

**OSCE/ODIHR**  
**Election Observation Mission**  
**Republic of Tajikistan**  
**Presidential Election 2006**

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**INTERIM REPORT No. 1**  
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**I. EXECUTIVE SUMMARY**

- The President of Tajikistan will be elected on 6 November 2006 for a seven year term. Out of six nominees, five candidates were registered by the Central Commission for Elections and Referenda (CCER). Two opposition parties decided to boycott the election while one decided not to nominate a candidate. While concerns remain about the limited field of candidates, the election process could yet offer voters the potential for a degree of choice.
- The current legislative framework for presidential elections would need to be significantly improved to satisfy OSCE commitments set forth in the 1990 OSCE Copenhagen Document. A number of recommendations are contained in the OSCE/ODIHR assessment of the Law on Elections of the President.
- The CCER issued several decrees providing for, *inter alia*, access to free airtime on State media for candidates and their representatives and the presence and registration of international observers.
- Political parties, candidates and international interlocutors met by the OSCE/ODIHR Election Observation Mission (EOM) stated that the presence of international short-term observers would be a welcome component of election observation.
- Participating States will be requested to second 100 short-term observers to observe voting, counting, and tabulation on election day. The 20-day deadline for accreditation of international observers introduced by the CCER should however be reconsidered in order to permit the accreditation and deployment of short-term observers.
- The OSCE/ODIHR EOM opened its office in Dushanbe on 9 October with 12 core team members. 14 long-term observers will arrive on 13 October and be deployed throughout the country.

**II. INTRODUCTION**

The OSCE/ODIHR, on 9 October, established an Election Observation Mission (EOM) following an invitation by the Ministry of Foreign Affairs of the Republic of Tajikistan. The EOM, headed by Mr. Onno van der Wind, consists of 12 core team members and 14 long-term observers drawn from 18 OSCE participating States.

### III. ELECTION SYSTEM AND ELECTORAL FRAMEWORK

The Constitution of the Republic of Tajikistan prescribes that the President is elected for a seven year term. In 2003, the Constitution was amended by referendum. The amendments established that the same person cannot be elected as a president for more than two consecutive terms. As a result of this referendum, the current president – first elected president in 1994 and re-elected in 1999 – is allowed to run for another two terms in 2006 and 2013.

Article 66 of the Constitution establishes that more than half of registered voters must take part in the election of the President for the election to be valid. A candidate must receive more than half of the votes of voters who took part in the election to win in the first round. If more than two candidates are running for presidency and none of them receives the required number of votes, a second round shall be conducted within one month but not earlier than 15 days after the election day (Art. 35 of the Constitutional Law on Elections of the President of the Republic of Tajikistan - Presidential Election Law or PEL).

The Constitution and the PEL require nominees to collect the signatures of five per cent of all registered voters in support of their candidacy (some 160,000 signatures). Political parties met by the EOM criticized this requirement as too stringent. A recent OSCE/ODIHR assessment of the PEL<sup>1</sup> recommends that this issue be addressed and the required number of support signatures not to exceed one per cent of the electorate in line with international best practice.<sup>2</sup>

The OSCE/ODIHR Assessment concluded that the current legislative framework for presidential elections would need to be significantly improved to satisfy OSCE commitments set forth in the 1990 OSCE Copenhagen Document. OSCE/ODIHR recommended to provide for pluralistic and inclusive election administration, to introduce sufficiently detailed rules to ensure fair allocation of State resources to candidates during the election campaign, to improve transparency and possibilities of observation of the election process, to introduce positive voting (to vote for a candidate instead of deleting the names of all candidates except one), to include a process for filing complaints and appeals, to adequately protect suffrage rights and to introduce domestic non-partisan observation. It was also recommended to elaborate and clarify the legislation to provide for satisfactory voting, counting and tabulation procedures and procedures for determination of the winning candidate.

Most of these concerns were reiterated by domestic and international interlocutors of the EOM.

In a welcome development, the Central Commission for Elections and Referenda adopted several Decrees in the run up to the Presidential Election. However, these decrees only address some of the key issues and contain a number of unclear provisions. The EOM will monitor how these decrees will be implemented throughout the election process to assess the extent of their positive impact on the conduct of elections.

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<sup>1</sup> See OSCE/ODIHR Assessment of the Law on Elections of the President, 26 July 2006, <http://osce.org/odihr-elections/13438.html>.

<sup>2</sup> See Venice Commission, *Code of Good Practice in Electoral Matters*, Strasbourg, 30 October 2002.

#### IV. ELECTION ADMINISTRATION

The 6 November Presidential Election will be conducted by a three-tiered election administration: the Central Commission for Elections and Referenda (CCER), 68 District Election Commissions (DECs), and 3,060 Precinct Election Commissions (PECs). The CCER is a permanent body, established according to Art.11 of the Law on Elections of the Parliament for a five year term.<sup>3</sup> The CCER appointed 68 DECs by 22 September as provided in Art.13 of the PEL. Each DEC has 7-11 members including a chairperson, a deputy chairperson and a secretary. DECs establish polling stations and appoint PECs. The total number of established PECs is 3,060; each has 5-19 members including a chairperson, a deputy chairperson and a secretary.<sup>4</sup>

A recent CCER decree (# 43, 4 September 2006) introduced the right for political parties and other organizations<sup>5</sup> to nominate one member to each DEC and PEC. Parties met by the EOM confirmed that their representatives were included in lower level election commissions. The EOM will inquire further about the effects of this decree on the composition of election commissions and its contribution to the transparency of the election administration.

A training program for election commission members, supported by the international community, is implemented in Dushanbe and in regional centres for DEC members who will then train PEC members.

#### V. CANDIDATE REGISTRATION

The CCER registered five candidates for the presidential election out of six nominees that submitted signatures: the incumbent president, Mr. Emomali Rahmonov, nominated by the Peoples' Democratic Party of Tajikistan (PDPT); Mr. Ismoil Talbakov nominated by the Communist Party of Tajikistan (CPT); Mr. Olimjon Boboev from the Party of Economic Reform of Tajikistan (PERT); Mr. Amir Karakulov from the Agrarian Party (APT), and Mr. Abdukhalim Gaffarov from the Socialist Party (SPT).

Some EOM interlocutors criticized the lack of opposition candidates offering alternative views; however, others pointed out progress in this field compared to the last presidential election in 1999. The opposition Democratic Party (DPT) and Social-Democratic Party (SDPT) declared to boycott or not even recognize the presidential election while the Islamic Revival Party (IRPT) decided not to nominate a candidate. The DPT and the SDPT challenge the legitimacy of the election because of the 2003 constitutional changes allowing the president to run for four consecutive terms, deficits in the legal framework for elections as well as alleged numerous irregularities in the process of collecting the required signatures.

In a letter dated 2 October 2006 addressed to representatives of the international community, the leadership of the Democratic Party complained that the Ministry of Justice registered a group of persons as party leadership which do not represent the party. The "original" DPT claims that this decision gave the possibility to a splinter faction to nominate a candidate.

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<sup>3</sup> The Constitutional Law of the Republic of Tajikistan "On Elections to the Majilisi Oli of the Republic of Tajikistan"

<sup>4</sup> 26 polling stations will be opened in embassies and diplomatic missions for out of country voting.

<sup>5</sup> E.g. Federation of Trade Unions, Union of Youth and state local representative bodies.

## VI. ELECTORAL CAMPAIGN

According to Article 27 PEL, candidates start their campaign from the moment of their registration by the CCER. The OSCE/ODIHR Assessment of the PEL indicates that provisions of the PEL granting equal access to media and other State resources require further improvement. The PEL does not contain adequate details on financing the election campaign of candidates. At the time of writing, the EOM is yet to assess what regulations are in place for public financing of the campaign of candidates and how these regulations will be applied.

The campaign of registered candidates is currently very low key.

## VII. THE MEDIA

The situation of media in Tajikistan in general does not seem to have changed from the assessment made in the OSCE/ODIHR Needs Assessment Report<sup>6</sup>: "...the media environment in Tajikistan is controlled by the Government, and the revocation of licenses and closure of printing houses have been used as a frequent tool to ensure self-censorship and lack of critical journalism."

It is worth mentioning that a limited number of independent media do exist, among them the media group *Asia-Plus*. *Asia-Plus* publishes the most influential newspaper in the country (in Russian), a web page of news on line (Russian and English) and holds an FM radio station (with news in Tajik and Russian).

The weekly newspaper *Adolat* (belonging to the opposition DPT), which only restarted its activity in August 2006, was refused publication by the printing house on 4 October, after an alleged government intervention. *Adolat* was finally allowed to print on 11 October.

On 9 October, Tajikistan's authorities ordered internet providers to block the access to a number of websites (among them [www.centrasia.ru](http://www.centrasia.ru); [www.ferghana.ru](http://www.ferghana.ru); [www.TajikistanTimes.ru](http://www.TajikistanTimes.ru); [www.charogiruz.ru](http://www.charogiruz.ru) and [www.arianastorm.com](http://www.arianastorm.com)). The State Communication Inspectorate of the Ministry of Communications, justified this decision by saying that reports released by those websites "undermine the state's information policy". As of 12 October, three of the above websites were again accessible.

Representatives of diplomatic missions of OSCE participating States as well as the United Nations Tajikistan Office of Peace-Building (UNTOP) met by the EOM raised concerns about these recent restrictions on freedom of the media.

On 15 September, CCER adopted a Decree regulating the free airtime on State radio and television and space in print media provided to presidential candidates. This Decree allows candidates to use up to 30 minutes on State republican or local television and radio and their proxies to use up to 10 minutes broadcast for speeches/presentations. The use of campaign ads is not stipulated in this Decree and it is unclear whether candidates or their proxies will be able to use the time they are entitled to for something other than speeches. Moreover, the Decree sets a framework for the use of media by candidates which remains vague and open for interpretation by the State Committee on Television and Radio, responsible for the implementation of the Decree, the CCER and media outlets.

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<sup>6</sup> See OSCE/ODIHR Needs Assessment Mission report  
[http://www.osce.org/documents/html/pdf/html/20699\\_en.pdf.html](http://www.osce.org/documents/html/pdf/html/20699_en.pdf.html)

The EOM started media monitoring activities from 11 October. The monitored media outlets include *TVT* and *Safina TV*, both State-owned main Tajik TV channels and the only ones available in Dushanbe, and 10 newspapers mostly published once or twice per week.

## VIII. DOMESTIC AND INTERNATIONAL OBSERVERS

The PEL does not provide for domestic non-partisan observation, and only allows for observation by institutions which have nominated candidates, including political parties, Federation of Independent Trade Unions of Tajikistan and Union of Youth and state local representative bodies.

On September 4, the CCER adopted the Decree # 42 granting access to domestic and international observers. The Decree establishes that accreditation of foreign and international observers, as well as representatives of foreign mass media ends 20 days before the election. Although it is commendable that the CCER introduced a Decree detailing the procedure for participation of foreign/international observers, the deadline appears unreasonably long and unjustified by any administrative process required for accreditation.<sup>7</sup>

## IX. DEPLOYMENT OF SHORT-TERM OBSERVERS

The OSCE/ODIHR Needs Assessment Mission Report recommended the establishment of an Election Observation Mission, including the core team, 14 LTOs and 100 Short-term Observers (STOs). However, the NAM Report stated that “a pre-requisite for electoral competition and therefore meaningful election observation, is a credible field of candidates offering voters a genuine choice, and a media environment which would ensure that voters receive sufficient information in order to be able to make informed choices. A possible absence of such a field of candidates and/or media environment could be cause to reconsider the utility of requesting STOs.”

The EOM assesses that while the field of candidates is somewhat limited, the election may yet have the potential to offer voters a degree of choice. Provisions now provide for access to the media for candidates to impart information to voters, although it remains to be seen how these provisions will be implemented.

Political parties met by the EOM, including opposition parties boycotting the election, stressed their interest in the presence of international observers, including short-term observers on election day.

The OSCE/ODIHR recommends to proceed with the deployment of Short-term Observers to observe the voting, counting and tabulation process on election day. The observation of election day procedures and the presence of observers will enable the EOM to monitor the entire process and provide comprehensive recommendations to the authorities of the Republic of Tajikistan.

However, the CCER Decree # 42 provides for registration of international observers at least 20 days before election day. This requirement presents a significant administrative obstacle to the deployment of short-term observers. The EOM has informed the Tajik authorities about this problem and has been assured in meetings with the Ministry of Foreign Affairs and the CCER that a solution can be found to ensure the registration of OSCE/ODIHR short-term observers. The

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<sup>7</sup> The PEL does not provide a deadline for international observer accreditation, while it sets a ten-day deadline for submission of information about domestic observers to the election administration.

OSCE/ODIHR has been informed of the intention of the OSCE Parliamentary Assembly to send observers and looks forward to this co-operation.

## **X. OSCE/ODIHR EOM ACTIVITIES**

The OSCE/ODIHR EOM conducted a number of meetings with political parties, candidates, media, NGOs, and representatives of the resident diplomatic community. The Ministry of Foreign Affairs and the CCER only agreed to meet the EOM after several written and oral requests. Preparations for briefing and deployment of Long-term Observers (LTOs) are underway.