

INTERIM REPORT
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I. EXECUTIVE SUMMARY

- The presidential election will take place on 6 November 2013. If no candidate receives an absolute majority of votes, a second round is held between the two candidates who receive the most votes. The Constitution establishes that more than half of the registered voters must vote for the election to be valid.
- The presidential election will be the second since a 2003 constitutional amendment extended the presidential term from five to seven years and allowed the incumbent to stand for two additional consecutive terms. The majority of previous OSCE/ODIHR recommendations remain unaddressed in the law and this election will be conducted according to essentially the same legal framework as for the 2006 presidential election. President Rahmon has announced that the election will be held “democratically, freely and fairly”.
- Six out of seven nominees have been registered, including the incumbent President. One nominee, who fell short of the required number of supporting signatures, stated that she faced administrative obstacles in the collection of signatures and that some voters would not sign in support of her candidature due to fear of government reprisals.
- The election is administered by the Central Commission on Elections and Referenda (CCER), 68 District Election Commissions and 3,213 Precinct Election Commissions (PECs). The CCER holds regular open sessions, is active in its preparations and has met all legal deadlines to date. While all registered political parties are represented on the CCER, there are no provisions for balanced party representation in the lower-level commissions.
- Around four million voters are currently registered. There is no central voter register. Voter lists are compiled at the local level and made public 15 days prior to election day. There is no centralized mechanism to prevent multiple entries in the voter lists.
- The election campaign starts once a candidate is registered. The state media extensively and positively covered official visits of the incumbent president to the regions where he attended different inauguration ceremonies. There is no visible campaign by other candidates so far.
- The media environment is relatively diverse, but all national television channels are state-owned. Despite the relatively low number of internet users, the role of web-based news sources and social media as platforms for exchange of views has become increasingly important in urban areas. However, access to social media networks and news websites is occasionally blocked.
- Election disputes are adjudicated either by election commissions or the courts, with the Supreme Court as the final instance. The CCER stated that it has received no official complaints so far.
- The law does not provide for citizen non-partisan observation. The CCER adopted a decision requiring PECs to publicly display copies of results protocols for public scrutiny to enhance the transparency of the counting process.

- The OSCE/ODIHR Election Observation Mission opened on 2 October with a 13-member core team in Dushanbe and 16 long-term observers deployed throughout the country.

II. INTRODUCTION

On 30 August, the parliament set the presidential election date for 6 November. Following an invitation from the government of Tajikistan, and based on the recommendation of a Needs Assessment Mission conducted from 1 to 3 July, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 2 October.¹ The EOM, led by Ambassador Paraschiva Bădescu, consists of a 13-member core team based in Dushanbe and 16 long-term observers deployed throughout the country. EOM members are drawn from 22 OSCE participating States. The OSCE/ODIHR has requested participating States to second 150 short-term observers to observe voting, counting, and tabulation of results on election day.

III. BACKGROUND

The upcoming presidential election is the fourth since 1994. Constitutional amendments passed in 2003 extended the president's term from five to seven years and allowed the incumbent to stand for two additional consecutive terms. Following the last parliamentary elections in February 2010, the ruling People's Democratic Party of Tajikistan (PDPT), led by the incumbent President Emomali Rahmon, obtained 54 of the 63 seats in the lower chamber of parliament. Other parties represented in the chamber are the Agrarian Party of Tajikistan (APT), the Communist Party of Tajikistan (CPT), the Islamic Revival Party of Tajikistan (IRPT) and the Party of Economic Reform of Tajikistan (PERT), each with two seats. One seat is held by an independent member of parliament. Thirteen members of the lower chamber of parliament, or 20.6 per cent, are women. In total, there are eight registered political parties, three of which are not represented in the parliament: the Democratic Party of Tajikistan (DPT), the Social-Democratic Party of Tajikistan (SDPT), and the Socialist Party of Tajikistan (SPT).²

In April, in his annual parliamentary address, the incumbent President announced that the election would be held "democratically, freely and fairly". In September, on the eve of Independence Day, he stated that the election will be "conducted in the frame of laws, transparent and free to provide the opportunity for objective analysis and rational choice."³

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework regulating presidential elections includes the Constitution, the Constitutional Law on Elections of the President (Presidential Election Law, PEL), instructions and resolutions issued by the Central Commission on Elections and Referenda (CCER), as well as relevant provisions of other legislation, including the Law on Periodical Print and Other Mass Media, the Law on Political Parties, the Law on Assemblies, Rallies, Activities and Demonstrations, the Code of Administrative Offences, and the Criminal Code.

¹ The Needs Assessment Mission report and other previous OSCE/ODIHR reports are available at: <http://www.osce.org/odihr/elections/tajikistan/>.

² The initiative to form a new political party, the New Tajikistan Party, has been impeded by the ongoing detention of its founder, the former Minister for Industry, Zayd Saidov. On 6 April, when the initiative to establish the party was announced, Mr. Saidov noted that the party would not field a candidate for the presidential election but intends to participate in the 2015 parliamentary elections.

³ See, <http://tjinform.com/ru/news/20130909/08841.html>.

The president is directly elected by popular vote for a seven-year term by an absolute majority of votes cast. If no candidate wins an absolute majority, a second round is held between the two candidates with the highest number of votes within one month but not earlier than 15 days after the first round. The Constitution establishes that more than half of the registered voters must vote for the election to be valid. Such a provision could lead to possible cycles of failed elections resulting from low turnout.

The majority of previous OSCE/ODIHR recommendations remain unaddressed in the law and this election will be conducted according to essentially the same legal framework as for the 2006 presidential election.⁴ In 2012 and 2013, the IRPT proposed amendments to lower the percentage of signatures required to support candidacy from five to two per cent and to provide equal representation of political parties in all election commissions. These proposals were rejected at committee level and did not receive a formal reading in parliament.

Prior to this election, the CCER adopted several instructions to provide more technical details on the work of PECs and DEC; on the handling of complaints; on the participation of observers; on the role of candidates and their proxies; and on media coverage of the election campaign.

V. THE ELECTION ADMINISTRATION

The election is administered by a three-tiered system of election commissions comprising the CCER, 68 District Election Commissions (DECs) and 3,155 Precinct Election Commissions (PECs). The CCER informed the OSCE/ODIHR EOM that it has established an additional 58 polling stations for the conduct of out-of-country voting in 25 countries.

The CCER is a permanent body and its members were appointed in 2009 for a five-year term. The lower chamber of the parliament appoints 15 CCER members, including the chairperson and the deputy chairperson, based on the proposal of the president. The secretary of the CCER is elected by the members of the commission from among themselves. All registered political parties are represented in the current CCER, which contributes to the inclusiveness and transparency of the election process. Three women members serve on the CCER, of which one is the secretary of the commission.

The CCER held ten sessions between 31 August and 19 October. The sessions observed by the OSCE/ODIHR EOM were open to candidate representatives and the media. The CCER members actively discussed the items of the agenda in a collegial manner and took decisions by voting.

On 19 September, within the legal deadline, the CCER appointed all 68 DECs; 1 for each administrative unit in the country and 4 in Dushanbe. DEC members, including the chairperson, deputy chairperson and secretary are appointed upon proposal of the local executive authorities. Five out of 68 DEC chairpersons are women. In turn, by 2 October, the DECs appointed 3,155 PECs throughout the country. There are no provisions for balanced political party representation in lower-level commissions and the nomination procedures for PEC members are not specified in the PEL or in supplementary instructions.

On 4 October, the CCER launched a training programme for DEC and PEC members and plans to conduct trainings covering all districts throughout the country. The CCER has started a nationwide voter education campaign on public television, focusing on voters' rights and voting procedures.

⁴ In addition to previous OSCE/ODIHR election observation reports, see the 2006 OSCE/ODIHR Assessment of the Law on Election of the President, available at <http://www.osce.org/odihr/elections/tajikistan/20043>.

VI. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except for those who are imprisoned or have been declared incapacitated by a court decision. There is no central voter register in the country and each PEC compiles the list of voters for its precinct based on the data provided by the local executive authorities. The CCER informed the OSCE/ODIHR EOM that it is unable to address a prior OSCE/ODIHR recommendation to create a centralized voter register due to a lack of financial resources. Voter lists are made public 15 days prior to election day and from this point until the end of election day a voter can be added to a supplementary voter list on the basis of a passport or another identity document. The CCER guidelines for PECs provide no mechanism to prevent multiple entries in the voter lists and, at times, appear to contain contradictory regulations.⁵

The CCER informed the OSCE/ODIHR EOM that PEC members will verify voter lists by conducting door-to-door checks. In addition to the main voter list, each PEC is tasked by the CCER to compile an additional list containing names of labour migrants. In the absence of regulations, it is unclear on what basis PEC members make modifications to the voter lists during such verifications. Meetings with PECs indicate that different methods of verification are applied.

VII. CANDIDATE REGISTRATION

Citizens who are above 35 years of age, speak the state language and have resided in Tajikistan for the last 10 years may be nominated for president. The requirement to be resident for 10 years is excessive and at odds with international standards. Presidential nominees are required to collect supporting signatures of at least five per cent of eligible voters to register as a candidate within a 20-day period. On 31 August, the CCER announced that the approximate number of voters was 4,024,914 and set the 5 per cent threshold of supporting signatures at 210,000.⁶

According to the law, nominations may come from registered political parties, the Federation of Independent Trade Unions, the Union of Youth of Tajikistan, or regional councils. Self-nominated independent candidates are not permitted, which is not in line with paragraph 7.5 of the 1990 OSCE Copenhagen Document.⁷ Seven out of eight registered political parties nominated candidates for the election. The incumbent President Emomali Rahmon was nominated by the PDPT, as well as by the Federation of Independent Trade Unions and the Union of Youth of Tajikistan. Four more parliamentary parties nominated candidates: Tolibek Bukhoriev (APT), Ismoil Talbakov (CPT), Oynihol Bobonazarova (IRPT),⁸ and Olimjon Boboev (PERT). Two non-parliamentary parties also nominated candidates: Saidjafar Ismonov (DPT) and Abduhalim Ghaffarov (SPT).

According to a CCER regulation, voters could sign in support of only one nominee, and the nominating bodies could only use signature collection forms certified by the mayors of specific districts or cities. The final lists on the number of collected signatures were also to be certified by these local authorities. The CCER appointed a working group on 4 September to review the signatures

⁵ Article 47 of the CCER guidelines for PECs states that voters can be added to supplementary voter lists upon presentation of certificates of employment, driving licenses or certificates of military service. None of these identity documents contain the voters' place of residence. However, Article 72 of the guidelines requires that voters are added to supplementary voter lists upon presenting a document confirming their place of residence.

⁶ Although five per cent of the total number of voters released by the CCER constitutes 201,246, the 210,000 signature threshold was not contested.

⁷ Paragraph 7.5 of the 1990 OSCE Copenhagen Document requires participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination".

⁸ Ms. Bobonazarova was also supported by the SDPT and several civil society organizations, which together with the IRPT formed the Union of Reformist Forces of Tajikistan.

collected. However, CCER regulations did not provide clear details on procedures for verifying signatures and there are no written criteria for invalidating signatures.

On 2 October, the SPT, the CPT and the DPT requested the CCER to extend the deadline for the submission of signatures. The CCER granted the request on the last day of the nomination period, 7 October, and prolonged the deadline until 18:00 on 10 October. According to the CCER, six candidates collected the requisite number of signatures by this deadline: Mr. Boboev (211,931 signatures), Mr. Bukhoriev (224,425), Mr. Ghaffarov (214,651), Mr. Ismonov (217,032), Mr. Rahmon (228,097) and Mr. Talbakov (218,587).

On 10 October, after these candidates were registered, the CCER on its own initiative again extended the deadline for presenting signatures until the following morning. On 11 October, Ms. Bobonazarova (IRPT) announced that she had collected only 201,326 signatures and would not stand in the election. The IRPT informed the OSCE/ODIHR EOM and reported to the media that they experienced delays in the process due to the unwillingness or unavailability of local officials to certify their signature collection forms and that some voters were reluctant to sign in support of their candidate due to fear of reprisals.⁹

The issue of supporting signatures was raised by several OSCE/ODIHR EOM interlocutors in light of the large number of citizens living abroad. Several political parties claimed that provisions of the PEL and CCER regulations that require the certification of signature collection forms by the local authorities *de facto* exclude citizens residing abroad from the signature collection process.

VIII. ELECTION CAMPAIGN

According to the PEL, the election campaign starts once a candidate is registered and lasts until election day. The CCER and DEC are required to ensure equal campaign conditions for all candidates and assist candidates in organizing campaign events. Local authorities are required to provide premises and inform voters about meetings. On 14 October, the CCER approved a countrywide schedule of candidates' meetings with voters.¹⁰ The OSCE/ODIHR EOM observed four such events, all moderated by an election commission official. Candidates or their proxies introduced themselves and presented their programmes. While well-attended, the meetings were formalistic and participants were predominantly passive. The OSCE/ODIHR EOM is looking into whether candidates are able to campaign outside of the scheduled meetings.

Based on a CCER regulation, each candidate is entitled to receive TJS 25,000 from the CCER for this campaign.¹¹ Nominating bodies are also entitled to spend up to TJS 200,000 each for their candidate's campaign. The law does not require any reporting or oversight of campaign finance, although the CCER obliged the candidates to provide finance reports by 20 November.

On 8 October, the incumbent President commenced highly publicised visits to the Gorno-Badakhshan Autonomous Region and to Sughd province. During these visits he attended various ceremonies, met with local political, cultural and economic representatives, and inaugurated the opening of educational, sport, industrial and housing facilities. These visits were extensively and positively

⁹ On 25 September, the CCER addressed this issue and sent an official letter to the heads of districts and cities with the request to facilitate the process of collection of signatures.

¹⁰ Nineteen meetings are scheduled nationwide from 16 October to 1 November.

¹¹ EUR 1 is approximately TJS (Tajik Somoni) 6.5

covered by the state media.¹² Other than posters and billboards portraying the incumbent president, there has been no visible campaign by other candidates so far.

IX. MEDIA

The media environment is relatively diverse, particularly in the capital and urban areas. National television channels are the main sources of political information and are all government-controlled; private broadcast media operate only at the regional level. There are approximately 400 registered print media outlets but their circulation is limited as is their distribution in rural areas. While the overall number of internet users, mainly urban residents, is relatively low,¹³ the role of web-based news sources and social media as platforms for exchange of views has become increasingly important. The OSCE/ODIHR EOM was, however, informed by media interlocutors that access to social media networks and websites offering news is occasionally blocked.

The Constitution provides for freedom of expression and information and the recent 2013 Law on Periodical Print and Other Mass Media should facilitate better access to information by journalists. However, while the Criminal Code was amended in 2012 to partially decriminalize defamation, criminal penalties for insulting the president or other officials remain in place.

The PEL offers a basic set of legal provisions on campaign coverage in the media. It provides the contestants with the right to participate on an equal basis in the pre-election campaign, including use of state media. On this basis, the CCER allocated 30 minutes of free airtime on state-owned television and radio to each contestant for presenting their electoral platforms, as well as 20 more minutes of free airtime to proxies of each candidate. In addition, candidates were also allocated an equal amount of space in all state newspapers.

On 8 October, the OSCE/ODIHR EOM commenced quantitative and qualitative media monitoring of three countrywide television channels, three radio stations and ten newspapers.¹⁴ Initial results of the media monitoring indicate a tendency of the state media to favour governmental views and present extensive and positive coverage of the president's activities.

X. COMPLAINTS AND APPEALS

The PEL provides for complaints and appeals against decisions of election commissions, as well as with regard to voter and candidate registration. Decisions of election commissions may be appealed to either the higher-level election commission or the courts, with the Supreme Court as the final instance. The OSCE/ODIHR has previously observed that this dual system of electoral dispute resolution could potentially lead to inconsistencies in decisions. Citizens may complain about inaccuracies in voter lists to PECs and appeal PEC decisions to DEC or courts. Refusal by the CCER to register a candidate may be appealed to the Supreme Court.

According to the CCER, no official complaints have been submitted to any election commission so far, and that it had provided written replies to two petitions submitted by the IRPT; one regarding the absence of the legal basis for the collection of voter support signatures abroad, and one regarding non-inclusion of political party representatives in election commissions. The IRPT also filed an application

¹² The incumbent President appointed 15 proxies to campaign on his behalf and senior PDPT officials have stated that the incumbent President will not take part in the campaign. See: <http://nm.tj/politics/13168-emomali-rahmon-ne-budet-lichno-vstrechatsya-s-elektoratom.html>

¹³ Estimated at 13 per cent of the population in 2012. See: <http://www.internetworldstats.com/stats3.htm>.

¹⁴ Television: *TV Tojikiston*, *TV Safina*, and *Jahonnamo TV*. Radio: *Radio Tojikiston*, *Radio Khovar*, and *Radio Imruz*. Newspapers: *Jumhuriyat*, *Sadoi Mardum*, *Ozodagon*, *Millat*, *Narodnaya Gazeta*, *Asia Plus*, *Biznis i Politika*, *Imruz News*, *Farazh* and *Nigoh*.

with the Constitutional Court challenging the PEL provision that requires signature collection forms to be certified by local officials, arguing that this unconstitutionally restricts the right of Tajikistani citizens abroad to sign in support of a prospective candidate.

XI. PARTICIPATION OF NATIONAL MINORITIES

The Constitution does not make any direct reference to national minorities, but principles of non-discrimination and guarantees of equal rights are enshrined in it and other pieces of legislation. Tajikistan has ratified the UN International Convention on the Elimination of all Forms of Racial Discrimination and the CIS Convention on Ensuring the Rights of Persons Belonging to National Minorities.

As per the 2000 census, Tajiks constitute 79.9 per cent, Uzbeks 15.3 per cent, Russians 1.1 per cent, Kyrgyz 1.1 per cent and others 2.6 per cent of population. The Uzbek Society has pledged its support to the incumbent president, as has the Alliance of Ethnic Minorities of Tajikistan, which represents smaller ethnic communities (including Koreans, Tatars, and Bashkirs).¹⁵

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The PEL does not provide for non-partisan citizen observation, and allows for observation of the election process by those bodies that have nominated candidates, and representatives of the media. International observers are provided for in law and accredited by the CCER.¹⁶ Observers have the right to attend sessions of election commissions, receive copies of official documents, meet with candidates and other participants of the election process, freely visit polling stations and observe the process of voting, counting and tabulation of results. While the PEL does not provide for observers receiving copies of results protocols, on 25 September the CCER adopted a decision requiring PECs to publicly display copies of results protocols for public scrutiny. This could enhance the transparency of counting process and partially addresses a prior OSCE/ODIHR recommendation.

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened in Dushanbe with a press conference on 2 October. The OSCE/ODIHR EOM has met with the CCER, the Ministry of Foreign Affairs, and established contacts with political parties and candidates, representatives of the media, civil society and other electoral stakeholders. Sixteen long-term observers were deployed throughout the country on 9 October and are meeting with regional stakeholders. For election day observation, the OSCE/ODIHR EOM will join efforts with the delegations of the OSCE Parliamentary Assembly and the European Parliament.

*The English version of this report is the only official document.
Unofficial translations are available in Tajik and Russian.*

¹⁵ ASIA-Plus, 10 October, available at: <http://www.news.tj/ru/node/173172>; *Ozodagon*, 28 September, available at: <http://www.ozodagon.com/casia/tj/12645-imoyati-alyansi-aaliyatoi-mill-az-nomzadii-emomal-ramon.html>.

¹⁶ As of 19 October, the CCER had accredited 53 international observers.