



**OSCE ELECTION OBSERVATION MISSION
Presidential Election, Republic of Tajikistan – 6 November 2006**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Dushanbe, 7 November 2006 – The OSCE Election Observation Mission (EOM) for the presidential election in the Republic of Tajikistan is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA).

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the expiry of legal deadlines for hearing possible complaints and appeals, and installment in office of the elected official. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

PRELIMINARY CONCLUSIONS

The 6 November presidential election in the Republic of Tajikistan did not fully test democratic electoral practices as outlined in the 1990 OSCE Copenhagen Document due to a lack of genuine choice and meaningful pluralism. The election process also revealed substantial shortcomings.

Despite the presence of five candidates, the election was characterized by a marked absence of real competition. Parties that determined themselves as political opposition to the incumbent chose not to contest the election. Thus, voters were presented with a choice that was only nominal. This election, nevertheless, marks some improvement compared with the 1999 presidential election, which the OSCE did not observe due to the lack of minimum conditions for democratic elections.

The electoral legislation, the media and political environment, and a number of technical aspects of the electoral process require significant improvement to provide a framework for genuinely democratic elections.

Other key shortcomings observed include:

- The lack of a credible challenger to the incumbent and the incumbent's choice not to campaign resulted in a largely invisible campaign with almost no political debate among candidates. Despite the field of five candidates, voters did not have the opportunity to choose between genuinely different political forces.

- The election legislation requires significant improvement to meet OSCE commitments as outlined in previous OSCE/ODIHR recommendations.
- The decision-making process of the Central Commission for Elections and Referenda (CCER) and its mode of appointment raise concerns about a lack of transparency and about its independence from the governing authorities.
- The media environment is largely under government control. Pressure on private media outlets and journalists resulted in wide-spread self-censorship. The incumbent and his party received 83 percent coverage on TV Safina and 62 percent coverage on TVT, both state-owned TV stations. This as well as the lack of analytical reporting on the election calls into question the ability of voters to make informed choices.
- The requirement to collect signatures from five percent of all registered voters in support of candidacy provides a significant obstacle to standing in the election.
- The six nominees collected a total of 1.5 million signatures, more than 47 percent of the electorate. This casts doubt on the credibility of the signature collection process considering the short timeframe and complex procedures involved.
- The four alternative candidates relied extensively on state support for their campaigns as illustrated by joint campaign meetings for all candidates arranged by the election administration.
- The voting procedure which requires voting against candidates (negative voting) is counter to the interests of voters, candidates, and efficient election administration.

Aspects of the election process that merit positive comment include:

- The election period was characterized by a calm and peaceful atmosphere, without incidents of violence.
- The election process was administered efficiently and within deadlines prescribed by the law. The CCER provided training for all election commission members with support of the international community.
- The CCER adopted a number of decrees that address issues not regulated by the electoral legislation, including on representation of political parties in lower-level election commissions and access of observers.
- For the first time, candidates and their proxies were provided with free airtime and print space. However, this opportunity was not used to the full extent.
- The CCER introduced a requirement to post polling station result protocols after the completion of the vote count, which added a measure of transparency to the process.
- Voter education including information discouraging family and proxy voting was provided. Despite this, proxy voting was a serious and widespread irregularity.
- Ballots were printed in four languages (Tajik, Russian, Uzbek and Kyrgyz) representing an inclusive approach to national minority participation.
- Provisions were made for out-of-country voting in 26 locations abroad.

Election day was calm and peaceful. EOM observers assessed opening positively in most polling stations visited. Voting was assessed positively in 80 percent of polling stations visited. However, proxy voting was witnessed in 19 percent of the polling stations visited. In 49 percent of the polling stations visited, the voter lists had identical signatures indicating multiple voting. Procedures on presenting or checking voters' identification were not properly followed (45 percent and 38 percent respectively). Throughout the country, several polling stations closed early. In some polling stations visited, unauthorized persons interfered in the work of the Precinct Election Commission (PECs), including National Security Officers monitoring work of the PECs.

EOM observers negatively assessed the counting in a large number of polling stations visited. Counting procedures necessary to ensure integrity and transparency of the process were generally not followed. Turnout figures reported were improbably high with 100 percent turnout in several polling stations. In a welcome development, PECs posted the result protocol in a majority of polling stations visited as required by a CCER decree. However, full accountability would require public posting of results broken down by polling station at district and central level in order to cross-check whether results were accurately reported.

Transfer of results from PECs to District Election Commissions (DECs) was observed in 47 DECs and assessed positively in the majority of observations. However, the tabulation process lacked transparency. In two thirds of DECs, where EOM observers monitored the entire aggregation of results coming from all polling stations, they were prevented from observing this process and were not allowed to note down results.

The OSCE stands ready to assist the authorities and civil society of the Republic of Tajikistan to further improve the election process.

PRELIMINARY FINDINGS

Background

The 6 November 2006 election was the first presidential election to be observed by the OSCE. Minimum conditions for democratic elections were not in place in 1999, as only the incumbent president contested the election while another candidate, who initially failed to register, was put on the ballot against his will.

The 2000 parliamentary elections were observed jointly by UN and OSCE/ODIHR which stated that "Tajikistan must improve the process in order to meet the minimum democratic standards for equal, fair, free, secret, transparent and accountable elections." The 2005 parliamentary elections were assessed by the OSCE/ODIHR as having "failed to meet many key OSCE commitments and other international standards for democratic elections" despite some positive aspects of the process.

Amendments to the Constitution in 2003 established that a person cannot be elected president for more than two consecutive terms. At the same time, an interpretation of the adoption of the amendments enabled the incumbent President Emomali Rakhmonov, first elected in 1994 and re-elected in 1999, to run for an additional two terms.

The president has a wide range of powers, including appointment of the prime minister, government and heads of the administration on regional and district level. In comparison, the responsibilities of parliament, which is dominated by the ruling People's Democratic Party of Tajikistan (PDPT), are limited.

There is a plurality of political parties registered in Tajikistan. Apart from the ruling PDPT, only the Communist Party (CPT) and the Islamic Revival Party (IRPT) have some support. In November 2005, two new parties, the Agrarian Party (APT) and the Economic Reform Party (ERPT) emerged, which are considered pro-government. Meanwhile two opposition parties, the Socialist Party (SPT) and the Democratic Party (DPT) experienced internal divisions perceived by many to have been induced by the governing authorities.

The opposition factions of the DPT and the SPT chose not to contest the election, referring to an inadequate electoral framework. The Social Democratic Party (SDPT), which opposed the 2003 constitutional amendments, regards the election as unconstitutional. The Islamic Revival Party (IRPT) decided not to field a candidate but participated in the election administration.

Legislative Framework

The Constitution provides for a two-round system of presidential election. In order to win in the first round, a candidate must receive more than half of all votes cast. The election is only valid if more than 50 percent of registered voters participate in the election, a provision that may invite electoral malfeasance.

The OSCE/ODIHR Assessment of the Constitutional Law on the Election of the President (PEL) states that the PEL would need to be significantly improved to satisfy OSCE commitments. This could include amendments on procedures for verification of signatures, establishing a pluralistic election administration, ensuring fair allocation of state resources, improving transparency and providing possibilities to observe all stages of the process, introducing positive voting where voters mark on the ballot the candidate of their choice, a process for filing complaints and appeals to adequately protect suffrage rights, and the permission for observation by domestic non-partisan observers. A few of these issues were addressed to an extent in CCER decrees but most OSCE/ODIHR recommendations remain to be implemented.

The PEL generally lacks clarity and leaves parts of the electoral process unregulated. The CCER adopted a number of decrees that address issues not stipulated in the legislation. However, these decrees were often inconsistent with the PEL and lacking in detail. This significantly diminished their potential regulatory value. Key issues remained

unaddressed leaving them to the discretion of lower level election commissions or ad-hoc verbal regulation by the CCER management, e.g.: the compilation of voter lists, the process of verification of signatures for candidate registration, and the aggregation of results. This could lead to confusion, arbitrary decisions and lack of uniformity in the implementation of legal provisions.

Election Administration

The presidential election was administered by a three-tiered election administration: the CCER, 68 District Election Commissions (DECs), and 3,042 Precinct Election Commissions (PECs).

The CCER is a permanent body consisting of a chairperson, a deputy chairperson and 13 members, all appointed by the lower chamber of parliament upon proposals of the president. The mode of appointment of the CCER raises concerns about its independence from the government.

The CCER held five official meetings¹, four of them before the EOM was accredited. The EOM was not allowed to attend the fifth meeting. Despite a level of openness and accessibility to the EOM at working level, the functioning of the CCER as a collegial body and its decision-making process remain non-transparent and a cause for concern.

The EOM met with 63 out of 68 DECs, which were generally co-operative and provided requested information. Technical preparations for the election were efficient and within the deadlines prescribed by law. Materials were distributed to PECs in a timely manner. PECs appeared well prepared for election day.

CCER Decree #43 provides that political parties and other organizations have the right to nominate one member to every commission at DEC and PEC level. This is an improvement compared to previous elections, providing for a more inclusive election administration. Election day observations showed that three political parties, PDPT, IRPT and CPT, were represented in most DECs. The PDPT was over-represented in all DECs; the IRPT was represented in 62 out of 68 DECs and the CPT in 58 DECs. In most cases, the DEC chairpersons were PDPT representatives. Political parties were also represented in PECs with the PDPT having at least one member in 66 percent of PECs, CPT in 44 percent, and the rest, including the IRPT and the DPT (pro-government wing), between 10 and 17 percent.

The CCER implemented a training programme based on its Training Guide for DEC and PEC members. Ambiguities and discrepancies between the PEL and the Training Guide surfaced during the training. In an effort to reach out to PECs and to unify election day procedures the CCER decided to broadcast intensively on TV a training video for PEC members. The video was aired daily at prime time during the week before the election.

¹ Meetings were held on 4 and 15 September, on 9 and 11 October and on 1 November.

In an effort to enable Tajik citizens abroad to vote, 26 polling stations were established for out-of-country voting.

Voter registration

There is no central computerized voter register in Tajikistan. In line with PEL provisions, voter registration is based on ad hoc compilation of voter lists (VL) at precinct level using draft lists provided by municipal authorities. There is no aggregated data above precinct level and, consequently, checking for multiple registrations is not possible. PECs updated the VLs in door-to-door surveys from 2 to 22 October although the process of compilation varied throughout the country. The EOM observed that VLs were available to voters for familiarization upon request.

EOM observers noted instances where the VLs were unbound and not certified on every page. Observers reported different approaches to the issue of inclusion in the VLs of the large number of migrant workers. Voters can be included in supplementary lists any time after the VL has been made public and until the end of election day based on proof of residence. These practices could lead to inaccuracy and the potential for manipulation of numbers of voters and turnout figures.

The PEL provides for early voting and voting with the “certificate for voting right” (CVR), but does not clearly regulate these areas. Despite CCER instructions, DEC and PEC representatives met by the EOM poorly understood the procedures for early voting. The CVR entitles a voter to vote in a polling station other than that of his or her registration. There are no safeguards in place for the issuing and use of the CVR. Shortcomings in the regulation for both voting options created conditions conducive to accidental or deliberate procedural irregularities.

Candidate Registration

The CCER registered five candidates: Mr. O. Boboev from the EPRT; Mr. A. Gaffarov from the pro-government faction of the SPT; Mr. A. Karakulov from the APT; the incumbent President Mr. E. Rakhmonov nominated by the PDPT and Mr. I. Talbakov nominated by the CPT.

To be registered as a presidential candidate, a nominee is required to submit supporting signatures of 5 percent of the registered voters, presenting a very significant obstacle to standing in the election. For this election, a nominee had to collect approximately 160,000 signatures in 20 days. CCER Decree #37 provided for an unnecessarily complex and cumbersome procedure for signature collection, especially in the limited timeframe afforded.

The six nominees presented a total of 1,514,117 signatures representing over 47 percent of approximately 3.2 million registered voters. This high number of signatures seems implausible in view of the efforts necessary for such a large scale endeavour, the limited time provided, and the relatively weak local presence of some political parties. The EOM

saw copies of signature forms without the necessary details of the nominee and the signature collector in violation of legal provisions. EOM interlocutors expressed doubts in the process.

There are no regulations for verification of signatures. The CCER, however, verified a sample of 99,551 signatures. It decided on registration within the deadline prescribed by law. The CCER claimed to have found missing data in 444 cases and apparently identical signatures in another 1,494 cases but took no apparent action. All candidates were registered except the nominee of the pro-government faction of the DPT who failed to submit the required number of signatures. The process of signature verification by the CCER seems arbitrary and meaningless.

Campaign

The campaign was largely invisible throughout the pre-election period. There were no recorded incidents of violence and the general atmosphere was peaceful.

No signs of a competitive campaign were observed. Candidates did not hold individual rallies or meetings with voters. The candidates and their respective parties refrained from engaging in any real debate during the campaign. Their platforms were similar and none of the four candidates running against the incumbent offered a credible political alternative to President Rakhmanov's programme. The incumbent refrained from campaigning.

The barely visible pre-election campaign was limited to regional centres and the capital, Dushanbe. The PDPT was by far the most active, with a poster campaign featuring the incumbent on billboards prominently displayed in cities and large towns. The only other party with some visibility was the CPT, although to a much lesser extent than the PDPT.

In a joint campaign effort organized by the election administration, which moderated the meetings, four candidates toured the country together with a proxy of the incumbent. These meetings did not produce lively political discussion; candidates seemed to prefer making vague statements with little or no reference to political programmes. Candidates not only refrained from challenging and criticizing their opponent, they actually endorsed the abilities of the incumbent president. Audiences did not appear motivated, raising questions about these candidates' popularity. This format of campaigning illustrated the dependency of the four challenging candidates on state support as well as the advantages that incumbency confers. The involvement of election administration in campaign organization raises concerns about their independence.

In all regions, the EOM observed university students being led into candidate meetings by their teachers. Students seemed disinterested and appeared to have been required to attend. In Kulyab, EOM observers witnessed university teachers marking off students attending these campaign meetings against prepared lists.

Throughout the country, local branches of PDPT and CPT are located in government or administration buildings. Other parties have offices in private quarters and are mostly poorly equipped. The chair of the local SPT (pro-governmental faction) in Dushanbe claimed that their office was provided to the party free of charge “by the president.” The ERPT office in Dushanbe was in the government Transport Institute. In many areas the EOM was informed that party offices were set up two to three months before the election, allegedly with the help of the local administration. This calls into question the independence of political parties from government authorities.

Complaints and Appeals

Decisions of election commissions may be appealed to higher election commissions or courts. CCER decisions can be appealed to the Supreme Court. The CCER informed the EOM that they verbally agreed to hear and decide upon all complaints and appeals received in formal CCER sessions. However, this complaints procedure was not formalized by any legal document nor was the EOM able to observe it.

Only one written complaint was filed with the CCER and none with the DEC's throughout the entire pre-election period and on election day. One complaint directly related to the election was filed with the Supreme Court by the leader of the oppositional faction of the SPT against the CCER decision to register Mr. Gaffarov as a candidate of the pro-government faction of the SPT claiming that his nomination violated Article 24 of the PEL. The Supreme Court decided against the complainant.

Media Environment

The legal framework for media in Tajikistan is regulated by the Constitution, the PEL, and the Law on Press and Other Mass Media. The PEL does not sufficiently regulate the election campaign in the media. CCER Decree #48 entitles each candidate to up to 30 minutes and each candidate proxy to up to 10 minutes of free air time on state television and radio as well as up to 10 double pages in state newspapers and magazines free of charge. While commendable, the decree lacked clarity in several areas thus leaving room for interpretation.

The media environment is controlled by the authorities. Revocation of licenses and closure of printing houses have been used as a frequent tool to ensure self-censorship and suppress critical journalism. The Constitution guarantees freedom of expression and information but several actions against independent media curtailed this right. The newspapers *Nerui Sukhan*, *Ruzi Nav*, *Odamu Olam* have been prevented from publishing since 2004. On 9 October, access to five websites was blocked for one week. All websites are presently accessible again. Against the background of the split in the DPT, its newspaper *Adolat* (Justice) was prevented from being published for one week at the beginning of October. Since 12 October, two different editions of *Adolat* are being published weekly reflecting the views of the two different factions of the DPT.

On 11 October, the EOM started monitoring of two state-owned TV (TVT and TV Safina) and ten newspapers², which are mostly published once a week with very low circulation. During the pre-election period (11 October to 5 November) state-owned TV dedicated 69 percent of their news coverage (83 percent in TV Safina and 62 percent in TVT) to the incumbent, who was more frequently portrayed in his capacity of president than as a candidate. Mr. Boboev, Mr. Gaffarov, Mr. Karakulov, and Mr. Talbakov received 6 percent, 10 percent, 7 percent and 8 percent of news coverage respectively. Most of the state-owned newspapers (*Jumhuriyat*, *Narodnaya Gazeta*, *Sadoi Mardum*) demonstrated bias in favour of the incumbent, allocating him the majority of their coverage. However, some private newspapers, such as *Asia Plus* and *Biznes i Politika*, provided more balanced coverage of the campaign, candidates and political parties.

EOM media monitoring showed that there is a general lack of analytical and critical reports and articles which could indicate self-censorship and pressure on journalists. One political debate programme was broadcast on TVT on 3 November with two proxies of each party. There was little media coverage of the election campaign and a high media profile of the incumbent, raising doubts whether voters received sufficient information to make an informed choice.

On 15 October, TVT and TV SAFINA started to broadcast free airtime programmes. Four candidates (ERPT, SPT, APT and CPT) used their allocated time in the week before the election. The incumbent himself did not use his free airtime, instead a PDPT proxy used the allocated 30 minutes. Candidates were supposed to use their airtime in alphabetical order; however, President Rakhmonov's proxy's programme was broadcast last. 32 out of a total of 75 proxies from all parties used the provided airtime. Only the candidates from CPT and ERPT, used free newspaper space. CPT, APT and PDPT placed several political paid advertisements in TVT and TV Safina. No paid advertisements were used in the print media.

Interviews with all candidates were broadcast during the campaign silence period on election day. While interviews with the four alternative candidates were very short and included only general remarks about the election, the interview with President Rakhmonov was substantially longer and broadcast more widely throughout the day (six times on TV Safina and four times on TVT). In his interview, the president referred to election-related issues and his party's programme and achievements.

State-owned TV widely presented several voter education programmes to provide voters with information about the election process. Three different voter education spots were regularly aired during prime time on the significance of the upcoming election and the importance of participation in the process. Voter education efforts were taken to discourage the irregular but common practice of proxy and family voting.

² The newspapers monitored by the EOM are: *Jumhuriyat*, *Sadoi Mardum* (both published three times a week), *Asia Plus*, *Biznes i Politika*, *Tojikiston*, *Vecherniy Dushanbe*, *Fakty i Kommentary*, *Millat*, *Sobytiya* and *Narodnaya Gazeta*.

Participation of Women and National Minorities

Women are generally underrepresented in Tajik political life. No female candidate contested the election. Out of a total of 75 candidate proxies only 6 (8 percent) are women. Representation of women in the election administration varies: only two out of the 15 members of the CCER are women. On average, 25 percent of DEC and 38 percent of PEC members are women. Approximately one fifth of DECs and PECs have female chairs. Only the SPT candidate addressed gender issues in his platform. Based on EOM observations, participation of women in campaign events was generally low.

According to official data, the population of Tajikistan is made up of 80 percent Tajiks, 15.3 percent Uzbeks, 1.1 percent Russian and 1.1 percent Kyrgyz.³ All candidates stressed the importance of building and maintaining tolerant inter-ethnic relations including respect for the rights of national minorities and ethno-cultural diversity. Ethnic minorities did not become a particular target group for election campaigning. Members of national minority communities could participate in the elections without obstacles. For the first time ballots were printed in four languages: out of a total of 3.2 million ballots 400,000 were printed in Uzbek, 40,000 in Russian, and 11,000 in Kyrgyz.

Domestic and International Observers

In recognition of the importance of the role of civil society for a transparent election process, the PEL regrettably does not provide for domestic non-partisan observation. There is no active domestic non-partisan observer group. CCER Decree #42 provided details on the participation of international/foreign observers. Later in the process, the CCER took the commendable action of extending the deadline for accreditation of foreign/international observers. The issue of non-partisan domestic observation remains unaddressed.

Election Day, Vote Count and Tabulation of Results

Election day was calm and peaceful, with no incidents reported. EOM observers assessed opening positively in almost all polling stations visited. Voting was assessed positively in 80 percent of polling stations visited. Most polling stations had made adequate arrangements for voting and the secrecy of voting was guaranteed in 80 percent of polling stations observed.

Despite CCER voter education efforts, which particularly stressed that all voters have to cast their vote in person, proxy voting and family voting remained a widespread and serious problem. Observers witnessed proxy voting in 19 percent and family voting in 10 percent of polling stations visited. Multiple voting was observed in 7 percent of polling stations visited. In almost half (49 percent) of the polling stations visited, voter lists contained identical signatures. Procedures on presenting and checking voters' identity

³ Data based on presentation provided by the Tajik representative to the 13th OSCE Economic Forum, Prague, May 2005.

were frequently disregarded, with 38 percent of PECs conducting ID check only sometimes or not at all. These weak controls opened the door for possible serious abuses.

Throughout the country, several polling stations closed early. Some voter turnout figures reported by PECs were improbably high, in light of the apparently moderate number of voters witnessed by observers.

Observers witnessed unauthorized persons directing the work of PECs in some polling stations visited. In a number of cases groups of unidentified “volunteers” took over the work of PEC completely (mainly in Sughd Oblast). National security officers were seen inside polling stations monitoring the work of the PECs in several instances.

EOM observers negatively assessed the counting in a large number of polling stations visited. Only one out of three PECs followed counting procedures necessary to ensure integrity and transparency of the process. Some PECs experienced difficulties in filling in the protocol or used pencils instead of ink to fill out the protocol. In a welcome development, a majority of PECs posted the results protocol as required by a CCER decree. However, full accountability would require public posting of results broken down by polling station at district and central level in order to ascertain the accurate and honest reporting of results.

Transfer of results from PECs to DEC was observed in 47 DECs and assessed positively in the majority of observations. In three cases observers were denied access. However, the tabulation process lacked transparency. One third of the DECs observed drafted the summary table in pencil, and in one fifth of DECs changes to PEC protocols were introduced under the supervision of the DEC. In two thirds of DECs, where EOM observers monitored the entire aggregation of results coming from all polling stations in the DEC area, they were prevented from observing this process and were not allowed to note down results.

*This statement is also available in Tajik and Russian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Dushanbe on 9 October with 12 experts and 13 long-term observers deployed in the capital and five regional centres. On election day, 123 short-term observers were deployed in an OSCE Election Observation Mission (EOM), including 22 parliamentarians from the OSCE Parliamentary Assembly. In total, there were observers from 31 OSCE participating States. The OSCE EOM observed the polling and vote count in over 500 polling stations throughout the country and in 47 DEC's after polling stations closed, to observe the tabulation of results.

Mr. Kimmo Kiljunen, member of the Finish parliament and Head of the Delegation of the OSCE Parliamentary Assembly, was appointed by OSCE Chairman-in-Office as Special Coordinator to lead the short term OSCE observation mission. Mr. Onno van der Wind heads the OSCE/ODIHR Election Observation Mission (EOM).

The OSCE EOM wishes to thank the authorities of the Republic of Tajikistan for the invitation to observe the elections, the Central Commission for Elections and referenda for providing accreditation documents, the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The OSCE EOM also wishes to express appreciation to the OSCE Centre in Dushanbe for their support throughout the duration of the mission and the Embassies of OSCE participating States in Dushanbe for their support.

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- Mr. Onno van der Wind, Head of the OSCE/ODIHR EOM, in Dushanbe (see below)

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