

OSCE/ODIHR Submission of Information about an OSCE Participating State under Consideration in the Universal Periodic Review Process

Participating State: Turkmenistan

UPR Working Group Session and Date of Review: 44th Session, October-November 2023

Background

1. Turkmenistan has been a participating State (pS) Organization for Security and Co-operation in Europe (OSCE) since 1991, and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE pSs, including Turkmenistan, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Turkmenistan and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Turkmenistan.

Election-related activities

Background:

4. During the period under review Turkmenistan held parliamentary elections on 25 March 2018, early presidential elections on 12 March 2022 and parliamentary elections had been called for 26 March 2023. ODIHR deployed an Election Assessment Mission (EAM) to the 2018 parliamentary elections, and Needs Assessment Missions (NAM) were sent ahead of the 2022 and 2023 elections, with the decision not to send an observation activity to former and an EAM planned for the later at the time of reporting. The findings of the Final Report of the 2018 EAM are summarized below.

Parliamentary Elections on 25 March 2018

5. The Final Report of the 2018 EAM found that the elections lacked important prerequisites of a genuinely democratic electoral process.² The political environment is only nominally pluralist and does not offer voters political alternatives. Exercise of fundamental freedoms is severely curtailed, inhibiting free expression of the voters’ will. Despite measures to demonstrate transparency, the integrity of elections was not ensured, leaving veracity of

¹ OSCE ODIHR, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, and *Volume 2, Chronological Compilation (third edition)*, 2011; OSCE *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

² *Report of the EAM to the 2018 Parliamentary Elections in Turkmenistan*, According to paragraph 25 of the 1999 OSCE Istanbul Document, OSCE pSs committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

results in doubt. Additional efforts must be undertaken to develop democratic institutions enabling people's participation in public affairs in line with OSCE commitments and other international obligations.

6. The mission made the following priority recommendations:

- An enabling environment should be created for the establishment of private and independent media, free of administrative and other impediments, to encourage the exercise of free speech and access to information.
- Safeguards should be developed and implemented to ensure that election commissions are independent from the government and local self-governance bodies, and guided by the principles of transparency, professionalism, and impartiality. In particular, Precinct Electoral Commissions members could be appointed from different institutions, and workplace hierarchy should not be transferred to the commissions. Mechanisms to improve gender balance among the commissioners should be considered.
- Consideration should be given to improving the accuracy of the voter lists, possibly through the introduction of a permanent, centralized voter register. The voter register should be regularly updated ahead of elections and be centrally checked for errors and multiple registrations.
- The provision on equal rights of candidates to campaign should be interpreted broadly, allowing candidates to freely pursue their own methods of campaigning within the limits set by the law.
- The authorities and election administration should undertake measures to ensure the integrity of the electoral process, in particular by preventing proxy voting, multiple voting, ballot box stuffing, and inflation of the voter turnout.
- The integrity of the process would benefit from elaborating and enforcing detailed procedures on counting and tabulation of results. In line with the Electoral Code, Constituency Election Commissions should genuinely establish the results in each constituency, including scrutiny of the Precinct Electoral Commissions results and materials. Transparency of the process should be enhanced, and the existing requirements to display results must be observed.

Tolerance and non-discrimination issues

7. OSCE pSs have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR produces an annual report on hate crime to highlight the prevalence of hate crimes and good practices that pSs and civil society have adopted to tackle them. ODIHR also helps pSs design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of pSs' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.
8. In respect of the 2021 Hate Crime Report and ODIHR's key observations, ODIHR observes that Turkmenistan has not reported information and statistics on hate crimes to ODIHR since 2008. ODIHR would appreciate the re-establishment of a National Point of Contact (NPC) on hate crime as per OSCE commitments. In addition, ODIHR observes that Turkmenistan would benefit from raising awareness among and building the capacity of criminal justice officials to address hate crime.

