



IPHR
International
Partnership
for Human Rights

TURKMENISTAN: SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)

**For the CERD's review of Turkmenistan's implementation of
the Convention on the Elimination of Racial Discrimination at
its 91st session in Geneva on 21 November-9 December 2016**

This document has been prepared as a submission to the Committee on the Elimination of Racial Discrimination (CERD) ahead of its review of Turkmenistan's eighth to eleventh periodic reports on the implementation of the Convention on the Elimination of Racial Discrimination. This review will take place at the CERD's 91st session in Geneva on 21 November-9 December 2016.

The submission has been jointly prepared by Turkmen Initiative for Human Rights (TIHR) and International Partnership for Human Rights (IPHR). It covers the implementation of the Convention on the Elimination of Racial Discrimination in a number of key areas, with particular emphasis on follow-up on recommendations made by the CERD in its 2012 concluding observations. The submission is based on information obtained by TIHR through its monitoring of developments in Turkmenistan with the help of an in-country network of activists, as well as analyses of national legal instruments and other relevant information about the situation in the country that is accessible in spite of the serious restrictions imposed by Turkmenistani authorities in this respect.

Turkmen Initiative for Human Rights (TIHR) is the successor organisation of the Helsinki Group of Turkmenistan and was registered as an independent association in Vienna in November 2004. Through a network of local experts and activists inside Turkmenistan, TIHR monitors and reports on the human rights situation in this country. It also disseminates independent news, comments and analysis from and about Turkmenistan.

Turkmen Initiative for Human Rights
Vienna, Austria
Tel.: +43-699-1 944 13 27
Email: turkmen.initiative@gmail.com
Website: <http://www.chrono-tm.org>

International Partnership for Human Rights (IPHR) is an independent, non-governmental organization founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments. IPHR has special consultative status with the UN Economic and Social Council.

International Partnership for Human Rights
Brussels, Belgium
Tel.: +32 (0) 2 880 03 99
Email: IPHR@IPHRonline.org
Website: <http://www.IPHRONline.org>

Contents

- 1. Overview of the human rights situation 1
- 2. Recent measures taken by the Turkmenistani authorities for the stated purpose of improving respect for human rights..... 1
- 3. The protection of national minorities (articles 2 and 5).....3
- 4. The right to equal treatment before organs administering justice and the right to security of person and protection against bodily harm (articles 5(a) and 5(b)) 4
- 5. The right to freedom of thought, conscience and religion (article 5(d)(vii)) 5
- 6. The right to freedom of expression and access to information, in particular through the internet (article 5(d)(viii)) 7
- 7. National minorities and the right to education and training (article 5(e)(v)) 8
- 8. The right to freedom of movement and residence within the border of the State and the right to leave and return to one’s country (articles 5(d)(i)-(ii) and other provisions of articles 5(d) and 5(e)) 9

1. Overview of the human rights situation

During the four years that have passed since the CERD last reviewed Turkmenistan's compliance with the Convention on the Elimination of Racial Discrimination, there have been **no significant improvements in the human rights situation in the country.**

Turkmenistan remains one of the most closed countries in the world, where **fundamental rights and freedoms are systematically violated.** As previously, the president enjoys virtually unlimited powers and the personality cult surrounding him continues to be promoted. There are no opposition political parties and independent civil society organizations cannot obtain registration and freely operate in the country in the current conditions. Media continues to be tightly controlled by the government and access to foreign sources of information is restricted. All who publicly criticize the authorities, as well as their family members are at the risk of persecution, including arbitrary and discriminatory restrictions on their freedom of movement. Only one UN special mechanism has been allowed to visit the country to date: the UN Special Rapporteur on the right to freedom of religion or belief in 2008.

The so-called **Turkmenization policies** continue to be pursued in the country, even if they have been scaled back since the days of former President Saparmurat Niyazov and there are **serious concerns about the situation of national, ethnic and minorities** in the country (as described below).

2. Recent measures taken by the Turkmenistani authorities for the stated purpose of improving respect for human rights

The Turkmenistani government has pledged to improve respect for human rights and a **first-ever National Human Rights Action Plan adopted for the 2016-2020 period** sets out a range of tasks due to be implemented by public authorities at different levels, public associations and state media. Tasks that are particularly relevant in view of the provisions of the Convention on the Elimination of Racial Discrimination include:

- Creating an enabling environment for representatives of national minorities.
- Creating favourable conditions for children of ethnic minorities to learn their mother tongue and obtain knowledge about the history and culture of their people.
- Ensuring equal participation of representatives of national minorities in decision-making processes.
- Creating favourable conditions for the registration, operation and development of non-governmental organizations.
- Granting everyone unobstructed access to various sources of information, including to the internet and ensuring unobstructed access to the internet in educational establishments.
- Providing free legal assistance to vulnerable groups.
- Initiating invitations for UN Special Rapporteurs to visit the country.

While the adoption of the action plan is welcome, it is **imperative that concrete measures are taken to deliver on it**, as well as that such measures **do not remain isolated steps** but that more systematic reforms to strengthen human rights protection are initiated in the country.

One of the stated objectives of the process that resulted in **the adoption of Turkmenistan's new Constitution** in September 2016 was to improve compliance with international standards. After reviewing the draft Constitution, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded: "While the Draft Constitution contains a number of positive features (...), the **practical implementation** of all provisions **will greatly depend upon the adoption of implementing legislation and the existence of proper enforcement mechanisms**, including judicial review and access to independent and impartial courts."¹ The ODIHR highlighted concerns about the draft Constitution and provided a set of recommendations for how to bring problematic provisions into line with Turkmenistan's international human rights obligations and commitments. However, many of these recommendations were not taken into account in the final version of the Constitution, as discussed further in sections below.

Among other problematic provisions, the new Constitution abolishes the previously existing upper age limit for presidential candidates (70 years) and places no restrictions on the number of times the same individual may be elected president. The drafters thereby ignored a recommendation by the ODIHR to include express limitations to re-election given "the risk of potential long-term monopoly of state power in the hand of the head of state and its consequences on the balance of powers" (par. 58). As a result, current President Gurbanguly Berdimuhamedov will be able to remain in office for life. The new Constitution also **prohibits political parties established on national or religious grounds** (article 44). A similar ban is included in the 2012 Law on Political Parties. This law created the basis for a multiparty system and following its adoption, two new political parties have been established aside from the pre-existing presidential party. However, these parties also support the president and do not represent any real political alternatives.

In its 2012 concluding observations, the CERD recommended the Turkmenistani State party to establish an independent national human rights institution for the protection and promotion of human rights in conformity with the Paris Principles (paragraph 24). The new Constitution states that Turkmenistan's parliament will elect a **Human Rights Commissioner** on the basis of the president's proposal (article 81, par. 8). In its comments on the draft Constitution, the ODIHR noted that the introduction of a first-ever National Human Rights Institution in Turkmenistan is an important first step toward addressing recommendations made by international human rights bodies in this respect (par. 115). However, the ODIHR also pointed out that the draft Constitution did **not elaborate on the institutional status and competence** assigned to the new entity and did not provide the required safeguards to guarantee its institutional independence in line with the Paris Principles (par. 116). It recommended that the Constitution should specify the institution's role, functions, powers, funding and lines of accountability, as well as the appointment mechanism for, and terms of office of the Commissioner (par. 118). These recommendations were not addressed prior to the adoption of the new Constitution.²

Recommendations:

The Turkmenistani authorities should be requested to

- Take concrete measures to implement the National Action Plan on Human Rights and initiate systematic reforms to strengthen human rights protection in the country.
- Ensure proper enforcement mechanisms for the new Constitution and revise provisions that are not consistent with international human rights standards in accordance with the recommendations of the OSCE ODIHR.
- Regulate in detail the status and competence of the new Human Rights Commissioner and guarantee the independence of this institution in line with the Paris Principles.

3. The protection of national minorities (articles 2 and 5)

In its 2012 concluding observations on Turkmenistan, the CERD recommended the State party to collect and publicize reliable and comprehensive statistical data on the ethnic composition of its population, using the indicators of ethnic diversity on the basis of self-identification of persons and groups (par. 9).

However, the Turkmenistani authorities have failed to comply with this recommendation. No official results of the December 2012 census have been published and there are currently no reliable and comprehensive statistics on the ethnic composition of the population.

According to leaked unofficial census data, 86% of the country's population of 4.8 million are made up of ethnic Turkmen, while the rest belong to various other nationalities.³ The largest national minorities are the Uzbek, Russian and Kazakh minorities, while smaller ones include, among others, Azeris, Baluchis and Tatars.

In its 2012 concluding observations on Turkmenistan, the CERD also reiterated its concern about lack of information on measures to respect and protect the cultural and ethnic identity of ethnic and national minorities. It called on the State party to adopt, wherever necessary, special measures to enable the preservation of the language, culture, religious specificities and traditions of such groups and to prevent any kind of forced assimilation, referring in particular to ethnic Baluchis (par. 10). Moreover, the CERD urged the State party to take measures to ensure the preservation and development of cultures of minority groups to enable them to maintain their cultural identity (par. 21).

The Turkmenistani authorities have not taken any effective measures to implement these recommendations. They have failed to support and respect the right of minority communities to preserve and develop their culture and the situation of in particular small minority groups like the Baluchis remains difficult.

The Baluchis, along with Persians and Afghans reside in compact settlements in southern Turkmenistan near the borders with Afghanistan and Iran. According to unofficial results of the 2012 census, some 3000 Baluchi, Persians and Afghans currently live in the country. At the time of the 1989 census, this figure was ten times higher. As other small ethnic minority groups, the Baluchi, Persian and Afghan communities have limited opportunities to practice their culture, and teaching in their languages is not offered in schools in Turkmenistan (see also the section on rights of national minorities with respect to the right to education and training below).

In July 2015, TIHR received reports about intimidation and harassment targeting the Baluchi, Persian and Afghan communities⁴, including the confiscation of religious literature in the Persian and Baluchi languages and pressure not to perform folk music at community events. TIHR also learned about “preventive talks” held by security services with elders from these communities with reference to the tense situation at the country’s borders. The elders were “recommended” to ensure that Iranian and Afghan TV and radio channels are not broadcasted in the households of their communities.

Turkmenistan’s new Constitution contains a ban on discrimination on the basis of nationality, skin colour, origin, language, “attitude toward” religion and other grounds (article 28). However, **the Constitution does not make any specific reference to the right of persons belonging to national minorities** to enjoy and develop their cultural, linguistic or religious identity, in spite of a recommendation by the ODIHR to this end.

Recommendations

The Turkmenistani authorities should be requested to:

- As previously recommended by the CERD, publicize reliable and comprehensive statistical data on the ethnic composition of the population of the country.
- As previously recommended by the CERD, adopt effect measures to ensure the preservation and development of the language, culture, religions and traditions of national minority groups and refrain from all attempts to obstruct the endeavours of minority communities in this regard or to enforce assimilation.

4. The right to equal treatment before organs administering justice and the right to security of person and protection against bodily harm (articles 5(a) and 5(b))

Turkmenistan’s justice system lacks independence and transparency, despite legal guarantees to the contrary, and it continues to be used to hand down verdicts in trials conducted in serious violation of international fair trial standards. No independent monitoring of detention conditions is possible, but the use of torture and ill-treatment is believed to be widespread. Reports by previous prisoners confirm this pattern. Dozens of individuals who have been convicted on charges deemed to be politically motivated have disappeared in prison. Information obtained by human rights groups give rise to concerns that **members of national minorities have been subjected to unfair judicial proceedings and abusive treatment** because of their national origin and/or their efforts to defend the rights of fellow community members.

According to information from Amnesty International⁵, Mansur Mingelov was imprisoned in September 2012 after recording evidence of police violence against detainees from the Baluch ethnic minority, a group to which he himself belongs. The investigation and trial against him were undermined by procedural and fair trial violations. He was not allowed to be represented by a lawyer of his choice and his conviction was largely based on the testimony of four alleged victims who did not understand Turkmen and reportedly signed untranslated statements under duress. Mingelov was also allegedly beaten by police when first arrested.⁶

Mingelov is serving his 22-year sentence in the Seidi labour camp in eastern Turkmenistan. After he held a hunger strike to protest his sentence in summer 2014 and international attention was attracted to his case, he was reportedly promised that his case would be reviewed.⁷ However, this did not happen.

In an interview published in May 2016⁸, a previous prisoner at the Seidi labour camp reported that Mansur Mingelov is being held under close surveillance by prison officials after his case gained international attention. The previous prisoner – whose name was not disclosed for security reasons – also reported that Baluchi prisoners at the Seidi prison are singled out for abusive treatment by prison officials, including collective punishment for alleged violation of prison rules, intimidation, and ill-treatment and torture. These **allegations** are of serious concern and **should be promptly, thoroughly and impartially investigated** and any officials responsible for violations of the rights of prisoners of Balochi ethnicity held accountable.

Recommendations

The Turkmenistani authorities should be requested to:

- Take effective measures toward ensuring independence and transparency of the judiciary and toward safeguarding respect for the right to a fair trial and freedom from torture and ill-treatment for all without discrimination of any kind.
- Promptly, thoroughly and impartially investigate any allegations that members of national minorities have been subjected to human rights violations by law enforcement, judicial or prison officials on the grounds of their national belonging or their defense of the rights of fellow community members and hold accountable anyone found guilty of such violations.

5. The right to freedom of thought, conscience and religion (article 5(d)(vii))

A new **Law on Freedom of Religion and Religious Organizations** was adopted in Turkmenistan in March 2016.⁹ Similarly to the previous religion law, the new law **prohibits the activities of unregistered religious communities**, while **tightening registration requirements**. Previously religious groups could obtain registration if they had at least five members, but now 50 members are required. In addition, religious communities wishing to register with the authorities must undergo an expert assessment of their religious beliefs. The new law also **imposes serious restrictions on** the establishment of places of worship, the import and distribution of religious literature and other **basic religious activities** and provides for far-reaching state control of religious practice.

As documented by Forum 18¹⁰, **religious minority communities** such as Protestant communities and Jehovah's Witnesses **face intimidation and harassment**, including raids on their meetings, confiscation of religious literature, and fines and detention

The authorities also tightly control the exercise of Islam and has recently **stepped up efforts against so-called non-traditional Islamic groups**, giving rise to concerns that individuals and communities may have been

subjected to repression for peaceful exercising their beliefs outside strict state controls. During Friday prayers, imams at state-controlled mosques have urged believers not to succumb to “alien” forms of Islam.¹¹ **A number of mosques have reportedly been demolished** in the last few years.¹² For example, in spring 2016, the Aksa mosque in Ashgabat was bulldozed down. According to local authorities, the mosque – which was built on the basis of voluntary contributions by local residents - had been constructed without the required permission. However, it had been allowed to operate for more than 20 years before the demolition took place. The demolition was carried out without due advance warning, as a result of which community members did not have time to remove all property.¹³

The **UN Special Rapporteur on the right to freedom of religion or belief is the only UN special mechanism to have visited Turkmenistan** to date. In the report on the 2008 visit to the country¹⁴, the Special Rapporteur emphasized that “the enactment and implementation of laws that unduly restrict freedom of religion or belief cannot provide an efficient and long-term solution to concerns expressed by the authorities of Turkmenistan that the climate of religious harmony might be disrupted by external extremist groups”. This conclusion remains highly relevant, in particular as the Turkmenistani authorities have increasingly referred to the threat of extremism to justify restrictive measures concerning the exercise of religion, including when introducing the new Law on Freedom of Religion and Religious Organizations. Many of the provisions of this law directly contradict recommendations made by the Special Rapporteur.

There is still **no alternative to compulsory military service** in Turkmenistan and the threat of punishment for refusal to carry out military service remains. The new Law on Freedom of Religion and Religious Organizations does not recognize the right to refuse compulsory military service on conscientious grounds neither does the new Constitution, although OSCE ODIHR recommended including such wording when reviewing the draft Constitution (par. 162).¹⁵ This has **serious negative implications for members of minority religious communities** who refuse to carry out military service on conscientious grounds.

In views adopted on a number of individual communications submitted by Jehovah’s Witnesses in Turkmenistan¹⁶, the UN Human Rights Committee has concluded that the conviction of religious minority members because of their refusal to be drafted for compulsory military service violates the right to freedom of thought, conscience and religion. It has called on the Turkmenistani State party to avoid similar violations in the future, including by adopting legislative measures guaranteeing the right to conscientious objection.

Recommendations

The Turkmenistani authorities should be requested to:

- Revise the new Law on Freedom of Religion and Religious Organizations to bring it into compliance with international human rights standards.
- Put an end to harassment and undue interference into the activities of minority religious communities.
- Recognize the right to conscientious objection to compulsory military service and provide for a civilian alternative to such service.

6. The right to freedom of expression and access to information, in particular through the internet (article 5(d)(viii))

The right to seek, receive and impart information is seriously curtailed in Turkmenistan. The country's first Media Law, which entered into force in 2013, provides guarantees for media independence and pluralism, prohibits censorship, and protects the rights of citizens to enjoy unimpeded access to foreign media. However, in practice, **authorities continue to closely control and interfere in the activities of media outlets** to prevent coverage that is unfavourable to the government, resulting in that national media focuses on reporting "positive" news. Journalists cooperating with foreign media and other individuals who challenge government propaganda are subjected to persecution, while **access to foreign media and other foreign sources of information is restricted**.

In its 2012 concluding observations on Turkmenistan, **the CERD expressed concern about limitations on access to the internet** for NGOs involved in the promotion of human rights, mainly concerning minority groups and restrictions on the operation of websites, blogs and other online sources. It called on the State party take the necessary measures to put an end to arbitrary impediments to receiving and disseminating information through the internet, in accordance with the provisions of the Convention and other international human rights instruments (par. 25).

The Law on the Legal Regulation of the Development of the Internet and the Provision of Internet Services, which was adopted in Turkmenistan in 2014, **states that the government will take measures to promote equal and universal internet access**. Turkmenistan's new National Human Rights Action Plan for 2016-2020 sets out that everyone will be granted unobstructed access to various sources of information, including the internet, and that unobstructed internet access will be provided in educational establishments (section 2, part 1, par. 35 and 46).

Internet access has recently increased in Turkmenistan, in particular as a result of the growing use of mobile devices, but no reliable statistics of the number of internet users is available. **Access to information through the internet continues to be restricted**. Foreign websites featuring independent information about developments in Turkmenistan, including the protection of human rights and the situation of national and other minorities are blocked in the country. Among these is TIHR's website. Access has also been blocked to foreign mobile communications applications such as WhatsApp and Wechat, as well as foreign social media sites such as Facebook, Twitter, YouTube and others. In addition, proxy servers and Virtual Private Networks used to circumvent internet censorship and access otherwise inaccessible sites are often blocked.

In a well-established pattern, **authorities seek to cover up information about events that risk showing those in power in a bad light**, including through restrictions on online and mobile communications. For example, following a deadly blast at an oil refinery in the city of Turkmenbashi in late June 2016, Skype and the Line communications application were blocked and 3G internet services used on mobile devices stopped working for several days without explanation. TIHR learned that airport officials in Turkmenbashi and Ashgabat also carefully checked mobile phones and other devices of passengers in an apparent attempt to track down any possible photos or videos related to the explosion and the impact of it.¹⁷

Turkmenistani authorities have repeatedly carried out **arbitrary campaigns to dismantle private satellite dishes**, which have been argued to spoil the outer appearance of apartment buildings. This has **restricted access to information from foreign TV and radio channels**, including for members of national minorities. While the authorities have denied this practice, TIHR has documented the removal of satellite dishes on a number of occasions in 2015-2016.¹⁸

Human rights defenders fear that **restrictions on internet and other sources of information may be further stepped up ahead of the Asian Indoor Games** scheduled to be held in Ashgabat in September 2017 as the government is seeking to ensure a positive image of the country in connection with this competition. Such fears were reinforced by statements made by the president at a preparatory meeting held in October 2016, where he instructed a group of experts “to prevent the spread of false information” on the internet during the games.¹⁹

Recommendations

The Turkmenistani authorities should be requested to:

- Enforce in practice the provisions of the Media Law that safeguard media pluralism, prohibit censorship and protect the right to unimpeded access to foreign sources of information.
- As pledged, take prompt measures to promote equal, universal and unobstructed internet access and refrain from arbitrarily blocking access to websites.

7. National minorities and the right to education and training (article 5(e)(v))

In its 2012 concluding observations on Turkmenistan, **the CERD** expressed concern that children belonging to ethnic and national minorities have limited possibilities to study and receive education in their mother tongue. It **called on the State party** to take the necessary measures **to increase access for children belonging to ethnic and national minorities to instruction in and study of their mother tongue**, including through the establishment of schools and provision of textbooks in minority languages (par. 20).

One of the tasks set out in Turkmenistan’s new National Action Plan for Human Rights is “creating favourable conditions for children of ethnic minorities to learn their mother tongue and obtain knowledge about the history and culture of their people” (section 2, part 1, par. 39). The implementation period is 2016-2017.

In practice, **members of the country’s national minorities currently have few if any opportunities to study and receive education in their own languages**. Mass closures of schools providing education in Russian, Uzbek and Kazakh were carried out in the 1990s and classes providing instruction in such languages were significantly reduced. While instruction continues to be carried out in Russian in selected classes in schools in larger cities, TIHR has received reports indicating that such classes have been further cut back in recent years. For example, in the city of Dashoguz, as of the 2014-2015 school year, the number of schools offering classes with instruction in Russian was decreased from four to two.²⁰

Only one fully Russian-language school operates in the country, the Pushkin school in the capital Ashgabat. TIHR has learned that law enforcement officials with children enrolled at this school have been pressured to transfer their children to regular Turkmen language schools.²¹

Dress codes requiring students to wear uniforms designed on the basis of the Turkmen national dress continues to be enforced, irrespective of the ethnic identify of students. The authorities have claimed that such requirements have been imposed as a result of decisions at the level of educational institutions. However, the authorities have failed to put an end to this practice.

According to TIHR's information, the so-called third generation test continues to be applied to those applying for admission to universities and colleges. This means that applicants are requested to provide information about their family history over the three last generations to prove their Turkmen ancestry. Bribes are requested to get around this requirement.

Recommendations

The Turkmenistani authorities should be requested to:

- As previously called for by the CERD, take effective measures to increase access for children belonging to ethnic and national minorities to instruction in and study of their mother tongue.
- Put an end to the practice of requiring students to wear uniforms designed on the basis of the Turkmen national dress, irrespective of their ethnic or national identity.
- Put an end to all use of the so-called third generation test and ensure that representatives of different ethnic and national groups have equal access to higher education.

8. The right to freedom of movement and residence within the border of the State and the right to leave and return to one's country (articles 5(d)(i)-(ii) and other provisions of articles 5(d) and 5(e))

The right to freedom of movement and free choice of place of residence within Turkmenistan is guaranteed by article 39 of the Constitution and article 37 of the Law on Migration. However, in practice, this right is restricted. The Soviet-era *propiska* system of mandatory registration at the place of residence remains in force and continues to be enforced in ways that limit freedom of movement and other fundamental rights of residents, including representatives of ethnic and national minorities. Although the Law on Migration (article 43) states that the enjoyment of rights and freedoms protected by law is not dependent on residence registration (article 43), the application of *propiska* requirements results in that access to employment, housing and social and health care services is de facto linked to the possession of such registration. At the same time, the procedure for obtaining registration at the place of residence is often very complicated and cumbersome, especially in the capital and other large cities.

Many residents from other parts of the country come to the capital and other large cities in search of jobs. Lack of residence registration on the part of internal migrants place them in a vulnerable position. TIHR has received information about **police raids, detentions and the deportation of hundreds of people from Ashgabat and Turkmenbashi due to the lack of residence registration** in recent months.²² A decree signed by the president in February 2016 (N 14606) introduced new obstacles to working in Ashgabat for residents who are not registered in the capital. While residence registration requires the possession of housing, decrees previously adopted by the mayors of Ashgabat and Turkmenbashi state that only individuals with *propiskas* in these cities may acquire housing there. These legal acts are contrary to both national law and Turkmenistan's international human rights obligations.

Aside from freedom of movement within Turkmenistan, the Law on Migration protects the right of citizens to exit and enter Turkmenistan (article 24). However, this right is not spelled out in the Constitution, in spite of a recommendation by the OSCE ODIHR to this end (par. 196 of its comments on the draft Constitution).

It is of serious concern that **the Turkmenistani authorities continue to arbitrarily and discriminatorily restrict the right of citizens to travel abroad**. In this way, the authorities violate not only the right of citizens to freedom of movement but also other rights (such as economic and social rights) and undermine opportunities for citizens to benefit from inter-national and inter-cultural exchange.

In particular, individuals who are considered "disloyal" to the regime, as well as their family members have been included on **unofficial blacklists for travel abroad** without any legal grounds. These include, among others, relatives of individuals who have been imprisoned on politically motivated grounds such as those convicted after the alleged assassination attempt on former President Niyazov in 2012 and **relatives of dissidents, journalists and activists promoting minority and other rights** who have fled the country and now live in exile. Individuals who are subject to travel bans often learn about this only when they are stopped at the passport control at the Ashgabat airport. In some cases, travel bans have been enforced for years. For example, in June 2016, Aydjemal Redjelova, daughter of the exiled dissident Prikul Tanrykuliev, was finally allowed to leave the country together with her two young daughters after being prevented from travelling abroad for 13 years.²³

Those subjected to travel bans have also included **national minority leaders**. Ethnic Kazakh community leader Bisengul Begdesenov, who was pardoned in February 2012 after being convicted on fraud and bribery charges believed to be politically motivated in 2011, was prevented from travelling abroad for several months. Begdesenov has attempted to register a Kazakh cultural centre in Turkmenistan, organized trainings and seminars for ethnic Kazakhs and assisted fellow community members with privatizing their apartments.

Moreover, **young people have been arbitrarily barred from leaving the country**, in some cases with reference to supposed concerns about their safety such as that they may be recruited by armed groups or become victims of sexual exploitation. The Law on Migration (article 30) allows for temporarily restricting the rights of citizens to leave the country on such grounds without any need for explanation.

Recommendations

The Turkmenistani authorities should be requested to:

- Ensure that residence registration requirements are not enforced so as to limit the right to freedom of movement and other fundamental rights of residents.
- Stop banning citizens from leaving the country on arbitrary grounds and put an end to the use of so-called blacklists for travel abroad.

-
- ¹ ODIHR Comments on the Draft Constitution of Turkmenistan, July 2016, <http://www.osce.org/odihr/262476?download=true>
- ² ODIHR Comments on the Draft Constitution of Turkmenistan.
- ³ TIHR, "The results of the census in Turkmenistan," 3 February 2015, <http://www.chrono-tm.org/en/2015/02/the-results-of-census-in-turkmenistan/>
- ⁴ TIHR, "Turkmenistan: Problems of ethnic minorities," 7 July 2015, <http://www.chrono-tm.org/en/2015/07/turkmenistan-problems-of-ethnic-minorities/>
- ⁵ Amnesty International, "Turkmenistan must grant retrial to hunger strike prisoner on brink of death," 2 June 2014, <https://www.amnesty.org/en/latest/news/2014/06/turkmenistan-must-grant-retrial-hunger-strike-prisoner-brink-death/>
- ⁶ See previous endnote.
- ⁷ Amnesty International update November 2014.
- ⁸ The interview was published by ANT on 17 May 2016, <https://habartm.org/archives/5029>
- ⁹ The new law (in Russian) is available here: <http://www.turkmenistan.gov.tm/?id=10793>
- ¹⁰ See more at the website of Forum 18, at www.forum18.org
- ¹¹ TIHR, "Turkmen imams call on to combat 'alien religion,'" 24 March 2015, at <http://www.chrono-tm.org/en/2015/03/turkmen-imams-call-on-to-combat-alien-religion/>
- ¹² Forum 18, "More than half Ashgabat's mosques now destroyed," 14 April 2016, at http://www.forum18.org/archive.php?article_id=2168
- ¹³ More details are available in news report published by Radio *Azattyk* (in Turkmen), 12 April 2016, at <http://www.azathabar.com/a/27669233.html>
- ¹⁴ Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir on her mission to Turkmenistan, January 2009, available at: <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Visits.aspx>
- ¹⁵ ODIHR Comments on the Draft Constitution of Turkmenistan, July 2016, <http://www.osce.org/odihr/262476?download=true>
- ¹⁶ Views adopted by the Committee in the cases of Zafar Abdullayev, Ahmet Hudaybergenov, Mahmud Hudaybergenov, and Sunnet Japparow.
- ¹⁷ TIHR, "Власти Туркменистана пытаются остановить утечку информации о взрыве на НПЗ в Туркменбашии," 4 July 2016, <http://www.chrono-tm.org/2016/07/vlasti-turkmenistana-pytayutsya-ostanovit-utechku-informatsii-o-vzryive-na-npz-v-turkmenbashi/>
- ¹⁸ For example, see TIHR news bulletins with photos from 22 June 2015, at <http://www.chrono-tm.org/en/2015/06/barbarian-dismantling-of-satellite-aerials-in-ashgabat/>; from 11 December 2015, at <http://www.chrono-tm.org/en/2015/12/ashgabats-residential-district-6-local-fighting-for-satellite-aerials/>; and from 9 March 2016, at <http://www.chrono-tm.org/en/2016/03/satellite-aerials-dismantled-in-the-6th-residential-district-of-ashgabat/>
- ¹⁹ TIHR, "Президент Бердымухамедов потребовал бороться с недостоверной информацией об Азиаде в интернете," 15 October 2016, <http://www.chrono-tm.org/2016/10/prezident-berdyimuhamedov-potreboval-borotsya-s-nedostvernoy-informatsiey-ob-aziade-v-internete/>
- ²⁰ TIHR, "Сокращается обучение на русском языке," 1 July 2014, <http://www.chrono-tm.org/2014/07/sokrashhaetsya-obuchenie-na-russkom-yazyike/>
- ²¹ TIHR, "Ашхабадских силовиков заставляют переводить своих детей из российской школы в туркменские," 13 January 2016, <http://www.chrono-tm.org/2016/01/ashhabadskih-silovikov-zastavlyayut-perevodit-svoih-detey-iz-rossiyskoy-shkoly-i-v-turkmenskie/>
- ²² TIHR, "Raids on non-residents are underway in Turkmenbashi," 12 August 2016, <http://www.chrono-tm.org/en/2016/08/raids-on-non-residents-are-underway-in-turkmenbashi/>
- ²³ Human Rights Watch, "Turkmenistan: Dissident's Family Allowed to Leave," 9 June 2016, <https://www.hrw.org/news/2016/06/09/turkmenistan-dissidents-family-allowed-leave>