



Office for Democratic Institutions and Human Rights

REPUBLIC OF TAJIKISTAN

PRESIDENTIAL ELECTION

6 November 2006

OSCE/ODIHR Election Observation Mission Report



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**REPUBLIC OF TAJIKISTAN
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**OSCE/ODIHR Election Observation Mission
Final Report¹**

I. EXECUTIVE SUMMARY

In response to an invitation by the Ministry of Foreign Affairs of the Republic of Tajikistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to observe the 6 November 2006 presidential election. This was the first presidential election observed by the OSCE/ODIHR in Tajikistan. For election-day observation, the OSCE/ODIHR EOM joined efforts with a delegation of the OSCE Parliamentary Assembly (OSCE PA).

The 6 November 2006 presidential election in the Republic of Tajikistan did not fully test democratic electoral practices as outlined in the 1990 OSCE Copenhagen Document, due to a lack of genuine choice and meaningful pluralism, and revealed substantial shortcomings. Despite the presence of five candidates and some administrative improvements, the 6 November 2006 presidential election was characterized by a marked absence of competition. Parties that determined themselves as political opposition to the incumbent chose not to nominate candidates. As a result, voters were presented with a choice that was only nominal.

The election campaign was calm, peaceful and largely invisible. Candidates did not hold individual rallies and relied on joint meetings with voters organized by the election administration. The candidates mostly refrained from engaging in any real debate. The incumbent President Emomali Rakhmonov chose not to campaign at all.

The media environment in Tajikistan remains largely under government control and the freedom of media is limited. Pressure on private media outlets and journalists result in widespread self-censorship. Three opposition newspapers are prevented from publishing since 2004, and access to five web sites was temporarily blocked shortly before the election. During the election period, state media displayed clear bias in favour of the incumbent. In addition to the lack of analytical reporting on the election, this called into question the ability of voters to make informed choices.

A CCER decree gave, for the first time, presidential candidates and their proxies the possibility to use free air time in state-owned TV and radio, and free print space in state newspapers. However, candidates and proxies did not fully use this opportunity.

The electoral legislation, as well as a number of administrative aspects of the electoral process, require significant improvement in order to provide a framework for democratic elections. The Constitutional Law on the Election of the President (PEL) does not sufficiently regulate many issues; its provisions are often unclear, contain contradictions or are difficult to implement. Moreover, the legislation provides for negative voting whereby the voter strikes

¹ This report is also available in Russian and Tajik, but the English version remains the only official one.

out the names of candidates that s/he does not wish to elect, which has the potential to confuse voters and increase the number of invalid ballots.

The mode of appointment and the decision-making process of the Central Commission on Election and Referenda (CCER) raised concerns about its transparency and independence from the authorities. The CCER adopted several decrees that represented progress in addressing issues not regulated by the election legislation, including a decree on representation of political parties on District Election Commissions (DECs) and Precinct Election Commissions (PECs), and on access of international observers.

There is no state-wide computerized voter register in Tajikistan. Voter registration is based on *ad hoc* compilation of voter lists at precinct level using data provided by municipal authorities. There are no aggregated voter registers above precinct level and, consequently, checking for potential multiple registrations is not possible.

Nominated candidates had to provide support signatures of 5 per cent of the registered voters (between 155,000 and 160,000), collected within a period of three weeks. This provided a significant obstacle to standing in the election. However, five out of six nominees were able to present some 160,000 support-signatures each. Considering the cumbersome procedures and the short timeframe, this casts doubt on the credibility of the signature collection process. Regulations for the procedures for verification of signatures did not exist.

There was no female candidate and only 8 per cent of the candidate proxies were women. Approximately one-fourth of the members of lower-level election commissions were women. National minorities did not become a particular target-group for election campaigning; ballot papers were printed in four languages.

Observation by domestic non-partisan observers is not foreseen in the PEL, and by international observers only "if necessary". In a commendable move, the CCER issued decrees allowing for international observation and extended the deadline for accreditation of international observers.

Election day was calm and peaceful with no incidents reported and voting was assessed positively in the majority of polling stations visited. However, wide-spread proxy, family and multiple voting was observed, and a number of polling stations closed early. Counting was negatively assessed in more than half of the PECs observed. Counting procedures were generally not followed.

Transfer of election material from the PECs to the DECs was assessed positively in most cases observed. However, in two-thirds of DECs where observers monitored the aggregation of polling station results, observers were prevented from writing down the figures contained in PEC result protocols. Inexplicable differences between officially announced figures and figures obtained at DEC level were also noted casting a shadow on the integrity of the tabulation process.

The OSCE/ODIHR stands ready to support the authorities and civil society of the Republic of Tajikistan to further improve the election process. Specific recommendations are offered at the end of this report.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

In response to an invitation by the Ministry of Foreign Affairs of the Republic of Tajikistan to observe the 6 November 2006 presidential election, the OSCE/ODIHR deployed an Election Observation Mission (EOM) to the Republic of Tajikistan. The EOM, headed by Mr. Onno van der Wind (Netherlands), commenced its activities on 9 October 2006 and remained in Tajikistan until 17 November. Twelve election experts and 13 long-term observers were deployed to Dushanbe and other regions to observe the pre-election period, the polling, counting and tabulation on election day, as well as post-election developments.

On election day, the OSCE/ODIHR EOM joined efforts with a delegation of the OSCE Parliamentary Assembly (OSCE PA). Mr. Kimmo Kiljunen, member of the Finnish parliament and Head of the OSCE PA Delegation, was appointed by the OSCE Chairman-in-Office as Special Co-ordinator to lead the short-term OSCE observer mission. On election day, the EOM deployed 167 observers, from 31 OSCE participating States, who visited some 700 of 3,059 polling stations and observed the work of over 50 DEC's.

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs, the CCER, other state and local authorities and civil society organizations for their co-operation during the course of the observation mission. The OSCE/ODIHR also thanks the OSCE Centre in Dushanbe, as well as other international organizations and embassies in Tajikistan for their support.

III. BACKGROUND

This was the first presidential election in Tajikistan observed by the OSCE/ODIHR. Previously, the OSCE/ODIHR observed the 2000 and 2005 parliamentary elections.² In 2000, a Joint UN-OSCE/ODIHR EOM stated that "Tajikistan must improve the process in order to meet the minimum democratic standards for equal, fair, free, secret, transparent and accountable elections." The 2005 parliamentary elections were assessed by the OSCE/ODIHR as having "failed to meet many key OSCE commitments and other international standards for democratic elections" despite some positive aspects of the process.

The political environment of Tajikistan after 2000 was characterized by increasing consolidation of power by President Emomali Rakhmonov and his People's Democratic Party (PDPT).³ The president has a wide range of powers, including appointment of the prime minister, government and heads of the administration on regional and district level. In comparison, the responsibilities of the parliament, which is dominated by the PDPT, are limited.

Tajikistan maintains a multi-party system. At the time of the presidential election, eight political parties were registered. Apart from the ruling People's Democratic Party (PDPT, established in 1994 as a break-away from the Communist Party (CPT, founded in 1924), only the CPT and the Islamic Revival Party (IRPT, registered 1991, re-registered 1999) have some

² OSCE/ODIHR reports on the 2000 and 2005 parliamentary elections are available on: <http://www.osce.org/odihr-elections/14653.html>

³ The first Tajik president R. Nabiev resigned in September 1992 after mass protests. Emomali Rakhmonov was elected chairman of the Supreme Council in November 1992 and in 1994, during the civil war, elected president.

sizeable support. The IRPT is the only officially registered religion-based party in Central Asia.

The Social-Democratic Party of Tajikistan (SDPT) was established in 1998. It was registered and re-registered in 1999 and 2002. The SDPT is led by a former adviser of President Rakhmonov and stands in opposition to the government.

Two opposition parties, the Socialist Party (SPT, founded in 1996, split in 2004) and the Democratic Party (DPT, founded in 1990, re-registered in 1999, split in 2006) recently experienced internal divisions. In both cases, the government authorities acknowledged the pro-government wing as the leadership of the party, underscoring widespread perceptions that the authorities may have encouraged such party divisions.⁴

In late 2005, two new parties, the Agrarian Party (APT) and the Economic Reform Party (ERPT) emerged, which are widely considered pro-government. While the APT focuses on agricultural programs and sees its electoral base among rural populations and farmers, the ERPT supports market economy and private entrepreneurship, including small and medium business. The leaders of both parties are heads of state institutes, the Institute of Cattle Breeding and the Tajik Transport Institute respectively.

Six parties nominated a candidate for the presidential election:

- Olimjon Boboev (chairman of the ERPT);
- Abdulhalim Gaffarov (chairman of the SPT/pro-government wing);
- Amir Karakulov (chairman of the APT),
- Emomali Rakhmonov (incumbent president and chairman of the PDPT),
- Ismoil Talbakov (member of the Central Committee of the CPT);
- Tavarali Ziyoev (leading member of the DPT/pro-government wing).

The IRPT decided not to field a candidate but participated in the election administration on DEC and PEC level. The party left it to the discretion of its supporters to vote or not to vote. The opposition factions of the DPT and the SPT chose not to contest the election, referring to an inadequate electoral framework. The oppositional SDPT, which opposed the 2003 constitutional amendments, regards the election as unconstitutional.

IV. LEGISLATIVE FRAMEWORK

The Constitution of the Republic of Tajikistan prescribes that the President is elected in a two-round system for a seven-year term. Following the 2003 Constitutional Referendum, the Constitution was amended to, *inter alia*, extend the term of the president's office from five to seven years in two consecutive terms. Although not specifically stated in the text of the

⁴ With regard to the DPT, which was a leading force in the United Tajik Opposition during the 1990s, a connection to the presidential election seems apparent. The Ministry of Justice recognized the pro-governmental wing on 29 September 2006, only shortly after the opposition faction on 24 September 2006 declared not to contest the election. In 2005, the DPT leader Makhmadruzi Iskandarov, a potential candidate for the presidential election, was sentenced to 23 years imprisonment on charges of corruption, terrorism, illegal possession of fire arms and non-authorized body guards.

constitution, the prevailing interpretation of these amendments in Tajikistan envisaged the current president running for re-election in 2006 and possibly also in 2013.

According to Article 24 of the Constitutional Law on Elections of the President of the Republic of Tajikistan (Presidential Election Law or PEL), candidates for presidency can be nominated by political parties, the Federation of Independent Trade Unions, Union of Youth of Tajikistan, oblast and Dushanbe city majlises (councils), as well as representatives of majlises of towns and districts. Article 24 PEL, which regulates the nomination procedure, does not provide for self-nominated independent candidates. This contradicts the provisions of Paragraph 7.5 of the 1990 OSCE Copenhagen Document, which states that citizens have the right “to seek political or public office, individually or as representatives of political parties or organisations, without discrimination”.

Article 66 of the Constitution establishes that more than half of the registered voters must take part in the election of the President for the election to be valid.⁵ A candidate must receive more than 50 per cent of votes cast in the election to win in the first round. If more than two candidates are running for presidency, and none of them receives the required number of votes, a second round shall be conducted within one month but not earlier than 15 days after the Election Day (Art. 35 PEL).

In general, the PEL lacks clarity and fails to sufficiently regulate many of the aspects of the election. An OSCE/ODIHR Assessment of the PEL⁶ concluded that the current legislative framework for presidential elections would need to be significantly improved to meet OSCE commitments set forth in the 1990 OSCE Copenhagen Document. Limited attempts were made to address some of the OSCE/ODIHR recommendations through adopting relevant CCER decisions, but most recommendations remain to be addressed.

Many of the shortcomings of the electoral legislation were evident in this election, but were not as clearly emphasised in an overall election environment that lacked any significant competition or assertiveness in defending candidates’ or voters’ interests. Some problems, however, were evident.

The Constitution and the PEL require nominees to collect the signatures of five per cent of all registered voters in support of their candidacy.⁷ The CCER established by decree that five per cent amount to 155,000 to 160,000 signatures. This threshold presents a very significant obstacle to standing in the election. All political parties, as well as the chairman of the CCER, criticized this requirement as too stringent. The OSCE/ODIHR assessment of the PEL recommended that this issue be addressed and the required number of support signatures not to exceed one per cent of the electorate, which would be in line with international best practice.⁸ The high number of signatures, in combination with the complex procedures established by the CCER for signature collection, the lack of comprehensive procedures for verification of collected signatures, and the short timeframe foreseen for this process are conducive to electoral violations and abuse by candidates and the election administration.

⁵ This turnout provision was previously criticized by the OSCE/ODIHR as it may lead to a cycle of failed elections and is potentially conducive to electoral malfeasance aimed at increasing the turnout.

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

⁷ Art. 65 of the Constitution of Tajikistan

⁸ See Venice Commission, *Code of Good Practice in Electoral Matters*, Strasbourg, 30 October 2002.

The PEL contains general provisions on openness and transparency; however, mechanisms prescribed in the PEL for ensuring such transparency are not sufficient. For example, Article 4 PEL requires that “all decisions of relevant bodies on preparation and conducting of election of the President shall be published and aired by TV and radio within 7 days of its adoption.” This deadline is too long and fails to ensure that relevant election information is conveyed to the public without undue delay.

The PEL also lacks important safeguards to ensure transparency of the process of arriving at election results. There are no requirements for results protocols to be publicly posted or provided to observers. Neither does the PEL require that election results be published by the CCER broken down to PEC level to increase the transparency of the tabulation. In an attempt to fill this gap in the PEL, the CCER decided that official copies of protocols should be posted at the PEC for 24 hours.⁹ However, this does not provide the same level of transparency as publicized results broken down to PEC level and provision of certified copies of protocols to observers and candidate representatives.

An important shortcoming of the legislation is that it requires negative voting, i.e. that a voter strikes out the names of candidates, that s/he does not wish to elect rather than marking the candidate that s/he wants to affirmatively cast a vote for. Negative voting runs counter to the interests of voters, candidates and election administration alike, as it can confuse voters and potentially increase the number of invalid ballots. It also unnecessarily complicates the procedure for establishing results.

The PEL leaves parts of the election process unregulated. Provisions are unclear, contradictory or difficult to implement¹⁰; other regulations are vague and leave unnecessary room for interpretation¹¹. The CCER adopted a number of decrees to address issues not stipulated in the legislation. These decrees, however, were often inconsistent with the PEL and lacking in detail. This significantly diminished their potential regulatory value. Key issues remained unaddressed, leaving them to the discretion of lower-level election commissions or ad-hoc verbal regulation by the CCER management, e.g. the compilation of voter lists, the process of verification of signatures for candidate registration, and the aggregation of results. This could lead to confusion, arbitrary decisions and lack of uniformity in the implementation of legal provisions.

In a positive development, the CCER Decrees #42 (related to observers)¹² and #43 (regulating the inclusion of party representatives in lower-level election commissions)¹³ and the *Training*

⁹ CCER Decree #49 dated 15 September 2006.

¹⁰ Art. 24 PEL states that a candidate has to provide supporting signatures in the amount of five per cent of the registered voters until 30 days prior to the election. However, at that time the number of registered voters is not yet established. Early voting starts 15 days prior to election, at a time when ballot papers are not yet printed.

¹¹ For example (including, but not limited to) the PEL does not provide sufficient details on early voting, on verification of signatures, it does not contain mechanisms for ensuring equality of candidates and their access to state resources, etc.

¹² Decree #42 “On procedure of participation of international (foreign) observers, representatives (observers) of political parties, Independent Federation of Trades Union of Tajikistan, Youth Union in the election of the President of the Republic of Tajikistan”

¹³ Decree #43 “On procedure of inclusion of representatives of political parties, Independent Federation of Trades Unions of Tajikistan, Youth Union of Tajikistan in the composition of district electoral commissions and polling station commissions for the election of the President of the Republic of Tajikistan”

*Guide for District Election Commissions (DECs) and Precinct Election Commissions (PECs)*¹⁴ introduced some improvements to the process. Commendably, the tight accreditation deadline introduced initially by CCER Decree #42 was later extended to allow international/foreign observers a reasonable timeframe for accreditation.

The *CCER Training Guide* contained inconsistencies with the legislation.¹⁵ Some of these inconsistencies were addressed by the CCER later in the process. The adherence to the training guide by PECs and DECs was not uniform throughout the country¹⁶, and caused only marginal improvement of the process.

OSCE/ODIHR wishes to underscore that the legislature should resolve the issues addressed in this report and in previous assessments by making relevant amendments to the legislation, rather than leaving them to the discretion of the CCER.¹⁷

V. ELECTION ADMINISTRATION

A. ELECTION COMMISSIONS AND ADMINISTRATION OF THE ELECTION

The presidential election is administered by a three-tiered election administration comprising the Central Commission for Election and Referenda (CCER), 68 District Election Commissions (DECs) and 3,059 Precinct Election Commissions (PECs).

The CCER is a permanent body consisting of a chairperson, a deputy chairperson and 13 members, all appointed by the lower chamber of parliament upon proposals of the president.¹⁸ Most of the current members are from various state institutions, including staff from the presidential administration. Two members belong to the academic community. The Islamic Revival Party (IRPT) and the teachers' trade union have one representative each. The only paid position within the CCER is that of the chairperson, other members work voluntarily. The total election budget was 2.7 million somoni (approximately 800,000 USD).

The composition of the CCER and its mode of appointment raise concerns about its independence from the government. The OSCE/ODIHR has previously expressed its concern that "the legal framework does not establish an election administration that is pluralistic, inclusive, free from the control of government authorities, and genuinely independent".¹⁹

¹⁴ CCER Decree #51 dated 15 September 2006, approval of the DEC/PEC Training Manual developed in co-operation with IFES.

¹⁵ For example the Training Guide provided a procedure for opening of early vote envelopes, which was not in line with Art. 32 PEL.

¹⁶ See Election Administration section.

¹⁷ Some of the improvements, such as removing or lowering of the requirement to collect 5 per cent of voter signatures in support of candidacy will also require relevant amendments to the Constitution.

¹⁸ Art.11, Constitutional Law of the Republic of Tajikistan "On Elections to the Majilisi Oli of the Republic of Tajikistan".

¹⁹ OSCE/ODIHR EOM Final Reports on the 27 February 2000 and 27 February/13 March 2005 parliamentary elections http://www.osce.org/documents/odihr/2000/05/1406_en.pdf and http://www.osce.org/documents/odihr/2005/05/14852_en.pdf; OSCE/ODIHR Assessment of the Law on Elections of the President, 26 July 2006, <http://osce.org/odihr-elections/13438.html>.

Within the commission, a working group for complaints and appeals was appointed, headed by the Deputy Chairperson, who also managed the press centre and was the CCER spokesperson. The CCER held five official meetings²⁰ since the election was called on 31 August, four of them before the EOM was accredited. The EOM was not allowed to attend the fifth meeting. Despite a level of openness and accessibility to the EOM at working level, the functioning of the CCER as a collegial body, and its decision-making process, remain non-transparent and a cause for concern.

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

In an effort to increase pluralism of lower level election commissions, the CCER issued Decree #43 which provides that political parties and other organizations have the right to nominate one member to every commission at DEC and PEC level. This was an improvement compared to previous elections, providing for a more inclusive election administration. Three political parties, PDPT, IRPT and CPT, were represented in most DEC. The PDPT, however, was over-represented in all DEC; the IRPT had a member in 62 out of 68 DEC and the CPT in 58 DEC. In most cases, the DEC chairpersons were PDPT representatives.

Political parties were also represented in PECs with the PDPT having at least one member in 66 per cent of PECs and the CPT in 44 per cent, while the other parties, including the IRPT and the DPT (pro-government wing), were represented in 10 to 17 per cent of the PECs. It is unclear why, contrary to the rules established by the decree, parties were allowed to have more than one representative in a PEC.²¹

The CCER adopted 41 decrees and decisions, regulating *inter alia* the establishment of the election administration, registration of the candidates and observers, compilation and announcement of the result of the election, and management of the election budget. In cooperation with IFES (a Washington-based NGO), it adopted a *Training Guide for District and Precinct Election Commissions* and implemented a training program for commission members.²²

In an effort to reach out to PECs and to unify election day procedures, the CCER decided to broadcast intensively on TV a training video on election-day procedures for PEC members, aired daily at prime time during the week before the election on the two national channels. It addressed ambiguities and discrepancies between the PEL and the Training Guide that had surfaced during the training of commission members. However, the training effort had only limited impact on the execution of uniform election-day procedures. Most PECs failed to

²⁰ Meetings were held on 4 and 15 September, on 9 and 11 October and on 1 November.

²¹ As a rule most frequently PDPT was represented with more than one member. In the area of DEC #1-#4 more than one member claimed representation of the smaller parties.

²² The training program was carried out in two stages. By 10 October, the CCER held seminars for all DEC Chairs and Secretaries in the regional centres and in Dushanbe, who later trained the PEC Chairs and Secretaries at district level. EOM observers attended the second level of seminars and reported on a formalistic approach that failed to address crucial parts of the process, such as counting and tabulation of results. Unfortunately, the Guide was printed in 100,000 copies only after training was completed. In the Khorog area many PEC members had not received the training guide.

follow the outlined counting procedures and frequently disregarded restrictions on proxy/family voting.

The CCER printed 3,200,000 ballot papers for the presumed same number of voters. The final number of registered voters was 3,356,221, of which 3,054,573 cast a ballot.²³ The number of reserve extra ballots seems very small, especially given the difficult logistical conditions for delivery of ballots, and the possibility for voters to be added to supplementary voter lists on election day.

B. VOTER LISTS

There is no state-wide computerized voter register in Tajikistan. In line with PEL provisions²⁴, voter registration is based on ad hoc compilation of voter lists (VL) at precinct level using draft lists provided by municipal authorities. There is no aggregated data above precinct level and, consequently, checking for multiple registrations is not possible. PECs updated the VLs for this election through door-to-door surveys from 2 to 22 October although the process of compilation varied throughout the country. The EOM observed that VLs were available to voters for familiarization upon request.

There is no prescribed number of copies of the VL that PECs should work with. Observers reported that PECs use between one and three copies. The ID number of the voter was not included in the VL and there is no prescribed order of appearance of names on the list. EOM observers noted instances where the VLs were unbound and not certified on every page, thus lacking important safeguards for the integrity of the VL.

Voters can be added to the VL until the end of election day, provided s/he presents proof of identity and residence.²⁵ Once VLs have been made public for voters' familiarization, names are added to a supplementary voter list. Distinction between the main and the supplementary voter lists is difficult. The latter consists of a number of additional pages appearing at the end of the main VL. Observers reported different approaches to the issue of inclusion in the VLs of the large number of migrant workers.²⁶ These practices could lead to inaccuracy and may enhance possibilities for potential manipulation of numbers of registered voters and turnout.

VI. REGISTRATION OF CANDIDATES

A. NOMINATION AND SIGNATURE COLLECTION

The nomination procedure for presidential candidates started 50 days before election day on 17 September with submission of applications. The period for nomination ended 30 days

²³ CCER press release on preliminary results of the election, 7 November 2006; 95.5 per cent of the printed ballots were used.

²⁴ Articles 20 – 23 PEL. Art. 21 PEL provides that each citizen may only be included in one voter list.

²⁵ In its Decree 59 of 9 October, the CEC further softened the approach to the inclusion of voters on VL allowing voters to be included in case two PEC members confirm the identity and address of registration of a voter who is not able to present ID document.

²⁶ Names of the migrant workers appeared on a separate voter list, or on the supplementary list or they were part of the main list. Whether names from the separate list were reflected in the final figures was an arbitrary decision of the PEC.

before election day on 7 October when nominating organizations are constitutionally required to present support signatures to the CCER.

The CCER issued a decree establishing that a nominee shall present not less than 155,000 to 160,000 signatures to be eligible to stand in this election.²⁷ This decree also provided for an unnecessarily complex and cumbersome procedure for signature collection, especially in the limited timeframe provided. Signature collection is facilitated by the local authorities where local initiative groups register. Only members of these groups are allowed to collect signatures on certified copies of the approved form. Each sheet shall bear the ID details of the person collecting the signatures and a clear indication of whom of the nominated candidates a citizen is signing for. The form also contains the number of the ID document of the signing voter, an important entry that does not appear on the voter list. A voter is allowed to sign for one candidate only. Before sending the forms to the CCER, the local authorities must certify all forms, confirming the correctness of the procedure.

B. SIGNATURE VERIFICATION AND REGISTRATION

In total, the six nominees submitted 1,514,117 signatures of which over 685,000 were in support of Mr. Rakhmonov. The other nominees submitted as follows: Mr. Boboev – 176,643 signatures, Mr. Gaffarov – 165,879, Mr. Karakulov – 175,662, Mr. Talbakov – 190,597 and Mr. Ziyoev 120,643. These numbers amount to nearly half (47%) of approximately 3.2 million registered voters who signed for one of the nominees.²⁸ This high number of signatures seems implausible in view of the efforts necessary for such a large scale endeavour, the limited time provided, and the relatively weak local presence of some political parties.

Since the signature collection process is controlled by the local administration, the election administration lacks resources and time to independently assess the presented signature forms. EOM interlocutors expressed doubts about the collection process and suggested irregularities, such as collection of signatures on forms without the necessary details of the nominee and the signature collector. The EOM saw copies of such forms. With rare exceptions (Yovon, DEC #55, where the head of the local PDPT office shared details about the process), EOM observers were not able to establish contact with signature collectors and local authorities did not share information on the process.

There are no regulations for the verification of signatures. Within five days of submission however, the CCER checked a sample of 99,551 signatures finding missing data in 444 cases and apparently identical signatures in another 1,494 cases but took no apparent action. All candidates were registered except Mr. Ziyoev, the nominee of the pro-government faction of the DPT, who failed to submit the required number of signatures. Though the verification of the signatures did not affect candidate registration for this election, the intransparent and meaningless procedure could be misused for arbitrary disqualification of nominees.

The names and biographies of the registered candidates were published in the printed and electronic media as required by Art. 25 of the PEL.

²⁷ CCER Decree #37 (4 September 2006)

²⁸ If the final figure of the registered voters as announced by the CCER after the election is considered this share should be 45%. It should be noted that there are reportedly a sizable number of Tajik citizens that are working abroad and hence not able to participate in the collection of signatures.

VII. THE ELECTION CAMPAIGN

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

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

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

In a joint campaign effort organized by the election administration, which moderated the meetings, four candidates toured the country together with a proxy of the incumbent. These meetings did not produce lively political discussion; on the whole, candidates seemed to prefer making vague statements with little or no reference to political programmes. Candidates mostly refrained from challenging the incumbent and in a few instances they even endorsed his abilities. Only the CPT candidate towards the end of the campaign period challenged some government policies and statements by President Rakhmonov.

Audiences at these joint meetings did not appear motivated. In all regions, the EOM observed university students being led into candidate meetings by their teachers. Students seemed disinterested and appeared to have been required to attend.

The format of joint campaigning illustrated the dependency of the four challenging candidates on state support as well as the advantages that incumbency confers. Such dependency was underscored by the involvement of election administration in campaign organization.

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

All candidates received 3,600 Somoni (approximately 1,000 USD) from state funds and were allowed to additionally spend up to 100,000 Somoni (approximately 29,000 USD) from funds of their respective nominating parties for their campaign. Several parties indicated that lack of resources limited their ability to campaign and therefore suggested that financial contribution from the state should be increased in future elections.

VIII. MEDIA

A. OVERVIEW

According to the Ministry of Culture, there are some 300 registered print media outlets, 16 local television and 2 state-owned TV Channels (TVT and TV Safina) operating in Tajikistan. The two state TV channels provide coverage of the entire country. There is no daily newspaper; most newspapers are published weekly except the state-owned *Sadoi Mardum and Jumhuriyat* which are published three times a week. The circulation of all newspapers is low and they are distributed mainly in Dushanbe and surrounding districts.

The legal framework for media includes the Constitution of the Republic of Tajikistan, the PEL, the Law on Press and Other Mass Media (Media Law) and the CCER Decree #48²⁹ (On the use of mass media in the election campaign).

The Constitution of the Republic of Tajikistan³⁰ and the PEL³¹ provide for freedom of expression and information. According to the Constitution, state censorship and prosecution of criticism are prohibited.

The PEL guarantees the right to political parties, trade unions, other public associations, movements, and citizens to campaign in support of or against any candidate for the post of President of the Republic of Tajikistan. The PEL prohibits campaigning on election day.

However, the PEL does not sufficiently regulate the election campaign in the media. In a commendable move, the CCER issued the Decree #48 which regulates the conduct of media during the election campaign. This Decree entitled all candidates to up to 30 minutes and each of their proxies (15 per candidate) to up to 10 minutes of free air time on state television or radio. The Decree also granted candidates and their proxies the right to publish up to 10 double spaced pages of articles in state newspapers and magazines.

The media environment is controlled by the authorities. Revocation of licenses and closure of printing houses have been used as a tool to ensure self-censorship and suppress critical journalism. The newspapers *Nerui Sukhan*, *Ruzi Nav*, *Odamu Olam* are prevented from publication since 2004. On 9 October 2006, access to five websites³² was blocked for ten days. Against the background of the split in the DPT, its newspaper *Adolat* (Justice) was prevented from being published for one week at the beginning of October. Since 12 October, two different editions of *Adolat* were published weekly reflecting the views of the two different factions of the DPT. Rajiab Mirzo (editor of the oppositional version *Adolat*) on 4 November was detained for 15 days after he led a picket in front of the Ministry of Justice and accused of violating peace and plotting mass unrest.

²⁹ Decree #48, 15 September 2006 “On the use of mass media in the election campaign of registered candidates to the Post of the President of the Republic of Tajikistan and their proxies”.

³⁰ Article 30 of the Constitution of the Republic of Tajikistan

³¹ Article 4 and Article 27 PEL

³² The following websites were blocked: www.centrasia.net; www.ferghana.ru; www.tajikistantimes.ru; www.charogiruz.ru; www.arianastorm.com.

The limitations on freedom of the media also affect international media operating in Tajikistan. The State Licensing Commission formally denied the BBC a license in early August 2006, basing its decision on a complex interpretation of the law.

These actions against independent media curtailed the right to freedom of expression and information and contributed to low-key election coverage and lack of analytical information during the pre-election campaign.

B. MEDIA MONITORING

On 11 October 2006, the EOM started monitoring and conducted qualitative and quantitative analysis of prime-time broadcasts of two state-owned television channels (TVT and TV Safina) and the content and reporting of ten newspapers.³³

During the pre-election period (11 October to 5 November 2006) the state-owned TV stations dedicated 69 per cent of their news coverage to the incumbent (83 per cent in TV Safina and 62 per cent in TVT), who was more frequently portrayed in his capacity of president than as a candidate. Mr. Boboev, Mr. Gaffarov, Mr. Karakulov, and Mr. Talbakov received 6 per cent, 10 per cent, 7 per cent and 8 per cent of news coverage, respectively.

On 15 October, TVT and TV SAFINA started to broadcast free airtime programmes. Four candidates (ERPT, SPT, APT and CPT) used their allocated time during the week before the election. The incumbent himself did not use his free airtime, leaving the allocated 30 minutes to a PDPT proxy. Candidates were supposed to use their airtime in alphabetical order; however, the programme of President Rakhmonov's proxy was broadcast last. 32 out of a total of 75 proxies from all candidates used the provided airtime.

TVT aired one political debate program on 3 November, in which proxies of nominated candidates took part.

Paid political advertisements were permitted but not widely used during the election campaign. CPT, APT and PDPT placed several political paid advertisements in TVT and TV Safina during the week before the election.

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

EOM media monitoring of the print media showed a general lack of analytical and critical reports related to candidates and their platforms. Despite the provision of the CCER decree that candidates have the right to publish up to 10 pages in state-owned newspapers, only the

³³ The monitored media outlets included the state-owned TV channels *TVT* and *TV SAFINA*, three state-owned newspapers *Narodnaya Gazeta*, *Jumhuriyat* and *Sadoi Mardum*, and seven privately owned newspapers *Asia Plus*, *Tojikiston*, *Vecherniy Dushanbe*, *Biznes i Politika*, *Millat*, *Fakty i Kommentarii*, and *Sobitiya*.

CPT and ERPT candidates used this opportunity. No paid advertisements were placed in the print media.

The state-owned newspapers *Jumhuriat*, *Narodnaya Gazeta*, and *Sadoi Mardum* demonstrated bias in favour of the incumbent, allocating him the majority of their coverage. However, some private newspapers, such as *Asia Plus* and *Biznes i Politika*, provided more balanced coverage of the campaign, candidates and political parties.

In general, there was little active coverage of the campaign in state and private media outlets. News programs provided limited information about candidates' platforms and political parties which raises questions whether voters received sufficient information to make an informed choice. However, the profile and activities of the incumbent President were widely covered. This overall lack of analytical and critical reports and articles could be a further indicator for self-censorship and pressure on journalists.

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

Following the election, media reporting on the OSCE/ODIHR EOM's Statement of Preliminary Findings and Conclusions was limited. The state-owned TV stations focused on positive aspects mentioning only minor shortcomings of the electoral process. The print media presented little information about the EOM's statement; only *Asia Plus*, a privately owned newspaper reported on the statement in more details and more objectively. The state-owned *Jumhuriyat* and four private newspapers, *Asia Plus*, *Biznes i Politika*, *Vecheriny Dushanbe* and *Tojikiston* declined to publish the Statement of Preliminary Findings and Conclusions as a paid announcement.

IX. COMPLAINTS AND APPEALS

According to Article 19 PEL, decisions of election commissions may be appealed to superior election commissions or courts. CCER decisions can be appealed to the Supreme Court. According to Article 12 PEL, the CCER forwards material and information on violations of the PEL that may entail criminal liability to the prosecutors' offices. OSCE/ODIHR previously assessed that the PEL should be amended to include a procedure for complaints and appeals that would allow adequate protection of suffrage rights.

The CCER set up a Working Group headed by Mr. Kabirov, Deputy Chairman of the CCER, to consider possible complaints for this election. Mr. Kabirov informed the EOM that the CCER verbally agreed to hear and decide upon all complaints and appeals received in formal sessions. However, this complaints procedure was not formalized by a decision of the CCER nor was the EOM able to observe it.

One written complaint³⁴ was filed with the CCER and none with the DEC's throughout the entire pre-election period and on election day.

The decision of the CCER to register Mr. Gaffarov as a candidate from the pro-government wing of the Socialist Party of Tajikistan was challenged in the Supreme Court by Mr. Narziev, the leader of the oppositional wing of the Socialist Party. He claimed that Mr. Gaffarov had not been properly nominated according to Article 24 PEL. The Supreme Court rejected the appeal.

The Supreme Court refused to admit another case submitted by Mr. Narziev, which related to the recognition of the new pro-governmental leadership of the Socialist Party by the Ministry of Justice.

X. PARTICIPATION OF WOMEN

Under the Constitution of Tajikistan, all citizens enjoy equal rights and freedoms, regardless of their gender, ethnic origin, language, religion, social background and status. Tajikistan is party to the Convention on Elimination of Discrimination Against Women (CEDAW) and the United Nations Declaration and Action Platform set in Beijing in 1995. There are no legal impediments to women's participation in election and political processes.

After the 2005 parliamentary elections, the number of women in parliament increased compared to previous years. Female members in the lower chamber constitute 15.8 per cent (10 female members out of 63). The number of women in the upper chamber is 12 per cent (4 out of 33 members). At the regional and district parliament level women make up around 12 per cent.

However, women's political prospects remain limited by social-economic difficulties and some traditional and religious norms. No female candidate was nominated in the 2006 presidential election. Three candidates had women among their proxies. Out of a total of 75 proxies (15 per candidate) only six were female (8 per cent).

During the election campaign only one candidate (Abduhalim Gaffarov, SPT/pro-government wing) addressed the elimination of gender misbalance in his platform. Others mentioned improving social life for vulnerable people, including women. However, no particular emphasis was made to address gender issues during the campaign. Governmental Committees on Women and Family Issues took part in the campaign by organizing panel discussions in several regions (e.g. Gorny Badakhshan Autonomous Oblast) calling for support of the incumbent. EOM observations indicated that participation of women in campaign events was generally low.

Upon an initiative of the CCER and an international NGO, a panel discussion on "*Participation of Women in Elections*" was organized before the election. Representatives of national and international non-governmental as well as governmental organisations, media and political parties attended this event. During the discussion, future steps and measures to

³⁴ The CCER informed the EOM that this complaint was from a person who wanted to register as an independent self-nominee which is not foreseen in the law.

increase women's participation in elections were identified. However, it was too late to implement these in the run-up to the presidential election.

Representation of women in the election administration varied: Only two out of fifteen CCER members are women (13 per cent). Based on data of three regions, women made up 29 per cent of DEC members, and, based on data of two regions, 25 per cent of PEC members.

EOM observers witnessed at least one female PEC member in 88 per cent of the polling stations observed and a female chair in 17 per cent of the PECs visited.

XI. PARTICIPATION OF NATIONAL MINORITIES

According to official data, the population of Tajikistan is made up of 80 per cent Tajiks, 15.3 per cent Uzbeks, 1.1 per cent Russians, and 1.1 per cent Kyrgyz.³⁵ Three members of parliament belong to national minorities. Followers of mainstream religions and other denominations and congregations do not face restrictions³⁶. There are no legal obstacles to participation of national minorities in the election process.

All candidates stressed during the campaign the importance of building and maintaining tolerant inter-ethnic relations including protection of the rights of national minorities and ethno-cultural diversity. National minorities did not become a particular target-group for election campaigning. At the same time, no specific political demands were made by national minorities concerning their social status, nomination of candidates, change of the electoral system and certain favourable quotas for minorities.

For the first time ballots were printed in four languages: out of a total of 3.2 million ballots 400,000 were printed in Uzbek, 40,000 in Russian, and 11,000 in Kyrgyz.

National minorities participated in the election without obstacles. Uzbeks, Kyrgyz, Russian and other national minorities' representatives were represented in the election administration as DEC and PEC members.

XII. OBSERVERS

The PEL does not provide for domestic non-partisan observation. There is no active domestic non-partisan observer group. The participation of international observers in the election process is conditioned with a phrase "if necessary" in Article 4 PEL. The PEL does not provide criteria for deciding on the "necessity" of international observers; neither does it

³⁵ Data based on presentation provided by the Tajik representative to the 13 OSCE Economic Forum, Prague, May 2005. 14 organizations of national minorities and ethnic groups are registered officially: Armenian Community "Mesrop Mashtotsa", Community of Arabs, Community of Azerbaijani "Dostlug", Georgian cultural-enlightenment Community "Satvistomo Iberiya", Community of Kyrgyz, Association of Soviet Koreans of Tajikistan, Community of Germans "Vidergeburt", Community of Ossetian Culture "Alan", Council of Russian Compatriots, Tatar- Bashkir socio-cultural center "Duslyk", Community of Uzbeks, Association of Uigurs and Community of Turkmen.

³⁶ Based on the Constitution and the Law on "Religion and Religious Organisations", 59 religious organizations, 28 Islamic and 29 another religious denominations and congregations are officially registered.

establish who would make the respective decision. In a commendable move, the CCER issued Decree #42 which provided details on the participation of international observers. Later in the process, the CCER extended the initially tight deadline for accreditation of international observers.

However, the issue of non-partisan domestic observation remains unaddressed. Some interlocutors informed the EOM that domestic observers could observe the election under the umbrella of the Union of Youth or the Federation of Independent Trade Unions. This is not a solution to the issue of domestic non-partisan election observation, particularly since these groups often officially support a presidential candidate. Civil society groups should be able to engage in their own legitimate observation efforts.

XIII. OBSERVATION OF VOTING AND COUNTING

A. OPENING, VOTING AND CLOSING

Election day was calm and peaceful, with no incidents reported. Although there are no clear procedures for the opening of polling stations outlined in the election day instructions, EOM observers assessed opening positively in almost all polling stations visited. Polling stations opened on time and mostly in the presence of all PEC members.

Voting was assessed positively in 80 per cent of polling stations visited. Most polling stations had made adequate arrangements for voting and the secrecy of voting was guaranteed in 80 per cent of polling stations visited. Art. 4 PEL bans campaigning on election day and general official information posters containing images of the five candidates had been removed from the polling stations, as they were apparently considered campaign material. In some 6 per cent of the polling stations, materials depicting the President were displayed, often relating to his various activities as President and displayed as part of regular information materials in the schools where the polling stations were located. Generally, PEC members were co-operative and willingly shared information.

Despite CCER voter education efforts, which particularly stressed that all voters have to cast their vote in person, proxy voting and family voting remained a widespread problem. Observers witnessed proxy voting in 20 per cent and family voting in 9 per cent of polling stations visited. Multiple voting was recorded in 6 per cent of the polling stations visited. In 52 per cent of the polling stations visited, voter lists contained identical signatures, indicating an environment permitting receipt of and voting with more than one ballot. This raises questions about the integrity of the voting process.

Procedures on presenting and checking voters' identity were frequently disregarded, with 26 per cent of PECs conducting ID check only sometimes or not at all. In the area of Khojand and in Dushanbe, PECs accepted notifications and/or invitations to vote as substitutes for ID documents.³⁷ Such weak controls create a potential for possible abuse.

³⁷ For example in DEC #32 Istaravshan; DEC #29 Khairokum; DEC #68 Shurobod; DEC #4 Sino; DEC #45 Kulyab.

Throughout the country, many polling stations closed early. Several DECs³⁸ took formal decisions allowing polling stations to close earlier provided that everyone on the VL had voted. In PEC #55, DEC #5 (Vahdat), observers witnessed that the PEC closed at 15:00, even though 93 voters were still on the list, but the PEC did not have any ballots left. Some voter turnout figures reported by PECs appeared implausible, in light of the apparently moderate number of voters witnessed by observers.³⁹

Observers witnessed unauthorized persons directing the work of the commission in some polling stations visited; usually identified as local officials.⁴⁰ In a number of cases, groups of unidentified “volunteers” took over the work of the PEC completely, sometimes supported by so-called “agitators”.⁴¹

Access to observation of voting at military polling stations was allowed in 4 out of 10 visited. Voting seemed obligatory in these polling stations resulting in 100 per cent turnout and was conducted in the presence of officers, who were not members of the PEC.⁴²

The PEL provides for early voting⁴³, voting with a voting right certificate⁴⁴ and mobile voting but does not clearly regulate these areas. Despite CCER instructions, DEC and PEC representatives met by the EOM demonstrated limited understanding of the procedures for early voting. Few voters seemed to make use of the provision for early voting. The voting right certificate entitles a voter to vote in a polling station other than that of his or her registration. There are no safeguards in place for the issuing and use of this certificate.

EOM observers reported that in some 28 per cent of the polling stations observed early voting took place; only in 8 per cent of polling stations observed, the number of early votes was higher than 10.

Only in 33 per cent of the PECs one or more persons applied for a voting right certificate, and only in 28 per cent of the PECs at least one person voted with such certificate.

Observers reported that at the time of their presence in 88 per cent of their observations – which equals approximately 2,690 polling stations – voters had applied for mobile voting.

³⁸ For example DEC #14 Faizobod, DEC #5 Vahdat, and DEC #9 Rasht)

³⁹ For example in PEC #13 (DEC #45, Kulyab), PEC #49 (DEC #9, Gharm), PEC #7 (DEC #8, Varzob).

⁴⁰ At PEC# 2 (DEC 58) a local official was directing the work of the commission; At PEC #10(DEC #80) CPT observer was piling and counting the ballots; an unauthorized person was even submitting the protocol for PEC #6 (DEC #9).

⁴¹ This was frequently the case in Sughd Oblast and in Kuljab area, for example in the DECs #26 Khujand, #6 B. Gafurov, #56 Kubodiyon, #45 Kulyab, #33 Chkalovsk, #58 Kumsangir, #52 Vose, #41 Spitamen, #40 Buston. The volunteers performed duties for PEC members. Most frequently these volunteers were teachers from the school where the PEC was located, supposedly better able to manage the paper work. The so-called “agitators” were checking the VL for names of voters who had yet not visited the polling station in order to remind them about their duty as citizens to vote.

⁴² At PEC #17 (DEC #15), an officer checked every vote and ballots were delivered unfolded.

⁴³ Article 30 PEL provides that voters may request to vote as early as 15 days prior the election. The CCER further clarified that early voting shall take place in front of at least two PEC members using a template of the ballot to be filled in by hand. The ballot is placed in an envelope to be opened at the stage of counting. No security measures are prescribed in the regulations.

⁴⁴ Article 23 PEL provides that a voter may cast his/her ballot with such a certificate issued by the PEC at any polling station on election day. PECs should sequentially number these voting right certificates but no register of issued certificates exists at any level.

However, in only 10 per cent of the observed polling stations the share of the votes cast by mobile box was higher than 3 per cent.

In most cases observed, the voting, counting and transfer of results from polling stations inside military bases did not follow procedures prescribed and required to ensure transparency and accountability of the election.⁴⁵

According to CCER information, 93,700 votes were cast at 26 polling stations abroad, which were opened to enable Tajik citizens abroad to participate in the election.

B. COUNTING

EOM observers assessed negatively the counting in a large number of polling stations visited. Only one out of three PECs followed counting procedures necessary to ensure integrity and transparency of the process. In 65 per cent of the observed counts the unused ballots were not counted, cancelled and recorded in a protocol as required.⁴⁶ In only half of the polling stations observed, the numbers of voters, signatures and ballots received were entered in the protocol before the count began. In general, reconciliation of the numbers of ballots and signatures from the mobile and stationary ballot boxes did not take place; instead figures were adjusted on the protocol.

Some 25 per cent of PECs observed experienced difficulties filling in the protocol and in 13 per cent pencils were used instead of ink to fill out the protocol. One of the reasons for this could be the absence of proper training on counting procedures. Another reason may be rooted in the calculation of the numbers of the votes cast against each of the candidates. Important figures such as the number of ballots found in the ballot box, or the number of ballots received by the PEC were neither recorded in PEC protocols nor in the DEC spreadsheets.⁴⁷

In a welcome development, the majority of PECs posted the results protocol as required by a CCER decree. However, full accountability would require that observers are provided by the PEC with certified copies of the result protocols, as well as a timely publication of detailed elections results by polling stations and districts.

C. TABULATION OF RESULTS

Transfer of results from PECs to DECs was observed in 53 DECs and assessed positively in the majority of the observations. The tabulation process, however, lacked transparency and accountability. EOM observers were present in 21 DECs to monitor the aggregation of results. Only in 8 DECs⁴⁸, EOM observers were allowed to copy the tabulated results for the entire district. In the other DECs observed, EOM observers were unable to note down results

⁴⁵ For example, in PEC #15 (DEC #17), ballots were not delivered on time, the polling station opened late, an officer who was not member of the PEC was directing the voting, including checking marked ballots, voters did not sign the voter list, etc. Though this polling station closed earlier, the results were only transferred at the end of the day. EOM observers were only allowed access to 4 military polling stations out of 10.

⁴⁶ PEL Article 32, second paragraph. This is also required by the Training Guide for DECs and PECs.

⁴⁷ For example in DEC #9 (Rasht); DEC # 54 (Dangara), DEC # 51 (Vakhsh)

⁴⁸ DEC #9 Rasht, DEC #10 Norobod, #18 Khorog, #50 Bokhtar, #51 Vaksh, #54 Dangara, #55 Yovon, and #57 Kolhozobod.

by polling stations.⁴⁹ One third of the DEC's observed the summary table drafted in pencil, and in one fifth of the DEC's changes to PEC protocols were introduced under the supervision of the DEC. Inexplicable differences between officially announced figures and figures obtained at DEC level were also noted.⁵⁰

The OSCE/ODIHR EOM compared the results of the eight DEC's where it was allowed to copy the spreadsheets with the officially announced results (see the comparison in Annex 1). In at least one case, in DEC #9 (Rasht), the announced results indicate that the result has been changed after the tabulation was finalized at DEC level. Approximately 10,000 of the votes recorded in the spreadsheet as votes for the candidate Rakhmonov seem to have been "transferred" and counted as cast for the other four candidates.

Furthermore OSCE/ODIHR observers found evidence which indicates an effort to increase the number of votes for the candidate Boboev in DEC #51 (Vakhsh). Of the total of 3,694 votes for that candidate in DEC #51 more than half, 2,080, came from six polling stations, PECs # 33, 39, 40, 42, 46 and 48, for which the recorded figures are 110, 210, 400, 700, 160, and 500 respectively. However, in each case the number of valid votes in the PEC protocols is substantially higher than the number of voters in the VL. The other 42 PEC protocols in that district recorded the number of votes cast for Mr. Boboev as lower than 20. This example illustrates the urgent need for introduction of control equations in the PEC protocol to prevent attempted fraud as well as entering random figures.

In DEC #54 (Dangara) and DEC #55 (Yovon) votes for President Rakhmonov were increased by several thousands mainly at the expense of candidates Boboev and Karakulov. Figures also changed at other DEC's, albeit in smaller scale.

XIV. RECOMMENDATIONS

With a view to support the efforts of the authorities and civil society of the Republic of Tajikistan to further improve the legal framework for elections and conduct elections in line with OSCE commitments, the OSCE/ODIHR offers for consideration by the Government of the Republic of Tajikistan the following recommendations. These recommendations should be considered in conjunction with all previous recommendations on the legal framework included in the OSCE/ODIHR Assessment of Law on Presidential Election⁵¹ and the applicable recommendations in the Final Reports of the OSCE/ODIHR Election Observation Mission for the 2000 and 2005 Parliamentary Elections.⁵²

⁴⁹ In DEC #2 (Dushanbe) the Chairwoman ordered observers not to take notes after she realized they were copying results by polling stations. Partial copies of the spreadsheet were received from DEC #3 Shahmansur, #5 Vakhgat, #4 Sino, #32 Istaravshn, #15 Hissor.

⁵⁰ DEC #9 (Rasht), DEC #51 (Vakhsh), DEC #54 (Dangara) and DEC #55 (Yovon).

⁵¹ See OSCE/ODIHR Assessment of the Law on Elections of the President, 26 July 2006, <http://osce.org/odihr-elections/13438.html>.

⁵² See OSCE/ODIHR EOM Final Report on the 27 February 2000 parliamentary elections http://www.osce.org/documents/odihr/2000/05/1406_en.pdf and OSCE/ODIHR Final Report on the 27 February/13 March 2005 parliamentary elections http://www.osce.org/documents/odihr/2005/05/14852_en.pdf.

A. LEGAL FRAMEWORK

1. As recommended previously, the PEL should be amended to provide for election commissions that are independent from government and that are sufficiently inclusive and pluralistic to ensure broad confidence in their work. Registered political parties and candidates should be meaningfully represented on commissions at all levels.
2. Persons holding government positions should not serve on election commissions and the regular employment and political party affiliation of all election officials should be publicized. The CCER Decree #43 provides only marginal improvement in this field.
3. The law should clearly stipulate that the CCER and other election commissions must rule officially on complaints, in public session, and in a timely manner. Penalties for violations should be proportional to the offence.
4. All observers should be entitled to obtain an official copy of polling station results protocols.
5. To further increase the transparency of the process, official results should be published broken down to polling station level.
6. The 50 per cent turnout requirement for elections to be valid may be conducive to electoral malfeasance. The OSCE/ODIHR recommends removing this requirement.
7. Consideration should be given to introduce positive voting, i.e. marking ballots in favour of a candidate or party rather than striking out the names of all candidates and parties that the voter does not wish to vote for.
8. Sufficient details and safeguards for early voting, mobile voting and voting with a voting right certificate should be provided, either in the PEL or through a decree by the CCER. Transparency and accountability for all options of voting must be ensured.

B. ELECTION ADMINISTRATION

9. Election commissions including the CCER should hold regular public meetings in the run up to the elections. All decisions should be made public in a timely manner.
10. An improved guide or instruction book for election-day procedures, in line with the legislation, should be issued in advance of the next elections. Training of commission members should follow the procedures established in this guide for all stages of the election process.
11. More voter education should be provided to target family and proxy voting and to inform voters that they will be allowed to vote in person only. Voters should be required to present ID documents to the commission to be allowed to vote. PECs should enforce this regulation.
12. Only the regular ballot should be used for early voting. The timeframe for the printing of ballots should be amended to accommodate early voting.

13. List of authorized persons shall be established by law whose presence at the polling station shall be allowed. The law should also specify the rights and responsibilities of these persons in the polling stations.

C. CANDIDATE REGISTRATION

14. The minimum number of signatures to be collected in support of a presidential candidate should be reconsidered in line with international best practice. It is recommended that this number does not exceed 1 per cent of the number of registered voters.
15. According to Paragraph 7.5 of the 1990 Copenhagen Document, citizens have the right “to seek political or public office, individually or as representatives of political parties or organisations, without discrimination”. Article 24 PEL should be amended to allow candidacy of self-nominated independent candidates.
16. Provisions for the collection of signatures in support of a candidate should be detailed and consistently applied. Citizens should be allowed to sign in support of more than one candidate.
17. Clear procedures should be introduced for the verification of signatures to ensure an impartial and meaningful verification process, and to provide for a fair assessment of support for the candidates.

D. ELECTION CAMPAIGN

18. The role of election commissions and local governments in organizing campaign meetings should be restricted to providing technical assistance at the request of candidates or parties.
19. Local officials and election commission members should not preside at or participate in campaign meetings in their official capacities.

E. MEDIA

20. Media outlets should be able to publish and broadcast freely, both between elections and during pre-election periods. It should be ensured that the public has access to a variety of views and information, so that voters can make an informed choice.
21. Debates among candidates and party representatives – including televised debates between candidates – should be encouraged in the pre-election period.
22. State-owned media should be consistent in distinguishing between the activities of the incumbent president from his activities as candidate. Coverage of the incumbent should not unduly disadvantage or limit coverage of other candidates.
23. The state media should make greater efforts in its news, electoral and political debate programs to provide information on political parties and candidates, taking care that such information is impartial and balanced.

24. State authorities should refrain from interfering in the activities of journalists and other media outlets with a possibility of influencing elections. There should not be any intimidations, threats, closure or pressure on the media by public authorities.

F. VOTER LISTS

25. The state authorities should consider establishing a centralized voter register which would allow for cross-checking of possible multiple entries. Voter lists should be certified by an authority other than the PEC.
26. The supplementary voter list should be clearly distinguishable from the main voter list.
27. Migrant workers should not be excluded from the regular voter lists unless they register to vote abroad. Special treatment such as marking migrant workers on VLs in a specific way should not be allowed.

G. VOTING AND COUNTING PROCEDURES, TABULATION

28. An opening procedure for polling stations should be clearly defined, including inspection and checking of all sensitive election material.
29. The PEC protocol should include all figures related to the voting process such as number of unused ballots, number of voters added to the voter list on election day, number of voters who voted by mobile ballot box.
30. The number of signatures of voters and the number of ballots found in the mobile and stationary ballot boxes should be reconciled before counting.
31. Emphasis should be placed on the counting and tabulation process in the training of commission members to avoid results protocols filled in pencil or only partially filled protocols. Commission members should not sign such protocols and account for any necessary changes made.
32. To ensure transparency and accountability, DEC's should submit to the CCER spreadsheets or tables which include results from the individual polling stations and not only the tabulated results for the district.
33. The CCER should make results available publicly and countrywide, broken down to PEC level.

H. OBSERVERS

34. Participation of domestic non-partisan observers is fundamental in ensuring transparency and public confidence in the election process. The PEL should be amended to provide for domestic non-partisan election observers.
35. It is recommended that the law be amended to provide greater detail concerning the presence and rights of international observers. Further, international observers from OSCE participating States who are invited by the authorities, in line with Paragraph 8

of the OSCE 1990 Copenhagen Document, should be able to observe all stages of the election process. The condition “if necessary” should be deleted from Art. 4 of the PEL.

36. Observers should be entitled to full access to all stages of the election process, including before and after polling.⁵³ Observers should be given unimpeded access to all levels of election administration, effective access to other public offices with relevance to the election process, and the ability to meet with all political formations, the media, civil society, and voters.⁵⁴
37. Observers should receive appropriate credentials a sufficient period of time prior to elections to enable them to organize their activities effectively.

I. OTHER RECOMMENDATIONS

38. Voter and civic education should include information on candidates, political parties, and their platforms. Voter education activities should be conducted in close collaboration with civil society organizations.
39. All possible measures should be taken to encourage women and national minority groups to participate more actively in the election process.

⁵³ Regarding domestic partisan observers and international observers, Article 7 of the Presidential Election Law provides that “preparation and conducting of elections shall be exercised openly and publicly by electoral commissions.” However, this text is not sufficient to guarantee full and complete transparency.

⁵⁴ Regarding domestic partisan observers and international observers, Art. 7 PEL provides that “preparation and conduct of elections shall be exercised openly and publicly by electoral commissions.” However, this text is not sufficient to guarantee full and complete transparency.

ANNEX 1: PRELIMINARY AND FINAL OFFICIAL RESULTS

On 7 November 2006, the day after the election, the CCER announced the following *preliminary* results:

- Number of polling stations – 3,059
- Number of registered voters – 3,356,221
- Number of votes cast – 3,054,573 (90.89% turnout)
- Number of invalid votes – 40,382 (1.3%)

Candidates	Number of votes	(%)
Boboev Olimjon	189,383	6.2
Gaffarov Abduhalim	85,528	2.8
Karakulov Amir Burievich	161,892	5.3
Rakhmonov Emomali Sharifovich	2,422,276	79.3
Talbakov Ismoil	155,783	5.1

On 15 November, within the ten day deadline prescribed by Art. 34 PEL, the CCER announced the *official final* results⁵⁵:

- Number of polling stations – 3 059
- Number of registered voters – 3,356,221
- Number of votes cast – 3,054,573 (90.89% turnout)
- Number of invalid votes – 39,529 (1.3%)

Candidates	Number of votes	(%)
Boboev Olimjon	190,138	6.23
Gaffarov Abduhalim	85,295	2.80
Karakulov Amir Burievich	156,991	5.15
Rakhmonov Emomali Sharifovich	2,419,192	79.30
Talbakov Ismoil	159,493	5.23

⁵⁵

The results were published in the newspapers Djumhuriat, Narodnaya gazeta and others and announced on TV.

ABOUT THE OSCE/ODIHR

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