

INTERNATIONAL ELECTION OBSERVATION MISSION

Republic of Tajikistan — Parliamentary Elections, 1 March 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Dushanbe, 2 March 2015 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the European Parliament (EP).

Marietta Tidei (Italy) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Geir Jørgen Bekkevold (Norway) headed the OSCE PA delegation and Norbert Neuser (Germany) headed the EP delegation. Miklós Haraszti (Hungary) is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 20 January.

The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report to its Bureau at its meeting on 27 April 2015. The EP will present its report in the next meeting of its Committee of Foreign Affairs.

PRELIMINARY CONCLUSIONS

Some contestants provided political alternatives, yet the 1 March parliamentary elections took place in a restricted political space and failed to provide a level playing field for candidates. Although the government stated its ambition to hold democratic elections, and some improvements were made to the electoral law, restrictions on the right to stand, freedoms of expression and assembly, and access to media limited the opportunity to make a free and informed choice. The elections were not administered in an impartial manner. While election day was peaceful, significant shortcomings were noted, including multiple voting and ballot box stuffing. The disregard of counting procedures meant that an honest count could not be guaranteed, as required by OSCE commitments.

Despite the existence of some political choice, the campaign took place in a controlled environment with regulations limiting possibilities for candidates to campaign. During the campaign, the distinction between the ruling People's Democratic Party of Tajikistan and the state was often blurred, contrary to OSCE commitments. The OSCE/ODIHR EOM received credible reports of harassment and obstruction of some opposition parties, as well as pressure on voters. These allegations raised concerns about voters' ability to cast their vote "free of fear of retribution", as required by the 1990 OSCE Copenhagen Document.

The imbalanced coverage by the state media, negative reporting on the opposition Islamic Revival Party of Tajikistan (IRPT) as well as the absence of genuine political debate, considerably limited the possibility for voters to make an informed choice. The amount of free airtime for parties and candidates was increased but the slots were mostly aired long before election day. Outside the free airtime, the state-owned media – the only broadcast media with nationwide coverage – did not report on contestants' campaigns, with coverage instead focusing overwhelmingly on state

authorities. Insult or slander against senior government officials, including those who stand as candidates, remains a criminal offence and self-censorship among journalists is prevalent.

Amendments to the parliamentary elections law (PEL) in 2014 addressed some long-standing OSCE/ODIHR recommendations but further reform is needed to bring legislation closer in line with OSCE commitments and other international obligations and standards for democratic elections. The legal framework includes important electoral principles but does not comprehensively regulate the process and certain aspects lack legal clarity and coherence. The law was often selectively interpreted in a manner restricting freedoms of expression and assembly, and the right to access information. The PEL allows international and partisan observers, but does not provide for citizen observation, which is not in line with OSCE commitments.

The elections were conducted according to legal deadlines. The sessions of the Central Commission for Elections and Referenda (CCER) were generally open to observers and the media. However, the appointment of election commissions lacked transparency. This and the strong role of the government administration, particularly in district and precinct commissions, contributed to a lack of confidence among opposition representatives in the election administration's independence and impartiality. The arrest of the CCER member from the IRPT and the lack of a representative from the Social Democratic Party of Tajikistan diminished the CCER's inclusivity.

The CCER conducted a comprehensive voter information campaign in state-owned media, including on the new voting method. Trainings for lower-level commissions offered some opportunity to clarify vague procedural matters. However, the CCER did not use its powers to remedy unclear aspects of the campaign, voter and candidate registration and polling procedures. This contributed to an inconsistent implementation of electoral law.

The voter registration process was inclusive as voters could check their registration and request amendments. However, there was no centralized voter register and no practical means to ensure that voters were included in no more than one voter list and voted only once. The lack of safeguards against multiple voting potentially undermines the integrity of the electoral process. There was a significant variation in the number of voters per election district, which challenged the equality of the vote as enshrined in OSCE commitments and other international standards. Significant questions remain as to whether the number of polling stations abroad was sufficient to facilitate voting rights for the large number of citizens outside of the country.

Candidates were registered by all eight political parties but only two parties registered sufficient candidates to potentially win a parliamentary majority. Some of the candidate eligibility requirements are contrary to international obligations and standards, including those related to education, residency, language, and criminal convictions and investigations. The registration of candidates was sometimes conducted in an arbitrary manner, including the verification of support signatures. In a positive step, the financial deposit was halved for these elections, although some parties reported that it still constituted a barrier to candidacy.

There are no special legal measures that promote women candidates and few women were placed in winnable positions on party lists. The financial deposit and higher education requirements for candidacy disproportionately affected women.

Voter information and ballots were provided in minority languages. However, the new requirement for candidates to pass a test in the Tajik language could hinder opportunities for national minority candidates and few were nominated in these elections.

The complaints and appeals process lacked clarity and transparency. Election commissions and courts received few complaints, all of which were rejected on substance or procedural grounds. Decisions often lacked factual and legal reasoning. Many OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the effectiveness of the complaints system due to a perceived lack of independence of the judiciary, election administration, and law enforcement bodies.

The voting process was assessed negatively in a substantial number of polling stations observed. Serious procedural violations were reported frequently, including proxy voting and ballot box stuffing. Observations confirmed that safeguards to ensure that only eligible persons voted and that they did so only once were absent. Women participated as voters less frequently than men. Observers from political parties were present in most polling stations visited.

More than half of vote counts observed were assessed negatively. Important procedures were often disregarded, including not cancelling unused ballots, selectively determining the validity of ballots, and signing blank results protocols. This meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed. The tabulation of results at the DEC's lacked transparency.

PRELIMINARY FINDINGS

Background

The 1 March parliamentary elections were called by President Emomali Rahmon on 5 December 2014.¹ They are the fourth parliamentary elections since the end of the 1992-1997 civil war. On 23 January, President Rahmon, in his annual speech to the parliament, called for free, democratic, and transparent elections.

Following the last parliamentary elections in 2010, the People's Democratic Party of Tajikistan (PDPT), headed by President Rahmon, held 45 of the 63 seats in the outgoing parliament. The PDPT's main political rival, the Islamic Revival Party of Tajikistan (IRPT), as well as the Communist Party of Tajikistan (CPT), the Agrarian Party of Tajikistan (APT) and the Party of Economic Reforms of Tajikistan (PERT) each had two seats. The remaining MPs were self-nominated. The Democratic Party of Tajikistan (DPT), the Social-Democratic Party of Tajikistan (SDPT) and the Socialist Party of Tajikistan (SPT) were not represented in the parliament.

There are eight registered political parties, a number unchanged for a decade. In 2013, Zayd Saidov, a former Minister of Industry, announced his intention to form a new political party to contest the 2015 parliamentary elections. He was subsequently sentenced to a 26-year prison term on an assortment of criminal charges. On 20 January 2015, additional charges against Mr. Saidov were brought in closed trial. On 13 January, his defence lawyer and deputy chairman of the SDPT, Shuhrat Qudratov, was sentenced to a nine-year prison term. On 3 February, Firdavs Sohbnazarov, an SDPT candidate was arrested under criminal charges. On 11 February, IRPT-member Jamoliddin Mahmudov, a former member of the transitional government of Tajikistan in 1997-2000 and the party's representative in the Central Commission for Elections and Referenda (CCER), was arrested on charges of illegal possession of weapons and subsequently sentenced to two months in pre-trial detention.² The SDPT and the IPRT leadership stated that these arrests were politically motivated.

¹ Local elections were held concurrently with parliamentary elections.

² According to the IRPT, the weapons had been reported to the attention of the police in 2013.

Legal Framework and Electoral System

Parliamentary elections are regulated by the 1994 Constitution, the 1999 parliamentary elections law (PEL), and other relevant laws.³ The PEL was amended in 2014 with the support of all registered parties, although changes proposed by some parties, including on the presence of party representatives in all election commissions, did not receive a formal parliamentary hearing. Some prior OSCE/ODIHR recommendations were addressed, in part or in full, such as a reduction of the financial deposit payable by candidates, measures to lessen the participation of local government officials in the campaign, and simplification of the voting method. However, others remain unaddressed including those pertaining to unreasonable restrictions on candidacy and freedom of expression, unclear complaints and appeals procedures, a lack of pluralism and inclusiveness of election commissions, and the absence of provisions for citizen election observation.

Several important aspects of the electoral process lack legal clarity, including voter registration, the campaign, early voting, and election day procedures. In line with its authority, the CCER passed several regulations to clarify aspects of electoral law, although many merely repeated legal provisions without adding further detail.⁴ No instructions were issued to clarify procedural differences between parliamentary and concurrent local elections. The law was often selectively interpreted in a manner restricting civil and political rights including freedoms of expression and assembly, and the right to access information. These identified shortcomings in the legal framework underscore the need for further electoral reform.

Members of the lower chamber of parliament (MPs) are directly elected for a five-year term via a mixed proportional-majoritarian system. Of the 63 MPs, 41 are elected from single-mandate districts in majoritarian elections, with the other 22 elected from a single nationwide district under a proportional closed-list system with a five per cent threshold. If no candidate in a single-mandate contest receives a majority of votes cast, a second round will be held within two weeks between the two leading candidates. A 50 per cent turnout is required for elections to be valid; otherwise, repeat elections must be held.

On 8 December, the CCER revised the boundaries of the 41 single-mandate districts, as previously recommended by the OSCE/ODIHR. However, the number of voters per district continues to vary significantly, ranging from 64,479 in Sino (DEC 4) to 156,756 in Qubodiyon (DEC 31). This challenges the principle of equal suffrage since the number of votes required to be elected deviates by up some 47 per cent from the nationwide average.⁵ The origin of the data used by the CCER to determine the election districts was not clear and there was no public consultation regarding the

³ The elections are also regulated by the 1998 Law on Political Parties, the 2014 Law on Public Meetings, Demonstrations and Rallies, the 2008 Civil Procedures Code, the 2013 Law on Periodical Print and Other Mass Media, the 2008 Code of Administrative Offences, the 1998 Criminal Code, and CCER regulations.

⁴ The CCER regulations cover the work of lower-level commissions, candidate nomination and registration, media coverage, election observers, complaints and appeals, and rules for testing state language proficiency.

⁵ According to the Constitution and the PEL, MPs are elected on the basis of universal equal suffrage. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that participating States will “guarantee universal and equal suffrage to adult citizens”. Paragraph 21 of the 1996 UN Human Rights Committee’s (UNHCR) General Comment No. 25 to Article 25 of the ICCPR provides that “[t]he drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters”. Section 2.2.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances”.

revisions, undermining the transparency of the process. Two election districts were formed with split territories, in violation of the Article 21.2 of the PEL.⁶

Election Administration

The parliamentary elections are administered by a hierarchical structure comprising the CCER, 41 District Election Commissions (DECs), and 3,209 Precinct Election Commissions (PECs). They are formed top-down, with a strong role of government administration at all levels and a limited role for political parties. Opposition representatives expressed a lack of confidence in the impartiality of the election administration.

The 15 CCER members, 4 of whom are women, were appointed by parliament on the proposal of the president for a five-year term. Its membership includes nominees of seven of the eight political parties; the SDPT stated that it was not invited to propose a nominee. The 11 February arrest of Mr. Mahmudov left the IRPT without any involvement in the commission and undermined the inclusiveness of the CCER.

The CCER is a permanent body but many commissioners continue to conduct their work alongside other employment, in some cases outside of Dushanbe, negatively impacting the ability of the CCER to act as a collegial body. CCER sessions were generally open to observers and media, although some decisions were adopted outside formal sessions in contravention of its own rules of procedures. The CCER maintained a website that included a range of election-related information, but it did not publicize all of its decisions. These factors lessened the intended transparency.

The composition of DECs favoured the ruling PDPT. DEC members were appointed by the CCER based on the proposals of local government executives with the possibility to consider parties' nominations. The nomination and selection process is not regulated by law and lacked transparency. The number of parties' nominees appointed to DECs varied greatly from 47 from the PDPT and CPT to 4 from the SDPT. The political affiliation of DEC members was not always disclosed. According to the CCER, the majority of DEC chairpersons were nominated by the PDPT. None of the IRPT or SDPT nominees were appointed as chairperson, deputy, or secretary. The PEL requirement for DECs to organize and control campaign events gave state authorities a disproportionate role in the campaign. Women are under-represented on DECs, constituting 21 per cent of members with only three chairpersons.

The PECs were appointed by the DECs within the legal deadline. The PEL does not regulate the composition of PECs and the political affiliation of those appointed is not known. In Sughd (DECs 13, 17, 20, 21, 22, and 23), the IRPT's PEC nominations were rejected on the grounds that the law does not explicitly provide for party nominations. Four of the eight parties stated to the OSCE/ODIHR EOM that they favour party representation on PECs as a confidence building measure and a means to enhance transparency. While women represented 50 per cent of PEC members observed on election day, they chaired only 25 per cent of those commissions.

The CCER established 35 polling stations in 27 countries to accommodate voters registered abroad. While in line with the PEL, only 3 polling stations were established in the Russian Federation

⁶ In Sughd region, parts of Zafarobod administrative district was added to Jabbor Rasulov election district (DEC 16) and the towns of Qayraqqum and Istiklol in Bobojon Ghafurov administrative district were added to Mastchoch election district (DEC 18).

compared to 24 for the 2013 presidential election.⁷ OSCE/ODIHR EOM interlocutors stated that this number was too small to provide all Tajikistani citizens residing in the Russian Federation with an effective opportunity to vote, at odds with Tajikistan's commitment to facilitate voting rights for citizens abroad.⁸

The CCER organized a comprehensive voter information campaign, including on the new voting method.⁹ The leadership of lower-level commissions were trained by the CCER. Although questions and answers sessions were provided, trainings observed by the OSCE/ODIHR EOM did not sufficiently address unclear aspects of the electoral process, including in respect of voter and candidate registration, campaign activities, and election day processes. This contributed to the inconsistent implementation of the PEL.

Voter Registration

The Constitution grants every adult citizen the right to vote except those declared incompetent by a court or who are serving a prison sentence, regardless of the severity of the crime committed. The blanket denial of voting rights to those imprisoned is at odds with OSCE commitments and other international standards.¹⁰

There is no permanent register of voters at central or sub-national level. Voter lists were compiled for this election by PECs on the basis of residence data supplied by local authorities. Voters could be registered according to permanent or temporary residence. The OSCE/ODIHR EOM observed that approaches to handling the registration of citizens working abroad were inconsistent.¹¹ PECs used various practices to verify voter lists, including door-to-door checks. However, the lack of a centralized voter register prevented any nationwide crosschecks for potential multiple entries, undermining the integrity of voter lists.¹²

Voter lists were open to public scrutiny from 13 February. In an inclusive process, voters omitted from their precinct list could apply to the PEC to be registered on a supplementary list, including on election day. Four types of documents were accepted for voter identification, of which only two, the

⁷ Estimates for the number of Tajikistani citizens in the Russian Federation vary from 250,000 to more than 1 million. On 19 February, the CCER informed the OSCE/ODIHR EOM that some 90,000 persons had been registered to vote abroad, but did not announce this number publicly.

⁸ Article 41 of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states "Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation. The States ... shall ... facilitate the exercise of these rights." According to Article 2.c of the 2002 CIS Convention "Each citizen residing or being outside the boundaries of his/her state during the period of conducting national elections shall be entitled to the electoral rights equal to the electoral rights of other citizens of his/her state. The diplomatic representations and consular departments, and their officials shall assist the citizens in exercising their electoral rights and freedoms".

⁹ According to the previous voting method, voters struck the names of all candidates and parties that they did not wish to choose, leaving only the name of the party or candidate of their choice. Under the new voting method, voters simply place a '+' next to the candidate or party of their choice.

¹⁰ See Paragraph 7.3 of the 1990 OSCE Copenhagen Document. Paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". Paragraph 14 of the 1996 UNHRC's General Comment No. 25 states that grounds for the deprivation of voting rights should be "objective and reasonable".

¹¹ Some PECs recorded which voters were abroad (using various marking systems), while others removed these electors from the main voter lists but recorded them on a separate list, despite the CCER direction at trainings that migrant workers should remain on the voter lists at their place of registration.

¹² The CCER noted that it has been unable to address a prior OSCE/ODIHR recommendation to create a centralized register due to a lack of financial resources.

passport and driver's license, contain proof of residence. Unlike previous elections, CCER regulations did not require those requesting to be included in a voter list to prove their residence or for the PECs to record voters' identity details on election day. This removed the means to ensure that voters were only included in one voter list and voted only once, placing at risk the integrity of the electoral process.

On 8 December, the CCER announced a preliminary figure of 4,346,415 registered voters, with separate figures per constituency. However, the CCER did not announce the final number of registered voters prior to election day, thus limiting transparency.

Candidate Registration

Candidates are required to be eligible voters and at least 25 years of age, with a higher education, command of the state language, and citizenship and residency in Tajikistan for the last five years. Military personnel, law enforcement officers and religious functionaries are not allowed to stand for election. Individuals convicted of a serious crime, with an unexpunged criminal record of any kind, as well as those under investigation for committing a serious crime are also not permitted to stand. Several of these requirements are contrary to OSCE commitments and other international obligations and standards, including those related to education, residency, language, unexpunged criminal records, and ongoing criminal investigation.¹³

Candidates could be nominated by a political party on its nationwide list and/or in a single-mandate district. Candidates had to submit various documents¹⁴ and a financial deposit of TJS 4,000 (EUR 650).¹⁵ Several parties regarded the size of the deposit as an unreasonable barrier to candidacy despite it being halved in 2014.¹⁶ Self-nominated candidates could only stand in single-mandate districts and had to fulfil the same requirements as party-nominated candidates, as well as submit at least 500 supporting signatures from district voters.

On occasion, DEC's applied arbitrary means to verify data submitted by candidates. DEC 8 (Somoni) concluded that a prospective self-nominated candidate did not have proficiency in the state language based on misspellings in his application form; however, the applicant had already passed the language test and was registered by the CCER as a candidate on the SDPT party list. DEC 21 denied registration to a candidate prosecuted in 1985 under Soviet Criminal Law for a misdemeanour offence, as he failed to provide proof of the criminal record being expunged. The decision was upheld by the courts, although that criminal record is automatically expunged three years after serving the sentence. In the absence of clear CCER instructions, DEC's often verified candidate support signatures by requesting signatories to reproduce their signature, a method that may be seen as intimidating.¹⁷

¹³ Paragraph 15 of the 1996 UNHCR General Comment No. 25 to Article 25 of the ICCPR states that "any restrictions on the right to stand for election ... 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...". Paragraph 5.19 of the 1990 OSCE Copenhagen Document states that: "everyone will be presumed innocent until proved guilty according to law". Paragraph 24 provides that any restrictions on rights must be "strictly proportionate to the aim of the law".

¹⁴ Documents included: nomination papers, candidates' personal and biographical data, statements of property and income, medical certificates, and documents certifying status of criminal records.

¹⁵ EUR 1 is approximately TJS (Tajik Somoni) 6.1.

¹⁶ According to the Statistical Agency the average monthly salary was TJS 964 as of December 2014.

¹⁷ As observed in DEC's 2, 3, 8, 9, 10, 12, 14, and 23.

The CCER registered lists of all eight political parties for the nationwide contest. The number of nominees varied from 4 submitted by the DPT to 28, the maximum allowed, by the PDPT and the IRPT. In total, 123 candidates were nominated for the nationwide contest, of which 103 were registered, 10 withdrew and 10 were rejected.¹⁸ Out of a total of 212 nominees for the single-mandate contests, DEC registered 185 candidates, of which 105 were nominated by a political party and 80 were self-nominated. Most of the rejected nominations failed to pay the deposit.¹⁹ Half of the self-nominated candidates withdrew by the 21 February deadline.²⁰

As a result of registration, only the PDPT and the IRPT had a sufficient number of candidates to potentially win a parliamentary majority. Some single-mandate contests lacked genuine competition because of the limited range of candidates.²¹ The majority of self-nominated candidates declared membership of the PDPT and in some districts voters were presented only with a choice between PDPT-affiliated candidates.

There are no special legal measures to promote women candidates. Some candidates and civil society activists stated to the OSCE/ODIHR EOM that the financial deposit and higher education requirements disproportionately affect potential women candidates. Some 24 per cent of candidates were women for the nationwide contest and 17 per cent for the single-mandate contests. Only a few women were placed among the top candidates on parties' electoral lists.

Campaign and Campaign Finance

The campaign took place in a controlled environment, against a background of recent arrests of political figures, and with regulations limiting possibilities to hold meetings, distribute materials, and access media. Campaign platforms focused on political stability and religious radicalization, as well as the economy, social welfare and migration. However, the overall low-level of campaign activity, which was accompanied by a general lack of public interest in the elections, limited voters' ability to make an informed choice on election day.

The PEL requires the authorities to ensure equal campaign conditions for all contestants and assist in organizing campaign events. However, a restrictive interpretation of the rules limited the means and competitiveness of the campaign. The Head of the Dushanbe Executive rejected the IRPT's request to use billboards on the grounds that the PEL does not foresee this type of campaigning.²² The CCER announced that the IRPT's distribution of audio-visual CDs was not permitted, although no comment was made on the PDPT's use of text message to send campaign messages.²³ The DEC-organized meetings between candidates and voters were observed by the OSCE/ODIHR EOM to be overly formalistic and devoid of genuine political debate. The 2014 Law on Public Meetings, Demonstrations, and Rallies required that permission for outdoor gatherings be requested 15 days in

¹⁸ Of the rejected candidates, eight failed to pay the deposit, one had residence abroad, and one was under arrest (Firdavs Sohbnazarov, SDPT, Jomi District).

¹⁹ One candidate appealed his non-registration by DEC 8 for not paying the financial deposit to the CCER and Supreme Court. Both upheld the DEC decision and confirmed that the deposit was required.

²⁰ According to DEC data provided to the OSCE/ODIHR EOM. After the deadline for withdrawal of candidates, 138 candidates remained on single-mandate ballots, including 48 self-nominated candidates.

²¹ According to the DECs, after the deadline for withdrawal of candidates, in all 41 districts the CPT, DPT, and SDPT had 3 single-mandate candidates, each, SPT – 4, PERT – 10, APT and IRPT – 15 each, PDPT -37.

²² Article 39 of the PEL stipulates that campaigning can be done through mass media, conferences, meetings with citizens, debates and discussions, printed campaign materials and other forms, prescribed by the law.

²³ On 12 February, the CCER chairperson stated publicly that he thought distribution of audio-visual CDs was not permitted by law. As a consequence, the IRPT reportedly ceased distribution of these CDs.

advance, an unreasonably long period.²⁴ Collectively, these factors lessened opportunities for campaigning and, except for the PDPT, no contestant organized an outdoor rally.

The PDPT's campaign was the most visible but the distinction between the state and party was often blurred, contrary to OSCE commitments.²⁵ Numerous banners and billboards of the President, the PDPT leader, were visible during the campaign. In his 23 January annual address, President Rahmon announced increases in state-sector salaries and pensions, while local authorities and election administration bodies organized briefings on the Presidential address.²⁶ The OSCE/ODIHR EOM observed numerous cases throughout all regions where official voter information materials at polling stations were displayed together with PDPT campaign posters.

The IRPT and SDPT informed the OSCE/ODIHR EOM of credible allegations of political pressure, harassment and obstruction, which intensified during the campaign.²⁷ The OSCE/ODIHR EOM also received reports of political pressure on and by state sector employees.²⁸ These allegations raised concerns about voters' ability to cast their vote "free of fear of retribution", as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

Campaign finance is regulated by the CCER. Each candidate and political party received, respectively, TJS 3,000 and TJS 30,000 of public campaign funding in cash. Private campaign financing was also possible,²⁹ with spending limited to TJS 1.2 million for a party and TJS 60,000 for a candidate. The contestants are required to report to the CCER on campaign income and expenditure within 10 days after elections. However, there is no requirement for publishing or auditing the reports, which limits the transparency and accountability of campaign financing.

Media

Television is the main source of information. The state-owned television and radio stations, the only media outlets broadcasting nationwide, retain a dominant position among broadcast media. Private broadcasters operate only at the regional level but, according to media interlocutors, do not generally cover political issues. Space for political discourse is provided by the private print media,

²⁴ Paragraph 9.2 of the 1990 OSCE Copenhagen Document provides that "everyone will have the right of peaceful assembly and demonstration ... any restrictions will be prescribed by law and consistent with international standards". See also Article 21 of the ICCPR, which guarantees the right of peaceful assembly without undue restrictions.

²⁵ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between State and political parties".

²⁶ The OSCE/ODIHR EOM observed briefings organized by DEC 40 (GBAO) and local authorities in Varzob.

²⁷ The OSCE/ODIHR EOM received credible reports of political pressure and obstruction to IRPT's campaign including in Asht, Dushanbe, Fayzobod, Mastchoh, Qurghontepa, Panjakent and Rasht, and of the SDPT in Hisor, Konibodom and Qurghontepa. On 28 January, IRPT supporters from Asht petitioned the President and Prosecutor General to request that intimidation of their party members be stopped.

²⁸ The OSCE/ODIHR EOM was informed of state employees summoned to DEC-organized campaign meetings in Qurghontepa on 7 February and to a PDPT rally in Dushanbe on 22 February; of state employees requesting others to vote for the PDPT in Hisor; and of school teachers preventing the IRPT from holding a meeting at a school in Mastoch. The SDPT protested to the president that sermons delivered on 27 February by the state-funded Islamic Centre, criticising the IRPT and promoting the PDPT, compromised the secular nature of the state.

²⁹ Candidates could fund their campaigns from their own resources and donations from individuals and legal entities, except from foreign or state-owned sources. Donations to candidates and parties were capped, respectively, at TJS 4,000 and TJS 20,000.

but circulation is limited, especially outside of urban areas. Online news and social media websites are often blocked, which lessens the public's access to alternative sources of political information.³⁰

The Constitution grants freedom of expression and information and prohibits censorship. However, insulting or slandering the president, as well as insulting other officials, are criminal offences. The PEL also prohibits publishing materials "discrediting the honour, dignity or business reputation of a candidate". Several media interlocutors noted that threats of legal actions and other forms of intimidation cause self-censorship among journalists and restrict media's ability to report freely.³¹ This further constricts public access to politically diverse information.

The PEL grants each nationwide list 40 minutes and each single-mandate candidate 20 minutes of free airtime on state-owned television and radio, slightly more than in previous elections. However, most parties used their allotted airtime in a single broadcast three weeks before election day. The IRPT opted to split its airtime and use one-minute spots closer to election day; an approach originally approved by the CCER. Later, the State Committee on Radio and Television prohibited the state broadcasters to air the IRPT spots, as they had not been produced by a state-approved body and that their content was inadmissible. Consequently, the IRPT leader had to use the remaining time in single 20-minute slot, broadcast on 24 February.

According to the OSCE/ODIHR EOM media monitoring results, only 47 single-mandate candidates, mostly nominated by the PDPT, used their free airtime, reportedly due to lack of awareness of this opportunity among the candidates. Unlike previous parliamentary elections, the free airtime could not be provided by local state broadcasters.

The broadcast media's coverage in the campaign period was imbalanced.³² Less than 10 per cent of current affairs programming was on political issues, instead almost all of which covered focussing overwhelmingly on the activities of the president or, to a lesser extent, the government. State television jointly allocated 49, 18, and 31 per cent of their combined news respectively to President Rahmon, the government, and the CCER. All parties received less than two per cent of coverage in the news on the state television.³³ This impeded access to media is at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document.³⁴ Outside the free airtime, the broadcasters did not cover parties' political platforms or activities and no media organized debates among contestants.³⁵ Collectively, this considerably limited the possibility for voters to make an informed choice.

³⁰ OSCE Representative on Freedom of the Media expressed concern over repeated blocking of news, social media and other Internet resources in the country. See, for example, <http://www.osce.org/fom/125218>; www.osce.org/fom/121537; www.osce.org/fom/119670.

³¹ On 16 February, three journalists' associations published a joint statement expressing their concern over increasing pressure on independent journalists, see: <http://nansmit.tj/sovmostnoe-zayavlenie-zhurnalistskih-organizatsiy-respubliki-tadzhikistan/>.

³² On 22 January, the OSCE/ODIHR EOM commenced its qualitative and quantitative media monitoring of 3 television channels (*TV Johonnamo*, *TV Safina*, and *TV Shabakai 1*), 4 radio stations (Radio Asia Plus, Radio *Imruz*, Radio *Khovar*, and Radio Tajikistan) and 12 newspapers (*Asia Plus*, *Charkhi Gardun*, *Farazh*, *Imruz News*, *Jumhuriyat*, *Millat*, *Narodnaya Gazeta*, *Nigoh*, *Ozodagon*, *Sadoi Mardum*, *Tojikiston*, and 'SSSR').

³³ The IRPT received one per cent of news coverage in the form of reports on the arrest of its CCER member.

³⁴ Paragraph 7.8 of the 1990 OSCE Copenhagen Document states that participating States "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".

³⁵ On the last day of campaign, all three state broadcasters covered the gathering of mullahs in Rasht, who were calling to vote for the PDPT.

The private press provided more diverse coverage of the contestants and carried analytical and critical reporting.³⁶ There were campaign materials of the APT, PDPT, and SDPT in the monitored private print media but there was no distinction between paid adverts and regular news, potentially misleading voters on the nature of the reporting.

National Minorities

According to the 2010 census Tajiks account for 84.3 per cent of the total population. Other groups include Uzbeks (13.8 per cent), Kyrgyz (0.8 per cent) and Russians (0.5 per cent). While there is no overt discrimination against minority groups or formal barriers to their full participation in the electoral process, some OSCE/ODIHR interlocutors stated that the language test introduced in 2014 could hinder the registration of candidates for those who did not receive an education in Tajik language. In a positive step, voter information was available in Uzbek and Russian and ballot papers were printed in minority languages in areas where minority populations are concentrated.

Very few candidates from national minorities were fielded by parties and none of the parties highlighted specific policies on national minority issues in their platforms. No specific cases of discrimination on ethnic grounds related to the election process were observed or reported.

Complaints and Appeals

Courts and election commissions both have jurisdiction to consider complaints on decisions, as well as actions and inactions of election commissions, including on election results; this may lead to inconsistent decisions when jurisdictions overlap.³⁷ Complaints and appeals should be submitted within 10 days of a decision and the adjudication period is 3 days. If a complaint is filed less than six days before election day, it should be considered immediately. The Supreme Court is a final instance in all cases.

In a positive step, the CCER passed a regulation on its complaints procedures, providing the right to a public hearing and for complainants to receive written decisions. The CCER and DEC received few formal complaints, the majority of which were submitted by the IRPT. These mostly concerned the composition of PECs, candidate registration and intimidation of IRPT candidates. All were rejected on substance or dismissed on procedural grounds. Some were decided in open CCER sessions, but most were dealt with by one commissioner outside of a session. Decisions were communicated by letter, which often lacked factual and legal reasoning. This lessened the collegiality of decision making and transparency, and undermined the right of judicial appeal.³⁸

The majority of regional court cases concerned DEC decisions on candidate registration and rejection of party nominees as PEC members. According to materials received by the OSCE/ODIHR EOM, the courts left all appealed DEC decisions unchanged, often without thorough reasoning. The Supreme Court received one appeal regarding non-registration of a candidate and upheld the CCER decision. All election-related hearings are public but courts are not required to publish their decisions, which limits the transparency of the judicial process.

³⁶ The CPT, IRPT, PDPT, and SDPT received most of the coverage in the monitored private media, mainly in a neutral tone, with instances of negative reporting against the IRPT.

³⁷ Complaints and appeals procedures are included into the PEL, the 2008 Civil Procedures Code, and the 2008 Code of Administrative Offences.

³⁸ Paragraph 18.4 of the 1991 OSCE Moscow Document states that “participating States will endeavor to provide for judicial review of [administrative] regulations and decisions”.

Many OSCE/ODIHR EOM interlocutors expressed their general lack of confidence in the effectiveness of the legal remedy system including for elections mainly due to a perceived lack of independence of the judiciary, election administration, and law enforcement bodies.³⁹

Citizen and International Observers

Candidates and parties can nominate observers to each polling station. The PEL, however does not provide for citizen observation, which lessens transparency and public confidence in the election process and is at odds with OSCE commitments.⁴⁰ International election observation is provided by law. Observers are not entitled to receive copies of the results protocols, limiting the possibility to verify results and, if necessary, seek remedy.

Election Day

The parliamentary elections were held simultaneously with local elections and were administered by different commissions located in the same polling station. Procedures for the different elections – which are set out in different laws – were not harmonised.⁴¹ Those applicable to parliamentary elections are vague, in particular as regards the counting and tabulation of votes.

Observers from political parties were present in most polling stations visited, with PDPT and IRPT most numerous. This added a layer of transparency, although they did not have a clear view of proceedings at 7 per cent of polling stations observed. Unauthorized persons were present in 18 per cent of polling stations observed. IEOM observers were refused access to observe polling in military institutions. At regular polling stations, observers reported restrictions on their activity in 16 cases and some were obstructed during the vote count.

The opening of polling was assessed negatively in 13 per cent of observations. Some 14 per cent of PECs did not receive all necessary polling materials. Despite the PEL requirement, a majority of PECs did not announce the number of ballots received and some 17 per cent of PECs observed could not account for all of the ballots they had received.

IEOM observers assessed the voting process negatively in 21 per cent of observations; a significantly high proportion. The turnout observed during the day appeared to be lower than officially reported.

Observers reported that attempts to influence voters occurred at 4 per cent of polling stations observed, that polling was chaotic at 6 per cent and that the secrecy of voting was not assured at 9 per cent. Group voting was observed at 27 per cent of stations observed. In general, women were less visible as voters than men and were under-represented as PEC chairpersons. No violent incidents were reported by IEOM observers.

Serious procedural violations were reported frequently, particularly regarding a lack of respect for safeguards to ensure that only eligible persons voted and that they did so only once. In 24 per cent

³⁹ In paragraph 18 of the UN Human Rights Committee's 2013 Concluding Observations on Tajikistan, the authorities were urged to intensify efforts in reforming the judiciary and to take effective measures to guarantee the competence, independence, and the tenure of judges.

⁴⁰ Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States "consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place".

⁴¹ The CCER issued instructions only to the PECs administering the parliamentary elections. The division of duties between the types of commissions and the sequencing of key processes was not regulated.

of polling stations observed, persons voted without presenting the required ID, voting on behalf of other persons (proxy voting) was observed at 24 per cent, multiple voting at 6 per cent, and series of apparently identical signatures on the voter lists at 45 per cent. Observers reported indications of ballot box stuffing in 7 per cent of stations visited, illegally assisting voters at 6 per cent and improper sealing of ballot boxes at 8 per cent.

More than half of the vote counts observed were assessed negatively; a figure which is substantial. In 14 cases observers were prevented from having a clear view of the process, while unauthorized persons participated in the vote count in 17 cases. Important procedures were often disregarded, notably not cancelling unused ballots, not entering this data into the protocol, and not determining how many voters had participated. Following the opening of the ballot boxes, observers reported 17 indications of ballot box stuffing. Invalid ballots were frequently not determined either reasonably or consistently. Figures entered into the results protocols often did not reconcile. Some protocols were signed and stamped before entering the results. Collectively, this meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed.

Polling results were usually not publicly displayed, as required by law. After the count, observers reported that some PECs delivered the polling results not to DEC's but to unauthorized locations. The tabulation of polling results at DEC's was unregulated and some observers were prevented from observing the process.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Dushanbe, 2 March 2015 – The OSCE/ODIHR EOM opened in Dushanbe on 20 January. It includes 14 experts in the capital and 16 long-term observers deployed throughout Tajikistan.

On election day, 230 observers from 40 countries were deployed, including 163 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 58-member delegation from the OSCE PA and a 9-member delegation from the EP. Opening was observed in 73 polling stations and voting was observed in 812 polling stations across the country. Counting was observed in 70 polling stations. The tabulation process was observed in 26 DEC's.

The observers wish to thank the authorities of the Republic of Tajikistan for the invitation to observe the election, the Central Commission on Elections and Referenda for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The observers also wish to express appreciation to the embassies and international organizations accredited in Tajikistan for their co-operation and support.

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