

TURKMENISTAN 2014 HUMAN RIGHTS REPORT

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 the Democratic Party. Berdimuhamedov remained president following a February 2012 election that the Organization for Security and Cooperation in Europe's (OSCE) Office of Democratic Institutions and Human Rights determined involved limited choice between competing political alternatives. Authorities maintained effective control over the security forces.

The most important human rights problems were arbitrary arrest; torture; and disregard for civil liberties, including restrictions on freedoms of religion, speech, press, assembly, and movement; and citizens' inability to change the government through free and fair elections.

Other continuing human rights problems included denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; discrimination and violence against women; trafficking in persons; and restrictions on the free association of workers.

Officials in the security services and elsewhere in the government acted with impunity. There were no reported 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

There were no reports of disappearances or politically motivated abductions.

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

While the constitution and law prohibit such practices, Amnesty International (AI) reported security officials tortured and beat criminal suspects, prisoners, and individuals deemed critical of the government to extract confessions and as a form of punishment. Members of the international Jehovah's Witnesses community reported that on July 3, law enforcement officials in Dashoguz beat and threatened a Jehovah's Witness with rape. The officials also reportedly detained the individual in a drug rehabilitation center for two days and subjected the individual to four injections of a paralyzing substance.

According to a 2013 AI report, methods of torture employed by security officials included "electric shocks, asphyxiation, rape, forcible administration of psychotropic drugs, deprivation of food and drink, and exposure to extreme cold."

The law requires the government to provide for the health and lives of members of the armed forces. Members of the military reported, however, that hazing of conscripts continued and involved violations of human dignity, including brutality. There were reports of two conscripts who allegedly died due to hazing incidents. Members of the military reported that officers responded to cases of abuse, inspected conscripts for signs of abuse, and punished abusers in some 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 minimum security camp LBK-12 in Lebap Province, were in areas where inmates experienced extremely harsh climate conditions, with excessive heat in summer and frigid temperatures in winter. There were unconfirmed reports of physical abuse of prisoners by prison officials and other prisoners.

Physical Conditions: Official data on the average sentence or numbers of prisoners, including incarcerated juveniles, were not available. According to a 2011 report submitted to the UN Convention Against Torture by Turkmenistan's Independent Lawyers Association and the Turkmen Initiative for Human Rights, the total prison capacity in the penal colonies and prisons was 8,100 inmates. According to an article by the Union of Independent Journalists of Central Asia, the inmate population totaled 30,568 persons in 2013. This figure may not have included detainees kept in pretrial detention facilities, police-run temporary holding facilities, occupational-therapy rehabilitation centers, and the military

penal battalion. Persons in pretrial detention facilities were predominantly individuals who had been sentenced but not transferred to penal colonies. The six pretrial detention facilities reportedly were designed for 1,120 persons, but they likely housed many times that number.

Authorities typically incarcerated men and women in separate facilities. The number of facilities for female prisoners and detainees was not available, but there were approximately 2,000 female prisoners held at the women's correctional facility in Dashoguz, reportedly built for 2,500 prisoners. The BLD-4 pretrial detention facility in Balkan Province under the jurisdiction of the Interior Ministry reportedly housed adults and juveniles and accommodated approximately 800 persons. This number included individuals in pretrial detention, on remand, and those already convicted but not transferred to penal colonies. A juvenile correctional facility in Bayramali had the capacity to hold 142 boys, although international organizations reported the facility held an average of 40 to 50 boys at any time. Authorities reportedly kept girls in a ward of the DZK-8 facility separate from adult female inmates.

Diseases, particularly tuberculosis (TB), were widespread. There were some reports that due to overcrowding officials held inmates diagnosed with TB and skin diseases with healthy detainees, contributing to the spread of disease. Nonetheless, a representative of an international organization reported that at least in and around Ashgabat, authorities held inmates with TB separately from healthy detainees. There continued to be concerns that the government did not adequately test and treat prisoners with TB before they returned to the general population, but 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 prisoners suffered from malnutrition. Prisoners depended on relatives to supplement inadequate prison food. Some family members and inmates stated prison officials occasionally confiscated food parcels. It was not possible to determine whether potable water was available.

Administration: According to relatives, prison authorities denied food, medical, and other supplies brought by family members to some prisoners and sometimes denied them access to prisoners. The government allowed foreign diplomats to access nationals of their countries in detention facing criminal charges. The

government did not provide information on prison recordkeeping, whether prisoners were permitted religious observance, or on systematic monitoring of prison and detention center conditions. Alternatives to sentencing for nonviolent offenders included suspended sentences, fines, and garnishment of wages. It was not known whether a prison ombudsman existed.

Independent Monitoring: In August government officials allowed the OSCE and the International Committee of the Red Cross to visit a women's prison in Dashoguz. In November the government granted approval for a delegation of U.S. and EU representatives to visit the facility.

Improvements: In March law enforcement officials participated in an OSCE-organized study tour to London on prison management practices. In November officials participated in a five-day training organized by the OSCE on international standards on the rights and treatment of prisoners. There were reports that treatment of prisoners and food quality improved in correctional facilities in Ahal, Lebap, and Mary provinces. In 2013 the government opened a new 2,500-person correctional facility for females in Dashoguz, which included medical clinics, a maternity ward, recreational facilities, and centralized heating and cooling systems. The facility also included a workshop for making prison uniforms, and inmates reportedly are paid for their labor. In 2013 the government amended its criminal code to allow prisoners who work to receive government benefits, extra rations, and state pensions.

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 on matters of national security. The security ministry plays a role in personnel changes in other ministries and enforces presidential decrees. Both the security ministry and criminal police operated with impunity. No information was available on whether the presidential commission created in 2007 to review citizens' complaints of abuse conducted any inquiries that resulted in accountability of any members of the security forces for abuses.

There was no national strategy to reform the police or security apparatus. In August, however, law enforcement officials participated in an OSCE seminar on international standards in criminal law and protecting victims of crime.

Arrest Procedures and Treatment of Detainees

A warrant is not required for arrest when officials catch a suspect in the act of committing an offense. The prosecutor general must issue an authorization for arrest within 72 hours of detention. If investigating authorities do not find evidence of guilt and issue a formal indictment within 10 days of detention, they must release the detainee; however, authorities did not always comply with this requirement. If they find evidence, an 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 transfers the case to the court. Courts generally followed these procedures, and the prosecutor promptly informed detainees of the charges against them.

The criminal procedure code provides for a bail system and surety; however, authorities did not implement these provisions. The law entitles detainees to immediate access to an attorney of their choice after a formal accusation. For a number of reasons, however, detainees may not have had prompt or regular access to legal counsel--they may have been unaware of the law; security forces may have ignored the entitlement to counsel; or the practice of seeking formal legal counsel was not a cultural norm. 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 extent to which authorities failed to protect due process in the criminal justice system was unclear.

Arbitrary Arrest: The law characterizes any opposition to the government as treason. Persons convicted of treason faced life imprisonment and were ineligible for amnesty. In the past the government arrested and filed charges on economic or criminal grounds against those expressing critical or differing views instead of charging its critics with treason.

There were reports of arbitrary arrests and detentions. Authorities frequently singled out human rights activists, members of religious groups, ethnic minorities, and dissidents, as well as members of nongovernmental organizations (NGOs) who interacted with foreigners. On July 5, according to *Forum 18 News*, law

enforcement authorities detained Jehovah's Witness Bibi Rahmanova, her husband Vepa Tuvakov, and their four-year-old son at the Dashoguz train station. The police reportedly used force with Rahmanova and beat Tuvakov before releasing them on July 7. On August 7, authorities reportedly detained Rahmanova at the DZD-7 detention facility in Dashoguz. On August 18, a court convicted her on charges of hooliganism and violence against a law enforcement officer and sentenced her to four years in prison. On September 2, an appeals court overturned the ruling, gave Rahmanova a suspended three-year sentence, and released her from prison.

Mansur Mingelov, an activist for the rights of Balochi minorities, remained in prison. According to AI reports, he conducted a hunger strike from May 19 to June 7 in an attempt to have his case reviewed. The authorities reportedly reviewed his case but did not release him from prison. Authorities initially arrested and allegedly beat him in 2012.

In October the government released eight members of the Jehovah's Witnesses community, most of whom had been imprisoned on charges related to their conscientious objection to compulsory military service.

Pretrial Detention: In most cases the law permits detention of no more than two months, but in exceptional cases it may be extended to one year with approval of the prosecutor general. For minor crimes a much shorter investigation period applies. Consistent with recent trends, 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. Forced confessions also played a part in the reduction of time in pretrial detention.

Amnesty: On February 19, the government pardoned 859 prisoners in honor of Flag Day. Another 2,194 prisoners received amnesty in connection with the May 18 Constitution Day holiday. In July the government pardoned 1,104 prisoners on the occasion of the Night of Omnipotence holiday. President Berdimuhamedov granted amnesty to prisoners in October in connection with the Independence Day holiday; there were reports that approximately 1,300 prisoners were released, but the exact number was not known. An additional 602 prisoners received amnesty in December on the occasion of the Neutrality Day holiday. Prisoners convicted on drug or weapons charges are not eligible for amnesty, but there are no restrictions on pardons, which are treated separately.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was subordinate to the executive. There was no legislative review of the president's judicial appointments and dismissals. The president had sole authority to dismiss any judge. The judiciary was widely reputed to be 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; the right to a defense attorney, including a court-appointed lawyer if the defendant cannot afford one; and the right to represent oneself in court; however, authorities often denied these rights. Defendants frequently did not enjoy a presumption of innocence. There is no jury system. The government permits the public to attend most trials, but it closed some, especially those 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. Courts did not offer Russian-speaking defendants a court interpreter.

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 there was a need to translate defendants' testimony 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 charged with involvement in the 2002 attack on then

president Niyazov, remained unknown. According to one international representative, however, the government asserted in September that it had imprisoned 104 individuals in the wake of the coup attempt and released 32. Those convicted of treason faced life imprisonment and were ineligible for amnesty, although they could receive reductions of sentence from the president. The government denied that any of these individuals were political prisoners.

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 serve 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 used the judiciary to impose 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, the government continued to demolish private homes as part of an urban renewal program without adequately compensating the owners. The number and manner of resolution of complaints brought before the commission charged with considering complaints from residents whose homes were located at the construction sites of new buildings could not be determined.

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

The constitution and law prohibit such actions, but authorities frequently did not respect these prohibitions. Authorities reportedly searched the homes of individuals without 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. Authorities frequently queried the parents of students studying overseas and sometimes threatened state employees they would lose their jobs if they maintained friendships with foreigners.

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

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

The constitution provides for freedom of speech and press, but the government did not respect these rights.

Freedom of Speech: The law requires political parties to allow representatives of the Central Election Committee and Ministry of Justice to monitor their meetings. The government also warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Press Freedoms: The government financed and controlled the publication of books and almost all other print media. A weekly newspaper, *Rysgal*, continued to operate, although its stories were largely reprints from 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 Turkmenistan*, which reflected the views of the official state newspapers.

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

The government continued its ban on subscriptions to foreign periodicals by nongovernmental entities, although copies of nonpolitical periodicals appeared occasionally in the bazaars. The government maintained a subscription service to Russian-language outlets for government workers, although these publications

were not available for public use. Customs officials at Ashgabat Airport reportedly reviewed and confiscated travelers' books and periodicals.

There were 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 it could monitor their activities. At least nine journalists representing foreign media organizations were accredited. The government asserted that there were 39 accredited journalists in the country, although it did not make clear whether these journalists represented foreign media organizations. Turkish news services had eight correspondents in the country, at least four of whom reportedly were accredited. Despite submitting official applications repeatedly over several years, Radio Free Europe/Radio Liberty had not received a response to accredit correspondents. As many as eight correspondents representing foreign media services operated without accreditation.

Violence and Harassment: The government reportedly subjected journalists to surveillance and harassment. There were reports that law enforcement officials harassed and monitored citizen journalists who worked for foreign media outlets, such as by monitoring their telephone conversations and restricting their travel abroad. Visiting foreign journalists reported harassment and denial of freedom of movement when they attempted to report from the country.

As in previous years, the government required journalists working for state-owned media to obtain permission to cover specific events as well as to publish or broadcast the subject matter they had covered.

Censorship or Content Restrictions: The law prohibits censorship and provides freedom to gather and disseminate information, but authorities did not fully implement the law. The government continued to censor newspapers and prohibit reporting of opposition political views or of any criticism of the president. Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal.

To regulate domestic printing and copying activities, the government required all publishing houses, and printing and photocopying establishments to register 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.

Actions to Expand Press Freedom

The 2013 Law on the Mass Media prohibits censorship and provides for the freedom to gather and disseminate information, but the law has not been fully implemented. Government officials and representatives of state media participated in five OSCE training courses on journalism and mass media.

Internet Freedom

The government continued to monitor citizens' e-mail and internet activity. Reports indicated that the Ministry of National Security controlled the main access gateway and that several servers belonging to internet protocol addresses registered to the Ministry of Communications operated software that allowed the government to record Voice over Internet Protocol conversations, turn on cameras and microphones, and log keystrokes. Authorities blocked access to websites it considered sensitive, including YouTube and Facebook.

According to the International Telecommunication Union, approximately 5 percent of the population used the internet. The percentage of the population that accessed the internet via cell phones reportedly was significantly higher, although official estimates were not available.

Academic Freedom and Cultural Events

The government did not tolerate criticism of government policy or the president in academic circles and curtailed research in areas it considered politically sensitive, such as comparative law, history, ethnic relations, and theology. On January 9, a presidential decree allowed the government to certify foreign diplomas in January and July of each year. In order to have foreign diplomas formally recognized, graduates must complete an application, submit information on their family history for three generations, and pass regular Turkmen university graduation exams related to their majors. Due to this extensive process, many graduates of foreign universities reported 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 certification of their diplomas.

The government strictly controlled the production of plays and performances in state theaters, and these were severely limited. Authorities also strictly controlled film screenings and limited viewings to approved films dubbed or subtitled in Turkmen, unless sponsored by a foreign embassy.

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. During the year authorities neither granted the required permits for public meetings and demonstrations nor allowed unregistered organizations to hold demonstrations.

Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right. The law requires all NGOs to register with the Ministry of Justice and all foreign assistance to be coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property.

Of the estimated 112 registered NGOs, international organizations recognized only a few as independent. NGOs reported the government presented a number of administrative obstacles to NGOs that attempted to register. Authorities reportedly rejected some applications repeatedly on technical grounds. In October the government reported that during the year it had registered three NGOs whose primary focus was sports and leisure activities. 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. Although the law states that there is a process for registering foreign assistance, NGOs were unable to register bilateral foreign assistance, due to a 2013 decree requiring such registration.

Sources noted a number of barriers to the formation and functioning of civil society. These included regulations that permitted the Ministry of Justice to send representatives to association events and meetings and requirements that

associations notify the government about their planned activities. A May NGO law no longer requires founders of associations to be citizens and reduced to 400 the number of members national associations must have in order to register. The law also permits NGOs to fundraise and nominate candidates for elected office, and it allows establishment of foreign NGOs.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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 requirement for a border permit remained in effect for all foreigners wishing to travel to border areas.

Despite legal prohibitions against recognizing dual citizenship, a law adopted in 2013 permits the issuance of Turkmenistani passports to Turkmenistani-Russian citizens, who will not have to renounce their Russian citizenship if they obtained it before 2003. Implementation of the law was inconsistent.

Foreign Travel: The government continued to bar certain citizens from departing although it denied maintaining a list of persons not permitted to travel abroad. According to Human Rights Watch, on April 10, authorities barred Ruslan Tukhbatullin from flying to Istanbul to visit his brother, Farid Tukhbatullin, the head of the Turkmen Initiative for Human Rights. Farid Tukhbatullin has lived in exile in Austria since his 2008 release from prison in Turkmenistan.

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, previously has violated the law of the destination country, or whose travel contradicts the interests of national security. Former public sector employees who had access to state secrets were prevented from traveling abroad for five years after terminating their employment with the government. The law allows authorities to forbid recipients of presidential amnesties from traveling abroad for a period of up to two years. The

law also allows the government to impose limitations on obtaining education in specific professions and specialties.

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

While formally there is a system for granting refugee status, it was inactive. In 2009 the government assumed responsibility from the UN High Commissioner for Refugees (UNHCR) for making refugee status determinations. The UNHCR had 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. Mandate refugees are required to renew the UNHCR certificates with the government annually. There were 45 UNHCR mandate refugees.

In June the government amended the law to permit refugees to receive, at no charge, biometric identification and travel documents compliant with the requirements of the International Civil Aviation Organization.

Access to Asylum: The 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 since 2005.

Refoulement: 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.

Stateless Persons

Citizenship is derived primarily from one's parents. In March the UNHCR estimated there were 8,320 stateless individuals and persons with indeterminate nationality, although the government did not confirm this number. The number of stateless persons who were also refugees was not available. The requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons. The government, however, cooperated with the UNHCR and the International Organization for Migration to cohost an international conference on statelessness and migration

issues and granted citizenship to 786 stateless persons in June. Also in June the government amended its law on migration to allow stateless persons to legally reside in the country and travel internationally with government-issued identification and travel documents.

Undocumented stateless individuals did not have access to public benefits, education, or employment opportunities.

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

Citizens did not have the ability to change their government through free and fair elections. 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. The president's power over the state continued to be nearly absolute.

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

Elections and Political Participation

Recent Elections: A presidential election took place in 2012; however, conditions were not appropriate for the OSCE to deploy an observation mission. The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) noted in its December 2011 *Needs Assessment Mission Report* that the deployment of an observation mission would not add value to the election, due to limitations on fundamental freedoms, the absence of political pluralism, and the lack of progress in bringing the country's legal framework in line with OSCE commitments for democratic elections. The government did not invite the OSCE to send observers; however, the Commonwealth of Independent States (CIS), which the country chaired in 2012, sent a small observer mission that did not have unrestricted access to polling stations and did not release a comprehensive observation report.

In 2013 the government enacted a new electoral code, which governs the activities of the Central Election Committee, defines the rights of voters, and establishes election procedures.

In December 2013 the government held national parliamentary elections, and for the first time a second political party, the Party of Industrialists and Entrepreneurs, competed for seats on a national scale. The government invited the OSCE to send

observers for the elections. While the August 2013 report of ODIHR's needs assessment mission did not recommend the deployment of an election-monitoring mission, the ODIHR sent a 15-member election assessment mission to review further the new legal and administrative framework for elections. The final report of ODIHR's election assessment mission noted that the elections took place in a strictly controlled political environment characterized by a lack of respect for fundamental freedoms. The report noted also that, despite the existence of a second political party, voters did not have a genuine choice between political alternatives. The OSCE Parliamentary Assembly also sent a 12-member election assessment team with eight European parliamentarians, while the CIS sent 68 observers from nine countries.

In November local council elections took place but were not monitored by independent observer groups.

Political Parties and Political Participation: The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign, since it grants the Ministry of Justice broad powers over the registration process and the authority to monitor party meetings. The law prohibits political parties based on religion, region, or profession as well as parties that "offend moral norms." The law does not explain how a party could appeal its closure by the government. In May the government passed an NGO law that permits civil society organizations to put forth candidates for elected office. In September the government registered a third political party, the Agrarian Party. The government allowed the OSCE to provide expert commentary on the law and implemented some changes to its criminal code.

State media covered the activities of President Berdimuhamedov, the Democratic Party, the Party of Industrialists and Entrepreneurs, the Agrarian Party, and trade and professional unions.

There were no independent political groups. The three registered political parties were the ruling Democratic Party (the former Communist Party of Turkmenistan), the progovernment Party of Industrialists and Entrepreneurs, and the newly registered Agrarian Party, which was also progovernment. The government did not officially prohibit membership in other political organizations, but there were no reports of persons who claimed membership in political organizations other than these three parties. Authorities did not allow opposition movements based abroad--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 33 women in the 125-member parliament, including the speaker of parliament. Women served in other prominent government positions, including as deputy chairperson of parliament; vice premier of the cabinet of ministers for culture, television broadcasting, and the press; minister of education; and directors of the state archives.

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

Section 4. Corruption and Lack of Transparency in Government

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 Freedom House and the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem.

Corruption: The Prosecutor General's Office and Ministry of National Security lead government efforts to combat corruption. In contrast to the previous year, no government officials were reprimanded or dismissed from their positions over allegations of corruption. Government officials participated in three OSCE workshops on combating corruption and money laundering.

Financial Disclosure: The law does not require elected or appointed officials to disclose their incomes or assets. Financial disclosure requirements are neither transparent nor consistent with international norms. Government enterprises are not required to publicize financial statements, even to foreign partners. Local auditors, not internationally recognized firms, often conducted financial audits.

Public Access to Information: Although the Law on the Mass Media allows for public access to government information if requested through accredited mass media sources, the government did not provide such access. Authorities denied

requests for specific information on the grounds that the information was a state secret. Some statistical data were 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. The government continued to monitor the activities of nonpolitical social and cultural organizations.

The United Nations or 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. The government permitted the OSCE to conduct workshops and study tours on prisoners' rights, women's rights, religious freedom, good governance, and media freedom. The government collaborated with the IOM and UNHCR on migration and statelessness issues, and with the UN Development Program (UNDP) on raising awareness and improving access to information on human rights. 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.

The government allowed unfettered access to the OSCE Center. There were no reports that the government discouraged citizens from contacting other international organizations.

Government Human Rights Bodies: The government-run National 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 in resolving some petitions citizens submitted through the institute's complaints committee. The Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law meets biannually to coordinate the implementation of a limited number of recommendations from international human

rights bodies. In 2005 then president Niyazov established the parliamentary Committee on the Protection of Human Rights and Liberties to oversee human rights-related legislation.

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: The law criminalizes rape, and penalties range from three to 10 years in prison. Rape of a victim under 14 years of age is punishable by 10 to 25 years in prison. A cultural bias against reporting or acknowledging rape made it difficult to determine the extent of the problem.

The law prohibits domestic violence, including spousal abuse, through provisions in the criminal code that address intentional infliction of injury. Penalties range from fines to 15 years in prison, based on the extent of the injury, although enforcement of the law varied.

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. In 2012 the NGO Keik Okara opened, with a shelter for victims of domestic violence, supported by the OSCE. Keik Okara continued to operate a domestic violence hotline and provided free legal consultations and psychological assistance to victims of domestic violence. The NGO also organized awareness-raising seminars on domestic violence. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): No law specifically prohibits FGM/C, but there were no reports of FGM/C.

Other Harmful Traditional Practices: No law specifically prohibits harmful traditional practices such as dowry deaths and honor killings, but there were no reports of either.

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

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, as well as the right to attain the highest standard of reproductive health, and most had the means to do so free from discrimination, coercion, and violence.

Modern contraception was widely available to men and women, and women in most areas had access to maternity clinics that provided prenatal and postpartum care. Women in rural areas, however, had less access to contraception and maternity clinics. According to the UN Population Fund's (UNFPA) 2014 *State of World Population Report*, 51 percent of women used some form of modern contraceptives. Due to cultural attitudes, many married women opposed the use of family planning methods; however, according to the UNFPA, there was a 13-percent unmet need for women who wanted but did not have access to family planning.

Discrimination: Women have equal rights under family law and property law and in the judicial system. The parliamentary Committee on Human Rights and Liberties is 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 enjoy full legal equality with men, including equal pay, access to loans, the ability to start and own a business, and access to government jobs. Nevertheless, 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 the health-care, education, and service professions. The government restricted women from working in some dangerous and environmentally unsafe jobs (see section 7.d.).

The government did not acknowledge, address, or report on discrimination against women. No special government office 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

In April the Ministry of Education worked with the UN Children's Fund (UNICEF) to certify seven schools as "Child-Friendly Schools," bringing the total number of such schools 33. In May the government added a provision to the law describing the rights and responsibilities of parents in the upbringing of children. A 2013 law set forth the state's youth policy. It defines youth as persons between the ages of 14 and 30 and enunciates 15 main goals. They included the creation of conditions for the full participation of young people in the social, economic, political, and cultural life of the state and society; the provision of conditions for the comprehensive education of youth; and the observance of the rights and freedoms of young people.

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.

Birth Registration: According to the law, a child's citizenship is derived from one's parents. A child born to stateless persons possessing permanent resident status in the country is also a citizen.

UNICEF reported in its 2014 *State of the World's Children Report* that 96 percent of children had their births registered in 2012, the latest year for which data were available.

Education: Education was free, compulsory, and universal through the 12th grade. There were reports that in some rural communities, parents removed girls from school as young as age nine to work at home.

Child Abuse: There were isolated reports of child abuse. During the year the UN Committee on the Rights of the Child asked the government to provide updated information about situation of the country's children. The information was to include whether a national action plan for children had been adopted, where there were mechanisms for protecting children in vulnerable situations from discrimination, the implementation of measures prohibiting corporal punishment, children's access to potable water and adequate sanitation, and what had been done to improve the quality of education for children. The government had not responded as of December 1.

Early and Forced Marriage: The legal minimum age for marriage is 18. According to UNICEF's 2014 report on the *State of the World's Children*, 7 percent of marriages involved minors.

Female Genital Mutilation/Cutting (FGM/C): No law specifically prohibits FGM/C, but there were no reports of FGM/C.

Sexual Exploitation of Children: The legal age of consent is 16. The law forbids the production of pornographic materials or objects for distribution, as well as the advertisement or trade in text, movies or videos, graphics, or other objects of a pornographic nature, including those involving children. An Interpol report noted that the criminal code “enacts criminal liability for involvement of minors into prostitution.”

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department of State’s report at travel.state.gov/content/childabduction/english/country/Turkmenistan.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State’s Trafficking in Person Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of state services in other areas. Despite the law persons with disabilities encountered discrimination and denial of work, education, and access to health care and other state services because of strong cultural biases (see section 7.d.).

The government provided subsidies and pensions for persons with disabilities, but 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. Although the law requires universities to provide specialized entrance exams to applicants with disabilities, students with disabilities experienced difficulties in gaining admission to universities. The government placed children with disabilities, including those with mental disabilities, in boarding schools where they were to receive education and, if able to work, employment. In practice, however, the schools provided neither. Special schools for those with sensory disabilities existed in the larger cities. Boarding schools with rehabilitation centers for persons with disabilities existed in each province and in Ashgabat. In September and October, the government opened six combined education and rehabilitation centers, one in each of the five provinces and one in the capital. Each center was designed to serve 420 students with disabilities.

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 is responsible for protecting the rights of persons with disabilities. The ministry provided venues and organizational support for activities conducted by NGOs that assist persons with disabilities. The law provides for the right to vote for all, including for persons with disabilities.

National/Racial/Ethnic Minorities

The law provides for equal rights and freedoms for all citizens. 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, and the government dismissed those employees who failed the examination. The government dedicated resources to provide Turkmen instruction for non-Turkmen speakers only in primary and secondary schools.

Non-Turkmen speakers noted that some avenues for promotion and job advancement were not available to them, and only a handful of non-Turkmen

occupied high-level jobs in government. In some cases applicants for government jobs had to provide information about their ethnicity going back three generations. Because the government often targeted non-Turkmen first for dismissal when government layoffs occurred, disproportionately few non-Turkmen held government positions (see section 7.d.).

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

Same-sex sexual contact between men is illegal under a section of the criminal code on pederasty, with punishment of up to two years in prison and the possible imposition of an additional two- to five-year term in a labor camp. The law also stipulates sentences of up to 20 years for repeated acts of pederasty, homosexual acts with juveniles, or the spread of HIV or other sexually transmitted infections through homosexual contact. The law does not mention same-sex sexual contact between women. Enforcement of the law was selective. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. Society does not accept transgender individuals, and the government provides no legal protection or recognition of their gender identity.

There were reports of detention, threats, and other abuses based on sexual orientation and gender identity. No official information was available regarding discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. Since same-sex sexual activity and nonconforming gender identity were taboo subjects in the country's traditional society, social stigma likely prevented reporting of incidents.

Other Societal Violence or Discrimination

There were reports of discrimination and violence against some religious minority groups, including Jehovah's Witnesses. The government generally perpetuated or condoned these actions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides the right for workers to join independent unions and to negotiate collective agreements with their employers. The law prohibits workers from striking. The law does not prohibit antiunion discrimination against union

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

The government did not respect freedom of association and did not effectively enforce such laws. All trade and professional unions were government controlled, and none had an independent voice in its activities. The government did not permit private citizens to form independent unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law provides for the investigation, prosecution, and punishment of suspected forced labor and other trafficking offenses. Resources, inspections, and remediation were inadequate. Penalties for violations, including fines of up to 2,000 manat (\$700) or suspension of an employer's operations for up to three months, were inconsistently enforced and insufficient to deter violations.

The government reported that it conducted investigations and convicted traffickers. Construction workers in the informal sector were vulnerable to forced labor, and there were reports of adult forced labor in the cotton industry.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children is 16, or 18 for work in heavy industries such as textiles, construction, metalworking, and chemicals. A 15-year-old, however, may work four to six hours per day, up to 24 hours per week, with parental and trade union permission, but such permission rarely was granted. The law prohibits children between the ages of 16 and 18 from working more than six hours per day, or 36 hours per week. The law also prohibits children from working overtime or between the hours of 10 p.m. and 6 a.m. and protects children from exploitation in the workplace. A presidential decree bans child labor in all sectors and states specifically that children may not participate in the cotton harvest. Resources, inspections, and remediation were reportedly adequate to enforce the prohibitions on child labor. Penalties for violations, including fines of up to 2,000 manat (\$700) or suspension of an employer's operations for up to three months were enforced and sufficient to deter violations. There were reports that some children

picked cotton to earn extra money or in place of a parent, but there were no confirmed reports of forced child labor in the cotton industry.

The Ministry of Justice and the Prosecutor General's Office effectively enforced the section of the labor code prohibiting forced child labor.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination regarding nationality, race, gender, language, disability, HIV status, and social status. The law does not prohibit discrimination regarding sexual orientation. The government did not always successfully enforce the law; certain government positions required language exams and a family background check going back three generations.

Discrimination in employment and occupation occurred with respect to gender, language, and disability (see section 6). There was no information on discrimination against internal migrant workers.

e. Acceptable Conditions of Work

The minimum monthly wage for all sectors was 485 manat (\$170). 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 wage. 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 age three, women with disabled children under age 16, and single parents with two or more children from working overtime.

The law provides a minimum of 30 days of paid annual leave for state employees, 45 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. State trade unions, however, employed 14 labor inspectors, who have the right to issue improvement notices to

government industries. According to the law, trade union inspectors cannot levy fines.

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. By presidential decree wages increased in January by 10 percent. In 2013 the government reformed the labor code to provide additional benefits, including bonus pay, reduced work hours, additional leave time, and eligibility for early retirement, for work deemed hazardous.

Employers did not provide construction workers and industrial workers in older factories proper protective equipment and often made them labor in unsafe environments. Some agricultural workers faced 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, and authorities did not protect employees in this situation. Statistics regarding work-related injuries and fatalities were not available.