



## Joint Election Observation Mission to Tajikistan (JEOMT)



### ELECTION TO THE PARLIAMENT 27 February 2000

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#### STATEMENT OF PRELIMINARY FINDINGS & CONCLUSIONS

**Dushanbe, 28 February 2000** – The Joint UN/OSCE Election Observation Mission to Tajikistan (JEOMT) for the 27 February 2000 election to the Parliament issues this statement of preliminary findings and conclusions. The JEOMT is a joint effort of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) and the United Nations (UN), in accordance with the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan. Ambassador Zenon Kuchciak, seconded by Poland, heads the JEOMT.

The preliminary statement is issued before the announcement of official election results, before the disposition of complaints and appeals, and before an analysis of the JEOMT findings was completed. A final and comprehensive report on the parliamentary election will be issued by the OSCE/ODIHR within a month after the electoral process is completed.

The JEOMT wishes to express appreciation to the Ministry of Foreign Affairs, the Ministry of Interior and the Central Commission on Elections and Referenda of Tajikistan for their assistance and cooperation during the course of the observation.

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#### Preliminary Conclusions

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The 27 February 2000 election to the Parliament (Majilisi Namoyandagon) of the Republic of Tajikistan, the first multi-party election in the history of the country, marked an important benchmark in the implementation of the General Agreement on the Establishment of Peace and National Accord. The most significant accomplishment in this peace-building step was the inclusion of the former warring parties and others in the electoral process.

In general, political plurality was ensured through the participation of six parties and a number of independent candidates in this transitional electoral process. This contrasted sharply with the limited choice offered to voters during previous elections and marked an improvement in the democratic development of Tajikistan. However, Tajikistan must improve the process in order to meet the minimum democratic standards for equal, fair, free, secret, transparent, and accountable elections.

The election took place within a new legislative framework that failed to secure these standards, in particular, so far as the independence of election commissions and the vote count and tabulation of results are concerned.

The campaign period was marred by violent incidents in which one prominent candidate was assassinated in Dushanbe. As a result, the security situation deteriorated in and around the capital and in some outlying regions. However, this did not prevent the JEOMT to operate throughout the country, except in some parts that remained out of bounds for observers.

State organs, in particular regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen in law and contradicting international standards for democratic elections.

In general, campaign activities were limited, partly as a result of low campaign funding limits, restricting the ability of political parties and candidates to campaign effectively.

The legislative and regulatory framework for the media is inadequate. While, the State-owned TV provided free air-time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, at national and regional levels, both publicly and privately funded broadcast as well as print media failed to provide voters with unbiased information.

On election day, the JEOMT received very few reports of security incidents, an achievement that cannot be underestimated. While some polling procedures were conducted properly, important control provisions during the voting were violated, including unacceptably high numbers of proxy voting, high percentage of voters allowed to cast ballots without proper identification documents, and voters handed more ballots than allowed. In 78% of precincts observed, Hukomat representatives were present in polling stations. More significantly, the extremely high voter turnout figures (87%) announced by the CCER two hours before the closing of polling stations and their unofficial forecast of more than 96% expected turnout by the end of polling cast serious doubt over the integrity of the voting results.

The international community stands ready to continue the cooperation with the Parliament, the Government and other authorities of Tajikistan with a view to addressing the concerns and recommendations contained in this statement and forthcoming reports.

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## **Preliminary Findings**

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### **Legislative and Regulatory Framework**

A new election law was adopted in December 1999 after extensive negotiations between the Government and the United Tajik Opposition (UTO). Some recommendations offered by the UN Mission of Observers in Tajikistan (UNMOT), the OSCE Mission in Tajikistan, and the OSCE/ODIHR were included in the final draft of the law. In particular, the drafters of the law accepted those recommendations relating to the 5% threshold (instead of the 10% as originally proposed) for political parties to enter parliament and improved mechanisms for the participation of self-nominated independent candidates in the process. Almost all political actors in Tajikistan considered the new law an acceptable basis for participation in the election and an improvement over previous legislation.

However, the new law fell short of Tajikistan's commitments to meet minimum standards for democratic elections. In particular, the law:

- Failed to ensure the independence of election administration commissions;
- Failed to establish in the electoral process a clear distinction between the role and activities of election commissions and State organs, in particular regional and local administration (Hukomats);
- Failed to ensure a minimum level of transparency during the voter registration, the printing of ballots, early and special voting, and in particular during the tabulation, announcement and publication of the vote count results;
- Failed to provide for adequate media regulations; and
- Established unduly restrictive rules over campaign financing and the distribution of these funds.

Moreover, despite a memorandum of understanding signed in September 1999 between the Government of Tajikistan and the OSCE, indicating that provisions will be made for non-partisan domestic observers in the election law, the legislation failed to include any such provisions.

The CCER interpreted the new law in the strictest sense and was reluctant to issue important regulations that could have remedied some of the above referenced shortcomings of the law. Moreover, the CCER's apparent reluctance to issue detailed instructions made the uniform implementation of the law impossible in the regions.

### **State Organs in Electoral Activities**

In the absence of clear provisions in the law defining the respective roles, activities and responsibilities of State organs and election commissions, State organs on all levels, in particular the Hukomats, interfered in the preparations for and the conduct of the elections in a manner not foreseen in law and contradicting international standards for democratic elections. In all constituencies observed, Hukomat officials assumed an intrusive role in the electoral process. In some regions, even "consultative bodies" were formed between the local administration and election commissions to coordinate their activities, thus blurring any distinction between the two.

### **Security**

During the month before election day, repeated violent incidents in Dushanbe marred the electoral campaign period and undoubtedly had a chilling effect. On 2 February, a bomb exploded in a bus north of Dushanbe, killing seven passengers. On 7 February, three bombs exploded in the center of Dushanbe without causing injuries. On 16 February, a car-bomb explosion killed a prominent candidate and injured the Mayor of Dushanbe. On 21 February, the sister of the Deputy Prime Minister was kidnapped. On 25 February in Hissar near Dushanbe, a bomb explosion in a candidate's office injured three people. While some of these violent incidents may not be linked to the elections, they nonetheless contributed to an atmosphere of insecurity. In response, security measures were increased throughout the city.

As a result of the tense security situation, a limited number of precincts throughout the country remained out of bounds for the JEOMT and the electoral process could not be observed in those precincts.

### **The Campaign**

In addition to self-nominated candidates, six political parties, including those of the United Tajik Opposition (UTO), were registered to participate in the elections. For the 41 single-mandate constituencies, 276 candidates were nominated, of which 225 were registered, and 191 remained on the ballots on the day of election. For the 22 parliamentary seats reserved for the proportionate party-list system, the six registered political parties had a total of 107 candidates on election day. Although some opposition political parties were denied registration, at times on arbitrary grounds, some were nonetheless able to register their candidates on other party lists or in single-mandate constituency contests. Thus, on election day, the voters of Tajikistan were presented with a genuine and broad range of alternatives.

Political plurality in this election contrasted sharply with the limited choice offered to voters during previous elections. This is most welcomed and marked an improvement in the democratic development of Tajikistan.

However, some trends during the registration of candidates and the campaign period raised concerns. In four Dushanbe constituencies, 19 out of 31 candidates nominated were denied registration, allegedly as a result of irregularities in their nomination petitions. By contrast, in the remaining 37 constituencies throughout the country, only 32 out of 245 nominated candidates were rejected. In addition, shortly before the election, some candidates were de-registered through a selective implementation of the law and others withdrew their candidacy, some allegedly succumbing to pressure.

Strict restrictions on campaign funding (the equivalent of USD 125 for each political party and USD 23 for single-mandate candidates) severely limited their ability to campaign effectively. On 4 February, the CCER, obviously recognizing that funding limits were low, adopted a Recommendation allowing candidates to use also personal funds for their campaign, but contradicting the law (an additional amount equal to USD 2,272 per party and USD 284 per candidate). Partly as a result of this limitation, there were little campaign activities throughout the country.

### **The Media**

The election law includes limited provisions to govern the conduct of the electronic and print media in Tajikistan, *inter alia* providing for free broadcast-time and print-space to all political parties and candidates for campaign purposes. The law is silent on paid advertisement for campaign purposes. The CCER supplemented the media provisions with additional Instructions, but the combined legislative and regulatory framework for the media remained inadequate.

Indeed, the State-owned TV provided free air-time to all parties during prime time and the State-owned print media free space for political advertisements. However, both gave preferential treatment to the main party in Government. Only the private media accepted paid political advertising.

In general, at national and regional levels, both publicly and privately funded broadcast and print media failed to provide voters with information free from bias. Most significantly, in its news and editorial coverage, the State-owned TV largely ignored the electoral campaign.

### **Election Day**

On election day, the JEOMT received very few reports of security incidents, an achievement that cannot be underestimated. While some polling procedures were conducted properly, important control provisions during the voting were violated. For example, evidence of proxy voting was unacceptably high in more than 68% of precincts observed, voters were allowed to cast ballots without proper identification documents (67%), and voters were handed more ballots than allowed (33%). More significantly, in 78% of precincts observed, Hukomat representatives were present in polling stations. As a result, the overall conduct of the voting was rated less than acceptable for 54% of precincts observed.

The extremely high voter turnout figures (87%) announced by the CCER two hours before the closing of polling stations and their unofficial forecast of more than 96% expected turnout by the end of polling cast serious doubt over the integrity of the voting results. The number of precincts reporting 100% voter turnout figures was also high. In Dushanbe, the protocols of precinct result were completed in pencil (31 out of 32 protocols observed) and allegedly "adjusted" by the Hukomat before delivery to the district commissions. The same pattern was reported from other districts, though in Gharm the protocols were completed properly.

*This statement is also available in Tajik and Russian. The English text remains the only official version.*

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### **JEOMT Information**

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This preliminary statement is based on the findings of the JEOMT established in mid-January with 27 long-term observers based in Dushanbe and five regions throughout Tajikistan. The findings include the pre-election preparations, the election campaign, and the media. This statement is also based on the election-day findings of the JEOMT's more than 80 short-term observers. They visited some 300 polling stations out of the 2,761 across Tajikistan.

The JEOMT wishes to express appreciation to the UN Mission of Observers in Tajikistan (UNMOT), the OSCE Mission in Tajikistan, and Japan, Germany, US, Switzerland, and the UK for their generous logistical and financial support. The JEOMT is grateful to the UN Member States, OSCE participating States, and other international organizations for their generous contribution of long-term and short-term observers to the mission.

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