

# TURKMENISTAN 2013 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 the Democratic Party.

Berdimuhamedov remained president following a February 2012 election that the Organization for Security and Cooperation in Europe's (OSCE) Office of Democratic Institutions and Human Rights determined involved limited choice between competing political alternatives. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

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.

#### **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. On January 24, law enforcement officials in Dashoguz raided the family home of Navruz Nasyrlaev, a Jehovah's Witness imprisoned for conscientious objection to compulsory military service. The officials reportedly used excessive physical force against individuals detained in the raid.

According to findings in Amnesty International's July report, methods of torture employed by security officials included the administration of "electric shocks, asphyxiation, rape, forcibly administering psychotropic drugs, deprivation of food and drink, and exposure to extreme cold."

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. The prevalence of hazing reportedly continued to decrease. 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 2012 the government partially fulfilled the 2011 recommendations of the UN Committee against Torture (UNCAT) 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 minimum security camp LBK-12 in Lebap Province, were located in areas where inmates experienced extremely harsh climate conditions, with excessive heat in summer and frigid temperatures in 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 UNCAT by Turkmenistan's Independent Lawyers Association (TILA) and the Turkmen Initiative for Human Rights, the total prison capacity in the penal colonies and prisons was 8,100 inmates. According to this report, however, the inmate population totaled as many as 26,720 persons in 2009, the most recent total available. This figure did not include detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational therapy rehabilitation centers, and the military penal battalion. Detainees in pretrial detention facilities were predominantly individuals who had been sentenced but not transferred to penal colonies. The six pretrial detention facilities were 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 to 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 prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food supplies. Some family members and inmates stated that prison officials occasionally confiscated these food parcels. The availability of potable water could not be confirmed.

Administration: According to relatives, prison authorities denied supplies to some prisoners and also often denied family members access to prisoners. The government allowed foreign diplomats to access prisoners held on criminal charges who were nationals of their countries. The government did not provide information on prison recordkeeping, whether prisoners were permitted religious observance, or on 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 whether a prison ombudsman existed.

Independent 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. In 2012 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: In December the government opened a new 850-person correctional facility for females in Dashoguz, which includes a medical clinic, maternity ward, recreational facilities, and centralized heating and cooling systems. In August the government amended its criminal code to allow prisoners who work to receive government benefits, extra rations, and state pensions. The government moved closer to fully implementing the national action strategy to reform the juvenile justice system, adopted in 2012, which 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 July, however, the government allowed the OSCE Ashgabat Center to present article-by-article commentary on the criminal procedure code to representatives of the Prosecutor General's Office and parliament. In September law enforcement officials participated in a week-long OSCE course on international human rights standards in criminal proceedings and investigations.

### **Arrest Procedures and Treatment of Detainees**

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 and issue a formal indictment within 10 days of detention, they must release the detainee; however, authorities did not comply with this requirement. If they find evidence, an 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. Former Minister of Culture Geldimurat Nurmammedov, however, who was detained at a Tejen drug rehabilitation center for nine months, was only informed of the charges against him upon his release in July.

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 detainees may not have had prompt or regular access to legal counsel due to a lack of awareness of the law, security forces violating the law, and because seeking formal legal counsel is not a cultural norm. 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.

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. 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. During the first half of the year, there was at least one report of the government filing a conspiracy charge.

There were reports of arbitrary arrests and detentions. Authorities frequently singled out human rights activists, members of religious groups, ethnic minorities, and dissidents, as well as members of nongovernmental organizations (NGOs) that interacted with foreigners. On May 6, according to Radio Free Europe/ Radio Liberty, law enforcement authorities detained its correspondent, Rovshen Yazmuhamedov, without providing an explanation for the detention. Security forces allegedly interrogated Yazmuhamedov several times in the past, and authorities installed surveillance cameras around his home. On May 22, authorities released him after two weeks in custody.

In February the government paroled Sapardurdy Hajiev and Annakurban Amanklychev seven months before their scheduled release date. They were sentenced in 2006 on trumped-up weapons charges in retaliation for their help on a documentary film critical of the country.

In July the government released former minister of culture Geldimyrat Nurmuhammedov. MNB officers detained him in October 2012 without providing his family with an explanation for the arrest, and he had been under heavy surveillance since making remarks critical of the government in 2011.

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. Consistent with last year's trend, 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. Forced confessions also played a part in the reduction of time in pretrial detention.

Amnesty: On February 18, the government pardoned an unknown number of prisoners in honor of Flag Day. Another 926 prisoners received amnesty in connection with the May 18 Constitution Day holiday. In August the government

pardoned 1,166 prisoners in advance of the Night of Omnipotence holiday. President Berdimuhamedov granted amnesty to 1,002 prisoners in October in connection with the Independence Day holiday. An additional 630 prisoners received amnesty in December on the occasion of the Neutrality Day holiday. Prisoners convicted on drug or weapons charges are not eligible for amnesty. There are no restrictions, however, on who can be pardoned, as amnesties and pardons are considered separate categories.

#### **e. Denial of Fair Public Trial**

Although the law provides for an independent judiciary, the judiciary was subordinate to the executive. There was no legislative review of the president's judicial appointments and dismissals. 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; however, 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. Russian-speaking defendants were not offered a court interpreter to assist with the Turkmen-language proceedings.

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 there was a need to translate defendants' testimony 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 government asserted that it did not hold any political prisoners, although opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of these individuals, which included persons allegedly involved in the 2002 attack on former president Niyazov, remained unknown. Those convicted of treason face life imprisonment and are ineligible for amnesty but may receive reductions of sentence from the president.

### **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 serve 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 used the judiciary to impose 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 private homes at an increased rate from 2012 as part of an urban renewal program without adequately compensating the owners. The government created an interagency commission in 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. Authorities forcibly searched the homes of several



minority religious adherents and others 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.

Individuals 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.

Freedom of Speech: The law requires political parties to allow representatives of the Central Election Committee and Ministry of Justice to monitor their meetings. The government also warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Press Freedoms: The government financed and controlled the publication of books and almost all other print media. A weekly newspaper, *Rysgal*, continued to operate, although its stories were largely reprints from 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 Turkmenistani 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 after the president fell off his mount during an April horse race. Security services reportedly demanded that footage of the event be immediately deleted from the cameras of journalists and other individuals attending the event. Security services also reportedly searched the electronic equipment of departing journalists and visitors at Ashgabat International Airport in an additional attempt to erase footage of the fall. 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 register 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.

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 seven correspondents in the country, at least six 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 freedom of movement when they attempted to report from the country.

### **Actions to Expand Press Freedom**

In January the president signed the Law on the Mass Media, which prohibits censorship and provides for the freedom to gather and disseminate information. The government allowed the OSCE Center in Ashgabat to assist with the drafting of the law; however, the law has not been fully implemented.

### **Internet Freedom**

According to the International Telecommunication Union, approximately 5 percent of the population used the internet. The percentage of the population that accesses the internet via cell phones was significantly higher, although official estimates were not available.

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 websites it considered sensitive, including YouTube and Facebook.

### **Academic Freedom and Cultural Events**

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

All secondary school textbooks were revised to remove text devoted to former president Niyazov and his family, and a picture of Berdimuhamedov now appears 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. The revised school curriculum implemented in September no longer includes study of the Ruhnama, former president Niyazov's missive on the cultural heritage of the Turkmen people, although the subject remains a part of university entrance exams.

The government strictly controlled the production of plays and performances in state theaters, and these were severely limited. Authorities also strictly controlled film screenings and limited viewings to approved films dubbed or subtitled in Turkmen, unless 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. During the year authorities neither granted the required permits for public meetings and demonstrations nor allowed unregistered organizations to hold demonstrations. In June law enforcement officials dispersed a summer camp for children in Mary, even though authorities had been appropriately notified about the event.

### **Freedom of Association**

Although the constitution and law provide for freedom of association, the government restricted this right. The law requires all NGOs to register with the Ministry of Justice and all foreign assistance to be coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property.

Of the estimated 106 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 were repeatedly 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. These included requirements that founders of associations be citizens and that associations operating nationally have at least 500 members to register. Other barriers included regulations that permitted the Ministry of Justice 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/](http://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 wishing to travel to border areas.

Despite legal prohibitions against recognizing dual citizenship, a law adopted in June permits the issuance of Turkmenistani passports to Turkmenistani-Russian citizens who will not be forced to renounce their Russian citizenship so long as they obtained it before 2003. Implementation of the law was inconsistent.

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.

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 Commissioner for Refugees (UNHCR) for making refugee status determinations. While formally there is a system for granting refugee status, it was inactive. The government had not developed support services for individuals awaiting 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 46 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. In January the UNHCR estimated there were 8,947 stateless individuals and persons with indeterminate nationality, although this number was not confirmed by the government. 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. The government, however, did cooperate with the UNHCR and granted citizenship to 609 stateless persons in October.

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. 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 2012; however, conditions were not appropriate for the OSCE to deploy an observation mission. The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) 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 (CIS), which Turkmenistan 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 May the government enacted a new electoral code, which governs the activities of the Central Election Committee, defines the rights of voters, and establishes election procedures.

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

The government held national parliamentary elections December 15, and for the first time a second political party, the Party of Industrialists and Entrepreneurs, competed for seats on a national scale. Turkmenistan formally invited the OSCE to send observers for the elections. While ODIHR's August 2013 Needs Assessment Mission Report did not recommend the deployment of an election monitoring mission, ODIHR did send a 15-member Election Assessment Mission to further review the new legal and administrative framework for elections. The OSCE Parliamentary Assembly also sent a 12-member election assessment team with eight European parliamentarians, while the CIS sent 68 observers from nine countries.

Political 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 and implemented some changes to its criminal code.

State media covered the activities of President Berdimuhamedov, the Democratic Party, the Party of Industrialists and Entrepreneurs, and trade and professional unions.

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, created in August 2012 following a presidential speech stating that such a party should be created. The government did not officially 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, including the speaker of parliament. Women also served in other prominent government positions, including as deputy chairperson of parliament, vice premier of the cabinet of ministers for culture, television broadcasting, and the press; minister of education; minister of culture; director of the state archives; and director of the National Institute for Democracy and Human Rights.

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.

Corruption: The president reprimanded and dismissed a number of ministers and government officials from their positions over allegations of corruption. On August 31, authorities fired the Ashgabat prosecutor general for soliciting bribes and using his official position for personal gain. On September 20, authorities fired the chairmen of the state agencies of cotton, wheat, and the main tax service for using public office for private gain, bribery, and nepotism. 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.

Whistleblower Protection: The law does not provide specific protections to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: 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. Local auditors, not internationally recognized firms, often conducted financial audits.

Public Access to Information: Although the January Law on the Mass Media allows for public access to government information if requested through accredited mass media sources, the government did not provide such 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 to conduct workshops on human rights in criminal proceedings, prisoners' rights, women's rights, and media freedom during the year. The government collaborated with the UN Development Program (UNDP) throughout the year on the country's Universal Periodic Review (UPR) process before the UN Human Rights Council in Geneva, permitted the UNDP to hold roundtable discussions with representatives from the National Institute for Democracy and Human Rights, and accepted 167 of the 185 UPR recommendations in September. 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 National 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 of the 600 citizens' petitions the institute received during the year through its complaints committee. The Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law meets biannually to coordinate the implementation of a limited number of recommendations from international human rights bodies. 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 depending 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.

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 UNDP 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. In April 2012 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 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.

Modern contraception was widely available to men and women, and women in most areas had access to maternity clinics that provided prenatal and postpartum care. Women in rural areas, however, had less access to contraception and maternity clinics. According to the UN Population Fund's (UNFPA) 2013 State of World Population Report, 62 percent of women used some form of modern contraceptives. Due to cultural attitudes, many married women opposed the use of family-planning methods; however, according to UNFPA, there was a 13-percent unmet need for women who wanted but did not have access to family planning.

Discrimination: Women have equal rights under family law and property law and in the judicial system. The parliamentary 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 with 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 childcare 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. No special government office 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**

In September the government enacted the Law on State Youth Policy. The law, which defines youth as those between the ages of 14-30, enunciated 15 main goals, including: the creation of conditions for the full participation of young people in the social, economic, political, and cultural life of the state and society; the provision of conditions for the comprehensive education of youth; and the observance of the rights and freedoms of young people.

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

UNICEF reported in its 2013 State of the World's Children report that 96 percent of children had their births registered in 2011, the latest year that data were available.

Education: Education was free, compulsory, and universal through the 12th grade, in contrast to the 10th grade in previous years. 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.

Forced and Early Marriage: The minimum age of marriage is 18. According to the most recent data available (provided in a 2012 UNFPA report), 7.3 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: The country 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](http://travel.state.gov/abduction/country/country_5860.html).

### **Anti-Semitism**

There were an estimated 400 Jews, mainly in Ashgabat, but there was 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/](http://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, and the provision of other state services in other areas. Despite the law, 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. Although the law requires universities to provide specialized entrance exams to disabled applicants, students with disabilities experienced difficulties in gaining admission 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. The ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities. The law provides for the right to vote for all, including for 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 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. 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. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. Society does not accept transgender individuals, and the government provides no legal protection or recognition of their gender identity.

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, but there was one reported case of violence directed at an advocate of LGBT rights. No information was available regarding discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. As same-sex sexual activity and nonconforming gender identity were taboo subjects in the country's traditional society, social stigma likely prevented reporting of incidents.

### **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 provides the right for 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. 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 was one report of a labor strike during the year over working conditions provided by a foreign company working under a government contract.

#### **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. The government did not use the law to prevent and eliminate forced labor during the year. Construction workers in the informal sector were vulnerable to forced labor, and there were some reports of adult forced labor in the cotton industry.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://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. A 15-year-old, however, may work four to six hours per day, up to 24 hours per week, 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, or 36 hours per week. 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 specifies that children are not permitted to participate in the cotton harvest. There were reports that some children picked cotton to earn extra money or in place of a parent, but there were no confirmed reports of forced child labor in the cotton industry.

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

#### **d. Acceptable Conditions of Work**

In July 2012 the World Bank elevated the country from a "lower middle income" country to an "upper middle income" country to reflect the country's recent robust

economic growth. The minimum monthly wage for all sectors is 440 manat (\$155). 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.

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. By presidential decree, wages increased in January by 10 percent. In July the government reformed the labor code to provide benefits including bonus pay, reduced work hours, additional leave time, and eligibility for early retirement for work deemed hazardous. In September school teachers received an additional 10 percent wage increase.

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. Statistics regarding work-related injuries and fatalities were not available.