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# **Elections in Tajikistan**

## *2015 Parliamentary Elections*

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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# Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Tajik election authorities as of February 27, 2015, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## Who will Tajikistani voters elect on March 1, 2015?

Voters of Tajikistan will cast ballots to elect 63 members of the *Majlisi Namoyandagon* (Assembly of Representatives), the lower house of Tajikistan's bicameral Parliament, called the *Majlisi Oli* (Supreme Assembly). In the *Majlisi Namoyandagon*, 41 members are directly elected by absolute majority vote in single-member constituencies to serve five-year terms and 22 members are elected through a closed-list proportional representation system to serve five-year terms. In the *Majlisi Milli* (National Assembly), the upper house of Parliament, 34 members are elected by indirect vote to serve five-year terms. The *Majlisi Milli* has 34 members, 25 elected for a five-year term by local *Majlisi* members, with eight appointed by the President and one seat reserved for the former President.

Elections to the *Majlisi Milli* will be held on March 27, 2015.

Voters will also elect members of the legislatures of the Gorno-Badakhshan Autonomous Region, provinces, Dushanbe City, other cities, and districts on March 1, 2015.

This will be the fourth parliamentary election held since the 1997 Comprehensive Peace Accords on National Reconciliation that ended the Tajik Civil War (1992-1997).

On December 5, 2014, the President confirmed March 1 as Election Day. For this election, campaigning begins once a candidate or party list is registered, and lasts until 24 hours before Election Day. Party lists for the nationwide contest may be declared from the moment of the election's announcement, while candidates for single-mandate districts can be nominated starting 60 days before the elections. The nomination period for both concludes 45 days before Election Day.

Both the party list and majoritarian votes require 50 percent turnout for the election to be valid. Political parties will need to surmount a 5 percent threshold, while majoritarian candidates require 50 percent plus one of votes cast to be elected from their respective districts. The Constitution of Tajikistan establishes that more than half of all registered voters must vote for the election to be valid; if this threshold is not reached, the election is considered "failed" and new elections will be called. If no candidate running for a majoritarian seat receives an absolute majority of votes, a second round will be held between the two candidates who receive the most votes. The second round must take place within one month, but not sooner than 15 days after the first round.

## What is the current political situation in Tajikistan?

The government, dominated by the ruling People's Democratic Party of Tajikistan led by President Emomali Rahmon, dominates political life in the country. It tightly controls the media, and closely monitors the activities of all political opposition, which has become smaller inside Tajikistan since the last parliamentary elections in 2010. Campaigning by political parties and individual candidates has been restricted to being done through the mass media, with no large rallies or even election posters permitted.

In 2014, several key events illuminated the enduring challenges that confront Tajikistan's political evolution. As a post-Soviet State that has, as many of its neighbors, become in recent years more suspicious of efforts to assist the country's democratic development through outside financing of NGOs or through direct technical support, Tajikistan remains skeptical of outside entities working within its borders. As such, in May 2014, the government introduced legislation that would carefully regulate NGO operations, much to the chagrin of civil society groups.<sup>1</sup> If enacted, NGOs will face a significant increase in red tape. Under an amended Law on Public Associations, NGOs would implement foreign government-backed programs only after funding registration approval from the Ministry of Justice. Although the legislation is in the drafting phase, the proposal signals the intentions of the government to build upon existing regulations of NGOs. As a show of collective dissent to the bill, 92 rights groups signed an open letter advising the Tajik government to allow NGOs to operate with greater dexterity regarding funding practices.<sup>2</sup>

Digital freedoms were similarly restricted in 2014. Numerous websites, including social networking sites Facebook and YouTube, went dark for a period that began in early October. From October 9-11, SMS services were blocked across the country by the State Telecommunication Service. The government denied responsibility by claiming the outages were caused by technical problems, while media sources alleged the blockages were a direct State response to a social media call by the opposition movement Group 24 to organize a mass antigovernment rally in Dushanbe.<sup>3</sup> On October 9, Tajikistan's Supreme Court issued a ban on Group 24, declaring it an extremist organization. The group's printed materials were similarly banned.

These restrictions, coupled with recent events like the suspicious detainment of noted Islamic Renaissance Party of Tajikistan (IRPT) leader Jamoliddin Mahmudov, illuminate the measures the Tajik government is willing to undertake to ensure control of the country's political space ahead of elections. The government's pre-election mindset is further evidenced by new rules introduced for the 2015 parliamentary elections, which include a ban on outdoor campaigning, aimed at preventing large, mass rallies normally held outdoors. Campaigning has now been restricted to the mass media only. Campaign posters, common in previous elections and posted on walls, billboards, or other public places in previous elections, have now been banned. The election authorities have also instated a new, rigorous Tajik language requirement that prospective candidates will need to pass in order to be eligible for election; many native, highly-educated speakers claim the test is exceptionally difficult and will prevent even native-fluency candidates from getting registered. Another important factor is that as of the 2015 election, out-of-country voters will only be able to legally vote in official Tajikistani embassies or consulates abroad. This means that the approximately one million Tajik citizens living and working in the

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<sup>1</sup> NGO Law Monitor: Tajikistan. (Last updated 2014, November 28). The International Center for Not-for-Profit-Law. Retrieved from <http://www.icnl.org/research/monitor/tajikistan.html>

<sup>2</sup> Jamshed, Y. (2014, November 14). Restrictive NGO Law on the Way in Tajikistan. Institute for War and Peace Reporting. Retrieved from <https://iwpr.net/global-voices/restrictive-ngo-law-way-tajikistan>

<sup>3</sup> Chronicle: Highlights of October, 2014. (2014, November 3). *Asia Plus*. Retrieved from <http://news.tj/en/news/chronicle-highlights-october-2014>

Russian Federation will be forced to vote in one of only three polling stations in the country (located in Moscow, Yekaterinburg and Ufa), in contrast to the 24 official polling stations located on the territory of the Russian Federation during the October 2013 presidential elections. Labor migrants have shown a proclivity for supporting opposition parties, and the IRPT has taken great effort to court these voters as part of its outreach and communications strategy.

## **Why are the parliamentary elections important? What is at stake?**

At stake are 63 seats in the national Parliament, which has widely been considered to be a rubber stamp for the government due to the People's Democratic Party of Tajikistan's (PDPT) overwhelming majority of members. The fledging opposition parties have steadily seen their representation in government neutralized since the signing of the Peace Accords 18 years ago, with the limited political space now shared with two new pro-government parties, the Agrarian Party and the Party of Economic Reforms. Tajikistan is in the midst of an economic crisis that has seen hundreds of thousands of its citizens travel abroad in search of employment.

Arguably the most pressing challenge to Tajikistan's stability is the government's ongoing struggle to revive the economy. According to the World Bank, at least 80 percent of the population resides beneath the poverty line. Furthermore, the stunted growth of the industrial sector, coupled with Tajikistan's underdeveloped education infrastructure, adds an additional hurdle to the economic problems plaguing the country. Solving this complex socioeconomic crisis is impeded most, however, by Tajikistan's anachronistic government.

Due to the authoritarian-style makeup of the Tajik government, unmitigated economic woes do not pose an existential threat to the ruling party. Reversing the dire economic situation relies upon a paradigmatic shift in the status quo – a change preconditioned by structural reforms at the State level. If a pragmatic government can be established to replace the existing one, then a number of the most critical issues in Tajikistan can be effectively treated, as these issues are largely interrelated. Endemic corruption and crime, as well as improved relations with regional powers demand the attention of a proactive, solutions-oriented government concerned with policy rather than power. Improving relations with neighbor States while addressing domestic factors like crime are crucial first steps to lifting Tajikistan from its economic cellar.

Youth are becoming increasingly vulnerable due to the faltering education system and low employment prospects, making them – young men in particular – more susceptible to recruiting by fundamentalist groups including the Islamic State group. Corruption continues to be a serious problem, as the country ranks 152<sup>nd</sup> on Transparency International's 2014 Corruption Perceptions Index.<sup>4</sup> Tajikistan is increasingly dependent upon the Russian Federation, mainly for its economic wherewithal through investment (a

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<sup>4</sup> 2014 Corruption Perceptions Index. (2014). Transparency International. Retrieved from <http://www.transparency.org/cpi2014/results>

Russian firms owns the largest factory in the country, the aluminum plant based in Tursunzade) or via remittances from labor migrants, which counts for nearly 50 percent of Gross Domestic Product. Public apathy and cynicism in politics is high, and the elections to the *Majlisi Namoyandagon* as well as local offices represent the only real opportunity for Tajik citizens to express their political views through electing their leaders, provided of course there is a level playing field. With the political opposition discredited and facing an uncertain future, the parliamentary elections serve as a sort of referendum on democracy in Tajikistan, and the choice between a Russian-inspired model of a single, dominant pro-presidential political party with limited political competition or a more representative, multi-party democracy envisioned in the 1997 Peace Accords and inclusive of a wider spectrum of political interests. The new Parliament will face a host of issues, ranging from broader security and socioeconomic problems such as terrorism and insufficient human capital to institutional shortcomings that have led to severe logistical challenges such as water shortages, and infrastructural deficiencies manifested in transportation gridlock and electricity blackouts. Tajikistan also faces the need to construct an ideological platform, which would encourage patriotism, pride of cultural and national heritage, as well as counterbalance hostile propaganda against the country.

## **What are the major political parties running for seats in the *Majlisi Namoyandagon*?**

There are eight registered political parties running for seats in the *Majlisi Namoyandagon*:

The parties are:

- **People's Democratic Party of Tajikistan (PDPT)**
  - Leader: Emomali Rahmon
  - Seats won in the 2010 Assembly of Representatives election: 54
  - Seats from nationwide constituency: 16; seats from single-mandate constituencies: 38
  
- **Communist Party of Tajikistan (CPT)**
  - Leader: Shodi Shabdolov
  - Seats won in the 2010 Assembly of Representatives election: 2
  - Seats from nationwide constituency: 2
  
- **Islamic Renaissance Party of Tajikistan (IRPT)**
  - Leader: Muhiddin Kabiri
  - Seats won in the 2010 Assembly of Representatives election: 2
  - Seats from nationwide constituency: 2

- **Social Democratic Party of Tajikistan (SDPT)**
  - Leader: Rahmatullo Zoyirov
  - Seats won in 2010 Assembly of Representatives election: 0
  
- **Party of Economic Reforms (PER)**
  - Leader: Olimjon Boboe
  - Seats won in the 2010 Assembly of Representatives election: 2
  - Seats from nationwide constituency: 1; seats from single-mandate constituencies: 1
  
- **Socialist Party of Tajikistan (SPT)**
  - Leader: Abduhalim Ghafarov
  - Seats won in the 2010 Assembly of Representatives election: 0
  
- **Agrarian Party of Tajikistan (APT)**
  - Leader: Amir Qaraqulov
  - Seats won in the 2010 Assembly of Representatives election: 2
  - Seats from nationwide constituency: 1; seats from single-mandate constituencies: 1

The PDPT is heavily favored to retain its large majority of seats in the *Majlisi Namoyandagon*, which it has comfortably controlled since the first post-civil war elections to that body in 2000. Exercising control over the media, the PDPT-controlled government makes use of State administrative resources to conduct its election campaign. Political parties are largely restricted by their election law-mandated 40 minutes of air time, while majoritarian candidates are allotted a mere 20 minutes. Mass campaign rallies were banned for this election by the government, which represents a break from previous parliamentary elections. In addition, parties appear to be self-censoring under government pressure, which has made this an exceptionally quiet pre-election period. The IRPT and the Social Democratic Party of Tajikistan have allegedly experienced political pressure, leading to concerns the electoral process is an inequitable one.

A bigger and perhaps more important question concerns the opposition parties and the functioning of the Tajikistani multi-party system generally. In 2010, two upstart, pro-government parties – the Party of Economic Reforms and the Agrarian Party – each won two seats in the Parliament, exactly the same number of seats won by the Communist Party and the IRPT, two long-standing political entities with significant constituencies in the country. It not only remains unclear if these parties will win seats in these elections, but also whether the government (after years spent slowly eroding the terms of the 1997 Peace Accords that established, at least in theory, a level political playing field for the former combatants), will continue tolerating political opposition within official bodies at all. Much has been done to discredit or co-opt members of the IRPT and lesser opposition parties such as the Social Democratic Party of Tajikistan.

But the tightening of the political space and pressure from the government (which has included groups of persons hired to disrupt internal party meetings) may drive these parties further into irrelevancy.

## **Who can run for a seat in Parliament?**

Citizens of Tajikistan above the age of 25, who have a higher education, command of the State language, and citizenship for the last five years may be nominated for a seat in Parliament. People in certain professional occupations, such as military personnel, law enforcement officials, and religious functionaries are not permitted to stand as candidates. In addition, individuals convicted of a serious crime, along with those holding un-expunged records in connection with any other crime and those under investigation for committing serious crimes lack the right to stand for election. The above regulations are in place despite the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights previous recommendations to remove unreasonable restrictions for candidacy such as those relating to higher education, criminal records and investigations.

Independent candidates need their nomination endorsed with 500 supporting signatures.

Two hundred and eighty-eight candidates have been registered for the 63 available seats in the *Majlisi Namoyandagon*. Of these, 185 are nominated from single-mandate districts, and 103 are from the party lists.

## **Who is eligible to vote?**

Citizens over 18 years of age have the right to vote in the 2015 parliamentary elections. Voter eligibility is restricted for Tajik citizens who have been declared incapacitated by a court or are imprisoned, regardless of the severity of the crime committed.

## **How is the voter registry managed and maintained?**

In Tajikistan, there is no central voter register. Instead, each Precinct Election Commission (PEC) compiles lists of voters based on data provided by local executive authorities. Voter lists are made public 15 days prior to Election Day. From the time voter lists are published through the end of Election Day, a voter may be added to a supplementary voter list by presenting their passport or another identity document.

The absence of a central voter register leaves Tajikistan susceptible to voter fraud and inaccuracies in the voter lists due to multiple registrations and multiple voting by a single person.

## **What laws regulate the parliamentary elections in Tajikistan?**

There are three key documents regulating parliamentary elections in Tajikistan:

- Constitution of Tajikistan, 1994



- Constitutional Law on Elections to Parliament, also known as the Parliamentary Elections Law (PEL), 1999 (last amended in July 2014)
- Central Commission on Elections and Referenda (CCER) instructions and resolutions

Additionally, these core documents are supplemented by provisions of other legislation. These include applicable clauses contained in the Law on Political Parties; the Law on Public Meetings, Demonstrations and Rallies; the Civil Procedures Code, the Code of Administrative Offenses; the Criminal Code and the Law on Periodical Print and Other Mass Media.<sup>5</sup>

## How many registered voters are there?

The current number of voters is estimated at 4.2 million, including a significant portion residing abroad. Attempts to approximate the number of registered voters in Tajikistan are complicated by the absence of a central voter register. Voter lists are compiled at the local level by Precinct Election Commissions (PECs) and are made public 15 days prior to Election Day. After the voter lists are published, voters still have the opportunity to be added to a supplementary voter list by presenting their passport or another identity document to PEC officials – this can be done through Election Day.

## What is the structure of the government?

Tajikistan is a republic, with three branches of government: executive, legislative and judicial. Tajikistan has a strong presidential system of government; the President has broad powers over the other branches. The Parliament is a bi-cameral legislature consisting of 34 seats in the indirectly elected upper house, called the *Majlisi Milli* (National Assembly), and 63 seats in the directly elected lower house, the *Majlisi Namoyandagon* (Assembly of Representatives).

In the *Majlisi Milli*, 34 members are elected through an indirect vote to serve five-year terms. Of these, 25 are selected by local deputies, eight are appointed by the President and one seat is reserved for the former President. All members are appointed either by the President or officials the President has appointed. In the *Majlisi Namoyandagon*, 41 members are elected by an absolute majority vote in single-member constituencies to serve five-year terms, and 22 members are elected through a closed-list proportional representation system to serve five-year terms.

The President appoints the members of the Supreme Court and other key judicial positions.

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<sup>5</sup> Tajikistan, Presidential Election, 6 November 2013: Interim Report. (2013, October 22). OSCE Office for Democratic Institutions and Human Rights. Retrieved from <http://www.osce.org/odihr/elections/107336>

## What is the gender balance within the candidate list?

Formally, there is no gender quota set by law, however there is informal instruction from the government to include women in party lists for elections with proportional representation.

- Female candidates in closed list proportional vote in the 2015 parliamentary elections:
  - Communist Party of Tajikistan: 7 candidates (1 female)
  - Islamic Renaissance Party of Tajikistan: 27 candidates (7 females)
  - People's Democratic Party of Tajikistan: 27 candidates (11 females)
  - Agrarian Party of Tajikistan: 11 candidates (2 females)
  - Democratic Party of Tajikistan: 4 candidates (no females)
  - Social Democratic Party of Tajikistan: 6 candidates (1 female)
  - Party of Economic Reforms: 6 candidates (1 female)
- Women constitute about 19 percent of all candidates
- Out of 185 candidates registered in single-mandate districts, 32 are women
- Number of female legislators: 9 (15.5 percent of *Majlisi Oli [Supreme Assembly]*)
- Nine female legislators out of 63 legislators in *Majlisi Namoyandagon*

## How will the campaigns be financed?

Political parties and candidates can fund their campaigns from their own resources and donations from individuals and legal entities, except from foreign or state-owned sources. There is public campaign financing available to each candidate and political party, in the sum of 3,000 TJS (\$550 USD) and 30,000 TJS (\$5,500 USD) respectively.<sup>6</sup> The law, however, also requires an initial financial deposit of 4,000 TJS (\$714 USD) for each candidate, including those on party lists. Financial pledges are returned only to parties that receive more than 5 percent of the votes nationwide, and single-constituency candidates with at least 10 percent from their district. Most political parties noted that they lacked the financial resources to mount an effective campaign. The Central Commission on Elections and Referenda oversees campaign finance rules, but no deadlines and details for reporting by parties and candidates are defined in law.

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<sup>6</sup> Tajikistan, Presidential Election, 6 November 2013: Interim Report. (2013, October 22). OSCE Office for Democratic Institutions and Human Rights. Retrieved from <http://www.osce.org/odihr/elections/107336>

## **What is the election management body? What are its powers?**

The 2015 parliamentary elections are administered by a three-tier system of election commissions, comprised of the Central Commission on Elections and Referenda (CCER), 68 District Election Commissions (DECs) and 3,155 Precinct Election Commissions (PECs). There is a legal “instruction,” but no mandatory law, requiring political diversity on the three levels of election management bodies in Tajikistan. In practical terms, no party outside of the People’s Democratic Party of Tajikistan has the wherewithal to nominate local polling officials or dispatch party observers to each polling station across the country.

The CCER is the highest and only permanent electoral body in Tajikistan. Its members are appointed to five-year terms. The President proposes the 15 CCER members, including the Chairperson and Deputy Chairperson, who must be confirmed by the lower chamber of Parliament. At the moment, all registered political parties are represented in the current CCER; three of its members are women.

The CCER is principally responsible for ensuring preparation and conduct of elections and referenda in Tajikistan. The CCER is guided by the Constitution of Tajikistan, the Presidential Election Law and its own instructions and resolutions, as well as provisions of other laws that pertain to elections.

The CCER is located in Dushanbe, Tajikistan’s capital.

## **How many polling places are set up on Election Day?**

Voting will take place in 3,155 Precinct Election Commissions (PECs) set up on Election Day, supported by 68 District Election Commissions (DECs). There will be 35 polling stations for the conduct of out-of-country voting in 27 countries.

## **Is out-of-country voting allowed?**

There are provisions to allow out-of-country voting. However, the number of polling stations has been recently significantly reduced following recently introduced regulations limiting such stations to only official embassies and consulates abroad. In contrast to the 24 locations accessible to Tajik voters in the Russian Federation for the previous elections, only three will be available this time. Tajik citizens abroad may vote in the presidential election in 27 other countries. Polling stations will be located in Russia, Afghanistan, Turkey, China, the United States, throughout Central Asia and Europe, among other locations.

The Central Commission on Elections and Referenda estimates there are approximately 900,000 eligible voters currently residing abroad. A large percentage of those eligible voters are living in Russia, where they take jobs as either as seasonal laborers or semi-permanent migrant workers.

## **What is the media environment like?**

While Tajikistan's Constitution cites freedom of expression and information and prohibits censorship, the media is tightly controlled by the government. Although there are a number of nominally independent media outlets, the government has cautioned media and political parties against being too critical, reminding them "not to forget their responsibility for social stability" and criminal penalties for insulting the President and other officials are in place. At the same time, State media has continued to discredit the opposition, highlighting alleged criminal activities and airing unflattering commentaries about individual opposition party leaders. Still, critical commentaries have appeared via social media, a medium the government has struggled to regulate. The best the government can do to control these forums of criticism is block websites and impose punitive measures on individual commentators and stations within its control, such as not renewing broadcasting licenses.

In Tajikistan, national television channels are the primary source of political information. All national television channels are State-owned, and private broadcast media only operate at the regional level. In spite of this, Tajikistan enjoys a relatively diverse media environment. While Internet use throughout the country remains low, web-based news sources and social media have played an increasingly important role in urban areas, although access to these sites is occasionally blocked by the government. Access to main social networks and websites offering news has been blocked repeatedly throughout this past year, with authorities failing to provide any meaningful justification. Various other legal and administrative means, including revocation of licenses, targeted tax inspections and denial of the use of printing facilities have been used to inhibit independent journalism.

The Central Commission on Elections and Referenda allocates 40 minutes of free airtime on State-run television and radio to each party list, and 20 minutes to each majoritarian candidate. This gives candidates an opportunity to present their electoral platforms to the Tajik public.

In 2013, the Law on Periodical Print and Other Mass Media was passed, which is anticipated to increase access to information by journalists.

## **Who can observe during Election Day? How can they get accreditation?**

On Election Day, in-country observation may only be conducted by media, political parties, and candidates' representatives (if self-nominated). The law, however, does not provide for non-partisan citizen observers or those from domestic NGOs.

International observers are provided for in law. On February 20, the Central Commission on Elections and Referenda (CCER) announced it expects more than 500 international observers to monitor the 2015 parliamentary elections. The CCER also announced it has accredited 208 international observers from the Commonwealth of Independent States (CIS), CIS Inter-parliamentary Assembly and the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights. The Organization for Security and Co-operation in Europe will send nearly 50 parliamentary deputies from 23

member countries. Both local and international observers have the right to attend sessions of election commissions; receive copies of official documents; meet with candidates and other participants of the election process; freely visit polling stations; and observe voting, counting and tabulation of results.

According to the Constitution, information on the result of the election of deputies of the *Majlisi Namoyandagon* shall be published in the press by the CCER within 10 days of Election Day, though there is no strict deadline.

## **What is the legal process for electoral dispute adjudication?**

As outlined by the Presidential Election Law, election disputes are adjudicated by election commissions. Decisions made by election commissions can be appealed to a higher-level election commission or the courts, with the Supreme Court wielding final decision authority.

As of February 10, election commissions have received 46 complaints, the majority of which were submitted by the Islamic Renaissance Party of Tajikistan. All complaints were rejected on substance or dismissed on procedural grounds. The Central Commission on Elections and Referenda and the Supreme Court have declared efforts to train lower-level commissions and courts in handling complaints.

## Resources

- [Constitution of Tajikistan \(1994\)](#)
- [Law on Elections to the \*Majlisi Oli\*](#)
- [Organization for Security and Co-operation in Europe \(OSCE\): Tajikistan, Parliamentary Elections, February 2015: Needs Assessment Mission Report \(November 25, 2014\)](#)
- [OSCE's Office for Democratic Institutions and Human Rights: Tajikistan, Parliamentary Elections, 1 March 2015: Interim Report \(February 13, 2015\)](#)
- [Transparency International's 2014 Corruption Perceptions Index](#)
- [The Central Asia Caucasus Analyst](#)
- [Freedom House: Tajikistan](#)