

Turkmenistan reforms need to go further

The Turkmen government has introduced various reforms since 2008 and has expressed an interest in closer cooperation with the EU. Yet, the May 2016 debate in the European Parliament's Committee on Foreign Affairs (AFET) on the Partnership and Cooperation Agreement (PCA) with Turkmenistan highlighted Parliament's dissatisfaction with the reforms. On the grounds of severe human rights concerns, AFET suspended its approval of the PCA until the country makes satisfactory progress.

New president ushers in reforms

Turkmenistan's first president, Saparmurat Niyazov, long-time authoritarian ruler since independence and also known as *Turkmenbashi* (leader of all Turkmens), passed away in December 2006. Following his death, then-Deputy Prime Minister [Gurbanguly Berdimuhammedov](#) was appointed acting president, raising hopes that Turkmenistan could become more open and democratic. Berdimuhammedov, capturing 89% of votes, won the [2007 presidential election](#) — the first nominally contested presidential election in Turkmenistan. Since then, the country has become less isolated and closer to the EU thanks to [reforms](#) by the new president aimed at democratisation and liberalisation, implemented through constitutional amendments.

Turkmenistan's [National Report](#) to the UN Human Rights Council in the framework of the country's Universal Periodic Review gives information on its reforms in such areas as political parties, media, internet, and public associations. For instance, the [Law on Political Parties](#) regulating the establishment of political parties, their rights, obligations and guarantees for their activity was [adopted](#) in January 2012. Furthermore, President Berdimuhammedov [pledged](#) to develop a multiparty system, and the government [announced](#) the creation of two new political parties. The Media Law, which entered into force in January 2013, stipulates that 'nobody can prohibit or impede the media'. In January 2015, OSCE Representative on Freedom of the Media, Dunja Mijatović, [acknowledged](#) that the country's newly adopted Internet Law could allow for more internet access.

In the above-mentioned national report, the Turkmen government argued that the logical outcome of all political, economic, social and cultural reforms was a new constitution. Indeed, the new draft constitution, [published](#) in February 2016 and likely to be adopted later this year, may go some way towards meeting the benchmarks set out by the EU: for example, it includes new clauses on political pluralism and human rights protection. In line with the recommendations made by the UN Human Rights Council, Turkmenistan plans to create a human rights ombudsman to investigate human-rights abuse cases. With [assistance](#) from the United Nations Development Programme (UNDP), work on setting up this institution is under way and its existence is expected to be guaranteed by the new constitution.

Another key step towards further liberalisation and democratisation was the adoption of the National Action Plan on Human Rights for 2016–2020, one of the benchmarks set out in a [draft Parliament report](#) currently under discussion. Prepared with the active involvement of the UNDP, the action plan aims to 'protect, promote and enforce human rights and freedoms of people of Turkmenistan'. Covering not only human rights but also the legal system, including the judiciary, law enforcement, and the legal profession, the action plan is designed to address EU concerns. On 17 May 2016, in the [latest](#) Human Rights Dialogue meeting with Turkmenistan, the EU, while noting concerns about the serious human rights situation in the country, welcomed the adoption of the action plan and encouraged the government to consult international experts on constitutional reforms.

Finally, it is noteworthy that Turkmenistan participated, for the first time in 12 years, in the [Human Dimension Implementing Meeting](#), Europe's largest human rights and democracy conference, of the Organization for Security and Co-operation in Europe (OSCE). In September 2015, a long-awaited visit to a prison by selected EU Ambassadors and the US Ambassador was [permitted](#) for the first time, indicating a slight openness to Western observation of the human rights situation on the ground.



Concerns about human rights and democratisation persist

It is clear that the Turkmen government has made efforts to align its legislation with international standards, sometimes even with the involvement of international organisations such as the UNDP. However, such measures must also be assessed against implementation and their impact on the daily life of the Turkmen people. The fact remains that, despite recent reforms, Turkmenistan is still one of the least free regimes in the world, with a score of 4 out of 100 in the 2016 [Freedom in the World index](#), and rankings of 162th among 167 countries in the 2015 [World Democracy index](#), and 178th among 180 countries in the 2016 [Press Freedom Index](#). Therefore, concerns are persisting. For example, although the 2012 Law on Political Parties paved the way for 'multi-party elections', new parties are [regarded](#) as a manoeuvre by the ruling political party to satisfy the international community and to prevent criticism of Turkmenistan as a [single-party state](#). As [underlined](#) by human rights activists, there is still no genuine alternative to the ruling party, since the new parties were founded at the government's instigation.

While acknowledging the timid legal, political, social and economic reforms introduced by the current government, a European Parliament [resolution](#) of 13 April 2016 on the implementation and review of the EU-Central Asia Strategy concluded that the situation in the field of rule of law, human rights and fundamental freedoms remained practically unchanged. These concerns are shared by other institutions, such as the OSCE, and by numerous human rights watchdogs. For instance, the OSCE's first-ever election assessment mission to Turkmenistan (deployed for the 2013 parliamentary elections) concluded in its [report](#) that 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'. Similar concerns are also raised repeatedly by various NGOs including [Amnesty International](#) and [Human Rights Watch](#). On 30 March 2016, 29 NGOs sent a [letter](#) to the Members of the European Parliament urging them to defer approval of the PCA until Turkmenistan meets the benchmarks established by Parliament.

Implications for EU-Turkmenistan Relations

Bilateral relations between the EU and Turkmenistan have been governed by the Interim Trade Agreement (ITA) since its entry into force in 2010. According to the ITA, respect for democracy and human rights is a precondition for bilateral cooperation between the two parties. Parliament's [resolution](#) of 22 April 2009 on the ITA welcomed some steps taken by the new government and acknowledged that the human rights situation in the country had improved since the change of president. However, deploring the still unsatisfactory situation in human rights and democracy, Parliament called on the Turkmen government to 'move swiftly towards democracy and respect for the rule of law; in particular, for open and democratic elections, freedom of religion, the development of a genuine civil society, the release of all political prisoners and prisoners of conscience, the lifting of restrictions on travel, and access for independent monitors'.

Signed in May 1998, the PCA is set to replace the ITA once it enters into force; it also urges the Turkmen government to take concrete steps to bring its legislation to international standards. It should pave the way for a new era in bilateral relations: among other things, it envisages the establishment of a Cooperation Council and a Cooperation Committee, a major advance on the ITA's limited tools for bilateral dialogue and cooperation, offering new opportunities for the EU to support and accelerate Turkmenistan's efforts to meet EU benchmarks and embrace European democratic values. In addition, the PCA could facilitate the setting-up of a fully fledged EU delegation in Turkmenistan to monitor the situation on the ground more closely. The PCA's ratification would boost EU visibility and capabilities not only in Turkmenistan but also throughout the wider Central Asian region, where the European presence and values are challenged by Russia and China.

Several Member States initially delayed their ratification of the PCA due to Turkmenistan's [human rights situation](#). [With the exception of the UK](#), all have since lifted their objections in view of the aforesaid reforms, intended to assuage some of the EU's concerns. Parliament continues to withhold its consent on account of the poor implementation of these reforms to date; in the most recent debate on the PCA, on 24 May 2016, all political groups in AFET agreed to suspend the consent procedure and resolved instead to draw up an interim report setting out benchmarks to be met by Turkmenistan. By delaying its consent, Parliament hopes to use the PCA as a tool for further improvement in human rights and democratic governance in Turkmenistan. When the agreement enters into force, it will mark the EU's endorsement of Turkmenistan's ongoing reforms and the country's rapprochement towards EU values. Parliament will continue to follow the situation in Turkmenistan in the hope that further reforms will allow it to consent to the PCA.