

**Globalized Election
Weekly Report
March 3, 2010 to March 9, 2010**

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Parliamentary elections were held in Tajikistan on 28 February 2010. Early indications suggested that current President Emomali Rakhmon's People's Democratic Party had amassed 71.7% of the votes (losing four seats), although international observers stated the election had "failed on many basic democratic standards", with widespread electoral fraud occurring. The seats were elected in 41 constituencies, with 22 further MPs elected through proportional representation with a 5% electoral threshold.

Tajikistan

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Tajikistan

Capital (and largest city)	Dushanbe
Official language(s)	Tajik
Language for inter-ethnic communication	Russian
Demonym	Tajikistani
Government	Unitary presidential republic
- President	Emomalii Rahmon
- Prime Minister	Oqil Oqilov
Independence	
- Establishment of the Samanid Empire	875 AD
- Declared	September 9, 1991
- Completed	December 25, 1991
Area	
- Total	143,100 km ² 55,251 sq mi
- Water (%)	1.8
Population	
- 2009 estimate	7,349,145
- 2000 census	6,127,000

- Density	48.6/km ² 125.8/sq mi
GDP (PPP)	2008 estimate
- Total	\$13.062 billion
- Per capita	\$2,022
GDP (nominal)	2008 estimate
- Total	\$5.135 billion
- Per capita	\$795

1. INTRODUCTION

Tajikistan officially the **Republic of Tajikistan** is a mountainous landlocked country in Central Asia. Afghanistan borders it to the south, Uzbekistan to the west, Kyrgyzstan to the north, and People's Republic of China to the east. Tajikistan also lies adjacent to Pakistan but is separated by the narrow Wakhan Corridor.

Most of Tajikistan's population belongs to the Persian-speaking Tajik ethnic group, who share language, culture and history with Afghanistan and Iran. Once part of the Samanid Empire, Tajikistan became a constituent republic of the Soviet Union in the 20th century, known as the Tajik Soviet Socialist Republic (Tajik SSR). Mountains cover over 90% of this Central Asian republic.

After independence, Tajikistan suffered from a devastating civil war which lasted from 1992 to 1997. Since the end of the war, newly established political stability and foreign aid have allowed the country's economy to grow. Trade in commodities such as cotton and aluminium wire has contributed greatly to this steady improvement. In Tajikistan about 20% of the population lives on less than US\$1.25 per day.

History

The territory of what is now Tajikistan has been inhabited continuously since 4000 BCE.^[citation needed] It has been under the rule of various empires throughout history, for the longest period being part of the Persian Empire.

Most of modern Tajikistan had formed parts of ancient Kamboja and Parama Kamboja kingdoms, which find references in the ancient Indian epics like the Mahabharata. Linguistic evidence, combined with ancient literary and inscriptional evidence has led many eminent Indologists to conclude that ancient Kambojas originally belonged to the *Ghalcha-speaking area* of Central Asia.

Acharya Yasaka's Nirukta (7th century BCE) attests that verb *Śavati* in the sense "to go" was used by only the Kambojas. It has been shown that the modern Ghalcha dialects, *Valkhi, Shigali, Srigoli, Jebaka (also called Sanglich or Ishkashim), Munjani, Yidga and Yaghnobi*, mainly spoken in Pamirs and countries on the headwaters of the Oxus, still use terms derived from ancient Kamboja *Śavati* in the sense "to go". The Yaghnobi language, spoken by the Yaghnobis in the Sughd Province around the headwaters of Zeravshan valley, also still contains a relic "*Śu*" from ancient Kamboja *Śavati* in the sense "to go".

Further, Sir G Grierson says that the speech of Badakshan was a Ghalcha until about three centuries ago when it was supplanted by a form of Persian. Thus, the ancient Kamboja, probably included the Badakshan, Pamirs and northern territories including the Yaghnobi region in the doab of the Oxus and Jaxartes. On the east it was bounded roughly by Yarkand and/or Kashgar, on the west by Bahlika (Uttaramadra), on the northwest by Sogdiana, on the north by Uttarakuru, on the southeast by Darada, and on the south by Gandhara.

Numerous Indologists locate original Kamboja in Pamirs and Badakshan and the Parama Kamboja further north, in the Trans-Pamirian territories comprising Zeravshan valley,

north up parts of Soghdiana/Fargana — in the Sakadvipa or Scythia of the classical writers.

Thus, in the pre-Buddhist times (7th–6th century BCE), the parts of modern Tajikistan including territories as far as Zeravshan valley in Sogdiana formed parts of ancient Kamboja and the Parama Kamboja kingdoms when it was ruled by the Indian Kambojas till it became part of Persian Achaemenid Empire. After the Persian Empire was defeated by Alexander the Great, the region became the northern part of Hellenistic Greco-Bactrian Kingdom.

From the last quarter of fourth century BCE until the first quarter of the second century BCE, it was part of the Bactrian Empire, from whom it was passed on to Scythian Tukharas and hence became part of Tukharistan. Contact with the Chinese Han Dynasty was made in the second century BCE, when envoys were sent to the area of Bactria to explore regions west of China.

Arabs brought Islam in the 7th century CE. The Samanid Empire supplanted the Arabs and enlarged the cities of Samarkand and Bukhara, which became the cultural centers of Tajiks (both of which are now in Uzbekistan). The Mongols would later take partial control of Central Asia, and later the land that today comprises Tajikistan became a part of the Emirate of Bukhara. A small community of Jews, displaced from the Middle East after the Babylonian captivity, migrated to the region and settled there after 600 BCE, though the majority of the recent Jewish population did not migrate to Tajikistan until the 20th century.

Russian presence

In the 19th century, the Russian Empire began to spread into Central Asia during the Great Game. Between 1864 and 1885 it gradually took control of the entire territory of Russian Turkestan from today's border with Kazakhstan in the north to the Caspian Sea in the west and the border with Afghanistan in the south. Tajikistan was eventually carved out of this territory, which historically had a large Tajik population.

After the overthrow of Imperial Russia in 1917, guerrillas throughout Central Asia, known as *basmachi*, waged a war against Bolshevik armies in a futile attempt to maintain independence. The Bolsheviks prevailed after a four-year war, in which mosques and villages were burned down and the population heavily suppressed. Soviet authorities started a campaign of secularization, practicing Muslims, Jews, and Christians were persecuted, and mosques, churches, and synagogues were closed.

Soviet Tajikistan

In 1924, the Tajik Autonomous Soviet Socialist Republic was created as a part of Uzbekistan, but in 1929 the Tajik Soviet Socialist Republic (Tajik SSR) was made a separate constituent republic. The predominantly ethnic Tajik cities of Samarkand and Bukhara remained in the Uzbek SSR. Between 1926 and 1959 the proportion of Russians among Tajikistan's population grew from less than 1% to 13%.

In terms of living conditions, education and industry Tajikistan was behind the other Soviet Republics. In the 1980s, it had the lowest household saving rate in the USSR, the lowest percentage of households in the two top per capita income groups, and the lowest rate of university graduates per 1000 people.

By the late 1980s Tajik nationalists were calling for increased rights. Real disturbances did not occur within the republic until 1990. The following year, the Soviet Union collapsed, and Tajikistan declared its independence.

The first nation to establish an embassy in Dushanbe was Iran, which was also one of the first countries to immediately recognize Tajikistan as an independent state in 1991.

Post-independence

The nation almost immediately fell into a civil war that involved various factions fighting one another; these factions were often distinguished by clan loyalties. The non-Muslim population, particularly Russians and Jews, fled the country during this time because of

persecution, increased poverty and better economic opportunities in the West or in other former Soviet republics.

Emomalii Rahmon came to power in 1994, and continues to rule to this day. Ethnic cleansing was controversial during the civil war in Tajikistan. By the end of the war Tajikistan was in a state of complete devastation. The estimated dead numbered over 100,000. Around 1.2 million people were refugees inside and outside of the country. In 1997, a ceasefire was reached between Rahmon and opposition parties (United Tajik Opposition).

Peaceful elections were held in 1999, but they were reported by the opposition as unfair, and Rahmon was re-elected by almost unanimous vote. Russian troops were stationed in southern Tajikistan, in order to guard the border with Afghanistan, until summer 2005. Since the September 11, 2001 attacks, American, Indian and French troops have also been stationed in the country.

In 2008, the harshest winter in a quarter century caused financial losses of \$850 million. Russia pledged \$1 billion in aid. Saudi Arabia sent about 10 planes carrying 80 tons of relief and emergency supplies in February and another 11 tons in March.

Politics

Almost immediately after independence, Tajikistan was plunged into a civil war that saw various factions, allegedly backed by Russia and Iran, fighting one another. All but 25,000 of the more than 400,000 ethnic Russians, who were mostly employed in industry, fled to Russia. By 1997, the war had cooled down, and a central government began to take form, with peaceful elections in 1999.

"Longtime observers of Tajikistan often characterize the country as profoundly averse to risk and skeptical of promises of reform, a political passivity they trace to the country's ruinous civil war," Ilan Greenberg wrote in a news article in *The New York Times* just before the country's November 2006 presidential election.

Tajikistan is officially a republic, and holds elections for the President and Parliament. It is, however, a one party dominant system, where the People's Democratic Party of Tajikistan routinely has a vast majority in Parliament. The parliamentary elections in 2005 aroused many accusations from opposition parties and international observers that President Emomali Rahmon corruptly manipulates the election process. The most recent elections, in February 2010, saw the ruling PDPT lose 4 seats in Parliament, yet still maintain a comfortable majority. OSCE election observers said the 2010 polling "failed to meet many key OSCE commitments" and that "these elections failed on many basic democratic standards." The government insisted that only minor violations had occurred, which would not affect the will of the Tajik people.

The presidential election held on November 6, 2006 was boycotted by "mainline" opposition parties, including the 23,000-member Islamist Islamic Renaissance Party. Four remaining opponents "all but endorsed the incumbent", Rahmon.

Tajikistan has given Iran its support in Iran's membership bid to join the Shanghai Cooperation Organisation, after a meeting between the Tajik President and the Iranian foreign minister.

Administrative divisions

Tajikistan consists of 4 administrative divisions. These are the provinces (viloyat) of Sughd and Khatlon, the autonomous province of Gorno-Badakhshan (abbreviated as GBAO), and the Region of Republican Subordination (RRP – Raiony Respublikanskogo Podchineniya in transliteration from Russian or NTJ – Ноҳияҳои тобеи Ҷумҳурии in Tajik; formerly known as Karotegin Province). Each region is divided into several districts (Tajik: Ноҳия, *nohiya* or *raion*), which in turn are subdivided into *jamoats* (village-level self-governing units) and then villages (*qyshloqs*). As of 2006, there were 58 districts and 367 jamoats in Tajikistan.

Division	ISO 3166-2	Capital	Area (km²)	Pop (2008)
Sughd	TJ-SU	Khujand	25,400	2,132,100
Region of Republican Subordination	TJ-RR	Dushanbe	28,600	1,606,900
Khatlon	TJ-KT	Qurghonteppa	24,800	2,579,300
Gorno-Badakhshan	TJ-BG	Khorugh	64,200	218,000

Source: Population and area from State Statistical Committee of Tajikistan.^[25]

Elections in Tajikistan

Tajikistan elects on national level a head of state - the president - and a legislature. The president is elected for a five year term by the people. The **Supreme Assembly** (*Majlisi Oli*) has two chambers. The **Assembly of Representatives** (*Majlisi Mamoyandogan*) has 63 members, elected for a five year term in, 22 by proportional representation and 41 in single-seat constituencies. The **National Assembly** (*Majlisi Milliy*) has 33 members, 25 elected for a five year term by local majlisi deputies and eight appointed by the president. Tajikistan is a one party dominant state with the People's Democratic Party of Tajikistan in power.

2006 Presidential election

Summary of the 6 November 2006 Tajikistan presidential election results

Candidates - Nominating parties	Votes	%
Emomalii Rahmon - People's Democratic Party of Tajikistan		79.3
Olimzon Boboyev - Party of Economic Reform		6.2
Amir Karakulov - Agrarian Party of Tajikistan		5.3
Ismoil Talbakov - Tajik Communist Party		5.1
Abdualim Gafforov - Socialist Party		2.8
Total		100.0
Source: Associated Press		

2005 Parliamentary election

Summary of the 27 February and 13 March 2005 Assembly of Representatives of Tajikistan election results

Parties		Votes 1st round	%	Seats
People's Democratic Party of Tajikistan (<i>Hizbi Demokrati-Khalkii Tojikston</i>)		1,666,909	64.51	49
Communist Party of Tajikistan (<i>Hizbi Kommunistii Tojikston</i>)		533,066	20.63	4
Islamic Renaissance Party of Tajikistan (<i>Nahzati Islomi Tojikiston</i>)		193,532	7.48	2
Others	Democratic Party (<i>Hizbi Demokrati</i>)	190,412	7,36	N/A
	Justice Party (<i>Hizb Adolatkoh</i>)			N/A
	Socialist Party (<i>Hizbi Sotsialistii Tojikston</i>)			N/A
	Other parties			-
	Non-partisans (<i>pro-HDKT</i>)			5

Total (turnout %)	2,583,919		63
Registered voters	2,771,528		
Source: IFES, Angus Reid en Eurasia.org			

The election took place peacefully, but despite certain small positive steps the 28 February parliamentary elections in Tajikistan failed to meet many key international standards for democratic elections. Serious irregularities took place on election day, including high incidence of observed proxy and family voting, despite the stated aim of the authorities of Tajikistan to hold more democratic and transparent elections. In a positive development, the higher-level election commissions were more inclusive than in previous elections.

The elections had a rather low public profile, despite efforts by government and non-governmental organizations to promote public awareness. Overall, the election campaign had low visibility and got off to a late start, partly as the result of the late registration of candidates and partly due to an even later allocation of free airtime to candidates. Some parties and candidates provided voters with political alternatives. However, inconsistent application of provisions for campaigning affected candidates' ability to campaign, particularly opposition parties. There were credible reports regarding several instances of violations of campaign regulations by local authorities and law enforcement agencies, geared against opposition parties. This hindered the establishment of a level playing field for all candidates.

The election law has not been substantively amended since 2004 and significant shortcomings remain. These include a lack of guarantees for an inclusive and pluralistic composition of election commissions, insufficient complaints procedures and vague procedures and lack of safeguards for essential aspects of the election process, including

on voter registration, campaigning and election day procedures. A number of provisions in the election law and in the criminal code contradict the constitutional guarantee of freedom of expression, essential for election campaign speech and media coverage of elections. Despite the recommendations made in the OSCE/ODIHR Final Report on the parliamentary elections held in Tajikistan in 2005, many issues remain unaddressed.

In practice, there is a limited range of opinions presented in television broadcasts in Tajikistan, which continues to be the main source of information for citizens. By contrast, there is a wide spectrum of viewpoints expressed in print media. However, due to its low circulation outside urban centres and in most cases, publication only once a week, its impact is limited. Journalists informed that the pre-election working environment has become less controlled, but they also reported self censorship.

In the run-up to the elections, state television news coverage of campaign activities of parties and candidates was almost completely absent. All this limited the information available to voters to make informed choices in these elections.

Overall, the process of candidate registration was inclusive. The electoral deposit, however, was perceived as unduly high and prevented a significant number of candidates from registering. Only the ruling People's Democratic Party of Tajikistan (PDPT) registered candidates in all contests, except for in one of the single mandate constituencies. All other parties were able to register far fewer candidates.

Generally, the Central Commission for Elections and Referenda (CCER) worked within legal deadlines but together with the DEC's, it lacked transparency and accountability in carrying out its tasks. The CCER held informal meetings, rather than formal sessions, although the latter is required by law. Over the course of the process, the CCER failed to issue instructions for the work of lower level election commissions in order to fill existing gaps and ambiguities in the election law, in particular regarding election day procedures. The CCER argued that the present electoral framework is sufficiently clear.

The election law allows political parties to nominate DEC members. In practice, some DEC's appointed party members to PEC's while others did not. For PEC's, there are no such legal provisions, thereby not ensuring a role for political parties in the work of PEC's. The prevalence of senior local officials as well as of members of the ruling

People's Democratic Party of Tajikistan (PDPT) on DEC's raised concerns regarding their independence.

Official complaints were generally considered by election commissions without proper procedural requirements being always followed and were not handled in a collegial and transparent manner, although this is required by law. Instead, commissions attempted to resolve disputes informally.

Complaints to the CCER were generally answered by a letter rather than in the form of an official decision, thus potentially undermining complainants' rights to appeal. This did not provide the level of transparency that a proper legal or administrative process would have done.

With a few exceptions, women do not feature prominently in politics in Tajikistan. In these elections, they were neither well represented as candidates, nor in the election administration. On election day, in PEC's observers noted that women were chairpersons in 17.8 per cent of cases.

Minority issues did not feature in the campaign. In areas with significant minority populations, ballots were printed in minority languages. No specific cases of discrimination on ethnic grounds related to the election process were observed or reported.

Election day took place peacefully. Official turnout was reported at 85.2 per cent. The voting process was assessed positively in only 74.8 per cent of polling stations visited by observers. However, the process was evaluated as transparent by a high number of observers, in as much as they could evaluate the polling procedures. In general, most PEC's did not follow the requisite election procedures. Weak control over the process resulted in serious irregularities. Voter lists contained identical signatures in about half of polling stations observed. Proxy voting (voting for another person) was widespread and constitutes a serious shortcoming.

While the authorities of Tajikistan readily accommodated international observers, they did not meet their commitment under paragraph 8 of the 1990 OSCE Copenhagen Document to invite domestic observers, other than from parties or candidates, who were thus not able to observe Counting and tabulation were assessed more negatively by observers than voting. Counting was assessed positively in less than half of polling

stations. Lack of detailed instructions on counting procedures and training became evident; PECs' understanding of counting procedures was assessed as "bad" or "very bad" in about one third of the polling stations observed.

BACKGROUND

In line with legal requirements, on 14 December 2009 the president announced the next elections to the lower chamber of parliament (*Majlis Namayandagon*) for 28 February 2010. In the outgoing parliament, the People's Democratic Party of Tajikistan (PDPT), headed by President Emomali Rahmon, held 52 of the 63 seats. Two other parties also held seats; namely the Communist Party (CPT) with four seats and the Islamic Revival Party (IRPT) with two seats. The five remaining seats were held by independent candidates.

The CPT has traditionally been a loyal partner of the ruling PDPT, although it has in recent times voiced some criticisms towards government policies. The IRPT wishes to promote a larger role of Islam in public life. The Socialist Party (SPT), the Social Democratic Party (SDPT) and the Democratic Party (DPT) hold no seats in the current parliament. The SPT defines itself as 'constructive opposition', while the SDPT is openly critical of the government. Two new parties were established in 2006, the Party of Economic Reforms (PERT) and the Agrarian Party (APT).

Both parties openly support the government, although they contribute to the elaboration of agricultural and economic policies. The 1992-1997 civil war in Tajikistan is still fresh in the memory of the population and continues to influence the political environment with actors avoiding aggressive discourse.

ELECTION SYSTEM AND LEGAL FRAMEWORK

The parliament of Tajikistan (*Majlisi Oli*) is comprised of two chambers. The assembly of representatives (*Majlisi Namayandagon*) is the lower chamber with 63 deputies directly elected for a five-year term. Twenty-two members are elected through a proportional party list system within a single nationwide constituency with a five per cent threshold for seat allocation. Forty-one members are elected in single-mandate constituencies under a majoritarian system. In these contests, if no candidate gets more

than 50 per cent of votes cast in the first round, the top two candidates compete in a second round within two weeks. A 50 per cent turnout of registered voters is required.

The parliamentary elections were primarily regulated by the 1994 Constitution and the 1999 Constitutional Law on Elections to the *Majlisi Oli* (election law). The constitution provides for rule of law and fundamental civil and political rights and freedoms, necessary for the conduct of democratic elections. However, the general legal framework including a series of new or amended laws affecting media, civil society and religious organizations have narrowed civil and political freedoms.

The election law has not been substantively amended since 2004, prior to the last parliamentary elections. Significant shortcomings exist in the election law, including a lack of guarantees for an inclusive and pluralistic composition of election commissions, unduly restrictive candidate eligibility requirements, undue restrictions on freedom of expression, insufficient complaints procedures and lack of safeguards for essential aspects of the election process, including on voter registration, campaigning and election day procedures.

Throughout 2008, efforts were made to reform the election law. Several working group sessions that included representatives of all registered political parties, the CCER, the parliament, the presidential administration, and the Centre of Strategic Research under the President were held. After a set of proposed amendments was negotiated and agreed to by all stakeholders, the PDPT did not sign the proposals. From the outset, they had been of the opinion that the election law did not require improvement. In February 2009, the CPT formally introduced a majority of the working group's proposals to parliament. The proposals were reviewed by relevant parliamentary committees and rejected by the majority of these committees;⁵ thus the proposals did not receive a formal reading.

A number of provisions in the election law and in the criminal code contradict the constitutional guarantee of freedom of expression, essential for election campaign speech and media coverage of elections. The extent of these restrictions and the application of criminal sanctions are inconsistent with the Constitution, which obliges participating States to ensure freedom of expression and allow restrictions only by law, if consistent with international standards.

A lack of harmonization of the election law with the Law on Elections of Local *Majlis* of People Deputies (1999) has led to an inconsistent practice in the formation and reporting structure of PECs.

Furthermore, ambiguities and gaps in the election law were not addressed by the CCER, who could have issued detailed instructions in the run-up to the elections to clarify certain crucial procedures, especially with regard to election day.

ELECTION ADMINISTRATION

The parliamentary elections were administered by three levels of election commissions, comprising the Central Commission for Elections and Referenda (CCER), 41 District Election Commissions (DECs), and 3,067 Precinct Election Commissions (PECs), including 35 polling stations in 22 countries for citizens residing abroad. While the election administration generally met legal deadlines, the CCER and DECs lacked transparency and accountability in carrying out their tasks.

Only the CCER is a permanent body. Its 15 members were appointed by parliament on proposal of the president for a five-year term. The eight registered political parties were invited to nominate members to the CCER and only the SDPT was not represented. The party claims that the president did not support their nominee.

The work of the CCER lacked transparency because it did not work in open session. The OSCE/ODIHR EOM was informed by the CCER that its last session was held on 19 January and that there was no necessity for further sessions. However, additional CCER informal meetings were held but the OSCE/ODIHR EOM was not informed about them, though the latter enquired on a daily basis about any sessions to be held.

On 26 February, the CCER invited the leaders of all political parties to discuss the work carried out thus far by the CCER in preparation for the elections.

The CCER assigned five of its members as regional co-ordinators based outside Dushanbe, and this further deteriorated the CCER's transparency of work and collegiality. The lack of sessions brought into question how the CCER could adopt decisions in accordance with provisions of the election law, which requires a two-third quorum and that adopted decisions are supported by over half of those present.

Lower-level commissions are appointed for each election. DEC members of no less than nine members were established by the CCER by 30 December 2009. The 3,067 PECs were formed by DEC members by 14 January 2010 with 5 to 19 members each. The election law provides that proposals from political parties on DEC membership are to be considered. For PECs, there is no such legal provision; at the same time, the law does not prohibit PEC members from being affiliated with a party. In practice, some DEC members appointed party members to PECs while others did not.

Prior to the elections, the CCER issued a number of decisions, *inter alia* on the formation of electoral districts, on electoral contestants use of mass media, and on the formula for determining the registration fee. It did not, however, adopt regulations providing further detail for the work of DEC members and PECs regarding crucial elements of the electoral process. These include voter registration, early voting, mobile voting, military voting, as well as counting and tabulation. The CCER informed the mission that it viewed the law as sufficiently clear and detailed.

The senior officials from regional and local government were members of election commissions, especially in DEC members.⁸ While not contravening the election law, the presence of senior local officials as DEC members in combination with the prevalence of members of the ruling People's Democratic Party of Tajikistan (PDPT) as DEC members and chairpersons, raised concerns regarding the independence of commissions.

VOTER REGISTRATION

There is no central voter register in Tajikistan. Voter lists are mostly hand-written and compiled locally for each election by PECs. They produce voter lists based on data provided by local executives. Citizens who are at least 18 years old on election day and permanently or temporarily residing in a given precinct are entitled to be included in that precinct's voter list.

Voter lists were to be compiled by PECs by 13 January and were subsequently displayed for public scrutiny at polling stations. Some instances of late compilation and display were observed. The CCER informed the mission that 3,459,164 voters had been registered by the deadline for voter list compilation. The lack of a centralized database meant that national crosschecks and elimination of multiple entries was effectively not possible. A

number of opposition parties warned that the names in voter lists of migrant workers, who are not in Tajikistan during the elections, may be abused by others, who may cast votes in their names.

CANDIDATE REGISTRATION

To stand for office, citizens of Tajikistan must be at least 25 years old, possess voting rights, a higher education and be resident in the country for the past five years. The law prohibits those under investigation or convicted of ‘grave crimes’ and those with a conviction for any crime that has not been lifted from standing.

Candidates could stand on party lists or could be nominated in single-mandate constituencies by registered political parties or by self-nomination. Self-nominated candidates had to present 500 support signatures. An electoral deposit of 7,000 *Somoni* was also required from each candidate and only elected candidates or parties that surpass the five per cent threshold are refunded.

Candidate registration took place from 14 January to 8 February. On 19 January, 73 candidates were registered on 8 party lists to contest the 22 nationwide constituency seats. Only the PDPT was able to register the legal maximum of 22 candidates. According to the CCER, several parties were not able to pay the electoral deposit for all nominees; some 50 of the 68 rejected were for this reason.

Only the ruling People’s Democratic Party of Tajikistan (PDPT) registered candidates in all contests, except for in one of the single mandate constituencies. All other parties were able to register far fewer candidates.

The 41 single-mandate constituencies were to the knowledge of the OSCE/ODIHR EOM finally contested by 129 registered candidates: PDPT, 39; IRPT, 20; CPT, 7; PERT, 6; APT, 4; SDPT, 2 plus 51 self-nominated candidates. The DPT and the SPT did not run single-mandate candidates. In nine constituencies, only PDPT fielded candidates, aside from those that were self-nominated. In one constituency, only self-nominated candidates stood. Over the course of the campaign and in particular towards the end of it, 23 candidates withdrew their candidacy. This high number of withdrawals raises questions about what caused them. One was de-registered for alleged vote buying in the form of a donation of furniture to a school and for using non-standard posters.

CAMPAIGN ENVIRONMENT

Overall, the election campaign had a low public profile, although an increase in activities was observed in the last two weeks prior to election day. Public interest in the elections appeared to be limited, despite efforts by the government and non-governmental organizations to promote public awareness. Certain parties and candidates provided voters with political alternatives, offering them some level of choice.

An inconsistent application of provisions for campaigning affected candidates' ability to campaign, in particular from opposition parties. There were credible reports regarding violations of campaign regulations by local authorities and law-enforcement agencies, some of which were verified. This hindered the establishment of a level-playing field for all candidates.

By law, candidates and political parties can start campaigning as soon as they are registered. This effectively meant that some candidates had more time to campaign than others. In addition, the election administration's interpretation of the law differed. In some electoral districts in the Khatlon and Sughd regions, the election administration interpreted the law as to not allow any campaigning until the registration process was completed, i.e. 8 February.

Campaign events consisted mainly of meetings with voters, either organized by the relevant DEC or by political parties, with a prevalence of the first type. In general, candidates participated in meetings organized by DECs. During the first week of the campaign, some opposition parties complained that they were not informed of upcoming meetings with the electorate or were informed at the last moment. They claimed that this hindered their effective participation. Similarly, when DECs and local authorities did not inform voters or institutions, there was low or no attendance. The interpretation of the DECs' obligations and the rights of candidates and political parties concerning campaign events was not consistently applied throughout the country. In some cases, only meetings organized by DECs were allowed, while in other areas, candidates and parties could organize meetings independently of DECs.

In addition to meetings with voters, campaign activities included door-to-door canvassing, small and informal meetings with voters, distribution of leaflets and display

of posters. In general, election posters were much less prominently displayed than other advertising, such as the posters related to the construction of the Roghun dam.¹⁷ Certain incidents of police obstructions were verified; four times in Dushanbe, twice in Kulob and once in Vahdat, police stopped IRPT campaigning. In some cases, this involved short-term detentions. For instance, in Kulob police detained four IRPT activists who were distributing leaflets outside a mosque, claiming that this was prohibited. An IRPT party list candidate was detained while preparing a meeting with voters in a school which also serves as a polling station. The police claimed that it was illegal to distribute campaign materials to minors.

In the Sughd region and in Dushanbe, there were nine allegations of pressure on government employees and voters to vote for or otherwise facilitate the victory of PDPT candidates. Although the mission was unable to verify these claims, the number of such allegations raises concern. A SDPT candidate in Gorno-Badakhshan informed that two of his proxies were threatened with job loss if they did not withdraw their support. One of them decided not to act as a proxy. The remaining proxy later informed the mission that he would not lose his job. The Chairman of the SDPT also alleged that any businessmen supportive of his party would also face such pressure. Also, four instances of pressure on single-mandate candidates to withdraw were reported first hand by the candidates.

Representatives of IRPT, SDPT and DPT informed that their campaign posters have been torn down in many locations during the last week of campaign. In a separate development, on 26 February the CCER instructed that all campaign materials throughout the country must be taken down by 00.00 on Saturday 27 February, in accordance with the law.

THE MEDIA

Television is the main source of information in Tajikistan, including for election coverage. Only the four state-owned TV channels broadcast countrywide. A pluralistic print media field exists, but its reach is affected by low circulation outside urban centres. In most cases, publication is once a week.

Media representatives reported that the pre-election working environment has become less controlled. However, the lack of diverse viewpoints in broadcast media, the limited

impact of newspapers, as well as self-censorship reported by journalists themselves brought into question voters' access to a broad range of information about contestants.

The legal framework for media coverage of the campaign is based on the election law and a CCER decision on the use of mass media. Article 39 of the election law obliges state-funded broadcast media to allocate airtime free of charge throughout the campaign to registered parties and single mandate candidates (30 and 15 minutes respectively). Based on the CCER decision, each registered party and candidate was also entitled to eight free A4 pages in state-funded newspapers. The media monitoring showed that state-funded media adhered to these legal requirements. While all parties utilized their free airtime on *Tojikiston* TV, there were only a limited number of single mandate candidates who utilized this opportunity.

In a positive development, on 26 February the broadcaster aired a pre-recorded debate with participation of all registered parties. The debate offered voters a chance to obtain meaningful information on the platforms and views of respective parties. However, it could not substitute the general lack of information about contestants in the pre-election period.

In general, only newspapers and some radio stations provided vigorous coverage of the electoral campaign, including of candidates and election-related topics. The monitored television channels focused on procedural and technical aspects of the electoral process. Aside from free and paid airtime, coverage of campaign activities of parties and candidates was almost completely absent.

Instead, the monitored TV broadcasters dedicated primetime attention to non election-related topics, primarily to the promotion of the fundraising campaign for a hydro-electric power plant in Roghun.

In general, all three monitored TV channels in their news programmes presented almost identical editorial policies as concerned coverage of the political subjects, and primarily offered information about the president. Fifty-four per cent of political news coverage on *Tojikiston* TV was devoted to activities of the president and 24 per cent to the central and local governments. In addition, almost 21 per cent of the political news coverage was devoted to the CCER and other election commissions.

Furthermore, the diversity of information available to the voters during the campaign was challenged by administrative or legal steps against a number of media outlets. Independent television, *SMT*, could not fully use its new frequency since the same frequency has been used by Russian military; the responsible Ministry of Transport and Communications was not able to resolve the situation. As a result, potential viewers in the Dushanbe area were not able to receive this channel or received it in poor quality. During the pre-election period, several independent newspapers faced lawsuits with complainants representing state bodies or the judiciary claiming hefty moral damage compensations alleging violation of honour and dignity under the Civil Code. Even though the lawsuits were not election-related, journalists told that it created an atmosphere of intimidation. On 23 February, the Sino district court judge, noting the upcoming elections, postponed the ongoing hearing.

COMPLAINTS AND APPEALS

The election-related complaints and appeals process, regulated by a number of laws, generally lacks sufficient clarity and guarantees of due process. There is dual jurisdiction for consideration of complaints against decisions of election commissions, whereby such complaints can be submitted to higher election commissions or first instance courts; complaints against CCER decisions are to be directly submitted to the Supreme Court.

Fourteen complaints related to the parliamentary elections were filed with the CCER, eight to DEC, and three to first instance courts by political parties, candidates and citizens; the IRPT was the party that most utilized the formal complaint process. Almost all formal complaints submitted to election commissions and courts were unsuccessful. One court decision misapplied the election law in upholding the registration of a candidate. Generally, courts did not issue sufficiently reasoned decisions.

Most of the complaints to the CCER alleged violations of the election law, such as campaign hindrance. The Administrative Offences Code of 2008 made election-related offences subject to court-imposed financial penalties, thus reinforcing the legal framework regarding prosecution of electoral offences. The CCER, however, only forwarded one complaint to the prosecutor's office, although a majority of them concerned administrative offences. According to a press statement of the Prosecutor

General, his office was not aware of any substantiated electoral offences and warned against the making of intentional false claims.

The CCER dealt with complaints in an *ad hoc* manner and responded to them by letter signed by the CCER Chairperson. None of the complaints were decided on in open session, in contravention to the election law. The lack of formal decisions on complaints potentially undermined the right to appeal to court. There were instances of DEC's not considering complaints in a collegial and transparent manner and not issuing official decisions. In addition, often the three-day legal deadline for complaints to be decided was not met by the CCER and at least three complaints were not considered at all.

Some electoral contestants indicated a reluctance to make formal complaints for lack of trust in election commissions and courts to impartially and effectively consider election-related complaints and to avoid repercussions by the authorities; instead they attempted to settle disputes in an informal manner. The contestants lacked sufficient skills to prepare formal written complaints. In general, an insufficient legal framework for complaints and appeals and the manner in which complaints were considered in practice undermined the right to an effective means of redress for electoral complaints.

PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

With a few exceptions, women do not feature prominently in politics in Tajikistan. Women held 17.5 per cent of the seats in the outgoing parliament. Fifteen women out of 73 candidates were registered on political party lists (21 per cent), although mostly in low positions with little or no chance of being elected. In single-mandate constituencies, 16 women competed out of 129 candidates (12 per cent). Although the legal framework of Tajikistan provides for equality between women and men in public and political life, there is a general consensus among women's advocacy organizations that laws rarely go beyond a mere statement of equality and implementation remains insufficient.

Women are also less represented in the higher levels of the election administration. Three of the 15 members on the CCER are women and four out of 41 DEC's were headed by women. Overall, women held 16 percent of positions as chairpersons, deputies or secretaries on DEC's. Women were better represented as members of PEC's. On election day, in PEC's observers noted that women were chairpersons in 17.8 per cent of cases.

The main ethnic group in the country is Tajiks, accounting for 79.9 per cent of the population. Other groups include Uzbeks (15.3 per cent), Russians (1.1 per cent), and Kyrgyz (1.1 per cent). Other ethnic groups comprise the remaining 2.6 per cent.³⁷ In these elections, the number of candidates from minority groups was marginal and minority issues were not raised during the campaign.

Political parties, however, distributed campaign materials in minority languages such as Russian, Uzbek, and Kyrgyz; this was observed in the Sughd region and in Dushanbe. In areas with significant minority populations, ballots were printed in minority languages. One member of the CCER is from a minority background. In most minority-populated area DEC observed, up to 50 per cent of members were from minority groups. No specific cases of discrimination on ethnic grounds related to the election process were observed or reported.

DOMESTIC AND INTERNATIONAL OBSERVERS

The election law allows political parties and self-nominated candidates to appoint election observers, who have the right to be present at polling stations to observe the work of election commissions and to familiarize themselves with the voting results. Each candidate may have up to five proxies. The law also provides for international observers. Some 500 international observers were accredited by the CCER to observe these parliamentary elections. While the authorities of Tajikistan readily accommodated international observers, they did not meet their commitment under paragraph 8 of the 1990 OSCE Copenhagen Document to invite domestic observers, other than from parties or candidates, who were thus not able to observe.

ELECTION DAY

Election day took place peacefully. Official turnout was reported at 85.2 per cent. However, the process was evaluated as transparent by 77 per cent of observers, in as much as they could evaluate the polling procedures. Voting was assessed positively in only 74.8 per cent of polling stations visited by observers. This indicates that election officials were not performing their duties as prescribed by the election law. Procedures were implemented poorly in 21 per cent of polling stations observed, which may indicate

a lack of sufficiently detailed instructions on election day procedures and insufficient training.

Ballot paper control and accountability by election officials was inadequate. Voters were allowed to vote without ID documents in 36.6 per cent of the polling stations visited often, an invitation to vote was sufficient to receive a ballot.

The weakened control over the process resulted in serious irregularities. Voter lists contained identical signatures in 50.6 per cent of the polling stations observed. Instances of group voting were observed in 28.8 per cent of the polling stations visited. Proxy voting (voting for another person) was widespread, as observed in 24.5 per cent of polling stations visited and constitutes a serious problem.

Other problems observed included ballot boxes not properly sealed in 16.7 per cent of polling stations visits. The secrecy of the ballot was not respected in 10.4 per cent of polling stations visited with voters showing their marked ballot papers to others. In three polling stations in DEC 12 (Rasht), a self-nominated candidate was crossed out from the ballot, even though he had not withdrawn. In the same DEC, two withdrawn candidates were not removed in a number of polling stations.

Observers reported discrepancy between the high turnout, as announced by the PEC, and the number did not match the number of signatures on voter lists or the number of ballots visible in the box.

Unauthorized people were present in over one-third of polling stations visited (31.4 per cent).

Although in only 5.1 per cent of the polling stations observed, they were observed to direct the work of the PECs, the high level of their presence raised concern on the integrity of the voting process.

In a positive development, party or candidate observers were present in most polling stations visited (91.1 per cent), most frequently from the IRPT and the PDPT. They were unhindered in their ability to observe in (93.2 per cent). However, in some cases IRPT observers faced restrictions.

COUNTING AND TABULATION

Counting and tabulation were assessed more negatively by observers than voting. In only 44.3 per cent of the polling stations visited counting was assessed positively. Counting procedures were not properly followed in half of the polling stations observed. Unused ballots were not invalidated as required by law in 28 cases in the polling stations observed. As well, the number of cancelled ballots was not entered into the results protocol in 30 cases. The total number of the ballots in the ballot\ boxes was not entered into the protocol in 25 cases in the polling stations visited.

Most PECs seemed to have limited knowledge of election procedures. During the sorting of ballots, the voters' choice was visible to observers in half of the polling stations visited. PEC members had difficulties in completing the protocols in more than one third of the observed polling stations and also in one-third, observers did not have a full view of the closing and counting process. Observers were restricted in their observation of the counting process in 15 polling stations visited.

The PECs did not publicly post the protocol, as required by the election law in 28 observed polling stations. The insufficient training provided for PECs and lack of detailed instructions on counting procedures was evident as PECs' understanding of counting procedures was assessed as "bad " and "very bad" in 37.2 per cent of the polling stations observed.

In some cases, PEC members delivered signed protocols completed in pencil or blank to DEC. In half of the PECs observed the protocols were not submitted immediately to the DEC, as required by the election law. Also, changes were introduced in PEC protocols in 22 of the observed DEC.

