

INTERNATIONAL DISABILITY ALLIANCE (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Latin American Network of Non-Governmental Organizations of Persons with
Disabilities and their Families, Pacific Disability Forum

IDA submission to the Human Rights Committee on the right to vote of persons with disabilities in Tajikistan, 108th session

TAJIKISTAN

Tajikistan has neither ratified the Convention on the Rights of Persons with Disabilities nor its Optional Protocol.

Articles 2, 16, 25, 26 ICCPR

There is an exclusion from the right to vote inscribed in Tajikistan's Constitution and elections laws which is directed at persons whose legal capacity has been removed or restricted (commonly persons with intellectual and psychosocial disabilities).

Constitution

(1994)

- Article 27 states: "...Every citizen has the right to elect or to be elected from the age of 18. Citizens deemed incompetent by a court or who have been deprived of liberty in accordance with a court sentence do not have the right to take part in elections and referenda."

Electoral Law

On the Election of the President of the Republic of Tajikistan

(1994, last amended 2006)

- Article 2 states, "Persons who are recognized incapable by court or confined shall have no right to participate in the election of the President of the Republic of Tajikistan."

On Elections to the Majlisi Oli of the Republic of Tajikistan

(1994, last amended 2004)

- Article 2, paragraph 2 states, "Persons recognized incapable of kept in places of detention by decision of court do not have the right to participate in elections."
- Article 35 states, "For registration of candidates the following documents are submitted to the election commissions...6. Medical certificate on mental health."

Proposed Recommendations to the Government:

- Take steps to remove provisions from the Constitution and election laws that exclude from the right to vote: persons with disabilities deemed incompetent by a court which is violation of Article 25, ICCPR and Article 29, CRPD and contrary to the latest international standards on political participation.
- Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.
- Take steps to accede to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.