



Office for Democratic Institutions and Human Rights

REPUBLIC OF TAJIKISTAN
PRESIDENTIAL ELECTIONS
6 November 2006

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
25 -31 August 2006



Warsaw
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I. INTRODUCTION

In anticipation of an invitation from the Ministry for Foreign Affairs of the Republic of Tajikistan to observe the forthcoming presidential elections, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) on 25-31 August 2006¹. The purpose of the NAM was to assess the conditions and the level of preparation for the presidential elections scheduled for 6 November 2006². The NAM consisted of Mr. Nikolai Vulchanov, Deputy Head of OSCE/ODIHR Elections Department, Mr. Konrad Olszewski, OSCE/ODIHR Election Advisor, and Ms. Anna Chernova, OSCE PA Programme Officer.

The NAM conducted meetings in Dushanbe with representatives of the government authorities, the election administration, political parties, civil society, media and international community. In addition, the NAM met with local administration and political parties in Kurgan Teppa and Kulyab (see annex for list of meetings).

The OSCE/ODIHR is grateful to the Tajik authorities for the co-operation and assistance provided during the NAM. The OSCE/ODIHR would also like to thank the OSCE Centre in Dushanbe for its support during the visit.

II. EXECUTIVE SUMMARY

The political environment of Tajikistan is characterized by increasing consolidation of power by President Emomali Rahmonov and his People's Democratic Party (PDPT). Although there are eight political parties registered in the Republic, all with exception of the ruling party appear to have limited capacities, and some are struggling with internal divisions.

The Tajik Constitution was amended in 2003 to, *inter alia*, extend the term of the president from 5 to 7 years and allow the current president to contest elections in 2006 and 2013. Indeed, the incumbent is expected to run in the forthcoming elections for his third term and is broadly perceived as a first round winner.

¹ In line with its OSCE Commitments, the Ministry of Foreign Affairs of the Republic of Tajikistan sent the invitation to the OSCE/ODIHR to observe the 6 November presidential elections on 4 September 2006.

² The date of elections was formally decreed by the Tajik Parliament on 31 August, during the course of the NAM.

The legislative framework for presidential elections would need to be improved in order to satisfy OSCE commitments set forth in the 1990 OSCE Copenhagen Document, as well as other international standards for the conduct of democratic elections. The Presidential Election Law contains limitations on rights to be a candidate, including the constitutional requirement to collect 5 per cent of the electorate's signatures³.

The presidential elections are administered by a three-tiered election administration including the Central Commission of Elections and Referenda (CCER), District Election Commissions (DEC) and Polling Boards. The OSCE/ODIHR had previously expressed concerns that the legal framework does not establish an election administration that is pluralistic, inclusive, free from the control of government authorities, and genuinely independent. Also, the findings of previous OSCE/ODIHR election observation missions indicate that local authorities have a tendency to interfere in the election process, and the CCER and most of the DECs do not hold regular meetings.

Although Tajikistan appears to have a reasonably vibrant media environment with plenty of newspapers and local televisions, according to the NAM interlocutors, the media are controlled by the Government, and the revocation of licenses and closure of printing houses are used as a frequent tool to ensure self-censorship and lack of critical journalism. However, no newspapers have been closed since the last elections in Tajikistan in 2005. In general, the state television does not provide access or coverage to opposition parties.

While the Law on Election of the President does not include provision for international election observers, the presence of international observers could be allowed through a CCER "Decree". NAM interlocutors were unanimous that the OSCE/ODIHR should deploy an observation mission for the 6 November elections, with long term observation of the process. However, views were divergent on the degree to which short-term observation of election day procedures was relevant. While some welcomed the deployment of a full-scale Election Observation Mission (EOM), others expressed reservation regarding the need for short-term observers, particularly given the fact that the outcome of the election is broadly perceived to be pre-determined and the result not in doubt. Furthermore, there is no domestic non-partisan election-observer organization in Tajikistan.

Upon considering the findings of the NAM, the OSCE/ODIHR recommends the establishment of an Election Observation Mission for the forthcoming presidential election, including a core group of experts, 14 Long-term Observers (LTOs) and some 100 Short-term Observers (STOs). However, 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 a cause to reconsider the utility of requesting short-term observers.

³ In accordance with international best practice, the number of required support signatures should not exceed one percent of the number of voters registered in the respective constituency, *see, e.g., Venice Commission Code of Good Practice in Electoral Matters*, page 25.

III. FINDINGS

A. POLITICAL CONTEXT

Following the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan, which ended the Tajik civil war, the former United Tajik Opposition gained some representation in the Government. However, during the last few years, this policy of inclusiveness by the Tajik authorities has been reversed, and the political environment of Tajikistan is now characterized by increasing consolidation of power by President Emomali Rahmonov and his People's Democratic Party.

The incumbent president is expected to run in the forthcoming elections for his third term and is broadly perceived as a first round winner. The Tajik Constitution was amended in 2003 to, *inter alia*, extend the president's term of office from 5 to 7 years, and allow the current president to contest elections in 2006 and 2013.

Although there are eight political parties registered in Tajikistan, all with exception of the ruling party appear to have limited capacity, and some are struggling with internal divisions. In the 2005 parliamentary elections, the PDPT won an overwhelming majority in the 63-seat lower chamber of the Tajik parliament (*Majilisi Namoyandagon*). The only two other parties that managed to pass the 5 per cent threshold were the Communist Party (CP) and the Islamic Revival Party (IRP) winning 4 and 2 seats respectively.⁴ The last parliamentary elections were assessed by the OSCE/ODIHR Election Observation Mission as failing to meet many key OSCE commitments and other international standards for democratic elections⁵.

The other five registered parties in Tajikistan include the Democratic Party of Tajikistan (DPT), led by Mr. Mahmadrusi Iskandarov, who was arrested in 2004 and sentenced to 23 years of imprisonment on charges of corruption, terrorism and illegal possession of arms; the Socialist Party of Tajikistan (founded in 1996); and the Social Democratic Party (SDP), led by lawyer Rahmatillo Zoirov, who faced serious health problems on the eve of the call for presidential elections. During the civil war, the IRPT and the DPT formed the main political elements of the United Tajik Opposition (UTO).

In addition, two new parties appeared on the scene since the last parliamentary elections – the Agrarian Party and the Party of Economic Reform – both seem to be in an early stage of party-structure building.

Since 2004, the Socialist Party of Tajikistan is still struggling with the effects of internal divisions which have significantly limited the party's ability to participate in politics. During the course of the NAM, a similar division occurred in the Democratic Party, which now has two leaderships. Meanwhile, the Ministry of Justice has not recognized the newly created wing.

The representatives of the opposition parties met by the NAM voiced their strong criticism of the current regime for concentration of power and narrowing the space for political party

⁴ The upper chamber of the Tajik Parliament, the National Assembly, consists of 25 members elected indirectly by the regional councils plus eight persons appointed by the President of Tajikistan.

⁵ Final Report available at <http://www.osce.org/odihr-elections/14207.html>.

activity in Tajikistan. The President continues to use his constitutional prerogatives to directly appoint all key positions, even in the local administration, and the role of the Parliament – according to the opposition – appears to be increasingly symbolic.

Some of the opposition parties accuse the authorities of taking actions to eliminate potential rivals to the incumbent. Although the IRPT, DP and the SDP announced that they would nominate their candidates for the presidential office, most interlocutors informed the NAM of the likelihood that there will be no strong candidate to challenge the incumbent.

According to the representatives of civil society met by the NAM, there are a number of NGOs registered in the country, mostly focusing on economical development, education and democratization. There do not appear to be any national NGOs promoting political pluralism or democratic reforms. In general, the NGO sector could be significantly strengthened.

B. LEGAL FRAMEWORK

The presidential elections are regulated by the Constitution and the Constitutional Law of the Republic of Tajikistan on Elections of the President, amended in December 2005. The law provides that the candidates for the office of president can be nominated by political parties, Federation of Independent Trade Unions, Union of Youth Tajikistan, People Majlis of Deputies of Gorno-Badakhshan Autonomous Province (GBAO), Province Majlises of People's Deputies, Dushanbe City Majlis of People's Deputies and meeting of representatives of district and cities Majlises of People's Deputies of the regions of "republican subordination". Supporters of nominated candidates need to collect support-signatures of 5 percent of the electorate (around 160,000).

The support-signature requirement was criticized by all opposition parties met during the NAM as this constitutional requirement provides a very significant obstacle to taking part in the elections. Moreover, according to the law, these signatures are to be confirmed by heads of local administration, whereas the law does not describe any procedure for such verification. In the recent assessment of the Presidential Election Law, the OSCE/ODIHR recommended that this issue be addressed and the required number of support-signatures should not exceed 1 per cent of the electorate.

Overall, the OSCE/ODIHR concluded in that Assessment that the current legislative framework for presidential elections would need to be significantly improved in order to satisfy OSCE commitments set forth in the 1990 OSCE Copenhagen Document, as well as other international standards for the conduct of democratic elections.⁶

The law would need to be amended to provide for:

- Sufficient details for the process of verifying voter signatures given in support of a candidate's nomination;
- An election administration that is pluralistic and inclusive, free from the control of government authorities, and genuinely independent;
- Sufficient details for rules to ensure the fair allocation of state resources to candidates during the election campaign;

⁶ See the OSCE/ODIHR Assessment of the Law on Elections of President, 26 July 2006, <http://osce.org/odihr-elections/13438.html>.

- Full transparency and possibilities to observe all stages of the election process;
- Sanctions proportional to violations committed;
- Positive voting where voters mark on the ballot only the candidate of their choice;
- A process for filing complaints and appeals to protect adequately suffrage rights; and
- Domestic non-partisan election observers.

Also, there is a need to elaborate and clarify some articles in order to provide completely satisfactory procedures for voting, counting of ballots, tabulation of results, and determination of winning candidates.

C. ELECTION ADMINISTRATION

The presidential elections are administered by the Central Commission for Elections and Referenda, 68 District Election Commissions and some 3,200 Polling Boards (PBs).

The CCER is established as a permanent body for a 5 years term, and consists of a chairperson, his/her deputy and 13 members. The CCER is elected by the Parliament based on a proposal of the President of Tajikistan. District Election Commissions are appointed 45 days before election day by the CCER upon proposals of the local executive authorities. Polling Boards are appointed by the DEC's at least 35 days before the elections. The law does not provide any criteria on the composition of the election administration bodies.

The OSCE/ODIHR had previously expressed concerns that the legal framework does not establish an election administration that is pluralistic, inclusive, free from the control of government authorities, and genuinely independent.⁷ Moreover, the findings of previous OSCE/ODIHR election observation missions indicate that local authorities have a tendency to interfere in the election process, and the REC and most of DEC's appear not to hold regular meetings, which raises concerns about the legality of their decision making processes.

Although the law does not include provisions to ensure that registered political parties could be represented on election commissions, in a welcomed development, the CCER decided to redress this shortcoming through a Decree on "procedure of inclusion of representatives of political parties, Independent Federation of Trades Unions of Tajikistan, Youth Union of Tajikistan, state local representative bodies, local Majlises in the composition of district electoral commissions and polling boards for the election of the President of the Republic of Tajikistan".

While the CCER has apparently made some efforts to review OSCE/ODIHR's recommendations, together with the international community, it would appear that the authorities and election administration of the Republic of Tajikistan did not implement key recommendations provided by past OSCE/ODIHR election observation missions.

There is no central voter register in Tajikistan. Each PB compiles the list of voters for its area with the assistance of local authorities. If a voter is not included on the voter list, he/she could be allowed to vote on election day and his/her name added to the supplementary voter list,

⁷ See Final Report on Parliamentary Elections, Republic of Tajikistan, 27 February and 13 March 2005 (31 May 2005); Final Report on Elections to the Parliament, Republic of Tajikistan, 27 February 2000 (17 May 2000); Observations and Recommendations on Draft Law on Elections to the Majlisi Oli of the Republic of Tajikistan (28 November 1999).

provided that voter's eligibility and residence is proved. As a few hundred thousand Tajik citizens are believed to reside and work abroad, the election administration will be organizing out-of-country voting, mainly in the Russian Federation.

D. MEDIA ENVIRONMENT

At a glance, Tajikistan has a reasonably vibrant media environment, with some 20 local televisions and 400 registered newspapers, mostly published once or twice a week. Only the state-owned TV is able to provide coverage of the entire country. The NAM was informed that the main government newspaper – *Jumhuriyat* – is published 3 times a week with a circulation of some 2,000. The most influential Newspaper – *Asia Plus* – published in the Russian language has a circulation of some 10,000.

However, according to NAM interlocutors, 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. Apparently, even the media that portray themselves as independent tend to focus their criticism on the opposition.

The state media do not provide access to the opposition leaders for the debate on current political or economical issues, and the state television was assessed by the media representatives met by the NAM as monopolized by the ruling party and serving the President.

One of the recent CCER Decrees regulates the media coverage of the presidential candidates. The CCER is planning to allocate each candidate a total of up to 40 minutes of free air time on state television and radio – up to 30 minutes per candidate and up to 10 minutes for his/her proxies. Such a limited timeframe is not conducive for a meaningful campaign in the state media that would permit voters to make informed choices.

E. ELECTION OBSERVERS

Unlike the parliamentary election law, the Law on Election of the President does not include a provision for international election observers. On 4 September 2006, in a positive development, the CCER released a “Decree” granting access to domestic (representatives of political parties, associations and presidential candidates) and international election observers in Tajikistan. There is no domestic non-partisan election-observer organization in Tajikistan⁸.

NAM interlocutors were unanimous that the OSCE/ODIHR should deploy an observation mission for the 6 November elections, with long-term observation of the process. However, views were divergent on the degree to which short-term observation of election day procedures was relevant. While some welcomed the deployment of a full-scale OSCE/ODIHR Election Observation Mission (EOM), and suggested that the absence of short term observers would send an inappropriate signal and be counterproductive, others expressed reservations regarding the need for short-term observers, particularly given the fact that that the outcome of the

⁸ The CCER adopted a decree “On procedure of participation of international (foreign) observers, representatives (observers) of political parties, Independent Federation of Trades Union of Tajikistan, Youth Union, state local representative bodies, local Majlises of the districts and towns of the republican subordination, representatives of mass media in the election of the President of the Republic of Tajikistan”, 4 September 2006

elections was broadly perceived to be pre-determined and the result not in doubt. Moreover, it should be noted that after the last parliamentary elections, the critical preliminary post-election statement by the OSCE/ODIHR was not reported in the state media, and some state newspapers refused to publish it even as an advertisement.

As OSCE/ODIHR election observation is process oriented and is only focused on the outcome of an election to the degree that the results are reported honestly, accurately and in a timely manner. Moreover, the mere presence of international observers should not be perceived as contributing credibility to a potentially flawed process. It is the conclusions arrived at through the OSCE/ODIHR long-term election observation methodology that will form the ultimate basis of opinion on the election.

IV. CONCLUSIONS AND RECOMMENDATIONS

Following the NAM and its meetings in Dushanbe, Kurgan Teppa and Kulyab, the OSCE/ODIHR recommends the establishment of an Election Observation Mission for the forthcoming presidential elections. The OSCE/ODIHR proposes the deployment of a core group of experts and 14 long-term observers to be deployed throughout Tajikistan approximately four weeks before elections.

The OSCE/ODIHR also recommends the deployment of some 100 Short-term Observers to monitor election-day procedures. However, 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 a cause to reconsider the utility of requesting short-term observers.

The OSCE/ODIHR notes that since the publication of its report on the 2005 parliamentary elections, key recommendations contained therein were considered, but not implemented. While the absence of consistent implementation of past OSCE/ODIHR recommendations could potentially question the utility of election observation, subsequent to a proposed observation mission, the OSCE/ODIHR would expect the opportunity to discuss with the relevant authorities follow-up and implementation of recommendations.

ANNEX - LIST OF MEETINGS

List of persons met during the NAM in Tajikistan 25 August 2006 – 1 September 2006

State Authorities

Mr. DOSTIEV Abdulmadjid, First Deputy Chairman of the Parliament and Head of the Delegation to the OSCE Parliamentary Assembly
Mr. YATIMOV Saimumin, First Deputy Minister of Foreign Affairs
Mr. BOLTUEV Mirzoali, Chairman of the CCER
Mr. DODOJONOV Muhibulo, Head of apparatus of CCER
Mr. SAFAROV Saifullo, Deputy Director of the Centre for Strategic Studies under the President of RT

Political Parties

Mr. DAVLATOV Davlatali, People Democratic Party of Tajikistan
Mr. VALIEV Rarmatullo, Democratic Party of Tajikistan
Mr. HAITOV Makhmadali, Islamic Revival Party of Tajikistan
Mr. LATIPOV Rustam, Agrarian Party of Tajikistan
Mr. BOBOEV Olimjon, Party of Economic Reforms of Tajikistan

Media and Civil Society

Mr. MAIRAMOV Rajab, Journalist, Chief Editor of “Ruzi Nav” newspaper
Ms. KHAMIDOVA Parvina, journalist
Ms. BOBOBEKOVA Mehriniso, Head of NGO “Khuboni Korsigu”

International Community

H.E. LOTEN Graeme, Ambassador of the United Kingdom
H.E. ABDULATIPOV Ramazan, Ambassador of Russian Federation
Ambassador SOTIROV Vladimir, Head of UNTOP, Representative of the UN-SG
Mr. ROKOSZEWSKI Waldemar, Senior Political Affairs Officer, UNTOP
Mr. JACOBY Volker, Political Officer, UNTOP
Ms PLINKERT Barbara, European Commission in Tajikistan, Head of Office
Mr. HUSHEK Thomas, Charge d`affaires, US Embassy
Ms. TANG Uyen, Political and Economic Officer, US Embassy
Ms MULLER Katherine, IFES
Mr. NAIMOV Safar, Program Officer, IFES
Mr. KLINK Hubertus, Embassy of the Federal Republic of Germany
Mr. PATON William, Head of UNDP
Mr BOSCH Igor, Deputy Head of UNDP
Mr KLAITS Alex, UNDP
Mr. KUZMIN Oleg, Russian Embassy
Mr. VAN DER SCHRIEK Daan, ICG

Kurgan Teppa

Mr. JABBOROV Odil, Deputy Chairman of Khatlon administration on economic and finance

Mr. ODINAEV Begijon, Prosecutor of Oblast

Mr. ZABIROV Abduali, Head of Department of Khatlon administration on public relation

Mr. BARFIEV Narzullo, Representative of CCER in Khatlon Oblast

Mr. DAVIDOV Stoyan, OSCE Field Officer in Kurgan Teppa

Mr. LAZARCHIK Yuri, OSCE Field Officer in Shaartuz

Mr. BURI Sultonov, Communist Party

Mr. SADDRIDINOV Kalandar, IRPT

Mr. ALIEV Khaidar, Social Democratic Party

Ms. NUROVA Niigorbi, PERT

Ms. GOZIEVA Gulnora, Democratic Party

Kulyab

Mr. MIRZOEV Zafar, Head of Apparatus

Mr. KHUSVAKHTOV, Head of Legal Department in Kulyab administration.

Mr. ABDURAKHMONOV, OSCE Field Officer Assistant

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).