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Draft Law of the Republic of Tajikistan on Political Parties

Chapter I General Provisions

Article 1 Citizens' Rights to Association in Political Parties

Citizens' rights to association in Political Parties may be exercised as follows:

- establishment of Political Parties in accordance with their conviction
- voluntary joining of Political Parties with the aim of implementing the Party Programme
- participation in the activities of Political Parties in accordance with the rules stipulated in the Parties' Statute and Programme
- freedom to leave Political Parties

Article 2 Political Parties

Political Parties, according to this Law, are public entities which aim at participating in public political life, at participating in the creation and execution of state power by impacting citizens' political convictions, at participating in elections and the activities of organs of state power.

The purpose and aims of Political Parties are defined in their Statute and Programme.

Chapter II Establishment and Activities of Political Parties

Article 3 Establishment of Political Parties

Only national Political Parties may be organized in RT. Political Parties may be organized by citizens of RT without the agreement of a Founding Meeting, in which the Party Programme is adopted and the executive bodies are created. Political Parties are considered established upon registration.

The venue (city or district) and date of the Founding Meeting as well as the provisions of the Party's Statute are to be announced by an initiative group via mass media at least one month in advance.

Article 4 Limitations on the Establishment of Political Parties and their Activities

The establishment and activities of those Political Parties are prohibited which aim at or act towards the removal by force of the constitutional system, of the independence or territorial integrity of the Republic, or which agitate against the independence, territorial integrity of the country, organize armed groups or provoke racial, national, social or religious hostility.

The establishment of Political Parties by the Ministries of Security, the Interior, Justice, by prosecutors, judges and National Armed Forces of RT, as well as by organs of the executive state power, local Government, enterprises, institutions and organizations, except representative bodies, is prohibited.

During a state of emergency in all RT or specific areas, the activities of Political Parties are curtailed in accordance with the provisions of Constitutional Law.
Political Parties of RT cannot be part of foreign Political Parties.

Article 5 Membership in Political Parties

Membership in Political Parties is voluntary.

Military servicemen, representatives of the Ministries of the Interior, Security, Justice, prosecutors, judges, whose responsibilities are not compatible with membership in Political Parties according to legislation of RT, cannot be members of Political Parties. Persons who were members of Political Parties before taking up duties in the bodies mentioned, must suspend their membership. Foreign citizens and persons without citizenship cannot be members of Political Parties.

Political parties can only have individually registered members. The age limit for membership for citizens of RT is 18 years.

Article 6 The Statute of Political Parties

The Statute of Political Parties is to include the following:

1. name, purpose and aims of the Party
2. Party structure
3. terms, membership rules, rights and obligations of the members of the Political Party
4. equality of the members of the Political Party
5. compliance of the activities of the Political Party with legislation of RT
6. election procedures and competences of the executive body of the Political Party
7. transparency of the activities of the Political Party and its executive body
8. procedures for adopting and amending the Statute of the Political Party
9. property and financial means of the Political Party
10. insignia of the Political Party, if any
11. procedures for the cessation of activities of the Political Party
12. procedures for dividing the property of the Political Party after ceasing its activities
13. eligibility and accountability of the executive body of the Political Party.

The Statute may include other provisions related to the activities of Political Parties. Political Parties' Statute and Programme are adopted and other important Party issues decided by members' congress, conference or referendum.

Members of Political Parties, except their executive bodies, are not bound by decisions of the Political Parties.

Article 7 Registration of Political Parties

The Ministry of Justice of RT registers Political Parties. An application is to be submitted to the Ministry of Justice, bearing the signature of the person authorized by the Party's Founding Meeting.

A copy of the Political Party's Statute, the minutes of the Founding Meeting, the list of no less than ten persons who participated in this Meeting, including their addresses, as well as one copy of the newspaper in which the Statute of the Political Party was published, containing also information about the venue and date of the Founding Meeting, has to be submitted

Registration bodies are not allowed to demand from Political Parties any documents not mentioned in the second part of this Article. Registration bodies effect registration within one month of submission of the required documents. This time-frame must not be violated.

The registration of amendments and changes to be included in the Statute of Political Parties is subject to dues according to the order and to the extent fixed by the Government of RT.

The document proving registration as well as inclusion of Political Parties in the Register of Public Associations certifies registration. Political Parties must not be demanded other documents to prove official registration.

The Political Parties acquires the status of a legal entity upon registration.

Article 8 Local Sub-units (Committees) of Political Parties

Local sub-units (committees) of Political Parties are established in accordance with the Statute of the Political Party.

Article 9 Reasons for Refusal of Registration

Registration may be refused for the following reasons:

- if the Party Statute violates the Constitution of RT, this Law or legislation of RT
- if the Party Statute does not comply with the provisions of Article 6 of this Law
- if Article 3, part II and Article 7, part 5 of this Law are not adhered to
- if another Political Party was already been registered under the same name and Insignia and the Statute of that Party was already registered
- if the addresses of the executive body of the Political Party are outside the territory of RT.

The refusal to register the Statute of the Political Party, stating the reasons, is forwarded in writing to the Political Party. An appeal against such a decision is possible.

Chapter III The Rights of Members of Political Parties and Forms of Control of their Activities

Article 10 The Rights of Political Parties

Every Party, in accordance with the law, is entitled to:

- nominate candidates for elections to Government bodies
- participate in the preparation and conduct of referenda and elections to Government bodies
- join another permanent or temporary group of delegates and, on the representative principle, form other entities
- freely disseminate information about itself orally, in writing or other ways, advocate its purpose and aims, have its own Programme
- organize its press and mass media
- use Government mass media, including press, radio and television
- hold meetings, demonstrations and other mass events in accordance with the legislation of RT in force
- establish relations with foreign political parties and other political formations
- carry out economic, financial and other activities according to its Statute and the legislation of RT.

Article 11 The Property of Political Parties

Political Parties may own the following property: buildings and construction sites, housing funds, equipment, printing houses, financial means as well as other property required for the activities of the Political Party in accordance with its Statute and legislation of RT.

The property of Political Parties must be used for Party activities only.
Political Parties publishes information about their finances on an annual basis.

Article 12 Sources of Funding of Political Parties

Funding of Political Parties derives from the following sources:

- memberships fees, if foreseen in the Statute
- donations
- income from lectures, exhibitions and other events (in accordance with the Statute)
- profits from printing and other activities which are in line with the aims and tasks mentioned in the Statute
- other profits not prohibited by law.

Article 13 Donations to Political Parties

Political parties have the right to receive donations in the form of property or financial

contributions from individuals, enterprises, NGOs, public associations, funds and other legal persons, provided that the donations be supported by proper documentation and an indication of its sources. Donations from the following sources are prohibited:

- philanthropic (charity) and religious organizations
- state enterprises and organizations
- foreign countries, enterprises and organizations, as well as enterprises in which foreign countries have a share
- unidentified persons
- political parties not connected to the entity providing financial assistance.

Article 14 Economic Activities of Political Parties

Political Parties, in accordance with the legislation of RT and their Statute, independently decide their budgetary matters, determine Party staff's salaries and the utilization of Party funds.

In order to create the financial and material environment for the implementation of the purpose and aims of the Statute in accordance with Article 10 of this Law, a Political Party has the right to establish enterprises and organizations according to legislation of RT.

Article 15 Government Support to Political Parties

The leaders of state power of RT support registered Political Parties in the following ways:

- providing equal access to state mass media
- facilitating use of buildings and means of communication, observing the principle of equality
- providing equal opportunity for election campaigns

The Government suspends support to Political Parties when Party activities are suspended in accordance with Article 21 of this Law.

Support to Political Parties ceases upon entering into force of a court decision on the cessation of activities of the Political Party.

Article 16 Check on Financial Activities of Political Parties

Party executive organs are obliged to prepare financial reports on the Parties' sources of income, the utilization of Party funds during the accounting period as well as to inform about the Party's property and tax payments.

Political Parties' financial reports are examined by the State Tax Committee of RT.

Chapter IV Participation of Political Parties in Elections

Article 17 Form of Participation in Elections

Political Parties may participate in elections in the following ways:

- independently
- by signing a pre-election agreement with other Political Parties
- by joining electoral unions with other parties.

Parties, in accordance with electoral legislation, have the right to:

- nominate candidates independently or on behalf of an electoral union
- conduct electoral campaigns on an equal basis
- observe the election process and determination of election results in the stipulated order
- be represented in the Electoral Commission
- have equal access to means of state and municipal information and mass media as representatives of Government and local authorities.

Article 18 Participation of Political Parties in Electoral Unions

After the registration of electoral unions by the Electoral Commission, a Party which nominated its candidates in an electoral union list is not allowed to nominate candidates independently or in the list of another electoral union.

Article 19 Party Groups in Representative Bodies

Party groups are organized and act in representative bodies in accordance with the rules governing the activities of these bodies.

Charter V Suspension, Cessation and Ban of the Activities of Political Parties

Article 20 Suspension of Political Parties' Activities

If Political Parties violate the Constitution or legislation of RT, the Ministry of Justice of RT warns the Political Parties about the illegality of their activities. Unless the Political Parties comply within ten days with the demand to cease their illegal activities, their activities may be suspended for up to three months by court decision.

Article 21 Consequences of Suspension of Activities of Political Parties

If the activities of Political Parties are suspended, for the period mentioned in Article 20 of this Law the Parties' right to own mass media will be revoked, they will no longer have the right to use the status of a legal entity, to organize meetings, demonstrations

and other public events, to participate in elections, to use their bank account, except for the settlement of their economic activities and labour contracts, payment of damages incurred in the framework of their activities or payment of fines.

Article 22 Cessation of Political Parties' Activities

The activities of Political Parties cease by decision of the Supreme Court of RT as well as by reorganization or liquidation of the Parties.

Article 23 Basis for the Ban of Political Parties' Activities

The basis for the ban of the activities of Political Parties by the Supreme Court of RT may be as follows:

- activities of Political Parties prohibited in accordance with Article 4, part 1 of this Law
- illegal activities of Political Parties after suspension of their activities by court decision in accordance with Article 20 of this Law.

Article 24 Decisions regarding the Ban of Activities of Political Parties

A decision to ban the activities of political parties can only be taken by the Supreme Court and in accordance with Article 23 of this Law.

Article 25 Cessation of Activities of Political Parties by Reorganization or Liquidation

The activities of Political Parties may cease by reorganization (merger, enlargement, split) or liquidation of Parties. A decision regarding Party reorganization is made by the Political Parties' executive bodies.

The Statute of newly established Parties is registered in accordance with the provisions of Article 7 of this Law.

Political Parties, in accordance with their Statute, may also be liquidated as a result of self-liquidation.

Article 26 Consequences of Cessation of Activities of Political Parties

The property of Political Parties which have ceased their activities may, after settling all claims, be used for the following purposes:

- in case of liquidation: for the implementation of the aims mentioned in their Statute
- in case of suspension: in accordance with a decision of the Supreme Court of RT
- in case of reorganization: Party property is transferred to Public Associations which are the legal successors of the Parties which ceased their activities.

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The cessation of Political Parties leads to the Parties' elimination from the Register of Public Associations, to the annulling of certification of registration and the loss of their rights as a legal entity.

The President
Republic of Tajikistan

SM/MZ, 3 March 1998