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2009 Human Rights Report: Turkmenistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Although the constitution declares the country to be a secular democracy and presidential republic, it is an authoritarian state of approximately five million that was dominated by President-for-life Saparmyrat Niyazov until his death in December 2006. The now-disbanded People's Council selected six candidates for the February 2007 presidential election. All those selected were members of the Democratic Party, the country's only political party, and Gurbanguly Berdimuhamedov won in an election that did not meet international standards. December 2008 parliamentary elections also fell short of international standards. Civilian authorities generally maintained effective control of security forces.

Although there were modest improvements in some areas, the government continued to commit serious abuses, and its human rights record remained poor. Authorities continued to restrict political and civil liberties. Human rights problems included citizens' inability to change their government; reports of torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; restrictions on freedom of speech, press, assembly, and association; restrictions on religious freedom, including continued harassment of religious minority group members; restrictions on freedom of movement for some citizens, including increased restrictions on those intending to study abroad; violence against women; and restrictions on free association of workers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

There were no updates on the 2007 reports of citizens who died under suspicious circumstances during detention, including the cases of an allegedly drunk suspect who died in police custody in Mary Province and a man who died in an Ashgabat detention center while awaiting an appeal decision.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, security officials trying to extract confessions from detainees tortured, beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government.

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An October 2008 decision of the European Court of Human Rights (ECHR) stated that "any criminal suspect held in custody ran a serious risk of being subjected to torture or inhuman or degrading treatment." The ECHR also reported that the country lacked an effective system to prevent torture.

In contrast with previous years, there were no reports during the year that authorities detained persons in psychiatric hospitals as punishment. There was no further information regarding a July 2008 report that Nurmamed Agayev, a Muslim prayer leader who was arrested in 2006, was held in a psychiatric hospital in Lebap.

Hazing of military conscripts remained a problem and led to desertions from units where conditions were particularly harsh. According to a 2006 report from the Institute for War and Peace Reporting, corruption within the defense ministry and draft commissions, tribal- and ethnicity-based rivalries, and disregard for the rights of soldiers led to an increasing number of deaths from soldiers abusing fellow conscripts. Regular military units continued to be used as unpaid manual labor working in fields, hospitals, factories, and construction sites.

Prison and Detention Center Conditions

Prison conditions were poor; prisons were unsanitary, overcrowded, and unsafe. According to a civil society source, a women's prison near Dashoguz built for 800 prisoners held approximately 2,000. Disease, particularly tuberculosis (TB), was rampant. There continued to be concerns that the government did not adequately test and treat prisoners with TB before they were released into the general population, although the government reportedly screened prisoners for TB and other diseases. The government reportedly transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment and arranged for ongoing treatment for released prisoners at their residences. The nutritional value of prison food was poor, and prisoners depended on relatives to supplement inadequate food. There were reports that prison officials sometimes confiscated these food parcels.

Prisoners convicted for treason were unable to receive supplies from relatives. There was no further information concerning a 2007 report that individuals convicted of complicity in the 2002 attack on the former president's motorcade were given supplemental food packages for the first time since they were imprisoned.

In 2007 family members and international nongovernmental organizations (NGOs) claimed that some prisoners died due to a combination of overcrowding, untreated illnesses, and lack of adequate protection from summer heat.

Sources familiar with prison conditions at Owadan Depe Prison reported that former high-level officials continued to be denied proper medical treatment and suffered beatings and verbal intimidation to coerce confessions.

There are three types of incarceration facilities: educational labor colonies, correctional labor colonies, and prisons. In correctional labor colonies, relatives of prisoners reported excessive periods of prisoner isolation.

Authorities held prisoners connected with the 2002 attack separate from the general prison population at the Owadan Depe Prison. During the year government officials continued to disregard inquiries from family members and foreign diplomats about political prisoners' locations or condition. Government officials continued to refuse to permit family members, foreign diplomats, or international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners associated with the 2002 attack. The government and the ICRC were unable to agree on acceptable conditions for prison visits. As a result, the ICRC did not conduct any prison visits during the year. Prisoners'

family members reported that the government also held political prisoners in facilities near Turkmenbashi and in Mary Province.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, they remained serious problems.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs directs the criminal police, who work closely with the Ministry of National Security (MNB) on matters of national security. The MNB controls personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. Corruption existed in the security forces.

Since President Berdimuhamedov created it in 2007, the presidential commission to review citizens' complaints of abuse by law enforcement agencies has conducted no known inquiries in which members of the security forces were held accountable. In 2007 the commission reviewed only three cases that led to further review by the Supreme Court and reductions of citizens' sentences. In 2007 the president, who chairs the commission, publicly fired and later arrested the chairman of the Supreme Court, who served as deputy chairman of the commission, in part for failure to ensure that cases coming to the commission received proper review. In the same year the president fired the minister of internal affairs, reportedly because of an alleged doubling of cases involving ministry corruption and abuse under review by the commission.

Arrest Procedures and Treatment While in Detention

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

A new Criminal Procedure Code (CPC) adopted in April provides for a bail system and surety; however, these provisions were not implemented. Detainees were entitled to immediate access to an attorney after a formal accusation was issued, and they were able to choose their counsel. In practice they did not always have prompt or regular access to legal counsel. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives. Incommunicado detention was a problem. The scope of these problems in the criminal justice system was unclear. Authorities legally had to issue a formal indictment within 10 days of arrest to hold detainees longer. However, authorities did not adhere to these provisions in practice.

The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. However, there were no known treason convictions. The government arrested and filed charges against those expressing critical or differing views.

Pretrial detention legally could last no longer than two months, but in exceptional cases it could be extended to one year if an investigator made such a request to the prosecutor general. For minor crimes a much shorter investigation period applies. In contrast to previous years, authorities rarely exceeded legal limits for pretrial detention. In the past chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays; however, the government's

anticorruption efforts and the establishment of the Academy of State Service to improve state employees' qualifications generally eliminated such delays.

Although in past years the government detained regime opponents under house arrest without due process, no provision in the CPC authorizes such punishment. The law does provide for internal exile, requiring an individual to reside in a certain area for a fixed term of two to five years. At year's end the status of individuals previously placed under house arrest, including NGO leaders, relatives of those suspected of involvement in the 2002 attack, and some of the 100 individuals prevented from meeting with the Organization for Security and Cooperation in Europe (OSCE) in 2003, was unknown.

Amnesty

The government pardoned 990 prisoners on February 19 in honor of Flag Day; 1,671 prisoners on May 14 for the Day of Revival, Unity and Magtymguly Pyragy's Poetry; 1,284 on September 9 in advance of the Night of Omnipotence holiday; and 3,934 on December 2 in honor of Neutrality Day. No prisoners of international concern or prisoners associated with the 2002 attack on the former president's motorcade were released.

It was unknown whether amnestied prisoners still had to swear an oath of allegiance to the *Ruhnama*, former president Niyazov's spiritual guidebook on the country's culture and heritage.

e. Denial of Fair Public Trial

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

The court system consists of a Supreme Court, six provincial courts (including one for Ashgabat), and 64 district and city courts. Civilian courts, under the authority of the Office of the Prosecutor General, tried members of the armed forces for criminal offenses.

Trial Procedures

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

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 were frequently flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal a lower court's decision and petition the president for clemency. In most cases courts ignored allegations of torture when

defendants raised such allegations in trial. There were credible reports that judges often predetermined the outcome of the trial and sentence.

There were regular reports that police would arrest an individual and request he or she pay a fine for breaking a specific law. When a citizen asked to see the law, police or other government officials refused or stated the laws were secret.

Political Prisoners and Detainees

On May 2, the government released Mukhametkuli Aimuradov, imprisoned since 1995 for antistate crimes, including attempted terrorism.

There was no further information about the case of former civil activist and former political prisoner Gulgeldy Annaniyazov, whom authorities arrested in June 2008 after he reentered the country and sentenced in a closed court trial the next month to 11 years in prison. Annaniyazov received asylum in Norway in 2002 after serving five years in a Turkmenbashi prison for his role in a 1995 political demonstration.

There was no further information regarding the cases of journalists Annakurban Amanklichev and Sapardurdy Hajiyev, who remained in jail. In 2006 authorities charged them and journalist Ogulsapar Myradova with weapons possession after they received journalism equipment from foreign sources. They were sentenced in a closed trial to six to seven years' imprisonment. Radio Free Europe/Radio Liberty (RFE/RL), the Turkmenistan Helsinki Foundation, and several other human rights organizations claimed the journalists were charged with criminal activities to block their reporting. In 2006 Myradova died in police custody under suspicious circumstances.

Opposition groups and some international organizations claimed the government held political prisoners and detainees, although the precise number of these individuals--who included persons convicted of involvement in the 2002 attack--remained unknown. Among those individuals from 2002 was a former ambassador to the OSCE, Batyr Berdiev, whose whereabouts and fate remain unknown. In 2008 there were reports that the government held approximately 360 individuals in Owadan Depe prison for their perceived political opinions and alleged involvement in the 2002 attack. Human rights observers called conditions at Owadan Depe Prison among the worst in the country, and there were reports that prison officials subjected prisoners to torture and other forms of abuse.

There was no further information on 2007 reports that some prisoners accused of economic crimes, including a number of former senior government ministers, might have been moved from Owadan Depe Prison to Mary Prison. Government officials continued to ignore inquiries from family members and foreign diplomats about many prisoners' locations or condition. Government officials also continued to prevent family members, foreign diplomats, and international observers such as the ICRC from accessing detainees or prisoners associated with the 2002 attack.

Civil Judicial Procedures and Remedies

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

Property Restitution

The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. In February 2007 President Berdimuhamedov announced there would be no housing demolition unless

replacement housing was available. However, during the year the government demolished some private homes in and around Ashgabat as part of an urban renewal program without adequately compensating the owners.

As in previous years, there were reports that the government gave persons as few as 72 hours to vacate their homes and did not provide homeowners with alternative accommodations or compensation.

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

The constitution and law prohibit such actions; however, authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of suspected regime opponents and some minority religious group members without independent judicial authorization. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. The government reportedly intercepted surface mail before delivery, and letters and parcels taken to the post office had to remain unsealed for government inspection.

A noncitizen may marry a citizen only after residing in the country for one year.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, but the government did not respect these rights in practice. The government warned critics against speaking with visiting journalists or other foreigners about human rights problems. There were reports that law enforcement officials harassed and detained Turkmen journalists who worked for foreign media outlets.

Almost all print media were government financed. Except for the private but government-sanctioned Turkish newspaper *Zaman*, which reflected the views of the state newspapers, the government imposed significant restrictions on the importation of foreign newspapers.

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

During the year government agents reportedly detained, harassed, and intimidated journalists and their families. In particular, journalists working for RFE/RL reported frequent surveillance and harassment by government authorities.

During the year there were several reports that the government used restrictions on travel abroad to punish independent journalists and individuals who openly criticized the government. The government also restricted the travel of journalists' family members. In 2008 the government barred four RFE/RL reporters from travelling abroad.

There were no updates concerning the case of RFE/RL correspondent Soltan Achilova. In January 2008 authorities interrogated Achilova for two days, accusing her of producing reports critical of national policy. They released her after she

signed an agreement to stop working for RFE/RL until she obtained formal press accreditation. Although RFE/RL requested accreditation on Achilova's behalf, by year's end authorities had not responded to the request.

There were no updates concerning the case of RFE/RL reporter Gurbandurdy Durdykulyev. In late April 2008, a Molotov cocktail struck Durdykulyev's house in Balkanabat. Three of the house's outer walls were painted with obscene graffiti, including the word "traitor," paint was poured on his car, and human feces were smeared on his front door.

Throughout the year the government continued intermittent harassment of RFE/RL reporter Halmyrat Gylychdurdyev. Authorities monitored his activities, harassed his family, and periodically disconnected his mobile telephone service. In April 2008 security officials sought to disrupt the wedding of a family member of Gylychdurdyev.

There were no updates concerning the case of RFE/RL reporter Osman Halliyev. In July 2008 Halliyev reported that security authorities pressured administrators at the Azadi Foreign Language Institute to expel his son because Halliyev refused to stop working for RFE/RL. Several family members were dismissed from their employment, and Halliyev remained under constant surveillance.

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

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

To regulate domestic printing and copying activities, the government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The government required the registration of all photocopiers and mandated that a single individual be responsible for all photocopying. The government owned all publishing companies. The government censored works on topics that were out of favor with the government, including some works of fiction.

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of the Russian newspaper *Argumenti i Fakti* and other nonpolitical periodicals appeared occasionally in the bazaars.

There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no guarantee of receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international conferences and summit meetings, where their activities could be monitored. Authorities denied some journalists accreditation, although at least five journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least five of whom reportedly were accredited. As many as 13 correspondents representing foreign media services operated without accreditation. Visiting foreign journalists reported harassment and denial of their freedom of movement when they attempted to report outside official channels.

Internet Freedom

During the year Internet access for the general population increased to approximately 70,000 users, according to the International Telecommunication Union. Government-owned Turkmentelecom remained the main provider to the general population, but its service was monitored and filtered.

The government continued to monitor citizens' e-mail and Internet activity, and reports indicated that the Ministry of National Security controlled the main access gateway, monitored users' browsing, and blocked access to certain sensitive

Web sites, cutting service in certain cases. The Russian cellular company MTS reportedly provided unfettered mobile Internet service to its customers; however, the price was prohibitively high for most citizens.

The public could access the Internet through 15 state-owned Internet cafes nationwide. The cafes offered controlled access and blocked politically sensitive and pornographic Web sites.

Academic Freedom and Cultural Events

The government did not recognize academic degrees received abroad, except those obtained abroad through intergovernmentally approved education programs. Only government-selected students were allowed to participate in intergovernmentally approved exchange programs. The Ministry of Education did not recognize degrees from nonstate institutions of higher education in former Soviet Union countries. The Ministry of Education (MOE) closely scrutinized exchanges at the university level, and according to the new law, the Council of Ministers must approve all programs.

During the year the MOE took no action on the president's 2007 request that the ministry facilitate recognition of foreign degrees, apart from the earlier established process of validation, based on passing *Ruhnama*, History of Turkmenistan, and specialization exams in Turkmen. The validation process was available only for degrees from state higher educational institutions that offered a full-time enrollment program.

Beginning in late July, the government began denying freedom of movement to more than 150 Turkmen students studying at the American University of Central Asia in Bishkek. The students were not allowed to depart Turkmenistan to continue their studies there or at other universities abroad. There were widespread reports that students attempting to depart for overseas university study were also denied exit permission and that authorities threatened families as a way to pressure some students who were abroad to return home.

The government did not tolerate criticism of government policy or the president in academic circles and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, and theology. University enrollment totaled approximately 4,300 students at all higher educational institutions, compared with 4,000 students in 2008.

Officials from the MOE and provincial authorities sought to prevent students who were not ethnic Turkmen from entering exchange programs.

The school curriculum continued to include works by Niyazov, such as the *Ruhnama*, and students were required to pass examinations on them for advancement, graduation, or admission to higher educational institutions. However, teachers reported that administration required them to spend substantially less class time studying Niyazov's works than in the past and instead began introducing books and speeches by President Berdimuhamedov into the curriculum. During the year *Ruhnama* studies as a separate course was discontinued for senior grades, but was still required for primary school students. The newspaper *Mugallymlar gazetini* (Teachers' Newspaper) published the new government-provided curriculum for schools.

Most secondary school textbooks were revised to remove all text devoted to Niyazov and his family; however, a picture of Niyazov continued to appear on the first page of each textbook. Text devoted to President Berdimuhamedov's "New Revival" ideology replaced the previous text on Niyazov and his family. Despite a 2008 MOE report stating that all textbooks had been completely revised, only one-third had been revised at year's end.

The government continued to require teachers and students to participate in state-sponsored extracurricular events, and approximately 70 to 80 academic days per year were allocated to compulsory participation in festivals and greetings for high-level visitors, significantly reducing instruction time. This previously informal practice was formalized at secondary

schools by requiring teachers to sign an agreement accepting salary cuts for not participating in these government events. Participating students were given the equivalent of "A" for the day, which provided further incentive to attend the event rather than be in the classroom.

The government created a formalized mechanism for content censorship by establishing a separate government committee to approve all cultural products produced in the country for the general public, including books, movies, theatrical plays, art, and any other cultural program.

Although restrictions eased somewhat, the government continued to control attendance at nonindigenous cultural events and refused to permit the production of some foreign plays and performances in state theaters. Only the Russian theater in Ashgabat continued to stage foreign plays in Russian, and those plays were invariably apolitical.

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government restricted this right in practice. Authorities neither granted the required permits for public meetings and demonstrations during the year nor allowed unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations.

Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice. The law requires all NGOs to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the MOJ and the Ministry of Economics and Development and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention and confiscation of property. As in previous years, the government routinely denied registration to NGOs and other private organizations for what appeared to be arbitrary reasons.

During the year there were no reports that the government registered any new civic organizations.

Of the 89 registered NGOs, international organizations considered seven to be independent. NGOs reported that the government continued to present numerous administrative obstacles to NGOs that attempted to register. Some applications were repeatedly returned on technical grounds. Some organizations awaiting registration found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others temporarily suspended or limited their activities.

In 2008 authorities in Lebap Province advised two community groups against cooperation with an international NGO. Local security authorities in Dashoguz Province advised a community activist not to accept grants from international organizations.

In 2007 security service officials continually harassed NGOs and their local partners. In April and May 2007, authorities closed several information and resource centers in the central Ahal region that an international NGO operated; one was later allowed to reopen. Authorities terminated cooperation between an NGO and local community groups twice in 2007, advised two community groups against cooperating with an NGO, terminated training the NGO was providing, and questioned its local point of contact.

No independent political groups existed (see section 3). The only registered political party was the ruling Democratic Party, the former Communist Party of Turkmenistan. The government did not prohibit membership in political organizations; however, in practice there were no reports of persons who claimed membership in political organizations other than the Democratic Party.

In contrast with previous years, there were no reports during the year that government authorities harassed recipients of foreign grants.

c. Freedom of Religion

The constitution and law provide for freedom of religion; however, the government restricted this right in practice. There is no state religion, but the majority of the population is Sunni Muslim. The government incorporated some aspects of Islamic tradition into its efforts to define a national identity. In practice the government closely controlled and monitored all religious activities and placed some restrictions on Muslims. The government required all religious groups as well as individual mosques and churches to register with the MOJ and continued to monitor of financial and material assistance to religious groups from foreign sources. Some groups reported confusion over registration requirements for individual branches of religious groups due to conflicting statements by government officials from different ministries.

During the year religious groups continued to encounter persistent administrative hurdles to registration. One Islamic religious group was registered during the year. At least six groups that had applied for registration continued to be denied legal status. Other unregistered religious congregations, including separate groups of Baptists and evangelical Christians, existed, although the government restricted their activities. The government officially prohibited unregistered groups from conducting religious activities. According to the government-appointed Council on Religious Affairs (CRA), Shia Muslim groups were allowed to register collectively as one organization.

The Catholic Church remained unregistered because local law requires the head of a local religious organization to be a citizen. However, authorities eased their harassment of the church. Church leaders conducted regular masses and held classes on Catholicism for interested ethnic Turkmen as well as citizens of other ethnicities.

The CRA reports to the president and ostensibly acts as an intermediary between the government and registered religious organizations. The CRA includes representatives of the government, Sunni Islam, and the Russian Orthodox Church, but no other religious groups. In practice the CRA acted as an arm of the state, exercising direct control over hiring, promotion, and firing of Sunni Muslim and Russian Orthodox clergy and monitoring all religious publications and activities. A January report by the UN special rapporteur on freedom of religion or belief encouraged the government to revise its Law on Religion to bring it into greater conformity with international human rights standards and recommended the CRA be more inclusive and independent.

Both registered and unregistered minority religious communities experienced difficulty in obtaining facilities where they could worship. Legal and governmental obstacles hindered or prevented registered and unregistered religious groups from purchasing or renting land or buildings for worship or meetings. Although the law specified that residential premises not be used for other purposes, some religious groups meeting in homes reported no interference, while others faced harassment.

The government continued occasionally to harass and threaten registered and unregistered minority religious groups. Examples of harassment included government agents disrupting religious services and interrogating and detaining group members and pressing them to abandon their beliefs. The government threatened members of minority religious groups with fines, loss of registration, loss of employment and housing, and imprisonment because of their beliefs. There were also reports of raids and the seizure of religious materials. However, the only instance of reported physical abuse led to an

unprecedented punishment of the police officer involved. On May 6, Jehovah's Witnesses reported a Turkmenabad police officer beat and abused a member whose mother subsequently reported the incident to the local public prosecutor. The prosecutor reportedly summoned the police officer and ordered him to pay damages of approximately eight million manat (\$540).

Members of Jehovah's Witnesses and other minority religious groups reportedly continued to experience police harassment including disruption of meetings, raids; surveillance; detentions; and administrative fines. Nevertheless, some registered and unregistered religious minority group members indicated mistreatment has diminished considerably during recent years. Registered minority religious groups reported little harassment. The leader of one unregistered group reported the group's adherents generally gathered in private apartments and police no longer raided or fined them as in the past.

Despite the government's embrace of certain aspects of Islamic culture, the government was concerned about foreign Islamic influence and local believers' interpretation of Islam. The government controlled the establishment of Muslim places of worship and limited access to Islamic education.

The government officially banned only extremist groups that advocate violence, but it effectively prevented all groups advocating stricter interpretations of Islamic religious doctrine, which it also regarded as extremist, from operating. The government did not officially restrict persons from changing their religious beliefs and affiliation, but police officers and other government officials sometimes subjected ethnic Turkmen who converted to Christianity to harassment and mistreatment, such as verbal abuse.

Reports continued that the government obstructed travel based on affiliation with religious minority groups. Turkmen Evangelical Church Pastor Ilmyrat Nurliyev continued to be barred from travel abroad.

Although the government had not permitted visits by foreign religious officials since 2007, during the year the government granted at least three registered minority religious groups permission for the visit of a foreign religious leader to conduct religious services for the group. The government prohibited foreign missionary activity, although both Christian and Muslim missionaries were present. It also prohibited proselytizing by unregistered religious groups; however, for the first time, two minority religious groups reported they were able to proselytize in the form of "street evangelism," or going door-to-door, without interference from the authorities.

There was no official religious instruction in public schools. Unregistered religious groups and unregistered branches of registered religious groups were prohibited from providing religious education. Extracurricular religious education was allowed only with CRA and presidential permission, and there were no reports that either the CRA or the president approved such programs.

The government controlled access to Islamic education. The theology faculty in the history department at Turkmen State University in Ashgabat was the only academic faculty the government permitted to conduct Islamic education.

The government no longer required mosques to display the *Ruhnama*; however, phrases from the *Ruhnama* were still inscribed on the walls of a large mosque in Gypjak. The government did not allow the publication of religious literature and limited the availability of Korans, Bibles, and other religious literature. In practice the CRA must approve imported religious literature. Government representatives informed religious groups they could only import religious literature in quantities corresponding to the number of registered congregants.

The government does not offer alternative civilian service, permitted under the law until 1995, for conscientious objectors. Individuals who refused military service for religious reasons were offered noncombatant roles within the military. In July courts tried two Jehovah's Witness conscientious objectors in Dashoguz Province and sentenced them to two years in

prison. This followed the imprisonment in May of two Jehovah's Witness conscientious objectors from Serdar for refusing military service. They were both sentenced to two-year prison terms. In January the UN special rapporteur on freedom of religion or belief recommended that the law be revised to provide civilian service as an alternative to compulsory military service for conscientious objectors.

Societal Abuses and Discrimination

There were an estimated 700 Jews, predominately in Ashgabat, but no organized Jewish community. There were no reports of anti-Semitic acts.

Ethnic Turkmen who chose to convert from Islam to other religious groups were viewed with suspicion and sometimes ostracized.

There were reports that members of nontraditional minority religious groups were forced to resign from government jobs.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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

The constitution and law do not provide for full freedom of movement. The law requires internal passports and residency permits. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, stateless persons, and other persons of concern. The president eliminated police checkpoints on major roads soon after his inauguration in February 2007, and in July 2007 he lifted controls requiring citizens to obtain permits for internal travel to border regions. The border permit requirement remained in effect for all foreigners.

Although citizens are not allowed to hold dual citizenship, this requirement has not been enforced in practice. However, persons indicating on applications for new passports that they are dual citizens reportedly have not been issued new passports, whereas persons with only Turkmen citizenship have received passports.

The government denied it maintained a list of persons not permitted to depart the country; however, it continued to bar certain citizens from departing. A 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, has previously violated the law of the destination country, or whose travel contradicts the interests of national security. The education law allows the government to impose limitations on obtaining education in specific professions and specialties, which has been applied to prevent students from travelling abroad to study.

Citizens were able to inquire at the State Migration Service (SMS) about their travel status; however, those who inquired rarely received information. A few students who had been barred from travel abroad reportedly were able to avoid the restriction by bribing government officials.

In January authorities stopped the son of an RFE/RL reporter from departing to study in Canada. Authorities at the airport referred him to the SMS, but the SMS did not provide a reason for the travel ban.

The law permits forced internal exile, and at year's end some former government ministers and other officials who had been dismissed from their positions and sent into internal exile in previous years remained detained in a designated area. Almost all political opponents of the government lived in other countries for reasons of personal safety.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system to provide protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government granted refugee or asylum status to some ethnic Turkmen from Afghanistan and Tajikistan and to other groups of ethnic Uzbeks and Russians. There were 125 UNHCR-mandate refugees in the country. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention or the 1967 Protocol. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Stateless Persons

The UN Development Program (UNDP) reported there were few stateless persons in the country. However, the UNDP estimated there may be as many as 9,000 undocumented residents who held Soviet Union passports when the Soviet Union dissolved and who did not have a state affiliation selected when those passports expired in 1999. The government administratively processed these residents and issued them residency permits while considerations of state affiliation continued. The UNDP could not easily quantify these persons because they had not sought UNDP assistance, nor had they sought a change in their status. The UNHCR considered these individuals as de facto stateless or at risk of becoming stateless.

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

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

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

Elections and Political Participation

Local council ("gengesh") elections were held in July in rural areas under a law that had been revised in April to bring electoral procedures into line with the 2008 constitution and electoral law." The 2008 constitution gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty (Peoples' Council) as a political body.

In October 2008 the government also adopted a revised Mejlis election law that incorporated some international standards, including eliminating negative voting, permitting the nomination of candidates by community groups, and granting the right to vote to detainees not yet convicted of a crime. In December 2008 parliamentary elections were held for deputies to the Mejlis. For the first time, the government invited international observers to monitor the election process. The elections did not meet OSCE standards for free, fair, transparent, and competitive elections.

At year's end former Parliamentary Chairman Ovezgeldy Atayev remained in prison. Under the constitution, after the December 2006 death of former President Niyazov, Atayev should have become the interim president. However, Gurbanguly Berdimuhamedov was named instead, and authorities initiated a criminal investigation against Atayev.

In February 2007 citizens selected Berdimuhamedov president in an election that did not meet international standards. The OSCE noted the following problems: lack of political pluralism, restrictions on the right of citizens to run for president, lack of provisions regulating the media coverage of the campaign, prohibition against failed candidates contesting a repeat

election, and negative voting, a requirement that voters cross out the names of all candidates except the name of the chosen candidate. Although the government did not legally prohibit membership in political organizations, it banned all political parties other than the president's Democratic Party. The government continued to ban political opposition in the country.

There were 21 women in the 125-member parliament, including the Mejlis chairman, who was reelected in 2008. Women served in a few prominent government positions: deputy chairman of the Cabinet of Ministers for Culture and Television (a vice premier position), minister of education, director of the State Archives, director of the Institute for Democracy and Human Rights, the chairpersons of two of five parliamentary committees, the chairperson of the state publishing service, and head of the state news agency.

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Widespread corruption existed in all social and economic sectors. Factors included the existence of patronage networks, a lack of transparency and accountability mechanisms, and fear of government reprisal. According to the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem. Transparency International's 2009 Corruption Perceptions Index reported that experts perceived rampant corruption among the country's public officials.

The president dismissed numerous ministers and government officials from their positions; some were investigated and arrested for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated. The government reportedly sentenced a senior government official in the oil and gas sector to prison for corruption.

There is no law that allows for public access to government information, and in practice the government did not provide access. Authorities denied requests for specific information on the grounds that the information was a state secret. Some statistical data were considered state secrets. There was no public disclosure of demographic data, and published economic and financial data were manipulated to justify state policies and expenditures.

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

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

There were no international human rights NGOs with a continued permanent presence in the country; however, the government permitted international organizations, including the OSCE and the UNHCR, to have resident missions. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the government's human rights policies. The government appeared to have relaxed somewhat its past efforts to control citizens' access to international organizations and missions and to discourage citizens from cooperating with foreigners. During the year the OSCE reported there had been no perceptible restrictions on citizens' ability to visit and participate in OSCE Center activities. In October 2007 the OSCE reported the government had

stopped impeding ordinary citizens from visiting the OSCE Center or participating in OSCE-sponsored civil society-themed seminars and activities.

In January the UN special rapporteur on freedom of religion or belief published a report on her September 2008 official visit to the country. During the visit she met with the president; other national, regional, and local government representatives; the chairman of parliament; members of the Supreme Court; and a variety of registered and unregistered religious group representatives. The NGO Human Rights Watch reported security services had warned representatives of at least three religious communities in Ashgabat not to meet with the special rapporteur during her visit.

The government-run Institute for Democracy and Human Rights (IDHR) played an unofficial ombudsman's role to resolve some citizen human rights-related petitions during the year. In 2007 the government established the Human Rights Commission, which reports to the president, to oversee institutional human rights reform. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. The IDHR, also subordinate to the president, was established in 1996 with a mandate to support democratization and monitor the protection of human rights, and maintained a human rights library. The IDHR was not an independent body, and its ability to obtain redress was limited.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

The law prohibits domestic violence, including spousal abuse, but the law was not effectively enforced. Penalties are based on the extent of the injury. Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat, an independent NGO, and several informal groups in other regions assisted victims of domestic violence. A local NGO, Keik Okara, launched a domestic violence hotline with support from the OSCE Center in Ashgabat. Keik Okara also provided free legal consultations and psychological assistance to victims of domestic violence and organized awareness-raising seminars on domestic violence for the general public.

Prostitution is illegal but remained a problem throughout the country. Authorities actively monitored prostitution and attempted to counter it. There is no law specifically prohibiting sexual harassment, and reports suggested sexual harassment existed in the workforce.

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

According to the Population Reference Bureau, 97 percent of births were attended by skilled personnel, and 99 percent of women receive at least one postnatal care visit. Modern contraceptive methods were available to 99 percent of the public. Statistics on contraceptive use by single women were unavailable, but 53 percent of married women used some form of modern contraceptives. Due to cultural attitudes, almost one-third of married women opposed the use of family-planning methods.

Women had equal rights under family law and property law, and in the judicial system. In 2007 the Mejlis approved and began implementing a new law on women's rights after consultation with the UNDP and other international partners. The Mejlis Committee on Human Rights and Liberties was responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. By law women are equal to men in all spheres, including wages, loans, starting businesses, and working in government. Nevertheless, women continued to experience discrimination in practice due to cultural biases. Employers allegedly gave preference to men to avoid productivity losses due to pregnancy or child-care responsibilities. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. The government restricted women from working in some dangerous and environmentally unsafe jobs.

The government did not acknowledge, address, or report on discrimination against women.

Children

The government took modest steps to address the welfare of children, including increased cooperation with the UN Children's Fund (UNICEF) and other international organizations on programs designed to improve children's health, and reinstatement in 2007 of the 10th year of mandatory schooling.

The government reimposed restrictions on some students wishing to study abroad, following a period since 2007 during which such restrictions had eased. Significant bureaucratic hurdles to foreign study remained in place throughout the period.

In 2007 the government initiated reforms in the higher education system, including extending university education to five years from two years and removing the requirement that university students work for two years before embarking on a degree program.

There were isolated reports of child abuse.

According to a 2006 UNICEF report, 9 percent of marriages involved minors.

Trafficking in Persons

In December 2007 parliament passed a comprehensive law prohibiting all forms of trafficking in persons. There were some reports that persons were trafficked to, from, and within the country.

Statistics on the estimated number of trafficking victims were unavailable. During the year the government continued to use a 2005 migration law to prevent suspected female trafficking victims from going to Turkey, United Arab Emirates, or Iran, which human rights observers reported were the primary trafficking destination countries. Most of the cases involved young women trafficked for sexual exploitation, as well as men trafficked to work as laborers or in factories. Most of the persons were trafficked to Turkey. NGOs noted young women from minority ethnic groups were most vulnerable to being trafficked.

During the year the International Organization for Migration helped 25 trafficked persons repatriate from Turkey. Fines for traffickers ranged from two to eight years' imprisonment and confiscation of property, depending upon the law under which they were convicted. During the year, for the first time, the government prosecuted two alleged traffickers. The outcome of these cases remains unknown. During the year the Office of the Prosecutor General replaced the Ministry of Internal Affairs as the responsible agency for combating trafficking.

Some social action groups carried out trafficking awareness programs in the provinces. The government did not publicly acknowledge trafficking as a problem and did not monitor the trafficking situation within its borders, nor did it have a strategy to do so. The government did not systematically screen vulnerable population groups to identify trafficking victims. There were unconfirmed reports that some customs or migration officials had been notified of cases in which women were trafficked abroad but made no efforts to prevent the trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and other state services; however, in practice disabled persons encountered discrimination and are regularly denied work, education, and access to health care and other state services because of strong cultural biases. The government systematically categorized many persons with physical disabilities as persons with mental disabilities and housed them in facilities for the mentally ill. The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to maintain a decent standard of living. Persons with disabilities who received these subsidies were considered "employed" and therefore ineligible to compete for jobs in the government, the country's largest employer.

Some groups of students with disabilities were unable to obtain education because there were no qualified teachers. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. Children with disabilities, including those with mental disabilities, were placed in boarding schools through which they were to be provided with educational and future employment opportunities if their condition allowed them to work; in practice neither was provided. Special schools for the hearing and sight impaired existed in the larger cities.

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. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

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

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce and everyday life in the capital, even as the government continued its campaign to conduct official business solely in Turkmen. The government required ministry employees to pass tests demonstrating knowledge of professional subjects in Turkmen; employees who failed the exam were dismissed. The government systematically replaced teachers and staff at Turkish schools with ethnic Turkmen. Only in schools did the government dedicate resources to providing Turkmen language instruction for non-Turkmen speakers.

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

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

Homosexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to a human rights NGO, homosexuality is considered a mental disorder, and gay men were sometimes sent to psychiatric institutions to be "cured."

There were no recorded cases of violence or other human rights abuses based on sexual orientation and gender identity, and no information was available regarding discrimination against lesbian, gay, bisexual, and transgendered individuals in employment, housing, statelessness, access to education, or health care.

Other Societal Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law provides for citizens to join independent unions, but in practice all existing trade and professional unions were government-controlled. Private citizens are not permitted to form independent unions.

The government permitted the existence of only the umbrella organization Center for Professional Unions (CPU). Led by a presidential appointee, the CPU included professional unions in most fields, including medicine, construction, banking, accounting, economics, entrepreneurship, and lease holding. All unions were government appendages and had no independent voice in their own activities. There is no law regulating strikes or retaliation against strikers, and strikes were rare.

b. The Right to Organize and Bargain Collectively

The law does not protect the right to bargain collectively.

The law does not prohibit antiunion discrimination by employers against union members and organizers. There were no mechanisms for resolving complaints of discrimination, and there were no reports of discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. In contrast to previous years, there were no reports of such practices.

A 2005 presidential decree bans child labor, specifying that children are not permitted to participate in the cotton harvest. During the year the government enforced this policy.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, but they were not effectively enforced. 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 from working more than six hours per day. A 15-year-old may work four to six hours per day with parental and trade union permission, although such permission was rarely granted. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws.

e. Acceptable Conditions of Work

The state sector minimum monthly wage of 330 manat (\$116) did not provide a decent standard of living for a worker and family.

The standard legal workweek is 40 hours with weekends off. Most public sector employees also worked at least one-half day on Saturdays. The law states overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days; however, this law was not enforced.

The government did not set comprehensive standards for occupational health and safety. Industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards related to the application of defoliants in preparing cotton fields for mechanical harvesting. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.