



Office for Democratic Institutions and Human Rights

# REPUBLIC OF TAJIKISTAN

## PARLIAMENTARY ELECTIONS

1 March 2020

### ODIHR NEEDS ASSESSMENT MISSION REPORT

9-12 December 2019



Warsaw  
16 January 2020

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**REPUBLIC OF TAJIKISTAN  
PARLIAMENTARY ELECTIONS  
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**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

In anticipation of an invitation from the authorities of the Republic of Tajikistan to observe the 1 March 2020 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 9 to 12 December 2019.<sup>1</sup> The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Oleksii Lychkovakh, ODIHR Election Adviser. The ODIHR NAM was joined by Farimah Daftary, OSCE Parliamentary Assembly Senior Programme Officer.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, civil society and the resident international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and the OSCE Programme Office in Dushanbe for their assistance in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

**II. EXECUTIVE SUMMARY**

Tajikistan is a presidential republic in which the president acts both as head of the state and head of the government, while the parliament has limited competencies. The bicameral Supreme Assembly (*Majlisi Oli*) consists of directly elected lower chamber (*Majlisi Namoyandagon*) and indirectly elected upper chamber (*Majlisi Milli*), both elected for a five-year term. On 4 December, the President announced elections to *Majlisi Namoyandagon* (parliamentary elections) to take place on 1 March.

Parliamentary elections are primarily regulated by the Constitution and the Constitutional Law on the Elections to the *Majlisi Oli*. None of the recent legal amendments appear to address previous ODIHR recommendations, including those on the eligibility to vote and stand for elections, freedom of expression, election dispute resolution and election observation. Positively, Tajikistan has recently signed, although not yet ratified, the UN Convention on the Rights of Persons with Disabilities.

The elections are managed by a three-tiered election administration, comprising the Central Commission for Elections and Referenda (CCER), 41 District Election Commissions (DECs) and some 3,380 Precinct Election Commissions (PECs). The 2019 Law on the CCER reduced the number of CCER members from 15 to 7 and changed CCER membership from representatives of political parties to “professional and non-partisan”. Several ODIHR NAM interlocutors questioned the independence of some newly appointed CCER members. According to the CCER, preparations for the elections are underway. Many ODIHR NAM interlocutors raised concerns about the lack of transparency of activities of election administration.

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<sup>1</sup> On 7 January 2020, ODIHR received an official invitation to observe the elections.

Voter registration is passive and is administered by the PECs and local authorities without a centralised voter register. The CCER estimated preliminary number of voters at some 4.8 million. The law does not provide for safeguards against multiple voter registration, and the authorities did not clarify what mechanism is in place to prevent multiple voting during early voting and on election day. Many ODIHR NAM interlocutors raised concerns about the accuracy of the voter lists.

Citizens with higher education, a command of the state language and proof of residence in Tajikistan for the last five years can stand for election. Individuals convicted of any crime whose criminal record has not been expunged, and those under investigation for committing a serious crime are ineligible. ODIHR recommendations on alleviating restrictions on candidacy have not been addressed. All candidates are required to pay an electoral deposit which, according to most parties, is a considerable barrier for fielding candidates. Independent candidates must additionally collect 500 supporting signatures. According to some ODIHR NAM interlocutors, the lack of clear procedures for verification of candidate documents leaves a room for arbitrary decisions on candidate registration.

The law provides for equal campaign conditions, including access to media. All but one registered political party informed the ODIHR NAM of their intention to participate in these elections. The campaign is expected to be focused on social welfare issues. The law prescribes that election commissions in co-operation with local authorities assist candidates in organizing meetings with voters, which, as with all other public events, require prior approval of the authorities. Some ODIHR NAM interlocutors expressed doubts that such approvals will be granted in due time. ODIHR has previously raised concerns that the persecution of members of opposition parties, as well as of other potentially independent political forces limits the plurality of political alternatives.

Women are underrepresented in public life, holding 12 seats in the outgoing parliament and 1 out of 20 posts in the government. There are no temporary special measures to promote women candidates. According to ODIHR NAM interlocutors, persistent discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society can affect the campaign.

The CCER is authorised to oversee campaign finance. Candidates are entitled to public funds, but all the parties that the ODIHR NAM met with described those as negligible for running a meaningful campaign. The law sets limits for private donations and overall campaign expenditures. Some ODIHR NAM interlocutors noted the lack of private contributions as both citizens and legal entities are hesitant to donate to parties. The 2018 legal amendments stipulate that all competitors should complete all financial activities and submit final campaign finance reports one day before the elections.

The authorities maintain a monopoly over the media sector. State-owned television and radio represent the main source of political information and contestants have the right to free airtime in state media. Some ODIHR NAM interlocutors expressed concerns that various legal and administrative means, such as revocation of licenses, targeted tax inspections, denial of the use of printing facilities, and high fines in libel cases are used by the authorities to curtail independent journalism. Authorities persistently block access to popular social media and news websites, preventing voters from receiving election-related information from alternative sources.

Electoral disputes are resolved by election commissions and courts. The CCER together with the Supreme Court have trained designated officials to handle disputes. Complaints and appeals can be filed by parties, candidates, their authorised representatives, voters and observers. Although judicial

remedies for violations of electoral rights are generally provided by the law, a number of ODIHR NAM interlocutors expressed a lack of confidence in the effectiveness of the redress system due to a lack of independence of the judiciary, election administration and law enforcement bodies.

The law provides for party and international observers as well as media representatives to follow the electoral process. Despite previous ODIHR recommendations, there are no provisions for citizen observation. Furthermore, the law does not grant national and international observers access to all stages of the electoral process and limits the term of their mandate with the announcement of preliminary election results, which is due to be made by the CCER within 24 hours after completion of voting.

An overwhelming majority of ODIHR NAM interlocutors confirmed a lack of progress in bringing the electoral legal framework and its implementation closer in line with OSCE commitments and other international obligations and standards for democratic elections. None of the latest legal amendments appear to address previous ODIHR recommendations. The level of respect of fundamental freedoms has further deteriorated since the last elections and the choice between political alternatives is limited in the absence of independent media and a functioning opposition.

Under these circumstances, the ODIHR NAM does not consider the deployment of an election observation mission, including long-term and short-term observers, to be of an added value. However, mindful of the interest of interlocutors in the potential ODIHR election observation activity for these elections and the declared interest of the authorities to maintain a dialogue on electoral issues, the ODIHR NAM recommends the deployment of an Election Assessment Mission (EAM) for the upcoming parliamentary elections. The EAM would focus on practical implementation of the legal and administrative framework for elections, performance of the election administration, as well as the exercise of fundamental freedoms during the campaign.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Tajikistan is a presidential republic in which the president acts as both head of the state and head of the government and enjoys a wide range of powers. Legislative power is vested with the bicameral Supreme Assembly (*Majlisi Oli*), which consists of a directly elected lower chamber (*Majlisi Namoyandagon*) and an indirectly elected upper chamber (*Majlisi Milli*), both elected for a five-year term.<sup>2</sup> On 4 December, President Emomali Rahmon decreed 1 March 2020 to be the date for elections to *Majlisi Namoyandagon* (hereinafter parliamentary elections), as well as for local elections at all levels.<sup>3</sup>

Following the 2015 parliamentary elections, six political parties entered the lower chamber of the parliament. It is dominated by the People's Democratic Party of Tajikistan which holds 51 of the 63 seats and is led by the President. Other parliamentary parties are the Agrarian Party with five seats, the Party of Economic Reforms (three seats), the Communist Party (two seats), as well as the Socialist Party and the Democratic Party with one seat each. Women are underrepresented in

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<sup>2</sup> Of the 33 members of *Majlisi Milli*, 8 are appointed by the president and 25 are elected by the councils of the regions and cities.

<sup>3</sup> Elections to *Majlisi Milli* are scheduled for 27 March 2020. The ODIHR NAM was only assessing the developments related to *Majlisi Milli* and local elections to the extent that they impact the preparations for elections to *Majlisi Namoyandagon*.

parliament and in political life in general, especially in decision-making positions.<sup>4</sup> Twelve members of the outgoing *Majlisi Namoyandagon* and only one out of twenty members of the government are women.

In September 2015, following parliamentary elections, the Supreme Court ruled that the largest opposition party, the Islamic Renaissance Party of Tajikistan (IRPT), was an “extremist and terrorist organization” and banned it. Other opposition groups, which called for protests against government policies, had also faced reprisals and the Supreme Court declared several of them as terrorist organizations. Many political opposition members were later sentenced to lengthy prison terms. ODIHR has officially expressed concerns about government actions, referring to OSCE commitments related to political pluralism and participation as well as fair-trial rights.<sup>5</sup>

ODIHR has observed six elections in Tajikistan. The Election Observation Mission for the most recent parliamentary elections in 2015 concluded that “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”.<sup>6</sup>

## B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1994 Constitution and the 1999 Constitutional Law on the Elections to the *Majlisi Oli* (parliamentary election law, hereinafter – PEL), last amended in 2016 and 2019, respectively. The 2019 Law on Central Commission on Elections and Referenda (CCER), the 1998 Law on Political Parties, the 1998 Law on Public Meetings, the 2008 Civil Procedures Code, the 1998 Criminal Code, the 2013 Law on Periodical Print and Other Mass Media, as well as CCER instructions also regulate these elections. Tajikistan is party to major international instruments related to the holding of democratic elections.<sup>7</sup>

As a result of a May 2016 constitutional referendum, President Rahmon is entitled to run for re-election without limitations. The constitutional amendments also reduced the minimum age to run for presidency from 35 to 30 years, raised the minimum age to run for parliamentary elections from 25 to 30 years and banned political parties based on religious platforms. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (hereinafter – UN Special Rapporteur) has stated that “constitutional amendments combined with several additional national laws have significantly jeopardized the protection of the right to freedom of expression and freedom of religion”.<sup>8</sup>

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<sup>4</sup> See UN Committee on the Elimination of Discrimination against Women [Concluding Observations on the sixth periodic report of Tajikistan](#) (14 November 2018), CEDAW/C/TJK/CO/6, paragraphs 31-32.

<sup>5</sup> On 3 June 2016, [ODIHR Director expressed concern over sentencing of officials of the IRPT](#).

<sup>6</sup> See [all previous ODIHR election reports on Tajikistan](#).

<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 2003 Convention against Corruption. In 2018, Tajikistan signed the UN Convention on the Rights of Persons with Disabilities which remains to be ratified.

<sup>8</sup> See the UN Human Rights Council’s [Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan](#) (13 October 2017 A/HRC/35/22/Add.2).

Few amendments were made to the PEL since the 2015 parliamentary elections. They relate, among others, to tightening candidate registration requirements (see *Candidate Registration*), changing the principle of formation of the CCER (see *Election Administration*), preventing foreign influence on the electoral process (see *Campaign and Campaign Finance*) and restricting the status of national and international observers (see *Election Observation*). These legal amendments do not address any previous ODIHR recommendations, including those related to eligibility of candidates, freedom of expression, election dispute resolution and election observation. Many interlocutors informed the ODIHR NAM that most political parties and non-government organizations had not been invited for a substantial discussion of electoral reform.

The elections to *Majlisi Namoyandagon* are held according to a mixed (proportional-majoritarian) model. Of the 63 members, 41 are elected from the single-mandate districts, while the remaining 22 are elected under a proportional closed-list system with a five per cent threshold.<sup>9</sup> A 50 per cent turnout is required for elections to be valid; otherwise, repeat elections must be held. On 7 December, the CCER established the boundaries of the 41 single-mandate districts. Despite a previous ODIHR recommendation on upholding the principle of vote equality and contrary to the PEL, the number of voters in 16 districts deviates by more than 20 per cent from the nationwide average.

### C. ELECTION ADMINISTRATION

Parliamentary elections are managed by a three-tiered election administration, comprising the CCER, 41 District Election Commissions (DECs, one in each of the majoritarian districts) and some 3,380 Precinct Election Commissions (PECs). According to the CCER, some 40 stations will be established abroad in Tajikistan's diplomatic representations to facilitate out-of-country voting. Many ODIHR NAM interlocutors noted that more needs to be done to ensure the inclusive participation of migrants.

According to the 2019 Law on the CCER, the number of commissioners was reduced from 15 to 7. The law also changed the principle of the CCER formation from party nominations to "professional and non-partisan" membership. Several ODIHR NAM interlocutors raised concerns that some newly appointed CCER members had recently held senior positions in the ruling party or state institutions and thus could not be considered independent. The law now envisages that all CCER members work on a permanent basis and receive a salary on a monthly basis.<sup>10</sup> The law prescribes that the amount of these salaries is determined by the president, who also decides on the structure and number of the CCER staff.

The CCER is responsible for the overall conduct of the elections, including the delimitation of single-mandate districts, appointment of DECs, registration of candidate lists, consideration of complaints, registration of national and international observers, as well as voter education. The CCER informed the ODIHR NAM that preparations for the elections are underway, including implementing measures to facilitate the access of persons with disabilities to polling stations.

The CCER adopted several instructions, including on nomination of candidates, manuals for the DECs, PECs and other election stakeholders. According to the CCER, they, together with Ministry of Justice, trained 35 electoral experts, who in turn will further train other participants of the

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<sup>9</sup> If no candidate gets an absolute majority in the majoritarian race, the second round is held between two leading candidates in two weeks.

<sup>10</sup> Previously only the CCER chairperson was paid and worked on a permanent basis, while other CCER members were working as volunteers.

electoral process. Shortly prior to the arrival of the ODIHR NAM, the CCER re-opened its website with the declared intention to publish decisions, regulations, voter education materials and other election information online. The CCER informed the ODIHR NAM that it is still considering whether to publish disaggregated election results on their website, as previously recommended by ODIHR. Many ODIHR NAM interlocutors raised concerns about lack of transparency of the activities of election administration.

The composition of the lower-level election commissions is not clearly regulated by the PEL. The CCER informed the ODIHR NAM that the new “non-partisan” principle of formation would be applied to the DEC and PECs. A number of ODIHR NAM interlocutors questioned the impartiality of the new lower-level commissions, as parties would not have their representatives in these bodies.

#### **D. VOTER REGISTRATION**

Citizens who are 18 years or older on election day are eligible to vote. Despite previous ODIHR recommendations, those citizens who have been declared incapacitated as well as those who are serving a prison sentence, regardless of the severity of the crime committed, are not entitled to vote.

The preliminary number of voters is estimated by the CCER at 4,793,282, including a significant number of labour migrants residing outside the country. There is no comprehensive mechanism of registering voters abroad, as there are no official statistics on their numbers and place of residence. According to some ODIHR NAM interlocutors, this number could be as high as 1 million, but a large number of labour migrants come back to Tajikistan for the winter season.

Voter registration is passive and is still administered by local authorities without a centralised voter register, leaving previous ODIHR recommendation unaddressed. Voters are included in lists based on their place of permanent or temporary residence. Each PEC compiles a voter list within the boundaries of their precinct, based on data provided by local authorities and door-to-door checks held before election day. The voter lists should be displayed for public scrutiny 15 days before elections. There is no legal obligation or mechanism in practice for other authorities, who maintain data on citizens’ residence and civil status, to provide updates to the bodies in charge of voter registration.<sup>11</sup>

Voters away from their place of residence on election day can vote at DEC premises within two weeks prior to election day. Mobile voting is envisaged for homebound voters. Special polling stations will also be established in medical institutions and military facilities. Before and on election day, voters can be added to the voter lists upon provision of documents confirming their identity.<sup>12</sup> This does not provide for safeguards against multiple voter registration, and the authorities did not clarify what mechanism is in place to prevent multiple voting during early voting and on election day.

#### **E. CANDIDATE REGISTRATION**

Citizens with higher education, a command of the state language and proof of residence in Tajikistan for the last five years can stand for election. Military personnel, law enforcement officers

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<sup>11</sup> The ODIHR NAM was informed that the project on digitalising the civil registry, funded by international donors, was recently initiated, and that a national census is planned for the second half of 2020. Both initiatives, however, will not be completed before these elections and, therefore, will not affect the accuracy of voter registration.

<sup>12</sup> According to the CCER, voters can receive a ballot upon presenting either of the following documents: passport, ID card, driver’s license, pension certificate, student card, military ticket. Only passports indicate data on the official residence of a citizen.



and religious functionaries are not allowed to run. Individuals convicted of any crime whose criminal record has not been expunged, and those under investigation for committing a serious crime are ineligible too. None of previous ODIHR recommendations on alleviating candidacy restrictions have been addressed<sup>13</sup> Instead, the minimum age for eligible candidates was increased from 25 to 30 years and those with dual citizenship now cannot stand.

Candidate lists for the proportional contest can be submitted from announcement of elections. Majoritarian candidates can be put forward starting from 60 days before the elections. The nomination period for both contests concludes 45 days before election day. Political parties are entitled to nominate a list of no more than 28 candidates for the national 22-mandate constituency and one candidate in each single-mandate district. Independent candidates can run only in single-mandate districts. Despite previous ODIHR recommendation, there are no special measures to promote women candidates.<sup>14</sup>

Each candidate, both on party list or majoritarian, has to provide an electoral deposit of TJS 5,800 (some EUR 600) for registration.<sup>15</sup> Deposits are returned to candidates nominated within the lists of parties that win over 5 per cent of votes nationwide and to majoritarian candidates that receive at least 10 per cent of votes in their respective districts. Almost all parties and other ODIHR NAM interlocutors noted that the deposits remain high and, combined with high thresholds for their refund, may negatively affect the number of candidates nominated, especially women.<sup>16</sup>

Contrary to international good practice and a previous ODIHR recommendation, independent candidates, unlike party nominees, are additionally required to collect at least 500 supporting signatures of voters from their district. These voters are allowed to sign in support of only one candidate. A wide array of other documents has to be submitted for candidate registration.<sup>17</sup> Despite previous ODIHR recommendations, the verification procedures of registration documents are not clearly defined in the legislation or CCER instructions. This, according to some ODIHR NAM interlocutors, leaves room for arbitrary decisions on candidate registration.

## F. CAMPAIGN AND CAMPAIGN FINANCE

The campaign starts after the registration of candidates is over and ends 24 hours before election day. The PEL provides for equal campaign conditions for all competitors, including their access to media. Recent amendments to the PEL ban campaigning by representatives of foreign states and organisations, foreign citizens and individuals without citizenship.

The law prescribes that election commissions in co-operation with local authorities assist competitors in organizing meetings with voters, which, along with all other public events, require prior approval by the authorities. Some ODIHR NAM interlocutors expressed doubts that such approvals would be granted in due time and opined that this could be seen as undue interference of the authorities in campaign activities.<sup>18</sup> They also stated that, overall, the level of respect of

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<sup>13</sup> See also CCPR [Concluding Observations on the third periodic report of Tajikistan](#) (22 August 2019), CCPR/C/TJK/CO/3, paragraph 54.

<sup>14</sup> According to some ODIHR NAM interlocutors, a legal initiative to facilitate an increase of women parliamentarians up to 30 per cent, was rejected in the parliament.

<sup>15</sup> EUR 1 is approximately TJS 9.6 (Tajik *Somoni*).

<sup>16</sup> On 9 December, the leader of one of the parties publicly called to cancel or significantly reduce the amount of the deposit.

<sup>17</sup> These include a decision of the party on nomination of a candidate, detailed biography of a candidate, statement of property and income, medical certificate and documents certifying the criminal records or their absence.

<sup>18</sup> The application for approval of a meeting should be submitted to the court minimum 15 days prior to the event.

fundamental freedoms, including those of association, assembly and expression, has deteriorated since the last elections. The persecution and criminalization of any offences by members of opposition parties or other potentially independent political forces results in a limited choice between political alternatives.<sup>19</sup> The detention and intimidation of lawyers has further stimulated a widespread sense of insecurity among critical voices in the country.

Representatives of all but one registered political party informed the ODIHR NAM of their intention to participate in these elections.<sup>20</sup> All political parties expressed their readiness to nominate more women for these elections. Many interlocutors commended recent activities aimed at raising awareness on gender equality and engaging women in political life, supported by the OSCE Programme Office in Dushanbe. However, persistent discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society remain and can affect the campaign. Political parties plan to focus their campaigns on social welfare issues and use for these purposes free airtime in media, meetings with voters, door-to-door campaigning, print materials and social media.<sup>21</sup> Some parties noted that conducting an electoral campaign in the winter represents an additional challenge due to the limited accessibility of large parts of the country.

No major changes have been introduced to the party and campaign finance legal framework since the last elections. In line with the law and according to the decision of the CCER, each candidate and political party registered for these elections will receive public funding to campaign, amounting to TJS 5,000 and TJS 50,000 respectively. All parties that the ODIHR NAM met with described those funds as negligible for running a meaningful campaign.

Candidates can contribute to their campaign funds up to TJS 29,000 from their own resources and parties up to TJS 58,000. Individual donations to a candidate and a party cannot exceed TJS 2,900, and TJS 5,800, respectively. Legal entities may donate up to TJS 5,800 to a candidate and TJS 29,000 to a party. The total campaign fund of a party should not exceed TJS 1.7 million and that of a candidate – TJS 87,000. The majority of parties which the ODIHR NAM met stated that they lack the necessary funds to run an effective nationwide campaign, as citizens and legal entities are hesitant to donate to parties.

The CCER is authorised to oversee campaign finances. All campaign expenses should be made via special bank accounts opened specifically for these elections. The 2018 amendments to the PEL stipulate that all financial activities of the competitors should be completed one day before elections. On the same day, all candidates should submit final campaign finance reports to the CCER. The law does not require an audit and publication of these reports.

## G. MEDIA

The Law on Access to Information provides for the right of every citizen to freely look for and receive information. The Law on the Periodical Press and other Mass Media provides for basic freedom of the press, ensures access of the media to public information, precludes censorship, establishes basic protections for journalists and owners of the media, and guarantees freedom of expression.<sup>22</sup>

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<sup>19</sup> See [2017 Report of the UN Special Rapporteur on his mission to Tajikistan](#), (13 October 2017, para 35).

<sup>20</sup> At the time of the ODIHR NAM one party was still considering whether to participate in or boycott the upcoming elections.

<sup>21</sup> Some parties noted that social media is one of very few possible options to deliver their message to voters.

<sup>22</sup> The CCPR in its [Concluding Observations on the third periodic report of Tajikistan](#) (22 August 2019, paragraph 47) expressed concern about restrictions on the freedom of expression in law and in practice that do not appear to comply with the ICCPR.

Despite the existing legal provisions, in 2015 the government ordered all officials to share information only with state news agency *Khovar*, which further distributes information to all other outlets. The UN Special Rapporteur has emphasized that this “restricts the public’s right of access to information on grounds not evidently rooted in permissible limitations under the [ICCPR].”<sup>23</sup>

Some ODIHR NAM interlocutors indicated that various legal and administrative means, such as revocation of licenses of journalists, targeted tax inspections, denial of the use of printing facilities, and limitations on distribution of information are used to curtail independent journalism. In addition, court rulings for libel result in severe sanctions against journalists from private media.<sup>24</sup> Interlocutors affirmed to the ODIHR NAM that self-censorship is a common practice among journalists due to fear of different forms of pressure. Authorities persistently block access to popular social media and news websites, and periodically cut access to mobile and messaging services, preventing voters from receiving election-related information from alternative sources.<sup>25</sup>

The authorities maintain a monopoly over the media sector. Only state-owned broadcasters have nationwide coverage and are the primary source of election-related information. Print media circulation, with very few exceptions, is low and limited to the capital and larger cities. The ODIHR NAM was informed about the alleged practice of so-called “forced” subscription for some government newspapers. Several political parties expressed concerns about a lack of access to broadcast media between elections, as well as lack of objective political information available for voters during the campaign.

The ODIHR NAM was informed by authorities that each party and candidate would receive 40 and 20 minutes of free airtime in the state media respectively. In addition, the CCER developed a regulation to provide parties and candidates with up to eight pages of computer text in national and local newspapers. The ODIHR NAM, however, was not able to obtain further details on how these campaign resources will be provided and what are the mechanisms to ensure a level playing field.

The State Committee on Television and Radio (SCTR) regulates the broadcast media and, together with the CCER, oversees the allocation of free airtime and equal access of the competitors to the media. The SCTR informed the ODIHR NAM that they do not comprehensively monitor media on compliance with electoral legislation, but rather would react on potential complaints. Positively, the state media are planning to broadcast voter education programmes, prepared jointly with the CCER, including on issues related to electoral system, voting methods, gender equality, integrity of elections.

## H. COMPLAINTS AND APPEALS

Electoral dispute resolution is dealt with by election commissions and courts. Decisions of lower-level election commissions may be appealed to either upper-level election commissions or courts, with the Supreme Court as a final instance in all cases.<sup>26</sup> Complaints and appeals can be filed by parties, candidates, their authorised representatives, voters and observers within 10 days of a decision, and should be resolved within 3 days. If a complaint is filed less than six days before election day, it should be considered immediately.

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<sup>23</sup> See [2017 Report of the UN Special Rapporteur on his mission to Tajikistan](#), (13 October 2017, para 20).

<sup>24</sup> On 11 July 2018, the OSCE Representative on Freedom of the Media (RFoM) [called](#) on the authorities to ensure that journalists are free to report on all matters of public interest without fear of reprisal.

<sup>25</sup> On 7 May, the OSCE RFoM [called](#) on the authorities to reinstate access to numerous web resources, including online media, social platforms and Google services, in Tajikistan.

<sup>26</sup> CCER decisions can be appealed directly to the Supreme Court.

According to the Supreme Court, all election-related hearings are public, but the decisions of courts are issued only to the parties of the case and are not published. Judicial remedies for violations of electoral rights are generally provided by the law. A number of ODIHR NAM interlocutors expressed a lack of confidence in the effectiveness of the redress system, mainly because of a lack of the independence of the judiciary, election administration and law enforcement bodies, including due to corrupt practices in the selection, appointment, reappointment and dismissal of officials.<sup>27</sup> The CCER and the Supreme Court informed the ODIHR NAM of efforts to train lower-level commissions and courts in handling complaints.

## I. ELECTION OBSERVATION

Electoral competitors have the right to second election observers. In addition, the PEL allows international observers and representatives of the media to follow the electoral process. Despite previous ODIHR recommendations, there are no provisions for citizen (non-partisan) observers. Furthermore, the law does not grant observers access to all stages of the electoral process and is silent on whether observers are entitled to receive copies of result protocols in polling stations and DECes.

The 2018 amendments to the PEL stipulate that the mandate of national and international observers terminates upon the announcement of preliminary election results, which should be announced within 24 hours after completion of voting. These new provisions potentially pose a restriction for the observers to follow post-election day developments, including the complaints and appeals process.

Most of the political parties met with by the ODIHR NAM declared their intention to deploy observers, while not providing any details on their specific tasks and responsibilities, as well as sources of relevant funding.

## IV. CONCLUSIONS AND RECOMMENDATION

An overwhelming majority of ODIHR NAM interlocutors confirmed a lack of progress in bringing the electoral legal framework and its implementation closer in line with OSCE commitments and other international obligations and standards for democratic elections. None of the latest legal amendments appear to address previous ODIHR recommendations. The level of respect of fundamental freedoms has further deteriorated since the last elections and the choice between political alternatives is limited in the absence of independent media and a functioning opposition.

Under these circumstances, the ODIHR NAM does not consider the deployment of an election observation mission, including long-term and short-term observers, to be of an added value. However, mindful of the interest of interlocutors in the potential ODIHR election observation activity for these elections and the declared interest of the authorities to maintain a dialogue on electoral issues, the ODIHR NAM recommends the deployment of an Election Assessment Mission (EAM) for the upcoming parliamentary elections. The EAM would focus on practical implementation of the legal and administrative framework for elections, performance of the election administration, as well as the exercise of fundamental freedoms during the campaign.

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<sup>27</sup> See also CCPR [Concluding Observations on the third periodic report of Tajikistan](#) (22 August 2019), CCPR/C/TJK/CO/3, paragraph 37.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs**

Muzaffar Huseinzoda, Deputy Minister  
Zafar Safarov, Head, Department of International Organizations  
Komron Kamilov, Second Secretary

### **Executive Office of the President**

Zarif Alizoda, Assistant to the President on Legal Issues  
Sharaf Karimzoda, Deputy Head, Department on Human Rights

### **Ministry of Interior**

Makhmadsaid Boron Saidzoda, Deputy Minister  
Karim Soliev, Chief of Staff  
Anvar Nosirov, Head, International Department

### **Central Commission for Elections and Referenda**

Bakhtiyor Tavar Khudoyorzoda, Chairperson  
Makhfirat Umar Khidirzoda, Member  
Navruz Samadzoda, Secretary  
Aminjon Hasanov, Head, International Department

### **Supreme Court**

Shermukhammad Shohiyon, Chairperson  
Kamol Turaev, Head, Information Division

### **State Committee on Television and Radio**

Makhmadsaid Shohiyon, Chairperson  
Boboshohzoda Muhammadsharif Sanginmurod, First Deputy Chairperson  
Ahliddin Salomov, Head, International Department

### **Political Parties**

Rustam Latifzoda, Chairperson, Agrarian Party of Tajikistan  
Munimjon Abdusamadov, Head of Central Committee Apparatus, Agrarian Party of Tajikistan  
Miroj Abdulloev, Chairperson, Communist Party of Tajikistan  
Zarragul Mirasanova, Secretary of the Central Committee, Communist Party of Tajikistan  
Sazbaul Kurbonzoda, Secretary of Dushanbe branch, Communist Party of Tajikistan  
Nargiz Alieva, Secretary of Sino district branch, Communist Party of Tajikistan  
Zukhra Mirzoeva, Deputy Chairperson, Democratic Party of Tajikistan  
Marzona Orifzoda, activist, Democratic Party of Tajikistan  
Michgona Niyazova, activist, Democratic Party of Tajikistan  
Rustam Kudratov, First Deputy Chairperson, Party of Economic Reforms of Tajikistan  
Jansuddin Jalolov, Secretary, Party of Economic Reforms of Tajikistan  
Saidmurod Samad Fattohzoda, First Deputy Chairperson, People's Democratic Party of Tajikistan  
Rano Boboijon, Deputy Chairperson, People's Democratic Party of Tajikistan  
Dilbar Samadova, Second Deputy Chairperson, Social-Democratic Party of Tajikistan  
Mavluda Rajabova, Head of the Committee on Women Affairs, Socialist Party of Tajikistan

### **Media and Civil Society**

Nargis Zokirova, Director, Bureau for Human Rights and Rule of Law  
Asadullo Zikrikhudoev, Chairperson, National Union of Persons with Disabilities

Nurmakhmad Khalilov, Director, Human Rights Centre  
Nuriddin Karshiboev, Chairperson, National Association of Independent Mass Media  
Mullorajab Yusufzoda, Journalist, Radio Liberty  
Tahmina Juraeva, Legal Expert on International Human Rights Law

**International Community**

OSCE Programme Office in Dushanbe, the International Committee of the Red Cross, Internews, Swiss Cooperation Office, United Nations Development Programme, World Bank

Representatives of diplomatic missions of Belarus, European Union, France, Germany, Russian Federation, Switzerland, Turkey, Ukraine and United States of America