

TURKMENISTAN 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Although the 2016 constitution declares Turkmenistan to be a secular democracy, the country has an authoritarian government controlled by the president, Gurbanguly Berdimuhamedov, and his inner circle. Berdimuhamedov became president in 2006 and remained president following a February 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." The 2016 constitution extended the presidential term in office from five to seven years and failed to reintroduce earlier term limits.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of alleged torture; arbitrary arrest and detention; involuntary confinement; harsh and life-threatening prison conditions; political prisoners; arbitrary interference with privacy, home, and correspondence; censorship and site blocking; restrictions on freedom of religion; restrictions on freedoms of assembly and movement; restrictions on citizens' inability to choose their government through free and fair elections; and endemic corruption. There was also trafficking in persons, including use of government-compelled forced labor during the annual cotton harvest. Consensual same-sex relations between men remained a criminal offense punishable by up to two years in prison. There were reports of 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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports 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. The UN Human Rights Committee on August 9, however, made public its conclusion that the government was

responsible for the 2006 torture and death of journalist and human rights activist Olgusapar Muradova.

b. Disappearance

There were no reports of new politically motivated disappearances during the year. A nongovernmental organization (NGO)-led advocacy campaign called “Prove They Are Alive!” maintained a list of disappeared prisoners. The number of disappeared prisoners on the list increased from 112 to 121 as of September, although opposition media reported two of the prisoners died during the year. The list included political dissident Gulgeldy Annaniyazov, former minister of foreign affairs Boris Shikhmuradov, former director of the Turkmenbashi oil refinery Guychmyrad Esenov, and many others accused of participation in an alleged 2002 assassination attempt on former president Saparmurat Niyazov.

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

Although the constitution and law prohibit mistreatment, in January 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.”

In its 2017-18 annual report, Amnesty International (AI) reported, “torture and other ill-treatment was committed in pretrial detention and prisons, sometimes resulting in death.”

The law requires the government to protect the health and lives of members of the armed forces. Observers reported in October that hazing of first-year conscripts continued and involved violations of human dignity, including brutality. During the year there were no reports of hazing deaths among conscripts.

In October the opposition website *Chronicles of Turkmenistan* reported food was in short supply in some army units and cheaper, less nutritious ingredients were being used. According to the report, not all units faced the same shortage, with the food supply differing across branches and military units.

Prison and Detention Center Conditions

Prison conditions reportedly remained unsanitary, overcrowded, harsh, and in some cases life threatening.

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 transferred to penal colonies. The six pretrial detention facilities reportedly were designed for 1,120 persons but reportedly held many times that number.

Independent news site *Alternative News of Turkmenistan (ANT)* reported in October 2017 that the deputy head of the prison in Ovadan Depe targeted prisoners from minority groups such as Balochis, Persians, and Afghans for mistreatment in his prison by giving collective punishment to all prisoners from a group for an alleged infraction by one. Punishments included making prisoners stand in the sun for five to six hours at a time.

In October *ANT* reported that the head of Tejen Prison extracted bribes totaling 20,000 manat (\$5,700) a month from prisoners. Prisoners unable to pay the bribes were punished by solitary confinement or by being made to stand outside without food or water for up to two days. *ANT* reported that Ministry of Internal Affairs investigators found that food supplies were insufficient for the population.

According to the Independent Lawyers Association and the Turkmen Initiative for Human Rights, there were 22 prisons and 30,452 prisoners in the country as of September 2017. Their December 2017 report stated 40 percent of the inmates had tuberculosis (TB). The same report claimed that approximately 20 detainees died every month, mostly from TB.

During the year there were no reports that officials held inmates diagnosed with TB and skin diseases with healthy detainees due to overcrowding. Previously, the Ministry of Internal Affairs reported that inmates with TB were held separately from healthy inmates at the Dashoguz women's prison; however, there continued to be concern the government did not adequately test and treat prisoners with TB before they returned to the general population, despite government claims to the contrary.

Mansur Mingelov, an activist for the rights of Baloch minorities, remained in Seydi prison since his arrest in 2012. He was serving a 22-year sentence for alleged drug and child pornography offenses. *ANT* and AI reported in June he suffered from fever, high blood pressure, and heart pain, but prison doctors refused

to admit him to the medical unit without a bribe. His relatives brought him the necessary medication.

Administration: Authorities reported investigations of mistreatment were conducted; 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: In November government officials allowed members of the diplomatic corps to visit Tejen (AH-K/6) prison in Ahal Province.

Improvements: In November the facilities in Tejen prison (AH-K/6) were refurbished in preparation for a diplomatic corps visit.

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.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs directs the criminal police, which works closely with the Ministry of National Security on matters of national safety and security. The security ministry plays a role in personnel changes in other ministries, often dictating assignments, and enforces presidential decrees. There were continued reports both the security ministry and criminal police operated with impunity in the prosecution of criminal cases and in the harassment of unregistered religious groups and persons perceived to be critical of the regime. No information was available on whether the presidential commission created in 2007 to review citizen complaints of abuse had conducted any inquiries that resulted in accountability of any members of the security forces for abuses. There was no national strategy to reform the police or security apparatus.

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 they find evidence, an investigation may 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 transfers the case to the court. Courts generally followed these procedures, and the prosecutor promptly informs detainees of the charges against them.

The criminal procedure code provides for a bail system and surety; however, authorities did not implement these provisions. The law entitles detainees to immediate access to an attorney of their choice after a formal accusation. For a number of reasons, however, detainees may not have had prompt or regular access to legal counsel--they may have been unaware of the law; security forces may have ignored the entitlement to counsel; or the practice of seeking formal legal 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.

According to the NGO Forum 18, Jehovah's Witness member Bahram Hemdemov had been imprisoned since March 2015 and was serving a four-year sentence in

Seydi prison for allegedly inciting religious hatred during a peaceful Jehovah's Witness meeting.

In September, Forum 18 reported 10 Jehovah's Witness conscientious objectors were jailed and were serving a two-year sentence in a labor camp for refusing to do their mandatory military service. The government was concerned that an alternative service system would be abused by young persons to avoid military service.

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. 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. Accused persons are entitled to challenge the court but were unlikely to do so due to fear of retribution.

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. There were no reports of prompt release or compensation of unlawfully detained persons. 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. There were credible reports that judges and prosecutors often predetermined the outcome of the trial and sentence.

Political Prisoners and Detainees

Opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of these persons, which included those charged with involvement in the 2002 alleged attack on then president Niyazov, remained unknown. According to one international representative, however, the government asserted in 2014 it imprisoned 104 persons in the wake of the coup attempt and released 32. Those convicted of treason faced life imprisonment and were ineligible for amnesty, 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 these prisoners.

In March, *Chronicles* reported Begmurat Otuzov died in February in Ovadan Depe prison. Relatives claimed Otuzov's body weighed 99 pounds (45 kilograms) and could only be identified by a birthmark. According to the "Prove They Are Alive!" campaign, Otuzov was sentenced to a 25-year term in 2002 on unknown charges. At the time of his arrest in 2002, Otuzov was first deputy governor of Lebap Province, chairperson of the council for coordinating activities of law enforcement and military bodies of the province. He also served as deputy general prosecutor, head of the investigation department in the Ministry of Internal Affairs.

Also in March, *ANT* reported on the death of Allamurat Allakulyev. Allakulyev was held in Ovadan Depe prison before transferring to Akdash prison in Balkan Province. No cause of death was reported. Allakulyev was a department chief in the Ministry of National Security. He was convicted in 2002 and sentenced to 18 years in prison for "grave crimes."

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. Persons and organizations may appeal adverse decisions to regional human rights bodies, but local courts were unlikely to reverse decisions in light of successful appeals.

Property Restitution

The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. The government continued to demolish private homes as part of an urban renewal program without adequately compensating owners. Housing offered as compensation to displaced homeowners was often smaller than housing lost because gardens and outbuildings surrounding a house were not considered "useful living space." There were credible reports some residents received no compensation. If housing offered as compensation had more living space than the demolished home, the displaced homeowner could be forced to pay up to 4,200 manat (\$1,200) per square meter (10.7 square feet) for the additional space. Although a process existed for displaced homeowners to file

complaints and appeals, it was not possible to determine how the process worked in practice.

In May, *Chronicles* reported an 82-year-old resident of Ashgabat City lost his home in 2008 and had not received compensation. He wrote appeals to various government agencies, including the Prosecutor General's Office, the Supreme Court, the National Institute of Democracy and Human Rights, and the president. The President's Office forwarded his letter to the human rights Ombudsman's Office. The Ombudsman's Office reportedly replied, "Yes, your rights were violated, but since we do not have enough staff, we cannot provide any assistance."

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 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.

Persons harassed, detained, or arrested by authorities, as well as their family members, reported 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 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.

During the year the government publicized new laws that stipulate civil servants must refrain from making public statements on the activities of the government and its leaders if such statements are not part of their official duties. The laws also state that civil servants must refrain from making public statements regarding the value of goods, works, and services, including the government's budget, borrowing, or debt.

In May, Radio Free Europe/Radio Liberty (RFE/RL) reported its stringer Soltan Achilova was detained and questioned by local authorities when she tried to photograph a flower-laying ceremony the president was attending. In June, two unidentified men confronted Achilova when she visited her relatives in Mary Province. On the same day, local traffic police impounded her relative's vehicle and stated they would not return the vehicle until Achilova left the province.

Press and Media Freedom: The government financed and controlled the publication of books and almost all other print media and online newspapers and journals. 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. International organizations and news outlets highlighted the forced removal of some satellite dishes by the government and replacement with telecommunications packages, such as cable, that limited access to certain channels and kinds of information. 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.

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. Gaspar Matalaev was detained in 2016 after reporting on the use of forced and child labor in the cotton fields. In May the UN Working Group on Arbitrary Detention found that his imprisonment was “a targeted action by the Turkmen authorities against a prominent human rights defender in the country.”

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 publishing houses, 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 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 (VOIP) 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 virtual private network connections, including those of diplomatic missions and international businesses, and severely restricted internet access to other websites. Skype, an encrypted VOIP service, was blocked throughout the year.

According to the International Telecommunication Union, 21 percent of the population used the internet in 2017.

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. In 2015 a presidential decree established procedures for the government to certify foreign diplomas. To have foreign diplomas formally recognized, graduates must complete an application, submit information on their family history for three generations, and pass regular Turkmen university graduation exams related to their majors. Due to this extensive process, many graduates of foreign universities reported they were unable to certify their diplomas with authorities at the Ministry of Education, making them ineligible for employment at state agencies. Some graduates reported ministry officials demanded bribes to allow certification of their diplomas.

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. According to Forum 18, in some instances police raided homes where members of religious groups were meeting and detained participants.

Unregistered religious groups were not allowed to meet, according to the country's religion law adopted in 2016.

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.

Of the estimated 120 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 reportedly 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.

In February 2017 the official government newspaper *Neytral'nyy Turkmenistan* published the changes and new amendments to the Law on Public Associations. Specifically, the law does not exempt religious organizations, nonprofit

associations, and political parties; founders of public associations have to be Turkmen citizens; the law denies public associations the right to represent and protect the rights of other citizens, including the right to participate in elections; and public associations can be sponsored only by legal entities, including foreign nonprofit organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law do not provide for full freedom of movement. The government did not cooperate with the Office of the UN High Commission for Refugees (UNHCR).

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.

In August, RFE/RL reported Ashgabat City police cleared the city of provincial labor migrants by sending them back to their provinces. Reportedly, police conducted these types of clean-up raids during the September 2017 Asian Indoor and Martial Arts Games and the September "Amul-Hazar" international auto rally.

The law does not permit dual citizenship. Starting in 2015 all dual citizens were obliged to renounce one of their citizenships if they wanted to travel outside the country. The process of renouncing Turkmen citizenship is not transparent and can take up to a year.

Foreign Travel: The government continued to bar certain citizens from departing under its Law on Migration. The law states that Turkmenistan citizens may be denied exit from the country "if their exit contravenes the interests of 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 attempt; as well as journalists, civil society activists, and their family members. Although the government denied maintaining a “black list” of local persons not permitted to travel abroad, *ANT* reported that such a list existed and contained approximately 17,000 names. According to various sources, in most cases travelers who were stopped were not given an explanation for denial of departure and were informed of the ban only upon attempting foreign travel from the airport. Some individuals were able to obtain documentation from the State Migration Service (SMS) later stating they were not allowed to depart the country, but without justification for the ban. In some cases authorities initially denied travelers departure from the country, but after several days, or in some cases weeks, the travelers were allowed to depart without explanation for the delay.

The government routinely prevented citizens from travelling abroad for programs sponsored by foreign governments, unless the program was specifically approved in advance by the Ministry of Foreign Affairs. Migration officials often stopped “nonapproved” travelers at the airport and prevented them from leaving. In some cases, however, those traveling for approved programs were also not allowed to depart or were delayed.

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. The law also allows the government to impose limitations on obtaining education in specific professions and specialties.

In March 2017 the SMS reduced the validity of passports from 10 years to five years.

In its 2016-17 annual report, AI stated that arbitrary restrictions on the right to travel abroad remained in practice. According to AI, the government targeted, among others, relatives of those accused of involvement in the alleged attempt to assassinate then president Niyazov in 2002, relatives of opposition figures residing abroad, civil society activists, students, journalists, and former migrant workers.

The Ministry of Labor and Social Welfare reportedly received instructions to deny benefits to children whose parents left the country for long periods of time. It was unknown whether this instruction was implemented, but it appeared to fit what observers, including RFE/RL, believed was a government plan to ensure that local labor migrants returned to the country. In April RFE/RL reported such measures and concluded their target was labor migrants who had left the country.

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

Protection of Refugees

While formally there is a system for granting refugee status, it was inactive. In 2009 the government assumed responsibility from UNHCR for making refugee status determinations but did not grant refugee status since. UNHCR had observer status at government-run refugee-status determination hearings. There were no new asylum seekers 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 were required to renew UNHCR certificates with the government annually. The country did not grant citizenship to any UNHCR mandate refugees during the year.

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

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 estimate of this population was calculated in 2015, at which time they 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 the government granted 735

stateless person citizenship. 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 had 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. 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 nearly absolute. According to the OSCE, the election law does not meet OSCE standards.

Elections and Political Participation

In 2016 parliament ratified a new constitution that extended the presidential term in office from five to seven years and failed to reinstitute term limits for the presidency.

Recent Elections: In the February 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."

In March, 125 members of parliament (*Mejlis*), 240 provincial-level, and 1,200 district-level representatives of the People's Council (*Halk Maslahaty*), and 5,900 local municipality (*Gengesh*) candidates were elected. In the election 31 women were entered parliament.

An OSCE/ODIHR EAM team monitoring the elections reported in May that “the elections lacked important features of a genuinely democratic electoral process. The political environment is only nominally pluralist, and the exercise of fundamental freedoms was severely curtailed. Despite measure to demonstrate transparency, the integrity of the elections was not ensured, leaving the veracity of results in doubt.”

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. Each of these parties, which were progovernment in orientation, nominated a candidate for the February presidential election. Initiative groups put forward six additional candidates who were running in their individual capacities. 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 National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, and the Fatherland (Watan) Party--to operate within the country.

Participation of Women and Minorities: 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, TV,

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 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, 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.

Corruption: The former minister of agriculture and water resources, former deputy chairperson of the state committee on television and radio, and 30 officials in the Ministry of Labor and Social Protection were arrested during the year over allegations of corruption. The minister of national security was fired after five months of service over allegations of corruption.

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 human rights NGOs 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. 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 that the government discouraged citizens from contacting other international organizations.

Government Human Rights Bodies: In July 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 March 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 June, Gurbannazarova published her first annual ombudsman report. According to observers, the 48-page report provided no substantive human rights recommendations. Only 25 of 254 written complaints were satisfied.

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 afraid of 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. 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. There were reports that, in

some rural communities, parents removed girls from school as young as age nine to work at home.

Child Abuse: In 2015 the UN Committee on the Rights of the Child called on the government to improve its collection of data on children's rights, remove restrictions on civil society organizations working on children's rights, provide for children's access to internet and international media, create a mechanism to which children deprived of liberty in all areas can address complaints, consider creation of a centralized system for registration of adoptions, and ratify the Optional Protocol of the Convention of the Rights of the Child.

Early and Forced Marriage: The legal minimum age for marriage is 18. According to UNICEF's *State of the World's Children 2017* report, 6 percent of women ages 20-24 years old were first married before they were 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.html>.

Anti-Semitism

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

Trafficking in Persons

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

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. Despite the law, persons with disabilities encountered discrimination and denial of 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, but 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.

According to *Chronicles* state doctors were unofficially instructed not to extend disability status of individuals. Reportedly, the main reason was to decrease government expenditures on social welfare benefits. *Chronicles* reported that those with disabilities were asked to wait until 2018 for their disability status to be extended. Individuals with disabilities had to pass through a special commission on an annual basis for their disability status to be extended, unless they were born with the disability or had passed the commission review for 10 consecutive years.

Some students with disabilities were unable to obtain education because there were no qualified teachers or accessible facilities.

Although the law requires new construction projects to include facilities that allow access by persons with disabilities, compliance was inconsistent and older buildings remained inaccessible.

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. In 2017 the government required ministry employees to pass tests demonstrating knowledge of professional subjects in Turkmen, and the government dismissed employees who failed the examination. The government dedicated resources to provide Turkmen instruction for non-Turkmen speakers only in primary and secondary schools.

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.

Minority groups tried to register as NGOs to have legal status to conduct cultural events, but no minority group succeeded in registering during the year.

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

By law 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 (LGBTI) persons. Society did not accept transgender individuals, and the government provided no legal protection or recognition of their gender identity.

There were reports of detention, threats, and other abuses based on sexual orientation and gender identity. Social stigma prevented reporting of incidents affecting members of the LGBTI community.

Other Societal Violence or Discrimination

There were reports of discrimination and violence against some religious minority groups, many of which the government officially referred to as “sects,” including Jehovah’s Witnesses. The government generally perpetrated or condoned these actions.

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. Resources, inspections, and remediation were inadequate. Penalties for violations, including fines of up to 2,000 manat (\$570) or suspension of an employer's operations for up to three months, were inconsistently enforced and insufficient to deter violations. The government reported it conducted investigations and convicted traffickers. Construction workers in the informal sector were vulnerable to forced labor, and there was use of government-compelled forced labor in the cotton industry. To meet government-imposed quotas for the cotton harvest, local authorities required university students, private-sector institution employees, soldiers, and public-sector workers to pick cotton without compensation and under threat of penalty.

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

c. Prohibition of Child Labor and Minimum Age for Employment

During the year the government amended the labor code to increase the minimum age at which a person can enter into a labor agreement or contract from age 16 to 18. 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. 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 states specifically that children may not participate in the cotton harvest.

Resources, inspections, and remediation were reportedly adequate to enforce the prohibitions on child labor. Penalties for violations, including fines of up to 2,000 manat (\$570) or suspension of an employer's operations for up to three months, were enforced and sufficient to deter violations. The Ministry of Justice and the Prosecutor General's Office effectively enforced the 2005 presidential decree prohibiting child labor.

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 ranging from 203 manat to 2,000 manat (\$58 to \$570) and suspension for up to three months. 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 work places 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.

In January the Ministry of Labor and Social Protection issued regulations requiring companies to set aside up to 5 percent of job vacancies for persons with disabilities

and for single parents with large families whose children were younger than age 18 or have disabilities.

e. Acceptable Conditions of Work

As of January the minimum monthly wage in all sectors was approximately 715 manat (\$205). A presidential decree raised wages by 10 percent in January. An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states overtime or holiday pay should be double the regular wage. Maximum overtime in a year is 120 hours and may not exceed four hours in two consecutive days. 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.

The law grants prenatal and postnatal maternity leave. A mother is entitled up to three years of unpaid maternity leave.

During the year the government did not publish any unemployment data.

The law provides a minimum of 30 days of paid annual leave for state employees, 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 the 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. 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.

The government required its workers and many private-sector employees 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. Laws governing overtime and holiday pay were not effectively enforced. There were no defined penalties for violation of wage and hour provisions, and no state agency was designated for enforcement.

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.