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Elections in Tajikistan

2016 Constitutional Referendum

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

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Frequently Asked Questions

What will Tajik citizens be voting on in the May 22 referendum?	1
What is the current political situation in Tajikistan?	2
Why is the referendum important? What is at stake?	2
Who is eligible to vote?.....	3
How is the voter registry managed and maintained?.....	3
What laws regulate the holding of constitutional referenda in Tajikistan?	3
How many registered voters are there?	4
What is the structure of the government?	4
What kind of voter education has been conducted for the referendum?	4
What is the election management body? What are its powers?	5
How many polling places are set up on Election Day?	5
Is out-of-country voting allowed?.....	5
What is the media environment like?.....	6
Who will be/can observe during Election Day? How can they get accreditation?	6
Resources.....	8

Disclosure:

These FAQs reflect decisions made by the Tajik election authorities as of May 18, 2016, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

What will Tajik citizens be voting on in the May 22 referendum?

On May 22, 2016, Tajikistan will hold a nationwide referendum on changing its constitution to remove term limits for the current President, lower the minimum age a candidate can be elected President, abolish the Court of Justice, and prohibit the establishment of religious-based or atheistic political parties. These are part of 41 proposed amendments that voters will be voting on in a simple “yes” or “no” ballot measure. The decision to put these measures forth via a nationwide referendum was approved unanimously on February 10 by the *Majlisi Namoyandagon*, the lower house of Parliament, after the Constitutional Court determined that the proposed changes were legal.

The proposed amendments adopted by lawmakers in January would eliminate term limits for the “Leader of the Nation,” incumbent President Emomali Rahmon, and lower the required minimum age for Presidents from 35 to 30 in future elections. The age requirement for candidates to the lower and upper houses of the Parliament will be lowered to 30 as well. Voters will also decide whether or not to amend the article on the formation of political parties, with a proposal to formally prohibit the establishment and activity of religious-based and atheistic political parties. The proposed amendments also envision the abolition of the Council of Justice of the Republic of Tajikistan.¹

Additional proposed amendments include Article 34, which proposes that parents take responsibility for the education of their children. At least outwardly, this could convey the sense of the government delegating its social responsibility to families or communities. Another noteworthy amendment, Article 14, would provide wide latitude within which the government can interpret the provision of human rights.

The upcoming referendum will be the fourth constitutional referendum held in the country’s history since independence in 1991. The original founding constitution was itself approved by a public vote in 1994. Amendments to the constitution were approved in 1999 and 2003 following other referenda. The reforms in 1999 created a two-chamber Parliament (*Majlisi Oli*), with an upper (*Majlisi Milli*) and lower house (*Majlisi Namoyandagon*). The new parliamentary structure was created as part of the National Accords on Peace and Reconciliation signed by the Government of Tajikistan and the United Tajik Opposition that ended the civil war in June 1997. In 2003, the constitution was changed to increase the President’s term in office from five to seven years, which allowed President Rahmon to run for two more terms, until the 2020 presidential election.

The proposed constitutional amendments would remove terms limits for Rahmon only, who by parliamentary approval received the title of “Leader of the Nation” in January 2016. Rahmon has been in power for 24 years since being appointed in 1992 during the civil war. The proposed amendments to the

¹ The Council of Justice was established 12 years ago as part of an internationally-supported reform initiative to establish an independent judicial institution. Appointment of judges to the Council remained subject to presidential approval, however.

constitution are seen by many local observers as well as members of the international community as measures to ensure continuity in the executive body.

Of particular note is the amendment to ban religious-based political parties, which would prevent reformation of the Islamic Renaissance Party of Tajikistan (IRPT), which was banned in August 2015. The IRPT had been the leading opposition political party in Tajikistan, and the only religiously-affiliated political party in existence in Tajikistan or in any of the post-Soviet successor states in Central Asia. It previously had been guaranteed representation in government at the ministerial level via the 1997 Peace Accords. For its part, the government maintains that the proposed amendments are aimed at strengthening the rule of law and primacy of the constitution as a governing document, protecting human and civil rights and freedoms, and “actively involving citizens, chief most among them youth, into political life and government.”

Of additional note is the proposed measure that bans foreign funding of parties and non-governmental political organizations. Local NGOs will be impacted if they receive any assistance funds from abroad, irrespective of the sector. The provision will additionally affect international NGOs and others providing direct assistance to improving the capacity of political parties.

What is the current political situation in Tajikistan?

The government, and the political spectrum generally, is dominated by the ruling People’s Democratic Party (PDPT) of Tajikistan, led by President Emomali Rahmon. The PDPT tightly controls the media and closely monitors the activities of all political opposition, which has been increasingly disbanded since the February 2015 parliamentary elections and the subsequent banning of the main opposition political party. Many opposition leaders have been arrested, gone into hiding, or left the country entirely. Some high profile opposition leaders residing abroad have been harassed and even killed.

The 2015 parliamentary elections strengthened the PDPT’s already overwhelming control of the national legislature, taking 51 of the 63 seats in the *Majlisi Namoyandagon*, the lower house of Tajikistan’s bicameral Parliament, with the other 12 seats won by pro-government parties. For the first time since the first post-civil war elections held in 2000, the Islamic Renaissance Party of Tajikistan (IRPT), the main opposition political party and heir to the chief protagonist during the 1992-1997 civil war, the United Tajik Opposition, did not win any seats. In September 2015, the IRPT [was banned by the Supreme Court](#), a reaction to what it deemed “extremist and terroristic activities” following allegations that some of its members attempted to overthrow the government. The banning of the largest opposition political party follows a recent pattern in which other opposition civil groups, including *Group 24*, have been banned, as well as upstart parties such as the New Tajikistan party, whose leader Zaid Saidov was sentenced to a 29-year prison sentence in 2013.

Why is the referendum important? What is at stake?

At stake in this referendum is the ability of voters to affect changes in leadership through the ballot box, as the elimination of term limits for the current President, like his counterpart in Kazakhstan, evokes a

“President for Life” scenario that further damages Tajikistan’s democratic credentials internationally. In addition, the reduction of the minimum age to be elected to the presidency suggests the possibility of a possible dynastic transition in 2020, as the president’s oldest son, Rustam Emomali, will turn 33 by the time of the next presidential election, and he has been touted as a possible successor to the 63-year old Rahmon.

Among other key provisions, the restriction on formation of religious-based or atheistic political parties appears geared toward safeguarding against the possibility of the Islamic Renaissance Party of Tajikistan’s reformation by other means. Likewise, the restriction on foreign funding of political parties or local political organizations mirrors similar legislation originally pioneered and adopted in the Russian Federation and considered by other republics such as Tajikistan who are closely aligned with a Russia-centric policy vector. The notion of what constitutes a “political” organization would be open to broad interpretation, though effectively erects restrictions on domestic human rights monitoring groups or civil society organizations monitoring government performance. The proposed measure is akin to the “foreign agents” laws adopted in the Russian Federation and elsewhere suggesting such entities operate as foreign-supported subversive organizations.

Who is eligible to vote?

Citizens over 18 years of age have the right to vote in the 2016 nationwide constitutional referendum. Voter eligibility is restricted for Tajik citizens who have been declared incapacitated by a court or are imprisoned, regardless of the severity of the crime committed.

How is the voter registry managed and maintained?

In Tajikistan, there is no central voter register. Instead, each Precinct Election Commission compiles lists of voters based on data provided by local executive authorities. Voter lists are made public 15 days prior to the day of voting. From the time voter lists are published through the end of Election Day, a voter may be added to a supplementary voter list by presenting their passport or another identity document. Registration on Election Day, without a court order, contravenes international best practice, as integrity of the information is hard to maintain.

The absence of a central voter register leaves Tajikistan susceptible to voter fraud and inaccuracies in the voter lists due to multiple registrations and multiple voting by a single person.

What laws regulate the holding of constitutional referenda in Tajikistan?

There are two key documents regulating the conduct of national referenda in Tajikistan:

- Constitution of Tajikistan

- Central Commission on Elections and Referenda instructions and resolutions

Additionally, these core documents are [supplemented by provisions in other legislation](#). These include applicable clauses contained in the Law on Periodical Print and Other Mass Media; the Law on Assemblies, Rallies, Activities and Demonstrations; the Code of Administrative Offenses; the Constitutional Law on the Referenda of the Republic of Tajikistan; and the Criminal Code.

How many registered voters are there?

The current number of voters is estimated at approximately 4.2 million, including a significant portion residing abroad. Attempts to approximate the number of registered voters in Tajikistan are complicated by the absence of a central voter register. Voter lists are compiled at the local level by Precinct Election Commissions (PECs) and are made public 15 days prior to Election Day. After the voter lists are published, voters still have the opportunity to be added to a supplementary voter list by presenting their passport or another identity document to PEC officials – this can be done through the day of voting.

What is the structure of the government?

Tajikistan is a republic, with three branches of government: executive, legislative and judicial. Tajikistan has a strong presidential system of government; the President has broad powers over the other branches. The Parliament is a bicameral legislature consisting of 34 seats in the upper house (indirectly elected) and 63 seats in the lower, directly-elected house.

In the *Majlisi Milli* (National Assembly), 34 members are elected through an indirect vote to serve five-year terms. Of these, 25 are selected by local deputies, eight are appointed by the President and one seat is reserved for the former President. All members are appointed either by the President or officials the President has appointed. In the *Majlisi Namoyandagon* (Assembly of Representatives), 41 members are elected by an absolute majority vote in single-member constituencies to serve five-year terms, and 22 members are elected through a closed-list proportional representation system to serve five-year terms.

The President appoints the members of the Supreme Court and other key judicial positions.

What kind of voter education has been conducted for the referendum?

There has been limited voter education or information provided for the referendum. State television has aired short infomercials advertising the vote, and some billboards can be found announcing the election date. Among the billboards seen in Dushanbe prior to the referendum are several extolling voters to come and vote on May 22. There has been little in the way of public debates on the merits of the proposed changes.

What is the election management body? What are its powers?

The 2016 nationwide referendum is being administered by a three-tier system of election commissions, comprised of the Central Commission on Elections and Referenda (CCER), 68 District Election Commissions and 3,155 Precinct Election Commissions (PECs). There is a legal “instruction” but no mandatory law requiring political diversity on the three levels of election management bodies in Tajikistan. In practical terms, no party outside of the People’s Democratic Party has the wherewithal to nominate local polling officials or dispatch party observers to each polling station across the country. As many polling stations are in schools, and school teachers are often called upon to serve on PECs, they are typically beholden to the government-appointed school director.

The CCER is the highest and only permanent electoral body in Tajikistan. Its members are appointed to five-year terms, with the current term spanning from 2014 to 2019. The President proposes the 15 CCER members, including the Chairperson and Deputy Chairperson, who must be confirmed by the lower chamber of Parliament. At the moment, all registered political parties except the Communist Party are represented in the current CCER; three of its members are women. The Islamic Renaissance Party of Tajikistan representative was replaced after the party was de-registered. The current chair of the CCER is Mr. Bakhtiyor Khudoyorzoda, who previously served as head of the President’s Office and Minister of Justice (2010-2013).

The CCER is principally responsible for ensuring preparation and conduct of elections and referenda in Tajikistan. The CCER is guided by the Constitution of Tajikistan, the Presidential Election Law and its own instructions and resolutions, as well as provisions of other laws that pertain to elections.

The CCER is located in Dushanbe, Tajikistan’s capital.

How many polling places are set up on Election Day?

Voting will take place in 3,155 Precinct Election Commissions set up on Election Day, supported by 68 District Election Commissions. There will be 38 polling stations for the conduct of out-of-country voting in 29 countries.

Is out-of-country voting allowed?

The Central Commission for Elections and Referenda (CCER) announced that [38 polling stations will be set up at Tajikistan’s embassies and consulates](#) in 29 countries for the upcoming constitutional referendum.

Polling stations will be located in Russia, Afghanistan, Turkey, China, the United States, throughout Central Asia and Europe, among other locations. At least three voting locations will be available to Tajik citizens residing in the Russian Federation.

The CCER estimates there are approximately 900,000 eligible voters currently residing abroad. A large percentage of those eligible voters are living in Russia, where they take jobs as either as seasonal laborers or semi-permanent migrant workers.

What is the media environment like?

While Tajikistan's constitution cites freedom of expression and information and prohibits censorship, the media is tightly controlled by the government. Although there are a number of nominally independent media outlets, the government has cautioned media and political parties against being too critical.

In Tajikistan, national television channels are the primary source of political information. All national television channels are state-owned, and private broadcast media only operate at the regional level. In spite of this, Tajikistan enjoys a relatively diverse media environment. While internet use throughout the country remains low, web-based news sources and social media have played an increasingly important role in urban areas, although access is occasionally blocked by the government. Access to major social networks and websites offering news has been blocked of late. Various other legal and administrative means, including revocation of licenses, targeted tax inspections and denial of the use of printing facilities, have been used to inhibit independent journalism.

Overall the media environment has been relatively sedated during the run-up to the referendum, with little "buzz" about the impending vote. There have been a handful of infomercials on state television announcing the vote but no specific programming devoted to a discussion of the proposed amendments. Newspaper coverage has been modest, and online information has focused on preparations made by the election management bodies in terms of ballot printing and accreditation of election monitors. The pre-referendum period has been notably bereft of public discussion or debate.

Who will be/can observe during Election Day? How can they get accreditation?

On Election Day, in-country observation may only be conducted by media and accredited domestic and international observers. Amendments made in 2008 to Article 6 of the Law on Referenda state that "political parties, trade unions and civil associations registered in accordance with Tajik law are allowed to appoint one representative to each polling station," meaning that civil organizations are allowed to observe. This is different than in parliamentary elections, in which civil organizations are not allowed to register and deploy observers unless they are accredited "public associations."

International observers are provided for in law. The Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) is not sending observers to Tajikistan to observe the constitutional referendum. For its part, the Commonwealth of Independent States (CIS) plans on deploying observers to monitor the referendum. According to the [CIS Executive](#)

[Committee press service](#), the CIS mission members will “include representatives of the CIS member nations, the CIS Parliamentary Assembly and the Belarus-Russia Union Parliament Assembly.”

Resources

- [Asia-Plus](#)
- [Constitution of Tajikistan, 1994](#)
- [Eurasianet](#)
- [EurAsia Daily](#)
- [International IDEA: Constitution Net](#)
- [Radio Free Europe / Radio Liberty](#)
- [The Diplomat](#)