



Office for Democratic Institutions and Human Rights

TURKMENISTAN

EARLY PRESIDENTIAL ELECTION
12 March 2022

ODIHR NEEDS ASSESSMENT MISSION REPORT
1 – 3 March 2022



Warsaw
8 March 2022

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In accordance with its mandate and following an official invitation to observe the 12 March 2022 early presidential election in Turkmenistan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 1 to 3 March.¹ The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Dr. Martina Barker-Ciganikova, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the early presidential election. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Due to the global health emergency and consecutive introduction of restrictions on cross-border travel throughout the OSCE region, the ODIHR NAM was conducted remotely, using the means of information and communication technologies. This approach was chosen due to the current rules requiring a 14-day long quarantine of foreign travellers upon entry to Turkmenistan, but in-person visits remain the standard way for conducting the NAMs. Online meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs of Turkmenistan (MFA) for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 12 February, following the announcement of President Gurbanguly Berdimuhamedov on the need to hand over power to “young leaders”, an early presidential election was called for 12 March. The president enjoys extensive powers, is directly elected for a seven-year term and has no constitutional term limits. Reports of international bodies have repeatedly raised concerns about the lack of political pluralism and undue limitations on the exercise of fundamental human rights.

Presidential elections are primarily regulated by the Constitution and the Electoral Code. While the Electoral Code was amended in 2020 and 2021 to regulate the indirect elections of the newly established upper chamber of the parliament, no other amendments were introduced, leaving all previous ODIHR recommendations unaddressed, including those related to the separation of powers and pluralistic environment, the exercise of fundamental human rights, freedom of the media, election administration, voter and candidate registration, campaigning, and election day procedures.

The election is administered by the Central Commission for Elections and Referenda (CEC) as well as regional, district and precinct election commissions, all appointed for a five-year term. Despite

¹ ODIHR received invitation to conduct the NAM on 23 February and to observe the election on 25 February.

previous ODIHR recommendations, the appointment mechanism of all commissions does not ensure independence of the election administration at all levels. The CEC plays a leading role in all stages of the electoral process, including in the joint organization of campaign events and materials and the management of campaign finances. According to the CEC, it holds sessions open to political parties, journalists and observers. At the same time, the CEC does not publish its regulations or any other decisions on its website. The CEC informed the ODIHR NAM about its ongoing activities to train election officials, enhance access of persons with disabilities to electoral process, raise public awareness about the voting time and ensure safe voting procedures amid the COVID-19 pandemic.

Citizens declared incapacitated by a court decision based on intellectual and psychosocial disabilities as well as prisoners convicted regardless of the gravity of the offence are not eligible to vote at odds with OSCE commitments and other international standards. There is no centralized voter register, and the law does not provide for sufficient guarantees against multiple registration or multiple voting. Voter lists are created anew ahead of each election and made available for public scrutiny. No ODIHR NAM interlocutors expressed concerns regarding the integrity of the voter registration. Some 3.4 million voters are registered for the upcoming election.

Citizens born in Turkmenistan, aged 40 or older, who have resided and worked permanently in the country for at least 15 years before election day and speak the Turkmen language, are eligible to stand as candidates. Limitations on the right to stand based on residency, employment and language are contrary to international standards. By 22 February, the CEC registered all nine candidates who were nominated. Among those, three candidates were nominated by the only three existing political parties, and six, including some affiliated with the ruling party, were put forward by groups of citizens.

Women comprise some 25 per cent of members of the parliament. There is no woman candidate contesting the election, and there are no legal temporary measures aimed at increasing the number of women in elected offices. The majority of ODIHR NAM interlocutors stressed that equal opportunities for women and men in public and political life are provided for.

The law guarantees equal campaign opportunities for candidates, including in terms of holding meetings and access to the media. Candidates may campaign after their registration. The main form of the campaign is conducting in-person regional meetings with voters, which are closely coordinated by the election administration. Campaign financing is not regulated. All expenses incurred by contestants in connection to their participation in elections are directly managed by the CEC and financed from the state budget. According to all three political parties, campaign messages will focus on socio-economic development in line with President's policies.

The Constitution stipulates freedom of expression and the right to freely seek, receive and impart information. The ODIHR NAM was informed of concerns that the restrictive media environment, cases of detention and intimidation of journalists and bloggers, and the large-scale practice of blocking websites and social networks have contributed to wide-spread self-censorship among journalists. The Electoral Code requires equal media coverage of all candidates, and all three political parties expressed satisfaction with access to the media. State news agency and state-owned television are the main sources of political information.

Electoral disputes can be handled by the election administration or courts, upon the discretion of the complainant. The law sets short deadlines for filing and adjudicating complaints. For this election, no complaints have yet been filed with any of the instances. International bodies have previously

concluded that the president's exclusive authority to appoint and dismiss judges and the lack of security of tenure for judges, brings to question the ability of the judiciary to function independently.

The Electoral Code provides for party, citizen and international election observers who are entitled to have access to all stages of the electoral process. The CEC has accredited more than 2,000 domestic and international observers. The ODIHR NAM was informed that a number of international observer organizations as well as representatives of election management bodies and governments of a number of States are expected or already in country to observe the 12 March election.

All ODIHR NAM interlocutors welcomed an ODIHR election observation activity for the early presidential election. However, notwithstanding the continued declared interest by the authorities to maintain a dialogue with ODIHR on electoral reform, the authorities have not engaged in follow-up to ODIHR recommendations and none of the latest legal amendments appear to address previous recommendations, in particular those related to political pluralism and enjoyment of fundamental human rights. Furthermore, the constrained time frame prior to the election, which also affected the organization of the NAM, combined with the obligation to follow a 14-day long quarantine due to the COVID-19 upon entry to Turkmenistan, make an ODIHR observation activity non feasible.

Under these circumstances, the ODIHR NAM does not recommend the deployment of an election observation activity for the 12 March early presidential election. ODIHR, however, reiterates its previous election related recommendations remain valid and reaffirms its readiness to support the authorities in their efforts to proceed with electoral reform.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

On 12 January 2022, President Gurbanguly Berdymuhamedov called an extraordinary session of the upper chamber of the parliament for 12 February where he announced the need to hand over power to "young leaders". Consequently, following the formal resignation of the President, the early presidential election was scheduled for 12 March.² The President's son Serdar Berdymuhamedov is one of the contestants. All political parties expressed support for the holding of an early election.

Turkmenistan has a very strong presidential system. Although the Constitution provides for a system of checks and balances between the executive, legislature and judiciary, the president enjoys extensive powers and has *inter alia* the right to form and preside over the Cabinet of Ministers, to appoint and dismiss governors of regions, heads of cities and districts, all judges of the Supreme Court and of other courts, as well as all the members of the Central Commission for Elections and Referenda (CEC).

The legislative powers are vested in the bi-cameral parliament (*Milliy Gengesh*) composed of the directly elected 125-member lower chamber (*Mejlis*) and indirectly elected 56-member upper

² In accordance with the 2020 constitutional amendments, President Berdymuhamedov, in his capacity as the chairperson of the upper chamber of the parliament, remains in office as acting president until the election of a new president.

chamber (*Halk Maslahaty*).³ In 2020, the Constitution was amended abolishing the national People's Council (*Halk Maslahaty*) which was previously the highest representative body with the authority to issue decisions binding for the president, cabinet of ministers, *Mejlis* and other state bodies, and instead creating parliament's upper chamber with the same name.

President Berdymuhamedov has been holding the office since 2007 and was re-elected in 2017 for a new seven-year term with 97.6 per cent of valid votes.⁴ There are three officially registered political parties. The last parliamentary elections took place in 2018, and all three parties obtained parliamentary seats: the Democratic Party (DP) - 56 seats, Party of Industrialists and Entrepreneurs (PIE) - 11 seats, and Agrarian Party (AP) - 11 seats.⁵ In addition, several public associations and groups of citizens hold 48 parliamentary seats; these are mostly associated with the ruling party.

Women remain underrepresented in political and public life, raising concern about persistent gender inequality and stereotypes.⁶ There are no temporary legal measures to promote gender representation, and women account for some 25 per cent of *Mejlis* members. Nevertheless, the majority of ODIHR NAM interlocutors stressed that women face no institutional or cultural barriers to enter politics.⁷

Although fundamental freedoms of peaceful assembly, association and expression are constitutionally guaranteed, international bodies and previous ODIHR reports noted serious concerns regarding undue restrictions imposed on exercise of these freedoms.⁸

ODIHR has observed four elections in Turkmenistan, most recently the 2018 parliamentary elections. The 2018 Election Assessment Mission report concluded that "The 25 March elections lacked important prerequisites of a genuinely democratic electoral process. The political environment is only nominally pluralist and does not offer voters political alternatives. Exercise of fundamental freedoms is severely curtailed, inhibiting free expression of the voters' will. Despite measures to demonstrate transparency, the integrity of elections was not ensured, leaving veracity of results in doubt. Additional efforts must be undertaken to develop democratic institutions enabling people's participation in public affairs in line with OSCE commitments and other international obligations". The report contains 16 recommendations to bring electoral process in Turkmenistan in line with OSCE commitments.⁹

³ Each of the country's five regions and the city of Ashgabat nominate eight members; additional eight members are appointed by the president. Indirect elections to the newly established chamber took place on 28 March 2021 when President Berdymuhamedov was elected member and chairperson of the *Halk Maslahaty*.

⁴ There is no constitutional limit on the number of presidential terms in office.

⁵ The possibility for creation of other political parties than the DP was introduced into the legislation at the initiative of the President in 2012. Since then, only two political parties emerged, the PIE in 2012 and the AP in 2014.

⁶ In Paragraph 26 of the 2018 [Concluding observations on the fifth periodic report of Turkmenistan](#) (CEDAW/TKM/CO/5 of 10 July 2018) the UN Committee on the Elimination of Discrimination against Women "regrets the extremely low levels of the participation of women in political and public life in the State party, in particular in decision-making positions, including within the parliament, academia, the public sector, the diplomatic service and provincial, district and municipal councils. It is also concerned about reports that women are prohibited from taking higher-level positions and running in presidential elections".

⁷ In 2020, Turkmenistan adopted National Action Plan on Gender Equality for 2021-2025.

⁸ See all [previous ODIHR election-related reports on Turkmenistan](#) and the UN Human Rights Committee's [Concluding observations on the second periodic report of Turkmenistan](#) (CCPR/TKM/CO/2 of 20 April 2017, hereinafter UN HRC Concluding Observations), Paragraphs 42-49.

⁹ In Paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". See ODIHR Electoral Recommendations Database at [Paragraph25.odihr.pl](#).

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a seven-year term. A candidate needs more than 50 per cent of the votes cast to be elected; otherwise a second round between the two leading candidates takes place within two weeks from the election day. If only two candidates contest the first round and no candidate receives more than half of votes cast, a repeat election is held within three weeks. The Constitution does not set any limitation to the number of terms served by the president.

The presidential election is regulated by the 2016 Constitution (last amended in 2020) and the 2013 Electoral Code (last amended in 2021). Other election-related legislation includes the 2015 Law on Organization and Conduct of Assemblies, Rallies, Demonstrations and other Mass Events, and the 2012 Law on Mass Media. The legal framework is supplemented by decisions issued by the CEC.¹⁰ Turkmenistan is a party to major international instruments related to democratic elections.¹¹

In line with the 2020 constitutional amendments establishing the *Halk Maslahaty* as the upper chamber of the parliament, the Electoral Code was subsequently amended in 2020 and 2021 to regulate the indirect elections to this chamber. No other amendments have been introduced into the election-related legislation since the last parliamentary elections. This left all previous ODIHR recommendations aimed at aligning the electoral legislation with international standards unaddressed, including those related to freedom of the media, election administration, voter and candidate registration, campaigning, and election day procedures.

C. ELECTION ADMINISTRATION

The election is administered by the CEC, 6 Regional Election Commissions (RECs), 60 District (*etrap*) Election Commissions (DECs), and 2,618 Precinct Election Commissions (PECs), including 41 in diplomatic representations. All commissions are appointed for a five-year term.

The CEC has overall responsibility for the conduct of the election. The CEC has wide regulatory powers and provides overall guidance and support for the activities of the lower-level commissions. It plays a leading role in all stages of the electoral process, including *inter alia* voter registration, registration of candidates, ensuring of equal campaign opportunities, including in the media, distribution of campaign funds, accreditation of observers, adjudication of complaints, and validating the election results.

The CEC is a permanent body comprised of 15 members last appointed by the President in November 2019 for a five-year term. Five members of the current CEC are women. CEC members are appointed by the president based on his or her own proposals and proposals from political parties and public associations, and the chairperson is confirmed by the *Mejlis*. ODIHR has previously assessed the CEC's independence as not effectively ensured by this method of appointment. According to several ODIHR NAM interlocutors, the CEC sessions are open to political parties, journalists and observers. The legislation requires publication of the CEC decisions but sets no specific deadlines.

¹⁰ No CEC decisions regulating or clarifying any aspects of the 2022 early presidential election were available on the CEC website during the ODIHR NAM.

¹¹ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (CRPD).

Members of the RECs, DECAs and PECs are appointed by the respective higher-level commission on the basis of nominations by political parties, public associations and groups of citizens. All RECs consist of 11 members each,¹² while the DECAs have between 11 and 13 members, and the PECs – between 5 and 15 members, respectively, depending on the number of voters in each territory.

The RECs form the DECAs, perform administrative and logistical tasks in support of the lower-level commissions and aggregate the voting results in the relevant territory. The DECAs establish electoral precincts and relevant PECs, verify the voters' signatures presented in support of candidates' nomination, and tabulate voting results. In addition, the DECAs facilitate campaign activities of the candidates and co-organize contestants' meetings with voters. The PECs are responsible for the compilation of voter lists and the conduct of voting and counting.

The CEC informed the ODIHR NAM that on 13 February, one day after the call of the early election, it approved the calendar of electoral activities. The CEC also informed the ODIHR NAM about its ongoing activities to train election officials, enhance access of persons with disabilities to electoral process, raise public awareness about the voting time and ensure safe voting procedures amid the COVID-19 pandemic. Notwithstanding the extremely short time period, most ODIHR NAM interlocutors noted no challenges related to the effective organization of the election.

D. VOTER REGISTRATION

Citizens aged 18 or older have the right to vote, except for those who have been declared legally incapable by a court decision, including on the basis of intellectual or psychosocial disability, and those serving a prison sentence regardless of the gravity of the offence, at odds with OSCE commitments and other international standards.¹³

Voter lists are compiled by the PECs based on data provided by local authorities, anew ahead of each election. The CEC informed the ODIHR NAM about an ongoing door-to-door verification exercise conducted with assistance of the local authorities. The registration of voters is passive and based on permanent or temporary residence, whereas voters must reside a minimum of three months prior to election day in the territory of a given electoral precinct. There is no centralized voter register, and legislation is silent on safeguards preventing multiple registration and multiple voting. Contrary to international good practice, voters can be added to a supplementary voter list on election day without judicial or administrative oversight.¹⁴ Nevertheless, no ODIHR NAM interlocutors raised concerns about the integrity of voter registration.

By law, citizens are given the opportunity to verify their voter registration data in-person at polling stations starting 15 days before election day. Mistakes in the lists may be appealed by citizens to the PECs which shall decide on the matter within two days, and a day prior to and on election day immediately. The CEC informed the ODIHR NAM that some 3,434,762 voters were registered for the forthcoming election.

¹² There are 13 women (20 per cent) among 66 REC members, including 1 REC chairperson and 1 REC secretary. The CEC website does not provide information on the composition of the DECAs and PECs.

¹³ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens”. Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the UN CRPD. Paragraph 14 of UN HRC [General Comment No. 25 to Article 25 of the ICCPR](#) states that grounds for deprivation of voting rights on the basis of criminal conviction “should be objective and reasonable”. See also Paragraphs 50-51 of the UN HRC Concluding Observations.

¹⁴ According to Section I.1.2.iv of the Venice Commission's 2002 [Code of Good Practice in Electoral Matters](#), “polling stations should not be permitted to register voters on election day itself”.

E. CANDIDATE REGISTRATION

Citizens born in Turkmenistan, aged 40 or older, who have resided and worked permanently in the country for at least 15 years before election day and speak the Turkmen language, are eligible to stand as candidates. Individuals convicted of intentional crimes, those declared incapable by the court, and professional servants of religious organizations are also not eligible. Unreasonable criteria regarding the length of residency and employment as well as language proficiency requirements are contrary to international standards.¹⁵

The candidate nomination period lasted from 14 to 21 February. The right to nominate a candidate belongs to political parties or groups of citizens.¹⁶ Political parties should nominate their candidates at a central party congress. A nomination from an initiative group of citizens requires 10,000 supporting signatures, with a minimum of 300 voters' signatures collected in each of at least a third of the country's districts and cities. Voters may sign only in support of one candidate. The CEC informed the ODIHR NAM that it controlled the work of working groups established in relevant DEC's for verification of submitted support signatures.¹⁷ If it is established that more than 2 per cent of support signatures are not valid, the candidate in question is refused registration. Denial of registration may be appealed to the Supreme Court within three days.

Between 15 and 22 February, the CEC registered all nine nominated candidates, including three nominated by political parties and six by initiative groups. Some of the "independent" candidates are in fact DP members or medium-rank DP functionaries. There is no woman candidate.

The registration of political parties is under the purview of the Ministry of Justice. In its conclusions, the UN Human Rights Committee expressed concerns about excessive restrictions on the establishment and functioning of political parties, as well as provisions permitting representatives of the CEC and of the Ministry of Justice to monitor meetings of political parties.¹⁸

F. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The CEC announced the campaign to last from 14 February until 10 March, with a silence period on 11 and 12 March. Candidates may start campaigning immediately after their registration. The majority of ODIHR NAM interlocutors repeatedly stressed that the legislation contains provisions aimed at ensuring equal campaign opportunities for all contestants, including for holding meetings with voters and access to media.¹⁹ While the legislation stipulates that political parties, public associations, citizens, candidates and their proxies are entitled to campaign freely, ODIHR has

¹⁵ Paragraph 15 of the UN HRC [1996 General Comment No.25](#) to the ICCPR states, that "any restrictions on the right to stand for election...must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". See also Paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document; the latter states that "any restriction on rights and freedoms must [...] be strictly proportionate to the aim of that law".

¹⁶ Initiative groups of citizens should consist of at least 50 voters. While the Electoral Code requires registration of the initiative groups no later than 70 days before election day, the CEC registered all six groups which applied.

¹⁷ The legislation provides for verification of all signatures or a sample at the discretion of the DEC's.

¹⁸ See Paragraph 48 of the UN HRC Concluding Observations.

¹⁹ Previous ODIHR reports noted that "this entitlement to equal rights is interpreted by the CEC and other stakeholders as a requirement of absolute equality of campaign means that effectively prohibits any campaigning other than that organized by the CEC".

previously noted that peaceful public assemblies require prior notification and local authorities have broad discretion for determining where assemblies can be held.²⁰ Election commissions, along with the respective local executive bodies, arrange candidates' meetings with voters, and ensure the lawful conduct of the campaign.

Political parties informed the ODIHR NAM that the main outreach campaign method is in-person meetings in regions, notwithstanding the COVID-19 pandemic restrictions. Most ODIHR NAM interlocutors confirmed that the schedule of the campaign meetings is closely co-ordinated with the CEC and other election commissions, including for the purposes of equal coverage of the events by the state media. Party interlocutors also noted that, at times, the candidates hold such meetings jointly. All three parties noted that their campaign messages will primarily focus on further development of the country, in accordance with the President's socio-economic development strategy.

The legislation is silent on any provisions regulating campaign finance, its oversight, limits for incomes and expenditures or reporting and auditing. The Law on Political Parties stipulates that expenses incurred by parties connected with their participation in elections shall be reimbursed from the state budget. Political parties noted to the ODIHR NAM that they would not have any campaign expenses, as all campaign events and expenditures are directly managed and financed by the CEC. All parties expressed a high level of satisfaction with the current system and noted that the state funds allocated for their campaigns were more than sufficient.

G. MEDIA

The Constitution stipulates freedom of expression and the right to freely seek, receive and impart information. The Electoral Code, the Law on Mass Media and the Law on Audio-visual Media explicitly refer to freedom of expression and prohibit censorship and interference, in line with international standards and principles. However, the ODIHR NAM was informed that the restrictive media environment, cases of detention and intimidation of journalists and bloggers, and a large-scale practice of blocking websites and social networks have contributed to wide-spread self-censorship both among journalists and citizens.²¹ Previous ODIHR recommendations to ease restrictions on the right to access to information on the Internet remain unaddressed.

The State News Agency *TDH* and state-owned television are the main sources of political information in Turkmenistan. The media landscape is characterized by the state's complete monopoly resulting in strict control of all news and information services and a lack of alternative or critical political views available to citizens. According to the authorities, the number of Internet users is increasing.²²

²⁰ See also Paragraph 44 of the UN HRC Concluding Observations that expresses concerns "of reports that assemblies are rare owing to a fear of reprisals for expressing any dissenting views, and that insufficient venues are designated for holding authorized assemblies".

²¹ Paragraph 42 of the UN HRC Concluding Observations raises concerns about "practices severely restricting freedom of opinion and expression" and "absence of a genuine independent media, [...] undue restrictions on access to the Internet and disproportionate limitations on online content, [...] continuous use of harassment, intimidation, torture and arbitrary arrests, detention and convictions on reportedly politically motivated charges as a retaliation tool against journalists, human rights activists, dissidents, members of religious groups and ethnic minorities". See also the February 2021 [press-release of the OSCE Representative on Freedom of the Media](#) requesting additional information on the case of the blogger Nurgeldy Khalykov, who, in September 2020, was sentenced in Turkmenistan to four years in prison.

²² According to [Internet World Stats](#), in June 2021, Internet penetration reached 25.5 per cent of population.

The Electoral Code regulates media coverage of presidential campaign activities and does not allow for purchasing media coverage. During the campaign period, candidates are entitled to free airtime from 19:00 to 23:00 of at least one hour divided equally among all candidates. The State Committee on Television, Radio Broadcasting and Cinematography is responsible for implementing the equal coverage of the candidates. All three political parties expressed satisfaction with access to the media and media coverage of their candidates. Media interlocutors shared with the ODIHR NAM their plans to promote public awareness about the time and voting procedures for the election and did not exclude the possibility to organize public debates among the candidates if the latter were to request so.

H. COMPLAINTS AND APPEALS

All electoral participants have the right to seek legal redress. Election-related complaints can be submitted to the election administration or courts, upon the discretion of the complainant. Complaints should be considered within three days, and complaints lodged on election day or the day before should be reviewed immediately. Decisions taken by election commissions may be challenged before a higher commission or a court. CEC decisions may be appealed before the Supreme Court, which is also the appellate instance for regional courts. The Criminal Code and the Code of Administrative Offences provide sanctions for electoral offences; alleged violations are investigated by public prosecutors and adjudicated in district courts. The CEC informed the ODIHR NAM that no complaints had been so far filed with any instance.²³

The exclusive authority to appoint and dismiss judges lies with the president. International organizations have concluded that this together with the lack of security of tenure for judges, who are appointed for renewable five-year terms brings to question the ability of the judiciary to function independently.²⁴ The ODIHR NAM was informed about an ongoing initiative at the parliament to introduce a more independent system of appointment of judges.

I. CITIZEN AND INTERNATIONAL ELECTION OBSERVATION

The Electoral Code allows party, citizen and international election observation. Domestic observers may be nominated by political parties, public associations, candidates and groups of citizens, who are entitled to have access to all stages of the electoral process, including sessions of election commissions at all levels and election day proceedings. The law authorises the CEC to accredit both domestic and international observers. The CEC informed the ODIHR NAM that in total, 2,253 national observers and 19 observers from international organizations had received accreditation.

The MFA informed the ODIHR NAM that invitations were extended and observers are expected or already in country from the Commonwealth of Independent States, the Shanghai Cooperation Organization, the Organization of Islamic Cooperation, and the Organization of Turkic States, as well as representatives of election management bodies and governments of a number of States. The MFA also informed the ODIHR NAM that exceptions to COVID-19 entry requirements were facilitated for these observers.

²³ Previous ODIHR reports noted that no complaints were filed either in the 2018 parliamentary or the 2017 presidential election.

²⁴ See Paragraph 30 of the UN HRC Concluding Observations.

Previous ODIHR reports noted that notwithstanding the high number of domestic observers, independent citizen observation was hampered by the absence of independent civil society organizations.²⁵

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors welcomed an ODIHR election observation activity for the early presidential election. However, notwithstanding the continued declared interest by the authorities to maintain a dialogue with ODIHR on electoral reform, the authorities have not engaged in follow-up to ODIHR recommendations and none of the latest legal amendments appear to address previous recommendations, in particular those related to political pluralism and enjoyment of fundamental human rights. Furthermore, the constrained time frame prior to the election, which also affected the organization of the NAM, combined with the obligation to follow a 14-day long quarantine due to the COVID-19 upon entry to Turkmenistan, make an ODIHR observation activity non feasible.

Under these circumstances, the ODIHR NAM does not recommend the deployment of an election observation activity for the 12 March early presidential election. ODIHR, however, reiterates its previous election related recommendations remain valid and reaffirms its readiness to support the authorities in their efforts to proceed with electoral reform.

²⁵ See also Paragraph 46 of the UN HRC Concluding Observations that expressed concerns about “the very limited number of registered non-governmental organizations working on human rights issues”. Women’s Union and Youth Union informed the ODIHR NAM they would not fill in any observation forms or publish any reports on or after election day. The training of their observers is conducted by the CEC.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Hemra Amannazarov, Head, International Organizations Department
Ata Eyeberdiyev, Counselor, International Organizations Department

Mejlis

Maksatberdi Gurbanov, MP, Chairman, Committee for Local Representative Authorities and Self-government
Ishanguly Kerimov, Chief Specialist, Committee for Local Representative Authorities and Self-government
Bayly Seyilov, MP, Committee for Protection of Human Rights and Freedoms

Ministry of Justice

Leyli Soykhanova, Chief Consultant, Department of Legislation

Central Election Commission for Elections and Referenda

Amangeldi Gandymov, Deputy Chairperson
Olga Bagirova, Secretary, District Election Commission of Ashgabat
Guncha Gochguliyeva, Member, District Electoral Commission Ashgabat

Institute of State, Law and Democracy in Turkmenistan

Batyr Orazov, Deputy Director
Shemshat Atajanova, Chief of Section

Political Parties

Yakub Sopyyev, Head of the Ashgabat Committee, Agrarian Party
Bezirgen Atayev, Deputy Head of the Department of the Political Council, Democratic Party
Setdar Setdarov, Representative of the Ashgabat Committee, Party of Industrialists and Entrepreneurs

Turkmen State Information Agency

Jumageldi Hommatdurdyev, Deputy Chairperson

State Committee on TV, Radio Broadcasting and Cinematography

Bezirgen Annamammedov, Editor TV channel "Turkmenistan"

State News Agency of Turkmenistan

Elena Kan, Reporter
Mahri Yagmurova, Reporter

Civil Society

Bahar Setdarova, International Relations Specialist, Women's Union
Begench Khalnepesov, Chief Specialist, International Co-operation Department, Youth Union
Gulya Choreklyeva, Chairperson, "Ýeňme" NGO representing persons with disabilities

International and Diplomatic Community

Ambassador John MacGregor, Head, OSCE Center in Ashgabat
Representatives of resident embassies of OSCE participating States