



Protection of fundamental rights in Kazakhstan, Tajikistan and Turkmenistan: Update on developments in April-June 2014*

1. Developments in Kazakhstan

1.1. General situation

Overall the human rights situation in Kazakhstan remains **troubling but rather stable**. In some areas certain progress has been observed, while other recent developments signal deterioration in human rights protection.

On 29 May 2014, Russia, Belarus and Kazakhstan **signed an agreement about the establishment of a Eurasian Economic Union (EEC)**. There are concerns that this union may transform into a political instrument used by Russia to exercise pressure on its partners. From the economic point of view, there are concerns that sanctions imposed on Russia in connection with developments in Ukraine may also affect its EEC partners.

On 3 July 2014, President Nazarbaev signed into law **the new Criminal Code**, which has been [harshly criticized](#) by civil society since it contains provisions violating the rights of citizens to freedom of association, freedom of expression and other fundamental rights. The **new Code on Administrative Offences**, which was also signed into law in early July, provides for [numerous other restrictions](#) of rights such as freedom of expression, freedom of peaceful assembly and freedom of religion. On 27 June, the president approved the new Law on Trade Unions, which has been criticized by independent trade unions, the World Federation of Trade Unions, the International Conference of Trade Unions and the International Labour Organization. (See more information about these law initiatives below under 1.2).

In terms of progress, a **National Torture Prevention Mechanism** has been [introduced](#) under the Ombudsman, encompassing members from a number of human rights organizations. Since the beginning of 2013 a [consultative-advisory body](#) called “**The Dialogue Platform on the Human Dimension**” has also been operating under the Ministry of Foreign Affairs. This body grants civil society representatives the opportunity to discuss human rights issues with high-ranking government officials. Out of 157 recommendations made by NGOs in this framework so far, 93 have either been approved by government bodies or taken up for consideration by Senate. However, recommendations made on the most sensitive human rights issues (such as political rights and freedom of expression) have been dismissed.

At the end of October 2014 Kazakhstan will have to **account for its human rights policies to the UN Human Rights Council** in the framework of the Universal Periodic Review, and in November to the **UN Committee against Torture**.

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1.2. Freedom of expression, assembly and association

New legislation

The new Criminal Code, which was signed into law by the president in early July, **extends the grounds for prosecution for defamation and retains sanctions for defamation of up to three years in prison**. As the previous Code, it also provides for special protection against defamation for high-ranking officials. Moreover, [a new provision](#) on perjury has been introduced into the Criminal Code and provides for punishment of up to ten years in prison. The wording of this provision creates the risk that an individual may be punished for the legitimate expression of opinions, views and beliefs.

The new Criminal Code also introduces the concept of a “leader of a public association” as a particular category of offender and provides for stiffer penalties for individuals deemed to belong to this category than for other individuals for a number of crimes. This is a discriminatory approach that **may result in the persecution of members of public associations**.

A new provision on prohibiting “unlawful interference in the activities of state agencies by members of public associations” is also of great concern. The lack of clear and unambiguous definitions of the terms used in this provision leaves room for government officials to interpret legitimate requests by members of public associations as unlawful interference in their activities, which will undermine public oversight of authorities in the country.

The newly adopted Code on Administrative Offenses **retains excessive sanctions in the form of the suspension and closure of media outlets** for violations of a technical nature.

A new provision of this Code on “violating the legislation on public associations” allows for **suspending and even terminating the activities of public associations** for minor violations of a technical nature, as well as for penalizing public associations for carrying out lawful activities that have not been spelled out in their statutes. This provision gives rise to [particular concern](#) with respect to religious communities.

The new Law on Trade Unions, which was signed by the president in late June, **puts into question the very existence of independent trade unions** as it implies that all trade unions will be subordinated to branch, republican and other structures controlled by the government.

According to [information from Kazakhstan’s government](#), **amendments to legislation concerning the activities of NGOs are currently being elaborated**, and the experience of foreign countries will be taken into consideration in this process. There are concerns that this may result in the introduction of repressive amendments similar to those that have been proposed/adopted in other countries in the region, in particular in Russia.

Persecution of opposition media and journalists

The trend of **court closures of independent newspapers** continues. Newspapers are being closed down on various questionable grounds, including minor technical mistakes in their publishing information. Currently there are only few independent newspapers left in the country.

- On 18 April 2014, the Almaty City Court upheld the February decision of a district court to close down the *Pravdivaya Gazeta*, as a result of which the decision gained legal force. The court decision was issued in response to a request by the prosecutor to halt the newspaper’s operations and annul its registration on the grounds that it had received three warnings about violations of a technical nature in one year. These warnings were given to the newspaper, among others, because its print run had been wrongly indicated and publishing information had been printed unclearly in one of its issues.

- On 21 April 2014, the Medeusky District Court in Almaty ruled that the *Assandi Times* constitutes a “structural part” of the opposition *Respublika* newspaper, which was banned for alleged extremism in 2012, and therefore must stop its operations. On 12 June the Almaty City Court upheld the decision unchanged.

During the reporting period, there were a number of **court proceedings against journalists on defamation charges**, including criminal defamation charges.

- On 5 March 2014, a criminal defamation case was opened against independent journalist Natalia Sadykova under par. 3 of Criminal Code article 129, which carries a penalty of up to 3 years in prison. The case was initiated on the basis of a complaint from a former parliamentary deputy who claimed that an article published at the *Respublika* online portal, which he accused Natalia of authoring under a pseudonym, was aimed at defaming him. On 17 March, the Aktobe City Court sanctioned Natalia's arrest in her absence. Since 9 March Natalia and her family have been in Ukraine, from where she fears returning given the charges against her. Her lawyer has been [denied access](#) to case materials.

Internet censorship

A number of opposition internet sites continue to be blocked without a court decision, including [respublika-kaz.info](#), [socialismkz.info](#) and [ablyazov.org](#). The website of the newspaper *Uralskay Nedelya* ([uralskweek.kz](#)) was temporarily blocked during the report period. Draft amendments to the Law on Communications, which have been put forward but yet have to be dealt with in the parliament, [introduce provisions](#) allowing for blocking social media sites without a court decision.

- On 13 June 2014, Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) received a warning from the Ministry of Culture and Information concerning the re-publication of information from the [respublika-kaz.info](#) site on the organization's site. The warning made reference to the December 2012 court decision that banned *Respublika* as extremist, along with 31 other media resources. The [respublika-kaz.info](#) site was, however, not explicitly mentioned on the list of banned resources at the time.

Violations of the right to freedom of assembly

Most civil society groups that request local authorities to sanction the organization of peaceful assemblies receive rejections, even when proposing to organize actions in areas specifically designated for this purpose. Similarly most **peaceful assemblies that are held without official permission are dispersed by police and organizers and participants are brought to justice**. Law enforcement authorities continue to apply the tactics of “preventive detentions” whereby civil society activists are detained before they have participated in protest actions and penalized as if they had taken part in them.

- On 29 May 2014, the day when the agreement on the Eurasian Economic Union was signed, civil society activist Ermek Narymbaev and his wife, blogger Nurali Aytelenov, journalist Andrey Tsukanov and civil society activist Rinat Kibraev were detained in Almaty and held for 3-12 hours. This was apparently done for the purpose of preventing them from participating in possible protests against the signing of the agreement. A number of civil society activists, as well as *Azzatyk* journalist Orken Bisenov, who was working on a story about a planned protest, were also [detained](#) in Astana on the eve of the signing of the agreement and sentenced to arrests for alleged administrative offenses. Other activists were [given written warnings](#) not to participate in unsanctioned protests.

On several occasions during the reporting period, participants in protests against unlawful evictions in Astana were [detained together with their children](#). A number of journalists were detained by police when covering peaceful assemblies, and one journalist [was beaten](#). Journalists were also [penalized](#) as participants in assemblies, although they were only present to report on them. In some cases, the police

approach against unsanctioned peaceful assemblies reached absurd proportions, such as in the city of Kostanay where police [detained girls engaged as promoters](#) in a shopping centre because they were carrying promotional posters.

1.3. Equality before the law, non-discrimination and access to justice of vulnerable groups

An analysis of complaints received by KIBHR from citizens indicates that **violations of the rights of detainees and defendants** are common at basically all stages of the criminal process in Kazakhstan. During the reporting period, complaints concerned in particular violations of the right to have adequate time and facilities for the preparation of one's defence and to communicate with counsel of one's own choosing (ICCPR article 14.3.b); the right to be tried without undue delay (ICCPR article 14.3.c); and the right not to be compelled to testify against oneself or to confess guilt (ICCPR article 14.3.g).

Complaints from citizens also showed that the principle of **equality of arms is not always respected** during court proceedings and that judges ignore and fail to take into account statements made by defence witnesses.

Moreover, sometimes **petitions by citizens were not admitted and registered** by law enforcement authorities, which undermines the right to have access to justice. Other problems include the low level of legal literacy among certain vulnerable groups of the population and the lack of opportunities for e.g. residents in remote and economically disadvantaged regions and migrants to obtain qualified legal assistance because they cannot afford to pay for such services and there is a lack of offer of free legal assistance.

Violations of the right to a fair trial and equality of arms are particularly common during **politically motivated court proceedings**. KIBHR observers found that legal provisions protecting the right to an effective defence, including the right to have access to a lawyer, are often not realized in practice in cases involving e.g. journalists and civil society activists.

In May 2013 a group of representatives of Kazakhstani human rights and civil society organizations [compiled a list](#) of persons considered to be **political prisoners** in Kazakhstan, using criteria developed on the basis of those used by Amnesty International and the Parliamentary Assembly of the Council of Europe (PACE) for this purpose. The list has subsequently been updated and expanded. Political, civic and religious activists have been included on it. Among those currently held on political grounds in the country are opposition leader Vladimir Kozlov, human rights activists Roza Tulataeva (defending the rights of oil workers) and Vadim Kuramshin (defending the rights of prisoners) and lawyer Zinaida Mukhortova, who was again [forcibly placed](#) in a psychiatric clinic at the beginning of July 2014. (For background information on the cases of these individuals, see KIBHR-IPHR [briefing paper](#)).

Monitors observed media stories expressing **negative and insulting attitudes towards members of sexual and religious minorities**, as well as other examples of intolerance toward such groups.

- On 16 May 2014, activists from the "AntiGay" movement organized a protest in Almaty, blocking the entrance to a night club oriented at members of sexual minorities. The activists claimed that they wanted to attract attention to the "threatening increase" in the number of people of alternative sexual orientation.

Many cases of [discrimination in job ads](#) were observed, in particular on the grounds of **gender and age**.

- In response to a suit filed by the Almaty prosecutor, in early June 2014 a court deemed unlawful the publication on four websites of job ads featuring requirements regarding the sex and age of applicants. This decision was believed to be the result of campaigning against labour discrimination carried out by the NGO "Civil Defence," which had monitored and brought attention to discriminatory job ads.

2. Developments in Tajikistan

2.1. General situation

On 23 April 2014, Tajikistan's President Emomali Rahkmon delivered his annual address to the parliament, laying out the political and economic course of the country. He also dealt with issues concerning the rule of law, referring in particular to **a new program of judicial reform** to be adopted for the next three years. While this program is currently in the process of being elaborated, civil society has not been granted access to it. (See more information below under 2.3.).

On 21 May 2014 law enforcement authorities carried out an **operation to detain suspects in the city of Khorog in the Gorno-Badakhshan Autonomous Oblast (GBAO)**, in the course of which two local residents were shot and killed. This incident provoked protests and riots among the local population, who were dissatisfied with the actions of authorities. (See more information below under 2.2.).

Following the Khorog events, government officials accused foreign states of trying to destabilize the situation in the country and, in this context, **researcher Alexander Sodiqov was detained on accusations of spying** when he was conducting research about conflict resolution in Khorog. His detention has been widely criticized by representatives of the international community (See more below under 2.2.).

In May 2014 the **UN Committee on Economic, Social and Cultural Rights conducted a pre-sessional review** of Tajikistan's implementation of the corresponding convention and adopted a [list of issues](#) that the Tajikistani authorities are requested to respond to ahead of the upcoming full review of the country. Issues concerning poverty, corruption, forced evictions, migrants and disabled people were among those addressed by the Committee, as reflected in the list of issues. Tajikistani NGOs prepared a [joint report](#) for the review and were present in Geneva to brief the Committee.

A **new round of the EU-Tajikistan Human Rights Dialogue** took place in Dushanbe in June 2014. According to a [press release issued by the EU](#), the EU expressed concern, among others, about shortcomings in the 2013 presidential elections, reports about alleged mistreatment of detainees and the blocking of websites and other restrictions on freedom of expression. Nota Bene and other Tajikistani NGOs provided information for the dialogue in advance, and [recommendations](#) adopted at an EU-organized civil society seminar in Dushanbe last year fed into the meeting.

2.2. Freedom of expression, assembly and association

Harassment of media and journalists and internet censorship

The situation concerning freedom of expression remains alarming in Tajikistan. In the past year (2013-2014) **over 45 law suits have been brought against journalists and media**, including defamation suits. One criminal case against a journalist was initiated. While some in the journalist and civil society community consider this case to have been motivated by the journalist's professional activities, others have deemed it a regular criminal case.

The **high-profile case of the "intelligentsia" against the weekly Asia Plus** and its editor Olga Tutubalina especially agitated the journalist community and undermined openness and freedom of expression and media in the country.

- In this case, the plaintiffs [claimed](#) that an article authored by Tutubalina, which was published in *Asia Plus* in June 2013, offended all representatives of the "intelligentsia" in the country. The suit was submitted with the support of five state-funded bodies – the unions of writers, artists, composers and

architects, and the Academy of Sciences. Following a lengthy process, in February 2014, a Dushanbe district court ruled against Tutubalina and *Asia Plus* and ordered them to pay 30.000 Somoni (4.500 EUR) in compensation to the plaintiffs. Representatives of the international community, including the [OSCE Representative on the Freedom of the Media](#) expressed concern about the decision. The ruling was twice upheld on appeal. Currently the defence lawyers are preparing a third appeal.

There have also been cases where **private companies have threatened journalists**, while law enforcement authorities have failed to take appropriate measures to prevent or investigate such cases.

- Isoev Orzy, a journalist at the radio station *Imruz*, filed a complaint with law enforcement authorities about threats he received by SMS and phone from representatives of the Q-net company after he made comments about this company during his radio show in May 2014. At the moment, no investigation into the matter is known to be under way.

A major problem that affects many residents of the country is the **regular blocking of websites**, such as news sites and social media sites implemented by internet providers in response to informal orders from the government communications service. In June 2014 providers again blocked several sites, including YouTube, Gmail and other Google resources. In the past year, YouTube has been [blocked four times](#) in the country.

The May 2014 events in Khorog

The law enforcement operation carried in Khorog, the administrative center of GBAO, in late May resulted in **clashes between local residents and law enforcement authorities**. Among others, administrative buildings were put on fire. In total three people died and five were injured during the clashes. An investigation into these events has been initiated.

The GBAO, which is located on the border to Afghanistan and inhabited by Pamiri ethnic groups, is considered the economically most disadvantaged region of Tajikistan. There is a **high level of distrust** toward the central authorities, which was reinforced following the special military operation carried out in Khorog in the summer of 2012 when at least 22 local residents were killed. A monitoring group from the Civic Solidarity Platform [concluded](#) that the authorities have failed to carry out an effective investigation into this operation and reliable information about the number of victims is still missing.

In connection with the May 2014 events, phone **connections in GBAO were blocked**, as a result of which residents were unable to communicate both with people from other regions and others in their own region for several days. Because of this journalists were also not able to obtain information about the events in the region and relatives were not able to get through to loved ones living there.

At a **several day long protest meeting**, local residents in Khorog protested the actions of law enforcement authorities during the operation conducted on 21 May and **adopted a [statement](#), demanding an objective investigation** of it. Eventually a joint investigation commission composed of representatives of the general prosecutor's office and civil society was set up. In late June, however, the civil society members of this commission expressed concern about [difficulties](#) faced in the implementation of the work of the commission, such as lack of participation of representatives from the prosecutor's office in it.

Following the May events in Khorog, government officials repeatedly **accused foreign states of trying to undermine stability in the country**. For example, during a speech on 19 June 2014, Head of the State Committee on National Security (SCNS) Saimumin Yatimov [claimed](#) that foreign security services "cooperate with organized criminals" and mobilize them for efforts directed against the security of the country. Prior to this, Head of the Parliamentary Defence and Security Committee Amirkul Azimov [questioned](#) the purpose of visits by foreign diplomats to GBAO, suggesting that such visits may reflect

attempts to destabilize the situation there. Another parliamentary deputy [proposed to regulate](#) the visits of foreigners to border regions.

Moreover, in this context, **Tajik researcher Alexander Sodiqov, who is resident in Canada, was detained.**

- Alexander Sodiqov, a PhD student at the University of Toronto and a researcher at the University of Exeter, was detained in Khorog on 16 June, as he was talking to a civil society representative about the May events in the city. The following day the SCNS published a [statement](#), saying that he had been detained “while implementing a task for the security services of a foreign country.” For several days there was no information about his whereabouts, and only on 19 June it was announced that he had been transferred to a SCNS detention facility in Dushanbe and that an arrest order had been issued against him. For a week, he had no access to his family or a lawyer. Subsequently he was granted a lawyer and later two more lawyers started working on his case. The secrecy surrounding Sodiqov’s detention, the initial incommunicado nature of it, and the airing on TV of excerpts from the questioning of him violate his right to liberty and security, due process, as well as protection from torture and ill-treatment. This case also gives rise to concerns in view of the right to freedom of expression and information, and it may seriously undermine international cooperation on research of the Central Eurasian region, as well as efforts to obtain first-hand information about developments in this region.

Constitutional Court ruling on the Law on Public Associations

Tajikistan’s Law on Public Associations contains broadly **worded provisions regarding the grounds on which associations may be closed down by court**, and in recent years, a number of NGOs have been closed down without evidence of serious violations. During the reporting period, **the Constitutional Court issued a ruling** on this issue.

- On 24 June 2014, the Constitutional Court issued its ruling in response to a complaint filed by the Amparo Association of Young Lawyers, requesting the court to recognize the Law on Public Associations as inconsistent the Constitution. At the end of 2012 Amparo was closed down by court for violations of a technical nature, a decision that was upheld on appeal. In its ruling, the Constitutional Court recognized that the provisions of the Law on Public Associations that concern the closure of NGOs are not sufficiently clearly formulated and should be amended by the parliament. However, it did not agree with the petitioners that these provisions violate the Constitution. In light of recent developments (as described above), there are concerns that the elaboration of new draft legislation on NGOs may be used to limit NGO activities further rather than to strengthen safeguards against abuse.

2.3. Equality before the law, non-discrimination and access to justice of vulnerable groups

During his annual address to the parliament in April 2014, the president referred to the **elaboration of a new program on judicial reform** in the country. The previous program in this area was implemented in 2011-2013, after which its realization was assessed and recommendations made. Currently the Supreme Court is working on the new program. All efforts by civil society to obtain a copy of the draft program or information about it have failed.

A **new draft Law on Lawyers** is currently being considered by a working group in the parliament. It is planned that it will be presented at the parliament’s autumn session. A **Concept of Legal Assistance**, which is aimed at creating a new effective mechanism for the provision of free assistance, is currently being elaborated by the government.

In a speech held on 5 June 2014, Tajikistan's Minister of Interior Ramazon Rahimzoda called for **intensified measures in the fight against so-called crimes against morality**, referring in particular to practicing prostitution, which is an administrative offense in the country. According to a communiqué issued by the Ministry of Interior on 12 June, as a result of raids carried out among sex workers on 6-10 June, over 500 individuals were detained and subsequently photographed, fingerprinted and forced to undergo medical tests for sexually transmitted diseases, including HIV. The communiqué also stated that three individuals suspected of "homosexual behavior" were among those detained, although homosexuality is not an offense in Tajikistan.

In a [joint appeal to the minister of interior](#), over 30 NGOs from Tajikistan and other countries stated that while the authorities have an obligation to take effective measures to combat sexual exploitation and trafficking in human beings, such initiatives **should be implemented strictly in accordance with national and international law and applicable human rights standards**. The letter noted that information obtained by local NGOs indicated that detentions carried out in at least Dushanbe involved violations of procedural rights, such as failure to promptly register detentions and bring detainees before a judge and to grant detainees access to a lawyer from the moment of their apprehension. Detained individuals were also targeted for compulsory registration of personal information and compulsory medical tests on the mere suspicion that they were involved in prostitution or other offenses and they faced insults, beatings and blackmail attempts. Moreover, the appeal pointed out that the detention of some individuals on the sole basis of their sexual orientation is a serious violation of national and international provisions prohibiting discrimination.

There was a quick response to the NGO appeal. A group of "intellectuals" published an open letter in the weekly *Farazh*, where they expressed support for the government's policies in this area and seriously criticized NGOs. In an official response, the Ministry of Interior argued that all initiatives taken in the fight against crimes of a "moral character" are necessary and based on law, making reference to international norms. This letter used a similar style of presentation and similar arguments as in the open letter published by "intellectuals."

3. Developments in Turkmenistan

3.1. General situation

According to [official information](#) President Berdymuhammedov decreed in May 2014 that a commission should be set up to elaborate **proposals for a reform of the Constitution** aimed at bringing it into line with international standards. The president called for paying particular attention to improving the judicial protection of human rights and indicated that the reform should include the establishment of a human rights ombudsman's office. This will be the second constitutional reform since Berdymuhammedov's rise to power in 2007.

At its session in Geneva on 16-20 June 2014, the **UN Child Rights Committee began its second review of Turkmenistan** under the Convention of the Rights of the Child. The Committee adopted a so-called [list of issues](#) that the Turkmen authorities will be asked to respond to ahead of the final stage of the review, which is scheduled to take place in January 2015. In a [statement](#) issued ahead of the review, Turkmen Initiative for Human Rights (TIHR) and IPHR highlighted major concerns and urged the Committee to request the Turkmen government to account in detail for its policies in these areas. TIHR was also present in Geneva to brief committee members on issues covered in its [report](#) submitted for the review.

The Turkmen authorities continue to use **questionable methods to promote patriotism** among citizens. For example, in May 2014, parents of school children were reportedly required to [sign pledges](#) to bring up their children "to comply with the tradition, customs and culture of the Turkmen nation." In a well-

established practice, school children and students are regularly forced to participate in mass parades and other events organized by the authorities on the occasion of national holidays.

3.2. Freedom of expression, assembly and association

Freedom of expression developments

Turkmenistan's first ever Law on Mass Media, which entered into force in January 2013, prohibits censorship. However, **censorship practices continue to be applied** in relation to both traditional media and the internet, and the authorities continue to prevent access to information about developments in- and outside the country, which they fear could contribute to discontent and unrest among citizens. For example, information about natural disasters, outbreaks of epidemic diseases and accidents is deemed classified and media are not allowed to report about it.

According to [information obtained by TIHR](#), on 6 June 2014, a Turkmen Air Force fighter crashed at the outskirts of the city of Mary, hitting a residential house and killing a trainee pilot and instructor. Soon after the incident, secret services officials [requested](#) residents of the neighbourhood where the plane crashed to sign pledges not to disclose any information about the incident.

The Russian cell phone operator MTS **reported facing obstruction** from the authorities in launching a 3GB network and offering more attractive services to customers, including with respect to internet access. MTS, which was allowed to return to Turkmenistan in 2012, is the only competitor to the state-run Altyn Asyr operator. Internet connections in the country are generally slow and expensive.

In April 2014, the Turkmen president signed a decree according to which some 100.000 net books will be [given](#) to first graders at the start of the new school year. This practice was introduced in 2011 to promote computer literacy and use among students. However, the computers have often only been [put to limited use](#), e.g. because teachers do not allow their students to use the computers out of fear that they will be held responsible in case the computers break. Parents have been required to buy computer equipment and help [co-finance](#) storage places for computers. There is no internet access in most schools.

- As reported by TIHR, in April 2014, Klychmurad Yarmamedov, a renowned sculptor whose art works are known beyond Turkmenistan, was [expelled](#) from the Turkmen Academy of Arts after publicly calling for efforts to improve the education level of students at this institution and the quality of art in the country. His statements were apparently perceived as criticism of government policies.
- On 2 June 2014 Amnesty International (AI) published an [appeal](#), urging the Turkmen authorities to grant a retrial to Mansur Mingelov, an unfairly imprisoned human rights activist who began a hunger strike on 19 May to protest his sentence. Mingelov was arrested in 2012 and convicted to 22 years in prison for alleged drug and child pornography offences after documenting evidence of police torture against members of the Baloch ethnic minority. Being in a critical condition, he reportedly [ended](#) his hunger strike on 8 June after a number of Turkmen officials visited him in the Seidi labour camp where he is held and the treatment of him there improved. The same day as the AI appeal was published, the president made a statement, [emphasizing](#) the necessity of upholding the rule of law and demanding a careful consideration of each criminal case and a thorough examination of complaints from citizens.
- TIHR and individuals associated with this organization have repeatedly faced harassment. On 10 April 2014, Turkmen authorities prevented Ruslan Tuhkbatullin from flying from Turkmenistan to Turkey to meet his brother, TIHR head Farid Tuhkbatullin. Ruslan was informed that he and his 9-year-old son have been black-listed from travelling abroad. He was told that he could ask the the Migration Service for an explanation. However, although he did, he has not received any reply to date. Human Rights Watch and Amnesty International published a [statement](#) on 20 May, denouncing the arbitrary

restriction of freedom of movement in this case, saying that authorities were obviously trying to retaliate against Farid Tuhkbatullin for his human rights work.

Freedom of association and assembly

The environment for NGOs remains repressive in Turkmenistan. On 3 May 2014, the president signed a **new comprehensive Law on Public Associations** that replaced a previous law from 2003. The law grants citizens the right to establish and join public associations of their own choice and allows foreign organisations to establish branches in Turkmenistan. It also prohibits state interference in the activities of associations. However, basic provisions of the law remain problematic, such as a requirement of compulsory registration of associations, strict registration rules and provisions granting authorities wide powers to monitor and oversee the activities of associations. There are concerns that the law will not result in any improvements in practice, similarly to the new Media Law adopted in 2013. Up to now, no new NGO is known to have been registered since the entry into force of the new law.

The overhanging threat of reprisals effectively discourages public protests in Turkmenistan. However, **spontaneous small-scale protests** have occasionally taken place in the last few years in response to arbitrary actions of authorities. TIHR has reported five such incidents since 2011. These incidents have not been covered in national media and in most cases authorities have conceded at least partly to the requests of protesters, apparently for the purpose of preventing wider protests.

- On 23 June 2014, residents of an Ashgabat neighbourhood [refused to comply](#) with the orders of visiting local officials, who demanded that they dismantle their air conditioning units because these allegedly spoil the exterior of apartment buildings. Upset about this order made at a time of hot outside temperatures, these residents went out into the streets and started chasing the officials away, after which police, military and security service officers were called to the place. Finally the residents were assured that the air conditioning units would not be dismantled. For several days security service officers tried to track down the “instigators” of the protests.

3.3. Equality before the law, non-discrimination and access to justice of vulnerable groups

As part of the Turkmenization policies that were heavily promoted by late President Niyazov and strongly criticized by the international community, schools of national minorities were closed and instruction in Russian cut back. While **instruction in Russian** has continued in selected classes in larger cities, TIHR has received reports that such instruction is now **being further reduced**. For example, in the city of Dashoguz, only two schools will [enrol](#) first graders in classes with Russian as the language of instruction as of the next school year, compared to four schools previously. A local education official justified this decision by claiming that the number of children from families holding Russian citizenship or Russian migrant status has decreased, which can be seen in connection with the pressure long faced by dual Turkmen-Russian citizens to either give up their Russian citizenship or leave the country.

In mid-2008 new biometric passports for travel abroad were introduced in Turkmenistan with a transition period of five years. Dual citizens were required to renounce their second citizenship to obtain new passports. Following a series of negotiations, Turkmenistan and Russia agreed in May 2013 that new passports will be issued to dual Turkmen-Russian nationals who obtained their Russian citizenship before June 2003. However, as [reported by TIHR](#), in April 2014, the Turkmen State Migration office **suspended the issuance of biometric passports also to this category of dual citizens** without providing any further explanations. This sudden change of policy affected, among others, dual citizens resident in Russia who had come to Turkmenistan to obtain new passports and now found themselves stuck there for a long time. It also contributed to reinforcing corruption, with officials accepting bribes to process applications informally.

Stateless persons have [experienced difficulties](#) in leaving the country since the authorities stopped issuing passports to them in October 2013, referring to a law in the process of being adopted concerning the granting of citizenship to this category of residents. This law entered into force only in late June 2014.

TIHR reported about the [continued practice](#) of **arbitrary evictions** in connection with the demolition of residential buildings in Ashgabat to make room for government construction projects, such as office buildings, hotels and monuments. Residents are usually requested to leave their homes at [short notice](#) and many are not provided with adequate compensation, e.g. they are not provided with alternative accommodation that corresponds in space to their previous accommodation; they receive compensation that is below the real value of their property; or they are promised alternative accommodation only in two-three years' time. Over 300 families were accommodated in [makeshift barracks](#) on the outskirts of Ashgabat following the destruction of their homes. There are fears that the construction of sport facilities for the Asiada competition scheduled for 2017 may result in further evictions.

After TIHR website published articles about the problem of evictions, the minister of construction and architecture was replaced as part of a [governmental reshuffle](#) in April 2014. However, this does not appear to have helped stop the practice of arbitrary evictions.