



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Tajikistan**



WARSAW, 21 SEPTEMBER 2015

OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Tajikistan

UPR Session and Date of Review: 25th Session, April-May 2016

Background

Tajikistan is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Tajikistan, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Tajikistan and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

Election-related activities

Parliamentary Elections, 1 March 2015: Following an invitation from the authorities of the Republic of Tajikistan, the OSCE/ODIHR deployed an Election Observation Mission (EOM) for the 1 March 2015 parliamentary elections. Led by Miklós Haraszti, the mission consisted of 14 experts based in Dushanbe and 16 long-term observers deployed throughout the country.

The final report 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.”*²

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

² See the full report and recommendations at: <http://www.osce.org/odihr/elections/tajikistan/127227>

Presidential Election, 6 November 2013: Following an invitation from the government of the Republic of Tajikistan, the OSCE/ODIHR deployed an Election Observation Mission (EOM) for the 6 November 2013 presidential election. The EOM was headed by Ambassador Paraschiva Bădescu and consisted of 13 experts based in Dushanbe and 16 long-term observers deployed throughout the country.

The final report concluded that *“the election in Tajikistan took place peacefully, but restrictive candidate registration requirements resulted in a lack of genuine choice and meaningful pluralism. The campaign was formalistic and limited voters’ opportunity to make an informed decision. Extensive positive state-media coverage of the official activities of the incumbent President provided him with a significant advantage. In a positive step, the Central Commission for Elections and Referenda (CCER) took measures to enhance the transparency and efficiency of the administration of elections. Significant shortcomings were noted on election day, including widespread proxy voting, group voting, and indications of ballot box stuffing”*.³

Legislation reviewed by ODIHR

NTR

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

The authorities in Tajikistan and other sources have not provided information to ODIHR for its 2013 hate crime annual reporting cycle.

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice agencies, prosecutors, judges and police; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Tajikistan on the annual hate crimes report⁴ is not available. The country last submitted data for the 2008 Hate Crime Report. At the time of their last report, data were collected by the Interior Ministry, the Ministry of Justice, the Prosecutor’s Office and the Intelligence Agency.

The country’s hate crime laws consist of general and specific penalty enhancement and a substantive offence provision.

³ See the full report and recommendations at: <http://www.osce.org/odihr/elections/tajikistan/106300>

⁴ <http://hatecrime.osce.org/tajikistan>

Starting with its 2012 reporting cycle, ODIHR introduced a system of key observations for all countries, based on OSCE Ministerial Commitments related to hate crime recording and monitoring. ODIHR observes that Tajikistan has not reported reliable information and statistics on hate crimes.

Roma and Sinti issues

NTR

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

NTR

Other assessments and recommendations contained in ODIHR reports on thematic human issues

Gender equality and Democratic Governance: On 1 March 2015, Tajikistan held elections on three levels: Parliamentary, regional and local. The preliminary statement of the mission concluded that despite the existence of some political alternatives, “*elections took place in a restricted political space and failed to provide a level playing field for candidates*”.

Since the elections the opposition Islamic Revival Party (IRPT) has faced particular pressure. On 8 July 2015, the General Prosecutor’s Office issued a statement accusing members of the IRPT of criminal actions and stated that the IRPT had lost its status as a political party given its recent decrease in membership throughout the country. The General Prosecutor’s Office likely referred to the Law on Political Parties. This law states that a political party must have representation in most regions, districts and cities of the state. On 28 August 2015 the Minister of Justice of the Republic of Tajikistan issued a notice to suspend the IRPT. The notice notes that the IRPT no longer fulfills the requirements of a political party as stipulated in Articles 3 and 10 of the Law on Political Parties, relating to that a national political party must have representation in the majority of districts/regions throughout the country. The Ministry has also accused the IRPT of not recognizing the will of those party members who wish to leave the party and of conducting religious sermons and ceremonies, and producing religious propaganda in violation of Article 9 of the Law on Freedom of Conscience and Religious Associations and Article 2 of the Law on Political Parties. On 16 and 17 September 2015, thirteen persons belonging to the leadership of the IRPT were arrested. The General Prosecutor officially implicated the chairman of the IRPT in the armed clashes on 4 September and being members of a criminal group. The chairman, Muhiddin Kabiri, denies the accusations of the General Prosecutor's Office.

Women’s participation in political and public life of Tajikistan remains low⁵ despite the fact that the Tajik authorities adopted *the National Strategy to Promote the Role of Women in Tajikistan 2011-2020* in May 2010, and this challenge is consistently raised by the UN

⁵ Women make up 6% in the National Assembly and 19% the Assembly of Representatives after the 2015 elections, and 23% in public service. Source: IPU database http://www.ipu.org/parline-e/reports/2309_e.htm .

CEDAW Committee⁶. The country has not adopted temporary special measures and incentives for political parties to nominate women as candidates. The social, cultural and religious norms regarding the traditional roles and responsibilities of women and men in the family and in society persist⁷. To address these issues, ODIHR closely cooperated with several political parties in Tajikistan in 2014-2015 to support women's political advancement using a political party gender audit methodology. Individual gender audit reports that highlight gaps and areas for improvement for three political parties were prepared (National Democratic Party of Tajikistan, Agrarian Party of Tajikistan, and Party of Islamic Renaissance)⁸.

Since 2011 ODIHR has also supported the establishment and organized capacity building activities for a "Group of 8" – informal interparty women's platform that consists of women members of all 8 parties of Tajikistan⁹. The platform serves to improve cross-party cooperation and unified agenda for women in politics in Tajikistan.

To support political party regulatory framework debate and reform in 2011 ODIHR supported the publication of "*Political Party Regulations and Women's Participation in Political Life in Tajikistan*" by the Association of Political Scientists of Tajikistan¹⁰. It sets out the agenda for reform, based on international and OSCE standards and good practices, useful to legislators, policy makers, and advocates in Tajikistan, as well as international partners and donors.

⁶ CEDAW Committee Concluding observation on the combined 4th and 5th period reports of Tajikistan. <http://www.refworld.org/publisher,CEDAW,CONCOBSERVATIONS,TJK,52f382c5f1,0.html>

⁷ Ibid.

⁸ The reports are available in Russian language upon request to the OSCE/ODIHR.

⁹ Web story on the OSCE/ODIHR website: <http://www.osce.org/tajikistan/77965>

¹⁰ Publication is accessible in 3 languages on the OSCE/ODIHR website: <http://www.osce.org/odihr/87108>