the selection process. Independence and neutrality of the lower-level referendum administration was undermined by the involvement of *mahalla committees*, with at times conflicting roles as commissioners, observers and campaigners. The training sessions observed by the ODIHR LROM were overall informative. Voter information was widely available in various formats, contributing to transparency. While some materials explained voting procedures, the neutrality of the information presented to voters was overshadowed by the promotion of the constitutional amendments and encouragement to participate in the referendum. Significant efforts were made to increase the participation of persons with disabilities in the electoral process.

Voter registration is passive, based on permanent or temporary residence, and 19,722,809 voters were registered in the final voter lists. Voters were given the opportunity to verify their voter registration data online and in-person at polling stations. Most of the ODIHR LROM interlocutors did not raise concerns about the accuracy and inclusiveness of the voter register, however, despite a long-standing ODIHR recommendation to provide safeguards against manipulation, the law allows for voters to be added to supplementary voter lists on referendum day, at odds with international good practice. The ODIHR LROM noted frequent instances of including voters in the supplementary voter lists on referendum day that compromised the measures undertaken to ensure the accuracy of voter lists.

The referendum took place in an environment without genuine political pluralism, and there was no organized opposition to the amendments and the referendum. Many ODIHR LROM interlocutors voiced concerns regarding existing limitations on freedom of expression, association and assembly. The "Yes" campaign of public officials and parliamentary parties was seen in accord with the official government-run promotion of the amendments, blurring the distinction between party and state and contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. Information provided by the state lacked impartiality and balance, limiting the possibility of voters to make an informed choice. Activists provided some diverse information on social issues through various social networks. ODIHR LROM observed widespread misuse of administrative resources during the promotion of the referendum and instances of pressure on the public to participate in the referendum promotion events.

Reforms aimed at increasing women's participation in public and political life have been positively underway since 2016, the number of women in the parliament increased significantly and women currently hold 47 out of 150 seats, including two deputy speakers. However, women are still generally underrepresented in political life, including in government; only 2 out of 27 ministers in the government are women and all regional governors (*hokims*) are men. Overall, women were well represented in referendum administration, but their representation in the leadership positions was lower.

According to the law, all expenses related to the referendum are covered by the state budget. Neither private nor public financing of campaign activities are regulated and the law does not provide for a ceiling on contributions or spending. Absence of clearly defined rules to advocate for or against the proposed constitutional changes and the lack of reporting and oversight rules on campaign income and expenses, undermined the transparency of the process.

The right to freedom of expression and access to information, as guaranteed by international commitments, continues to be limited by the legislation. Cases of increased application of excessive criminal provisions were reported by several ODIHR LROM interlocutors in the run up to the referendum. Some ODIHR LROM interlocutors reported interference into editorial autonomy on critical coverage of proposed amendments before and during the campaign period. While a certain degree of critical reporting on social issues exists mainly in online media, direct criticism of high public officials

is absent and there are numerous cases of journalists and bloggers who reported pressure to remove content. The law does not provide for balanced coverage of the ‘Yes’ and ‘No’ options of the referendum. The ODIHR LROM media monitoring showed effective absence of the critical referendum coverage in news and current affairs programmes on television.

In line with prior ODIHR recommendations, recent amendments removed parallel avenues for referendum-related disputes. The ODIHR LROM was informed that no complaints were filed with the referendum administration, the courts or law enforcement bodies up until the referendum day. The CEC informed ODIHR LROM that it received 308 communications before referendum day and responded to most of them. Out of the total communications received, 77 that were outside the CEC competence and were forwarded to the authorized state bodies. Neither information on substance of these communications nor the answers provided by the CEC are public, reducing transparency.

The law provides for the presence of international observers and those nominated by *mahalla* committees and party representatives. Contrary to the OSCE commitments and international standards, citizen observer organizations are not entitled to nominate observers, which reduced transparency of the process. Despite some recent positive legislative efforts, civil society associations face difficulties to register, whereas others are subject to extensive governmental control restricting their genuine separation from the state.

The ODIHR LROM did not undertake systematic or comprehensive observation of referendum day proceedings but visited a limited number of polling stations. The voting process was calm. The ODIHR LROM observed that the Precinct Referendum Commissions frequently omitted proper voter identification, disregarding important procedural safeguards. In many cases observed, seemingly identical signatures in the voter lists and instances of open misuse of mobile voting were observed by the ODIHR LROM. During the count, indications of ballot box stuffing, such as numerous identical signatures in voter lists as well as stacks of ballots in ballot boxes were observed, undermining the integrity of the process. The tabulation was mostly orderly but lacked transparency. The turnout was announced at 84.5 per cent.

This report offers recommendations to support efforts to bring elections in Uzbekistan closer to OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the existing legal framework and practices, in particular with regards to the ability of citizens to exercise their fundamental political rights, the independence and impartiality of election commissions, voter lists, freedom of the media, and election day procedures. ODIHR stands ready to assist the authorities in improving the electoral process and addressing the recommendations in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation from the authorities of the Republic of Uzbekistan and in accordance with its mandate, ODIHR has deployed on 27 March a Limited Referendum Observation Mission (LROM) for the 30 April constitutional referendum. The ODIHR LROM was headed by Ambassador Albert Jónsson, and included 10 experts in the capital and 14 long-term observers deployed throughout the country. The ODIHR LROM members came from 21 OSCE participating States. The ODIHR LROM remained in the country to follow post-referendum developments until 9 May.

The ODIHR LROM assessed the compliance of the referendum process with OSCE commitments and other international obligations and standards for democratic referenda and elections, as well as with national legislation. In line with ODIHR standard methodology for LROMs, the mission did not carry out a comprehensive or systematic observation of referendum-day proceedings, but visited a limited

number of polling stations on referendum day. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Tashkent on 1 May 2023.<sup>2</sup> ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation.<sup>3</sup>

The ODIHR LROM wishes to thank the authorities of the Republic of Uzbekistan for their invitation to observe the referendum, and the Central Election Commission (CEC) and the Ministry of Foreign Affairs for the assistance. It also expresses its appreciation to other state institutions, political parties and civil society organizations, media, the international community representatives, and other interlocutors for their co-operation and for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

Uzbekistan is a presidential republic with legislative powers shared between the parliament and the president, with strong powers conferred to the president. The president issues binding decrees and resolutions, appoints some of the members of the upper chamber of the parliament and has a key role in the appointment of regional governors (*hokims*), members of the Supreme Judicial Council, the prosecutor general as well as the chairperson of the State Security Service and other high-ranking officials. 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 by the president.<sup>4</sup>

Apart from the registration of the Ecological Party of Uzbekistan (EPU) in 2019, no other party has been granted registration since 2003 and the political landscape remained unchanged. Following the 2019 parliamentary elections, all of the five registered parties are represented in the parliament and none stood in open opposition to the president's policies and agenda. The ODIHR LROM interlocutors stressed that due to restrictive regulations and practice formation of political parties is considered practically impossible.<sup>5</sup>

In 2021, the Social Democratic Party Truth and Progress and the Peoples' Interests Party were denied registration due to not meeting signature collection requirements. Moreover, activists from the Free Motherland and *Erk* Democratic Party dropped their attempts to establish a party due to alleged instances of intimidation and harassment.<sup>6</sup> On 16 April 2023, the Truth, Development and Unity Democratic Party, opposing the current government and the president, held a founding meeting and began collecting signatures for registration as a party. On 16 June, the Ministry of Justice denied their

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<sup>2</sup> See previous [ODIHR election observation reports on Uzbekistan](#).

<sup>3</sup> See the [2005 Declaration of Principles for International Election Observation](#).

<sup>4</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>5</sup> The 1996 Law on Political Parties requires collection of at least 20,000 signatures of citizens in at least eight regions of the country to establish a party. Paragraph 41 of [the ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "[i]t is the responsibility of the state to ensure that relevant general and specific legislation provides for the necessary mechanisms that, in practice, allow the exercise of the right to freely associate and form political parties with others. Paragraph 178 specifies that "[l]egislation should avoid restricting the number of parties through overly burdensome requirements for registration or expressions of minimum support. Not only do such restrictions inherently reduce the free function of political pluralism, they can easily be manipulated to silence parties or candidates who express opinions unpopular to those in power." Paragraph 14 of the [CCPR General Comment No. 31](#) states that the requirement "to take steps to give effect to the Covenant rights is unqualified and of immediate effect. A failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State."

<sup>6</sup> Following the failed attempts to establish parties, Khidirnazar Allakulov (Social Democratic Party Truth and Progress) and Aleksey Garshin (Free Motherland) reported to the ODIHR LROM that they continue to face harassment and intimidation.

registration due to insufficient number of signatures.<sup>7</sup> The ODIHR LROM is aware of at least one previous case of a party activist being sanctioned for political activism and noted allegations of pressure and intimidation from police and state security services during the referendum campaign.<sup>8</sup> Despite some recent positive legislative efforts, civil society associations face difficulties to register, whereas others organizations are subject to extensive governmental control restricting genuine separation from the state.<sup>9</sup>

*To promote genuine political pluralism, the burdensome legal and administrative procedures for registration of political parties and civil society organizations should be reviewed and aligned with international obligations, commitments and standards.*

President Mirziyoyev announced plans for a constitutional reform in his inaugural speech in November 2021.<sup>10</sup> On 20 May 2022, members of parliament (MPs) from the Liberal Democratic Party (LDPU) and the Democratic Party – *Milliy Tiklanish* (DPU) submitted a proposal for constitutional amendments and a Constitutional Commission was formed to facilitate the process.<sup>11</sup> The Commission published an initial draft, collected proposals from citizens and organizations and then submitted a revised draft to the Legislative Chamber.<sup>12</sup> On 10 March 2023, the Legislative Chamber unequivocally approved the Draft Constitution and set the referendum date for 30 April. Following a review by the Constitutional Court, the decision was confirmed by the Senate on 14 March and published on 15 March.<sup>13</sup> None of the registered parties and civil society organizations opposed the amendments or the referendum.

The constitutional reform was widely promoted as a significant enhancement of various rights and freedoms. Some ODIHR LROM interlocutors raised concerns about the lack of open debate on key changes, including those related to extending the presidential mandate from five to seven years and resetting the term limit of the incumbent. Initially proposed amendments included the elimination of the sovereign status of the Republic of Karakalpakstan and its right to secession. After these changes became public and a subsequent call for a demonstration by a prominent local activist and his detention, large-scale protests broke out in Nukus, the capital of the Republic of Karakalpakstan.<sup>14</sup> This resulted

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<sup>7</sup> The Ministry of Justice announced that it received 10,777 signatures out of which only 1,439 were recognized as valid. The legislation on political party registration, previously assessed by ODIHR as burdensome and open to arbitrary application, remains unchanged. ODIHR and Venice Commission [Guidelines on Political Party Regulation](#) recommend that “grounds for denying a party’s registration must be clearly stated in law and based on objective criteria”. The [2020 UN HRC Concluding observations on the fifth periodic report of Uzbekistan](#) highlighted the remaining concerns “that current legislation continues to impose restrictions on the right to freedom of association, including: (a) unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties; (b) an extensive list of reasons to deny registration”.

<sup>8</sup> The Tashkent City Court decision of 24 February 2022, subjected the activist of Truth, Development and Unity Democratic Party Vazira Egamberdieva to a UZS 1,350,000 (EUR 1 equals UZS 12,591) fine for holding an unauthorized meeting with party members in her house. The activists informed the ODIHR LROM about pressure and threats from the police and the State Security Services.

<sup>9</sup> On 4 October 2023, Cabinet of Ministers adopted a resolution aimed at facilitating implementation of projects of CSOs with foreign funding.

<sup>10</sup> President Shavkat Mirziyoyev won the 2021 presidential election with 80 per cent of the votes.

<sup>11</sup> The Constitutional Commission was formed on 20 May 2022 by a joint resolution of the two chambers of the *Oily Majlis* comprising 47 members, including 10 women.

<sup>12</sup> According to the authorities, the Constitutional Commission initially collected some 60,000 proposals; it then published an initial draft for discussion. Further, some 150,000 proposals from citizens were collected. Additionally, some 10,000 proposals originated from discussions with labour unions, universities, *mahallas*, activists and others.

<sup>13</sup> On 13 March 2023, the Constitutional Court concluded that the Legislative Chamber followed the procedure established by law for the adoption of the Draft Constitution, for calling a referendum and that there were no issues in the Draft that cannot be subject to a referendum.

<sup>14</sup> On 1 July 2022, Dauletmurat Tajimuratov was detained and later on convicted. On 5 June 2023, the Court of Appeal confirmed his 16 years of prison time sentence for conspiracy to seize power or overthrow the constitutional order, theft by embezzlement or misappropriation at a large scale, and legalization of income received from criminal activity.

in casualties as police dispersed the demonstration.<sup>15</sup> President Mirziyoyev visited Nukus in the aftermath of the protests and the proposed amendments related to the status of Karakalpakstan were revoked. Trials and convictions related to the events took place in 2023.

Reforms aimed at increasing women's participation in public and political life, underway since 2016. Positively, the number of women in the parliament has increased from 24 in the 2014 elections to 47 in the 2019 elections of the 150 seats in the current Legislative Chamber and 22 out of 100 members of the Senate are women.<sup>16</sup> The Chairperson of the Senate and the Deputy Chairperson of the lower chamber of the parliament are women. Nonetheless, women are generally underrepresented in political life and gender stereotypes persist.<sup>17</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>18</sup>

*Special measures could be considered to further enhance the participation of women in public and political life. Additional incentives could be considered for providing more favourable conditions for candidates of the underrepresented gender to stand for elections. Political parties could consider ways to further increase gender balance and place women in electable positions on the candidate lists.*

#### IV. LEGAL FRAMEWORK

Uzbekistan is a party to main international instruments related to the holding of democratic elections and referenda.<sup>19</sup> Restrictions on fundamental freedoms of assembly,<sup>20</sup> association<sup>21</sup> and

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<sup>15</sup> The Prosecutor General announced that 21 people were killed and 274 injured. On 5 July, the UN High Commissioner for Human Rights [called](#) for an “independent and transparent investigation.” On 15 July, a Commission on investigation of the violent events led by the Ombudsperson was formed by resolution of the parliament. On 31 January 2022, 22 individuals were charged with organizing mass riots, conspiring to overthrow the constitutional order, and distributing materials containing a threat to public security. On 5 June, on appeal, 16-year imprisonment sentence of the lawyer Daulat Tazhimuratov was left unaltered, 14 other defendants had their sentences reduced or changed to noncustodial “restricted freedom” terms, and 8 were released.

<sup>16</sup> The November 2023 amendments to Election Code, increased the number of women that should be nominated by a political party for parliamentary elections from 30 to at least 40 per cent of the total number of candidates.

<sup>17</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>18</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>19</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 \(CEDAW\)](#), [2003 Convention against Corruption](#), and the [2006 Convention on the Rights of Persons with Disabilities \(CRPD\)](#), ratified by Uzbekistan in June 2021.

<sup>20</sup> Assemblies not related to campaigning remain restricted by authorization requirements. The [Cabinet of Ministers' Resolution No.205 dated 29.07.2014](#) requires prior authorization for organization of public assemblies; repeated violations entail criminal liability and are punishable with up to three years of imprisonment. Paragraph 36 of the [2020 ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly](#) states that “Offences such as the failure to provide advance notice of an assembly or the failure to comply with route, time and place restrictions imposed on an assembly should not be punishable with prison sentences, or heavy fines”.

<sup>21</sup> The [1999 Law on Non-Governmental Organizations](#) is supplemented by numerous decrees and resolutions governing their operation and funding, *inter alia* the [Cabinet of Ministers Resolution No.858 dated 09.10.2019](#) as well as the [Cabinet of Ministers Resolution No.328 dated 13.06.2022](#). Article 6 of the [1996 Law on Political Parties](#) provides for 20,000 signatures of citizens in at least eight regions of the country to establish a party which may be deemed a restrictive requirement especially for associations with local interests. Some ODIHR LROM interlocutors stated that restrictive regulations resulted in the majority of the existing organizations being government-organized.



expression<sup>22</sup> remain in legislation, by-laws and practice.<sup>23</sup> Selective application of legislative provisions, abundance of subordinate legislation, such as decrees and resolutions often in conflict with each other or with the legislative acts and difficult accessibility of such by-laws undermine the legal certainty. The vast majority of existing civil society organizations are entities backed by the government and recent by-laws requiring assistance of state administrative bodies for the implementation of foreign-funded project were seen by several ODIHR LROM interlocutors as posing possible additional obstacles for civil society organizations, including their participation in democratic and electoral processes.<sup>24</sup> Furthermore, unregistered citizens associations are prohibited and penalized by law. International standards prescribe that any restrictions to those rights should be necessary and proportional to legitimate aims.<sup>25</sup> In addition, ambiguities and gaps in the legislation and vague provisions leave room for restrictive interpretation and arbitrary practices.<sup>26</sup>

*The legal framework governing freedom of association, assembly and expression should be reviewed to ensure that any restrictions on the exercise of these are necessary, proportional and applied in line with international standards.*

Referenda are primarily regulated by the 1992 Constitution and the 1991 Referendum Law, the 2019 Election Code, the Criminal Code and the Code of Administrative Responsibility, as well as decrees and resolutions and binding regulations issued by the CEC. The Referendum Law was most recently amended in 2019 and 2022, and the changes mostly reflected provisions of the 2019 Election Code, and its 2021 amendments. In line with previous ODIHR election-related recommendations, recent amendments eliminated the alternative fora for referendum dispute resolution and reduced timelines of submission and review of complaints. Several other technical adjustments were introduced, such as publishing results protocols by District Referendum Commissions (DRC), increasing the minimum number of DRC members from 9 to 11, limiting the changes to voter lists to five days before referendum day, and altering the procedures for voting abroad.

While the Referendum Law sets out the basic rules for the referendum process, it lacks regulation on several substantive aspects, including campaign and campaign finance, objective voter information, neutrality of public authorities, balanced media coverage and citizen observation. Despite some

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<sup>22</sup> The Criminal Code provisions on offenses of terrorism, religious extremism, public insult, or slander against the president are vaguely drafted allowing for potential misuse against political dissent. Criminal prosecution for defamation and public insult of the president was expanded to online media and social networks in 2021 as was making online public calls to ‘mass disturbances’, deepening restrictions on online speech. Similarly, the revised version of the Code of Administrative Responsibility contains an offense of publishing statements online inciting people to violate the law, threatening public order, or showing ‘disrespect’ to the state, subject to heavy fines.

<sup>23</sup> See the [2020 UN HRC Concluding observations on the fifth periodic report of Uzbekistan](#), in particular paragraphs 20, 44, 46, 48 and 50, for the assessment of legal restrictions on fundamental freedoms. Paragraph 25 of the [UN HRC General Comment 25 to the ICCPR](#) states that “[the] full enjoyment of rights protected by Article 25, [...] requires the full enjoyment and respect for the rights guaranteed in Articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas”.

<sup>24</sup> The Cabinet of Ministers Resolution No. 328 regulated the process of the implementation of foreign-funded projects.

<sup>25</sup> See Articles 21 and 22.2 of the [ICCPR](#). See also Paragraphs 4 and 27 of the [1996 UN Human Rights Committee \(HRC\) General Comment No. 25 to the ICCPR](#). Paragraph 24 of the [1990 OSCE Copenhagen Document](#) prohibits limitations of the human rights and fundamental freedoms “except those which are provided by law, [...] and [are] strictly proportionate to the aim of that law”. See Section II.2. of the [Venice Commission Revised Code of Good Practice on Referendums \(Code of Good Practice on Referendums\)](#) stipulating that “Democratic referendums are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of movement inside the country, freedom of assembly and freedom of association for political purposes, including freedom to set up political parties”.

<sup>26</sup> The legislation neither regulates the finances of the campaign nor does it clearly differentiate voter information from campaigning for the proposed changes or provides for relative sanctions. The law lacks detailed provisions on impartial and balanced media coverage.

improvements introduced, the legal framework for the conduct of referenda contains a number of shortcomings, and the regulation of the referendum conduct does not comply with international standards.

*The legal framework for the conduct of referenda should be reviewed to regulate important aspects of the process such as campaign, campaign finance and impartial and balanced media coverage.*

The ODIHR LROM interlocutors positively noted the adequately long consultations as part of the constitutional reform process and an inclusion of a significant number of proposals in the final draft.<sup>27</sup> However, the process lacked open debate on some contentious issues, such as extending the presidential term. Concerns were expressed by some LROM interlocutors that voters were not provided with impartial or balanced information on the potential impact of the amendments, thus limiting their ability to make an informed choice.

*Impartial and balanced information on all proposed amendments in a referendum should be made available to voters along with information regarding the consequences of their vote.*

The Draft Constitution consists of 6 sections, 155 articles and 434 norms.<sup>28</sup> Some ODIHR LROM interlocutors welcomed the proposed amendments as an improvement and stressed that provisions of the Draft Constitution establish a secular and social state, enhance some aspects of human rights and gender equality, increase the state's social obligations toward citizens and vulnerable groups as well as promote fair competition in business activities and land ownership rights, among others. Some ODIHR LROM interlocutors opined that the Draft Constitution does not enhance provisions on fundamental human rights and freedoms but only details provisions already existing in the legislation. The changes included the extension of the presidential terms of office from five to seven years and the reset of the term limits of the incumbent.<sup>29</sup> Limits on terms were introduced for other high state offices while previous and current terms held by the incumbents will not be counted for.<sup>30</sup> Other provisions of the Draft Constitution, such as maintaining the appointment of certain judicial positions and local government officials were not welcome by some ODIHR LROM interlocutors for not incorporating public proposals.

## V. REFERENDUM SYSTEM

The Constitution can be amended either through parliamentary procedures or through a national referendum. A referendum can be called by the *Oliy Majlis* based on the proposals of the citizens, chambers of *Oliy Majlis*, or the president. Results of the constitutional referendum are binding. The adoption of a decision to call a referendum and the designation of its date falls under the competence of

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<sup>27</sup> According to interlocutors over 220,000 proposals were received and considered.

<sup>28</sup> The 1992 Constitution comprised 128 articles and 275 norms.

<sup>29</sup> The international good practice suggests that amendments referring to high state offices should not be imposed in a manner that would secure the continued service of current holders. See paragraph 145 of the [Venice Commission Report on constitutional amendment, CDL-AD\(2010\)001](#). See also paragraphs 110 of the 2018 Venice Commission [Report on Term-Limits](#) "To the extent that constitutional amendments strengthening or prolonging the power of high offices of state are proposed, the motivation should be to improve the machinery of government as such, not the personal power and interests of the incumbent." Article 7 of the transitional provisions of the Draft Constitution implies that the current five-year term of the president will be extended by two years, and the incumbent will have the right to run for another two terms. ODIHR LROM interlocutors from the state authorities avoided discussion on the topic.

<sup>30</sup> Namely, the Speaker of the Legislative Chamber, the Chairperson of the Senate, the Chairperson of the Supreme Court, the Prosecutor General, the CEC Chairperson, and the local governors.

the *Oliy Majlis*. For the proposal to be adopted, the law requires a threshold of 50 per cent turnout of registered voters and a simple majority of the valid votes in favour of the proposal.<sup>31</sup>

The proposed amendments, affecting approximately two thirds of the Constitution, were voted on as a single package. This did not provide voters with opportunity to make a choice about each distinct issue featured in the amendments, contrary to international good practice.<sup>32</sup> Voters were asked to vote for a single “Yes” or “No” option.<sup>33</sup>

*To further facilitate the expression of a voter’s will, when revising the Constitution on multiple separate aspects, proposed changes could be presented as distinct questions to be answered individually.*

## VI. REFERENDUM ADMINISTRATION

The referendum was administered by the CEC, 14 District Referendum Commissions (DRCs), and 10,758 Precinct Referendum Commissions (PRCs), including 55 PRCs established in 39 countries abroad. The CEC is a permanent body, while the DRCs and PRCs were formed temporarily for the administration of the referendum.

The CEC members are appointed by the *Oliy Majlis* for an indefinite term, based on proposals from regional representative bodies.<sup>34</sup> The current CEC has 21 members, including seven women. The CEC has been conducting regular sessions, attended by media and international observers, and streamed online, contributing to transparency. Information on sessions and agendas were available online in advance, and decisions were published shortly after sessions on the CEC website. The CEC website contained a variety of referendum materials, also presented in formats accessible for persons with visual impairments.

Overall, the CEC administered technical preparations effectively and adopted decisions within the established legal deadlines.<sup>35</sup> However, some CEC instructions, such as those on measures for participation of persons with disabilities and on the use of video cameras in polling stations, were adopted after the PRC training sessions were completed. The exercise of CEC responsibilities is substantially supplemented by state institutions, departing from principle of independence of election administration.<sup>36</sup> Furthermore, the CEC is mandated with the organization and conduct of the referendum, but the legislation does not sufficiently equip the CEC with the powers necessary for administering important aspects of the referendum process, including overseeing referendum campaign

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<sup>31</sup> See point III.7(b) [Code of Good Practice on Referendums](#) “An approval quorum or a specific majority requirement is acceptable for referendums on matters of fundamental constitutional significance”.

<sup>32</sup> The [Code of Good Practice on Referendums](#) states that “Electors must not be called on to vote simultaneously on several questions without any intrinsic link, given that they may be in favour of one and against another. Where the revision of a text covers several separate aspects, a number of questions must therefore be put to the voters. However, total revision of a text, particularly a Constitution, naturally cannot relate solely to aspects that are closely linked. In this case, therefore, the requirement for unity of content does not apply. Substantial revision of a text, involving a number of chapters, may be regarded as being equivalent to total revision; clearly, this does not mean the different chapters cannot be put separately to the popular vote.”

<sup>33</sup> The referendum question read: “Do you accept the Draft Law of the Republic of Uzbekistan “On the Constitution of the Republic of Uzbekistan”.

<sup>34</sup> The CEC members elect a chairperson from amongst themselves, based on the nomination of the president.

<sup>35</sup> The CEC adopted a number of decisions, including on the accreditation of observers, the procedure of formation of lower-level referendum commission, established the form of the ballot, determined the dates for early voting, and approved the methodology of the training.

<sup>36</sup> Paragraphs 69 and 70 of [the Code of Good Practice in Electoral Matters](#) state that ‘in states where the administrative authorities have a long-standing tradition of independence from the political authorities, the civil service applies electoral law without being subjected to political pressures [...] However, in states with little experience of organizing pluralist elections, there is too great a risk of government’s pushing the administrative authorities to do what it wants’.

activities, developing rules on media coverage of the referendum campaign and campaign financing, resulting in lack of regulatory responsibility in these fields.<sup>37</sup>

On 23 March, the CEC formed DRCs on the basis of proposals from regional assemblies and by the 9 April legal deadline, DRCs formed the PRCs. The legislation and the CEC regulation includes some criteria for PRC nominations, which partially addresses a prior ODIHR recommendation. However, many of these criteria remain vague.<sup>38</sup> The process of application for the PRCs membership was not sufficiently regulated and transparent.<sup>39</sup> While not contrary to the law, the involvement of *mahallas* negatively impacted the independence of the lower-level referendum administration. ODIHR LROM observers reported that commissioners nominated by *mahallas* played the most active role in many PRCs, combining their status in the referendum administration with promotion of the constitutional amendments.<sup>40</sup> Furthermore, the law does not envisage an opportunity for balanced representation of the proponents and opponents of the proposed amendments in the referendum administration, as recommended by international good practice.<sup>41</sup>

*Nomination and appointment of referendum commission members at all levels should be revised to provide for the formation of referendum administration bodies independent from the executive branch, local administrations, and mahallas.*

The training sessions for the referendum commissions observed by the ODIHR LROM were assessed as well organized and informative.<sup>42</sup> However, ODIHR LROM observers reported inconsistencies in the presentation of important aspects of the referendum process during the training, resulting in varying understanding of the procedures. In particular, inconsistent explanations were provided with regard to additions of voters to supplementary voter lists on referendum day and voter lists for the place of temporary stay. The lack of comprehensive training may have led to misapplication of important election day procedures (See *Election Day Section*).

A variety of printed and audio-visual materials were commissioned and distributed by the referendum administration as well as by other stakeholders, including ministries, local administration, *mahallas* and civil society organizations (CSOs), as part of the voter information campaign. While some materials explained voting procedures, the neutrality of the information presented to voters was overshadowed by the promotion of the constitutional amendments and encouragement to participate in the referendum. Information on the secrecy of the vote and freedom of choice was available on the CEC website and its

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<sup>37</sup> Section II. 4.1. b of the [Code of Good Practice on Referendums](#) states that “[t]he central electoral commission or another impartial authority should have the following powers to supervise the conduct of the campaign, take all necessary measures to ensure that it is properly held”.

<sup>38</sup> For instance, the Referendum Law states that PRC members should enjoy respect of the population. Other criteria such as inclusion of representatives of civil society are advisory.

<sup>39</sup> The 2022 amendments provide that PRC members are proposed by *mahallas*, public associations, and other institutions. Some PRC members met by the ODIHR LROM could not explain how they applied for their positions, others stated that they were contacted by local officials, and many commissioners were not aware of the selection requirements.

<sup>40</sup> *Mahalla* is a traditional small-scale community residing in a specific area. Currently it is co-opted and financed by the government, and serves as an administrative unit with a broad range of functions such as collecting taxes, enforcing public order, and nominating members of the referendum commissions and observers. According to the authorities there are around 9,445 *mahallas* across the country. See Section II. 4.1.a of the [Code of Good Practice on Referendums](#) stating that “independent commissions must be set up at all levels, from the national level to polling station level”.

<sup>41</sup> Section II. 3.1 of the Explanatory Memorandum of the [Code of Good Practice on Referendums](#) clarifies that “the fact that referendums do not necessarily entail a divide along party lines but may involve other political players means a choice must be offered, as regards the membership of electoral commissions, between balanced representation of the parties and balanced representation of the proposal’s supporters and opponents”.

<sup>42</sup> The formation of DRCs was followed by a training organized in accordance with the new methodology developed by the CEC. Most of the training sessions were conducted before the arrival of the ODIHR LROM.

social media channels and presented during some events in Tashkent. ODIHR LROM observers reported the lack of such information in the regions.

*Voter information materials prepared by the Central Election Commission should ensure the neutrality of the referendum administration. Essential aspects of the exercise of the right to vote should be clearly presented.*

Overall, women were well represented in the referendum administration; however, their representation is lower in the chairpersonship positions. According to the CEC, 42 per cent of all DRC members and 49.7 per cent of PRC members were women. While some 38 per cent of PRCs were chaired by women, only 2 out of 14 DRC chairpersons were women. The positions of secretaries of DRCs and PRCs were equally distributed. Only 6 per cent of DRC members and 15 per cent of PRC members were younger than 30 years old.

In line with international standards, significant efforts were made to increase the participation of persons with disabilities in the referendum process. This includes provision of equipment for the accessibility of polling stations, including Braille ballots, bigger voting booths to accommodate voters in wheelchairs, provision of voter information materials with sign language and large font. The referendum legislation recommends to include persons with disabilities in the composition of the referendum administration.

## VII. VOTER REGISTRATION

Citizens aged 18 or older have the right to vote. The amended Constitution stipulates that those citizens serving a prison sentence for serious and grave crimes and those declared legally incapable, are disenfranchised by a special decision of a court. Following the adoption of the Constitution, these groups of citizens were automatically enfranchised.<sup>43</sup> However, the CEC informed that the Criminal Code would be amended in order to introduce an article on deprivation of voting rights as a criminal sanction.

Voter registration is passive, and is based on permanent or temporary residence.<sup>44</sup> The Single Electronic Voter Register (SEVR) is compiled automatically on the basis of inputs integrated from databases of several ministries and agencies.<sup>45</sup> Preliminary voter lists are compiled in the SEVR for each polling station.<sup>46</sup> PRCs were responsible for verification of the voter lists and were collecting the data from the local bodies and *mahallas* and conducted door-to-door visits to verify the factual addresses of the voters. The ODIHR LROM observed that such verifications were at times accompanied by personal inquiries used to connect with voters.<sup>47</sup>

Voters were given an opportunity to verify their voter registration data online as well as in-person at polling stations starting 10 days before the referendum day. Moreover, voters were able to change their

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<sup>43</sup> According to the CEC, there are 10,702 disenfranchised prisoners and 6,608 persons with mental and psychological disabilities.

<sup>44</sup> Registration for out-of-country voting is active. For this referendum there were 307,895 citizens registered to vote abroad.

<sup>45</sup> A number of government agencies, including the Ministry of Justice's Agency for Personalization, the Ministries of Interior, Defence, and Foreign Affairs.

<sup>46</sup> The PRCs received access to the voter lists in their respective precincts three days after the formation. 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>47</sup> The ODIHR LROM observed the collection of passport data in Navoi, personal inquiries related to family status and professional activities of voters were posed within the verification for referendum to voters in Tashkent.

registration to a temporary place of stay for referendum day.<sup>48</sup> By law, early voting is open to those who are away from their voting addresses on referendum day, based on the applications of voters. The law does not provide the list of grounds and prohibits PRC members to ask for additional proof.

The number of citizens included in the SEVR is 22,028,002. The final number of voters as announced by the CEC was 19,722,809. The CEC explained the difference between these numbers by the fact that citizens that left the country more than three months ago were taken out from the voter list. Despite a long-standing ODIHR recommendation, the legislation provides for voters to be added to supplementary voter lists on referendum day, provided they are included in the SEVR and officially reside within the polling precinct.<sup>49</sup> Moreover, the PRCs met by the ODIHR LROM before referendum day were not aware of the details of the verification procedure and on referendum day large numbers of voters were added in the supplementary voter lists, without any safeguards and contrary to international good practice.<sup>50</sup> While most of the ODIHR LROM interlocutors did not raise concerns about the accuracy and inclusiveness of the voter register before referendum day, large scale inclusion of voters in the voter list on referendum day evidenced potential inaccuracies in the voter lists and misuse of voting day registration.

*In line with international good practice, the use of supplementary lists could only be permitted for those who changed their residence between the final publication of the voter lists and voting day. Proper safeguards against misuse of such procedure should be in place.*

Fifty polling stations in Tashkent were provided with the equipment for electronic voter identification, piloted for this referendum.<sup>51</sup> In these polling stations ID scanners and video cameras were used to perform face recognition and issue voters confirmation slips for positive recognition voters'. The CEC informed the ODIHR LROM that the equipment was purchased through the Ministry of Justice., no technical documentation was publicly available before referendum day and there was limited time for testing of the equipment and training of the operators of voter authentication devices, not in line with international good practice. Moreover, voter information campaign was limited and majority of ODIHR LROM interlocutors were not aware of the piloting of biometric identification used in these polling stations.<sup>52</sup>

*Important changes to the election process that involve the introduction of new technologies should enjoy broad public consensus. To increase transparency, the authorities should provide greater information on the use of technologies to voters.*

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<sup>48</sup> Mistakes in the lists may be appealed by citizens to the PRCs, which shall decide on the matter within 24 hours. Changes to voter lists are permitted up to five days prior to referendum day.

<sup>49</sup> Section I.1.2 of the Venice Commission's [Code of Good Practice in Electoral Matters](#) advises against registration taking place at the polling station on voting day.

<sup>50</sup> In particular, many PRC chairpersons and secretaries stated to the ODIHR LROM that voters can be included in the supplementary voter lists regardless of their places of residence and that the PRCs are responsible for making changes in the SEVR on referendum day. Section I. 1.2. of the Venice Commission's [Code of Good Practice in Electoral Matters](#) allows for a limited use of a supplementary register for 'giving the vote to persons who have moved or reached statutory voting age since final publication of the register'. The CEC informed ODIHR LROM that the statistics on number of voters added to the supplementary voter's lists are not kept.

<sup>51</sup> A process of biometric registration started in Uzbekistan in 2011. The Ministry of Digital Technologies informed the ODIHR LROM that 99.9 per cent of the population has biometric identification documents.

<sup>52</sup> Although the CEC informed the ODIHR LROM about preparations for the pilot project, the formal decision on piloting biometric voter identification was taken on 12 April. The [international good practice](#) requires transparent process and gradual introduction of the new technologies.

## VIII. REFERENDUM CAMPAIGN

The official campaign period started on 15 March and ended at midnight on 28 April. Campaigning on the day and the day before the referendum is prohibited by law. The Referendum Law has a general provision that guarantees the right to campaign to all citizens and public associations. Contrary to international good practice, the law neither prescribes the neutrality of public authorities nor regulates campaigning by officials.<sup>53</sup> The lack of regulations allowed for the misuse of public resources, blurring the line between voter information and promotion of the referendum proposals.<sup>54</sup> Several ODIHR LROM interlocutors stated that in the build-up to the referendum, activists and bloggers were subjected to administrative or criminal sanctions, which further restricted the exercise of freedom of expression during the process.<sup>55</sup> There was no organized opposition to the amendments and the referendum.

The state call for voters' participation across the country blended with the open promotion of the Draft Constitution. Large-scale outdoor concerts, rallies and cultural events were organized in favour of the amendments and the intensity of the promotion was increasing in the build-up to the referendum day.<sup>56</sup> Concurrently, the "Yes" campaign of public officials and parliamentary parties was in accord with the official government-run promotion, blurring the separation between party and state at odds with Paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>57</sup> Furthermore, contrary to international standards, the ODIHR LROM observed many *mahalla* committees facilitating the governmental endorsement of the amendments, which included instances of undue influence on voters.<sup>58</sup> Additionally,

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<sup>53</sup> The law only prohibits free or preferential provision of goods, services, or financial payment for campaigning except for information purposes. The ODIHR LROM observed that most events of political parties were held in public/state premises.

<sup>54</sup> Section I.3.1.b of the [Code of Good Practice on Referendums](#) notes, that "The use of public funds by the authorities for campaigning purposes must be prohibited". Indications of instances of misuse of public office and resources have been observed by ODIHR LROM observers during the campaign events in Andijan region, Bukhara region, Navoi region, and Nukus city. See paragraph 250 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) which states that "the abuse of state resources is universally condemned by international norms, such as Article 9 of the United Nations Convention against Corruption". The ODIHR LROM observed instances of members of the lower-level referendum administration openly supporting the Draft Constitution.

<sup>55</sup> On 28 March, human rights activist Tatyana Dovlatova was detained for holding a placard in protest against the lack of human rights in Uzbekistan and had to sign a warning protocol that she will not engage in the referendum campaign.

<sup>56</sup> Promotional events were held in support of the draft as part of the official state-run campaign for participation under the motto "The Constitution is mine, yours, ours!". In Navoi, Nukus and Jizzakh military garrisons' events took place with participation of the *Oliy Majlis* representatives, military prosecutor, and other high-ranking officials; the state Uzbek-Finnish Pedagogical Institute in Samarkand held a promotional event; the sports arena of the *hokim* sports school in Andijan hosted a large-scale promotional festival with the participation of the Minister of Culture; an event in Nukus was organized by the state Youth Affairs Agency.

<sup>57</sup> The ODIHR LROM noted that in Andijan, Nukus, Yangi Kurgon, Qarshi, Mingbulok, Samarkand and Bukhara, the ruling party LDPU held various events under the official logo and with banners, flags, and slogans, which were indistinguishable from the state promotion of the referendum; the DPU had similar events in Bukhara, Kitab, and Nukus; People's Democratic Party of Uzbekistan held identical events in Andijan, Qarshi and Tashkent; Social Democratic Party of Uzbekistan – *Adolat* had such events in Tashkent and [the State Institute of Foreign Languages in Samarkand](#); whereas EPU in Navoi, Nukus and Qarshi. Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) calls for "a clear separation between the State and political parties".

<sup>58</sup> Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) stipulates that the participating States will, "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution."

ODIHR LROM observers noted other cases of pressure on the public to participate in the promotional events and widespread misuse of administrative resources.<sup>59</sup>

*The legal framework should include effective safeguards against the misuse of office by state and local officials, prohibit pressure on public employees, and provide for proportionate sanctions for possible violations.*

Despite wide public understanding that the draft amendments affecting the presidential mandate of the incumbent were a key issue, the topic was not subject to an open debate. Voters were not provided with impartial and balanced information by the state on these issues, thus negatively impacting the voter's ability to make an informed choice, not in line with international good practice.<sup>60</sup> All parties and many public officials resorted to the use of social networks to reach out to the public. Anonymous platforms and a number of prominent activists provided some diverse information on various topics such as women, social issues and corruption during the campaign. The main social networks used included *Telegram*, *Facebook* and *YouTube*. During the campaign period, the ODIHR LROM did not observe instances of inflammatory language.

Gender issues were a prominent feature of the campaign as report from an activist group concerning sexual abuse of underage orphans by public officials and the subsequent light convictions was widely discussed in the media.<sup>61</sup> The case stirred a public outcry and debates throughout the campaign period and underlined the continuing challenges faced by women to access the justice system.<sup>62</sup> On 6 April, positively, the Senate confirmed amendments, extending the scope of legal protection for victims of sexual abuse.<sup>63</sup>

Some 90 per cent of the campaign events observed by the ODIHR LROM were accessible for persons with reduced mobility but issues pertaining to the rights of persons with disabilities did not feature in the campaign. In some educational videos sign language was provided.

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<sup>59</sup> On 27 March, the *hokim* of Tashkent [issued a decree](#) for the establishment of campaign groups to promote the Draft Constitution. The groups involved over 1,000 people, including *mahalla* leaders, teachers, doctors, youth leaders and the assistance of over 11,000 *mahalla* members. Following a [media report](#), the decree was annulled on 31 March. In Andijan an event organized by LDPU was held in a local school where the attending teachers disclosed that absence will be considered disobedience and disrespect to the principals' authority. Following media reports that children were made to chant campaign slogans in a kindergarten, the Preschool Education Agency under the Ministry of Preschool and School Education released a statement and issued recommendations to prevent the occurrence of other similar cases. The ODIHR LROM noted that in the Navoi region the Committee for the Development of the Silk and Wool Industry organized a large-scale event in the local stadium and children were given time off from school to attend; in Yangi Kurgon groups of children in school uniforms were brought for the attendance of the LDPU promotional event.

<sup>60</sup> The [Code of Good Practice on Referendums](#) states: "Administrative authorities must observe their duty of neutrality, which is one of the means of ensuring that voters can form an opinion freely (...) The authorities must provide objective information... [and] must not influence the outcome of the vote by excessive, one-sided campaigning".

<sup>61</sup> *Nemolchi.uz* is an online platform that collects and publishes anonymous stories of survivors of gender-based violence. On 3 May Irina Matvienko, the founder of *Nemolchi.uz*, announced that she temporarily fled the country following a death threat received on Telegram.

<sup>62</sup> In its [Concluding observations on the sixth periodic report of Uzbekistan](#) the UN Committee on the Elimination of Discrimination against Women noted "persistent barriers to women's and girls' access to justice, including their limited knowledge of their rights and the remedies available to claim them, limited capacity of the judiciary and law enforcement officials to apply the Convention on the Elimination of All Forms of Discrimination against Women, as well as judicial gender bias, persistent gender stereotypes and the use of reconciliation procedures before *mahallas* in cases of gender-based violence against women".

<sup>63</sup> The amendments provide for liability for harassment and stalking of women, make early conditional release for sexual offenders impossible, and exclude lack of knowledge of the age of sex crime victims as alleviating condition.



## IX. CAMPAIGN FINANCE

According to the Referendum Law, all expenses related to the referendum are covered by the state budget.<sup>64</sup> Individuals or public associations can make donations to the CEC for the referendum process, however, according to the CEC, no such funds were received. Neither private nor public financing of campaign activities are regulated and the law does not provide for a ceiling on contributions or spending.<sup>65</sup> Absence of clearly defined rules to advocate for or against the proposed constitutional changes and the lack of reporting and oversight rules on campaign income and expenses, undermined the transparency of the process. At the regional level, ODIHR LROM interlocutors maintained that campaign events and material produced were financed by political parties' own funds, with no details provided as to the origin of such amounts or the allocation of spending. Furthermore, political parties' financial reporting is limited to their regular financial reporting obligations. Information on spending or details on the breakdown of the state budget allocated for the referendum process was not publicly available before referendum day.<sup>66</sup>

*To enhance transparency and accountability, process of the referendum campaign finance should be clearly regulated. The requirements for detailed reporting on income and expenditures for all stakeholders and an oversight authority should be in place.*

## X. MEDIA

### A. MEDIA ENVIRONMENT

Media environment consists of a large number of media outlets.<sup>67</sup> All media outlets are required to register with the state Agency of Information and Mass Communication (AIMC). Although, the ODIHR EOM interlocutors did not consider the registration process to be burdensome, the registration requirement is deemed unnecessary by a number of international organizations.<sup>68</sup> The state funded National Television and Radio Company (NTRC), which runs a high number of media outlets with nation-wide and regional outreach, competes with commercial media, located mainly in the capital, in a limited advertising market.<sup>69</sup> Only very few outlets are considered to be self-sustainable. The general director of the NTRC is appointed by the government in consultation with the president.<sup>70</sup>

*To promote a plurality of views, it is recommended to transform the National Television and Radio Company into a genuine public service media, with independent appointment of management and a*

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<sup>64</sup> The CEC Resolution N°121 on the approval of the budget estimated the cost for the referendum process at approximately 14.5 million Euro.

<sup>65</sup> See paragraph 35 of the [Code of Good Practice on Referendums](#) which states that “the principle of equality of opportunity applies to public funding, and that equality should be ensured between a proposal’s supporters and opponents”.

<sup>66</sup> The CEC Resolution No 1186 requires the CEC to submit a summary of how referendum funds were used to the Ministry of Finance within a month of announcing the referendum results.

<sup>67</sup> According to the Agency for Information and Mass Communication, a total of 736 state and 1,180 commercial media outlets are registered in Uzbekistan.

<sup>68</sup> According to the authorities, the 2022 decision of the government “On approval of a unified regulation on procedures for issuing certain permitting documents through a special electronic system” provided for a simplified mechanism for registering media. See paragraph 39 of the [2011 UNHRC General Comment No.34 to the ICCPR](#). See [the 2003 Joint Declaration](#) and [the 2005 Joint Declaration](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media (RFoM) and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression.

<sup>69</sup> The NTRC operates 12 TV stations with nation-wide coverage, as well as 14 regional broadcasters, and 4 radio stations.

<sup>70</sup> Paragraph 16 of the [CCPR General Comment No.34](#) to the ICCPR stipulates that states should guarantee the independence and editorial freedom of public broadcasting services.

*clearly defined public mandate. The financing model of public broadcaster should ensure their financial independence. Such media should be required to provide balanced and impartial reporting in news, current affairs and discussion programmes, including in referendum coverage.*

The Mass Media Law prohibits foreign share of over 30 per cent in a media outlet and local media are prohibited to receive foreign funding. Information on ownership of commercial media is not publicly available. Some ODIHR LROM interlocutors reported instances of pressure on media outlets following critical reporting, including of proposed constitutional amendments. On 5 April 2023, Anorbank was awarded 3.7 billion UZS as compensation for damages following a defamation suit against the online media outlet *Sof.uz*.<sup>71</sup> No international media NGO is registered in the country.<sup>72</sup>

After the change of presidency in 2016, a slight opening of online space allowed for certain critical reporting on local government and social issues.<sup>73</sup> However, direct criticism of higher public officials remains virtually impossible.<sup>74</sup> As reported to the ODIHR LROM, journalists and bloggers are facing bribes, threats, arrests, or are being forced to remove content. As reported by a number of ODIHR interlocutors, self-censorship is still pervasive.

## **B. LEGAL FRAMEWORK**

The right to freedom of expression and access to information continues to be excessively circumscribed limitations in the Constitution, the Criminal Code and other legislation.<sup>75</sup> International organizations have previously noted that broad and insufficiently defined provisions in the Criminal Code on terrorism, religious extremism, separatism, storage and dissemination of extremist materials, and attempts to undermine the constitutional order do not provide for legal certainty and are used to disproportionately restrict freedoms of religion, expression, assembly and association.<sup>76</sup>

*Restrictions on all fundamental freedoms, including freedom of expression should be in strict conformity with the principles of legality, legitimacy, necessity and proportionality.*

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<sup>71</sup> The Civil Code does not provide for defence of reasonable publication and the burden of proof lies with the defendant, including on matters of public concern. The law does not foresee non-pecuniary remedies or a ceiling on pecuniary compensation. 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.

<sup>72</sup> ODIHR LROM interlocutors reported that following the June 2022 Cabinet of Minister's resolution which requires local NGOs to 'partner' with a state institution in order to receive foreign grants, the international media NGO Internews is no longer able to implement major projects through local partners.

<sup>73</sup> During the campaign period, the issue of *inter alia* sexual violence against women and minors was addressed on social networks and subsequently widely covered in online media outlets.

<sup>74</sup> In December 2022, Shohida Salomova was accused of violating Articles 139 and 140 of the Criminal Code for slandering and insulting another blogger on social media. During the investigation, a forensic psychiatric examination was ordered and Shohida Salomova was placed in a medical institution. According to media reports (access to *Radio Ozodlik* is restricted in Uzbekistan), the detention followed her accusations on *Telegram* against the president and members of his family of nepotism and corruption.

<sup>75</sup> The Constitution permits limitations *inter alia* on the grounds of the "existing constitutional system and in some instances specified by law", as well as "if any state or other secret is involved." Article 19.3 of the ICCPR stipulates that restrictions must be "provided by law", meaning that they must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly. In addition, they may only be imposed for one of the grounds including the "respect of the rights or reputations of others" or the "protection of national security or of public order or of public health or morals" and they must conform to the strict tests of necessity and proportionality.

<sup>76</sup> Articles 155, 159, 161 and 244 of the Criminal Code. See 2022 [Report of the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism on the visit to Uzbekistan](#).

Defamation remains criminalized, despite past ODIHR recommendation, and insulting the president is punishable with up to five years of imprisonment.<sup>77</sup> Furthermore, legislation criminalizes the dissemination of ‘false information’. Several ODIHR LROM interlocutors reported an increased application of undue provisions in the run up to the referendum.<sup>78</sup> Some ODIHR LROM interlocutors stated that despite proclamations of reinforcement of the human rights protection in the Draft Constitution, its provisions do not yet sufficiently guarantee the right to freedom of expression.<sup>79</sup> Furthermore, ODIHR LROM interlocutors expressed concern that the draft Information Code contains concerning provisions, *inter alia*, holding mass media, intermediaries and bloggers liable for the ‘truthfulness’ of information.

*Defamation and other related provisions, including ‘insult’ and dissemination of ‘false information’ should be decriminalized, in line with international standards. Defamation laws should be exclusively civil in nature and civil remedies should be prioritized over pecuniary ones.*

Owners of websites or other public “information resources”, including bloggers, must monitor third-party content for legal compliance and accuracy. The law provides overly broad grounds for online content to be deemed illegal, contrary to international standards.<sup>80</sup> A number of websites remain inaccessible, including Radio Free Europe’s Uzbek-language service (*Radio Ozodlik*). Lists of blocked websites together with the reasons behind the blocks are not publicly accessible. Following 2021 amendments to the Law on Personal Data, the access to the social networks *X(Twitter)*, *TikTok* and *Vkontakte* and instant messengers *Skype* and *WeChat* had been restricted, but was restored in August 2022. However, the access to *TikTok* remains blocked to date.

*To ensure effective exercise of freedom of expression, any restrictions on the Internet should be transparent, clearly defined by law, and subject to judicial oversight.*

The Referendum Law contains general provisions and entitles citizens and public associations to express their opinions of referendum options, including in mass media. Nevertheless, the law does not define any referendum regulations for the media, including requirements to provide impartial coverage in news or guarantee equal conditions for campaigns. The law does not provide for equal or equitable coverage of the ‘Yes’ and ‘No’ option of the referendum.

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<sup>77</sup> Paragraph 47 of the [CCPR General Comment No 34 to the ICCPR](#) stipulates that “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”. Although the 2020 amendments to the Criminal Code removed imprisonment as a penalty for defamation and insult, they still remain criminal offences, punishable with fines, corrective labour or limitation of freedom. Furthermore, in 2021, criminal prosecution for defamation and insult of the president was expanded to online media and social networks. According to [media reports](#), in February 2022, a district court sentenced the blogger Sobirjon Bananiyazov to three years in prison for insulting the President and his daughter, as well as former president Islam Karimov, in a Facebook group.

<sup>78</sup> On 17 March 2023, following the July 2022 demonstrations in Karakalpakstan, the journalist Yesimkan Kanaatov was convicted to five years deprivation of freedom for “organization of riots” and “distribution of information and materials containing ideas of religious extremism, separatism and fundamentalism”. The same day, the journalist Abdimalik Khozhanazarov was also sentenced to five years deprivation of freedom under similar provisions. On 16 March 2023, the international media NGO Committee to Protect Journalists [called on authorities to ensure Karakalpak journalists are not imprisoned for their work](#) (access to website is restricted in Uzbekistan).

<sup>79</sup> The Draft lists “the prevention of disclosure of state secrets or other secrets protected by law” as well as the “protection of the constitutional system” as legitimate grounds for restriction. In addition, while the Draft Constitution guarantees media freedom, “mass media” may be held liable for the ‘reliability’ of information.

<sup>80</sup> The Law on Informatization restricts information that *inter alia* “demonstrates disrespect for society, the state, state symbols, including information expressed in an indecent form” and that “calls for riots, violence against citizens, as well as participation in meetings, rallies, street processions and demonstrations held in violation of the established order, as well as the coordination of these illegal actions.”.

C. **MEDIA MONITORING FINDINGS** [Click here to read media monitoring results](#)



According to ODIHR LROM media monitoring results, the referendum coverage on both state and commercial television was characterized by discussion programmes and ads promoting selected constitutional amendments, often targeting specific segments of the population, including youth and teachers.<sup>81</sup> Although not contrary to the law, the television advertisements did not disclose who authorized or paid for them, undermining transparency.<sup>82</sup> News coverage presented systematically the referendum in a positive tone without any critical editorial content, including on contentious amendments.<sup>83</sup> Online media devoted less space to the referendum and placed fewer advertisements but did not provide any critical editorial coverage of draft amendments. Overall, voters were not provided with impartial, balanced and critical information by the media. During the adoption of legislation enhancing the protection of victims of abuse on 6 April, women's issues prominently featured in media. However, gender issues were not explicitly addressed in the media during the promotion of the Draft Constitution.

## XI. REFERENDUM DISPUTE RESOLUTION

Recent legal amendments significantly changed the referendum dispute resolution mechanism following the changes introduced to the Referendum Law in 2022. These changes aligned the framework with the 2021 amendments to the Election Code eliminating parallel avenues for referendum-related disputes. The amended law introduced exclusive jurisdiction of the courts over challenging decisions or actions of referendum commissions instead of them being appealed to higher level commissions. Additionally, the procedural deadlines have been shortened, addressing prior ODIHR recommendations.

The Referendum Law provides for the administrative and judicial channels of referendum-related dispute resolution. Complaints may be submitted to the respective referendum commissions in the first instance, with their decisions subject to judicial review. Appeals against lower-level referendum commission decisions or actions can be filed with administrative courts within five days while the Supreme Court has exclusive jurisdiction over appeals against the CEC decisions and actions. In line with good practice, the legislation provides for short deadlines with both the courts and referendum commissions obliged to consider complaints within three days upon submission and immediately if filed within six or less days before the voting day. The law provides for appealing the CEC decision on full or partial invalidation of the referendum results but is silent on the possibility to challenge the CEC decision validating the results of the referendum.<sup>84</sup> The law does not explicitly provide for an appeal mechanism of PRC or DRC result protocols.

Some referendum related offenses, such as obstructing the right to vote or campaign, violation of the secrecy of vote or forgery of documents is included in the Referendum Law while administrative and criminal liability are detailed in provisions of the Law on Administrative Responsibility and the Criminal Code, respectively; however, they do not clearly determine what actions may or may not be classified as violations and factors influencing the respective sanctions.

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<sup>81</sup> Starting on 5 April 2023, the ODIHR LROM monitored the primetime coverage of five TV stations: *O'zbekiston* (state-owned), *O'zbekiston 24* (state-owned), *MY5*, *Sevimli*, *UzReport* and five online media outlets: *Daryo.uz*, *Gazeta.uz*, *Kun.uz*, *Podrobno.uz* and *Qalampir.uz*.

<sup>82</sup> A total of 46 hours of advertisement was broadcast on monitored television.

<sup>83</sup> All coverage, including news, discussion programmes and advertisements were in a positive (87 per cent) and neutral tone (13 per cent).

<sup>84</sup> According to the Supreme Court in such an event the general provision on challenging CEC decisions applies.

*To ensure effective remedy, the legislation should be amended to explicitly provide for the possibility to challenge referendum results at all levels and clearly specify jurisdiction over such complaints.*

No complaints were filed with the CEC, lower-level referendum commissions or the courts at any stage of the process. The CEC informed the ODIHR LROM that it received 308 communications from various channels until referendum day and provided answers on most of them, while 77 communications that were outside the CEC competence were forwarded to the authorized state bodies.<sup>85</sup> There is no online registry for collecting referendum-related complaints on the CEC website. Neither information on the substance of communications nor the answers provided by the CEC are made public, reducing transparency. A CEC call center was established for the pre-referendum period but information on inquiries by citizens to the call center was not publicly available and the process of addressing such communications lacked transparency.<sup>86</sup>

*The Central Election Commission should make additional efforts to increase the transparency of the dispute resolution process, including creation of a dedicated publicly accessible register with all referendum related complaints, appeals and respective decisions.*

According to the Supreme Court no appeals against decisions or actions of the referendum administration commissions were submitted to the courts at any level. Positively, an electronic court management system is in place through which electronic submission and automatic allocation of cases to judges is performed. The Ministry of Internal Affairs and the Prosecutor General reported no cases of referendum-related violations referred to law enforcement bodies during the campaign.

Several ODIHR LROM interlocutors pointed to the lack of genuine competitiveness of the referendum campaign and noted the limited public trust in the judicial system resulting from the arbitrary interpretation and application of legal provisions. ODIHR LROM interlocutors underlined the arbitrary application of vague provisions of the Criminal Code and questioned the independence and neutrality of expert evidence provided in court.

*To ensure effective remedy, competent authorities should give full and impartial consideration to the substance of complaints, and act impartially and transparently.*

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The Referendum Law provides for the presence of international observers, *mahalla* committee nominees, party agents, and initiative groups if a referendum is initiated by citizens.<sup>87</sup> The CEC registered 383 international observers, including 184 from 14 international organizations, and 199 from various countries.

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<sup>85</sup> General inquiries referred to explanations on procedural matters on the referendum process, on various matters related to PRCs or guidance on technical issues. Out of the 77 cases, 36 cases related to the court matters, such as the expression of dissatisfaction with judgments by district and regional courts, annulment of court judgments or sentences, dissatisfaction with law enforcement bodies' conduct or information on committed offenses; 31 communications related to social issues, 5 related to the election of the chairperson of *mahalla*, and 2 communications related to land issues. These were referred for consideration to the Prosecutor's Office and judicial bodies.

<sup>86</sup> The ODIHR LROM was informed that a total of 1,449 communications were received until including referendum day, among others inquiries on the content of the Draft Constitution, on functions of DRCs and PRCs and clarifications of provisions of the Referendum Law. Sixteen communications were classified as complaints and forwarded to the competent DRCs, namely eight to Tashkent city, one to Tashkent region, three to Kahskadarya, two to Samarkand, one to the Karakalpak Republic and one to Jizzakh. Nine communications received by the Call Center concerned violations out of which only one was confirmed.

<sup>87</sup> International observers are accredited by the CEC, while others are subject to accreditation by the DRCs.

Contrary to OSCE commitments and international standards, citizen organizations are not directly entitled to nominate observers.<sup>88</sup> The absence of such an opportunity detracts from the transparency of the referendum process. The DRCs accredited 33,026 observers from political parties; according to the CEC, 10,714 observers from *mahallas* were accredited. Given that all political parties supported the referendum and *mahallas* actively called for participation, those stakeholders and citizens opposing the referendum were deprived of the possibility to observe or rely on findings of independent citizen observation. The ODIHR LROM encountered observers nominated by political parties and *mahallas* in polling stations, including where violations were observed. At the same time, citizen observers did not report or publicly stated on many of these violations of the procedures observed on voting day, casting doubts on the impartiality of these observers.

*Independent citizen election observation should be allowed by the law, in line with OSCE commitments.*

### **XIII. PARTICIPATION OF NATIONAL MINORITIES**

Uzbekistan is a multi-ethnic country where the majority is Uzbek and minorities comprise 16.3 per cent of the population. Some of the sizeable ethnic groups include Tajiks, Kazakhs, Russians, Karakalpaks, Tatars, and Turkmens.<sup>89</sup> The amendments to the Constitution did not include changes specifically addressing national minorities. Ethnicity topics were not a prominent part of the campaign either.

Most of the referendum information and campaign events observed by the ODIHR LROM were in Uzbek language only. Nevertheless, representatives of ethnic and linguistic minorities were often taking part in the activities promoting the amendments. Political parties informed that the Draft Constitution was also printed and disseminated in minority languages. Some referendum-related materials were available in Russian and Karakalpak languages.

The Referendum Law provides that ballots shall be printed in the official language as well as in the languages spoken by the majority of the population of the respective district upon the DRC's decision. According to the CEC, 95.1 per cent of ballot papers were printed in Uzbek and in some constituencies in Karakalpak (2.4 per cent) and Russian (2.5 per cent). No ballots in other languages were requested by DRCs.

### **XIV. REFERENDUM DAY**

In line with its methodology for limited observation activities, the ODIHR LROM did not observe referendum day proceedings in a systematic or comprehensive manner, but mission members visited a number of polling stations during the early voting period from 19 to 26 April and in all districts on referendum day.

The technical organization and preparedness of the PRCs was overall positively assessed by ODIHR LROM observers, but concerns were raised over the security of the ballots cast during the early voting.<sup>90</sup> In particular, in many cases envelopes with ballots were not sealed and remained with the PRC members

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<sup>88</sup> Observers from CSOs and private organizations can only be nominated through *mahallas*.

<sup>89</sup> The last official census was conducted in 1989 and the information about ethnic minorities was updated by the State Statistics Committee in 2017. Some ODIHR LROM interlocutors expressed concerns regarding the reliability of the available information. A new census is scheduled to take place in 2023.

<sup>90</sup> The legislation and the CEC instructions provide for regulation of referendum day procedures and special voting arrangements for those who cannot be present in a polling station on referendum day, including early voting and mobile voting. Special voting arrangements need to be surrounded by appropriate safeguards to preserve integrity of the process.

after the voters left. The envelopes were stored until the referendum day in the chairpersons' lockers at the PRC, which did not ensure the integrity of the process and adequate safeguards against potential tampering. In the majority of polling stations visited during the early voting, voters were only marked in the electronic voter lists and did not sign paper voter lists, ignoring an important safeguard enabling verification. The CEC reported that 457,044 voters voted during early voting.<sup>91</sup>

Most of the polling stations visited on referendum day opened on time or with a short delay. Positively, most of these were accessible to voters with reduced mobility. The necessary referendum materials were present, including Braille ballots for persons with visual impairments. Ballots were available in Uzbek and Russian languages in most of the polling stations visited.

Referendum day was calm and ODIHR LROM observers were provided with unimpeded access to the process in most cases. In many cases, the PRCs omitted proper voter identification, often disregarding important procedural safeguards. In particular, the ODIHR LROM observed many instances of PRC members handing out ballots to voters without checking their IDs or verifying them in the electronic system. Moreover, the ODIHR LROM noted frequent inclusion of voters in the supplementary voter lists at odds with good electoral practice and compromised the measures undertaken to ensure the accuracy of voter lists and the integrity of the process.<sup>92</sup> When asked by observers, PRC members admitted that many of the included voters resided outside their precinct, in violation of the CEC regulation. Three instances of evident cases of ballot box stuffing were also observed. While overall voters were able to vote in secret, the secrecy was at times jeopardized and, in a few cases, the ODIHR LROM observed PRC members instructing voters to vote for 'yes' option.<sup>93</sup>

In some polling stations visited, the announced turnout was significantly higher than the number of signatures in the voter list and visibly contrasted with the quantity of ballots in the transparent ballot boxes.<sup>94</sup> Along with that, seemingly identical signatures in the voter lists were reported by ODIHR LROM observers in numerous cases. This casts doubt on the veracity of the reported turnout. The CEC announced a preliminary turnout several times during referendum day. According to this information, 12,083,105 citizens voted between 8:00 and 11:00 hrs., while only 871,093 voters cast ballots between 17:00 and 20:00 hrs. The ODIHR LROM did not observe any significant surge of voters during the morning hours, nor their drastic decline in the evening.

The law does not clearly define reasons for requesting mobile voting, allowing for broad application of the procedures.<sup>95</sup> The ODIHR LROM noted instances of open misuse of mobile voting, undermining integrity of the process. Some PRC members admitted to ODIHR LROM observers that mobile voting was used to collect votes from those who did not come to polling stations.

*Special voting arrangements, such as mobile voting and early voting, should be used as exceptional voting methods and only with appropriate safeguards in place. The number of voters who used mobile ballot boxes should be included in the results protocols at all levels.*

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<sup>91</sup> In addition, 159,276 citizens used an opportunity to vote early abroad. During early voting, ODIHR LROM observers visited 128 polling stations where a rather limited number of voters were seen casting ballots.

<sup>92</sup> ODIHR LROM observers started reporting inclusion of voters in supplementary lists shortly after the opening. For instance, in one polling station, 38 voters were added between 8:00 and 9:00 hrs. In another polling stations, some 600 voters were added to the supplementary list during the day.

<sup>93</sup> A few instances of voting in front of PRC members and a number of cases of group and family voting were observed.

<sup>94</sup> For example, in one of the polling stations the PRC members stated to the ODIHR LROM that 500 persons voted between 8:00 and 12:00 hrs., which amounted to an average of two-three voters per minute, and stood in sharp contrast to the ODIHR LROM observation that five voters showed up during some 40 minutes spent in this polling station.

<sup>95</sup> [The Explanatory Report of the Venice Commission's Code of Good Practice in Electoral Matters](#) specifies that 'the use of mobile ballot boxes is undesirable because of the attendant serious risk of fraud. Should they nonetheless be used, strict conditions should be imposed to prevent fraud, including the attendance of several members of the polling station election commission representing different political groupings'.

Some key procedures were not followed by PRC members in the majority of vote counts observed by the ODIHR LROM. In particular, voters' signatures were often not counted and cross-checked against the number of ballots found in the ballot box, and in a few instances the voting results protocols were filled in before the count took place. The ODIHR LROM observed cases in which the number of voters' signatures in the protocol was adjusted after the count of votes, and unused ballots were not invalidated and packed. The ODIHR LROM observed cases of direct indications of ballot box stuffing, such as numerous identical signatures in voter lists as well as stacks of ballots in ballot boxes, questioning the integrity of the process.<sup>96</sup> While the CEC regulation provides for posting of PRC protocols at polling station premises, the majority of PRCs observed did not respect this requirement, undermining the transparency of the process.

*To ensure understanding and consistency in implementing voting day procedures, training should be enhanced with a particular focus on key procedural aspects.*

The orderly tabulation process at the DRCs lacked transparency. In most cases ODIHR LROM observers were given access to tabulation premises but were not allowed to see the data entry. Some changes in the PRC protocols were observed, including changing the votes for contesting options without recounts. Despite previous longstanding ODIHR recommendations to publish voting results disaggregated by polling stations, no such requirement was introduced in the law.

*In line with international standards, measures should be taken to ensure that all votes are counted and reported accurately and honestly. In particular, the legislation should provide necessary information for data cross-checking to be included in the results protocols at all levels and publication of the final results broken down by polling stations.*

On referendum day, the CEC Call Center reported a total of 240 communications by citizens received throughout the day.<sup>97</sup> In the morning of 1 May, the CEC announced the preliminary results, according to which 90.2 per cent of voters voted in favour of the amendments. The CEC subsequently held a session to consider three cases of reported violations. As a result, the CEC invalidated the referendum results in two polling stations and changes were made in the results protocol of the third polling station. Despite this, the percentage of votes for 'yes' and 'no' in the final results protocol were identical to the preliminary results announced before. According to the Supreme Court, no cases were reported to courts after referendum day.<sup>98</sup> On 1 May, the Public Prosecutors' office reported seven cases being under investigation whereas no further cases were reported by the Ministry of Internal Affairs on their website.<sup>99</sup> The final turnout announced by the CEC was 84.5 per cent. On 8 May, President Mirziyoyev set early presidential election for 9 July.

## **XVII. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of referenda and elections in Uzbekistan and to support efforts to bring them fully in line with

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<sup>96</sup> Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) provides that the participating States will, *inter alia*, ensure that the votes are counted and reported honestly.

<sup>97</sup> According to the media and the CEC, a picture of a woman voting twice in DRC 14 was spread and following verification by the commission members this allegation was rebutted. In another video in DRC 14, a PRC member and a *mahalla* member were marking 16 ballots on behalf of family members; the PRC Chairperson spotted the incident and invalidated the ballots and the case is under investigation by the DRC in co-operation with the prosecutor's office.

<sup>98</sup> Until 6 May, which was the five-day legal deadline for submitting referendum-related complaints or appeals.

<sup>99</sup> Five from Tashkent, one from Samarkand and one from Namangan.



OSCE commitments and other international obligations and standards for democratic referenda and elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities to further improve the referendum and electoral processes and to address the recommendations contained in this and previous reports.<sup>100</sup>

#### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework governing freedom of association, assembly and expression should be reviewed to ensure that any restrictions on the exercise of these are necessary, proportional and applied in line with international standards.
2. To promote genuine political pluralism, the burdensome legal and administrative procedures for registration of political parties and civil society organizations should be reviewed and aligned with international obligations, commitments and standards.
3. Defamation and other related provisions, including ‘insult’ and dissemination of ‘false information’ should be decriminalized, in line with international standards. Defamation laws should be exclusively civil in nature and civil remedies should be prioritized over pecuniary ones.
4. The legal framework for the conduct of referenda should be reviewed to regulate important aspects of the process such as campaign, campaign finance and impartial and balanced media coverage.
5. Nomination and appointment of referendum commission members at all levels should be revised to provide for the formation of referendum administration bodies independent from the executive branch, local administrations, and mahallas.
6. In line with international good practice, the use of supplementary lists could only be permitted for those who changed their residence between the final publication of the voter lists and voting day. Proper safeguards against misuse of such procedure should be in place.
7. Independent citizen election observation should be allowed by the law, in line with OSCE commitments.
8. In line with international standards, measures should be taken to ensure that all votes are counted and reported accurately and honestly. In particular, the legislation should provide necessary information for data cross-checking to be included in the results protocols at all levels and publication of the final results broken down by polling stations.

#### **B. OTHER RECOMMENDATIONS**

##### **Legal Framework**

9. Impartial and balanced information on all proposed amendments in a referendum should be made

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<sup>100</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”. The follow-up of prior recommendations is assessed by the ODIHR LROM as follows: recommendations 12, 17, 31 and 32 from the final report on the 2019 parliamentary elections ([2019 Final Report](#)) were fully implemented. Recommendations 15, 16 and 30 from the 2019 Final Report and recommendation 12 from the final report on the 2021 presidential election ([2021 Final Report](#)) were mostly implemented. Recommendations 10, 18 and 28 from the 2019 Final Report and recommendations 3, 9 and 11 from the 2021 Final Report were partially implemented. A number of recommendations were not evaluated since were not applicable for the referendum process. See also the ODIHR [Electoral Recommendation Database](#).

available to voters along with information regarding the consequences of their vote.

### **Referendum System**

10. To further facilitate the expression of a voter's will, when revising the Constitution on multiple separate aspects, proposed changes could be presented as distinct questions to be answered individually.

### **Referendum Administration**

11. Voter information materials prepared by the Central Election Commission should ensure the neutrality of the referendum administration. Essential aspects of the exercise of the right to vote should be clearly presented.

### **Voter Registration**

12. Important changes to the election process that involve the introduction of new technologies should enjoy broad public consensus. To increase transparency, the authorities should provide greater information on the use of technologies to voters.

### **Referendum Campaign**

13. The legal framework should include effective safeguards against the misuse of office by state and local officials, prohibit pressure on public employees, and provide for proportionate sanctions for possible violations.

### **Campaign Finance**

14. To enhance transparency and accountability, process of the referendum campaign finance should be clearly regulated. The requirements for detailed reporting on income and expenditures for all stakeholders and an oversight authority should be in place.

### **Media**

15. Restrictions on all fundamental freedoms, including freedom of expression should be in strict conformity with the principles of legality, legitimacy, necessity and proportionality.
16. To promote a plurality of views, it is recommended to transform the National Television and Radio Company into a genuine public service media, with independent appointment of management and a clearly defined public mandate. The financing model of public broadcaster should ensure their financial independence. Such media should be required to provide balanced and impartial reporting in news, current affairs and discussion programmes, including in referendum coverage.
17. To ensure effective exercise of freedom of expression, any restrictions on the Internet should be transparent, clearly defined by law, and subject to judicial oversight.

### **Referendum Dispute Resolution**

18. The legislation should be amended to explicitly provide for the possibility to challenge referendum results at all levels and clearly specify jurisdiction over such complaints.

19. The Central Election Commission should make additional efforts to increase the transparency of the dispute resolution process, including creation of a dedicated publicly accessible register with all referendum related complaints, appeals and respective decisions.
20. To ensure effective remedy, competent authorities should give full and impartial consideration to the substance of complaints, and act impartially and transparently.

### **Women's Participation**

21. Special measures could be considered to further enhance the participation of women in public and political life. Additional incentives could be considered for providing more favourable conditions for candidates of the underrepresented gender to stand for elections. Political parties could consider ways to further increase gender balance and place women in electable positions on the candidate lists.

### **Referendum Day**

22. To ensure understanding and consistency in implementing voting day procedures, training should be enhanced with a particular focus on key procedural aspects.
23. Special voting arrangements, such as mobile voting and early voting, should be used as exceptional voting methods and only with appropriate safeguards in place. The number of voters who used mobile ballot boxes should be included in the results protocols at all levels.

**ANNEXE I: FINAL RESULTS<sup>101</sup>**

		<b>Percentage</b>
Number of registered voters	19,722,809	
Turnout	16,667,097	85.51
Votes in favour	15,034,608	90.21
Votes against	1,558,817	9.35
Invalid	73,672	

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<sup>101</sup> Source: [CEC decision № 1246](#) on the referendum results.

## **ANNEXE II: LIST OF OBSERVERS IN THE LIMITED REFERENDUM OBSERVATION MISSION**

### **ODIHR LROM Long-Term Observers**

Iryna Shuliankova	Belarus
Marketa Nekvindova	Czech Republic
Maria Vieno Irmeli	Finland
Michel Alexis Sylvain	France
Maeve Sonia Daly	France
Mariam Aduashvili	Georgia
Johanna Elisa Berger	Germany
Andrew Pius	Ireland
Anne Christine Kroepelien	Norway
Ivan Fetisov	Russian Federation
Miloš Antić Toplica	Serbia
Peter Wällberg	Sweden
Harold Wayne Otto	United States
Sheila Jaghab	United States

### **ODIHR LROM Core Team Members**

Ambassador Albert Jónsson	Iceland	Head of Mission
Lusine Badalyan	Armenia	
Mišo Imamović	Bosnia and Herzegovina	
Svetozar Kolibarski	Bulgaria	
Elma Šehalić	Germany	
Eirini Skouzou	Greece	
Peter Marron	Ireland	
Carlo Pappalardo Fischer	Italy	
Ahmad Rasuli	Kyrgyzstan	
Joanna Porczynska	Poland	
Svetlana Chetaykina	Russian Federation	

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).