



Office for Democratic Institutions and Human Rights

REPUBLIC OF TAJIKISTAN
PARLIAMENTARY ELECTIONS
27 February 2005

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
6-10 December 2004



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I. INTRODUCTION

In anticipation of an invitation from the Ministry for Foreign Affairs of the Republic of Tajikistan to observe the forthcoming parliamentary elections, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) on 6-10 December 2004. The purpose of the NAM was to assess the conditions and the level of preparation for the parliamentary elections scheduled for 27 February 2005. The NAM consisted of Mr. Konrad Olszewski, OSCE/ODIHR Election Advisor, Mr. Oskar Lehner, Election Expert, and Mr. Pawel Jurczak, Logistic Expert.

The NAM conducted meetings in Dushanbe with representatives of the government authorities, the election administration, political parties, civil society, media and international community (see annex for list of meetings).

The OSCE/ODIHR is grateful to the Tajik authorities for the co-operation and assistance provided during the NAM. The OSCE/ODIHR would also like to thank the OSCE Centre in Dushanbe for its support during the visit.

II. EXECUTIVE SUMMARY

On 27 February 2005 elections to the Assembly of Representatives (*Majlisi Namoyandagon*), one of the two chambers of the Parliament, and elections for local councils will take place in Tajikistan.¹ The Assembly of Representatives consists of 63 deputies and is elected on basis of a mixed proportional and majoritarian electoral system, 22 seats and 41 seats respectively.

The political landscape in Tajikistan provides grounds for competitive elections. Six registered political parties representing a numbers of political orientations are expected to take part in the forthcoming elections. However, according to the opinion of many interlocutors, the political environment is characterized by increasing centralization of power by the ruling party, and by a narrowing freedom of media.

The electoral law has been amended in June 2004. A number of positive steps were introduced related to increase in transparency and a prohibition of interference in the electoral process by local authorities. However, opposition parties complained about newly introduced provisions raising the requirements for registration of candidates, including mental-health certificate and unreasonably high registration fees. The appointment of election commissions fails to ensure multi-party composition and a neutral election administration. In general, many of the

¹ The second chamber of the Tajik Parliament, *Majlisi Mili*, is not directly elected.

recommendations by the OSCE/ODIHR Observation Mission after the 2000 elections have not been introduced into the law.

All political parties, the Central Commission for Election and Referenda (CCER) as well as all state authorities met by the NAM welcome and encourage the deployment of an OSCE/ODIHR Election Observation Mission for the upcoming elections. Given that a plurality of candidates representing different political parties and views may offer voters a choice, the NAM recommends the deployment of an OSCE/ODIHR Election Observation Mission to observe the election for the Assembly of Representatives.

Security situation, in particular when compared with the post-war situation during the last elections in 2000, has significantly improved and would allow deployment of observers to all regions of the country.

The election observation mission should be deployed some five weeks before election day. In addition to a core team of experts, the mission should comprise 18 long-term observers to be deployed throughout Tajikistan in the last week of January. Around election-day the mission should be enhanced by some 130 short-term observers.

III. FINDINGS

A. POLITICAL CONTEXT

The 2005 parliamentary elections will be the first after the completion of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan which ended the Tajik civil war and culminated in the 27 February 2000 parliamentary election.

There are six registered political parties in Tajikistan, out of which three gained seats in the 2000 elections: the ruling People's Democratic Party (PDP, 64,9 per cent of the votes), the Communist Party of Tajikistan (CPT, 20,4 per cent) and the Islamic Revival Party (IRP, 7,3 per cent). Due to a majority election system, PDP holds 38 seats, CPT – 5, and IRP – 2. Another 18 deputies were elected as independent candidates, nevertheless a number of these could be affiliated with the party in power.

The three other registered parties are the Democratic Party of Tajikistan (DPT, established in 1990), which in 2000 failed to surpass the 5 per cent threshold, the Socialist Party of Tajikistan (founded in 1996), and the Social Democratic Party (SDP), which has been created on base of the former party "Justice and Development" (banned in 2000). IRP and DPT, during the civil war, formed the main political elements of the United Tajik Opposition (UTO).

The Tajik political landscape is characterized by a deep division between ruling party and the opposition. Political parties represent a variety of different political orientations and tendencies. A series of public discussions in 2003-2004, in which senior representatives of all political parties participated, indicate an ongoing dialogue between government and the opposition.

Most of the opposition parties met by the NAM complained that during the past years a significant concentration of power has taken place in Tajikistan. According to them, the President has used his constitutional powers to directly or indirectly appoint the key positions

in the administration, including on the national and local levels, to promote individuals loyal to him and his party. Opposition parties indicated that as a consequence of this, as well as due to very limited access to media, they expect only a slight increase in the popular support in the forthcoming elections.

During the last years, the number of domestic NGOs in Tajikistan has significantly increased signaling the continuing development of a civil society sector. Many of these NGOs in the pre-election period engage in the voter education and empowerment of women.

In comparison with the 2000 elections where the election environment was overshadowed by the past civil war, the security conditions have improved significantly during the past years. As a result, all parts of the country will be accessible for candidates and election observers.

During the course of the NAM, Mr. Mahmadrusi Iskandarov, Chairman of the Democratic Party, was detained in Moscow, following a request of the Tajik Prosecutor General accusing him of corruption, terrorism and illegal possession of arms. While still in detention, Mr. Iskandarov was nominated as a candidate for Parliament during the congress of the Democratic Party held on 18 December 2004.

B. GOVERNMENT BODIES TO BE ELECTED

The Parliament of Tajikistan (*Majlisi Oli*) consists of two chambers, the Assembly of Representatives (*Majlisi Namoyandagon*) and the National Assembly (*Majlisi Milli*).

The Assembly of Representatives consists of 63 deputies elected for a five-year term based on an electoral system which is a combination of a majoritarian system (41 seats) and proportional system (22 seats). 41 deputies are elected in single-mandate constituencies. In a constituency where none of the candidates gains more than 50 per cent of the votes cast, run-off elections between the two strongest candidates have to take place within two weeks. The remaining 22 deputies are elected from political party lists in a single republic-wide constituency. A 5 per cent threshold applies.

The National Assembly consists of 25 members (elected indirectly by the regional councils) plus eight persons appointed by the President of Tajikistan. Election to the National Assembly will take place 25 days after the election for the Assembly of Representatives.

On the same day as the election of the Assembly of Representatives, voters will also elect their representatives to local councils on the level of regions (*oblast*), districts and towns.

C. LEGAL FRAMEWORK

Elections to the Parliament are regulated by the Constitution and the Constitutional Law of the Republic of Tajikistan on Elections to the *Majlisi Oli* of the Republic of Tajikistan, adopted in 1999 and amended on 16 June 2004.

The OSCE/ODIHR Election Observation Mission Report on the 27 February 2000 elections provided a number of recommendations to bring the Tajik electoral law in line with OSCE commitments. In 2003, a working group comprising representatives of political parties (initially also including some from the ruling party), the OSCE Center in Dushanbe, the United

Nations Tajikistan Office of Peace-Building (UNTOP), as well as IFES and NDI, produced draft amendments to the electoral law. As a result, in spring 2004, two separate sets of draft amendments were elaborated, one jointly by CPT and IRP, and another one by the PDP. OSCE/ODIHR provided comments and analysis to all drafts.²

However, during the adoption of the changes in 2004, the Parliament narrowed the scope of electoral reform, addressing only some of the key shortcomings reported previously by OSCE/ODIHR. Although the ruling PDP in a meeting with the NAM expressed its satisfaction with the introduced changes, most opposition parties consider that the reform has brought more negative than positive elements.

On the positive side political parties mentioned in particular the provisions regulating the status of national and international observers, the prohibition of interference of other (state) structures in the election process, electoral commission meetings being open to the public and mass media, improvement with regard to access to state radio and TV for candidates and political parties, preventive measures against ballot paper forgery, slight improvements with regard to transparency on election day and safeguarding the transfer of results (e.g. copy of the results has to be posted at the polling station for three days), and the possibility for candidates and political parties to use their own funds for campaigning.

However, the reform also introduced a number of provisions which raise concern among opposition parties. The political parties criticized the excessive candidate registration requirements which include, *inter alia*, a certificate of mental health of a candidate. Although no regulations on the registration procedures have been introduced thus far, the CCER Chairman indicated to the NAM that five medical examination commissions (one for each region) will be formed in order to issue such certificates to candidates.

The parties voiced particularly strong concern regarding the newly introduced registration fee for parties and candidates which comes in addition to the request to provide a certain number of supporters' signatures. A candidate has to pay a deposit of 200 minimum monthly salaries, which amounts to a total of 500 USD (from 1 January 2005 on – 800 USD). The deposit has to be paid from the candidate's own account and it will not be returned if a candidate is not elected in a single mandate constituency (for individual candidates) or if a party will not receive a minimum 5 per cent (in republic-wide constituency). Taking into consideration that presently a teacher earns less than 20 USD a month, many potential candidates, in particular women, may be prevented from standing. The opposition parties informed the NAM that due to the registration fees, their number of candidates will be smaller than intended.

The opposition parties voiced a need for improvements in the following areas: 1) appointment of election commissions on all levels to ensure multi-party composition; 2) registration of voters; 3) access for domestic non-partisan observers; 4) transparency in the tabulation of results (e.g. instructions for polling station staff to fill in results protocols with ink instead of pencils, party observers to be provided copies of the protocols signed by the polling station chairperson, and publication of a nation-wide break down of polling station results). In this context it should be noted that the Chairman of the Central Commission on Elections and Referenda in a meeting with the NAM indicated the possibility that some of above-mentioned

² OSCE/ODIHR Assessment of Draft Amendments to the Law on Elections to the Majlisi Oli, 17 September 2003; Comments on Draft Amendments to the Election Law Proposed by Political Parties, 11 May 2004.

shortcomings may be addressed through CCER regulation to be issued before the 2005 elections.

D. ELECTION ADMINISTRATION

Elections to the *Majlisi Namoyandagon* are administered by the Central Commission of Elections and Referenda, 41 District Election Commissions (DEC) for the single-mandate constituencies, 1 District Election Commissions (DEC) for the republic-wide constituency, and approximately 3,000 Polling Station Commissions (PSCs).

The CCER is established as a permanent body for a 5 years term, and consists of a chairperson, his/her deputy and 13 members. The CCER is elected by the Parliament based on a proposal of the President within three days after announcement of the date of election. The CCER is supported by only eight professional staff and lacks basic facilities for conducting elections, including modern communication and IT technology.

District Election Commissions are to be appointed at least two months before the elections by the CCER upon proposals of the local executive authorities which should consider suggestions from political parties. Polling Station Commissions are appointed by the DEC at least 45 days before the elections. The law does not provide any criteria on the composition of the PEC members.

Opposition parties consider regulations on appointment of election commissions insufficient to ensure a neutral election administration, particularly on the level of the CCER and the polling stations.

There is no central voter register in Tajikistan. Each PSCs compiles the voter list for its polling station with the assistance of local authorities to include all citizens who are on election-day above 18 years of age and who are registered to live temporarily or permanently in the territory of the polling station. The voter list can be amended until the beginning of the count of votes.

According to the chairman of the CCER, there will be out-of-country voting program for Tajik citizens living abroad, mainly in Russia. The CCER intends to create 27 polling stations abroad to serve mostly migrant workers whose number is estimated up to several hundred thousands.

E. MEDIA ENVIRONMENT

The predominant means of information in Tajikistan is the television followed by newspapers and radio. Only the state TV is able to cover the whole country while a number of private TV stations achieve local coverage, mainly in urban areas. There are several weekly but no daily newspapers.

According to many interlocutors, the media environment in Tajikistan has deteriorated during the last months and the freedom of media is more limited than a year ago. A number of interlocutors draw a direct connection between the hardening of the media environment and the upcoming elections.

Although there is no direct censorship applied, state authorities use various legal and administrative means to obstruct, silence or prevent independent or critical media. According to NAM interlocutors, these include systematic tax inspections, denial of the use of state-owned printing facilities which hold a quasi monopole, withholding of the entire circulation of one newspaper without valid legal ground, and the delay in issuing licenses for TV stations. In August 2004, searches were conducted at three private printing houses, which resulted in the closure of one of them and the impossibility for six newspapers to be printed. Thus far, three of the newspapers found other print facilities while three have not. The editor-in-chief of one newspaper reporting about corruption was beaten up twice in 2004 by unknown perpetrators.

Although the state TV does not provide equal access and coverage to opposition parties, it can be expected that political parties and candidates will have some access to campaign in the state TV. Art. 39 of the election law permits campaigning through mass media and guarantees each political party and candidate a minimum amount of airtime in state radio and state TV.

F. ELECTION OBSERVERS

The election law provides for international observers to observe the preparation and the conduct of the election. Political parties and candidates have the right to send their observers to the polling stations in order to observe the polling and the count (Art. 8). However, contravening the commitments of the 1990 Copenhagen Document, the electoral law still does not permit domestic non-partisan observers.

NAM interlocutors indicated the importance of party/candidate observers for the transparency and integrity of the process; thus all political parties are planning to implement training programs for their observers. The three larger parties expect to be able to deploy observers to all or nearly all polling stations across the country.

The newly introduced Art. 8(2) of the electoral law regulates the rights and obligations of international observers. Two provisions of this article raise concern. International observers have to “base their conclusions on documents” and they should “abstain from assessing election commissions”. The NAM raised these issues with the CCER and was assured that international observers will not be limited in their observation activities. Nevertheless the law requires further clarification.

In meetings with the NAM, representatives of all registered political parties supported the idea to deploy an OSCE/ODIHR Election Observation Mission for the upcoming parliamentary elections. They referred to the fact that OSCE/ODIHR already observed the 2000 parliamentary election and that staying away might send a negative signal regarding the political process in Tajikistan. Opposition parties in addition strongly welcomed international observers in the context of their concern over possible irregularities.

Similarly, the Central Commission for Elections and Referenda, governmental authorities, and the civil society organizations with whom the NAM met welcomed and encouraged the deployment of an OSCE/ODIHR Election Observation Mission. However, some independent journalists advised not to send election observers as the OSCE/ODIHR observation efforts might increase the perception of integrity to a potentially flawed process.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on its meetings with all major stakeholders of the election process in Tajikistan, the NAM recommends the establishment of an OSCE/ODIHR Election Observation Mission for the forthcoming parliamentary elections. The observation mission should be deployed some five weeks before the election day. In addition to a core team of experts, the mission should comprise 18 long-term observers to be deployed throughout Tajikistan in the last week of January. Around election-day the mission should be enhanced by some 130 short-term observers.

Although the parliamentary elections are conducted simultaneously with local elections, the OSCE/ODIHR should focus its observation on the elections to the Assembly of Representatives. However, it is not planned to observe the indirect elections of members of the National Assembly.

ANNEX - LIST OF MEETINGS

Central Commission for Elections and Referenda (CCER)

Mirzoali Boltuev, Chairman of CCER.

Muhibullo Dadajanov, Senior Specialist of CCER

Parliament Apparatus

Abdumadjid Dostiev, PDP, First Deputy Chairman of Majlisi Namayondagon.

Presidential Apparatus

Karomatullo Olimov, State Adviser of the President on Social Development and Public Relations

Ministry of Foreign Affairs

Idibek Kalendarov, Deputy Head of the Department of Relations with International Organizations

Political Parties

Musso Assozoda, Member of Presidium, People's Democratic Party of Tajikistan (PDPT)

Tuighun Karimov, Deputy Chairman, Communist Party of Tajikistan (CPT)

Rahmatullo Valiev, Deputy Chairman, Democratic Party of Tajikistan (DPT)

Muhiddin Kabiri, Deputy Chairman, Islamic Revival Party (IRP)

Mirhusen Narziev, Chairman, Socialist Party of Tajikistan (SPT)

Rahmatillo Zoirov, Chairman, Social Democratic Party of Tajikistan (SDPT)

International Organisations and Embassies

Ambassador Richard Hoagland, United States Embassy

Ambassador Harald Loeschner, Embassy of Germany

Ambassador Graeme Loten, Embassy of the United Kingdom

Ambassador Pierre Andrieu, Embassy of France

Ambassador Naser Sarmadi Parsa Embassy of the Islamic Republic of Iran,

Amb. Vladimir Sotirov, UNTOP

Jan Malekzade, Political Affairs Officer, UNTOP

Maria Lagus, First Secretary, Embassy of Sweden

Levon S. Jagarian, Minister – Counsellor, Embassy of the Russian Federation

Vladimir Lezhen, Senior Counsellor, Embassy of the Russian Federation

Barbara Plinkert, Charge d'Affairs, Delegation of the EC to Tajikistan

Helisene Habart, Political Officer, Delegation of the EC to Tajikistan

Anna Matveeva, Regional Peace and Development Adviser, UNDP

International NGOs

Katherine Muller, Chief of Party, IFES Tajikistan

Parviz Kamoliddinov, Political Deputy, NDI

Civil Society

Hurinisso Alieva – NGO “Hilola”, National Women NGO

Shokirova Marifat – NGO “Marifat”

Nasrulloeva Mukarrama – NGO “Parvin”

Media

Rajab Mirzo, “Ruzi Nav”, Independent Newspaper, Editor-in-Chief

Fahriddin Kholbek, “Ruzi Nav”, Deputy Chief Editor

Safvat Burhonov, “Odamu Olam” Newspaper, Deputy Chief Editor

Ikrom Narziev, freelance journalist

Marat Mamadshoev, freelance journalist

Lola Kenjaeva, “Asia+” radio

Nigora Bukharizadeh, “German Wave” radio

Victor Ulyanov, Association of Independent Electronic Media

Shuhrat Shodiev, freelance journalist

A meeting with representatives of state TV and radio was requested but nobody was available.