Submission for EU-Turkmenistan Human Rights Dialogue, June 2024: Priority issues and recommendations

This submission highlights key issues for the upcoming EU-Turkmenistan Human Rights Dialogue based on ongoing cooperation between International Partnership for Human Rights (IPHR) and Turkmen Initiative for Human Rights (TIHR) in monitoring and documenting the protection of fundamental rights in Turkmenistan. It covers the following topics: the country’s restrictive free speech climate and pervasive internet censorship; ongoing persecution of activists, journalists, and bloggers; the country’s closed civic space and lack of access for international monitors; persistent concerns regarding access to justice, detention conditions, and the treatment of detainees; and gender-based stereotypes, discrimination and violence.

We urge the EU to prioritise the issues and cases described in this paper during the dialogue. When doing so, the EU should remind the Turkmenistani government of its obligations to effectively implement recommendations received during recent international reviews of its human rights record. These reviews include assessments of the country’s implementation of relevant international treaties by the UN Human Rights Committee (March 2023), the UN Committee on the Elimination of Racial Discrimination (CERD, August 2023), and the UN Committee on the Elimination of Discrimination against Women (CEDAW, February 2024), as well as the Universal Periodic Review (UPR, November 2023) held under auspices of the Human Rights Council.

Additionally, we urge the EU to remind the Turkmenistani authorities that the ratification of the pending EU-Turkmenistan Partnership and Cooperation Agreement (PCA) requires genuine progress on the human rights benchmarks set by the European Parliament as a condition for the PCA’s approval in its May 2019 resolution.

Finally, we encourage the EU to urge the Turkmenistani government to demonstrate goodwill ahead of the EU-Central Asia Ministerial Meeting, planned to be held in Turkmenistan later this year by taking concrete steps to reverse repressive policies. Such steps could include granting access to blocked news and social media sites; releasing imprisoned activists and journalists; repealing travel bans imposed on outspoken individuals and their family members; allowing citizens to renew their passports at Turkmenistani consulates in Turkey and other countries; facilitating visits of UN special procedures who have requested to visit Turkmenistan; granting the International Committee of the Red Cross access to monitor the country’s detention facilities in accordance with its standard procedures; and repealing arbitrary restrictions on women’s right to drive.
Restrictive free speech climate and internet censorship

**Media freedom rating:** The media climate in Turkmenistan remains highly restrictive. This is illustrated by the fact that Turkmenistan was again featured at the bottom in the World Press Freedom Index 2024, published by Reporters without Borders in May 2024. Turkmenistan was ranked 175th among 180 countries, one place up from the previous year. However, at the same time, its scores deteriorated from 25.82 to 22.01 on a scale from 0-100 where 0 represents the lowest possible level of press freedom, and 100 the highest.

**Restrictions on internet access:** Internet access in Turkmenistan remains slow and expensive compared to international standards and the internet penetration rate is still comparatively low (estimated at 39.5 percent at the beginning of 2024). Interruptions in internet access are regularly reported. For example, in late April 2024, reoccurring disruptions in internet access were reported from Mary region, with residents having difficulties using internet both at home and through their mobile phones. These disruptions were allegedly due to technical problems experienced by the regional telecommunications company and outdated communication cables in need of replacement.

As previously, internet access is heavily censored, with many social media networks, messenger apps, news sites and other resources having been arbitrarily blocked in the country. An unprecedented large-scale study, which was carried out by a team of computer scientists from several US-based universities in 2021-2022, confirmed the systematic nature of internet censorship in Turkmenistan: it found that over 122,000 domains were blocked in the country.

Blocked online resources are only accessible with the help of internet circumvention tools, so-called virtual private networks (VPNs), with search statistics showing that Turkmenistan was the country where VPNs were searched for most globally in 2023. At the same time, authorities actively campaign against VPNs, including by blocking access to them and intimidating VPN users, such as by summoning, questioning and pressuring them to pledge to stop using such tools.

When reviewing Turkmenistan’s compliance with the International Covenant on Civil and Political Rights (ICCPR) in March 2023, the UN Human Rights Committee stated that it was “deeply concerned about the absence of uncensored and unhindered access to various sources of information, including disproportionate limitations on online content and social networks” and called on the authorities to comply with its obligations under article 19 of the Covenant in this regard. During the UPR of Turkmenistan in November 2023, Turkmenistan received numerous recommendations on improving access to information, including by ensuring unhindered and uncensored internet access for all.

**Suppression of public expressions of discontent:** Turkmenistani authorities continue to suppress public expressions of criticism by ordinary citizens, particularly regarding the protracted economic crisis and its impact. For example, in January 2024, a man expressing dissatisfaction with living conditions while standing in line outside a pharmacy in Ashgabat was reportedly
arrested and beaten by police officers. Authorities have also repeatedly suppressed spontaneous protests initiated by citizens to express discontent about socio-economic conditions and other issues of concern to them (see more in the section on closed civic space below).

**Recommendations to the EU:**

- Request an update on steps taken by the authorities to improve access to information, in particular through the internet, in accordance with the recommendations received during the Human Rights Committee and UPR reviews.
- Request information on measures taken to improve internet connections, speed and affordability, in particular in rural areas.
- Call for an end to the practices of arbitrarily restricting access to internet sites and intimidation and harassment of those who seek to circumvent internet censorship by using VPNs.
- Insist that the authorities stop suppressing public expressions of discontent, allow public discussion on issues of concern to citizens, and transparently provide information about developments in the country and government actions in response to them.

**Persecution of activists, journalists and bloggers**

The Turkmenistani authorities continue to persecute activists, journalists and bloggers because of their peaceful and legitimate exercise of civic freedoms.

**Politically motivated imprisonment:** The use of politically-motivated imprisonment as a tool of retaliation against activists and journalists remains a key concern. We urge the EU to insist on the release of those who remain behind bars on such charges and to request an update on concrete measures taken to follow-up on recommendations issued by international human rights bodies and pledges made by authorities in this context.

When assessing Turkmenistan's compliance with the ICCPR in March 2023, the Human Rights Committee called for the release of journalist Nurgeldy Khalykov, civil society activist Murat Dushemov and human rights activist Mansur Mingelov (see paragraph 43 of the concluding observations issued by the Committee). During its interactive dialogue with the Committee in Geneva, the Turkmenistani state delegation said it would "consider" the issue of releasing these three individuals. When CERD examined Turkmenistan's compliance with the corresponding convention in August 2023, its experts similarly raised concerns about Mingelov’s case and requested information about measures taken to release him. The Turkmenistani state delegation told the Committee that the authorities were "considering" pardoning him. However, despite these pledges, the authorities did not release the three individuals concerned. Finally, according to information from the Netherlands-based Turkmen News, on 8 June 2024, Nurgeldy Khulakov was released after completing his four-year sentence. This was a relief, although he should never have been imprisoned in the first place. Dushemov and Mingelov remain in prison, along with others convicted on charges considered politically motivated. (For more detailed information
about Khalykov’s, Dushemov’s and Mibeglov’s cases, please refer to our briefing paper for the EU-Turkmenistan Human Rights Dialogue in December 2023).

There are also serious concerns about the safety and well-being of those convicted on politically-motivated charges because of harsh prison conditions and ongoing practices of prolonged incommunicado detention and disappearances (see more in the section on access to justice below). These concerns are illustrated by the case of dissident Gulgeldy Annaniyazov. In April 2024, human rights defenders learned that he had finally been released after 16 years’ imprisonment. Annaniyazov was arrested when returning to Turkmenistan from asylum in Norway in 2008 in the hope of contributing to democratic development in the country and sentenced to 11 years in prison for allegedly crossing the border illegally. He was held incommunicado and denied contact with his family for years. When his sentence was due to expire in 2019, it was prolonged by another five years and, thus, he was not released, although transferred to a settlement where he was allowed limited visits by relatives. There is no doubt that 16 years of imprisonment and gross violations of Annaniyazov’s rights have left a lasting impact on his life. The EU should call on the Turkmenistani authorities to ensure that he is not subjected to any further persecution following his release, allow him to return to Norway if he wishes, and take effective measures to investigate the violations of his rights, hold those responsible to account and grant him remedies.

**Transnational repression:** In an alarming trend, several activists-bloggers have recently been forcibly returned to Turkmenistan from Turkey and Russia, exposing them to a serious risk of torture and politically-motivated imprisonment. For example, according to information obtained by human rights defenders, Farhat Meimankulyiev was handed a lengthy prison sentence following his deportation to Turkmenistan in May 2023, and Rovshen Klychev and Dovran Imamov faced trumped-up charges of fraud after being sent back to Turkmenistan in summer 2023. They were all deported for allegedly violating migration rules in Turkey, but it is clear that the Turkmenistani authorities had a vested interest in their return. In another case, activist-blogger Malikberdi Allamyradov is believed to have been detained and charged on trumped-up charges after reportedly being abducted by Turkmenistani security services in Russia and forcibly returned to Turkmenistan in December 2023. (For more detailed information about their cases, please refer to our briefing paper from December 2023).

**Arbitrary travel bans:** As part of its campaign against government critics, authorities have also arbitrarily prevented activists, journalists and their family members from travelling abroad. There have recently been several new cases, although the Human Rights Committee called for an end to this practice when reviewing Turkmenistan’s compliance with the ICCPR in March 2023.

In late February 2024, Parcha Yazmuhammedova was barred from boarding a flight at Ashgabat airport in apparent retaliation for her son's journalistic work. A migration service official told Yazmuhammedova that her name appeared on a list of people prohibited from leaving the country and that she was not allowed to board the flight, despite her travel documents being in order. This incident occurred as she was on route to visit close relatives in Germany. Her son,
Rovshen Yazmuhammedov has faced persistent intimidation and harassment since he began working as a correspondent for Radio Azatlyk, the Turkmen service of Radio Liberty/Free Europe (RFE/RL), over a decade ago. He has nevertheless continued his journalistic work, but recently stopped working with Radio Azatlyk. (For more information on this case, see IPHR-TIHR statement).

In January 2024, lawyer and former political prisoner Pygambergeldy Allaberdyev was prevented from crossing the border to Iran, which he was planning to visit for personal and medical reasons. Border guards informed him that he had been banned from travelling abroad but did not present any document confirming this ban. In a similar vein, he had previously been unofficially informed of a travel ban without being shown any proof. After being stopped at the border, Allaberdyev was detained, taken back to Ashgabat and intimidated by security service officials. Shortly after this incident, he was subjected to other harassment by reportedly being fined because of critical remarks about prosecutors made in a conversation with co-workers. Allaberdyev was previously pardoned and released in December 2022 after serving two years of a six-year prison sentence, which human rights defenders believe was in retaliation for his contacts with Turkmenistani activists abroad. (For more information about his case, see joint appeal by human rights organisations).

In November 2023, independent journalist Soltan Achilova was prevented from travelling to Geneva to speak about her work, with airport officials deliberately damaging her and her daughter’s passport and subjecting them to humiliating treatment. These actions were condemned by TIHR, IPHR and other human rights organisations. In addition, in February 2024, when CEDAW assessed Turkmenistan’s implementation of the corresponding convention, its experts voiced concerns about this incident. The state delegation claimed that Achilova’s passport was already damaged when she arrived at the airport, but also stated that she “had the right to apply for a new passport and to travel wherever she wished” (see points 53 and 59 of this summary record). (For more detailed information about her case, please refer to our briefing paper for the EU-Turkmenistan Human Rights Dialogue in December 2023).

Obstacles to renewing passports: Turkmenistani authorities have also restricted citizens’ right to freedom of movement in other ways. In the last few years, many citizens have been unable to renew their passports at Turkmenistani consulates abroad, including in Turkey, which hosts a large community of Turkmenistani migrants. Those seeking to renew their expiring or expired documents have instead been encouraged to travel back to Turkmenistan to obtain new passports. During the Human Rights Committee’s review of Turkmenistan’s compliance with the ICCPR in March 2023, the state delegation claimed that there were no obstacles for citizens to travel back to Turkmenistan to renew their passports following the end of the global COVID-19 pandemic. However, aside from being costly and time-consuming, returning to Turkmenistan for this purpose is risky, especially for citizens engaged in civic activities. Due to their engagement and criticism of government policies, they could face politically-motivated arrest and other serious repercussions if they travel back. The restrictions on renewing passports at consulates abroad
have also created difficulties for citizens in obtaining and renewing residence permits and other migration related documents in their country of residence.

**Recommendations to the EU:**

- Request an update on measures taken to comply with the Human Rights Committee’s call for the release of Murat Dushemov and Mansur Mingelov and the pledges made by the authorities to “consider” this issue, and insist on the prompt release of these and others imprisoned on politically motivated grounds.
- Request information on the current whereabouts and situation of activists-bloggers forcibly returned to the country, including Farhat Meimankulyiev, Rovshen Klychev, Dovran Imamov and Malikberdi Allamyradov, stressing that they must not be persecuted in retaliation for their peaceful exercise of the right to freedom of expression and other fundamental rights while living abroad.
- Call on the authorities to put an end to the use of arbitrary travel bans as a tool of pressure against activists and journalists and allow Soltan Achilova, Rovshen Yazmuhammedov, Pygambergeldy Allaberdyev and their family members to travel abroad unhindered.
- Call on the authorities to ensure that citizens can renew their passports at Turkmenistani consulates abroad, including in Turkey, in order to safeguard their enjoyment of freedom of movement and other fundamental rights.

**Closed civic space and lack of access for UN monitors**

**Civic freedoms ratings:** Civic space remains extremely restricted in Turkmenistan. The country’s civic space has persistently been assessed as “closed” on the global CIVICUS Monitor, with a current score of 8 on a scale from 0 (lowest) to 100 (highest). Only Laos, Syria, Saudi Arabia, Eritrea and North Korea have lower scores. In the most recent Freedom in the World survey, published by Freedom House, Turkmenistan is similarly ranked among the worst of the worst, with its civil liberties score being 2 on a scale from 0 (lowest) to 100 (highest).

**Civil society organisations:** According to official information from 2023, only some 130 public associations are registered in Turkmenistan. As previously, no truly independent human rights organisations are able to operate inside the country, and those who are in contact with groups based abroad are at serious risk of persecution (as seen, for example in Nurgeldy Khalykov’s case covered in the previous section). In its concluding observations on Turkmenistan from 2023, the UN Human Rights Committee expressed concerns about the lack of registered civil society organisations (CSOs) working on human rights issues and called on the government to bring its legislation governing CSOs in line with the ICCPR and to ensure that such legislation is not used to control or infringe the operations of CSOs.

**Freedom of assembly:** Local authorities have sought to quickly suppress spontaneous protests initiated by citizens, often women, to voice discontent about socio-economic problems and other issues of concern to them. They have done so by detaining and intimidating participants, on the
one hand, and, on the other, by making limited concessions to their demands to convince them to disperse. While authorities restrict citizen-initiated protests, they continue to mass mobilise public sector employees (a majority of whom are women), students and other residents to participate in various state-organised events under the threat of reprisals, such as dismissal or the loss of benefits. These events and their rehearsals cause public employees and students to lose important working and study time, while also often being exposed to health risks due to the intense nature of the programme and challenging weather conditions.

In a recent example, in April 2024, hundreds of teachers, doctors, and other public sector officials, along with students, were mobilised for Day of the Turkmen Horse celebrations in Mary. During the celebrations, filmed for state TV, participants were required to wear national costumes and to endure hours of standing, clapping and flag-waving under the scorching sun, despite temperatures reaching around 30 degrees Celsius. Reports indicate that participants who complained to their supervisors were warned that they had to endure such events if they wished to retain their employment.

In its 2023 concluding observations on Turkmenistan’s compliance with the ICCPR, the Human Rights Committee reiterated its concern about the practice of mass mobilisation of citizens for state-organised gatherings.

Authorities also regularly mobilise people for so-called subbotniki, or days of compulsory public labour. For example, in March 2024, people were mass mobilised for large-scale tree planting initiatives. In addition, at least some participants were required to make supposedly voluntary contributions to cover the costs related to this campaign.

Visits of UN rapporteurs: International human rights monitors continue to be denied access to Turkmenistan. The government issued a standing invitation to UN special procedures to visit the country in 2018. Several mandate holders have made new requests to visit since then. However, although the government claims to have carefully considered all requests and held discussions with some mandate-holders, it has yet to agree to and facilitate new visits in practice. To date the UN Special Rapporteur on the right to religion or belief is the only special procedure to have visited Turkmenistan, and that was in 2008. During the UPR in November 2023, Turkmenistan received and expressed support for recommendations to facilitate visits of special procedures who have requested to visit the country.

Recommendations to the EU:

- Request an update on the number of new public associations registered since the Human Rights Committee review last year and the steps taken toward bringing national legislation and practice governing public associations into line with international standards, in accordance with the Committee’s recommendations.
- Insist that the authorities allow residents to hold peaceful spontaneous protests without facing repercussions and end the practice of forcible mobilisation for state-organised
mass events, in particular of vulnerable groups of the population (such as children, elderly, and people with medical conditions) and protect the health and well-being of participants in such events.

- Request an update on the steps taken to facilitate visits of UN special procedures who have requested to visit the country, based on the standing invitation previously issued, in accordance with the UPR recommendations received.

**Persistent concerns regarding access to justice, detention conditions and the treatment of detainees**

Severe problems persist regarding access to justice, detention conditions and the treatment of detainees in Turkmenistan.

**UN Human Rights Committee conclusions:** When reviewing Turkmenistan's compliance with the ICCPR in March 2023, the Human Rights Committee raised serious concerns about the lack of independence of the judiciary and the president's powers to appoint all judges; the frequent use of closed trials and the absence of a publicly available database of court decisions; the quality of the services of legal counsels and the shortage of lawyers in the country; the failure to provide fundamental legal safeguards to all those deprived of their liberty, including confidential access to a lawyer and contacts with family members; the lack of effective, independent and impartial oversight and monitoring of places of detention; the lack of effective investigations of cases of torture and ill-treatment and the high level of impunity in such cases; and the ongoing practice of secret detention and enforced disappearances and the failure to investigate such cases. The Committee made important recommendations in these areas. The EU should insist that the government takes effective measures to implement these recommendations, in line with its obligations under the ICCPR.

**Pressure on lawyers:** There are particular concerns about the treatment of those arrested, prosecuted and imprisoned for their legitimate exercise of fundamental freedoms (see more in the section on persecution of activists, journalists and bloggers above). In addition to facing violations of their rights during investigation and trial, they often encounter difficulties in engaging lawyers of their choice due to the politically motivated nature of their cases. At the same, there have been reports of pressure against defence lawyers who dare to speak out about harassment targeting them and their clients. For example, according to TIHR's information, several lawyers in Mary region faced threats of having their legal practice licenses revoked after filing a complaint with the Ministry of Justice concerning actions of law enforcement officials in March 2024. The lawyers reported that law enforcement officials had been listening in to their conversations with clients held in pre-trial detention, in violation of the principle of lawyer-client confidentiality, and pressuring clients to refrain from further services of privately engaged lawyers.

**Monitoring of detention conditions:** Turkmenistan has not ratified the Optional Protocol to the Convention against Torture (OPCAT) or established an independent national preventive mechanism under it, despite numerous recommendations to this end, most recently in
connection with the UPR in November 2023. The International Committee of the Red Cross (ICRC) does not currently have access to monitor the country’s detention facilities. During the Human Rights Committee review in March 2023, the government reported proposing a re-initiation of negotiations with the ICRC on a mutual agreement to provide the basis for such monitoring. However, it is not clear what progress there has been on this issue.

The national bodies currently mandated to monitor detention conditions, including government supervisory commissions and the Ombudsperson’s Office are not independent and, judging from official information, only occasionally carry out visits to detention facilities. In its annual report for 2022 (the newest report that is publicly available), the Ombudsperson’s Office reported conducting two visits to places of detention in 2022. It positively assessed the conditions in these facilities, stating that detainees with whom individual meetings were held expressed remorse and had no complaints. This uncritical assessment contradicts independent reports which indicate that there are serious ongoing problems with detention conditions and that abusive treatment of detainees is widespread. There are particular concerns about the Ovadan Depe facility, believed to accommodate many prisoners convicted on politically motivated grounds, including those who have disappeared within the prison system. Conditions in this secretive facility have been described as terrifying by previous prisoners. During the UN Human Rights Committee review in March 2023, the government confirmed that the Ombudsperson has not carried out any visit to this facility, despite the alarming reports about the conditions there.

Enforced disappearances: As emphasised in a joint NGO appeal from March 2024, the practice of enforced disappearances is an ongoing international crime in Turkmenistan. The Prove They Are Alive NGO campaign has documented dozens of cases of enforced disappearances since the systematic use of this practice began following the alleged assassination attempt on then President Saparmurat Niyazov in November 2022. While some of the victims are known to subsequently have died, been released or granted contacts with their family, other cases of disappearances are ongoing. In more than 30 cases the prison sentences of victims have expired, but their fate and whereabouts remain unknown. The EU should request that the authorities provide transparent and comprehensive information about all cases of enforced disappearances documented by NGOs, ensure access to lawyers and family for those held incommunicado, and release victims of disappearances, in particular those whose sentences have expired.

Recommendations to the EU:

- Call on the authorities to take effective measures to implement the recommendations issued by the Human Rights Committee pertaining to the operation of the justice system, fair trial guarantees and access to justice, detention conditions and accountability for torture, secret detention and enforced disappearances.
- Insist that the authorities safeguard the right of lawyers to carry out their professional functions without interference, including by holding unhindered and confidential conversations with clients. They should also ensure that lawyers do not face sanctions for
actions taken in accordance with their professional duties, standards and ethics, as set out by the UN Basic Principles on the Role of Lawyers.

- Request an update on the issue of OPCAT ratification as well as negotiations with the ICRC on prison monitoring, in accordance with the UPR recommendations received.
- Request an update on conditions in the Ovadan Depe prison, the prisoners held there and steps taken to ensure that their treatment corresponds to international standards, insisting on the importance of granting independent international monitors access to this facility.
- Insist that the authorities provide transparent and comprehensive information about the fate and whereabouts of the victims of enforced disappearances in cases documented by NGOs, ensure access to lawyers and family members for those currently held incommunicado, and release victims of disappearances, in particular those whose sentences have expired.

Gender-based stereotypes, restrictions and violence

Despite their proclaimed commitment to women's rights, authorities in Turkmenistan have not only failed to combat discriminatory gender stereotypes and practices but have also actively reinforced them. After President Serdar Berdymukhamedov assumed office in March 2022, a new campaign was launched to restrict and control women's appearance and behaviour, purportedly in the name of preserving national traditions and values. While the campaign peaked in spring 2022, there have been ongoing reports of restrictive measures implemented for this purpose. Authorities have also arbitrarily restricted women's right to drive and travel by car, preventing especially young women from obtaining and renewing their driver's licenses and by stopping and checking women drivers due to their appearance. For example, in early June 2024, new reports from Mary region indicated that only women over 35-40 who own a car are allowed to obtain or renew their driver's licenses. (For more information on these issues, see TIHR-IPHR submission to the Committee on the Elimination of Discrimination (CEDAW)).

During its review of the situation in Turkmenistan in February 2024, CEDAW expressed serious concerns about reports of pressure faced by women and girls to conform to gender stereotypes relating to dress and appearance. The Committee called for comprehensive measures aimed at eliminating patriarchal attitudes and stereotypes on the roles and responsibilities of women, including through public education and awareness-raising campaigns and the elaboration of a media code of conduct in this area. It also called for repealing restrictions on women's freedom to travel and drive a car. (See paragraphs 25-26 of the Committee's concluding observations).

Another key concern regarding women's rights is the prevalence of gender-based violence. The first-ever national survey on domestic violence against women, which Turkmenistan's government carried out with support of the United Nations Population Fund (UNFPA) in 2020, offered valuable insights into the issue. However, it crucial that the government follows up on the survey by developing and implementing a comprehensive strategy to counter domestic and other forms of gender-based violence. In accordance with the recommendations issued by CEDAW (see paragraph 28 of its recent concluding observations), this strategy should prioritise enacting separate legislation criminalising domestic and other forms of gender-based violence, conducting systematic investigations and
prosecutions of reported cases of violence, and enhancing support services for victims, including through cooperation with public associations providing such services. During the CEDAW review, the government reported adopting a road map for the implementation of recommendations resulting from the UNFPA-supported survey in 2022-2025. However, it remains unclear what action points the road map includes and what progress there has been on its implementation. CEDAW called on the authorities to make this roadmap public.

**Recommendations to the EU:**

- Echo the concerns raised by CEDAW regarding the prevalence of gender stereotypes, gender-based restrictions and gender-based violence, and request information on the planned steps to effectively implement the recommendations issued by CEDAW.
- Insist on women’s right to freedom of movement, including by driving a car without facing arbitrary restrictions.
- Call for the publication of the road map for the implementation of recommendations resulting from the UNFPA-supported survey as well as other government strategies elaborated to address issues of women’s rights.