



SPOTLIGHT: FUNDAMENTAL RIGHTS IN CENTRAL ASIA

Recent developments in Kazakhstan, Tajikistan and Turkmenistan

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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 Kazakhstan, Tajikistan and Turkmenistan. It is based on the findings of monitoring conducted by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Nota Bene (Tajikistan) and Turkmen Initiative for Human Rights (TIHR, based in exile in Austria) in their respective countries in May 2015 to August 2015. International Partnership for Human Rights (IPHR, Belgium) has conducted additional research and prepared the document together with the three partner organizations within the framework of the project “A Transnational Civil Society Coalition in Support of Fundamental Rights in Central Asia”.

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Summary of developments in the three countries

Kazakhstan

Following the closure of a number of opposition and independent media outlets in the last few years, the online portal Nakanune.kz is now threatened by closure after being ordered by court to pay some 75 000 EUR in moral damages in a defamation case. A criminal case opened against a presidential election nominee over a book he attempted to publish more than 20 years ago reinforced concerns about the misuse of a Criminal Code provision on “inciting national discord” to stifle free expression.

A government official stated that proxies used to circumvent internet censorship and access blocked sites are unlawful and that the government is working on tracking them down.

The report published by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association following his Kazakhstan mission earlier this year highlights key concerns regarding current legislation and policies in this area and provides important recommendations. Kazakhstan’s government said it disagrees with many of the findings and recommendations.

There were new cases where the implementation of restrictive legislation on holding assemblies resulted in violations of the right to freedom of peaceful assembly. A well-known civil society activist was twice locked up in this context. The implications of the problematic approach of authorities was also illustrated by the case of an 80-year-old, disabled and bed-ridden Almaty resident, who was only allowed to hold a hunger strike in her home following a protracted legal battle.

Trade activists sounded alarm that hundreds of trade unions were at the risk of closure because they had not obtained re-registration when the 1-year deadline set out by the new Trade Union Law expired in July 2015. This law, which entered into force last year, requires mandatory affiliation to regional, branch or federal trade unions. The opposition Communist Party was closed down by court in early August 2015 for allegedly failing to meet the requirement for the number of members needed for the registration of political parties.

Draft legislation that proposes the introduction of a new grant-making mechanism for NGOs was submitted to the parliament in late June 2015. The government has responded to civil society concerns about this draft legislation by indicating that it will not apply to NGO grants from foreign and international sources. Civil society has called for ensuring that it is also worded so as to strictly limit its scope to state grants.

As previously, there were concerns about the treatment in prison of individuals convicted on charges believed to be politically motivated in unfair trials, including opposition leader Vladimir Kozlov, human rights defender Vadim Kuramshin and poet and dissident Aron Atabek.

KIBHR, IPHR and partners raised attention to two cases involving violations of the rights of lawyers. Lawyer Bulat Baytyakov was convicted of defaming a judge over appeals filed in a labour dispute in court, while lawyer Snezhanna Kim faced intimidation and interference when meeting with a client held in detention.

In May 2015, Kazakhstan’s Constitutional Council found draft legislation that risked banning so-called propaganda of non-traditional sexual relations unconstitutional. NGOs had campaigned against this draft legislation in the context of Almaty’s bid for the 2022 Winter Olympics, the draft host agreement for which requires compliance with the principle of non-discrimination on grounds of sexual orientation. In the end, Almaty lost the bid to Beijing.

KIBHR continued to report concerns about forced evictions of low-income individuals and families who are unable to repay mortgage loans and have no alternative housing. The UN Special Rapporteur on adequate housing expressed serious concerns regarding such evictions after a Kazakhstan visit in 2010.

Tajikistan

The problematic media situation in Tajikistan was highlighted by Freedom House's annual Freedom of the Press survey, where Tajikistan was ranked 179th out of 199 countries. According to new regulations signed by the president in June 2015, all information about official events will be channelled through the Khovar state information agency, thus restricting access to such information by other media.

There were new reports of arbitrary and indiscriminate blocking of websites. In particular, a number of media and social media sites were blocked after a controversial video message appeared online in May 2015 where a former high-ranking police officer announced joining the Islamic State.

New legislation signed by the president in August 2015 requires public associations to report all funds received from foreign sources for inclusion in a special government register. While the final version speaks about "notifying" the government, the provisions remain vaguely worded and do not provide any details on the notification procedure. This aspect was left to government instructions currently being drafted. The new legislation has been criticized by civil society and UN human rights representatives for threatening to restrict the work of NGOs in violation of international human rights standards.

A series of inspections of the activities of NGOs have recently been carried out by law enforcement authorities, without any official explanation as to why these inspections are being conducted or how NGOs have been selected. Among those targeted by inspections are several well-known human rights NGOs, and there are concerns that inspections may be aimed at intimidating and silencing outspoken groups. In a development of serious concern, the Tax Committee has brought a lawsuit against Nota Bene, requesting it to be liquidated for allegedly using gaps in the legislation when registering in 2009. Nota Bene is challenging the lawsuit in court.

The opposition Islamic Renaissance Party of Tajikistan, which fell out from the parliament in the March 2015 elections, continued to report facing harassment. In late August 2015, it was warned by the Ministry of Justice that its activities are "illegal" and it now faces closure. There are concerns that opposition activists detained abroad on extradition requests issued by the Tajikistani authorities may face torture and ill-treatment if returned.

Tajikistan's Russia ambassador criticized the authorities of this country for lack of attention to violations of the rights of labour migrants, in a situation where the vulnerability of migrants has increased due to the economic downturn and stricter migration rules. Earlier this year, the UN Committee on Economic, Social and Cultural Rights called on the Tajikistani authorities to step up efforts to protect labour migrants.

The US Commission on International Religious Freedom included Tajikistan among 17 countries of particular concern in its 2015 annual report. Following earlier reports of law enforcement raids against retailers selling "inappropriate" Muslim clothing and cases of forced shaving of bearded Muslim men, reports surfaced about the sale of fake official licenses to wear a hijab or spot a beard. A criminal case was opened.

NGOs received numerous complaints from disabled people who were pressured to resign or dismissed from state institutions because they receive disability pension, in violation of their equal right to work. Plans by the authorities to introduce compulsory medical testing for future spouses gave rise to concerns about possible discriminatory treatment of individuals with a "problematic" medical record, such as HIV-infected people.

Turkmenistan

The personality cult surrounding Turkmen President Berdymukhammedov was further promoted through the unveiling of a new, golden statue of him in Ashgabat and the continued mass mobilization of citizens to greet and praise him. On 5 August 2015, three people died after being forced to wait for some 7 hours for the president to arrive to a stadium opening without access to water, food or toilet facilities.

Turkmenistan was again given a bottom ranking in Freedom House's 2015 Freedom of the Press Index, and several recent cases illustrate the ongoing harassment of individuals who are considered "inconvenient" by the authorities. Radio Free Europe/Radio Liberty correspondent Osmankuly Hallyev resigned this summer citing unprecedented pressure and Saparmamed Nepeskuliev, who works for the same service, went missing in July. It later turned out that he was held on charges of possessing "narcotics" and recently he was reportedly sentenced to three years in prison. Horse-breeding expert Geldy Kyarizov, who fell out of favour with the government years ago, was prevented from travelling abroad with his family in August and the same month well-known civil society activist Natalia Shabunts had her satellite dishes arbitrarily removed. Authorities also continued a broader campaign of forcibly dismantling satellite dishes, thereby restricting access to alternative information.

The country's first-ever Law on Assemblies entered into force on 1 July 2015. While the stated purpose of this law is to protect the right to hold assemblies, it imposes a number of problematic restrictions on this right and there are concerns that it may be used to obstruct the organization of spontaneous, peaceful protests.

Turkmen Initiative for Human Rights (TIHR) reported about new arbitrary measures taken by local authorities infringing the rights of citizens. Such measures included: forcible removal not only of private satellite dishes but also air conditioners in the name of promoting "urban development"; visits to schools and other public institutions to enforce "moral standards"; and requiring practicing foreign-graduated doctors to quit working and go back to studying, despite the lack of qualified professionals to replace them. There were new concerns that housing was demolished in and outside Ashgabat without safeguarding the rights of citizens affected by such measures, including by ensuring that they are promptly granted adequate alternative accommodation.

According to TIHR's information, since February this year, several hundred people have been detained in a counter-terrorism campaign carried out by the government. There are concerns that individuals may have been targeted and arbitrarily apprehended simply for being affiliated with so-called non-traditional Islamic groups, even if they do not endorse violence in any way. With reference to concerns about the situation at Turkmenistan's southern border, security services have reportedly held "preventive talks" with Balochi, Persian and Afghan community leaders, demanding that they report the names of community members who maintain "close contacts" with people in Iran and Afghanistan.

Kazakhstan

General situation

The OSCE Office of Democratic Institutions and Human Rights (ODIHR) made public its [final election observation report](#) on the **early presidential election** held on 26 April 2015, when President Nursultan Nazarbayev was re-elected with 98% of the vote. The ODIHR concluded that **voters were not offered any genuine choice**, noting that the campaign was largely "indiscernible" and that the only two opponents to the incumbent openly praised his achievements. It expressed concern regarding "the lack of genuine opposition" and said that "a restricted media environment stifled public debate". It also

criticized **restrictive candidacy requirements**, including a mandatory language exam for which there were no clear evaluation criteria, and pointed to “serious procedural deficiencies and irregularities” on election day.

Following his re-election, in May 2015, President Nazarbaev [presented](#) a **Plan of the Nation** or a so-called 100 Concrete Steps program aimed at promoting institutional reform and modernization of the country. The program sets out reform steps to be taken in five different areas, among which are “ensuring the rule of law” and “an open and transparent state”. The program does not include any timeline for the realization of the reform steps, but a presidential commission charged with overseeing its implementation is supposed to adopt plans of action. Observers noted that the program does not cover any political reforms.

UN Secretary General Ban Ki Moon visited Kazakhstan on 10 June 2015 as part of a tour to all five Central Asia countries. He participated in the Fifth Congress of Leaders of World and Traditional Religions in Astana, where he [spoke](#) about how to promote dialogue and tolerance, stressing among others that: “Leaders and policy-makers must recognize a powerful truth: the larger the spaces for democracy and fundamental freedoms, the smaller the chances for extremism and violence.” He also met with the president and other government officials. In remarks to the press with Foreign Minister Erlan Idrissov, he [emphasized](#) the **importance of efforts to ensure human rights progress** in Kazakhstan, through **close cooperation with civil society**.

The International Olympic Committee (IOC) announced on 31 July 2015 that the 2022 Winter Olympics had been awarded to Beijing rather than to Almaty, which was the only other contender. In the period leading up to this decision, NGOs and athletes **called on the IOC** to hold the Kazakhstani authorities accountable to the principle of non-discrimination and other fundamental Olympic values, **and to press the authorities to drop draft legislation threatening to ban so-called propaganda of non-traditional sexual relations**. In what was seen as a campaigning victory, this draft legislation was deemed unconstitutional in May 2015. (See more in the last section below).

Freedom of expression and the media

Media situation

The **media situation in Kazakhstan remains of serious concern**. In the [Press Freedom Index 2015](#) published by Freedom House, Kazakhstan was assessed as “not free” and ranked on place 185 among 199 countries.

Following the closure of a number of opposition and independent media outlets in the last few years, an **online portal is now threatened by closure** because of a defamation suit filed against it:

- On 19 June 2015, the Medeusky District Court in Almaty ordered the owner of **Nakanune.kz** domain to pay 20 million Tenge (about 75 000 EUR) in compensation to Kazkommertsbank, Kazakhstan’s largest private bank, over an article published in October 2014 that was found defamatory. This article referred to allegations made in a letter received by the editors of the portal about corruption relating to construction projects commissioned by Almaty authorities, as well as the possible role of Kazkommertsbank in such schemes. During the hearing, all three motions made by the defense were rejected, including a motion to initiate an expert analysis of the article to assess whether it was aimed at stating facts or merely presenting allegations. On 27 August 2015, the Almaty City Court upheld the decision of the lower level court. The portal is now at imminent threat of bankruptcy and closure. Nakanune.kz was initiated by journalists from the opposition online portal *Respublika* and the corresponding newspaper, which were both banned as “extremist” in a controversial court ruling in late 2012.

Media outlets and journalists in Kazakhstan are regularly targeted by punitive defamation lawsuits, which are brought by public figures who demand excessive sums in compensation for alleged damages to their reputation.

Internet censorship

Draft legislation on “protecting children from information harmful to their health and development”, which contained provisions that civil society feared would be used to step up control over the internet, was stopped by the Constitutional Council in May 2015. (See also the section on “Equality before the law, non-discrimination and access to justice of vulnerable groups”).

In June 2015, Saken Sarsenov, chair of the Committee on Communications and Information of the Ministry of Investments and Development, [said](#) that his body was working on **tracking down and blocking internet resources used to access blocked sites**. He referred to a court decision from September 2014 that he said prohibited such sites, without detailing on what court made this decision or in what context. As previously reported, news sites, opposition sites and social media sites are regularly blocked in Kazakhstan, and the only way to access them inside the country is through so-called proxies, which provide anonymity and facilitate access.

The same month as the government official made his statements, the UN Special Rapporteur on freedom of opinion and expression [concluded](#) that “encryption and anonymity enable individuals to exercise their rights to freedom of opinion and expression in the digital age and, as such, deserve strong protection”. He also said that national laws should protect the right of individuals to use tools that allow anonymity online.

Problematic Criminal Code provisions

The new Criminal Code, which entered into force in January 2015, retains sanctions for the **vaguely worded offenses of “inciting” social, national or other “discord”** (article 174) and **“spreading false information”** (article 274). A number of cases initiated under these two articles have given rise to concerns in the light of freedom of expression. This is a recent example:

- On 30 June 2015, **Murat Telibekov**, head of the Muslim Union of Kazakhstan and the Muslim Committee on Human Rights, was [informed](#) by law enforcement authorities in Almaty that he is a suspect in a criminal case on inciting inter-ethnic hatred. He was told that the charges against him were based on a complaint from a group of public figures, who claimed that a book he tried to publish more than 20 years ago was aimed at “offending the national honour and integrity of citizens”. The book in question was never published at that time since the whole print run was destroyed at the printing house allegedly for “technical” reasons. A court later ordered the printing house to pay Telibekov compensation. Since then he has not tried to re-publish the book. Telibekov believed that the criminal case against him may be related to his attempt to run as an independent candidate in the April 2015 presidential elections, for which he was not able to register since he did not pass the required Kazakh language exam.

Freedom of association and assembly

UN special rapporteur report

In June 2015, the [outcome report](#) on the Kazakhstan mission undertaken earlier this year by the **UN Special Rapporteur on the rights to freedom of peaceful assembly and of association**, Maina Kiai, was

made public. The report contains **serious criticism regarding current legislation and policies** infringing freedom association and assembly in Kazakhstan and provides a set of recommendations to the authorities of the country for how to improve the situation. When presenting it to the UN Human Rights Council, the Special Rapporteur emphasized, among others, his concerns regarding “the very limited space that exists in general for associations of various kinds to express dissent”. He also concluded that: “The right to peacefully assemble, although guaranteed by the Constitution, is severely diminished in practice, which effectively transforms the right into a privilege.” In a formal response, Kazakhstan’s government said it disagreed with many of the findings and recommendations. KIBHR and IPHR issued a [statement](#) welcoming the report, and calling on Kazakhstan’s international partners to insist on the implementation of the recommendations in it.

Violations of freedom of assembly

One of the issues criticized by the UN Special Rapporteur is the **requirement to obtain prior authorization for holding any assembly**. As existing legislation does not provide any no clear definition of what constitutes an assembly, this requirement is **widely applied** by local authorities.

- At the end of May 2015, the supervisory board of the Supreme Court of Kazakhstan [overturned](#) the decision of Almaty authorities to reject the application of 80-year-old, disabled and bed-ridden **Anna Filatova** to hold a hunger strike in her home to draw attention to her difficult situation. The decision of the local authorities had previously been upheld by lower court levels, including the Supreme Court. The decision in Filatova’s favour came after she submitted a complaint to the UN Human Rights Committee.

There were also **new cases when individuals were sanctioned for holding assemblies without prior authorization**. A well-known civil society activist has repeatedly been targeted by police in this context:

- On 3 July 2015, police officers arrived at the Almaty apartment of civil society activist **Ermek Narymbaev** and [tried to detain](#) him for having organized an event at the Republic Square on 28 June. At that event, about two dozen participants laid down flowers in connection with the mass death of endangered Saiga antelopes in western Kazakhstan, which activists have linked to the operation of a space program in this region. The police officers declined to show Narymbaev relevant documentation, despite his requests, and eventually they left. The following day, a local court sentenced Narymbaev to 15 days’ administrative arrest for violating the rules for holding assemblies (Administrative Code article 488). A few weeks later, on 20 August, Narymbaev was [detained](#) outside his office after announcing on Facebook that he planned to go to the Republic Square to protest the devaluation of the national currency. He was subsequently sentenced to 20 days’ administrative arrest for organizing an “unsanctioned” assembly, as well as for contempt of court. Another activist, Rinat Kibraev, who was detained together with him was released without charge after being held for several hours.

As previously reported, last year the Human Rights Committee [found](#) that the Kazakhstani authorities violated the rights of civil society activist Bakhytzhan Toregozhina when detaining and fining her for holding an art mob without permission in 2010. It ordered the authorities to provide her with adequate compensation. However, in April 2015, **her requests** that the Ministry of Finance and the Ministry of Interior, respectively, be ordered to **compensate her** for the fines she paid in 2010 and for moral damages **were both rejected** by court.

Re-registration under new Trade Union Law

The new Trade Union Law that entered into force in July 2014 requires mandatory affiliation to regional, branch or federal trade union structures. Among others, the UN Special Rapporteur on the rights to

freedom of peaceful assembly and of association has criticized the requirements of the new law, [saying](#) that the law “denies trade unions the right to freely form and join labour organizations of their choice”.

Trade unions were given one year to comply with the new requirement and re-register, by 10 July 2015. The independent Confederation of Free Trade Unions of Kazakhstan (CFTUK) [sounded alarm](#) that **several hundred trade unions had not re-registered** when this deadline expired and were **at the treat of closure**. As the deadline was approaching, local authorities sent notifications to trade unions, warning them that they may face liquidation lawsuits if they failed to re-register. According to the CTUK, this nation-wide association, as well as member unions have also been denied re-registration on questionable grounds.

NGO legislation

In late June 2015, the government submitted draft amendments to legislation concerning the activities of NGOs to the parliament. As previously reported, civil society has expressed concerns that these amendments could result in that a government-controlled body is entrusted with overseeing the allocation not only of state grants, but also other grants to NGOs. The Ministry of Culture and Sport, which put forward the draft amendments following an initiative by the pro-government Civic Alliance of Kazakhstan, has responded to such concerns by **saying that the new provisions are not aimed at regulating grant-making to Kazakhstani NGOs by foreign and international donors**. While welcoming such assurances, NGO representatives have [called for](#) ensuring that the wording of the draft amendments is narrowed to speak specifically about government grants. According to a [publicly available text](#) of the draft amendments, the proposed new operator-body will be in charge of allocating both state grants and non-state grants, the latter of which is defined as grants “from extra-budgetary sources that are provided on a voluntary basis, including by international and foreign organizations”.

A **draft law on volunteer activities** initiated by members of parliament [was also being discussed](#) and lobbied by the Nur Otan parliamentary group. This draft law proposes, among others, the introduction of a government registration scheme for volunteers, as well as the establishment of a special coordinating government body in this area. The draft law has not yet been submitted for parliamentary consideration.

Closure of opposition party

The opposition Communist Party was closed down:

- On 3 August 2015, a specialized economic court in Almaty [ruled](#) to liquidate the Communist Party at the request of the Ministry of Justice, which claimed that the party had reported an incorrect number of members when obtaining registration and that the actual number was below the required 40 000. The Communist Party considered the ruling, which it learned about only 10 days later, to be politically motivated. At the end of 2014, the activities of the party were temporarily suspended on the same grounds. Its activities have also previously been suspended on several occasions.

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

Treatment of prisoners serving sentences deemed politically motivated

As previously, there were concerns **about the treatment in prison of individuals** who have been convicted on charges believed to be politically motivated in unfair trials.

- Pressure increased on imprisoned opposition leader **Vladimir Kozlov**. In particular, in July 2015, he was subjected to stricter prison conditions with restrictions on communication, contacts with family etc. after first being placed in solitary confinement for 10 days for allegedly threatening the prison administration. On 7 August, his appeal against these penalties was dismissed by court. Human rights defender Zhemis Turmaganbetova was [not allowed](#) to attend the trial. Kozlov is serving a 7.5-year sentence on charges relating to the 2011 Zhanaozen events.
- Imprisoned human rights defender **Vadim Kuramshin** continued to report facing harassment by prison authorities. He has repeatedly launched hunger strikes to protest his treatment. He was sentenced to 12 years in prison on extortion charges believed to be retaliation for his human rights work in 2012.
- Poet and dissident **Aron Atabek**, who is serving an 18-year sentence for allegedly organizing riots in 2006, has submitted numerous complaints to court about his treatment in prison, including harsh conditions, restrictions on access to medical assistance, limited contacts with the outside world and confiscation of his manuscripts. Most recently, his complaints were rejected in [May 2015](#) and [August 2015](#).

Lawyers' and defenders' rights

KIBHR, IPHR and partners raised attention to two cases involving **violations of the rights of lawyers** in the city of Kostanay:

- On 24 July 2015, when lawyer **Snezhanna Kim** was having a meeting with a client in a detention facility in Kostanay, officers of this facility interfered with her meeting, intimidated her and temporarily deprived her of her liberty. A complaint filed by the lawyer with the Kostanay Regional Prosecutor's office on the day of the incident did not result in any adequate investigation. She therefore turned to the Prosecutor General's office, which informed her in early August that the complaint had been sent back to the first one for further consideration. In a [joint letter](#) sent to the Prosecutor General on 19 August, KIBHR, IPHR and partner NGOs expressed concern that the actions taken against the lawyer violated the principle of confidentiality of lawyer-client communication, the right of the lawyer to carry out her work without hindrance and her right to liberty and security. They called on him to ensure that the officials responsible are held accountable and appropriately sanctioned. In a response dated 27 August 2015, KIBHR was informed that disciplinary sanctions had been taken against the officers of the detention facility.
- On 30 June 2015, a Kostanay court convicted lawyer **Bulat Baytyakov** of defaming a judge (Criminal Code article 411) and sentenced him to one year of restricted freedom because of appeals filed in a labour dispute. In that case, Baytyakov acted as legal representative of the Ministry of Interior of the Kostanay region and appealed a court decision to reinstate a police officer who had been dismissed from his job. Among others, in arguing his position, he requested that the lawfulness of the actions of the judge who dealt with the case be investigated. As pointed out in a [joint statement](#) issued by KIBHR, IPHR and four other NGOs, it is troubling that Baytyakov was criminally charged because of his efforts to obtain justice and protect the interests of his client, which he has a professional right and duty to do as a lawyer. The charges against him are also of concern in the light of freedom of expression. On 19 August, the Kostanay Regional Court upheld the conviction of Baytyakov.

As previously reported, in July 2014, lawyer **Yevgeniy Tankov** was convicted of showing disrespect and attacking a judge and given a three-year prison sentence considered to be unfair and disproportionate. He is currently serving this sentence. An appeal submitted by him against the decision of prison

authorities to deny his request to change the remainder of his sentence into restriction of liberty (allowing him to serve it at home) was rejected by court in May 2015. He further submitted a cassation appeal.

In a positive development, in April 2015, an Almaty court ruled in favour of complaint filed by the NGO Civil Defence, thereby **revoking a decision by a judge to prohibit representatives of this organization from representing members in court**. That decision was made by the judge with reference to a new provision of the Civil Procedure Code (article 59), which requires those who provide legal assistance in court to have a law degree. However, the same article also protects the right of non-legal representatives of organizations with a mandate to protect the rights and interest of others to provide such assistance.

LGBTI discrimination

On 18 May 2015, the Constitutional Council of Kazakhstan **found unconstitutional draft legislation that risked banning so-called propaganda of non-traditional sexual relations**. The Constitutional Council said that several provisions of the draft legislation on “protecting children from information harmful to their health and development”, which had been passed by the parliament but not signed by the president, were insufficiently clearly formulated from a legal point of view. Civil society groups had **expressed concern** that the draft legislation contained wording that could restrict awareness-raising and open debate on LGBTI issues and reinforce intolerance and discrimination against LGBTI members. Among those who spoke out against the draft law was also a **group of athletes**, in view of Almaty’s bid for the 2022 Winter Olympics. As part of its current reform agenda, the International Olympic Committee has added mentioning of sexual orientation to the non-discrimination clause of the Olympic Charter and incorporated a reference to this clause in host city agreements.

The following case, which KIBHR monitored, gave rise to concerns about **discrimination of intersex individuals**:

- On 19 June 2015, an Almaty district court **rejected** a lawsuit filed by former police officer **Danijar Kenzhebaev** (name changed on request), who alleged that he was pressured to resign from his job with the police after undergoing a gender reassignment surgery. He asked the court to rule that this decision was unlawful and to order the police to give him back his job and pay him moral compensation. According to a psychiatrist assessment cited by the defence, which the claimant said was not based on any proper examination, the former police officer was “unfit for further service” due to “signs or disorder with respect to gender identity and sexual preference” following his operation.

Forced evictions

KIBHR continued to report concerns about **forced evictions of low-income individuals and families unable to repay mortgage loans** who have no alternative housing. For example, evictions have been initiated against dozens of residents of the Accent housing complex in Almaty, whose contracts require them to evacuate their apartments if they are three months late with their mortgage payments. Some of those facing eviction have said that they have been handed court decisions issued in their absence months earlier, of which they have not been informed.

After visiting Kazakhstan in 2010, the UN Special Rapporteur on adequate housing **said** that she is “gravely concerned about reported cases of forced eviction as a result of the inability of low-income households to repay their credits and mortgage loans”. She called on the government of the country to ensure that forced evictions are carried out only in “exceptional circumstances” and that vulnerable groups are provided adequate protection against evictions. She also called on the government to “review its legislation and policies with regard to access to mortgage-based credit for low-income households in

order to ensure that commercial banks and financial institutions take into account the limited repayment capacity of these households”, as well as to “mitigate the impact of foreclosures”.

Tajikistan

General situation

UN Secretary General Ban Ki Moon visited Tajikistan in June 2015 to participate in a high-level international conference on the implementation of the International Decade of Water for Life. During his visit, Ban met with the president, other government officials and civil society representatives. He made a number of public remarks on human rights issues. In particular, during a press conference with President Emomali Rakhmon, he [pointed to the importance](#) of “continued engagement with United Nations human rights mechanisms”, as well as of “implementing UN human rights recommendations holistically and in cooperation with civil society”.

During the same trip, the UN Secretary General also visited other Central Asian countries, including Turkmenistan, where he delivered a speech addressing human rights challenges in the whole region. In particular, he [referred](#) to concerns about “a shrinking of democratic space” in the region and stressed that “the way to confront [security] threats is not more repression, it is more openness”. (See also the chapter on Turkmenistan).

A new round of the annual **EU-Tajikistan Human Rights Dialogue** took place in Brussels in June 2015. According to a [press release](#) issued after the dialogue, the EU expressed concern, among others, about reports of pressure on independent journalists, blocking of news and social media websites, shortcomings in the March 2015 parliamentary elections, and draft legislation on civil society organizations in Tajikistan. Other issues, such as women’s rights and countering impunity for torture were also addressed. As usual, civil society organizations were consulted ahead of the dialogue, and recommendations from the 2014 EU-Tajikistan civil society seminar on media freedom fed into it.

Freedom of expression and the media

Press freedom ranking

Freedom House’s [Freedom of the Press 2015](#) report, which was made public ahead of the World Press Freedom Day in May 2015, **rated Tajikistan as “not free” and ranked it 179th out of 199 countries**. This ranking was four positions lower than the previous year. The report concluded that some regions in the world “are deliberately barred to most reporters by repressive governments” and mentioned Tajikistan’s Gorno-Badakhshan Autonomous Region as a prime example, along with China’s Tibet and Xinjiang regions, Russian-annexed Crimea, and certain ethnic minority areas in Myanmar.

New rules restricting access to information

According to **new regulations** signed by the president on 30 June 2015, all government agencies are required to send their communications and press releases to the Khovar state information agency, while other media outlets can only use official information by citing this agency. The regulations state that this requirement applies to information about official meetings and events at the local, national and international level. The new regulations **contradict national law that guarantees all media equal access**

to information. Media representatives are concerned that the regulations will be used to deprive them of the opportunity to obtain first-hand information about official events and that they will have to rely on receiving belated information from the state information agency.

Blocking of websites

In late May 2015, **access to independent online media resources** such as Asia Plus and the Tajik Bureau of Radio Free Europe/Radio Liberty (*Ozodi*), as well as **social media sites** such as Facebook, *Odnoklassniki*, *Vkontakte* and YouTube were **blocked** by major internet providers. This happened after a controversial video message appeared online featuring Gulmurod Halimov, the former commander of the Tajik special police force OMON, who stated that he had joined the Islamic State (IS) and threatened the Tajikistani government with revenge for its “anti-Islamic policies”. While a growing number of Tajikistani citizens reportedly have joined the IS, this was the first time a high-ranking official had announced doing so. The authorities [opened an investigation](#) into Halimov’s case on charges of treason, participation in an armed group, and unlawful participation in an armed conflict or warfare on the territory of another state (Criminal Code articles 305, 187 and 401) and issued an international arrest warrant.

As on earlier occasions, it was believed that the website blockings were implemented on the basis of [an informal order](#) from the State Communications Service. However, also this time, this service denied any responsibility. At a press conference held in July 2015, its spokesperson [said](#) that the service has not blocked access to any sites and does not have equipment that would enable it “to control all of the internet”. The spokesperson also said that if internet or cell phone providers refer to instructions from the communications service to explain the blocking of sites, they “should be asked to provide evidence” of this, i.e. copies of any documents where they have been instructed to block internet resources.

In a [statement](#) issued on 4 June 2015, the US embassy in Dushanbe said it was “concerned with the blockage of access to Facebook, Radio Ozodi, Asia Plus and other Internet news sites in Tajikistan” and urged the government to “lift any restrictions” on these and other sites.

The OSCE Representative on Freedom of the Media has previously [reminded](#) the Tajikistani authorities that any restriction imposed on access to online content “should be defined by law, be proportionate and based on a court decision”.

In late August 2015, it was [reported](#) that providers had received an unofficial order to **again block access to Facebook and YouTube**.

Freedom of association and assembly

New legislation on NGO funding

[Amendments to the Law on Public Associations](#) were adopted by the parliament in June 2015 and signed by the president on 8 August. They were officially published on 12 August. According to these amendments, which were drawn up by the Ministry of Justice, information about **all funds received by public associations from foreign and international sources must be included in a special government register**. Following [strong criticism](#) of the draft provisions by civil society, they were amended prior to being submitted to the parliament, to say that that the implementation of programs using foreign funds requires “notifying” the registration body, rather than “registration” per se. However, the provisions that were adopted **remain vaguely worded and do not provide any details on the notification procedure**, giving rise to concerns that the new requirements may be used to obstruct access to funding of NGOs. When speaking in front of the parliament during the consideration of the new legislation,

Minister of Justice Rustam Shomurod [stated](#) that the concerns of NGOs are being addressed and that a simple notification mechanism will be elaborated by the government. The Ministry of Justice is currently working on instructions for the implementation of the new provisions.

The Tajikistani draft legislation has been **repeatedly criticized by UN human rights representatives**. In his opening statement at the 29th Session of the Human Rights Council in June 2015, High Commissioner for Human Rights Zeid Ra'ad Al Hussein [expressed concern](#) that draft legislation targeting NGOs under consideration in Tajikistan and other Central Asian countries may “contribute yet further to the shrinking of the democratic space.” At the same Human Rights Council session, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai [reported](#) sending a communication to the Tajikistani government about the draft amendments in December 2014. In that communication, he stated that “the legal requirement to account systematically for funding from foreign sources and to apply to a new registry to receive and use foreign funding would not meet [the] test of necessity and proportionality” set out by international human rights law. He reminded the government of its obligation to ensure that civil society “can carry out their legitimate work free from undue restrictions”.

Moreover, on 3 August 2015, UN High Commissioner for Human Rights spokesperson Cécile Pouilly [criticized](#) the draft legislation, saying it “could negatively affect the important work of civil society organizations in the country” and “could deter them from seeking resources from foreign sources”. She stressed that “the vagueness of the wording used in these amendments may result in arbitrary or discriminatory enforcement” and concluded that the amendments “constitute overly broad restrictions to the right to freedom of association and run counter to Tajikistan’s obligations”. The UN Committee on Economic, Social and Cultural Rights also [criticized](#) the amendments when reviewing Tajikistan earlier this year.

The EU [reported](#) conveying concerns about the draft legislation at its Human Rights Dialogue with Tajikistan in June 2015.

Inspections of NGOs

In the recent period, a series of inspections of NGOs have been carried out by the Ministry of Justice, the General Prosecutor’s Office, the Tax Committee, labour inspection authorities and other bodies. These authorities have requested copies of a range of documents concerning the activities of NGOs, ranging from the statutes of the organizations to documents concerning fire safety. It is not clear how NGOs have been selected for inspection or why. A representative of the Ministry of Justice was [quoted by media as saying](#) that the purpose of the inspections is to assess the “transparency” of the activities of NGOs and to determine “how purposefully” funds allocated to them have been used. Similar arguments have been used to justify the new provisions of NGO funding (see above).

Under existing Tajikistani legislation, relevant authorities have wide powers to monitor and oversee the activities of NGOs. The **conduct of inspections of NGOs is not regulated in any detail**. The recent amendments to the Law on Public Associations (see above) contain a new provision saying that the procedure for inspecting the statutory activities of such organizations “is confirmed” by the Ministry of Justice. However, it remains unclear whether the instructions for the implementation of the amendments that the Ministry of Justice currently is working on also will cover the procedure for inspections of NGOs, including inspections of their finances.

Among the organizations singled out during the recent wave of inspections are several well-known human rights NGOs. For example, in June-July 2015, the Independent Center for the Protection of Human Rights (ICPHR) and the Bureau for Human Rights and Rule of Law (BHR) were both subjected to inspections by tax authorities. The ICPHR has yet to receive a report on the inspection of its financial documents, while the BHR was informed in mid-August that the checks of its financial documents allegedly had revealed violations of the Tax Code. No detailed information on these violations was,

however, provided. The organization was ordered to pay a fine of 42 639 Somoni (about 6000 EUR) within 10 days, which was a great burden for it.

Moreover, in another development of serious concern, in June 2015, the **Tax Committee brought a lawsuit against Nota Bene, requesting its liquidation** because it allegedly took advantage of gaps in the legislation when obtaining registration in 2009. As many other NGOs in Tajikistan, Nota Bene is registered as a “public foundation” with the Tax Committee rather than as a “public association” with the Ministry of Justice. National law foresees both types of NGOs and according to the Law on Registration of Legal Entities, “public foundations” can be registered in a simplified procedure, which does not involve the same legal assessment of documents as that required for the registration of “public associations”. Nota Bene did not receive any prior warning before the Tax Committee initiated its liquidation and was not granted any opportunity to rectify the alleged violations. On 19 June, the Dushanbe Economic Court rejected the lawsuit against the organization, saying it was outside its jurisdiction. However, the Tax Committee subsequently turned to the Ismoili Somoni District Court in Dushanbe with another, similar lawsuit, which is currently pending consideration.

Among others, the UN Human Rights Committee has [criticized](#) the arbitrary closure of NGOs in Tajikistan, “without observance of procedural safeguards or as a disproportionate response to technical irregularities.” The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has [stressed](#) that the involuntary dissolution of NGOs should only be possible when “there is a clear and imminent danger resulting in a flagrant violation of national law” and when “softer measures would be insufficient.”

Harassment of the political opposition

The Islamic Renaissance Party of Tajikistan (IRPT), the country’s largest opposition party that lost its representation in the parliament in the March 2015 elections, **continued to report facing harassment**.

On 1 July 2015, the IRPT [sent an appeal](#) to the UN, the OSCE, the EU and other international actors that helped facilitate the signing of the 1997 General Agreement on the Establishment of Peace and National Accord, which ended the civil war. IRPT was a member of the United Tajik Opposition that signed this agreement. In its appeal, IRPR pointed to increasing pressure against the party and its members, saying these measures contradict national legislation and the provisions of the peace agreement and threaten peace and stability in the region. It said that its appeals to national authorities on this issue have not had any result. In a statement made shortly thereafter, the EU delegation in Vienna [expressed concern](#) about pressure against IRPT and the political opposition more generally and “strongly urged” the Tajikistani government “to abide by its OSCE commitments and re-open the space for peaceful alternative political views to be expressed”.

IRPT chairman Mukhiddin Kabiri, who currently resides abroad, stated in June 2015 that he fears returning to Tajikistan because of reports in state media suggesting that a criminal case is being initiated against him. At a later press conference, Minister of Interior Ramazon Rakhimzod [stated](#) that Kabiri “does not have anything to fear in Tajikistan” and that “there is no case” against him.

Moreover, in a further development, on 28 August 2015, the **Ministry of Justice warned the IRPT that its activities were “illegal”**. The Ministry accused the party of “systematic violations of the law”, saying in particular that it no longer meets the requirement for political parties to have branches in a majority of the country’s cities and districts and that it carries out “mass religious propaganda”, which only religious movements are allowed to do. The Ministry requested the party to inform it about the steps taken to address the warning within 10 days, saying it will otherwise take further measures, meaning it could file a lawsuit to have the party closed down.

Two opposition activists living abroad were detained on extradition requests issued by the Tajikistani authorities: Shabnam Khudoydodova was detained by Belarusian authorities in July 2015 and Sobir Valiev by Moldovan authorities in August 2015. They are both associated with the Group 24, which was banned as “extremist” by the Tajikistani Supreme Court last October after calling for holding an anti-government rally, and are wanted on extremism charges. Human Rights Watch and other NGOs [urged](#) the Belarusian and Moldovan authorities **not to extradite the two activists because of the risk that they may be subjected to torture and ill-treatment upon return**. Another activist, Maksud Ibragimov, leader of the opposition movement Tajikistan’s Youth for Revival, was [sentenced](#) to 17 years in prison on extremism charges by a Dushanbe court in June 2015.

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

Protection of labour migrants

According to [information](#) from Tajikistan’s National Bank, there was a **considerable decrease in remittances** sent to the country from abroad during the first four months of 2015. During this period, the remittances amounted to 616 million USD, which was 34% less than for same period in 2014. Hundreds of thousands of Tajikistani labour migrants work above all in Russia, but the recent economic downturn and new stricter migration rules have **contracted labour migration** to this country, and the depreciation of the ruble has resulted in a decrease in the real USD income of migrants. The World Bank has [depicted](#) Tajikistan as the world’s most remittance dependant country, where 49% of the GDP was made up of remittances in 2013.

Many Tajikistani labour migrants work in the informal economy and are highly vulnerable to abuse. At a press briefing held in May this year, Tajikistan’s ambassador to Russia [criticized](#) the Russian authorities for lack of attention to the problem of violations of the rights of labour migrants by employers.

When reviewing Tajikistan earlier this year, the UN Committee on Economic, Social and Cultural Rights [called on](#) the authorities of the country to take enhanced efforts to protect migrant workers abroad, as well as to reintegrate returning migrant workers.

Issues concerning religious freedom and tolerance

In its [2015 annual report](#), the US Commission on International Religious Freedom **denoted Tajikistan as one of 17 countries of particular concern**. These are countries that are considered to engage in or tolerate “particularly severe violations of religious freedom”. Other countries on this list include, among others, Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Syria, Turkmenistan and Uzbekistan.

In mid-May 2015, the General Prosecutor’s Office opened a criminal case concerning **fake licenses to wear a hijab or spot a beard** that were being sold in the name of the State Committee on Religion. An investigation is reportedly under way under Criminal Code article 340 (forgery and the preparation of fake documents) and article 189 (inciting national, racial, inter-ethnic or religious hatred). As previously reported, this spring reports also surfaced about arbitrary and discriminatory measures taken by law enforcement authorities in the name of counteracting religious extremism, including raids against those deemed to be selling “inappropriate” Muslim clothing, as well as cases of forcible shaving of bearded Muslim men. Representatives of the Ministry of Internal Affairs have denied that any official orders have been given for such measures and have stated that all complaints about unlawful actions will be investigated.

Dismissals of disabled people

Civil society organizations reported receiving numerous complaints from **individuals eligible for disability pension who were pressured to resign or dismissed from their places of work** in state institutions. According to information available to these organizations, this happened after the presidential advisor on human resources, Asadullo Rakhmon, signed an order to this end in April 2015. In a [joint statement](#), a dozen civil society organizations emphasized that national legislation does not contain any provisions prohibiting disabled people from working and earning a salary, although they receive disability pension (whose level is so low that it is virtually impossible to get by on it alone). They stated that the dismissal of individuals because they receive disability pension **violates the equal right to work of disabled people**, as protected by national law and international human rights standards, and run counter to the efforts of the Tajikistani authorities to improve the situation of disabled people. When reviewing the situation in Tajikistan earlier this year, the UN Committee on Economic, Social and Cultural Rights [expressed concern](#) about the high level of unemployment among disabled people and called for measures to address this problem.

Proposal for compulsory medical testing of future spouses

The Tajikistani authorities are reportedly considering introducing **compulsory medical testing for individuals wishing to get married**. Speaking at a conference in Dushanbe in June 2015, a representative of the Ministry of Health [said](#) that new draft regulations under consideration would require both future spouses to undergo a thorough medical check-up and analyses to determine whether they suffer from certain infectious diseases, including Syphilis, HIV, Hepatitis B and Tuberculosis. These plans are of concern as such regulations, if adopted, would **risk infringing privacy rights and result in discriminatory treatment** of HIV-infected individuals and others whose medical record is found “problematic”.

Access to justice: Compensation for torture

A military court in Dushanbe ruled on 25 May 2015 to award former military conscript Shakhbol Mirzoev, who was tortured so badly that he was left paralyzed in March 2014, 97 265 Somoni (about 14 000 EUR) in compensation for physical damage and 20 000 Somoni (about 3000 EUR) for moral damage. Mirzoev’s lawyer and civil society organizations [criticized](#) the amount of compensation as **incommensurate with the harm he suffered**. Both parties appealed the ruling. On 6 August 2015, the military board of the Supreme Court revoked the decision of the military court and sent it back to the latter court for new consideration, by another judge. The military officer who tortured Mirzoev was sentenced to nine years in prison in June 2014, while a medical attendant found guilty of neglect in his case was sentenced to 18 months’ corrective labour. However, as a result of the application of an amnesty law, the sentence of the military officer was later reduced by three years, while the assistant was relieved from serving the sentence.

Turkmenistan

General situation

A **growing personality cult** is being promoted around Turkmenistan’s President Gurbanguly Berdymukhammedov. One example of this is the new, giant gold statue depicting him riding a horse that

was unveiled in Ashgabat on 25 May 2015. TIHR [reported](#) that funds to cover the costs of this statute were collected by withholding parts of the salary of employees at state-run organizations.

Citizens also continue to be mass mobilized to greet and applaud the president at various events. On 5 August 2015, such a mobilization effort [ended tragically](#): according to TIHR's information, three people died after being made to wait some 7 hours without access to water, food or toilet facilities before the president arrived for the opening of the new, renovated Kopetdag stadium in Ashgabat. Many others in the crowd, which included children and elderly people, fainted and over a dozen were hospitalized in total.

As a result of **presidential pardons** implemented in May and July 2015, a total of over 2000 prisoners were reported by state media to have been released. No individuals held on politically motivated grounds are known to have been among these.

UN Secretary General Ban Ki Moon visited Turkmenistan as part of a tour to all five Central Asian countries in June 2015. Speaking to local officials and students at the University for Humanities and Development in Ashgabat on 13 June, he [referred](#) to concerns about “a shrinking democratic space” across Central Asia and warned against using security threats “as a pretext to clamp down on civil society, minorities and human rights defenders”. At a press conference with President Berdymukhammedov, he [called on](#) the Turkmen authorities to ensure that the Ombudsman's office that is being established meets the Paris Principles, to grant independent observers access to places of detention, to issue standing invitations to all UN special procedures and to “move towards media pluralism, freedom of expression and access to information”.

A new **EU-Turkmenistan Human Rights Dialogue** took place in Ashgabat on 17 June 2015. According to a [press release](#) issued by the EU, it raised concerns such as disappearances in prison, blocking of websites, arbitrary evictions, forcible dismantling of satellite dishes and excessive restrictions on civil society. TIHR and IPHR provided information for the dialogue. Civil society organizations continued to [call](#) for the application of **human rights conditionality** with respect to the ratification of the EU-Turkmenistan Partnership and Cooperation Agreement.

On 12 May 2015, **Austrian President Heinz Fischer received President Berdymukhammedov** in Vienna. TIHR and IPHR [urged](#) the Austrian president to address human rights with the Central Asian leader, as did other NGOs. The Austrian president later [told the press](#) that he had “touched in detail” on human rights issues, including concrete cases. The Turkmen president [kept silent](#) on this topic and refused to take questions from journalists. Following the meeting, several bilateral agreements were signed, including one on increasing economic cooperation.

Freedom of expression and the media

Media situation and harassment of “inconvenient” individuals

The media situation remains alarming in the country. In Freedom House's 2015 **Freedom of the Press Index**, Turkmenistan was [ranked at the very bottom](#): 197th among 199 countries.

Over the years, **correspondents of the Prague-based Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL), Radio Azatlyk** have repeatedly been singled out for intimidation and pressure by the Turkmen authorities. The following recent cases are of great concern:

- In June 2015, **Osmankuly Hallyev**, a correspondent for the RFE/RL's Turkmen service since 2006, [resigned](#) from his job, citing an unprecedented campaign of intimidation in the past month. In his letter of resignation, Hallyev said that he had been interrogated by anti-terrorism officials, pressed to disclose his sources, publicly denounced, and threatened with charges of harming the

country's reputation if he did not renounce his cooperation with the RFE/RL. Hallyev and his family members had also previously been subjected to harassment by authorities on several occasions.

- **Saparmamed Nepeskuliev**, a freelance journalist working with the RFE/RL's Turkmen service and the Netherlands-based Alternative Turkmenistan News (ATN), [went missing](#) on 7 July 2015 when visiting the city of Avaza to conduct research and photograph various sites. On 28 July, his family finally tracked him down at a prison facility some 30 km from Avaza. They were told that he had been detained for the unlawful possession of "narcotic" pills, but were not allowed to see him. Nepeskuliev has reportedly [continued to be denied access](#) to a lawyer and family members, [placing him](#) at a serious risk of torture and ill-treatment. In early September, RFE/RL [reported](#) that Nepeskuliev's family had learned that he was sentenced to three years in prison on 31 August, but that the Turkmen authorities have not officially confirmed the sentence. Writing under a pseudonym, Nepeskuliev has published articles about issues such as corruption, problems in the health care system and water shortages. Several years ago, he was temporarily placed in a psychiatric hospital after organizing a picket in connection with a visit by the president. The OSCE Representative on Freedom of the Media and a number of international human rights NGOs have [called for](#) the release of Nepeskuliev.

Other individuals considered "inconvenient" by the authorities also continue to be subjected to harassment. This is a recent case:

- As [reported](#) by Human Rights Watch, **Geldy Kyarizov** - an internationally acclaimed horse-breeding expert who fell out of favour with the government over a decade ago - was stopped from boarding a Moscow-bound plane in Ashgabat on 5 August 2015, despite having a valid Russian visa. His daughter and sister-in-law were also prevented from leaving and were the targets of an alleged hit-and-run earlier the same day, an incident that authorities failed to investigate. Kyarizov was planning to undergo medical treatment in Russia and had been invited to attend a meeting of the international Long Riders' Guild in Switzerland. At the end of 2014, he and his family members were similarly denied exit from the country. A former government member, Kyarizov was imprisoned on charges believed to be politically motivated in 2002. Since being pardoned and released in 2007, he has continued to be held under surveillance and has been subjected to other forms of pressure. His horse farm has been confiscated. On 19 August, horsemen from all over the world [sent a letter](#) to President Berdymukhammedov, calling for Kyarizov's release.

(See also the case of civil society activist defender Natalia Shabunts in the following section).

Forcible removal of satellite dishes

TIHR reported about a **renewed campaign** by local authorities to **dismantle private satellite dishes** in Ashgabat. These measures, which authorities have sought to justify by saying that satellite dishes spoil the appearance of apartment buildings, have served to restrict access of citizens to information from foreign channels.

Measures to forcibly remove satellite dishes were being [carried out](#) even at the same time as the EU-Turkmenistan Human Rights Dialogue was taking place in the Turkmen capital on 17 June 2015, in the course of which the EU raised concerns about this practice.

Residents whose satellite dishes have been removed have been promised that cable TV will instead be installed in their houses, providing access to a range of TV channels. However, in many cases, cable TV has yet to be installed, and the residents of houses where such installments have been made have been requested to cover the costs for this. A monthly subscription fee will also be charged for cable TV.

- On 3 August 2015, when well-known civil society activist **Natalia Shabunts** was visiting relatives in Russia, local officials [dismantled](#) the two satellite dishes outside her Ashgabat apartment. Shanbunts has spoken out about the arbitrary campaign against satellite dishes and has resisted previous attempts to remove her own satellite dishes, although such appliances have been removed from outside other apartments in the house where she lives. She has repeatedly faced intimidation and pressure because of her civic engagement.

Internet access

Turkmenistan's first **national satellite communications system**, which was launched from a US-based air force station in April 2015, began operating in June 2015. The State News Agency [hailed](#) the launching of the satellite as a national achievement of historical significance and reported that it will facilitate the “provision of high-speed internet on the whole territory” of Turkmenistan. A new internet law adopted at the end of 2014 states that the Turkmen authorities will take measures to ensure equal and non-discriminatory internet access to citizens. According to the [most recent estimate](#) from the International Telecommunications Union, currently only about 10% of the population has internet access.

Along with other websites that provide independent information about the situation in Turkmenistan, TIHR's site “The Chronicles of Turkmenistan” continues to be blocked inside the country. However, as part of a new initiative called [Operation Collateral Freedom](#), Reporters without Borders has created a **mirror site** of this and several other sites that are blocked by authoritarian regimes, using technology designed by Chinese cyber activists from the organization [GreatFire](#). The mirror site of “The Chronicles of Turkmenistan”, which duplicates all the content of the main site, is now also [accessible](#) for users in Turkmenistan.

Freedom of association and assembly

Concerns regarding freedom of assembly

On 1 July 2015, the new [Law on Assemblies](#), which was adopted earlier this year, **entered into force**. It is the first-ever such law since the country's independence. It allows for holding pickets, rallies and other public gatherings if local authorities are informed in advance and the venue is agreed. The law imposes **problematic restrictions** on where and when assemblies can take place, e.g. by saying that they as a rule should be organized in specifically designated venues, and grants local authorities wide discretion to refuse requests to hold assemblies. Only one-person pickets can be held without informing local authorities. There are concerns that that the new law may be used to obstruct the organization of spontaneous, peaceful protests. In the past year, a number of such protests have taken place.

In May this year, TIHR [reported](#) about the **detention of the alleged organizer of a labour protest** in the city of Gazachak, close to the border with Uzbekistan:

- According to information from the Uzbekistan-based NGO *Nazhot*, **Gaigysyz Berdyev** was detained on 10 April 2015 after he and some 200 other gas and oil workers from the government-run Turkmenneftgazstroi and Achakgazdobycha companies held a five-hour long protest outside the regional office of the Ministry of National Security in Gazachak. The protesters called for measures to be taken against their executives, as well as for the reinstatement of benefits to workers. An investigation was reportedly opened against Berdyev and other participants, but TIHR has not been able to obtain any further information.

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

Continued efforts to enforce “moral standards” and dress code

As previously reported, Turkmen authorities have recently stepped up efforts to enforce “traditional values” and “moral standards”, reinforcing concerns about repression under this pretext. According to [information](#) received by TIHR, a **commission** made up of representatives of local authorities, police, the public prosecutor’s office, GONGOs and clergy were **visiting public and educational establishments** in the northern Dashoguz province in late spring on a mission to **promote adherence to common moral standards and codes of behavior**. It was argued that this will “contribute to further prosperity of the country and its growing credibility worldwide”.

Holding meetings with employees and parents in the visited institutions, commission members put particular emphasis on **dress code requirements**. They insisted that female employees and school girls wear the Turkmen national dress and a Turkmen-style headscarf, irrespective of their ethnic identity. Requirements voiced for men and boys included the Turkmen skullcap, a white shirt and a dark suit. Parents were asked not to allow girls to wear a short skirt or pants even during their spare time. Parents were also called on to ensure that their children do not spend too much time on the internet, with one commission member reportedly referring to “indecent photos and videos” and “newspapers that discredit our country” when stressing the dangers of this medium of which he appeared to have little knowledge.

Corruption in education and new rules for foreign-graduated doctors

Turkmenistan has been rated as one of the most corrupt countries in the world. One of the areas where **corruption is widespread** is education, with large bribes being required in particular to ensure admission to medical and other prestigious departments at university. According to TIHR’s [information](#), those wishing to study at the Turkmen State Medical University in Ashgabat are often required to pay bribes of tens of thousands of euro (the sum varies depending on how prestigious the department is).

At the same time, since the end of 2014, **new rules** have been enforced with respect to **medical graduates who obtained their diplomas abroad**. In order to have their diplomas recognized in Turkmenistan, such graduates are now required to complete additional courses in subjects for which fewer hours of study allegedly are allotted at foreign universities, or to pay bribes to get around this requirement. The new rules have also been **applied to already practicing doctors**, such as in the Dashoguz region, where several dozen doctors suddenly had to quit their jobs and take up studying, further worsening the situation with respect to the serious lack of qualified doctors in the region. The doctors were in many cases reportedly replaced by nurses and paramedics. Upon completing the additional coursework required this spring, some 40 doctors were initially [not allowed](#) to return to their previous jobs. However, after an appeal to the regional prosecutor’s office in May, they got their jobs back.

Arbitrary measures to promote “urban development”

In May 2015, TIHR [reported](#) about **new arbitrary measures** taken by local authorities in Ashgabat for the stated purpose of **promoting “urban development”**. Aside from satellite dishes (see the section on “freedom of expression and the media”), **private air conditioners continued to be forcibly removed** from apartment buildings, leaving residents without the much needed relief such appliances provide during the hot summer months in the capital. While only air conditioners visible from the street previously were targeted, officials from public utility offices have now also removed other air conditioners, ignoring

arguments by residents that they have already moved these at their own cost to be able to keep them. Following protests against the removal of air conditioners last November, local authorities made a concession and promised that decorative balcony niches designed to hide air conditioners would be installed at the expense of the city. However, this promise has not been delivered on. It is believed that higher-ranking authorities may have been against such a move, fearing that it may encourage further protests.

Pressure on ethnic minority communities

In July 2015, TIHR received [information](#) about intimidation and pressure targeting **members of Balochi, Persian and Afghan ethnic communities**, who reside in the south of Turkmenistan. With reference to the tense situation at the country's southern border, security service officials have been holding "preventive talks" with elders from these communities, demanding that they report the names of individuals maintaining "close contacts" with people in Iran and Afghanistan. Elders have also been "recommended" to ensure that Iranian and Afghan TV and radio channels are not broadcasted in the households of their communities and religious literature in the languages of these groups has reportedly been confiscated. As other small ethnic minority groups, the Balochi, Persian and Afghan communities have limited opportunities to practice their culture, and teaching in their languages is not offered in schools in Turkmenistan. According to unofficial results of the 2013 census, some 3000 Balochi, Persians and Afghans currently live in the country. At the time of the 1989 census, this figure was ten times higher.

Mass detentions in the fight against "non-traditional" Islam

According to TIHR's [information](#), since February this year, several hundred people have been detained in a counter-terrorism campaign carried out by the government. Many of them are believed to remain in detention, while a few individuals are known to have been criminally charged and convicted for extremism and terrorism related offenses. There are concerns that some **individuals may have been targeted and arbitrarily apprehended** as part of this campaign **simply for being affiliated with so-called non-traditional Islamic groups**. The authorities perceive all such groups as a threat, even if they do not endorse violence, as they offer an alternative reference framework for residents aside from state structures and thereby challenge the government's all-encompassing control of society. During Friday prayers, imams at state-controlled mosques have [urged](#) believers not to succumb to "alien" forms of Islam. TIHR has also learned that individuals who have been released after being detained during the counter-terrorism campaign have been dismissed from their places of work and barred from travelling abroad.

House demolitions

It is a long-standing problem in Turkmenistan that **residents of buildings that are demolished** to make way for government construction projects are **not promptly provided with adequate alternative accommodation**. In late July 2015, TIHR reported that the former residents of houses that were torn down together with a Shia mosque in central Ashgabat in April this year had yet to be granted alternative accommodation. The mosque is planned to be replaced with a new one built on the outskirts of the city.

This summer local authorities also [began demolishing](#) cottages in the "Shor" holiday village close to Ashgabat, arguing that they have been illegally built. The same arguments have been used with respect to the cottages in other holiday villages outside the capital, which have also been singled out for demolition. However, a decision of the Ashgabat mayor's office from 1997 indicates that permission was granted to build these types of cottages at that time. The demolition of cottages in the "Shor" holiday

village, where plots are mainly owned by law enforcement officials and their families, was later suspended but is expected to eventually go ahead as the president is believed to personally have endorsed it.

Unclear status of dual citizens

A **Turkmenistan-Russia agreement**, which granted Turkmen nationals who obtained Russian citizenship after July 2003 the right to hold both citizenships, **expired on 18 May 2015**. This [contributed to a further lack of clarity about the status of those with dual citizenship](#), who have been pressured to renounce their Russian citizenship in order to obtain new biometric Turkmen passports that are compulsory as of 2013 or else to give up their Turkmen citizenship. Dual citizens have a hard choice to make. Giving up their Russian citizenship will create problems for them to travel to Russia and other countries to visit relatives, study, undergo medical treatment etc. given the Turkmen government's restrictive policies in this regard, while renouncing their Turkmen citizenship in practice will mean that they will have to leave the country and will face substantial difficulties to visit Turkmenistan again. As a result of earlier Russia-Turkmenistan negotiations, dual citizens who obtained their Russian citizenship prior to July 2003 have been able to keep both citizenships and get new Turkmen passports.