



LIMITED REFERENDUM OBSERVATION MISSION Republic of Uzbekistan – Referendum, 30 April 2023

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 30 April constitutional 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.

For the Constitution to be amended by a referendum, a threshold of 50 per cent turnout of all registered voters applies and a simple majority of the valid votes should be cast in favour of the proposal. Many ODIHR Limited Referendum Observation Mission (LROM) interlocutors welcomed the proposed amendments as an improvement as they would serve to enhance gender equality, increase the state's social obligations toward citizens and vulnerable groups. Many stakeholders ODIHR LROM met with noted that the constitutional reform process was adequately long and a significant number of the proposals were taken into consideration, but some pointed to a lack of debate on several contentious issues. The proposed amendments affecting approximately two thirds of the Constitution were voted on as a single package, not providing the opportunity for voters to make a choice about each distinct issue featured in the amendments, and not in line with international good practice.

Despite some improvements, the legal framework for the conduct of referenda contains a number of shortcomings, and does not sufficiently regulate several substantive aspects, 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.

The Central Election Commission (CEC) implemented its mandate efficiently and met all legal deadlines. While the law includes some criteria for the nomination of lower-level commissions, these are vague, and do not provide clarity in the selection process. Independence and neutrality of the lower-level referendum administration was undermined by the involvement of *mahallas*, with at times conflicting roles as commissioners, observers and campaigners in the process. The training sessions observed by the ODIHR LROM were overall informative. Voter information was widely available in various formats, contributing to transparency. The neutrality of the information presented to voters was overshadowed by encouragement to participate in and vote in favour of the referendum question. 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, with 19,722,809 voters registered in the final voter lists. Voters were given the opportunity to verify their voter registration data online as well as in-person at polling stations. Most of the ODIHR LROM interlocutors did not raise concerns about the accuracy and inclusiveness of the voter register. 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, provided they are included in the voter register and reside within the polling precinct.

Reforms aimed at increasing women's participation in public and political life have been positively underway since 2016 and the number of women in the parliament increased significantly and women currently hold 48 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 *hokims* are men. Overall, women were well represented in referendum administration, but their representation in the leadership positions was lower.

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 government-run "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. Information provided by the state was not impartial and balanced, limiting the possibility of voters to make an informed choice. Activists provided some diverse information on social issues through various social networks. ODIHR LROM observers noted instances of pressure on the public to participate in the promotional events and widespread misuse of administrative resources.

According to the Referendum Law, all expenses related to the referendum are covered by the state budget. The law neither prescribes the neutrality of public authorities nor regulates campaigning by officials or explicitly prohibits the use of public funds for campaign purposes in the referendum campaign, which is not in line with international good practice. Absence of clearly defined rules to advocate for or against the proposed constitutional changes and the lack of proper reporting and oversight rules on campaign expenses, did not ensure 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 equal or equitable coverage of the 'Yes' and 'No' options of the referendum. The ODIHR LROM media monitoring showed effective absence of referendum coverage in critical tone in news and current affairs programs on television.

In line with prior ODIHR recommendations, recent amendments removed parallel avenues for referendum-related disputes. The ODIHR LROM observed no complaints filed with the referendum administration, the courts or law enforcement bodies up until the referendum day. The CEC informed ODIHR LROM that it received 203 communications before referendum day and provided answers on most of them while 65 that were outside the CEC competence were forwarded to the authorized state bodies. Neither information on substance of these communications nor the answers provided by the CEC are public, affecting transparency. The law provides for the presence of international observers and those nominated by *mahalla* committees and party representatives. Over 380 international observers were accredited by the CEC. Contrary to the OSCE commitments and international standards, citizen observer organizations are not entitled to nominate observers, which reduced the transparency of the referendum process.

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. In many cases observed the Precinct Referendum Commissions omitted proper voter identification, disregarding important procedural safeguards. In numerous cases, seemingly identical signatures in the voter lists and instances of open misuse of mobile voting were reported 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.

PRELIMINARY FINDINGS

Background and Political Context

Uzbekistan is a presidential republic with legislative powers vested in the parliament and the president, with strong powers conferred to the president. The president issues binding decrees and resolutions and appoints some of the members of the upper chamber of the parliament and has a key role in the appointment of *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.¹ The *Oliy Majlis* can call referenda, adopts the budget, and following the 2019 constitutional amendments, its legislative chamber is responsible for electing the prime minister upon nomination of the president.²

President Shavkat Mirziyoyev won the 2021 presidential election with an overwhelming majority of the votes. Besides the registration of the Ecological Party of Uzbekistan (EPU) in 2019, no other party has been granted registration since 2003 and political landscape remained unchanged.³ All of the five registered parties are represented in the parliament following the 2019 parliamentary elections and none stood in open opposition to the president's policies and agenda. In 2021, the Social Democratic Party Truth and Progress and the Peoples' Interests Party were denied registration for not meeting the formal requirements, including inability to collect required number of signatures. Moreover, activists from the Free Motherland and *Erk* Democratic Party dropped their attempts to establish a party alleging intimidation and harassment. Furthermore, civil society organizations face extensive governmental oversight restricting their genuine independence.

President Mizriyoyev announced his plans for a constitutional reform during his inaugural speech in November 2021. 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.⁴ The Commission collected proposals from citizens and organizations, published an initial draft for public discussion, revised the draft and submitted it to be considered by the Legislative Chamber.⁵ 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

¹ *Hokim* is the high-ranking executive authority in a region, district or city.

² 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. *Oliy Majlis powers*.

³ On 16 April, the Truth, Development and Unity Democratic Party announced that they held a founding meeting and notified the Ministry of Justice about their intention to register as a party. Activists of the movement reported to the ODIHR LROM instances of intimidation during the process of collecting signatures in support of the registration.

⁴ 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.

⁵ 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.

and published on 15 March.⁶ None of the parties or civil society organizations officially opposed the amendments and the referendum.

The constitutional reform process was widely promoted as a significant enhancement of various rights and freedoms. Some interlocutors raised concerns about the lack of open debate on the changes concerning the prolongation of the presidential mandate from five to seven years and the reset of the term limit of the incumbent. Initially proposed amendments suggested to alter the sovereign status of the Republic of Karakalpakstan and its right to secession. After these proposed changes were published for public consultations, large-scale protests broke out in Nukus, the capital of the Republic of Karakalpakstan.⁷ This resulted in casualties as police dispersed the demonstration.⁸ President Mirziyoyev visited Nukus in the aftermath of the protests and the proposed amendments related to the status of Karakalpakstan were revoked. Trials that led to convictions related to the events took place in 2023.⁹

Reforms aimed at increasing women's participation in public and political life have been underway since 2016 and the number of women in the parliament has increased significantly and they currently hold 48 out of 150 seats in the current parliament (32 per cent). However, gender stereotypes persist, women are generally underrepresented in political life.¹⁰ Only 2 out of 27 ministers in the government are women and all regional *hokims* are men.¹¹

Legal Framework

Uzbekistan is a party to main international instruments related to the holding of democratic elections and referenda.¹² 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 Central Election Commission (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.¹³

⁶ 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.

⁷ These followed a call for a demonstration by a prominent local activist and his detention on 1 July 2022. On 31 January 2023, Dauletmurat Tajimuratov was convicted to 16 years of prison time 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.

⁸ 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. The investigation is still open.

⁹ On 31 January and 17 March, some 18 and 39 people were convicted, respectively, receiving sentences of up to 16 years of prison time. The appeal process is ongoing.

¹⁰ 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”.

¹¹ 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).

¹² These include the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), [CEDAW](#), [2003 Convention against Corruption](#), and the [2006 Convention on the Rights of Persons with Disabilities \(CRPD\)](#), ratified by Uzbekistan in June 2021.

¹³ 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 changing the procedures for voting abroad.

The Referendum Law sets out the basic rules for the referendum process, but does not provide detail on several substantive aspects, including campaign and campaign finance, objective voter information, neutrality of public authorities, balanced media coverage and citizen observation. Despite some improvements introduced, the legal framework for the conduct of referenda contains a number of shortcomings, and therefore the regulation of the process for conducting a referendum does not comply with international standards.

Restrictions on fundamental freedoms of assembly,¹⁴ association¹⁵ and expression¹⁶ remain in legislation and practice. Selective application of legislative provisions and abundance of subordinate legislation do not provide legal certainty. International standards prescribe that any restrictions to those rights should be necessary and proportional to legitimate aims.¹⁷ Defamation and libel, are no longer punishable with imprisonment, but remain criminal offences.¹⁸

Referendum System

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 Constitution can be amended either through parliamentary procedures or through a national referendum. The adoption of a decision to call a referendum and the designation of its date falls under the competence of the *Oliy Majlis*. In line with international good practice for referenda, the law provides for a referendum to be held within one and a half to three months from the date it is called.¹⁹ For the proposal to be adopted, the law requires a threshold of 50 per cent turnout of all registered voters and a simple majority of the valid votes should be cast in favour of the proposal.²⁰

¹⁴ The [Cabinet of Ministers' Resolution No.205 dated 29.07.2014](#) requires prior authorization for organization of public assemblies whereas repeated violations of the rules on public assemblies entail criminal liability.

¹⁵ For example, 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 due to the restrictive regulations, the majority of the existing organizations are mostly government-organized entities and the Resolution of the Cabinet of Ministers No. 328, which requires assistance of state administrative bodies for the implementation of foreign-funded projects, threatening financial sustainability and independence of operations of the civil society.

¹⁶ Provisions of the [Criminal Code](#) on offenses of terrorism, religious extremism, public insult or slander against the president are vague.

¹⁷ See articles 21, article 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 \(hereinafter the "Code of Good Practice on Referendums"\)](#) 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". See also paragraph 29 of the [OSCE/ODIHR Guidelines on Freedom of Peaceful Assembly \(3rd Edition\)](#) "Any restrictions on the right to freedom of peaceful assembly, whether set out in law or applied in practice, must be both necessary in a democratic society to achieve a legitimate aim, and proportionate to such an aim. The least intrusive means of achieving a legitimate aim should always be given preference".

¹⁸ Except when used against the President.

¹⁹ The Resolution of the *Oliy Majlis* was published on 15 March calling the Referendum for 30 April. See paragraph 70 of the Venice Commission's 2022 Revised Code of Good Practice on Referendums (hereinafter Code of Good Practice on Referendums) "The absolute minimum period between calling a referendum and polling day should be four weeks, and the campaign period must not be shorter than for regular elections".

²⁰ 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".

The proposed amendments affecting approximately two thirds of the Constitution were voted on as a single package. This did not provide voters the opportunity to make a choice about each distinct issue featured in the amendments, contrary to international good practice.²¹ Voters were asked to vote for a single “Yes” or “No” option.²² ODIHR LROM interlocutors positively noted that the consultations as part of the constitutional reform process were adequately long and a significant number of proposals were taken into consideration in the final draft.²³ However, 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.²⁴

The Draft Constitution consists of 6 sections, 155 articles and 434 norms.²⁵ 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. Many ODIHR interlocutors welcomed the proposed amendments as an improvement and stressed that provisions of the Draft Constitution establish a secular and social state, enhance gender equality, increase the state’s social obligations toward citizens and vulnerable groups, provide for persons under arrest to be informed on their rights, as well as promote fair competition in business activities and land ownership rights among others. Furthermore, the changes include the extension of the presidential terms of office from five to seven years and the reset of the term limits of the incumbent.²⁶ Restrictions on terms in office were introduced for other state offices.²⁷ The Draft Constitution provides that previous and current terms held by the incumbents will not be counted for.

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. 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.²⁸ The current CEC has 21 members, including seven women. The CEC has been conducting regular sessions, attended by media and international observers, and streamlined online, contributing to transparency. Information on sessions and agendas were available online in advance, decisions and materials published shortly after sessions on the CEC website. The CEC website contained a variety of referendum-materials, also presented in a manner accessible for persons with visual impairments. Overall, the CEC administered the process effectively and adopted various decisions within

²¹ 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 people”.

²² The referendum question reads: “Do you accept the Draft Law of the Republic of Uzbekistan “On the Constitution of the Republic of Uzbekistan”.

²³ According to interlocutors [over 220,000](#) proposals were received and considered.

²⁴ See point III.8.b of the Venice Commission [Code of Good Practice on Referendums](#) “Before the vote, the voters should be informed about the proposed follow-up to referendums on questions of principle or generally worded proposals”.

²⁵ As opposed to the 1992 Constitution which comprises 128 articles and 275 norms.

²⁶ 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.” The Draft Constitution in the transitional provisions states 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.

²⁷ 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.

²⁸ The CEC members elect a chairperson from amongst themselves, based on the nomination of the president.

established legal deadlines.²⁹ The CEC is mandated with 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 activities, producing rules on media coverage of the referendum campaign and campaign financing, resulting in lack of regulation in these fields.³⁰

On 23 March, the CEC formed DRCs on the basis of proposals from regional assemblies. Furthermore, 10,758 PRCs were formed by the 9 April legal deadline. 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.³¹ The process of application for the PRCs membership was not sufficiently regulated and transparent.³² Involvement of *mahallas* negatively impacted the independence of the lower-level referendum administration, and 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.³³ Furthermore, the law does not envision an opportunity for balanced representation of the proponents and opponents of the proposed amendments in the referendum administration, as recommended by international good practice.³⁴

The training sessions observed by ODIHR LROM were assessed as informative.³⁵ However, the ODIHR LROM observers reported inconsistencies in the presentation of important aspects of the referendum process during training sessions, resulting in varying understanding of the procedures.³⁶ 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 trainings were completed.

A variety of printed and audio-visual materials were commissioned and distributed by the referendum administration as well as other stakeholders, including ministries, local administration, *mahallas* and non-governmental organizations (NGOs), as part of the voter information campaign. While some materials explained voting procedures, the neutrality of the information presented to voters was overshadowed by acclamations of the constitutional amendments and encouragement to participate in the referendum. The information on secrecy of the vote and freedom of choice was available on the CEC website and its channels on social media and presented during some events in Tashkent, the ODIHR LROM observers reported the lack of such information in the regions.

²⁹ The CEC adopted a number of decisions, including on accreditation of observers, 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 trainings.

³⁰ 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”.

³¹ 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 recommendatory, not mandatory.

³² 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 official, many commissioners were not aware of the selection requirements.

³³ *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”.

³⁴ 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’.

³⁵ 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.

³⁶ For instance, 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. ODIHR LROM observers also reported on instances of inability of trainers to answer questions coming from PRC members.

In line with international obligations, significant efforts were made to increase the participation of persons with disabilities in the electoral process.³⁷ Overall, women were well represented in 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 PRCs were chaired by women, only 2 out of 14 DRC chairpersons were women. The position 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.

Voter Registration

Citizens aged 18 or older have the right to vote, except for those serving a prison sentence for serious and grave crimes. Citizens declared legally incapable by a court decision, including on the basis of intellectual or psychosocial disability, are disenfranchised, at odds with international standards.³⁸

Voter registration is passive, and is based on permanent or temporary residence.³⁹ The Single Electronic Voter Register (SEVR) is compiled automatically on the basis of inputs integrated from databases of several ministries and agencies.⁴⁰ Preliminary voter lists are compiled in the SEVR for each polling station.⁴¹ 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 intrusive personal inquiries used to connect with voters.⁴²

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. Voters were able to change their registration to a temporary place of stay for referendum day.⁴³ By law, the 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 directly 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. Most of the ODIHR LROM interlocutors did not raise concerns about the accuracy and inclusiveness of the voter register before referendum day. Despite a long-standing ODIHR recommendation, the legislation provides for voters to be added to supplementary voter lists on referendum

³⁷ This includes provision of equipment for the accessibility of polling stations, including Braille sleeves, 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.

³⁸ According to the CEC, there are 10,702 disenfranchised prisoners and 6,608 persons with mental and psychological disabilities. Articles 12 and 29 of the 2006 [UN CRPD](#) obliges states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and to ensure their “right and opportunity [...] to vote and be elected.” See also the UN CRPD [Committee’s General Comment on Article 12](#) “person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election...”. The proposed constitutional changes state that voting rights of those declared incapable and those serving a prison sentence for serious and grave crimes can only be limited by a court decision.

³⁹ Registration for out-of-country voting is active. For this referendum there were 307,895 citizens registered to vote abroad.

⁴⁰ A number of government agencies, including the Ministry of Justice’s Agency for Personalization, the Ministries of Interior, Defense, and Foreign Affairs.

⁴¹ 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.

⁴² The ODIHR LROM observed the collection of passport data in Navoi, personal inquiries posed within the verification for referendum to voters in Tashkent.

⁴³ 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.

day, provided they are included in the SEVR and reside within the polling precinct.⁴⁴ The verification of the voters' data by the PRC members does not provide for sufficient safeguards against the potential misuse of this mechanism as the number of those included in the supplementary lists is not made public.⁴⁵ Moreover, the majority of PRCs met by the ODIHR LROM before referendum day was not aware of the details of the verification procedure.⁴⁶

Fifty polling stations in Tashkent were provided with the equipment for electronic voter identification, piloted for this referendum.⁴⁷ In these polling stations voters' IDs or biometric passports were scanned to determine if the voter was registered at that polling station and matched with the voter's face on the video camera.⁴⁸ The CEC informed the ODIHR LROM that the equipment was purchased through the Ministry of Justice. However, no technical documentation was publicly available. In addition, there was limited time for testing of the equipment and training of the operators of voter authentication devices. Gradual introduction of the new technologies is in line with the good electoral practice, but voter information campaign on this piloting project was limited and majority of ODIHR LROM interlocutors were not aware of the piloting of biometric identification in polling stations.⁴⁹

Campaign Environment

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. Many ODIHR LROM interlocutors voiced their concerns regarding limitations on freedom of expression, association and assembly within a political environment that lacks genuine pluralism.⁵⁰ There was no organized opposition to the amendments and the referendum.

The state call for participation and the promotion of the draft was widely observed. Large-scale outdoor concerts, rallies and cultural events were organized in favour of the Draft Constitution.⁵¹ Concurrently, the "Yes" campaign of public officials and parliamentary parties was in accord with the official government-

⁴⁴ 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.

⁴⁵ According to the law, changes to voter lists are permitted up to five days prior to referendum day, allowing public to verify their accuracy. However, on referendum day the inclusion and verification is conducted in coordination with a special group composed of representatives of different ministries. Neither PRC or DRC protocols contain information of the number of voters included in the supplementary lists.

⁴⁶ 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.

⁴⁷ 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.

⁴⁸ These polling stations were equipped with ID scanners and video cameras to perform face recognition and printers to issue voters confirmation slips for positive recognition.

⁴⁹ 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.

⁵⁰ Many interlocutors informed ODIHR LROM that in the build-up to the referendum opposition activists and bloggers faced administrative and penal proceedings, and were subjected to warning protocols, fines, requests for "[preventive conversations](#)", and arrests. 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.

⁵¹ Promotional events were held in support of the draft as part of the official state-run campaign for participation and information under the motto "The Constitution is mine, yours, ours!" in Navoi, Nukus and Jizzakh military garrisons 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 was organized in Nukus by the state Youth Affairs Agency, which distributed uniforms, caps, and flags.

run promotion blurring the distinction between party and state.⁵² Furthermore, the ODIHR LROM observed many *mahalla* committees facilitating the promotion of the amendments. ODIHR LROM observers noted instances of pressure on the public to participate in the promotional events and widespread misuse of administrative resources.⁵³ Voters were not provided with impartial and balanced information by the state, thus negatively impacting the voter's ability to make an informed choice, at odds with international good practice.⁵⁴

All parties and many public officials resorted to the use of social media to reach out to the public. Anonymous platforms and a number of prominent activists provided some diverse information on various issues such as human rights and women's issues, judicial reform, labour conditions, and healthcare. The main online channels that were used included Telegram, Facebook and YouTube.

A report from an activist group concerning sexual abuse of underage orphans by public official and the subsequent light convictions was widely discussed in the media.⁵⁵ The case stirred a public outcry and debates throughout the campaign and underlined the continuing problems of women's access to justice, which hampers women's participation in the public affairs of the country.⁵⁶ On 6 April, the Senate confirmed amendments, which extended the scope of legal protection for victims of sexual abuse.⁵⁷

Issues pertaining to the rights of persons with disabilities did not feature significantly in the campaign. Some 90 per cent of the campaign events observed by the ODIHR LROM observers were accessible for persons with disabilities. In some educational videos sign language was provided. During the campaign period, the ODIHR LROM did not observe instances of inflammatory language.

Campaign Finance

According to the Referendum Law, all expenses related to the referendum are covered by the state budget.⁵⁸ Individuals or public associations can make donations to the CEC to be used for the preparation and conduct

⁵² 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 Kitab, Bukhara, and Nukus; PDPU held identical events in Tashkent, Qarshi and Andijan; SDPU had such events in Tashkent and [the State Institute of Foreign Languages in Samarkand](#); whereas EPU in Nukus, Qarshi and Navoi.

⁵³ 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 Namangan groups of children in school uniforms were brought for the attendance of the LDPU promotional event.

⁵⁴ 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".

⁵⁵ *Nemolchi.uz* is an online platform that collects and publishes anonymous stories of survivors of gender-based violence.

⁵⁶ 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".

⁵⁷ 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.

⁵⁸ Pursuant to articles 18 and 42 of the Referendum Law, the CEC Resolution N°1211 approved the estimated cost for the process at approximately 14.5 million Euro.

of the referendum process, however, according to the CEC, no such funds were received. Neither private nor public financing of campaign activities are addressed and the law does not provide for a ceiling on contributions or spending.⁵⁹ Absence of clearly defined rules to advocate for or against the proposed constitutional changes and the lack of proper reporting and oversight rules on campaign expenses, undermined the transparency of the process.

ODIHR LROM interlocutors maintained that campaign was mainly financed at regional level by political parties own funds. Contrary to international good practice, the law neither prescribes the neutrality of public authorities nor regulates campaigning by officials or explicitly prohibits the use of public funds in the referendum campaign.⁶⁰ The lack of regulations allowed for the misuse of public resources, blurring the line between voter information and promotion of the referendum proposals.⁶¹

Media

The right to freedom of expression and access to information continues to be undermined by undue permissible limitations in the Constitution and by provisions in the Criminal Code and other legislation.⁶² International bodies 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 excessively restrict freedoms of religion, expression, assembly and association.⁶³ Furthermore, defamation and insult of the president are criminalized and punishable with up to five years of imprisonment.⁶⁴ Several ODIHR LROM interlocutors reported an increased application of excessive provisions in the run up to the referendum.⁶⁵ Some ODIHR LROM interlocutors stated that despite proclamations of reinforcement of the

⁵⁹ See paragraph 35 of the [Code of Good Practice on Referendums](#) “It should be pointed out that the principle of equality of opportunity applies to public funding, and that equality should be ensured between a proposal’s supporters and opponents.”

⁶⁰ 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.

⁶¹ 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.

⁶² The Constitution permits limitations 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.” Hereby, not being within the scope of limitations as defined in Article 19.3 of the ICCPR.

⁶³ See 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](#).

⁶⁴ 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 President Mirziyoyev and his daughter, as well as former president Islam Karimov, in a Facebook group.

⁶⁵ On 17 March 2023, following the July 2022 demonstrations in Karakalpakstan, the journalist Yesimkan Kanaatov was convicted to 5 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 sentenced to 5 years deprivation of freedom under similar provisions. The international media NGO Committee to Protect Journalists, on 16 March 2023, [called on authorities to ensure Karakalpak journalists are not imprisoned for their work](#) (access to website is restricted in Uzbekistan). During previous trials, on 31 January 2023, five other Karakalpak journalists and bloggers were sentenced to up to 16 years of imprisonment over their alleged roles in the demonstrations.

human rights protection in the Draft Constitution, its provisions do not sufficiently guarantee the right to freedom of expression.⁶⁶

Print and online media outlets, along with broadcasters are required to register with the state Agency of Information and Mass Communication (AIMC).⁶⁷ A high number of commercial media compete with state-owned media outlets in the capital and the regions.⁶⁸ Only very few outlets are considered to be self-sustainable. The Mass Media Law prohibits foreign share of over 30 per cent in a mass media outlet and local mass media are prohibited to receive foreign funding.⁶⁹ Information on ownership of commercial media is not publicly available. Some ODIHR LROM interlocutors reported instances of pressure on media outlets following critical reporting, presumably forcing a change of ownership. 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*, potentially threatening its existence.⁷⁰ No international media NGO is registered in the country.⁷¹

The slight opening of online space after 2016 allowed for certain critical reporting on local government and social issues while direct criticism of the higher public officials remains virtually impossible.⁷² As reported to the ODIHR LROM, journalists and bloggers are facing with bribes, threats, arrests, or being forced to remove content. Self-censorship is pervasive. A number of websites remain inaccessible, including the Radio Free Europe's Uzbek-language service (*Radio Ozodlik*). Following 2021 amendments to the Law on Personal Data, the access to the social networks *Twitter*, *TikTok* and *Vkontakte* and instant messengers *Skype* and *WeChat* had been limited, but was restored in August 2022. However, the access to *TikTok* remains blocked to date.

Some ODIHR LROM interlocutors reported interference into editorial autonomy on critical coverage of proposed amendments in the Draft Constitution in the run up to the referendum and during the campaign period. The Referendum Law contains only general provisions and entitles citizens and public associations to express their opinions of referendum options, including in the mass media. Nevertheless, the law does not define any referendum regulations for the media, including requirements to provide impartial coverage in the news or guarantee equal conditions for the campaigns. The law does not provide for equal or equitable coverage of the 'Yes' and 'No' option of the referendum.

⁶⁶ 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.

⁶⁷ See paragraph 39 of the [2011 UNHRC General Comment No.34 to the ICCPR](#). [The 2003 Joint Declarations 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 OAS Special Rapporteur on Freedom of Expression stipulate that special registration requirements for the print and online media are unnecessary and should be avoided.

⁶⁸ The State National Television and Radio Company (NTRC) operates 12 national TV channels and 13 regional broadcasters.

⁶⁹ See [Cabinet of Minister's Resolution N 232](#) from 8 November 2006.

⁷⁰ The [2000 Joint Declaration](#) on Current Challenges to Media Freedom by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE RFoM and the OAS Special Rapporteur on Freedom of Expression stipulates that civil sanctions for defamation should not be so large as to exert a chilling effect on freedom of expression and should be designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant; in particular, pecuniary awards should be strictly proportionate to the actual harm caused and the law should prioritize the use of a range of nonpecuniary remedies. EUR 1 equals UZS 12,591.

⁷¹ 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.

⁷² During the campaign period, the issue of *inter alia* sexual violence against women and minors was addressed on social media and subsequently widely covered in online media outlets. In December 2022, Shakhida 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), the detention followed her accusations on Telegram against the president and members of his family of nepotism and corruption.

According to ODIHR LROM media monitoring results, the referendum coverage on both state and commercial television was characterized by discussion programmes, as well as advertisements promoting selected amendments of the Draft Constitution, often targeting specific segments of the population, including youth and teachers.⁷³ Although not contrary to the law, the television advertisements did not disclose who authorized or paid for them.⁷⁴ News covered the promotion of the referendum countrywide in an exclusively positive tone. In addition, there was an absence of any critical editorial coverage of the referendum or contentious amendments.⁷⁵ Online media devoted less space to the referendum and placed less advertisement 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 during the promotion of the Draft Constitution.

Referendum Dispute Resolution

Recent legal amendments introduced significant changes with regards to the referendum dispute resolution mechanism. The 2021 amendments to the Election Code and the subsequent harmonization of the relevant provisions of the Referendum Law in 2022 eliminated parallel avenues for referendum-related disputes by introducing exclusive jurisdiction of the courts for challenging decisions or actions of referendum commissions while shortening the procedural deadlines, in line with prior ODIHR recommendations.

The legislation provides for administrative and judicial channels of referendum-related dispute resolution. Complaints on the referendum process or violation of the law may be submitted to the relevant referendum commissions and appeals against referendum commission decisions or actions can be filed with the courts within five days. In line with good practice, the legislation provides for short deadlines for consideration of complaints and appeals.⁷⁶ The Referendum 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.⁷⁷ The law does not explicitly provide for an appeal mechanism of PRC or DRC result protocols. Administrative and criminal liability for 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 and detailed in the Law on Administrative Responsibility and the Criminal Code.

The ODIHR LROM observed no complaints filed with the lower-level referendum administration, the CEC or the courts at any stage of the process. No complaints were considered in open sessions attended by the ODIHR LROM. Information on inquiries by citizens to the CEC's call center is not publicly available and the process of addressing such inquiries lacks transparency.⁷⁸ The CEC informed ODIHR LROM that it received 203 communications before referendum day and provided answers on most of them while 65 that

⁷³ 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*.

⁷⁴ A total of 46 hours of advertisement was broadcasted on monitored television.

⁷⁵ All coverage, including news, discussion programs and advertisements were in a positive (87 per cent) and neutral tone (13 per cent).

⁷⁶ Courts and referendum commissions must consider complaints within three days and immediately if filed within six or less days before the voting day.

⁷⁷ According to the Supreme Court this may be challenged to the Supreme Court according to the general provision on challenging all CEC decisions.

⁷⁸ The CEC Call Center informed that a total of 1,219 communications were received, including inquiries on the content of the Draft Constitution, inquiries on functions of DRCs and PRCs and clarifications of provisions of the referendum law. Three communications were classified as complaints and forwarded to the competent DRCs, where they were resolved.

were outside the CEC competence were forwarded to the authorized state bodies.⁷⁹ Neither information on substance of these communications nor the answers provided by the CEC are public, reducing transparency.

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 Interior and the Prosecutor General reported no cases of referendum related violations during the campaign. This can be attributed to the absence of a competitive campaign, the lack of legal certainty and the public's limited trust in the judicial system resulting from the arbitrary interpretation and application of legal provisions.⁸⁰

Participation of National Minorities

Uzbekistan is a multi-ethnic country where the majority is Uzbek and the minorities comprise 16.3 per cent of the population. Some of the sizeable ethnic groups include Tajiks, Kazakhs, Russians, Karakalpaks, Tatars, and Turkmens.⁸¹ 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. Political parties informed that the Draft Constitution was also printed and disseminated in other 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.

Citizen and International Observers

The Referendum Law provides for the presence of international observers, observers nominated by *mahalla* committees, party agents, and initiative groups if a referendum is initiated by citizens.⁸² The CEC registered 383 international observers, including 184 from 14 international organizations, and 199 from various countries.

Contrary to the OSCE commitments and international standards, citizen observer organizations are not directly entitled to nominate observers.⁸³ The absence of such opportunity takes away 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 in the referendum, those stakeholders and citizens opposing the referendum were deprived of the possibility to observe or rely on findings of independent domestic observation.

⁷⁹ Inquiries referred to explanations on procedural matters on the referendum process, on various matters related to PRCs or guidance on technical issues.

⁸⁰ Interlocutors underlined the arbitrary application of several vaguely drafted provisions of the Criminal Code and questioned the independence and neutrality of expert evidence provided in court. The abundance and frequency of secondary legislation impairs the public's access to legal information and does not ensure legal certainty.

⁸¹ 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.

⁸² International observers are accredited by the CEC, while others are subject to accreditation by the DEC.

⁸³ Observers from NGOs and private organizations can only be nominated through *mahalla* communities.

Referendum Day

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 referendum day in all districts.

The technical organisation and preparedness of the PRCs was overall positively assessed by ODIHR LROM observers, but concerns were raised over security of the ballots cast during the early voting.⁸⁴ In particular, in many cases the envelopes with ballots were not sealed and remained with the PRC members 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.⁸⁵

Most of the polling stations visited on the referendum day opened on time or with a short delay. Positively, most of the polling stations visited on referendum day and during early voting 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 which contrasts with good electoral practice and compromised the measures undertaken to ensure the accuracy of voter lists and the integrity of the process.⁸⁶ When asked by observers, PRC members admitted that many of the included voters resided outside their precinct, in violation of the CEC regulation. In some polling stations visited, the announced turnout was significantly higher than the number of signatures in the voter list and visibly contrasted the quantity of ballots in the transparent ballot boxes.⁸⁷ In numerous cases, seemingly identical signature in the voter lists were reported by ODIHR LROM observers. 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.⁸⁸

⁸⁴ 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.

⁸⁵ In addition, 159,276 citizens used an opportunity to vote early abroad. During the period of early voting, ODIHR LROM observers visited 128 polling stations where a rather limited number of voters were seen casting ballots; some 10 voters were seen during the whole period.

⁸⁶ The 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. 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' and advice against the registration of voters at polling stations on voting day.

⁸⁷ For example, in one of the polling stations the PRC members stated to the ODIHR LROM that 500 persons voted between 8:00 hrs. and 12:00 hrs., which amounted to an average of two-three voters per minute, and stood in sharp contrast to the ODIHR LROM observations that observed in average five voters showing up during some 40 minutes spent in a polling station. In another case, PRC informed the observers that at around 16:00 hrs. 2,111 voters voted, when observers returned to the same polling station couple hours later upon checking the voter list, some 1,000 missing signatures were counted.

⁸⁸ A few instances of voting in front of PRC members and a number of cases of group and family voting were observed.

The law does not clearly define the reasons for requesting the mobile voting, allowing for broad application of the procedures.⁸⁹ 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.

On referendum day, the CEC reported 240 communications by citizens received through the call center.⁹⁰ No incidents affecting the process were reported by the Ministry of Interior and Prosecutor General office reported about seven cases.

Key procedures were not followed by PRC members in the majority of vote counts observed by the ODIHR LROM. In particular, voters' signatures were 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.⁹¹ 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.⁹² 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.

The tabulation process at the DRCs was mostly orderly but lacked transparency. In most cases the 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 recount. Despite previous longstanding ODIHR recommendations to publish voting results disaggregated by polling stations, no such requirement was introduced in the law. The CEC announced that the voter turnout was 84.5 per cent and 90.2 per cent voted in favour of the amendments.

***The English version of this report is the only official document.
An unofficial translation is available in Uzbek and Russian.***

⁸⁹ 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'.

⁹⁰ 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 *Makhalla* 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 cooperation with the prosecutor's office.

⁹¹ 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.

⁹² 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.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tashkent, 1 May, 2023 – Following an official invitation from the authorities of Uzbekistan and in accordance with its mandate the ODIHR has deployed a Limited Referendum Observation Mission for the 30 April referendum. The ODIHR LROM, deployed from 27 March, is headed by Ambassador Albert Jónsson, and includes 10 experts in the capital and 14 long-term observers deployed throughout the country. The ODIHR LROM members come from 21 OSCE participating States.

The assessment was made to determine whether the referendum complied with OSCE commitments, other international obligations and standards for democratic referenda and elections and with national legislation.

ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the referendum process. The final assessment of the referendum will depend, in part, on the conduct of the remaining stages of the process, including the count, tabulation and announcement of results, and the handling of possible post-referendum day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the referendum process.

The observers wish to thank the authorities for their invitation to observe the referendum, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

For further information, please contact:

- Ambassador Albert Jónsson, Head of the ODIHR LROM, in Tashkent (+998 90 83 00564);
- Katya Andrusz, ODIHR Spokesperson (+48 609 522 266), or Kseniya Dashutsina, ODIHR Election Adviser, in Warsaw (+48 603 793 786);

ODIHR LROM Address:

2 Uzbekistan Ovozi str., Tashkent, 100047

Le Grande Plaza, 4th floor

Phone.: +998 78 120 0626

Website: www.osce.org/odihr/elections/uzbekistan