



## 2008 Human Rights Report: Turkmenistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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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 Halk Maslahaty (People's Council) selected six candidates for the February 2007 presidential election, all from the Democratic Party, the country's only political party. Gurbanguly Berdimuhamedov won in an election that did not meet international standards. December 14 parliamentary elections fell short of international standards. Civilian authorities generally maintained effective control of the security forces.

Although there were modest improvements, the government continued to commit serious abuses, and its human rights record remained poor. Authorities continued to restrict severely political and civil liberties. Human rights problems included citizens' inability to change their government; torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; house arrest; 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 some religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and restrictions on free association of workers. Documentation of abuses remained very limited.

The government revised the constitution and the election law. Other measured improvements in human rights included registration of the first community-based nongovernmental organization (NGO) in three years, reinstatement of graduate and postgraduate educational programs, and continued de-emphasis of former President Niyazov's Ruhnama in the education system and in society.

### 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 during the year that the government or its agents committed any politically motivated killings. In 2007 there were several reports of citizens dying under suspicious circumstances during detention.

In 2007 a family member of an allegedly drunk suspect who died in police custody in Mary Province claimed there was evidence of physical abuse on the corpse. In June 2007 a person died in an Ashgabat detention center while awaiting an appeal decision. Although there was no evidence of mistreatment, his wife claimed the court knew he had a serious medical condition but denied him medical treatment.

Human rights observers reported that in 2006, just after the death of former President Niyazov, prison guards used military force to suppress a riot and killed 23 prisoners at Ovdan-Depe.

There were no developments in the 2006 suspicious death in custody of journalist Ogulsapar Myradova. The government did not carry out a transparent investigation into the causes of Myradova's death, as the international community had urged it to do.

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, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government. There were reports of individuals convicted of complicity in the 2002 attack on the former president's motorcade being tortured, although there was also one report that this torture ceased following Niyazov's death.

An October decision 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 of torture prevention.

The Turkmenistan Helsinki Foundation claimed the government tortured Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev during detention in 2006 to extract confessions. All three were subsequently sentenced to prison. Myradova died in September 2006 in prison; Amanklichev and Hajiyev remained in prison at year's end.

Authorities continued to detain persons in psychiatric hospitals as punishment. On June 22, law enforcement officials came to Radio Free Europe/Radio Liberty (RFE/RL) correspondent Sazak Durdymuradov's home in Bakharden, detained him, and later transferred him to a psychiatric hospital in Lebap. After several weeks and under international pressure, authorities released him. When Durdymuradov was released in July, he told Forum18 representatives that a devout Muslim prayer leader named Nurmamed Agayev, who had been arrested in 2006, was incarcerated in the same hospital.

In July 2007 police arrested a member of Jehovah's Witnesses for refusing military service and detained him in a psychiatric hospital. Authorities released him four weeks later after international organizations and the diplomatic community expressed interest in his case.

Although there were no known reports during the year of specific hazing incidents, according to the Memorial Human Rights Center and the Institute for War and Peace Reporting, hazing of military conscripts remained a problem and led to desertions from units where conditions were particularly difficult. 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 caused by brutal treatment soldiers meted out to fellow conscripts. Regular military units continued to be used as unpaid manual labor working in fields, hospitals, factories, and construction.

Prison and Detention Center Conditions

Prison conditions were poor; prisons were unsanitary, overcrowded, unsafe, and life threatening. 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, among other diseases, and transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies. There were also reports that prison officials sometimes confiscated these food parcels.

Although prisoners convicted for treason were unable to receive supplies from relatives, there was one 2007 report that individuals convicted of complicity in the 2002 attack were given supplemental food packages for the first time since they were imprisoned.

In 2007 family members and international NGOs claimed some prisoners died due to the 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.

On February 21, authorities arrested computer network specialist Valeri Pal in Turkmenbashi for stealing government property in 2004. On May 14, after a closed trial at the oil refinery where he worked, authorities sentenced him to 12 years in prison. His family reported that he was imprisoned in Mary and had been in the prison hospital there since July due to serious health problems. On December 5, a presidential decree pardoned 400 prisoners, including Pal, in honor of Neutrality Day.

There are three types of incarceration facilities: educational labor colonies, correctional labor colonies, and prisons. 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.

Authorities held prisoners connected with the 2002 attack 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 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. Family members reported that the government also held political prisoners in facilities near Turkmenbashi and in Mary.

#### 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.

In February 2007 President Berdimuhamedov created a presidential commission led by the chairman of the Supreme Court to review citizens' complaints of abuse by law enforcement agencies including unfair treatment, efforts to extract bribes, and unjustified arrests and prosecutions. Since the commission's creation, however, there have been no known cases in which the commission investigated allegations of abuse and held members of the

security forces accountable. In 2007 the commission reviewed only three cases that led to further review by the Supreme Court and reductions of sentence. In July 2007 the president publicly fired and later arrested the chairman of the Supreme Court, in part for his failure to ensure that cases coming from the commission were properly reviewed. In October 2007 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 and Detention

A warrant was not required for arrest. The chairman of the cabinet of ministers, a position held by the president, had sole authority for approving arrest warrants.

There was no bail system. Detainees were entitled to immediate access to an attorney after a bill of indictment was 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. 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. Authorities could detain individuals for 72 hours without a formal arrest warrant but legally had to issue a formal bill of 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 an act of treason. Those convicted of treason faced life imprisonment and were ineligible for amnesty or reduction of sentence. However, there were no known treason convictions. Rather, the government arrested those expressing critical or differing views on economic or criminal charges.

Pretrial detention could legally last no longer than two months but in exceptional cases could be extended to one year. In practice pretrial detentions averaged two to three months; authorities often exceeded legal limits. Chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays.

The government used house arrest without due process to control regime opponents. At year's end the status was unknown 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.

#### Amnesty

On February 19, the government pardoned 1,269 prisoners in honor of Flag Day. On May 9, 908 prisoners were pardoned in honor of Victory Day. On September 27, the president pardoned 1,670 prisoners in advance of the Night of Omnipotence holiday. On December 5, the president pardoned 400 prisoners in honor of Neutrality Day. No prisoners of international concern or associated with the 2002 attack on the former president's motorcade were released. Former security service chief Saparmurat Seidov was released from prison on October 26, having served a six-year term for his alleged role in the 2002 attack.

In August 2007 President Berdimuhamedov pardoned 11 prisoners, including Muslim cleric and former grand mufti Nasrullah ibn Ibadullah and former Justice Minister Yusup Khaitiev, who were jailed for their alleged role in the 2002 attack. After the pardon the government appointed Ibadullah an advisor to the country's Council on Religious Affairs (CRA).

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. Human Rights Watch (HRW) reported, "The August 2007 presidential pardon of 11 persons was a welcome step, although their public statements recognizing their guilt must be assumed to have been a condition for their release."

#### 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 and dismissals, except for the chairman (chief justice) of the Supreme Court, whom parliament nominally reviewed. The president had sole authority to dismiss all judges before the completion of their terms. 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 criminal offenses committed by members of the armed forces.

#### 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 foreign observers to attend most nonpolitical trials but closed some trials, especially those it considered politically sensitive. There were few independent lawyers available to represent defendants. The courts at times did not allow defendants to confront or question witnesses against them and denied defendants and their attorneys access to government evidence. In some cases courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence would have changed the outcome of the trial. Even if the courts observed due process rights, 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 lower courts' decisions and petition the president for clemency. In most cases courts ignored allegations of torture that defendants raised in trial.

There were regular reports that police arrested individuals and requested they pay fines for breaking specific laws. However, when citizens asked to see the law, government officials refused or stated the laws were secret.

#### Political Prisoners and Detainees

The government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995.

On June 24, authorities arrested former civil activist and former political prisoner Gulgeldy Annaniyazov after he re-entered the country. Annaniyazov received asylum in Norway in 2002 after serving five years in a Turkmenbashi prison for his role in a 1995 political demonstration. In July he was sentenced in a closed court trial to 11 years in prison, but at year's end no further information about his case was available.

In 2006 authorities charged three journalists Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev with weapons possession after they received journalism equipment from foreign sources. They were sentenced in a closed trial to six to seven years' imprisonment. RFE/RL, the Turkmenistan Helsinki Foundation, and several other human rights organizations claimed they were charged with criminal activities to block their reporting.

There was no further information regarding the government's investigation of Amanklichev and Hajiyev on additional charges of espionage and treason, and they remained in jail. Myradova died in police custody under suspicious circumstances.

Opposition groups and some international organizations claimed the government held many political prisoners and detainees, although the precise number of these individuals--including those convicted of involvement in the 2002 attack--remained unknown. 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 considered conditions at Owadan Depe Prison among the worst in the country, and there were reports that prison officials subjected prisoners to torture and abuse.

In 2007 there were reports that some prisoners accused of economic crimes, including a number of former senior government ministers, may have been moved from Owadan Depe Prison to Mary Prison. Government officials refused to respond to inquiries from family members and diplomats about many 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 2002 attack.

#### 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 in which the state had interests regarding an individual citizen, it enforced domestic 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 there were reports that the government demolished some private homes as part of an urban renewal program in and around Ashgabat without adequate compensation to the owners.

In some 2006 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 vacate, and did not provide homeowners with alternative accommodations or compensation. Others were given two weeks' notice to vacate and were offered apartments or plots of land in compensation on undeveloped or nonirrigated plots, resulting in the loss of livelihood for some.

#### 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 in some cases 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 letter packets and parcels taken to the post office had to remain unsealed for inspection.

A noncitizen may marry a citizen only after one year's residency in the country. There were reports of a small

number of such marriages.

Individuals who were harassed, detained, or arrested by authorities continued to report that their family members were often fired from their jobs, expelled from schools, or detained and interrogated.

## 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. There were no specific reports of persons expressing dissenting views being arrested on false charges of committing common crimes and in some cases being subjected to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment. However, there were reports that law enforcement officials harassed and detained Turkmen journalists working for foreign media outlets, most notably several who worked for RFE/RL.

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 use of satellite dishes providing access to foreign television programming was widespread throughout the country. Citizens also received international radio programs through satellite television access.

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

In January authorities interrogated RFE/RL correspondent Soltan 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 had formal press accreditation.

In late April a Molotov cocktail struck the house of RFE/RL reporter Gurbandurdy Durdykulyev in Balkanabat. Three of the 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.

In late April security officials sought to disrupt the wedding of a family member of an RFE/RL reporter by harassing the prospective bride, pressuring several subsequent restaurant managers to cancel the wedding reservation, and later turning off the electricity at the final wedding venue.

In July RFE/RL reporter Osman 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.

Harassment of RFE/RL reporter Halmyrat Gylychdurdyev continued on and off throughout the year. Government harassment because of his reporting had initially eased up and then increased in frequency in 2007. Authorities intermittently monitored his activities, harassed his family, and periodically disconnected his mobile telephone service. In 2006 authorities routinely harassed him and his family for his earlier economic articles unfavorable to the government.

During the year the government barred four RFE/RL reporters from travel abroad. The OSCE reported that the

government did not allow a journalist to travel abroad in 2007.

The former editor in chief of the state newspaper Esger remained in jail on a 17-year sentence for unspecified crimes.

During the year state journalists still needed to get permission to cover specific events. They were also required to seek approval 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. The government continued to prohibit reporting opposing political views or any criticism of the president.

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

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. Works on topics that were out of favor with the government, including fiction, were not published.

The government continued its ban on subscription to foreign periodicals for nongovernment entities, although copies of the Russian newspaper *Argumenti I Fakti* and other nonpolitical periodicals appeared occasionally in the bazaars. In June the government began permitting government agencies and institutions to acquire subscriptions to foreign academic and scientific periodicals.

There was no independent oversight of press accreditation, no defined criteria for allocating press cards, no guarantee of receiving accreditation when space was available, and no prohibition on withdrawing accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. Journalists from outside the country were granted visas 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 two of which were reportedly accredited. As many as 13 correspondents representing foreign media services operated without accreditation.

#### Internet Freedom

Internet access increased modestly, although government-owned Turkmen Telecom remained the main provider to the general population, and administrative requirements for getting connected, including a signature from the local police station, continued to impede access. The government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive Web sites. During the year Turkmen Telecom continued to issue new Internet accounts to businesses and organizations and, in June, reportedly began issuing new accounts to private individuals for the first time in years. Turkmen Telecom rates for dial-up access remained very expensive for the average citizen. The initial connection cost was 600,000 manats (approximately \$42), with a monthly subscription fee of 200,000 manats (approximately \$14), in addition to a 12,000 manat (approximately \$.80) per hour usage fee. Private citizens reported in November that often they could not get on line with their new accounts because of competition for limited bandwidth. As of November, 2,000 households remained on a waiting list for Internet access via Turkmen Telecom.

There were approximately 15 state-owned Internet cafes nationwide, in addition to NGO-sponsored facilities, private businesses, and business centers that were granted access to the Internet. Although the government reduced Internet cafe fees to approximately 30,000 manats (approximately \$2) per hour in April, it remained prohibitively expensive for the average citizen. Access to specific Web sites remained inconsistent. In March the government allowed Russian cellular telephone provider MTS to begin providing mobile Internet service to its business customers, including citizens. In June MTS was able to offer this service to all of its customers, more than 800,000 subscribers by year's end.

#### Academic Freedom and Cultural Events

On January 15, the government formally reinstated graduate and postgraduate study programs in the country's higher educational institutions for the first time since 1998. However, only one or two graduate students were admitted to each higher educational institution, totaling approximately 80 students. No formal classes or courses were offered at the graduate level. Instead, the main focus was research.

The government still did not recognize academic degrees received abroad, and 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. It did, however, recognize degrees obtained abroad through intergovernmentally approved education programs. Most exchanges at the university level are prohibited by the Law on Education. The Ministry of Education took no steps to act on the president's 2007 request that the ministry facilitate recognition of foreign degrees. Furthermore, the government did not introduce its own sponsored scholarship program for study abroad, despite the president's promises to do so and the efforts of the international community.

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, or theology. University enrollment totaled approximately 4,000 students at all higher educational institutions, compared with 3,615 students in 2007.

Officials from the Ministry of Education and provincial authorities sought to prevent students who were not ethnically Turkmen from entering exchange programs.

Niyazov's Ruhnama, Ruhnama II, poetry volumes, The Spring of My Inspiration, and My Beloved remained part of the school curriculum, and passing tests on knowledge of the Ruhnama was still necessary for advancement, graduation, or admission to higher educational institutions, even to Russian universities. However, teachers reported having to spend substantially less class time on former President Niyazov's works than in the past, as the revamped curriculum introduced new subjects and an expanded and more fact-based study of local history and culture. At the beginning of the school year, Ruhnama studies as a separate course was discontinued, and began to be taught instead as a part of a new discipline, which included Ruhnama; the country's history, philosophy, sociology, political science, and economic theory; and President Berdimuhamedov's book Epoch of New Revival.

Most secondary school textbooks were revised during the year to remove all text devoted to Niyazov and his family. New text devoted to the "New Era" ideology replaced it. The compulsory Ruhnama corner at pre-schools, schools, and universities was turned into a Berdimuhamedov corner centered on his "Era of Great Revival" writings. After long requiring traditional dress uniforms for all students, schools announced more conservative dress codes for female faculty. The new requirements include wearing one-color national dress with traditional embroidery and not wearing jewelry or makeup. Enforcement was uneven.

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. The government demonstrated little or no support for non-Turkmen music, but classical music was taught and performed throughout the country. The previously banned government-supported symphony orchestra was reestablished at the National Cultural Center and began monthly concerts of Turkmen and world classical music. The president decreed that the circus reopen, and the first opera performance took place in June.

Traditional local music, which had not been performed for years, was played in concerts and social events. Pirated copies of international films were available for sale or rent for home viewing and were shown on television. Several ministries, including the Ministry of Culture, hosted a large number of international festivals of music, theater, and films, exposing national audiences to artistic work from abroad. Although these events facilitated greater contact of local specialists with colleagues from abroad, the interaction was still somewhat censored and limited. The Ministry of Culture censored and then monitored all public exhibitions--music, art, and cultural.

#### 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 any public meetings and demonstrations during the year, nor did they allow 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 Ministry of Economics and Development and the MOJ, and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The government routinely continued to deny registration to NGOs and other private organizations using subjective criteria.

In July the government reported it had registered 11 new civic organizations, including the groups that had been denied registration in 2007. These were the first civic organizations the government formally registered since 2005. Although 10 of the 11 newly registered groups were reported to be affiliated with the government, the first community-based NGO in the country, the Ak Bugday Gardener's Association, was also registered. The government deregistered 11 NGOs during the year as well.

Of the 89 registered NGOs, international organizations considered seven to be independent. The government continued to present numerous administrative obstacles to those that attempted to register. Although some groups reported good cooperation with the MOJ in the registration process, other NGOs reported frequent difficulties, such as applications returned on technical grounds. Some groups found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups. Other groups awaiting registration temporarily suspended or limited their activities.

During the year 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.

Security service officials harassed NGOs and their local partners throughout 2007. 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. Also in April and May 2007 authorities advised two community groups against cooperation with an NGO, and in one case terminated training the NGO was providing, advised against cooperation with the NGO, and questioned its local point of contact.

No independent political groups existed. 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 authorities harassed those who claimed membership in political organizations other than the Democratic Party.

Government authorities harassed some recipients of foreign grants. There were no cases in which the government refused to register a grant project, but the process for registering grants was delayed for several months. Following its reinstatement in May, the grant registration process resumed normal functions.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion; however, the government restricted this right in practice. There was 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, but 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 government monitoring of financial and material assistance to religious groups from foreign sources. The government required groups 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. In 2005 the government explained that individual branches of religious groups could be temporarily registered by requesting representative power of attorney from the registered branch of their particular group; in many cases this resolved branches' registration problems. Although religious groups had persistent problems overcoming administrative hurdles to registration, the government registered an evangelical Christian group in September 2007, the first group to receive registration since 2005.

In October 2007 the government also registered an unidentified Islamic organization from Ahal. At least three groups that had applied for registration continued to be denied legal status. Other unregistered religious congregations such as Jehovah's Witnesses, separate groups of Baptists, and evangelical Christian groups existed, although the government restricted their activities. The government officially prohibited unregistered groups from conducting religious activities. According to the CRA, Shi'a Muslim groups were allowed to register collectively as one organization.

The Catholic Church remained unregistered because of a conflict with local law requiring that the head of the church be a citizen. However, authorities appeared to have eased their harassment of the church. Church leaders conducted regular masses and held classes on Catholicism for interested ethnic Turkmen and non-Turkmen citizens without government harassment.

The government-appointed CRA reports to the president and ostensibly acts as an intermediary between the government bureaucracy 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 both Sunni Muslim and Russian Orthodox clergy, compensation of Sunni Muslim clergy, and monitoring of all religious publications and activities.

Both registered and unregistered minority religious communities experienced difficulty in obtaining facilities where they could worship. Legal and governmental obstacles hindered or prevented the ability of religious groups to purchase or rent land or buildings for worship or meetings. Registered and unregistered groups also experienced difficulty in using private homes for worship or study.

The government continued occasionally to harass and threaten both registered and unregistered minority religious groups. Examples of harassment included government agents interrupting religious services and interrogating, detaining, and pressing religious minority group members 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.

Members of Jehovah's Witnesses and other minority religious groups reportedly experienced police harassment, disruption of meetings, surveillance, detentions, and administrative fines.

On April 22, local police in Turkmenbashi raided a religious gathering and detained the church's pastor, Timur Muradov, and two foreign visitors for holding an unauthorized gathering. The two foreign visitors were deported and Muradov was interrogated and warned to stop his religious activity. Authorities threatened to plant evidence on him to have a reason to arrest him. He was released after agreeing to write a statement of explanation of his activities and to appear before a commission that would determine a fine.

On May 6, local security officials in Balkanabat raided the apartment of a member of Jehovah's Witnesses where four other members of Jehovah's Witnesses were staying and confiscated a computer and other personal belongings. The officials beat the individuals with a belt on the head, abdomen, and legs and tried to force them to say, "I am a Muslim." The officials then detained the members of Jehovah's Witnesses overnight at a police station and forced them to sign confessions and pay fines.

On May 7, Turkmenbashi city officials detained and questioned two female members of Jehovah's Witnesses from Dashoguz and Kyzyl Arbat, claiming a decree had been issued outlawing Jehovah's Witnesses. Police officers pressured them to sign a statement regarding their activities, seized their passports, and forced the women to return to their towns of residence.

In June authorities deported a foreign visitor who made an unplanned visit to a member of a registered Christian church in Ashgabat. The church was threatened with the loss of its registration, although church officials had neither invited nor been aware of the visitor.

On June 15, local officials, including an imam, broke into an apartment in Turkmenbashi and interrupted a meeting of Jehovah's Witnesses. They interrogated those present and searched the apartment, seizing a Bible, several publications, and a songbook.

The government incorporated some aspects of Islamic tradition in its effort to redefine a national identity. Despite its embrace of certain aspects of Islamic culture, the government was concerned about foreign Islamic influence and the interpretation of Islam by local believers. The government controlled the establishment of Muslim places of worship and limited access to Islamic education. Two mosques were reportedly being refurbished or rebuilt.

The government officially banned only extremist groups that advocate violence, but it also categorized Islamic groups advocating stricter interpretations of Islamic religious doctrine as "extremist." The government did not officially restrict persons from changing their religious beliefs and affiliation, but ethnic Turkmen members of unregistered religious groups accused of proselytizing and disseminating religious material generally received harsher treatment than nonethnic Turkmen.

Police officers often subjected ethnic Turkmen who converted to Christianity to harassment and mistreatment such as verbal abuse for denying their heritage by converting.

Reports of obstructed travel based on religious minority group affiliation continued. In April Turkmen Evangelical Church Pastor Ilmyrat Nurliyev was barred from travel to Ukraine for a friend's wedding. The government continually denied entry visas to foreign members of registered and unregistered groups.

During the year the government permitted the visits of foreign religious officials. In March a group of regional Catholic officials were permitted to visit for a retreat. In May a senior official of the Russian Orthodox Church made an official visit for the first time since 2005, and in September authorities permitted the visit of a Seventh-day Adventist regional representative for the first time in eight years. Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present. The government also prohibited proselytizing by unregistered religious groups.

There was no official religious instruction in public schools. Although the Ruhnama continued to be taught in all public schools and institutes of higher learning, teachers reported that such training decreased substantially. 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 also controlled access to Islamic education. The theology faculty in the history department at Turkmen State University in Ashgabat was the only academic faculty that conducted Islamic education. Although President Berdimuhamedov continued with 2006 plans to construct a Ruhnama university, the projected university's focus began to change from "studying the deep roots of the nation's great spirit" to include a more international outlook. Only one institution of Islamic education remained open, and the government controlled the curriculum.

The Ruhnama was no longer seen in mosques, even the large mosque in former President Niyazov's home village of Gypjak. Phrases from the Ruhnama were, however, still inscribed on the Gypjak mosque. The government did not allow the publication of religious literature, limiting 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, but even registered groups had difficulty importing religious literature.

The government again financially sponsored 188 pilgrims (one planeload) personally approved by the president out of the country's quota of 4,600 to travel to Mecca. The government stated that other pilgrims were allowed to go on the Hajj at their own expense, and there were indications that significantly more self-financing pilgrims were allowed to make the Hajj.

The government does not offer alternative civilian service for conscientious objectors, which was provided by law until 1995. Individuals who refused military service for religious reasons were offered noncombatant roles within the military but were not provided with nonmilitary service alternatives. According to Forum18, in February Turkmenbashi authorities sentenced Jehovah's Witness Vladimir Golosenko to two years of forced labor for evading compulsory military service, although his sentence was suspended. The state reportedly took 20 percent of his wages as part of his punishment.

During 2007 authorities charged six members of Jehovah's Witnesses with evading compulsory military service, but all received suspended sentences after interventions from the international community. Four of the individuals received government pardons, and two continued to be subject to the terms and conditions of their suspended sentences. One of the individuals still serving a suspended sentence reported in July that his local military

commission had indicated it would reinstate charges against him when his suspended sentence ended.

#### Societal Abuses and Discrimination

There were 2,000 self-identified Jews and 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.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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 and require 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 internally displaced persons, refugees, returning refugees, stateless persons, and other persons of concern. The president eliminated police checkpoints on major roads soon after his inauguration in February 2007 and lifted controls requiring citizens to obtain permits for internal travel to border regions in July 2007. The border permit requirement remained in effect for all foreigners.

The government inconsistently applied its policy on dual passport holders and occasionally demanded that Russian passport holders procure Commonwealth of Independent States visas based on their Turkmen passports. In 2007 the government permitted at least four previously restricted citizens to travel overseas. However, the criteria for preventing travel remained unclear, and the government still barred citizens from departing the country.

The government denied that it maintained a list of persons not allowed to depart the country. A restrictive 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 were able to inquire about their travel status at the State Agency for the Registration of Foreign Citizens Immigration. However, only approximately half of those who inquired received information on their travel status. During the year none of those barred from travel was successful in appealing restrictions on travel.

In January authorities prevented the daughter of RFE/RL correspondent Halmurat Gylychdurdiyev from traveling to Moscow for medical treatment. After diplomatic intervention the government permitted her to travel abroad in September.

In late April and again in early June authorities pulled a junior RFE/RL reporter from two international flights and told him "law enforcement" officers opposed his departure. On June 5, authorities denied departure for fellow RFE/RL reporter Soltana Achilova.

In April Immigration Service authorities told Turkmen Evangelical Church Pastor Ilmyrat Nurliyev he could not travel to Ukraine for a friend's wedding. Nurliyev had also been escorted off a plane bound for Ukraine in November 2007. When Nurliyev wrote a letter of complaint in 2007 to the State Agency for the Registration of Foreign Citizens, he received a reply noting that his claim of being forcibly removed from an airplane was not confirmed.

On June 15, Ovez Annayev, brother-in-law of exile opposition leader Khudayberdy Orazov, was removed from a flight to Moscow, where he was going to obtain medical treatment, although a national security service official had

assured him he would be permitted to travel abroad. In November 2007 authorities prevented Svetlana Orazova, Annayev's wife and the sister of exile opposition leader Khudayberdy Orazov, from boarding a plane to Moscow. Orazova had previously appealed her travel restriction, and the State Agency for the Registration of Foreign Citizens told her she would be allowed to leave the country. In December 2007 she sent a letter of complaint to the State Agency for the Registration of Foreign Citizens.

On July 4, Andrey Zatoka, an environmental activist who was pardoned in October 2007, received a letter from the Office of the Prosecutor General stating he was prohibited from traveling abroad.

In October Gulgeldy Annaniyev's daughter and her family were not allowed to leave the country.

The government permitted citizens living in Dashoguz and Lebap provinces to spend only three days a month visiting relatives in the Bukhara and Khorezm provinces of neighboring Uzbekistan, although travel there is visa-free.

The law permits forced internal and external exile, and at year's end some individuals remained in forced exile. Authorities sent some prisoners, usually former government officials, into internal exile. Some former ministers and government officials who had been dismissed from their positions and sent into internal exile in previous years remained under house arrest. 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 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. 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. In 2006 the government granted citizenship or legal residency to more than 16,000 ethnic Turkmen individuals who had resettled to Turkmenistan in the 1990s. 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 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 also estimated there may be as many as 9,000 undocumented residents who were Soviet Union passport holders at the time of the dissolution and who did not have a state affiliation selected when their Soviet 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. The government streamlined its residency registration process via a 2005 decree and then issued citizenship to approximately 13,000 ethnic Turkmen refugees seeking haven from Tajikistan's civil war.

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 the 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 most important decisions. Unlike in previous years, citizens swore a national oath of allegiance to the country rather than to the president.

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

#### Elections and Political Participation

On September 26, the Halk Maslahaty (Peoples' Council) adopted a revised national constitution that gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty as a political body. On October 15, 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. On December 14, 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.

Under the constitution, upon the December 2006 death of former President Niyazov, then Parliament Chairman Ovezgeldy Atayev should have become the interim president. However, Gurbanguly Berdimuhamedov, the deputy prime minister, was named instead, and authorities initiated a criminal investigation against Atayev. Atayev reportedly remained in prison at year's end. On December 26, 2006, the People's Council selected six presidential candidates, changing the constitution to allow the candidacy of Interim President Berdimuhamedov. Residency requirements precluded the candidacy of some exiles who expressed a desire to run for president. Nurberdy Nurmamedov, a dissident figure living in Ashgabat whom some of the exiles hoped would be a candidate, was detained on December 23, 2006 and released on December 30, 2006.

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 for failed candidates to contest a repeat election, and negative voting requiring voters to 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, leaving the exiled opposition movements in Europe as the only alternative political voice for the country.

There were eight women in the 50-member parliament, including the Mejlis Chairman, elected in 2005. Women served in a few prominent government positions: Deputy Chairman of the Cabinet of Ministers for Culture and Television (a vice premier position), Director of the State Archives, Director of the Institute for Democracy and Human Rights, head of the Supreme Council on Science and Technology, and head of the state news agency.

The one member of a minority group in the 50-seat parliament died in November 2006, and his seat remained vacant. 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.

#### Government Corruption and 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 2008 Corruption Perceptions Index noted 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 even 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 did not sentence any senior government officials to jail terms or put them under house arrest during the year, although several officials were investigated for possible wrongdoing in their official capacities. Two senior government officials were fired for grave shortcomings in their work and may have been charged with crimes -- Onjyk Musaev, head of the Democratic Party of Turkmenistan, and Customs Chief Muratberdi Annaliyev. Their status was unknown at year's end.

In 2007 authorities indicated they would charge at least seven senior government officials with crimes after firing them, including Akmurat Rejepov, chief of the presidential guard and close advisor to former President Niyazov; Payzegeldy Meredov, a former minister of agriculture accused of corruption; and Ovezgeldy Atayev, former chairman of the Mejlis. Atayev was sentenced to five years in prison. Former Minister of Railroads Orazberdy Hudayberdiyev was released in the October 2007 pardon. The status of the others was unknown at year's end.

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

There were no domestic human rights NGOs. The government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. 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. Some officials were more responsive to questions regarding alleged human rights abuses. 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 June 2006 the Council of Ministers accused diplomats and the mission of the OSCE of fomenting revolution in the country for passing journalism equipment to citizens.

From September 4 to 10, the UN Special Rapporteur on Freedom of Religion or Belief made her first official visit to the country. 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.

In a public statement, the rapporteur encouraged the government to revise its Law on Religion to bring it into greater conformity with international human rights standards and recommended that the CRA be more inclusive and independent. She recommended that the government reduce restrictions on the importation of religious material and on acquiring facilities for religious activity. She also recommended that legislation be revised to provide alternative civilian service in place of compulsory military service for conscientious objectors. HRW reported that security services had warned representatives of at least three different religious communities in Ashgabat not to meet with the rapporteur during her visit.

The government-appointed Institute for Democracy and Human Rights (IDHR) played an unofficial ombudsman's role to resolve some citizen human rights-related appeal requests during the year. In 2007 the government established the Human Rights Commission, which reports to the president, to oversee institutional human rights reform. In 2007 the government also established a committee headed by the Chairman of the Supreme Court to review citizen complaints about law enforcement activities. In 2005 the Committee on the Protection of Human Rights and Liberties was established in parliament 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 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

##### 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.

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 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.

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 anecdotal reports suggested that sexual harassment existed in the workforce.

Women had equal rights under family law and property law, and in the judicial system. In December 2007 the Mejlis approved a new law on women's rights after consultation with 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 on equal footing with men in all spheres, including wages, loans, starting businesses, and working in government. However, 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. 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 or address 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.

In 2007 the government initiated reforms in the higher education system, including extending university education to five years from two years under Niyazov and removal of the requirement that university students work for two years before embarking on a degree program. The government eased its restrictions for students wishing to study abroad, but significant bureaucratic hurdles remained and students had to pass a Turkmen language exam to obtain approval to study in some countries.

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.

Available information is insufficient to substantiate a specific number of victims in the country. There were reportedly approximately 20 trafficking cases during the year. Approximately 80 percent of the cases involved young women trafficked for sexual exploitation, and the other 20 percent involved men trafficked to work as laborers or in factories. Most of the persons were trafficked to Turkey. During the year the government continued to use the 2005 migration law to forbid suspected female trafficking victims from boarding planes to Turkey and the United Arab Emirates, considered the primary 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.

The International Organization for Migration assisted 20 trafficked persons with repatriation from Turkey in 2007. Traffickers were subject to two to eight years' imprisonment and the confiscation of property, depending upon the law under which they were convicted. During the year the State Migration Service became responsible for combating trafficking.

The MOJ worked with foreign embassies and international organizations to promote public awareness of trafficking. Some social action groups carried out trafficking awareness programs in the provinces. 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. The government did not systematically screen vulnerable population groups to identify trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://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 are regularly denied work, education, and access to health care and other state services because of strong cultural biases. Persons with disabilities encountered discrimination in employment, education, access to health care, and provision of other state services. 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 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 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. Several minority groups tried to register as NGOs to have legal status to conduct cultural events. 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 the Ruhnama, state symbols, and 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 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 government ministries. In some cases applicants for government jobs had to provide ethnicity information for three generations. The government often first targeted non-Turkmen for dismissal when government layoffs occurred.

#### Other Societal Abuses and Discrimination

Homosexuality between men is illegal and punishable by up to two years in prison.

#### Section 6 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 only the umbrella organization Center for Professional Unions (CPU). Led by a presidential appointee, the CPU included numerous 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 activities. There is no law regulating strikes or retaliation against strikers, and strikes were rare. In early June Deutsche Welle radio reported an unruly protest at an oil facility near Balkanabat. The protest, seeking higher wages to make up for exchange rate changes that devalued the dollar, was short-lived, and the MNB arrested approximately 60 employees.

b. The Right to Organize and Bargain Collectively

The law does not protect the right of collective bargaining.

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, including by children; however, there were reports such practices occurred.

A 2005 presidential decree bans child labor and states that no children would participate in the cotton harvest. During the year, the government reportedly implemented 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 years 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 1.65 million manat (approximately \$116) did not provide a decent standard of living for a worker and family. The government increased teachers' salaries by 40 percent at the beginning of the 2007 school year, however, and reduced their weekly hours of work from 35 to 24.

The standard legal work week is 40 hours with two days 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. 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.