

# **National Observer's Manual**

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*This manual was prepared by IFES/NAPST with the collaboration of the Central Commission for Elections and Referenda and representatives of the six registered political parties.*

*The drawings were made by the artist Abdulloev Abdusalom.*

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## Election Day: Let's all go and vote!



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## Introduction

The observation of elections is an important task which supports democracy. Conducting transparent and open elections that conform to both Tajik legislation and to international standards is essential to building a democratic government. Such elections give citizens confidence in the political processes and institutions. This confidence is needed in order to help establish the basis of authority for the government as well as to encourage citizens' civic participation.

Short-term and long-term election observers play an important role in ensuring free and fair elections. The presence of observers can help deter violations as well as give people confidence in the electoral system. They act as an impartial observer of the events surrounding the election. They look at each activity that is connected to the electoral process, such as Election Day procedures and the vote counting process. Their job is to gather information so that a post-election analysis can be made to determine the level of compliance with democratic standards.

The purpose of this manual is to provide a comprehensive and systematic approach to short-term election observation for national observer groups representing registered political parties and independent candidates. This manual serves as a complement to the observation checklist that observers will fill in on Election Day.

Both the manual and the checklist seek to provide a system for recording data and observations so that a general report on the election can be made. This report can be used as an input to track the country's progression as a democratic society.

It is important that you go back and re-read those sections of this manual that are more relevant to you and that you read the laws and Constitution of the Republic of Tajikistan in those issues related to the elections.



- The number of the Precinct Election Commission;
- The number of voters in the voter list;
- The number of ballots received;
- The number of early votes;
- The number of mobile ballots;
- The number of voters turned out;
- The number of valid ballots and the numbers of those that were unused, destroyed, and damaged;
- The number of votes for each political party;
- The number of votes for each candidate;
- The number of protocols written;
- The signatures of the majority of the precinct election commission members.

### **3.8. Reporting Using the Checklists**

Observers must include all information on the Election Day process in their report. Observers' checklists will be distributed in regions and districts.

The checklist includes all information necessary to conduct an objective observation in all stages of the process on Election Day.

The checklist is self explanatory. If you do not have access to a checklist, then take notes according to the aspects pointed out in this manual and add your own comments.

A report should be handed in to the political party or to the candidate that the observer is representing.

The procedures and regulations for election observation are clearly stated in order to enable observers to carry out their duties in the approved manner. All of the information outlined in this manual is in accordance with the Constitution of the Republic of Tajikistan and the latest Tajik legislation concerning elections. This legislation includes two constitutional laws: "On the Election of the Majlisi Oli of the Republic of Tajikistan" which was passed in 1999 and amended in June 2004 and "On the Election of Representatives to Local Majlises of People's Deputies" which was passed in December 1999.

Because the Organization for Security and Cooperation in Europe (OSCE) has had a long-standing role in election observation worldwide, this manual has reproduced several of the instructions contained in OSCE manuals as well as information from the Copenhagen Document and from the Commonwealth of Independent States (CIS) Convention on Free and Fair Elections.

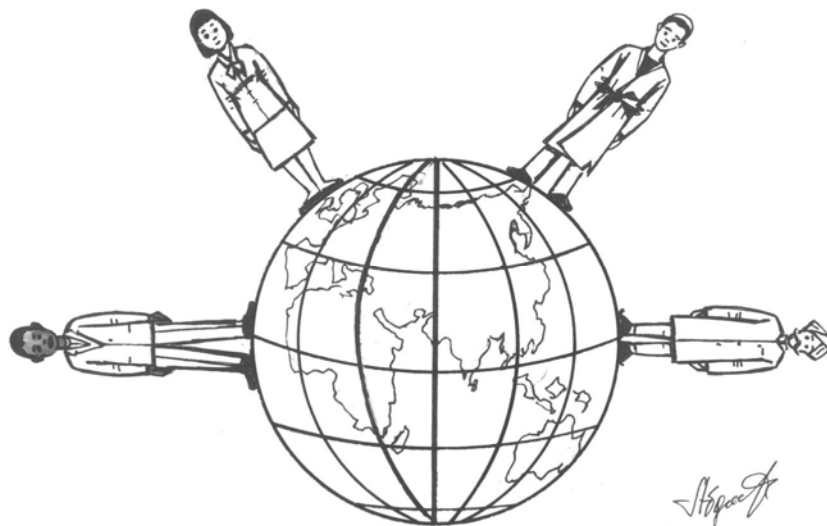
This manual was developed by IFES in collaboration with all six registered political parties in the Republic of Tajikistan. The parties, listed in alphabetical order, are: the Communist Party of Tajikistan, the Democratic Party of Tajikistan, the Islamic Revival Party of Tajikistan, the People's Democratic Party of Tajikistan, the Social-Democratic Party of Tajikistan, and the Socialist Party of Tajikistan. Each party directly contributed to the manual and gave its approval of the final version.

The Central Commission for Elections and Referenda (CCER) has reviewed and approved the information in this manual.

## 1. STANDARDS FOR ELECTION ASSESSMENT

### 1.1. International Standards for Elections

The essential role that transparent and open elections play in ensuring political rights and the right to a democratic, representative government is stated in a number of international documents. The Republic of Tajikistan is a signatory to several international agreements that set standards for democratic elections. Election observers should know these international standards and be able to evaluate the level of compliance with them on a local level.



#### 1.1.1. The Universal Declaration of Human Rights

The most significant document is the Universal Declaration of Human Rights, which was adopted unanimously by the United Nations General Assembly in 1948. It recognizes the role that open and transparent elections play in ensuring the fundamental and universal right to a democratic,

### 3.7. Writing the Protocol

**Observers should stay until the final procedures are finished. In many occasions, observers leave early because they are tired, cold or hungry, live far away from the station they are observing in, or feel they have enough information to file their report. Observers should hand in reports after observing the complete process.**

Election commission members must sign two copies of the protocol containing the results of the vote count and must write the date and time of their signatures.

The protocols must be filled in with pen; the use of pencil is not allowed.

The protocol is only valid when signed by the majority of the election commission members.

All ballots must be packed and sealed in the presence of political party representatives, proxies, and mass media representatives if they are present in the polling station. All cancelled, irregular, and invalid ballots are packed separately. If there are any written complaints or concerns, they must be attached to the protocol.

The first copy of the protocol, along with all election documents including ballots, complaints, applications, decrees, and acts issued by the precinct election commission, shall be sent to the higher-level election commission immediately. The second copy of the protocol will be posted for public for three days after the Election Day inside the polling station.

The protocol generally includes the following:

- The number of the electoral district;

Ballots for each type of election (i.e. the ballots for political party lists, single-mandate candidates, and local government offices) should be separated into different piles.

The counting of each type of ballot must follow a set order. Counting starts with the ballots for political party lists. Second, the ballots for candidates in single-mandate constituencies are counted. Finally, votes for representatives of local Majlises are counted.

The results for each stage of the counting should be announced loudly and entered into the protocol.



**Note:** If there is any doubt about the validity of a ballot, the precinct election commission members discuss the ballot and come to a decision through a majority vote by members. There should be a written explanation of the reason of each invalidated ballot on the reverse side. The number of invalid and irregular ballots are counted and entered into protocol after counting each type of ballots.

participatory government. Article 21 states:

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.



This declaration serves as a foundation for several other documents that seek to set international standards for human rights as well as for democratic systems.

Several international documents stipulate that women and minorities must not be discriminated against in their right to

participate in the socio-political life of the country and that they should enjoy the same voting rights and the right to run for office that all citizens have.

### 1.1.2. The Copenhagen Document

One such document that Tajikistan has signed is the 1990 "Copenhagen Document" that was created by the OSCE. This fundamental document stresses the importance of elections as a means of providing citizens with the right to participate in the political process and govern their country. Article 7 of the Copenhagen Document establishes principles of democratic, free, and open elections.



It says that in order for the will of the people to serve as the basis for governmental authority, signatories to this agreement must:

- Hold free elections at reasonable intervals, as established by law;
- Permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
- Guarantee universal and equal suffrage to adult citi-

Observers must carefully watch the vote counting process. Please make sure that only election commission members are conducting the vote count and that no one else is "assisting".

Before opening the ballot boxes, any unused or damaged ballots are counted and invalidated by cutting off the lower right corner.

Next, the chairman allows the election commission members to check the seals and stamps on the ballot boxes before each ballot box is opened. Only then can the vote counting procedure begin.

First, the ballots in mobile ballot boxes are counted. Then, the commission members begin counting the ballots in the stationary ballot boxes.





### 3.5. The Closing of the Polling Stations

The polling stations are closed at 8:00 p.m. In the embassies of the Republic of Tajikistan abroad and also in sanatoriums, resorts, hospitals, and other medical institutions, as well as in remote areas with difficult access the polling stations may be closed as soon as all voters registered in the list have voted.

The chairman or deputy chairman of the precinct election commission declares the closing of voting. If there are still some voters inside the polling station at 8:00 p.m., they must be given the opportunity to vote. Afterwards, everyone except those who are allowed by law to be present (i.e. the commission members, representatives of political parties and the media, and proxies) must leave the premises.

Article 46 of the Constitutional Law of the Republic of Tajikistan “On the Elections of the Majlisi Oli of the Republic of Tajikistan” stipulates that the counting process must begin as soon as voting is finished and continue without interruption until the results are identified.

Before the counting begins, the election commission chairman declares the procedure for the count open and indicates a location for observers and mass media representatives to view the process.

### 3.6. The Counting of Votes

Observers must be allowed to be close enough to the counting place in order to see the activity properly.

Please remember that under no circumstances are you to touch the ballots, seals of the ballot boxes or other electoral materials.

zens;

- Ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
- Respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
- Respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
- Ensure that law and public policy work to 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, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
- Provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
- Ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their

term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

It is important to note that in Article 8 of the Copenhagen Document, the role of international and national observers is acknowledged. Article 8 states:

*“The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other OSCE participating States and any appropriate private institutions and organizations who may wish to do so, to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.”*

### 1.1.3. The CIS Convention on Free and Democratic Election Standards

Another international document signed by the Republic of Tajikistan is the CIS Convention on Free and Democratic Election Standards. Articles 14 and 15 of this document outline the status and rights of national and international observers, respectively. National observers in Tajikistan should be aware of the commitments outlined in this agreement.

Under Article 14, countries are required to acknowledge that candidates, political parties or coalitions, public organizations, voter groups, and other electoral groups specified in the constitution and laws have the right, in accordance with the laws or enactments passed by organizations administering elections, to appoint national observers. These

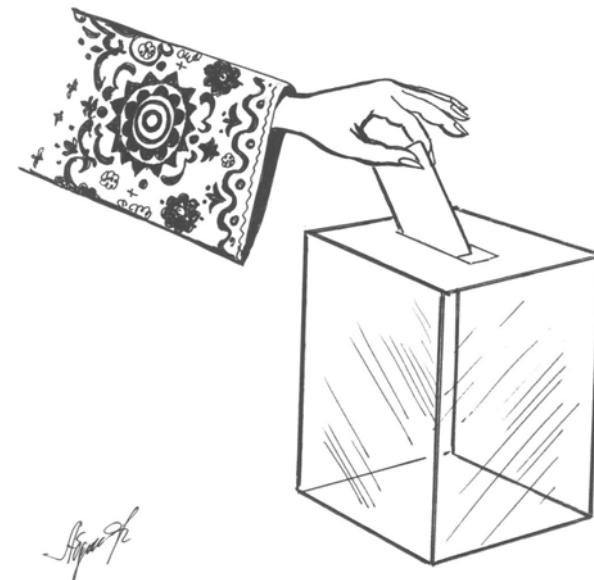
### 3.4. Mobile Voting

Voting with the use of mobile ballot boxes is allowed for voters who are unable to come to the polling station on Election Day. They can request that the precinct election commission organize their voting at their residence. The chairman of the commission designates commission members to carry out this duty in the presence of observers and proxies.

The number of ballots allocated for mobile voting must match the number of voters received by members of the precinct election commission. Voters who voted this way should be indicated in the voter list.

Observe that the mobile ballot boxes are sealed.

Observe that voters are not influenced or pressured by anyone managing the mobile box.



voters, coming from the election officials.

- Check if anyone tries to vote for others and if it was allowed.
- Observe if anyone is denied the right to vote because his or her name was not included in the voter list or because of lack of identification, and see how these kinds of problems are resolved.
- Check to see if the secrecy of voting is maintained. See if the ballot boxes are situated in a place where election officials and all authorized observers and representatives can easily view them.
- Find out if anyone helps a voter. Check who is doing this.
- Observe the way in which ballots are issued to voters.
- See if the ballots are kept in a secure place and if they are sorted by type.
- Observe whether the poll workers make notes on the ballots before they are given to voters.
- Check to see if there are any campaign materials posted inside the polling station premises. Remember that the pre-election campaign ends 24 hours before Election Day.
- Check if there are any candidates who withdrew from the race and that their names were deleted or crossed out from the ballots. Find out how the commission was notified of the changes.

**Take note of the results of your observation on the above issues. Use your checklist to guide you. You may also note additional comments.**

observers have the right to observe activities at the polling station premises on the day of elections.

These countries have also agreed to specify the rights and responsibilities of national observers in their legislation. They agreed that national observers should have the right to do the following:

- To be familiarized with the electoral acts indicated in the election law;
- To obtain information on the number of voters included in voter lists;
- To obtain information on voter turn-out, including the number of early voters and voters who cast their ballots outside the voting premises;
- To be present within the voting premises;
- To observe the process of issuing ballots to voters;
- To be present during early voting and at any voting that takes place outside the voting premises;
- To observe the process of counting votes from a reasonable distance;
- To observe the filling in of protocols on voting results by electoral bodies and election results and other acts;
- To receive copies of these protocols from the relevant electoral bodies, if this is permitted in the country's legislation;
- To offer suggestions or recommendations to the electoral body on the organization of voting issues;
- To directly appeal to the higher electoral body or to

the court regarding the decisions and actions of individual members of the electoral body or the electoral body as a whole.

The CIS Convention agreement states that, if permitted under national legislation, representatives of a candidate may also enjoy the rights of national observers.

The countries also agreed to acknowledge the possibility of enabling electoral bodies and authorities of other organizations to conduct trainings for national observers and other participants in the elections. These trainings may include information on the foundations of democratic elections, national legislation on elections, international election standards, and the provisions for and protection of voters' rights and freedoms.

## 1.2. National Standards

### 1.2.1. The electoral system in the Constitution of the Republic of Tajikistan

In order to be effective in the role of election observer, it is necessary to know the legal basis for the electoral process according to the laws of the Republic of Tajikistan. The observer should prepare himself prior to the election by familiarizing himself with the Constitution of the Republic of Tajikistan, other constitutional laws, the country's political system, and the functions of the CCER.

- **Article 6 of the Constitution of the Republic of Tajikistan stipulates: "In Tajikistan, the people shall be the bearer of the sovereignty and the only source of the state power, which provides it directly or through their representatives. The public referenda**



**Note: Each voter must vote individually. Proxy voting is not allowed. Group voting is not allowed. Family voting is not allowed.!!**

- If you want to check specific issues such as resolution of the commission, complaints, protocols, minutes of commission sessions, or samples of ballots, you need to request permission of the chairman. This also applies if you want an explanation on issues such as the voter registration, on number of voters, or number of ballots received; for this, you must address your questions to the chairman.
- Make sure that all people working inside the station are members of the commission. Note whether any individuals or groups of people who are not authorized officials, voters or authorized representatives of candidates or the media stay at the station for a long period of time.
- See if there is any kind of pressure or propaganda on

commission members, representatives of political parties , proxies and the media. The chairman then demonstrates that the stationary and mobile ballot boxes are empty and seals them. He announces the number of early votes in the presence of the aforementioned people.

The chairman shows the envelopes with the early votes to commission members and observers to ensure that all ballots are secure and sealed. Then the envelopes are opened one by one, in a manner that maintains the secrecy of the votes. The number of early votes shall be written down in the protocol before the voting begins. Marks are made next to the names of early voters on the voter list.

### 3.3. The Voting Process

Voters fill in the ballots privately either in a voting booth or in a special room. The presence of another person together with the voters, during this procedure is prohibited, except for those voters who are not capable of filling in the ballots themselves. These voters may invite another person to assist them. However, members of the election commission, representatives of political parties and the media, and proxies are not permitted to assist.

If a voter is not in the voter list, he or she must present an identification. The commission members must include the voter's name in a supplemental list and issue a ballot.

and free elections shall be the supreme, direct manifestation of the power of the people.”



- Article 14 states: “The rights and freedoms of individuals and citizens shall be protected by the Constitution, the laws of the Republic, and by international legal documents ratified by Tajikistan. The rights and liberties of individual citizens shall be implemented directly. These shall determine the goals, contents, and effects of the laws, the activities of the legislative and executive bodies, local authorities, self-governing bodies, and local governmental bodies and shall be ensured by the judiciary.”
- Article 27 of the Constitution states: “Everyone shall have the right to take part in the political life and state administration directly or through their representatives. Citizens shall have equal rights to state services. Citizens shall have the right to take part in elections and referenda. Citizens have the right to vote, beginning at the age of 18, and the right to be elected, beginning at the age stated by the Constitution and constitutional laws. Individuals deemed incompetent by a court of law or who have been deprived of their liberty in accordance with a court sen-

tence shall not have the right to take part in elections and referenda.

- Article 48 states that the Majlisi Oli shall be the supreme representative and legislative body of the Republic of Tajikistan and that members shall be elected for 5-year terms. The Majlisi Oli shall consist of two Majlises (Assemblies): the Majlisi Milli (the National Assembly) and the Majlisi Namoyandagon (the Assembly of Representatives).
- Article 49 states that “The Majlisi Namoyandagon shall be elected on the basis of universal, equal, direct suffrage by secret ballot.
- Article 77 states: “The local representative authority in regions, towns, and districts is the Majlisi of People’s Deputies, which is led by a chairman.” They shall ensure the implementation of the Constitution, laws, and resolutions of the Majlisi Milli and Majlisi Namoyandagon and acts of the President and the government of the Republic.

### **1.2.2. Constitutional laws on the electoral system**

The primary principles of elections have been established by the constitutional laws of the Republic of Tajikistan entitled "On the Election of the Majlisi Oli of the Republic of Tajikistan" and “On the Election of Representatives to the Local Majlises of People’s Deputies”. These two laws outline the procedures for carrying out elections on the basis of universal human rights.

Observers should keep in mind that each election procedure has been established by the law. Abiding by these laws is important. Any violation infringes on the rights and

- When you arrive at the station, introduce yourself, show your accreditation papers, and ask to meet with the chairman of the commission with the permission of the chairmen. If you observe any cases of violations, try to talk to other members of the commission as well as to representatives of candidates who are present. Note any signs of tension or discord.
- Pay attention to the internal organization of the polling station, including the assignment of duties to poll workers and the arrangement of tables, ballot papers, and voting materials. Before the voting starts, the ballot boxes should be arranged so that voters first go to a booth to fill in the ballots and then approach the ballot box. The arrangement of the furniture should ensure the secrecy of voting.
- See if all representatives of candidates have an equal opportunity for observation?
- Check if the ballot boxes are situated within the sight of officials and observers?
- Familiarize yourself with the voter list.
- Check to see that there are pens, not pencils, in the voting booths. This must be done before the opening ceremony, as observers should not be in voting booths (unless they are voting ) once the voting process starts.

### **3.2. The Opening Ceremony of the Polling Station**

Voting starts at 6:00 a.m. when the chairman of the precinct election commission declares the official opening of the polling station for elections in the presence of other

- Use this opportunity as an observer to obtain information that may be initial to your political party or candidate in the next elections.
- Election observers should try to work harmoniously with other observers (both national and international).

(Part of the above information was *adapted from* Code of Conduct for the Ethical and Professional Observation of Elections, *IDEA, 1997 and from the OSCE's Handbook for Domestic Observers*).

### 3. OBSERVATION PROCEDURES ON ELECTION DAY

The following sections describe the procedures that will occur on Election Day. They also note the aspects that should be observed as well as common violations that may occur.

#### 3.1. Before the Opening of the Polling Station

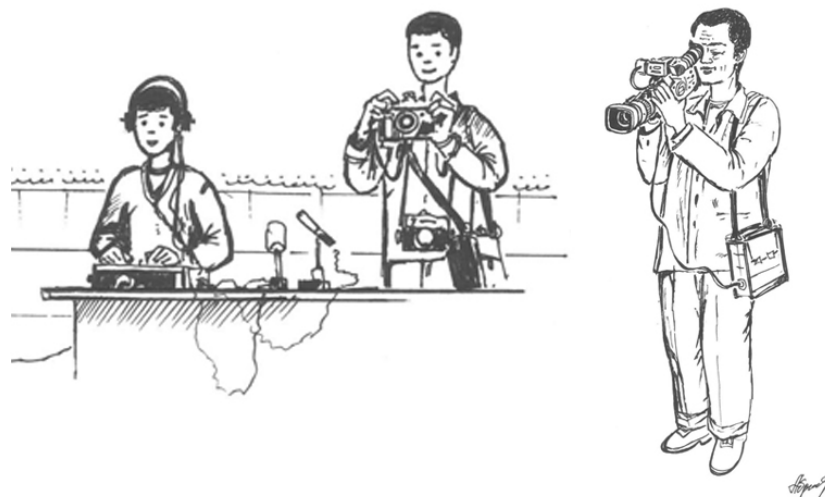
Observers begin their work even before the polling station opens. Be prepared for a long day of observation and try to arrive at the polling station at least 30 minutes before the voting starts.

- Begin your observations before you enter the polling station. Look at the adjacent areas to make sure that there isn't any propaganda activity.
- Pay attention to the location and accessibility of the polling station. See if there is any evidence of disorganization, such as an unusual crowd of people standing about. Also, see if there are any representatives of the police or the government in the polling station. They are allowed in the polling station only to vote.

interests of both citizens and candidates. During the election, observers should note whether these laws are being observed.

The Constitutional Law of the Republic of Tajikistan "On the Election of the Majlisi Oli of the Republic of Tajikistan" was passed on December 10, 1999. On June 16, 2004, new amendments were officially introduced in the law. These are considered to be positive amendments to the law as they promote the transparency of the electoral process. The amendments provide for the following:

- The representatives of print, television, and radio media can participate at the meetings of the electoral commissions, be present at voting premises, and cover the process of preparation and conduction of elections, as well as the decisions of election commissions.



- Candidates' utilization of personal funds for election campaigns (candidates had previously been restricted

to using the state budget for campaigns, which was insufficient).

- Non-interference in the activities of electoral commissions.
- The printing and secure registration of ballots solely by the CCER (this process had previously been decentralized).
- The clarification of the procedures for registering candidates and the terms for processing the required certifying documents.
- An increased number of political party trustees. (Political parties had previously been limited to a total of 15 proxies but under the new law, political parties are allowed up to five proxies for each candidate).
- The equal allocation of free national television and radio air time for election campaign purposes.
- The presence of observers and media representatives in the corresponding election commissions during the repeat ballot counting. (Article 8<sup>2</sup>, Election Law)
- The posting of voting results in the premises of the polling station.
- The publication of preliminary voting results within 24 hours after the completing the elections.

Articles 8<sup>1</sup> and 8<sup>2</sup> of the Constitutional Law of the Republic of Tajikistan "On the Election of the Majlisi Oli of the Republic of Tajikistan" also specify the rights and responsibilities of the national and international observers. In the past, the CCER regulated the role of observers.

make some errors because of lack of experience or lack of knowledge of the new laws. Cases of minor errors should be reported to the precinct election commission chairman. The commissions are usually ready to correct the error immediately.

- Observers must carry their observer identification cards with them and present them to election authorities upon request.
- The report of violations from an observer will be best accepted if it is done in an objective way. If observer will let his behavior be altered by partisan demonstrations, his or her credibility will be effected. It is important to provide evidence and arguments to support the judgment of the observer.



- Observers should look out for issues related to the rights of women, illiterate and disabled persons focusing on how their participation is facilitated.



those whom they represent will be judged by their behavior. Therefore, they must not commit violations and must strictly observe the aforementioned ethical principles. The following recommendations are made to observers:

- Election observers must recognize and respect the sovereignty of the constitutional and electoral laws of the country they are observing.
- Election observers must make a clear distinction between incidents personally observed and those reported to them by others.
- Election observers must be non-partisan and neutral. They should not wear or use the symbols or colors of any political party.
- Election observers must not engage in any activity that may create a conflict of interest.
- Reporting by observers should be balanced and include positive developments and achievements in the process.
- Any information received in confidence must be treated in a sensitive manner, particularly where allegations of intimidation or violence are involved.
- Election observation must be transparent and accurate.
- Election observers must be comprehensive in their review of the election, meaning they must take into consideration all relevant circumstances.
- Through the period of observation, observers should rely on their knowledge, experience, intuition, tact, foresight, and prudence.
- Observers should keep in mind that poll workers can

### 1.3. Using Standards to Assess Elections

The degree to which an election complies with international standards and agreements provides both international and national observers a benchmark for assessing the election. International standards tend to be quite general, setting out broad principles to be implemented. The following paragraphs set out some specific issues that a national observer group should look for in regard to several key international standards.

- **Periodic elections** means elections are held at regular intervals, as set by law. Seven years is generally regarded as the maximum time period between elections of the chief executive; five years is seen as the maximum for lower houses of parliament. Government officials should not be elected for life.
- **Genuine elections** refers to voters having a real choice that reflects the right of people to change their government. Genuine elections are generally characterized by the presence of credible opposition candidates, a lack of restrictions on political parties and candidates, and a reasonable prospect that voters could vote incumbents out of office.
- **Free elections** means that human rights and fundamental freedom are upheld before, during, and after the election. All citizens, parties, and candidates must enjoy freedom of expression, association, assembly, and movement. The election process should be free from intimidation, violence, administrative action, and fear of retribution. The media should be able to cover the campaign freely. Civil society organizations should be free to undertake election-related activities. For example, national observers should be able to

freely monitor the voting process and counting, and the tabulation of results should be visible and verifiable from the level of the polling station to any intermediate levels of the election administration and finally to the CCER.

- **Fair elections** should ensure that candidates have equal treatment under the law and by authorities. Laws should be non-discriminatory and implemented fairly. All candidates who wish to run should be able to do so. Public resources should be used fairly, public media should be even-handed, and the election administration should be impartial. The election process should be free of fraud, and violators of the law should be held accountable. Candidates with the required number of votes should be duly installed in office. Both candidates and voters should be able to file complaints, including through an independent judiciary.



the election commission.

Also, observers should **NOT**:

- Ask voters who they voted for;
- Express a personal preference about candidates or political parties;
- Use the status of observer to do any action that is not related to observing the election;
- Base conclusions on unconfirmed or undocumented facts.

### 2.5.3. Ethics

In order to ensure the transparency of elections, the Constitutional Law on “Elections to Majlisi Oli of the Republic of Tajikistan” grants observers the right to be present at the polling station on the day of voting and to observe all activities at the station from the moment the polling stations open until the summarization of the results.

The following are some general ethical principles that are applicable to all election observation activities in order to bring about free, fair, and transparent elections.

Always remember that the observers role is only to **observe** the process in order to gather information and make informed judgments from that information. This may seem redundant but it is important to know that an observer is not supervisor, and is not allowed to interfere in the process in any way or he/she will jeopardize his/her own role.

Because observers are representing political parties and candidates on Election Day, they must keep in mind that

The observer also may:

- observe the vote counting process from a distance that allows the marks on the ballots to be seen;
- observe the writing of reports on the final results of the election;
- obtain information about the reports on the election results from both the precinct electoral commissions and the district election commissions;
- accompany the mobile ballot boxes as they go out to voters and then back to the polling station premises.



National observers **DO NOT** have the right to do the following:

- To distribute ballots to voters;
- To sign the list, at the request of a voter, stating that the voter received a ballot;
- To mark a ballot at the request of a voter;
- To do any action that compromises the confidentiality of the votes;
- To participate in the vote counting process;
- To be inside the voting booths;
- To do any action that interferes in the work of the election commission;
- To participate in the decision-making processes of

- **Universal and equal suffrage** means that all citizens who have reached the age set by law should have the right to vote. There should be an effective, impartial voter registration system, without poll taxes and without discrimination against women, minorities, or other groups of voters. All voters, including disabled and internally displaced persons, should have access to polling stations and other voting procedures. Equal suffrage means that each vote should have the same value. Under proportional representation, the number of representatives for each electoral district should be proportional to the size of the electorate. Under majority voting systems, the population or number of voters in constituencies should be approximately equal.
- **Voting by secret ballot** means that voters should mark their ballots alone, in a private voting booth, and in a manner that the marked ballot cannot be viewed by others until the counting process and cannot later be identified with any particular voter. Group voting (family voting), voting by proxy, or voting outside the polling booth (except the adequately administrated mobile voting, compromises the secrecy of the vote.

*[Adapted from the OSCE Handbook for Domestic Observers, pp. 16-18.]*

While a national observer group is assessing the elections in Tajikistan, they should also consider the degree to which this election is an improvement over previous elections. Observers can refer to the final report by the OSCE and Office for Democratic Institutions and Human Rights (ODIHR) on Tajikistan's parliamentary elections in 2000.

## 2. NATIONAL OBSERVERS FOR THE 2005 ELECTIONS

The legislation of the Republic of Tajikistan guarantees the objectivity and legality of elections. The freedom of elections is reinforced by the presence of observers in election districts. In general, election observation has the following goals:

- To provide openness and transparency for the public, candidates, and political parties;
- To raise public confidence in the electoral process;
- To provide post-election reports which lawmakers, election officials, and activists can use to assess the process and plan for future improvements.



- To assist in the development of free, fair, and democratic elections in Tajikistan.

### 2.5.2. The rights of national observers

Under the constitutional laws of the Republic of Tajikistan and under the regulations for observers, national observers have the right to do the following:

- To be familiarized with the voters lists;
- To be present in the voting premises from the moment the precinct election commission starts its work until the moment it finishes;
- To observe the distribution of ballots to voters;
- To observe the process of canceling unused and invalid ballots and to observe the vote counting process.
- To be familiarized with the protocols of the precinct election commission on the voting results.
- To ask questions, with the permission of the chairman of the corresponding election commission, receive answers and draw attention of the chairman of the election commission to any cases of violation of the law.
- To appeal the decision and actions or inactions of the election commission to a higher level election commission or to the courts,



### ***The Code of Conduct:***

- The observers must maintain strict impartiality in conduct of their duties, and must at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
- Observers will refrain from making personal or premature comments about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers.
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and should be willing to fill out statistical survey forms of polling stations visited.
- Observers will carry the prescribed identification issued by their party or candidate and will identify themselves to any interested authority upon request.
- Observers will not display or wear any partisan symbols or banners.
- Observers will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count.
- Observers may wish to bring irregularities to the attention of the local election officials, but they must never give instructions or contradict decisions of the election officials.
- Observers must comply with all national laws and regulations.

The basic aim of observing the elections at the polling stations is to verify whether voting and counting procedures are carried out in an orderly manner and in accordance with the electoral law. On Election Day, observers will visit polling stations to observe and record information on the aspects of the election that are outlined in the observer checklist.

The presence of observers also affects the international image of the country.

To accomplish the goals of observation, it is imperative to have impartial and objective observers. Observers should undertake their duties without any biases or assumptions. They must first observe the election process from a positive point of view. Armed with such an attitude, they can then begin to see positive aspects or improvements over previous elections as well as to identify any situations, problems, or illegal activities which obstruct the conduct of fair and legal elections.

### **2.1. Who can observe the elections?**

According to the Article 8, 8<sup>1</sup>, 8<sup>2</sup>, and 38 of the Constitutional Law “On the Election of the Majlisi Oli of the Republic of Tajikistan”, indicate that:

the following people may be present in the polling station premises and observe the elections:

- Proxies of candidates and political parties;
- Representatives of the mass media;
- National and international observers.



A representative of a political party or of an independent candidate is a citizen who is voluntarily giving his time and effort to a party or candidate. This person is either a member or supporter of the political party or of a candidate. Each candidate can have up to five proxies who will conduct the candidate's campaign activities and represent the candidate. In accordance with the law, candidates' proxies and observers cannot be members of election commissions. Neither can employees of law-enforcement bodies, judges, military officers and servicemen and foreign citizens.

## 2.2. Short-term observation

The present manual is created for short-term national observers appointed by political parties or independent candidates. Their duties begin shortly before the Election Day

- A passport, identification card, or other identification document;
- A copy of the Regulations on Election Observation and the Observer's Checklist; Paper and a pen;

If possible, the observer may want to take with him or her some of the following:

- A watch;
- A camera;
- A flashlight;
- Food and water;
- Comfortable shoes and clothing.
- Candles and matches;
- A calculator.



## 2.5. The Rules of Conduct for Observers

### 2.5.1. General rules for impartial observation

There are some general rules that election observers must follow in order to avoid compromising their position as impartial observers. The OSCE's Office for Democratic Institutions and Human Rights has established the following Code of Conduct for international election observers, which also should be observed by national observer:

ple's Deputies.

- A ballot for candidates to the city or town Majlis of People's Deputies.

## 2.4. Logistics for Election Observers on Election Day

In order to effectively function as an observer at the polling stations, each observer should be prepared and have the following items:

- A document (letter, id, etc. from the observer's sponsoring organization indicating the observer's full name, residence, the number of the polling station to be observed, and the name of the election commission at that polling station;



and continue until a report on the election results is issued. These duties can be divided into the following stages: the opening of the polling station, the voting process, the closing of the polling stations, the counting of votes, the writing of protocols, and making a report. Descriptions of these stages can be found in part 3 of this manual.

## 2.3. Understanding the Structure of the 2005 Elections:

### 2.3.1. The National Parliament

The 1994 Constitution of the Republic of Tajikistan established a multi-party parliamentary democracy with separate legislative, executive, and judicial powers.

In 1999, constitutional amendments introduced the creation of a bicameral parliament, the Majlisi Oli, which, as indicated before in this manual, consists of an upper house, the Majlisi Milli, and a lower house, the Majlisi Namoyandagon. According to the law, members of the Majlisi Namoyandagon are elected directly by the people while members of the Majlisi Milli are elected indirectly. The Majlisi Milli consists of 33 members, 8 of which are appointed by the president. The other 25 are elected by the deputies of local Majlises. Former presidents of the Republic of Tajikistan are entitled, if they so choose, to be lifelong members of the Majlisi Milli.

The Majlisi Namoyandagon consists of 63 deputies that are elected to 5-year terms. Of these 63 deputies, 41 are elected from single-mandate electoral districts. Each electoral district will elect one deputy out of all self nominated candidates. In order to have been elected deputy the candidate must have obtained a majority of votes (defined as 50% of the votes plus one vote).

The other 22 deputies are elected proportionally from political party lists. Each political party presents its list of candidates (up to 22 persons on the list in order of preference. The number of members each political party that will take seat in the Parliament is proportionate to the number of votes the party received.

In order to get a seat in the Parliament a political party needs to receive a minimum of 5% of all the national votes obtained from the voter turn-out. This means that Tajikistan has a mixed system – majority and proportional.

On Election Day the voters will receive two ballots for the voting on deputies of the Majlisi Namoyandagon. One of these ballots contains the list of self nominated candidates (this is for the single-mandate electoral district) and the other ballot contains the list of political parties (this is for the republican district election).

Also, on this Election Day, voters will receive up to two additional ballots to vote for the representatives of the local Majlises of People's deputies. One ballot contains the names of the candidates for electing the deputy of the district or town local Majlisi and the other is for electing the deputy to the Oblast (regional) Majlisi of People's Deputies, in case if the voter lives in an Oblast.

### **2.3.2. The Central Commission for Elections and Referenda**

Under Article 27 of the Constitutional Law of the Republic of Tajikistan "On the Elections to the Majlisi Oli of the Republic of Tajikistan", the date of elections of deputies to the Majlisi Namoyandagon is designated by the president of the country no later than 75 days prior to the end of the

Following are the main responsibilities of the precinct electoral commissions:

- To compile the voter list for the polling station;
- To make the voter list public and to review applications and complaints about errors in the list and to make necessary amendments;
- To inform the population about the location of the precinct electoral commission, its working hours, and the date of elections and place of voting;
- To prepare the premises of the polling station for voting, ballot boxes, and other necessary equipment;
- To organize and oversee the voting in the polling station on Election Day;
- To count the votes at the polling station;
- To review complaints about the preparations for elections and the organization of the voting process and to make decisions on them.

### **2.3.5. What offices are elected on Election Day?**

Elections of candidates to several levels of government are being conducted on the same day. Because of this, voters will receive several ballots, depending on where they live. As described before in this, these ballots include:

- A ballot for the party list;
- A ballot for candidates to the Majlisi Namoyandagon;
- A ballot for candidates to the oblast Majlis of People's Deputies;
- A ballot for candidates to the district Majlis of Peo-



- To supervise the compilation of voter lists and make them available to the public;
- To render assistance to nomination of candidates and ensure equal conditions for them;
- To register candidates nominated in the single mandate constituencies, who have been nominated to the Majlisi Namoyandagon and their proxies, and to issue identification cards to them;
- To arrange meetings between the candidates for the Majlisi Namoyandagon and voters;
- To confirm the content of ballot papers according to samples approved by the CCER;
- To deliver ballots to the precinct election commissions;
- To certify the election results in each polling station in its constituency and submit them to the CCER;
- To review complaints about the decisions and actions of precinct election commissions and make decisions on them;

#### 2.3.4. The Precinct Election Commission

According to Article 16 of the Constitutional Law on “Elections to Majlisi Oli of the Republic of Tajikistan” the district election commission must set up precinct election commissions no later than 45 days prior to the elections.

Each precinct election commission must have between 5 and 19 members, including a chairman, deputy chairman, and secretary.

term of deputies of the current Majlisi Oli. Under Article 11 the Majlisi Namoyandagon selects the chairman, deputy chairman, and 13 additional members of the CCER by suggestion of the president of the Republic of Tajikistan.

According to Art.12 of the same law, the CCER has, among others, the following responsibilities :

- The CCER controls the equal application of this law throughout the country and establishes the procedures and interpretation of the law.
- To form single-mandate constituencies for the elections of deputies to the Majlisi Namoyandagon;
- To form district electoral commissions for the elections of members of the Majlisi Milli and deputies of the Majlisi Namoyandagon;
- To create equal conditions for candidates to conduct election campaigns;



- To allocate funds to district electoral commissions, and control providing of election commissions with premises, transport and means of communication, and settle other questions concerning the logistical support of the elections;
- To oversee the samples of ballots, voters lists, protocols, and other election-related documents; the type of ballot-boxes and seals of electoral commissions; and the order of storage of election documents;
- To determine the procedures for the participation of national and international observers and representatives of the local and international media and provide them with necessary documents;
- To register the list of candidates from political parties and their proxies, in the single all-republican constituency, and to provide them with identification cards;
- To publicize the election results throughout the country, register the elected deputies, and publish information on the election results in the print media.
- To set the date for the by-elections of deputies in the Majlisi Namoyandagon to fill the seats of those quit-  
ted;
- To review complaints made about the decisions and actions of electoral commissions.

If the laws of the Republic of Tajikistan were not observed during the counting of votes or while determining the election results, the CCER can declare the elections invalid. The decisions of the CCER can be appealed to the Supreme Court of the Republic of Tajikistan within the 10-day period after taking the decision.

### 2.3.3. The District Election Commission

The CCER establishes single-mandate district election commissions for the elections of the Majlisi Namoyandagon no later than two months prior to the election. Local government authorities propose a list of the district electoral commission members, taking into consideration the suggestions of political parties. These commissions consist of a chairman, deputy chairman, secretary, and no fewer than 6 members.

Article 21 of the Constitutional Law “On the Election of the Majlisi Oli of the Republic of Tajikistan” requires that 41 constituencies be formed for the elections of deputies from single-mandate districts.

As for the election of deputies from the political party lists, there is established a single all-republican district in the territory of the Republic of Tajikistan which means that voting by party lists will be done nationwide and that all votes received from the different districts will be added together.

District electoral commissions have, among others, the following responsibilities:

- To control the implementation of the law;
- To set up polling stations and determine their numbering system;
- To form precinct electoral commissions and regulate their activities;
- To allocate funds and to provide precinct electoral commissions with premises and means of transportation and communication;
- To handle other logistical issues for setting up electoral commissions in the districts;