

TURKMENISTAN 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Turkmenistan is a secular democracy constitutionally, although President Gurbanguly Berdimuhamedov is an authoritarian figure who effectively controls the country along with a small inner circle. Berdimuhamedov became president in 2006 and remained president following the 2017 presidential election. The Organization for Security and Cooperation in Europe's (OSCE) Office of Democratic Institutions and Human Rights (ODIHR) determined that the election involved limited choice between competing political alternatives and found "serious irregularities." On March 31, interim parliamentary elections took place in the capital Ashgabat and Mary Province to elect two members of the Mejlis (parliament).

The national police and the Ministry of National Security maintain internal security. The military and border security forces are responsible for external security. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: reports of torture by police and prison officials; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; severe restrictions on free expression, the press, and the internet, including threats of violence and threats of unjustified arrests or prosecutions against journalists; censorship and site blocking; interference with the freedoms of peaceful assembly and freedom of association; severe restrictions of religious freedom; substantial restrictions on freedom of movement; restrictions on political participation; widespread corruption; trafficking in persons; and the existence of laws criminalizing consensual same-sex sexual activity between men.

Officials in the security services and elsewhere in the government were known to act with impunity, although numerous officials were arrested and imprisoned on charges of corruption. 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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

Opposition media and nongovernmental organizations (NGOs) made no reports that the government or its agents committed arbitrary or unlawful killings during the year nor were there reports of killings by narcotics traffickers or similar criminal groups. In August 2018, however, the UN Human Rights Committee made public its conclusion that the government was responsible for the 2006 torture and death of journalist and human rights activist Olgusapar Muradova.

There was a report of the hazing of military conscripts that resulted in five deaths. The law requires the government to protect the health and lives of members of the armed forces. On September 17, *Chronicles of Turkmenistan* reported five conscripts from Mary Province died in September in Lebap Province. Drafted in June, the conscripts allegedly died from bullying and hazing. On September 1, a conscript reportedly died in another military unit in Lebap Province. *Chronicles of Turkmenistan* also reported on the death of fourth-year student of the Military Institute Rovshan Bagbekov.

b. Disappearance

Opposition media and NGOs did not report politically motivated disappearances during the year.

An NGO-led advocacy campaign named Prove They Are Alive! maintained a list of alleged disappeared prisoners. The 2019 list included the names of 121 prisoners, the same number as last year, including two releases and two new names from 2018, although the NGO estimated the actual number to be in the hundreds. The list included former ministers of foreign affairs Boris Shikhmuradov and Batyr Berdyev, former director of the Turkmenbashi oil refinery Guychmyrad Esenov, and many others accused of participation in an alleged 2002 assassination attempt on previous president Saparmurat Niyazov.

The NGO's updated report includes the names of Kemal Saparov and Kakajan Hakbayev who were imprisoned in 2018 after they returned from summer holidays in St. Petersburg. The report also includes Sultan Bebitov who was imprisoned in 2013. Ilham Bektemirov was removed from the list because he was released in December 2018. Seyran Mamedov was also released in May. Prove They Are Alive! also removed Gulgeldi Annaniyazov from the list because he was reportedly transferred to a lower-security facility.

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

Although the constitution and law prohibit mistreatment, in its January 2017 report the UN Committee against Torture noted its concern at “consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pretrial detention, mainly in order to extract confessions.” Activists and former prisoners related mistreatment, such as beating kidneys with plastic bottles full of water so bruises don’t show on the body and a practice known as *sklonka* in which prisoners are forced to stay in the open sun or cold for hours at a time. In its 2017-18 annual report, Amnesty International stated, “torture and other ill-treatment was committed in pretrial detention and prisons, sometimes resulting in death.”

Prison and Detention Center Conditions

Prison conditions reportedly remained unsanitary, overcrowded, and in some cases life threatening due to harsh treatment and inadequate medical care.

Physical Conditions: Official data on the average sentence or numbers of prisoners, including incarcerated juveniles, were not available. Persons in pretrial detention facilities were predominantly those sentenced but not yet transferred to penal colonies. The six pretrial detention facilities reportedly were designed for 1,120 persons but were believed to hold many times that number.

Opposition website *Turkmen.news* published a series of reports on prison conditions based on interviews with released prisoners from AH-K/6 colony in Tejen, Ahal Province. The report quotes one former prisoner as saying guards rarely beat prisoners, although beatings in pretrial detention were common and severe. Corruption among prison officials continued to be pervasive with guards providing preferential treatment if they receive bribes. One of the released prisoners stated food quality was improving and that there was access to medical treatment and employment. During the year there was one reported case of suicide in prison. Approximately 100 former government officials renovated their cells by employing other prisoners. One released prisoner stated, “There is no physical violence, or it is extremely rare, but in each case, there will be thorough checks.”

Media reported on the alleged deaths of political prisoners due to prison conditions or insufficient medical care in prison. Authorities imprisoned two individuals for alleged ties to the Gulen Movement. Although they were reportedly in good health

at the time of their arrest, both later died: Akmyrat Soyunov apparently in October 2018 and Eziz Hudayberdiyev in June. Radio Free Europe/Radio Liberty (RFE/RL) and other media outlets also reported that another such prisoner, Alisher Muhametgulyev, was suffering from acute abdominal pain in Ovadandepo Prison.

The Human Rights Ombudsperson's report for 2018 stated there were 68 juvenile prisoners at Bayramaly Juvenile Detention Center. Reportedly, Dashoguz female colony held 2,364 prisoners in 2018, including one minor and 20 women with disabilities.

Administration: Authorities claimed they investigated mistreatment; however, the government did not provide written reports of its investigations to the diplomatic community. The government did not confirm whether it established a prison ombudsman.

According to relatives, prison authorities sometimes denied family members access to prisoners; denied family members permission to give food, medical, and other supplies to some prisoners; and did not make religious facilities available to all prisoners.

Independent Monitoring: There was no independent monitoring of the prisons. In November 2018 government officials escorted members of the diplomatic corps on a controlled visit to Tejen (AH-K/6) prison in Ahal Province.

Improvements: The progovernment website *Turkmenportal.com* reported July 28 on the decree by the minister of industry and communication Tahyrberdi Durhanov that allows convicts to use telephones. The decree dated May 10 allows convicts to make calls from city, intercity, and cell phones within the country for 0.10 manats (two cents) per minute.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both remained serious problems. Persons arrested or detained are not entitled to challenge the legal basis or arbitrary nature of their detention while detained.

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 always comply with this requirement. If evidence is found, an investigation may last as long as two months. A provincial or national-level prosecutor may extend the investigation 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 transfers the case to the court. Courts generally follow these procedures, and the prosecutor promptly informs detainees of the charges against them.

The criminal procedure code provides for a bail system and surety, but authorities did not implement these provisions. The law entitles detainees to immediate access to an attorney of their choice after a formal accusation, although detainees for various reasons may not have prompt or regular access to legal counsel. For example, detainees may have been unaware of the law, security forces may have ignored the entitlement to counsel, or the practice of seeking formal counsel was not a cultural norm. Authorities denied some detainees family visitation 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. Persons convicted of treason faced life imprisonment and were ineligible for pardoning. 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.

There were reports of arbitrary arrests and detentions. Authorities frequently singled out human rights activists, journalists, members of religious groups, ethnic minorities, and dissidents, as well as members of NGOs who interacted with foreigners.

Pretrial Detention: In most cases the law permits detention of no more than two months, but in exceptional cases it may be extended to one year with approval of the prosecutor general. For minor crimes a much shorter investigation period applies. Authorities rarely exceeded legal limits for pretrial detention. Forced confessions also played a part in the reduction of time in pretrial detention. Accused persons are entitled to challenge the court but were unlikely to do so.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained are not entitled to challenge the legal basis or arbitrary nature of their detention while detained or obtain prompt release if unlawfully detained. Persons arrested or detained unlawfully may seek reimbursement for damages following release. Law enforcement authorities found guilty of unlawful detention or arrest may be punished by demotion or suspension for five years, correctional labor service for up to two years, or imprisonment for up to eight years.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive controls it, and it is 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; the right to attend the trial; access to accusatory material; the right to call witnesses; the right to a defense attorney, including a court-appointed lawyer if the defendant cannot afford one; and the right to represent oneself in court. Authorities, however, often denied these rights. Defendants frequently did not enjoy a presumption of innocence. The government permits the public to attend most trials, but it closed some, especially those 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. Courts did not offer interpreters to defendants who did not speak Turkmen.

Even when 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.

Political Prisoners and Detainees

Opposition groups and some international organizations stated the government held political prisoners and detainees.

The precise number of political prisoners remained unknown. Sources placed the number between 100 and 200.

Those convicted of treason faced life imprisonment and were ineligible for pardoning, although they could receive reductions of sentence from the president. The government continued to assert that none of these persons was a political prisoner. Humanitarian and human rights organizations were not permitted to visit political prisoners.

In February 2018 authorities reportedly arrested Omruzak Omarkulyev, a Turkmen university student studying abroad in Turkey. Omarkulyev had created an informal Turkmen students' club at his university in Turkey. In March 2018 Omarkulyev went missing after migration authorities allegedly banned him from returning to Turkey for his studies. RFE/RL and the Turkmen Initiative for Human Rights, an exile group, reported that Omarkulyev was sentenced to 20 years in prison on unknown charges and was being held at the maximum-security prison in Ovadandep. In September RFE/RL reported on a video in which Omarkulyev appeared although he did not speak in the video. The video claimed authorities had not arrested Omarkulyev and, instead, he was serving his mandatory two-year military service. The video was Omarkulyev's first appearance since he disappeared in March 2018. Prove They Are Alive! included him in its 2019 report.

Prove They are Alive! reported on May 10 that political prisoner Gulgeldi Annaniyazov received five additional years of imprisonment. Annaniyazov was sentenced to 11 years in prison in 2008. According to reports, under the new sentence, Annaniyazov was transferred to a penal colony, a lower-security facility, in the first half of March. That same month Annaniyazov's family reportedly visited him and delivered clothes and food to him. The family has reportedly been able to communicate with him over the phone since August.

Amnesty: Although the president granted pardons to several hundred people with criminal convictions, he did not pardon any political prisoners.

Politically Motivated Reprisal Against Individuals Located Outside the Country

Opposition website, Chronicles of Turkmenistan, reported in October that Turkish authorities briefly detained Kakamyrat Hydyrov, an exiled opposition member, and three other Turkmen citizens during a meeting in a hotel in Istanbul. According to the report, the group had tried to meet in another hotel, but their reservation for a meeting was cancelled at the last minute. The Turkmen Embassy had reportedly requested Turkmen officials to detain the group. Hydyrov has reportedly been barred from leaving Turkey and was unable to return to the United Kingdom where he resides.

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 it had interests regarding an individual citizen, the state used the judiciary to impose court orders. Persons and organizations may appeal adverse decisions to regional human rights bodies, but local courts were unlikely to reverse decisions despite successful appeals.

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

The constitution and law prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence, but authorities frequently did not respect these prohibitions. Authorities reportedly searched private homes without judicial or other appropriate 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 with loss of employment 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.

Persons harassed, detained, or arrested by authorities 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 Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but the government did not respect this right.

Freedom of Expression: The law characterizes any opposition to the government as treason. Citizens publicly criticizing the government or the regime face intimidation and possible arrest. The law requires political parties to allow representatives of the Central Election Committee and Ministry of Justice to monitor their meetings. The government warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Press and Media, Including Online Media: The government financed and controlled the publication of books and almost all other print media and online newspapers and journals. The quasi-independent 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 maintained restrictions on the importation of foreign newspapers except for the private, but government-sanctioned, Turkish newspaper *Zaman Turkmenistan*, which reflected the views of the official state newspapers, and *Atavatan-Turkmenistan*, a Turkish journal.

The government controlled radio and domestic television, but satellite dishes providing access to foreign television programming were widespread throughout the country. Channels including BBC World News and the Turkmen language version of RFE/RL were widely available through satellite dishes. Citizens also received international radio programs through satellite access.

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of nonpolitical periodicals appeared occasionally in the bazaars. The government maintained a subscription service to Russian-language outlets for government workers, although these publications were not available for public use.

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 it could monitor their activities.

Chronicles of Turkmenistan reported July 29, and credible sources confirmed, that former RFE/RL journalist Soltan Achilova was still banned from traveling abroad. In July she received a letter from the State Migration Service dated July 16 and signed by the deputy chairman of the state migration service that confirmed her travel ban was official and not lifted. Her daughter was also banned from foreign travel. The government reported, as of September 1, that the Ministry of Foreign Affairs has accredited 23 foreign journalists.

Violence and Harassment: The government subjected journalists critical of its official policy to surveillance and harassment. There were reports law enforcement officials harassed and monitored citizen journalists who worked for foreign media outlets, including by monitoring their telephone conversations and restricting their travel abroad.

Censorship or Content Restrictions: The law prohibits censorship and provides for freedom to gather and disseminate information, but authorities did not implement the law. The government continued to censor newspapers and prohibit reporting of opposition political views or any criticism of the president. Domestic journalists and foreign news correspondents often engaged in self-censorship due to fear of government reprisal.

To regulate domestic printing and copying activities, the government required all publishers, printers, 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

must approve the importation, publishing, and dissemination of religious literature. Importation of the Quran and the Bible is prohibited.

Internet Freedom

The government continued to monitor citizens' email and internet activity. Reports indicated the Ministry of National Security controlled the main internet 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 computer cameras and microphones, and log keystrokes. The authorities blocked access to websites they considered sensitive, including YouTube, Twitter, and Facebook, as well as to some virtual private network (VPN) connections, including those of diplomatic missions and international businesses; it severely restricted internet access to other websites. VPNs, however, were widely used by the general population, with users often having to switch to new VPNs after a VPN was blocked. Qurium Media Foundation reported that authorities blocked 133 of the most popular worldwide websites.

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 Ministry of Culture censored and monitored all public exhibitions, including music, art, and cultural events. 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 and Russian, unless sponsored by a foreign embassy.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful 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. Unregistered religious groups were not

allowed to meet, according to the country's religion law. Groups that defied the law and attempted to meet in private homes faced intimidation and scrutiny from security forces.

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. The law requires all religious groups to register with the Ministry of Justice and sets out a schedule of fines for religious activity conducted by unregistered groups.

The government reported that, as of August 23, 122 NGOs were registered in the country, including four international NGOs. Of the registered NGOs, international organizations recognized only a few as independent. NGOs reported the government presented a number of administrative obstacles to NGOs that attempted to register. Authorities rejected some applications repeatedly 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. Although the law states there is a process for registering foreign assistance, NGOs had difficulty registering bilateral foreign assistance in practice due to the 2013 decree requiring such registration.

Sources noted a number of barriers to the formation and functioning of civil society. These 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

In-country Movement: The law requires internal passports and residency permits. Persons residing or working without residency permits face forcible removal to their place of registration. A requirement for a border permit remained in effect for all foreigners wishing to travel to border areas.

Beginning in February police began a campaign of harassment of female drivers. On numerous occasions police confiscated women's licenses and cars for ostensibly minor reasons, such as lacking an item in the legally required first-aid kit.

Foreign Travel: The government continued to bar certain citizens from departing under its Law on Migration. The law states that Turkmen citizens may be denied exit from the country "if their exit contravenes the interests of the national security of Turkmenistan."

Prove They Are Alive! reported that any of the country's law enforcement bodies can initiate a travel ban on a citizen and that travelers in various categories may be denied departure, including young men obliged to military service; persons facing criminal and civil charges or under probationary sentence; relatives of persons reportedly convicted and imprisoned for the 2002 alleged assassination/coup attempt; as well as journalists, civil society activists, and their family members. The group estimated that 20,000 individuals were subject to a travel ban based on political grounds.

Unless the program was specifically approved in advance by the Ministry of Foreign Affairs, the government routinely prevented citizens from travelling abroad for programs sponsored by foreign governments. Migration officials often stopped nonapproved travelers at the airport and prevented them from leaving.

The law provides for restrictions on travel by citizens who had access to state secrets, presented falsified personal information, committed a serious crime, were under surveillance, might become victims of trafficking, previously violated the law of the destination country, or whose travel contradicts the interests of national security. In some cases, the law provides for time limits on the travel ban as well as fines for its infraction. Former public-sector employees who had access to state secrets were 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.

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

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: While formally there is a system for granting refugee status, it was inactive. In 2009 the government assumed responsibility from the UN High Commission for Refugees (UNHCR) for making refugee status determinations, but it has not granted refugee status since. UNHCR had observer status at government-run refugee-status determination hearings. No new asylum seekers have officially registered in the country since 2005. UNHCR reported that as of October 2017, 22 UNHCR mandate refugees resided in the country. Each of these had been individually recognized under UNHCR's mandate between 1998 and 2002. Mandate refugees are required to renew UNHCR certificates with the government annually.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

g. Stateless Persons

The country had a significant population of former Soviet Union citizens who became stateless due to the breakup of the Soviet Union. UNHCR's last calculation in 2015 estimated there were 7,111 stateless persons or persons of undetermined nationality in the country. The number of stateless persons who were also refugees was not available. Citizenship is derived primarily from one's parents. The requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons. According to UNHCR, however, in the past 10 years, the government granted citizenship to an estimated 18,000 stateless persons. In September President Berdimuhamedov signed a decree granting citizenship to 863 stateless persons.

The law allows stateless persons to reside in the country legally and travel internationally with government-issued identification and travel documents.

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

Section 3. Freedom to Participate in the Political Process

Despite a constitutional provision giving citizens the ability to choose their government in periodic elections based on universal and equal suffrage, there have been no free and fair elections in the country. There was no bona fide political opposition to the president, and alternative candidates came from derivative party structures, such as the state-controlled Union of Industrialists and Entrepreneurs, or were members of individual initiative groups. Elections were conducted by secret ballot. According to the OSCE, the election law does not meet OSCE standards.

Elections and Political Participation

Recent Elections: In the 2017 presidential election, President Gurbanguly Berdimuhamedov won 97.69 percent of the vote. The government invited an OSCE/ODIHR Election Assessment Mission (EAM) team, the Commonwealth of Independent States Executive Committee, the Shanghai Cooperation Organization, and the Organization of Islamic Cooperation to observe the election. According to the OSCE/ODIHR EAM, “The presidential election took place in a strictly controlled political environment. The predominant position of the incumbent and the lack of genuine opposition and meaningful pluralism limited voters’ choice. The lack of clear regulations for key aspects of the process had a negative impact on the administration of the election, especially at lower levels.”

On March 31, interim parliamentary elections took place in Ashgabat and Mary Province to elect two members of the Mejlis (parliament). Local populations also voted for three members of the provincial People’s Council, 14 members of district and town level of People’s Council, and 100 members of local municipality (*Gengesh*) councils.

Political Parties and Political Participation: The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign, since it grants the Ministry of Justice broad powers over the registration process and the authority to monitor party meetings. The law prohibits political parties based on religion, region, or profession as well as parties that “offend moral norms.” The law does not explain how a party may appeal its closure by the government. The law permits public associations and organizations to put forth candidates for elected office. State media covered the activities of President

Berdimuhamedov, the Democratic Party, the Party of Industrialists and Entrepreneurs, the Agrarian Party, and trade and professional unions.

Neither organized opposition nor independent political groups operated in the country. The three registered political parties were the ruling Democratic Party (the former Communist Party), the Party of Industrialists and Entrepreneurs, and the Agrarian Party. The government did not officially prohibit membership in other political organizations, but there were no reports of persons who claimed membership in political organizations other than these three parties and a smattering of representatives of individual initiative groups. Authorities did not allow opposition movements based abroad--including the Republican Party of Turkmenistan--to operate within the country.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate, although in practice their representation and influence were limited. Although women served in prominent government positions, including as speaker of parliament, only one woman served in the 12-member Cabinet of Ministers (as the deputy chairwoman for culture, television, and press). The government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied some senior government positions. Members of the president's Ahal-Teke tribe, the largest in the country, 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 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, low government salaries that in the latter half of the year were paid as much as three months behind schedule, a lack of fiscal transparency and accountability, the absence of published macroeconomic data, and the fear of government retaliation against citizens who choose to highlight corrupt acts. According to Freedom House and the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem.

There are no independent institutions tasked with combating corruption. Crackdowns on corruption are typically selective and related to conflicts within the ruling elite. Anticorruption bodies have also allegedly been used to extort revenue from wealthy officials and businessmen.

Checks on nepotism and conflicts of interest are also lacking; the president's son, Serdar Berdimuhamedov, was re-elected as a deputy to the Mejlis in 2018 and was appointed governor of Ahal Province in June.

Corruption: On October 1, President Berdimuhamedov fired the minister of internal affairs Isgender Mulikov for corruption and bribery activities within his subordinate agencies, including the national police. The president stated he had previously reprimanded him 12 times for such activities.

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.

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

There were no domestic NGOs that work exclusively on human rights, although some NGOs worked on related social issues, due to the government's refusal to register such organizations and restrictions that made activity by unregistered organizations illegal. The government continued to monitor the activities of nonpolitical social and cultural organizations.

The United Nations or Other International Bodies: There were no international human rights NGOs with a permanent presence in the country, although the government permitted international organizations, such as the OSCE, to have a resident mission. The government permitted the OSCE to conduct workshops and study tours on prisoners' rights, women's rights, religious freedom, and media freedom. During the year the OSCE conducted trainings on terrorism prevention, media, security issues, energy, money laundering, and human trafficking. The government collaborated with the International Organization for Migration and UNHCR, which no longer had a resident mission, on migration and statelessness issues. 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 the government discouraged citizens from contacting other international organizations.

The UN Working Group on Enforced or Involuntary Disappearances requested an invitation to visit the country in 2016. The working group again requested an invitation in January but still had not received a response by September.

Government Human Rights Bodies: In July 2018 the government-run National Institute for Democracy and Human Rights changed its name to the Institute of State, Law, and Democracy. It is not an independent body, and its ability to obtain redress for citizens was limited. The institute, established in 1996, has a mandate to support democratization. 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. The parliamentary Committee on the Protection of Human Rights and Liberties oversees human rights-related legislation, and during the year it worked with the UN Development Program to draft the country's *National Action Plan for Human Rights*.

In 2017 parliament confirmed Yazdursun Gurbannazarova's nomination as the first human rights ombudsman, and she assumed her duties. By law the ombudsman must be nominated by the president and confirmed by parliament. The law empowers the ombudsman to receive and review human rights violations reported by citizens and confirm or deny the violation and advise the complainant regarding legal redress. The ombudsman is obliged to submit an annual human rights report to the president and parliament, which shall be published and distributed via local media. The ombudsman enjoys legal immunity and cannot be prosecuted, arrested, or detained for official acts while in office. In 2018 the Ombudsperson's Office recorded a total of 985 appeals.

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

Women

Rape and Domestic Violence: The law criminalizes rape, and penalties range from three to 10 years in prison. Rape of a victim younger than age 14 is punishable by 10 to 25 years in prison. 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, through provisions in the criminal code that address intentional infliction of injury. Penalties range from fines to 15 years in prison, based on the extent of the injury, although enforcement of the law varied. Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent because they were unaware of their rights or feared increased violence from husbands and relatives.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: By law women have 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, and the law was not consistently enforced. The government restricted women from working in some dangerous and environmentally unsafe jobs. Beginning in February police began a campaign of harassment of female drivers. On numerous occasions police confiscated women's licenses and cars for ostensible minor reasons, such as lacking an item in the legally required first-aid kit. The government did not acknowledge, address, or report on discrimination against women.

Children

Birth Registration: By law a child derives citizenship from his or her parents. A child born to stateless persons possessing permanent resident status in the country is also a citizen.

Education: Education was free, compulsory, and universal through grades 10 or 11, depending on what year a child started school.

Early and Forced Marriage: The legal minimum age for marriage is 18.

Sexual Exploitation of Children: The legal age of consent is 16. The law forbids the production of pornographic materials or objects for distribution, as well as the

advertisement or trade in text, movies or videos, graphics, or other objects of a pornographic nature, including those involving children.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There is no organized Jewish community in the country. In 2016 it was estimated that 200 to 250 Jews resided in the country. There were no reports of anti-Semitic activity.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 state services in other areas. But practical application, such as the accessibility of both public and private buildings, varied. Members of the disability rights community reported that persons with disabilities were generally unable to find satisfactory employment due to unofficial discrimination.

The government provided subsidies and pensions for persons with disabilities as well as housing, free health care, and tax-exempt status. The government constructed or was constructing comprehensive educational and treatment facilities for children with disabilities in all five provinces of the country.

National/Racial/Ethnic Minorities

The law provides for equal rights and freedoms for all citizens.

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.

Non-Turkmen speakers in government noted that some avenues for promotion and job advancement were not available 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 their ethnicity going back three generations.

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

Sexual contact between men is illegal under Article 135 of the criminal code, 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. The law also stipulates sentences of up to 20 years for repeated acts of pederasty, same-sex acts with juveniles, or the spread of HIV or other sexually transmitted infections through same-sex 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, transgender, and intersex persons. Society did not accept transgender individuals, and the government provided no legal protection or recognition of their gender identity.

In October RFE/RL published an anonymous account by a 24-year-old doctor of his challenges as a gay man in the country. RFE/RL later reported the man had disappeared and named him as Kasymberdi Garaev. Garaev's parents and siblings were also reportedly missing. After a few days, Garaev resurfaced and recanted his story. *Chronicles of Turkmenistan* reported that authorities informed all medical staff in the country that they needed to be tested for sexually transmitted diseases at their own expense because a doctor had "dishonored the profession with his immoral behavior."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions and to bargain collectively with their employers. The law prohibits workers from striking. 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 of workers fired for antiunion activity.

The government did not respect freedom of association or collective bargaining and did not effectively enforce the law. No penalties exist to deter violations. All trade and professional unions were government controlled, and none had an independent voice in its activities. The government did not permit private citizens to form independent unions. There were no labor NGOs in the country.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law allows for compulsory labor as a punishment for criminal offenses, requiring that convicted persons work in the place and job specified by the administration of the penal institution, potentially including private enterprises. Compulsory labor may also be applied as a punishment for libel and for violation of the established procedure for the organization of assemblies, meetings, or demonstrations.

The law provides for the investigation, prosecution, and punishment of suspected forced-labor and other trafficking offenses. The government did not report the number of convictions during the year under its criminal code. The government did not effectively enforce the law. Resources, inspections, and remediation were inadequate. Information on the sufficiency and consistency of penalties for violations was unavailable.

The government frequently pressed students and public-sector workers to participate in or watch public events such as parades, sporting events, or holiday celebrations.

Opposition and independent media reported some isolated and unsubstantiated accounts of government mobilization of workers, particularly public-sector workers, for cotton picking. Media also included unverified reports that public sector-workers were told to hire someone to go in their place if they could not go to pick cotton.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

According to the labor code, the minimum age at which a person can enter into a labor agreement or contract is 18. A 15-year-old child, however, may work four to six hours per day, up to 24 hours per week, with parental and trade union permission. 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 2005 presidential decree bans child labor in all sectors and states specifically that children may not participate in the cotton harvest. Limited evidence, however, suggests that children may voluntarily work alongside their parents or other family members in the cotton harvest.

The Ministry of Justice and the Prosecutor General's Office are responsible for enforcing the prohibition on child labor and can impose penalties for violations, including fines of up to 2,000 manat (\$570) or suspension of an employer's operations for up to three months. There are no official figures available or independent reporting on the number of violations to assess whether the Ministry of Justice and the Prosecutor General's Office effectively enforced the 2005 presidential decree prohibiting child labor.

Also, see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on nationality, race, gender, origin, language, religion, disability, HIV-status or other communicable diseases, political beliefs, and social status. The government did not always effectively enforce the law, which does not specify penalties for discrimination on these grounds, with the exception of disability; discrimination against persons with disabilities is punishable by fines which are not sufficient to deter violations. The law does not prohibit discrimination based on age, sexual orientation, or gender identity.

Discrimination in employment and occupation based on gender, language, and disability (see section 6) was widespread across all sectors of the economy and government. Certain government positions required language exams, and all government positions required a family background check going back three generations. Civil society members reported the country retained a strong cultural bias against women in positions of power and leadership, making it difficult for

some women to secure managerial positions based on their gender. Although the 2013 Code on the Social Protection of the Population defines social protection policies for persons with disabilities and establishes quotas and workplaces for persons with disabilities, it was not broadly enforced. Members of the disability rights community reported that persons with disabilities were generally unable to find satisfactory employment due to unofficial discrimination. There was no information on discrimination against internal migrant workers.

e. Acceptable Conditions of Work

The minimum monthly wage in all sectors was above the poverty line. The standard legal workweek is 40 hours with weekends off.

The law states overtime or holiday pay should be double the regular wage. The law prohibits pregnant women, women with children up to age three, women with disabled children younger than age 16, and single parents with two or more children from working overtime. Laws governing overtime and holiday pay were not effectively enforced. The government, as well as many private-sector employers, required workers to work 10 hours a day or a sixth day without compensation. Reports indicated many public-sector employees worked at least a half day on Saturdays. There were no clearly defined penalties for violation of wage and hour provisions, and no state agency was designated for enforcement.

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

Employers did not provide construction workers and industrial workers in older factories proper protective equipment and often made these workers labor in unsafe environments. Some agricultural workers faced 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, and authorities did not protect employees in these situations. Statistics regarding work-related injuries and fatalities were not available.