



Office for Democratic Institutions and Human Rights

# REPUBLIC OF TAJIKISTAN

## PARLIAMENTARY ELECTIONS

1 March 2015

OSCE/ODIHR Election Observation Mission  
Final Report



Warsaw  
15 May 2015

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

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Tajikistan, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 20 January deployed an Election Observation Mission (EOM) for the 1 March 2015 parliamentary elections. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. For election day, the OSCE/ODIHR EOM joined efforts with the OSCE Parliamentary Assembly and the European Parliament.

The Statement of Preliminary Findings and Conclusions issued on 2 March 2015 concluded that: “Some contestants provided political alternatives, yet the 1 March parliamentary elections took place in a restricted political space and failed to provide a level playing field for candidates. Although the government stated its ambition to hold democratic elections, and some improvements were made to the electoral law, restrictions on the right to stand, freedoms of expression and assembly, and access to media limited the opportunity to make a free and informed choice. The elections were not administered in an impartial manner. While election day was peaceful, significant shortcomings were noted, including multiple voting and ballot box stuffing. The disregard of counting procedures meant that an honest count could not be guaranteed, as required by OSCE commitments.”

Amendments to the parliamentary elections law (PEL) in 2014 addressed some long-standing OSCE/ODIHR recommendations but did not significantly improve the process, overall. The legal framework includes important electoral principles but does not comprehensively regulate the process and certain aspects lack clarity and coherence. Further reform is needed to bring legislation closer in line with OSCE commitments and other international obligations and standards for democratic elections. The law was often selectively interpreted in a manner that restricted freedoms of expression and assembly, and the right to access information.

The elections were conducted according to legal deadlines. Sessions of the Central Commission for Elections and Referenda (CCER) were generally open to observers and media, but decisions were not always taken in a transparent and collegial manner. The CCER rarely used its authority to clarify vague legal provisions, although trainings for lower-level commissions offered some opportunity to clarify procedural matters. The CCER conducted a comprehensive voter information campaign in media, including on the new voting method.

The appointment of election commissions lacked transparency. This and the strong role of the government administration, particularly in district and precinct commissions, contributed to a lack of confidence among opposition representatives in the election administration’s independence and impartiality. The arrest of the CCER member from the Islamic Revival Party of Tajikistan (IRPT) and the lack of a representative from the Social Democratic Party of Tajikistan diminished the CCER’s inclusivity.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Tajik and in Russian.

The voter registration process was inclusive as voters could check their registration and request amendments. There is no permanent register of voters at central or sub-national level. There was no requirement for voters to prove their residency on election day and no practical means to ensure that citizens were only registered to vote in one place or vote only once. The lack of safeguards against multiple voting potentially undermines the integrity of the electoral process.

There was substantial variation in the number of voters per electoral district, which challenged the equality of the vote as enshrined in OSCE commitments and other international standards. Questions were raised as to whether the number of polling stations abroad was sufficient to facilitate voting rights for the large number of citizens outside of the country.

Candidates were registered by all eight political parties but only two parties nominated sufficient candidates to potentially win a parliamentary majority. Some of the candidate eligibility requirements are contrary to international obligations and standards, including those related to education, residency, language, and criminal convictions and investigations. The registration of candidates was sometimes conducted in an arbitrary manner, including the verification of support signatures. In a positive step, the financial deposit was halved for these elections, although some parties reported that it still constituted a barrier to candidacy.

There are no special legal measures that promote women candidates and few women were placed in winnable positions on party lists. The financial deposit and higher education requirements for candidacy disproportionately affected women, who constituted only 19 per cent of parliamentarians elected. Women are underrepresented in election commissions, particularly in decision-making roles. As voters, women were observed to participate considerably less frequently than men.

Despite the existence of some political choice, the election campaign took place in a controlled environment, amid arrests of opposition politicians, candidates, and election officials. Possibilities for parties and candidates to hold meetings, distribute materials, and access media were restricted by the legal framework as well as decisions of local government bodies and election commissions. The distinction between the ruling PDPT and the state was often blurred, contrary to OSCE commitments. The OSCE/ODIHR EOM received credible reports of harassment and obstruction of opposition parties, as well as pressure on voters. These allegations raised concerns about voters' ability to cast their vote "free of fear of retribution", as required by the 1990 OSCE Copenhagen Document.

Campaign finance lacked transparency and accountability. Regulations do not guarantee comprehensive and periodic reporting, effective oversight, or proportionate penalties for non-compliance. Most electoral contestants did not submit their financial reports within the deadline. Despite some public financing being provided, most parties lacked the funds necessary to mount effective campaigns.

The imbalanced coverage by the state media, negative reporting on the opposition IRPT, and the absence of genuine political debate, considerably limited the possibility for voters to make an informed choice. The amount of free airtime for parties and candidates was increased but the slots were mostly aired long before election day. Outside the free airtime, the state-owned media – the only broadcast media with nationwide coverage – did not report on contestants' campaigns, with coverage instead focusing overwhelmingly on state authorities. Insult or slander against senior government officials, including those who stand as candidates, remains a criminal offence and self-censorship among journalists is prevalent.

The legislation provides a basis for the equal participation of national minorities in elections. However, the new requirement for candidates to pass a test in the Tajik language could hinder

opportunities for national minority candidates and few were nominated in these elections. Positively, voter information and ballots were available in minority languages.

The complaints and appeals process lacked clarity, transparency and guarantees of due process. Election commissions and courts received few complaints, all of which were rejected. Decisions often lacked factual and legal reasoning. Many OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the complaints system due to a perceived lack of independence of the judiciary, election administration, and law enforcement bodies.

The PEL allows observers from parties, candidates, and international organizations. However, it does not provide for citizen observation, which lessens transparency and public confidence and is at odds with OSCE commitments. The PEL and CCER instructions fail to guarantee rights of observers to follow all stages of electoral process or receive copies of results protocols.

The voting process was assessed negatively in over 20 per cent of polling stations observed; a substantial proportion that indicates systematic problems. Serious procedural violations were frequently reported, including proxy voting and ballot box stuffing. Observations confirmed that safeguards to ensure that only eligible persons voted and that they did so only once were absent.

Almost two-thirds of vote counts observed were assessed negatively. Important procedures were often disregarded, including not cancelling unused ballots, selectively determining the validity of ballots, and signing blank results protocols. This meant that an honest count, as required by the 1990 OSCE Copenhagen Document, could not be guaranteed.

The tabulation process is not adequately regulated and lacked transparency at the district and central levels. The CCER declared the winners but did not release other key data, including the number of votes received by each candidate or results disaggregated by district and polling station.

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

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the authorities of the Republic of Tajikistan and based on the recommendation of a Needs Assessment Mission conducted from 27 to 29 October 2014, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 20 January 2015 for the 1 March parliamentary elections. The EOM was headed by Miklós Haraszti and consisted of 14 experts based in Dushanbe and 16 long-term observers deployed throughout the country. Mission members were drawn from 21 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) to form an International Election Observation Mission (IEOM). Marietta Tidei was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Geir Jørgen Bekkevold headed the OSCE PA delegation and Norbert Neuser headed the EP delegation. In total, there were 230 observers from 40 countries, including 163 long-term and short-term observers deployed by the OSCE/ODIHR, as well as 58 parliamentarians and staff from the OSCE PA, and 9 from the EP. Voting was observed in 812 out of 3,209 polling stations, counting was observed in 78

polling stations, and the tabulation process was observed in 33 of the 41 District Election Commissions. Concurrent local elections were observed only to the extent that they affected the conduct of the parliamentary elections.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Dushanbe on 2 March.<sup>2</sup>

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

### III. BACKGROUND AND POLITICAL CONTEXT

The 1 March elections to the lower house of parliament, the Assembly of Representatives (*Majlis Namoyandagon*),<sup>3</sup> were the fourth since the end of the 1992-1997 civil war and the sixth elections to be observed by the OSCE/ODIHR. The authorities noted the importance of a calm and stable electoral process, particularly in light of regional security concerns and the draw-down of the International Security Assistance Force in Afghanistan.

The constitution grants the president substantial executive power while the parliament is conferred with limited competencies. Among various responsibilities, the president appoints the prime minister and other ministers, as well as the heads of 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. The incumbent president, Emomali Rahmon, was re-elected for a seven-year term in 2013 and has been in power since 1994.<sup>4</sup> On 23 January, President Rahmon, in his annual speech to the parliament, called for free, democratic, and transparent elections.

Following the last parliamentary elections in 2010, the People's Democratic Party of Tajikistan (PDPT), headed by President Rahmon, held 45 of the 63 seats in the outgoing parliament. The Islamic Revival Party of Tajikistan (IRPT), the Communist Party of Tajikistan (CPT), the Agrarian Party of Tajikistan (APT), and the Party of Economic Reforms of Tajikistan (PERT) each had two seats. The remaining members of parliament (MPs) were self-nominated. The Democratic Party of Tajikistan (DPT), the Social-Democratic Party of Tajikistan (SDPT), and the Socialist Party of Tajikistan (SPT) were not represented in the parliament.

No other political parties have been registered for a decade. In April 2013, Zayd Saidov, a former Minister of Industry, announced his intention to form a new political party, the New Tajikistan Party,

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

<sup>3</sup> The parliament (*Majlisi Oli*) has two chambers. The upper chamber, the *Majlisi Milli* (National Assembly), has 34 deputies who are indirectly elected or appointed by the president.

<sup>4</sup> Following a 2003 constitutional referendum, the president's term was extended from five to seven years and President Rahmon was allowed to stand for two additional consecutive terms.

to contest the 2015 parliamentary elections. The initiative foundered after Mr. Saidov was arrested in May 2013 and subsequently sentenced to a 26-year prison term on an assortment of criminal charges.<sup>5</sup>

#### IV. ELECTORAL SYSTEM

Members of the Assembly of Representatives are directly elected for a five-year term according to a mixed majoritarian-proportional system. Of the 63 MPs, 41 are elected from single-mandate districts, with the winning candidate requiring a majority of votes cast. If no candidate receives a majority, a second round is held within two weeks between the two leading candidates. The other 22 MPs are elected from a single nationwide district under a proportional, closed-list system with a five per cent threshold. More than 50 per cent of registered voters must participate for the election to be valid; otherwise, repeat elections must be held. 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.

On 10 December, the Central Commission for Elections and Referenda (CCER) published a list of revised boundaries for the 41 single-mandate districts, as previously recommended by the OSCE/ODIHR. However, significant variation in the number of voters per district remained, ranging from 64,479 in Sino (district 4) to 156,756 in Qubodiyon (district 31). This challenges the principle of equal suffrage, as provided by paragraph 7.3 of the 1990 OSCE Copenhagen Document, since the number of voters required to be elected deviated by some 47 per cent from the nationwide average.<sup>6</sup> It also far exceeds the maximum deviation permitted by national law,<sup>7</sup> as did the formation of election districts with split territories.<sup>8</sup> In addition, the source of the data used by the CCER to determine the election districts was not disclosed and there was no public consultation regarding the revisions, undermining the transparency of the process.

*In order to uphold the principle of vote equality, district boundaries should be formed in line with the election law, OSCE commitments and other international standards. To enhance transparency, the revision of district boundaries should involve broad public consultation.*

#### V. LEGAL FRAMEWORK

Parliamentary elections are regulated by the 1994 Constitution, the 1999 Parliamentary Elections Law (PEL), and other relevant laws.<sup>9</sup> Amendments to the PEL were adopted in 2014 with the support of all registered parties. However, additional changes to the law proposed by some parties, which included allowing parties to nominate members to all levels of the election administration, were not formal

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<sup>5</sup> On 20 January 2015, additional charges against Mr. Saidov were brought in closed trial.

<sup>6</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that participating States will “guarantee universal and equal suffrage to adult citizens”. Paragraph 21 of the 1996 UN Human Rights Committee’s (UNHCR) General Comment No. 25 to Article 25 of the 1966 International Covenant on Civil and Political Rights (ICCPR) provides that “[t]he drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters”.

<sup>7</sup> According to the Constitution, MPs are elected on the basis of universal equal suffrage. Article 21 of the PEL permits deviations up to 15 per cent from the average nationwide number (up to 20 per cent in remote locations) and that districting take into account the existing territorial-administrative borders.

<sup>8</sup> In Sughd region, part of Zafarobod administrative district was included in Jabbor Rasulov election district (No. 16) and the towns of Qayraqum and Istiklol in Bobojon Ghafurov administrative district were included in Mastchoh election district (No. 18). See Article 21.2 of the PEL.

<sup>9</sup> Elections are also regulated by the 1998 Law on Political Parties, the 2014 Law on Public Meetings, Demonstrations and Rallies, the 2008 Civil Procedures Code, the 2013 Law on Periodical Print and Other Mass Media, the 2008 Code of Administrative Offences, the 1998 Criminal Code, and CCER regulations.

heard by parliament. Some previous OSCE/ODIHR recommendations were addressed in part or in full, such as reducing the financial deposit payable by candidates, lessening local government's role in the campaign, and simplifying the voting method. However, other recommendations were not addressed including those pertaining to unreasonable restrictions on voter and candidate eligibility, undue limitations on freedom of expression, unclear complaints and appeals procedures, a lack of pluralism and inclusiveness in election commissions, and the absence of provisions for citizen election observation.

Several important aspects of the electoral process lack legal clarity, including voter and candidate registration, the campaign, early voting, and election day procedures. This is at odds with international obligations for democratic elections.<sup>10</sup> The PEL contains a few procedural inconsistencies, including on validity of the ballots and compilation of results protocols.<sup>11</sup> Some legal provisions for the parliamentary and concurrent local elections were contradictory, for example, those regulating early voting, nomination of election observers, and counting procedures. Often, the law was interpreted selectively and in a manner that restricted civil and political rights including freedoms of expression and assembly, and the right of access to information. Overall, the 2014 amendments did not significantly improve the legal framework, underscoring the need for further electoral reform.

*The legal framework should be comprehensively reviewed to address past and present OSCE/ODIHR recommendations and align it more closely with OSCE commitments and other international obligations and standards. Reform should be undertaken well in advance of the next elections and involve open consultation with all stakeholders.*

## **VI. ELECTION ADMINISTRATION**

### **A. FORMATION AND COMPOSITION OF ELECTION COMMISSIONS**

The parliamentary elections were administered by a three-tiered structure comprising the CCER, 41 District Election Commissions (DECs), and 3,209 Precinct Election Commissions (PECs).<sup>12</sup> They are formed top-down, with a limited role for political parties. Although the PEL provides that election commissions are independent from any state bodies, the government has a key role in nominating commission members at all levels. While parties can nominate some CCER and DEC members, the PEL does not explicitly allow them to nominate PEC members. Opposition representatives expressed a general lack of confidence in the independence and impartiality of the election administration.

The CCER, a permanent body composed of 15 members, was elected by the parliament on the proposal of the president for a five-year term on 8 December 2014. While there are no provisions for political party representation, its membership initially included nominees of seven of the eight political parties. The SDPT stated that it was not invited to propose a nominee. The 11 February arrest of Mr. Mahmudov (see *Election Campaign*) left the IRPT without any involvement in the CCER, undermining its inclusiveness.

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<sup>10</sup> Paragraph 1 of the 1996 UNHCR General Comment No. 25 to the ICCPR requires that states “adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights [the ICCPR] protects”. See also Article 38 of the Law on Normative Acts.

<sup>11</sup> For example, Article 46 sets the rules for invalidation of the ballots which contradicts the rules of voting, as amended in Article 42. Article 35 sets the rules for registration of single-mandate candidates which contradicts the provisions for payment the electoral deposit in Article 32.1.

<sup>12</sup> The parliamentary and local elections were administered by separate district and precinct commissions, under the supervision of the CCER.



Lower-level commissions are appointed for each election. The process for nominating and selecting DEC and PEC members is not sufficiently regulated by law and, in practice, lacked transparency and favoured the ruling party. DECs had between 9 and 15 members. The CCER appointed DEC members based on the proposals of local government executives and after consideration of nominations made by local branches of political parties. The requirement that local rather than national branches of parties nominate DEC members may have limited the number of party nominees in some DECs, since some parties lack structures in all districts.

While the political affiliation of DEC members was not always disclosed, some OSCE/ODIHR EOM interlocutors claimed many supported the PDPT. The number of party nominees appointed to the DECs varied from 47 by the PDPT and CPT to 4 by the SDPT.<sup>13</sup> According to data supplied by the CCER, the majority of DEC chairpersons were nominated by the PDPT. None of the IRPT or SDPT nominees were appointed as DEC chairperson, deputy, or secretary.

The PECs were appointed by the DECs within the legal deadline. The PEL stipulates that PECs have between 5 and 19 members but it does not further regulate their composition and the political affiliation of those appointed was not disclosed. In Sughd (DECs 13, 17, 20, 21, 22, and 23), the IRPT's PEC nominations were rejected on the grounds that the law does not explicitly provide for party nominations. Four of the eight parties informed the OSCE/ODIHR EOM that they favour party representation on PECs as a confidence building measure and a means to enhance transparency.<sup>14</sup>

*The law should ensure that the election administration is fully independent from the government and is sufficiently pluralistic and inclusive to encourage broad confidence. Clear criteria for the nomination and selection of commissions should be established. Parties should be afforded the right to nominate a representative to all levels of the election administration, including decision-making positions.*

Women were underrepresented in the election administration. Four of the fifteen CCER members were women, including the secretary. Women constituted 21 per cent of DEC members, with only 3 of 41 chairpersons. Women were equally represented on PECs observed on election day, but only 25 per cent of those were chaired by women. The under-representation of women in the election administration, particularly in senior decision-making roles, is at odds with the OSCE commitments and international obligations.<sup>15</sup>

*Consideration should be given to introducing mechanisms to ensure greater participation of women in the election administration, including in senior decision-making roles.*

Following the 2014 amendments to the PEL, polling stations outside Tajikistan can only be established in embassies and consular offices. The CCER established 35 polling stations in 27

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<sup>13</sup> In some DECs some parties had more than one member.

<sup>14</sup> Paragraph 20 of the 1996 UNHRC General Comment 25 to the ICCPR requires that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant”. Article 19.2(j) 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...”

<sup>15</sup> In paragraph 40.4 of the 1991 OSCE Moscow Document, participating States affirmed that it is their “goal to achieve not only de jure but de facto equality of opportunity between men and women and to promote effective measures to that end.” See also Article 7(b) of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Paragraph 26 of the 1997 General Recommendation 23 on CEDAW by the UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) provides that “states parties have a responsibility, where it is within their control [...] to appoint women to senior decision-making roles”.

countries. While being in line with the PEL, only 3 polling stations were established in the Russian Federation compared to 24 for the 2013 presidential election.<sup>16</sup> Some OSCE/ODIHR EOM interlocutors stated that the number of out-of-country polling stations was too small to provide non-resident citizens with an effective opportunity to vote, at odds with Tajikistan's commitment to facilitate voting rights for citizens abroad.<sup>17</sup>

## **B. FUNCTIONING AND ACTIVITIES OF ELECTION COMMISSIONS**

CCER sessions, in general, were open to observers and media. Some decisions, however, were adopted outside formal sessions. The collegiality of CCER decision-making was adversely affected by many commissioners continuing with other employment, in some cases outside of Dushanbe. This lessened their involvement in the work of the CCER and the commission's ability to consider issues collectively.<sup>18</sup> While efforts were undertaken before the elections to improve the CCER website, many decisions were not uploaded. The CCER did not publish its session agendas and minutes. These factors lessened the transparency and collegiality of the CCER, at odds with its own Rule of Procedures as well as international standards.<sup>19</sup>

*The CCER should ensure collegiality in its activities and that all election-related information of public interest including the agendas and minutes of its sessions are made public in a timely manner.*

The CCER used its legal authority to clarify aspects of electoral law by issuing regulations.<sup>20</sup> However, many merely repeated legal provisions without adding further detail. No regulations for commissions were issued to clarify procedural differences and potentially overlapping responsibilities between parliamentary and the concurrent local elections. A lack of consistency in DEC's understanding and application of the law was observed, including on procedures for verifying candidate support signatures, testing candidate's competency in the Tajik language, and early voting.

The CCER trained the chairpersons, deputies and secretaries in lower-level commissions, but not the other members. Although trainings included a questions and answers format, those observed by the OSCE/ODIHR EOM did not sufficiently address unclear provisions of the PEL and CCER regulations, including those related to voter and candidate registration, permitted forms of campaigning, and polling procedures. This contributed to an inconsistent and, at times, arbitrary application of the law by DEC's and PEC's.

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<sup>16</sup> Estimates for the number of Tajikistani citizens in the Russian Federation vary from 250,000 to more than 1 million. On 19 February, the CCER informed the OSCE/ODIHR EOM that some 90,000 persons had been registered to vote abroad, but did not publicly announce this nor the number of those who voted.

<sup>17</sup> Article 41 of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states "Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation. The States ... shall ... facilitate the exercise of these rights." According to Article 2.c of the 2002 CIS Convention "Each citizen residing or being outside the boundaries of his/her state during the period of conducting national elections shall be entitled to the electoral rights equal to the electoral rights of other citizens of his/her state. The diplomatic representations and consular departments, and their officials shall assist the citizens in exercising their electoral rights and freedoms".

<sup>18</sup> In addition, the OSCE/ODIHR EOM visited all 41 DEC's prior to election day and observed limited collegiality and transparency in their work.

<sup>19</sup> Paragraph 1.6 of the 2010 CCER Rule of Procedures provides for principles of openness, transparency, and collective discussion of all election-related issues. Paragraph 19 of the 2011 UNHRC General Comment No. 34 to Article 19 of the ICCPR states "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective, and practical access to such information."

<sup>20</sup> The CCER regulations cover the work of lower-level commissions, candidate nomination and registration, media coverage, election observers, complaints and appeals, and rules for testing state language proficiency.

*Mechanisms to ensure the consistent implementation of election-related legislation should be strengthened. In line with its legal authority, the CCER should adopt regulations and conduct effective training to clarify legal provisions, in particular regarding voter and candidate registration, prohibited campaign activities, and election day procedures.*

The 2014 amendments to the PEL simplified the voting method so that voters are required to affirmatively place a '+' next to the candidate or party of their choice rather than crossing out the names of all others. However, the rules to determine the validity of the votes were not changed and, according to the PEL, ballots had to be considered as invalid where more than one contestant was left in the ballot. The CCER organised a comprehensive voter information campaign on state television on where and how to vote, in particular on the change of voting method. However, the old rules for validity of the votes were printed on all ballots and reflected in the official protocols for counting votes, despite the fact that this approach was obsolete and at odds with voter information.

The CCER is responsible for producing ballot papers. The PEL does not explicitly allow access for observers to follow the printing process. The CCER did not disclose the number of ballots produced and distributed, including those produced in minority languages.

*To enhance transparency, the PEL should require the CCER to announce the number of ballots produced and distributed to each DEC, including those in minority languages. Observers should be granted the right to follow ballot paper production and distribution.*

## **VII. VOTER REGISTRATION**

The Constitution grants every adult citizen the right to vote except those who are declared incompetent by a court or serving a prison sentence, regardless of the severity of the crime. The blanket denial of voting rights to all those imprisoned or declared incapable is at odds with OSCE commitments and other international obligations and standards.<sup>21</sup>

*The restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offence. The blanket restrictions on the suffrage rights of persons with mental disabilities should be removed or be decided on a case-by-case basis, depending on specific circumstances. The authorities should consider acceding to the UN Convention on the Rights of Persons with Disabilities.*

Voter registration is passive and is administered locally without a permanent or centralized voter register. The CCER informed the OSCE/ODIHR EOM that it has been unable to establish a permanent register of voters due to financial constraints. On 8 December, the CCER announced a preliminary figure of 4,346,415 registered voters, with separate figures given for each district. After their formation on 15 January, PECs began to compile voter lists using data supplied by local authorities as their basis. Voters could be registered according to their permanent or temporary residence.

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<sup>21</sup> Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that 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". Paragraph 14 of the 1996 UNHRC General Comment No. 25 to the ICCPR states that grounds for the deprivation of voting rights should be "objective and reasonable". Article 29 of the 2006 UN Convention on the Rights of Persons with Disabilities requires states to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others". Paragraph 13.2 of the 1989 OSCE Vienna Document commits participating States to "consider acceding to... relevant international instruments".

CCER regulations to PECs on the compilation and verification of voter lists were rudimentary and gave little practical guidance.<sup>22</sup> In addition, the CCER did not establish a procedure to remove the entries of those citizens who had registered to vote at an embassy or consular office, potentially causing multiple registrations of these people. The PECs used various practices to verify voter lists, including door-to-door checks, and did not apply a consistent approach regarding the registration of citizens abroad.<sup>23</sup> The lack of a permanent voter register at central or sub-national level prevented any nationwide crosschecks for potential multiple entries, undermining the integrity of voter lists.<sup>24</sup>

*Comprehensive procedures should be established to reduce the risk that voters can be registered to vote in more than one polling station. A centralized voter register could be developed and regularly updated to allow cross-checks and enhance the efficiency and accuracy of voter registration.*

Voter lists were open to public scrutiny from 13 February. A voter whose name was omitted could apply for inclusion on a ‘supplementary’ voter list. Registration via the supplementary list was permitted on election day provided that a voter could present an identity document. Only two of the four types of identification documents necessary for registration – passports and driver’s licenses – prove residence. Neither the PEL nor CCER regulations required voters to prove their residence or oblige PECs to record the details of the documents presented. This removed an important measure to reduce the risk that voters could be included in more than one voter list and thus vote more than once.

*Consideration could be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements, subject to judicial control.*

The CCER announced at the DEC/PEC trainings that police and PEC members on duty away from the place of voter registration may register to vote via the supplementary voter list. The PEL does not permit this practice and the CCER did not adopt a formal decision to this effect.

Voters not present in their registered precinct on election day had the opportunity to vote in advance at DEC’s in the two weeks prior to election day. Voters who could not come to a polling station because of illness or other reasons could request a ‘mobile ballot box’ to be brought to them. The PEL does not provide clear rules for the administration of these modalities and the CCER did not establish procedures for people who voted early or via mobile ballot box to sign voter lists to indicate their receipt of ballots, as required by law.

The CCER did not formally announce the final number of registered voters prior to election day, or announce the number of voters who registered to vote on the supplementary voter lists. The absence of official figures further lessened the transparency of the voter registration process.<sup>25</sup>

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<sup>22</sup> CCER regulations stated: “The following information shall be clarified during the compilation and clarification of voter lists: [...] persons who permanently or temporarily have left their place of residence”.

<sup>23</sup> Some PECs recorded which citizens were abroad (by marking the preliminary voter lists) while others removed these voters from the main voter lists but recorded them on a separate list, despite the CCER direction at trainings that migrant workers should remain on the voter lists at their place of registration.

<sup>24</sup> Paragraph 21 of the 1996 UNHRC General Comment No. 25 to the ICCPR states that “the principle of one person, one vote must apply”. See also paragraph 7.3 of the 1990 OSCE Copenhagen Document.

<sup>25</sup> On the eve of the elections, the CCER informed the OSCE/ODIHR EOM that voter lists contained 4,408,000 registered voters. The CCER quoted the same figure to the press on 1 March (See [www.asiaplus.tj/ru/node/204222](http://www.asiaplus.tj/ru/node/204222)). But when announcing the preliminary and final results, the CCER declared 4,319,395 as the final number of voters included in voter lists ([www.news.tj/ru/node/204774](http://www.news.tj/ru/node/204774)). In the official protocol, the CEC indicated 4,399,390 voters included in the voter lists. On 2 March, the CCER announced that the final voter turnout was 87.7 per cent, or 3,791,827 voters.

*As a transparency and confidence building measure, the CCER should be legally required to publish information on the total number of registered voters prior to election day as well as those registering on election day (should this provision be retained). The data should be disaggregated by DEC, PEC, and gender.*

## VIII. CANDIDATE REGISTRATION

Candidates are required to be eligible voters of at least 25 years of age, have a higher education, a command of the state language, and citizenship and residency in Tajikistan for the last five years. Military personnel, law enforcement officers, and religious functionaries are not allowed to stand for election. Individuals convicted of any crime whose criminal record has not been expunged, and those under investigation for committing a serious crime are also not permitted to stand for election. Several of these requirements are contrary to OSCE commitments and other international obligations and standards, including those related to education, residency, language, unexpunged criminal records, and ongoing criminal investigation.<sup>26</sup>

*The restrictions on the right to stand for election which are in conflict with OSCE commitments and other international obligations and standards should be removed from the legal framework.*

Candidates could be nominated by a political party on its nationwide list and/or in a single-mandate district. Candidates were required to submit a financial deposit of TJS 4,000 (EUR 640).<sup>27</sup> Despite the recent reduction in the size of the deposit, several parties continued to regard the amount as an unreasonable barrier to candidacy.<sup>28</sup> Some candidates and civil society activists considered that the high deposit together with the education requirements disproportionately affected potential women candidates. Self-nominated candidates could only stand in single-mandate districts. They had to fulfil the same requirements as party-nominated candidates and submit at least 500 signatures of voters resident in that district. Contrary to good electoral practice, a voter could sign to support the nomination of only one candidate.

*The restriction that citizens may support only one candidate could be reconsidered. The process would be more inclusive if citizens could support for as many candidates as they chose to support. The registration requirements for self-nominated and party-nominated candidates should be the same.*

Candidates for the nationwide contest were registered by the CCER and candidates for single-mandate races were registered by DEC. On occasion, some DECs applied arbitrary means to verify data submitted by candidates. DEC 8 (Somoni) concluded that a prospective candidate lacked proficiency in the state language based on misspellings in his application form, although the applicant had already passed the formal language test and had been registered by the CCER as a candidate on the SDPT's nationwide list. DEC 21 (Panjakent) denied registration to a nominee prosecuted in 1985 under Soviet Criminal Law for a misdemeanour offence, as he failed to provide proof that the criminal record had been expunged. The decision was upheld by the courts, although the criminal record should have been

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<sup>26</sup> Paragraph 15 of the 1996 UNHCR General Comment No. 25 to the ICCPR states that “any restrictions on the right to stand for election ... must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence...” Paragraph 3 adds that “no distinctions are permitted between citizens in the enjoyment of these rights on the grounds of... language.” Paragraph 5.19 of the 1990 OSCE Copenhagen Document states: “everyone will be presumed innocent until proved guilty according to law”. Paragraph 24 provides that any restrictions on rights must be “strictly proportionate to the aim of the law”. See also Article 6.5(b) of the 2002 CIS Convention.

<sup>27</sup> EUR 1 was approximately TJS 6.25 (Tajik *Somoni*) on 15 January, the date candidate registration began.

<sup>28</sup> According to the Statistical Agency, the average monthly salary was TJS 964 as of December 2014.

automatically expunged three years after serving the sentence. In the absence of clear CCER instructions, some DEC's verified candidate support signatures by requesting signatories to reproduce their signature, a method that may be seen as intimidating.<sup>29</sup>

*To better ensure equal suffrage, the procedures to verify documents submitted by candidate nominees should be clearly set out in the legislation and applied in a consistent and impartial manner by election commissions.*

The CCER registered lists of all eight political parties for the nationwide contest. The number of nominees varied from 4 submitted by the DPT to 28, the maximum permitted, by the PDPT and the IRPT. In total, 123 candidates were nominated for the nationwide contest, of which 103 were registered, 10 withdrew and 10 were rejected.<sup>30</sup> Out of 212 nominees for the single-mandate contests, DEC's registered 185 candidates, of which 105 were nominated by a political party and 80 were self-nominated. Most of the rejected nominees failed to pay the deposit.<sup>31</sup>

In partial fulfillment of a prior OSCE/ODIHR recommendation, the PEL was amended to set a deadline for single-mandate candidates to withdraw. However, the deadline was set 7 days prior to election day, while the law stipulates that ballots must be produced no later than 10 days before elections. Political parties retain the right to withdraw a candidate until election day. The PEL requires that PECs cross out the names of candidates who withdrew after the ballots were printed, a procedure that introduces the potential for human error.

*The deadline for withdrawal of candidacy should be the same for all candidates standing in single-mandate districts. To avoid the need to amend ballot papers by hand, the deadline could be synchronized with printing of ballots.*

Voters' choice was constrained by the limited number of candidates fielded. As a result of nomination, only the PDPT and the IRPT had a sufficient number of candidates to potentially win a parliamentary majority.<sup>32</sup> By the legal deadline, 21 February, some 40 per cent of self-nominated candidates had withdrawn.<sup>33</sup> The OSCE/ODIHR EOM was informed that a majority of the remaining self-nominated candidates declared membership of the PDPT and in a few districts, voters were presented only with a choice between PDPT-affiliated candidates.<sup>34</sup> This challenged OSCE commitments and other international obligations on political pluralism and genuine free choice.<sup>35</sup>

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<sup>29</sup> Observed in DEC's 3 (Shomansur), 8 (Somoni), 9 (Rudaki), 12 (Rasht), 14 (Bobojon Ghafurov), and 23 (Istravshan).

<sup>30</sup> Of the rejected candidates, eight failed to pay the deposit, one had residence abroad, and one was under arrest (Firdavs Sohbnazarov, nominated by the SDPT in Jomi).

<sup>31</sup> One candidate appealed DEC 8's decision on his non-registration for non-payment of the financial deposit. He argued that the PEL does not explicitly require self-nominated candidates to pay the deposit, only to submit supporting signatures. Both the CCER and Supreme Court upheld the DEC decision and confirmed that the deposit was required from all nominees.

<sup>32</sup> According to the DEC's, after the deadline for withdrawal of candidates, in all 41 districts the CPT, DPT, and SDPT had 3 single-mandate candidates, each, SPT – 4, PERT – 10, APT and IRPT – 15 each, PDPT -37.

<sup>33</sup> The CCER did not announce the number of candidates remaining as contestants after the expiry of the withdrawal deadline. Based on data provided by DEC's, after 21 February, 138 candidates remained on ballots in the 41 single-mandate districts, of which 48 were self-nominated candidates.

<sup>34</sup> According to the data provided to the OSCE/ODIHR EOM by DEC's – only PDPT affiliated candidates were running in DEC's 16 (Jabbor Rasulov), 21 (Panjakent), and 38 (Muminobod).

<sup>35</sup> In paragraph 3 of the 1990 OSCE Copenhagen Document, participating States "recognize the importance of pluralism with regard to political organizations". Article 9.2 of the 2002 CIS Convention states: "Genuine elections shall ensure a real political pluralism."

There are no special measures to promote women candidates.<sup>36</sup> Before the end of the candidate nomination process all parties stated an intention to ensure a degree of gender balance on their electoral lists; yet they placed few women among the top candidates and the DPT did not nominate any women candidates on its nationwide list. Overall, some 24 per cent of nationwide candidates and 17 per cent of single-mandate candidates were women. Only 12 women were elected, constituting some 19 per cent of the members of the lower chamber of parliament.

*Consideration could be given to introducing temporary special legislative measures to promote women candidates. Political parties should consider nominating a minimum number of candidates of each gender.*

## IX. ELECTION CAMPAIGN

The election campaign took place in a controlled environment, amid arrests of opposition politicians, candidates, and election officials. On 13 January 2015, the deputy chairman of the SDPT and defence lawyer of Mr. Saidov, Shuhrat Qudratov, was sentenced to a nine-year prison term.<sup>37</sup> On 30 January, Maqsd Ibrohimov, the leader of a Russian Federation-based opposition movement “Youth for Revival of Tajikistan” was detained in Dushanbe on criminal charges. On 3 February, Firdavs Sohbnazarov, an SDPT candidate was arrested on criminal charges. On 11 February, the IRPT member Jamoliddin Mahmudov, a former member of the transitional government of Tajikistan (1997-2000) and the party’s representative in the CCER, was arrested on charges of illegal possession of weapons and subsequently sentenced to two months in pre-trial detention.<sup>38</sup>

The election campaign officially started once a candidate or a party list was registered and ended 24 hours before elections. The PEL requires the authorities to ensure equal campaign conditions for all contestants and assist in organizing campaign events. However, a restrictive and, at times, arbitrary interpretation of the rules limited the means and competitiveness of the campaign. The Head of the Dushanbe Executive rejected the IRPT’s request to use billboards on the grounds that the PEL does not foresee this type of campaigning and because advertising by parties is excluded from the scope of the Law on Advertisement.<sup>39</sup> The CCER announced that the IRPT’s distribution of audio-visual CDs was not permitted; however no comment was made on sending text messages to mobile phones of voters by the PDPT.<sup>40</sup> The 2014 Law on Public Meetings, Demonstrations, and Rallies requires that permission for outdoor gatherings be requested 15 days in advance, an unreasonably long period.<sup>41</sup>

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<sup>36</sup> Paragraph 23 of the 1999 OSCE Istanbul Document commits participating States to “making equality between men and women an integral part of our policies”. Article 4.1 of the CEDAW states that the adoption “of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination”. Article 22 of the 1997 CEDAW Committee General Recommendation No. 23 states that “political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates”.

<sup>37</sup> Mr. Qudratov was charged with attempted bribery. His conviction was appealed to the Supreme Court that, on 3 March, reduced the sentence to three years and eight months imprisonment.

<sup>38</sup> According to the IRPT, the weapons had been reported to the police in 2013.

<sup>39</sup> Article 39 of the PEL stipulates that campaigning can be done through mass media, conferences, meetings with citizens, discussions, printed campaign materials, and other forms, prescribed by the law.

<sup>40</sup> On 12 February, the CCER chairperson stated publicly that he thought distribution of audio-visual CDs was not permitted by law. As a consequence, the IRPT reportedly ceased distribution of these CDs.

<sup>41</sup> Paragraph 9.2 of the 1990 OSCE Copenhagen Document provides that “everyone will have the right of peaceful assembly and demonstration... any restrictions will be prescribed by law and consistent with international standards”. Article 21 of the ICCPR guarantees the right of peaceful assembly without undue restrictions.

Collectively, this limited campaign activity in a manner contrary to OSCE commitments and other international obligations.<sup>42</sup>

The legal requirement that DEC and local government bodies organize meetings between candidates and voters gave them a disproportionate role in the campaign. The DEC-organized campaign meetings observed by the OSCE/ODIHR EOM were formalistic and devoid of genuine political debate. Furthermore, the IRPT and the SDPT informed the OSCE/ODIHR EOM that their candidates were excluded, obstructed, or received unequal treatment at officially organized campaign events.<sup>43</sup> Outside the DEC-organised events and free media airtime (see *Media*), the campaign was inert and lacked visibility. Except for the PDPT, no contestant organized an outdoor rally. The overall low-level of campaign activity limited voters' ability to make an informed choice.

*In order to ensure the right of peaceful assembly and the free communication of information about political ideas between candidates and citizens, as well as to avoid arbitrary implementation of the law, the PEL should be amended to permit all types of election campaigning to be conducted without unreasonable restriction.*

Parties' campaign programmes focused on political stability, the need to counteract religious radicalization, as well as the economy, social welfare, and migration. Only the IRPT and the SDPT provided programmatic alternatives to the PDPT. The state media often equated political Islam with instability, an issue the IRPT tried to counteract by underlining its commitment to peace and political inclusivity. Towards the end of the campaign the state-funded Tajikistan Islamic Centre and mullahs actively campaigned for the PDPT.<sup>44</sup> After the elections, the Islamic Centre called for the IRPT to be closed and expressed their support for a single-party system to ensure political stability. All parties stated that gender equality is one of their priorities, but only a few proposed specific measures.

The PDPT's campaign was the most visible but the distinction between the state and the ruling party was often blurred, contrary to OSCE commitments.<sup>45</sup> Numerous banners and billboards of the president, the PDPT leader, were visible during the campaign. In his annual address to parliament on 23 January, which was broadcast live by all nationwide broadcasters, President Rahmon announced increases in state-sector salaries and pensions, while local authorities and election administration bodies organized briefings on the presidential address. The OSCE/ODIHR EOM observed numerous cases in all regions where PECs displayed official voter information materials at polling stations together with PDPT campaign posters.

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<sup>42</sup> Paragraph 7.7 of the 1990 OSCE Copenhagen Document requires participating States to "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere." Paragraph 25 of the 1996 UNHCR General Comment No. 25 to the ICCPR states that "... the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential... It requires the full enjoyment and respect for... freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas."

<sup>43</sup> In districts 1 (Fidausi), 8 (Somoni), 9 (Rudaki), 17 (Asht), 19 (Isfara), and 37 (Kulob). This is at odds with paragraph 7.7 of the 1990 OSCE Copenhagen Document, according to which participating States should "permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications".

<sup>44</sup> On 27 February, mullahs in Rasht District organized a televised rally in support of the President and the PDPT. On the same day a sermon of Tajikistan Islamic Centre criticized the IRPT and promoted the PDPT. The SDPT protested to the President that the sermon compromised the secular nature of the state. See: <http://www.eurasianet.org/node/72311>.

<sup>45</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties".



*The authorities should develop and implement mechanisms 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 not take an active role in campaign events and should be limited to ensuring equal access of electoral contestants to public resources.*

The IRPT and the SDPT made credible allegations that they faced political pressure, harassment, and obstruction, which intensified over the campaign period.<sup>46</sup> The OSCE/ODIHR EOM also received reports of political pressure on and by state sector employees.<sup>47</sup> These allegations raised concerns about voters' ability to learn about political alternatives and cast their vote "free of fear of retribution", as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.<sup>48</sup>

*The authorities should take steps to counter any form of pressure on voters. Senior public officials could make clear statements and issue written instructions that no pressure on public employees will be tolerated and that no employee or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate.*

## **X. CAMPAIGN FINANCE**

Campaign finance is regulated by the PEL and CCER regulations. Each candidate and political party received, respectively, TJS 3,000 and TJS 30,000 of public campaign funding in cash. Parties and candidates are also permitted to fund campaigns from their own resource as well as through donations received from individuals and legal entities, except from foreign or state-owned sources.<sup>49</sup> Donations to candidates and parties were capped, respectively, at TJS 4,000 and TJS 20,000. The total campaign fund of a party could not exceed TJS 1.2 million and that of a candidate could not exceed TJS 60,000. Most parties stated that they lacked the necessary funds, from both public and private sources, to mount an effective campaign.

Parties' and candidates' campaign expenditures should be drawn from special accounts opened by election commissions. Financing by parties and candidates their campaigns other than via this account could lead to de-registering a candidate or party list. Most candidates appeared unaware of the campaign finance rules and admitted that not all campaign funds are spent from the special bank account, as required by law.

The CCER was responsible to oversee compliance with campaign finance rules. Contestants were required to report campaign spending to the CCER within ten days of election day, but failed to do so within the set deadline. Furthermore, the law does not require these reports to be made public or be audited by the CEC. The PEL does not address issues necessary to ensure transparent and accountable

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<sup>46</sup> The OSCE/ODIHR EOM received credible reports of political pressure and obstruction to IRPT's campaign including in Asht, Dushanbe, Fayzobod, Mastchoh, Panjakent, Qurghonteppa, and Rasht, and of the SDPT in Hisor, Konibodom, and Qurghonteppa. On 28 January, IRPT supporters from Asht petitioned the President and Prosecutor General to request that intimidation of their party members be stopped. The SDPT informed the OSCE/ODIHR EOM that in Rasht the local authorities were coercing the party's candidate to withdraw.

<sup>47</sup> The OSCE/ODIHR EOM was informed of state employees summoned to DEC-organized campaign meetings in Qurghonteppa on 7 February and to a PDPT rally in Dushanbe on 22 February; of state employees requesting others to vote for the PDPT in Hisor; and of school teachers preventing the IRPT from holding a meeting at a school in Mastchoh.

<sup>48</sup> See also, paragraph 19 of the 1996 UNHCR General Comment No. 25 to the ICCPR: "Persons entitled to vote must be free to support or to oppose government, without undue influence or coercion of any kind...."

<sup>49</sup> Candidates could spend up to TJS 20,000 of their personal funds and parties could contribute to their candidates up to the same amount. Parties with a registered candidate list could contribute up to TJS 400,000 to the campaign fund for the list.

financing of election campaigns. There are a lack of provisions to guarantee comprehensive and periodic reporting, effective oversight, and proportionate penalties for non-compliance.<sup>50</sup>

*The PEL could require the submission and publication of campaign finance reports in a timely manner and set proportionate and dissuasive penalties for breaches of campaign finance rules. The mandate and resources of the CCER (or other qualified institution) could be strengthened to ensure effective oversight.*

## **XI. MEDIA**

### **A. LEGAL FRAMEWORK**

The Constitution grants freedom of expression and information and prohibits censorship, while the 1996 Law on Television and Broadcasting and the 2013 Law on Periodical Print and Other Mass Media prohibits state interference, censorship, and persecution for criticism.<sup>51</sup> However, these principles are contradicted by provisions of the Criminal Code that criminalize insult or slander of the president and insult of other state officials, which carry severe penalties.<sup>52</sup> The PEL prohibits publishing materials “discrediting the honour, dignity or business reputation of a candidate,” regardless of whether the comments are factually correct. Violation of this requirement can lead to de-registration of a party list or a candidate. These restrictions on the freedom of expression are contrary to paragraph 7.8 of the 1990 OSCE Copenhagen Document and have the potential to stifle reporting on the government and comments by electoral contestants on their political rivals.

*Unreasonable restrictions on the freedom of expression should be eliminated from the legal framework. In particular, citizens should be able to freely comment on the president and other state officials without fearing imprisonment. Candidates should have the right to freely comment on other candidates without undue concern that they could face de-registration.*

The State Committee on Television and Radio (SCTR), headed by a presidential appointee, has a central role in regulating, overseeing, and directing the activities of the state-owned broadcasters, including those operating at regional level. The Licensing Commission, which operates within the SCTR, issues television, radio, and audio-visual production licenses to state-owned and private media and audio-visual production companies.<sup>53</sup> The SCTR monitors licence holders’ activity to enforce compliance with licensing requirements and conditions.

*To facilitate public access to a broader range of political viewpoints, the authorities could consider establishing a public broadcast service with sufficient financial and editorial freedom from the government. The State Committee on Television and Radio and the Licensing Commission could be transformed into separate and genuinely independent bodies.*

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<sup>50</sup> 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>51</sup> The 2008 Law on the Right of Access to Information provides every citizen with the right to freely search and retrieve information from state and local government bodies except information constituting state secrets and other data protected by law.

<sup>52</sup> Publicly insulting or slandering the president in the mass media is punishable with penalties up to five years imprisonment; publicly insulting a state official in the mass media carries penalties of up to two years.

<sup>53</sup> A Presidential Decree of 31 October 2014 approved the Programme of Adjustment of the Economy of Tajikistan regarding the membership to the World Trade Organization. It envisages to abolish licensing the production of audio-visual materials.

There are no legal provisions on the use of paid advertisements. The OSCE/ODIHR EOM was informed by some state-owned and private media that they published parties' paid advertisements on an equal basis. Other media stated that they had decided to refuse all requests to air party advertisements. While this approach formally respects the principle of equal treatment, it further lessened parties' opportunity to reach electors. Neither the PEL nor CCER regulations provide for holding debates between electoral contestants.

## B. THE MEDIA ENVIRONMENT

Television is the main source of information in the country. The state-owned television and radio stations *TV Shabakai 1*, *TV Safina*, *TV Jahonnamo*, and *Radio Tojikiston*, are the only media outlets broadcasting nationwide, thereby giving them a dominant position among the broadcast media. The state media, despite claiming editorial independence, largely provide uncritical reports on the activity and accomplishments of the president and government and rarely mention opposition parties. Private broadcasters operate only at regional level and the OSCE/ODIHR EOM was informed that, in general, they do not cover political issues.<sup>54</sup>

Print media that produce over 100 copies are required to register with the Ministry of Culture. In total, 330 state and privately owned print media; however, in general the print media's circulation is low and their publication is relatively infrequent.<sup>55</sup>

Several media interlocutors informed the OSCE/ODIHR EOM that they decided not to actively report and cover the elections to avoid being accused of misconduct and losing their license. The threat of legal action and other forms of intimidation cause self-censorship among journalists and restrict media's ability to report freely.<sup>56</sup> This further constricts the electorate's access to politically diverse information. Online news and social media websites are often blocked further lessening access to alternative sources of political information.<sup>57</sup>

*All media should be able to operate free from intimidation or pressure, both between elections and during election periods. The independent media supervisory body should have a regulatory role to better guarantee journalistic freedom and pluralism and an advisory role in resolving media-related disputes. It should also undertake media monitoring to ensure that the media maintain political impartiality and provide equitable coverage.*



## C. COVERAGE OF THE ELECTION CAMPAIGN

The PEL grants each nationwide list 40 minutes and each single-mandate candidate 20 minutes of free airtime on state-owned television or radio, slightly more than in previous elections. However, single-mandate candidates could not use regional or local state media to air their campaign broadcasts. The PEL does not stipulate when the free airtime should be broadcast or on which stations. The CCER decreed that all the free airtime for nationwide lists would be shown on *TV Shabakai 1* in slots well in

<sup>54</sup> In total there are 35 television stations including 9 state-owned channels, and 24 radio stations including 10 state-owned. Only 15 private television companies are operating at a full capacity.

<sup>55</sup> Only the state-owned newspaper *Jumhuriat* has a sizeable circulation, with a print run of 33,280. *Imruz News*, a private Dushanbe-based newspaper has a circulation of some 2,000 copies, is one of the few newspapers published regularly (five times per week).

<sup>56</sup> On 16 February, three journalists' associations published a joint statement expressing their concern over increasing pressure on independent journalists, see: <http://nansmit.tj/sovmostnoe-zayavlenie-zhurnalistskih-organizatsiy-respubliki-tadzhikistan/>.

<sup>57</sup> The OSCE Representative on Freedom of the Media has expressed concern over repeated blocking of news, social media, and other internet resources in Tajikistan. See, for example, <http://www.osce.org/fom/125218>; <http://www.osce.org/fom/121537>; and [www.osce.org/fom/119670](http://www.osce.org/fom/119670).

advance of election day.<sup>58</sup> While most contestants used all their airtime in designated slots,<sup>59</sup> the IRPT used only 18 minutes and requested to use the remainder to broadcast one-minute clips; an approach originally approved by the CCER.<sup>60</sup> However, the SCTR prevented the broadcasting of the IRPT's clips on the grounds that they had not been produced by a licensed audio-visual production company and that their content did not comply with the rules on conducting a campaign.<sup>61</sup> Consequently, the IRPT was unable to campaign using its preferred method and instead had to use its remaining time in a single 20-minute slot on 24 February. According to the OSCE/ODIHR EOM media monitoring results,<sup>62</sup> only 47 majoritarian candidates – mostly those nominated by the PDPT and IRPT – used their free airtime; the others did not, reportedly due to a lack of awareness of this opportunity.

Outside the free airtime, the state broadcast media did not cover parties' political platforms or activities and no media organized debates among contestants.<sup>63</sup> The state media's policy of not covering electoral contestants constituted an impediment to their access to the media, which is in conflict with paragraph 7.8 of the 1990 OSCE Copenhagen Document<sup>64</sup> and *de facto* denied voters the opportunity to receive information on their political platforms, challenging paragraph 7.7 of the 1990 OSCE Copenhagen Document, and considerably lessening voters' ability to make informed electoral choices.

There was a clear lack of balance in the very limited amount of political coverage in broadcast media. Less than 10 per cent of current affairs programming covered political issues. The three state-owned television stations allocated 48, 19, and 30 per cent of their news and current affairs programming to President Rahmon, the government, and the CCER, respectively. The outgoing parliament, which held its last session two days before election day, and the speaker of parliament (from the PDPT) received approximately two per cent of news and current affairs airtime. During the entire campaign period, the political parties, combined, received less than two per cent of the news coverage aired by state television.<sup>65</sup>

The four monitored radio stations also offered a very low volume of the elections and campaign coverage. State-owned Radio *Tojikiston* failed to provide any information about election contestants in its news or other programmes. Private Radio *Asia Plus* and Radio *Imruz* provided time in the news to political parties (mostly to the CPT, DPT, IRPT, PDPT, and SDPT); however, the largest amount of coverage was still offered to the president and the government (over 50 per cent of the time in the news dedicated to political issues).

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<sup>58</sup> The slots were allocated between 28 January and 6 February.

<sup>59</sup> The PDPT and the CPT used their full 40-minute allocation, while the PERT used 36, SPT - 35, SDPT - 30, DPT - 27, and APT – 24 minutes, respectively.

<sup>60</sup> On 2 February, the CCER agreed to the IRPT's request, stating that all parties could use their airtime to broadcast video clips and advertisements.

<sup>61</sup> The SCTR informed the OSCE/ODIHR EOM that the IRPT's promotional video called "War and Peace in Tajikistan" (<https://www.youtube.com/watch?v=dw0IXqP-LQ4#t=49>) could inspire social hatred, race, and national dissension, calls to the seizure of the power and forcible change of the constitutional system and destruction of the country's integrity, agitation for war and other forms of misuse of the freedom of media. The SCTR also considered the video "biased", as it presented IRPT as the only part responsible for the Peace Accord, and considered that the video also contained defamatory speech against the President.

<sup>62</sup> From 22 January, the OSCE/ODIHR EOM conducted qualitative and quantitative media monitoring of 3 television channels (*TV Johonnamo*, *TV Safina*, and *TV Shabakai 1*), 4 radio stations (Radio *Asia Plus*, Radio *Imruz*, Radio *Khovar*, and Radio Tajikistan) and 12 newspapers (*Asia Plus*, *Charkhi Gardun*, *Farazh*, *Imruz News*, *Jumhuriyat*, *Millat*, *Narodnaya Gazeta*, *Nigoh*, *Ozodagon*, *Sadoi Mardum*, 'SSSR', and *Tojikiston*).

<sup>63</sup> Meanwhile, on the last day of campaign, all three state broadcasters covered the gathering of mullahs in Rasht, who were calling to vote for the PDPT.

<sup>64</sup> Paragraph 7.8 of the 1990 OSCE Copenhagen Document states that participating States will "provide 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>65</sup> The IRPT received one per cent of news coverage, which mostly related to the arrest of its nominee to the CCER.

The state print media covered the campaign in a similar manner to state broadcast media.<sup>66</sup> The private press provided more political diversity and carried analytical and critical content. However, despite efforts by some print media to enliven their coverage through interviews with party leaders and candidates, in general their campaign coverage was also limited, reflecting the subdued nature of the campaign.<sup>67</sup> As with state media, the private press also allocated a considerable share of news space to the president and the government.<sup>68</sup> Some newspapers carried paid adverts by some parties, but there was no distinction between these and regular news coverage, potentially misleading voters on the nature of the reporting.<sup>69</sup> The CCER decreed that each party and candidate could receive up to eight A4 printed pages in state newspapers free of charge, but only the PDPT used this possibility to any meaningful extent.<sup>70</sup>

*State media should make greater efforts in its news and current affairs programmes to provide impartial and balanced coverage of political parties and candidates. Additional current affairs programmes could be aired and coverage of incumbents could be reduced. Consideration could be given to legally guarantee the holding of televised debates between the nationwide lists.*

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

According to the 2010 census, Tajiks constitute 84.3 per cent of the population, Uzbeks 13.8 per cent, Kyrgyz 0.8 per cent, and Russians 0.5 per cent.<sup>71</sup> The Constitution does not make any direct reference to national minorities, but enshrines principles of non-discrimination and equality of rights. It also establishes Tajik as the state language and Russian as a language of communication between nationalities. The new language test required candidates to pass an examination of their reading, writing, and speaking abilities in the Tajik language.<sup>72</sup> Some OSCE/ODIHR EOM interlocutors expressed concerns about the criteria for assessing the language skills of prospective candidates and commented that the test would hinder candidates who were not educated in the Tajik language.

*The legal framework should be amended to establish clear, objective, and reasonable criteria for transparent and consistent evaluation of language fluency.*

Political parties fielded very few candidates from national minorities and none of their campaign programmes included specific measures on national minority issues. No specific cases of discrimination on ethnic grounds related to the electoral process were observed or reported. The OSCE/ODIHR EOM observed a few campaign events at which candidates addressed the electorate in

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<sup>66</sup> In the three monitored state newspapers combined, the President, government, parliament and the CCER received respectively 55, 16, 11, and 6 per cent of space devoted to political news, commentary, and editorials. The eight political parties and self-nominated candidates received the remaining 12 per cent of the news coverage, with PDPT receiving the highest amount of space dedicated to news, commentary, and editorials (4.5 per cent), followed by the SDPT (2.3 per cent), IRPT (1.5 per cent), and CPT (1.4 per cent).

<sup>67</sup> On 25 February, *Nigoh* published interviews with the CPT, IRPT, PDPT, PERT, and SDPT leaders. *Asia Plus*, *Ozodagon* and *Imruz News* also published interviews with candidates.

<sup>68</sup> The CPT, IRPT, PDPT, and SDPT received most of the coverage in the private media monitored. It was mainly of a neutral tone, although some negative reporting of the IRPT was noted.

<sup>69</sup> Campaign materials of the APT, PDPT, and SDPT were observed in the private print media monitored.

<sup>70</sup> The PDPT used 86 per cent of its allocation. Other parties and candidates used less than 5 per cent each.

<sup>71</sup> See, 2010 Census Data of the Agency of Statistics under the President of the Republic of Tajikistan: [www.stat.tj/en/img/526b8592e834fcaaccec26a22965ea2b\\_1355502192.pdf](http://www.stat.tj/en/img/526b8592e834fcaaccec26a22965ea2b_1355502192.pdf).

<sup>72</sup> Language certification commissions formed by the CCER and DECs comprised Tajik language teachers and specialists from the Committee on the State Language and Terminology. Candidates were required to write their biographies, recite a one-page text, and undergo an interview in the presence of members of the language certification commissions, who voted on whether a candidate had the required language ability.

Uzbek.<sup>73</sup> In a positive step, in areas where minorities are concentrated, voter information material was available in Russian and Uzbek and ballots were printed in national minority languages. In some areas, national minorities were represented on the DEC.<sup>74</sup>

### XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The PEL allows for international election observation by invited organizations. Self-nominated candidates and parties can accredit proxies and field observers to polling stations but the law does not provide for citizen observation. This lessens transparency and public confidence in the electoral process and is at odds with OSCE commitments.<sup>75</sup> Some civil society organisations informed the OSCE/ODIHR EOM that they do not implement election-related projects or participate in political processes for fear of pressure and retribution.

The PEL and CCER regulations lack clarity and fail to guarantee observers the right to follow the entire electoral process. Observer presence is not envisaged during the printing of ballots, the counting of ballot papers prior to polling, mobile voting, and the tabulation of results at the DEC. Observers are not entitled to receive copies of results protocols, which limits the possibility to verify results and undermines public confidence in the elections.

*To enhance transparency, the law should provide for citizen election observation. The PEL should explicitly allow observation of all stages of elections. To facilitate the verification of reported election results, observers should have the right to receive a certified copy of PEC and DEC results protocols.*

The CCER accredited 447 party proxies and 525 international observers. The number of party and candidate observers registered by DEC was not disclosed. The IRPT informed the OSCE/ODIHR EOM that in a few districts local authorities coerced citizens not to register as party observers.<sup>76</sup> On election day, party observers were present in 84 per cent of polling stations observed by the IEOM during voting and counting, mostly representing the PDPT and IRPT, with a significantly lower presence noted during the tabulation of results.

### XIV. COMPLAINTS AND APPEALS

The complaint and appeals process is primarily regulated by the PEL, the Civil Procedures Code, and the Code of Administrative Offences. Courts and election commissions both have jurisdiction to consider complaints on decisions, actions, and inactions of election commissions, including relating to election results; this may lead to inconsistent decisions when jurisdictions overlap. Complaints alleging other violations of the law are filed to courts. The Supreme Court is the final instance in all cases. Complaints and appeals should be submitted within 10 days of a decision and be adjudicated in 3. If a complaint is filed less than six days before election day, it should be considered immediately. The PEL does not provide for the right to a public hearing or the right to receive a written decision with justification. However, in a positive step, the CCER passed a regulation on its complaints procedures, partially addressing some of these gaps.

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<sup>73</sup> The SDPT-affiliated candidate in Konibodom, the PDPT candidate in Mastchoh, and the CPT candidate's proxy in Tursunzoda District addressed voters in Uzbek at events observed by the OSCE/ODIHR EOM.

<sup>74</sup> The OSCE/ODIHR EOM noted a total of 53 DEC members from 5 national minority communities (35 ethnic Uzbeks, 15 Pamiri-speaking Tajiks, 1 ethnic Kyrgyz, 1 ethnic Russian, and 1 ethnic Turkmen).

<sup>75</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document states provides that "the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

<sup>76</sup> This was reported in districts 8 (Somoni) and 9 (Rudaki).

Many OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the legal remedy system,<sup>77</sup> perceiving the judiciary, election administration, and law enforcement bodies to lack independence.<sup>78</sup>

Prior to election day, the CCER and DEC's received few formal complaints. The majority of these were submitted by the IRPT and mostly concerned the composition of PECs, candidate registration, and intimidation of candidates. All were rejected on substance or dismissed on procedural grounds. Some complaints were decided in open CCER sessions, but most were handled by a single commissioner outside of a formal commission session, thereby lessening the collegiality of decision-making.<sup>79</sup> CCER decisions on complaints were often communicated in the form of letters and usually lacked factual and legal reasoning. This approach undermined the right of judicial appeal and the principles of transparency and due process.

The majority of cases heard by regional courts concerned DEC decisions on candidate registration and the formation of PECs. According to documents received by the OSCE/ODIHR EOM, the courts did not overturn any DEC decision, often failing to provide adequate reasoning. The Supreme Court received one appeal and upheld the original decision not to register a candidate.

All election-related hearings should be public, but courts are not required to publish their decisions, limiting transparency and the right of appeal. Together with unclear legal provisions and the arbitrary manner in which complaints were sometimes dealt with, this undermined the right to an effective remedy for complaints as required by OSCE commitments and other international obligations.<sup>80</sup>

*To promote legal consistency, the overlapping jurisdictions of courts and elections commissions should be removed. The bodies with jurisdiction to hear election complaints and appeals should follow due legal process and act impartially and transparently. All complaints should be addressed in a timely manner with reasoned decisions made in writing and published.*

In a number of cases, DEC offices were closed after election day, which effectively deprived contestants of the opportunity provided in the law to file complaints on election day violations. The CCER announced final elections results on 11 March, before expiration of the deadline for consideration of complaints against election day violations. Moreover, on 24 February, the CCER instructed the lower-level commissions to destroy all ballot papers after the official announcement of final results. This potentially allows crucial evidence to be eliminated prior to the exhaustion of the complaints and appeal process. The CCER and DEC's actions *de facto* denied stakeholders the opportunity to exhaust complaints and appeals process, thereby undermining the right to effective remedy.

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<sup>77</sup> See also paragraph 18 of the 2014 UNHRC Concluding Observations on Tajikistan, that urged the authorities to intensify efforts in reforming the judiciary and to take effective measures to guarantee the competence, independence, and the tenure of judges.

<sup>78</sup> The IRPT and CPT publicly stated that although they disputed the legality of the electoral process, they saw no point in filing legal challenges because the judicial, electoral, and political authorities lacked the independence necessary to review their claims objectively.

<sup>79</sup> Article 19 of the PEL and Article 3 of the CCER regulation on handling complaints require all CCER sessions to be open to public, including observers.

<sup>80</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental human rights and ensure legal integrity." According to paragraph 5.11 "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available". Article 14.1 of the ICCPR stipulates that "any judgement rendered in a suit at law shall be made public". See also Article 2 of the ICCPR.

*Election commissions should provide unhindered access for complainants in accordance with the law. Deadlines for announcement of final results should be harmonized with the timeline for consideration of complaints and appeals in order to ensure the right to effective remedy.*

## **XV. ELECTION DAY**

The parliamentary elections were held simultaneously with local elections and were administered by separate commissions located in the same polling stations. Procedures for the different elections were not harmonised and the division of tasks between the types of commissions and the sequencing of key processes was not regulated by the CCER.<sup>81</sup> Furthermore, some procedures are vague, in particular regarding the counting and tabulation of votes.<sup>82</sup> Consequently, PECs lacked sufficient guidance on the procedures they should apply.

*Consideration should be given to harmonising the polling procedures for the different elections to lessen the risk of inconsistent application. All steps of the voting, counting, and tabulation procedures should be set out in law, and the CCER should elaborate step-by-step instructions to lower-level commissions.*

IEOM observers were denied access to observe polling in military institutions and many reported that PECs and DECs restricted their observation activity during various polling phases.<sup>83</sup> On election day, three mobile operators (Tcell, Babilon, and Megafon) deactivated their Short Message Service (SMS) without explanation and the National Association of Independent Mass Media in Tajikistan reported DDOS-attacks targeting online news sources.

Party observers were present in most polling stations visited. This added a layer of transparency, although they did not have a clear view of proceedings at 7 per cent of polling stations observed. Unauthorised persons were present in 18 per cent of polling stations observed and in 4 per cent observers reported that these persons directed or interfered in PECs' work, raising doubts regarding PECs' independence.

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

The opening of polling stations was assessed negatively in 13 per cent of observations. During opening procedures, 60 per cent of PECs observed did not announce the number of ballots received in the presence of observers, as required by law, while 26 per cent of PECs observed could not account for all of the ballots they had received. In general, polling stations opened on time or with only a short delay.

The voting process was assessed negatively in 21 per cent of polling stations observed; a high proportion that indicates systematic problems. There was a regional variation in the assessment: in Khatlon, 33 per cent of observations were assessed negatively and 24 per cent in Sughd, whereas in Dushanbe the figure was 13 per cent.

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<sup>81</sup> Procedural differences included the processing of votes cast before election day (early voting), deadlines for putting voter lists on display, and observer rights.

<sup>82</sup> Including how to determine the number of ballots issued, verification of the seals on a ballot box prior to its opening, criteria for determining a vote's validity, and compilation of the counting result protocol.

<sup>83</sup> Observer activities were restricted at 5 per cent of polling stations visited during the opening phase, at 2 per cent of polling stations during voting, at 28 per cent polling stations during the count, and in 21 per cent of DECs during the tabulation of results.



In general polling was conducted in a calm atmosphere and no violent incidents were reported by IEOM observers. However, instances of voter intimidation were observed in two per cent of polling stations visited, and undue influence on voters in four per cent of polling stations visited. Observers reported overcrowding at 12 per cent of polling stations; usually due to poorly laid out polling stations with a high number of registered voters.<sup>84</sup>

Observers reported problems with the secrecy of the ballot at 26 per cent of polling stations observed, a substantial figure that challenges paragraph 7.4 of the 1990 OSCE Copenhagen Document.<sup>85</sup> Group voting was observed in 18 per cent of polling stations observed and in 16 per cent men and women systematically voted together. Contrary to the law, in six per cent of polling stations visited, PEC staff rather than a person of the voters' choice were assisting voters that needed assistance to vote.

Other serious violations were reported frequently, particularly regarding a lack of respect for safeguards to ensure that only eligible persons voted and that they did so only once. Only 55 per cent of PECs observed always required voters to produce identity documents and only 59 per cent of PECs systematically checked these documents.<sup>86</sup> Multiple voting by a person was reported in 7 per cent of polling stations observed and voting on behalf of others (proxy voting) was reported in 24 per cent. Proxy voting was often evidenced by series of seemingly identical signatures on the voter lists, which was reported from 45 per cent of polling stations observed.<sup>87</sup> Observers witnessed ballot boxes that were not properly sealed in eight per cent of observations, while indications of ballot box stuffing and voters in possession of pre-marked ballots were reported from eight and one per cent of stations observed, respectively; a considerable number. These issues challenge the equality of suffrage as required by paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations, as well as the integrity of the electoral process.

*In order to enhance the integrity of the voting process, the election authorities should take urgent measures to address the serious deficiencies in the polling and counting processes. In particular, the secrecy and equality of the vote, integrity of ballot boxes, and protection against undue influence on electoral choices should be assured.*

The CCER announced voter turnout at three-hour intervals culminating in a final turnout of 87.7 per cent. This is a high figure given the large proportion of voters abroad. IEOM observers estimated that the number of voters casting ballots was considerably lower than officially reported.<sup>88</sup> The CCER did not provide data on women's participation in the elections,<sup>89</sup> but IEOM observers reported a significantly lower participation of women voters than men.<sup>90</sup>

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<sup>84</sup> According to the PEL, polling stations could have a maximum of 3,000 registered voters; a very high figure.

<sup>85</sup> According to paragraph 7.4 of the 1990 OSCE Copenhagen Document participating States should "ensure that votes are cast by secret ballot or by equivalent free voting procedure."

<sup>86</sup> In seven per cent of polling stations observed, observers reported that PECs followed the correct procedure and turned away voters who could not present an approved identity document.

<sup>87</sup> The signing of the voter list is required by law to prove that voters received ballots.

<sup>88</sup> Throughout election day, IEOM observers estimated the number of voters that voted during their stay in each polling station observed. These numbers were used to estimate the total turnout and then compared with the turnout figures given by the authorities.

<sup>89</sup> The 1997 CEDAW Committee General Recommendation No. 23 provides that "States parties should... [i]nclude statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights [to vote in elections]."

<sup>90</sup> Observers reported that in 29 per cent of stations observed women were 'less visible' than men and 'significantly less visible in further 25 per cent.

## B. COUNTING

The vote counting was assessed negatively in 64 per cent of observations; a figure which is substantial. A variety of irregularities meant an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed.<sup>91</sup>

A number of important procedures were not followed by PECs. In eight per cent of observations, the seals of ballot boxes were not intact prior to their opening. In 53 per cent of observations, unused ballots were not cancelled and in 59 per cent of observations, PECs did not enter the number of unused ballots into the results protocol. In 68 per cent of counts observed, the PECs did not count the number of signatures on the voter list before opening the ballot box.<sup>92</sup> Stacks of ballots grouped together in the ballot box were reported in 23 per cent of counts observed, which is an indication of ballot box stuffing. In 7 per cent of observed stations, unauthorised persons were noted directing PECs during the counting of votes and in 24 per cent, non-PEC members participated in the count.

IEOM observers reported that in 35 per cent of counts observed, PECs determined the validity of votes in an arbitrary or selective manner and in 28 per cent of cases they did not count the votes honestly. Difficulties in completing the results protocols were observed in 40 per cent of counts observed. In 47 per cent of counts observed, PECs did not enter the polling results correctly. In 32 per cent of observations, the PECs did not fill the results protocols correctly, while in a further 10 per cent PECs signed and stamped the blank protocols. After the completion of counting, 13 per cent of PECs observed did not pack the election materials securely. Contrary to the PEL, 61 per cent of PECs observed did not display the results protocols for public familiarization.

## C. TABULATION AND ANNOUNCEMENT OF RESULTS

After the count, IEOM observers reported that nine PECs deposited the polling results with individuals who were not part of the election administration for parliamentary elections, usually at premises other than DEC offices to which observers were denied access.<sup>93</sup>

The PEL contains limited description of the procedures for tabulating polling results. The OSCE/ODIHR EOM followed the collation of results on election night and the period thereafter at 33 of the 41 DEC. The process was assessed negatively at 15 DEC, with a lack of transparency being a significant problem.<sup>94</sup>

Observers reported that in 27 DEC protocols were handed by PECs to DEC with incomplete data. Many DEC failed the check the completeness of the data at the time of its receipt. Some PECs were observed presenting pre-signed but otherwise empty protocols.<sup>95</sup> According to the PEL, any alteration of a PEC results protocol requires the DEC to adopt a formal decision to recount the votes. Nevertheless, observers reported that PEC protocols at 26 DEC had been altered, including 14 with changes to the actual election results, but only 4 DEC ordered a recount of votes. Observers reported that nine DEC did not conduct the tabulation of results in a way that guaranteed an honest outcome.<sup>96</sup>

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<sup>91</sup> Paragraph 7.4 of the 1990 OSCE Copenhagen Document requires that “votes ... are counted and reported honestly with the official results made public.”

<sup>92</sup> Counting of signatures on the voter list (the correct method to define the number of ballots issued) was observed only in 40 per cent of counts, while in 47 per cent the PECs used the number of ballots found in the ballot box.

<sup>93</sup> Observers were denied access to observe the hand-over of the PEC results in Sino (DEC 4), Rudaki (DEC 9), Rasht (DEC 12), and Urunkhojaev (DEC 15).

<sup>94</sup> Observers at DEC 4, 9, 10, 12, 13, 14, 15, 23, and 26 were not afforded a clear view of the process.

<sup>95</sup> A PEC in Vahdat (DEC 10) had two sets of protocols, one completed and one pre-signed but empty. Some PECs were observed arriving at DEC 38 with pre-signed protocols without any entries of the election result.

<sup>96</sup> Observers reported significant irregularities of tabulation in DEC 5, 11, 12, 18, 23, 26, 28, 39, and 41.

Some DEC members delayed or interrupted the tabulation process.<sup>97</sup> On 4 March, OSCE/ODIHR EOM observers witnessed DEC members in Muminobod (DEC 38) completing pre-signed blank PEC protocols.

The PEL requires that preliminary results are publicly announced within 24 hours of election day. The announcement of preliminary and final results lacked transparency. On 2 March, during a televised press conference, the CCER announced the preliminary results for the nationwide contest but did not announce the results in single-mandate districts. However, a CCER decision dated from 2 March and published in the *Sadoi Mardum* newspaper on 5 March, named all elected MPs, demonstrating a lack of transparency in tabulating the final results.<sup>98</sup> The OSCE/ODIHR EOM observed some DEC members still tabulating election results after 3 March.

The CCER declared the winners of single-mandate contests but did not release other essential data, including the number of votes received by each candidate,<sup>99</sup> number of invalid votes, and the voter turnout.<sup>100</sup> On 11 March, the CCER announced the final election results. These confirmed the preliminary mandate distribution announced on 2 March, but included an additional 72,057 votes<sup>101</sup> and an unexplained reduction of 1,052 votes for the CPT. The CCER did not publish election results disaggregated by districts and polling stations or for votes cast abroad, and did not respond to the OSCE/ODIHR EOM's request to provide information on PEC results.

*To enhance transparency and confidence in the election results, preliminary and final results should be published disaggregated by precinct and district, including the number of registered voters and those who voted, as well as the numbers of votes cast for each contestant.*

## **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 obligations and 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.<sup>102</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. The legal framework should be comprehensively reviewed to address past and present OSCE/ODIHR recommendations and align it more closely with OSCE commitments and other

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<sup>97</sup> Some observers were informed that results processing would recommence later at a specific time, but when the observers returned at the appointed time, they were informed that the process had been completed. Observers experienced such cases in DEC members 9, 38, and 39.

<sup>98</sup> The OSCE/ODIHR EOM was not informed of any CCER session or other event between 2 and 5 March at which the names of the elected MPs from single-mandate districts were officially announced.

<sup>99</sup> To be elected, winning candidates must receive over 50 per cent of the vote. Candidates who receive 10 per cent or more of votes have their financial deposit returned. One candidate in Firdausi (district 1) asked OSCE/ODIHR EOM observers if they could inform her how many votes she had received as this information was not notified to her.

<sup>100</sup> For any district there must be a voter turnout of greater than 50 per cent for a valid election.

<sup>101</sup> The CCER informed the OSCE/ODIHR EOM that this number corresponded to votes cast abroad.

<sup>102</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

international obligations and standards. Reform should be undertaken well in advance of the next elections and involve open consultation with all stakeholders.

2. The law should ensure that the election administration is fully independent from the government and is sufficiently pluralistic and inclusive to encourage broad confidence. Clear criteria for the nomination and selection of commissions should be established. Parties should be afforded the right to nominate a representative to all levels of the election administration, including decision-making positions.
3. In order to enhance the integrity of the voting process, the election authorities should take urgent measures to address the serious deficiencies in the polling and counting processes. In particular, the secrecy and equality of the vote, integrity of ballot boxes, and protection against undue influence on electoral choices should be assured.
4. The restrictions on the right to stand for election which are in conflict with OSCE commitments and other international obligations and standards should be removed from the legal framework.
5. The authorities should develop and implement mechanisms 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 not take an active role in campaign events and should be limited to ensuring equal access of electoral contestants to public resources.
6. Unreasonable restrictions on the freedom of expression should be eliminated from the legal framework. In particular, citizens should be able to freely comment on the president and other state officials without fearing imprisonment. Candidates should have the right to freely comment on other candidates without undue concern that they could face de-registration.
7. State media should make greater efforts in its news and current affairs programmes to provide impartial and balanced coverage of political parties and candidates. Additional current affairs programmes could be aired and coverage of incumbents could be reduced. Consideration could be given to legally guarantee the holding of televised debates between the nationwide lists.
8. To enhance transparency, the law should provide for citizen election observation. The PEL should explicitly allow observation of all stages of elections. To facilitate the verification of reported election results, observers should have the right to receive a certified copy of PEC and DEC results protocols.

## **B. OTHER RECOMMENDATIONS**

### **ELECTORAL SYSTEM**

9. In order to uphold the principle of vote equality, district boundaries should be formed in line with the election law, OSCE commitments and other international standards. To enhance transparency, the revision of district boundaries should involve broad public consultation.

### **ELECTION ADMINISTRATION**

10. Mechanisms to ensure the consistent implementation of election-related legislation should be strengthened. In line with its legal authority, the CCER should adopt regulations and conduct effective training to clarify legal provisions, in particular regarding voter and candidate registration, prohibited campaign activities, and election day procedures.

11. The CCER should ensure collegiality in its activities and that all election-related information of public interest including the agendas and minutes of its sessions are made public in a timely manner.
12. To enhance transparency, the PEL should require the CCER to announce the number of ballots produced and distributed to each DEC, including those in minority languages. Observers should be granted the right to follow ballot paper production and distribution.
13. Consideration should be given to introducing mechanisms to ensure greater participation of women in the election administration, including in senior decision-making roles.

#### **VOTER REGISTRATION**

14. The restriction of suffrage rights for citizens serving prison terms regardless of the severity of the crime should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offence. The blanket restrictions on the suffrage rights of persons with mental disabilities should be removed or be decided on a case-by-case basis, depending on specific circumstances. The authorities should consider acceding to the UN Convention on the Rights of Persons with Disabilities.
15. Comprehensive procedures should be established to reduce the risk that voters can be registered to vote in more than one polling station. A centralized voter register could be developed and regularly updated to allow cross-checks and enhance the efficiency and accuracy of voter registration.
16. Consideration could be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements, subject to judicial control.
17. As a transparency and confidence building measure, the CCER should be legally required to publish information on the total number of registered voters prior to election day as well as those registering on election day (should this provision be retained). The data should be disaggregated by DEC, PEC, and gender.

#### **CANDIDATE REGISTRATION**

18. The restriction that citizens may support only one candidate could be reconsidered. The process would be more inclusive if citizens could support for as many candidates as they chose to support. The registration requirements for self-nominated and party-nominated candidates should be the same.
19. To better ensure equal suffrage, the procedures to verify documents submitted by candidate nominees should be clearly set out in the legislation and applied in a consistent and impartial manner by election commissions.
20. The deadline for withdrawal of candidacy should be the same for all candidates standing in single-mandate districts. To avoid the need to amend ballot papers by hand, the deadline could be synchronized with printing of ballots.

21. Consideration could be given to introducing temporary special legislative measures to promote women candidates. Political parties should consider nominating a minimum number of candidates of each gender.

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

22. In order to ensure the right of peaceful assembly and the free communication of information about political ideas between candidates and citizens, as well as to avoid arbitrary implementation of the law, the PEL should be amended to permit all types of election campaigning to be conducted without unreasonable restriction.
23. The authorities should take steps to counter any form of pressure on voters. Senior public officials could make clear statements and issue written instructions that no pressure on public employees will be tolerated and that no employee or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate.
24. The PEL could require the submission and publication of campaign finance reports in a timely manner and set proportionate and dissuasive penalties for breaches of campaign finance rules. The mandate and resources of the CCER (or other qualified institution) could be strengthened to ensure effective oversight.

#### **MEDIA**

25. To facilitate public access to a broader range of political viewpoints, the authorities could consider establishing a public broadcast service with sufficient financial and editorial freedom from the government. The State Committee on Television and Radio and the Licensing Commission could be transformed into separate and genuinely independent bodies.
26. All media should be able to operate free from intimidation or pressure, both between elections and during election periods. The independent media supervisory body should have a regulatory role to better guarantee journalistic freedom and pluralism and an advisory role in resolving media-related disputes. It should also undertake media monitoring to ensure that the media maintain political impartiality and provide equitable coverage.

#### **PARTICIPATION OF NATIONAL MINORITIES**

27. The legal framework should be amended to establish clear, objective, and reasonable criteria for transparent and consistent evaluation of language fluency.

#### **COMPLAINTS AND APPEALS**

28. To promote legal consistency, the overlapping jurisdictions of courts and elections commissions should be removed. The bodies with jurisdiction to hear election complaints and appeals should follow due legal process and act impartially and transparently. All complaints should be addressed in a timely manner with reasoned decisions made in writing and published.
29. Election commissions should provide unhindered access for complainants in accordance with the law. Deadlines for announcement of final results should be harmonized with the timeline for consideration of complaints and appeals in order to ensure the right to effective remedy.

## ELECTION DAY

30. Consideration should be given to harmonising the polling procedures for the different elections to lessen the risk of inconsistent application. All steps of the voting, counting, and tabulation procedures should be set out in law, and the CCER should elaborate step-by-step instructions to lower-level commissions.
  
31. To enhance transparency and confidence in the election results, preliminary and final results should be published disaggregated by precinct and district, including the number of registered voters and those who voted, as well as the numbers of votes cast for each contestant.

**ANNEX I: FINAL RESULTS**

The information below is taken from CCER decision no. 69 of 2 March 2015 and CCER decision no. 74 of 11 March 2015, as published in *Sardoj Mardum* newspaper on 5 and 12 March 2015 respectively:

<b>Political Party</b>	<b>Nationwide District</b>	<b>Percentage</b>	<b>Nationwide seats</b>	<b>Single-mandate seats</b>	<b>Total seats</b>
PDPT	2,528,060	65.4	16	35	51
APT	450,822	11.7	3	2	5
PERT	289,006	7.5	2	1	3
SPT	210,677	5.5	1	0	1
CPT	86,060	2.2	0	2	2
DPT	65,816	1.7	0	1	1
IRPT	63,161	1.6	0	0	0
SDPT	19,676	0.5	0	0	0
Self-nominated	Not reported	Not reported	Not reported	Not reported	Not reported
“Against all” votes	58,018	1.5		Not reported	
Invalid votes	92,525	2.4		Not reported	
Total registered voters	4,399,390			Not reported	
Turnout	3,863,884	87.8		Not reported	



## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### SHORT-TERM OBSERVERS

#### OSCE Parliamentary Assembly

Marietta Tidei	Special Co-ordinator	Italy
Geir Jørgen Bekkevold	Head of Delegation	Norway
Elisabeth Pfurtscheller	MP	Austria
Judith Schwentner	MP	Austria
Jan Van Esbroeck	MP	Belgium
Desislava Atanasova	MP	Bulgaria
Dimitar Deltchev	MP	Bulgaria
Irena Kotseva	MP	Bulgaria
Romana Jerkovic	MP	Croatia
Zuzka Bebarova-Rujbrova	MP	Czech Republic
Petr Bratsky	MP	Czech Republic
Marek Zenisek	MP	Czech Republic
Jensen Peter Juel	MP	Denmark
Yves Pozzo di Borgo	MP	France
Thierry Mariani	MP	France
Alain Neri	MP	France
Michel Voisin	MP	France
Manfred Grund	MP	Germany
Egon Juttner	MP	Germany
Jurgen Klimke	MP	Germany
Thomas Stritzl	MP	Germany
Rozsa Hoffmann	MP	Hungary
James Walsh	MP	Ireland
Luigi Compagna	MP	Italy
Claudio Fava	MP	Italy
Guglielmo Picchi	MP	Italy
Dulat Kustavletov	MP	Kazakhstan
Nurlan Zhazylbekov	MP	Kazakhstan
Edvins Snore	MP	Latvia
Kari Henriksen	MP	Norway
Andrzej Dera	MP	Poland
Kazimierz Kleina	MP	Poland
Henryk Smolarz	MP	Poland
Tomasz Garbowski	MP	Poland
Adao Silva	MP	Portugal
Ion-Marcel Ciolacu	MP	Romania
Ilya Kostunov	MP	Russian Federation
Isabel Pozuelo	MP	Spain
Jose Ignacio Sanchez Amor	MP	Spain
Jan Richard Andersson	MP	Sweden
Margareta Cederfelt	MP	Sweden
Arhe Hamednaca	MP	Sweden
Jasenko Omanovic	MP	Sweden
Margareta Kiener Nellen	MP	Switzerland
Sadik Badak	MP	Turkey
Simon McGuigan Burns	MP	United Kingdom
Andreas Baker	OSCE PA Secretariat	Denmark
Loic Poulain	OSCE PA Secretariat	France
Maria Chepurina	OSCE PA Secretariat	Russian Federation
Iryna Sabashuk	OSCE PA Secretariat	Ukraine

David Kostelancik	US Helsinki Commission	United States
Milovan Petkovic	Staff of Delegation	Croatia
Silvia Demir	Staff of Delegation	Czech Republic
Anne-Cecile Blauwblomme-Delcroix	Staff of Delegation	France
Guiseppe Trezza	Staff of Delegation	Italy
Igors Aizstrauts	Staff of Delegation	Latvia
Einar Maitre Ekern	Staff of Delegation	Norway
Yasin Karaarslan	Staff of Delegation	Turkey

#### European Parliament

Norbert Neuser	Head Of Delegation	Germany
Jozo Radoš	MEP	Croatia
Bela Kovacs	MEP	Hungary
Ignazio Corrao	MEP	Italy
Cristian Preda	MEP	Romania
Juan Fernando Lopez Aguilar	MEP	Spain
Helen Collins	Secretariat	Ireland
Cristina Castagnoli	Secretariat	Italy
Tim Boden	Secretariat	United Kingdom

#### OSCE/ODIHR EOM Short-term Observers

Arjonela Qorri	Albania
Ilir Qorri	Albania
Sergey Chamanyan	Armenia
Tamara Hovnanyan	Armenia
Clemens Droessler	Austria
Silviya Nitsova	Bulgaria
Thomas Boserup	Denmark
Ken Charboe Christensen	Denmark
Flemming Tage Hansen	Denmark
Grete Skou	Denmark
Lene Tybjerg Schacke	Denmark
Annika Leek	Estonia
Maria Johanna Kaprio	Finland
Salla Nazarenko	Finland
Niko Nurminen	Finland
Tapio Vanhanen	Finland
Jantine Aver	France
Nathan Grison	France
Timothée De Maillard Lamandie	France
Laurence Levaudel	France
Stefan Bering	Germany
Christoph Buerk	Germany
Alexander Fierley	Germany
Irene Fellmann	Germany
Sybille Gerstl	Germany
Clemens Juergenmeyer	Germany
Jochen Hayungs	Germany
Harald Klier	Germany
Katja Laudemann	Germany
Christian Loeseke	Germany
Susanne Neymeyer	Germany
Barbara Maria Rohmann	Germany
Patricia Scherer	Germany
Clara Seitz	Germany
Zsuzsanna Baracsi	Hungary

Péter Horváth	Hungary
László Marek Szubert	Hungary
Gerard Buckley	Ireland
Linda Hrafnkelsdottir	Iceland
Matthias Palsson	Iceland
Eimear O'Casey	Ireland
Donald Mac Donald	Ireland
Denis Patrick Kirby	Ireland
Maria Philomena Kiernan	Ireland
Diana Sadykova	Kazakhstan
Šarune Kubiliute	Lithuania
Tadas Kubilius	Lithuania
Bernardus Groen	Netherlands
Maria Nijenhuis	Netherlands
Annemieke Van Der Ploeg	Netherlands
Alberto Andrea Simonitto	Netherlands
Arve Børstad	Norway
Ellen Flåt Isaksen	Norway
Søren Sindre Munch	Norway
Anne Teigen	Norway
Romulus Banu	Romania
Adina Cristiana Candrea Iusco	Romania
Ileana-Rodica Dinculescu	Romania
Natalia Dragan	Romania
William Korbl	Romania
Bogdan Stefan	Romania
Dan Stoescu	Romania
Pavel Artamonov	Russian Federation
Dmitry Balakin	Russian Federation
Igor Chamov	Russian Federation
Dmitry Chudnykh	Russian Federation
Alexey Dorovskikh	Russian Federation
Victor Evseev	Russian Federation
Dmitry Groshev	Russian Federation
Alena Gudkova	Russian Federation
Konstantin Guz	Russian Federation
Vladislav Kurbatskiy	Russian Federation
Vladimir Kandin	Russian Federation
Evgeny Kozhokin	Russian Federation
Yulia Kudeneeva	Russian Federation
Evgeny Loginov	Russian Federation
Anna Mardenskaia	Russian Federation
Polina Medvedeva	Russian Federation
Vitaly Muraviev	Russian Federation
Vsevolod Perevozchikov	Russian Federation
Elena Safronova	Russian Federation
Sergei Shulga	Russian Federation
Lev Tarskikh	Russian Federation
Svyatoslav Terentyev	Russian Federation
Oleg Zhukov	Russian Federation
Daniel Caban	Slovakia
Si Hoon Cho	South Korea
Yoo Jin Je	South Korea
Jose Luis González García	Spain
Sara Gutierrez Leiva	Spain
Isabel Menchon Lopez	Spain

Sara-Sofia Agnemo	Sweden
Peter Mattias Goldmann	Sweden
Lena Hansson	Sweden
Evy Jansson	Sweden
Camilla Porshede Johansson	Sweden
Inger Gullevi Erica Lundström	Sweden
Jan Lennart Myhlback	Sweden
Eva Rimsten	Sweden
Ann-Sofie Sten	Sweden
Annika Moqvist Uggla	Sweden
Delphine Altwegg	Switzerland
Raphaël Berger	Switzerland
Valérie Nadrai	Switzerland
Bonny Wilkinson	Switzerland
Levent Basturk	Turkey
Nihat Civaner	Turkey
Alexander Anderson	United Kingdom
Carole Milner	United Kingdom
Stephen Spencer Paul	United Kingdom
Jonathan Ryan	United Kingdom
Richard Barron	United States
Stacey Blau	United States
Jacqueline Beaudry	United States
Eunice Bonaparte	United States
Derek Dictson	United States
Tiffany Glass	United States
Patrick Hamilton	United States
Ronald Moravec	United States
Rokey Suleman	United States
Bobby Watts	United States

## LONG-TERM OBSERVERS

### OSCE/ODIHR EOM Core Team

Miklós Haraszti	Head of Mission	Hungary
Kseniya Dashutsina		Belarus
Harald Jepsen		Denmark
Kaupo Kand		Estonia
Nikolina Staleska		former Yugoslav Republic of Macedonia
Lela Tsaava		Georgia
Kerstin Dokter		Germany
László Belágyi		Hungary
Ahmad Rasuli		Kyrgyz Republic
Daria Paprocka		Poland
Claudia Aranda		Portugal
Roman Railean		Romania
Anders Eriksson		Sweden
Paul O'Grady		United Kingdom

### OSCE/ODIHR EOM Long-term Observers

Joerg Hofreiter	Austria
Rena Korber	Austria
Lars Poulsen	Denmark
Teuvo Tikkanen	Finland

Rodolphe Oberle  
Valeri Amisulashvili  
Carola Kasburg  
Michael Wiersing  
Sheena McMahon  
Apolonia Verschoor  
Guro Nilsen  
Espen Pettersen

France  
Georgia  
Germany  
Germany  
Ireland  
Netherlands  
Norway  
Norway

## 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 150 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 obligations and standards for democratic elections and with 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 OSCE/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)).