CONSISTENT DEMOCRATIZATION OF THE ELECTORAL SYSTEM AS A PRIORITY DIRECTION OF LAW POLICY OF THE REPUBLIC OF UZBEKISTAN
The paper looks into the peculiarities, major trends and priorities for the development of the electoral system of Uzbekistan, issues of correlation between the electoral system of the republic and democratic international principles and standards. Special emphasis is placed on the evolutionary development and improvement of the legal framework of elections of the President of the Republic of Uzbekistan as the most critical priority in the democratic renewal of the country.

The book is intended for members of election commissions, observers, political parties and other social associations, as much as a wide range of readers interested in issues pertaining to the advancement of Uzbekistan’s contemporary electoral system.


© The Central Election Commission of the Republic of Uzbekistan, 2016
© M. Rahmankulov, J. Safarov, Sh. Dehkanov, 2016
© «UZBEKISTAN», 2016
I. PECULIARITIES, MAJOR TRENDS AND PRIORITIES FOR THE DEVELOPMENT OF THE ELECTORAL SYSTEM IN UZBEKISTAN: CONSISTENT DEMOCRATIZATION AND LIBERALIZATION

During the years of Uzbekistan’s independence, an electoral system has been established meeting modern democratic principles and requirements, as a result of extensive steadfast democratic reforms.

Political and legal, organizational, material and technical opportunities have been created for free and active participation of citizens and political parties in electoral processes, reliable guarantees for the full-fledged exercise of their electoral rights.

What is the electoral system of Uzbekistan like? Its major components are the advanced legal framework that has embodied contemporary democratic requirements and principles, a holistic system of election commissions, as much as the practice garnered over the years of independence on the organization of democratic elections.

The Constitution of the Republic of Uzbekistan forms the legal basis of the entire legislative system and electoral system. Thus, Article 32 of the Basic Law stipulates that citizens of the Republic of Uzbekistan shall have the right to participate in the management and administration of public and social affairs (government and governance), both directly and through representation.

This participation is carried out by way of self-government, referenda and democratic formation of government bodies. The conduct of democratic elections of the President and deputies of representative bodies in accordance with the
law is the crucial mechanism for the implementation of this provision of the Basic Law, of the constitutional principle of democracy.

The allocation of a special chapter (XXIII “The electoral system”) in the Constitution, whose provisions define the principles, essence and content of the entire work on the organization of democratic elections, is a distinctive feature of the system of constitutional and legal regulation of relations in this sphere in Uzbekistan.

Article 117 of Chapter XXIII of the Constitution enshrines the right of citizens to elect and be elected to representative bodies of government. It has been instituted that each voter has one vote and the right to vote, and the equality and freedom of expression are guaranteed by the law. These and a number of other provisions of the Basic Law are developed in the electoral law built on democratic principles such as openness, transparency, legitimacy, fairness, universal suffrage; equal and direct suffrage by secret ballot; voluntary and direct participation in elections, along with other principles and standards.

In accordance with the provisions of the Constitution there are five laws in the country that directly regulate relations in the organization and conduct of elections. These are the laws on the Elections of President of the Republic of Uzbekistan, Elections to the Oliy Majlis (Supreme Assembly – the bicameral national parliament) of the Republic of Uzbekistan, Elections to Regional, District and City Councils (Kengashes) of People’s Deputies. The laws on Guarantees of Electoral Rights of Citizens, and on the Central Election Commission of the Republic of Uzbekistan are assigned a special place among these normative acts. These laws adopted in the first years of independence have
been constantly supplemented with new provisions and the developing electoral law, taking into account the enhancing democratic reforms in the country since independence.

Legal acts regulating the relations in various spheres of state and social construction and at the same time containing norms regulating certain aspects of the electoral process constitute a significant group of normative acts. They are, above all, the laws on Political Parties, on Funding the Political Parties, on Social Associations in the Republic of Uzbekistan, on Mass Media and other acts of legislation regulating media activities.

They also include the Law on Citizens’ Self-Government Bodies (Article 11 of the Law). The regulations of this law establish that these bodies nominate candidates for the membership of precinct election commissions for the elections of President of the Republic of Uzbekistan, elections to the Legislative Chamber (lower house) of the Oliy Majlis of Uzbekistan, regional, district and city councils of people’s deputies for respective district election commissions. Assemblies of citizens also decide to nominate candidates for deputies of regional, city councils of people’s deputies.

The criminal and administrative liability legislation contains regulations aimed at ensuring the legitimacy of the electoral process.

The normative acts of the Central Election Commission (CEC) that have become important part of the electoral law regulate a complex of special relations, procedures related to the preparation and conduct of elections.

Along with documents for urgent and current issues the Central Election Commission also adopts normative and legal acts that develop and clarify certain provisions of legislative acts passed in this area. Under the legislation, normative
and legal acts (decrees) of the CEC are compulsory for election commissions, government bodies, political parties and other non-profit organizations, enterprises, institutions and organizations.

For example, resolutions of the Central Election Commission of the Republic of Uzbekistan determine the order of pre-election campaigning by candidates for the post of President of the Republic of Uzbekistan (3 October 2016, №743); organization of the activities of precinct election commissions for the preparation and conduct of the elections of President of the Republic of Uzbekistan (3 February 2015, №681); appointment of authorized representatives from political parties that nominated candidates for deputies of the Legislative Chamber of Oliy Majlis of Uzbekistan to attend the ceremony of counting votes (11 September 2014, №618); approve regulations on international and foreign observers participating in the elections of President of the Republic of Uzbekistan (15 September 2016, №734), among others.

Along with the legislation, the electoral commissions, as well as enforcement practice of the organization of elections developed over the years of independence, as mentioned above, are the vital components of the electoral system.

The Central Election Commission heads the system of election commissions. Under the law, the CEC is a permanent, independent body responsible for arranging all the work for the preparation and conduct of elections.

The holistic system of election commissions led by the CEC is absolutely independent in activities and is guided only by the Constitution and laws.

Today, 14 district election commissions (more than 150 people are involved in the work of these commissions) or-
ganize all the work for the preparation and conduct of the elections of President of the Republic of Uzbekistan in the country, and 9,383 polling stations have been established, including 44 under the diplomatic and consular missions of the Republic of Uzbekistan in foreign nations. More than 98 thousand people are engaged in the activities of precinct election commissions. 69 percent of them had earlier worked in the election commissions personally and in this respect wield certain experience.

In order to profoundly understand the essence, content and peculiarities of the current electoral law, and the electoral system in general, it is important to review the evolution, dynamics, and major trends in their development.

**How has the current electoral system been developed, and what are the characteristic features and the principal priorities in its advancement?**

**First. The indissoluble cohesion of the processes of consistent modernization with democratic reforms spearheaded in the country following the attainment of independence is the most critical trait of the formation of the electoral system in Uzbekistan.** Decisively rejecting the social and political system based on totalitarian methods of organization of government and the administrative-command, planning-distributive management system in the economy, and having acquired independence, Uzbekistan defined in its Constitution the essence and goals of state building, that is, to build a democratic state with a rule of law, a robust civil society with a socially oriented market economy.

The Basic Law enshrined the fundamental principles of social and government organization. First and foremost, those were the principles of democracy, separation of powers, the rule of law and Constitution.
The Basic Law defined the principles of priority of human rights and freedoms over state interests, and the principle of social justice.

Proclaiming freedom of choice, freedom of speech and opinion, the Constitution established a legal framework for a free development of diverse political and civil institutions.

Certainly, the election of representative bodies of government built on a completely new system of democratic principles became one of the essential mechanisms for the implementation of these principles of the state and public construction, and therefore the reforms on the revival and advancement of national statehood began with the formation of legal framework for the electoral system. At the same time, the Law on the Elections of President of the Republic of Uzbekistan passed right in the wake of independence, two months after its declaration, in November 1991, became one of the first laws of the independent Uzbekistan.

The law stipulated that the presidential elections are organized on the basis of universal, equal and direct suffrage by secret ballot (Article 1 of the Law). In this case, any direct or indirect restriction of citizens’ electoral rights depending on their origin, social or property status, racial and ethnic background, gender, education, language, attitude to religion, type and nature of occupation is prohibited (Article 2).

The law established that voting in the election of President is exercised voluntarily and directly. Control over the will of citizens is prohibited (Article 3). The law proclaimed the principles of openness and transparency in the preparation and conduct of elections, and the mechanisms of their implementation. These and a number of other provisions of the law have been developed and fixed in the Constitution adopted in December 1992 and national legislation.
Second. Gradual approach to and sequential processes of democratic modernization and liberalization are the most conspicuous elements in the development of the electoral system.

The rule of consistent and gradual socio-political and socio-economic reforms is one of the five principles underlying the Uzbek model of development worked out by the first President of Uzbekistan Islam Karimov.

The essence of this principle is that democratic reforms must be carried out steadily, sequentially and step-by-step taking into account the level of development of socio-political and socio-economic relations, that of social consciousness, legal culture, maturity of state and civil institutions.

As the world practice suggests, the artificial forcing of democratic reforms may have the opposite effect and may lead to the devaluation of democratic values, undermining of social and political stability and other negative consequences.

Indeed, for decades, under the totalitarian regime, the electoral law used to be based on the principles of pseudo-democratic electoral practice through to the last years of the Soviet Union. Amid the dominance of one ideology and single-party system, the nomination of candidates for representative bodies was carried out on the production principle, and the elections were held on no-alternative basis, that is, voters had to cast their ballot for one candidate who represented the bloc of Communists and unaffiliated. The election practice was built on mass falsification of the election results and the predictability of those outcomes. As a consequence, the already limited rights of citizens were gradually devalued, the electoral formalism and in general the legal nihilism in society found firm establishment.
Attempts to democratic modernization of the electoral system (the December 1988 Soviet Law on the Elections of People’s Deputies of the USSR) in the last years of the Union did nothing but contribute to its collapse.

For the delivery of a new democratic-type electoral system thereafter it was imperative to fully dismantle the system of elections existed under the totalitarian regime along with obsolete electoral stereotypes, to change consistently not only the legislative framework of elections, but also the psychology of voters.

These problems were successfully resolved in the first stage of democratic changes called “The phase of urgent reforms and transformations of the transition period and the formation of bases for national statehood” (1991-2000). The essential legal foundations for the formation and development of national government institutions were laid at that point. The 1992 Constitution enshrines the fundamentals for a unified system of government bodies capitalizing on the principle of separation of powers into legislative, executive and judicial branches. The Constitutional Law on the Oliy Majlis of the Republic of Uzbekistan was passed in 1994, the laws on Bodies of Local Government and on Citizens’ Self-Government Bodies were adopted in 1993, and the Law on the Status of Deputies of the Republic of Uzbekistan was approved in 1995, among others.

In the period from 1991 to 1995, the basic laws of the electoral system were secured, including those on the election of President of the Republic of Uzbekistan, elections to the then unicameral Oliy Majlis, the local representative bodies of state power. In 1994, for the first time in the CIS, Uzbekistan adopted the Law on Guarantees of Electoral Rights of Citizens, which fixes the underlying principles of
the electoral system and mechanisms of their implementation.


Thus, even at this first stage of democratic reforms, the constitutional and legal basis was established for the elections of the President and to the Oliy Majlis of Uzbekistan, regional, district and city councils of people’s deputies.

All this created conditions for the elections of President of the Republic of Uzbekistan in 1991. In 1994 and 1999, for the first time, multi-party parliamentary elections took place in Uzbekistan.

**Reference:** In line with the results of 1994 parliamentary elections, 137 (55%) of seats were secured by candidates from political parties, 108 (43%) from local representative bodies, and 5 (2%) from citizens’ initiative groups.

In line with the results of 1999 elections to the parliament of the country, out of 250 seats in the legislature 110 (44%) were received by deputies of local representative bodies, 124 (50%) by representatives of political parties, 16 (6%) by representatives of citizens’ initiative groups. At that time 5 parties participated in the elections, including the People’s Democratic Party of Uzbekistan, Fidokorlar (the Selfless) National Democratic Party, Vatan Taraqqiyoti (Progress of the Motherland) Party, Adolat (Justice) Social Democratic Party, and Milliy Tiklanish (National Revival) Democratic Party.
The process of democratic renewal of the electoral system was afforded a potent impetus and growth in the second stage of democratic reforms called “The period of active democratic renewal and modernization of the country” (2000-2010).

It was in this phase of development, in line with the results of national referendum held in 2002, that it was decided to undertake a large-scale parliamentary reform – transform the unicameral parliament into a bicameral Oliy Majlis in which the lower house (the Legislative Chamber) is formed and operates on the professional basis as a multi-party legislature, while the upper house (the Senate), elected from among the deputies of local councils, is a body of regional representation.

The adoption of the constitutional laws in 2002 on the results of the referendum and basic principles in the organization of government, on the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan, on the Senate of Oliy Majlis of the Republic of Uzbekistan became bedrock for corresponding amendments and addenda introduced to the Constitution in 2003, making fundamental changes in the government system and as a consequence in the electoral system of Uzbekistan.

In particular, Article 117 of the Constitution establishes a specific date for the elections of representative bodies and of the head of state. Thus, the election of the President, the Legislative Chamber of Oliy Majlis, Jokargy Kenes of Karakalpakstan, as well as local representative bodies are carried out, respectively, in the year when the term of their constitutional office expires – on the first Sunday of the third decade of December. At the same time, members of the Senate will be elected by secret ballot at joint sessions of deputies of
Jokargy Kenes, representative bodies of government in regions, districts and cities from among these deputies no later than one month following their election.

These and a number of other novelties in the national legislation came to be an important stride towards securing the stability of the electoral system, cementing the guarantees of periodicity and obligatory nature of elections because the dates, deadlines for next elections, electoral campaigning events are not determined by the decision of any bodies of power, but by the Constitution and the electoral law. These legal and institutional mechanisms set out by the legislation create conditions for political parties in a systemic way to prepare for the elections and participate actively in the electoral process.

In 2003, the legal framework of elections for the bicameral parliament was basically formed. In particular, the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan was passed in 2003 in a new edition. In 2004, relevant amendments were introduced into the laws on Guarantees of Electoral Rights of Citizens, on the Central Election Commission of the Republic of Uzbekistan and other legislative acts.

At the same time, the transition to the bicameral parliamentary system led to the need for the further improvement of the legislative framework for the activities of political parties. Changes and addenda made during this period in the Law on Political Parties, as well as the adoption of the Constitutional Law on the Consolidation of the Role of Political Parties in the Renewal and Further Democratization of Public Administration and Modernization of the Country (2007) considerably bolstered the role and standing of political parties in the political, government and legal system, and, above all, in the country’s parliament. Significantly ex-
panded the powers of political party factions (parliamentary groups) in the Oliy Majlis, of party groups in the regional councils of deputies and in the formation of central and local executive bodies of government, and the control over the activity of the latter. The Law on Funding the Political Parties (2004) passed in this interlude significantly strengthened the financial independence of political parties.

The period from 2010, when the parliament adopted the Concept of Intensification of Democratic Reforms and Formation of Civil Society in the Country elaborated by the first President of Uzbekistan Islam Karimov, has constituted a vital step towards the further democratic development of the country’s electoral system.

Amendments made into the Basic Law in 2011 and 2014 in accordance with the provisions of the Concept became instrumental in the consistent implementation of such principles in state and social construction as the principle of democracy, separation of powers, checks and balances mechanisms in the system of government.

The amendments to the Constitution introduced the institution of nominating the Prime Minister by the party that received the largest number of seats in the Legislative Chamber of Oliy Majlis after the elections, as well as institutions of no-confidence vote, parliamentary and public control, accountability of the government before the parliament, of hokims (mayors) before the deputies of local representative bodies. The powers of the Cabinet of Ministers for carrying out effective economic and social policy have been considerably expanded, as has its responsibility for the implementation of assigned tasks.

Aforementioned novelties have greatly increased the role and powers of the Oliy Majlis in the system of government,
in the elaboration and realization of internal and foreign policies, and they have become an important factor in cementing the foundations of parliamentarianism in the country.

As a result, political parties and civic institutions have been afforded a solid impetus for advancement. All this has led to the need for further democratic modernization of the electoral system.

**Third. Consistent enhancement of citizens’ electoral rights has been the most critical priority in the electoral system.** This trend can be seen in the gradual expansion of the scope of persons who may be registered as candidates. Thus, Article 25 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan, which establishes requirements for candidates for deputies of the Oliy Majlis, has been repeatedly added with provisions aimed at the steady enlargement of the passive electoral rights of citizens. In accordance with the 1997 law, the citizens who have previously convicted and it “has not been canceled or removed in accordance with the law”, were not subject to registration as candidates. Then, as a result of legislative amendments, this restriction was applied to those citizens who were “previously convicted for deliberate crime”. Finally, under the 2008 amendments, the restriction is applied only to those citizens who have “previously convicted for committing grave or gravest crimes and that was still not canceled”. In all other cases, as stated in the law, direct or indirect restriction of the electoral rights of citizens is not tolerated. Similar changes have been made to the Law on Elections to Regional, District and City Councils of People’s Deputies.

In order for the consistent extension of the electoral rights of citizens, and taking into account the OSCE/ODIHR recommendations, the norm was included in 2012 into the
Law on Elections to the Oliy Majlis of the Republic of Uzbekistan, which provides the need for establishment of polling stations in places of detention. In 2015, similar changes were made to the Law on the Elections of President of the Republic of Uzbekistan. These standards are designed to guarantee the exercise of the electoral rights of citizens in custody not yet sentenced by the court.

Fourth. The consistent consolidation of the rights of political parties in the organization of elections, and of the role of civil society institutions in the elaboration and realization of the activities of supreme legislative and representative bodies of government has been the crucial trend in the advancement of the electoral system.

As a result of the amendments and addendaintroducedsteadily to the electoral law in 1997, 2003 and 2008, political parties have received the exclusive right to nominate candidates for the election of deputies and respectively the head of state. The previous law had given this right to government bodies, trade unions, labor and military teams, and directly citizens. Thus, in accordance with the 2008 amendments to the Constitution, 15 seats in the Legislative Chamber are granted to the deputies elected from the Ecological Movement of Uzbekistan – the most widespread nongovernmental organization engaged in a great scale work in addressing important national issues in the environmental field and in the protection of life and health of citizens.

The adoption of the Constitutional Law on Boosting the Role of Political Parties in the Renewal and Further Democratization of Public Administration and Modernization of the Country in 2007 has been instrumental in enhancing the democratic reforms.
The need to intensify the parliamentary reforms to provide for the effective functioning of the bicameral legislature, and step up the role and importance of political parties in the further democratization of the government-legal system and the modernization of the country as a whole were the critical political and legal preconditions for the adoption of this law.

The act has proved essential in boosting the political and social activity of citizens, expressing the will and opinion of the population, primarily in the implementation of electoral processes. The worked out legal mechanisms fundamentally changed the role and standing of political parties in the organization of the parliament as much as in the formation of representative and executive branches of power, controlling over their activities.

The law, in particular, clearly defined the legal status of party factions who hold different political orientations, different ways of outlining their attitude to the course and program of the government formed after the elections.

The legislation defines the status of the parliamentary majority and, crucially, the status and guarantees of activity of the parliamentary opposition. These provisions of the law have created solid mechanisms for the implementation of regulations of Article 34 of the Constitution which contains provisions establishing that no one may infringe on the rights and freedoms of persons constituting opposition minority in political parties and in representative bodies.

These and a number of other provisions of this law that had a huge positive impact on the processes of democratic renewal of the system of government required that changes be introduced into the electoral legislation.

Modifications made in the electoral process by the Law of the Republic of Uzbekistan on the Introduction of Amend-
ments and Addenda to Some Legislative Acts due to the improvement of legislation on elections in 2008 were of great significance in the consistent consolidation of the role of political parties.

In accordance with the amendments and addenda introduced into the electoral legislation during the active modernization of the country the institution of participation of initiative groups of voters in the elections was abandoned, including the procedure of nominating candidates for the President of Uzbekistan, deputies of the Legislative Chamber and local representative bodies.

The requirement to collect signatures supporting the participation of relevant parties in the elections was reduced from fifty thousand to forty thousand, contributing thus to the empowerment of political parties and their participation in elections to the Legislative Chamber.

The period within which the party intends to participate in elections must be registered by the Ministry of Justice also has been reduced from six to four months.

In order to further liberalize and democratize the electoral system, a separate Article 17\(^1\) has been introduced in 2008 in the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan, which states that along with observers the political party nominating candidates for deputies has the right to appoint an authorized representative to participate in counting the votes at polling stations by an order determined by the Central Election Commission. A similar regulation was introduced in the Law on Elections to Regional, District and City Councils of People’s Deputies.

In accordance with the law, authorized representatives of political parties can also take part in the verification process
by the Central Election Commission of the correctness of voter support signature lists.

Previous procedures, according to which candidates’ meetings with voters were organized by precinct election commissions, has been replaced by a new order under which these activities are carried out by political parties alone, and the place and time of event, “as a rule”, are agreed on with precinct election commissions.

In order for candidates of political parties for deputies of the Legislative Chamber to more actively campaign, the number of authorized representatives of hopefuls has been increased from 5 to 10 people.

At the same time, in accordance with amendments introduced into the law, the termination of activities of a political party deprives the candidate for deputyship of the right to participate in the elections. Similar changes have been made to the Law on Elections to Regional, District and City Councils of People’s Deputies.

Capitalizing on the experience of the last parliamentary and presidential elections, amendments have been introduced in 2015 into the Law on the Elections of President of the Republic of Uzbekistan, in accordance with which the number of voter signatures in support of candidates for presidency has been reduced from 5 to 1 percent of the total number of voters.

Fifth. Consistent consolidation of the independence, autonomy, and the role of the Central Election Commission in the preparations and organization of the election season in full compliance with legal requirements and universally accepted democratic principles and standards is the vital feature of the electoral system.
If we talk about the most important, fundamental aspects that characterize the institution of election commissions, the following should be noted.

**Democratic nature of the establishment of CEC and organization of its activities.** Under the Constitution and the Law on the Central Election Commission of the Republic of Uzbekistan, the Oliy Majlis of the Republic of Uzbekistan forms the Commission with not less than fifteen members. The latter are elected by the Legislative Chamber and Senate of the Oliy Majlis of Uzbekistan on the recommendation of Jokargy Kenes of Karakalpakstan, regional and Tashkent city councils of people’s deputies.

Thus, in line with the Law on the Elections of President of the Republic of Uzbekistan, members of district election commissions will be approved by the Central Election Commission on the recommendation of Jokargy Kenes of Karakalpakstan, regional and Tashkent city councils of people’s deputies. Candidates for membership of district election commissions are discussed at their meetings and recommended for approval by the Central Election Commission. These provisions of laws are fully implemented in the election practice. Thus, the resolution of the Central Election Commission on September 23, 2016, approved the personal staff of 14 district election commissions for the elections of President of the Republic of Uzbekistan. Teachers, businesspeople, representatives of Kamolot Social Youth Movement, the Writers’ Union, the Council of the Farmers, the Council of Trade Unions, the Nuroniy Foundation, the Women’s Committee are among the members of these commissions. Representatives of Soghlom Avlod Uchun (For Healthy Generation) International Charitable Foundation, Mahalla Public Charity Fund, television and radio channels, the Tadbirkor
Ayol (Woman Entrepreneur) Association of Businesswomen of Uzbekistan, the Independent Institute for Monitoring the Formation of Civil Society, the Center of Spiritual Enlightenment and others have also become members of election commissions.

Members of precinct election commissions shall be approved by district election commissions on the proposal of local authorities and citizens’ self-government bodies.

With all its activities the Central Election Commission is expected to contribute to the realization of democratic principles of the electoral system, to ensure free expression of will by voters. Thus, their collegiality is one of the manifestations of democratic principles in the activities of the Central Election Commission and other election commissions. In line with changes in the electoral law introduced in 2014, issues are discussed and decisions are taken collectively by the CEC. In addition, under Article 5 of the Law on the Central Election Commission of the Republic of Uzbekistan, consolidation and development of relations with the wider public and media is an important part of its activity.

**Independence of electoral commissions from government bodies and political institutions.** Independence is one of the key principles of activity of the Central Election Commission enshrined in the law. Under this principle, the CEC and its members work autonomously from any state bodies whatsoever, public associations and officials. Taking decisions, members of the Central Election Commission express their position freely from political preferences and other alien influences. That is why, in line with Article 19 of the Law, members of political parties, presidential candidates, their authorized representatives cannot be members of the CEC nor all other election commissions. Interference with
the work of the Central Election Commission is not allowed and shall entail liability under the law.

In accordance with amendments to Article 117 of the Constitution introduced in 2014, the constitutional status and the foundations of activities of the Central Election Commission have been significantly strengthened. The Basic Law defines the principles of CEC activities as independence, legitimacy, collective decision-making, transparency and fairness.

It was established that the CEC works on a permanent basis and is guided only by the Constitution, laws on elections and referenda, and other legislative acts.

Securing all these provisions in the Constitution is essential in ensuring the independence of the Central Election Commission in conditions of more complete implementation of the principle of separation of powers, boosting the role of representative bodies of government in the management of public and state affairs, implementation of oversight of the activities of executive bodies. These constitutional regulations have been developed in the Law on the Central Election Commission of the Republic of Uzbekistan.

The amendments introduced into this law shored up qualification requirements for members of the Central Election Commission. Thus, the legislation established requirements such as citizenship of the Republic of Uzbekistan; residence in its territory for at least 5 last years; at least 25 years of age; availability of, as a rule, higher education and experience in the organization and conduct of elections and referenda. Members of the CEC shall be elected from among the citizens who have high credibility among the public (Article 4). In addition, it was established the IDs of the CEC chairperson and his/her deputies are signed by the President of the Republic, and the ID of other members of the CEC – by
Chairperson of the Senate in consultation with the Speaker of the Legislative Chamber. These and other novelties have contributed to the creation of necessary organizational and legal guarantees for the CEC to execute its powers and improve the efficiency of works.

In the same year 2014 amendments were introduced into the Budget Code of the Republic of Uzbekistan, according to which the expenses of the Central Electoral Commission for the preparation and conduct of elections and referenda are provided in the state budget as a separate line, also facilitating the consolidation of financial independence of the Central Election Commission during the electoral season.

Consistent expansion of powers of the Central Election Commission. Article 5 of the Law on the Central Election Commission provides the CEC with more than 30 powers. In particular, the Commission is entitled to take regulations within its authority mandatory for district and precinct election commissions and referendum commissions, for government bodies, political parties, enterprises, institutions and social organizations.

In 2014, the powers of the Central Election Committee were expanded with such a right as the distribution of funds intended to fund the participation of political parties in the elections, implementation of international cooperation (organization of meetings with representatives of foreign states and international organizations, agreements, memoranda of cooperation, observation of elections in foreign countries, including in the missions of international organizations, inviting international organizations and election authorities of foreign countries to observe the elections in the country), and others.

In 2015, the Law of the Republic of Uzbekistan on Elections to Regional, District and City Councils of People’s Dep-
uties fixed the regulation that “methodological support for the electoral commissions on elections to regional, district and city councils of people’s deputies is carried out by the Central Election Commission of the Republic of Uzbekistan”.

**Openness and transparency of the Central Election Commission and other election commissions.** The Law on the Central Election Commission of the Republic of Uzbekistan was introduced a provision in 2014, in line with which transparency is assigned as one of the five basic principles of CEC activity. Thus, Article 5 of the Law establishes that the Central Election Commission carries out its activities openly, their meetings are conducted openly and they can be attended by representatives of political parties, media, observers from other states, international organizations and movements. Also, in accordance with amendments from 2015, the Law provides that the Central Election Commission’s resolutions come into force from the date of their adoption and will be published on the same day on the official website of the Commission along with, if necessary, in other sources (Article 9).

**Sixth. Institutional and legal mechanisms to ensure the openness and transparency of the elections have been developed consistently as a vital prerequisite of legitimacy, compliance and reliable protection of citizens’ electoral rights.**

Taking into account the international experience and Uzbekistan’s own practice, Article 6 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan was introduced fundamental changes in 2008 and 2012 aimed at progressive democratization of the order of participation of observers from political parties, media, from other states, international organizations and movements in all stages of
the electoral process, from the nomination and registration of candidates, ending with the voting process, counting of votes and the announcement of election results.

This Article also contains obligations of observers, namely, honestly and objectively monitor the actions of members of precinct election commissions, refrain from interfering with their work, from putting obstacle for the voters to express their will and some other provisions (these rules are in full compliance with the provisions of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of OSCE, 29 June 1990).

Similar provisions are included in Article 5 of the Law on the Elections of President of the Republic of Uzbekistan, which outlines the rights of observers from other states, international organizations and movements, as well as from political parties, representatives of the press, television and radio. Thus, they have the right to participate in all the activities for the preparation and conduct of elections.

In accordance with the amendments to the legislation on the elections in 2004, the results of counting the votes are discussed at meetings of precinct election commissions and recorded in the minutes signed by the chairperson, deputy chairperson, secretary and other members of the election commissions.

In 2008, the norm was introduced into the law on elections to the parliament, in line with which the report on vote results shall be announced by the chairperson or deputy chairperson of the precinct election commission and a copy will be posted in the building of precinct election commissions for public view for a period of not less than 48 hours. All these novelties have been important in securing transparency and openness of elections, as much as increased public
control, including by political parties over the activities of precinct election commissions.

Seventh. The creation of legal-institutional frameworks and prerequisites for healthy competition, competition among candidates and political parties who have nominated them during elections has been instrumental in the democratization of the electoral system.

Through the amendments made to the electoral law in 2012 and 2015, it has been afforded a clear definition for the notion of election campaigning, identified the conditions, types, allowed forms and methods of its implementation by law. These changes were intended to create the necessary organizational and legal conditions for candidates and political parties, to inform the voters of the essence and content of their election programs, their stance on the most pressing issues of socio-economic, socio-political development of the country amid healthy competition. The regulations have provided that it is not allowed to conduct election campaigning not only on the voting day, but also the day before it.

Observers have been entitled to attend the conferences of the Ecological Movement of Uzbekistan on elections to deputies of the Legislative Chamber, which strengthened the principles of openness and transparency.

The regulations have been already introduced in the first edition of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan and on the Elections of President of the Republic of Uzbekistan, which contained prohibition of campaigning accompanied with the supply of voters with goods and services (except information) free of charge or on preferential terms, or the payment of cash.

In 2004, a regulation was introduced into the Law on the Elections of President of the Republic of Uzbekistan,
which provides that "within five days prior to the voting day and on the voting day the publication (promulgation) of the results of public opinion polls, forecasts of election results, other studies related to the ongoing elections, including their placement in the information and telecommunications networks (including the internet) is prohibited". This norm is intended to effectively realize the rights of voters to obtain reliable information about the candidates and their electoral programs, prevent attempts to manipulate public opinion and form preconceived attitude on a particular nominee.

These and a number of other rules that determine the order of the election campaigning were of great importance in terms of intensification of competition between parties and increasing enhancement of technical capacities of campaign activities.

Eighth. In the course of the ongoing modernization of the electoral system, special significance is attached to the creation of effective mechanisms for genuine protection of the electoral rights of citizens and securing the rule of law in the electoral process.

The criminal law (Article 146 of the Criminal Code) envisages liability for wrongful acts, such as the violation of the secrecy of voting, forgery of election documents, making fictitious entries in newsletters or subscription lists, knowingly incorrect counting of votes, committed during the organization and conduct of elections by electoral officials, representatives of political parties or self-government bodies or the election commissions. It also provides for responsibility for obstructing by means of force, threats, deception or bribery of the free exercise of citizens’ right to elect or be elected to the Legislative Chamber or President of the Republic of Uzbekistan, to campaign, implementation of
their powers by authorized representatives of candidates to the parliament membership or President of the Republic of Uzbekistan (Article 147 of the Criminal Code).

Before 2014, the national law had envisaged criminal liability only for the most serious violations of the electoral legislation. However, in order to create additional guarantees of voters’ rights, respect for the norms of the electoral legislation, administrative liability for violations of electoral laws was introduced in 2014 also for such actions as those that do not constitute high social danger, but could have a negative impact on the realization of the constitutional rights of citizens and the election campaign.

Chapter V was added to the Code of Administrative Liability, which established administrative responsibility for interference with the work of the Central Election Commission of the Republic of Uzbekistan, electoral commissions, non-fulfillment of the resolutions of the CEC and election commissions, violation of the rights of candidates, authorized representatives, observers, or authorized representatives of political parties.

Persons may be brought to administrative responsibility for violation of the conditions and procedure for election campaigning, disseminating false information about the candidates, deliberate destruction or damage to information and propaganda materials during the preparation and conduct of elections, violation of funding order of elections and other offenses (eight types of offenses).

Jurisprudence of the complaints and appeals related to violation of electoral rights of citizens and the legislation has been consistently evolving.

Ninth. Particular attention in Uzbekistan is paid to stepwise and consistent implementation of the recom-
mendations of eminent international organizations, including OSCE/ODIHR, and the data on the results of election evaluation by them in the electoral system.

In particular, in the 1997-2015 period, the Law on the Elections of President of the Republic of Uzbekistan was amended seven times which took into account more than 10 key recommendations of the OSCE/ODIHR.

Thus, according to the results of the presidential elections conducted in March 2015, the OSCE/ODIHR mission noted the need to reduce the number of signatures required for the registration of the candidate and bring it into line with international standards. As soon as in December 2015, the Law on the Elections of President of the Republic of Uzbekistan was amended, according to which the number of required signatures of voters is reduced from five to one percent of overall number of voters, fully complying with p.1.3.II of the Code of Appropriate Practice in electoral matters of the Venice Commission. By previous legislation, the political parties had to collect about 1.1 million signatures out of the total number of voters in 2016, but now they need a little more than 200 thousand signatures of supporters.

The final report of the OSCE/ODIHR mission of 2010 stressed the need to deliver organizational and legal conditions for the conduct of elections in the places of preliminary confinement and bolster the legal guarantees for participation of observers at meetings of the election commissions. In this regard, the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan and on the Elections of President of the Republic of Uzbekistan were introduced addenda in 2012 and 2015, respectively, that provide for the formation of polling stations in places of detention. Also the Law of the Republic of Uzbekistan on the Central Election Com-
mission was introduced amendments in 2014, in accordance with which observers from other states, international organizations and movements have the right to participate in the meetings of the Central Election Commission.

The recommendations of the OSCE/ODIHR mission in 2007 on the specification of the order of early voting and registration of political parties were taken into account in the amendments to the Law on Elections the Oliy Majlis of the Republic of Uzbekistan (2008 and 2012). In particular, time limits for the registration of political parties was reduced from 6 to 4 months, so was the number of signatures required for the registration of the candidate from 50,000 to 40,000 people, among others. In accordance with the addenda made in the Law on the Elections of President of the Republic of Uzbekistan (2015), the deadlines, order and procedures for early voting have been fixed clearly.

OSCE/ODIHR recommendations in 2000 served as a basis for the amendments introduced into the Law on the Elections of President of the Republic of Uzbekistan in 2004, under which the necessary number of citizens participating in elections for the recognition of elections as valid was reduced from 50 percent to 33 percent of the people included in voter register. General recommendations of the OSCE/ODIHR on raising the role of women in public and political life of the country were included in the amendment introduced in 2004 to the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan. Now, the law establishes the procedure according to which number of women should not be less than 30% of candidates nominated by political parties for the membership of the lower house of parliament.

In 2004, the principle of “positive vote” was introduced in the electoral process, and the order was eliminated in ac-
cordance with which the voter had to delete the names of candidates on the ballot except the one who he/she voted for. Now, in accordance with Article 32 of the Law on the Elections of President of the Republic of Uzbekistan, in the 2004 edition, the voter puts a plus sign opposite the name of the candidate to whom he/she casts his/her ballot. In addition, the right of local representative bodies to nominate candidates was excluded in 2003 from the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan. All these and a number of other changes and additions have been made to the electoral legislation taking into account the OSCE/ODIHR recommendations.

Tenth. Consistent and systemic efforts on the implementation of the universally accepted principles and standards of the elections outlined in fundamental international legal acts have been a crucial feature of the formation of the electoral system in Uzbekistan.

As early as in the wake of national independence, Uzbekistan acceded to most major international acts, including the Universal Declaration of Human Rights (accessed in September 1991), International Covenant on Civil and Political Rights (September 1995), Charter of Paris for a New Europe (November 1993), Convention on the Political Rights of Women (August 1997) and others.

The electoral legislation and the practice of conduct of democratic elections to the Oliy Majlis and other representative bodies of government, as well as the President of the Republic of Uzbekistan have been developing taking into account of standards and principles envisaged in international acts, along with historical, national, cultural traditions, experience in the formation of democratic state and strong civil society accumulated over the years of independence.
II. THE ELECTORAL SYSTEM OF THE REPUBLIC OF UZBEKISTAN AND INTERNATIONAL DEMOCRATIC PRINCIPLES AND STANDARDS: ISSUES OF CORRELATION

Comparative analysis of the international standards enshrined in international legal acts and national legislation of the Republic of Uzbekistan shows that the electoral system, practice and legislation of Uzbekistan fully comply with universally recognized international standards in this area.

Thus, international electoral standards have been enshrined and guaranteed by the following legal acts.

**First: international acts of the United Nations**

International acts containing universally recognized and fundamental principles of human rights are of particular significance among them, the most important of which is the right to freedom of choice.

These international documents include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and others.

Acts aimed at securing equal voting rights of women and men take an important place in the system of international legal instruments. These include the Declaration on the Elimination of Discrimination against Women, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women and others.

The Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on Elimination of All Forms of Racial Discrimination contain international electoral principles and standards ensuring equal voting rights, regardless of race, ethnicity and religious affiliation.
Also, vital international standards and guidelines aimed at guaranteeing transparency, openness, authenticity and effectiveness of elections are reflected in: the Declaration of the Principles for International Election Observation, the Resolution Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections and others.

Second: acts of prominent international organizations


Third: acts of international and regional organizations


Documents of the Commonwealth of Independent States such as the convention on the standards of democratic elections, the voting rights and freedoms in the CIS member nations, the Declaration on Criteria for Free and Fair Elections and others are of great significance.

It should be noted that Uzbekistan has acceded to most of the major international acts in the field of electoral rights.

The gradual and consistent implementation of international electoral standards and practice of elections in the national legislation taking into account national interests, as well as the historical, political, cultural and other traditions of the country is the top priority in improving democratic
modernization of the electoral system of the Republic of Uzbekistan.

1. Such international electoral standards as universal and equal suffrage are of particular importance in the system of international legal regulation of the electoral process.

As an essential component of political human rights of the system, these standards have been included in almost all aforementioned international instruments.

The principle of universal suffrage stipulates that every citizen has the right to vote in any national elections conducted in his/her country. At the same time, the right to vote does not depend on literacy or any other educational qualifications.

The principle of equal suffrage stipulates that every citizen shall have the right to participate in elections on an equal footing, and each vote has the same effect. In addition, every citizen must have the legal opportunity to nominate his/her candidacy in elections.

The legislation of the Republic of Uzbekistan does fully comply with these principles and standards. Thus, first of all, Article 117 of Chapter XXIII of the Constitution (“The electoral system”) ensures that the citizens of the Republic of Uzbekistan shall have the right to elect and be elected to representative bodies of government; each voter has one vote; elections are conducted on the basis of universal, equal and direct suffrage by secret ballot.

These constitutional provisions have been developed in the Laws on the Guarantees of Electoral Rights of Citizens, on the Elections to Regional, District and City Councils of

Thus, in accordance with the Law on Guarantees of Electoral Rights of Citizens, citizens of the Republic of Uzbekistan, regardless of their origin, social and property status, race and ethnicity, gender, education, language, attitude to religion, type and nature of occupation have equal suffrage (Article 3). Citizens of the Republic of Uzbekistan have the right to elect and be elected. The citizens of the Republic of Uzbekistan who have reached 18 years of age have the right to elect. Every citizen has one vote (Article 4).

Besides, this Law additionally guarantees the right to participate directly in referenda, elections of the President of the Republic of Uzbekistan and to representative bodies, regardless of their location (Article 6).

The Law on the Elections of President of the Republic of Uzbekistan clearly stipulates that citizens of the republic are guaranteed the right to participate in the elections of President of the Republic of Uzbekistan from 18 years of age. Any direct or indirect restriction of the electoral rights of citizens of the Republic of Uzbekistan in accordance with the origin, social and property status, race or ethnicity, gender, education, language, attitude to religion, type and nature of occupation are prohibited (Article 2). Every citizen of the Republic of Uzbekistan shall have one vote (Article 3).

Also, the Resolution of the Central Election Commission of the Republic of Uzbekistan dated September 11, 2014, approved the Regulation on the Procedure for the Formation of Polling Stations in Places of Detention, according to which the polling stations may be formed in places of detention in
order to create opportunities for the implementation of the electoral rights of detainees and persons held in custody.

In general, it should be noted that citizens of the Republic of Uzbekistan actively realize their voting rights by participating in elections. Thus, on 29 December 1991, 9 million 900 thousand 958 people took part in the election of the President (94.2% of all persons who had the right to vote); on 9 January 2000 the figure was 12 million 123 thousand 199 people (95.10%); on 23 December 2007 it reached 14 million 331 thousand 347 people (90.6%), and on 29 March 2015 a total of 17 million 122 thousand 597 people (90.39%) cast their ballot.

2. Direct and genuine elections is one of the crucial international principles, standards and basis of legitimacy for electoral processes.

This standard is fixed in almost all the above-mentioned international acts. In addition, a special act of the UN General Assembly, the Resolution 43/157, “Improving the effectiveness of the principle of periodic and genuine elections” is dedicated to the implementation of this principle.

The essence of the principle of direct and genuine elections is that the voters are empowered by the constitution and laws to directly select candidates to the representative, elected bodies of government. Genuine elections require political pluralism and a multiparty system, free voter access to information about the nominees, political parties and the electoral process, as well as equal and fair legal conditions for the registration of candidates.

---

Genuine and direct elections are guaranteed by the Constitution of Uzbekistan. Thus, Article 12 of the Basic Law stipulates that in Uzbekistan the public life is built on the diversity of political institutions, ideologies and opinions. No ideology may be established as a state ideology. In the meantime, Article 32 of the Constitution proclaims the right of citizens of the Republic of Uzbekistan to participate in managing the affairs of society and state, both directly and through their representatives. The right to associate in political parties is guaranteed to the citizens of the republic by Article 34 of the Basic Law. According to the Constitution, no one may infringe on the rights, freedoms and dignity of persons constituting opposition minority in political parties as well as in representative bodies. Article 117 of the Constitution establishes electoral rights of citizens and guarantees the right to vote, equality and freedom of expression.

The Laws on Guarantees of Electoral Rights of Citizens, on the Elections to Regional, District and City Councils of People’s Deputies, on the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition), on the Elections of President of the Republic of Uzbekistan and on the Central Election Commission of the Republic of Uzbekistan secure this principle. In particular, Article 6 of the Law on Guarantees of Electoral Rights of Citizens grants voters the right to directly participate in referenda, elections of the President of the Republic of Uzbekistan and to representative bodies. Moreover, in accordance with Article 3 of the Law on the Elections of President of the Republic of Uzbekistan, voting in presidential elections shall be exercised by citizens directly.
Moreover, the Law on Guarantees of Electoral Rights of Citizens does not allow for direct or indirect restriction of citizens’ electoral rights except requirements established by legislative acts on elections (Article 5); provides voters with the opportunity to get acquainted in advance with the register of voters in the buildings of precinct election commissions (Article 9).

Equal and fair legal conditions for registration of candidates are guaranteed by Articles 24-26 of the Law on the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition) and Articles 24-25 of the Law on the Elections of President of the Republic of Uzbekistan. Thus, Article 25 of the Law on the Elections of President of the Republic of Uzbekistan establishes uniform requirements and restrictions for all candidates for the post of President of Uzbekistan, as well as fair and simplified procedure for registration of presidential hopefuls. Thus, in 2016, all four political parties that have applied with the relevant documents to the Central Election Commission of the Republic of Uzbekistan were allowed to participate in the elections of the President of Uzbekistan (Resolution 737 of the Central Election Commission of the Republic of Uzbekistan on September 23, 2016, ”On the admission of political parties to participate in the elections of President of the Republic of Uzbekistan”).

Reference: The order for the registration of candidates for the President of the Republic of Uzbekistan is open, transparent, clear, and does not contain abstract rules or complicated procedures. In particular, under Article 25 of the Law on the Elections of President of the Republic of Uzbekistan candidates for President of the Republic of Uzbekistan are registered by the Central Election Commission on
the basis of documents package (statement of the leader of a political party, decision of the supreme body of the political party on the candidate nomination, the meeting protocol of the supreme body of the political party, the declaration of the candidate with consent to run for the post, subscription lists). The procedure for collecting signatures by political parties is defined by the Regulations’On the procedure of collecting signatures by political parties and verification of correctness of the signature sheets” that was approved by Resolution 740 of the Central Election Commission on 23 September 2016. A registration certificate is handed over to a person who was registered as a candidate for President of the Republic of Uzbekistan. The Central Election Commission publishes information on the registration within five days after the registration of candidates to the post of the President of Uzbekistan.

3. **International legal principle of mandatory and periodic elections is of universal and comprehensive nature.**

| The principle of mandatory and periodic elections implies that officials are elected for a certain period of time (term of office), and in a democratic state it is ensured by the periodic and compulsory elections. |

This requirement has been fully implemented in Uzbekistan’s electoral legislation. Thus, the principle of binding and periodic elections has been enshrined in Part 2 of Article 90 of the Constitution and Article 1 of the Law on the Elections of President of the Republic of Uzbekistan, which states that the President of the Republic of Uzbekistan is elected for five years. The Constitutional Laws on the Legislative Chamber of Oliy Majlis of the Republic of
Uzbekistan (Article 5) and on the Senate of Oliy Majlis of the Republic of Uzbekistan (Article 5) determined that the term of office for members of the Legislative Chamber and the Senate is five years.

This principle is stated in Article 117 of Chapter XXIII of the Constitution ("Electoral System") which envisages that the election of President of the Republic of Uzbekistan, the Legislative Chamber of Oliy Majlis of Uzbekistan and Jokargy Kenes of Karakalpakstan, representative bodies of government in provinces, districts, cities are conducted respectively in the year when their terms of office expire, namely, on the first Sunday of the third ten-day period of December.

4. Principles and standards such as freedom of expression and secret ballot are considered universally accepted.

**The principle of freedom of expression and secret ballot** means that every voter should be given freedom of choice and that such vote does not bring to disclosure of that for whom he/she has voted or intends to vote for. However, no voter can be forced to declare how he/she has voted in any court or otherwise, or how he/she intends to vote, and no one should try to get information directly or indirectly from the voters on how they have voted or will vote.

In Uzbekistan, this international principle is fully implemented in the electoral legislation and the practice of the conduct of elections. Thus, Article 117 of Chapter XXIII of the Constitution guarantees that the elections are conducted
by secret ballot and the freedom of expression is guaranteed by law. Article 7 of the Law on Guarantees of Electoral Rights of Citizens provides that voters have the right to freedom of expression and the secrecy of voting. Organizing the voting procedure in specially allocated premises, the precinct election commissions provide citizens with the opportunity of free and secret expression. Control over the will of the voters is not allowed. Similar regulations are provided in Article 3 of the Law on the Elections of President of the Republic of Uzbekistan, Article 5 of the Law on the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition), and Article 5 of the Law on the Elections to Regional, District and City Councils of People’s Deputies.

In particular, Article 3 of the Law on the Elections of President of the Republic of Uzbekistan states that voting is secret and exercised by citizens directly. Control over the will of the citizens is impermissible.

5. The principles of compliance of election results with the people’s will, honest and accurate vote count are essential parts of a coherent system of international electoral standards.

The principles of compliance of election results with the people’s will, honest and accurate vote count mean that the elections are a direct expression of the will of the people, which should be reflected in their results. At the same time vote count should be carried out in compliance with the requirements of the laws and principles of integrity, impartiality, while any falsification and any manifestation of subjectivism are prohibited.
All the necessary organizational and legal guarantees to ensure fair and accurate vote count have been created in the Republic of Uzbekistan. Thus, in accordance with the Law on the Elections of President of the Republic of Uzbekistan, one observer from the political party that nominated a candidate for President of the Republic of Uzbekistan, representatives of the press, television and radio, observers from other states, international organizations and movements have the right to participate in the vote counting at any polling station (Article 5 of the Law). In addition, individuals, including members of the election commissions, officials of state bodies and public organizations who have committed forgery of election documents or deliberately incorrect counting of votes carry statutory liability. In particular, the Code of Administrative Liability and the Criminal Code provide for liability for these offenses. For example, Article 146 of the Criminal Code (“Violation of legislation on the organization, conduct of elections or referenda”) established that the violation of the secrecy of voting, forgery of election documents and referendum documents, making fictitious entries in ballots or subscription lists, knowingly incorrect counting of votes committed during the organization, conduct of elections or referenda by officials, representatives of political parties or self-government bodies of citizens, members of initiative groups and election commissions or referendum commissions shall entail criminal liability.

6. During the preparation and conduct of elections, the international electoral standard of political neutrality of the state has been acquiring importance. This principle is envisioned in almost all international electoral documents.
Political neutrality of the state means that the elections are carried out by an independent electoral body, in accordance with international standards and the current electoral law. Interference with the election process by other state bodies and use of any administrative resources, which can affect the course of the election campaign and its results, is not allowed.

The electoral system of Uzbekistan fully meets the specified standards. Thus, in accordance with Article 117 of the Constitution (“Electoral System”) for the organization and conduct of the elections of President of the Republic of Uzbekistan, to the Oliy Majlis of the Republic of Uzbekistan, the Oliy Majlis forms the Central Election Commission of the Republic of Uzbekistan, the basic principles of whose activity are independence, legitimacy, collective decision-making, transparency and fairness. It should be noted that according to the latest amendments to the Constitution of the Republic of Uzbekistan introduced in 2014, the constitutional status of the Central Election Commission has been significantly strengthened. The Basic Law clearly stipulates the procedure for the elections, the main objectives and principles of activity of the Central Election Commission. All this is also in line with the OSCE Guidelines for Review of Legal Framework for Elections (Warsaw, January 2001), which states that the recommended practice is to include the fundamental guarantees in the Constitution that protect electoral rights. Meanwhile, the legal status of the Central Election Commission, the order of its activity is also regulated by a separate Law on the Central Election Commission of the Republic of Uzbekistan.

Currently, the CEC is the chief authority in the field of organizing and holding elections. The Law provides for
more than 30 powers of the Central Election Commission. The Commission, in particular, heads the system of election commissions, carries out in the entire territory of the Republic of Uzbekistan control over the implementation of the electoral legislation, announces the start of the electoral season, provides election commissions with methodological support, forms electoral districts, district election commissions, organizes nationwide seminars and training for members of election commissions, including for the elections of President of the Republic of Uzbekistan. Thus, on 28 September 2016, the Central Election Commission organized a national online workshop for members of district electoral commissions on the elections of President of the Republic of Uzbekistan in order to further enhance their knowledge of the electoral legislation and the skills of its use in the preparation and conduct of elections.

7. **State financial and information support for elections is one of the most important international electoral principles.**

| State financial and information support for elections | means that, first, funding activities related to elections is arranged from the state budget; second, the state shall ensure fair allocation of the budget funds for candidates and political parties participating in elections; third, political parties who nominated candidates are guaranteed with freedom of campaign activities in any forms permitted by law and by legal means in the manner and time stipulated by the laws, in terms of pluralism, absence of censorship. |

45
All of the foregoing conditions and requirements are reflected in full in the electoral legislation and electoral practice of our country. Thus, the Law on the Elections to the Oliy Majlis of the Republic of Uzbekistan (Article 64) and the Law on the Elections of President of the Republic of Uzbekistan (Article 6) establish that costs associated with the preparation and conduct of elections of the President of the Republic of Uzbekistan are made at the expense of public funds of Uzbekistan. Financial and other material support to the presidential candidates by other means is prohibited. Political parties, public associations, enterprises, institutions, organizations and citizens of the Republic of Uzbekistan may voluntarily transfer their moneys for the conduct of elections. These funds are taken by the Central Election Commission and are used during the election campaign.

**Reference:** The Resolution 731 of the Central Election Commission of the Republic of Uzbekistan dated 15 September 2016 approved the estimated costs for the preparation and holding of elections of the President of the Republic of Uzbekistan. In addition, the Resolution 733 of the Central Election Commission of the Republic of Uzbekistan on the same day approved the Instruction “On the order of financing and use of means for preparation and conduct of elections of the President of the Republic of Uzbekistan”, according to which the costs associated with the preparation and conduct of presidential elections are to be paid from the State Budget. Financial and other material support for candidates for the President of Uzbekistan by other means is prohibited (paragraph 2). In addition, political parties and candidates are prohibited during the election campaign to receive funds in the form of funding or other financial support from: foreign states; corporate entities of foreign states, their representati-
tive offices and branches; international organizations and their representative offices and branches; enterprises with foreign investments; foreign citizens and persons without citizenship; self-government bodies, religious organizations and anonymous persons or persons under a pseudonym. This document also clearly and in detail determines the order of planning and realizing of expenses for preparation and holding of elections (open treasury personal accounts, funds flow on the treasury personal accounts on costs associated with the preparation and conduct of elections, registration, distribution and use of funds received from political parties, public associations, enterprises, institutions, organizations and citizens of the Republic of Uzbekistan, on the preparation and holding of elections); execution of expenses for preparation and holding of repeat voting and repeat elections; financing the election campaign of a candidate from a political party; accounting, return of the unused balances to the republican budget; reception-transfer of stocktaking and reporting; control over the use of funds allocated for the preparation and conduct of elections, and others).

8. International electoral standards are of particular importance in contemporary circumstances. They seek to secure equal access during the electoral season for media, enshrined in practically all major international legal documents.

**Equal access to the media** means that each candidate or each political party should have equal access to mass media with the aim of presenting their political views.

This requirement is fully reflected in the national electoral legislation, in particular, in Article 27 of the Law on
the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition) and 28² of the Law on the Elections of President of the Republic of Uzbekistan.

Thus, Article 28² of the Law on the Elections of President of the Republic of Uzbekistan states that during the election campaign the candidates for the President are provided with equal access to public media by providing them with the same amount of free airtime and print space. The public media may allocate airtime or print space to candidates for President of the Republic of Uzbekistan also on a paid basis. In the non-state media candidates for the President of the Republic of Uzbekistan can be allocated airtime or print space in accordance with the legislation. Terms of payment for airtime and print space defined by the media participating in the election campaign and other requirements must be equal and the same for all the candidates for the President of the Republic of Uzbekistan. The information disseminated by the media must be true, shall not violate the rights and legitimate interests of the candidates for the President of the Republic of Uzbekistan, political parties. It is forbidden to spread false information as well as that discrediting the honor and dignity of presidential nominees.

Also, the Resolution 319 of the Central Election Commission of the Republic of Uzbekistan dated 18 September 2007 approved the Regulations “On the procedure of using the media by candidates for the President of the Republic of Uzbekistan, the political parties during the election campaign”. According to this document, the media create equal conditions for election campaigning of the presidential candidates, political parties who nominated them. Periodical publications must create for those running for the President of Uzbekistan, political parties an equal amount of print
space, same place, same font and other relevant conditions. The media should keep records of allocated airtime and print space and provide relevant information to the CEC.

Reference: In accordance with the Resolution 743 of the Central Election Commission of the Republic of Uzbekistan dated 3 October 2016 “On the approval of the Regulation “On the procedure of election campaigning by candidates for President of the Republic of Uzbekistan”, the order, volume and time of use of the media for the purposes of election campaigning defined by the relevant CEC resolution in consultation with political parties allowed to participate in elections (p.13). Also, when covering electoral activities of candidates in news programs and other informational materials, the media should: ensure equal conditions, including the duration and scope of coverage; use mainly broadcasting and publishing materials as a single information unit (p.24).

In addition, according to the Resolution 764 of the Central Election Commission of the Republic of Uzbekistan dated 28 October 2016 “On the electoral campaigning of candidates for the President of the Republic of Uzbekistan in the period of the electoral season for President of the Republic of Uzbekistan”, candidates for the President of the Republic of Uzbekistan, to inform the voters about the main provisions of their election programs, are provided 638 minutes of free airtime each on”Uzbekistan” and “Yoshlar” TV and radio channels of the National Broadcasting Company of Uzbekistan, 206 minutes each on 12 local TV and radio channels of the National Broadcasting Company of Uzbekistan, 286 minutes on TV and radio channel “Tashkent”. Candidates are provided free print space in the newspapers “Khalq Suzi”, “Narodnoe Slovo” and “Pravda Vostoka” 6
print pages each, 5 pages each in the newspapers “Ovozi Tojik” and “Nurly Jol”, as well as 55.5 print space bands in 30 local newspapers in general. In regions of the country each candidate is provided with a total of 642 means of outdoor advertising: special constructions, screens, billboards, as well as opportunity to use 36 electronic monitors across the republic for free placement of campaign commercials.

9. Openness and transparency of the electoral process is an imperative principle in organizing elections.

| Openness and transparency of the electoral procedures means ensuring transparency of the election campaign, timely informing the public about its stages, media’s free activity on coverage of the election process, participation of local and international observers. |

The content of the entire legal regulation of the elections is designed to ensure their transparency and openness. Thus, the Law on Guarantees of Electoral Rights of Citizens secured appropriate organizational and legal safeguards to provide for transparency and openness of the election campaign. In particular, Article 14 of this Law stipulates that the entire election season is built on wide publicity. Each voter has the right during the electoral process to seek, receive and send information concerning the formation of electoral districts and polling stations, composition of election commissions, the location and time of work of the commissions, the results of registration of candidates, voting and elections. The decisions of relevant election commissions on the formation of electoral districts and polling stations, election commissions, as well as on the results of registration of candidates, voting and elections are published in the press. Information about
this is also broadcast in the other types of media. Moreover, voters are guaranteed the right to get acquainted with the program of activities of political parties and individual candidates participating in the elections (Article 15).

In addition, Article 5 of the Law on the Elections of President of the Republic of Uzbekistan, envisaging transparency in the course of preparation and conduct of presidential elections, determines that the preparation and holding of elections of the President of the Republic of Uzbekistan are carried out by election commissions openly and publicly. Election commissions inform citizens about their work on the formation of electoral districts, sites, on the composition of election commissions, their location and hours of operation, familiarize with the lists of voters, the list of political parties participating in the elections, announce information about the candidates for the President of the Republic of Uzbekistan, the voting results and elections. The media of the Republic of Uzbekistan cover the course of preparations and conduct of elections to a full extent.

Moreover, the Law on the Elections of President of the Republic of Uzbekistan regulates in detail the legal status and competences of observers. Thus, according to aforesaid norm, in all the activities on preparations and holding of elections, as well as in polling stations on the election day and during vote counting the following have the right to participate at each polling station: one observer from each political party that nominated candidate for President of the Republic of Uzbekistan, representatives of the press, television and radio, observers from other states, international organizations and movements. Their competences shall be confirmed by relevant documents. Interested organizations delegate their observers to the district election commissions
no later than fifteen days before the elections. The district election commission, within five days after receiving application from the organization concerned, shall issue the mandate of the observer, a model design of which is set by the Central Election Commission of the Republic of Uzbekistan. Thus, amendments to the Law on the Elections of President of the Republic of Uzbekistan, introduced on 29 December 2015, determined that the mandates to the observers from other states, international organizations and movements are issued by the Central Election Commission.

It should be noted that Article 5 of the Law provides for five competences of observers: first, to attend sessions to nominate candidates for the President of the Republic of Uzbekistan, meetings of district and precinct election commissions; second, to be present at the polling station and observe the course of the preparatory work, the placement and sealing of ballot boxes for voting, the issuance of ballot papers to citizens; third, to be present during the vote counting and compilation of protocols of precinct election commissions; fourth, to request and obtain copies certified by the relevant election commission on the results of the elections; fifth, to report about their observations to the higher commission if there is a reason to believe that there were violations of this law at the polling station.

Further on, the law sets out specific requirements to be followed by observers: not to be in the voting booth when a voter makes a mark on the ballot; not to influence the voters; not to distribute any campaign materials or literature; not to ask voters for whom they have voted or provide any assistance to voters in making marks on the ballot; keep out of the activities of precinct election commission, including during the sealing of ballot boxes, their opening, and counting of votes.
According to the CEC data, the elections of the President of the Republic of Uzbekistan in the spring of 2015 was attended by 299 foreign observers from 43 countries of America, Europe, Asia and Africa, as well as five international organizations – the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, Shanghai Cooperation Organization, the Association of World Election Bodies, and the Organization of Islamic Cooperation. The monitoring of the electoral process was attended by more than 35 thousand observers from political parties.

All this was an important factor and evidence of democracy, openness and transparency of the electoral season.

The provisions of these laws are implemented consistently in the Central Election Commission activities during the preparation and conduct of presidential elections. Thus, the Resolution 729 of the Central Election Commission of the Republic of Uzbekistan dated 9 September 2016 set up the Republican Press Center for the Coverage of Elections of President of the Republic of Uzbekistan with the purposes of the preparation and conduct of elections in compliance with the principles of openness and transparency.

The peculiarity of the national electoral system is the adoption before each presidential election in the country of the program of major events for their preparation and conduct. Thus, the CEC Resolution 728 dated September 9, 2016, approved the “Program of major events on the preparation and holding of elections of the President of the Republic of Uzbekistan”, containing 32 paragraphs, including on the preparation and airing of video, television and radio commercials dedicated to presidential elections that occupies a special place.
Moreover, in order to secure transparency and openness of the electoral process, the Central Election Commission of the Republic of Uzbekistan has garnered experience in signing bilateral agreements covering the preparations and conduct of elections, including the elections of the President of the Republic of Uzbekistan, with broadcasting companies and news agencies. For example, on September 21, 2016, the CEC signed such agreements for covering the preparations and conduct of elections of the President of the Republic of Uzbekistan with the National Broadcasting Company of Uzbekistan, the National Information Agency of Uzbekistan (UzA), Jahon Information Agency, the National Association of Electronic Mass Media, and Uzreport Information Agency.

In addition, the Resolution 734 of the Central Election Commission of the Republic of Uzbekistan on 15 September 2016 approved the Regulation “On the international and foreign observers participating in the elections of President of the Republic of Uzbekistan” that defines the procedure for the invitation and accreditation of international (foreign) observers, as well as their competences and procedures of activity.

Reference: On the basis of current legislation, the Central Election Commission of the Republic of Uzbekistan sent official invitations on 18 September 2016 to take part in the international observation of the elections of President of the Republic of Uzbekistan to the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), the Executive Committee of the Commonwealth of Independent States (CIS Executive Committee), Shanghai Cooperation Organization (SCO), the Organization of Islamic cooperation (OIC), and the Association of World Election Bodies (A-WEB).
10. International standard of free competition is assigned an important role in elections.

This international standard is enshrined, in particular, in such OSCE documents as: Report on “Existing Commitments for Democratic Elections in OSCE Participating States”, Document of the Meeting of Conference on the Human Dimension of the CSCE, Declaration on Criteria for Free and Fair Elections, among others.

**Free competition** as an international standard means that the entire election campaign is based on the principles of free and equal competition of election entities and candidates meeting requirements of electoral laws, use of all forms of pre-election campaign, including the media, meetings and gatherings with voters, and so on, and also eliminates any pressure on the participants of the election campaign and equal provision of any benefits and preferences for them.

It should be noted that these principles are fully implemented in Uzbekistan. The national legislation contains genuine institutional arrangements that create the possibility of a voter to choose one of several candidates by their free will. At the same time candidates themselves, within the framework of the law, have opportunities to fight for votes during the campaign on an equal footing. Thus, according to the Law of the Republic of Uzbekistan on the Elections of President of the Republic of Uzbekistan, in order to participate in the election campaign, presidential candidates are provided with equal conditions during the election campaign through the media, as well as through the issuance and distribution of printed, visual, audiovisual and other campaign materials
and meetings with voters. Also, the Law guarantees equal rights to all registered candidates for the President of the Republic of Uzbekistan (Articles 28\textsuperscript{2}-28\textsuperscript{5}).

In accordance with the Law on Guarantees of Electoral Rights of Citizens, voters have the right to campaign for or against candidates for President and candidates to representative bodies (Article 12 of the Law). They have the right to get acquainted with the program of future activities of political parties and individual candidates participating in the elections (Article 15 of the Law).

Also according to Article 21 of the Law on Guarantees of Electoral Rights of Citizens, obstruction by violence, fraud, threats or otherwise of the implementation of citizens’ right to elect and be elected, to participate in the referendum, to conduct pre-election campaign, as well as forgery of documents, knowingly incorrect counting of votes, commitment of other violations of the laws on the referendum, on presidential elections, elections to representative bodies are punishable under the laws of the Republic of Uzbekistan.

Appropriate guarantees are also provided in the Law on the Elections of President of the Republic of Uzbekistan. Thus, Article 7 of the Law sets the liability for violation of the Law on the Elections of President of the Republic of Uzbekistan. In accordance with this article, a person violating a statutory right and election procedure, preventing by force, fraud, threat or other ways the realization of the right of citizens of the Republic of Uzbekistan to elect and to be elected as President of the Republic of Uzbekistan, to campaign, as well as members of election commissions, officials of state bodies and public organizations who have committed forgery of election documents, deliberately miscount votes, vio-
late the secrecy of the ballot or commit other violations of the law, bear responsibility established by law.

Appropriate legal liability measures provided for in Chapter VI of the Code of Administrative Liability (“Administrative liability for offenses in the sphere of organization and holding of elections and referendum”) and Article 146 (“Violation of legislation on the organization, conduct of elections or referendum”) and 147 (“Obstruction of realization of electoral rights or competences of authorized representatives”) of the Criminal Code.

11. Guarantees for taking office and preservation of powers of elected candidates is a major component of the system of international electoral standards.

**Guarantees for taking office and preservation of powers of elected candidates** imply obligation to create and provide all necessary conditions from the state to allow persons elected in accordance with the law in a timely manner to take up their duties of elective office.

**Reference:** In accordance with Paragraph 7.9 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of CSCE, the participating states “ensure that candidates who obtain the necessary number of votes required by law duly take office and could remain in office until the expiry of their term of office or until their termination in another way which is regulated by law in accordance with democratic parliamentary and constitutional procedures”.

The electoral law and practice of Uzbekistan fully meet the specified requirements. Uzbekistan’s legislation contains guarantees for inauguration of the elected candidates and conserva-
tion of their powers before the end of the term for which they were elected. For example, Articles 15, 32, 43 and 92 of the Constitution, Article 2 of the Law on Guarantees of Electoral Rights of Citizens, Articles 48 and 61 of the Law on the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition), Articles 45-46 of the Law on the Elections to Regional, District and City Councils of People’s Deputies, as well as Article 39 of the Law on the Elections of President of the Republic of Uzbekistan fully reflect the essence and content of international election standards. In particular, in accordance with Article 39 of the Law on the Elections of President of the Republic of Uzbekistan (“The inauguration of the President”), the President of the Republic of Uzbekistan shall take office upon taking the oath at the session of the Oliy Majlis of not later than two months from the date of the official announcement by the Central Election Commission of the results of presidential elections. The acting President of the Republic of Uzbekistan shall remain in office until the inauguration of newly elected President of the Republic of Uzbekistan.

12. Responsibility before society and electorate is also one of the most important international principles of electoral law.

**Responsibility before society and electorate** implies that candidate or the political party shall be responsible to the public for their decisions and actions; no candidate or political party should use violence; each candidate and political party competing in an election shall respect the rights and freedoms of others; each candidate and political party competing in an election shall accept the results of free and fair elections.
These requirements are clearly laid down in the electoral legislation of Uzbekistan and fully applied in the electoral process. First of all, Article 48 of the Constitution stipulates that citizens must observe the Constitution and laws, respect the rights, freedoms, honor and dignity of other people. In general, in accordance with Article 2 of the Constitution, state bodies and officials are responsible before the society and citizens.

Thus, from the meaning of the Law on Political Parties, it can be concluded that the political parties should reflect the views, interests and goals of a certain part of society, the electorate. At the same time, the Charter, the goals, objectives and methods of political parties must fully comply with the Constitution and other legislative acts (Article 9). Also, political parties must comply with the requirements of the Constitution and other legislative acts (Article 10).

In addition, the legislation provides for sanctions for violations of the above requirements. Thus, under Article 7 of the Law on the Elections of President of the Republic of Uzbekistan, those who publish or by some ways disseminate false information discrediting the honor and dignity of the candidate, have made offensive attitude to members of election commissions are prosecuted by the law. In addition, Article 516 of the Code of Administrative Liability («Dissemination of false information about candidates, political parties») provides for administrative liability for the publication or dissemination by other means of false information about a candidate or a political party to influence the election results.

13. International standards that guarantee the possibility to appeal against unlawful decisions related to the elections and the inevitability of punishment for violations of citizens’ electoral rights, occupy an important
place in the implementation and protection of electoral rights.

**The possibility of appealing over the violations and liability for violations of electoral rights of citizens** involves providing subjects of elections, candidates, or voters the possibility to appeal against decisions adopted by the electoral body in the manner prescribed by law.

These international standards are envisaged in the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Participating States of the CIS, and in such OSCE documents as the Declaration on Criteria for Free and Fair Elections, Report on «Existing Commitments for democratic elections in the participating states of the OSCE», Code of Good Practice in Electoral Matters, etc.

Thus, Article 20 of the Law on Guarantees of Electoral Rights of Citizens secures judicial protection for every citizen of the Republic of Uzbekistan of the electoral rights, opportunity to appeal over any unlawful action of election commissions, state bodies, officials and public associations. Similar guarantees, complaint mechanisms are guaranteed by Articles 18, 34, 44 and 59 of the Law on the Elections to the Oliy Majlis of the Republic of Uzbekistan (new edition), Articles 19, 23 and 36 of the Law on the Elections of President of the Republic of Uzbekistan. Thus, in line with Article 19 of the Law on the Elections of President of the Republic of Uzbekistan, decisions and actions of election commissions can be appealed to a higher election commission, and in cases stipulated by the Law also to the court.
Article 23 of the Law on the Elections of President of the Republic of Uzbekistan provides every citizen the right to appeal against the non-inclusion, incorrect inclusion in the voters register or exclusion from it, and inaccuracies in the indication of the voter data entered in the register.

In accordance with Article 36 of the Law on the Elections of President of the Republic of Uzbekistan, the election as a whole or for individual districts or individual polling stations may be invalidated due to committed violations that affected the outcome of the vote during elections or during the vote counting. Decision to recognize the elections invalid is taken by the Central Election Commission and can be appealed in the Supreme Court of the Republic of Uzbekistan within ten days from the date of publication of the election results. The right to appeal against the decision on recognizing the elections invalid belongs to candidates for the President of the Republic of Uzbekistan.

14. Prompt and effective judicial protection of the electoral rights is a key element of international election standards.

**Prompt and effective judicial protection** of electoral rights requires prompt and effective review by the courts and other competent authorities of complaints on violations of the electoral rights and freedoms of citizens, candidates, political parties in a time frame relevant to the stages of the electoral process, as well as ensuring the rights of citizens to appeal to the courts for protection and rehabilitation of their voting rights and freedoms in the manner prescribed by law norms.
Judicial protection of electoral rights is enshrined in the electoral legislation of the Republic of Uzbekistan. In particular, Article 19 of the Law on the Elections of President of the Republic of Uzbekistan states that the decisions and actions of election commissions can be appealed to a higher election commission, and in the cases stipulated by this law, also to the court. In addition, in accordance with Article 23 of the Law, application of the citizen with a complaint about the non-inclusion, incorrect inclusion in the register or exclusion from the register, as well as assumptions of uncertainties on the register should be considered by the precinct election commission within twenty-four hours on the day before and immediately on election day. This commission is obliged to make the necessary corrections in the register or give the applicant a reasonable decision to reject his/her claims. The Commission’s decision may be appealed to the district (city) court no later than three days before the elections, which shall consider the complaint within twenty-four hours. The decision of the district (city) court shall be final. Correction in the register of voters in accordance with the judgment is made immediately by the precinct election commission (Article 23).

Thus, analysis shows that during the years of independence Uzbekistan has formed an electoral system based on the Constitution and electoral laws of the country, fully meeting the recognized standards and high democratic requirements.

Measures to further liberalize and democratize the electoral legislation are consistently implemented in the country to meet the requirements of contemporary times, international standards and principles, as well as the level of development and maturity of civil society, primarily the political
parties, as well as the level of civic awareness, legal and political culture of the population.

These measures are aimed, first and foremost, on securing respect for the rights and freedoms, the rule of law, fairness of the electoral process, and serve to further strengthen the foundations of a just state ruled by law, a strong civil society in Uzbekistan, democratic modernization.
III. PERFECTING THE LEGAL FRAMEWORK
OF THE ELECTIONS OF PRESIDENT OF THE
REPUBLIC OF UZBEKISTAN: KEY PRIORITY IN
THE DEMOCRATIC RENEWAL OF THE COUNTRY

In the context of overall consistent democratization of the electoral system, electoral legislation and practice on the elections of President of the Republic of Uzbekistan have been developed.

Successful solution of the enormous complexity of the problems associated with the transitional period has been made possible thanks to the creation of an effective system and executive authority capable in practice to carry out large-scale political and economic reforms, ensure unconditional fulfillment of laws, protection of rights and freedoms of citizens, including their voting rights.

As the recent history of Uzbekistan shows, in this difficult period of transition, when consistently and at the same time resolutely old patterns and old administrative-command management methods were breaking, when pressing economic, political and social problems required quick decisions, a strong presidential power was needed. That is why, in accordance with the previous edition of Article 89 of the Constitution, the President was simultaneously the chairperson of the Cabinet of Ministers and headed the executive authority.

However, with the deepening democratic reforms in the course of a consistent, gradual modernization of the state and legal system, the institution of the President has seen evolutionarily development. In 2003, that is, in the second stage of democratic reforms, the norm of the Constitution that the President is the chairperson of the Cabinet of Min-
isters was eliminated. In 2007, the Constitution excludes the norm stipulating that the President is at the same time the head of the executive branch. In accordance with the current version of Article 89, the President of the Republic of Uzbekistan is the head of state and ensures the coordinated functioning and interaction of bodies of government. In 2011, the powers of the head of state excluded the right to take decisions on matters within the competence of the Cabinet of Ministers, earlier enshrined in Article 98 of the Constitution.

These and other reforms to modernize the system of state power and control led to the need for adequate, evolutionary democratic development of the electoral law and electoral practices of the President of the Republic of Uzbekistan.

In order to understand the democratic values, essence and content of the Law on Elections of the President, it is important to review the evolution of the development of its main provisions.

**First. Initially, the Law on the Elections of President of the Republic of Uzbekistan included fundamental rights of citizens, organizational and legal mechanisms for the realization of their will.**

The Law on the Elections of President of the Republic of Uzbekistan (hereinafter – the Law), on the basis of which the first nationwide presidential elections took place in December 1991, was adopted in November of the same year, as noted above, amid intricate social and political conditions. However, it became the first and most important step toward delivering a democratic electoral legislation.

Article 1 of the Law stipulated that presidential elections are conducted by citizens of the republic on the basis of universal, equal and direct suffrage by secret ballot.
Active suffrage, that is, the right to elect the head of state, is granted to the citizens of Uzbekistan who have reached eighteen years of age (Article 2 of the Law, “The right of citizens to vote”).

Thus, citizens of Uzbekistan not younger than 35 years of age may be elected President of the Republic.

The Law clearly states that the same person may not be elected President for more than two consecutive terms. This position was subsequently reflected in Article 90 of the Constitution of the country.

Thus, any direct or indirect restriction of citizens’ electoral rights, depending on origin, social or property status, race or ethnicity, gender, education, language, attitude to religion, type and nature of occupation is prohibited.

The Law established principles of voluntary participation in the elections, secret and direct vote of citizens, non-admission of control over the will of the voters and other democratic principles.

In accordance with the amendments made later (1997), Article 1 of the Law was supplemented with a provision according to which the candidate must also: be fluent in the state language, reside permanently in the territory of Uzbekistan for at least ten years prior to the elections. Thus, the standards of Article 1 of the Law have been brought into line with Article 90 of the Constitution of Uzbekistan, where the position of the President of the Republic of Uzbekistan established residency requirements and knowledge of the state language. The introduction of this rule, fully consistent with international practice, has been associated with a deep understanding of the exceptional role of the institution of President in the task of formation and development of national
statehood, which had to be addressed at this thorny phase in the development of the country. The head of state should be deeply aware and fully control the situation prevailing in the areas of socio-economic, socio-political, humanitarian development of the country, and be able to directly communicate well with the people. These key terms have found their constitutional recognition in the rules establishing the mentioned requirements for candidates for the office of President.

**Reference:** In the United States of America, requirements for candidates for the post of President include the following qualifications: a US citizen by birth, age limit (a person who has reached 35 years of age) and residency (living in the US for 14 years). While living in Puerto Rico or other overseas territories and possessions of the United States does not recognize living in the United States.

Similar requirements for presidential candidates exist in other countries. For example, a presidential candidate must be resident in the territory of the state the following number of years: in Mexico it is 1 year, in Greece, Bulgaria it is 5 years, Armenia, Moldova and Russia – 10 years, and in Georgia and the Republic of Kazakhstan – 15 years.

In the course of the consistent implementation in this Law, constitutional rights on the freedom of choice (Part 3 Article 2 of the Law) were set out in its new edition in 1997. It has been clearly established that those citizens found incompetent by a court, as well as persons held in custody under a court sentence do not participate in the elections of the President.

Before, the ban was extended to persons, in respect of who a preventive measure, detention, had been applied.
Second. In its first edition of the Law on the Elections of President of the Republic of Uzbekistan an order was established, in accordance with which presidential elections are carried out by independent, autonomous bodies – election commissions.

It established (Article 4 of the Law) that election commissions are formed from among representatives of political parties, public associations, representatives of labor collectives and meetings of groups of faculty and students of higher and secondary special educational institutions, as well as voters at the place of residence, servicemen of military units.

In 1997 and later, in 2004, the wording this article was changed. It now envisaged that the presidential elections are organized by the Central Election Commission of the Republic of Uzbekistan, district and precinct election commissions. It established that the Central Election Commission is formed in accordance with the Law on the Central Election Commission of the Republic of Uzbekistan, which was adopted in 1998.

The current edition of Article 4 of the Law specifies that members of district election commissions shall be approved by the Central Election Commission on the recommendation of Jokargy Kenes of Karakalpakstan, regional and Tashkent city councils of people’s deputies.

The powers of district and city councils of people’s deputies have been expanded in the formation of precinct election commissions. For example, if previously members were approved on the proposal of local government bodies and self-government bodies of citizens, now they are approved on recommendations of the regional and city councils of people’s deputies of the relevant district election commissions.
Under previous legislation (Article 13 of the Law), the powers of the Central Election Commission ended on the day of appointment of the next elections of the President of the Republic of Uzbekistan. Now, in accordance with the Law on the Central Election Commission of 1998, the CEC is a permanent body that heads the entire system of election commissions.

It should be noted that the powers of the Central Election Commission have consistently been expanded. Thus, Article 4 of the Law that defines the powers of the Central Election Commission was amended in 1997, 2000, 2004, 2008.

In accordance with the current edition of Article 14 of the Law, it is determined that the CEC:

- carries out control over the implementation of the law on presidential elections, its uniform application in the entire territory of the republic;
- directs the activities of election commissions, overrides the decisions of district commissions in cases if these decisions are contrary to the law in force;
- ensures equal conditions for the participation of candidates for the President of the Republic of Uzbekistan in the election campaign, defines the order of participation of the media in the election campaign, establishes forms of ballots;
- registers candidates for President, sums up the results of elections, considers applications and complaints about decisions and actions of election commissions, makes final decisions on them. CEC implements a number of other powers to prepare and conduct the presidential election campaign.

Provisions of the Law determining the order of formation, powers, organization of activities of district election commissions (Article 15-19 of the Law) have been developing dynamically.
Powers for the formation of district, precinct election commissions were sequentially transferred from the representative bodies of local government to the very system of election commissions. Thus, the district election commissions are constituted by the CEC, which also approves the personal composition of district election commissions.

In turn, the district election commissions form precinct electoral commissions. They also approve the personal composition of precinct electoral commissions. Previously, these functions were performed by district and city councils of people’s deputies.

In 2004, Article 18 was introduced into the Law, according to which, in order to further democratize the electoral law, a clear procedure for the approval of members of district and precinct election commissions was defined.

Thus, candidates for membership of district election commissions are discussed at meetings of Jokargy Kenes of Karakalpakstan, regional and Tashkent city council of people’s deputies and recommended for approval by the CEC.

Nominations for membership of the precinct election commissions after discussion at meetings of district and city councils of people’s deputies are recommended for approval to the relevant district election commissions.

In this case, this article expressly states that the members of district and precinct election commissions shall be approved from among eminent members of the public. Government bodies and social institutions, political parties (Article 20 of the Law) shall assist election commissions in the execution of their tasks.
It should be noted that the implementation of these provisions of the Law significantly raised public confidence in the activities of election commissions, and the effectiveness of their work increased.

**Third. Powers and the role of political parties in the organization and conduct of presidential elections have consistently strengthened and advanced.**

During the formation and consolidation of the multiparty system the procedure for nominating candidates for the President of Uzbekistan was developing and reforming.

Article 24 of the Law on the Elections of President of the Republic of Uzbekistan in its 1997 edition stipulates that political parties and representative bodies have the right to nominate a candidate for the President. Before, trade unions, collectives of enterprises, institutions, organizations, and even groups of special and higher educational institutions, citizens’ assemblies at the place of residence, military units had also such right. In this case the support of at least 60 thousand citizens of Uzbekistan, who have the right to vote, was required for the nomination of the candidate.

Subsequently, the scope of entities authorized to nominate candidates eventually narrowed.

Thus, in accordance with the amendments introduced into the Law in 2004, it was possible for representative bodies to nominate presidential candidates. This change corresponded to the recommendations of the OSCE/ODIHR mission, which on the outcome of observation of the parliamentary elections in Uzbekistan noted that the possibility of nominating candidates by local representative authorities violates
the principle of separation of powers into the legislative and executive.

However, the same Law introduced into the legislation and electoral practice the institution of nomination of candidates directly by citizens who were to form an initiative group of voters in an amount of not less than three hundred people. At that time political parties were acquiring political importance, and voters in elections focused more on the candidates’ personality, rather than political parties representing them and their program. The introduction of such an institution was appropriate. However, in 2008, this article was amended according to which the right to nominate candidates for the presidency is granted only to political parties. And this was done in order to bolster the role of political parties in the political life of the country, the implementation of democratic reforms. Political parties participating in the elections and proving their worth, in fact, became the decisive force of profound reforms taking place in Uzbekistan. By this time, political parties had gained considerable experience in political activity, in their ability to extensively and effectively influence the socio-political, socio-economic processes in the society.

**Reference:** In 2003, the Movement of Entrepreneurs and Businesspeople – the Liberal Democratic Party of Uzbekistan (UzLiDeP) was formed and actively entered the political arena. The party expresses the interests of the middle class, the class of property owners. In 2008, Fidokorlar Democratic Party merged with Milly Tiklanish Democratic Party. Combining the two parties, which were similar in their ideological and policy directions, created a new political and organizational capacity to deal effectively with
their tasks. Adolat Social Democratic Party has considerably strengthened its position. In 1999, Adolat party members numbered 40 thousand people, while it reached 100 thousand in 2010.

In 1997, 2004, 2008, the Law on the Elections of President of the Republic of Uzbekistan was supplemented by rules that established a clear and transparent procedure for preparation of the submission of documents necessary to the CEC for the participation of candidates in the presidential elections (Article 24\textsuperscript{1} of the Law). The procedure for nomination of candidates for the presidency has been identified (Article 24\textsuperscript{2}), pursuant to which the nomination is carried out by supreme bodies of political parties.

The Law clearly prescribes the procedure for collection of voter signatures in support of a candidate being nominated: no more than 8\% of each administrative-territorial unit. It has been established that voter signatures are collected only after the receipt of candidate registration certificate (signatures collected before this date are not eligible); the voter has the right to sign once in support of only one candidate. Any form of compulsion and bribery of voters by the person collecting signatures shall entail liability under the law. The legislation clearly defines the legal consequences of violations, falsification of signatures: in case of detection of these facts the CEC refuses to accept documents for registration of candidates.

However, the procedure for the nomination of candidates for the President was clarified in 2015 – another amendment was introduced, in accordance with which the number of signatures in the signature lists in support of candidates established by the law has been reduced from 5\% to 1\% of
the total number of voters in the Republic. This amendment, which is completely in line with OSCE/ODIHR recommendations, increased significantly the possibility of active participation of political parties in the presidential elections in 2016.

**Fourth. In accordance with amendments introduced to the electoral law, the list of grounds on which candidates cannot be registered or lose that status has consistently been clarified.**

Thus, those not subject to registration by the CEC are previously convicted for deliberate crimes, as well as those prosecuted by law in connection with criminal proceedings instituted against them. The CEC cannot register also the professional ministers of religious organizations and associations, as, in accordance with the Constitution, religious organizations and associations are separated from the state – the latter does not intervene in the activities of religious organizations (Article 61 of the Constitution).

**The procedure of depriving the candidate for the post of President of this status, and of withdrawing his/her nomination as candidate for the President has been developed steadily (Article 26 of the Law).**

Under the previous law, a political party, Federation of Trade Unions and other organizations who had the right to nominate, could at any time before the election cancel the decision on nomination of the candidate. The decision in this regard was taken in the manner provided for nomination. Candidates themselves could withdraw their nomination at any time, appealing to the CEC with a statement.

In 1997, the wording of this article was substantially amended. It was clearly established (and this order is valid to this day) that the decision to deprive a person of
the candidacy status for the President shall be taken by the CEC. However, before the expiry of the deadline to nominate candidates for the presidency, a political party may make a proposal to the CEC for registration of new candidates. It was also established that the applicant is deprived of his/her status in the event of termination of activities of a political party which nominated a presidential candidate.

These addenda were associated with increased guarantees for active participation of political parties in the elections, which by 1997 had already gained considerable political weight in the country’s political system.

In accordance with amendments introduced in 1999, a political party could realize the right to cancel the decision on nomination of a person as a presidential candidate no later (as stated in the Act) than five days before the election. This rule, first of all, created safeguard to protect political parties from possible external pressure and, second, ensure the authenticity and alternative nature of elections, since by this stage voters have largely made their electoral preferences. For these same reasons, later in 2004, this five-day period was extended and today it is seven days.

Guarantees of the rights of registered candidates for the post of President of the Republic of Uzbekistan have been reinforced.

In 2008, Article 28 of the Law was exempt from the norm whereby candidates’ electoral programs should not be directed against the sovereignty, integrity and security of the country, should not infringe on the health and morality of the people, contain propaganda of war and ethnic hatred, racial and religious enmity, appeals to forceful change of the con-
stitutional order, to act contrary to the constitutional rights and freedoms of citizens.

Excluding this provision, the legislator proceeded from the fact that these actions are prohibited by the Constitution and the applicable criminal and administrative legislation as offenses and entail legal liability. Duplicate these provisions seemed inappropriate in the electoral legislation. At the same time, the exclusion of these provisions carried another meaning: the need to strengthen guarantees that certain provisions of the election program of a candidate not be qualified as offense as described above by others in order to influence the course of the election.

The law also stipulates that the presidential hopefuls cannot be prosecuted, detained or subjected to administrative punishment imposed by a court order, without the consent of Prosecutor General of the Republic of Uzbekistan (Article 281 of the Law in its 1998 edition was transferred in accordance with amendment introduced in 2015 to Article 285 of this Law and is currently in effect).

Fifth. To secure the rule of law, protect the electoral process from a variety of fraud that could lead to falsification of the voting results, legislative measures have been worked out to improve the form and content of the ballot paper (Art. 27 of the Law, “The Ballot”).

The 1997 amendments to Article 27 of the Law clearly determined that the ballot is printed on the order of the CEC. Previously, there were no such prescriptions and this used to create uncertainty, and opportunities for various violations. Now, the law stipulates that the ballot paper is printed in the national language and simultaneously in the languages used by the majority of the population of the constituency. In the multiethnic Uzbekistan, this rule has become another
important factor in the full realization by citizens of their right to choose.

Article 27 of the Law has been supplemented also by norms establishing a clear mechanism, timing, order of delivery of ballots to the precinct election commissions, their registration and use.

It was fixed in the legislation that the precinct election commissions receive ballots from district election commissions no later than three days before the elections.

The number of ballots received is confirmed by chairperson or his/her deputy or the secretary of the respective district and precinct election commissions.

It was determined that the number of ballots received cannot exceed the number of voters included in the electoral lists for more than half a percent. The ballots are signed by two members of the precinct electoral commission and stamped. Ballots not certified by the commission are not counted during the vote counting.

In 2004, the rules of this article were supplemented with a proviso that the ballot should contain an explanation of how it shall be filled.

In addition, on the recommendation of the OSCE ODIHR observers, Article 32 of the Law was amended to abolish the order of negative vote. The electoral law introduced the principle of “positive vote”. In line with these amendments, rather than crossing out the names of candidates on the ballot (i.e., voters had to show who they vote against), the voter is prompted to place a cross in the empty box to the right opposite the name of the candidate who they cast their ballot for.

Consistently improving the norms of Article 27 of the Act, the legislator proceeded from the fact that there can be
no minor details in the legal regulation related to the definition of the form and the procedure of filling the ballot, because it is the most important document through which voters express their will. All of these standards, as well as measures taken to ensure the effective protection of the document (blank ballot has several layers of protection) have become crucial in ensuring fair and free elections and legitimate electoral campaign.

**Sixth. The institution of electoral campaigning has found consistent and gradual advancement in the national electoral legislation and enforcement practice.** Due to the lack of accumulated experience of legal regulation in this area, issues in election campaigning had not been regulated sufficiently in the Law on Elections of President of the Republic of Uzbekistan in its 1991 edition. In this respect, a separate chapter was introduced in the Law in 1997 that was entitled “Electoral campaigning. Guarantees of rights of candidates for the post of President of the Republic of Uzbekistan. Authorized persons of candidates for the post of President of the Republic of Uzbekistan”. Article 28 of this chapter (Electoral campaigning) established fundamentally vital elements of the election campaigning, namely, in line with its norms, the campaigning starts from the date of registration of candidates for the presidency by the Central Election Commission. Fixed were the norms, which determined that the candidates are given equal rights to use the media, hold meetings with voters, and other forms of agitation. At the same time, public authorities, social associations and other institutions and organizations are obliged to provide assistance in organizing and conducting promotional activities, including obtaining the necessary reference and other information materials.
The article clearly enshrines the ban on campaigning accompanied with the provision of voters with goods and services for free or on preferential terms (except for information), as well as the payment of cash.

The provisions of this article evolved gradually as did the level of maturity of the political parties, civic institutions, legal and political culture of the electorate, which naturally increased the sharpness and content of the election campaigning.

In the meanwhile, the legislation evolved in the direction of establishment of modern requirements, standards and rules of the election campaign, the same for all candidates.

Thus, the amendments introduced into the Law in 1999 determined that the order of granting the candidates of equal rights in use of media and holding meetings with voters is established by the Central Election Commission.

Legislation in this field has developed towards a consistent narrowing of the powers of public authorities in the organization of electoral campaigning, and vice versa – empowering the entities of the election campaigning themselves in this area.

To this end, the Law of 2004 gets rid of Article 28 that used to stipulate that the election commissions, hokimiyats of districts and cities “provide the candidates with equipped facilities for meetings”.

As can be seen, that provision was largely discretionary, that is, the order of implementation of this provision could be determined at the discretion of local authorities. In this regard, the Law was added with Article 284 in 2015, which states that “government and management bodies, bodies of local government, social associations, as well as self-government bodies are obliged to provide candidates for
President of the Republic of Uzbekistan with equipped rooms for meetings with voters free of charge”.

The legal framework of the election campaigning found further development in line with the latest amendments introduced in 2015 into the Law on Elections of President of the Republic of Uzbekistan.

Article 28 provides with a clear definition of electoral campaigning. Thus, “electoral campaigning is the activity carried out during the electoral season and aimed at encouraging voters to cast their ballot for the candidate for the post of President of the Republic of Uzbekistan”. It establishes that the electioneering is prohibited not only on the election day, as it was written in the previous version of this article, but also the day before the vote.

The Law was introduced four additional articles defining the procedure of the election campaigning.

Clearly identified are the types, forms and methods of election campaigning (Article 28¹ of the Law).

At the same time, the dissemination of information about the electoral program and/or the election platform of the candidate, as well as about the candidate, is referred to the types of election campaigning.

Public debates, discussions, press conferences, interviews and other activities are assigned as forms of electioneering.

The election campaigning carried out through the media, including television, internet, through the production and distribution of print, visual and other campaigning materials, is attributed to methods of campaigning.

In the following three Articles, 28², 28³, 28⁴, these types, forms and methods of campaigning have received clear legal regulation.
It was established that during the election campaign the presidential hopefuls are provided with equal access to the state media by being entitled to free airtime of the same volume.

Airtime can be allocated also in nongovernmental mass media – on an equal footing and in accordance with the law. Payment terms shall be equal and the same for all candidates.

The order, volume and time of use of the media for the purposes of election campaigning are defined by the Central Election Commission in consultation with political parties (Article 282).

Equal opportunities should be provided to candidates also in the production and distribution of print, visual and other materials. It is established that the campaign materials shall be produced in the territory of the Republic of Uzbekistan.

Article 284 stipulates that presidential nominees hold meetings with voters independently. That is, they are not obliged to negotiate and even more so get permission to hold meetings from the authorities. At the same time, they “as a rule” coordinate on the place and time of the meetings with precinct election commissions. And this coordination is considered as a notification.

In accordance with this article, the presidential candidate has the right to hold meetings with voters together with the other candidates.

Seventh. Organizational and legal mechanisms of elections, summing up the results of elections, conducting repeat voting have seen consistent development.

As early as in the 1991 edition of the Law (Article 30 of the Law, “The time and place of voting”) the voting time
was clearly defined – from 7 am to 20 pm local time. The precinct electoral commission informs the voters about the time and place of voting no later than five days before the elections.

Amendments were introduced to this article with an Act of 1997. Proceeding from the interests of voters, the start time of the ballot is determined as 6 am, and the time for notification has been increased to 10 days.

The order of organization of voting at polling stations in representations of the Republic of Uzbekistan in foreign countries is defined like that in military units, remote and inaccessible areas, as well as sanatoriums and rest homes, in hospitals and other medical institutions, where precinct election commission may declare the end of voting at any time if all voters included in the list have cast their ballots.

The 2015 Act also specified the same voting procedure for citizens in custody.

In 2015, the Law on Elections of President of the Republic of Uzbekistan was introduced rules that more clearly defined mechanisms for the organization of early voting.

It should be noted that, in accordance with previous legislation, the voter who is unable to be at their place of residence on the election day had the right to request a ballot sheet from the precinct election commission in advance and vote, reflecting in it his/her decision, by leaving the ballot sheet at the polling station. In the meantime, the norm of the law did not provide for a specific timeframe as well as clear procedures for the realization of early voting.

In accordance with the legislative amendments, the following order has been established: early voting begins ten days before the elections day and ends the day before the
elections; the time of early voting is determined by the district election commission and brought to the attention of voters, observers, representatives of mass media; for early voting, the voters ought to write an appeal in which they indicate the reason for absence on the election day (vacation, business trip, travel abroad, etc.). In obtaining a ballot sheet, the voter signs in the presence of at least two members of the election commission; the ballot sheet is filled by the voter in a specially equipped booth or room for secret voting. The voter leaves the filled ballot sheet in a sealed envelope in the election commission, and two members of the precinct electoral commission leave their signatures in the place of envelope bonding, which is sealed by the commission and the signature of the voter.

Clearly binding terms, order and procedures for early voting constituted an important stride in reliably ensuring the electoral rights of citizens, their free will. The introduced procedures secure transparency in the activities of election commissions and are aimed at preventing possible violations of the election legislation during this form of voting.

Further implementation of the norms of this article has allowed for the establishment of a common enforcement practice in the activity of precinct election commissions in the organization of early voting.

In line with the amendments introduced into the Law in 1997 and 2004, the procedure for counting the votes and summing up the results of presidential elections has consistently been improved with detailed clarifications.

Prior to 2004, the Central Election Commission, on the basis of protocols received by it from precinct election commissions formed at representations of the Republic of Uzbekistan in foreign countries, determined the number of votes
cast for and the number of votes cast against each candidate. In accordance with the legislative amendments in 2004, now the CEC counts the number of votes cast for each candidate for the President of the Republic of Uzbekistan ("positive vote").

In this regard, the procedure for counting the votes has been clarified. Thus, it was established that when counting votes at the polling station, ballot sheets shall be deemed invalid that contain the voting sign – X (plus sign) is put in more than one box or is not put in any of them.

In accordance with the 2004 amendments to Article 35 of the Law ("Establishment of election results"), in cases where two candidates participate in the election of the President, elected is the one who has received a relative majority of votes.

In case where the elections of President of the Republic of Uzbekistan involve more than two candidates, and if none of them gets more than half of the votes, a repeat vote is organized for two candidates with the highest number of secured votes.

In the event that the presidential elections the Republic of Uzbekistan involve only one candidate due to various reasons (health status of other candidates that rule out participation in the election, or removal of their candidacies, and the like), he/she is considered elected if he/she receives more than half of the votes cast.

**The procedure of repeat elections is clearly articulated in the Law owing to the amendments introduced in 2004.**

In accordance with Article 37 of the Law, the Central Election Commission shall designate the date for repeat voting within one month from the date of the elections, but not earlier than fifteen days from the date of the elections. Announcement of the repeat voting shall be published in the
press. The candidate who has received the largest number of voters in the repeat voting with respect to the other candidate is considered elected.

At the same time, the percentage of voter participation in the repeat voting is not taken into account.

**Until 2004, the elections were recognized invalid if less than half of voters (50%) enlisted took part in them.**

Mission of OSCE/ODIHR recommended to revise that provision because, in their opinion, this procedure could lead to the fact that to secure the statutory threshold of the number of voters, a variety of mechanisms of pressure could be used in practice.

Amendments to the Law in 2004 reduced the required number of voter participation in the elections; now, for the election to be valid it must be attended by at least 33 percent of the electorate included in the voter lists.

It should be noted that these changes did not affect the turnout. Thus, the number of voters in the 2007 presidential elections reached 90.6%, and 91.08% in 2015, indicating the ever increasing social and political activity of citizens of the republic.

A clear procedure for determining the results of presidential elections was established as a result of 2004 amendments to the Law (Article 36 of the Law).

In accordance with the provisions of this Article, the election may be invalidated due to violations committed during elections or during the vote counting that affected the outcome of the elections.

The decision of the CEC on the matter may be appealed to the Supreme Court within 10 days from the date of publication. The right of appeal, in this case, belongs to presidential candidates.
In the case if the elections were recognized invalid only in individual districts or precincts, the Central Election Commission may exclude the results of voting on such districts from the general results of the elections, provided that without them the elections as a whole may be declared valid.

All of the above amendments, which helped the law to prescribe detailed mechanisms and procedure for the organization of elections, including repeat vote, have constituted a reliable guarantee for the full realization of citizens’ electoral rights and the rule of law during the electoral campaigns for the elections of President of the Republic of Uzbekistan.
IN LIEU OF CONCLUSION

Analysis of the progress of reforms successively spearheaded in Uzbekistan for all these 25 years of independence testifies to the correctness of the chosen strategy to state and nation building and aimed at establishing a democratic state ruled by law, socially oriented market economy, and robust civil society.

Today, Uzbekistan is a modern democratic state, where human interests and rights are the goal and essence of the transformation taking place, where the reforms are undertaken not for the sake of reforms, but for individual citizens and their interests. This is a country where public institutions are sustainable, where democratic values have consistently been cemented and advanced, as have the political system and civil society institutions. This is a country where the socially oriented market economy has seen dynamic and sustainable development, and where democratic reforms are supported by the people.

One of the most important factors in achieving these results has become the delivery of political, legal and organizational opportunities for citizens to exercise their constitutional right to participate in government and governance, including through the election of representative bodies of government and the head of state.

Meanwhile, the crucial conclusion to be drawn from the analysis of the path walked by Uzbekistan is that the reforms designed for democratic modernization of the country are not limited with time frames. This is a constantly ongoing, enhancing process. As pointed out by the first President of Uzbekistan Islam Karimov, we have accomplished impressive outcomes in the field of economic, political and human
development and it is just another step towards achieving the targets we have set out.

All this has a direct relation also to the system of preparations and holding of elections.

Uzbekistan continues today a demanding search for ways to perfect the electoral legislation and the further democratization of electoral practices.

Thus, the extensively discussed issues in the expert community include those related to the need for the codification of the electoral legislation, and the introduction of modern legal, information and communication technologies in the electoral process. Pressing are the issues pertinent to legislative fixation of even higher qualification requirements for members of election commissions in different levels, to the development and implementation of measures to improve their skills and specialized training for conducting these kinds of workshops and other events.

Further improvement require also the organizational and legal mechanisms aimed at cementing the guarantees of equal coverage in the media of activities of political parties, as well as granting them the right to form electoral blocs.

There is much to do in the implementation in the national law of not only the principle of the free, but also fair elections, as well as the principles of responsibility before the people of the elected officials, along with competitiveness and alternative nature of elections.

Particular attention should be paid to improving the monitoring system of the unconditional execution of requirements of the electoral legislation and its compliance with the principles of universal, equal and direct suffrage and secret ballot, ensuring transparency in funding the election campaigns and activities of political parties in this area.
In securing the legitimacy and fairness of the elections, measures ought to be worked out to enhance the role and authority of the judiciary and above all the powers of the Constitutional Court to review and address electoral disputes, as well as violations of citizens' electoral rights. Implementation of these measures will help provide for reliable protection of the democratic foundations of the electoral system.

It is essential to continue working toward the improvement of the legal framework of electoral campaign events, including with the use of not only the means of television and radio broadcasting, print media, but also information and communication networks, various forms and means of political advertising.

An important objective is to consolidate public control over elections, secure broad participation of non-political social organizations in the election commissions, and introduce methods of their special training to work as election observers.

It is imperative to complete the efforts designed to deliver a unified electronic register of voters and an effective legal framework for its operation.

There is no doubt that the consistent continuation of the endeavors aimed at enhancing the modernization and perfecting the electoral system will prove vital in the intensification of democratic reforms directed at addressing the most critical goal, namely, to get Uzbekistan join the ranks of advanced democratic nations, bolster the standing of our country in the international arena, deliver high living standards and wellbeing of the people, prosperity of the nation.
APPENDICES

1. Number of polling stations

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of polling stations</th>
<th>Polling stations in other countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>8,266</td>
<td>43</td>
</tr>
<tr>
<td>2015</td>
<td>9,060</td>
<td>44</td>
</tr>
<tr>
<td>2016</td>
<td>9,334</td>
<td>44</td>
</tr>
</tbody>
</table>

2. Securing the awareness of the population of the electoral season and coverage of the elections in mass media

<table>
<thead>
<tr>
<th>Year</th>
<th>Training workshops</th>
<th>Participation of journalists</th>
<th>Press conferences, briefings</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>260</td>
<td>300</td>
<td>70</td>
</tr>
<tr>
<td>2015</td>
<td>250</td>
<td>300</td>
<td>30</td>
</tr>
</tbody>
</table>
3. Number of women in precinct electoral commissions (percent)

<table>
<thead>
<tr>
<th>Year</th>
<th>Chairpersons</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>21%</td>
<td>79%</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>43%</td>
<td>57%</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>47%</td>
<td>53%</td>
<td></td>
</tr>
</tbody>
</table>
4. Participation of observers

Observers from political parties
Observers from international organizations
Number of states sending observers

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of States Sending Observers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>23,000</td>
</tr>
<tr>
<td>2015</td>
<td>25,000</td>
</tr>
</tbody>
</table>

5. Number of voters who took part in elections

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number of Voters</th>
<th>Voters Who Failed to Participate</th>
<th>Voters Who Have Cast Their Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>16,297,400</td>
<td>1,855,703 (9.4%)</td>
<td>15,319,056 (90.6%)</td>
</tr>
<tr>
<td>2015</td>
<td>20,798,052</td>
<td>1,998,693 (9.61%)</td>
<td>18,799,359 (90.39%)</td>
</tr>
<tr>
<td>2016</td>
<td>21,435,009</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONTENTS

I. Peculiarities, major trends and priorities for the development of the electoral system in Uzbekistan: consistent democratization and liberalization ..................3

II. The electoral system of the Republic of Uzbekistan and international democratic principles and standards: issues of correlation ..............................................................32

III. Perfecting the legal framework of the elections of President of the Republic of Uzbekistan: key priority in the democratic renewal of the country .........................64

In lieu of conclusion ..................................................................................87

Appendices ...............................................................................................90
M. RAHMANKULOV, J. SAFAROV, SH. DEHKANOV

CONSISTENT DEMOCRATIZATION OF THE ELECTORAL SYSTEM AS A PRIORITY DIRECTION OF LAW POLICY OF THE REPUBLIC OF UZBEKISTAN

Редактор Б.А. Эргашев
Художественный редактор Д. Мулла-Ахунов
Технический редактор Б. Каримов
Младший редактор Г. Ералиева
Компьютерная верстка К. Голдобина


UDC: 342.536.12
LBC 67.400.5(5U)