



Office for Democratic Institutions and Human Rights

TURKMENISTAN

PARLIAMENTARY ELECTIONS

15 December 2013

OSCE/ODIHR Election Assessment Mission
Final Report



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OSCE/ODIHR Election Assessment Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of Turkmenistan and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) to observe the 15 December 2013 parliamentary elections.

The elections took place in a strictly controlled political environment characterized by a lack of respect for fundamental freedoms that are central to democratic elections. While the existence of a second political party constituted an appearance of political variety, it did not provide voters with a genuine choice between political alternatives. The absence of political pluralism and an insufficient separation of powers between different branches of government, as well as the lack of respect for fundamental freedoms, contributed to elections that need to be significantly improved to live up to OSCE commitments and other international obligations for genuine and democratic elections.

Turkmenistan is a presidential republic with legislative power vested in the 125-member parliament (*Mejlis*) elected for a five-year term in single-mandate constituencies. Extensive executive powers are exercised by the government, led by the President. The current government is led by the Democratic Party of Turkmenistan, which has dominated politics for the last two decades.

Despite recent amendments, a number of key issues remain unaddressed in the law, including provisions related to suffrage rights, the transparency of the electoral process, and election-related disputes, which impacted on the quality and credibility of the elections. Some of these shortcomings could have been remedied through the adoption of decisions or guidelines by the Central Commission for Elections and Referenda (CEC).

The election administration, headed by the CEC, respected the legal deadlines during the technical preparations for the elections. However, the independence of the election administration was undermined by the method of appointment of election commissioners and by undue interference from state and local government officials. The transparency of the work of election administration was limited by the absence of regular meetings, written decisions, and the effective publication and dissemination of key electoral information.

Undue restrictions on voter and candidate rights exist in the law. Citizens serving a prison sentence, irrespective of the gravity of the crime, are denied voting rights, while citizens with a conviction that has not been expunged or who have not resided in Turkmenistan for the previous ten years are denied the right to stand. These restrictions lack proportionality and are at odds with OSCE commitments and other international obligations.

The voter registration system is passive and each Precinct Election Commission (PEC) is to prepare its list of voters. Due to a lack of procedural guidance, the PECs used different procedures for the creation of voter lists. This could have led to multiple registrations as the law does not foresee any

¹ The English version of this report is the only official document. An unofficial translation is available in Russian.

mechanism to verify voter lists for possible multiple entries across different precincts. According to the CEC, the number of voters nationwide was 3,043,285.

Candidate registration was inclusive and all 283 nominated candidates were registered, including 66 women. However, the registered candidates did not offer voters a genuine choice between different political platforms, focusing instead on their support of the policies of the president and his government.

The campaign was barely visible and appeared to generate little public interest. Election and local government officials took an active role in candidate campaign meetings, blurring the line between State and party, which runs contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. Interlocutors informed the OSCE/ODIHR EAM that they were instructed by their work superiors to attend campaign rallies, raising concerns about voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

There are limited campaign finance regulations. The lack of an oversight body and any mechanism for reporting on campaign contributions and expenditures undermines the transparency and accountability of campaign finance.

Media is strictly controlled by the state. The absence of independent and private media brought into question the overall diversity of views accessible to voters to make an informed choice, which is at odds with OSCE commitments and other international standards. State media fulfilled their obligation to provide free airtime and print space to candidates, but the candidates' spots were similar in content and lacked information that would have helped voters determine differences between the candidates.

The electoral dispute resolution process presents instances of overlapping jurisdiction between election commissions and the courts. Nonetheless, it was not tested in practice, as no complaints challenging the electoral process or the results were filed during these elections.

According to the OSCE/ODIHR's election observation methodology, the EAM did not undertake a comprehensive and systematic observation of election day. However, mission members visited a limited number of polling stations during early voting and on election day. The OSCE/ODIHR EAM observed several cases of multiple and proxy voting, and a number of cases of seemingly identical signatures on the voter lists. Vote counting in the limited number of polling stations visited by the OSCE/ODIHR EAM was generally efficient although the order of procedures was not always followed. The official turnout was reported as 91.3 per cent.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of Turkmenistan to observe the 15 December 2013 parliamentary elections and based on the recommendation of a Needs Assessment Mission deployed from 20 to 23 August, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for these elections.

The OSCE/ODIHR EAM was led by Ambassador Alexandre Keltchewsky and consisted of 15 experts from 14 OSCE participating States. The EAM was based in Ashgabat, with teams also deployed to the regions of Balkan, Dashoguz and Mary. The electoral process was assessed for its compliance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. In line with the OSCE/ODIHR's methodology, the EAM did not

observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations.

The OSCE/ODIHR EAM wishes to thank the authorities of Turkmenistan for the invitation to observe these elections, and the Ministry of Foreign Affairs, the Central Commission for Elections and Referenda (CEC) and other authorities for their assistance and co-operation. The OSCE/ODIHR EAM also wishes to express its appreciation to the OSCE Centre in Ashgabat, diplomatic representations of OSCE participating States and international organizations in the country for their support and co-operation throughout the course of the mission. It also expresses its gratitude to the representatives of political parties, media, civil society and other interlocutors for sharing their views.

The OSCE/ODIHR has previously deployed election support teams for the presidential elections in 2007 and 2012, the parliamentary elections in 2008, and the local elections in 2010. On these occasions, the OSCE/ODIHR did not issue any public statement, but supported the OSCE Centre in Ashgabat in its election-related reporting. Additionally, the OSCE/ODIHR published legal assessments of electoral legislation in 2008 and 2012.²

III. BACKGROUND AND POLITICAL CONTEXT

Turkmenistan is a presidential republic, with legislative powers vested in the 125-member parliament (*Mejlis*). Although the principle of separation of powers between the executive, legislative and judiciary is enshrined in the Constitution, the president is granted extensive powers, including the right to form and preside over the Cabinet of Ministers and the National Security Council, and to appoint and dismiss governors (*hyakims*) of regions, cities and districts, all judges of the Supreme Court and of other courts, as well as the 15 members of the CEC.

The Constitution grants limited powers to the parliament, including the right to initiate laws, to consider for approval the programme of activities of the Cabinet of Ministers and make inquiries to the Cabinet of Ministers and other state bodies. However, the parliament only convenes twice a year and the OSCE/ODIHR EAM was informed by interlocutors that the parliament does not fully exercise its rights.

The 15 December 2013 parliamentary elections were the first since the adoption of the 2012 Law on Political Parties that provided an opportunity to establish new political parties. The current government is led by the Democratic Party of Turkmenistan (DPT), which has dominated national politics for the last two decades.³

On 21 August 2012, in response to the president's call for the establishment of a multi-party system, the Union of Industrialists and Entrepreneurs commenced the creation of the Party of Industrialists and Entrepreneurs (PIE).⁴ The stated objective of the party is to support the implementation of the government's programme aimed at strengthening the country's private sector. During the June 2013 by-elections for vacated seats in the parliament, the chairperson of the PIE won the election and became the first and only member of PIE in the outgoing parliament.

² All previous OSCE/ODIHR reports on Turkmenistan are available at:
<http://www.osce.org/odihr/elections/turkmenistan>

³ Before August 2012, the only political party registered in the country was the DPT that has 186,000 members.

⁴ The PIE has some 3,000 members.

Public associations also feature prominently in elected politics, including the Trade Unions, the Union of Women and the Youth Union.⁵ While these entities are registered as public associations, they lack real independence from the state. The OSCE/ODIHR EAM interlocutors representing these entities were not able to provide the number of their members in the outgoing parliament. According to external sources, women's representation in the outgoing parliament was 17 per cent.⁶

On 17 August 2013, at a Congress of the DPT, President Gurbanguly Berdimuhammedov suspended his membership and leadership of the party for the duration of his presidency. He encouraged other party members who hold government posts to suspend their membership as well. State media reported that some 190 state and local government officials suspended their party membership prior to the elections.

Turkmenistan is party to more than 120 international conventions and agreements, which include fundamental international human rights instruments.⁷ In its recent Universal Periodic Review, the United Nations commended Turkmenistan for accession to several international instruments and efforts to bring legislation in line with its treaty obligations. However, the United Nations highlighted a number of key recommendations, including the urgent need to reform legislation to ensure the full enjoyment of the rights to freedom of expression, to freedom of assembly and to freedom of association.⁸

The authorities met with by the OSCE/ODIHR EAM stressed the importance of holding competitive elections as part of the country's commitments to democratic values and in the context of a 'step-by-step' approach to meeting international obligations. While the existence of a second political party constitutes an appearance of political variety, it does not provide voters with a genuine choice between political alternatives. The absence of genuine political pluralism and the insufficient separation of powers between different branches of government, as well as the perceived lack of respect of fundamental freedoms are not conducive to the holding of elections in line with OSCE commitments and other international standards.

IV. ELECTORAL SYSTEM

For the parliamentary elections the country is divided into 125 single-mandate constituencies, each returning one deputy under a majoritarian electoral system for a five-year term. Candidates who receive more than half of all votes cast by voters who participated in the elections are considered elected. If no candidate obtains an absolute majority of votes, a second round is held within two weeks between the two leading candidates. There is no threshold requirement for participation of voters for the elections to be valid, which is considered good practice as it avoids potential cycles of failed elections.

The 125 constituencies are formed "with approximately equal number of voters" at least 60 days prior to election day. No other criterion for their formation is stated in the law. For this election, the number of registered voters per constituency varied significantly; in a number of cases, at times by

⁵ Trade Unions have 1,130,000 members; Union of Women has 700,000 members, and the Youth Union has 1,000,000 members.

⁶ Inter-Parliamentary Union, Women in national parliaments, situation as of 1 December 2013, available at: <http://www.ipu.org/wmn-e/classif.htm>.

⁷ Most recently Turkmenistan has acceded to the United Nations Convention on the Rights of Persons with Disabilities (in 2008) and its Optional Protocol (in 2010).

⁸ Human Rights Council Working Group on the Universal Periodic Review Sixteenth session Geneva, 22 April – 3 May 2013, http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_16_tkm_1_turkmenistan_e.pdf.

up to 73 per cent.⁹ Such deviations undermine the equality of the vote as provided for by paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations.¹⁰

Constituency boundaries should be reviewed with a view to reducing the existing deviations in the number of registered voters across constituencies so as to ensure the equality of the vote.

V. LEGAL FRAMEWORK

All elections are primarily regulated by the 2008 Constitution¹¹ and the 2013 Election Code, which codified and subsequently repealed a number of separate election laws. The Election Code was drafted by a parliamentary working group tasked to address previous OSCE/ODIHR recommendations and was unanimously adopted by the parliament on 4 May, coming into force on 1 July 2013. The new Election Code addressed a number of previous OSCE/ODIHR recommendations; however, while not binding for Turkmenistan, the late introduction of amendments to fundamental elements of electoral legislation is not in line with international good electoral practice as it can have a negative impact on electoral participants' understanding of provisions.¹² The Law on Guarantees of Electoral Rights, amended in 2012, sets out some important principles relating to elections, such as the universal, direct and equal right to elect by secret ballot, which are already enshrined in the Constitution. Other related legislation includes the 2012 Law on Political Parties, the 2003 Law on Public Associations (amended in 2009), and the 2012 Law on Mass Media. In addition, presidential decrees are a frequently used form of legislation.

In general, the electoral legal framework complies with a number of OSCE commitments and other international obligations; however it lacks clarity and fails to sufficiently regulate important aspects of the electoral process, impacting on the quality and credibility of the elections. Notwithstanding improvements to the Election Code in respect of consolidating all election-related provisions in one legal instrument, and introducing the rights of international observers, numerous issues remain to be addressed. This includes unclear or insufficiently detailed provisions regarding: constituency delimitation; formation of election commissions; compilation of voter lists; conduct of the campaign; voting, counting and tabulation of results; early and homebound voting; submission and adjudication of election disputes, including those filed on election day; campaign finance; storage, archiving and destruction of the sensitive election material; provisions promoting women's and national minorities' participation in the electoral process; electoral offences and sanctions; and additional guarantees for the transparency of the electoral process, such as publication of results by the CEC broken down at district and polling station level.

⁹ As compared to a national average of 24,554 registered voter per constituency, 8 constituencies varied by more than 15 per cent, and 3 varied by more than 10 per cent. The largest deviations were in constituency 9, Chandybil, by 73 per cent, in constituency 51, Aksaray, by 24 per cent, and in constituency 125, Serhetabad, by 20 per cent.

¹⁰ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides for participating States to "guarantee universal and equal suffrage to adult citizens". Paragraph 21 of the 1996 UN Human Rights Committee (UNHRC) General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that "the principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."

¹¹ The 1992 Constitution underwent a series of revisions resulting in the adoption of a new Constitution in 2008. Key amendments included the abolition of the People's Council of Turkmenistan (which used to be the supreme representative body) and the redistribution of its powers between the president and the parliament, and the increase of the number of deputies in the parliament from 65 to 125.

¹² See, for example, section II.2.b. of the 2002 Venice Commission Code of Good Practice in Electoral Matters, which recommends that "the fundamental elements of electoral law [...] should not be open to amendment less than one year before an election".

Some of these shortcomings could have been remedied by the CEC through the adoption of instructions, decisions or guidelines, as a means to interpret or supplement some procedural regulations. Regrettably, the electoral administration claimed that all necessary details were included in the Election Code, thus leaving a wide margin for interpretation by the lower-level election commissions.

The legal framework should be amended to address past and present OSCE/ODIHR recommendations and to bring it closer in line with OSCE commitments and other international obligations for democratic elections. Reform could be undertaken well in advance of the next elections, in an inclusive and transparent process.

In a positive step, the 2012 Law on Political Parties reflected a number of OSCE commitments and international obligations, primarily the possibility to establish political parties.¹³ The new law, however, leaves room for further improvement as it imposes a number of limitations: it restricts party membership to adult citizens permanently residing in Turkmenistan; requires that parties should have at least 1,000 members; and prohibits parties to be formed on ethnic or religious grounds, or be established on the basis of region or profession. In addition, all political parties are obliged to permit representatives of the Ministry of Justice to be present at their public meetings and other events and are required to invite relevant election commission representatives to activities related to the nomination of candidates. The presence of state and electoral officials at internal party meetings may be perceived as intimidating and prevent candidates and voters from freely associating and expressing their views.¹⁴

Consideration should be given to remove the requirement to permit representatives of the Ministry of Justice to be present at meetings and events of political parties, as well as to invite election commission representatives to their activities related to the nomination of candidates. This would avoid undue interference of the state and non-state actors in internal party activities, in line with OSCE commitments and other international obligations on political association.

Steps should be taken to effectively enforce the constitutionally enshrined principle of separation of power between the three branches of power. A review of the current legal framework for freedom of assembly, expression, and association should be undertaken to bring national legislation in line with OSCE commitments and other international standards. Consultations on the current legislation and necessary amendments should be conducted through a public and inclusive process.

¹³ See, 2012 OSCE/ODIHR Comments on the Law on Political Parties, available at: <http://www.legislationline.org/topics/country/51/topic/1>.

¹⁴ Paragraph 62 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations recommends that “the internal functions of political parties should generally be free from state interference”. Paragraph 7.7 of the 1990 OSCE Copenhagen Document states that “OSCE participating States will ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. Article 19.2(g) of the 2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States commits states to “facilitate formation of political parties and their free legal activity... to assure that the law and governmental policy provide for separation between the party and state, for conducting election campaigns in the atmosphere of freedom and fairness that allow parties and candidates to exercise a free expression of their views and assessments, election programmes (platforms), and allow voters to get acquainted with them, to discuss them and to vote for or against them freely, nor being afraid of penalty or any prosecution whatsoever”.

A. RIGHT TO VOTE

The Constitution and the Election Code grant the right to vote to citizens who have reached the age of 18 on election day, except those recognized as partially or totally incapacitated by a court decision, as well as those serving a prison sentence regardless of the length of sentence, the gravity of the offence or any individual circumstances. This blanket denial of voting rights of all persons under detention is not proportional and is at odds with OSCE commitments and other international obligations.¹⁵

The restriction on voting rights due to a criminal conviction should be reconsidered to ensure that the principle of proportionality between the offense and the sanction is respected.

B. RIGHT TO STAND

The right to stand as a candidate in parliamentary elections is granted to any eligible voter who is at least 25 years old on election day and has permanently resided in the country for ten years preceding the elections. A citizen with a conviction that has not been expunged or pardoned is not eligible to run for office. Such requirements impose unreasonable restrictions on the right to be elected and are contrary to OSCE commitments and other international obligations.¹⁶

Undue restrictions on the right to stand for parliament should be removed from the legal framework. The requirement that candidates must have permanently resided in the country for ten years prior to parliamentary elections should be lifted. The withdrawal of candidate rights of citizens in prison, irrespective of the gravity of the crime, should be removed from the law.

VI. ELECTION ADMINISTRATION

The elections were administered by the CEC and subordinate lower-level commissions: 6 Regional Election Commissions (RECs), including in the City of Ashgabat, 74 District Election Commissions (DECs),¹⁷ 125 Constituency Election Commissions (CoECs) one in each electoral constituency, and 2,446 Precinct Election Commissions (PECs), including 33 established in diplomatic representations of Turkmenistan in 26 countries.

The CEC is composed of 15 members appointed for five-year terms by the President, who also approves the staff of the CEC secretariat. Five of the current CEC members are women. The members of lower-level commissions are appointed by the superior commission. The 9-15 member

¹⁵ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens,” while Paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” Paragraph 14 of the 1996 UN Human Rights Committee (UNHRC) General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that grounds for deprivation of voting rights should be “objective and reasonable”. In addition, while Turkmenistan is not a member of the Council of Europe, judgements by the European Court of Human Rights provide that limitations on prisoner voting rights can be imposed only where the prisoner has been convicted of a crime of such a serious nature that forfeiture of the right to vote is a proportionate punishment. See: *Hirst v. United Kingdom* (2005) and *Frodl v. Austria* (2010).

¹⁶ See paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document (noted above) and paragraph 15 of the 1996 UNHRC General Comment No. 25 to Article 25 of the ICCPR, which states that “any restrictions on the right to stand... 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.”

¹⁷ The role of DECs during parliamentary elections appeared to be superfluous.

RECs and 11-15 member DEC's are also appointed for five-year terms. The 9-11 member CoECs are appointed at least 60 days prior to election day, and the 5-11 member PECs are appointed at least 40 days prior to election day.¹⁸

RECs perform mostly administrative and logistical tasks in support of the CoECs, aggregate the voting results in each region (and in the city of Ashgabat), and deliver the CoEC results protocols to the CEC. CoECs have a wide range of responsibilities, including the registration of candidates, organizing campaign meetings for electoral contestants, and establishing the voting results in the electoral constituency. DEC's role during parliamentary elections is limited to establishing the PECs and providing operational support. Lastly, the PECs are responsible for the conduct of election day procedures at polling stations, as well as the compilation of voter lists.

The criteria for nominating the commissioners are not specified by the Election Code. It appears that commissioners were *de facto* representatives of local executive authorities and state institutions. Most chairpersons of the election commissions met with by the OSCE/ODIHR EAM stated that they were nominated by the DPT. PEC members were, in general, employees of the institution where the PEC was located, and their positions in the PEC reflected the hierarchy of that institution, with the head of the institution being the PEC chairperson. This can influence PEC activities, as commissioners could face potential conflict of interests.

The Election Code could be amended to clarify the appointment of election commissions either on professional or political criteria. The law could ensure that the appointment of commissioners is gender-balanced and that commission members are guided by principles of transparency, professionalism and impartiality.

The Election Code provides that the election commissions are independent of state authorities and local self-governance bodies. The OSCE/ODIHR EAM was able to meet a number of RECs, DEC's and PECs, and in almost all meetings, it was accompanied by government officials.¹⁹ During meetings, the commissioners' answers were at times supervised by the officials, who were taking notes or were answering in their place, thus creating an intimidating effect. All mid-level commissions met with by the OSCE/ODIHR EAM were located in local administration buildings. In practice, there was no distinction between the election administration and the government and local administration, calling into question the independence of the election administration

Safeguards should be developed and implemented in order to ensure that election commissions are independent from the government. State and local government officials should refrain from interfering with the independence of election administration.

According to the Electoral Code, the meetings of commissions are to be public. The OSCE/ODIHR EAM was not informed of any meeting of any commission during its presence in country. It appears that most commissions met informally and on an *ad-hoc* schedule.

The CEC informed the OSCE/ODIHR EAM that it held four sessions in preparation for the elections,²⁰ that no official decisions were passed during these meetings and that it did not set-up a

¹⁸ The compositions of lower-level election commissions vary due to the size of the respective district, constituencies and precincts.

¹⁹ Article 6.5 of the Election Code provides that "international observers shall carry out their activities on their own and independently."

²⁰ These CEC sessions took place on 22 August, 25 September, 11 October and 22 November.

calendar of election activities.²¹ According to information printed by the official newspaper *Neitralnyi Turkmenistan*, the CEC discussed in its sessions different aspects of election administration, including a calendar of activities on 25 September.²² The CEC stated that the basis for the administration of elections rests solely on the Election Code and the Constitution and, as such, did not issue instructions or guidelines to clarify a number of vague provisions of the Election Code (see, *Legal Framework*).²³

Where appropriate, the CEC should supplement the provisions of the Election Code with instructions and guidance to lower-level commissions on procedural matters in order to ensure their uniform application throughout the country.

The OSCE/ODIHR EAM was not able to access relevant information and documents on the activities and decisions of election commissions, impeding the full observation of these elections and challenging paragraph 8 of the 1990 OSCE Copenhagen Document.²⁴ The CEC provided the mission with limited or incomplete information. The lower-level commissions, at times, denied requests for access to documents. While the CEC's limited activities were presented in a number of articles by *Neitralnyi Turkmenistan*, relevant electoral information was not easily accessible in a central location.²⁵ While not required by the law, the CEC organized the publication in Russian language of a limited number of materials.²⁶

To promote transparency and accountability, all election commissions' resolutions, instructions, decisions, protocols and other normative acts could be made easily accessible to the public in a timely manner. The CEC could consider establishing a website for this purpose.

All election deadlines were respected by the election administration. The commissions visited by the OSCE/ODIHR EAM were well set-up, and had all materials available. The CEC and United Nations Development Programme (UNDP) organized training of commissioners at all levels, as well as production and distribution of a manual for CoECs and PECs. The commissioners met with by the OSCE/ODIHR EAM seemed generally aware of their responsibilities, albeit much less so at PEC level, and some stated that they never received training (see *Election Day*).

In line with the law, electoral precincts were formed at least 45 days prior to election day, each serving a maximum of 2,000 voters. The OSCE/ODIHR EAM is not aware of additional criteria used for the precinct demarcation. The Election Code allows for a precinct to be part of two

²¹ Article 25.2 of the Election Code provides that "Decisions of the Central Election Commission shall be made public through the mass media."

²² According to the newspaper report, during its four sessions, the CEC discussed the appointment of CoECs and of out-of-country PECs, and approved the ballots design, the schedule for training of commissioners and observers, and the public information on candidates.

²³ Article 26.4 of the Election Code provides that the CEC has to "give explanations and issue instructions regarding the preparation and conduct of elections."

²⁴ Article 6.7.(2) of the Election Code provides that observers have the right to: "supervise the preparation and conduct of elections and referenda, the observance of the electoral and referenda law". Paragraph 8 of the 1990 OSCE Copenhagen Document states that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process...".

²⁵ Paragraph 5.8 of the 1990 OSCE Copenhagen Document provides that "legislation, adopted at the end of a public procedure, and regulations will be published that being the condition of their applicability. Those texts will be accessible to everyone."

²⁶ The CEC informed the OSCE/ODIHR EAM that it published the Election Code in Russian, as well as some articles of the Election Code in the state newspaper *Neitralnyi Türkmenistan* as well as the biographies of candidates and the numbers, names, centres and borders of CoECs. Article 70.2 of the Election Code provides that ballots "may be printed in other language used by the majority of voters of the polling station" upon the decision of a relevant election commission.

constituencies, in which case the respective PEC is to organize two electoral races, but it does not clarify the procedures to be followed in such a case.

VII. VOTER REGISTRATION

The voter registration system is passive and voter lists are periodically updated prior to each election. Each PEC is to prepare its list of voters, based on data provided by local executive authorities and local self-governance bodies. The list should include the citizens who are 18 years old by election day, and who reside in the precinct permanently or for the three months prior to election day. The PEC members or hired staff verify and correct this data through door-to-door visits. The PECs are to make the updated lists available to the public at least 15 days before election day. Citizens can appeal against non-inclusion or incorrect data from a list. Special voter lists are to be compiled for military units, pre-trial detention centres, sanatoriums and other health institutions.

Voters can also be added to a supplementary voter list on election day upon presenting an identification document proving their residence in the precinct. Although not binding for Turkmenistan, voter registration on election day is not in line with international good practice and could result in multiple voter registrations.²⁷

In line with good practice, consideration could be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements.

The OSCE/ODIHR EAM was not informed of any instructions detailing the voter registration procedures, which are only generally outlined in the Election Code. The law does not foresee any mechanism to verify voter lists for possible multiple entries across different precincts.

Members of most PECs visited by the OSCE/ODIHR EAM stated that they received the initial data on voters from the state Communal Housing Services or from the local councils. One PEC visited by the OSCE/ODIHR EAM created its list without any initial data, only from collecting passport information during door-to-door visits.

The PECs had different procedures for the door-to-door updates.²⁸ Some OSCE/ODIHR EAM interlocutors stated that they did not conduct any door-to-door verification, or that the local administration approves the lists after the door-to-door checks by PECs.

The lack of clear instructions for the compilation of the voter lists, the different practices of PECs and the lack of cross-checks of data between precincts could allow for multiple registrations.

Consideration could be given to developing a reliable and efficient system of voter registration, possibly through the creation of a permanent central voter register. As a minimum, the system of voter registration could be revised and updated to allow for the possibility of identifying multiple entries and ensuring their removal from the system. The procedures for voter registration need to be detailed and consistently implemented.

²⁷ See, for example, section 1.2.iv of the 2002 Venice Commission Code of Good Practices in Electoral Matters, which recommends that “polling stations should not be permitted to register voters on Election Day itself.”

²⁸ For example some removed the ineligible voters from the list, while others just marked them on the list.

Voter lists were made available to the public upon request in the PEC premises visited by the OSCE/ODIHR EAM, but no voters were reported as having checked the lists. The information on the names and dates of birth was incomplete in a number of the polling stations visited. According to the CEC, the number of voters nationwide was 3,043,285.²⁹

To increase transparency, voter lists could be on public display at polling stations for verification by voters, while ensuring that the personal data of the voters is protected.

VIII. CANDIDATE REGISTRATION

Political parties, public associations and groups of citizens have the right to nominate candidates. The nomination period is between 30 to 60 days prior to election day.

Political parties and public associations have the right to nominate candidates through joint meetings. Nominations by groups of citizens require attendance of at least 200 voters registered in a respective constituency, and a decision supported by the majority of those present. A citizen can participate in only one meeting and a group of citizens can nominate only one candidate per constituency. Citizens attending these meetings are required to fill in and sign a registration form that includes their name, date of birth and place of residence. Registered political parties and public associations are exempt from this requirement provided that they submit their party registration documents as required by law. There are no requirements for gender representation of candidates or elected members of parliament.³⁰

Consideration could be given to introducing temporary special legislative measures to promote women's political participation. Political parties could consider nominating a minimum number of candidates of each gender.

According to the Election Code, nominating bodies must invite an election commission representative to their candidate nomination meetings. The decision to register a candidate is then made by the CoEC based on a protocol of the meeting where the nomination took place (together with the list of participants for nominations from groups of citizens) and the statement of agreement from the nominated candidate. The procedures for registration were at times inconsistent. According to OSCE/ODIHR EAM interlocutors, some candidates were asked to additionally provide their biographical data, recommendations from their work place and a family tree. All nominated candidates were registered.

The requirement that candidate nomination is performed in front of election commission officials could be reconsidered, as citizens may consider it intimidating to appear before an official to declare their support of an independent or opposition candidate. Consideration could be given to amending the Election Code to provide alternative methods for nomination through the collection of support signatures or the submission of a reasonable monetary deposit.

The restriction that citizens may support only one candidate could be reconsidered. The process would be more open and inclusive if citizens could sign for as many candidates as they choose to support.

²⁹ For the 2012 presidential election, the number was 2,839,889 voters. The State Committee for Statistics informed the OSCE/ODIHR EAM that the country population is around six million people. A census took place at the beginning of 2013 and its results are expected to be published in 2014.

³⁰ Paragraph 23 of the 1999 OSCE Istanbul Document commits participating States to "making equality between men and women an integral part of our policies."

While nominating entities had the right to nominate one candidate in each of 125 constituencies, the DPT nominated 99 candidates, the PIE nominated 21 candidates, Trade Unions nominated 89 candidates, the Union of Women nominated 37 candidates and the Youth Union nominated 22 candidates. Fifteen candidates were nominated by groups of citizens. The OSCE/ODIHR EAM interlocutors from the DPT and the Youth Union explained that they did not field candidates for each constituency, despite their large membership, as no suitable candidate expressed an interest in standing. The majority of constituencies had 2 candidates, 31 constituencies had 3 candidates, and 2 constituencies had 4 candidates.

Official biographies of candidates were published in the official newspaper *Neutral Turkmenistan*, but for some 30 per cent of biographies, party and union memberships as well as information on what entity nominated them were not provided to the public.³¹ The OSCE/ODIHR EAM was informed by a limited number of candidates that they were members in more than one nominating entity. Candidates met with by the EAM were not able to provide information on the date they were registered.

While the registration process was inclusive, the field of 283 candidates, including 66 women, did not offer voters a genuine choice between different political alternatives (see, *Election Campaign*).

IX. ELECTION CAMPAIGN

The election campaign was muted, barely visible and appeared to generate limited public interest. Several OSCE/ODIHR EAM interlocutors were unaware of the elections taking place.

The Election Code provides for equal condition for all candidates to participate in the electoral campaign. Campaign events, which consisted mainly of meetings of candidates and their proxies with voters, were organized either by election officials alone or together with representatives of local administration. A number of campaign events were organized in schools and other public buildings and attended by students, teachers and other public servants. Meeting participants confirmed to the OSCE/ODIHR EAM that they were instructed by their superiors to attend these meetings. This practice raised concerns about voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.³² While the law allows candidates to organize events on their own, none of the candidates met by the OSCE/ODIHR EAM made use of this legal provision.

Campaign meetings were organized as individual or joint meetings between candidates.³³ In some instances election officials chaired these meetings. The format for these meetings was similar throughout the country. Candidates' proxies, who in some cases occupied government positions, introduced candidates by presenting their biographies and achievements, and opened the floor for candidates to present their programmes. Regardless of affiliation, which some candidates did not mention, candidates' platforms contained little information about their future programmes but consistently included rhetoric underlining the importance of continuing the policies of the President.

³¹ The biographies of candidates were published between 27 November and 3 December 2013.

³² According to paragraph 7.7 of the 1990 OSCE Copenhagen Document "OSCE participating States will ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution".

³³ In a number of constituencies, campaign meetings ended in the first ten days of December.

Small variations in programmes included attention to health, education, promotion of Turkmen traditions or other social issues that stemmed from candidates' professions rather than as genuine policy alternatives. In some meetings, questions for candidates were raised and answered by election officials or representatives from local administrations rather than candidates. In addition, in majority of cases the candidates' campaign offices were located in the buildings of state institutions. The active role of election and local government officials in campaign events blurred the line between State and party, which runs contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document.³⁴

In order to ensure a clear separation between the State and political parties, election officials and local government officials should not take an active role in campaign events. In addition, it is recommended that the parties' and candidates' offices are not located in buildings belonging to the State and local administration.

The only visible campaign materials were the official posters containing candidates' photographs and short biographical data mostly placed in offices of election commissions. Biographies of almost 200 candidates did not include information about the entity that formally nominated them. This, together with the fact that the posters were uniform for all candidates, in some cases made it impossible to determine which party, public association or a group of citizens the candidates represented. Apart from these posters no other printed campaign materials were used.

The Election Code provides free airtime to candidates, which was used to make short presentations that mostly focused on praising the president and the development of Turkmenistan under his leadership and pledging their support to his policies. Candidates did not participate in debates neither on TV nor during meetings with voters. Several OSCE/ODIHR EAM interlocutors, including candidates, said that they did not see the necessity to engage in debates as there was no disagreement among candidates, and they all would continue to implement the president's policy of "Everything for the People."

Steps could be taken to ensure that voters are able to make informed choices, by having full access to information about candidates and their programmes, including through diverse campaign activities.

X. CAMPAIGN FINANCE

While the Election Code provides that all expenses related to the preparation and conduct of elections is covered by the state, there are limited provisions regulating campaign finance. The Election Code stipulates that the auditing group established under the CEC, which is responsible to check the financial reports of election commissions, may request relevant materials from candidates and also apply sanctions to candidates, individuals or legal entities in the event of violations related to the funding of elections. The details of such violations or sanctions are not specified.

The Law on Political Parties foresees some general provisions on political party funding. The law establishes that monetary and in-kind donations are permissible up to an amount that does not exceed ten times the average monthly salary; although this limit is not applicable to contributions from legal entities. It outlines a number of prohibited sources of funding, including anonymous,

³⁴ Paragraph 5.4 of the 1990 OSCE Copenhagen Document commits participating States to provide "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

charitable and religious organizations, state and foreign sources. The law also establishes that in-kind public financing will be provided through access to state media, state-owned premises, and in organizing events.

In general, the Law on Political Parties does not distinguish between regular party activities and those for campaign purposes. The law states that procedures for reimbursement of political party campaign expenses should be established by the electoral legislation, although this has not yet been adopted. There are also no provisions regarding limitations on campaign expenditures.

Although the Law on Political Parties requires the submission of financial reports of political parties to state authorities and stipulates that the expenses related to their involvement in elections should be specified separately, these provisions are vague and fail to specify the responsible authorities or any requirement for publishing this information.³⁵ Furthermore, while it foresees that certain aspects such as the form, procedure and time limits related to these reports should be determined by other regulatory and legal acts, these have yet to be adopted. These factors collectively undermine the effectiveness of any reporting mechanism and limit the transparency and accountability of campaign finance, which is contrary to international obligations.³⁶

The legal framework could be revised to introduce a comprehensive system for regulating campaign finance, including the timely reporting on campaign contributions and expenditures. In addition, it is recommended that effective and independent oversight of campaign finance is strengthened.

XI. MEDIA

A. MEDIA LANDSCAPE

News and information services inside Turkmenistan are strictly controlled and monopolized by the state. The access of citizens to information about what is happening in their own country is severely limited, but this is mediated to a degree by their access to foreign satellite and online media.

There are six nationwide state television channels plus one serving the capital, as well as four state radio broadcasters.³⁷ Residential areas host multiple satellite dishes providing access to an array of more than 300 news and entertainment channels from outside the country. There are 27 newspapers and 25 magazines in circulation.³⁸ State newspapers *Türkmenistan* and *Neitralnyi Türkmenistan* are considered the main papers. *Rysgal* is described as the only private newspaper in the country, a weekly owned by the Union of Industrialists and Entrepreneurs. The lack of media pluralism

³⁵ Paragraphs 198-205 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations recommends that “states should require political parties to keep records of all direct and in-kind contributions given to all political parties and candidates in the electoral period. Such records should be available for public review and must be in line with the pre-determined expenditure limit.” In addition, “Political parties should be required to submit disclosure reports to the appropriate regulatory authority” and “Reports should include (where applicable) both general party finance and campaign finance”.

³⁶ Article 7.3 of the 2003 UN Convention against Corruption calls on states to “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office.”

³⁷ TV: *Türkmenistan*, *Altyn Asyr*, *Miras*, *Türkmen Owazy*, *Yaslyk*, *Sport* and *Ashgabat*. Radio: *Watan*, *Miras*, *Char Tarapdan* and *Owaz*.

³⁸ According to Turkmenistan Post’s fourth quarter 2013 list of available periodicals for subscription.

brought into question the overall diversity of views accessible to the voters to make an informed choice, which is at odds with OSCE commitments and other international obligations.³⁹

The state communications company *Türkmentelecom* has a monopoly on Internet services. It charges high rates for providing Internet services at home, priced well above the reach of most citizens.⁴⁰ The mobile providers' online services are more affordable, although the number of subscribers is not available.⁴¹ Many international websites and social media are blocked.⁴² The OSCE Representative on Freedom of the Media (RFoM) stressed that "restrictions to the right to free expression on the Internet are only acceptable if in compliance with international law, necessary in a democratic society, prescribed by law and are in the public interest ... [d]ecisions to block websites should be transparent and well-grounded".⁴³

Consideration should be given to relax restrictions on the right to free expression on the Internet and to promote universal access to the Internet.

B. LEGAL FRAMEWORK

At the end of 2012 the parliament passed a new Law on Mass Media, replacing the 1991 Law on Press and Other Mass Media. The process was led by the parliamentary Committee on Science, Education and Culture and supported by the OSCE Office in Ashgabat as well as by the OSCE Representative on Freedom of the Media. Overall, the new law places greater emphasis on preventing violations of media freedom than on providing safeguards to protect it. For example, the law introduces four new state regulatory organs for the media, which is contrary to international standards that call for media regulators to be independent.⁴⁴ In practice no new state regulatory organs have been established and the actual means of regulation is unclear.

Consideration could be given to amend the law in order to provide for the establishment of an independent media regulatory body. This authority could also oversee media conduct during elections.

The new law, like the old one, allows for the private establishment of media, but no new private media companies have been registered. Media interlocutors informed the OSCE/ODIHR EAM of a general reluctance to establish private media due to fear of pressure from state authorities.

³⁹ Paragraph 7.8 of the 1990 OSCE Copenhagen Document requires participating States to "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process". Article 19 of the ICCPR states that "[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

⁴⁰ According to www.online.tm, the cost of 'unlimited' Internet at 512kb/second is around USD 200 per month.

⁴¹ The SevDec group's 2012 report estimated 14 per cent of the population has mobile access to the Internet, 'Neither Here Nor There: Turkmenistan's Digital Doldrums', commissioned by the Open Society Foundation: <http://www.opensocietyfoundations.org/sites/default/files/neither-here-nor-there-20130116.pdf.pdf>

⁴² Access to Facebook was blocked in some parts of the country. In addition, a number of websites, including Radio Free Europe/Radio Liberty, Eurasianet, Chronicles of Turkmenistan, Ferghana News, Human Rights Watch, Amnesty International were not accessible throughout the country.

⁴³ Declaration adopted at the 14th Central Asia Media Conference "From traditional to online media: best practices and perspectives" on 5-6 July 2012. <http://www.osce.org/fom/92068>.

⁴⁴ Paragraph 39 of General Comment No. 32 of ICCPR states: "It is recommended that States parties that have not already done so should establish an independent and public broadcasting licensing authority, with the power to examine broadcasting applications and to grant licenses."

Consideration should be given to creating an enabling environment for establishment of private and independent media, free of administrative and other impediments, to encourage the exercise of free speech.

The Election Code provides the right to free airtime on state TV and radio, not less than an hour a day in total, divided between the candidates on an equal basis over the course of the campaign, however, it does not provide for the obligation of the media to report objectively. The provision of a third of the volume of free airtime to ‘joint discussions, round table meetings and similar campaign events’ was not implemented. The Code obliges state print media to publish material provided by candidates free of charge and on an equal basis, which was broadly respected.

C. MEDIA COVERAGE OF ELECTIONS

Media coverage of the campaign was limited throughout the country. Candidate presentations on television were carried out in a uniform manner, against an identical background, without party banners to distinguish them.⁴⁵ A large part of the speeches was devoted to support for the President with few details on campaign pledges. The only information available to the public about the timing of candidate speeches for their district was that free time for all candidates would be broadcast between 19:00 and 23:00.⁴⁶ Although the CEC distributed the schedule between three state television channels, the precise schedule was not made public and there was no information on the times of specific candidate speeches.

The television news programme *Watan* occasionally showed footage of events where candidates met with voters, without sound from the event or mentioning the names of the candidates. The Union of Industrialists and Entrepreneurs, which did not register candidates, had its own airtime on *Altyn Asyr* which it used to promote its activities.⁴⁷

State newspapers around the country published articles informing readers about various stages of the electoral campaign, official biographies of the candidates and provided occasional information on the meetings between candidates and voters. However, this was limited in coverage and did not provide analysis of the different candidates and their platforms.

XII. COMPLAINTS AND APPEALS

The Election Code establishes two main channels for election-related complaints and appeals: the election administration and judicial bodies. A complainant has the discretion of filing a complaint with either of these institutions, or simultaneously with both. Overall, the electoral dispute resolution process presents instances of overlapping jurisdiction that can potentially lead to contradictory or inconsistent decisions. In addition, decisions on complaints by the election administration or courts are not made public. This undermines the transparency and accountability of the process and questions the right to an effective legal remedy, challenging paragraph 5.10 of

⁴⁵ Not all candidates mentioned on television which party or association they represented, which was also the case for approximately 200 out of the 283 candidates who appeared in state newspapers.

⁴⁶ This information was broadcast in some infrequent voter education spots produced by the State Committee for TV and Radio Broadcasting with the CEC. The time is also provided by the Election Code, which was published in *Neitralnyi Turkmenistan* and *Türkmenistan* in May 2013.

⁴⁷ As stated by the Chairperson of the Union of Industrialists and Entrepreneurs to the OSCE/ODIHR EAM. The EAM was unable to confirm the regularity of these broadcasts, since it did not carry out media monitoring, however several episodes were observed on *Altyn Asyr* in the morning, beginning at 10:00.

the 1990 OSCE Copenhagen Document.⁴⁸

The dual jurisdiction of courts and election commissions regarding complaints should be removed. Consideration should be given that complaints are filed at first instance either with the courts or the election administration.

To enhance the transparency and accountability of the electoral dispute system, written records of complaints and decisions of the courts and election commissions should be made public.

In an inclusive manner, the right to file a complaint against decisions of election commissions and actions of their officials to a higher-level election commission is afforded to voters, candidates and their representatives, election commissions, as well as observers and representatives of mass media. Decisions and actions of State and local authorities, other agencies, their officials and other participants in the electoral process, as well as actions of candidates and their representatives may be appealed to the court. The Election Code provides for precedence of the court in case the same suit has been filed with the election commissions.

According to the Election Code, complaints during the preparation of the elections should be considered within three days by both election commissions and courts, while this term may be prolonged to five days if required by the circumstances of the case. In response to a previous OSCE/ODIHR recommendation, a requirement for the immediate review of complaints lodged on election day or the preceding day was introduced.

The majority of OSCE/ODIHR EAM interlocutors did not express any concerns with the complaints and appeals system. However, most interlocutors could not convey a clear understanding of the procedure and reasoned that disputes would be resolved in a consensual way in line with the country's mentality for resolving disputes.

Consideration could be given to raising awareness of all electoral stakeholders on their right to seek legal redress.

The Supreme Court informed the OSCE/ODIHR EAM that the law provides for three levels of appeals against the election results, all within the Supreme Court: complaints against the results are filed directly with the Supreme Court; an appeal against the relevant decision of the Supreme Court is filed with the *Presidium*, and a subsequent appeal against this decision is lodged with the *Plenum*.

While the shortcomings in the process remain, the system of electoral dispute resolution has yet to be tested in practice as not a single complaint challenging the electoral process or the results was filed during the elections.

XIII. ELECTION OBSERVATION

In accordance with OSCE commitments, the Election Code provides for partisan, citizen and international observers. Observers may be nominated by political parties, public associations and groups of citizens, all of which are registered by the respective RECs. For this election 2,459 party

⁴⁸ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

and citizen observers were accredited.⁴⁹ Several observer organizations informed the OSCE/ODIHR EAM that they were providing training for their observers, while the UNDP also organized a training seminar for some 20 observers. In addition, the CEC printed 1,000 copies of the Manual for Domestic Observers. In practice the OSCE/ODIHR EAM observed that observers were mostly represented by political parties and public associations that nominated candidates to run for the elections and were *de facto* party agents rather than independent citizen observers.⁵⁰

A total of 91 international observers were accredited by the CEC.⁵¹ Article 6.7 of the Election Code provides observers full access to all stages of the organization and conduct of the elections. While the Code stipulates that “international observers shall carry out their activities on their own and independently,” in practice, OSCE/ODIHR EAM observers were required to be accompanied to most meetings by the MFA officials or other local officials throughout the observation period, including on election day.⁵² The CEC also informed the OSCE/ODIHR EAM that legislation restricts international observers from being present at locations with restricted access, including polling stations on military bases. These limitations on election observation challenge paragraph 8 of the 1990 OSCE Copenhagen Document.⁵³

The authorities should undertake further measures to allow genuine, non-partisan citizen groups in election observation, as well as to facilitate independent observation by international observers to fully comply with paragraph 8 of the 1990 OSCE Copenhagen Document.

XIV. ELECTION DAY

In accordance with the OSCE/ODIHR methodology, the EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations in Ashgabat as well as in the Mary, Dashoguz and the Balkan regions.

A. VOTING

Voting was conducted in 2,413 polling stations across the country, and in 33 polling stations established in diplomatic representations abroad. Early voting was available for all registered voters during the 10 days preceding election day, and homebound voting was provided on election day upon legitimate request to the respective PEC.

In the limited number of polling stations visited by the OSCE/ODIHR EAM, the layout allowed for an unimpeded flow of voters. No lines of voters waiting to cast ballots were observed. The OSCE/ODIHR EAM noticed unauthorized persons in several polling stations visited, directing the PEC activities. Citizen observers were mostly passive, at times stating that they represent local

⁴⁹ Trade Union and Women's Union deployed 772 and 409 respectively and the DPT deployed 283.

⁵⁰ In several cases it was noted that these observers were affiliated with several entities, including local government bodies. The OSCE/ODIHR EAM is not aware of a public statements made by these groups.

⁵¹ The CEC accredited 68 observers from the Commonwealth of Independent States, 17 from the OSCE/ODIHR, and 6 from the OSCE Parliamentary Assembly.

⁵² The state officials tried to organize the locations of the visits to the polling stations; on the occasions when the OSCE/ODIHR EAM insisted on choosing polling stations randomly, the officials appeared to alert the individual polling station officials of impending visits.

⁵³ Paragraph 8 of the 1990 OSCE Copenhagen Document states that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process.”

government, or in some instances were directing the PEC activities. However, they informed the OSCE/ODIHR EAM that they observed no violations and filed no complaints.

The Election Code could be amended to clarify that only authorized persons may be present in polling stations and CoECs during voting, counting and tabulation of results.

In almost all polling stations visited, the OSCE/ODIHR EAM observed several instances of voters presenting multiple passports and getting multiple ballots in return. The mission observed numerous instances of seemingly identical signatures on the voter lists in the polling stations visited, which could be indications of proxy voting or multiple voting. The OSCE/ODIHR EAM also noticed several instances of clumps of ballot papers in ballot boxes, suggesting multiple voting or ballot box stuffing, and voters' IDs not being checked. In the Balkan region and Ashgabat, the OSCE/ODIHR EAM directly observed several instance of multiple voting. Voters were not required to sign for the ballots received in some stations observed. Considering that these irregularities took place with the direction or tacit support of local election officials, this may cast doubts about the level of turnout reported.

The authorities and election administration should undertake measures to improve the integrity of the electoral process by preventing all serious violations, particularly proxy voting, multiple voting and ballot box stuffing. The authorities should investigate all allegations seriously and hold accountable those found guilty of violations of the law.

B. COUNTING, TABULATION AND ANNOUNCEMENT OF RESULTS

Vote counting in the limited number of polling stations visited by the OSCE/ODIHR EAM was generally efficient, although the order of procedures was not always followed. Although by law, international observers are now permitted to view the results protocols, effectively the OSCE/ODIHR EAM was denied this right in all but one case. In one case the protocol was signed blank by the PEC members, to be filled in at the CoEC.

Further training of polling station personnel should be undertaken to ensure that they can perform their responsibilities effectively and in accordance with the law.

The processing of PEC protocols was efficient in the CoECs visited by the OSCE/ODIHR EAM, yet in one instance the altering of a protocol was observed. The protocols of results were not posted outside the polling stations or CoECs, which undermined the transparency of the results and limited the possibility for electoral stakeholders to submit complaints.

The CEC announced the final results on 18 December. The OSCE/ODIHR EAM was provided with a copy of the national results protocol. The CEC did not publish or provide the results by district and polling stations. All 125 electoral races were decided in the first round.

The transparency of the process could be enhanced by requiring preliminary and final results to be published disaggregated by polling station and district. Results should include the total number of voters and turnout at each polling station, as well as the numbers of valid and invalid votes, votes cast for each candidate, and the number of spoiled ballot papers. Observers should be issued copies of the protocols, as provided by the law.

XV. RECOMMENDATIONS

The following recommendations, as contained throughout the text, are offered for consideration by the authorities, political parties and civil society with a view to supporting efforts to conduct elections fully in line with OSCE commitments and other international standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities of Turkmenistan to further improve the electoral process and in following up on the recommendations contained in this report.

A. PRIORITY RECOMMENDATIONS

1. Safeguards should be developed and implemented in order to ensure that election commissions are independent from the government. State and local government officials should refrain from interfering with the independence of election administration.
2. Steps should be taken to effectively enforce the constitutionally enshrined principle of separation of power between the three branches of power. A review of the current legal framework for freedom of assembly, expression, and association should be undertaken to bring national legislation in line with OSCE commitments and other international standards. Consultations on the current legislation and necessary amendments should be conducted through a public and inclusive process.
3. Constituency boundaries should be reviewed with a view to reducing the existing deviations in the number of registered voters across constituencies so as to ensure the equality of the vote.
4. The legal framework should be amended to address past and present OSCE/ODIHR recommendations and to bring it closer in line with OSCE commitments and other international obligations for democratic elections. Reform could be undertaken well in advance of the next elections, in an inclusive and transparent process.
5. Consideration could be given to developing a reliable and efficient system of voter registration, possibly through the creation of a permanent central voter register. As a minimum, the system of voter registration could be revised and updated to allow for the possibility of identifying multiple entries and ensuring their removal from the system. The procedures for voter registration need to be detailed and consistently implemented.
6. Consideration should be given to creating an enabling environment for establishment of private and independent media, free of administrative and other impediments, to encourage the exercise of free speech.
7. The authorities and election administration should undertake measures to improve the integrity of the electoral process by preventing all serious violations, particularly proxy voting, multiple voting and ballot box stuffing. The authorities should investigate all allegations seriously and hold accountable those found guilty of violations of the law.

B. OTHER RECOMMENDATIONS

Election Administration

8. The Election Code could be amended to clarify the appointment of election commissions either on professional or political criteria. The law could ensure that the appointment of commissioners is gender-balanced and that commission members are guided by principles of transparency, professionalism and impartiality.
9. Where appropriate, the CEC should supplement the provisions of the Election Code with instructions and guidance to lower-level commissions on procedural matters in order to ensure their uniform application throughout the country.
10. To promote transparency and accountability, all election commissions' resolutions, instructions, decisions, protocols and other normative acts could be made easily accessible to the public in a timely manner. The CEC could consider establishing a website for this purpose.

Legal framework

11. Consideration should be given to remove the requirement to permit representatives of the Ministry of Justice to be present at meetings and events of political parties, as well as to invite election commission representatives to their activities related to the nomination of candidates. This would avoid undue interference of the state and non-state actors in internal party activities, in line with OSCE commitments and other international obligations on political association.

Voter Registration

12. In line with good practice, consideration could be given to removing the possibility for voters to register on election day to avoid the possibility of multiple registrations. A legal deadline for closing voter lists could be introduced, with additional entries permitted only in accordance with clearly defined legal requirements.
13. To increase transparency, voter lists could be on public display at polling stations for verification by voters, while ensuring that the personal data of the voters is protected.

Candidate Registration

14. The requirement that candidate nomination is performed in front of election commission officials could be reconsidered, as citizens may consider it intimidating to appear before an official to declare their support of an independent or opposition candidate. Consideration could be given to amending the Election Code to provide alternative methods for nomination through the collection of support signatures or the submission of a reasonable monetary deposit.
15. The restriction that citizens may support only one candidate could be reconsidered. The process would be more open and inclusive if citizens could sign for as many candidates as they choose to support.

16. Consideration could be given to introducing temporary special legislative measures to promote women's political participation. Political parties could consider nominating a minimum number of candidates of each gender.

Election Campaign

17. In order to ensure a clear separation between the State and political parties, election officials and local government officials should not take an active role in campaign events. In addition, it is recommended that the parties' and candidates' offices are not located in buildings belonging to the State and local administration.
18. Steps could be taken to ensure that voters are able to make informed choices, by having full access to information about candidates and their programmes, including through diverse campaign activities.

Voting and Candidacy Rights

19. The restriction on voting rights due to a criminal conviction should be reconsidered to ensure that the principle of proportionality between the offense and the sanction is respected.
20. Undue restrictions on the right to stand for parliament should be removed from the legal framework. The requirement that candidates must have permanently resided in the country for ten years prior to parliamentary elections should be lifted. The withdrawal of candidate rights of citizens in prison, irrespective of the gravity of the crime, should be removed from the law.

Campaign finance

21. The legal framework could be revised to introduce a comprehensive system for regulating campaign finance, including the timely reporting on campaign contributions and expenditures. In addition, it is recommended that effective and independent oversight of campaign finance is strengthened.

Media

22. Consideration should be given to relax restrictions on the right to free expression on the Internet and to promote universal access to the Internet.
23. Consideration could be given to amend the law in order to provide for the establishment of an independent media regulatory body. This authority could also oversee media conduct during elections.

Election observation

24. The authorities should undertake further measures to allow genuine, non-partisan citizen groups in election observation, as well as to facilitate independent observation by international observers to fully comply with paragraph 8 of the 1990 OSCE Copenhagen Document.

Complaints and Appeals

25. The dual jurisdiction of courts and election commissions regarding complaints should be removed. Consideration should be given that complaints are filed at first instance either with the courts or the election administration. In addition, written records of complaints and decisions of the election commissions should be public.
26. To enhance the transparency and accountability of the electoral dispute system, written records of complaints and decisions of the courts and election commissions should be made public.
27. Consideration could be given to raising awareness of all electoral stakeholders on their right to seek legal redress.

Election Day

28. The Election Code could be amended to clarify that only authorized persons may be present in polling stations and CoECs during voting, counting and tabulation of results.
29. Further training of polling station personnel should be undertaken to ensure that they can perform their responsibilities effectively and in accordance with the law.
30. The transparency of the process could be enhanced by requiring preliminary and final results to be published disaggregated by polling station and district. Results should include the total number of voters and turnout at each polling station, as well as the numbers of valid and invalid votes, votes cast for each candidate, and the number of spoiled ballot papers. Observers should be issued copies of the protocols, as provided by the law.

ANNEX: FINAL RESULTS

As provided by Neitralnyi Turkmenistan, No 377-378 (27248-27249), 23 December 2013, pp.5-8

CoEC	Candidates	Voted	Number of votes	Percentage of votes
1. Garashsyzlyk	Shadjanov S.	23,785	12,404	52.15%
2. Bitaraplyk	Bayramova G.	23,602	14,730	62.41%
3. Azatlyk	Kazakova O.	22,772	13,351	58.63%
4. Berkararlyk	Ovganov S.	23,477	12,119	51.62%
5. Parahatchylyk	Garajaev G.	20,962	12,896	61.83%
6. Kopetdag	Suleymanov S.	23,249	17,013	73.56%
7. Gunesh	Yazmuhammedova M.	25,786	19,620	76.61%
8. Dostluk	Ataeva S.	23,897	14,611	61.14%
9. Chandybil	Byashimov A.	36,442	19,034	53.27%
10. Bagtyyarlik	Atabaev M.	19,434	13,513	69.53%
11. Ashgabat	Mammedov R.	21,061	12,788	60.72%
12. Keshi	Seydibaev A.	23,656	18,520	78.29%
13. Ruhabat	Mammedov O.	23,571	14,547	61.72%
14. Abadan	Nurberdieva A.	25,653	22,743	88.72%
15. Gokche	Amanov B.	23,570	16,653	70.65%
16. Archman	Arabov A.	24,498	12,776	52.47%
17. Baharly	Ilgeldiev A.	23,671	12,626	53.66%
18. Goktepe	Komekov N.	20,894	11,464	55.23%
19. Yzgant	Ishagullyev R.	21,837	14,556	67.12%
20. Derveze	Atalyev B.	22,118	11,473	52.16%
21. Anau	Babaev K.	20,744	14,749	68.26%
22. Ak bugday	Orayev M.	22,551	12,591	56.19%
23. Kaahka	Godjenova A.	20,773	10,821	52.47%
24. Dushak	Sapardurdyeva A.	18,298	9,962	54.81%
25. Tedjen	Charyyev A.	23,445	14,234	61.12%
26. Berkarar	Ishanov Sh.	25,667	17,213	67.49%
27. Goniamaşa	Khudaynazarov P.	21,513	13,499	63.16%
28. Babadaykhan	Myradova B.	24,557	16,535	67.74%
29. Altyn asyr	Bayramov Sh.	23,519	14,353	61.41%
30. Serakhs	Galychazova B.	22,412	12,948	58.13%
31. Balkan	Taylyev A.	23,688	16,972	71.69%
32. Balkanabat	Mamieva B.	23,633	14,044	59.57%
33. Dashrabat	Orazmammedov K.	22,785	12,386	54.52%
34. Avaza	Shyhnepesov A.	23,804	15,127	63.67%
35. Turkmenbashi	Yazmammedov B.	23,219	13,914	60.04%
36. Bereket	Annataganov D.	23,007	15,432	67.20%

37. Esenguly	Nyyazmammedov J.	22,745	13,134	58.64%
38. Serdar	Gurbanberdieva G.	23,106	13,328	57.76%
39. Makhtumkuli	Ovlyagullyev N.	22,687	11,902	52.63%
40. Gumdag	Nuryev A.	22,834	17,251	75.84%
41. Dashoguz	Nepesova T.	22,589	14,082	62.34%
42. Shabat	Nurmetov F.	23,597	13,922	59.12%
43. Altyneol	Geldiniyazov M.	23,546	12,151	51.66%
44. Diyar	Otuzova A.	22,145	14,306	65.43%
45. Akdepe	Allabaev M.	21,452	10,982	51.19%
46. Novruz	Hallyev H.	22,458	11,496	51.19%
47. Rovachlyk	Djumanazarov N.	22,145	13,528	61.09%
48. Boldumsaz	Garabaeva B.	21,652	11,601	53.58%
49. Georogly	Tuvakov M.	22,405	16,324	72.86%
50. Ymzykshir	Khudainarova D.	22,563	12,484	55.33%
51. Aksaray	Seyyilov B.	21,785	15,875	72.87%
52. Gubadag	Ovezgeldiev S.	22,856	12,274	53.83%
53. Baydak	Rejedurdyeva A.	22,356	11,746	52.54%
54. Gurbansoltan eje	Gurbandurdyev Sh.	21,759	16,082	73.91%
55. Tyazezaman	Gurbanova G.	22,405	11,861	52.94%
56. Agzybirdlik	Amangeldiev A.	23,134	11,856	51.25%
57. Kunyaurgench	Gandymov D.	21,632	11,674	53.97%
58. Deryalyk	Nazkulyev D.	21,415	11,526	53.82%
59. Gurgench	Babaev B.	21,562	16,680	77.36%
60. Bossan eje	Saparova D.	21,325	12,514	58.68%
61. S.Rozmetov	Tajieva T.	22,487	11,543	51.33%
62. Novbahar	Annaglychev M.	22,325	14,133	63.31%
63. S.A.Niyazov	Annaeva G.	23,154	13,318	57.52%
64. S.Turkmenbashy	Sopyev M.	22,758	11,684	51.34%
65. Aybovur	Odeshev M.	22,861	15,898	69.54%
66. Sarygamysh	Ataeva J.	21,842	11,266	51.58%
67. Ruhubelent	Altybaev Ya.	22,204	13,509	60.84%
68. Birata	Babajanova H.	22,606	12,966	59.30%
69. Seydi	Durdyev R.	19,724	11,056	56.76%
70. Galkynysh	Berdieva G.	23,705	12,27	52.00%
71. Asuda	Halbaeva J.	22,764	11,769	51.70%
72. Hodjagala	Shukurov B.	20,700	13,468	65.84%
73. Amydarya	Babaev N.	23,434	13,817	60.12%
74. Zergar	Bazarov B.	23,079	15,206	66.23%
75. Serdarabat	Khudayberenov A.	21,792	15,209	70.68%
76. Farap	Astanov D.	21,489	15,912	74.68%
77. Jeyhun	Ibragimov B.	21,729	14,751	69.09%

78. Yashlyk	Lazareva E.	20,808	10,677	51.46%
79. Turkmenabat	Orazov B.	20,269	13,911	69.30%
80. Lebap	Seytiyev N.	20,570	10,717	52.10%
81. Amul	Sheripov Y.	20,926	11,402	55.70%
82. Sakar	Mamedov Sh.	19,997	10,354	53.10%
83. Sayat	Ovlyagulyev B.	22,858	10,863	70.33%
84. Garabekevul	Gurbanov B.	20,426	10,458	51.20%
85. Pelvert	Ovlyagulyev A.	22,511	13,768	61.98%
86. Khalach	Nepesova A.	21,730	12,102	55.70%
87. Chohpetde	Allayarova M.	21,487	12,064	57.04%
88. Astanababa	Khydyrov A.	20,834	12,355	59.30%
89. Atamyrat	Movlyamberdiev A.	21,473	11,102	51.70%
90. Yalkym	Yazjumaev A.	23,331	12,459	53.40%
91. Khodjambaz	Rozyev A.	22,721	12,876	57.54%
92. Dovletli	Joraev S.	20,063	11,686	59.40%
93. Koytendag	Murtazakulov H.	22,787	11,542	52.20%
94. Garlyk	Babakulov M.	21,529	14,982	70.61%
95. Magdanly	Atanyyazov B.	20,831	10,867	52.37%
96. Zahmet	Garaev A.	22,059	12,272	55.63%
97. Mary	Ataev B.	21,974	11,705	53.33%
98. Shapak	Meredov R.	22,406	11,828	52.84%
99. Kemine	Ataev N.	21,910	12,272	56.51%
100. Bayramali	Soltanov A.	23,871	16,975	71.42%
101. Oguzkhan	Janmyradov M.	22,347	11,485	51.43%
102. Jemgyet	Atajanov M.	21,542	11,232	50.00%
103. Zarpchy	Gurbanov K.	23,103	16,921	73.24%
104. Peshanaly	Ovezdurdyev A.	22,083	12,649	57.28%
105. Turkmenistan	Allahanov S.	20,688	10,888	52.63%
106. Vekil	Bekmyradov A.	23,020	17,210	75.34%
107. Rysgally	Pirkulyev Sh.	22,294	14,346	64.81%
108. Vekilbazar	Babaev G.	23,121	15,190	66.68%
109. Sakarchage	Orazov A.	23,380	11,933	51.25%
110. Garayap	Annaberdiev D.	22,065	11,580	52.67%
111. Chashgyn	Orazsahedov B.	23,027	12,543	54.67%
112. Merv	Myradov M.	22,794	11,805	51.82%
113. Sultan Sanjar	Muhammedov T.	20,654	10,881	52.71%
114. Mekan	Gurbanmyradov T.	19,679	10,369	52.73%
115. Garagum	Annaev O.	22,329	11,637	52.12%
116. Turkmengala	Tashliev M	21,350	13,112	61.41%
117. Rehnet	Muhammedova J.	21,620	12,028	55.63%
118. Yoloten	Khummedova M.	21,663	11,637	53.72%

119. Atchapar	Orazgulyeva A.	23,319	12,665	54.31%
120. Murgap	Muhammetorazov G.	22,351	12,876	57.62%
121. Ylkham	Charykulyeva G.	21,636	12,822	59.28%
122. Rovachlyk	Ashyrov G.	21,695	11,654	53.72%
123. Tahtabazar	Dovvaeva A.	20,946	11,129	53.13%
124. Pendi	Gokcheev B.	21,543	12,047	55.92%
125. Serhetabad	Gurbanova O.	18,666	9,435	50.59%

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).