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TURKMENISTAN

Turkmenistan, a one-party state dominated by its president and his closest advisers, made little progress in moving from a Soviet-era authoritarian style of government to a democratic system. The flawed December parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were further backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, retained its monopoly on power; the Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and discouragement of dissent. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. The Government is proceeding with negotiations on construction of a new gas export pipeline across the Caspian Sea, through Azerbaijan and Georgia to Turkey, and also is considering shipments through Iran and Afghanistan.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. One political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abuse the rights of individuals as well as enforce the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, unfair trials, and interference with citizens' privacy remained problems. In January following a commitment by President Niyazov in May 1998, the Government released dissident Gulgeldi Annaniyazov. The Government severely restricts freedom of speech and does not permit freedom of the press. The Government completely controls the media, censoring all newspapers and rarely permitting independent criticism of government policy or officials. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion, amended most recently in 1996, reaffirmed a number of important religious freedoms but also tightened government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. The Government imposes some restrictions on freedom to travel abroad. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

In September political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. The Government has rejected requests from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (see Sections 1.c. and 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. Security forces also used denial of medical treatment and food, verbal intimidation, and placement

in unsanitary conditions to coerce confessions. Members of Jehovah's Witnesses reportedly were beaten while in police custody in September (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Food is poor, and infectious diseases are rampant. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat.

In September a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit unrestricted independent monitoring of prison conditions. d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice, those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

In November the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov, a former government official who lives outside the country, to 11 years' imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

In November the Government arrested Ramil Galimov, a member of a Jehovah's Witness group in Kizyl-Arvat who has dual Russian-Turkmen citizenship. After imprisoning him for 2 weeks, the Government reportedly forced him to leave on a train for Russia but retained his Turkmen passport.

The precise number of political detainees held at year's end was unknown. Pretrial detainees are held 6 to 8 months on the average. According to government sources, more than 22,000 persons were released from prison under presidential amnesties in January, February, and March (see Sections 1.e and 3). Among those amnestied during the year, the Government reportedly set free 700 jailed foreigners. Foreign diplomats received credible reports that prison officials requested bribes to implement releases under these amnesties.

Forced exile was not known to have occurred during the year. In November President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned this year.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, in practice, the judiciary is

not independent. The President's power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces now are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. The President released over 22,000 inmates from prison in connection with general amnesties in January, February, and March (see Section 1.d. and 3.). In practice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least two political prisoners (Mukhametkuli Aimuradov and Pirimguli Tanrykuliev). In January the Government released Gulgeldi Annaniyazov and Gurbanmuran Mammetnazarov as part of a general amnesty. They were the two remaining political prisoners held in connection with a July 12, 1995 demonstration over living conditions, in which several thousand persons participated. Annaniyazov was in grave physical condition in May 1998 and his release fulfilled an earlier commitment by President Niyazov for his release. Mammetnazarov had been sentenced to an additional 1 year in May 1998 for possession of narcotics found in his prison cell. In September Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death. In December 1998, he and Mukhamedkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

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

The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violate this right. There

are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

The Government no longer restricts citizens' ability to obtain foreign newspapers. A wide variety of Russian and Western newspapers are available.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy advocate convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). During the year, the Government forced many citizens from their homes on short notice in order to make way for urban renewal and renovation projects. Some of those who built homes without formal government permission were not offered alternate accommodations despite their length of occupancy or degree of hardship. Citizens evicted from homes built with formal permission could claim compensation only if they posted a bond worth 15 percent of the value of their destroyed home. Compensation generally fails to equal the value of the property taken.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television; it funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. The two nominally independent newspapers established in 1997 under presidential decree, Adalat (Justice) and Galkynysh (Revival), are no longer even nominally independent. Russian-language newspapers from abroad are available by subscription, and some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming, and Internet access is available as well; however, satellite dishes and Internet access remain so expensive that they are out of reach for the average citizen.

The tri-language daily Ashgabat has dropped its English and Russian sections in June and now is printed in Turkmen only. The Government also ended the publication of Golos Turkmenbashi, the Russian language daily in the city of Turkmenbashi, the city with the highest concentration of ethnic Russians in the country.

In order to regulate printing and copying activities, the Government ordered in February

1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. Criticism of government officials sanctioned by the President is commonplace. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was released in February but remains under investigation, and his unregistered nongovernmental organization was shut down. In February the Government deported a Moscow-based human rights researcher, Aleksandr Petrov of Human Rights Watch, for distributing a human rights report critical of the Government; in March it detained and deported Russian writer Nikolai Mitrokhin, the coauthor of the report (see Section 4).

On January 29, officers of the National Security Committee broke up an Ashgabat gathering of journalists at which participants were expected to announce the formation of an Independent Journalists' Association. The officers recorded the names of those in attendance and detained five organizers of the meeting.

Radio Free Europe/Radio Liberty correspondent Yoshan Annakurbanov left the country in August 1998 while under investigation for allegedly attempting to smuggle "military secrets" out of the country and now lives abroad. In July the government-controlled press attacked him for his continued Radio Liberty reports critical of the Government. In December the Government seized his home and fired his relatives from their jobs at the state television and radio company. Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works.

b. Freedom of Peaceful Assembly and Association

The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. It does not permit peaceful demonstrations organized by alleged critics and in 1995 dispersed the first peaceful protest rally in years (see Section 1.e.), and convicted a number of persons for their participation. Permits are required for public meetings and demonstrations. There were reports of spontaneous demonstrations, for example over bread prices, in the past, but there were no reports of demonstrations during the year.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but often have difficulty registering. During the year, the Government reportedly registered only seven nongovernmental organizations, all of which involved sports clubs. Theoretically, citizens have the freedom to associate with whomever they please. However, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July the Government arrested former parliamentarian and democracy advocate Pirimguli Tanrykuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. On August 14 the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university.

Freedom of Religion

The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on some religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity, and it gives some financial and other support to the Council on Religious Affairs, which plays an intermediary role between the government bureaucracy and religious organizations rather than actively promoting interfaith dialog.

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover, the Government applies this 500-member standard on a local and regional basis. For example, a representative of a major Christian religious group was told in 1998 that the group would have to have 500 adherents in Ashgabat to be registered there, and another 500 in the city of Turkmenbashi to be registered there.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and have been questioned by internal

security representatives for holding private prayer meetings in their homes. The local Baha'i community in Ashgabat was able to open its center for 1 day in March to celebrate the Faith's Nowruz (spring) holiday. In January the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated during the Soviet era as a cultural center pending registration as a religious organization; but at year's end, it has not yet received any reply. In May President Niyazov promised to permit registration of almost all religious groups by September but the Government took no action by year's end. No new religious groups were registered and, despite promises by senior officials, the Halk Maslahaty (People's Council) did not reduce the 500 person threshold.

While protected by law, proselytizing by "foreign" (that is, other than Russian Orthodox or Sunni Muslim) religious groups can incur official displeasure. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. Bibles shipped by the Seventh-Day Adventists in 1998 from neighboring Uzbekistan were confiscated at the border. According to the Brussels-based NGO Human Rights Without Frontiers, government authorities called in more than 100 citizens for questioning during the first week of May, apparently in connection with a mounting crackdown against local Christians and churches. The citizens reportedly were interrogated about their contacts with various foreign-nationality Christians residing in the country.

In June representatives of internal security organizations visited the Baha'i center in Ashgabat as part of the Government's attempt to control the activities of unregistered religious groups and warned its members not to distribute religious materials. In June, July and August, congregations of Baptists, Seventh-Day Adventists, and Pentecostals were harassed by government officials, who seized religious materials and instructed them to discontinue their activities, threatening them if they did not. In August Shageldi Atakov, a member of the Baptist faith, was sentenced to 4 years in prison and fined \$12,000 (an astronomical sum considering average wages in the country amount to \$30 a month) for an alleged illegal transfer of automobiles in 1994. Atakov denied the charges and claimed that he was being imprisoned because of his religious beliefs. Atakov reportedly was beaten severely by an officer while in prison.

In September representatives of internal security organs, including the KNB, attempted to break up a peaceful meeting of the Seventh-Day Adventist congregation in Ashgabat. The congregation later paid a fine for meeting illegally. On November 13, a demolition team sent by the Ashgabat mayor's office began tearing down a recently completed Seventh-Day Adventist church. Two days earlier the pastor of the congregation had received written notice that demolition would begin after a week; the building's destruction was part of a Government plan for the neighborhood. In September local police and KNB officers in Geok-Depe arrested two members of Jehovah's Witnesses for discussing the Bible with fellow citizens. After 3 days of interrogation, which reportedly included beatings, the two were sentenced to 15 days' imprisonment. Upon their release, they were told to renounce their faith and warned not to tell human rights organizations about their treatment while under government custody. In December the Government reportedly deported one member of Jehovah's Witnesses to Russia. On December 17, police and KNB agents arrested three members of an unregistered Baptist congregation in Ashgabat,

whom the Government then threatened to deport. Shageldy Atakov was incarcerated for his religious beliefs.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes some restrictions on freedom of movement. The Government generally does not restrict movement within the country, although travel to southern border zones is controlled tightly. Citizens still carry internal passports. These documents are used primarily as a form of identification, rather than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a general means of restricting international travel. The Government does not allow its citizens to travel outside the country without official permission. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction. The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedure and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards. However, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

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

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-party state. Despite the appearance of

decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues. However, in reality, even local leaders are selected and dismissed by the President. In December the Halk Maslahaty proposed and the newly elected Mejlis (Parliament) approved a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president.

In November 1998, the President announced a major letter-writing campaign in which any Turkmen citizen who had a complaint could write directly to him. As a result of this campaign, the President received almost 140,000 letters. The Government stated that most of the letters contained complaints about the criminal justice and prison systems. As a result of this campaign, the President released over 22,000 persons from prison (see Section 1.d and 1.e.).

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees, and as yet has no genuine independence, although it has taken several measures to become a more professional body. For example it discusses and amends draft legislation, including key bills such as civil and criminal codes. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary elections scheduled for December for a reconstituted Mejlis would be "free and fair" and conducted on a "wide democratic basis." However, the elections held in December were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was virtually no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, they are underrepresented in government and politics. Thirteen members of the newly elected Mejlis are women, although women constitute over 50 percent of the population. Women serve as the Deputy Chairman for Textiles and Foreign Trade, Minister of Textiles, Minister of Education, and Prosecutor General. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic

Russian, and 1 ethnic Uzbek. Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues. Early in the year, the Government deported two Moscow-based human rights researchers (see Section 2.a.). On January 6, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which completed its third year of operation in October. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Two-fifths of the approximately 2,500 complaints received by the institute during the year concerned abuses by law enforcement and security organizations, the judicial process, and judges. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January the OSCE opened an office in Ashgabat.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women

Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

There were some reports of trafficking in women from the country to the Persian Gulf and Turkey (see Section 6.f.).

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs.

Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer discrimination.

Children

The Government's social umbrella covers the welfare needs of children. In September the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality.

Class sizes in the country are increasing rapidly, facilities are deteriorating and funds for textbooks and supplies are decreasing. The Ministry of Education (MED) announced last spring that the number of students per class is to be raised from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$2,000 and \$4,000. Paying bribes for good grades is also a common practice. Furthermore, MED has discouraged schools from having contacts with NGO's and international organizations. During the annual cotton harvest, some schools in agricultural areas are closed and children as young as 10 years of age work in the cotton fields for up to 2 months (see Section 6.d.). Other than this activity, there is no societal pattern of abuse against children.

People with Disabilities

Government subsidies and pensions are provided for those with disabilities, although the pensions are inadequate to maintain a decent standard of living. Those capable of working are generally provided with jobs under still-valid preindependence policies that virtually guarantee employment to all. According to existing legislation, facilities to allow access by the disabled must be included in new construction projects. However, compliance is inconsistent and most older buildings are not so equipped. Care for the mentally retarded and mentally ill is provided on the local level. Mentally retarded and mentally ill children are placed in boarding schools, with educational and future employment opportunities if their condition is mild. Adults with disabilities requiring institutionalization are kept primarily in "psycho-narcological" hospitals in Geok-Depe, Bekrova, and Kakha and in

theory provided with food, clothing, and medical care.

National/Racial/Ethnic Minorities

The Constitution provides for equal rights and freedoms for all citizens. Turkmen comprise approximately 77 percent of the population of about 4.7 million; Uzbeks, 9 percent; and Russians, 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Since independence, the country has not experienced ethnic turmoil.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use them. Russian remains in common usage in government and commerce. However, the President has criticized the widespread use of Russian. In accordance with his wishes, Russian language usage in newspapers was cut back sharply during the year. In June the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October the state radio ceased entirely its daily 15-minute Russian language news broadcast. Nonethnic Turkmen employees at government ministries reportedly were given until December to learn Turkmen. Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen.

Section 6 Worker Rights

a. The Right of Association

Turkmenistan has inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. Turkmenistan joined the International Labor Organization in 1993.

b. The Right to Organize and Bargain Collectively

The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor; however, there were reports of trafficking in women (see Section 6.f.), and children work in cotton harvesting in rural areas (see Section 5). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours).

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 6.c.). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers work in the fields and children as young as 10 years of age sometimes help with the harvest.

e. Acceptable Conditions of Work

There is no minimum wage. In December the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to meet the needs of an average family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer

hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions--one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons

The International Office of Migration reports anecdotal evidence of trafficking in women from Turkmenistan, particularly to Turkey and Arab countries in the Persian Gulf. Although there does not appear to be a large-scale problem, no reliable statistics are available. The Government does not have programs in place to combat trafficking in persons; however, in November the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

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