



# SPOTLIGHT: FUNDAMENTAL RIGHTS IN CENTRAL ASIA

Recent developments in Turkmenistan

*March 2016*



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This document provides an overview of recent developments concerning freedom of expression and the media; freedom of association and assembly; as well as access to justice, non-discrimination and the protection of vulnerable groups in Turkmenistan. It is based on the findings of monitoring conducted by Turkmen Initiative for Human Rights (TIHR, based in exile in Austria) in November 2015-February 2016. International Partnership for Human Rights (IPHR, Belgium) has conducted additional research and prepared the document together with TIHR. It has been prepared within the framework of the project “A Transnational Civil Society Coalition in Support of Fundamental Rights in Central Asia” implemented by Kazakhstan International Bureau for Human Rights and Rule of Law, Nota Bene, TIHR and IPHR.

**Contacts:**

Turkmen Initiative for Human Rights (TIHR)  
[www.chrono-tm.org](http://www.chrono-tm.org)

Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR)  
[www.bureau.kz](http://www.bureau.kz)

Nota Bene  
[www.notabene.tj](http://www.notabene.tj)

International Partnership for Human Rights (IPHR)  
[www.IPHRONline.org](http://www.IPHRONline.org)

**Cover:** Photo by TIHR (Forcible removal of satellite dishes in Ashgabat).

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## Summary

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At the beginning of 2016, a first-ever national human rights action plan was adopted in Turkmenistan, and a new draft constitution intended to improve compliance with international standards was approved for “public discussion”. The president also called for adopting a law on the establishment of a national human rights ombudsman by the end of 2016.

In spite of recent legal reforms and other initiatives argued to be aimed at enhancing human rights protection in the country, the situation remains highly repressive in practice. This was illustrated by the new Freedom in the World ranking by Freedom House, in which Turkmenistan again featured among the “worst of the worst” countries globally. Similarly, Turkmenistan got another bottom ranking in Transparency International’s new global Corruption Perceptions Index. This shows that corruption remains endemic in the country and that occasional dismissals of government officials on allegations of corruption and other wrongdoings are mere window-dressing.

The personality cult of the president continues to be promoted and citizens are forcibly mobilized for mass events to praise the regime and its leader, such as for mass New Year celebrations that were recorded for TV coverage in advance. As previously, the country’s heavily state-controlled media focus on reporting “positive” news and avoid criticism of the current state of affairs in the country.

TIHR has reported about new cases in Ashgabat where private satellite dishes were forcibly dismantled, as well as where access to cable TV was interrupted on the basis of similar arguments of ensuring a well-maintained appearance of apartment buildings. This has resulted in restrictions on access to alternative information through foreign channels. Costs for wireless internet remain prohibitive.

The UN Working Group on Arbitrary Detention issued a decision on freelance journalist Saparmamed Nepeskuliev in December 2015, concluding that he has been unlawfully detained and should be released. The journalist was sentenced to three years in prison on spurious narcotics possession charges in August 2015 after being held incommunicado since the summer. After finally being able to leave Turkmenistan in September 2015, acclaimed horse-breeding expert Geldy Kyarizov has spoken out about the harsh treatment to which he was subjected in the Ovadan Depe colony when serving a prison sentence on charges considered politically motivated. In this way, he has helped shed light on conditions in this notorious high-security prison facility that is closed off from the rest of the world.

The Turkmenistani authorities continue to arbitrarily restrict foreign travel. Thousands of people are believed to feature on “blacklists” for travelling abroad, and young people have been stopped at the border on the basis of alleged concerns about their safety. At the same time, policies for granting visas to travel to the country are highly restrictive, and among others, international human rights monitors are barred access. The situation of dual Turkmen-Russian citizens, who have been pressured to give up their Russian citizenship in order to get new Turkmen passports, remains unresolved.

## Recent developments in Turkmenistan

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### General situation

The Turkmenistani authorities have recently engaged in a series of efforts to revise national legislation for the stated purpose of bringing it into compliance with international human rights standards. When speaking to the country’s parliamentarians in January 2016, President Berdymukhammedov again

[stressed](#) the importance of such efforts and called, among others, for the adoption of a law on the establishment of a **national human rights ombudsman** by the end of 2016. A first-ever **national human rights action plan** [endorsed](#) the same month sets out a number of activities that are meant to be implemented by different-level authorities, public organizations and state media in 2016-2020. As of late February 2016, the plan had yet to be made publicly available.

Improving the implementation of international human rights commitments is also one of the stated objectives of the ongoing constitutional reform. In early February 2016, state media reported that the constitutional reform committee that was set up in 2014 had concluded its work and that the president had [approved](#) the **new draft constitution for “public discussion”** by way of publication in the country’s newspapers. Later the same month, the draft constitution was published. Among others, the draft constitution [abolishes](#) the previous upper age limit of 70 years for presidential candidates, thus **paving the way for President Berdymukhammedov to remain in office for life**. There are already no limitations on how many times the same person may be elected president, and the presidential term is now proposed to be extended from five to seven years.

Aside from stressing the need to ensure that national legislation meets international human rights standards, **the president** also used his January 2016 speech to **call for amendments to national legislation** - in particular, the law on freedom of conscience and religious organizations - **to counter what he described as growing threats to national security**. This gave rise to concerns that new restrictions may be initiated in this context.

Moreover, in spite of the efforts argued to be aimed at enhancing human rights protection in the country, **the situation remains highly repressive** in practice. In Freedom House’s new annual [Freedom in the World report](#), which was published in January 2016, **Turkmenistan again featured among the “worst of the worst” countries** in the world with respect to political and civil rights. It was ranked sixth from the bottom among independent countries, with only Uzbekistan, North Korea, Eritrea, Somalia and Syria ranked worse. In the new [Corruption Perceptions Index](#) published by Transparency International at the beginning of 2016, Turkmenistan also **received another bottom ranking**: it was ranked 154<sup>th</sup> among 168 countries and territories. Transparency International’s CIS Regional Coordinator Svetlana Savitskaya [pointed out](#) that there have not been any real improvements in corruption levels in the Central Asian countries in the last few years and that corruption is “endemic”, “deeply ingrained”, and has a “systemic nature” in the region.

At the beginning of February 2016, President Berdymukhammedov [called for](#) stepping up the fight against corruption and promised “strict measures” against government officials found at fault. A few high-ranking officials were also [dismissed](#) for “serious shortcomings” in their work, in connection with allegations of corruption. However, although similar statements have been made earlier, and individual government officials regularly are dismissed or publicly chastised for not keeping up with their responsibilities, **no systematic measures to root out corruption** have been initiated.

At the same time, **the personality cult of the president continues to be promoted**, with citizens being mobilized for mass events to praise the regime and its leader (see more below). At the beginning of 2016, schools again had to [obtain new portraits](#) of the president. Portraits are expected to be hung in all classrooms and teachers are expected to cover the costs of the portraits themselves. At one of its recent exhibitions, the Academy of Science of Turkmenistan [“renamed”](#) famous 18<sup>th</sup> century poet Gurbanali Magrupi, calling him Gurbanguly Magrupi, in an apparent attempt to please the president.

## Freedom of expression and the media

### *Internet access*

According to information from the state information agency, modernization of the fiber-optic network in the country has made it possible to **increase internet speed**. As of January 2016, the minimum wireless internet speed [offered](#) by the state Turkmen Telekom provider increased to 256 Kb/s, which is twice the slowest speed previously offered. However, this speed is still very slow compared to current international standards. In addition, the **costs for this plan increased**: from 100 manat (about 25 EUR) to 190 manat (close to 50 EUR) per month. Previous clients transferring to the new plan was offered a discounted price of 135 manat (35 EUR). The maximum wireless internet speed available to individual customers is now 1 Mb/s at the staggering price of 950 manat (some 240 EUR) per month.

New internet legislation adopted at the end of 2014 set out that the government will take measures to promote internet access. Currently **internet penetration is less than 15% in the country**, according to available [statistics](#), and access to news, social media and other sites is restricted.

### *Restrictions on access to information*

The lack of independent media, censorship and the use of media for political purposes in Turkmenistan undermine the freedom to seek, receive and impart information protected by national and international law. **Media is encouraged to focus on reporting “positive” news** and to avoid any criticism of official policies, resulting in that developments in the country are covered in a one-sided and distorted way.

In spite of criticism expressed by both human rights groups and other representatives of the international community, authorities **continue efforts to forcibly dismantle private satellite dishes**, arguing that such dishes spoil the appearance of buildings. This practice restricts access to information through foreign TV and radio channels, which provide an alternative to national state-controlled media.

This is a recent example documented by TIHR:

- On 10 December 2015, on the eve of the Neutrality Day holiday, public service employees [removed](#) satellite dishes from apartment buildings in the sixth micro district of Ashgabat. This was done in spite of protests by local residents, primarily old people and children since most working-age residents were away. In mid-February 2016, the campaign was renewed and public service officials again [began](#) dismantling satellite dishes in the district. (Pictures are available [here](#)).

Some residents whose satellite dishes have been dismantled have been [offered to connect](#) to IPTV (internet protocol television) instead. However, the costs for this are not trivial (more than 50 EUR in installation costs, aside from a monthly fee) and IPTV users have complained about inferior quality of these services. In other cases, cable TV has been installed as an alternative to satellite TV. However, also this has been associated with significant costs and implications with respect to the range of channels that can be received. In addition, the following case shows that **also those who are now using cable TV risk being subjected to arbitrary restrictions on their access to information** through this medium:

- On 19 November 2015, a number of new apartment and other buildings constructed in different districts of Ashgabat were inaugurated in the presence of the president. Prior to these festivities, the mayor of the capital [ordered](#) public service employees to remove the cables outside houses on the planned route of the presidential motorcade, where cable TV recently

had been installed. As a result, many residents of the districts in question were deprived of access to cable TV and landline phone connections for several days.

There are also residents who have sought ways to keep their satellite dishes in spite of the arbitrary crackdown on this source of information, e.g. by hiding dishes in the yard and installing them directly on the ground.

### *Persecution of “inconvenient” individuals*

In a well-documented pattern, **journalists working for foreign media, as well as individuals who are considered “inconvenient” are subjected to persecution.**

- As we have [reported](#) before, **Saparmamed Nepeskuliev** -- a freelance journalist working with the RFE/RL’s Turkmen service and the Netherlands-based Alternative Turkmenistan News (ATN) -- was sentenced to three years in prison on spurious narcotics possession charges in August 2015 after being held incommunicado since the summer. In an opinion issued in December 2015, the UN Working Group on Arbitrary Detention [concluded](#) that Nepeskuliev’s detention was arbitrary and expressed serious concern that he may have been subjected to ill-treatment and torture. The body called on the Turkmenistani authorities to release him and grant him compensation.
- As we also have [reported](#) before, **Geldy Kyarizov** -- an internationally acclaimed horse-breeding expert who was imprisoned in 2002-2007 after falling out of favour with late President Niyazov -- was finally allowed to leave Turkmenistan in September 2015. Currently he resides in exile. After leaving the country, he has witnessed about the harsh treatment to which he was subjected during the five months he was held in the maximum high-security prison Ovadan Depe, where many political prisoners are believed to have been imprisoned. He has [recounted](#) how he and other inmates at this prison were deprived all contacts with the outside world, basically starved (resulting in that he lost some 40 kilograms in five months), denied adequate medical assistance and only allowed to spend a few minutes outdoor once a week when taken to the shower. In this way, he has provided some rare insights into the conditions at the infamous prison facility.

## Freedom of association and assembly

### *Mass mobilization for events*

The authorities continue to forcibly **mobilize residents for participation in holiday celebrations** and other festive events. This is a recent example documented by TIHR:

- On 22 December 2015, New Year celebrations due to be broadcast on TV were filmed in advance in the city of Dashoguz. Thousands of people [were mobilized](#) to gather around an outdoor New Year’s tree and wave flags in a “happy and festive manner” for seven hours, while the celebrations were being shot. Those participating included high school students, employees at state institutions and other residents of the city and nearby villages. Similar celebrations were filmed in other cities of Turkmenistan.

## Access to justice, non-discrimination and the protection of vulnerable groups

### *Arbitrary restrictions on freedom of movement*

In a well-known pattern, the Turkmenistani authorities **arbitrarily restrict travel abroad of residents**. Thousands of people are believed to feature on **unofficial blacklists** of people who are not allowed to leave the country, with the police, the security services, the migration service and other authorities adding names to those lists at their own discretion.

This is a recent example of the use of such blacklists:

- During the night of 17-18 February 2016, a border official [refused](#) to allow **Yevgeniya Deeva** to board a Moscow-bound plane at the Ashgabat airport. Deeva, who has a dual Russian-Turkmen citizenship, had been in Turkmenistan since the end of December 2015 to visit her sick mother. She was informed that her name was among those of citizens prohibited from leaving the country, but was not given any further explanations. She was told to turn to the migration services on the issue. Previously Deeva has visited relatives in Turkmenistan without facing any problems when travelling. A few years ago, she cooperated with the organization Doctors without Borders in Turkmenistan.

Young people are at particular risk of being prohibited from leaving Turkmenistan. While border officials typically do not provide any real explanations - as in the case above, TIHR has learned that **young people have been barred from boarding foreign-bound planes because of supposed concerns about their safety**: the ban is meant to protect them from being recruited by militant groups or subjected to sexual exploitation abroad. As we have [reported](#) before, young men who have not yet served in the army have been denied passports for travel abroad. Turkmenistan's Law on Migration (article 30) sets out a list of grounds on which residents can temporarily be banned from exiting the country, including national security concerns, concerns about human trafficking, and uncompleted compulsory military service. Restrictions imposed on these grounds cannot be appealed.

Travel to Turkmenistan is also restricted. According to TIHR's [information](#), only around **900 regular visas were granted for travel to the country in 2015**. This figure include visas obtained by individuals visiting relatives in the country. In addition, around 1000 visas were granted to diplomatic representatives, official delegations, businesspersons and others requesting visas on the basis of special invitations. International human rights monitors continue to be barred from the country. Currently 13 requests to visit the country by UN special rapporteurs are pending. Only one UN special rapporteur (the rapporteur on freedom of religion and belief) has been allowed to visit the country - in 2008.

### *Continued insecurity for dual citizens*

The **situation of thousands of dual Turkmen-Russian citizens remains unresolved**. As we highlighted on a number of occasions before, dual citizens have been pressured by the Turkmenistani authorities to renounce either of their citizenships, although possessing a second citizenship was not prohibited in Turkmenistan when they obtained it. Many of them have not been able to obtain new Turkmenistani biometric passports that are compulsory for travel abroad since 2013 without renouncing their Russian citizenships. Given Turkmenistan's restrictive migration policies, giving up either of the two citizenships has significant implications for the opportunities of these individuals to exercise their right to freedom of movement.

While representatives of the Russian authorities have repeatedly addressed this issue with the Turkmenistani authorities, no agreement has been found so far. Most recently, the speaker of the

Russian Federation Council [raised](#) the issue in December 2015, the Russian foreign minister [said](#) he would raise it when visiting Turkmenistan in January 2016, and a Russian parliamentary deputy visiting the country in February 2016 [presented](#) a number of proposals for how to resolve the issue. As a result of an earlier Russia-Turkmenistan agreement, dual citizens who obtained their Russian citizenship prior to July 2003 have been able to keep both citizenships.

### *Minority language instruction*

Members of ethnic and linguistic minorities have few if any opportunities to obtain education in their own languages in Turkmenistan. While instruction in Russian continues to be offered for selected classes in larger cities, it has been cut back in recent years. In November 2015, TIHR [learned](#) that **representatives of law enforcement authorities** whose children were enrolled at the Russian-language school in Ashgabat **were pressured to either transfer their children to regular Turkmen language schools or quit their jobs**. As a result, a number of children were transferred to other schools, while at least one individual chose to resign to enable his child to continue studying at the Russian school. This is the only school that offers instruction fully in Russian in the country.