

# TURKMENISTAN

## EXECUTIVE SUMMARY

Although the constitution declares Turkmenistan to be a secular democracy and a presidential republic, the country has an authoritarian government controlled by the president, Gurbanguly Berdimuhamedov, and his Democratic Party, the country's only political party. Immediately after the death of President Saparmurat Niyazov in 2006, Berdimuhamedov was inaugurated president following presidential elections in February 2007, which did not meet international standards. December 2008 parliamentary elections also fell short of international standards. Security forces reported to civilian authorities.

The three most important human rights problems were arbitrary arrest, torture, and disregard for civil liberties including restrictions on freedoms of speech, press, assembly, religion, and movement.

Other continuing human rights problems included citizens' inability to change their government; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; discrimination and violence against women; and restrictions on the free association of workers.

Officials in the security services and elsewhere in the government acted with impunity. There were no prosecutions of government officials for human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

According to Human Rights Watch (HRW), approximately 10 men, allegedly members of the Ministry of National Security (MNB), forcibly entered the home of Bazargeldy and Aydjemal Berdyev and detained the couple on April 19. The couple had been seeking recompense for torture and confiscation of property since

the late 1990s. No information was available about their whereabouts since their arrest.

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

While the constitution and law prohibit such practices, security officials trying to extract confessions from detainees tortured and beat criminal suspects, prisoners, and individuals critical of the government. According to findings in an April report submitted to the UN Committee Against Torture (UNCAT) by Turkmenistan's Independent Lawyers Association (TILA) and the Turkmen Initiative for Human Rights, "...among suspects placed in the temporary holding facility, every second person was exposed to varying types of abusive treatment and torture." The report also stated that the "...beating and rape of inmates by the (penal) colony staff [and] the use of torture and psychological pressure are rampant. Such treatment of inmates results in frequent suicide attempts among the prison population."

Article 16 of the 2009 Law on the Status and Social Protection of a Military Serviceman states that the government provides for the health and lives of servicemen. Members of the military reported, however, that hazing of conscripts occurred and involved violations of human dignity and morale including brutality and verbal abuse. In contrast with previous years, however, the prevalence of hazing reportedly was much lower. Members of the military reported that officers responded to cases of abuse, inspected conscripts for signs of abuse, and punished abusers in some, but not all, cases. Hazing of conscripts reportedly was more prevalent outside of Ashgabat.

### **Prison and Detention Center Conditions**

Prison conditions were unsanitary, overcrowded, harsh, and life threatening. Some facilities, such as the minimum security camp LBK-12, are located in areas that result in inmates experiencing extremely harsh climate conditions, with excessive heat in the summers and frigid temperatures in the winter.

There were unconfirmed reports of physical abuse of prisoners by prison officials and other prisoners. According to the TILA report, the total imprisonment capacity in the colonies and prisons (excluding the military penal battalion) was 8,100 inmates. According to this report, however, prior to the amnesty act announced in 2009, the inmate population totaled 26,720 persons. This figure did

not include detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational therapy rehabilitation centers, and the penal battalion. The detainees in pretrial detention facilities were predominantly individuals who had been sentenced but had not been transferred to colonies. The six pretrial detention facilities are designed for 1,120 persons, but it is estimated that they house three to four times that number.

The TILA report also noted that guards and other prisoners engaged in widespread violence against inmates. According to the February TILA report, in the LBK-12 facility, “physical abuse is used against inmates by the colony personnel and other individuals with the consent and often following the instructions of the colony’s administration.” The report also noted that there were several inmate groups organized on a “tribal principle” and that “real fights with knives and knuckles occur between the groups, which result in a high death toll among the prison population.” Diseases, particularly tuberculosis (TB), were widespread. Due to overcrowding, officials reportedly held inmates diagnosed with TB and skin diseases with healthy detainees, contributing to the spread of disease. 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 claimed that it did so. The government reported that it transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment and arranged for continuing treatment for released prisoners at their residences.

The nutritional value of prison food was poor, and the majority of prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food supplies. Some family members and inmates stated that prison officials sometimes confiscated these food parcels. The availability of potable water could not be confirmed.

Authorities typically incarcerated men and women in separate facilities. The number of facilities for female prisoners and detainees was not available, but according to the TILA report there were 2,010 female prisoners held at the DZK/8 facility in Dashoguz.

Complete data on the average sentence or numbers of incarcerated juveniles were not available. A pretrial detention facility under the jurisdiction of the Interior Ministry housed adults and juveniles and accommodated approximately 800 persons. This number included individuals in pretrial detention, on remand, and those already convicted but not yet transferred to penal colonies.

In March the government revised Article 88 of the criminal code, which pertains to the punishment of juveniles. Under the revised code, first-time juvenile offenders convicted of minor offenses are subject to compulsory reform schooling rather than harsher forms of punishment. The government previously placed convicted juveniles in medical-educational facilities.

According to relatives, some prisoners were unable to receive supplies, and family members often were denied access to the prisoners. The government did allow diplomats to access prisoners held on criminal charges who were nationals of their countries. The government did not report whether prisoners were permitted religious observance and reported no systematic monitoring of prison and detention center conditions. There were no reports of a prison ombudsman.

Government officials generally disregarded inquiries from family members and diplomats about political prisoners' locations or condition. On March 28, however, the government released information about the number of family visits, food package, and medical services received since 2007 by imprisoned journalists Annagurban Amanklychev and Sapardurdy Hajiev. Government officials continued to refuse to permit family members and international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners. The government and the ICRC have been unable to agree on acceptable conditions for regular prison visits. As a result, the ICRC did not conduct regular prison visits during the year. In July, however, the government allowed ICRC officials to visit an unspecified Ministry of Interior facility.

On May 17 and 18, the UNCAT considered the initial report of the government on the fulfillment of its obligations as a signatory of the Convention against Torture. In its concluding observations, the UNCAT report expressed regret "that the [government's] report lacks statistical and practical information on the implementation of the provisions of the convention and that it was submitted 10 years late, which prevented the committee from conducting an analysis of the implementation of the convention by the state party following its ratification in 1999."

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but both remained serious problems.

## **Role of the Police and Security Apparatus**

The Ministry of Interior directs the criminal police, who work closely with the Ministry of National Security (MNB) on matters of national security. The MNB plays a role in personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. The presidential commission created in 2007 to review citizens' complaints of abuse by law enforcement agencies did not conduct any known inquiries that resulted in members of the security forces being held accountable for abuses.

## **Arrest Procedures and Treatment While in Detention**

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

The criminal procedure code provides for a bail system and surety; however, these provisions were not implemented. The law provides that detainees are entitled to immediate access to an attorney of their choice after a formal accusation, but in practice detainees did not have prompt or regular access to legal counsel. Authorities denied some detainees visits by family members during the year. Families sometimes did not know the whereabouts of detained relatives. Incommunicado detention was a problem. The scope of these problems in the criminal justice system was unclear. Authorities legally had to issue a formal indictment within 10 days of arrest to hold detainees longer. Authorities, however, did not adhere to these provisions in practice.

Arbitrary Arrest: The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were no known treason convictions during the year. In the past the government arrested and filed charges against those

expressing critical or differing views on economic or criminal charges instead of charging its critics with treason.

Pretrial Detention: Generally the law permits detention to last no longer than two months, but in exceptional cases it can be extended to one year if an investigator makes a request to the prosecutor general. For minor crimes a much shorter investigation period applies. In contrast with previous years, authorities rarely exceeded legal limits for pretrial detention. In the past chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays; however, the government's anticorruption efforts and the establishment of the Academy of State Service to improve state employees' qualifications generally eliminated such delays.

Although in past years the government detained regime opponents under house arrest without due process, no provision in the criminal procedure code authorizes such punishment.

On April 11, officials from the MNB detained Bisengul Begdesenov, a leader of the Kazakh community, in his home. According to HRW, MNB officials searched his home without a warrant and confiscated computers, USB memory cards, and documents. He was tried, found guilty of fraud, given a suspended sentence, and released in May.

According to Radio Free Europe/Radio Liberty (RFE/RL), in February Amangelen Shapudakov, an 80-year-old pensioner and civic activist, traveled to Ashgabat to complain to the Interior Ministry about local corruption. In an interview with RFE/RL, he stated that police officers in the Kopetdag district of Ashgabat beat him, drove him back to his home village of Garrygala, and told him that if he returned to Ashgabat again, worse would happen to him. According to the RFE/RL report, Turkmen authorities detained Shapudakov on March 9 and confined him to a psychiatric hospital in Balkanabat. He was released after 43 days in confinement.

Amnesty: The government pardoned an unannounced number of prisoners in May in honor of Victory Day and International Children's Protection Day. In August the government pardoned 3,700 prisoners in advance of the Night of Omnipotence holiday. President Berdimuhamedov granted amnesty to 1,700 prisoners in October in connection with the Independence Day holiday. Another 754 prisoners received amnesty in December on the occasion of Neutrality Day.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

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

Even if the courts observed due process, the authority of the government prosecutor far exceeded that of the defense attorney, making it difficult for the defendant to receive a fair trial. Court transcripts frequently were flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal a lower court's decision and petition the president for clemency. There were credible reports that judges and prosecutors often predetermined the outcome of the trial and sentence.

### **Political Prisoners and Detainees**

Opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of these individuals--

which included persons convicted of involvement in the 2002 attack on former President Niyazov--remained unknown.

### **Civil Judicial Procedures and Remedies**

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

### **Property Restitution**

The government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. In 2007 President Berdimuhamedov announced there would be no housing demolition unless replacement housing was available. Nonetheless, during the year the government continued to demolish some private homes in and around Ashgabat as part of an urban renewal program without adequately compensating the owners. In June the government announced the creation of a new interagency commission, authorized by the president, to consider complaints from residents whose homes were located at the construction sites of new buildings in Ashgabat and the provinces. The number and manner of resolution of complaints brought before this commission were unknown.

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

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

The constitution and law prohibit such actions, but authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of some minority religious group members without independent judicial authorization. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. The

government reportedly intercepted surface mail before delivery, and letters and parcels taken to the post office had to remain unsealed for government inspection.

A regulation stating that a noncitizen may marry a citizen only after residing in the country for one year restricts the right of eligible men and women to marry. There were numerous reports that government security officials harassed foreigners married to female citizens. There were instances in which the government did not recognize marriage licenses issued outside the country.

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

Freedom of Speech: The constitution and law provide for freedom of speech and press, but the government did not respect these rights in practice. The government warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Freedom of Press: The government financed and controlled almost all print media. A new “private” weekly newspaper, *Rysgal*, opened during the year. The newspaper’s stories, however, were largely reprints of state media outlets or reflected the views of the state news agency. The government imposed significant restrictions on the importation of foreign newspapers except for the private but government-sanctioned Turkish newspaper *Zaman*, which reflected the views of the state newspapers.

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

Violence and Harassment: In 2010 government agents reportedly detained, harassed, and intimidated journalists and their families. There were reports that law enforcement officials harassed and detained citizen journalists who worked for

foreign media outlets. For example, journalists working for RFE/RL reported frequent surveillance and harassment by government authorities. In October authorities sentenced RFE/RL reporter Dovletmurat Yazgulyev, who had reported on the details of the explosion of ordnance at an arms depot in the village of Abadan, to five years in prison for his alleged role in his sister-in-law's suicide attempt. Members of Yazgulyev's family reported that police pressured them into filing charges against him. The government granted amnesty to Yazgulyev in late October.

During the year there were several reports that the government used restrictions on travel abroad to punish independent journalists and individuals who openly criticized the government. The government also restricted the travel of journalists' family members. As in previous years, the government required state journalists to obtain permission to cover specific events as well as to publish or broadcast the subject matter they had covered.

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

To regulate domestic printing and copying activities, the government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The government did not allow the publication of works on topics that were out of favor with the government, including some works of fiction.

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of the Russian newspaper *Argumenti I Fakti* and other nonpolitical periodicals appeared occasionally in the bazaars. During the year the government reinstated a subscription service to Russian-language outlets for government workers, although these publications were not available for public use.

Publishing Restrictions: There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no assured provision for receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international

conferences and summit meetings, where their activities could be monitored. At least seven journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least five of whom reportedly were accredited. Despite submitting official applications repeatedly over several years, RFE/RL has never received a response from the government to accredit correspondents. As many as 11 correspondents representing foreign media services operated without accreditation. Visiting foreign journalists reported harassment and denial of their freedom of movement when they attempted to report outside official channels.

### **Internet Freedom**

The government continued to monitor citizens' e-mail and Internet activity, and reports indicated that the MNB controlled the main access gateway, monitored users' browsing, blocked access to certain sensitive Web sites, and cut service in certain cases. The government detained and harassed several citizen journalists who used the Internet to share photographs of the destruction caused by the munitions explosions in Abadan in July.

### **Academic Freedom and Cultural Events**

In March the president issued a decree to allow state agencies to recognize diplomas issued by foreign universities. However, previous procedures such as mandatory testing on the *Ruhnama* and *The History of Turkmenistan*, as well as specialized exams in Turkmen, remained in place and complicated the recognition of foreign diplomas. The government did not announce any new procedures to formalize the recognition of foreign diplomas, and many graduates of foreign universities reported that they were unable to certify their diplomas with authorities at the Ministry of Education, making them ineligible for employment at state agencies. Some reported that ministry officials demanded bribes to allow for certification of their diplomas.

The government did not tolerate criticism of government policy or the president in academic circles and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, and theology.

Ministry of Education officials and provincial authorities sought to prevent students who were not ethnic Turkmen from entering exchange programs and Turkmen universities.

Most secondary school textbooks were revised to remove all text devoted to former president Niyazov and his family, although a picture of Niyazov continued to appear on the first page of each textbook. Text devoted to President Berdimuhamedov's "New Revival" ideology replaced the previous text on Niyazov and his family. Despite a 2008 Ministry of Education report stating that all textbooks had been completely revised, only approximately half of them had been revised at year's end.

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

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

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, but the government restricted this right in practice. Authorities neither granted the required permits for public meetings and demonstrations during the year nor allowed unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations. In May police arrested four women for organizing a demonstration to protest the demolition of private homes to make way for new government buildings, according to the independent Web site, *Chronicles of Turkmenistan*.

### **Freedom of Association**

Although the constitution and law provide for freedom of association, the government restricted this right in practice. The law requires all nongovernmental organizations (NGOs) to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the MOJ and the Ministry of Economics and Development and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property. Of the 98 registered NGOs, international organizations recognized only eight as being independent. NGOs reported that the government presented a number of administrative obstacles to NGOs that attempted to register.

Some applications repeatedly were returned on technical grounds. Some organizations awaiting registration found alternate ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others temporarily suspended or limited their activities.

Sources noted a number of barriers to the formation and functioning of civil society in the country. These included government requirements that founders of associations be citizens and that associations operating nationally have at least 500 members to be registered. Other barriers included regulations that permitted the MOJ to send representatives to association events and meetings and requirements that associations notify the government about their planned activities.

There were no independent political groups. The only registered political party was the ruling Democratic Party, the former Communist Party of Turkmenistan. The government officially did not prohibit membership in political organizations, but in practice there were no reports of persons who claimed membership in political organizations other than the Democratic Party.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/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.

In-country Movement: The law requires internal passports and residency permits. A border permit requirement remained in effect for all foreigners.

Citizens are not allowed to hold dual citizenship, and this requirement was enforced periodically. Officials pressured dual citizens departing the country to renounce one of their citizenships before officials allowed them to leave. Individuals who indicated dual citizenship when applying for new-style international passports were denied the passports, whereas persons reporting only Turkmen citizenship received them.

Foreign Travel: While the government denied maintaining a list of persons not permitted to depart the country, it continued to bar certain citizens from departing.

All citizens and visitors to the country are required to undergo a check by the State Migration Service prior to departing the country. On April 6, State Migration Service airport authorities did not permit a group of doctors to board a plane although the group members already had tickets and visas. In addition, some university students reported that they were not allowed to leave the country. No explanation was provided in these cases. A 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, or previously has violated the law of the destination country, or whose travel contradicts the interests of national security. The education law allows the government to impose limitations on obtaining education in specific professions and specialties; this law has been applied to prevent students from travelling abroad to study.

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

### **Protection of Refugees**

In 2009 the government assumed responsibility from the UN High Commission for Refugees (UNHCR) for making refugee status determinations. While formally there is a system for granting refugee status, in practice it is inactive. The government has not developed support services for individuals awaiting a refugee status determination. The UNHCR issues refugee certificates to the mandate refugees granted refugee status prior to 2009. Those certificates are the only official evidence of a refugee's legal status. The mandate refugees are required annually to renew the UNHCR certificates with the government. There were 59 UNHCR-mandate refugees in the country.

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

Nonrefoulement: The government asserted that no UNHCR-mandate refugees were expelled or forced to return to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year, however, the government denied the asylum requests of six university students from Afghanistan who claimed that the Taliban would threaten their families' lives if they returned to Afghanistan. The UNHCR intervened to advise the government

against returning the students to Afghanistan, all six of whom returned to Afghanistan voluntarily. Two of the students then reentered Turkmenistan on family reunification visas. The government forcibly deported a third student to Afghanistan when he returned to Turkmenistan and requested asylum a second time.

The UNHCR has observer status at government-run refugee status determination hearings. Individuals determined not to be refugees by the government have recourse to the UNHCR to obtain mandate refugee status.

Access to Basic Services: Refugees had access to basic services such as health care and primary and secondary education, but they were not eligible for government employment and did not have the right to own property or a company.

### **Stateless Persons**

Citizenship is derived from one's parents. The UNHCR estimated there were as many as 15,000 undocumented individuals who may be at risk of statelessness. The number of stateless persons who are also refugees was not available. The government's requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons.

During the year the State Migration Service, jointly with the UNHCR, registered approximately 8,000 persons age 18 and above and considered at risk of statelessness, thereby bringing the total number of individuals registered since 2007 to 20,000. These individuals largely were undocumented residents who held Soviet passports when the Soviet Union dissolved and who did not have a state affiliation when those passports expired in 1999. The government administratively processed many of these residents and issued them residency permits. Under two presidential decrees, the government granted citizenship to 1,590 formerly stateless persons in July and another 1,728 in October.

### **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 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.

According to the Organization for Security and Co-operation in Europe (OSCE), the election law does not meet OSCE standards.

### **Elections and Political Participation**

Recent Elections: District people's council elections took place in December 2010. Local council (gengesh) elections were held in 2009 under a law that had been revised in April to bring electoral procedures into line with the 2008 constitution and electoral law. The 2008 constitution gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty (People's Council) as a political body. In May the Mejlis revised the Law on Presidential Elections, which reduced the number of requirements for the registration of candidates.

Political Parties: The Democratic Party is the country's only political party. Article 30 of the constitution guarantees the right of citizens to set up political parties within the framework of the constitution and other laws. In addition, Article 93 guarantees the right of political parties to nominate candidates in conformance with electoral law. No such electoral law exists, however, which deterred the participation of opposition candidates. According to the nongovernmental Jamestown Foundation, the government did not permit opposition movements outside the country, including the National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, and the Fatherland (Watan) Party, to operate within the country.

Participation of Women and Minorities: There were 21 women in the 125-member parliament or Mejlis, including the Mejlis speaker. Women served in a few prominent government positions, including deputy chairman of the Cabinet of Ministers for Culture, Television Broadcasting, and the Press (a vice premier position), minister of education, minister of textile industry, director of the State Archives, director of the Institute for Democracy and Human Rights, the chairpersons of two of five parliamentary committees, and the chairperson of the state publishing service.

The government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several senior government positions.

Members of the country's largest tribe, the president's Teke tribe, held the most prominent roles in cultural and political life.

#### **Section 4. Official Corruption and Government Transparency**

While the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Corruption existed in the security forces and in all social and economic sectors. Factors encouraging corruption included the existence of patronage networks, a lack of transparency and accountability, and the fear that the government would retaliate against a citizen who chose to highlight a corrupt act. According to the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem.

As in the previous year, the president reprimanded a number of ministers and government officials, dismissing some from their positions. Others were investigated and arrested for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated.

In July the courts sentenced four officials from the Central Bank to prison for extorting bribes from Turkish businessmen involved in construction project. The prison sentences ranged from five to 17 years. The trial was not open to the public.

Financial disclosure requirements are neither transparent nor consistent with international norms. Government enterprises are not required to publicize financial statements, even to foreign partners. Financial audits are often conducted by local auditors, not internationally recognized firms.

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 officials published manipulated economic and financial data to justify state policies and expenditures.

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

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

UN and Other International Bodies: There were no international human rights NGOs with a permanent presence in the country, although the government permitted international organizations, including the OSCE and UNHCR, to have resident missions. Government restrictions on freedoms of speech, press, and association severely restricted international organizations' ability to investigate, understand, and fully evaluate the government's human rights policies and practices.

Continuing a trend from the previous year, 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. The government allowed unfettered access to the OSCE Center. There were no reports that the government discouraged citizens from contacting other international organizations.

During the year the government did not implement any of the recommendations made in 2009 by the UN special rapporteur on freedom of religion or belief.

Government Human Rights Bodies: The government-run Institute for Democracy and Human Rights, established in 1996 with a mandate to support democratization and monitor the protection of human rights, was not an independent body. Its ability to obtain redress for citizens was limited. Nonetheless, it played an unofficial ombudsman's role to resolve some citizen human rights-related petitions during the year. In August the president signed a decree establishing the Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law. Specific information about this commission's plans was not available. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. No public information about its human rights activities existed.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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

## **Women**

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

The law prohibits domestic violence, including spousal abuse, but the government did not enforce the law effectively. Penalties, for example, are based on the extent of the injury, but are not specified in the criminal code. According to indicators published by the UN Development Program in 2009, the country is included in the category of countries in which “there are no or weak laws against domestic violence, rape, and marital rape, and these laws are not generally enforced.”

Anecdotal reports indicated domestic violence against women was common; most victims of domestic violence kept silent because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence. A local organization continued to operate a domestic violence hotline with support from the OSCE Center in Ashgabat. The same NGO also provided free legal consultations and psychological assistance to victims of domestic violence and organized awareness-raising seminars on domestic violence for the general public.

Harmful Traditional Practices: There were no reports of “honor” killings. Authorities did not undertake specific efforts to prevent harmful practices such as “honor” killings or “dowry deaths,” but they effectively prosecuted homicides under the criminal code.

Sexual Harassment: No law specifically prohibits sexual harassment, and reports suggested sexual harassment existed at the workplace.

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

According to the Population Reference Bureau, approximately 70 percent of women received prenatal care, skilled personnel attended 99 percent of births, and 99 percent of women received at least one postnatal care visit. Modern contraceptive methods were available to 99 percent of the public. Statistics on contraceptive use by single women were unavailable, but 53 percent of married women used some form of modern contraceptives. Due to cultural attitudes, almost one-third of married women opposed the use of family-planning methods. A local source who worked for an HIV/AIDS project confirmed that women and men are diagnosed and treated equally for sexually transmitted infections.

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

The government did not acknowledge, address, or report on discrimination against women. There is no special government office that promotes the legal rights of women, but the Women's Union (a government-affiliated "NGO") and the National Institute of Democracy and Human Rights worked on women's legal rights.

## **Children**

Birth Registration: According to the law, a child's citizenship is derived from one's parents. In the event a child is born to stateless persons possessing permanent resident status in the country, the child is considered a citizen. The government took modest steps to address the welfare of children, including

increased cooperation with UNICEF and other international organizations on programs designed to improve children's health.

UNICEF reported that 96 percent of urban children and 95 percent of rural children had their births registered.

Child Abuse: There were isolated reports of child abuse. In 2006 the UN Committee on the Rights of the Child issued recommendations that called on the government to focus efforts on issues of family and alternative care, juvenile justice, child abuse prevention, health and welfare, education, children with disabilities, and special protection measures.

Child Marriage: According to the most recent data available (provided in a 2006 UNICEF report), 9 percent of marriages involved minors.

Sexual Exploitation of Children: The legal age of consent is 16. Production of pornographic materials or objects for the purpose of distribution or advertisement and trade in printings, movies or videos, depictions, or other objects of a pornographic nature, including those of children, is punishable in accordance with Article 164 of the criminal code. An Interpol report noted that the criminal code "...enacts criminal liability for involvement of minors into prostitution."

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There were an estimated 300 Jews, predominantly in Ashgabat, but no organized Jewish community. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas. However, in practice

persons with disabilities encountered discrimination and regularly were denied work, education, and access to health care and other state services because of strong cultural biases.

The government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to meet basic needs. The government considered persons with disabilities who received subsidies as being employed and therefore ineligible to compete for jobs in the government, the country's largest employer.

Some students with disabilities were unable to obtain education because there were no qualified teachers, and facilities were not accessible for persons with disabilities. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to be provided with education and employment opportunities, if their condition allowed them to work; in practice neither was provided. Special schools for those with sensory disabilities existed in the larger cities. The government began construction of boarding schools with rehabilitation centers for persons with disabilities in each province and in Ashgabat.

Although the law requires new construction projects to include facilities that allow access by those with disabilities, compliance was inconsistent and older buildings remained inaccessible. A lack of consistent accessibility standards resulted in some new buildings with inappropriately designed access ramps. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities. This ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities.

### **National/Racial/Ethnic Minorities**

The law provides for equal rights and freedoms for all citizens. Minority groups, including the Kazakh cultural center Elimay Turkmenistan, tried to register as NGOs to have legal status to conduct cultural events, but no minority groups succeeded in registering during the year.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce and everyday life in the capital, even as the government continued its campaign to conduct official business solely in Turkmen. The government

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

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

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

Consensual same-sex sexual conduct between men is illegal and punishable by up to two years in prison; the law does not mention women. According to one human rights NGO, homosexuality was considered a mental disorder by authorities, and gay men were sometimes sent to psychiatric institutions for treatment.

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

### **Other Societal Violence or Discrimination**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows citizens to join independent unions and provides for collective agreements and negotiations between workers and their employers that enumerate rights and responsibilities. The law does not allow workers to strike or to bargain collectively. The law does not prohibit antiunion discrimination by employers

against union members and organizers. There are no mechanisms for resolving complaints of discrimination, nor does the law provide for reinstatement.

Freedom of association was not respected in practice. All existing trade and professional unions were government-controlled and had no independent voice in their own activities. The government did not permit private citizens to form independent unions. There were no reports of labor strikes or attempts to organize union activity.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor. There were no reports of such practices.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment of children is 16 and in a few heavy industries, 18. The law prohibits children between the ages of 16 and 18 from working more than six hours per day. A 15-year-old may work four to six hours per day with parental and trade union permission, although such permission rarely was granted. The law prohibits children from working overtime or between the hours of 10 p.m. and 6 a.m. A presidential decree bans child labor in all sectors and also specifies that children are not permitted to participate in the cotton harvest. There are laws and policies to protect children from exploitation in the workplace. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws. The government effectively enforced the section of the labor code prohibiting child labor.

### **d. Acceptable Conditions of Work**

The minimum monthly wage for all sectors is 400 manat (\$140). An official estimate of the poverty-level income was not available. The standard legal workweek is 40 hours with weekends off. The law states that 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. The law prohibits pregnant women, women that have children up to three years of age, women with disabled children under age 16, and single parents with two or more children from working overtime.

The law provides state employees with a minimum 30 days of paid annual leave, 45 calendar days for teachers at all types of educational institutions, and 55 days for professors. The law permits newlyweds and their parents 10 days of paid leave for the preparation of weddings. Workers also receive 10 days of paid leave to carry out funeral rites and commemoration ceremonies in the event of a death of a close relative. Upon reaching age 62, citizens are entitled to an additional three days of paid leave.

The government did not set comprehensive standards for occupational health and safety. There is no state labor inspectorate. There are, however, 14 labor inspectors employed by state trade unions who have the right to provide improvement notices to government industries. According to the law, trade union inspectors cannot levy fines.

In practice the government required its workers and many private sector employees to work 10 hours a day or a sixth day without compensation. Reports indicated that many public sector employees worked at least a half day on Saturdays. Laws governing overtime and holiday pay were not effectively enforced.

Construction workers and industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards related to the application of defoliants in preparing cotton fields for mechanical harvesting. Workers did not have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment. Work-related injury statistics were not available.