

RC.DEL/32/10  
4 October 2010

ENGLISH  
Original: RUSSIAN

Delegation of Tajikistan

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OFFICE OF THE PRESIDENT OF THE REPUBLIC OF TAJIKISTAN,  
AT THE 2010 OSCE REVIEW CONFERENCE**

Warsaw, 4 October 2010

**Working session 4: Rule of Law I, including: legislative transparency,  
independence of the judiciary and right to a fair trial**

**Transparency in the law-making process in the Republic of Tajikistan**

The law-making process in the Republic of Tajikistan is clearly regulated in the national Constitution and by the Tajik Laws on the Majlisi Oli of the Republic of Tajikistan, the Tajik Law on Regulatory Instruments and the Rules of Procedure of the chambers of Parliament. These documents require that at all stages in their work the Parliament and other State bodies pay particular attention to the question of the transparency and accessibility of legislation.

Therefore, the institutions of civil society have an active role to play when draft laws are being prepared. In this connection, the legislation currently in force provides for the possible involvement of the public at the drafting stage and in the discussion of the drafts by both the executive and legislative branches of government. In order to draw up or improve a draft regulatory instrument, a working group is formed on the decision of a law-making body or a body with the right to act in the legislative area. Such a working group will consist of representatives of State bodies, public associations, academic institutions and other organizations bringing together individual academic specialists (Article 42 of the Tajik Law on Regulatory Instruments). At the same time, draft laws or legislative proposals submitted by State or public organizations that do not have the right of legislative initiative or by individual citizens may be brought before Parliament by bodies that do have the right of legislative initiative or by members of the Majlisi Milli and by deputies of the Majlisi Namoyandagon in accordance with the Constitutional Law of the Republic of Tajikistan on the Majlisi Oli.

This procedure is further strengthened in chapter 17 of the Rules of Procedure of the Majlisi Namoyandagon, in accordance with which the Parliament may submit important State and public draft legislation for consideration by the people at large. Entitled to take part in this discussion are representatives of various bodies and organizations, including representatives of civil society, who have issued their findings on the draft law, in addition to which academics and specialists in the area in question may be invited.

This practice is widely employed in the Republic of Tajikistan. For example, the following instruments were submitted for public discussion: the Code of the Republic of Tajikistan on Administrative Infractions, the Code on the Human Rights Ombudsman in the Republic of Tajikistan, the Code on Legal Proceedings in Economic Affairs, the Law on Microcredit Organizations, the Law on Education, the Law on the Water Consumers' Association, the Law on Farming, the Law on Credit History, the Law on Advertising, the Law on Self-Government Bodies in Settlements and Villages, etc.

The executive branch of government in Tajikistan also uses this form of interaction with civil society, concerned organizations and academic circles. For example, under Ruling No. 10 of 28 May 2007 by the Tajik Minister for Economic Development and Trade, approval was given to a Procedure for conducting a (public) discussion of proposed tariffs for goods (services and work) provided by natural monopoly operators.

Transparency and openness when discussing and adopting draft legislation in Parliament is a fundamental principle underlying the work of that body. It should be noted that under Tajik law sessions of the Majlisi Namoyandagon and the Majlisi Milli are open to the public and covered by the media. The work of the sessions is reported on in the news segments of programmes on radio and television, with reports published in newspapers and on the Internet. Twice a month television carries a programme entitled "Parliamentary Hour", which is dedicated entirely to the coverage of parliamentary meetings. Representatives of State agencies, public associations and organizations, academic institutions, the media and other concerned parties may attend parliamentary meetings (Article 42 of the Rules of Procedure).

Another important aspect of transparency in the legislative process has to do with the publication of and access to laws that have been adopted. The availability of information on laws and other regulatory instruments is an integral part of the right to information (Article 30 of the Constitution of the Republic of Tajikistan), which is a human right recognized by the international community. A clear procedure for the official publication of regulatory instruments ensures that the public has access to them and that this process is transparent.

The following are official sources that carry legislative instruments of the Republic of Tajikistan as well as international legal instruments recognized by the national government: the newspapers Dzhumkhuriyat and Sadoi Mardum and also the Akhbori Majlisi Oli, the Compendium of Laws of the Republic of Tajikistan and the Single State Register of Regulatory Instruments of the Republic of Tajikistan. Regulatory instruments received from an authorized State body (official) for official publication must be published no later than ten days after their receipt.

Since for the Tajik public questions of access to legislation are important from the point of view of the advancement of the democratic reform process and the development of a market economy, in 2009 the President Emomali Rahmon set up the National Legislature Centre under the Office of the President of the Republic of Tajikistan. One of the priority areas in the Centre's work is to ensure that the public has access to laws. To this end, the National Legislature Centre established a website where everyone is able to access, free of charge, all laws adopted in Tajikistan in the Tajik and Russian language.

In summing up, I should like to suggest a few proposals aimed at increasing the transparency of the legislative process in the Republic of Tajikistan, in the implementation of which the OSCE and its institutions and structures could be of assistance:

1. Organization and holding of various workshops, practical seminars and training sessions for persons involved in the legislative process and in the application of the law;
2. Assistance in the publication and dissemination of various compendiums of laws in the State and Russian language;
3. Provision of assistance through accessible resources (the media and the Internet) in the dissemination of regulatory instruments;
4. Organization of an exchange of experience with leading legislature centres from the Commonwealth of Independent States and Europe;
5. Assistance in the preparation of written comments and clarifications regarding various regulatory instruments;
6. Preparation of a single legislation database.