

TURKMENISTAN 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Although the constitution declares Turkmenistan to be a secular democracy and a presidential republic, the country has an authoritarian government controlled by the president, Gurbanguly Berdimuhamedov, and his Democratic Party. Berdimuhamedov remained president following a February election that the Organization for Security and Co-operation in Europe (OSCE) Office of Democratic Institutions and Human Rights determined involved limited choice between competing political alternatives. Security forces reported to civilian authorities.

The three most important human rights problems were arbitrary arrest; torture; and disregard for civil liberties, including restrictions on freedoms of speech, press, assembly, and movement.

Other continuing human rights problems included citizens' inability to change their government; interference in the practice of religion; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; discrimination and violence against women; trafficking in persons; and restrictions on the free association of workers.

Officials in the security services and elsewhere in the government acted with impunity. There were no reported prosecutions of government officials for human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

There was no new information available about the whereabouts of Bazargeldy and Aydjemal Berdyev, who were detained by Ministry of National Security officers in

April 2011. The couple had been seeking recompense for torture and confiscation of property since the late 1990s.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the constitution and law prohibit such practices, security officials tortured and beat criminal suspects, prisoners, and individuals deemed critical of the government to extract confessions and as a form of punishment. There were reports, for example, that police and Ministry of National Security officers in the city of Dashoguz beat Jehovah's Witness Aibek Salayev following his March arrest on allegedly fabricated charges of distributing pornographic materials.

According to findings in Amnesty International's March report, submitted to the UN Human Rights Committee, methods of torture employed by security officials included "the administration of electric shocks; asphyxiation applied with a plastic bag or forcible wearing of a gas mask to which the air supply is cut; rape; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; depriving the detainee of food and drink; and exposing [prisoners] to extreme cold while removing warm clothes."

Article 16 of the 2009 Law on the Status and Social Protection of a Military Serviceman states that the government provides for the health and lives of members of the armed forces. Members of the military reported, however, that hazing of conscripts continued and involved violations of human dignity, including brutality and verbal abuse. In contrast with previous years, however, the prevalence of hazing reportedly was much lower. Members of the military reported that officers responded to cases of abuse, inspected conscripts for signs of abuse, and punished abusers in some cases. Hazing of conscripts reportedly was more prevalent outside of Ashgabat.

In August the government partially fulfilled the 2011 recommendations of the UN Committee against Torture by revising the criminal code to define torture and specify criminal penalties for government officials who torture detainees. Information about cases involving government officials charged with torture was not available.

Prison and Detention Center Conditions

Prison conditions were unsanitary, overcrowded, harsh, and life-threatening. Some facilities, such as the minimum security camp LBK-12 in Lebap Province, are located in areas where inmates experienced extremely harsh climate conditions, with excessive heat in the summers and frigid temperatures in the winter. There were unconfirmed reports of physical abuse of prisoners by prison officials and other prisoners.

Physical Conditions: Official data on the average sentence or numbers of prisoners, including incarcerated juveniles, were not available. According to a 2011 report submitted to the UN Committee Against Torture by Turkmenistan's Independent Lawyers Association (TILA) and the Turkmen Initiative for Human Rights, the total imprisonment capacity in the penal colonies and prisons (excluding the military penal battalion) was 8,100 inmates. According to this report, however, the inmate population totaled as many as 26,720 persons in 2009, the most recent numbers available. This figure did not include detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational therapy rehabilitation centers, and the penal battalion. The detainees in pretrial detention facilities were predominantly individuals who had been sentenced but not transferred to penal colonies. The six pretrial detention facilities are reportedly designed for 1,120 persons, but they likely housed three to four times that number.

Authorities typically incarcerated men and women in separate facilities. The number of facilities for female prisoners and detainees was not available, but according to the TILA report, there were 2,010 female prisoners held at the DZK-8 facility in Dashoguz. A pretrial detention facility under the jurisdiction of the Interior Ministry housed adults and juveniles and accommodated approximately 800 persons. This number included individuals in pretrial detention, on remand, and those already convicted but not yet transferred to penal colonies. A juvenile correctional facility in Bayramali had the capacity to hold 142 boys, although international organizations reported that the facility held an average of 40-50 boys at any time. Authorities reportedly kept girls in a ward of the DZK-8 facility separate from adult female inmates.

Diseases, particularly tuberculosis (TB), were widespread. Due to overcrowding, officials reportedly held inmates diagnosed with TB and skin diseases with healthy detainees, contributing to the spread of disease. There continued to be concerns that the government did not adequately test and treat prisoners with TB before they were released into the general population, although the government claimed that it did so. The government reported that it transferred prisoners diagnosed with TB to

a special Ministry of Interior hospital in Mary Province for treatment and arranged for continuing treatment for released prisoners at their residences.

The nutritional value of prison food was poor, and many prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food supplies. Some family members and inmates stated that prison officials sometimes confiscated these food parcels. The availability of potable water could not be confirmed.

Administration: According to relatives, some prisoners were unable to receive supplies, and family members often were denied access to the prisoners. The government did allow foreign diplomats to access prisoners held on criminal charges who were nationals of their countries. There was no information available on the quality of prison recordkeeping. The government did not report whether prisoners were permitted religious observance and reported no systematic monitoring of prison and detention center conditions. Alternatives to sentencing for nonviolent offenders included suspended sentences, fines, and garnishment of wages. It was not known if a prison ombudsman existed.

Government officials frequently disregarded inquiries from family members and foreign diplomats about political prisoners' locations or condition. On August 28, the government provided information about the number of family visits, food packages, and medical services received since 2007 by imprisoned dissidents Annagurban Amanklychev, Sapardurdy Hajiev, and Gulgeldi Annaniyazov.

Monitoring: Government officials continued refusing international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners. The government and the ICRC continued negotiations on acceptable conditions for regular prison visits. As a result, the ICRC did not conduct regular prison visits during the year. In April, however, the government allowed ICRC officials to visit a penal institution operated by the Ministry of Internal Affairs and the construction site of a new penal institution.

Improvements: During the year the government continued construction of two new prisons to alleviate overcrowding. The national action strategy to reform the juvenile justice system, adopted on June 1, included measures to train law enforcement and justice system officials in the treatment of juvenile offenders, the establishment of rehabilitation and alternative sentencing programs, and training to build the capacity of prison staff to deliver rehabilitation and reintegration services.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both remained serious problems.

Role of the Police and Security Apparatus

The Ministry of Interior directs the criminal police, who work closely with the Ministry of National Security (MNB) on matters of national security. The MNB plays a role in personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. No information was available on whether the presidential commission created in 2007 to review citizens' complaints of abuse by law enforcement agencies conducted any inquiries that resulted in members of the security forces being held accountable for abuses.

There was no national strategy to reform the police or security apparatus. In April, however, the government allowed the OSCE Ashgabat Center to present an article-by-article commentary on the criminal procedure code to representatives of the Supreme Court, the Prosecutor General's Office, the Ministries of Justice (MOJ) and Internal Affairs, and the Institute for Democracy and Human Rights. A small number of officials from the Institute for Democracy and Human Rights also participated in a short OSCE-organized visit to Estonia and the Netherlands to study practices in processing individual human rights complaints and institutional frameworks for the prevention of human rights abuses.

Arrest Procedures and Treatment While in Detention

A warrant is not required for arrest when officials catch a suspect in the act of committing an offense. The prosecutor general must issue an authorization for arrest within 72 hours of detention. If investigating authorities do not find evidence of guilt within 10 days of detention, they must release the detainee. If they find evidence, the investigation can last as long as two months. A provincial or national-level prosecutor may extend the investigation period to six months. The national prosecutor general or deputy prosecutor general may extend the investigation period to a maximum of one year. Following the investigation the prosecutor prepares a bill of indictment, and the case is transferred to the court. Courts generally followed these procedures, and the prosecutor promptly informed detainees of the charges against them.

The criminal procedure code provides for a bail system and surety; however, authorities did not implement these provisions. The law provides that detainees are entitled to immediate access to an attorney of their choice after a formal accusation, but in practice detainees did not have prompt or regular access to legal counsel. Authorities denied some detainees visits by family members during the year. Families sometimes did not know the whereabouts of detained relatives. Incommunicado detention was a problem. The extent to which authorities failed to protect due process in the criminal justice system was unclear. Authorities are required to issue a formal indictment within 10 days of arrest to hold detainees longer but in practice did not comply with the requirement.

Arbitrary Arrest: The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were no known treason convictions during the year. In the past the government arrested and filed charges on economic or criminal grounds against those expressing critical or differing views instead of charging its critics with treason.

Reports of arbitrary arrests and detentions were numerous. Authorities frequently singled out members of religious groups, ethnic minorities, and dissidents, as well as members of nongovernmental organizations (NGOs) that interacted with foreigners. MNB officers detained former minister of culture Geldimyrat Nurmammedov on October 4, for example, without providing his family an explanation for the arrest. Nurmammedov had been under heavy surveillance since making remarks critical of the government in December 2011. Authorities allegedly transported Nurmammedov to a drug rehabilitation center in the northern city of Dashoguz, physically abused him, and pressured him to confess to drug addiction.

Pretrial Detention: Generally the law permits detention to last no longer than two months, but in exceptional cases it can be extended to one year with approval of the prosecutor general. For minor crimes a much shorter investigation period applies. In contrast with previous years, authorities rarely exceeded legal limits for pretrial detention. In the past chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays; however, the government's anticorruption efforts and the establishment of the Academy of State Service to improve state employees' qualifications generally eliminated such delays.

Amnesty: On February 18, the government pardoned 230 prisoners in honor of Flag Day. Another 1,022 prisoners received amnesty in connection with the May

18 Constitution Day holiday. In August the government pardoned 1,327 prisoners in advance of the Night of Omnipotence holiday. President Berdimuhamedov granted amnesty to 2,015 prisoners in October in connection with the Independence Day holiday. An unspecified number of prisoners also received amnesty in December on the occasion of the Neutrality Day holiday.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice the judiciary was subordinate to the president. There was no legislative review of the president's judicial appointments and dismissals, except for the chairman (chief justice) of the Supreme Court, whose nomination the parliament nominally reviewed. The president had sole authority to dismiss any judge. The judiciary was widely reputed to be corrupt and inefficient.

Trial Procedures

The law provides for due process for defendants, including a public trial, access to accusatory material, the right to call witnesses, a defense attorney or a court-appointed lawyer if the defendant cannot afford one, and the right to represent oneself in court. In practice authorities often denied these rights. Defendants frequently did not enjoy a presumption of innocence. There was no jury system. The government permitted the public to attend most trials but closed some, especially those it considered politically sensitive. There were few independent lawyers available to represent defendants. The criminal procedure code provides that defendants be present at their trials and consult with their attorneys in a timely manner. The law sets no restrictions on a defendant's access to an attorney. The court at times did not allow defendants to confront or question a witness against them and denied defendants and their attorneys access to government evidence. In some cases courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence might have changed the outcome of the trial.

On January 18, Azatlyk District Court in Ashgabat in closed proceedings sentenced Vladimir Nuryllayev, a Jehovah's Witness, to a four-year prison sentence on charges of distributing a pornographic film. According to members of the Jehovah's Witness community, Nuryllayev had never seen the two people to whom prosecutors asserted he gave computer discs containing pornographic materials. In May the government granted amnesty to Nuryllayev.

Even if the courts observed due process, the authority of the government prosecutor far exceeded that of the defense attorney, making it difficult for the defendant to receive a fair trial. Court transcripts frequently were flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal a lower court's decision and petition the president for clemency. There were credible reports that judges and prosecutors often predetermined the outcome of the trial and sentence.

Political Prisoners and Detainees

The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were no known treason convictions during the year.

Opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of these individuals--which included persons convicted of involvement in the 2002 attack on former president Niyazov--remained unknown.

Civil Judicial Procedures and Remedies

The civil judiciary system was neither independent nor impartial, as the president appointed all judges. According to the law, evidence gathered during a criminal investigation can be used as the basis for a civil action in a process called "civil lawsuit in criminal justice." In the past there were reports of bribes in the civil court system to ensure a particular outcome. In cases in which the state had interests regarding an individual citizen, it imposed court orders. The most commonly enforced court orders were eviction notices.

Property Restitution

The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. In 2007 President Berdimuhamedov announced there would be no housing demolition unless replacement housing was available. Nonetheless, during the year the government continued to demolish some private homes in and around Ashgabat as part of an urban renewal program without adequately compensating the owners. The government created an interagency commission in June 2011 to consider complaints from residents whose homes were located at the construction sites of

new buildings in Ashgabat and the provinces. The number and manner of resolution of complaints brought before this commission were unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of some minority religious group members without judicial authorization. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. Authorities frequently queried the parents of students studying overseas and sometimes threatened state employees that they would lose their jobs if they maintained friendships with foreigners.

The government reportedly intercepted surface mail before delivery, and letters and parcels taken to the post office had to remain unsealed for government inspection.

The government revised the law in January to recognize marriage licenses issued outside the country. There were numerous reports that government security officials harassed foreigners married to Turkmen women.

Individuals who were harassed, detained, or arrested by authorities, as well as their family members, reported that the government caused family members to be fired from their jobs or expelled from school. Authorities sometimes also detained and interrogated family members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the government did not respect these rights in practice.

Freedom of Speech: The Law on Political Parties enacted in January requires political parties to allow representatives of the Central Election Committee and MOJ to monitor their meetings. The government also warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Freedom of Press: The government financed and controlled the publication of books and almost all print media. A weekly newspaper, *Rysgal*, continued to operate during the year, although its stories were largely reprints of state media outlets or reflected the views of the state news agency. The government imposed significant restrictions on the importation of foreign newspapers except for the private but government-sanctioned Turkish newspaper *Zaman*, which reflected the views of the state newspapers.

The government controlled radio and local television, but satellite dishes providing access to foreign television programming were widespread throughout the country. Citizens also received international radio programs through satellite access.

Violence and Harassment: The government reportedly subjected journalists to surveillance and harassment, particularly prior to the February presidential election. There were reports that law enforcement officials harassed and detained citizen journalists who worked for foreign media outlets.

As in previous years, the government required state journalists to obtain permission to cover specific events as well as to publish or broadcast the subject matter they had covered.

Censorship or Content Restrictions: Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal. The government continued to censor newspapers and prohibit reporting of opposition political views or of any criticism of the president.

To regulate domestic printing and copying activities, the government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The government did not allow the publication of works on topics that were out of favor with the government, including some works of fiction.

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of nonpolitical periodicals appeared occasionally in the bazaars. During the year the government maintained a subscription service to Russian-language outlets for government workers, although these publications were not available for public use. Customs officials at Ashgabat Airport reportedly reviewed and confiscated travelers' books and periodicals.

Publishing Restrictions: There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no assured provision for receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international conferences and summit meetings, where their activities could be monitored. At least seven journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least five of whom reportedly were accredited. Despite submitting official applications repeatedly over several years, Radio Free Europe/Radio Liberty has never received a response from the government to accredit correspondents. As many as 11 correspondents representing foreign media services operated without accreditation. Visiting foreign journalists reported harassment and denial of their freedom of movement when they attempted to report outside official channels.

Internet Freedom

According to the International Telecommunication Union, Internet usage was available to approximately 5 percent of the population.

The government continued to monitor citizens' e-mail and Internet activity. Reports indicated that the MNB controlled the main access gateway and that several servers belonging to Internet protocol addresses registered to the Ministry of Communications operated software that allowed the government to record Voice over Internet Protocol conversations, turn on cameras and microphones, and log keystrokes. Authorities blocked access to certain sensitive Web sites. Several dissident Web sites experienced denial of service attacks in the weeks leading up to the February presidential election.

Academic Freedom and Cultural Events

Mandatory testing on the *Ruhnama*, a book of spiritual teachings authored by former president Saparmurat Niyazov, remained in place and complicated the recognition of foreign diplomas. The government did not announce any new procedures to formalize the recognition of foreign diplomas, and many graduates of foreign universities reported that they were unable to certify their diplomas with authorities at the Ministry of Education, making them ineligible for employment at state agencies. Some reported that ministry officials demanded bribes to allow for certification of their diplomas.

The government did not tolerate criticism of government policy or the president in academic circles and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, and theology.

Most secondary school textbooks were revised to remove all text devoted to former president Niyazov and his family, although a picture of Niyazov continued to appear on the first page of each textbook. Text devoted to President Berdimuhamedov's "New Revival" ideology replaced the previous text on Niyazov and his family. Although a 2008 Ministry of Education report stated all textbooks had been completely revised, only approximately half of them had been revised at year's end.

Although restrictions eased somewhat, the government refused to permit the production of some foreign plays and performances in state theaters. Only the Russian theater in Ashgabat continued to stage foreign plays in Russian, and those plays were invariably apolitical. Cinemas are permitted to show only movies dubbed or subtitled in Turkmen unless they are sponsored by a foreign embassy.

The Ministry of Culture censored and monitored all public exhibitions, including music, art, and cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government restricted this right in practice. Authorities neither granted the required permits for public meetings and demonstrations during the year nor allowed unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations. In June, for example, MNB officers dispersed a group of meat vendors protesting their inability to sell their product at fair market price above that set by the government.

Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice. The law requires all NGOs to register with the MOJ and all foreign assistance to be registered with the MOJ and the Ministry of Economics and Development and coordinated through the Ministry of

Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property.

Of the 101 registered NGOs, international organizations recognized only a few as independent. NGOs reported that the government presented a number of administrative obstacles to NGOs that attempted to register. Some applications repeatedly were returned on technical grounds. Some organizations awaiting registration found alternate ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others temporarily suspended or limited their activities.

Sources noted a number of barriers to the formation and functioning of civil society in the country. These included government requirements that founders of associations be citizens and that associations operating nationally have at least 500 members to be registered. Other barriers included regulations that permitted the MOJ to send representatives to association events and meetings and requirements that associations notify the government about their planned activities.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law do not provide for full freedom of movement.

In-country Movement: The law requires internal passports and residency permits. A requirement for a border permit remained in effect for all foreigners.

Citizens are not allowed to hold dual citizenship, and this requirement was enforced periodically. Officials pressured dual citizens departing the country to renounce one of their citizenships before officials allowed them to leave. Individuals who indicated dual citizenship when applying for international passports were denied the passports, whereas persons reporting only Turkmen citizenship received them.

Foreign Travel: While the government denied maintaining a list of persons not permitted to depart the country, it continued to bar certain citizens from departing.

Some university students reported that they were not allowed to leave the country. For example, eight recipients of scholarships to the Smolny Institute in Russia were denied exit in August. No explanation was provided in these cases.

A 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, previously has violated the law of the destination country, or whose travel contradicts the interests of national security. Former public sector employees who had access to state secrets are prevented from traveling abroad for five years after terminating their employment with the government. The law allows authorities to forbid recipients of presidential amnesties from traveling abroad for a period of up to two years. The law also allows the government to impose limitations on obtaining education in specific professions and specialties. This law was applied to prevent students from traveling abroad to study.

Exile: The law provides for internal exile, requiring an individual to reside in a certain area for a fixed term of two to five years.

Protection of Refugees

In 2009 the government assumed responsibility from the UN High Commission for Refugees (UNHCR) for making refugee status determinations. While formally there is a system for granting refugee status, in practice it was inactive. The government has not developed support services for individuals awaiting a refugee status determination. The UNHCR issues refugee certificates to mandate refugees granted refugee status prior to 2009. Those certificates are the only official evidence of a refugee's legal status. Mandate refugees are required to renew the UNHCR certificates with the government annually. There were 59 UNHCR-mandate refugees in the country.

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country has not granted asylum since 2005.

Refoulement: The government asserted that no UNHCR-mandate refugees were expelled or forced to return to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The UNHCR has observer status at government-run refugee status determination hearings. Individuals determined not to be refugees by the government have recourse to the UNHCR to obtain mandate refugee status.

Access to Basic Services: Refugees had access to basic services, such as health care and primary and secondary education, but they were not eligible for government employment and did not have the right to own property or a company.

Stateless Persons

Citizenship is derived from one's parents. The UNHCR estimated there were as many as 15,000 undocumented individuals who may be at risk of statelessness. The number of stateless persons who were also refugees was not available. The government's requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons.

Undocumented stateless individuals did not have access to public benefits, education, or employment opportunities.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens could not freely choose and change the laws and officials that governed them. The constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for separation of powers among the branches of government but vests a disproportionate share of power in the presidency. In practice the president's power over the state continued to be absolute.

According to the OSCE, the election law does not meet its standards.

Elections and Political Participation

Recent Elections: A presidential election took place in February; however, conditions were not appropriate for the OSCE to deploy an observation mission. The OSCE's Office of Democratic Institutions and Human Rights noted in its December 2011 Needs Assessment Mission Report that the deployment of an observation mission would not add value to the election, due to limitations on fundamental freedoms, the absence of political pluralism, and the lack of progress in bringing the country's legal framework in line with OSCE commitments for

democratic elections. The government did not invite the OSCE to send observers; however, the Commonwealth of Independent States, which the country chaired in 2012, sent a small observer mission that did not have unrestricted access to polling stations and did not release a comprehensive observation report.

In August local council elections occurred but were not monitored by independent observer groups.

Political Parties: In January the government enacted the Law on Political Parties, which sets forth procedures for the registration of parties. The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign, as it grants the Ministry of Justice broad powers over the registration process and the authority to monitor party meetings. The law prohibits parties based on religion, region, or profession, as well as parties that “offend moral norms,” advocate for violent change of the constitution, or speak out against the rights of citizens. The law does not explain how a party could appeal its closure by the government. The government allowed the OSCE to provide expert commentary on the law but did not implement any of the OSCE’s recommendations during the year.

State media almost exclusively covered the activities of President Berdimuhamedov and his Democratic Party.

There were no independent political groups. The two registered political parties included the ruling Democratic Party (the former Communist Party of Turkmenistan) and the progovernment Party of Industrialists and Entrepreneurs, which was created in August. The government officially did not prohibit membership in political organizations, but there were no reports of persons who claimed membership in political organizations other than these two parties. Opposition movements based outside the country, including the National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, and the Fatherland (Watan) Party, were not registered to operate within the country.

Participation of Women and Minorities: There were 21 women in the 125-member parliament or Mejlis, including the Mejlis speaker. Women served in a few prominent government positions, including deputy chairperson of the Cabinet of Ministers for Culture, Television Broadcasting, and the Press (a vice premier position); minister of education; minister of culture; director of the State Archives; director of the Institute for Democracy and Human Rights; the chairpersons of two

of five parliamentary committees; and the chairperson of the state publishing service.

The government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several senior government positions. Members of the country's largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Corruption existed in the security forces and in all social and economic sectors. Factors encouraging corruption included the existence of patronage networks, a lack of transparency and accountability, and the fear that the government would retaliate against a citizen who chose to highlight a corrupt act. According to Freedom House and the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem.

As in the previous year, the president reprimanded a number of ministers and government officials, dismissing some from their positions. There were unconfirmed reports, for example, that President Berdimuhamedov dismissed the rector of the Medical University on July 6, in part for accepting a \$50,000 bribe from a student seeking admission. On July 23, the Prosecutor General's Office reported that the former deputy minister of communications was imprisoned on money laundering charges. Authorities investigated and arrested officials in other ministries for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated. The Prosecutor General's Office and Ministry of National Security lead government efforts to combat corruption.

The law does not require elected or appointed officials to disclose their incomes or assets. Financial disclosure requirements are neither transparent nor consistent with international norms. Government enterprises are not required to publicize financial statements, even to foreign partners. Financial audits are often conducted by local auditors, not internationally recognized firms.

There is no law that allows for public access to government information, and in practice the government did not provide access. Authorities denied requests for specific information on the grounds that the information was a state secret. Some

statistical data were considered state secrets. There was no public disclosure of demographic data, and officials published manipulated economic and financial data to justify state policies and expenditures.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights NGOs due to the government's refusal to register such organizations and restrictions that made activity by unregistered organizations illegal. During the year the government continued to monitor the activities of nonpolitical social and cultural organizations.

UN and Other International Bodies: There were no international human rights NGOs with a permanent presence in the country, although the government permitted international organizations, including the OSCE and UNHCR, to have resident missions. The government permitted the OSCE special representatives on media freedom and gender issues to visit during the year. Government restrictions on freedoms of speech, press, and association severely restricted international organizations' ability to investigate, understand, and fully evaluate the government's human rights policies and practices.

The government allowed unfettered access to the OSCE Center. There were no reports that the government discouraged citizens from contacting other international organizations.

Government Human Rights Bodies: The government-run Institute for Democracy and Human Rights, established in 1996 with a mandate to support democratization and monitor the protection of human rights, was not an independent body. Its ability to obtain redress for citizens was limited. Nonetheless, it played an unofficial ombudsman's role to resolve some citizens' human rights-related petitions during the year. The Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law met throughout the year to coordinate the implementation of a limited number of recommendations from international human rights bodies. Specific information about this commission's plans was not available. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. No public information about its human rights activities was available.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, gender, disability, language, ethnic minority status, or social status, discrimination continued to be a problem, as did violence against women.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties of three to 25 years' imprisonment based on the level of violence of the incident and whether the attacker was a repeat offender. A cultural bias against reporting or acknowledging rape made it difficult to determine the extent of the problem, but some sources indicated rape was not uncommon.

The law prohibits domestic violence, including spousal abuse, but the government did not enforce the law effectively. Penalties, for example, are based on the extent of the injury but are not specified in the criminal code. According to indicators published by the UN Development Program in 2009, the country is included in the category of countries in which "there are no or weak laws against domestic violence, rape, and marital rape, and these laws are not generally enforced."

Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. In April the NGO Keik Okara opened with the support of the OSCE a shelter for victims of domestic violence. The same organization continued to operate a domestic violence hotline and also provided free legal consultations and psychological assistance to victims of domestic violence. The NGO also organized awareness-raising seminars on domestic violence for the general public. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence.

Sexual Harassment: No law specifically prohibits sexual harassment, and reports suggested sexual harassment existed at the workplace.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and have the means to do so free from discrimination, coercion, and violence.

Complete data on family planning practices was not available. Modern contraception, however, was widely available to men and women. Women in most areas had access to maternity clinics that provided prenatal and postpartum care. According to the UN Population Fund's 2012 State of World Population Report, 45 percent of women used some form of modern contraceptives. Due to cultural attitudes, many married women opposed the use of family-planning methods.

Discrimination: Women have equal rights under family law and property law and in the judicial system. The Mejlis Committee on Human Rights and Liberties was responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. By law women enjoy full legal equality to men, including equal pay, access to loans, the ability to start and own a business, and access to government jobs. Nevertheless, women continued to experience discrimination due to cultural biases. Employers allegedly gave preference to men to avoid productivity losses due to pregnancy or child-care responsibilities. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. The government restricted women from working in some dangerous and environmentally unsafe jobs.

The government did not acknowledge, address, or report on discrimination against women. There is no special government office that promotes the legal rights of women, but the Women's Union (a government-affiliated "NGO") and the National Institute of Democracy and Human Rights worked on women's legal rights.

Children

Birth Registration: According to the law, a child's citizenship is derived from one's parents. In the event a child is born to stateless persons possessing permanent resident status in the country, the child is considered a citizen. The government took modest steps to address the welfare of children, including increased cooperation with UNICEF and other international organizations on programs designed to improve children's health.

UNICEF reported that 96 percent of urban children and 95 percent of rural children had their births registered.

Education: Education was free, compulsory, and universal through the 10th grade. There were reports, however, that in some rural communities parents removed girls from school as early as age nine to work at home.

Child Abuse: There were isolated reports of child abuse. In 2006 the UN Committee on the Rights of the Child issued recommendations that called on the government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

Child Marriage: The minimum age of marriage is 18. According to the most recent data available (provided in a 2006 UNICEF report), 9 percent of marriages involved minors.

Sexual Exploitation of Children: The legal age of consent is 16. Production of pornographic materials or objects for the purpose of distribution or advertisement and trade in printings, movies or videos, depictions, or other objects of a pornographic nature, including those of children, is punishable in accordance with article 164 of the criminal code. An Interpol report noted that the criminal code "...enacts criminal liability for involvement of minors into prostitution."

International Child Abductions: Turkmenistan is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at http://travel.state.gov/abduction/country/country_5860.html.

Anti-Semitism

There were an estimated 300 Jews, predominantly in Ashgabat but no organized Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health

care, or the provision of other state services or other areas. However, persons with disabilities encountered discrimination and were regularly denied work, education, and access to health care and other state services because of strong cultural biases.

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Students with disabilities were not admitted to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to be provided with education and employment opportunities, if their condition allowed them to work; in practice neither was provided. Special schools for those with sensory disabilities existed in the larger cities. Boarding schools with rehabilitation centers for persons with disabilities existed in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by those with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare is responsible for protecting the rights of persons with disabilities. This ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

National/Racial/Ethnic Minorities

The law provides for equal rights and freedoms for all citizens. Minority groups tried to register as NGOs to have legal status to conduct cultural events, but no minority groups succeeded in registering during the year.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce and everyday life in the capital, even as the government continued its campaign to conduct official business solely in Turkmen. The government required ministry employees to pass tests demonstrating knowledge of professional subjects in Turkmen, and employees who failed the exam were dismissed. The

government dedicated resources to provide Turkmen language instruction for non-Turkmen speakers only in primary and secondary schools.

Non-Turkmen speakers noted that some avenues for promotion and job advancement were closed to them, and only a handful of non-Turkmen occupied high-level jobs in government ministries. In some cases applicants for government jobs had to provide information about ethnicity going back three generations. The government often targeted non-Turkmen first for dismissal when government layoffs occurred.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Same-sex sexual conduct between men is illegal under a section of the criminal code on pederasty, with punishment of up to two years in prison and the possible imposition of an additional two to five year term in a labor camp. Subsequent sections of the law stipulate sentences of up to 20 years for repeated acts of pederasty, homosexual acts with juveniles, or the spread of AIDS or other sexually transmitted infections through homosexual contact. The law does not mention same-sex sexual contact between women. Enforcement of the law was selective, although authorities reportedly arrested an unspecified number of gay men in March. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. As same-sex sexual activity was a taboo subject in the country's traditional society, social stigma likely prevented incidents from being reported.

Other Societal Violence or Discrimination

There was no reported societal violence or discrimination against persons with HIV/AIDS. The government did not officially recognize any cases of HIV/AIDS in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to join independent unions and to negotiate collective agreements with their employers. The law does not allow workers to strike. The law does not prohibit antiunion discrimination against union members and organizers. There are no mechanisms for resolving complaints of discrimination, nor does the law provide for reinstatement.

Freedom of association was not respected in practice. All existing trade and professional unions were government-controlled and had no independent voice in their own activities. The government did not permit private citizens to form independent unions. There were reports of several labor strikes during the year over nonpayment of wages by foreign companies working under government contracts. The Prosecutor General's Office helped resolve several of these cases.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Article 129 of the 2007 Law on Combating Trafficking in Persons provides for the investigation, prosecution, and punishment of suspected forced labor and trafficking offenses. In practice the government did not use the law to prevent and eliminate forced labor in the country during the year. Construction industry workers were particularly vulnerable to forced labor, and forced labor was also present in the cotton industry.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children is 16, or 18 for work in heavy industries such as textiles, construction, metalworking, and chemicals. However, a 15-year-old may work four to six hours per day with parental and trade union permission, although such permission rarely was granted. The law prohibits children between the ages of 16 and 18 from working more than six hours per day. The law also prohibits children from working overtime or between the hours of 10 p.m. and 6 a.m. and protects children from exploitation in the workplace. A presidential decree bans child labor in all sectors and specified that children are not permitted to participate in the cotton harvest.

The MOJ and the Prosecutor General's Office effectively enforced the section of the labor code prohibiting child labor.

d. Acceptable Conditions of Work

The minimum monthly wage for all sectors is 500 manat (\$175). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that overtime or holiday pay should be double the regular wage. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days. The law prohibits pregnant women, women that have children up to age three, women with disabled children under age 16, and single parents with two or more children from working overtime.

The law provides state employees with a minimum of 30 days of paid annual leave, 45 days for teachers at all types of educational institutions, and 55 days for professors. The law permits newlyweds and their parents 10 days of paid leave for the preparation of weddings. Workers also receive 10 days of paid leave to carry out funeral rites and commemoration ceremonies in the event of a death of a close relative. Upon reaching age 62, citizens are entitled to an additional three days of paid leave.

The government did not set comprehensive standards for occupational health and safety. There is no state labor inspectorate. There were, however, 14 labor inspectors employed by state trade unions who have the right to issue improvement notices to government industries. According to the law, trade union inspectors cannot levy fines.

In practice the government required its workers and many private sector employees to work 10 hours a day or a sixth day without compensation. Reports indicated that many public sector employees worked at least a half-day on Saturdays. Laws governing overtime and holiday pay were not effectively enforced.

Construction workers and industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards related to the application of defoliants in preparing cotton fields for mechanical harvesting. Workers did not have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment. Work-related injury statistics were not available.