



Office for Democratic Institutions and Human Rights

# REPUBLIC OF TAJIKISTAN

PRESIDENTIAL ELECTION

6 November 2013

OSCE/ODIHR Election Observation Mission  
Final Report



Warsaw  
5 February 2014

## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS.....</b>	<b>3</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>4</b>
<b>IV.</b>	<b>ELECTORAL SYSTEM.....</b>	<b>5</b>
<b>V.</b>	<b>THE LEGAL FRAMEWORK .....</b>	<b>5</b>
<b>VI.</b>	<b>THE ELECTION ADMINISTRATION.....</b>	<b>6</b>
<b>VII.</b>	<b>VOTER REGISTRATION .....</b>	<b>8</b>
<b>VIII.</b>	<b>CANDIDATE REGISTRATION .....</b>	<b>10</b>
<b>IX.</b>	<b>THE ELECTION CAMPAIGN.....</b>	<b>12</b>
<b>X.</b>	<b>CAMPAIGN FINANCE.....</b>	<b>13</b>
<b>XI.</b>	<b>THE MEDIA .....</b>	<b>14</b>
	A. LEGAL FRAMEWORK .....	14
	B. THE MEDIA ENVIRONMENT .....	15
	C. COVERAGE OF THE ELECTION CAMPAIGN .....	16
<b>XII.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES .....</b>	<b>17</b>
<b>XIII.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS.....</b>	<b>18</b>
<b>XIV.</b>	<b>COMPLAINTS AND APPEALS.....</b>	<b>19</b>
<b>XV.</b>	<b>ELECTION DAY.....</b>	<b>20</b>
	A. OPENING AND VOTING .....	20
	B. COUNTING .....	21
	C. TABULATION AND ANNOUNCEMENT OF RESULTS .....	22
<b>XVI.</b>	<b>RECOMMENDATIONS.....</b>	<b>23</b>
	A. PRIORITY RECOMMENDATIONS.....	23
	B. OTHER RECOMMENDATIONS.....	24
	<b>ANNEX: FINAL RESULTS.....</b>	<b>27</b>
	<b>ABOUT THE OSCE/ODIHR.....</b>	<b>28</b>

**REPUBLIC OF TAJIKISTAN  
PRESIDENTIAL ELECTION  
6 November 2013**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the government of the Republic of Tajikistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 2 October deployed an Election Observation Mission (EOM) for the 6 November 2013 presidential election. The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with national legislation. For election day, the OSCE/ODIHR EOM joined efforts with observer delegations from the OSCE Parliamentary Assembly and the European Parliament.

The Statement of Preliminary Findings and Conclusions issued on 7 November 2013 concluded that “the election in Tajikistan took place peacefully, but restrictive candidate registration requirements resulted in a lack of genuine choice and meaningful pluralism. The campaign was formalistic and limited voters’ opportunity to make an informed decision. Extensive positive state-media coverage of the official activities of the incumbent President provided him with a significant advantage. In a positive step, the Central Commission for Elections and Referenda (CCER) took measures to enhance the transparency and efficiency of the administration of elections. Significant shortcomings were noted on election day, including widespread proxy voting, group voting, and indications of ballot box stuffing.”

The presidential election was essentially conducted according to the same legal framework as the 2006 presidential election, despite previous OSCE/ODIHR recommendations aimed at improving the legislation. Existing shortcomings include unduly restrictive candidacy requirements and vague provisions on essential aspects of the election process regarding voter registration, campaigning and election day procedures. Noted restrictions on freedom of speech are not conducive to democratic elections. The legal framework needs to be significantly improved to provide a sound basis for the conduct of democratic elections.

The CCER held regular open sessions, contributing to the transparency of the election process. CCER members actively discussed issues in a collegial manner. In a positive step, the CCER adopted some instructions well in advance of the election. However, important procedures were left insufficiently regulated leading to inconsistent practices in lower-level commissions. While all registered political parties are represented on the CCER, there are no provisions for balanced representation in lower-level election commissions, which could impact transparency. In a welcome step, the CCER obliged all Precinct Election Commissions (PECs) to publicly display copies of results protocols, partially addressing a prior OSCE/ODIHR recommendation.

The lack of a centralized voter register prevented any nationwide crosschecks for potential duplicate entries in the voter lists and the process thus lacked safeguards to ensure the integrity of voter registration. PECs undertook concerted efforts to verify the accuracy of the voter lists through door-to-door checks. However, the process of verification was inconsistent due to the absence of clear instructions. The CCER announced that 4,201,156 voters were included in the

---

<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Tajik and in Russian.

voter lists as of the end of voting, a substantial increase of 4.40 per cent compared to the number stated when the election was announced.

Six candidates were registered for the election, including the incumbent President. The law does not permit self-nominated independent candidates, which is not in line with OSCE commitments. One nominee, who fell short of the required number of supporting signatures, faced administrative obstacles in the collection of signatures and stated that some voters would not sign in support of her candidature due to fear of government reprisals. The requirement for local authorities to certify the support signature forms effectively removed the right of citizens abroad to sign in support of a potential candidate. Restrictive candidacy requirements, the unreasonably high number of requisite supporting signatures, and procedural hurdles for signature collection presented significant obstacles that are at odds with OSCE commitments and other international standards for democratic elections.

The campaign was largely indiscernible and appeared to generate limited interest despite efforts by the authorities to promote public awareness. The incumbent President undertook highly publicized visits throughout the country. The authorities did not provide safeguards against the misuse of administrative resources and the distinction between the state and ruling political party was often blurred, which is contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. Most candidates did not express views opposing the incumbent President. Overall, the campaign was formalistic and devoid of the political debate that is essential to a competitive campaign environment in which voters are provided with a genuine choice.

The state broadcast media allocated an equitable share of free airtime and campaign news coverage to candidates as required by law. However, extensive and positive coverage by the state broadcast media of the incumbent President's official activities provided him with a significant advantage, which is at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document. Bias in favour of the incumbent President in the state media and the general lack of pluralistic views from non-state and internet-based media brought into question the overall diversity of perspectives accessible to voters to make an informed choice, challenging paragraph 7.8 of the 1990 OSCE Copenhagen Document.

The election dispute resolution system remained largely untested due to the limited number of formal complaints filed to election commissions and courts. Remedies for violations of electoral rights are generally available in the law, although several OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the system. Of the few submitted complaints, all were dismissed by the courts on procedural grounds.

There were no women candidates for president, although there was one woman nominee. Women were significantly underrepresented at the CCER and in District Election Commissions (DECs). While women represented over one third of PECs observed on election day, they chaired fewer than 20 per cent of those commissions.

National minority issues and inter-ethnic relations were not touched upon during the electoral campaign. The ethnic composition of lower-level election commissions mostly corresponded to the ethnic composition of respective districts. Ballots were printed in minority languages, although voter information materials and broadcasts were generally not available in minority languages.

While the authorities readily accommodated international observers and candidate representatives, the legal framework does not provide for non-partisan citizen observers, which is not fully in line with paragraph 8 of the 1990 OSCE Copenhagen Document.

Election day was peaceful with no incidents reported. Observers assessed the voting process negatively in 14 per cent of polling stations visited, reflecting widespread procedural irregularities such as proxy voting, voting without an identification document, group voting, and indications of ballot box stuffing. In eight per cent of observations, people other than PEC members were directing or interfering in the work of the commissions. The vote counts were assessed negatively in almost half of the polling stations observed, in part due to basic reconciliation procedures not being followed. In nearly half of the polling stations observed, PECs did not post the results protocols for public familiarisation as required by the CCER.

The tabulation process lacked detailed regulations covering the delivery of election materials and processing of the PEC results protocol in the DEC and was assessed negatively in 16 per cent of observations. Observers recorded that in many cases, the entire PEC protocol was completed at the DEC. The CCER announced the final results on 13 November but did not provide any breakdown of the election results by district or polling station.

This report offers a number of recommendations to support efforts to bring elections fully in line with OSCE commitments and other international standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities and civil society of Tajikistan to further improve the electoral process and to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the government of the Republic of Tajikistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 2 October deployed an Election Observation Mission (EOM) for the 6 November 2013 presidential election. The EOM was headed by Ambassador Paraschiva Bădescu and consisted of 13 experts based in Dushanbe and 16 long-term observers deployed throughout the country. Members of the OSCE/ODIHR EOM were drawn from 22 OSCE participating States.

For election day, the OSCE/ODIHR EOM joined efforts with observer delegations from the OSCE Parliamentary Assembly (OSCE PA) and the European Parliament (EP). Gordana Čomić was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term OSCE observer mission. The OSCE PA delegation was led by Margareta Cederfelt and the EP delegation was led by Elisabeth Jeggle.

On election day, 221 observers drawn from 37 countries were deployed, including 178 long-term and short-term observers deployed by the OSCE/ODIHR, as well as 34 parliamentarians and staff from the OSCE PA, and 9 from the EP. Opening procedures were observed in 82 polling stations. Voting was observed in 822 out of 3,158 polling stations and counting was observed in 81 polling stations. The tabulation process was observed in 62 of the 68 District Election Commissions.

The election was assessed for its compliance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. This final report follows

a Statement of Preliminary Findings and Conclusions released at a press conference in Dushanbe on 7 November.<sup>2</sup>

The OSCE/ODIHR EOM wishes to thank the authorities of Tajikistan for the invitation to observe the election, the Central Commission for Elections and Referenda (CCER) for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. It also expresses its gratitude to the representatives of political parties, media, civil society, and other interlocutors for sharing their views. The OSCE/ODIHR EOM also wishes to express appreciation to the OSCE Office in Tajikistan and to the diplomatic representations of OSCE participating States and international organizations for their co-operation and support.

### III. BACKGROUND AND POLITICAL CONTEXT

The 6 November presidential election was the fourth since Tajikistan's first multi-candidate election in 1994. Constitutional amendments passed in 1999 and 2003 extended the president's term from five to seven years and allowed the incumbent to stand for two additional consecutive terms. The previous presidential election of 6 November 2006 was won by the incumbent President Emomali Rahmon of the People's Democratic Party of Tajikistan (PDPT) with 79.3 per cent of the vote.

Tajikistan has a strong presidential system in which the executive branch exercises wide authority relative to the parliament. Among various responsibilities, the president appoints the prime minister and other ministers, as well as the executive authorities at the central and regional level. The president nominates the chairpersons and deputies of the Constitutional Court, Supreme Court, Supreme Economic Court, and the prosecutor general for parliamentary approval.

Following the last parliamentary elections in February 2010, the ruling PDPT, led by the incumbent President, obtained 45 of the 63 seats in the lower chamber of parliament, reflecting its dominant role in the political landscape. 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. The remaining seats are held by independent members 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).

The initiative to form a new political party, the New Tajikistan Party, was hindered by the detention of its founder, the former Minister of Industry, Zayd Saidov on stated grounds of financial fraud, polygamy, and sexual relations with a minor. 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 intended to participate in the 2015 parliamentary elections.<sup>3</sup>

---

<sup>2</sup> For all previous OSCE/ODIHR reports on Tajikistan, see: <http://www.osce.org/odihr/elections/tajikistan>.

<sup>3</sup> The UN Human Rights Committee expressed its concern at reports of politically motivated harassment of opposition political leaders. See Concluding Observations on the second periodic report of Tajikistan at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTJK%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTJK%2fCO%2f2&Lang=en).

Following the election, on 25 December, the Supreme Court sentenced Mr. Saidov to 26 years in prison.

In the course of 2013, the incumbent President announced several times that the election would be held “democratically, freely and fairly”. The authorities also noted the importance of a calm and stable electoral process in light of regional security concerns and the anticipated draw-down of the NATO-led International Security Assistance Force from Afghanistan in 2014.<sup>4</sup>

#### IV. ELECTORAL SYSTEM

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. The Constitution establishes that more than half of the registered voters must vote for the election to be valid. This requirement could lead to possible cycles of failed elections in case of low turnout and may provide an incentive for electoral malpractice to increase official turnout.

*Consideration could be given to removing the turnout requirement for elections to be deemed valid. This would avoid the potential for failed elections because of an insufficient turnout and prevent incentives for electoral malpractice.*

By law, and contrary to previous OSCE/ODIHR recommendations, voters are required to cast a so-called ‘negative vote’, whereby voters strike out the names of the candidates that they do not wish to elect rather than affirmatively marking the candidate that they wish to elect.

#### V. THE LEGAL FRAMEWORK

The legal framework regulating presidential elections consists of the Constitution, the Constitutional Law on Elections of the President (Presidential Election Law, PEL) and relevant provisions of other legislation.<sup>5</sup> The Constitution guarantees the right to elect and to be elected, as well as freedoms of association, assembly and expression. However, the legal framework needs to be significantly improved to provide a sound basis for the conduct of democratic elections. Undue restrictions on candidate eligibility exist in the law (see *Candidate Registration*). In addition, existing restrictions on freedom of speech are not conducive to the conduct of democratic elections.<sup>6</sup>

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.

---

<sup>4</sup> Tajikistan experienced several security incidents since 2010, including a mass prison-break from a Dushanbe detention facility, the country's first suicide car bombing in Khujand, and several instances of armed conflict between government forces and opposition militants in the Rasht Valley

<sup>5</sup> Including the Law on Political Parties, the Law on Assemblies, Rallies, Activities and Demonstrations, the Law on Periodical Print and Other Mass Media, the Code of Administrative Offences, the Procedural Code for Administrative Offenses, the Civil Procedure Code, and the Criminal Code.

<sup>6</sup> Articles 137 and 330 of the Criminal Code provide criminal sanctions for publicly insulting the president and state officials.

While the PEL contains some important principles for democratic elections,<sup>7</sup> it does not comprehensively regulate the electoral process. The timeframes for nomination of candidates, including the collection of support signatures, are unreasonably short. The law does not provide safeguards against the abuse of administrative resources in elections, does not ensure impartiality, inclusiveness, and independence of election commissions, and does not provide for non-partisan citizen observation. The majority of previous OSCE/ODIHR recommendations remain unaddressed in the law. This presidential election was essentially conducted according to the same legal framework as the 2006 presidential election.<sup>8</sup>

*The legal framework should be comprehensively reviewed to address past and present OSCE/ODIHR recommendations and bring it closer in line with OSCE commitments and other international standards for democratic elections. Consideration could be given to consolidate all electoral legislation into one code. Reforms should be enacted in an inclusive and transparent process, sufficiently in advance of the next elections.*

Prior to the election, the CCER adopted instructions to supplement the legal framework.<sup>9</sup> However, while the guidance provided by the CCER addressed relevant issues to some extent, it did not always provide sufficiently detailed regulations on important aspects of the election administration. This underscores the need for reform of the broader legal framework for elections.

## VI. THE ELECTION ADMINISTRATION

The presidential election was administered by a three-tiered system of election commissions consisting of the CCER, 68 District Election Commissions (DECs) and 3,158 Precinct Election Commissions (PECs). Additionally, 61 polling stations were established for out-of-country voting in 27 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 elects 15 members, including the chairperson and the deputy chairperson, based on proposals of the president. While there are no legal provisions for political party representation in election commissions, all registered political parties are represented in the current CCER. This contributes to the inclusiveness and transparency of the election process. Apart from the CCER chairperson, all other members serve on a voluntary basis. Three women serve on the CCER, one of whom is the secretary of the commission.<sup>10</sup>

Lower-level commissions are appointed for each election. In line with the law, the CCER appointed all 68 DECs upon proposals of the local executive authorities. While the law prohibits candidates and their proxies from serving on commissions, it does not prohibit other persons with potential conflicts of interest, including state and local officials. The OSCE/ODIHR EOM observed that DEC members came from diverse professional backgrounds often with previous experience in election administration. Many of them were affiliated with a political party, primarily with the ruling PDPT, but there are no provisions that guarantee balanced party

---

<sup>7</sup> Such as, for example, the prohibition of restrictions of electoral rights as well as equality of campaign opportunities for all candidates.

<sup>8</sup> 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>.

<sup>9</sup> The CCER instructions provided guidance on the work of lower-level commissions; 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.

<sup>10</sup> The secretary of the commission is elected by commission members from among themselves.



representation.<sup>11</sup> While 21 per cent of DEC members were women, only 5 per cent of them served as chairpersons, deputy chairpersons, or secretaries.

Within the legal deadline, DEC members appointed 3,158 PECs with 7 to 19 members depending on the number of voters registered within the precinct.<sup>12</sup> While 39 per cent of the PEC members were women, they chaired only 20 per cent of the PECs.<sup>13</sup> PECs are logistically supported by the CCER and local administration. No nomination procedures for PEC members are specified in the PEL or in CCER instructions.<sup>14</sup> In one third of the PECs observed on election day more than half of the members of those commissions were recruited from the same work place, most commonly teachers from schools where the polling station was located.<sup>15</sup> Several OSCE/ODIHR EOM interlocutors expressed concerns about the impartiality of lower-level election commissions.

*Clear criteria for the nomination and appointment of election commissions should be established. The law should ensure that election commissions are truly independent from the government and are sufficiently inclusive and pluralistic to ensure broad confidence in their work. Consideration could also be given to introducing mechanisms that would ensure greater participation of women within the election administration, including in decision-making roles.*

The CCER held regular sessions open to observers, the media and representatives of candidates. Members actively discussed issues in a collegial manner and took decisions by open voting. The CCER met all legal deadlines and, in a positive step, passed regulations that clarified certain aspects of the electoral process well in advance of the election. However, it did not provide for precise procedures for important parts of the election process such as the compilation of voter lists, early and mobile voting, the printing and distribution of ballots, counting of votes, completing protocols at the PEC and DEC levels, and tabulation of the results. The lack of such procedures led to inconsistent practices in lower-level commissions. On 25 September the CCER adopted a decision requiring PECs to publicly display copies of results protocols, partially addressing a prior OSCE/ODIHR recommendation. Nevertheless, in almost half of the polling stations observed during the count, the results protocol was not posted for public familiarization (see *Election Day*).

*Mechanisms providing for the uniform implementation of election-related legislation should be strengthened. Where appropriate, the CCER should adopt regulations, rather than non-binding guidelines, to clarify legal provisions. This should include rules for compiling voter lists, printing and distributing ballots, closing the polls and counting the votes, completing protocols at PEC and DEC levels, and tabulating the results at DEC levels and the CCER.*

---

<sup>11</sup> Members of 29 DEC members (267 members) informed the OSCE/ODIHR EOM of the following party affiliations: 43 per cent PDPT, 8.6 per cent CPT, some 6 per cent with other smaller parties and 5.6 per cent non-partisan. The remaining members interviewed declined to provide any information.

<sup>12</sup> An electoral precinct can have from 20 up to 3,000 registered voters.

<sup>13</sup> In the polling stations observed on election day, the share of women PEC members in urban areas was 49 per cent compared to 28 per cent in rural areas.

<sup>14</sup> The appointment of PEC members follows an informal agreement between the DEC and the local administration and local self-government bodies.

<sup>15</sup> Article 19.2(j) of the of the 2002 CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms (CIS Convention) states that “the States party to the Convention commit themselves ... to ensure establishment of independent, impartial electoral bodies...”. According to Article 11.4 of the CIS Convention the States “acknowledge the possibility of vesting the candidate, political party (coalition)... with the right to appoint [one commissioner with advisory vote] ... in accordance with the procedure stipulated by the law ... to lower electoral bodies”.

From 22 October to 5 November, PECs conducted early voting for voters who were away on election day.<sup>16</sup> Voters had to provide a written reason for early voting in a separate field on the special ballot used for early voting, which could potentially undermine the secrecy of the vote. The early voting ballot did not contain the names of candidates, requiring voters to write-in the name of the candidate of their choice.<sup>17</sup>

*Consideration could be given to using the regular ballot for early voting. This would require aligning the period for early voting with the printing of regular ballots.*

In a positive step, the CCER and DEC's undertook a nationwide training programme for PEC members. However, the trainings did not ensure standards were adhered to for important parts of election day procedures, including the management of voter lists, prevention of proxy voting, and counting of votes (see *Election Day*).

Prior to these elections, the CCER established its own website, thereby partially addressing a prior OSCE/ODIHR recommendation. However, the website is of limited practical use as the information is generally posted in the form of press releases rather than official decisions and no archive is maintained.<sup>18</sup>

*To enhance transparency, all CCER decisions and other essential election-related data could be posted on the CCER website in a timely manner.*

## VII. VOTER REGISTRATION

All citizens over 18 years of age have the right to vote, except those who have been declared incapacitated or are imprisoned by a court decision. Although voters who are in pre-trial detention facilities on election day have the right to vote, the blanket denial of voting rights to those imprisoned is at odds with OSCE commitments and other international standards for democratic elections.<sup>19</sup>

Voter registration is passive and is administered locally without a central voter register. Citizens are included in the voter lists according to their place of permanent or temporary residence. Each PEC compiles a list of voters, often handwritten, based on the data provided by local authorities. According to the CCER guidelines, the PECs may also involve representatives of the local community in compiling voter lists.

On 31 August, the CCER announced the approximate number of voters as 4,024,914. On 13 November, the CCER announced that 4,201,156 voters were included in voter lists as of the end

---

<sup>16</sup> Early voting was rarely used. Within the observation sample, 0.8 per cent of the ballots cast were early voting ballots. The CCER did not provide any data on use of early voting or alternative voting mechanisms in general.

<sup>17</sup> Although not binding for Tajikistan, as an example of good electoral practice in this sphere, see Section 3.2.1 of the 2002 Venice Commission Code of Good Practice in Electoral Matters which recommends that the “freedom of voters to express their wishes” requires voters to “be supplied with ballots bearing names of candidates”.

<sup>18</sup> The website of the CCER is available at [www.kmir.tj](http://www.kmir.tj).

<sup>19</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens”, while paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. See also paragraph 14 of the 1996 General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which states: “If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence”.

of voting, although no breakdown of the data at DEC or PEC level was provided. The total increase of 176,242 voters (4.4 per cent from the initial announcement) is substantial and reflects systematic problems in the voter registration process.

A large number of voters reside abroad, although estimates by OSCE/ODIHR EOM interlocutors of the total number vary widely. On 14 October, the CCER announced that there were some 700,000 voters abroad, mostly in the Russian Federation, and that some of them would return to Tajikistan for election day.<sup>20</sup> According to the final election results, 159,657 voters were registered to vote in polling stations abroad on election day. Several OSCE/ODIHR EOM interlocutors expressed concerns about the accuracy of the voter registration system, pointing to the lack of aggregated data above precinct level and that Tajikistani citizens residing abroad often do not register their status with the authorities.

The absence of a centralized voter register prevented any crosschecks for potential duplicate entries in the voter lists, both in the country and abroad. An inconsistent approach to the compilation of voter lists also undermined credibility of the voter lists and made it impossible to check whether the voters abroad were omitted from the voter lists (see *Election Day*).<sup>21</sup> The CCER informed the OSCE/ODIHR EOM that it was unable to address a prior OSCE/ODIHR recommendation to create a centralized voter register due to a lack of financial resources.

The law stipulates that voters should be included in only one voter list. PECs undertook concerted efforts to verify the accuracy of voter lists by conducting door-to-door checks, although the process of verification varied due to the absence of clear instructions.<sup>22</sup> The OSCE/ODIHR EOM observed that, at times, PECs excluded labour migrants, first time voters, and homebound voters from the main voter lists and compiled separate unofficial lists for those categories of voters.<sup>23</sup> The integrity of the voter lists might have also been affected by some contradictory provisions in the CCER guidelines for PECs, regarding acceptable voter identification and the process of compiling voter lists.<sup>24</sup>

*Efforts should be undertaken to enhance the accuracy and inclusiveness of voter registration with a view to safeguard the equality of voting rights. Procedures should be revised to clearly prescribe which identity documents are valid for inclusion in the voter list. Eligible voters should not be excluded from voter lists or marked separately without specific legal requirements.*

*A centralized voter register could be developed and regularly updated to allow cross-checks and limit shortcomings such as multiple entries.*

---

<sup>20</sup> The authorities of the Russian Federation reported that there were 1,018,951 citizens of Tajikistan above 18 years on its territory as of November 2013. See: [www.fms.gov.ru/about/statistics/data/details/54891/](http://www.fms.gov.ru/about/statistics/data/details/54891/).

<sup>21</sup> PECs in DECs 45, 48, 49, 50, 62, 65 included voters abroad in the main voter lists while PECs in DECs 20, 23, 35, 36, 51, 56, 58, 60 excluded them from the main voter lists and compiled separate unofficial lists for labour migrants.

<sup>22</sup> The OSCE/ODIHR EOM observed that most PECs in DECs 6, 9, 10, 11, 12, 13, 16, 53, and 55 requested identity documents for inclusion in the voter lists, but some PECs in DECs 18, 48, 56, and 62 relied on information provided orally by family members.

<sup>23</sup> In DECs 23, 35, 36, 51, 56, 58, 60, and 67.

<sup>24</sup> 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 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.

Voter lists were made available at PECs for public scrutiny 15 days prior to election day.<sup>25</sup> From this point until the end of election day, voters omitted from the main voter lists were added to supplementary voter lists by PECs on the basis of a passport or another identity document.<sup>26</sup> Voters whose place of residence changed within the 15 days prior to election day could request a Voting Right Certificate from the previous PEC and vote in their new place of residence. The number of voters reportedly did not change in some districts during the verification period, which raises doubts about the accuracy of the verification process undertaken by election commissions.<sup>27</sup> In other districts, there were large increases<sup>28</sup> or decreases<sup>29</sup> in the number of voters. In polling stations observed, some 3.4 per cent of the total number of voters at these polling stations was included in the supplementary voter lists at the time of observation. The PECs were not required to indicate the number of voters in the main and supplementary voter lists separately in the results protocols. No countrywide data on the number of voters included in the supplementary voter lists was made publicly available.

*In order to enhance the integrity of the voter lists, the authorities could provide public data on voter registration disaggregated by district and category of voter, including gender, as well as to provide a breakdown of the number of voters prior to the opening of the polls.*

## VIII. CANDIDATE REGISTRATION

Eligible voters, 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. Individuals with an “uncleared” criminal record and clergymen are not allowed to stand for election. The residency requirement can be considered excessive while the language proficiency requirement is unclear and potentially discriminatory. Such requirements impose unreasonable restrictions on the right to be elected and are contrary to OSCE commitments and other international standards.<sup>30</sup>

According to the law, registered political parties, the Federation of Independent Trade Unions, the Union of Youth of Tajikistan, and regional councils may nominate candidates. Seven parties nominated candidates: the APT, CPT, DPT, IRPT, PDPT,<sup>31</sup> PERT and SPT. The law does not

---

<sup>25</sup> PECs established in special polling stations in military units and hospitals compiled voter lists two days prior to election day, as stipulated in the law.

<sup>26</sup> See, for example, section 1.2.iv, paragraph 7 of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which recommends that “there should be an administrative procedure - subject to judicial control - or a judicial procedure, enabling electors not on the register to have their names included:[...] In any event polling stations should not be permitted to register voters on election day itself.”

<sup>27</sup> DEC 5, 31, 39, 43, 56, 59 reported that the number of voters by the end of election day remained the same as of 31 August.

<sup>28</sup> Forty-nine per cent in DEC 18; 16 per cent in DEC 8; 14 per cent in DEC 45; 13 per cent in DEC 54; 11 per cent in DEC 37; 10 per cent in DEC 55.

<sup>29</sup> Sixteen per cent in DEC 68; 15 per cent in DEC 15; 14 per cent in DEC 16 and 65; 12 per cent in DEC 10 and 33.

<sup>30</sup> See paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document (noted above) and paragraph 15 of the 1996 General Comment No. 25 to Article 25 of the ICCPR, which states that “people who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements”. According to Article 2.b of the 2002 CIS Convention: “The right of a citizen to elect and be elected... shall be given effect without any limitations of discriminatory nature on the basis of gender, language, religion or faith, political or other beliefs, national or social origin, belonging to a national minority or ethnic group, property or other similar status”.

<sup>31</sup> The incumbent President was nominated by the PDPT as well as by the Federation of Independent Trade Unions and the Union of Youth of Tajikistan.

permit self-nominated independent candidates, which is not in line with OSCE commitments and other international standards.<sup>32</sup>

*Undue restrictions on the right to be elected should be removed from the legal framework. Consideration should be given to lifting the residency requirement and the language requirement should be clarified through detailed and objective provisions. In addition, self-nominated candidates should have the right to stand for election.*

Presidential nominees are required to collect supporting signatures of at least five per cent of eligible voters to register as a candidate, a requirement that is unreasonably high.<sup>33</sup> On 31 August, the CCER announced that the number of registered voters was 4,024,914 and set the five per cent threshold of supporting signatures at 210,000.<sup>34</sup> Voters could sign in support of only one nominee,<sup>35</sup> and the nominating bodies had to use signature collection forms certified by the mayors of districts or cities.<sup>36</sup> The same officials then certified the protocols summarizing the results of the signature collection, although the purpose of this certification remained unclear.<sup>37</sup> The requirement of local authorities to certify the support signature forms effectively removed the right of labour migrants to sign in support of a potential candidate (see also *Complaints and Appeals*).<sup>38</sup> These procedural hurdles made the collection of signatures even more onerous.

*In line with good electoral practice, the number of supporting signatures could be reduced. The restriction that citizens may sign for only one candidate should be removed and voters residing abroad should be able to participate in the signature support process.*

The law establishes a 20-day period for candidate nomination and the collection of support signatures. On 2 October three political parties – CPT, DPT, and SPT – requested the CCER to extend the deadline for the collection of the signatures set for 7 October. They referred to the lack of time available for collecting the required signatures. OSCE/ODIHR EOM interlocutors also cited difficulties obtaining official signature forms and difficulties in collecting signatures in rural districts. Only three candidates managed to provide the required signatures before the deadline. The CCER granted the request and the deadline was extended until 10 October, 18:00.

---

<sup>32</sup> 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”. Article 10.3 of the 2002 CIS Convention states that “Candidates may be nominated by voters of the corresponding constituency and (or) through self-nomination.

<sup>33</sup> Paragraph 17 of the 1996 General Comment No. 25 to Article 25 of the ICCPR states that “if a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy”. See also Section 1.3(ii) of the 2002 Venice Commission Code of Good Practice in Electoral Matters which recommends that “the law should not require collection of the signatures of more than one per cent of voters in the constituency concerned”.

<sup>34</sup> Although five per cent of the total number of voters given by the CCER would be 201,246, no candidate legally contested the 210,000 signature threshold.

<sup>35</sup> Although not binding for Tajikistan, as an example of good practice in this field, paragraph 77 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party”.

<sup>36</sup> According to CCER Decision No. 39, the forms certified in one district could not be used in another.

<sup>37</sup> The PEL and CCER Decision No. 39 do not confer any authority on local officials to verify collected signatures.

<sup>38</sup> According to Article 2.c of the 2002 CIS Convention “Every citizen living or staying in the period of conducting of the national elections beyond the boundaries of their state has the voting rights equal to those pertaining to other citizens of their state. Diplomatic representations and consulate facilities of the state, and their officials support citizens in execution of their voting rights and freedoms”.

On 10 October, following the registration of six candidates,<sup>39</sup> the CCER announced that signatures could be submitted until the following morning. On 11 October, the IRPT nominee, Ms. Oynihol Bobonazarova, 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<sup>40</sup> and that some voters were reluctant to sign in support of their candidate due to fear of reprisals. The OSCE/ODIHR EOM received numerous credible allegations on the matter.

Over 1.3 million signatures were reportedly submitted to the CCER. The CCER reviewed the signatures in less than one week. The CCER did not provide clear rules and criteria for the verification of support signatures, which undermines the transparency and fairness of the candidate registration process.

*To enhance inclusiveness, procedures for collecting and verifying supporting signatures should be simplified and the timeframe for candidate nomination could be extended. Clear and objective criteria for the invalidation of signatures should be established. These rules should be made publicly available significantly in advance of the elections.*

## IX. THE ELECTION CAMPAIGN

The election campaign lacked competitiveness and genuine pluralism. The campaign was largely indiscernible, although it intensified in the last three days. Overall, the campaign appeared to generate limited interest despite efforts by the government to promote public awareness through billboards and media informing voters about the election and inviting them to cast their vote.

The official election campaign starts once a candidate is registered and ends 24 hours before the opening of the polls.<sup>41</sup> According to the PEL, the CCER and DEC's are required to ensure equal campaign conditions for all candidates and assist the candidates in organizing campaign events. The CCER approved a countrywide schedule of candidates' meetings with voters. The incumbent President did not participate in CCER-approved meetings, but was represented by his proxies. The OSCE/ODIHR EOM observed nine CCER-approved meetings of candidates or their proxies with voters, all of which were moderated by an election official. Candidates or their proxies introduced themselves and presented their programmes. While well-attended, the events were formalistic and there was very little debate between the candidates.<sup>42</sup> Overall, the audience at these meetings did not appear motivated. Youth were generally absent from the campaign, with the exception of some efforts by the PDPT in the last days. The OSCE/ODIHR EOM noted a few campaign meetings outside of the pre-defined format held by the CPT, DPT, PDPT and PERT.

---

<sup>39</sup> Boboev Olimjon (PERT), Bukhoriev Tolibek Akhmadovich (APT), Gaffarov Abduhalim (SPT), Ismonov Saidjafar Ismonovich (DPT), Talbakov Ismoil Ibraimovich (CPT), and Emomali Rahmon (PDPT). The order of candidates is given as they were listed on the official ballot.

<sup>40</sup> The OSCE/ODIHR EOM received several reports by IRPT representatives stating that they faced administrative obstacles. 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.

<sup>41</sup> For this election, the CCER issued a regulation providing for a campaign silence period on the day prior to the election, although this is not provided for in the PEL.

<sup>42</sup> Events in rural areas gathered up to 150 participants while in cities they drew an audience of up to 700 with significant numbers of state employees, such as teachers.

*Voter and civic education could be further enhanced with a view to encouraging women, young people and civil society to participate more actively in the election process. This could be undertaken by the authorities, political parties and civil society.*

At the end of October the CCER produced 5,000 standardized posters for each of the six candidates. Some 4,000 posters per candidate were displayed at the polling stations to inform voters about the candidates and their programmes while the remaining posters were distributed to candidates for their campaign. The CCER's efforts to ensure equal campaign conditions for all candidates were commendable. However, the predefined and standardized format of key campaign tools such as meetings with voters and campaign materials did not contribute to a vibrant and competitive campaign.

The campaign lacked substantive debate. Proxies of the incumbent President emphasized his past achievements in preserving peace and stability and promised further efforts to improve the wellbeing of the people. Other candidates raised issues related to agriculture, self-sufficiency in energy, health care, education and migration. Most candidates did not express views challenging those of the incumbent President or the government. The pluralism of the campaign would have been enhanced by the participation of candidates who presented views opposing the government.<sup>43</sup>

There was a substantial difference between the visibility of the incumbent President and the other five candidates. Billboards and posters portraying the incumbent President were widely displayed throughout the country while no street advertising of other candidates was observed.<sup>44</sup> The incumbent President carried out highly publicized visits throughout the country, where he attended various ceremonies, met with local political, cultural and economic representatives, inaugurated educational, sport, industrial and housing facilities, and distributed gifts. Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties".<sup>45</sup> The authorities did not provide safeguards against the misuse of administrative resources, and the distinction between the state and ruling political party was often blurred.<sup>46</sup>

*The authorities should develop and implement safeguards to ensure a clear separation between the State and party, so as to prevent candidates from using the advantage of their office for electoral purposes. Local authorities should limit their role to providing practical assistance to candidates and political parties in organising their campaign events.*

## **X. CAMPAIGN FINANCE**

The PEL guarantees equal public campaign financing for all candidates, but does not address issues relevant for transparent and accountable campaign finance, such as timely reporting on campaign funds and expenditures or oversight of campaign finance. Prior to the election, the

---

<sup>43</sup> Several interlocutors stated to the OSCE/ODIHR EOM that had Ms. Bobonazarova been registered, the campaign would have been more dynamic, the public and the media more engaged, and that key issues such as constitutional reform would have been brought to the foreground.

<sup>44</sup> The OSCE/ODIHR EOM observed the removal of such posters on the day before the election, in compliance with the law.

<sup>45</sup> The Article 3.6 of the 2002 CIS Convention, states that candidates are not entitled to use an advantage of their office or post for the purposes of their election.

<sup>46</sup> For example, in several provinces the OSCE/ODIHR EOM observed the local administration campaigning on behalf of the incumbent. In addition some students and teachers informed OSCE/ODIHR observers that they were obliged to attend PDPT campaign events.

CCER introduced regulations requiring candidates to provide a financial report on the public funds received from the CCER. However, the reports were not required to be made public nor were the CCER obliged to audit the reports. The lack of information available for public scrutiny and the absence of audits limited the transparency and accountability of campaign finance.<sup>47</sup>

*To enhance the transparency of campaign finance, consideration could be given to requiring all candidates and nominating bodies to publicly disclose all campaign contributions and expenditures in a timely manner. In accordance with good practice, consideration could be given to introducing preliminary financial reports before election day to inform voters of the financing of campaigns prior to casting their vote.*

*An independent professional body could be granted the authority and resources to audit campaign finance reports on the basis of fair and objective criteria.*

Each candidate was entitled to receive TJS 25,000 of public funds from the CCER.<sup>48</sup> Nominating bodies were additionally entitled to spend up to TJS 200,000 each for their candidate's campaign. Application of this provision to state-funded nominating bodies creates a potential for unequal distribution of public funds for candidates. It is also unclear whether multiple bodies that nominated the same candidate were each entitled to spend this amount.<sup>49</sup> Such uncertainty is at odds with paragraph 7.7 the 1990 OSCE Copenhagen Document.<sup>50</sup>

*The law should be amended so that provisions for public campaign funding do not give disproportionate and undue advantage to contestants.*

## **XI. THE MEDIA**

### **A. LEGAL FRAMEWORK**

Article 30 of the Constitution provides for freedom of expression and information, and prohibits state censorship as well as prosecution for criticism. In a positive step, the Criminal Code was amended in 2012 to partially decriminalize defamation. However, criminal penalties for insulting the president or other officials remain in place. The recent 2013 Law on Periodical Print and Other Mass Media could strengthen the rights of journalists and facilitate their better access to information, provided it is implemented in line with the intent of the law.<sup>51</sup>

---

<sup>47</sup> Although not binding for Tajikistan, as an example of good practice in this field, Paragraph 200 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections". In addition, as a good practice, Article 7.3 of the 2003 UN Convention against Corruption calls on states to "consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office".

<sup>48</sup> As of time of writing the report EUR 1 was approximately TJS (Tajik Somoni) 6.5.

<sup>49</sup> Representatives of the Federation of Independent Trade Unions and the Union of Youth of Tajikistan, which co-nominated the incumbent President, explained that they would not spend any funds on the campaign.

<sup>50</sup> Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires participating States to "ensure that law and public policy to permit political campaigning to be conducted in a fair and free atmosphere". Section 3.1.a (iv) of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that the state authorities must observe their duty of neutrality, in particular when funding parties and candidates.

<sup>51</sup> The OSCE Representative on Freedom of the Media, while noting a number of positive changes in the law, emphasized the need for lawmakers and executive bodies to develop concrete steps to make practical the new legal provisions. See: <http://www.osce.org/fom/100853>.



*In order to foster a free campaign environment, remaining undue restrictions on freedom of expression should be removed from the legal framework.*

The legal framework governing the campaign in the media is rudimentary.<sup>52</sup> The PEL provides contestants with the right to participate on an equal basis in the pre-election campaign, including in the state media. It grants the CCER responsibility for creating equal campaign conditions.<sup>53</sup> On this basis, the CCER passed a decision allocating 30 minutes of free airtime on one state broadcast media to each candidate. Proxies of each candidate were entitled to an extra 20 minutes of free airtime. Candidates were also equally allocated ten A4 pages of printed space in the state newspapers.

The state media gave all six candidates (or their proxies) an equal share of free airtime for the presentation of their campaign platforms. The three nationwide state television channels (*Shabakai 1*, *TV Safina* and *TV Johonnamo*) each provided the candidates with some 30 minutes of free airtime, a total of 90 minutes of combined airtime per candidate (three times more than stipulated in the original CCER decision). Representatives of the State Committee for Television and Radio (SCTR) explained to the OSCE/ODIHR EOM that the additional free airtime candidates received was to compensate for time allocated but not used by candidates' proxies. This initiative effectively by-passed the CCER decision.

## **B. THE MEDIA ENVIRONMENT**

The nationwide state broadcast media are the most accessible and dominant source of information in the country. Among four national televisions, *Shabakai 1* is the main channel for political information. In total, there are some 30 private broadcast media registered in the country; private television channels and the majority of radio stations only operate at the regional level. A few radio stations, such as *Asia Plus* and *Imruz*, are progressively increasing their coverage outside of the capital. However, they presently focus on entertainment.

The SCTR is established by the Law on Television and Broadcasting to regulate the broadcast media. This state body is central in directing the activities of the state broadcast media, which echo the government's position without providing analysis or criticism and which, in general, does not provide access to views of opposition parties.<sup>54</sup>

*To facilitate access of the public to a variety of views, the state could consider establishing a public broadcast service provided with sufficient financial and editorial freedom from the government.*

There are approximately 400 registered print media outlets, but their overall circulation is very limited.<sup>55</sup> While the number of internet users is still relatively low and confined to urban areas,<sup>56</sup> the role of web-based news sources and social media as platforms for exchange of views is increasingly important. However, access to social media networks and websites offering news is

---

<sup>52</sup> Legislation governing the activities of the media includes the Constitution, the PEL, the Law on Television and Broadcasting, the Law on Periodical Print and Other Mass Media.

<sup>53</sup> In addition, the Law on Television and Broadcasting also grants the CCER a pivotal role in defining conditions for the use of television and radio broadcasting during the election campaign.

<sup>54</sup> For instance, in the period preceding candidate registration, the state television channels aired programmes depicting IRPT in a negative light, without granting the party time to react. The IRPT filed a complaint to a Dushanbe district court requesting the state media to apologize. See *Complaints and Appeals*.

<sup>55</sup> *Asia Plus*, one of the most popular newspapers, is issued twice per week, with approximately 13,000 copies. *Imruz News*, the only daily newspaper in Tajikistan, has a circulation of some 3,000 copies.

<sup>56</sup> Estimated at 13 per cent of the population in 2012. See: <http://www.internetworldstats.com/stats3.htm>.

occasionally blocked.<sup>57</sup> In the two-day period prior to the election and on election day itself, the website of a private newspaper *Ozodagon* was inaccessible through internet providers within the country. Most voters cannot regularly access diverse information through the internet and print media either due to the relatively high cost or to the limited availability outside of major urban areas.

Numerous media interlocutors affirmed to the OSCE/ODIHR EOM that self-censorship is a common journalistic practice due to fear of administrative sanctions and lawsuits. Several court cases, not related with the election, against journalists from private media outlets were ongoing while the OSCE/ODIHR EOM was present in the country.

*State bodies should refrain from interfering in the activities of the media. Media outlets should be able to operate free from any intimidation or pressure, both between elections and during election periods.*



### C. COVERAGE OF THE ELECTION CAMPAIGN

According to the OSCE/ODIHR EOM media monitoring results,<sup>58</sup> the state-owned media *TV Shabakai 1*, *TV Safina*, and *TV Johonnamo* allocated an equitable share of airtime to candidates in their news coverage of the CCER-scheduled candidate meetings. Two days prior to election day, the state media televised a pre-recorded discussion programme with five candidates and a proxy of the incumbent President. The coverage of the contestants in these programmes, while aiming for strict equality, was formalistic and lacked any exchange of views between the contestants.

*To offer the voters an opportunity to compare and contrast candidates and their platforms, genuine debates among contestants could be encouraged in the pre-election period.*

The activities of the incumbent President, in particular his visits to the regions, were portrayed by the state-owned broadcast media in an extensive, positive and often festive manner, thus providing him with more media coverage than all of the other candidates combined. News programmes on *TV Shabakai 1* from the start of the campaign period dedicated 90 per cent of their time (over 15 hours) to the incumbent President, predominantly in his capacity as president; the remaining 10 per cent was equitably distributed among the 5 other candidates (some 20 minutes per candidate).<sup>59</sup>

Other state media, both broadcast and print covered the campaign in a similar manner. In news casts of state-owned *Radio Tojikiston*, the incumbent received 97 per cent of the coverage, some eight and half hours of airtime. Although the state media are legally obliged to air official messages of the president and other state institutions, the extent of this coverage and the lack of

---

<sup>57</sup> OSCE Representative on Freedom of the Media expressed concern over the blocking of news, social media and other Internet resources in the country. See, for example, <http://www.osce.org/fom/92368>; <http://www.osce.org/fom/92477>.

<sup>58</sup> The OSCE/ODIHR EOM commenced quantitative and qualitative media monitoring of three nationwide television channels, three radio stations and ten newspapers on 8 October. The media which were monitored include state-owned television channels: *TV Johonnamo*, *TV Safina*, and *TV Shabakai 1*; radio stations: *Radio Tojikiston* (state-owned), *Radio Imruz*, and *Radio Khovar* (private); newspapers: *Jumhuriyat*, *Narodnaya Gazeta*, *Sadoi Mardum* (state-owned), *Asia Plus*, *Farazh*, *Imruz News*, *Millat*, *Nigoh*, *Ozodagon*, and *Tojikiston* (private). In addition, selected newscasts of radio *Ozodi* (available through the Internet) and radio *Sadoi Khudzand* were also monitored during the three weeks preceding election day.

<sup>59</sup> The incumbent President did not present himself directly as a candidate in any of the media programmes allocated to the contestants and was always represented by his proxy.

a critical editorial approach demonstrated a clear bias in favour of the incumbent President.<sup>60</sup> This challenged the level playing field of the candidates and gave the incumbent President a significant advantage, at odds with OSCE commitments.<sup>61</sup>

*The state media should make greater efforts in its news and public affairs programs to provide impartial and balanced information on political parties and candidates. Coverage of the incumbent should be regulated in light of the principle of equality to secure a level playing field for the contestants.*

While also allocating a dominant share of coverage to the incumbent President, most private media portrayed him in an overall balanced manner, presenting a variety of information including some critical ones. This was the case for radio *Ozodi*, as well as newspapers *Asia Plus*, *Farazh*, *Nigoh* and *Ozodagon*. Campaign coverage by the private media was, however, overall limited and reflected the formalistic nature of the campaign.

The bias of the state media and general lack of diverse views available to the voters brought into question the overall diversity of views accessible to the voters to make an informed choice in contradiction with OSCE commitments.<sup>62</sup>

## **XII. PARTICIPATION OF NATIONAL MINORITIES**

The main ethnic group in the country are Tajiks, accounting for 84.2 per cent of the population. Other groups include Uzbeks (12.2 per cent), Kyrgyz (0.8 per cent) and Russians (0.5 per cent). Smaller ethnic groups make up the remaining 2.3 per cent of the population.<sup>63</sup>

There are two representatives of national minorities among the CCER members. Ethnic composition of PECs and DECes generally corresponds to the ethnic composition of the total population in respective districts. However, in some areas with a large ethnic Uzbek population, members of this national minority were under-represented in the election administration.<sup>64</sup>

*Sufficient representation of national minorities in the election administration should be ensured, especially in areas with large national minority populations.*

With few exceptions voter education materials and broadcasts were produced in the Tajik language.<sup>65</sup> While the lack of voter information materials in national minority languages did not

---

<sup>60</sup> Article 13.1 of the CIS Convention states that: the parties [to the Convention] ensure freedoms to seek, collect, impart information about elections, candidates, and impartial informational coverage of elections in mass media.

<sup>61</sup> Paragraph 7.6 of the 1990 OSCE Copenhagen Document requires participating States to "...provide ... political parties ... with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities".

<sup>62</sup> Paragraph 7.8 of the 1990 OSCE Copenhagen Document requires participating States to "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process".

<sup>63</sup> These figures are based on the state population census of 2010, available at: [http://www.stat.tj/en/img/526b8592e834fcaaccec26a22965ea2b\\_1355502192.pdf](http://www.stat.tj/en/img/526b8592e834fcaaccec26a22965ea2b_1355502192.pdf).

<sup>64</sup> Paragraph 35 of the 1990 OSCE Copenhagen Document provides that "participating States will respect the right of persons belonging to national minorities to effective participation in public affairs".

<sup>65</sup> OSCE Office in Tajikistan published 5,000 information posters in Russian language on election day procedures; the CCER published guidelines on participation of international and national observers and media in Russian and English languages.

cause serious discontent in these communities, the practice does not fully correspond to international standards and OSCE commitments.<sup>66</sup>

In areas with significant minority populations, ballots were printed in minority languages.<sup>67</sup> No specific cases of discrimination on ethnic grounds related to the election process were observed or reported.

*Consideration could be given to providing voter information and election materials in minority languages, especially in the areas inhabited by large minority populations. This would enhance the understanding of the electoral process for all communities.*

### XIII. CITIZEN AND INTERNATIONAL OBSERVERS

While the PEL allows for observation of the election process by bodies that have nominated candidates as well as representatives of the media it does not provide for non-partisan citizen observation, which is not fully in line with paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>68</sup> The CCER announced that DECAs accredited 5,770 observers from all six contesting political parties, the Federation of Independent Trade Unions, and the Association of Youth of Tajikistan. In addition, DECAs registered 460 representatives of local media and the CCER accredited 115 representatives of foreign media outlets to cover the election process.

*In order to increase the transparency of the election process, the law should be amended to provide for non-partisan citizen observation.*

International observers are provided for in law and accredited by the CCER. Although the PEL conditions the presence of international observers with a phrase “if necessary”, the CCER accredited 502 observers from 6 international organizations and 6 diplomatic representations in Tajikistan in an inclusive manner.<sup>69</sup>

The CCER issued instruction that provided details on participation of national and international observers in January 2013, prescribing different rights for national and international observers. For example, national observers had the right to receive information on voter lists while international observers did not. On the other hand, international observers had the right to observe the tabulation process, while national observers did not. The election commissions in most cases extended co-operation to OSCE/ODIHR observers, but a meaningful observation of the count and tabulation was at times limited on election day.<sup>70</sup>

---

<sup>66</sup> Paragraph 12 of the 1996 General Comment No. 25 to Article 25 of the ICCPR states that “information and materials about voting should be available in minority languages”. Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that “people belonging to national minorities have the right [...] to disseminate, have access to and exchange information in their mother tongue”.

<sup>67</sup> 500,000 ballots were printed in the Uzbek language, 20,000 in Kyrgyz, and 5,000 in Russian.

<sup>68</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States “consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

<sup>69</sup> The OSCE/ODIHR – 182 observers, Commonwealth of Independent States (CIS) – 159, the OSCE PA – 48, Inter-Parliamentary Assembly of the CIS – 35, EP – 9, Shanghai Co-operation Organization – 9, USA – 33, China – 8, UK – 8, Japan – 8, Armenia – 2, France – 1.

<sup>70</sup> In 19 cases (24.1 per cent of observed polling stations during the count) observers were restricted in their observation, for example by being kept up to seven meters away from the counting tables at some PECs of DECAs 2, 3, 4, 5, 6, 44. observers were obstructed during observation of the tabulation at DECAs 4, 10, 11, 56.

*The CCER instructions should explicitly provide for the right of observers to fully observe all stages of the election process.*

#### **XIV. COMPLAINTS AND APPEALS**

Electoral disputes largely fall under the dual jurisdiction of election commissions and courts. The OSCE/ODIHR in its assessment of the PEL previously noted the potential for inconsistent decisions when jurisdictions of election commissions and courts overlap. Complaints and appeals should be submitted within 10 days of a decision and the adjudication period is three days. If a complaint is filed less than six days before election day, it should be considered immediately. Election commissions may hear complaints about voter registration as well as against decisions, actions and inactions of lower-level election commissions. Courts may hear complaints about violations of electoral rights and appeals on decisions of election commissions. Only candidates may contest election results.<sup>71</sup> The lack of a possibility for other stakeholders to appeal the election results is at odds with good electoral practice.<sup>72</sup> The PEL does not provide the possibility to recount votes. In addition to the PEL, the CCER issued an instruction for election commissions on handling complaints.

*The legal framework should be amended to eliminate overlapping jurisdictions of courts and election commissions. The possibility of a recount of votes should be introduced as an additional judicial remedy. An effective mechanism for challenging election results should be granted to all electoral contestants, as well as individual citizens, on the grounds of irregularities in the voting procedures.*

The election dispute resolution system remained largely untested due to the limited number of formal complaints. According to the CCER, it received and addressed via telephone over 20 complaints from the IRPT regarding obstacles they faced during the signature collection process. The IRPT submitted written petitions to DEC and the CCER and received written replies.<sup>73</sup> The CCER registered complaints separately from other communications, but the criteria for this distinction were unclear, and decisions on election-related issues were made without public hearings.

*The procedures for handling different types of communications by the CCER and lower-level election commissions should be clarified. Decisions on any written communications that affect electoral rights of voters and candidates should be issued only after a hearing involving both parties.*

Judicial remedies for violations of electoral rights are generally provided by law. However, complaints about violations of electoral rights under Article 260 of the Civil Procedure Code can be filed only within a period of 40 days preceding election day, leaving this remedy unavailable during the first 10 days of the signature collection period and on election day itself.

---

<sup>71</sup> Candidates may question election results in particular constituencies or nationwide at the CCER, which may declare results invalid.

<sup>72</sup> Section 3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that all candidates and voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections.

<sup>73</sup> Petitions submitted to several DECs including DEC 26 (Khudzand), DEC 27 (Isfara) and to the CCER, requesting inclusion of IRPT members in election commissions, were turned down. One petition to the CCER requested clarification on the procedure for the collection of voter support signatures abroad. The CCER replied that there is no legal basis for voter signature collection abroad.

*Article 260 of the Civil Procedure Code should be amended to exclude time limitations for complaints under this article.*

Several OSCE/ODIHR EOM interlocutors expressed lack of confidence in the effectiveness of the system. The IRPT filed two applications with the Constitutional Court. The first one challenged the conduct of state officials who allegedly obstructed party activities, which was dismissed due to lack of jurisdiction.<sup>74</sup> The second application challenged the PEL provision requiring 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. This application was dismissed on procedural grounds without a hearing on the merits of the case.<sup>75</sup> The IRPT complaint to a district court of Dushanbe against the SCTR and state-owned television channels was also dismissed on procedural grounds.<sup>76</sup>

## **XV. ELECTION DAY**

Election day took place peacefully. At 10:00 a.m. on 7 November, the CCER announced preliminary voter turnout of 86.6 per cent. On 13 November, final turnout was announced as 90.1 per cent.

Candidate representatives were present in 62 per cent of the polling stations observed, representing mainly the PDPT (47 per cent of observations), the CTP (17 per cent), the Federation of the Independent Trade Unions (10 per cent) and the Youth Union (10 per cent).

Although the PEL does not specifically prohibit the presence of people other than PEC members inside the polling station at the time of the opening, voting and counting, in 8.1 per cent of observations people other than PEC members were directing or interfering in the work of the commission, including local authority officials (2.8 per cent of observations), police officers (2 per cent), party representatives (1.1 per cent), and ‘other people’ mainly assistants to the PECs (4 per cent).<sup>77</sup> The involvement of local officials, police and army personnel as well as of various assistants in election day procedures calls into question the independence and impartiality of PECs.

### **A. OPENING AND VOTING**

Opening procedures were assessed negatively in 8 out of 82 polling stations visited. Procedural problems noted at the opening subsequently recurred throughout election day, which may have been partly due to unclear regulations. In 10 per cent of observations, the security of the ballot boxes was negatively assessed due to the missing wax seal as prescribed for in the CCER

---

<sup>74</sup> The Constitutional Court ruling of 4 October justifiably explained that the Court did not have the authority to review actions of officials as this was within the competence of regular courts.

<sup>75</sup> The Court ruled on 17 October that there was “no inconsistency” between the Constitution and the relevant provision of the PEL.

<sup>76</sup> The IRPT filed a lawsuit on 19 September against the SCTR and the state television channels asking defendants to discontinue a negative broadcasting campaign against the IRPT and apologize. The court declined jurisdiction on 18 October, stating that the claim falls under the jurisdiction of the Dushanbe Commercial Court.

<sup>77</sup> Articles 35 and 53 of the CCER guidelines for PECs allow for the involvement of assistants in the compilation of the voter lists and the distribution of invitations to the voters respectively. Involvement of people other than the PEC members in election day procedures was reported among others from: DEC 4, 5, 18, and 21.

guidelines for PECs.<sup>78</sup> In 20 per cent of observations, ballots were not securely stored prior to the opening of polling stations. In 11 per cent of observations, official voter information posters of the candidates were not posted.<sup>79</sup>

Observers assessed the voting negatively in 14 per cent of the polling stations visited, which is significant and indicates systematic irregularities. Of serious concern was the lack of implementation of procedures designed to safeguard against multiple voting: proxy voting was observed in 21 per cent of polling stations visited; voting without an identification document was observed in 34 per cent of the stations; a series of seemingly identical signatures on voter lists were observed in 40 per cent of observations; and indications of ballot box stuffing were noted in 9 per cent of observations. Group (or family) voting was observed in 15 per cent of polling stations, often negatively affecting women.<sup>80</sup> Attempts to influence voters' choice were observed rarely, under one per cent. Ballot boxes were not sealed properly in 23 per cent of polling stations observed. All irregularities were noted at a similar rate across the country, with the exception of voting without an identification document that was observed much more often in rural (41 per cent) rather than urban (21 per cent) areas.

*Concerted efforts by the authorities, political parties, civil society and other electoral stakeholders are needed to address the widespread and persistent practices of multiple and proxy voting. Serious violations of election day procedures should immediately be investigated as these practices undermine the integrity of the electoral process. Perpetrators, including election commission members who participate or tolerate such practices, should be prosecuted.*

In six per cent of polling stations observed, not all phases were visible to observers, thereby reducing the transparency of the process. Some 41 per cent of polling stations observed were reported as not being readily accessible for people with disabilities.

## **B. COUNTING**

The counting process was assessed negatively in 45 per cent of observations. Overall, the evaluations indicated serious problems in the uniform application of procedures.

Several polling stations closed early, contrary to the PEL.<sup>81</sup> Only half of the PECs observed followed the closing procedures prescribed. In many instances, essential procedural safeguards were not followed and meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed. This included commissions not counting the signatures on the voter lists (37 observations), not cancelling unused ballots (in 35 polling stations observed), not counting the unused ballots (in 20 observations), not correctly counting the ballots against a candidate (20 observations), and not showing the ballot box to be securely sealed before opening (10 observations). In 18 counts observed, observers saw indications of ballot box stuffing. In 17 counts, observers negatively assessed PECs'

---

<sup>78</sup> In addition, several reports noted that the boxes often were not solid or strong enough and needed replacement.

<sup>79</sup> As campaigning on election day is prohibited, PECs were instructed to remove posters about candidates from the voting premises, thus leaving the voters without information on contestants at the polling stations.

<sup>80</sup> The UN Committee on the Elimination of Discrimination against Women has urged Tajikistan "to establish legal safeguards that would prevent the practice of family voting and to continue to conduct educational campaign seeking to explain that voting for others is not acceptable and could invalidate the results of the election". See: [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW.C.TJK.CO.3.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CEDAW.C.TJK.CO.3.En?Opendocument).

<sup>81</sup> Special polling stations are allowed to close when all voters on the voter list have voted. Some 13 cases of early closures observed refer to regular polling stations, for example a polling station in DEC 10, 11, 16.

understanding of closing procedures, and their performance was assessed negatively in 19 cases. Ballots were not determined in a reasonable and consistent manner in seven counts observed.

*The procedure for closing the polls and counting ballots should be regulated in more detail and training sessions for PEC members on the count could be developed. A detailed, 'step by step' approach to the count would significantly contribute to the application of uniform, transparent and reliable procedures.*

The PEC results protocol allows only for basic information and marginal reconciliation to be recorded. In 25 observed counts, PECs had difficulties completing the results protocol, while in 17 cases the protocol was not completed in ink as required by the CCER regulations. A pre-signed copy of the protocol was observed in 18 cases.

*Consideration could be given to reviewing the format of PEC results protocol with a view to increasing the amount of data recorded as well as providing for effective checks of the recorded results of the vote. The results protocol should include, among other things, separate sections reflecting changes in the voter list, detailed data on early and mobile voting, and on cancelled and invalid ballots.*

Transparency of the process was assessed negatively in 25 cases and observers reported that in 13 polling stations observed that they did not have a clear view of counting procedures. In 35 of the polling stations observed, PECs did not post the results protocol for public familiarization as required by the CCER.

### **C. TABULATION AND ANNOUNCEMENT OF RESULTS**

The tabulation process was observed in 62 of 68 DEC<sup>82</sup>. There are no detailed procedures covering the delivery of election materials and processing of the PEC results protocol at the DEC. Observers reported that in 36 cases PEC protocols were corrected at the DEC, of which 25 were entirely completed at the DEC premises. The overall process was assessed negatively in ten DEC<sup>s</sup>. Observation was not possible or restricted in six cases.

*To ensure full confidence in the integrity of the results, detailed procedures for processing of the PEC and DEC results protocols should be established. The tabulation process should be conducted in an open manner that provides for meaningful observation of the process.*

On 13 November, within the ten-day deadline, the CCER published the official final results on its website, in the parliamentary newspaper, and on national television channels. The CCER did not publish election results disaggregated by district and polling station, which undermined the transparency of the results and limited the possibility for electoral stakeholders to submit complaints should electoral rights have been infringed. SDPT announced that it would challenge the election results, stating that the real voter turnout was far below the required 50 per cent.

*To enhance transparency and confidence in the election results, preliminary and final results should be published disaggregated by polling station and district. Results should include the total number of voters and turnout at each polling station, as well as the numbers of valid and invalid votes, votes cast for each candidate, and the number of spoiled ballot papers.*

---

<sup>82</sup> A number of observation reports on voting, counting and tabulation was delivered and processed on 7 November after the Statement of Preliminary Findings and Conclusions was released.



## **XVI. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Tajikistan and to support efforts to bring them fully in line with OSCE commitments and other international standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Tajikistan to further improve the electoral process and to address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework should be comprehensively reviewed to address past and present OSCE/ODIHR recommendations and bring it closer in line with OSCE commitments and other international standards for democratic elections. Consideration could be given to consolidate all electoral legislation into one code. Reforms should be enacted in an inclusive and transparent process, sufficiently in advance of the next elections.
2. Clear criteria for the nomination and appointment of election commissions should be established. The law should ensure that election commissions are truly independent from the government and are sufficiently inclusive and pluralistic to ensure broad confidence in their work. Consideration could be given to introducing mechanisms that would ensure greater participation of women within the election administration, including in decision-making roles.
3. Efforts should be undertaken to enhance the accuracy and inclusiveness of voter registration with a view to safeguard the equality of voting rights. Procedures should be revised to clearly prescribe which identity documents are valid for inclusion in the voter list. Eligible voters should not be excluded from voter lists or marked separately without specific legal requirements.
4. Undue restrictions on the right to be elected should be removed from the legal framework. Consideration should be given to lifting the residency requirement and the language requirement should be clarified through detailed and objective provisions. In addition, self-nominated candidates should have the right to stand for election.
5. In order to foster a free campaign environment, remaining undue restrictions on freedom of expression should be removed from the legal framework.
6. The state media should make greater efforts in its news and public affairs programs to provide impartial and balanced information on political parties and candidates. Coverage of the incumbent should be regulated in light of the principle of equality to secure a level playing field for the contestants.
7. In order to increase the transparency of the election process, the law should be amended to provide for non-partisan citizen observation.
8. Concerted efforts by the authorities, political parties, civil society and other electoral stakeholders are needed to address the widespread and persistent practices of multiple and proxy voting. Serious violations of election day procedures should immediately be

investigated as these practices undermine the integrity of the electoral process. Perpetrators, including election commission members who participate or tolerate such practices, should be prosecuted.

9. To enhance transparency and confidence in the election results, preliminary and final results should be published disaggregated by polling station and district. Results should include the total number of voters and turnout at each polling station, as well as the numbers of valid and invalid votes, votes cast for each candidate, and the number of spoiled ballot papers.

## **B. OTHER RECOMMENDATIONS**

### **LEGAL FRAMEWORK**

10. Consideration could be given to removing the turnout requirement for elections to be deemed valid. This would avoid the potential for failed elections because of an insufficient turnout and prevent incentives for electoral malpractice.

### **ELECTION ADMINISTRATION**

11. Mechanisms providing for the uniform implementation of election-related legislation should be strengthened. Where appropriate, the CCER should adopt regulations, rather than non-binding guidelines, to clarify legal provisions. This should include rules for compiling voter lists, printing and distributing ballots, closing the polls and counting the votes, completing protocols at PEC and DEC levels, and tabulating the results at DEC's and the CCER.
12. Consideration could be given to using the regular ballot for early voting. This would require aligning the period for early voting with the printing of regular ballots.
13. To enhance transparency, all CCER decisions and other essential election-related data could be posted on the CCER website in a timely manner.

### **VOTER REGISTRATION**

14. A centralized voter register could be developed and regularly updated to allow cross-checks and limit shortcomings such as multiple entries.
15. In order to enhance the integrity of the voter lists, the authorities could provide public data on voter registration disaggregated by district and category of voter, including gender, as well as to provide a breakdown of the number of voters prior to the opening of the polls.

### **CANDIDATE REGISTRATION**

16. To enhance inclusiveness, procedures for collecting and verifying supporting signatures should be simplified and the timeframe for candidate nomination could be extended. Clear and objective criteria for the invalidation of signatures should be established. These rules should be made publicly available significantly in advance of the elections.

17. In line with good electoral practice, the number of supporting signatures could be reduced. The restriction that citizens may sign for only one candidate should be removed and voters residing abroad should be able to participate in the signature support process.

#### **CAMPAIGN AND CAMPAIGN FINANCE**

18. The authorities should develop and implement safeguards to ensure a clear separation between the State and party, so as to prevent candidates from using the advantage of their office for electoral purposes. Local authorities should limit their role to providing practical assistance to candidates and political parties in organising their campaign events.
19. Voter and civic education could be further enhanced with a view to encouraging women, young people and civil society to participate more actively in the election process. This could be undertaken by the authorities, political parties and civil society.
20. To enhance the transparency of campaign finance, consideration could be given to requiring all candidates and nominating bodies to publicly disclose all campaign contributions and expenditures in a timely manner. In accordance with good practice, consideration could be given to introducing preliminary financial reports before election day to inform voters of the financing of campaigns prior to casting their vote.
21. The law should be amended so that provisions for public campaign funding do not give disproportionate and undue advantage to contestants.
22. An independent professional body could be granted the authority and resources to audit campaign finance reports on the basis of fair and objective criteria.

#### **MEDIA**

23. To facilitate access of the public to a variety of views, the state could consider establishing a public broadcast service provided with sufficient financial and editorial freedom from the government.
24. State bodies should refrain from interfering in the activities of the media. Media outlets should be able to operate free from any intimidation or pressure, both between elections and during election periods.
25. To offer the voters an opportunity to compare and contrast candidates and their platforms, genuine debates among contestants could be encouraged in the pre-election period.

#### **PARTICIPATION OF MINORITIES**

26. Sufficient representation of national minorities in the election administration should be ensured, especially in areas with large national minority populations.
27. Consideration could be given to providing voter information and election materials in minority languages, especially in the areas inhabited by large minority populations. This would enhance the understanding of the electoral process for all communities.

## **CITIZEN AND INTERNATIONAL OBSERVERS**

28. The CCER instructions should explicitly provide for the right of observers to fully observe all stages of the election process.

## **COMPLAINTS AND APPEALS**

29. The legal framework should be amended to eliminate overlapping jurisdictions of courts and election commissions. The possibility of a recount of votes should be introduced as an additional judicial remedy. An effective mechanism for challenging election results should be granted to all electoral contestants, as well as individual citizens, on the grounds of irregularities in the voting procedures.
30. The procedures for handling different types of communications by the CCER and lower-level election commissions should be clarified. Decisions on any written communications that affect electoral rights of voters and candidates should be issued only after a hearing involving both parties.
31. Article 260 of the Civil Procedure Code should be amended to exclude time limitations for complaints under this article.

## **ELECTION DAY**

32. The procedure for closing the polls and counting ballots should be regulated in more detail and training sessions for PEC members on the count could be developed. A detailed, 'step by step' approach to the count would significantly contribute to the application of uniform, transparent and reliable procedures.
33. Consideration could be given to reviewing the format of PEC results protocol with a view to increasing the amount of data recorded as well as providing for effective checks of the recorded results of the vote. The results protocol should include, among other things, separate sections reflecting changes in the voter list, detailed data on early and mobile voting, and on cancelled and invalid ballots.
34. To ensure full confidence in the integrity of the results, detailed procedures for processing of the PEC and DEC results protocols should be established. The tabulation process should be conducted in an open manner that provides for meaningful observation of the process.

## ANNEX: FINAL RESULTS

The CCER announced the following official final results:<sup>83</sup>

- Number of registered voters – 4,201,156 (159,657 abroad)
- Number of votes cast – 3,787,703 (147,647 abroad); 90.1 per cent turnout
- Number of invalid votes – 39,403 (1 per cent)

<b>Candidates<sup>84</sup></b>	<b>Number of Votes</b>	<b>Percentage</b>
Boboev Olimjon	143,231	3.82%
Bukhoriev Tolibek Akhmadovich	168,313	4.49%
Gaffarov Abduhalim	55,516	1.48%
Ismonov Saidjafar Ismonovich	39,334	1.05%
Talbakov Ismoil Ibraimovich	184,653	4.93%
Emomali Rahmon	3,157,253	84.23%

---

<sup>83</sup> Source: <http://tj.kmir.tj/>.

<sup>84</sup> The order of candidates in the table is given as they were listed on the official ballot.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is 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 Summit Document). This is referred to as the OSCE human dimension.

The OSCE/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 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/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 OSCE/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.

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/odihr](http://www.osce.org/odihr)).