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Although the constitution declares the country to be a secular democracy and presidential republic, Turkmenistan, with a population of approximately 5 million people, is an authoritarian state that was dominated by president-for-life Saparmyrat Niyazov, who retained his monopoly on political power until his death on December 21. The Halk Maslahaty (people's council) decided on December 26 to select Niyazov's successor through public elections on February 11, 2007. Government efforts continued to focus on fostering centralized state control and the glorification of the president. All candidates who ran in the 2004 parliamentary elections were members of the Democratic Party, the only legally recognized political party in the country, and were cleared by authorities. Candidates who ran in the village, city, and district elections in July and December did not have to be members of the Democratic Party or a state union, though it is unclear how many, if any, of the "non-party" candidates won. The elections did not meet international standards. Of the country's two parliamentary bodies, the 2,500-member people's council is the supreme legislative body and surpasses the 50-member Mejlis (parliament) in authority. The president controlled the judiciary. The civilian authorities generally maintained effective control of the security forces.

The government continued to commit serious abuses, and its human rights record remained extremely poor. Authorities severely restricted political and civil liberties. Human rights problems included: citizens' inability to change their government; torture and mistreatment of detainees; incommunicado and prolonged detention; abuse of religious minority group members; arbitrary arrest and detention, including family members of accused criminals; house arrest; denial of due process and a fair trial; arbitrary interference with privacy, home, and correspondence; restrictions on freedom of speech, press, assembly, and association; restrictions on religious freedom; a government-maintained blacklist of individuals not permitted to travel abroad; violence against women; and restrictions on free association of workers.

The government continued to restrict freedom of movement, speech, press, and assembly. Measured improvements in human rights included: a continued decrease in harassment of religious groups, release without sentencing of two conscientious objectors, and dramatically less evidence of child labor during the cotton harvest.

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 reliable reports that the government or its agents committed any politically motivated killings, although families who have not heard news of imprisoned family members for some time frequently speculated that they may have died in prison.

In August journalist Ogulsapar Myradova was sentenced to six years in prison for weapons possession. On September 13, Myradova died in prison under suspicious circumstances (see sections 1.c. and 2.a.).

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 prohibits such practices; however, security officials tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government, particularly in detention while seeking a confession. There was no follow-up action in the 2005 case of Alexander Fatalyiev, who was living in exile at year's end.

The Helsinki Foundation in the country claimed that Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev were tortured during detention in the summer to extract confessions of weapons possession. All three were subsequently sentenced to prison (see sections 1.a. and 2.a.). On September 13, Myradova died in prison under suspicious circumstances.

In September 2005 according to the Helsinki Foundation in the country, a young woman was beaten and raped during seven days at a Turkmenbashy detention facility; she was subsequently sentenced to prison. After this case received international attention, the Supreme Court released her on the grounds that she needed to provide for the child she gave birth to as a result of the rape.

Unlike in the previous year, there were no reports that Ministry of National Security (MNB) members beat Radio Free Europe/Radio Liberty (RFE/RL) associates or members of religious minorities. There were no developments in the case of the 2004 abduction and beating of RFE/RL associate Saparmyrad Ovezberdiev, who was living in external exile.

Authorities detained people in psychiatric hospitals as punishment. For example, on January 4, according to the Moscow-based Memorial Human Rights Center and several other NGOs, Kakabay Tejenov, a 70-year-old pensioner, was forcibly hospitalized in Turkmenabat after he tried to distribute to foreign embassies a statement on human right violations in the country. Amnesty International reported that Tejenov was released on October 24 and was hospitalized for a preexisting medical condition. On October 19, President Niyazov granted Krishna Consciousness Society member Cheper Annaniyazova amnesty; Annaniyazova was released from prison.

There were no known reports during the year of specific incidents of hazing. However, hazing of military conscripts reportedly remained a problem and led to cases of desertion from units where conditions were particularly difficult, according to the Memorial Human Rights Center and the Institute for War and Peace Reporting. According to this report, corruption within the defense ministry and draft commissions, tribal and ethnicity-based rivalries and disregard for the rights of soldiers have led to an increasing number of deaths caused by brutal treatment meted out by soldiers on fellow conscripts. In addition, the standard of combat training decreased as regular military units were transformed into an unpaid labor army doing things that had little to do with the military, such as growing wheat, gathering cotton, and working as hospital attendants, factory workers, or construction laborers.

Prison and Detention Center Conditions

Prison conditions were poor; prisons were unsanitary, overcrowded, unsafe, and posed a threat to life. Disease, particularly tuberculosis (TB), was rampant. There continued to be concerns that prisoners with TB were released untested and untreated into the general population, although the government reportedly began screening prisoners for TB, among other diseases, upon their release and provided some treatment in some cases. Prisoners diagnosed with TB were transferred to a special Ministry of Interior hospital in Mary Welayat for treatment. Government officials protested foreign diplomatic missions' allegations of poor prison conditions, but they did not respond to direct inquiries. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies, although prisoners convicted for treason were unable to receive supplies from relatives. The government defined treason as any opposition to the government.

Former government officials and others imprisoned for various alleged crimes, including those implicated in the 2002 armed attack against the president, were singled out for harsh treatment. There were no reports available on the conditions and treatment of prisoners arrested after the 2002 armed attack.

Local sources reported that authorities continued to detain and threaten relatives of those implicated in the 2002 attack to coerce confessions and limited their contact with foreigners. Many were placed on a blacklist that prevented them from traveling outside of the country (see section 2.d.).

Government opponents reported that former high-level officials were denied proper medical treatment and suffered beatings while in detention. Security forces also denied them medical treatment and food, and used verbal intimidation to coerce confessions.

Two members of Jehovah's Witnesses were detained for several weeks of physical and psychological harassment; they were subsequently released without being charged (see section 2.c.). On April 12, Gurbandurdy Durdykulyev, detained since February 2004 in a psychiatric hospital for petitioning the government to hold a peaceful demonstration, was released from the hospital under international pressure.

The Helsinki Foundation in the country claimed that Ogulspapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev were tortured during detention in the summer in order to extract confessions of weapons possession. All three were subsequently sentenced to prison (see sections 1.a. and 2.a.). On September 13, Myradova died in prison under suspicious circumstances.

Family members and international publications claimed some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the summer heat. There was no investigation or government response in the August 2005 death in prison of political prisoner Yazgeldi Gudogdyev. According to Turkmen Initiative for Human Rights, in June former Lebap Welayat Hakim (provincial governor) Geday Ahmedov died in prison due to lack of medical care.

There were three types of incarceration facilities throughout the country: educational-labor colonies, correctional-labor colonies, and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, relatives of prisoners reported excessive periods of prisoner isolation. There were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya Prison, near Dashoguz.

Prisoners connected with the November 2002 attack were reportedly held separately at the Owadan Depe Prison. Government officials refused to respond to inquiries from family members and diplomats about political prisoners' location or condition. Government officials also refused 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 November 2002 attack. During the year the ICRC did not conduct any prison visits, due to unacceptable government limitations on visiting certain types of prisons and prisoners (see section 1.e.).

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

In some cases receiving international attention, the government investigated allegations of abuse and held some members of the security forces accountable for abuses. The MNB's primary responsibility was ensuring that the government remained in power. The MNB limited personal freedoms and maintained a blacklist of citizens restricted from foreign travel. This list was enforced by the MVD's sixth department, the Department of Organized Crime and Terrorism Prevention.

Arrest and Detention

A warrant is not required for an arrest. Authorities can detain individuals for 72 hours without a formal arrest warrant but legally have to issue a formal bill of indictment within 10 days of arrest to hold detainees longer; however, these provisions were not always adhered to in practice. The chairman of the Cabinet of Ministers, a position held by the president, had sole authority for approving arrest warrants.

Detainees are entitled to immediate access to an attorney once a bill of indictment is issued, and they were able to choose their counsel; however, in practice they did not have prompt or regular access to legal counsel. In some cases legal counsel ceased advising their clients after government officials altered the charges or case details initially provided to defendants. Incommunicado detention was a problem. By law detainees are to be charged within 72 hours; authorities did not respect this right in practice. There was no bail system. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives (see section 1.c.).

The law characterizes any opposition to the government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence. Unlike in previous years, there were no known treason convictions during the year. Those expressing views critical of or different from those of the government were arrested on charges of economic crimes against the state and various common crimes (see section 2.a.).

Members of Jehovah's Witnesses are occasionally detained for proselytizing in public; although such detention generally lasts only a few hours, two Jehovah's Witnesses were detained for several days in late October, likely because government offices were closed during celebrations of the 15th anniversary of the country's independence.

Pretrial detention may legally last no longer than two months, which in exceptional cases may be extended to one year. In practice pretrial detentions averaged two to three months; authorities often exceeded legal limits.

The government used house arrest without due process to control regime opponents and prevent citizens from meeting with foreign diplomats. Some nongovernmental organization (NGO) leaders were also discriminately placed under house arrest. During the year relatives of those suspected in the 2002 armed attack and some of the 100 individuals placed under house arrest in 2003 to prevent meeting with the Organization for Security and Cooperation in Europe (OSCE) remained under occasional or permanent house arrest or were restricted from traveling outside of certain regions.

Maral Yklymova, daughter of Saparmurat Yklymov, who was sentenced to lifelong imprisonment in absentia for involvement in the November 2002 assassination attempt against the president, remained in house arrest in Mary. Gurbandurdy Durdykulyev, detained since February 2004 in a psychiatric hospital for petitioning the government to hold a peaceful demonstration, was not always allowed to leave his home, although he was released from the hospital April 12 under international pressure. Occasionally, RFE/RL correspondent Halmyrat Gylychurdyev (see section 2.a.) and Jehovah's Witnesses leader Andrey Zhanov were not allowed to leave their Ashgabat homes.

During the year numerous former ministers and government officials were dismissed from their positions, sent into internal exile, placed under house arrest, or sentenced to jail terms, often for valid, although politically motivated, charges (see sections 2.e. and 3.). During the year at least 16 former ministers and government officials were sentenced to jail terms or sent into internal exile after dismissal; 35 more officials were fired from their positions, but remained free or their whereabouts were unknown. One of the fired ministers, former Prosecutor General Gurbanbibi Atanayova (see section 3), probably died in prison.

Amnesty

President Niyazov granted amnesty to 10,056 prisoners on October 19. There were reports of prisoners' families purchasing amnesty, for anywhere from a few hundred to a few thousand dollars, depending on the severity of the crime. Amnestied prisoners swore an oath of allegiance to the Ruhnama, 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; however, in practice the judiciary was subordinate to the president. There was no legislative review of the president's judicial appointments, except for the chairman (chief justice) of the Supreme Court, who was reviewed by the rubber-stamp parliament. The president has the sole authority to dismiss all judges before the completion of their terms and has done so frequently down to the city level.

The court system consists of a Supreme Court, six provincial courts (including one for Ashgabat), and, at the lowest level, 64 district and city courts. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

Trial Procedures

The draft revised criminal procedure code released in 2004 remained pending at year's end. The code could significantly alter the 1961 Soviet code, which was still in force. The proposal incorporated rights of the accused, including the introduction of the presumption of innocence, restraints on police searches, establishment of a bail mechanism, and limits on pretrial detention.

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, 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, and there were few independent lawyers available to represent defendants. There is no jury system. At times defendants were not allowed to confront or question witnesses against them, defendants and their attorneys were denied access to government evidence against them, and defendants frequently did not enjoy a presumption of innocence. 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 due process rights were observed, the authority of the government prosecutor far exceeded that of the defense attorney, and it was very difficult for the defendant to receive a fair trial. Court transcripts were frequently flawed or incomplete, especially in cases in which defendants' testimony needed to be translated from Russian to Turkmen. Lower courts' decisions could be appealed, and the defendant could petition the president for clemency. However, in most cases, courts allegedly ignored allegations of torture that defendants raised in trial.

Foreign observers were permitted at some trials. However, many more trials, especially those considered to be politically sensitive, including the trial of Helsinki Foundation affiliate and RFE/RL correspondent Ogulsapar Myradova, were closed to observers (see section 1.c.).

There were regular reports of individuals being arrested and requested to pay fines for breaking specific laws; however, when asked to see the law, government officials refused or stated that the laws were secret.

Political Prisoners and Detainees

The law characterizes any opposition to the government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence.

At year's end the government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995. The government convicted Annakurban Amanklichev and Sapardurdy Hajiyev of weapons possession, although some NGOs maintained that their imprisonment was politically motivated (see sections 1.a. and 1.c.). NGOs made similar assertions when long-time ecologist and environmental activist Andrey Zatoka was detained at Dashoguz airport on charges of disorderly conduct on December 17; he remained under arrest at the end of the reporting period, pending possible additional charges of weapons and poisonous material possession following a search of his apartment.

Former mufti Nasrullah ibn Ibadullah, sentenced to 22 years' imprisonment on charges of treason in 2004 for involvement in the 2002 attack, remained imprisoned.

The exact location of over 50 prisoners being held in connection with the 2002 attack remained unknown. There were reports they were held at Owadan Depe Prison outside of Ashgabat and subjected to abuse. These prisoners were held on charges of planning an assassination of President Niyazov. There were reports that these prisoners were treated more harshly than others.

Opposition groups and international organizations claimed the government held many political detainees, although the precise number was unknown. Detainees may include several hundred relatives and associates of those implicated in the November 2002 attack being held without charge for their perceived political opinions and possible involvement in the attack.

Government officials refused to respond to inquiries from family members and diplomats about political prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the ICRC, access to detainees or prisoners associated with the November 2002 attack (see section 1.c.).

Civil Judicial Procedures and Remedies

The civil judiciary system was not independent or impartial; the president appointed all judges. There were instances of police investigations that went to court in which plaintiffs could sue defendants. In theory, the civil court system functions, but there were reports of bribes to ensure a positive outcome. In cases when the state had interests vice an individual citizen, domestic court orders were enforced. 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 (see section 1.f.).

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. Authorities routinely, and in some cases forcibly, searched the homes of suspected regime opponents, minority religious groups, and relatives of those suspected in the 2002 attack.

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. There was one government-controlled Internet service provider. The government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive websites. The government reportedly intercepted surface mail before delivery, and letter packets and parcels taken to the post office had to remain unsealed for inspection. State-run Turkmenpochta remained the only courier service after the government closed all international courier services in previous years.

The government continued to engage in forcible resettlement, a practice observers stated was used to displace internal enemies and political opponents. On April 26, Hajiniyaz Soyunova and Gozel Soyunova, wife and daughter respectively of Nazar Soyunov, an opposition member in exile, were forcibly relocated from their Ashgabat apartment to Balkanabat; they received no compensation for their Ashgabat apartment. Humanitarian conditions of most displaced persons were unknown, and international observers were unable to independently verify all reports of internal migration. Unlike in previous years, there were no new cases of forcible resettlement of ethnic minorities. During the year the government continued to demolish large numbers of private homes, including those to which residents had valid legal title, as part of an urban renewal program to make way for construction in and around Ashgabat and elsewhere. In some of the worst cases, the government required evicted families to pay for removal of the rubble of their destroyed homes, gave persons as little as 48 hours to collect their belongings and vacate, and did not provide homeowners with alternative accommodations or compensation. Others were given two weeks' notice to vacate and offered apartments or plots of land in compensation, on undeveloped or non-irrigated plots that resulted in the loss of livelihood for some. One large demolition project in southern Ashgabat involved 500 families. Another project involved up to 2,000 families, most of whom did not receive compensation unless their housing documentation was in order (see section 2.d.).

Non citizens may marry a citizen only after one year's residency in the country. There were reports of a small number of such marriages.

Authorities punished individuals for the alleged violations of their family members, including with house arrest and detention (see section 1.d.).

The government targeted family members of suspected or convicted criminals for abuse. Some, like Hajiniyaz and Gozel Soyunov, were forcibly resettled. Others were forced to leave their jobs; still others were banned from traveling outside the country.

Harassment of the relatives of Saparmurat Yklymov, convicted as one of the primary plotters of the 2002 attack, continued (see section 1.d.).

The parents of Arslan Kakaev, the principle suspect in a wire transfer theft of \$40 million from the Central Bank in 2001, are in jail, allegedly on fabricated charges. Turkmenistan authorities reported that Kakaev fled the country; Russian newspapers have reported that he was found dead in St. Petersburg.

Maral and Sona Myradova, the two daughters of deceased journalist Ogulsapar Myradova, faced harassment and loss of their jobs following their mother's arrest. Since their mother's death, the authorities have reinstated them in their places of employment.

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. Persons expressing dissenting views were arrested on false charges of committing common crimes and in some cases subject to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment. On January 4, Kakabay Tejenov, a 70-year-old pensioner, was forcibly hospitalized in Turkmenabat after he tried to distribute to foreign embassies a statement on human right violations in the country. On October 24, he was released and was hospitalized because of a preexisting medical condition (see section 1.c.).

Almost all print media were government financed. Except for two private, although government sanctioned, Turkmen/Turkish and Turkmen language periodicals, foreign newspapers were banned. The editorial staffs of the periodicals self-censored the content to not offend the government. The government completely controlled radio and local television, but use of satellite dishes enabling access to foreign television programming was widespread throughout the country. There was no access to cable television. The government required all foreign correspondents to apply for accreditation; however, there were no reported difficulties with foreign media outlet personnel changes during the year. There was only one accredited foreign correspondent in Ashgabat, who worked for the Russian news agency RIA Novosti. In 2005, an ITAR TASS correspondent was deprived of accreditation, and the RIA Novosti correspondent was arrested, accused of espionage, and given a 15-year prison sentence before ultimately being deported to Russia.

During the year government agents reportedly subjected journalists to arrest, harassment, intimidation, and violence. In March according to the Turkmen Initiative for Human Rights, ITAR TASS stringer Anna Kurbanova was deprived of her accreditation for reporting on the January pension reforms.

The government harassed RFE/RL reporters and associates. RFE/RL stringer Halmyrat Gylychdurdyev faced continued surveillance; on

February 18, his cell phone account was cut off during a conference call to Prague to discuss pension cuts. The mobile service provider told Gylychdurdyev that "state security" was responsible for the cut off. Gylychdurdyev obtained a new cell phone account, which was also cut off in early March. Gylychdurdyev's landline had been disconnected since he reported on domestic flour shortages in October 2005. RFE/RL stringer Shamyrat Akoyliyev was warned by national security officers in February of the unacceptability of his affiliation with RFE/RL. Authorities later cut off his telephone line. In June Akoyliyev was taken off a train traveling from Balkanabat to Ashgabat by Ministry of National Security officers. On March 7, RFE/RL stringers Meretmuhammet Hommadov and Jumadurdy Owezov were arrested and sentenced to 15 days' administrative detention on for acts of public contempt during a meeting including district-level elders. However, two police officers and guards at the detention facility told Hommadov's wife that he had been arrested for "dealing with foreigners and betraying his country."

The government tried to control its citizens' access to international organizations and missions and to harass citizens cooperating with foreigners. Several foreign workers were asked to leave or denied return entry for affiliating with religious minority groups. Individuals were harassed and threatened in some regions for frequenting foreign-funded information centers. On June 19, the Council of Ministers accused diplomats and the mission of the OSCE of fomenting revolution in the country. As evidence of these charges, the state-run media broadcast pictures of confiscated camera equipment passed to a citizen by a foreign diplomat in order to cover local events. The diplomatic mission, while acknowledging it had transferred the equipment as journalistic technical assistance, denied that it had any other purpose, and the OSCE center denied authorities' accusations. On August 25, the government arrested three citizens in connection with this affair, journalists Ogulspapar Myradova, Annakurban Amanklichev and Sapardurdy Hajiyev, and sentenced them to six to seven years imprisonment for weapons possession in a closed trial. An investigation against Amanklichev and Hajiyev into additional charges of espionage and treason was pending at year's end. On September 13, Myradova died in police custody, under mysterious circumstances. RFE/RL, the Turkmenistan Helsinki Foundation, and several other human rights organizations claimed they were charged with criminal activities in order to end their journalism (see sections 1.a and 1.c.).

There were no developments and none were expected in the following RFE/RL cases: the 2004 MNB abduction and beating of an associate correspondent, the 2004 arrest of associate Ashyrguly Bayryev for smuggling novels into the country, and the 2004 MNB beating of a Moscow-based correspondent.

The government initially denied 78-year-old writer Rahim Esenov permission to travel to the United States in order to receive an award. After accusing the OSCE of intervening in internal affairs, the government allowed Esenov to depart to accept his award. Foreign diplomatic personnel saw Esenov off at the airport, and he returned to Turkmenistan December 27. Esenov had been arrested in 2004 on charges of instigating social, ethnic, and religious hatred for writing a biographical book about a medieval Turkmen figure, which President Niyazov deemed inaccurate because Esenov depicted the protagonist as a Shi'a rather than a Sunni Muslim. All copies of the book were confiscated.

The government censored newspapers; prepublication approval from the office of the president's press secretary was required. The government continued to dictate media focus on President Niyazov's achievements to amplify his cult of personality. The president personally approved the first-page content every day of the major dailies, which always included a prominent picture of him. The former editor-in-chief of the newspaper Esger was tried and given a 17-year sentence for unspecified crimes.

In May 2005 the government banned local journalists from all contact with foreigners unless specifically permitted. Journalists who did not comply were threatened with losing their jobs.

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 activity. All publishing companies were government owned, and works on topics that were out of favor with the government, including fiction, were not published. Although the government controlled Union of Writers in the past expelled members who criticized government policy, and libraries removed their works, no such cases were reported during the year.

The government continued to keep Russian government-supported, Russian language Radio Mayak transmissions off the air during the year.

The government prohibited reporting opposing political views or any criticism of the president. Criticism of officials was only permitted if directed at those who had fallen out of presidential favor; public criticism of officials was done almost exclusively by the president himself. Domestic journalists and foreign news correspondents engaged in self censorship due to fear of government reprisal.

During the year, the president strongly criticized the poor cotton and wheat harvests, allowing media to join him in criticizing the "irresponsible officials" and "poor management" that led to the poor harvest.

Internet Freedom

Internet access remained available on a limited basis, and government-owned Turkmen Telecom was the sole provider to the general population. Generally only accredited journalists, embassies, and a few others had satellite Internet access authority. The government has not issued any new accounts in Ashgabat since September 2002, although government officials reported new accounts were available in the regions. Access was prohibitively expensive for most citizens, and service was poor. Turkmen Telecom blocked access to RFE/RL's Turkmen Service Web site.

Academic Freedom and Cultural Events

During the year the government continued to increase already significant restrictions on academic freedom. It did not tolerate criticism of

government policy or the president in academic circles, and research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, or theology, was curtailed. No master's degrees or doctorates have been granted since 1998, and the degrees were no longer obtainable in the country. Government permission is required to study abroad and receive recognition of foreign degrees. Officials from the Ministry of Education and provincial authorities impeded testing for foreign exchange programs and sought to prevent students who were not ethnically Turkmen from participating. UNICEF reported university enrollment decreased from 40,000 in the 1990s to 3,000 in 2004.

Teachers reported having to spend more class time on President Niyazov's works rather than traditional academic subjects. Niyazov's *Ruhnama*, *Ruhnama II*, poetry volumes, *The Spring of My Inspiration*, and *My Beloved*, were incorporated into the school curriculum.

Security officials instructed intellectuals and artists to praise the president in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. Ministry of Culture officials temporarily were banned from attending foreign embassy functions after foreign embassy officials failed to attend official *Ruhnama* anniversary commemorative events. Plays required Ministry of Culture approval before opening to the public, to ensure against antigovernment or anti presidential content. Although classical music was still taught and performed throughout the country, there was little or no government support for non Turkmen music. Pirated copies of international films were available for sale or rent for home viewing, and all public exhibitions-music, art and cultural-are censored then monitored by the Ministry of Culture.

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 did not grant the required permits for any public meetings and demonstrations during the year. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations.

Despite these restrictions, there were reports during the year of protests against cotton policies and pension reform without incident. Protests in April against shortages in basic commodities and lack of occupational safety at a textile factory allegedly resulted in lay-offs in the Kaka Municipality (see section 6).

In 2004 retired citizen Gurbandurdy Durdykuliev was forcibly detained in a psychiatric hospital after requesting permission from authorities to conduct a peaceful demonstration against President Niyazov's policies (see section 1.c.). On April 10, Durdykuliev was released on April 10 after significant international pressure but remained under intermittent house arrest at year's end.

In October in Turkmenabat, local authorities prevented a group of local students from celebrating the holiday of Halloween, first by shutting down the restaurant where organizers had hoped to have the event, and then by entering the venue, where the event was rescheduled, and demanding the event be cancelled. Authorities claimed the event was unauthorized because ticket sales, designed to benefit a senior citizens home, violated tax laws.

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 Ministry of Economics and Finance (formerly with the State Agency for Investment), the MOJ, and coordinated through the Ministry of Foreign Affairs. Criminal penalties for unregistered NGO activity were abolished in 2004, although it is still punishable by fines, short-term detention, and confiscation of property. The government continued to routinely deny registration to NGOs and other private organizations using subjective criteria.

Of 89 registered NGOs, international organizations considered seven to be independent. The last NGO registration occurred in January 2005. No new groups were registered during the year, and the government continued to present numerous obstacles to those attempting to register. While some groups reported good cooperation with the MOJ in the registration process, other NGOs reported difficulties, such as frequently returned applications on technical grounds. Some NGOs found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups. Other groups considered themselves temporarily closed.

No political groups critical of government policy met the requirements for registration. The only registered political party was the Democratic Party, the former Communist Party of the country. The government did not prohibit membership in political organizations; however, in practice those who claimed membership in political organizations other than the Democratic Party were harassed (see section 3).

In December 2005 a member of the Ilkinciler Farmer's Cooperative was convicted of embezzlement and imprisoned, but was amnestied on October 19. In the July gengesh (village council) elections, the cooperative unsuccessfully attempted to run an independent candidate for local office and was critical of the government's agricultural policy. The collective farmers believed the conviction was politically motivated. In October two members of Ilkinciler, including the association's head, who were attempting to fly to Kazakhstan for foreign-funded training, were stopped at the airport and not allowed to leave the country. The farmers' association head submitted a letter requesting an explanation to the MNB but did not receive an answer.

On December 17, ecologist and environmental activist Andrey Zatoka was detained on charges of public disorderliness at the Dashoguz airport. NGOs have maintained that Zatoka's arrest was politically motivated (see section 1.e.).

Authorities harassed an unregistered initiative group in Balkan province for implementing a registered grant involving dissemination of

pamphlets approved by the Ministry of Health and the World Health Organization (WHO) explaining how to prevent avian influenza. Five members of the initiative group, who were also state healthcare workers, lost their jobs when the group was falsely accused of conducting illegal data gathering.

Numerous recipients of foreign grants throughout the country were harassed following monitoring visits by employees of foreign embassies. In one case, in Mary, the director of a kindergarten was harassed and ultimately transferred to another position in a smaller kindergarten following a monitoring visit. In Dashoguz, a community leader was unofficially told by MNB and provincial education department officials that she should not seek future grants from foreign sources. Also in Dashoguz, officials from the provincial health department told implementers of registered health project grants that they should not seek foreign grants in the future and should avoid contacts with foreign organizations. In Turkmenabat an activist and member of the NGO Merjen was fired from her job in a hospital for her activities, including work with OSCE.

In other cases, the MOJ blocked or failed to act on requests by a civic group in Lebap and an environmental association to register grant projects.

c. Freedom of Religion

The constitution and law provide for freedom of religion, although the government restricted this right in practice. There is no state religion, but the majority of the population is Sunni Muslim. The government has incorporated some aspects of Islamic tradition into its efforts to define a national identity, but in practice the government closely controlled and monitored all religious activities and placed some restrictions on Muslims. The government required all religious groups and individual mosques and churches to register with the MOJ and has increased government monitoring of financial and material assistance to religious groups from foreign sources. Groups are required to file reports of proceedings at all meetings. Some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries. At an October 2005 government meeting with representatives of religious minority groups, the government explained that individual branches of religious groups could be temporarily registered by requesting representative powers of attorney from the registered branch of their particular group; in most cases this resolved branches' registration problems.

Until 2004 only Sunni Islam or Russian Orthodox congregations were able to register. Since the 2004 decree reducing the minimum number of members to five, congregations from nine other groups have been able to register. No new religious groups were registered during the year. One group that attempted to register had its registration papers returned with suggested changes it believed were unacceptable; at year's end the group was seeking a compromise with authorities. Although the Roman Catholic Church remained unregistered due to difficulties in reconciling Church practices with the country's laws, members were not blocked from attending services. Other non-registered religious congregations such as Jehovah's Witnesses, a separate group of Baptists, and Evangelical Christian groups were present in the country, although the government restricted their activities. Non-registered groups were officially prohibited from conducting religious activities.

The government's Council on Religious Affairs (CRA) exercised direct control over the hiring, promotion, firing, and, in some cases, compensation of both Sunni Muslim and Russian Orthodox clergy.

Some members of minority religions claimed that law enforcement officers abused their members. During the year there were reports that government agents detained, interrogated, and pressed religious minority group members to abandon their beliefs. Some were assessed fines.

In July, August, and September several minority religious organizations, registered and unregistered, complained that local police increased harassment, particularly in areas outside of Ashgabat. Baptists, Jehovah's Witnesses, and Seventh-day Adventists experienced disrupted meetings, detentions (including of children), and administrative fines. Between July and August security forces broke up at least three Baptist meetings in Turkmenabat, Mary, and Dashoguz; members described harassment, detention, questioning, and at least one beating. Jehovah's Witnesses reported eight incidents of harassment or short-term detention for the same time period. Jehovah's Witnesses reported decreased, but continued, harassment.

In 2005 authorities did not allow Pentecostal Church pastor Victor Mokrousov to cross the border into Uzbekistan at the Farap checkpoint and three members of two other religious minority groups were prevented from leaving the country. There were no new reports of obstructed travel based on religious minority group affiliation.

In December 2005 an ethnic Turkmen Baptist leader in Galkynysh district was verbally humiliated in public by the local governor, who accused him of betraying Islam and his country. In March 2005 a policeman arrested Jehovah's Witness member Vladimir Muratov in Ashgabat and used his working folder to hit Muratov on his head. Muratov was released after police confiscated his religious literature, including a Bible.

Jehovah's Witnesses were detained on at least nine occasions in late 2005, including one incident where two women were detained for four days, during which time they were interrogated, threatened with rape, and beaten. During the year there were reported occasions when one or more Jehovah's Witnesses were detained, usually for only a few hours. In late October two Jehovah's Witnesses seeking to proselytize in public were detained for several days likely because government offices had closed down for the 15th anniversary celebration of the country's independence.

Krishna Consciousness Society member Cheper Annaniyazova, who was detained in a psychiatric hospital in 2005 for illegally leaving the country in 2000, was given a seven-year sentence in November 2005 for violating border entry laws (see section 1.c.). Annaniyazova was released during the October 19 amnesty. During the year one imam reportedly was harassed but not detained after meeting with foreign diplomats.

The government controlled the establishment of Muslim places of worship and limited access to Islamic education. In 2004 President Niyazov announced no more mosques would be built in the country. Registered minority religious groups reported difficulties in finding appropriate places of worship.

In May authorities broke up a meeting of an unregistered Christian group at a private residence in Ashgabat. Officials interrogated the members for several hours, wrote a report, and then requested the members to re-enact the meeting's activities while police videotaped them. In the days following the group's release, police continued to call in local church members and sought to intimidate them into renouncing Christianity for Islam.

Local police officers subjected ethnic Turkmen who converted to non-Russian Orthodox Christianity to official harassment and mistreatment, such as verbal abuse for denying their heritage by converting. According to the Forum 18 news organization, in January, a commission of government officials and a local imam pressured an ethnic Turkmen convert to Christianity to renounce his faith.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

There were no developments concerning the 2005 Jehovah's Witnesses Nazikgul Orazova case for proselytizing and possessing religious literature.

There was no official religious instruction in public schools; however, students were required to study the Ruhnama at all public schools and institutes of higher learning. The president used these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens' religious and cultural behavior. Extracurricular religious education was allowed only with CRA and presidential permission. The government announced in the summer that it would construct a Ruhnama university with six faculties that would focus on "studying the deep roots of the nation's great spirit." In June 2005 the Turkmen State University Theological Faculty was dissolved and absorbed into the history faculty; only one institution of Islamic education remained open, and the government controlled the curriculum.

Government-supported mosques were required to display copies of the Ruhnama. Religious literature, with the exception of the Ruhnama, which officially is considered sacred, was not published in the country. Government representatives informed religious groups they could only import as much religious literature as corresponded to registered congregants, but even registered groups had difficulty importing religious literature. Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

During the year the government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the hajj), specifying that only 188 pilgrims would be allowed to journey to Mecca, out of the country's quota of 4,600 persons. However, an unknown additional number of pilgrims participated by arranging travel through overseas travel agencies.

The Seventh-day Adventists reported no further progress in receiving compensation for their church, which was demolished in 1999 due to city reconstruction plans.

Two Jehovah's Witness conscientious objectors were released from detention in December 2005 and in January. In contrast to previous years, they were not tried, although they were subjected to physical and psychological harassment and were forced to sign a confession. One Jehovah's Witness conscientious objector was detained and kept in the psychiatric ward of a military hospital in June, but he was later released with no further attempts to enlist him.

Societal Abuses and Discrimination

There were 2,000 self-identified Jews and no reports of anti-Semitic acts.

The government did not seek to promote tolerance education, other than to promote President Niyazov's doctrine of a united people.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

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

Internal passports and residency permits were required. The government controlled travel to border cities and regions, and large parts of the country were considered restricted zones.

The government denied that it maintained a list of persons not allowed to travel within or depart the country. However, a restrictive December 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. Citizens are not informed of their travel restriction prior to arrival at the airport, although citizens have the right to inquire about their travel status at the State Agency for the Registration of Foreign Citizens (Immigration) where a comprehensive list is maintained. Citizens have not encountered problems when asking about their status. Individuals may appeal the temporary travel ban in most cases; however, the process remained unclear and was usually unsuccessful. In practice regime opponents,

relatives of those implicated in the 2002 attack, and those considered to possess "state secrets," as well as their relatives, were refused permission to board international flights at the airport.

After foreign diplomatic efforts at the highest levels, four individuals were permitted to leave Turkmenistan for homes in other countries. One person was a dual citizen of another country and the other family was being reunified with a spouse/father who was granted asylum abroad. During the year the niece of an accused participant in the 2002 attack, living in self-imposed exile and a participant in external opposition efforts, was denied permission to return to her university studies abroad. The government told the daughters of deceased journalist Ogulsapar Myradova they will not be permitted to travel abroad (see section 1.f.).

The government also refused to allow some study abroad and exchange program participants to attend programs.

Citizens living in Dashoguz and Lebap provinces may only spend three days a month visiting relatives in the Bukhara and Khorezm provinces of neighboring Uzbekistan, under a 2004 summit agreement between President Niyazov and President of Uzbekistan Karimov. This in some cases impeded citizens' ability to visit relatives.

The law permits forced internal and external exile, and at year's end some individuals remained in forced exile, which the government used as punishment during the year. The government confiscated the passports of political opponents to enforce internal exile during the year. Numerous former ministers and government officials dismissed from their positions and sent into internal exile remained under house arrest. The president allowed the officials, who were sometimes accompanied by their families, to work off their sentences in internal exile. Almost all prominent political opponents of the government chose to move to other countries for reasons of personal safety; none returned during the year.

Alexander Fataliyev remained in external exile, and Sazak Begmedov and Maral Yklymova remained in internal exile or house arrest during the year. Yklymova, the daughter of one of the accused organizers of the November 2002 attacks, remained under house arrest in Mary where she was regularly watched by security officials and periodically had her passport confiscated and telephone lines cut off. No official charges were ever filed against her.

There continued to be reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. In contrast to previous years, the government did not overtly discourage emigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries, and emigration of non-Turkmen from the former Soviet Union.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee or asylum status to some ethnic Turkmen from Afghanistan and Tajikistan, and to other groups of ethnic Uzbeks and Russians. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and granted citizenship or legal residency to over 16,000 individuals during the year. Most of those granted citizenship were ethnic Turkmen who had fled conflict in Tajikistan in the early 1990s, ethnic Uzbeks, or Russians. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

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

Citizens could not freely choose and change the laws and officials that governed them. The constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the presidency. In practice the president's power over the state was absolute; all important and most minor decisions were made at the presidential level. Citizens swore a national oath of personal allegiance to President Niyazov, rather than just to the country or to the presidency as an institution.

A constitutional amendment named President Niyazov chairman-for-life of the people's council, giving him authority to approve any potential successor. A 1994 national referendum, which was neither free nor fair, extended the president's term, eliminating the 1997 scheduled presidential election. A 1999 law allowed an exception to constitutionally mandated term limits (normally two five-year terms) for Niyazov, effectively permitting him a lifetime term in office. However, following President Niyazov's death on December 21, the national people's council decided December 26 to select the new president through national elections, to be held February 11, 2007. Under the constitution, Parliament Chairman Ovezgeldy Atayev should have become the interim president, but Gurbanguly Berdimammedov, the deputy prime minister, was named instead, allegedly because of an ongoing criminal investigation against Atayev. On December 26, the Halk Maslahty selected six presidential candidates, changing the constitution to allow the candidacy of Interim President Berdimammedov. Residency requirements precluded the candidacy of some exiles who expressed a desire to run for president. Nurberdy Nurmamedov, a dissident figure who lives in Ashgabat and whom some of these exiles hoped would be a candidate, was detained on December 23 and released on December 30.

Elections and Political Participation

In 2004 parliamentary elections all candidates were pre-approved members of the Democratic Party. Citizens reportedly had very little knowledge about the elections, including both the date and candidates' biographies. Foreign observers were not invited to monitor the elections.

In 2004 President Niyazov committed to hold a series of elections with open nominations at all levels of government, culminating in presidential elections in 2009. The first of these elections, at the gengesh level, took place in July; citizens elected 5,320 village council members, from multiple candidates, at least some of whom were not affiliated with the party or governmental organizations. It was not clear whether any of the non-party/governmental candidates won. Village councils have little actual decision-making responsibility. While these elections contained genuinely democratic elements, such as non official party candidates, the election process still did not conform to internationally recognized standards.

Elections for etrap (district) level people's councils took place in December. As in the gengesh elections, voters were able to choose among multiple candidates, some of whom were not affiliated with the party or government. Voters selected at least one of these candidates. However, voter turnout was lower than the 96.95 percent rate reported by the government, and there were some reports of election officials taking ballot boxes around to voters' homes in order to encourage a higher participation rate.

Although the government did not prohibit membership in political organizations, political parties other than the president's Democratic Party were banned. Authorities fired or threatened to fire supporters of external opposition movements, removed them from professional societies, and threatened them with the loss of their homes. In addition some citizens who met with foreigners were subject to official intimidation.

There were eight women in the 50-member parliament, including the new Mejlis Chairman, elected in late December. Women were also represented in the 2,500-delegate people's council. Women served in a few prominent government positions: minister of culture, minister of education, minister of welfare and social care, and ambassador to the UN. In April the female prosecutor general was removed from office and prosecuted for illegal activities.

There was one member of a minority group in the 50-seat parliament. This member passed away on November 23, and it is unclear how his seat will be filled. Ethnic minorities were also represented in the 2,500-delegate people's council. Preference for appointed government positions was given to ethnically pure Turkmen, but ethnic minorities occupied several high governmental positions. The largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

Government Corruption and Transparency

There was widespread corruption 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.

While the president fired numerous officials of all ranks on justifiable charges of bribery, nepotism, abuse of office, and embezzlement, observers maintained that authorities used anticorruption campaigns to remove potential rivals.

During the year, 16 government ministers and officials were exiled or sentenced to jail terms after dismissal. Thirty-five more officials have been fired from their positions but remained free or their status was unknown.

For example, on March 3, the former director of the state-run Turkmenbashi Refinery, Amangeldi Pudakov, was fired and subsequently sentenced for nepotism and corruption; on the same day, the former deputy head of the Turkmengas State Concern Sapar Yoldashev was also fired and jailed for corruption. Observers believed that President Niyazov removed these two individuals in order to increase his direct control over gas and oil revenues.

In April long-time Prosecutor General Gurbanbibi Atajanova, who in recent years oversaw the sentencing of individuals allegedly involved in the 2002 assassination attempt as well as governmental purges, was herself convicted of corruption and embezzlement and sentenced to 20 years' imprisonment. Observers suspected that Atajanova died while in police custody (see section 1.c.). Most of the personnel in the prosecutor general's office were also purged.

There is no law that allows access to government information, and in practice the government did not provide access. Requests for specific information were denied on the basis of information being a state secret. Statistical data was considered a state secret. There was no public disclosure of demographical data, and published economic and financial data was manipulated to justify state policies and expenditures.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights groups. The government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. During the year the government maintained pressure on nonpolitical social and cultural organizations. This included detention and routine summoning for questioning the security services.

There were also no international human rights NGOs with an ongoing permanent presence in the country; however, the government permitted international organizations, including the OSCE and the UNHCR, to have resident missions. The ICRC and other international human rights groups monitored the situation from abroad. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the government's human rights policies. Officials were somewhat responsive to questions regarding alleged human rights abuses.

The government did not respond to a critical UNICEF report on the rights of children released June 2. The government sought to censor an OSCE newsletter reporting the full text of a speech by the visiting OSCE chairman-in-office. Rather than bow to government demands, the OSCE Center chose to seek publication of the newsletter outside of the country.

The National Institute for Democracy and Human Rights (IDHR), nominally headed by President Niyazov, appeared to have little real authority. In February 2005 the Committee on the Protection of Human Rights and Liberties was established in parliament to oversee human rights-related legislation. The IDHR was mandated to support democratization and monitor the protection of human rights, and also maintained a human rights library. In principle the institute reviewed citizens' complaints and returned its findings to the individual and the organizations involved; however, the institute was not an independent body, and its ability to obtain redress was limited.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law provides for equal rights and freedoms for all, independent of nationality, origin, language, and gender, violence against women, and discrimination against ethnic minorities continued to be problems.

Women

The law prohibits domestic violence, including spousal abuse, but it is not effectively enforced. Anecdotal reports indicated that domestic violence against women was common; most victims of domestic violence kept silent, either 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.

Rape, including spousal rape, is illegal, with penalties of between three and 25 years based on the level of violence of the incident and whether the attacker is a repeat offender. The government generally enforced the law effectively against citizens; however, it used rape as a threat against female family members of persons held for religious offenses (see section 2.c.) as well as against detainees (see section 1.c.).

Prostitution is illegal, but remained a problem throughout the country. Authorities actively monitored prostitution but did not attempt to counter it. There is no law specifically prohibiting sexual harassment, and there were anecdotal reports that sexual harassment existed in the workforce.

Women had equal rights under family law, property law, and in the judicial system. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs. The Mejlis Committee on Human Rights and Liberties is responsible for drafting human rights and gender legislation. This body was responsible for integrating a new gender program into the country's education curriculum and for publishing regular bulletins on national and international gender laws.

The government did not acknowledge or address discrimination against women.

Children

The government did not take effective steps or have adequate resources to fully address the needs of children, in particular in regard to education, according to a UNICEF report on the rights of children.

The government provided nine years of basic education for girls and boys. Primary and secondary education was free and compulsory. The government stated that approximately 95 percent of children between the ages of seven and 16 attended school on a regular basis; however, a 2003 UN Development Program report listed school attendance at 81 percent. Most children completed school and some went on to university and vocational schools.

A 2000 presidential decree continued to reduce the number of teachers; class sizes therefore continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. The amount of classroom time dedicated to learning the Ruhnama and Ruhnama II and other books by Niyazov dramatically limited the school time available for basic core academic subjects. During the year the government continued to limit courses taught in non-Turkmen languages; the secondary school system further degenerated and educational opportunities were limited. There were no Turkmen-language curricula or textbooks in many subject areas and at most grade levels.

By law the government provides free health care for children until the age of 18. Hospital care is also free; however, parents regularly paid bribes for service, medicines and adequate medical equipment, including syringes.

There were isolated reports of child abuse.

According to UNICEF, nine percent of marriages involved children.

Minimal child labor was seen in the cotton fields during the harvest; however, this was not encouraged by the government and was contrary to a presidential decree (see section 6.d.).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, articles in the criminal code deal with sexual exploitation and prostitution, slavery, and encouraging illegal border crossing, which prohibit trafficking de facto. Women were trafficked to, from, and within the country; however, trafficking was not a significant problem.

The government has used the new migration law to forbid suspected female trafficking victims from boarding planes to Turkey and the United Arab Emirates (UAE), the two countries considered to be the most important trafficking destination countries. Iran was also assumed to be a trafficking destination. NGOs noted that young women from minority ethnic groups were most vulnerable to being trafficked.

In contrast to the previous year, there were no reports of trafficked persons during the year. Traffickers are subject to between two and eight years' imprisonment and the confiscation of property, depending on which law they are convicted under. The State Service for the Registration of Foreigners (SSRF) is responsible for combating trafficking.

In 2005 there were eight known cases of trafficking in persons and one successful prosecution on charges of sexual exploitation, slavery, and encouraging deceitful border crossing. The trafficker received a prison sentence of seven years.

The MOJ worked with foreign embassies and international organizations to promote public awareness of trafficking. However, 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.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, although various regulations contradict the law, in effect nullifying it. Persons with disabilities encountered discrimination in employment, education, access to health care, and provision of other state services. Many persons with physical disabilities were systematically categorized as persons with mental disabilities and housed at facilities for the mentally ill. The government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Because they received these subsidies, persons with disabilities were considered "employed," and therefore were ineligible to compete for government jobs, the country's largest employer. Some groups of students with disabilities were unable to obtain education because there were no 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. There were special schools for the hearing and sight impaired in the larger cities. Although the law requires that new construction projects include facilities to allow access by persons with disabilities, compliance was inconsistent and older buildings were not accessible. 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, although the president previously made statements promoting the importance of ethnic purity. Approximately 77 percent of the population was Turkmen, 9 percent Uzbek, and 7 percent Russian. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Turkmen themselves are divided into five main tribes and several additional subtribes. Several minority groups tried to register as NGOs in order to have legal status to conduct cultural events. No minority groups succeeded in registering during the year.

There were no reports of forced resettlement of ethnic minorities.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. While Russian remained prevalent in commerce and everyday life in the capital, the government continued its campaign to conduct official business solely in Turkmen. The government required employees of ministries to pass tests demonstrating knowledge of the Ruhnama, state symbols, and professional subjects in Turkmen; employees who failed the exam were dismissed. Turkmen was a mandatory subject in school, although it was not necessarily the language of instruction. Teachers and staff at Turkish schools were systematically replaced with ethnic Turkmen teachers and administrators. Only in schools did the government dedicate resources toward providing Turkmen language instruction for non-Turkmen speakers.

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

Other Societal Abuses and Discrimination

There was a strong societal dislike of homosexuality. Homosexuality between men is illegal and punishable by up to two years in prison; it was believed that homosexuality between women would also be considered illegal, although it is not specifically written in law.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form or join unions; however, in practice the government does not permit independent unions. Under the umbrella organization Center for Professional Unions, led by a presidential appointee, there were numerous professional unions in most fields, including medicine, construction, banking, accounting, economists, entrepreneurs, and leaseholders. Unlike in previous years, unions did not circumvent government restrictions on independent unions by registering as public associations. The law does not prohibit antiunion discrimination by employers against union members and organizers and there were no mechanisms for resolving complaints of

discrimination; however, there were no reports of discrimination.

b. The Right to Organize and Bargain Collectively

All unions are government appendages and have no independent voice in their activities. The law does not protect the right of collective bargaining. There is no law regulating strikes or retaliation against strikers, and strikes were extremely rare.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports it occurred (see sections 1.c. and 6).

The government also prohibits forced and compulsory labor by children. A February 2005 bans child labor and states no children would participate in the cotton harvest. There continued to be a decrease in the number of children working in the cotton fields.

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 implemented effectively. 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 six hours per day. A 15 year-old child may work four to six hours per day with parental and trade union permission, although such permission was rarely granted. Child labor laws were not effectively enforced in practice, although implementation appeared to have improved during the year. The MOJ and the Prosecutor General's Office are responsible for enforcing child labor laws.

e. Acceptable Conditions of Work

The minimum monthly wage in the state sector of approximately \$40 to \$60 (1 to 1.5 million TMM) per month did not provide a decent standard of living for a worker and family.

The standard legal workweek is 40 hours with two days off. Most public-sector employees also worked at least one-half of a work 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. This law, however, 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. 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. In April workers at a knitting factory in Kaka reportedly held a sit-down strike when factory management failed to provide facemasks. After management threatened them with losing their jobs, they went back to work (see section 2.b.).