



Office for Democratic Institutions and Human Rights

TURKMENISTAN

PRESIDENTIAL ELECTION

12 February 2017

OSCE/ODIHR Election Assessment Mission
Final Report



Warsaw
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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) for the 12 February presidential election. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. The EAM focused on the legal framework related to elections and fundamental freedoms and its implementation, the work of the election administration and the media environment.

The presidential election took place in a strictly controlled political environment. The predominant position of the incumbent and the lack of genuine opposition and meaningful pluralism limited voters' choice. The lack of clear regulations for key aspects of the process had a negative impact on the administration of the election, especially at lower levels. Besides the events organized by Central Election Commission for Election and Referenda (CEC) the campaign was absent and the rigidly restrained media gave the incumbent a clear advantage.

Constitutional amendments in 2016 removed the upper age limit for presidential candidates, and extended the presidential term to seven years. Recent amendments to the Election Code were adopted without an inclusive public consultation process, contravening OSCE commitments. In addition, the amendments failed to address previous OSCE/ODIHR recommendations or provide further elaboration on key aspects of the electoral process. The role of the president in the adoption of last amendments further raised concern about the lack of separation of powers.

The CEC heads the four-level election administration. All 15 CEC members are appointed by the president, which compromises the independence of the commission. Further, the administration of the election generally lacked transparency. The CEC only held two meetings for this election, one during the period of observation, to which the OSCE/ODIHR EAM was not invited. Previous OSCE/ODIHR recommendations regarding detailed regulation of the recruitment process of lower-level commissions remain unaddressed.

Legislation does not provide for a permanent, centralised voter register nor does it outline procedures for the update and maintenance of the voter lists. As such the system lacks safeguards against multiple voting and duplications in the voter lists. The process of updating voter lists involved door-to-door visits by election officials. This method, combined with the collection of voters' personal data, raised concerns about the potential for voter intimidation. According to the CEC, a total of 3,244,342 voters were registered, however, the absence of official population statistics, made it impossible to assess the accuracy of this number.

In an inclusive process, nine candidates were registered for the presidential election – three nominated by political parties and six by voter initiative groups. Following recent amendments to the Election Code, public associations no longer had the opportunity to nominate candidates. There were no women candidates.

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

The campaign was carried out in a strictly controlled manner. The limited campaign activities were organized and funded by the CEC, which was also solely responsible for the production of campaign materials. This, along with the widespread presence of the president's image and coverage of his official activities, indicated that candidates were not ensured equal opportunities to campaign. While the existence of nine candidates constituted an appearance of political variety, it did not provide voters with a genuine choice between political alternatives, as there were no discernible differences in the candidates' platforms.

Campaign finance is unregulated. Apart from the state funding, an independent financing of campaigning, including through private individual contributions, is not foreseen in the law. No detailed reports on the cost of the campaign are required and no information is publicly available.

The media environment is dominated by the State's *de facto* monopoly and strict control of all news and information services. The lack of pluralism and independence in the media deprives voters of the variety of views necessary to make an informed choice, contrary to OSCE commitments. The Election Code does not require balance and impartiality in the coverage of the elections and simply outlines the candidates' rights to free airtime. In addition, the incumbent's visibility in the media was significantly greater than that of other contenders, contrary to the principle of equitability.

Stipulations in the Election Code for observation of the entire process by international and citizen observers meet international commitments. Generally, authorities provided adequate and mostly unhindered access to meetings. All public associations that observed the election co-ordinated their observation with party and candidate observers. This limited the independence of their observation.

While the Election Code provides sufficient opportunity for electoral participants to file complaints and appeals, there were no complaints filed with the courts or commissions at any level. Generally, voters and lower-level election officials appeared unaware of the practice of filing complaints. The timely review of complaints is guaranteed in the law but there is no requirement for the publication of court decisions.

In line with the OSCE/ODIHR's methodology, the EAM did not observe election day process in a systematic or comprehensive manner. The limited number of polling stations visited by mission members were well equipped for polling but serious irregularities including proxy voting, multiple voting, the forging of voter signatures and the manipulation of the count were observed. The CEC announced the final results within the legal deadline with the official turnout of 97.27 per cent and giving the incumbent a 97.69 per cent victory.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs of Turkmenistan to observe the 12 February presidential election and based on the recommendation of a Needs Assessment Mission conducted from 5 to 8 December 2016, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for this election. The OSCE/ODIHR EAM, headed by Ambassador Urszula Gacek, consisted of six election experts from five OSCE participating States. The EAM was based in Ashgabat, but experts visited other regions during the campaign and the conduct of the early voting.

The electoral process was assessed for its compliance with OSCE commitments, other international obligations and standards for democratic elections, and 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, but visited a limited number of polling stations.

The OSCE/ODIHR EAM wishes to thank the authorities of Turkmenistan for the invitation to observe this election, as well as the Ministry of Foreign Affairs, including its permanent mission in Vienna, the Central Election Commission for Elections and Referenda (CEC) and other state and local authorities for their assistance and co-operation. The OSCE/ODIHR EAM also wishes to express its gratitude to the representatives of political parties, candidates, public associations and media for their co-operation, and to the OSCE Center in Ashgabat, embassies of OSCE participating States and international organizations accredited in the country for their co-operation and support.

III. BACKGROUND AND POLITICAL CONTEXT

Turkmenistan is a presidential republic. The Constitution of Turkmenistan (adopted in 1992 and last amended in 2016) provides for the legal separation of the executive, legislative and judiciary branches of government but checks and balances are largely inoperative. The president wields considerable power, including 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 members of the CEC.

The current presidential election was the third such election following the death of president-for-life Saparmurat Niyazov (*Turkmenbashi*). Since then and until now the post of the president has been held by Mr. Gurbanguly Berdimuhamedov who first ran in 2007, as the candidate of the ruling Democratic Party of Turkmenistan (DPT). Competing against five other candidates appointed by the *Khalk Maslakhaty* (the People's Council), he was elected with 89.23 per cent of the votes. In February 2012, Mr. Berdimuhamedov was re-elected to a further five-year term, taking 97.14 per cent of the votes in an electoral contest against seven other candidates, all of them government officials and members of the one and only political party at the time, the DPT.

The adoption of the 2012 Law on Political Parties established a legal framework for the formation of political parties. The Party of Industrialists and Entrepreneurs (PIE) was established in 2012 and the Agrarian Party (AP) in 2014. PIE participated in the 2013 parliamentary elections, and currently holds 14 (out of 125) seats in the parliament. The OSCE/ODIHR EAM for the 2013 parliamentary elections concluded that the elections “did not provide voters with a genuine choice between political alternatives.”²

Turkmenistan has a legal framework in place for the development of civil society. According to the Ministry of Justice, a total of 118 non-governmental organizations and 130 religious organizations are registered. Despite the existence of the legal framework, there is a lack of genuine civil society. The three largest public associations – the Union of Trade Unions, the Women's Union, and the Youth Union – all defer to the DPT, with which they share government-provided headquarters.³ There is also considerable overlap in the membership of these organizations and the DPT, including the leadership.⁴

OSCE/ODIHR EAM interlocutors characterized the current environment as being impacted by the sharp reduction of revenues from natural gas exports, a marked decline in construction, inflationary pressures, periodic shortages of basic goods and a tightening of the regulation of foreign exchange. They also noted that serious obstacles remain in Turkmenistan in the way of realization of

² See [previous OSCE/ODIHR reports](#) on Turkmenistan.

³ Until 15 December 2011, all public associations, along with DPT, were subsumed under the National Revival Movement (Galkynysh).

⁴ The head of the Trade Union and the Women's Union is the same person, who simultaneously represents the DPT in the parliament.

fundamental freedoms, including freedom of expression, association and assembly, and the right to free and fair trial.⁵

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

On 15 October 2016, parliament scheduled the presidential election for 12 February 2017. The president is directly elected for a seven-year term through a single nationwide constituency. A candidate is elected by at least half of the votes cast. If no candidate receives more than 50 per cent of the vote, a second round is held between the two leading candidates. There are no limitations to the number of terms an individual may serve as president.

The presidential election is regulated by the 2016 Constitution and the 2013 Election Code. In 2016, the Constitution was significantly amended. In comments prepared at the request of the OSCE Centre in Ashgabat, the OSCE/ODIHR noted that while proposed amendments “include notable improvements, [Constitution] does not foresee fundamental changes in terms of its overall institutional set-up and balance of powers”.⁶ Authorities engaged international organizations, including the OSCE, and consulted experts on some of the amendments, in particular on the establishment of a national human rights institution. However, there were no consultations on the amendments related to elections.

The Election Code was amended in 2016 to reflect the constitutional changes regarding the presidential term (increased from five to seven years) and the removal of the upper age limit for candidates (70 years of age). At the same time, the right of public associations to nominate candidates was removed. Although the CEC and relevant ministries were involved in the drafting of amendments, no public consultations were held with relevant stakeholders prior to the adoption of these amendments. This is at odds with OSCE commitments.⁷ In addition, previous OSCE/ODIHR recommendations, including regarding suffrage rights, the formation of election commissions, the compilation of voter lists, the procedures for counting, tabulation, and campaigning outside the CEC-organized events, remain unaddressed.

The Election Code was further amended in January 2017, a few weeks before the election day. The change was linked to a series of amendments to the Law on the President and simply added the requirement that presidential election results be published “in mass media.” While this was a minor amendment that did not affect key procedures, the process under which the change was adopted lacked public consultations and raised concerns about the separation of powers in the legislative process. Parliament indicated that this amendment was initiated by the president and adopted by the presidium of parliament; the CEC was unaware of this amendment. This practice is at odds with international obligations and standards for democratic elections.⁸

⁵ See the United Nation (UN), Office of High Commissioner [Report](#), 22 November 2016.

⁶ See [OSCE/ODIHR Comments on the Draft Constitution of Turkmenistan](#).

⁷ Paragraph 5.8 of the 1990 OSCE Copenhagen Document provides that legislation should be “adopted at the end of a public procedure”.

⁸ See paragraph 5.8 of the 1990 Copenhagen Document. In addition, paragraph 7 of [1996 UN Human Rights Committee \(UN HRC\) General Comment No. 25](#) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that “[w]here citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power. It is also implicit that the representatives exercise only those powers which are allocated to them in accordance with constitutional provisions.” In addition, paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”.

A comprehensive review of the Election Code should be undertaken well in advance of the next elections in order to bring it in accordance with OSCE commitments and other international obligations and standards. Amendments should be subject to public consultation and adopted following a transparent legislative process. More efforts should be taken to further ensure and effectively enforce the constitutionally enshrined principle of separation of power between the three branches of government.

Since the last presidential election, Turkmenistan has adopted a number of laws related to the elections and fundamental freedoms, including the 2015 Law on Organization and Conduct of Assemblies, Rallies, Demonstrations and other Mass Events (Law on Assemblies), the 2014 Law on Public Associations and the 2012 Law on Mass Media. While the legislation may provide some additional guarantees that were previously absent, the political environment is so restrictive that there is no scope for the full exercise of the freedoms and rights elaborated in these laws. As a result, adherence to the spirit of the legislation cannot be fully assessed. There continues to be a clear lack of awareness of these rights amongst citizens and officials, and provisions in the legislation give cause for concern about the potential for restrictive application. For example, contrary to OSCE commitments, under the Law on Assemblies pickets or protests of more than one person require prior notification and local authorities have broad discretion for determining where assemblies can be held.⁹

Consideration should be given to introducing an independent mechanism to monitor the implementation of legislation regarding the fundamental freedoms of assembly, association and expression. Efforts to conduct civic education could also be considered.

V. ELECTION ADMINISTRATION

The CEC heads the four-level election administration, which includes 6 Regional Election Commissions (RECs), 69 District Election Commissions (DECs) and 2,578 Precinct Election Commissions (PECs). The CEC is a permanent body with 15 members nominated by parties, public associations and groups of citizens and appointed by the president for a five-year term.¹⁰ The excessive power of the president in appointing CEC members limits the commission's independence and impartiality and is contrary to international obligations and standards.¹¹

The electoral legislation should be revised to provide for selection and appointment procedures that ensure the independence and impartiality of the CEC.

The fifteen CEC members, including five women, were appointed in 2014. All CEC meetings have to be publicly announced and political parties, public associations and media can be invited. All CEC decisions must be taken by a majority and published in the media. The CEC only held two meetings for this election, one during the period of observation, to which the OSCE/ODIHR EAM was not invited. The administration of the election generally lacked transparency and the only CEC decisions

⁹ Paragraph 9.2 of the 1990 OSCE Copenhagen Document provides that “everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards.”

¹⁰ According to the CEC, no members were nominated by groups of citizens.

¹¹ Paragraph 20 of the [1996 UN HRC General Comment No. 25](#) to Article 25 of the ICCPR requires that “[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant”. Section 2.3.e. of the [2002 Council of Europe Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters](#) states that “[p]olitical parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body. Equality may be construed strictly or on a proportional basis”.

that were published addressed basic voter information matters, such as the announcement of the beginning of the electoral campaign or the list of approved candidates on the ballot.¹²

The CEC has the obligation to ensure the uniform application of electoral legislation and can issue instructions. In a positive step, ahead of this election, the CEC issued an electoral calendar and 12 publications, including manuals for the lower-level election commissions. The CEC, for the first time, relied on its own website, available in three languages, partially addressing past OSCE/ODIHR recommendations.¹³ However, the information on the CEC website was limited – it included announcements of candidate meetings and information on the total number of voters but did not include basic facts, such as the composition of the commission or past election results.

In order to increase transparency and public confidence in its work, the CEC should proactively inform the public about the preparations for and process of elections, as well as publish all decisions in a timely manner.

The CEC formed the RECs and the election commission for the city of Ashgabat, with 9 to 13 members each. The DECs were formed by the relevant REC, with 11 to 15 members. PECs comprising of 5 to 15 members were established by the DECs.

While any citizen can be on an electoral commission, in practice many of REC, DEC and PEC members were civil servants. As employers are required to give employees paid leave during their election duty, which includes the lengthy early voting procedure, entrepreneurs, small business owners and farmers are disadvantaged. The OSCE/ODIHR EAM was informed that only political parties and public associations proposed members to the lower-level election commissions. While the law requires that the public be informed about the composition of the election commissions, this information was not publicly accessible. According to the CEC, about 40 to 45 percent of PEC members were women. Previous OSCE/ODIHR recommendations regarding detailed regulation of the recruitment process of RECs, DECs and PECs remain to be addressed.

The procedures and criteria for the appointment of election commission members could be specified. Remuneration of temporary electoral commission members could be considered to provide groups of voters and smaller political parties with equal opportunities to have their representatives participate in the administration of elections.

Polling stations can have between 20 to 2,000 voters and should be formed 40 days prior elections.¹⁴ Polling stations can also be located in army camps, hospitals and prisons. International good practice recommends that polling stations are not located in army camps in order to uphold the secrecy of the vote.¹⁵

¹² Paragraph 19 of the 2011 UN HRC General Comment No. 34 to Article 19 of the ICCPR states “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective, and practical access to such information”. See also Article 10 of the 2003 United Nations Convention against Corruption (UNCAC).

¹³ The CEC website in [English](#), [Russian](#) and [Turkmen](#).

¹⁴ In some unspecified cases, less than 20 days is also permitted.

¹⁵ Section 3.2.xi of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) recommends that “military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station”.

VI. VOTER REGISTRATION

All citizens who attained the age of 18 years by election day have the right to vote, except those declared incompetent by a court or those serving prison sentences, irrespective of the gravity of the crime. This blanket constitutional provision poses a disproportionate restriction that is at odds with OSCE commitments, other international obligations and standards for democratic elections.¹⁶ Further, restrictions on the right to vote for persons with mental and intellectual disabilities challenge the 2006 Convention on the Rights of Persons with Disabilities.¹⁷

The restriction of suffrage rights of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. In addition, disenfranchisement of persons with mental disabilities should only be based on case-by-case consideration by the court, depending on specific circumstances.

The legislation does not provide for a permanent, centralised voter register nor outline procedures for the update and maintenance of the voter lists. In addition, the CEC did not introduce any safeguards against multiple voting. While the voter lists were publicly available for voters for verification, key OSCE/ODIHR recommendations on voter registration remain unaddressed.

PECs are responsible for compiling voter lists on the basis of information provided by the local executive bodies.¹⁸ A voter must have resided in the territory of a given precinct for a minimum of three-months to be included on the voter list. There is no uniform system for how PECs organize the voters in their respective lists (alphabetically, by street, etc.) or a mechanism for updating the lists. In practice, the PECs conducted door-to-door verifications, and reportedly in addition to confirming eligibility, voters' telephone numbers were collected. As it is not required by law, this practice of the recording of phone numbers could be perceived as intimidating and raises 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.¹⁹

Fifteen days prior to elections voter lists were to be provided for public familiarisation at the polling stations. Every citizen had the right to appeal against the non-inclusion or seek correction to their

¹⁶ 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 restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." Paragraph 14 of [1996 UN HRC General Comment No. 25](#) to Article 25 of the ICCPR states that grounds for the 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).

¹⁷ Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the [2006 United Nations Convention on the Rights of Persons with Disabilities](#). See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsold Bujdosó and five others v. Hungary*) which stated that "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability, within the meaning of article 2 of the Convention". See also the [Concluding Observations on Turkmenistan](#) of the UN Committee on the Rights of Persons with Disabilities, 13 May 2015.

¹⁸ Additional lists are compiled in military units by commanders, in hospitals and prisons by the directors of those institutions, and voters residing abroad at their request are included in the lists of the respective embassy/consulate.

¹⁹ Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) provides 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".

entry in the voter list. The CEC confirmed that a voter could also appeal against other incorrect entries. However, none of the electoral commissions met by the OSCE/ODIHR EAM recorded any complaint related to the voter list.

Consideration could be given to improving the integrity of the voter lists, possibly through the introduction of a permanent, centralised voter register. The voter register should be regularly updated ahead of elections, contain the national identification numbers and be centrally checked for errors and multiple registrations.

By 28 January, in total 3,244,342 voters were registered, including some 25,000 abroad.²⁰ The final election results released by the CEC indicated a total of 3,252,243 voters. Citizens with voting rights, whose names were not in the voter lists, could still be registered on supplementary lists after the finalization of voter lists, including on election day. This practice is contrary to international good practice and could result in multiple voter registrations.²¹

As previously recommended, 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, subject to judicial control.

VII. CANDIDATE REGISTRATION

The right to stand for president is granted to any citizen who was born in Turkmenistan, is at least 40 years of age, speaks the Turkmen language, and has been permanently residing and working in Turkmenistan for the past 15 years. These provisions are disproportionately restrictive and contrary to international standards and good practice.²²

Candidate eligibility requirements should be amended so as not to unduly limit the right of citizens to seek public office. Consideration should be given to removing the residency and employment requirements as these could be considered unreasonable restrictions.

A candidate could be nominated by a political party or an initiative group of at least 50 citizens. Political parties had to select their candidates in party congresses by either an open or a secret vote. Initiative groups had to submit at least 10,000 signatures of registered voters with a minimum of 300 signatures from one third of the country's villages, cities and towns in order to nominate a candidate. Regardless of the number of signatures submitted, if more than two percent of signatures collected are found to be inauthentic the candidate is denied registration. A random sample of signatures was verified by the respective DEC's before being submitted to the CEC for registration.²³

²⁰ There are no publicly available official population statistics for Turkmenistan, due to official census figures not being published. According to the State Statistics Office, the current population of the country is 6.3 to 6.4 million, with an annual population growth rate of 1.5 to 2 per cent, and 70 percent of citizens above 18 years of age. Given these population statistics, some 75 per cent of the eligible voter population of 4.4 to 4.5 million were registered, according to the information provided by the State Statistics Office.

²¹ See, for example, section 1.2.iv of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#), which recommends that "polling stations should not be permitted to register voters on Election Day itself."

²² See paragraphs 7.3 and 24 of the [1990 OSCE Copenhagen Document](#) and paragraph 15 of the [1996 UN HRC General Comment No. 25](#) to Article 25 of the ICCPR, which says 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 such as education, residence or descent, or by reason of political affiliation." See also, section 1.1(c) of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#).

²³ The law provides for verification of all signatures or a random sample.

The OSCE/ODIHR EAM was not in the country to observe the candidate registration process but no irregularities were reported. All potential contestants that sought registration with the CEC, including the initiative groups, were registered. In total, there were nine candidates registered, three nominated by political parties (DPT, AP, PIE) and six by initiative groups. The “independent” candidates were in fact DPT members, and some were medium-rank DPT functionaries. In addition, the absence of women candidates indicates the need of greater efforts to encourage women’s participation in elections at all levels.²⁴

Consideration could be given to introducing temporary special legislative measures to promote women’s political participation. Political parties could be encouraged to internally promote women candidates.

The law does not provide a deadline for the withdrawal of candidates, and candidates who withdraw after the ballots were printed remain on the ballot. Any votes such candidate receives are invalidated, meaning that voters are potentially disenfranchised.

VIII. ELECTION CAMPAIGN

Campaigning for this election was carried out in a strictly controlled manner. Campaigning began on 25 December, with the incumbent’s appearance on television announcing his campaign programme. Over the following weeks, candidates presented their platforms in print, on television, and at the CEC-organized rallies.

While the existence of nine candidates constituted an appearance of political variety, it did not provide voters with a genuine choice between political alternatives. Campaign platforms of all candidates highlighted the successes of the current government and promised to continue the implementation of existing government programmes. The incumbent’s platform addressed the widest range of issues: among others, increasing industrial and agricultural productivity, cultural development, promotion of sport and tourism, fighting against terrorism, and strengthening the military.

There were no discernible ideological differences in the campaign platforms and candidates differed from the incumbent only in areas of emphasis. For instance, the platform of the PIE candidate vowed to prioritize the country’s industrial development, while the AP’s candidate highlighted the need to augment agricultural production. None criticized the government’s policies or those of rival candidates, and none demonstrated how their programmes differed from that of the incumbent.

The campaign was largely indiscernible and appeared to generate negligible public interest. All campaign events observed by the OSCE/ODIHR EAM were formalistic and devoid of a political debate, contributing to the non-competitive campaign environment. The active role of election administration 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. Between 11 January and 7 February, all candidates other than the incumbent held CEC-organized rallies in the city

²⁴ Paragraph 23 of the [1999 OSCE Istanbul Document](#) commits participating States to “making equality between men and women an integral part of our policies.” Article 7 of the [Convention on the Elimination of all Forms of Discrimination Against Women \(CEDAW\)](#) provides that “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies”. See also paragraph 3 of the OSCE Ministerial Council Decision 7/09, which calls on participating States to “encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender-balanced representation in elected public offices at all levels of decision-making”.

of Ashgabat and in all five regions. Rallies were partially televised and advertised to the public a day ahead of time in the print media and on the CEC website. Attendants at the observed Ashgabat rallies numbered over 800, and represented a cross-section of the society (including, for instance, university students, uniformed military personnel and civil servants). Attendants at rallies, observed by the OSCE/ODIHR EAM, were predominantly (up to 80 per cent) women.

In order to ensure a clear separation between the State and political parties, the role of the CEC and local administration in the campaign should be limited to ensuring equal opportunities for all candidates. Candidates should be able to organize their own campaign activities. Various means of campaigning should be encouraged and the framework for such activities further elaborated in the Election Code.

Unlike the other candidates, the incumbent did not hold any rallies. Interlocutors from the DPT noted to the OSCE/ODIHR EAM that the president gave up on some of the opportunities to present himself to the public both in the media and in person in order to improve the visibility of other candidates. Nevertheless, the incumbent used his frequent work-related trips to meet with voters in a manner that clearly could qualify as campaigning under the Election Code.²⁵ These trips were covered extensively in the state media, dwarfing reports on the other candidates' activities.²⁶ As a result, candidates were not ensured equal opportunities to present their platforms.²⁷

The authorities should develop safeguards to ensure a clear separation between the state and party, so as to prevent candidates from unduly using the advantage of their office for electoral purposes.

The CEC produced one standard poster with the photos and names of all candidates, their short biographies and platforms. The poster was produced in the Turkmen and Russian languages. According to the CEC, posters were put up at 170 locations in Ashgabat, and were also extensively displayed in other regions and districts. No other campaign materials were used. The incumbent's image and citations from his works graced every newspaper, and were featured predominantly on outdoor billboards as well as inside public buildings' halls where opponents held their rallies and, often, at polling stations, giving him an unfair advantage.

The candidates had a negligible online presence. None had a campaign website. In view of a complete restriction on access, popular social media were not used for campaigning.

Consideration should be given to further elaborating campaign regulations in order to explicitly provide for and encourage candidates to produce and disseminate their own campaign materials, in print and on the Internet.

IX. CAMPAIGN FINANCE

Despite previous recommendations and contrary to international good practice, campaign finance remains insufficiently regulated. The Election Code does not foresee donations, limitations on

²⁵ See [the 2016 OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

²⁶ For instance, the state newspaper *Neitral'nyi Türkmenistan* printed no less than 31 large photos of the president between 12 January and 7 February. Every single issue included at least one large photo (on the front page). While short reports on the other candidates were published between 12 January and 31 January, they did not include photos.

²⁷ Paragraph 7.7 of [the 1990 OSCE Copenhagen Document](#) commits participating States to "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere".

donations and expenditures, the use of party funds or transparent reporting and auditing mechanisms.²⁸

In accordance with the Election Code, all campaigning was financed from the state budget and managed by the CEC, which covered the production of campaign posters and travel expenses for candidates and their representatives to attend political rallies. Candidates voiced no complaints about the availability of funds for campaigning and did not show any awareness of the actual costs of their campaigns.²⁹

The total CEC budget for the election was 26 million *Manat* (approximately EUR 6.99 million).³⁰ There is no publicly available information on the breakdown of the budget and how much is spent for the administration of the election versus the campaign. The CEC indicated that the funds were more than sufficient.

The Election Code provides for the establishment of an election finance auditing group no later than 15 days from the day of the official publication of the results. The finance reports that candidates are required to submit are simply receipts for the expenses covered by the CEC; there is no requirement for detailed reporting, diminishing the transparency of the process.³¹ The CEC confirmed to the OSCE/ODIHR EAM that the auditing group was established and would complete its work after the election. Neither reports of the auditing group nor any additional information about the candidates' finances or campaign donations and expenditures are available to the public, which limits transparency and the ability of the voters to make a fully informed choice.³²

Consideration should be given to establishing a framework for campaign finance regulation in line with established international good practice. When such a framework is created, strict regulations could be put in place for campaign donations, expenditures, reporting, auditing, and publication of data.

²⁸ Paragraph 159 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that, "The regulation of political party funding is essential to guarantee parties independence from undue influence created by donors and to ensure the opportunity for all parties to compete in accordance with the principle of equal opportunity and to provide for transparency in political finance. Funding of political parties through private contributions is also a form of political participation."

²⁹ Paragraph 12.2 of the [2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States](#) provides that, "[t]he states shall assure ... allocation to the candidates, political parties (coalitions), participating in elections, on fair terms, of budgetary resources, as well as the possibility to create an off budget fund at the electoral body, or to form their own financial electoral fund for the purpose of financing their election campaign, and to use for those purposes their own funds, voluntary money donations made by physical and/or national legal entities in amounts and in accordance with the procedure stipulated by the laws." Turkmenistan has not ratified the CIS Convention.

³⁰ EUR 1 equals approximately 3.72 Turkmen Manat (TKM).

³¹ Paragraph 200 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that "Reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections. The law should define the format of reports so that parties disclose all categories of required information and so that information from the different parties can be compared".

³² Article 7.3 of the [2003 UN Convention Against Corruption](#) states that, "Each State Party shall also consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." See also the [2010 OSCE/ODIHR and Venice Commission's Guidelines on Political Party Regulation](#) paras 201-206.

X. MEDIA

A. MEDIA ENVIRONMENT

The media landscape is characterized by the State's *de facto* monopoly and strict control of all news and information services. All audio-visual media as well as the vast majority of print media are state-owned. Access to information remains extremely limited regarding both foreign and domestic affairs. Despite the fact that the 2012 Law on Mass Media set the foundations for the development of a private media sector, only four new private weeklies have entered the market along with a few news portals. The OSCE Representative on Freedom of the Media (RFoM) expressed concerns that the law contains restrictive regulations, including disproportionate limitations on online content, such as making users liable for truthfulness of all information posted by them.³³

Six state television channels broadcast nationwide and Ashgabat TV covers the capital city. In addition, four radio stations transmit throughout the country reaching the most remote areas. Multiple satellite dishes are installed in residential areas providing access to hundreds of foreign channels.³⁴ More than 50 newspapers are in circulation, the state-run *Türkmenistan* and *Neitral'nyi Turkmenistan* being the most read.

Media content appears to be strictly controlled as there is a noted absence of any alternative or critical views. News reports and articles focus on the president's and the government's goals and achievements. The lack of pluralism and independence in the media deprives voters of the variety of views necessary to make an informed choice in an election, contrary to OSCE commitments and other international obligations and standards.³⁵

Moreover, the state-owned *Türkmentelecom* is the sole provider of Internet services, with rates that are exorbitant for the majority of Turkmen citizens. Access to many websites, including all popular social media sites, is blocked.³⁶

As previously recommended, consideration should be given to easing restrictions on the right to information and expression on the Internet, as well as facilitating universal access to the Internet.

B. LEGAL FRAMEWORK

The freedom of expression is enshrined in the Constitution and reiterated in the 2012 Law on Mass Media. The law sets the foundation for the development of a plural, independent and free media sector, adopting principles and provisions that are in line with international obligations and standards. While the adoption of legal guarantees for free and independent media (i.e. the prohibition of censorship and undue interference) is a welcome development, the law lacks specific mechanisms to ensure their implementation. The law encourages a self-regulation system for journalists that could potentially enhance journalistic professionalism and protect them from undue interference and

³³ See [RFoM Press Release](#) from 9 January 2015.

³⁴ The government campaign that resulted in a ban on satellite dishes appears to only be enforced in the city centre of Ashgabat.

³⁵ Paragraph 26 of the [1990 OSCE Copenhagen Document](#) says that states shall “encourage, facilitate, support (...) independent media.” See also the [2011 UN CCPR General Comment No. 34](#) to Article 19 of ICCPR.

³⁶ This includes the ban on Facebook, Twitter, Instagram, Youtube, Whatsapp, as well as websites of human rights organisations, such as Human Rights Watch or independent media like Radio Free Europe and some Russian-language online media. Declaration by the OSCE RFoM at the 14th Central Asia Media Conference “[From traditional to online media: best practices and perspectives](#)” 5-6 July 2012 provides that any restrictions on Internet access must be “in the public interest” and “well grounded”.

pressure, but there is no independent regulatory body to oversee the compliance with media regulations. The procedure for the establishment of new media outlets remains complex and centralized, resulting in a long and discouraging processes.

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

C. MEDIA COVERAGE OF THE CAMPAIGN

The Election Code provides for equal access to the media for all candidates. However, there are no legal requirements for balanced or neutral reporting. According to the CEC, candidates were provided free airtime on television and radio, no less than an hour per day on each channel, divided equally between all contestants. In line with the legal obligation, the print media published all candidates' campaign materials free of charge.

Coverage by the media reflected a limited and uneventful campaign. Candidates were only able to address voters during the free airtime slots provided by state media carried out according to the same format and schedule set by the CEC. News programmes also reported about candidates' meetings with voters throughout the country. The CEC-produced voter education campaign videos were broadcast extensively, including in minority languages, on all state television and radio channels.

The state-owned media should consider diversifying the formats for election-related programming, including through organizing debates, in order to make the campaign more informative for voters.

Although no systematic monitoring of media coverage was conducted by the OSCE/ODIHR EAM, it was evident that president's official activities were covered extensively, particularly on the main channel and in widely distributed newspapers. The tone was positive and a distinction between the incumbent's official role and his campaign activities was hardly perceivable. The president's visibility was significantly greater than that of any other contender.

To ensure equal opportunities for all candidates, the CEC could consider adopting rules for media coverage during the electoral campaign. These rules should include provisions requiring balanced and impartial reporting by the state-owned media, and guidelines for reporting on official events during the campaign, with particular emphasis on regulation of coverage of an incumbent.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

In line with international commitments, the Election Code stipulates observation of the entire electoral process by international as well as citizen and party observers. The CEC reiterated these legal provisions in a document it issued for international observers and provided them with generally adequate and unhindered access to all stages of the process and all levels of the electoral administration.

The CEC accredited more than 100 international and 3,223 citizen and party observers.³⁷ For this election, the only public associations that nominated observers were those endorsed by the state, namely the Trade Union, the Women's Union, and the Youth Union.

³⁷ Amongst others, international observers constituted OSCE/ODIHR (7), the Commonwealth of Independent States (74), the Shanghai Cooperation Organisation (9), the Organization of Islamic Cooperation (3) and observers from around 15 countries, among them China, Russia, South Korea and Iran.

Political party representatives, party and citizen observers informed the OSCE/ODIHR EAM on multiple occasions that they coordinated their activities and divided up the polling stations so that observers from only one organization would be present at each polling station. This limited the independence of their observation.

To encourage genuine and effective observation, consideration could be given to providing further training to citizen observers, with a particular focus on internationally recognized principles for election observation.

XII. COMPLAINTS AND APPEALS

The law provides sufficient opportunity for voters, candidates, political parties and other participants to bring complaints about the electoral process before higher-level election commissions and the courts. However, there is a contradiction in the law regarding the appeal of the results. The law provides all election participants, including voters, the right to appeal results but reserves the right to request the invalidation of the election, in whole or in part, to those who contest the election. This potential limitation of the voters' right to appeal contravenes paragraph 5.10 of the OSCE Copenhagen Document and other international obligations and standards and good practice.³⁸

The Election Law should be amended to provide further clarity regarding voters' right to appeal the results in their constituency, to avoid any varied interpretations that may limit this right.

Complaints about the decisions, actions or inactions of the election commissions are filed with the higher-level election commission. For the actions or inactions of local authorities and election participants, complaints may be filed with the courts. The Supreme Court has jurisdiction over all appeals of CEC decisions. There is an expedited review process foreseen in the law, on which basis commissions and courts must review matters within three days or immediately if complaints are filed on election day or on the day before. While the law provides for an effective and timely remedy, there were no complaints filed related to this election. There are no requirements for the publication of decisions on complaints by the commissions or the courts and in practice no court decisions are published.

To increase transparency, all court and commission decisions should be published in a timely manner.

There were no informational materials or initiatives to educate voters on the right to file complaints, and voters and election officials met by the OSCE/ODIHR EAM appeared unaware of this practice. Election commissions do not provide a complaint form but do have a book for registering comments in each polling station. The OSCE/ODIHR EAM noted that these books in the polling stations visited were used solely for leaving positive feedback.

³⁸ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states, "Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Under Article 2.3(a) of the [ICCPR](#) States obligated themselves "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity." See also paragraph II.3.3.3.f of the [2002 Venice Commission's Code of Good Practice in Electoral Matters](#) which says that "all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

Voter education initiatives and training events for interested stakeholders could be considered to increase their capacity and raise awareness regarding their rights to submit formal complaints over alleged violations of the election law.

XIII. 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 on election day and in various locations during early voting.

A. EARLY VOTING AND VOTING

Voters could vote at any point during the 10 days prior to election day. Voters do not need to justify their need to vote in advance, and early voting is intended to enable those who will be traveling or are unable to vote on election day for any other reason. Voting on election day was conducted between 07:00 and 19:00. The limited number of polling stations visited by the OSCE/ODIHR EAM were well marked, supplied with voter information materials, and were maintained in an orderly manner. The OSCE/ODIHR EAM noticed unauthorized persons in several polling stations visited and no efforts were made by PEC to remove these individuals.

The legislation could be amended to provide exact guidance on who is allowed to be present during voting, counting and the tabulation of results. PEC chairpersons could be trained to enforce these provisions.

Ballot papers lacked sufficient security safeguards and were printed as loose sheets of paper with no serial numbers or security features. Despite the newly introduced CEC manuals on the use of ballots, PECs visited by the OSCE/ODIHR EAM had not accounted for ballot papers received and did not reconcile ballot papers at the end of voting. Ballot boxes also lacked sufficient safeguards, potentially compromising the integrity of the ballot, particularly during the early voting.³⁹ In addition, the newly introduced voting booths – that are full-length cabins with doors – do not provide for a view of the voter and his/her behaviour in the booth while protecting their right to a secret vote.

To ensure the integrity of the process, ballot papers should have security features and be accounted for through the accurate use of reconciliation forms, and ballot boxes should be properly sealed with numbered plastic seals.

The OSCE/ODIHR EAM observed incidents of proxy voting and/or multiple voting in all polling stations visited. Voters were given more than one ballot paper, allowed to vote on behalf of family members, seen casting multiple ballots, and ballot boxes contained clumps of ballots. Further, numerous cases of identical voter signatures in the voter lists were noted by the OSCE/ODIHR EAM both during early voting and on election day.

Measures should be taken to prevent serious electoral malpractices like proxy voting, multiple voting and ballot box stuffing. Legislation should explicitly provide for repercussions for violations. Authorities should thoroughly investigate all such incidents in a timely manner and hold those found guilty accountable.

Voters who required assistance had the right to invite a person of their choice, excluding PEC members, observers and party/candidate representative. Voters who were immobile due to health

³⁹ Ballot boxes were loosely sealed by a thread and a wax seal, leaving a gap between the box and its cover.

reasons or a disability had the possibility to request mobile voting. The OSCE/ODIHR EAM was told by several PEC chairpersons that voters would be phoned on election day if they had not voted by a certain time and would be visited by a mobile commission even if they had not requested it. DEC and PEC chairpersons repeatedly confirmed that a high voter turnout close to 100 per cent was desirable. In a positive development, the cardboard braille voting templates were provided for sight-impaired voters.

B. COUNTING, TABULATION AND ANNOUNCEMENT OF RESULTS

The OSCE/ODIHR EAM observed serious irregularities in the counting process in the limited number of polling stations visited. Procedures were not adhered to and there were clear indications that the PEC members were working with predetermined figures. Prior to the close of one polling station, PEC members were observed signing the voter lists to boost voter turnout. In both observed stations, the official results did not reflect the count.⁴⁰

The Election Code provides that copies of the results protocol be publicly displayed at the polling station. Party/candidate representatives and observers have the right to receive a certified copy of the protocol. Protocols were neither displayed nor given to observers at the polling stations observed and PEC chairpersons were not aware of this provision.

Counting procedures should be further elaborated in the law and reinforced by training of PEC members. Strict adherence to counting procedures needs to be supervised and the transparency requirements need to be enforced. All polling station results should be displayed and published centrally on the CEC website with a breakdown to the polling station level.

Results are tabulated at the district level before being forwarded to the region and then the CEC. DECs visited by the OSCE/ODIHR EAM operated in an orderly manner but they did not use tabulation software. Instead, results were tabulated manually. DECs only forwarded the aggregated results by candidate to the REC without a breakdown by polling station.

To ensure the accuracy and transparency of the process tabulation procedures should be further elaborated to provide for full accountability.

The CEC announced the final results three days after the election, within the legal deadline. The official turnout was 97.27 per cent and the incumbent was elected with 97.69 per cent of votes. The final results were published without any indication of the number of invalid votes.

XIV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Turkmenistan and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed, in particular in the final report from the 2013 parliamentary elections. The OSCE/ODIHR stands ready to assist the authorities of Turkmenistan to further improve the electoral process and to address the recommendations contained in this and previous reports.⁴¹

⁴⁰ The results for candidates were not accurately recorded in protocols, turnout figures were inflated, invalid and unused ballots were not properly recorded, and the need for reconciliation of figures was ignored.

⁴¹ According to the paragraph 24 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

A. PRIORITY RECOMMENDATIONS

1. A comprehensive review of the Election Code should be undertaken well in advance of the next elections in order to bring it in accordance with OSCE commitments and other international obligations and standards. Amendments should be subject to public consultation and adopted following a transparent legislative process. More efforts should be taken to further ensure and effectively enforce the constitutionally enshrined principle of separation of power between the three branches of government.
2. The electoral legislation should be revised to provide for selection and appointment procedures that ensure the independence and impartiality of the CEC.
3. Consideration could be given to improving the integrity of the voter lists, possibly through the introduction of a permanent, centralised voter register. The voter register should be regularly updated ahead of elections, contain the national identification numbers and be centrally checked for errors and multiple registrations.
4. In order to ensure a clear separation between the State and political parties, the role of the CEC and local administration in the campaign should be limited to ensuring equal opportunities for all candidates. Candidates should be able to organize their own campaign activities. Various means of campaigning should be encouraged and the framework for such activities further elaborated in the Election Code.
5. The authorities should develop safeguards to ensure a clear separation between the state and party, so as to prevent candidates from unduly using the advantage of their office for electoral purposes.
6. As previously recommended, consideration should be given to easing restrictions on the right to information and expression on the Internet, as well as facilitating universal access to the Internet.
7. To ensure equal opportunities for all candidates, the CEC could consider adopting rules for media coverage during the electoral campaign. These rules should include provisions requiring balanced and impartial reporting by the state-owned media, and guidelines for reporting on official events during the campaign, with particular emphasis on regulation of coverage of an incumbent.
8. Measures should be taken to prevent serious electoral malpractices like proxy voting, multiple voting and ballot box stuffing. Legislation should explicitly provide for repercussions for violations. Authorities should thoroughly investigate all such incidents in a timely manner and hold those found guilty accountable.
9. Counting procedures should be further elaborated in the law and reinforced by training of PEC members. Strict adherence to counting procedures needs to be supervised and the transparency requirements need to be enforced. All polling station results should be displayed and published centrally on the CEC website with a breakdown to the polling station level.

B. OTHER RECOMMENDATIONS

Legal Framework

10. Consideration should be given to introducing an independent mechanism to monitor the implementation of legislation regarding the fundamental freedoms of assembly, association and expression. Efforts to conduct civic education could also be considered.

Election Administration

11. In order to increase transparency and public confidence in its work, the CEC should proactively inform the public about the preparations for and process of elections, as well as publish all decisions in a timely manner.
12. The procedures and criteria for the appointment of election commission members could be specified. Remuneration of temporary electoral commission members could be considered to provide groups of voters and smaller political parties with equal opportunities to have their representatives participate in the administration of elections.

Voter Registration

13. The restriction of suffrage rights of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. In addition, disenfranchisement of persons with mental disabilities should only be based on case-by-case consideration by the court, depending on specific circumstances.
14. As previously recommended, 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, subject to judicial control.

Candidate Registration

15. Candidate eligibility requirements should be amended so as not to unduly limit the right of citizens to seek public office. Consideration should be given to removing the residency and employment requirements as these could be considered unreasonable restrictions.
16. Consideration could be given to introducing temporary special legislative measures to promote women's political participation. Political parties could be encouraged to internally promote women candidates.

Election Campaign

17. Consideration should be given to further elaborating campaign regulations in order to explicitly provide for and encourage candidates to produce and disseminate their own campaign materials, in print and on the Internet.

Campaign Finance

18. Consideration should be given to establishing a framework for campaign finance regulation in line with established international good practice. When such a framework is created, strict regulations could be put in place for campaign donations, expenditures, reporting, auditing, and publication of data.

Media

19. Consideration could be given to amending the law in order to provide for the establishment of an independent regulatory body for the media. Such a body could also oversee media conduct during the elections.
20. The state-owned media should consider diversifying the formats for election-related programming, including through organizing debates, in order to make the campaign more informative for voters.

Citizen and International Observers

21. To encourage genuine and effective observation, consideration could be given to providing further training to citizen observers, with a particular focus on internationally recognized principles for election observation.

Complaints and appeals

22. The Election Law should be amended to provide further clarity regarding voters' right to appeal the results in their constituency to avoid any varied interpretations that may limit this right.
23. To increase transparency, all court and commission decisions should be published in a timely manner.
24. Voter education initiatives and training events for interested stakeholders could be considered to increase their capacity and raise awareness regarding their rights to submit formal complaints over alleged violations of the election law.

Election Day

25. The legislation could be amended to provide exact guidance on who is allowed to be present during voting, counting and the tabulation of results. PEC chairpersons could be trained to enforce these provisions.
26. To ensure the integrity of the process, ballot papers should have security features and be accounted for through the accurate use of reconciliation forms, and ballot boxes should be properly sealed with numbered plastic seals.
27. To ensure the accuracy and transparency of the process tabulation procedures should be further elaborated to provide for full accountability.

ANNEX I: FINAL RESULTS⁴²

No	Candidate	Affiliation	Percentage of votes	Number of votes
1	Gurbanguly Berdimuhamedov	DPT	97.69	3,090,611
2	Maksat Annanpesov	Independent	1.02	32,270
3	Bekmyrat Atalyev	PIE	0.36	11,389
4	Serdar Jelilov	Independent	0.25	7,909
5	Jumanazar Annayev	Independent	0.21	6,644
6	Mereturdy Gurbanov	Independent	0.17	5,378
7	Ramazan Durdyev	Independent	0.15	4,746
8	Suleimannepes Nurnepesov	Independent	0.09	2,847
9	Durdygylych Orazov	AP	0.06	1,898
	Invalid votes		0	0

⁴² As published on the CEC website.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is 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 150 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 obligations and standards for democratic elections and with 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 programmes 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 people, 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).