Turkmen Initiative for Human Rights

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After S. Niyazov’s death and following presidential elections, the now-disbanded People's Council selected six candidates for the February 2007 presidential election. All the candidates were members of the Democratic Party, the country's only political party. Gurbanguly Berdymukhammedov was elected as a new President on February 2007, with a five-year term in office. Until his election as the new Turkmen President, Berdymukhamemedov acted as a vice-prime minister of the Turkmen government and the Head of the Health Care Ministry and Medical Industry.

Due to rich natural gas supply, the current President can afford to stick only to promises about big and systematic democratic changes and instead implement only few improvements. However, these improvements are often contradictory and remain mostly on paper. A strict control over all spheres of society, transformation of the education system into a tool of ideological indoctrination of the youth, countrywide discrimination against national, religious and other minorities are only part of S. Turkmenbashi`s political heritage.

The Committee on the Elimination of Racial Discrimination reviewed the situation in Turkmenistan in 2005. In its concluding observations, the Committee expressed concern about information indicating that a policy of “Turkmenization” according which representatives of national and ethnic minorities are impeded from exercising their right to education, culture and enjoyment. There are no reliable statistics concerning the ethnic composition of the population in Turkmenistan, but some 20% are estimated to be of non-Turkmen ethnicity. Although the policy has been scaled back to some extent under the current President Berdymukhamedov, it still remains an important element of official policies. (Article 2)

Individuals holding dual Turkmen-Russian citizenships have been pressured to give up one of their citizenships, including by being prevented from traveling abroad and by being refused the right to obtain new Turkmen passports. They have also been warned that if they give up their Turkmen citizenship, they will not be allowed to return upon leaving the country. An agreement signed by Turkmenistan and Russia in 1993 allowed citizens of these two countries to obtain dual citizenships. Thousands of Turkmen citizens acquired Russian citizenship under this agreement. However, Turkmenistan unilaterally rescinded the agreement in 2003, and amendments to the Constitution of Turkmenistan adopted in 2008 ban citizens from having dual citizenships. The Russian government has argued that these measures do not have retroactive effect and that Turkmen citizens, who obtained Russian citizenships before 2003, have the right to keep both citizenships. (Article 2)

Practicing an unregistered religion remains illegal, with violators subject to fines. Although article 12 of the new Turkmen Constitution guarantees freedom of religion, only members of the Sunni Islam and Russian Orthodox Church are allowed to practice their religion, while the most independent groups have been facing persecution. (Article 2)

*De iure*, women have equal rights under family law, property law and in the judicial system. However, strong patriarchal attitudes and deeply rooted stereotypes persist in the Turkmen family and society which significantly impede implementation of several conventions ratified by the Turkmen government. These are the root cause for the disadvantaged position of women in a number of areas, including the labour market and political and public life. The awareness raising activities and measures of the government about the meaning and scope of direct and indirect discrimination against women, formal and substantive equality as well as awareness of women’s human rights, have not been sufficiently raised among the general public. (Article 3)

Article 33 of the Turkmen Constitution guarantees the right to work, choice of profession and performance of work in healthy and safe work conditions. According to research data of the Turkmen Initiative for Human Rights (TIHR), unemployment is one of the most acute issues facing present-day Turkmenistan with some 50% population being without a work. However, **the Turkmen government does not recognize wide-scale unemployment and has not published any statistics on the issue. Unemployment benefits are therefore not provided for and no state-run programs are in place designed to address the (un)employment issue.** Due lacking employment-opportunities in the country, a **significant number of citizens go to Turkey, many of them working in the black market.** Representatives of ethnic minorities are often sacked from work, due to their “non-Turkmen” background. (Article 6)

There is a lack of official information about the extent of trafficking of women and men, and measures taken to address the issue. The Turkmen government has neither provided counselling, shelter, legal assistance and rehabilitative services to victims of trafficking, nor has it supplied funding to international organizations or NGOs to provide such services to victims. (Article 10)

Although polygamy is illegal, it is becoming a more and more common practice in Turkmenistan. Article 17 (“*Obstacles for marriage*”) of the “*Marriage and Family Code of Turkmenistan*” states that marriage may not be concluded if another marriage of one of declared spouses already legally exists. The attempts to solve the issue through prescriptive measures have failed, as a growing number of Turkmen citizens take polygamy almost as normal. (Article 10)

The minimum age for employment of children is 16 years. Children between 16 and 18 are not allowed to work more than six hours per day. In rural areas children must often help in agriculture, often without a proper meal and under difficult weather conditions. TIHR reported about cases on children’s involvement in construction works, which is prohibited by the law. According to TIHR’s information, many children have become beggars and their number is on a rise across the entire country. (Article 10)

Housing right is another issue not to be taken for granted in Turkmenistan. Due to booming construction works across the country, demolition of residential property is not reduced to few isolated cases. Many privately owned houses and privatized apartments were demolished and only few owners have received financial compensation or replacement accommodation. Citizens who take part at protest rallies are promptly dispersed by police and special services are instructed to carry out investigations and identify organizers of the rallies. (Article 11)

Allocation of resources for the health care sector is imbalanced, knowledge and number of health care workers continues to decrease, while hospitals lack basic medications and medical supplies. In December 2009, *Médecins Sans Frontières (MSF)* had to close the last of their programs in Turkmenistan, after working in the country for more than ten years. Comparing to other countries the organisation works in, health (care) crisis in Turkmenistan is caused by systematic denial and manipulation of (existing) facts. In April 2010, the Turkmen Ministry of Foreign Affairs refused to publish data from the last MSF report. Diseases like HIV/AIDS, tuberculosis and sexually transmitted infections are more prevalent than reported data. The authorities do not address public health risks effectively and the prevention mechanisms do not exist and are not taken care for. Instead to counter existing problems and prevent diseases to spread further, facts are stubbornly ignored and Turkmen population pays with their health and lives. (Article 12)

The educational system and standards are not in compliance with the international requirements. Since President Berdimuhamedov took office in 2007, a number of steps have been taken to reverse education reforms made under the previous era and to improve the standard of education. The government insists that its education policy meets international standards. Institutions responsible for the implementation of the reform are still lacking a precisely formulated plan, strategic goals and clearly worded objectives to carry out the reform of the educational system. New curricula and textbooks have been developed in a hasty, unsystematic and superficial manner. There has been no major progress with respect to instruction in minority languages. While new Russian language classes have been introduced in some schools at the request of parents, there have reportedly been other cases where local officials have obstructed such a development, including by putting pressure on parents to withdraw applications for Russian-language instruction for their children. Implications of reforms in education on girls and women have not been assessed. The low percentage of women in higher education and the persistent stereotyping have as a result that women pursue careers in areas traditionally seen as suitable to them.

In the context of the recent popular uprisings in the Middle East, which appear to have reinforced the government’s fears that domestic protest movements may arise also in Turkmenistan, representatives of local authorities have been contacting families with children who study or work abroad to inquire about these young people and to request detailed information about where they are and what they do. The authorities have also required detailed information about other family members. (Article 13)