OSCE Office for Democratic Institutions and Human Rights Election Observation Mission Republic of Tajikistan Parliamentary Elections, 1 March 2015



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I. EXECUTIVE SUMMARY

- Elections to the Assembly of Representatives (*Majlisi Namoyandagon*), the lower chamber of parliament, will be held on 1 March 2015 for its 63 Members. Of these, 22 will be elected proportionally from political party lists in a single nationwide district and 41 will be elected under a two-round majoritarian system in single-mandate districts. Despite a revision of district boundaries, there is a significant variation in the number of voters per district.
- The parliamentary elections law (PEL) is the main legal act for these elections. Amendments to the PEL in 2014 address some previous OSCE/ODIHR recommendations, but the law does not incorporate other long-standing recommendations and proposals of several political parties. The PEL does not permit citizen election observation, but electoral contestants may send observers.
- The Central Commission for Elections and Referenda (CCER) is responsible for the overall administration of the elections. The 41 District and some 3,200 Precinct Election Commissions (DECs and PECs) were formed by the legal deadlines and are operational. Some of the CCER and DEC members were nominated by political parties. The appointment mechanism for PECs is not regulated by the law and it is not known if PEC members have a political affiliation. On 11 February, a CCER member nominated by the Islamic Revival Party of Tajikistan (IRPT), was arrested. The OSCE/ODIHR EOM will assess the effect of this development on the functioning of the CCER and general pre-election situation.
- The CCER has adopted a number of procedural instructions, but important aspects of the election process are unclear and not all decisions are publicly available. The CCER has undertaken trainings for lower-level commissions and is conducting regular sessions open to observers and the media. Voter information is being aired by state broadcasters.
- The People's Democratic Party of Tajikistan (PDPT) and the IRPT nominated the maximum number of 28 candidates for the nationwide contest, while other parties nominated between 4 and 15 candidates. The CCER registered lists from all parties, with 103 candidates approved and 10 rejected. The DECs registered 185 candidates for the single-mandate contests, of which 80 were self-nominated, and 27 were rejected or withdrew. Women constitute some 19 per cent of all candidates. Very few candidates from national minorities were nominated by parties.
- The CCER announced that 4,346,415 persons are registered to vote. There is no central register of voters in Tajikistan. Voter lists are compiled for each election by the PECs. Tajikistani citizens residing abroad can vote at 35 polling stations established in 27 countries. Some political parties and civil society organisations expressed their view that the number of polling stations abroad is too few, given the large number of electors estimated to be outside Tajikistan.
- Outside of free airtime on state media, the campaign is not visible and few campaign events have been held so far. The Dushanbe authorities have not allowed parties to display posters on billboards. The IRPT and the Social-Democratic Party of Tajikistan reported being subject to

political pressure and expressed concerns about a lack of a level playing field for campaigning. All television stations with nationwide coverage are state-owned. The OSCE/ODIHR EOM was informed by journalists that self-censorship is commonplace.

- Election disputes are adjudicated either by election commissions or the courts. The CCER stated that election commissions have received 46 complaints so far, none of which have been upheld.
- The OSCE/ODIHR Election Observation Mission opened on 20 January and consists of a coreteam of 14 experts based in Dushanbe and 16 long-term observers deployed throughout the country.

II. INTRODUCTION

Elections to the Assembly of Representatives (*Majlisi Namoyandagon*), the lower chamber of parliament (*Majlisi Oli*) will be held on 1 March. The election date was announced by the President on 5 December 2014. Following an invitation from the government 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. The EOM, headed by Miklós Haraszti, consists of a core-team of 14 experts based in Dushanbe and 16 long-term observers deployed throughout the country. The OSCE/ODIHR EOM members are drawn from 21 OSCE participating States. The OSCE/ODIHR requested participating States to second 150 short-term observers to observe voting, counting and results tabulation on election day. Local elections will be held concurrently with parliamentary elections. These will be observed by the OSCE/ODIHR EOM only to the extent that they affect the parliamentary elections.

III. BACKGROUND

There are eight registered political parties in Tajikistan. In the last two decades, the main political rival of the ruling People's Democratic Party of Tajikistan (PDPT), founded and chaired by President Emomali Rahmon, has been the Islamic Revival Party of Tajikistan (IRPT), led by Muhiddin Kabiri. In the 2010 parliamentary elections, the PDPT won 70.6 per cent of votes (45 seats) and the IRPT 8.2 per cent (2 seats). Other parties represented in the outgoing parliament are: the Communist Party of Tajikistan (CPT), the Agrarian Party of Tajikistan (APT) and the Party of Economic Reforms of Tajikistan (PERT), each with two seats. The non-parliamentary parties are the Democratic Party of Tajikistan (DPT) and the Socialist Party of Tajikistan (SPT), which both describe themselves as constructive opposition, and the Social-Democratic Party of Tajikistan (SDPT), which is vocal in criticizing the government.

No new political parties have been registered since 2005. A 2013 initiative to form a new party, the New Tajikistan Party, foundered with the sentencing of Zayd Saidov, the former Minister of Industry, to a 26-year prison term, based on an assortment of criminal charges. On 20 January, the state authorities announced that additional criminal charges were to be brought against Mr. Saidov. On 13 January, Shuhrat Qudratov, the deputy chairman of the SDPT and defence lawyer to Mr. Saidov, was sentenced to a nine-year prison term.

Issues related to diaspora-based opposition movements gained attention during the reporting period. On 16 January, Tajikistan requested the Turkish authorities to extradite Umarali Kuvvatov, leader of Group 24, who resides in Istanbul. The request has not been met. On 30 January, the office of the

All OSCE/ODIHR reports on Tajikistan are available at: http://www.osce.org/odihr/elections/tajikistan.

Prosecutor General announced that Maqsud Ibrohimov, of the Russian Federation-based movement "Youth for Revival of Tajikistan" was detained in Dushanbe and is facing criminal charges.

On 23 January, President Rahmon made his annual speech to the parliament and called for the upcoming elections to be free, democratic and conducted transparently. He identified terrorism and security as well as the energy supply as the most important national issues and announced increases of 15-25 per cent in state sector salaries and pensions.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The Assembly of Representatives is composed of 63 members (MPs) who are directly elected for a five-year term. In a proportional contest 22 MPs are elected from closed party lists in a single nationwide district. A party is entitled to get seats if it receives a minimum of five per cent of votes nationwide. The remaining 41 MPs are elected in single-mandate districts under a majoritarian system. If no candidate in a majoritarian contest receives a majority of votes cast, a second round will be held within two weeks between the two leading candidates. A 50 per cent turnout is required for both types of elections to be valid; otherwise, repeat elections must be held.

Parliamentary elections are regulated primarily by the 1994 Constitution and the 1999 parliamentary elections law (PEL), last amended in July 2014. Other laws relevant to elections include 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, 2008 Code of Administrative Offences, and the 1998 Criminal Code, as well as regulations of the Central Commission for Elections and Referenda (CCER).³

The 2014 amendments to the PEL were supported by all registered parties. Additional changes proposed by some parties, including the presence of party representatives in all election commissions, did not receive a formal parliamentary reading. The adopted amendments include a reduction of the financial deposit payable by candidates; measures to restrict the active participation of local government officials in the electoral campaign and simplification of the voting method. Some of the amendments address, in part or in full, OSCE/ODIHR's previous recommendations; however, others remain unaddressed including those pertaining to unreasonable restrictions on candidacy, restrictions on freedom of expression, unclear complaints and appeals procedures, pluralism and inclusiveness of election commissions, and the absence of provisions for citizen election observation. The PEL contains a few procedural inconsistencies, notably the article dealing with the determination of the validity of a ballot which is based on the old voting method. The legislation does not contain special measures to enhance the participation of women in elections.

The CCER has adopted several formal decisions including instructions regulating the work of District Election Commissions (DECs) and Precinct Election Commissions (PECs), on candidate nomination and registration, media coverage, election observers, complaints and appeals, and rules for testing state language proficiency. These instructions largely repeat provisions of the PEL without additional elaboration. The CCER informed OSCE/ODIHR EOM that it does not intend to issue more instructions before election day.

According to the previous voting method, voters struck the names of all candidates and parties that they did not wish to choose, leaving only the name of the party or candidate of their choice. Under the new voting method, voters simply place a '+' next to the candidate or party of their choice.

The movement, which is critical of President Rahmon, was founded in the Russian Federation in October 2014.

The CCER is authorized to issue legally binding instructions to clarify implementation of electoral law.

In contrast to the PEL, 2014 amendments to the law on local elections harmonized the criteria for determining invalid and valid ballots with the new voting method.

V. ELECTION ADMINISTRATION

Parliamentary elections are administered by three levels of election commissions. The CCER is a permanent body and has overall responsibility for administration of elections. Its 15 members, including the chairperson and deputy, are approved by the Assembly of Representatives on the proposal of the president for a five-year term. The current CCER was appointed on 8 December 2014 in line with the legally-established timeframe. The CCER's other members include nominees from seven of the eight registered political parties. The SDPT has no CCER representative and claims it was not invited to propose a nominee.

Lower-level commissions are appointed for each election by the upper-level commissions. The CCER formed 41 DECs with 9 to 15 members and, in turn, the DECs formed some 3,200 PECs with 5 to 19 members. The PEL provides that political parties may propose nominees for DEC membership for CCER consideration. According to official data, all parties have some representation on DECs but its size varies greatly between parties. The appointment method and the political affiliation of those DEC members not nominated by parties are not known, although some OSCE/ODIHR EOM interlocutors claim many are supportive of the PDPT. The law does not regulate the political composition of PECs, and it is not known if PEC members have a political affiliation. The IRPT in Sughd Region nominated PEC members who were rejected by the DECs on the grounds that it was not explicitly permitted in the PEL.

The CCER conducts regular sessions which are open to observers and media. It maintains a website posting information *inter alia* on voting procedures, electoral deadlines and some but not all of its decisions and instructions. Other public information includes a two-minute film in Tajik and Russian on the new voting method, which from 4 February, has been broadcast on two state-owned TV channels. To date, the CCER has conducted over 30 training seminars for chairs, deputies and secretaries of lower-level commissions in most districts, at which the CCER chairperson or CCER members and staff presented on the recent PEL amendments and applicable procedures. The training included question and answer sessions enabling some procedural matters to be clarified.

On 8 December, the CCER established the 41 single-mandate districts with revised boundaries. The number of voters per district varies significantly, from 64,479 in Sino (DEC 4) to 156,756 in Qubodiyon (DEC 31). The CCER established 35 polling stations in 27 countries. Estimates for the number of Tajikistani citizens in the Russian Federation vary from 250,000 to more than 1 million. Some OSCE/ODIHR EOM interlocutors have expressed their view that the number of polling stations is too small to provide all citizens of Tajikistan residing in the Russian Federation with an effective opportunity to vote.

All 41 DECs visited by the OSCE/ODIHR EOM are, in general, fully operational. However, some inconsistencies in DECs' understanding and application of the law were observed, including in the verification of candidate support signatures.

Unlike past elections, parliamentary and local elections will be administered by separate but colocated election commissions. 11 Votes for all types of elections will be deposited in the same ballot

Thirteen of the current CCER members were also members in the CCER's previous convocation.

The PDPT and CPT have 47 nominees appointed to DECs, IRPT has 40, PERT - 25; APT - 24, DPT - 9, SPT - 7, and SDPT - 4 representatives. In some DECs parties have more than one representative.

Some CCER decisions and instructions are also published in the official gazette, *Jumhuriyat*.

The average number of voters per district is 106,010.

There will be 3 polling stations in the Russian Federation, compared to 24 for the 2013 presidential election.

There are also separate District and Regional Election Commissions for the local elections.

boxes. The CCER has not issued any instructions to clarify procedural differences between local and parliamentary elections, including in respect of voter list management and counting procedures.

On 11 February, the State Committee for National Security announced the arrest of Jamoliddin Mahmudov, a CCER member representing the IRPT, on charges of illegal possession of firearms. The OSCE/ODIHR EOM will assess the effect of this development on the functioning of the CCER and general pre-election situation.

VI. VOTER REGISTRATION

The Constitution grants every adult citizen the right to vote except those who have been declared incapacitated or are serving a prison sentence, regardless of the severity of the crime committed. According to the CCER, 4,346,415 persons are registered to vote. There is no central register of voters. Voter lists are compiled for each election by the PECs. In general, PECs compile voter lists using residence data supplied by local government bodies. Voter lists must be publicly displayed no later than 13 February. The OSCE/ODIHR EOM observed that PECs were compiling the voter lists using various practices to verify voter data, including door-to-door checks.

Voters who are not included in the voter list for their precinct may apply to the PEC to be registered on a supplementary voter list, including on election day. Four types of documents are accepted for voter identification, of which only two, the passport and the driver's license, contain proof of residence. Unlike previous elections, the CCER instructions do not require those requesting to be included in a voter list to prove their residence. PECs are not obliged to record the ID or passport number of persons requesting to be added to a regular or supplementary voter list.

VII. CANDIDATE REGISTRATION

Candidates are required to be eligible voters and at least 25 years of age, with a higher education, command of the state language (Tajik), and citizenship and residency in Tajikistan for the last five years. The PEL prohibits military personnel, law enforcement officers and religious functionaries from standing for office. The right to stand is also denied to citizens who are under investigation or have a criminal conviction that has not been expunged.

On 3 February, after his nomination as an SDPT candidate in Jomi District, Firdavs Sohibnazarov was detained and is facing criminal charges for alleged embezzlement, forgery of documents, and money laundering. As a consequence, he has lost his right to contest the elections. The leader of the SPDT, Rahmatullo Zoirov, stated that he considers the case to be politically motivated.¹²

Candidates can be nominated by a political party on its nationwide list and/or in a single-mandate district. In addition to supporting documentation, ¹³ the law requires candidates to pay a financial deposit of TJS 4,000 (EUR 650); ¹⁴ half the amount required previously. ¹⁵ While this addresses a previous OSCE/ODIHR recommendation, some parties noted that the deposit is still significant and lessened the number of candidates they could nominate. Self-nominated candidates can only stand in single-mandate districts and must fulfil the same requirements as party-nominated candidates, as well as submit at least 500 supporting signatures from district residents.

See letter of Mr. Zoirov at: www.facebook.com/permalink.php?story_fbid=345479012306475&id=100005331363709.

Documents for each candidate to be submitted include: nomination papers, candidates' personal and biographical data, statements of property and income, medical certificates, and documents certifying status of criminal records.

EUR 1 is approximately TJS (Tajik Somoni) 6.1.

Financial deposits are returned only to parties that receive more than 5 per cent of the valid votes nationwide and to majoritarian candidates that receive at least 10 per cent of the votes in their respective districts.

All eight parties submitted party lists for the nationwide contest by the 14 January deadline. The number of nominees varied from 4 submitted by the DPT to 28 submitted by the PDPT and the IRPT. Candidate registration ended on 8 February. In total, 123 candidates were nominated for the nationwide contest, of which 103 were registered, 10 withdrew and 10 were rejected. According to the CCER, an additional 185 candidates were registered by DECs for the single-mandate contests, of which 80 were self-nominated and 27 were rejected or withdrawn Women constitute 24 per cent of the candidates on party lists and 17 per cent of majoritarian candidates.

VIII. ELECTION CAMPAIGN

The key issues presented by parties include the economy, social welfare, migration, religious radicalization and security in Afghanistan. All parties stated that gender equality is one of their priorities. The APT, SPT, and DPT include in their programmes messages that target women voters.

According to the PEL, the election campaign starts once a candidate or a party list is registered and ends 24 hours before election day. To date, few campaign activities have taken place other than the use of free airtime allocated by state media. The DECs are responsible to organize meetings of the candidates with voters starting from 9 February. In addition, political parties plan to hold meetings in party premises and public venues although their understanding of permissible forms of electoral campaigning varies, possibly due to a lack of legal clarity.

Campaign tools have been regulated by relevant bodies. The CCER issued a decision determining the size and content of parties' and candidates' official posters that can be displayed publicly and in polling stations. 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. ¹⁸ The PDPT informed the OSCE/ODIHR EOM that they also intended to use billboards but abandoned the plan after the Dushanbe Executive's decision.

The IRPT and the SDPT leadership expressed concern to the OSCE/ODIHR EOM about the lack of a level playing field for campaigning. Both parties reported being subjected to political pressure. On 28 January, the IRPT supporters in Asht District appealed to the President and the Prosecutor General requesting that intimidation of their party members be stopped.

Campaign finance regulation is largely unchanged since the last parliamentary elections. According to a CCER decision, each candidate and political party is entitled to receive, respectively, TJS 3,000 and TJS 30,000 of public campaign funding. Candidates can also fund their campaigns from their own resources and donations from individuals and legal entities, except from foreign or state-owned sources. Donations to candidates and parties are capped, respectively, at TJS 4,000 and TJS 20,000. Campaign spending is limited to TJS 1.2 million for a party and TJS 60,000 for a candidate. The CCER oversees campaign finance but the PEL does not require any reporting or scrutiny of campaign finance prior to election day. The CCER informed the OSCE/ODIHR EOM that candidates and parties are required to report to the CCER on campaign spending within ten days after election day.

According to the 2014 PEL amendments, the maximum number of candidates nominated by a party for nationwide contest was extended from 22 to 28.

Of the rejected candidates, eight failed to pay the deposit, one was arrested and one had residence abroad.

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

IX. MEDIA

Television is the main source of information but only the state-owned broadcast media have nationwide coverage. Private broadcasters operate at the regional level. The print press provides more diverse political information but has limited circulation. Access to some local and international webbased news sources and social media are intermittently blocked. The OSCE/ODIHR EOM was informed by journalists that self-censorship is commonplace and arises from fear of administrative and legal retribution.

The PEL outlines basic legal provisions for campaigning in the media. The PEL prohibits journalists from publishing information discrediting the honour, dignity and business reputation of the candidates, while the Criminal Code provides penalties for insulting the president and other officials. The PEL requires state-owned television and radio to provide each majoritarian candidate with 20 minutes of free airtime and each political party list with 40 minutes. ¹⁹ A CCER decision also obliges the state-funded newspapers to provide each party with eight A4 pages of space free of charge.

On 22 January, the OSCE/ODIHR EOM commenced quantitative and qualitative media monitoring of 3 television channels, 4 radio stations and 12 newspapers. ²⁰ On 23 January, President Rahmon's annual address to the parliament was broadcast live on all state-owned television and radio stations monitored, and was repeated in part or in full in the days thereafter. In addition, the state-owned media extensively covered positive commentaries of the address by PDPT MPs and public officials. Only print private media covered the reactions of the IRPT and the SDPT to the speech.

On 28 January, parties began using their free airtime. Most parties used their allotted airtime in a single broadcast, ²¹ except for the IRPT which opted to divide it between one 18-minute broadcast and 22 one-minute adverts; an approach accepted by the CCER. Since 4 February, state-owned television channels have aired voter information spots on how and where to vote.

X. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated by the PEL, the Civil Procedures Code, and the Code of Administrative Offences, supplemented by a CCER decision regulating its adjudication of complaints. Courts and election commissions both have jurisdiction to consider complaints on decisions, actions and inactions of election commissions. The legislation does not provide guidance for complaints filed both to an election commission and a court. Other complaints alleging violations of the PEL are filed with the courts. Citizens may file complaints about voter lists with PECs and appeal their decisions to DECs or with the court. A CCER decision to refuse to register a candidate may be directly appealed to the Supreme Court. The Supreme Court is the final instance in all cases.

According to the CCER, as of 10 February, election commissions have received 46 complaints. Of these, 18 were written complaints, the majority of which were submitted by the IRPT. The complaints concerned the composition of PECs and claimed that two candidates with criminal records had been registered. All complaints were rejected on substance or dismissed on procedural grounds. The IRPT

The CCER in conjunction with the State Committee on Television and Radio designated 'Shabakai 1' as the main television broadcaster of the parties' airtime.

Television: TV Johonnamo, TV Safina, and TV Shabakai 1. Radio: Radio Asia Plus, Radio Imruz, Radio Khovar and Radio Tajikistan. Newspapers: Asia Plus, Charkhi Gardun, Farazh, Imruz News, Jumhuriyat, Millat, Narodnaya Gazeta, Nigoh, Ozodagon, Sadoi Mardum, Tojikiston and 'SSSR'.

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.

appealed to courts 10 DEC decisions on the non-inclusion of persons they had proposed as PEC members. ²² Nine DEC decisions were upheld, and one complaint was rejected on procedural grounds.

XI. PARTICIPATION OF NATIONAL MINORITIES

Very few candidates from national minorities have been put forward by political parties.²³ The legal requirement for candidates to have a command of the state language was supplemented by a CCER instruction establishing procedures to conduct the language test.²⁴ None of the parties expressed difficulties for their candidates to pass the language test although the SDPT leadership stated that the requirement could be a barrier for potential candidates from national minorities and Tajiks who received education in Russian.

The CCER informed the OSCE/ODIHR EOM that information material on the elections is available in Tajik and Russian and that ballots will be printed in national minority languages in areas where minority populations are concentrated. In general, national minorities are underrepresented in the election administration and political life although some DECs and PECs in national minorities' main areas of residence include members from minorities. None of the parties highlight specific measures on national minority issues in their platforms.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The PEL does not provide for citizen election observation but does allow electoral contestants (candidates and parties) to nominate observers to each polling station. Invited international organizations can also observe the election process. Media may also access election commissions. The PEL entitles accredited observers to attend election commission sessions; receive copies of official documents, freely visit polling stations and observe the process of voting and counting. Observers are not entitled to receive certified copies of results protocols.

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened in Dushanbe with a press conference on 20 January. The OSCE/ODIHR EOM has met with the Ministry of Foreign Affairs, the CCER, local government officials, representatives of all political parties, civil society, media, and diplomatic missions. Sixteen long-term observers were deployed throughout Tajikistan on 24 January. They have met with all 41 DECs and other stakeholders. The OSCE Parliamentary Assembly and the European Parliament intend to deploy delegations for election day observation. The OSCE Chairperson-in-Office has appointed Marrietta Tidei as Special Co-ordinator and Leader of the short-term OSCE observer mission for these elections.

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

Filed to Isfara, Istaravshan, Khujand, and Penjikent city courts, and Asht and Mastchoh district courts.

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.

Parliamentary candidates are tested by Tajik language teachers and specialists from the Committee on the State Language and Terminology who vote on a candidate's language ability. Candidates are required to write their biographies and recite a one-page text and undergo an interview in the presence of commission members in Tajik.

As of 10 February, the CCER had accredited 131 international observers.