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## 2010 Human Rights Report: Turkmenistan

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Although the constitution declares Turkmenistan to be a secular democracy and a presidential republic, it is an authoritarian state of approximately five million. The Democratic Party is the country's only political party. The president, Gurbanguly Berdimuhamedov, was elected in a 2007 presidential election that did not meet international standards. December 2008 parliamentary elections also fell short of international standards. Security forces reported to civilian authorities.

Human rights problems included citizens' inability to change their government; reports of torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; restrictions on freedom of speech, press, assembly, and association; restrictions on religious freedom, including continued harassment of religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and restrictions on free association of workers.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person

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

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

##### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, security officials trying to extract confessions from detainees tortured, beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the government. According to survey findings included in a report issued in February 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. This reason was accountable for the death of eight female convicts in the years of 2008-09."

On October 27, the United Nations Human Rights Committee concluded that the conditions of Omar Faruk Bozbey's confinement in 2004, after the Ashgabat District Court illegally convicted him of economic crimes, constituted "a violation of his right to be treated with humanity and with respect for the inherent dignity of the human person."

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

In contrast with previous years, there were no reports during the year that authorities detained persons in psychiatric hospitals as punishment. In February Neweurasia.net reported on the experiences of former psychiatric hospital inmate Kakabay Tedzhenov, held for 10 months in 2006. He stated that during his detention, he was subjected to punitive psychiatry including the misuse of psychoactive drugs, isolation, prolonged detention, and physical abuse.

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 widely and involved violations of human dignity and morale including brutality, verbal abuse, and rape. These incidents often resulted in physical injury and psychological damage to conscripts. The hazing reportedly was often based on ethnic, geographic, or tribal affiliation, and soldiers from minority tribes reportedly were hazed more than others, as were conscripts from Lebap and Dashoguz provinces.

In 2009 a source from the Ashgabat Central Directorate for Military Health reported that military death statistics and suicides were significantly higher in 2008 as compared with other years, despite a reduction in the length of compulsory service for conscripts. Reportedly, the majority of these deaths were related to military hazing. Officers usually concealed hazing incidents. A military source reported that officers at a unit in Ashgabat hid the suicide note of a conscript who hanged himself because it revealed he had been beaten and raped during hazing.

On September 23, Eurasianet reported that there was a "...case of apparent hazing in the Turkmen army at the Officers' Club in Ashgabat that reportedly led to the suicide of a young soldier."

#### Prison and Detention Center Conditions

Prison conditions were unsanitary, overcrowded, and unsafe. 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 reports of physical abuse of prisoners by both prison officials and by other prisoners. According to a report issued in February by TILA and the Turkmen Initiative for Human Rights, the total imprisonment capacity in the colonies and prisons (excluding the military penal battalion) was 8,100 inmates. According to the TILA report, prior to the amnesty act announced in December 2009, the inmate population in prisons and colonies in Turkmenistan totaled 26,720 persons. This inmate population 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 already received a court verdict but who had not been transferred to colonies. In the six pretrial detention facilities designed for a total of 1,120 persons, it was estimated that three to four times more inmates were being accommodated.

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, a minimum security regime colony, "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. In 2008 over 30 inmates died in such fights."

Diseases, particularly tuberculosis (TB), were widespread. Due to overcrowding, inmates diagnosed with TB and skin diseases reportedly were held 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 reported that it screened prisoners for TB and other diseases. 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.

In past years sources familiar with prison conditions at Owadan Depe Prison reported that former high-level officials were denied proper medical treatment and suffered beatings and verbal intimidation to coerce confessions.

Radio Free Europe/Radio Liberty (RFE/RL) reported in July that Muslim cleric Shiri Geldimuradov died in Tejen prison under unexplained circumstances. The date of Geldimuradov's death was not known.

Authorities typically incarcerated men and women in separate facilities. The total number of 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, including 215 girls. Juveniles routinely were housed with the adult population. Complete data on the average time or numbers of incarcerated juveniles were not available, since pretrial detention data were not systematically collected or centralized. There was a pretrial detention facility under the jurisdiction of the Interior Ministry that housed adults and juveniles, accommodating approximately 800 persons; these included individuals either on remand or already convicted but not yet transferred to colonies.

According to relatives, prisoners convicted of treason were unable to receive supplies, and family members often were denied access to the prisoners. The government did not report whether prisoners were permitted religious observance. There was a complaint submitted to government authorities on behalf of prisoners who were denied family visits and food parcels and had been wrongfully placed in isolation cells. Following the complaint, conditions improved and the government began allowing family visits. The government reported no systematic monitoring of prison and detention center conditions.

Government officials disregarded inquiries from family members and foreign diplomats about political prisoners' locations or condition. Government officials continued to refuse to permit family members, foreign diplomats, or international

observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners associated with the 2002 attack on then President Niyazov. The government and the ICRC have been unable to agree on acceptable conditions for prison visits. As a result, the ICRC did not conduct any prison visits during the year. Prisoners' family members reported that the government also held political prisoners in facilities near Turkmenbashi and in Mary Province.

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#### 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 plays a role in personnel changes in other ministries and enforces presidential decrees. Both the MNB and criminal police operated with impunity. According to reports by Amnesty International (AI) and Human Rights Watch, Farid Tukhbatullin, a Vienna-based expatriate human rights activist, received credible warnings that he was the target of a plot against his life by agents of the Ministry of National Security. The government did not initiate a public investigation of these charges.

The presidential commission designated to review citizens' complaints of abuse by law enforcement agencies, created in 2007, did not conduct any known inquiries that resulted in members of the security forces being held accountable for any 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 (CPC) 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 prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives. Incommunicado detention was a problem. The scope of these problems in the criminal justice system was unclear. Authorities legally had to issue a formal indictment within 10 days of arrest to hold detainees longer. However, authorities did not adhere to these provisions in practice.

The law characterizes any opposition to the government as treason. Those convicted of treason face life imprisonment and are ineligible for amnesty or reduction of sentence. There were, however, 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.

Pretrial detention legally may last no longer than two months, but in exceptional cases it can be extended to one year if an investigator made such a request to the prosecutor general. For minor crimes a much shorter investigation period applies. In contrast 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 CPC authorizes such punishment. The law provides for internal exile, requiring an individual to reside in a certain area for a fixed term of two to five years.

There were regular reports of persons being cited for violations such as possessing religious literature or driving a dirty car. Others were ordered to do something, such as removing an air conditioner from the exterior of a building or vacating a premises for demolition, for which government officials were not able to provide the legal basis for their action. At times these cases resulted in fines or violations of person's rights.

##### Amnesty

The government pardoned an unannounced number of prisoners on May 6 in honor of Victory Day in World War II and on May 28 in honor of International Children's Protection Day. On September 3, the government pardoned 3,999 prisoners in advance of the Night of Omnipotence holiday. On December 10, the president signed a decree granting amnesty to approximately 2,000 prisoners in connection with the Neutrality Day holiday. The government did not release any prisoners of international concern or prisoners associated with the 2002 attack on the former president's motorcade.

#### 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 any judge. The judiciary was widely reputed to be both corrupt and inefficient.

#### Trial Procedures

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

On October 21, a court sentenced Pastor Ilmurad Nurliev to four years in prison after being convicted on charges of swindling. The trial did not meet international standards. According to a report by Turkmen Initiative for Human Rights, the trial lasted only two hours and the presiding judge excluded 12 defense witnesses. The state originally assigned an attorney to Nurliev, and his personal attorney did not gain access to the evidence against him until five days before the trial commenced. The court excluded international observers from the proceedings, which were conducted in Turkmen. Nurliev speaks Russian and reportedly did not understand much of the trial.

Even when the courts observed due process, the authority of the government prosecutor far exceeded that of the defense attorney, making it difficult for the defendant to receive a fair trial. Court transcripts 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

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

On November 4, the United Nations Working Group on Arbitrary Detention publicly released its opinion that the arrest and continued detention of Annakurban Amanklichev and Sapardurdy Hajiyev violated international law and that they should be released immediately. The government provided no credible information updating the cases of journalists Amanklichev and Hajiyev, who presumably remained in jail. In 2006 authorities charged them and journalist Ogulsapar Myradova with weapons possession after they received journalism equipment from foreign sources. In 2006 Myradova died in police custody under suspicious circumstances.

Opposition groups and some international organizations stated the government held other political prisoners and detainees, although the precise number of these individuals--who included persons convicted of involvement in the 2002 attack on former President Niyazov--remained unknown. Among those individuals from 2002 was a former ambassador to the Organization for Security and Cooperation in Europe (OSCE), Batyr Berdiev, whose whereabouts and fate continued to be unknown.

#### Civil Judicial Procedures and Remedies

The civil judiciary system was neither independent nor impartial; 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.

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

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

The constitution and law prohibit such actions; however, authorities frequently did not respect these prohibitions in practice. In some cases authorities forcibly searched the homes of 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 places a restriction on right of men and women of full age to marry.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The government financed and controlled almost all print media. 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 also received international radio programs through satellite access.

On December 15, authorities suspended the operation of the privately owned and Moscow-based service provider Mobile TeleSystems (MTS), leaving approximately 2.5 million persons--half of the country's population and 80 percent of the mobile-phone users--without use of their mobile phones or access to the Internet, impairing the ability of citizens to send or receive information.

During the year government agents reportedly detained, harassed, and intimidated journalists and their families. According to Reporters Without Borders, journalists often were "summoned for questioning, threatened with prosecution, and fired from their jobs, while their relatives are also exposed to the possibility of reprisals." In particular, journalists working for RFE/RL reported frequent surveillance and harassment by government authorities.

During the year there were several reports that the government used restrictions on travel abroad to punish independent journalists and individuals who openly criticized the government. The government also restricted the travel of journalists' family members. Throughout the year the government continued to monitor the activities of RFE/RL reporter Halmyrat Gylychdurdyev.

Both Reporters Without Borders and RFE/RL reported that Prague-based RFE/RL broadcaster Allamurad Rakhimov, a Turkmen native, was denied entry into the country on May 19 and put on a flight returning to Prague without explanation, although he had a valid visa.

RFE/RL reporter Osman Halliyev remained under constant surveillance, and family members remained unable to find employment or travel outside the country.

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.

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

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

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

There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no 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. On July 13, RFE/RL stated on its Web site that Turkmenistan is among the countries where journalists "are routinely denied accreditation, and yet unaccredited journalists face harassment, detention, and threats." Despite submitting official applications repeatedly over several years, RFE/RL has never received a response from the Turkmen government to accredit correspondents there.

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. 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. Additionally the government severely restricted the issuance of visas to visiting journalists.

#### Internet Freedom

During the year Internet access for the general population increased to approximately 80,000 users, according to the International Telecommunication Union. Government-owned Turkmentelecom remained the main provider to the general population, but government agents monitored and filtered its service.

The government continued to monitor citizens' e-mail and Internet activity, and reports indicated that the Ministry of National Security controlled the main access gateway, monitored users' browsing, and blocked access to certain sensitive Web sites, cutting service in certain cases. The Russian cellular company MTS reportedly provided unfettered mobile Internet service to its customers; however, the price was prohibitively high for most citizens. According to a report by Reporters Without Borders, officials monitored citizen's personal e-mail accounts to identify potential dissidents, rather than blocking them.

#### Academic Freedom and Cultural Events

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

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

During the year the government continued some restrictions on student travel. On September 24, Forum 18 stated that Muslims who want to serve as clerics were not allowed to travel abroad for religious education. In 2009 government restrictions on freedom of movement blocked more than 150 students from departing to study at the American University of Central Asia in Bishkek. Eventually, after several months delay, officials allowed the students to leave the country, but not to return to the American University of Central Asia.

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.

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

The school curriculum continued to include works by Niyazov, such as the Ruhnama, and students were required to pass examinations on them for advancement, graduation, or admission to higher educational institutions. Teachers reported, however, that the administration required them to spend substantially less class time studying Niyazov's works than in the past and instead intensified study of books and speeches by President Berdimuhamedov. Ruhnama studies as a separate course was still required for primary school students. The newspaper Mugallymlar gazetesi (Teachers' Newspaper) published the new government-provided curriculum for schools.

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

The government continued to require teachers and students to participate in state-sponsored extracurricular events, and it allocated approximately 70 to 80 academic days per year to compulsory participation in festivals and greetings for high-level visitors, significantly reducing instruction time. This previously informal practice was formalized at secondary schools by requiring teachers to sign an agreement accepting salary cuts for not participating in these government events. Participating students were given the equivalent of an "A" for the day, which provided further incentive to attend the event rather than to be in the classroom.

A government committee created in 2009 approved all cultural products produced in the country for the general public, including books, movies, theatrical plays, art, and any other cultural program.

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

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

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

##### Freedom of Assembly

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

##### Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right in practice. The law requires all 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. In December the government registered a public association called the Society of Guitarists, the first nongovernmental association to be registered since 2008.

Of the 90 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 were repeatedly 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, including 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 must notify the government about their planned activities.

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

There were no reports during the year that government authorities harassed recipients of foreign grants.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the 2010 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. The law requires internal passports and residency permits. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The border permit requirement remained in effect for all foreigners.

Citizens are not allowed to hold dual citizenship, and this requirement was enforced sporadically. 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 new-style passports, whereas persons reporting only Turkmen citizenship received them.

The government denied it maintained a list of persons not permitted to depart the country; however, it continued to bar certain citizens from departing. On August 16, AI issued a statement expressing concern about reports of a presidential decree that prohibits the exit and entry to the country of thousands of individuals. According to AI's source, the decree explicitly bars 37,057 individuals from leaving the country and forbids entry to international human rights organizations, as well as more than 8,000 named individuals of various nationalities. According to AI's source, 73 foreign journalists also were banned from entering the country.

A 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, has previously violated the law of the destination country, or whose travel contradicts the interests of national security. The education law allows the government to impose limitations on obtaining education in specific professions and specialties, which has been applied to prevent students from travelling abroad to study.

Citizens were able to inquire at the State Migration Service about their travel status; however, those who inquired rarely received information.

On June 28, husband-and-wife journalists Annamamed Myatyiev and Elena Myatiyeva were forbidden from travelling abroad when they tried to board a flight to the Netherlands at Ashgabat international airport. They were given no clear reason for the ban. Officials allowed them to depart on July 10.

#### Protection of Refugees

In 2009 the government assumed responsibility from the UNHCR for making refugee status determinations. While formally there is a system for granting refugee status, in practice it is inactive due to a lack of cases. There have been no reports of asylum seekers since 2005. The government has not developed support services for individuals awaiting a refugee status determination. Prior to January 2009, the UNHCR issued a refugee paper that was the only official evidence of a refugee's legal status. There were 60 UNHCR-mandate refugees in the country. The UNHCR provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR has observer status at government-run refugee determination hearings. Individuals not determined to be refugees by the government would have recourse to the UNHCR to obtain mandate refugee status. There was no information indicating that whether or not the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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

#### Stateless Persons

The State Migration Service has registered approximately 12,000 adult persons who have problems with determining their nationality. The UNHCR considered these individuals as effectively stateless or at risk of becoming stateless. They were largely undocumented residents who held Soviet Union passports when the Soviet Union dissolved and who did not have a state affiliation selected when those passports expired in 1999. The government may have administratively processed some of these residents and issued them residency permits while considerations of state affiliation continued. To obtain citizenship, a person needs to verify that he is not a citizen of another country, a process that can be extremely difficult to accomplish. Turkmen citizenship has not been granted to any individuals since 2005.

#### 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 OSCE, the election law does not meet OSCE standards.

In a February letter commenting on the European Bank for Reconstruction and Development's 2010 Country Strategy Review, the Open Society Institute stated that "activists who have tried to register as independent candidates have found themselves under pressure from the Ministry of National Security. As an example, Abdurakhman Rakhmanov, who formed and headed the Ilkindjiler civic group--rather than joining the officially approved Galkynynsh national organization--tried to nominate himself as a deputy to the parliament, only to be arrested on charges of tax evasion before the election and sentenced to up to 15 years in prison. In this context it should be noted that, while the Turkmen government hailed the December 2008 parliamentary elections as an example of the country's pluralism, this poll was contested only by 288 government-approved candidates from the president's party. Furthermore, only one candidate was of non-Turkmen ethnicity."

#### Elections and Political Participation

District people's council elections took place in December. Local council ("gengesh") elections were held in July 2009 in rural areas under a law that had been revised in April to bring electoral procedures into line with the 2008 constitution and electoral law. The 2008 constitution gave broader powers to the Mejlis (parliament), increased the president's powers, and abolished the Halk Maslahaty (Peoples' Council) as a political body.

There were 21 women in the 125-member parliament, including the Mejlis speaker, who was reelected in 2008. Women served in a few prominent government positions: deputy chairman of the Cabinet of Ministers for Culture and Television (a vice premier position), minister of education, 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

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. Corruption existed in the security forces.

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.

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.

On November 6, the New York Times reported that six oil and gas service companies and a prominent freight-forwarding company agreed to pay criminal and civil penalties for bribery. Most of the bribes were paid to circumvent local rules and regulations in a number of countries, including Turkmenistan.

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 to government restrictions that made activity by unregistered organizations illegal. During the year the government continued to monitor the activities of nonpolitical social and cultural organizations.

There was no international human rights NGO 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, understand, and fully evaluate the government's human rights policies and practices.

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, which was not the case prior to October 2007. There were no reports that citizens were discouraged from contacting other international organizations.

On April 16, World Alliance for Citizen Participation (CIVICUS) reported that the government initiated a wave of interrogations against activists and health care practitioners who were suspected of contributing to an April *Medicins Sans Frontieres* report that criticized the government's health care system and policies.

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

On April 2, the UN secretary general met with the president, the Cabinet of Ministers, and the head of the national Institute for Democracy and Human Rights (IDHR). The UN reported that there were several discussions addressing human rights. The secretary general called on the government to fulfill all obligations under international human rights law and the treaties to which it is a signatory and urged positive responses to the human rights recommendations put forward by the UN member states during the Universal Periodic Review in 2008.

The government-run IDHR, 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 2007 the government established the Human Rights Commission, which reports to the president, to oversee institutional human rights reform. In 2005 the president established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation. No information about their human rights activity for the year was available.

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

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

## Women

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

The law prohibits domestic violence, including spousal abuse, but the government did not enforce the law effectively. Penalties are based on the extent of the injury. According to indicators published by the United Nations Development Program in 2009, Turkmenistan 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. Honor killings may occur and are either ignored or generally accepted."

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.

There is no law specifically prohibiting sexual harassment, and reports suggested sexual harassment existed in the workforce.

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

According to the Population Reference Bureau, 99 percent of births were attended by skilled personnel, and 99 percent of women receive at least one postnatal care visit. According to UN interagency estimates, the maternal mortality rate for 2008 was approximately 77 deaths per 100,000 live births and the lifetime risk of maternal death was one in 500. 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 that worked for an HIV/AIDS project confirmed that women and men are diagnosed and treated equally for sexually transmitted infections, including HIV.

Women had equal rights under family law and property law and in the judicial system. In 2007 the Mejlis approved and began implementing a new law on women's rights after consultation with international partners. The Mejlis Committee on Human Rights and Liberties was responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. By law women are equal to men in all spheres, including wages, loans, starting businesses, and working in government. Nevertheless, 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 there is the Women's Union (a government-affiliated "NGO") and the National Institute of Democracy and Human Rights that work on women's legal rights.

## Children

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 Turkmenistan, the child is considered a citizen. 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, such as the reinstatement in 2007 of the 10th year of mandatory schooling.

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

UNICEF also reported that, during the period 2003-08, the proportion of attendance at primary school was 99 percent for both girls and boys and 84 percent for both girls and boys at the secondary level.

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.

According to most recent data provided in a 2006 UNICEF report, 9 percent of marriages involved minors. According to an Interpol report, the criminal code "...enacts criminal liability for involvement of minors into prostitution."

The legal age of consent is 16 years. Production of pornographic materials or objects for the purposes of distribution or advertisement and trade in printings, movies or videos, depictions, or other objects of a pornographic nature alike, including those of children, are punishable in accordance with article 164 of the criminal code.

The country is not party to the 1980 Hague Convention on the civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

#### Anti-Semitism

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

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at [www.state.gov/g/tip](http://www.state.gov/g/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 were regularly 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, which is the country's largest employer.

Some groups of 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. 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 persons 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 persons 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.

The government ratified the UN Convention on the Rights of Persons with Disabilities in 2008 and the Optional Protocol in November.

#### 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, 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 systematically replaced teachers and staff at Turkish schools with ethnic Turkmen. 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

Homosexual 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 is considered a mental disorder, and gays 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 transgendered 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. The Right of Association

The law allows citizens to join independent unions, but in practice all existing trade and professional unions were government-controlled. The government did not permit private citizens to form independent unions.

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

##### b. The Right to Organize and Bargain Collectively

The law does not protect the right to bargain collectively.

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

There are no special laws or exemptions from regular labor laws in export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

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

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

##### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, but they were not effectively enforced. The minimum age for employment of children is 16 years of age; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 from working more than six hours per day. A 15-year-old may work four to six hours per day with parental and trade union permission, although such permission was rarely granted. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws.

##### e. Acceptable Conditions of Work

The state sector minimum monthly wage of 330 manat (\$116) did not provide for the basic needs of workers and their families.

The standard legal workweek is 40 hours with weekends off. In practice, government and many private sector employees are required to work 10 hours a day or a sixth day without compensation. Reports indicated that many public sector employees worked at least one-half day on Saturdays. The law states overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days; however, this law was not enforced.

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

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