



Office for Democratic Institutions and Human Rights

REPUBLIC OF TAJIKISTAN

PARLIAMENTARY ELECTIONS

1 March 2020

ODIHR Election Assessment Mission

Final Report



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REPUBLIC OF TAJIKISTAN

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ODIHR Election Assessment Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an official invitation from the Ministry of Foreign Affairs of Republic of Tajikistan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 1 March parliamentary elections. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation.

The parliamentary elections took place in a tightly controlled environment. Systemic infringements on fundamental political rights and freedoms have left no space for a pluralistic political debate, and genuine opposition has been removed from the political landscape. Consequently, voters were not presented with genuine political alternatives. Operational aspects of the elections appeared to be efficiently administered, yet this did not offset the long-standing transparency and accountability challenges within the election administration, which undermined the integrity and credibility of the process. Significant efforts are needed to align the electoral process with Tajikistan's OSCE commitments and other international obligations and standards for democratic elections.

The Constitution defines Tajikistan as a democratic, law-based, secular, and unitary state. The president is the head of state whose executive powers encompass an effective control of all key institutions, including those in charge of elections, through, among others, an appointment and dismissal system of top executives at all levels and the judiciary.

Legislative powers are vested in a bicameral Supreme Assembly (*Majlisi Oli*) comprising a directly elected lower chamber (*Majlisi Namoyandagon*) and an upper chamber (*Majlisi Milli*). Of the 63 members of the *Majlisi Namoyandagon*, 41 were elected from single mandate constituencies, 22 from a nationwide constituency under a closed list proportional representation system, with a five per cent threshold. The People's Democratic Party of Tajikistan (PDPT) led by President Emomali Rahmon held the absolute majority in the outgoing parliament and local assemblies.

The Constitution formally guarantees fundamental rights and freedoms but unduly restricts suffrage rights. Statutory legislation curbs freedoms of assembly, association and speech. Majority of previous ODIHR recommendations to remove those and other infringements challenging the integrity and credibility of elections remain unaddressed, underscoring the necessity for a comprehensive review of the legal framework.

Recent constitutional amendments and subsequent electoral reform outlawed political parties based on religious platforms, removed the limitation on the term in office of the president, removed party representatives from the Central Commission for Elections and Referenda (CCER) and amended the eligibility criteria for elected offices. The reform was proposed by the government and lacked public consultations. The electoral legal framework was supplemented by CCER regulations, yet they failed to address numerous legal gaps and to clarify key procedures. Not all regulations were

¹ The English version of this report is the only official document. Unofficial translations are available in Tajik and Russian.

published on the CCER website. Positively, the regulatory framework was printed and disseminated to electoral stakeholders.

The elections were managed by a three-tiered election administration, comprising the CCER, 41 District Election Commissions (DECs) and 3,412 Precinct Election Commissions (PECs). Election administration was adequately prepared for the elections. However, it lacked transparency at all levels, and its impartiality and independence from the state authorities was questionable. In an effort to mobilize the electorate, the CCER conducted an active voter information campaign.

A total of 4,929,128 voters were registered for these elections. Voter lists were compiled by the PECs and updated through door-to-door canvassing. There is no centralised voter register and no legal or practical safeguards against multiple registrations either prior to elections or on election day. The authorities are implementing pilot electronic civil registration project, which could form a solid basis for creating a centralised and accurate voter register.

A total of 241 candidates, including 48 women, were registered to contest 63 parliamentary seats. All seven registered parties formally contested the elections, but only the PDPT fielded the maximum number of candidates in both races. In many majoritarian constituencies, the PDPT was challenged only by self-nominated candidates, allegedly affiliated with this party. The CCER did not publish the full list of candidates depriving voters the possibility to familiarize themselves with prospective deputies. The scant public information related to candidate registration precluded the ODIHR EAM from assessing its inclusiveness.

The campaign was defined by the CCER and put into effect by the DECs and local administrations. The ostensible uniformity of campaign methods and reluctance of political parties to raise their profiles independently unveiled the detrimental effect of systematic removal of voices of dissent. None of the parties challenged the President's policies, scrutinised the performance of the government or opposed one another. Neither the campaign nor party programmes prominently featured gender equality issues. In addition, cultural and gender stereotypes are also a major deterrent to women's political engagement.

Electoral campaigns are financed by state funds and private donations. The law sets limits on campaign spending and envisages campaign finance reporting by electoral contestants; however, it does not foresee public disclosure. The CCER is to oversee the compliance of contestants with the rules, yet the law and subsequent CCER regulations lack clear enforcement provisions as well as range of proportionate sanctions. No excessive spending was observed or reported.

Legislative and regulatory instruments are frequently used by state institutions to intimidate media. These include targeted tax inspections, limitations on distribution, as well as pressure on media by state security structures. Insulting and defaming the president or other state officials, including online, is a criminal offence. This curtails analytical journalism and induces self-censorship.

Media coverage of the elections reflected the lethargy of the campaign. There were no debates between candidates, and media did not scrutinise their manifestos. Private outlets mostly relied on information disseminated by the state-owned news agency, while the coverage of the President's activities dominated on state television. Only a few news websites, most of them operating from abroad, some Facebook groups and blogs offered an alternative content. Authorities sporadically blocked access to most critical news websites, including during campaign, effectively depriving voters from making a fully informed choice.

The electoral law provides for party proxies and international election observation, but does not guarantee observers access to critical stages of the process. Contrary to OSCE commitments, the law does not foresee nonpartisan citizen election observation, a vital element of scrutiny of the elections.

The principle of judicial review is guaranteed for electoral disputes by the legislation and the right to redress is afforded to all electoral participants. The ODIHR EAM was not aware of any complaints filed during the entire electoral process, leaving the electoral dispute resolution mechanisms untested.

The EAM, in line with ODIHR's methodology, did not observe election day processes in a systematic or comprehensive manner. The limited number of polling stations visited were adequately equipped and organised. Access to polling stations for voters with reduced mobility was improved by introducing ramps and its positive effect was also observed by the ODIHR EAM. Serious irregularities were observed during voting and counting, including but not limited to proxy and family voting and ballot box stuffing. Tabulation of results lacked transparency.

The CCER announced the preliminary election results on 2 March in a televised press conference. The CCER published names of elected deputies in the state newspaper, but did not disclose results from single mandate constituencies. The voting results were neither broken down by constituency or polling station level, nor were they published on the CCER website. This significantly reduced the trust in the integrity of result tabulation and effectively excluded any independent scrutiny of the results. All but one party accepted the results and elected deputies were sworn in on 17 March.

This report offers recommendations to support efforts to align elections in Tajikistan with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on the need to ensure full respect for freedom of expression, including unimpeded work of independent media, to provide for CCER independence and transparency of selection of election commissioners, to develop a centralized voter register, to institute robust procedures for counting and tabulation, to respect voters' right to information and to allow citizen observation. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an official invitation from the Ministry of Foreign Affairs of the Republic of Tajikistan (MFA) to observe the 1 March 2020 parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 9 to 12 December 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 13 February to 7 March.² The ODIHR EAM, led by Ambassador Eberhard Pohl, consisted of seven experts from seven OSCE participating states. The EAM was based in Dushanbe and visited the districts of Faizobod, Hisor, Nurek, Rudaki, Tursunzade and Vahdat.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, but visited a limited number of polling stations.

² See all previous [ODIHR election reports on Republic of Tajikistan](#).

The ODIHR EAM wishes to thank the MFA and the Central Commission for Elections and Referenda (CCER) for their co-operation. The assessment of the electoral process would have benefited from the EAM having more regular and effective meetings with the CCER and more timely and comprehensive information from the authorities.³ The ODIHR EAM expresses its appreciation to civil society organizations, media, political parties, state institutions, and international community representatives for their co-operation and for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

The Constitution defines Tajikistan as a democratic, law-based, secular, and unitary state. The president is head of state determining domestic and foreign policy. The president's executive powers encompass an effective control of state institutions, including through appointing and dismissing top executives and the judiciary.⁴ The far-reaching effect of those powers was exhibited in early 2020 when more than 50 state officials, including ministers and their deputies, heads of state institutions, prosecutors, police officers and district-level office holders, were either released from their duties or rotated by Presidential decrees.⁵ Such a system undermines the separation of powers.

Legislative powers are vested with the bicameral Supreme Assembly (*Majlisi Oli*) comprising a directly elected lower chamber *Majlisi Namoyandagon* and an indirectly elected upper chamber *Majlisi Milli*. One fourth of the latter is appointed by the president. People's Democratic party of Tajikistan (PDPT) led by President Emomali Rahmon holds an absolute majority in both chambers and at all local councils, providing for an unopposed implementation of the President's policies.⁶

On 4 December, the President decreed elections to the *Majlisi Namoyandagon* (hereinafter parliamentary elections) to take place on 1 March. The fifth parliamentary elections, since the end of the 1992-1997 civil war, took place against a backdrop of long-standing systemic curbs on fundamental political rights and freedoms.⁷ Constraints on freedom of association include banning of opposition parties and movements and labelling them as terrorist and extremist organisations.⁸ Consequently, no new political party has been registered since 2005; civil society refrains from open discussion of politics and elections, citing fear of retribution and closure.⁹ The cumbersome financial reporting requirements for civil society organisations introduced by the 2019 amendments

³ Standard election observation methodology includes regular meetings with electoral stakeholders and observation of meetings of election management bodies. See the 2005 [Declaration of Principles for International Election Observation](#).

⁴ The president appoints and dismisses the prime minister, ministers and heads of executive authorities at regional and local levels, as well as the prosecutor general, and nominates and appoints judges at all levels.

⁵ Presidential [decrees](#) from January and February 2020. None of those decrees contain an elaborated reasoning.

⁶ Following parties were represented in the outgoing *Majlisi Namoyandagon*: the PDPT with 51 seats, Agrarian party of Tajikistan (APT) with 5 seats, Party of Economic Reform of Tajikistan (PERT) with 3 seats, Communist party of Tajikistan (CPT) with 2 seats, Democratic party of Tajikistan (DPT) and Socialist party of Tajikistan (SPT) with one seat each. The seventh registered party is Social Democratic party of Tajikistan (SDPT).

⁷ See paragraphs 24, 38, 48, 50 and 52-55 of the UN Human Rights Council (UNHRC) [Concluding observations on the third periodic report of Tajikistan](#) (CCPR/C/TJK/CO/3, 22 August 2019). See also paragraphs 5, 6, 13, 14, 16, 20-22, 25, 28, 35, 37, 39, 42, 55 and respective recommendations No. 70, 72, 74, 79, 81 of the UNHRC [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan](#) (A/HRC/35/22/Add.2, October 2017).

⁸ Banned parties and movements include Group 24 (judgement of Supreme Court (SC) from 9 October 2014), Islamic Renaissance Party of Tajikistan (judgement of the SC from 29 September 2015) and The National Alliance of Tajikistan (judgement of the SC from 15 August 2019).

⁹ Paragraph 9.1 of the [1990 OSCE Copenhagen Document](#) states: "everyone will have the right to freedom of expression, including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".

to the Law on Public Associations and the obligation to submit yearly account on planned activities had a further chilling effect on the nonpartisan activism.

The prosecution of human rights activists and journalists often cites security and radicalisation concerns and curtails freedom of expression.¹⁰ Public space for a pluralistic discourse is scant as media is subservient to the authorities and critical online sources are frequently blocked.¹¹ According to ODIHR EAM interlocutors, coordinated online propaganda is used to control the public narrative.¹² Such an environment is not conducive to the conduct of democratic elections in compliance with Tajikistan's OSCE commitments and other international obligations with respect to freedoms of expression, association and assembly, as well as citizens' right to take part in the conduct of public affairs.

IV. LEGAL FRAMEWORK

Tajikistan is signatory to the main international and regional human rights instruments relevant to elections.¹³ Positively, in 2018, Tajikistan signed but has not yet ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Parliamentary elections are primarily regulated by the 1994 Constitution, last amended in 2016, the 1999 Constitutional Law on Elections to the *Majlisi Oli*, last amended in 2019 (hereinafter the election law) and the 2019 Law on the Central Commission on Elections and Referenda.¹⁴ The legal framework is supplemented by regulations issued by the CCER.

To ensure universal suffrage the authorities should consider ratifying the UN Convention on the Rights of Persons with Disabilities and consistently apply its provisions.

The Constitution formally guarantees fundamental freedoms of movement, association, assembly and expression as well as the right to elect and to be elected based on universal, equal, direct suffrage through secret ballot. However, it includes undue restrictions to suffrage rights, such as blanket restrictions for citizens serving prison terms regardless of the severity of the crime and for persons declared incompetent (see *Voter Registration*). Statutory legislation continues to curb the free exercise of peaceful assembly, association and freedom of speech by subjecting public

¹⁰ In January 2020, authorities arrested more than 100 persons charged with being members of Muslim Brotherhood, among them 20 university professors. The ODIHR EAM interlocutors saw this as election-related. See also [OSCE Representative on Freedom of the Media \(RFoM\) call](#) on Tajikistani authorities to remove names of journalists from list of people with connections to terrorists (27 March 2018). Paragraph 38 of the UNHRC [Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#) (A/HRC/31/65/, April 2016) reads that “while the right to freedom of expression [...] can, and sometimes must, be limited, these restrictions must not jeopardize the essence of the right, [...], simply holding or peacefully expressing views that are considered “extreme” under any definition should never be criminalized, unless such views are associated with violence or criminal activity”.

¹¹ See the OSCE RFoM's call on Tajik authorities to reinstate access to online media resources ([7 May 2019](#)).

¹² Several ODIHR EAM interlocutors informed that university students are often tasked with generating and sharing online content that would praise state policies and discredit independent news.

¹³ These include the 1948 [Universal Declaration of Human Rights](#), the 1965 [Convention on the Elimination of All Forms of Racial Discrimination](#), the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR), the 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW) and its optional protocol, the 2003 [UN Convention Against Corruption](#) (UNCAC) and the 2002 CIS [Convention on Standards of Democratic Elections, Electoral Rights and Freedoms](#) (CIS Convention).

¹⁴ Relevant provisions of the 1998 Law on Political Parties, the 2014 Law on Public Meetings, Demonstrations and Rallies, the 2013 Law on Periodical Print and Other Mass Media, the 2008 Civil Procedures Code, the 2008 Code of Administrative Offences and the 1998 Criminal Code also regulate certain aspects of elections.

gatherings to highly restrictive authorisation procedure, by banning the registration of new political parties with unclear or undefined criteria; and by criminalising defamation.¹⁵

Tajikistan has committed itself to promote gender equality.¹⁶ The Constitution states that men and women enjoy equal rights. In 2017, the government adopted the state programme for 2017-2022 aimed at the selection of qualified women for senior positions in all executive authorities.¹⁷ At the same time, the legal framework does not provide for quota or any other special measures to enhance women representation in elected positions. Women are underrepresented in the parliament and in political life in general, especially in decision-making positions.¹⁸ Fourteen women (22 per cent) were elected to *Majlisi Namoyandagon*, an increase from 19 per cent in 2015, which is positive.

Constitutional amendments approved during the 2016 national referendum outlawed political parties based on religious platforms and removed the limitation on the term in office of the president, reduced the minimum age to run for presidency from 35 to 30 years and increased the age to stand as a candidate for parliamentary elections from 25 to 30.¹⁹ Further changes to the election law enacted in 2017, 2018 and 2019 mirrored constitutional amendments. The reform was proposed by the government and lacked public consultations.

Although legal framework could provide a basis for the conduct of democratic elections, the legislation circumscribing the political environment in which elections are taking place does not accord with international standards. Following the 2015 parliamentary elections, ODIHR offered numerous recommendations to the Tajikistani authorities for consideration. Namely, lack of independence of election administration, deficit of measures ensuring the separation between the state and the party, undue restrictions to suffrage rights and extensive constraints on freedom of expression, inadequate transparency and deficiencies in the polling and counting process were among the issues covered in the recommendations for reform. Despite legal changes enacted in 2017, 2018 and 2019, all these shortcomings and infringements challenging the integrity and credibility of elections remained unaddressed, having a detrimental effect on the 2020 electoral process. This underscores the necessity for a comprehensive review of the regulatory framework as well as practices employed by relevant state institutions.

A comprehensive review of the electoral legal framework should be undertaken in an open and inclusive manner to eliminate the significant shortcomings identified in this and prior ODIHR reports.

For these elections, the CCER reissued several regulations, including on candidate registration, establishment and work of district election commissions (DECs) and precinct election commissions (PECs), registration of domestic and international observers, campaign finance, and complaints and

¹⁵ Articles 12 and 13 of the Law on Public Meetings, Demonstrations and Rallies stipulate that an authorization is necessary 15 days prior to the organization of any gathering and any event. Please also see section on *Campaign Environment*. Paragraph 118 of the 2010 [ODIHR and Council of Europe Venice Commission Guidelines on Freedom of Peaceful Assembly](#) recommends that “any legal provisions concerning advance notification should require the organizers to submit a notice of the intent to hold an assembly, but not a request for permission”.

¹⁶ In paragraph 23 of the [1999 OSCE Istanbul Document](#) participating States committed to “making equality between men and women an integral part of [their] policies”. See also article 7(b) of the [CEDAW](#) and paragraph 26 of the [1997 CEDAW Committee’s General Recommendation 23](#).

¹⁷ See the [government decree No 158](#) of 1 July 2017. Minister of Justice stated to the ODIHR EAM that following that decree all deputy ministers and deputy mayors were women.

¹⁸ See UN Committee on the Discrimination against Women [Concluding Observations on the sixth periodic report of Tajikistan](#) (14 November 2018), CEDAW/C/TJK/CO/6, paragraphs 31-32.

¹⁹ The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has [stated](#) that “constitutional amendments combined with several additional national laws have significantly jeopardized the protection of the right to freedom of expression and freedom of religion”.

appeals. Positively, key regulations were printed and distributed to contestants, as well all as to the DEC's and PECs. However, regulation on complaints and appeals and on campaign finance and other essential information related to electoral process were not posted at the CCER website (see also *Election Administration*). Most of the CCER regulations merely reproduced articles of the law, failing to clarify areas that are not sufficiently regulated. For example, regulations do not detail procedures for candidate registration, voting, including early and out of country voting, as well as counting and tabulation of the results. The CCER did not address gaps in the law related to campaign finance, including reporting requirements and criteria for sanctions.

The CCER regulations could be reviewed and published to adequately supplement the legal framework in order to ensure that procedural aspects are sufficiently detailed in line with the principles of legal certainty and access to information.

V. ELECTORAL SYSTEM

The sixty-three members of the *Majlisi Namoyandagon* are directly elected for a five-year term through secret ballot. Of them, 41 are elected from single mandate constituencies. If no candidate receives more than 50 per cent of the votes cast, a second round is held within two weeks between the two leading candidates. The other 22 members are elected from a nationwide constituency under a closed list proportional representation system with a five per cent threshold. Seats are allocated using the Hare quota under the largest remainder method.²⁰ If voter turnout is below 50 per cent, elections are declared invalid and must be repeated.

By law, the number of registered voters in the 41 single mandate constituencies should not deviate from the national average by more than 20 per cent. The election law requires the CCER to revise constituency boundaries before each election. However, as the CCER informed, constituency boundaries were not revised for these elections in anticipation of the forthcoming census by the end of the 2020. Despite previous ODIHR recommendation, and contrary to the law, 16 constituencies diverged by more than 20 per cent; in one case reaching 51 per cent.²¹ While significant deviations in 3 constituencies are explained by geographical constraints, no such reasoning could be applied to the remaining 13, including 3 constituencies in the capital.²² Such disparities undermine the equality of the vote and are contrary to international standards and good practice.²³

Constituency boundaries should be regularly revised to uphold the constitutional principle of vote equality, the provisions of the election law, OSCE commitments and other international standards. To enhance the transparency, the revision process should involve broad public consultation.

²⁰ The quota is obtained by dividing the total number of valid votes by the number of seats contested (22). Then, each party's votes are divided by the quota, which yields the number of seats that each party won. Seats that cannot be allocated in this way are given to the parties with the largest remainder of the votes.

²¹ The largest constituency No. 9 had 164,202 voters registered, while the smallest No. 41 had 57,616.

²² Three out of four constituencies in the capital are below national average by 27, 28 and 38 per cent.

²³ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides for equal suffrage. Paragraph 21 of the [UNHRC 1996 General Comment No.25 to the ICCPR](#) states: "The principle of one person, one vote, must apply and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another". The Council of Europe Commission for Democracy through Law (Venice Commission) [2002 Code of Good Practice in Electoral Matters](#), section I.2.2.iv, states: "Seats must be evenly distributed between the constituencies [...] The permissible departure from the norm should not be more than 10 per cent and should certainly not exceed 15 per cent except in special circumstances".

VI. ELECTION ADMINISTRATION

Parliamentary elections were managed by a three-tiered election administration, comprising the CCER, 41 DEC, one in each majoritarian district, and 3,412 PECs. A total of 39 polling stations were established in diplomatic representations in 30 countries to facilitate voting abroad.²⁴

The CCER is a permanent body, responsible for the overall planning and conduct of national elections. In line with the Law on the CCER, its seven members are nominated by the president and approved by the *Majlisi Namoyandagon* for a seven-year term. The new composition of the CCER was appointed in 2019, and only two members are women. By law, members of political parties cannot be appointed as CCER members; however, some ODIHR EAM interlocutors doubted adherence to this principle in practice as some newly appointed CCER members were active party members in the past.²⁵

Further, interlocutors informed the ODIHR EAM that the nomination process lacked transparency and the selection criteria were not publicized; the parliament approved proposed commissioners without a debate. Salaries of the CCER members are determined by the president and security of tenure is limited.²⁶ Consequently, several ODIHR EAM interlocutors expressed their concerns regarding CCER's independence due to the lack of established criteria for selection and the financial dependence on the president's decisions.

The CCER members' selection process should include adequate transparency and accountability measures to ensure the CCER is independent from both government institutions and parliament in the execution of its mandate. Security of tenure for CCER commissioners should be strengthened.

The DEC and PEC are temporary bodies formed at least two months and 45 days prior to an election day, respectively. The DEC is responsible for the formation of the PECs, the registration of candidates for the majoritarian race, the organization of campaign meetings for contestants, and the establishment of the election results in the single-mandate constituencies. The PEC is responsible for the compilation of voter lists and the conduct of voting and counting. According to the election commissions the ODIHR EAM met with, there were no technical or operational difficulties encountered prior to or on election day. Special polling stations were established in medical institutions and military barracks.

According to several ODIHR EAM interlocutors, the CCER selected and appointed DEC members predominantly from among the employees of state institutions.²⁷ PEC members were identified by the respective local authorities, based on their experience, and appointed by the respective DEC. Many PEC members met by the ODIHR EAM were employees of the institution where the relevant PEC was located. ODIHR has previously recommended that the selection and appointment process of the CCER, DEC and PEC members should be transparent and based on clear criteria to ensure compliance with international standards.²⁸

²⁴ According to the CCER, results from out-of-country polling stations were first transmitted to the MFA, who submitted them to the CCER. The latter sent vote totals to Shahmansur DEC in Dushanbe that had the responsibility for disaggregating the results from abroad by each of the 41 DEC.

²⁵ While the Law on the CCER clearly stipulates that members of political parties cannot serve as CCER members, the election law contains no such restrictions for lower-level commissions.

²⁶ Article 15 of the Law on the CCER states that the commission member can be dismissed for "non-compliance with the requirements of the Law on Streamlining Traditions, Celebrations and Ceremonies in Tajikistan".

²⁷ Election law states that the CCER forms DEC based on the proposals of the local executive bodies.

²⁸ Paragraph 20 of the UNHRC General Comment No.25 to the ICCPR requires that "[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant".

The DEC and PEC formation process should ensure impartiality of the election administration and be based on transparent selection criteria. Further safeguards should be developed and implemented to ensure that the DEC and PECs are independent from central and local government.

Contrary to international standards, activities of the election administration lacked transparency.²⁹ The Law on the CCER states that the commission is a collegial body, that all sessions are open, and decisions adopted under public scrutiny. However, the adherence to those principles could not be verified and assessed in detail by the ODIHR EAM due the lack of access to regular sessions.³⁰

The CCER published on its website a calendar of electoral activities, information on registered candidates standing on the nationwide party lists, as well as procedural guidelines for party and candidate proxies and international observers. However, it failed to publish important electoral information of public interest that would foster transparency and enable independent scrutiny of elections, such as guidelines, agendas of meetings and subsequent minutes and decisions of the CCER, data on voter and candidate registration disaggregated by constituencies and PECs (for voters), as well as by age and gender, data on distribution of ballots and detailed voting results, including disaggregated by the DEC and PECs.

The CCER should utilize its website as an instrument to enhance transparency of the electoral process. Information of public interest, including all CCER decisions and key electoral data, should be made publicly available in a format that enables easy and prompt access.

The CCER conducted an active voter information campaign through television (TV) and radio broadcasts, outdoor advertisement and in-person distribution of invitations to households, indicating polling station locations and opening times. The voter information campaign primarily aimed at mobilising the electorate and, positively, at discouraging proxy voting. The CCER also informed the ODIHR EAM that it sought to promote youth participation and to make all polling stations accessible for voters with reduced mobility.

VII. VOTER REGISTRATION

Citizens aged 18 years or older on election day are eligible to vote. Voting rights of citizens declared incapacitated and those serving a prison sentence are revoked, irrespective of the severity of the crime committed. Disenfranchisement of all prisoners, regardless of the gravity of the crime, contradicts OSCE commitments and other international obligations for democratic elections.³¹

²⁹ Paragraph 19 of the 2011 [UNHRC General Comment No.34 to the ICCPR](#) states: “[t]o give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective, and practical access to such information”. See also Article 7 of the CIS Convention.

³⁰ The ODIHR EAM was not informed about any session or meeting and hence could not observe them. Political parties offered conflicting information on when such sessions were taking place and what was decided. Several media outlets informed the ODIHR EAM that information from the CCER is being received only through the state-owned news agency.

³¹ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that participating States will “guarantee universal and equal suffrage to adult citizens”; paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. Paragraph 14 of the UNHRC General Comment No.25 to the ICCPR states that grounds for the deprivation of voting rights should be “objective and reasonable”.

Deprivation of the right to vote for persons with intellectual and psycho-social disabilities is contrary to international obligations and standards.³²

Restrictions on the voting rights of citizens serving prison terms regardless of the severity of the crime should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offence. The restrictions on the voting rights of persons based on the intellectual and psycho-social disabilities should be removed.

Voter registration is passive. The PECs compile voter lists for each election based on the data provided by local authorities. The PECs, in cooperation with *mahalla* committees, update the lists through a door-to-door canvassing.³³ Inclusion in the voter list is based on residency. Voters residing abroad are additionally recorded as such on a separate voter list, based on information provided by other members of their household. Voters not detected during the canvass are not removed from the list. There is no legal obligation or mechanism for other state authorities that maintain data on citizens' residence, births, deaths or civil status to provide updates to the PECs.

Despite previous ODIHR recommendations, there is no permanent voter register at any level, and the legislation does not provide for any safeguards against multiple registration of voters undermining the integrity of voter lists.³⁴ Despite several requests, the authorities did not provide the ODIHR EAM with any information on practical safeguards against multiple registration. According to the CCER, 4,929,128 voters were registered, including some 600,000 labour migrants residing outside the country.³⁵ Other ODIHR EAM interlocutors claimed the latter to be as high as one million. The lack of authoritative demographic data on population growth in Tajikistan prevents a comprehensive assessment of the accuracy and inclusiveness of the voter registration.

Several interlocutors informed the ODIHR EAM of a pilot electronic civil registration project initiated in 2016 and being implemented by the Ministry of Justice (MoJ) in cooperation with other state agencies. The project is piloted in Kulyab and Rudaki districts and planned for expansion in other districts.³⁶ Population data held in the completed civil registry could form a comprehensive basis for a centralised voter register, given that relevant data protection legislation is introduced and ensured in practice.

According to the CCER, no voter lists were compiled for polling stations abroad in advance. Citizens abroad could vote in both the proportional and majoritarian elections upon presentation of a valid identity document (ID). No crosscheck of data is held by the PECs abroad and DECes.

³² According to Article 29 of the [CRPD](#), "State parties shall [...] ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected". Paragraph 48 of the CRPD Committee's [2014 General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote [and] the right to stand for election".

³³ *Mahallas* are informal, self-governing institutions in Tajik communities. *Jamoats* are the smallest administrative units and consist of several *mahallas*.

³⁴ Paragraph 21 of the 1996 UNHRC General Comment No.25 to the ICCPR states that "the principle of one person, one vote must apply". See also paragraph 7.3 of the 1990 OSCE Copenhagen Document.

³⁵ The PECs informed the ODIHR EAM that during the door-to-door verification a separate list with voters working abroad was compiled, and consolidated data were sent by the DECes to the CCER.

³⁶ The civil registration project compiles data on births, marriages and deaths as well as residence abroad. Phase one of the project began in 2016 and was completed in 2019. Phase two began in 2020 and will run until 2023. The project is led by the MoJ with participation of the MFA, Ministry of Interior, Ministry of Health, and Ministry of Education. The project is being supported by the international community.

The accuracy of voter lists should be improved, with consideration given to the introduction of a permanent, centralized voter register. The voter register should be comprehensively updated ahead of each election and be centrally checked for errors and multiple registrations.

Voter lists were displayed for public scrutiny 15 days before the election day at polling stations. Voters could request inclusion to or correction of the voter list at any time until the election day. The law also provides for election day registration at polling stations by PECs contrary to international good practice.³⁷ Voters, not found on the voter lists on election day, were added on a supplementary list based on valid ID, with no crosschecks or safeguards applied against multiple voting.

A legal deadline for closing voter lists prior to election day could be introduced. Supplementary registration of voters on election day should only be permitted in accordance with clearly defined legal requirements, subject to judicial or administrative control, with effective safeguards against multiple registrations.

VIII. CANDIDATE REGISTRATION

Citizens of Tajikistan who hold no other citizenship, are at least 30 years of age, have resided in the country for at least five years, possess a higher education and a full command of the state language, and have no un-expunged criminal record are eligible to stand for parliamentary elections. Limitations based on residency are excessive, while the ban on those with a criminal record, irrespective of the gravity of crime committed, is disproportionate.³⁸ Further, those under investigation for committing a serious crime are also ineligible, contrary to the presumption of innocence and at odds with international standards.³⁹

The residency requirement, the blanket restriction on the right to stand due to a previous criminal conviction or exclusion for being under investigation should be reconsidered and brought in line with international standards and good practice.

Candidates may be nominated by a political party or independently. Political parties must put forward candidates during party conventions. A party-nominated candidate can simultaneously stand on both the party list and in a majoritarian constituency. Self-nomination is permitted only in single mandate constituencies. Contrary to international good practice and a previous ODIHR recommendation, independent candidates, unlike party nominees, are additionally required to

³⁷ According to section I.1.2.iv of the 2002 Venice Commission's Code of Good Practice in Electoral Matters, "polling stations should not be permitted to register voters on election day itself".

³⁸ Paragraph 15 of the 1996 UNHRC General Comment No.25 to the ICCPR reads: "any restrictions on the right to stand [...] must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". See also paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document and sections I.1.1.c and I.1.1.d of the 2002 Venice Commission's Code of Good Practice in Electoral Matters.

³⁹ Paragraph 5.19 of the 1990 OSCE Copenhagen Document stipulates that "everyone will be presumed innocent until proved guilty according to law".

collect at least 500 supporting signatures within their respective constituency.⁴⁰ Each voter can support only one candidate, which may limit political pluralism.⁴¹

Aspiring candidates, both on party list and majoritarian, had to pay a deposit of TJS 5,800 (some EUR 600).⁴² Deposits are refundable only if a candidate obtains more than 10 per cent of constituency valid votes or if his/her party list reaches five per cent nationwide. While the deposit is aimed at discouraging candidates without a realistic chance of winning, it was also seen by several ODIHR EAM interlocutors as prohibitively high.⁴³

Candidates were required to submit identity, educational attainment and proof of residence documents, as well as proof of income. Contestants should also confirm their proficiency in the Tajik language by passing a test designed and conducted by the CCER or respective DEC. Despite previous ODIHR recommendations, the verification procedures of registration documents are not clearly defined in the legislation or CCER instructions.

The CCER registered all party lists on 5 February.⁴⁴ The DEC registered candidates in single-mandate constituencies following their own schedule. Six parties did not inform the ODIHR EAM of any difficulties, but the SDPT indicated an overly formalistic approach taken by the CCER in verifying registration documents. In addition, the SDPT, unlike all other parties, faced a considerable delay in transfer of state campaign funds and certification of candidates' proxies.⁴⁵ This effectively reduced campaign period for the SDPT to two weeks.

According to the CCER, a total of 241 candidates were registered for both races, including 48 women.⁴⁶ For the proportional race, parties nominated 73 candidates. None was reportedly rejected, while eight withdrew their candidacy. As a result, the CCER registered lists of all seven registered parties comprising 65 candidates, including 23 women.⁴⁷ According to the CCER and political parties, the DEC registered a total of 176 candidates, with 91 standing on a party ticket. Six candidates were rejected by the DEC and one de-registered by the CCER.⁴⁸

Only the PDPT fielded the maximum number of candidates in both races, with the APT being the distant second contesting 27 single-mandate constituencies. In nine majoritarian constituencies, the

⁴⁰ Paragraph 130 of the 2010 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends that "Regulations regarding ballot access and fees, as well as and candidacy restrictions for parties should be the same for independent candidates".

⁴¹ Paragraph 77 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation recommends that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party".

⁴² According to the law, deposit is calculated on a basis of an indicator that is reviewed yearly in the Law on State Budget. EUR 1 was approximately TJS 9.6 (Tajik *Somoni*) during the candidate registration.

⁴³ According to the [Agency for Statistics](#), the minimum wage in Tajikistan in December 2019 was TJS 400; average wage – TJS 1,357.

⁴⁴ According to the election law, candidate registration takes place between 45 and 20 days before the election day. Election campaigning begins on the day of registration of a relevant contestant.

⁴⁵ The SDPT claimed all documents were submitted in early January, yet they were registered only on 5 February. The state funding was transferred to the party account only on 14 February, while candidates' proxies received the registration certificates on 19 February.

⁴⁶ The official statistical data related to candidate registration was never published. The ODIHR EAM received it only from the CCER during a meeting on 29 February.

⁴⁷ The CCER registered 26 candidates (13 women) on the PDPT list, 12 (2 women) on the APT, 7 (1 woman) on the PERT, 5 (2 women) on the CPT, 5 (1 woman) on the SDPT and 4 (1 woman) on the DPT list.

⁴⁸ The CCER cancelled one DEC decision to register a candidate who had not reached the required age. The DEC refused registration of five candidates due to their un-expunged criminal records and one for falsification of signatures. The ODIHR EAM could not independently verify grounds for rejections.

PDPT was challenged only by self-nominated candidates, allegedly many of whom failed to secure nomination in the PDPT convention.⁴⁹

The CCER did not publish a combined list of candidates standing in either race or a consolidated information regarding the number of nominees rejected and the reasons for the rejection. Inaction by the CCER curbed voters' easy and prompt access to information on candidate registration and notably limited independent scrutiny of prospective deputies.⁵⁰

The CCER should publish a consolidated list of nominated and registered candidates disaggregated by political party and gender for both the nationwide and single mandate constituencies, including on its website, in a format that respects voters' right to easy and prompt access to such information.

IX. CAMPAIGN ENVIRONMENT

The election law stipulates equal campaign conditions for all contestants and assigns a principal role to the CCER and local administrations in defining the campaign modalities. According to the election law, candidates and political parties have the right to independently determine the form and nature of their campaign. In practice, the CCER approves all campaign materials, while the DEC's and local administrations jointly decide on a schedule of meetings with voters. According to the Law on Meetings, Demonstrations and Street Processions, any other public event initiated by candidates or parties should be pre-approved by authorities. As requests for pre-approval should be submitted at least 15 days prior to the event, electoral contestants had little to no chance to design their own campaign schedule. The legal framework and practices employed by authorities unduly restricted freedoms of assembly and expression during campaign, at odds with international standards.⁵¹

The role of electoral management bodies and local authorities in defining campaign modalities should be substantially reduced enabling candidates and parties to design and conduct their campaigns independently. The Law on Meetings, Demonstrations and Street Processions should be amended to require a simple notification procedure rather than an authorization.

The campaign took place in a tightly controlled and regulated environment that did not offer space for any viable political alternative to the President-led PDPT. None of the civil society organizations initiated a debate on politics or elections fearing prospective retaliation; candidates did not confer with each other either in public or in media. Hence, contrary to international standards for democratic elections, a key component of a genuine campaign, a free and pluralistic debate about political ideas and alternatives, was absent.⁵²

⁴⁹ The ODIHR EAM was informed that PDPT members were allowed to run as self-nominated, and many did so.

⁵⁰ Paragraph 19 of the 2011 UNHRC General Comment No.34 to the ICCPR requires that "[...] State parties should proactively put in the public domain Government information of public interest".

⁵¹ Paragraph 7.7 of the 1990 OSCE Copenhagen Document commits participating States to "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".

⁵² Paragraph 3 of the 1990 OSCE Copenhagen Document recognizes "the importance of pluralism with regard to political organizations". Paragraph 10.3 compels participating States to "ensure that individuals are permitted to exercise the right to association, including the right to form, join and participate effectively in non-governmental organizations which seek the promotion and protection of human rights and fundamental freedoms". See also paragraphs 8, 12 and 25 of the 1996 UNHRC General Comment No.25 to the ICCPR. Its paragraph 25 reads "to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential".

Limitations on activities of civil society organizations should be repealed to comply with OSCE commitments and other international standards for the right to political participation and the right to freedom of expression by law and in practice.

The key components of the campaign were meetings with voters, which were required to follow a strict format designed by the CCER. Such meetings were jointly organised during working hours by respective DECAs and local administrations, primarily in schools, university halls and state institutions whose employees or students filled auditoriums to their capacity.⁵³ While the CCER informed the ODIHR EAM that a total of 2,000 meetings took place across the country, political parties altogether confirmed from 3 to 20 such meetings per a constituency. Candidates had some 10 minutes to present their programme and, at times, respond to questions from the audience. None of these meetings were advertised to a broader public online, in mainstream media or on public information boards in *mahallas*. Such limited engagement with the electorate notably reduced voters' ability to assess the candidates independently, key to making an informed choice.

While all parties met with the ODIHR EAM claimed to carry out door-to-door visits, only those of the PDPT and to some extent of the SDPT were featured in parties' online media accounts. No schedule for canvassing was published, and the ODIHR EAM was not able to observe any. Two parties named *mahalla* committees in rural localities as a particularly important target audience as their backing could expand and fortify party's support base.

Outdoor political advertising comprised a limited number of standardised A3 and A2 size posters with candidates' images and biographies, placed primarily at public buildings, fences and in a close proximity to polling stations. The template poster for all parties was designed by the CCER. In Dushanbe, the PDPT posters visibly outnumbered those of other contestants. The number and format of party posters stood in stark contrast with an abundance of large billboards and banners, featuring the President or his policy statements displayed on roadsides and walls of public and private buildings.

Online sources and social media were used for campaign purposes only by the PDPT and SDPT.⁵⁴ The PDPT had a handful of inter-connected Facebook pages, promoting the party and its ability to implement policies as set by the President in each region. The SDPT leader campaigned from his personal account; often his posts were followed by numerous negative commentaries posted within a few minutes.⁵⁵ Neither the PDPT, nor the SDPT used paid political advertisement on Facebook. None of the parties used alternative political publicity techniques, including digital information dissemination tools, social networks or websites to promote the party or its candidates.⁵⁶

A small amount of paid-for TV airtime was purchased by the APT, PDPT and PERT, while all seven had *quid pro quo* deals with a few newspapers. Apart from the PDPT, only the APT and CPT had seemingly active campaign offices located inside public buildings. Overall, the apparent

⁵³ The ODIHR EAM observed that, at times, participants to those meetings were registered by authorities, some parties confirmed this to be a common practice.

⁵⁴ The APT, DPT and SPT had Facebook accounts with less than 160 followers each, last updated in 2015 (two cases) or 2019 (one case). As of 27 February, parties did not have official accounts on Russian-language popular social networks *VKontakte* and *Odnoklassniki*.

⁵⁵ Frequency and likeness of multiple comments from otherwise passive accounts indicated an orchestrated effort to undermine and ridicule the SDPT.

⁵⁶ None of the parties, including the PDPT, had an active and up to date website; none used SMS to mobilise voters, none had a YouTube channel or used Twitter.

uniformity of the campaign and reluctance of parties to raise their profiles independently gave scant credibility to the official public narrative of a competitive, pluralistic and engaging campaign.⁵⁷

All parties published their manifestos, none of which challenged the President's policies or development plans, scrutinised the performance of the government or offered a viable governance alternative. Apart from the PDPT, only the APT had alternative proposals on lower-level sectoral changes. Only the SDPT displayed features of an opposition, yet had limited manpower, reach and opportunities to engage with voters directly. Consequently, voters were not presented with genuinely differing political choices. Overall, the lacklustre and election administration-driven campaign illustrated the detrimental effect of systematic curbs on civic activism and the gradual removal of voices of dissent.⁵⁸

Neither the campaign nor party programmes prominently featured gender equality issues. The PDPT and the CPT had women in decision-making positions; the PDPT and the PERT had a fair representation of both genders in their candidate lists, while the CPT list was led by a woman. However, their actual impact on political agenda was limited, as the overall political environment discourages independent advocacy for issues, including related to gender parity in public and political life. In addition, cultural and gender stereotypes are also a major deterrent to women's political engagement.

X. CAMPAIGN FINANCE

Electoral campaigns can be financed by public funds and private donations. Public funding is transferred to electoral contestants after their registration.⁵⁹ While state funding aims to ensure a level playing field, all parties informed the ODIHR EAM that public funds could cover only a small portion of campaign expenditures. Most of the costs were covered by candidates' own savings, private donations or contributions from the nominating party, that in turn were primarily financed by membership fees. Some parties raised funds by a mandatory subscription to a party newspaper. One candidate sought crowd funding online.

Candidates can contribute to their campaign funds up to TJS 29,000 from their own resources and parties – up to TJS 58,000. Individual donations to a candidate and a party cannot exceed TJS 2,900, and TJS 5,800, respectively. Legal entities may donate up to TJS 5,800 to a candidate and TJS 29,000 to a party. Donations from state-owned, anonymous and foreign sources are prohibited. The spending limit for a majoritarian candidate is set at TJS 87,000 and for a political party – at TJS 1,740,000. None of the parties considered the campaign expenditure ceiling as prohibitive.

Campaign funds are administered through a dedicated bank account, opened by the CCER. The bank is required to report regularly to the CCER on the status of the account, and inform if a candidate or a party is overspending. Five parties informed the ODIHR EAM that they did not face any financial shortages. Other two noted difficulties in securing sufficient campaign funds as many citizens feared to donate to a political cause. No excessive spending was observed or reported.

⁵⁷ All public statements by government officials and the CCER stressed the transparency, competitiveness and pluralism as key characteristics of the campaign.

⁵⁸ According to paragraph 25 of the 1996 UNHRC General Comment No. 25 to the ICCPR, “full enjoyment of rights protected by article 25 [...] requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the [ICCPR], including freedom to engage in political activity [...], freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas”.

⁵⁹ Each registered candidate was allocated TJS 5,000 and each party TJS 50,000. State funding is calculated on a basis of an indicator that is reviewed yearly.

The CCER is mandated to oversee compliance with campaign finance rules. While the election law includes de-registration of candidates as the only sanction for non-compliance, the Code of Administrative Offences sets administrative fines for breaches of campaign finance rules.⁶⁰ However, there are no defined criteria for applying sanctions in the laws or in any CCER regulation, which could lead to an arbitrary de-registration of candidates.⁶¹

The election law foresees the submission of financial reports by all contestants, but it does not demand disclosure of financial data by parties or the CCER, preventing public scrutiny and hampering transparency of campaign finance. The CCER informed the ODIHR EAM that although not all parties had submitted their financial reports, no sanctions would be applied and that public would not be informed which parties failed to submit the reports. Only one political party published information on its campaign spending.⁶²

Public disclosure requirements should be introduced to enhance transparency and uphold the principle of voters making an informed choice. Campaign finance rules could be further strengthened by providing clearly defined and proportionate sanctions for established violations.

XI. MEDIA

A. MEDIA ENVIRONMENT AND LEGAL FRAMEWORK

The Constitution guarantees freedom of expression and prohibits censorship. Primary legislation provides for the right to freely seek for and receive information, foresees freedom of the press, ensures access of the media to public information and establishes basic protections for journalists and owners of the media. However, contrary to international standards calling for decriminalisation of defamation,⁶³ an insult and slander of the president or other state official, including online, is a criminal offence punishable by up to five years in prison.⁶⁴ Importantly, a recent arrest of a journalist, charged with a vaguely defined “incitement of religious discord”, had a further chilling

⁶⁰ Breaches include acceptance of donations from illegal sources, spending over the limits established, failure to submit the financial reports to the CCER.

⁶¹ Paragraph 224 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation recommends “Sanctions should be applied against political parties found in violation of relevant laws. Sanctions must at all times be objective, enforceable, effective and proportionate to their specific purpose”.

⁶² Article 7.3 of the 2003 UNCAC obliges states to “consider taking appropriate legislative and administrative measures, [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”. According to paragraph 201 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation, “requirements for the disclosure of political financing are the main policy instruments for achieving such transparency”.

⁶³ Paragraph 38 of the 2011 UNHRC General Comment No.34 to the ICCPR states that “all public figures, including those exercising the highest political authority such as heads of state ..., are legitimately subject to criticism and political opposition. Accordingly, the [CCPR] expresses concern regarding laws on such matters as... defamation of the head of state and the protection of the honour of public officials, and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration”. Paragraph 47 further notes that “defamation laws must be crafted with care to ensure [...] that they do not [...] stifle freedom of expression. States parties should consider the decriminalization of defamation”.

⁶⁴ In 2012, Articles 135 (Defamation) and 136 (Insult) were removed from the Criminal Code, but Article 137 still criminalizes the public insult and slander, in broad terms, of the president and other public officials.

effect on already stifled pre-election reporting environment.⁶⁵ Several ODIHR EAM interlocutors characterised the official charge with the incitement as highly disputable.⁶⁶

Criminalisation of defamation and insult of the president and state officials should be repealed in favour of proportionate civil sanctions, designed to restore the reputation harmed.

Overall, the media landscape is rich in numbers but not in pluralism and diversity of content, with the media market heavily dominated by the state.⁶⁷ Television is the main source of information, followed by radio and news websites. State TV and radio have the largest audiences, as no private outlets are licenced to broadcast nationwide. Newspaper circulations are low and limited to the larger cities.⁶⁸ Most commercial outlets' newscasts reproduce stories published by the state-owned news agency *Khovar* that is the only authorized source of official information. Overall, this results in the state effectively monopolising media content and ensuring for a uniform coverage of events of public relevance, including the elections.

All newspapers with a circulation of more than 100 copies should be registered with the Ministry of Culture. The State Committee on Television and Radio (SCTR), electronic media regulator, issues licences to broadcasters. The procedure and criteria for licensing and registration of media are cumbersome and enable state authorities to hold a monopoly over the media sector.

Only a few online news websites were offering alternative content; most of them operating from abroad. State authorities often block access to those news websites and social media, and periodically cut access to mobile and messaging services.⁶⁹ For example, the popular and outspoken website *Ozodagon* continues to be blocked, while other online news websites such as AsiaPlus and Radio Liberty were sporadically blocked, including during the campaign. Decisions on blocking and unblocking websites and mobile data exchange services are not public. The decision-making process lacks transparency and right to effective remedy is not guaranteed. Such state actions do not conform with international standards and effectively prevent voters from receiving election-related information from alternative sources.⁷⁰

The state authorities should maintain open access to the Internet. Any restrictions imposed on access to online information must be provided for by the law and conform to the strict tests of necessity and proportionality, as outlined in international standards. The authorities should establish a transparent procedure and provide clear and exhaustive criteria for exceptional blocking of online media or social networks.

The election law governs media coverage of the campaign and guarantees equal access to state-owned outlets for all electoral contestants. The SCTR, which closely cooperates with the CCER,

⁶⁵ An independent journalist Daler Sharipov was detained on 28 January. National and international organisations advocating for freedom of expression have called for his immediate release. Over the last decade, most of independent journalists have been forced in exile or have stopped working in media.

⁶⁶ See also paragraph 48 of the UNHRC 2019 Concluding observations on the third periodic report of Tajikistan.

⁶⁷ There are 34 state owned televisions, of which 8 have a nationwide coverage, and some 20 private TV stations; 376 newspapers (including 112 state-owned), 245 magazines (114 state-owned), 71 publishing houses (10 state-owned) and 10 information agencies (including 1 state-owned).

⁶⁸ According to the National Association of Independent Media, *Imruz* newspaper is the country's only daily newspaper.

⁶⁹ The OSCE RFoM [on 9 May 2019 called](#) on the authorities to reinstate access to numerous web resources, including online media, social platforms and Google services, in Tajikistan.

⁷⁰ Paragraph 15 of the 2011 UNHRC General Comment No.34 reads: "States parties should take all necessary steps [...] to ensure access of individuals thereto (online media)". [The 2012 UNHRC Resolution on the promotion, protection and enjoyment of human rights on the Internet](#) affirms that "the same rights that people have offline must also be protected online, in particular freedom of expression".

further oversees and regulates media coverage of the campaign. According to the SCTR, all candidates in single-mandate constituencies were granted 20 minutes of free airtime and political parties – 40 minutes. The SCTR did not conduct comprehensive media monitoring to assess the respect for equality of opportunity in editorial outputs.

In December 2019, the CCER adopted a regulation allotting up to eight pages in national and local newspapers to parties and candidates. None of the seven parties informed the ODIHR EAM of being aware of this opportunity and, accordingly, making use of it.

The SCTR has instructed private radio and TV companies to weekly provide their broadcast plans.⁷¹ The broadcasters were warned that “measures would be taken” against those who would fail to submit such plans. Private broadcasters were also urged to air more programmes “promoting patriotism [and] stressing the importance of Tajikistan’s independence, its traditions, and history”. Private media saw these demands as “illegal and intrusive”. Such requests do not conform with the Constitution and international standards for freedom of the media.⁷²

B. MEDIA COVERAGE OF CAMPAIGN

The tone and content of the campaign coverage was set by the state news agency *Khovar*. From 13 February until the end of the campaign, only 10 per cent of *Khovar* news were related to elections.⁷³ They primarily featured voter mobilisation messages and CCER meetings with international observers. More than half of news featured the President, his decisions and policies.

The state-owned broadcasters appeared to follow a similar pattern. Outside of the free airtime, the reports on daily activities of the President and the government dominated news and current affairs programmes, leaving little space for coverage of the candidates. State media neither organised debates between the candidates, nor analysed the campaign within its editorial programming. The failure of the state media to comprehensively cover the candidates’ campaigns contradicts paragraph 7.8 of the 1990 OSCE Copenhagen Document and other international standards.⁷⁴

The authorities could consider changing the status of state broadcasters to public media. Editorial independence and financial autonomy of these media should be guaranteed to ensure public access to different political views.

Private media largely refrained from featuring candidates and assessing parties or their manifestos. This reflected the lethargy of the campaign and absence of distinguishable political alternatives. ODIHR EAM media interlocutors also cited the common practice of not covering sensitive issues, such as politics and consequently the elections, allowing them to remain in publication, avoiding prosecution and other forms of pressure and harassment. Most common practices, applied by state institutions against journalists include license revocation, targeted tax inspections, denial of the use

⁷¹ Respective letters were issued on 31 January and 4 February.

⁷² Paragraph 9.1 of the 1990 OSCE Copenhagen Document states “everyone will have the right to freedom of expression, including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. See also paragraph 25 of the 1996 UNHRC General Comment No. 25 to the ICCPR and paragraphs 39-42 of the 2011 UNHRC General Comment No.34 to the ICCPR.

⁷³ The ODIHR EAM assessed all news published on the website from 13 to 29 February.

⁷⁴ Paragraph 7.8 of the 1990 OSCE Copenhagen Document states that participating States will “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”. Paragraph 19 of the 2011 UNHRC General Comment No.34 reads: “States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence”.

of printing facilities, power cuts, limitations on access to official information, and phone calls and interviews by state security structures.⁷⁵ Such practices induce self-censorship and hinder the work of independent media. Overall, the limited coverage of political matters coupled with an absence of televised debates between the candidates, curbed voters' ability to make a fully informed choice on election day.

State authorities should refrain from interfering into journalist and media work to enable them to carry out their professional duties freely while covering political issues, including party and candidate activities during the campaign.

In a positive development, some state-owned broadcasters frequently aired voter education programmes aiming to raise the participation and awareness of voters about the constitution, date of elections and importance of the principle of one person – one vote. These broadcasts were often translated into sign language. Positively, sign language was added to many news bulletins.

Social networks were the only platform for a genuine and relatively lively debate on political and social matters, especially for younger voters. For instance, discussion groups on Facebook, such as *Rozinav*, *Akhbr Bayor Afkor* and *Dushanbiest*, offered a space for discussion on a range of issues, including politics. AsiaPlus on its Facebook page published analytical articles, while a few bloggers on Telegram unveiled pressing social problems. At times, those online discussions challenged or questioned the political narrative set by the authorities. Overall, in contrast to traditional media, a handful of online journalists, bloggers, administrators of groups on social networks and their respective followers were the only ones sustaining a pluralistic debate, although to a limited degree.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The election law provides for election observation by contesting parties and self-nominated candidates as well as by international observers. However, there is no provision for observation by non-partisan citizen observers, which reduces the transparency of elections and excludes an impartial domestic scrutiny of critical stages of the process, at odds with OSCE commitments and international good practice.⁷⁶ Public reporting by non-partisan election observers could promote accountability and serve as an important source of information on electoral matters.

Representatives of parties and candidates are registered by the DEC in the constituency they intend to observe. According to the CCER, 4,910 party and candidate agents were accredited.⁷⁷ None of the parties reported difficulties in accrediting their agents. The CCER registered 236 international observers from four international organisations and several diplomatic representations.⁷⁸

The legal framework lacks clarity and fails to guarantee observers the right to follow the entire electoral process. Observers may observe only until 24 hours following the close of polling stations on election day. Further, observers are not entitled to receive copies of results protocols and

⁷⁵ Some of Radio Liberty's journalists were unable to obtain accreditation.

⁷⁶ Paragraph 8 of the 1990 OSCE Copenhagen Document states: "The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process". See also paragraph 10 of 1990 OSCE Copenhagen Document. Section II.3.2.b. of the 2002 Venice Commission Code of Good Practice in Electoral Matters advises that "observation must not be confined to the election day itself [...]. It must make it possible to determine whether irregularities occurred before, during or after the elections".

⁷⁷ In average from one to two observers per PEC. The CCER did not publish or inform the ODIHR EAM on the breakdown of national observers per political party.

⁷⁸ Including ODIHR, Inter-parliamentary Assembly of the Commonwealth of Independent States (CIS), The Executive Committee of the CIS and Shanghai Cooperation Organization.

observer presence is not envisaged during the tabulation of results at the DEC's. While the ODIHR EAM had unrestricted access to the DEC's and PEC's, the mission was not provided essential electoral data and could not meaningfully observe the actual work of the CCER.

The electoral law should provide for independent, non-partisan citizen election observation, in line with the 1990 OSCE Copenhagen Document. All observers should be afforded the same rights by law and in practice, explicitly allowing observation of all stages of the electoral process.

XIII. COMPLAINTS AND APPEALS

Electoral dispute resolution processes are regulated by the election law, the code on civil procedures, the Code of administrative offences and the CCER regulations. Complaints and appeals procedures are generally in line with international standards and commitments. The law provides for open hearings, reasonable deadlines for review and there are no court fees for election related cases.⁷⁹

Any decision, action or inaction of the election administration can be challenged before a higher commission or a district or city court. Complaints against CCER decisions can be brought before the Supreme Court. Both courts and election commissions have the authority to consider first instance claims; however, the law is clear that courts have precedence over election commissions. Allegations on breaches of basic freedoms can be filed with the courts and the Ombudsperson.⁸⁰

The CCER did not receive any complaint and the ODIHR EAM is not aware of any complaint filed with any court.⁸¹ At the same time, the general prosecutor informed the ODIHR EAM about four inquiries of violations of electoral rights; all out of prosecutor's purview.⁸² No electoral offences were reported to public and to the ODIHR EAM. The absence of formal complaints, despite some grievances being conveyed to the ODIHR EAM, might indicate the reduced trust in the impartiality and independence of election administration and judiciary as well as lack of public awareness about the electoral dispute mechanism.

XIV. ELECTION DAY

In line with ODIHR methodology, the EAM did not conduct a comprehensive or systematic observation of election day proceedings. Mission members visited a limited number of polling stations in Dushanbe, Faizobod, Hisor, Rudaki and Vahdat districts on election day, as well as in Dushanbe and Nurek district during the early voting period.

A. EARLY VOTING AND ELECTION DAY

Early voting, intended for those unable to vote on election day, was available from 23 February. Several PEC's visited by the ODIHR EAM were ill-informed of the early voting procedures.⁸³ This

⁷⁹ Complaints can be filed within 10 days from the day the alleged irregularity occurred and considered within 3 days or immediately if submitted less than 6 days before elections.

⁸⁰ The Ombudsperson informed the ODIHR EAM that no such cases were ever reviewed.

⁸¹ Judges and election officials alleged that the lack of complaints indicates improved legislation, performance of the election administration and the absence of Islamic Renaissance Party of Tajikistan in electoral contest.

⁸² One was submitted by an anonymous claimant, two – by candidates whose registration was rejected based on previous criminal records, and the fourth by a candidate who did not receive his registration card in time.

⁸³ One PEC visited indicated that early voting was permitted only three days prior to election day and another indicated that it was not permitted at all.

indicated that DEC and PEC members were not adequately trained on the election-day procedures. The CCER did not release any data on turnout during early voting.

Election day proceeded orderly and polling was well organised at the polling stations visited by the ODIHR EAM. Voting took place between 6.00 and 20.00 and mobile voting was provided for homebound voters, upon justified request. The limited number of polling stations visited by the ODIHR EAM were properly equipped, had received their ballot papers and materials on time, and their layout allowed for an orderly flow of voters. No queues were observed. All polling stations visited were well staffed and party observers were notably absent. When party observers were present, they were exclusively from the PDPT.

In all polling stations visited, the ODIHR EAM observed several irregularities, such as instances of proxy voting and multiple ballots folded together inside the ballot box. Cases of identical signatures on voter lists, observed in polling stations visited, also indicated either ballot box stuffing or proxy voting. In all polling stations visited, a significant number of voters were added to the voter list on election day, including in small villages. PEC members could not provide a plausible explanation as to why those voters were added in the voter list and allowed to cast their ballots.

The election administration should undertake measures to ensure the integrity of the electoral process, in particular by preventing proxy voting, multiple voting and ballot box stuffing.

All polling stations visited by the ODIHR EAM were accessible for voters with physical disabilities, with step-free access and a designated polling booth with seating. Women were well represented at the PEC level forming more than half of polling station staff in locations visited.⁸⁴

B. COUNTING

The ODIHR EAM was allowed to observe the count in the polling stations visited, but along with party agents was requested to remain at a long distance from the count making any observation effectively impossible. In addition, attempts were made by PEC members to obstruct observers' view of the procedures, further reducing transparency of the counting process.

In spite of constraints imposed, the ODIHR EAM observed a number of irregularities during counting. The validity of ballots was not determined in a consistent manner, the reconciliation of cast ballot papers against the voter list was not conducted, and unused ballot papers and the final results were not recorded properly. PEC results protocols were not publicly displayed at polling stations observed, at odds with the election law. Party observers informed the ODIHR EAM that they were allowed only to record the numbers, but not to take a photocopy or a snapshot of the final protocol. While visiting a DEC in Dushanbe on 2 March, the ODIHR EAM found no PEC protocols posted, and no protocol data was provided to the ODIHR EAM upon request. The DEC chair could not provide any detail on the actual number of votes cast in the constituency or on the candidates elected, which highlighted the lack of transparency in the ballot counting and tabulation process in that particular DEC.

Robust procedures for counting and tabulating results and storage of sensitive materials should be developed and adhered to at all levels of election administration in order to enhance integrity, accountability and transparency in the result management.

⁸⁴ The CCER did not provide the ODIHR EAM with the data on the gender composition of the PECs and DECs.

XV. ANNOUNCEMENT OF RESULTS AND POST-ELECTION DAY DEVELOPMENTS

On 2 March, the CCER announced the preliminary results and reported nationwide turnout at 86.4 per cent in a televised press conference. Announcement was made within the legal deadline of 24 hours of the election. The CCER reported on its performance prior to the elections, vote totals for proportional race and names of the winners in the single mandate constituencies. The full text of the announcement was not published on the CCER website. Other essential information, including disaggregated voter turnout by DEC and PEC, votes cast abroad, number of invalid votes, number of votes cast for each candidate in single mandate constituencies and winner's party affiliation, was also not released.

The election law stipulates that election results be published no later than two weeks after the elections. The CCER published names of elected deputies for both races on 10 March in the state newspaper. However, final results protocols were neither published online nor did the CCER provide such information upon ODIHR EAM's request. According to the ODIHR EAM party interlocutors, detailed results were not shared with the parties as well. This way of proceedings does not conform with international standards and previous ODIHR recommendations related to transparency and accountability in electoral process. It also prevents voters from scrutinising the election results independently.⁸⁵

The lack of published results for each polling station undermined transparency of the elections and impeded candidates' and political parties' ability to assess their electoral support as well as could preclude them from requesting a re-count or from submitting a complaint if desired.⁸⁶ Further, there was no standard procedure for the storage and transportation of election materials.

In line with basic principles for transparency and accountability, the CCER should publish full preliminary and final results for all races in a timely manner, disaggregated by polling stations.

Six parties received seats in the *Majlisi Namoyandagon*, with the PDPT having the absolute majority. Apart from the PDPT, the APT and PERT are entitled to form a faction. According to the CCER, winners in all single-mandate constituencies scored more than 50 per cent of votes, eliminating the need for a re-run.

None of the six parties that entered the *Majlisi Namoyandagon* raised publicly any issues with the outcome of elections. The leader of the SDPT, on his Facebook page, denounced the results citing politically motivated fraudulent activities of the authorities. However, no complaints were filed either with the CCER or the courts. The absolute majority of media merely cited the CCER announcement, as published by the official news agency. Only Radio Liberty and AsiaPlus offered a journalistic analysis of elections and interviewed political parties about their views on results and the electoral process. In line with the presidential decree, the newly elected *Majlisi Namoyandagon* convened on 17 March.

⁸⁵ Paragraph 20 of the 1996 UNHRC General Comment No.25 reads: "There should be independent scrutiny of the voting and counting process [...] so that electors have confidence in the security of the ballot and the counting of the votes". Article 10 of the 2003 UNCAC states that State party shall take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes.

⁸⁶ All electoral stakeholders, including voters, could request recounts, but no one exercised this right.

XVI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered to further enhance the conduct of elections in Tajikistan and to support efforts to bring them fully in line with OSCE commitments, other international obligations and standards for democratic elections.⁸⁷ These recommendations should be read in conjunction with past ODIHR recommendations that Tajikistan has yet to address. ODIHR stands ready to assist the authorities of Tajikistan to further improve the electoral process and address the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. A comprehensive review of the electoral legal framework should be undertaken in an open and inclusive manner to eliminate the significant shortcomings identified in this and prior ODIHR reports.
2. State authorities should refrain from interfering into journalist and media work to enable them to carry out their professional duties freely while covering political issues, including party and candidate activities during the campaign.
3. The CCER members' selection process should include adequate transparency and accountability measures to ensure the CCER is independent from both government institutions and parliament in the execution of its mandate. Security of tenure for CCER commissioners should be strengthened.
4. The accuracy of voter lists should be improved, with consideration given to the introduction of a permanent, centralized voter register. The voter register should be comprehensively updated ahead of each election and be centrally checked for errors and multiple registrations.
5. The electoral law should provide for independent, non-partisan citizen election observation, in line with the 1990 OSCE Copenhagen Document. All observers should be afforded the same rights by law and in practice, explicitly allowing observation of all stages of the electoral process.
6. Robust procedures for counting and tabulating results and storage of sensitive materials should be developed and adhered to at all levels of election administration in order to enhance integrity, accountability and transparency in the result management.
7. In line with basic principles for transparency and accountability, the CCER should publish full preliminary and final results for all races in a timely manner, disaggregated by polling stations.

⁸⁷ In paragraph 25 of the 1999 OSCE Istanbul Document, all OSCE participating States committed themselves "to follow-up promptly the ODIHR's election assessments and recommendations". The follow-up of prior recommendations is assessed by the ODIHR EAM as follows: recommendations 20 and 29 from the [ODIHR final report on the 2015 parliamentary elections](#) (2015 Final Report) are fully implemented. The recommendations, 19 and 27 from the [ODIHR final report on the 2013 presidential election](#) (2013 Final Report) are mostly implemented. The recommendations 13, 14 and 21 from the 2015 Final Report, and 13 from the 2013 Final Report are partially implemented.

B. OTHER RECOMMENDATIONS

LEGAL FRAMEWORK

8. To ensure universal suffrage the authorities should consider ratifying the UN Convention on the Rights of Persons with Disabilities and consistently apply its provisions.
9. The CCER regulations could be reviewed and published to adequately supplement the legal framework in order to ensure that procedural aspects are sufficiently detailed and published in line with the principles of legal certainty and access to information.

ELECTORAL SYSTEM

10. Constituency boundaries should be regularly revised to uphold the constitutional principle of vote equality, the provisions of the election law, OSCE commitments and other international standards. To enhance the transparency, the revision process should involve broad public consultation.

ELECTION ADMINISTRATION

11. The DEC and PEC formation process should ensure impartiality of the election administration and be based on transparent selection criteria. Further safeguards should be developed and implemented to ensure that the DEC and PECs are independent from central and local government.
12. The CCER should utilize its website as an instrument to enhance transparency of the electoral process. Information of public interest, including all CCER decisions and key electoral data, should be made publicly available in a format that enables easy and prompt access.

VOTER REGISTRATION

13. Restrictions on the voting rights of citizens serving prison terms regardless of the severity of the crime should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offence. The restrictions on the voting rights of persons based on the intellectual and psycho-social disabilities should be removed.
14. A legal deadline for closing voter lists prior to election day could be introduced. Supplementary registration of voters on election day should only be permitted in accordance with clearly defined legal requirements, subject to judicial or administrative control, with effective safeguards against multiple registrations.

CANDIDATE REGISTRATION

15. The residency requirement, the blanket restriction on the right to stand due to a previous criminal conviction or exclusion for being under investigation should be reconsidered and brought in line with international standards and good practice.
16. The CCER should publish a consolidated list of nominated and registered candidates disaggregated by political party and gender for both the nationwide and single mandate constituencies, including on its website and in a format that respects voters' right to easy and prompt access to such information.

CAMPAIGN ENVIRONMENT

17. The role of electoral management bodies and local authorities in defining campaign modalities should be substantially reduced enabling candidates and parties to design and conduct their campaigns independently. The Law on Meetings, Demonstrations and Street Processions should be amended to require a simple notification procedure rather than an authorization.
18. Limitations on activities of civil society organizations should be repealed to comply with OSCE commitments and other international standards for the right to political participation and the right to freedom of expression by law and in practice.

CAMPAIGN FINANCE

19. Public disclosure requirements should be introduced to enhance transparency and uphold the principle of voters making an informed choice. Campaign finance rules could be further strengthened by providing clearly defined and proportionate sanctions for established violations.

MEDIA

20. Criminalisation of defamation and insult of the president and state officials should be repealed in favour of proportionate civil sanctions, designed to restore the reputation harmed.
21. The state authorities should maintain open access to the Internet. Any restrictions imposed on access to online information sources must be provided for by the law and conform to the strict tests of necessity and proportionality, as outlined in international standards. The authorities should establish a transparent procedure and provide clear and exhaustive criteria for exceptional blocking of online media or social networks.
22. The authorities could consider changing the status of state broadcasters to public media. Editorial independence and financial autonomy of these media should be guaranteed to ensure public access to different political views.

ELECTION DAY

23. The election administration should undertake measures to ensure the integrity of the electoral process, in particular by preventing proxy voting, multiple voting and ballot box stuffing.

ANNEX I –ELECTION RESULTS

The information below is based on the data announced at the CCER press conference held on 2 March.⁸⁸

Political Party	Votes Cast (Nationwide District)	Percentage (Nationwide District)	Nationwide seats	Single-mandate seats	Total seats
PDPT	2,139,741	50.4	12	35	47
PERT	705,252	16.6	4	1	5
APT	700,582	16.5	4	3	7
SPT	218,696	5.2	1	0	1
DPT	216,526	5.1	1	0	1
CPT	132,000	3.1	0	2	2
SDPT	13,735	0.3	0	No candidates nominated	0
Self-nominated	Not reported	Not reported	Not reported		
Votes against all	52,030	1.4			
Turnout	4,260,951	86.4			
Registered voters	4,929,128				

⁸⁸ The CCER did not publish preliminary and final election results at their website. The number of the seats received by the PDPT includes the number of self-nominated candidates elected and affiliated with the PDPT.

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).