

**Compliance with the International Convention
on the Elimination of All Forms of Racial
Discrimination**

TURKMENISTAN

**Alternative NGO report to the UN Committee on
the Elimination of Racial Discrimination (CERD)**

Prepared by

Turkmen Initiative for Human Rights (TIHR)

*Submitted for the review of Turkmenistan, CERD,
80th Session*

Vienna/Ashgabat, January 2012

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1. EXECUTIVE SUMMARY

This report is an overview of the developments in Turkmenistan since the last session of the United Nations Committee on the Elimination of Racial Discrimination (CERD) in 2005 and a critical review of the recent report submitted by the Government of Turkmenistan to the CERD. Upon a brief description of developments in the country, followed by an overview of ethnic and racial minority groups in Turkmenistan, the report will address a number of articles from the Convention and refer to the Committees concluding comments, the State party's observations from 2008 as well as to the countries newest report submitted to the Committee. The Turkmen Initiative for Human Rights (TIHR) has not reviewed all articles from the Convention, but this should in no way signal that the situation in these areas has improved.

The abysmal human rights situation in Turkmenistan has been addressed for 22 years at many UN sessions. After the death of the late President Niyazov, hopes were nourished that the situation would improve, but to no avail. Niyazov's cult has slightly lost its importance, but it still HAS not been abandoned completely by the Turkmen authorities. The current government even organised a celebration upon the 20th anniversary of his infamous book *Ruhnama* and refurbished two monuments that glorify the book and its author.

Nonetheless, this does not prevent the current President from creating his own cult. Article 52 of Turkmenistan's constitution reads that the President of Turkmenistan is elected for a period of five years and assumes office immediately after taking oath, but it does not mention how many times the person can take up the presidential post. Gurbanguly Berdymuhamedov has already let himself be proclaimed Hero of the Nation and without any term limits he might stay in power for a long number of years. Without the effective separation of power and with the arbitrary appointment of judges by the President, his edicts and decrees are more powerful than any legislation. As he even fears his own ministers Berdymuhamedov continues to extend the "black lists", which by now include 4.5 times more names than during Niyazov's time.

TIHR would like to stress that the Turkmen government's human rights record has not improved since the last review. It has even deteriorated. Although the incumbent President announced, in the frame of the current presidential campaign, that steps will be taken to improve freedom of expression and freedom of association not much points in this direction.

On 13 January 2012 the Turkmen President signed the Law on Political Parties, but it is too early to draw any conclusions. He fires editors, criticizes ministers and deputy ministers, designs new TV stations and has ordered to build the highest TV tower in the world, but this does not guarantee that this all will improve the two freedoms.

In its concluding observations in 2005, the CERD expressed concern about the policy of "Turkmenization" according to which representatives of national and ethnic minorities are impeded from exercising their right to education, culture and work. 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, it still remains an important element of official policies. (ARTICLE 2, ARTICLE 5, ARTICLE 7).

Individuals holding dual Turkmen-Russian citizenships have been pressured to give up one of the citizenships. They are prevented from traveling abroad and are denied the right to obtain new Turkmen passports unless they give up the Russian citizenship. They have even 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 and thousands of Turkmen citizens have acquired the 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 5)

Practicing an unregistered religion remains illegal, with violators subject to fines, unfair trials and imprisonment. Although article 12 of the new Turkmen constitution guarantees freedom of religion, only members of the Sunni Islam and the Russian Orthodox Church are allowed to practice their religion, while the most independent groups have been facing persecution. (ARTICLE 5)

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 the TIHR's research data, unemployment is one of the most acute issues facing present-day Turkmenistan with some 50% of the population (in rural areas even more) being without work. However, the Turkmen government does not recognize the 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 problem. Due to lacking employment opportunities within Turkmenistan, a significant number of citizens travel to Turkey and the Russian Federation and many of them work in the black market. Representatives of ethnic minorities are often sacked from work, due to their "non-Turkmen" background (ARTICLE 5).

The educational system does not comply with the international standards. Since President Berdymuhamedov took office in 2007, a number of steps have been taken to reverse education reforms made under the late Niyazov and to improve the standard of education. Institutions responsible for the implementation of the reforms 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, cases were also reported where local officials obstructed such a development and put pressure on parents to withdraw applications for Russian-language instruction for their children. The low percentage of women in higher education and the persistent stereotyping puts pressure on women to pursue careers in areas that are traditionally seen as suitable for them. Students, who wish to study abroad, are systematically prevented from applying for scholarships in foreign countries and from leaving Turkmenistan. (ARTICLE 5)

Representatives of local authorities have been contacting families of children who study or work abroad and have asked for detailed information about their whereabouts as well as what they do. The local authorities also requested detailed information about other family members of these students. Despite of all, the Turkmen government insists that its education policy meets international standards. (ARTICLE 7)

It can be summed up that Turkmenistan's citizens in general and ethnic and racial minorities in particular are deprived of many human rights and that the overall situation has not improved since the last State party's report.

Many laws listed in the State party's recent report, the amended constitution and international treaty bodies, which Turkmenistan signed, for the current authorities they seem to be not worth more than a "scrap of paper". Such a definition of the Turkmen constitution was made by two policemen after they raided a summer camp of the Pentecostal Church in 2010 and the organisers of the camp pointed to the right of freedom of assembly, which is guaranteed by Turkmenistan's constitution.

2. INTRODUCTION

Turkmenistan has ratified and enforced a number of international treaties. Below is an overview of some ratifications made by Turkmenistan:

Treaty	Ratification
Convention on the Rights of the Child (CRC)	20 September 1993
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	29 September 1994
International Covenant on Civil and Political Rights (ICCPR)	1 May 1997
International Covenant on Economic, Social and Cultural Rights (CESCR)	1 May 1997
Convention on the Elimination of Discrimination against Women (CEDAW)	1 May 1997
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)	18 April 2009
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	25 June 1999
Convention on the Rights of Persons with Disabilities (CRPD)	4 September 2008
Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD)	25 September 2010
International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	25 September 2010

Although with delay, the Turkmen authorities have submitted a number of reports to the Committee on the Elimination of Racial Discrimination (CERD), whereas to several other UN committees, as it is the case with the Committee against Torture (CAT), the Turkmen authorities submitted the initial report only in 2011. But all of the reports have one in common: all of them contain a long list of different legislations that have been approved by the President; most of them lack data and figures; and they abound with statements that the State party is dedicated to foster human rights and democratisation in the country. Their comments to the concluding observations of different UN committees are usually reformulated statements from the submitted reports and do not contain anything substantial.

In 2004 the government of Turkmenistan submitted the country's initial, second, third, fourth and fifth periodic reports to the United Nations Committee on the Elimination of Racial Discrimination (CERD/C/441/Add.1). The Committee's Concluding Observations¹ state that *"the Committee regrets that the report lacks detailed information on the practical implementation of the Convention and does not fully comply with the reporting guidelines. The Committee notes with deep concern the major contradictions between, on the one hand, consistent information from both intergovernmental and non-governmental² sources relating to the existence of grave violations of the Convention in Turkmenistan, and, on the other hand, the sometimes categorical denials by the State party (...) but is concerned that the status of the Convention in domestic law remains unclear. It is further concerned about the existing gap between law and practice in Turkmenistan"*. Report of the UN Secretary-General Kofi Anan, presented a month later says: *"Reported information about continued serious human rights violations in Turkmenistan indicates a lack of overall improvement that is required in this area in the country"*.³

The monitoring, conducted by the Turkmen Initiative for Human Rights (TIHR), shows that Turkmenistan has not seen major improvements in the treatment of national and ethnic minority groups since the last report. All rights and freedoms of the country's residents continue to be violated. Discrimination against national, religious and other minorities is more rule than an exception; education system has been converted into a tool of ideological indoctrination of youth; opposition parties, independent movements and independent mass media continue to be inexistent. This all shows that neither recommendations from the Committee nor recommendations from TIHR and International League for Human Rights 2005 shadow report have been taken into account by the State party. It could be stated that the discriminatory policies from the late President Niyazov have continued.

Fact that TIHR has not addressed all articles in its report does not mean that the State party made improvements in these areas. The already long report would have been even longer had the organisation decided to address all the articles from the Convention. Many of these issues have been covered in the TIHR's previous reports, such as:

- Alternative NGO report to the UN Committee against Torture (CAT) from 2011⁴;
- Shadow Report on the Implementation of the UN Convention on the International Covenant on Economic, Social and Cultural Rights from 2011⁵

3. GENERAL INFORMATION

According to the 2011 Freedom House report "Freedom in the World 2011", Turkmenistan continues to be described as a not free country, with political and civil rights been scored with 7. It remains therefore in the same group of countries as last year: Burma, Equatorial Guinea, Eritrea, Libya, North Korea, Somalia, Sudan and Uzbekistan.

¹ The UN Committee on the Elimination of Racial Discrimination, Concluding Observations, Turkmenistan, 2005, <http://tb.ohchr.org/default.aspx?Symbol=CERD/C/TKM/CO/5>

² Jointly with the International League for Human Rights (ILHR), TIHR prepared "ALTERNATIVE REPORT ON THE COMPLIANCE OF THE REPUBLIC OF TURKMENISTAN WITH THE UNITED NATIONS CONVENT", 22 August 2006, <http://archive.chrono-tm.org/uploaded/1725658443901513.pdf>

³ The report by the UN Secretary-General Kofi Annan, the 60th Session of the UN General Assembly, 20 September 2005.

⁴ TIHR/ILA/FIDH Report to the UN Committee against Torture (CAT), April 2011, http://www2.ohchr.org/english/bodies/cat/docs/ngos/TIHR_ILA_FIDH_Turkmenistan_CAT46.pdf

⁵ TIHR Shadow Report on the Implementation of the UN Convention on the International Covenant on Economic, Social and Cultural Rights, October 2011, http://www2.ohchr.org/english/bodies/cescr/docs/ngos/TIHR_Turkmenistan_CESCR47.pdf

Turkmenistan and Uzbekistan are described as “*Central Asian countries ruled by dictators with roots in the Soviet period*” and all rights and freedoms of the countries’ residents are usurped. To name only few:

- citizens' inability to change their government;
- reports of torture and mistreatment of detainees; incommunicado and prolonged detention;
- arbitrary arrests;
- denial of due process and fair trial;
- arbitrary interference with privacy;
- restrictions on freedom of speech, press, assembly, and association;
- restrictions on religious freedom, including continued harassment of religious minority group members;
- restriction on freedom of movement, including increased restrictions to travel abroad or study there.⁶

“Democracy Index 2011” study, published by the Economist Intelligence Unit, has ranked Turkmenistan at 165th place just above Chad and the North Korea. Together with Uzbekistan, (ranked at 164th place), the two Central Asian states fall again among “worse of the worst”.⁷⁸

Turkmenistan is a state in Central Asia and a former republic of the Soviet Union that proclaimed its independence on 27 October 1991. Late President Saparmurat Niyazov (Turkmenbashi) has ruled unchallenged since 1985, first within the Turkmen Soviet Socialist Republic and afterwards within the independent Turkmenistan. He died on 21 December 2006 and the former Minister of Healthcare and Medical Industry and Deputy Prime Minister Gurbanguly Berdymuhamedov was elected as the new Turkmenistan’s President on 1 February 2007⁹. Pursuant to the previous constitution, the legislative, executive and judicial branches of power were (pro forma) subordinated to Khalk Maslakhaty (People’ Council)¹⁰. All of them were chaired by G. Berdymuhamedov, who was elected to the post on 30 March 2007¹¹. After enforcement of the amended constitution in 2008, People’s Councils were closed down following a decision of the President Berdymuhamedov. With currently inexistent political opposition, independent mass media, non-governmental organisations or any control mechanism, a person holding presidential position has an open door to become a dictator and a full-fledged owner of a state.¹²

Due to rich natural gas supply, the current President can afford to stick only to promises about big and systematic democratic changes and implement instead only few of them. These can be later interpreted as improvements, but they are often contradictory and remain mainly on paper.

⁶ Freedom House report “*Freedom in the World 2011 - The Authoritarian Challenge to Democracy*”, <http://freedomhouse.org/template.cfm?page=594>

⁷ TIHR, “*Chronicles of Turkmenistan*”: “*Узбекистан и Туркменистан вошли в пятерку самых авторитарных государств мира*”, 22 December 2011, <http://www.chrono-tm.org/2011/12/uzbekistan-i-turkmenistan-voshli-v-pyaterku-samyih-avtoritarnyih-gosudarstv-mira/>

⁸ Eurasianet/“Sifting the Karakum”: “*Turkmenistan at Bottom of Democracy Index*”, 23 December 2011, <http://www.eurasianet.org/node/64758>

⁹ Resolution by Khalk Maslakhaty of Turkmenistan “On acknowledging the powers of the elected President Gurbanguly M. BERDYMUHAMEDOV. From the newspaper Neitralnii Turkmenistan, No.40, 15 February 2007.

¹⁰ Constitution of Turkmenistan. Article 45. Khalk Maslakhaty of Turkmenistan is a permanently functioning supreme representative body of popular government which has the powers of the supreme state authority and government.

¹¹ Resolution by Khalk Maslakhaty of Turkmenistan “On election of Turkmenistan President Gurbanguly M. Berdymuhamedov as Chairman of Khalk Maslakhaty of Turkmenistan”. From the newspaper Neitralnii Turkmenistan, No.80-81 of 31 March 2007.

¹² TIHR Report: “*National minorities in Turkmenistan: education, culture and social sphere*”, 3 March 2008, <http://archive.chrono-tm.org/en/?id=1244>

The NEW CONSTITUTION was approved in August 2008 by the National Assembly. According to article 52, a President of Turkmenistan is elected for a period of five years and assumes office immediately after taking oath. However, the constitution does not mention how many times a person can take up the presidential post, i.e. de facto the path to unlawful seizure of power is fully open.

The same constitution gives citizens the right to form POLITICAL PARTIES, although only the Democratic Party of Turkmenistan is officially registered so far and is chaired by the current President. After many announcements¹³, on 13 January 2012, a Law on Political Parties was finally passed, but it remains to be seen whether it will cause any palpable changes.

Last parliamentary ELECTIONS, which took place in December 2008, fell short of international standards. Local council elections, held in 2009, had a low turnout and continue with the old scheme. The CIS monitors of the elections to the regional, district and city bodies of self-government, which had taken place on 7 December 2010, claimed that the elections proved transparent, free, fair and democratic.¹⁴ TIHR draw attention that the elections had a very low turnout, voters were not requested to show their IDs and proxy voting was more a rule than an exception: voters were not only voting for a whole family, but also for their neighbours.¹⁵ Despite of some announcements that the coming presidential elections will be monitored by international monitors, including the United Nations (UN) and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the ODIHR announced on 3 January 2012 that it would not monitor the elections. Report of their Needs Assessment Mission (NAM), which took place from 7-9 December 2011, was quite critical about the election situation in the country.¹⁶

CORRUPTION is omnipresent and can be found at all society levels: with requested amount of money one can buy sympathy of a primary school teacher or find and keep a job.

Despite of 23 newspapers, 15 magazines, seven television channels, four radio stations and one news agency, FREEDOM OF SPEECH AND FREEDOM OF MEDIA is severely restricted, as the government controls all broadcast and print media. The first private newspaper "Rysgal" (Welfare), which primarily addresses business related issues, was launched by the Union of Industrialists and Entrepreneurs on 20 September 2010. The newspaper has received full support of the Turkmen president¹⁷. ACCESS TO INTERNET undergoes a strict State control. All websites that criticize government are regularly blocked and individuals who visit them are closely monitored.

FREEDOM OF RELIGION is severely restricted, and except the Suni Islam and the Russian Orthodox Church, most independent groups have been facing persecution. Practicing an unregistered religion remains illegal, with violators subject to fines. The United Nations Special Rapporteur on Freedom of Religion or Belief Asma Jahangir became the first UN special mandate holder to gain access to the country. She visited the country in September 2008, upon the invitation of the Turkmen government.¹⁸ A year later a representative of the

¹³ Turkmenistan - The Golden Age: "Law of Turkmenistan on Political Parties adopted in Turkmenistan", 13 January 2012, <http://turkmenistan.gov.tm/eng/?id=365>

¹⁴ The Voice of Russia: "Turkmen elections free and fair – CIS monitors", 7 December 2010, at <http://english.ruvr.ru/2010/12/07/36336752.html>

¹⁵ TIHR, "Chronicles of Turkmenistan": "One-party election", at 7 December 2010, at <http://archive.chrono-tm.org/en/?id=1543>

¹⁶ Office for Democratic Institutions and Human Rights: Turkmenistan, Presidential Election, 12 February 2012: Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/86861>

¹⁷ Hürriyet: „Turkmenistan publishes first private newspaper“, 21 September 2010, at <http://www.hurriyetdailynews.com/n.php?n=first-private-newspaper-published-in-turkmenistan-2010-09-21>

¹⁸ The United Nations Office at Geneva: "UN Special Rapporteur on freedom of religion or belief to visit Turkmenistan", at [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/7D158A05F616155EC12574B8004C60EB?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/7D158A05F616155EC12574B8004C60EB?OpenDocument)

Seventh Day Adventist Church was also allowed into the country and a Church spokesperson pointed to limited improvements in religious freedom.

FREEDOM OF ASSEMBLY and FREEDOM ASSOCIATION are guaranteed by the constitution, but both rights are extremely restricted in practice. Nongovernmental organizations (NGOs) are closely monitored and the country has no civil society sector to speak of. Most of the international NGOs are not allowed to visit the country and cooperate with local NGOs. *Doctors without Borders*, one of a few international humanitarian NGOs that was allowed to work in the country, left Turkmenistan in December 2009.

The JUDICIAL SYSTEM is dysfunctional, with judges being appointed and removed by the president, without any legislative review. The authorities frequently deny rights of due process, including public trials and access to defence attorneys.

Hundreds of people, perhaps more, languish in Turkmen PRISONS that are overcrowded, have poor nutrition and have almost no medical care. A first ever report on the prison conditions in Turkmenistan's penitentiary system, prepared by TIHR and Turkmenistan's Independent Lawyers Association (ILA), sheds light into (one of) the Turkmen no-go-areas¹⁹. The two organisations also prepared an alternative report for the 46th Session of the UN Committee against Torture in May 2011.²⁰

FREEDOM OF MOVEMENT is restricted, with constantly updated blacklists that impede many to leave the country. In order to prevent Turkmen citizens from retaining Russian citizenship²¹ the Turkmen authorities do not even hesitate to take on Russia and risk a conflict with the Russian authorities.

WOMEN'S RIGHTS²² continue to be restricted, due social and religious norms. Their professional opportunities are more than limited. Domestic violence seems to be common, though many women do not dare to report it. Due to cultural attitudes, almost one-third of married women oppose the use family-planning methods. According to a 2006 UNICEF report, 9% of marriages involved minors.²³

The government continues to place significant restrictions on academic freedom, while *Rukhnama* continues to be used in EDUCATION. In 2007, the government initiated reforms in the higher education system: the university education was extended to five years and removed the requirement that university students must work for two years before starting to study. Some of the students, who wanted to study abroad, were even allowed to study in Kazakhstan, Kyrgyzstan and Bulgaria. However, since autumn 2009, the government restarted restrictions and used all possible means to prevent students from leaving the country.

In its 2005 Concluding Comments, the CERD expressed its concern over lack of consistent data on the ethnic composition of the Turkmen population. More recent statistical data on the composition of ethnic minorities is isolated and frequently contradictory. Turkmenistan's Census Coordination Committee, State Statistics Committee, several ministries and different United Nation agencies are preparing the national census, which will take place in December 2012. This is the largest population and household census in Turkmenistan for the last fifteen

¹⁹ TIHR Report: „*Turkmenistan's Penitentiary System*“, February 2010, at <http://archive.chrono-tm.org/uploaded/1266867677.pdf>

²⁰ TIHR/ILA Report: "Alternative NGO report to the UN Committee against Torture (CAT)", 19 May 2011, <http://archive.chrono-tm.org/uploaded/1305819491.pdf>

²¹ Eurasianet/"Stifing the Karakum": "Turkmenistan: Russian Passport Holders Pressured to Drop Citizenship", 6 December 2011, <http://www.eurasianet.org/node/64667>

²² TIHR Report: "Shadow Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)", May 2010, at <http://archive.chrono-tm.org/uploaded/1273247212.pdf>

²³ Bureau of Democracy, Human Rights and Labour: "2009 Human Rights Report: Turkmenistan", 12 March 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136095.htm>

years. The UN agencies briefed authorities on census preparation work and procedures, roles of respected agencies as well as questionnaires for the census that should contribute to conduct the census respecting international standards.²⁴ The pilot population census was held in all regions from 15-26 December 2011. In total 42 counting, six instructor stations and six census divisions were created for pilot population census.²⁵

4. TURKMENISTAN'S ETHNIC MINORITIES

Turkmenistan has 4.437.570 inhabitants. ETHNIC MINORITIES continue facing discrimination and restrictions in employment, education and religious freedom, due the government's promotion of Turkmen national identity. The TIHR's report on Turkmen national minorities (2008)²⁶ uses data from various sources subsequently presented below.

Ethnicity	Number of people	% from the total population ²⁷
Turkmen	3.401.936	76,66%
Uzbeks	407.109	9,17%
Russians	298.751	6,73%
Kazakhs	86.987	1,96%
Azeris	36.586	0,82%
Beluchis	36.428	0,82%
Tatars	36.355	0,82%
Armenians	33.638	0,76%
Ukrainians	23.064	0,52%
Lezgins	9.553	0,21%
Persians	8.600	0,19%
Kurds	6.067	0,14%
Bashkirs	3.820	0,09%
Belorussians	3.640	0,08%
Karakalpaks	3.531	0,08%
Germans	3.463	0,08%
Koreans	3.159	0,07%
Tadjiks	3.103	0,07%
Others	3.1780	0,72%

The national minorities can be divided in two groups: DIASPORAS (Russians, Ukrainians, Tatars, Germans, Koreans, Belarusians, Bashkirs) and ETHNIC MINORITIES (Uzbeks, Kazakhs, Beluchis, Persians, Kurds, Azeris, Karakalpaks, etc.) The latter, as a rule, reside in compact settlements.

The national policy, pursued by the Turkmen authorities in the post-Soviet period, resulted in the exodus of many representatives of ethnic minorities and several minority groups have experienced a decline in number of their representatives. According to various sources, the number of ethnic RUSSIANS has declined 2-3 times. The unofficial sources claim that as of May 2007, some 165.000 ethnic Russians reside in Turkmenistan²⁸. Some 90.000-100.000

²⁴ UNICEF Turkmenistan: "UN supports the largest population and household census in Turkmenistan", 29 June 2010, at http://www.unicef.org/turkmenistan/media_14780.html

²⁵ Trend News Agency: "Turkmenistan begins pilot population census", 9 December 2011, <http://en.trend.az/regions/casia/turkmenistan/1967064.html>

²⁶ TIHR Report: "National minorities in Turkmenistan: education, culture and social sphere", 3 March 2008, <http://archive.chrono-tm.org/en/?id=1244>

²⁷ The percentages have been calculated by TIHR

²⁸ Trud.ru, No. 583, 18 May 2007, <http://www.trud.ru/trud.php?id=200705175830401>

Russians are also holders of Russian citizenship²⁹ (See under Article V, Section (d) (i-iii): *Freedom of Movement and the Right to Nationality*). After the Uzbeks, the Russians remain the second largest ethnic minority group in Turkmenistan.

Many representatives of ethnic minorities left the country, with KAZAKS being the most numerous. In twenty years 70-80% of the Kazakh population abandoned Turkmenistan and their outflow continues³⁰. Some 90.000 Kazakhs used to live in Turkmenistan in 1991, with 22.100 returning to Kazakhstan as of 1 January 2001³¹. Until 2007, 38.000-40.000 Kazakhs emigrated³² and instead of compact settlements, only single families remained across Turkmenistan.

Some groups virtually lost their status as national minorities, because only few or no representatives remained in the country. According to Joseph Zisels, Chairman of the General Council of the Euro-Asian Jewish Congress, the JEWISH POPULATION in Turkmenistan amounted to 1.500 in 1989. In 2004 only hundred people lived in the country³³.

Ethnic minority groups, which were not affected by the resettlement process, have increased in size as a consequence of natural growth. These are predominantly UZBEKS, KARAKALPAKS, BELUCHIS and KURDS, but the natural growth is not a result of better living conditions. Unlike the Kazakhs, the Uzbek authorities rarely admit their compatriots back to Uzbekistan, while Beluchis and Kurds have no place to go to.

The discriminatory treatment of ethnic minority groups by the Turkmen government in educational, cultural and social fields is among the underlying reasons urging them to flee Turkmenistan.

5. PRESENTATION OF THE SUBMITTING NGO

TURKMEN INITIATIVE FOR HUMAN RIGHTS (TIHR)

The Helsinki Group of Turkmenistan was founded in July 2002 in Ashgabat (Turkmenistan). The group was forced to operate underground but nevertheless its members were systematically persecuted and repressed by the Turkmen authorities. Finally, they were forced to go into exile. The Turkmen Initiative for Human Rights (TIHR), its successor organization, was founded as an independent public organization and registered in November 2004 in Vienna, Austria.

In addition to human rights monitoring, TIHR also disseminates alternative information from Turkmenistan-based sources and virtually acts as an independent nongovernmental information agency.

Since 2004, the monitoring activities have been conducted with the support of the Open Society Institute. TIHR also enjoys the support of the National Endowment for Democracy and the Norwegian Helsinki Committee. Obtained information are disseminated to various departments of the United Nations, the European Union, the Organization for Security and Cooperation in Europe, many international human rights organizations and mass media. All materials are available on the website "Chronicles of Turkmenistan" (<http://www.chrono-tm.org>).

²⁹ Aleksandr Shustov: "Strategic Culture Foundation" <http://www.rusk.ru/st.php?idar=24550>

³⁰ TIHR, "Chronicles of Turkmenistan": "Last Kazakh families leave Turkmenistan", <http://archive.chrono-tm.org/en/?id=732>

³¹ E.Y. Sadovskaya: "Migration in Kazakhstan at the turn of the XXI century: major trends and prospects", Alma-Ata, 2001, p.p. 108-124.

³² R. Nazarov: "National diasporas in Turkmenistan. Kazakhs", <http://www.ia-centr.ru/expert/295/>

³³ Radio Free Europe/Radio Liberty (RFE/RL): "Ереуе ЧИГ", 29 April 2004, <http://www.svobodanews.ru/content/transcript/24201649.html>

6. Compliance with the Convention on the Elimination of All Forms of Racial Discrimination

Turkmenistan

This report assesses article by article the compliance of Turkmenistan with the Convention on the Elimination of All Forms of Racial Discrimination (CERD). The report is based on reliable sources from civil society, independent media, and different reports of international agencies and organizations.

6.1. Article II

Although the CERD Committee expressed its deep concern over the State party's policy of "TURKMENIZATION" and urged the Turkmen authorities to "*to respect and protect the existence and cultural identity of all national and ethnic minorities within its territory*", nothing has changed since the 2005 report.³⁴

In its comments to the Committee's Concluding observations, the Turkmen authorities claim that the "third generation tests" are not performed any more for recruitment policies (point 20) and that there are no restrictions on the basis of ethnic origin on employment and access to higher education (point 21).³⁵ The "Turkmenization" and discriminatory practices have not been addressed in the State party's newest report, although they have continued. Countries' national and ethnic minorities have continued to be denied a number of fundamental socio-economic rights and are eyed suspiciously. (*Examples are listed under Article V, Section (e) (i): The Right to Work; Article V, Section (e) (v): The Right to Education and Training*)

The Committee expressed concern about "*restrictions on freedom of movement (...), which have a particular impact on persons belonging to national and ethnic minorities*". The Turkmen authorities stated that the restriction on freedom of movement and the internal visa regime have been abolished (point 25). Their claim is correct only to some extent. Internal visa regime has indeed been abolished, but many Turkmen citizens are facing huge problems to obtain a passport that would enable them to travel abroad. The holders of the dual Russian-Turkmen citizenship have been a particular target for the Turkmen authorities. The issue of dual citizenship remains a concern six years after the last session of the Committee. The State party did not even bother to address this concern in its observations and bypassed it by addressing issue of refugees and internally displaced persons, who were granted the Turkmen citizenship (point 23 and 24). TIHR examples will show that the dual citizenship remains a serious problem in Turkmenistan. (*Examples are listed under Article V, Section (d) (i-iii): Freedom of Movement and the Right to Nationality.*)

The Committee recommended the State party to "*fully respect the cultural rights of persons belonging to national and ethnic minorities*" and to reconsider the issue of Turkmen national dresses. All pupils continue to be required to wear the dresses regardless of their nationality. The State party reaffirmed that there is no compulsion on national dresses in the schools and that bilateral agreements have been made on opening of schools for minorities. According to the TIHR information quite contrary is the case. (*Examples are listed under Article V, Section (e) (v): The Right to Education and Training*).

³⁴ The UN Committee on the Elimination of Racial Discrimination, Concluding Observations, Turkmenistan, 2005, <http://tb.ohchr.org/default.aspx?Symbol=CERD/C/TKM/CO/5>

³⁵ Comments by the Government of Turkmenistan to the Concluding observations of the Committee on the Elimination of Racial Discrimination, 23 January 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/427/69/PDF/G0842769.pdf?OpenElement>

6.2. Article V, Section (c):

Political Rights

The Democratic Party of Turkmenistan (DPT), a successor of the former communist party, has been the only political party in the country so far. President Gurbanguly Berdymuhamadov has been announcing since May 2010 that the country will have a multiparty system and he stressed it again during the TV broadcast on 9 January 2012.³⁶ He has never elaborated any details, except that "it will be sufficient to have two parties that are supported by citizens." Two days after his nationwide speech, Mejlis was considering a law that would give legal basis for creation of new political parties in the country and would also regulate the relation between parties, state bodies and other organizations.³⁷ On 13 January 2012, a Law on Political Parties was passed, but it remains to be seen whether it will result in any palpable changes.³⁸

Before the law was passed, the Turkmen constitution was the only legal source addressing creation of political parties. According to the constitution, political parties and other civic associations are obliged to "conduct their activity under the law". The law on civic associations permits citizens to "create associations on the basis of common interests to achieve common goals." But they must register at the Ministry of Justice and officials will only legalize organizations that are loyal to the government. The law theoretically allows political parties and civic associations to conduct campaigns and "freely and comprehensively discuss the electoral programs of candidates, their political, business and personal qualities."³⁹

A schoolteacher from Ashgabat has been denied application to become a candidate in the forthcoming presidential election. Ms. Ayna Abayeva, who has been supported by the unregistered nongovernmental organization Civil Society Movement, wanted to submit her application documents in December 2011 in Ashgabat, but was denied to do so. She was told that the Civil Society Movement must register at the Ministry of Justice in order to nominate a candidate for public office. Ms. Abayeva had sent a letter to the Turkmen Prosecutor-General's Office and the Supreme Court, but did not receive a reply so far. She said that she would appeal to international organizations to help her to register as a candidate for the 12 February presidential election. Together with members of the Civil Society Movement, she tried to go to the Organization for Security and Cooperation in Europe (OSCE) office in Ashgabat, but was denied access to the building by guards, who claimed that the office was closed. The head of the Civic Society Movement Annaly Nepesov informed Radio Free Europe/Radio Liberty (RFE/RL) that Abayeva, who is an English teacher at a high-school in Ashgabat, had come up with several ideas how to improve Turkmenistan's education system and bring it closer to international standards. According to Nepesov, her proposals caused the problems with Education Ministry authorities. Nepesov said that his NGO had helped Abayeva to keep her job during these "problems." He did not elaborate what kind of problems Abayeva was facing and how his NGO was helping her to keep her job.⁴⁰

³⁶ Radio Free Europe/Radio Liberty (RFE/RL): "President Vows To Make Turkmenistan 'Industrial Power'", 10 January 2012, http://www.rferl.org/content/turkmen_president_vows_industrial_power/24447095.html

³⁷ Radio Free Europe/Radio Liberty (RFE/RL): "Turkmen Parliament Passes Law On Political Parties", 11 January 2012, http://www.rferl.org/content/turkmen_parliament_passes_law_on_political_parties/24448302.html

³⁸ Turkmenistan - The Golden Age: "Law of Turkmenistan on Political Parties adopted in Turkmenistan", 13 January 2012, http://turkmenistan.gov.tm/_eng/?id=365

³⁹ Eurasianet/"Sifting the Karakum": "Turkmenistan: Theoretically, Free Nominations and Glasnost in Elections", 2 December 2011, <http://www.eurasianet.org/node/64664>

⁴⁰ Radio Free Europe/Radio Liberty (RFE/RL): "Turkmen Schoolteacher Says Presidential Candidacy Rejected", 10 January 2012, http://www.rferl.org/content/turkmenistan_teacher_candidacy_presidential_bid_rejected/24447751.html

According to the constitution from 2008, the president is elected for a term of five years, but there is no limitation in the number of terms he can serve. In order to be elected, a candidate needs to win at least half of all votes cast. If no candidate succeeds, a second round takes place within two weeks. The Law on the Election of the President of Turkmenistan was adopted in May 2011 and it contains quite a number of issues within the election process, which have not been regulated. Among them are also severe restrictions to become a presidential candidate. According to the law, a candidate must be a citizen of Turkmenistan born in the country, at least 40 years of age and not older than 70, and speak Turkmen. Furthermore, a candidate must gather at least 10,000 signatures in 30% of cities and districts in order to be registered within 15 days as a presidential nominee⁴¹; a candidate should not be sentenced *in absentia* (as it is the case with all current opposition representatives living abroad); a candidate must have continuously lived in Turkmenistan for at least 15 years serving in state bodies, public associations, enterprise, institutions, organizations.

According to State party's newest report, the last PRESIDENTIAL ELECTIONS, which took place in February 2007, were celebrated by the Turkmen authorities as "multi-candidate presidential elections". The incumbent President Gurbanguly Berdymuhamedov was elected with 89% of the vote, while the other six candidates did not score more than 3% of vote each. Six candidates ran for the presidential office and they were permitted to address only approved topics, such as agriculture and education. The Turkmen mass media portrayed these candidates as the most promising. TIHR recently reported that during the 2007 presidential campaign Turkmen mass media portrayed Berdymuhamedov's counterparts as the most promising politicians, but soon after the election their political and professional career quickly collapsed.

Ishanguly Nuryev was a Deputy Minister of Oil and Gas Industry and Mineral Resources and collected 2,38% of the vote. A month after the elections he was arrested and sentenced to a lengthy imprisonment term. His dismissal from the post was not published in the Turkmen media;

Ashirniyaz Pomanov, who collected 1,31% of the vote, was dismissed from the post of khyakim of the city of Turkmenbashi in April 2009 for "shortcomings in his work" and was accused of unauthorized use of funds allocated for the construction of the recreation zone "Avaza";

Orazmurad Garadjaev, who collected 1,55% of the vote, held position at the khyakim of Abadan and was dismissed soon after the elections. No further information about him are available;

Mukhammetnazar Gurbanov, who gained 2,37% of the vote, had a post at the khyakim of the Karabekaul etrap in the Lebap velayat. He was dismissed as Garadjaev;

Amanyaz Atajikov, who gained 3,23% of the vote, was appointed to the position of khyakim of the Gerogly etrap in the Dashoguz after the elections, but was later urged to retire.⁴²

In a government meeting on 9 July 2011, which was aired across the country and was held two days after the explosions in Abadan ammunition armoury, President Berdymuhamedov stated that he would "not hesitate to hold dialogue with groups who call themselves *opposition*". He even vowed to ensure these groups equal conditions with other Turkmen who want to take part in the coming presidential election that are to take place on 12

⁴¹ Turkmenistan.ru: "Eight candidates nominated for presidential election in Turkmenistan", 20 December 2011, <http://www.turkmenistan.ru/en/articles/15723.html>

⁴² TIHR, "Chronicles of Turkmenistan": "Former Turkmen Presidential candidate in prison", 19 December 2011, <http://www.chrono-tm.org/en/archives/250>

February 2012. He was however against "the unjustified reproduction of numerous parties" as it will be sufficient to have two parties that are "supported by citizens."⁴³ Independent sources believe that Berdymuhamedov chose to speak about opposition in order to divert citizen's attention from the Abadan events. (See more under: Article V, Section (d) (viii): *The Right to Freedom of Opinion and Expression*). Turkmen exiled opposition leaders replied that they plan to accept President's invitation and participate in the elections. The Vienna-based chairman of the *Republican Party of Turkmenistan* Nurmuhammed Hanamov called the Turkmen Embassy in Vienna and spoke with Turkmenistan's *charge d'affaires ad interim* Yazgeldy Mamedov (the Ambassador of Turkmenistan to Austria was not appointed in July 2011). Although Mamedov promised to contact the Minister of Foreign Affairs, Mr. Hanamov did not receive any response from the Embassy so far.⁴⁴

On 3 November 2011, OSCE Secretary General Lamberto Zaner had a meeting with President Gurbanguly Berdymuhamedov and praised the President's decision to invite the Turkmen opposition to the elections. The Secretary General recommended at that occasion to undertake practical steps in order to ensure opposition's involvement in the elections. Turkmen President restrained from any comments. Soon after, the Ambassador of Turkmenistan S. Nurberdyev in Austria stated that the Turkmen opposition should be denied entry to the OSCE conferences. He also stated that the Turkmen Foreign Ministry will continue to protest against participation of Turkmen opposition members, human rights defenders and dissidents at the annual ODIHR Human Dimension Implementations Meetings.⁴⁵

In an interview for Radio Free Europe/Radio Liberty (RFE/RL), prior to the announcement of presidential candidates, former Culture and Tourism Minister Geldimurat Nurmuhammedov, who was also a parliament deputy, stated that Turkmen people are not enthusiastic about the coming presidential election, because President Berdymuhamedov's Democratic Party of Turkmenistan is the country's only legal party. Nurmuhammedov claims that the Turkmen Parliament (Mejlis) plays no role in country's political process and that due to lack of specific law, there is no possibility to create a political party. He also harshly criticized the current Turkmen President. A week later, on 15 December 2011, his family's company was closed and his brother was summoned to the Ministry of National Security.⁴⁶

The campaign for nomination of presidential candidates started on 14 December 2011.⁴⁷ Turkmenistan's only political party, government-organized social movements and labour unions, loyal elders and officials unanimously nominated current President Berdymuhamedov a day later as presidential candidate for the coming presidential elections.⁴⁸ After Berdymuhamedov's nomination, 14 more candidates were nominated by state-controlled industrial or civic groups. All of them are representatives of ministries, provincial government administrators and factory managers, and members of the ruling party. The candidates are:

⁴³ Radio Free Europe/Radio Liberty (RFE/RL): "Turkmen Opposition Leader Says Jail Terms Prevent Dissidents' Return", 12 July 2011, http://www.rferl.org/content/turkmen_opposition_leader_says_jail_terms_prevent_dissidents_return/24262906.html

⁴⁴ TIHR, "Chronicles of Turkmenistan": "N. Hanamov: Opposition will be denied access to elections", 14 November 2011, <http://www.chrono-tm.org/en/archives/185>

⁴⁵ TIHR, "Chronicles of Turkmenistan": "N. Hanamov: Opposition will be denied access to elections", 14 November 2011, <http://www.chrono-tm.org/en/archives/185>

⁴⁶ Radio Free Europe/Radio Liberty (RFE/RL): "Former Turkmen Official Criticizes Government, Lack Of Democracy", 9 December 2011, http://www.rferl.org/content/former_turkmen_official_criticizes_government_lack_of_democracy/24417315.html

⁴⁷ Turkmenistan.ru: "Central Election Commission of Turkmenistan starts registration of presidential candidates", 14 December 2011 <http://www.turkmenistan.ru/en/articles/15699.html>

⁴⁸ Eurasianet/"Sifting the Karakum": "Turkmenistan: President Nominates Himself for Elections", 15 December 2011, <http://www.eurasianet.org/node/64720>

1. Kakagedli Abdyllyayev (managing director, Mary Oil Refinery Turkmengaz);
2. Saparmurat Batyrov (director, Geoktep Cotton Spinning Factory);
3. Rejep Bazarov (deputy mayor of the Dashoguz region);
4. Begench Borjakov (mayor of Gurbansoltan-edje district in Dashoguz region);
5. Myrat Charykulyev (managing director, Mary-Ozot chemical company);
6. Esendurdy Gayipov (head of Lebapgurlushyk manufacturing association, Ministry of Construction);
7. Myratgeldi Jumageldiyev (mayor of the Halach district);
8. Aydrody Kakabayev (mayor of the Baba Dayhan district);
9. Gurbanmamed Mollaniyazov (manager of a trust of Turkmennebit state oil company);
10. Yagmur Orazov (director of Scientific Research Institute for Cotton Cultivation);
11. Yarmuhammed Orazkuliev (Minister of Energy and Industry);
12. Nikita Rejepov (managing director, Turkmen Oil Geophysics Company);
13. Rozygeldi Rozgulyev (acting director, Lebab Water Ways);
14. Annageldy Yazmuradov (Minister of Water Management).⁴⁹⁵⁰⁵¹

Eight candidates have been already registered for the election, including incumbent Gurbanguly Berdymuhamedov.⁵² Neither women nor representatives from one of the Turkmen ethnic minority groups were appointed as presidential candidates in the two elections. During the elections for Mejlis in December 2004, only A. Mikhailov, representative of the Russian minority, was elected as a Parliament representative.⁵³

There is not a single representative of ethnic minority groups among Turkmen Ministers and their deputies⁵⁴, *velayat's khyakims* (heads of regional administrations) and their deputies, as well as among *khyakims of etraps* (districts). Even in areas of compact settlement, where most of the ethnic minorities live, only Turkmen are appointed as heads of administration units, while representatives of national minorities can occupy only low-ranking posts.

6.3. Article V, Section (d) (i; iii):

The Right to Freedom of Movement and the Right to Nationality

The Committee recommended the State party to “*lift restrictions on freedom of movement having a disproportionate impact on members of national minorities*”. Turkmenistan’s comment from 2008 says that internal visa regime was abolished and that relevant amendments are to be incorporated in Migration Act (point 25). The State party’s newest report claims that under article 26 of the Turkmen constitution, all citizens have the right to freedom of movement and choice of place of residence (point 98), while article 26 of the Migration Act stipulates that every citizen is entitled to leave or enter Turkmenistan and may not be deprived of that right (point 100)⁵⁵.

⁴⁹ Eurasianet/Sifting the Karakum: “*Turkmenistan: Docile Rivals Appear in Choreographed Presidential Race*”, 27 December 2011, <http://www.eurasianet.org/node/64763>

⁵⁰ TIHR, “*Chronicles of Turkmenistan*”: “*Candidates Nominated in Turkmen Presidential Race*”, 20 December 2011, <http://www.chrono-tm.org/en/archives/253>

⁵¹ Radio Free Europe/Radio Liberty (RFE/RL): “*More Candidates Nominated In Turkmen Presidential Race*”, 21 December 2011, http://www.rferl.org/content/more_candidates_nominated_in_turkmen_presidential_race/24429644.html

⁵² Radio Free Europe/Radio Liberty (RFE/RL): “*Turkmen Schoolteacher Says Presidential Candidacy Rejected*”, 10 January 2012, http://www.rferl.org/content/turkmenistan_teacher_candidacy_presidential_bid_rejected/24447751.html

⁵³ List of the deputies elected to the Mejlis of Turkmenistan of the third convocation. From the newspaper *Neutrallyniy Turkmenistan*, No. 9, 11 January 2005

⁵⁴ TIHR, “*Chronicles of Turkmenistan*”: “*Changes in the government over the past four months*”, 9 September 2007, <http://archive.chrono-tm.org/en/?id=419>

⁵⁵ Reports submitted by States parties under article 9 of the Convention; Combined sixth and seventh periodic reports of States parties due in 2007; Turkmenistan, 20 January 2011, http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-TKM-6-8_en.pdf

Indeed, the internal visa regime was abolished, but the system of MANDATORY REGISTRATION at the place of residence remains in force⁵⁶. Residents can only live, work, buy real estate, use public health care services, and place their children in kindergarten or schools in the city or settlement in which they are registered. It is extremely difficult to change the place of registration, especially when a person wants to move to a large city.

For years, TIHR has been receiving reports about existence of unofficial “BLACK LISTS”, which include names of people who are not allowed to TRAVEL ABROAD. Reports that surfaced in summer 2010 appeared to confirm the existence of such lists. According to these reports,⁵⁷ a secret presidential decree, which was due to enter into force as of August 2010, includes the names of more than 37,000 individuals. All of them are not allowed to leave or enter Turkmenistan. Those listed as prohibited from traveling abroad include citizens who are under surveillance by security services, which basically means all citizens who are considered to be “disloyal” to the state in any way. Among those listed as not being welcome to the country are Turkmen political opposition figures, journalists and NGO activists in exile. The TIHR’s chairman Farid Tukbatullin reportedly appeared as number eight on this list.⁵⁸ Representatives of international human rights organizations were also blacklisted for entry into Turkmenistan. Bans on travel abroad are used by Turkmen authorities as a means of punishing and putting pressure on civil society activists, journalists working with foreign media and others seen as being critical of Turkmen authorities, as well as their family members. Those targeted have not been able to travel to other countries for the purpose of work and studies, visits to relatives and friends, medical treatment etc.

These are two examples of cases where travel bans have been used, with tragic consequences for those affected:

*In November 2009, 46-year old Ovez Annaev died after being denied the right to travel to Russia for medical treatment and surgery for his heart problems. As his wife is the sister of a well-known opposition member in exile, the whole family was banned from travelling abroad. The ban was upheld despite repeated attempts by Annaev to challenge it.*⁵⁹

*Mukhammetmyrat Achilov committed suicide in June 2010 in what appeared to be an act of desperation prompted by the fact that he was denied permission to travel abroad despite numerous appeals to authorities. After failing to secure employment in Turkmenistan, Achilov planned to go abroad in search of job so as to be able to support his family, which includes two children. His mother Gurbansoltan Achilova works as a correspondent for Radio Azatlyk (the Turkmen Service for Radio Liberty/Radio Free Europe) and she and her relatives have been subjected to various forms of pressure since she took up this job in 2007.*⁶⁰

Also STUDENTS AND YOUNG GRADUATES, who wish to study abroad, have been denied the right to leave the country.⁶¹ No explanation for such decision was offered. However, it prompted speculation that Turkmen authorities feared that the students may be exposed to liberal ideals and values in Kyrgyzstan and be encouraged to become involved in popular movements for democratic change in their own country, similar to those seen during “color

⁵⁶ Migration Act (2005), article 45. An unofficial English translation of this law is available at <http://www.legislationline.org/topics/country/51/topic/10>

⁵⁷ «Президент запретил въезд и выезд из страны людей, внесенных в "черный список"», Фергана.Ру, 29 July 2010; “Blacklist Reportedly Circulated of Undesirables in Turkmenistan”, 1 August 2010, <http://www.eurasianet.org/node/61649>

⁵⁸ See TIHR comment 3 August 2010, <http://archive.chrono-tm.org/en/?id=1440>

⁵⁹ TIHR statement 20 November 2009, <http://www.chrono-tm.org/en/?id=1219>

⁶⁰ TIHR news release 17 August 2010, <http://archive.chrono-tm.org/en/?id=1451>; TIHR news release 3 August 2008, <http://archive.chrono-tm.org/en/?id=1441>

⁶¹ See TIHR news release 12 January 2010, <http://archive.chrono-tm.org/en/?id=1256>

revolutions” in other parts of the former Soviet Union.⁶² In the context of the 2011 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. They have also been asking for detailed information about other family members.⁶³ This development has given rise to concern that Turkmen authorities may further step up efforts to monitor and keep track of citizens, as well as to restrict their freedom of movement. (See more under Article VII: Implementation of Cultural, Educational and Informational Measures to Combat Racial Prejudices)

Recalling to the State party that “*deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality*”, the Committee urged Turkmenistan to refrain from adopting any policy that directly or indirectly leads to such deprivation. The State party did not address the citizenship issue in its observations in 2008, while in its newest report it cited article 7 from the Turkmen constitution that addresses citizenship issue. According to the article 7 of the Turkmen constitution “(…) *No one may be deprived of her or his citizenship or the right to change her or his citizenship. (...) Turkmen citizens are guaranteed the protection and patronage of the Government in the national territory and abroad*”. In the point 119 of the report, the State party reconfirmed that “*an agreement on the regularization of dual citizenship was signed between Turkmenistan and the Russian Federation on 23 December 1993, entered into force on 18 May 1995 and was terminated by a protocol signed on 10 April 2003.*”

Individuals holding dual TURKMEN-RUSSIAN CITIZENSHIPS have been pressured to give up one of their citizenships for a long time. They are often prevented from traveling abroad⁶⁴ and are refused the right to obtain the new Turkmen passports⁶⁵. They have also been warned that if they give up their Turkmen citizenship, they will not be allowed to return upon leaving Turkmenistan. Thousands of Turkmen citizens acquired Russian citizenship under the above mentioned agreement, which Turkmenistan unilaterally rescinded in 2003. After the amended constitution was adopted, banning dual citizenship, the Russian government argued that these measures did not have retroactive effect and all those, who obtained Russian citizenships before 2003, have the right to keep both citizenships.⁶⁶

Although the gas deals with Russia have helped to calm down the dual citizenship issue in 2003, these were the reason why the issue re-surfaced in 2008. Increase of the price for Turkmen gas supplies to the Russian Gazprom (from 130 to 170 US\$ per 1.000 m³) and an explosion in the gas pipe line Central Asia – Centre 4⁶⁷, upon which the Turkmen gas supplies to Russia were suspended and the Turkmen side accused Gazprom of the incident, were the main reasons why the issue gained momentum. Turkmenistan continued to increase the gas price and Russia announced in 2010 that it would decrease amount of gas which it had been buying on an annual basis. On 1 July 2010 passengers holding dual citizenship were prevented from boarding flights bound for Russian destinations. Six day later, Turkmenistan’s Ministry of Foreign Affairs gave an official statement saying that “*pursuant to article 7 of the constitution (...), a citizen of Turkmenistan is not recognized as holding the citizenship of another state*”. At the same time, article 9 of the Law on Citizenship

⁶² “New Dilemma for Turkmen Students Abroad,” 7 April 2010,

www.rferl.org/content/dilemma_turkmen_students_abroad/3550259.html

⁶³ TIHR news release 12 March 2011, <http://archive.chrono-tm.org/en/?id=1628>

⁶⁴ TIHR news release 1 July 2010, <http://archive.chrono-tm.org/en/?id=1416>

⁶⁵ TIHR news release 28 May 2010, <http://archive.chrono-tm.org/en/?id=1381>

⁶⁶ «Туркменистан: Наталья Шабунц обратилась с открытым заявлением на имя начальника Государственной миграционной службы», 5 April 2010, <http://www.fernews.com/news.php?id=16580>

⁶⁷ Between 2008 and first half of 2009

of Turkmenistan says that “*Turkmenistan recognizes dual citizenship, that is, a person's having citizenship of other state in addition to his Turkmenistan citizenship*”.⁶⁸

The Russian authorities made a concession to the Turkmen authorities and agreed to require visas even from those Turkmen citizens who have a Russian passport. All dual citizens, who travel to Russia, receive a stamp in their Turkmen passport, so the Turkmen authorities have an exact overview of movement of their citizens.

TIHR reported that

*Booking offices of Turkmen airlines announced that starting from July 2013 air tickets for destinations abroad will be sold only for holders of a new Turkmen international passport. The holders of Turkmen and Russian passports have not been issued the new passports under different pretexts. If the two governments do not find a solution for the dual nationals, many Turkmen residents will be forced to leave Turkmenistan.*⁶⁹

Russians⁷⁰ and Turkmen with Russian passports have already started leaving Turkmenistan either to Russia or another neighbouring state. Prices for apartment have allegedly fallen by 30 percent, because many dual citizens are selling their apartments below their market price. The Kremlin has been quite so far, but some Russian parliamentarians have protested.^{71,72}

Freedom of movement within the border areas limps quite a bit, but mostly due to the Turkmen side.

*Official propaganda from both sides of the Uzbek-Turkmen state border describes it as “a border of friendship and good-neighbourly relations”. But, in order to cross the checkpoint between the Turkmen city of Dashoguz and the Uzbek city of Urgench, the inhabitants of the two border velayats must spend hours waiting, despite of a simplified border crossing procedure envisaged by a number of bilateral Uzbek-Turkmen treaties. Turkmen citizens of Uzbek ethnicity, who want to visit family members in Uzbekistan, must often spend many hours at the checkpoints. They claim that the delay is mainly caused by the Turkmen side and that custom and migration officers as well as border employees deliberately delay the procedures. Similar procedures at the Uzbek border do not take longer than a half an hour.*⁷³

*Human rights organisation „Nazhot“, from Khorezm province in Uzbekistan, reported in 2011 that some 167 Uzbeks, who travelled to visit their relatives in Turkmenistan, were prevented to re-enter Turkmenistan for a year. Each Uzbek, who crosses the Uzbek-Turkmen border, must indicate an address at which he/she will stay. If the Uzbek visitors fail to do so, the Turkmen guards, who often follow them, may deny then access to Turkmenistan for a year.*⁷⁴

⁶⁸ TIHR, “Chronicles of Turkmenistan”: “Dual citizenship: chronology of events”, 10 July 2010, <http://archive.chrono-tm.org/en/?id=1425>

⁶⁹ TIHR, “Chronicles of Turkmenistan”: “Decide for yourself”, 8 December 2011, <http://www.chrono-tm.org/en/archives/233>

⁷⁰ There are 120.000 Russians living in Turkmenistan

⁷¹ Eurasianet/“Sifting the Karakum”: “Turkmenistan: Russian Passport Holders Pressured to Drop Citizenship”, 6 December 2011, <http://www.eurasianet.org/node/64667>

⁷² Eurasianet/“Sifting the Karakum”: “Turkmenistan: Russians Said “Panicked” About Leaving”, 15 December 2011, <http://www.eurasianet.org/node/64696>

⁷³ TIHR, “Chronicles of Turkmenistan”: “Simplified procedure for complicated border crossing”, 27 December 2011, <http://www.chrono-tm.org/en/archives/264>

⁷⁴ TIHR, “Chronicles of Turkmenistan”: “МОНИТОРИНГ ПО РЕСПУБЛИКЕ ТУРКМЕНИСТАН ОРГАНИЗАЦИИ ПО ПРАВАМ ЧЕЛОВЕКА ХОРЕЗМСКОЙ ОБЛАСТИ «НАЖОТ», 7 November 2011, <http://www.chrono-tm.org/2011/11/%d0%bc%d0%be%d0%bd%d0%b8%d1%82%d0%be%d1%80%d0%b8%d0%bd%d0%b3-%d0%bf%d0%be-%d1%80%d0%b5%d1%81%d0%bf%d1%83%d0%b1%d0%bb%d0%b8%d0%ba%d0%b5-%d1%82%d1%83%d1%80%d0%ba%d0%bc%d0%b5%d0%bd%d0%b8%d1%81%d1%82/>

Almost sixty different agreements have been signed by the Turkmen and Uzbek presidents, but tensed relations and mistrust towards the Uzbeks remain.

6.4. Article V, Section (d) (vii):

The Right to Freedom of Thought, Conscience and Religion

The United Nations Special Rapporteur on freedom of religion or belief Asma Jahangir became the first UN special mandate holder to gain access to the country. The Special Rapporteur visited the country in September 2008, upon the invitation of the Turkmen government.⁷⁵ A European representative of the Seventh Day Adventist Church was allowed to visit the country in October 2009 and the Church spokesperson pointed to limited improvements in RELIGIOUS FREEDOM.

The 2010 International Religious Freedom report, published by the U.S. State Department in November 2010, singled out Tajikistan, Turkmenistan and Uzbekistan as countries which impede religious freedom.⁷⁶ Freedom of religion is severely restricted, and except the Sunni Islam and the Russian Orthodox Church, most independent religious groups have been facing persecution. Practicing an unregistered religion remains illegal, with violators subject to fines and imprisonment. Jehovah's Witnesses have been for many years at the gun point of the Turkmen authorities. Police regularly harass unregistered groups, although it does not halt from harassing the registered minority communities. Adoption of the Law on Anti-money Laundering and Terrorism Funding triggered amendments to other country's laws, including the Law on Public Associations and Law on Freedom of Religion and Religious Organizations. Turkmen law does not allow a civilian alternative to military service, and Jehovah's Witnesses have been imprisoned for conscientious objection.⁷⁷

Article 12 of the 2008 Turkmen constitution guarantees freedom of religion⁷⁸, but the Council on Religious Affairs (CRA) and the government are in charge of all religious issues and report directly to the President. The Council's membership includes governmental, Sunni Muslim and Russian Orthodox Church representatives, without any other religious groups included. According to the government's report, 127 religious communities are registered in Turkmenistan. Five of the registered religious communities have succeeded to establish places of worship: three in rented and two in private homes. However, a leader of registered Christian community reported that security officials told him that "*private worship must be limited to husband and wife and children and could not include adult parents and siblings*".

Law of Turkmenistan on Religious Freedom and Religious Organizations, which was revised in 2003 and 2009, has a number of problematic provisions: intrusive registration criteria; the requirement that the government must be informed of all financial support received from abroad; a ban on worship in private homes and the public wearing of religious garb except by

⁷⁵ The United Nations Office at Geneva: "UN Special Rapporteur on freedom of religion or belief to visit Turkmenistan", at [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/7D158A05F616155EC12574B8004C60EB?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/7D158A05F616155EC12574B8004C60EB?OpenDocument)

⁷⁶ Central Asia Newswire: "Uzbekistan, Tajikistan and Turkmenistan impede religious freedom, says report", 18 November 2010, <http://centralasianewswire.com/Region/Uzbekistan-Tajikistan-Turkmenistan-impede-religious-freedom-says-report/viewstory.aspx?id=2381>

⁷⁷ US Commission on International Religious Freedom (USCIRF): Annual Report 2011, <http://www.uscirf.gov/images/ar2011/turkmenistan2011.pdf>

⁷⁸ "The state guarantees freedom of religion and worship, and equality before the law. (...) Each person independently determines his attitude toward religion, has the right to, individually or jointly with others, profess any religion or none, to express and disseminate beliefs related to attitude toward religion, to participate in religious observances, rituals, and ceremonies."

religious leaders; and severe and discriminatory restrictions on religious education.⁷⁹ Only mosques may give religious education to children, while the Russian Orthodox Church, although its representatives is a CRA member, has not received a presidential and the CRA approval to give religious education for their community.

The Organisation for Security and Co-operation in Europe (OSCE) published a highly-critical legal review of the current Law which was completed in June 2010 and published six months later⁸⁰. One of the key recommendations was to remove from Art. 11 "*the blanket prohibition on operating unregistered religious organizations and the provision imposing liability for conducting activities on behalf of unregistered religious organizations*".⁸¹ During a session of the European Parliament's Foreign Affairs Committee on 20 April 2011, a concern was raised about affronts to freedom of religion, stating that "*citizens of non-registered religions are falling victims to the Turkmen Criminal Code*"⁸². The TIHR's chairman Farid Tukhbatullin confirmed that religious organizations are being banned and even the registered ones are being harassed.⁸³

The Committee urged the State party to ensure that "*all persons enjoy their right to freedom of religion*" and that "*members of registered and unregistered religions should freely exercise their freedom of religion*" (comment 17), the State party did neither address the issue in its comments from 2008 nor did it relax registration proceedings and enjoyment of the right to freedom of religion since then.

In its newest report, the State party stresses that the Law on Freedom of Worship and Religious Organizations ensures the citizens' constitutional right to follow any religion or none, to express and disseminate views related to attitudes toward religion, to participate in the practice of religious cults, rituals and ceremonies. The same law prohibits discrimination based on religion, while the article 154 of the Criminal Code establishes criminal liability for obstructing exercise of the right to freedom of conscience and religious belief. According to the report, the Religious Affairs Council under the President of Turkmenistan provides religious organisation with assistance necessary for resolving organizational, legal, social, economic and other issues. Furthermore, the State party claims that although the number of religious organizations of Islamic faith is more numerous, this "*in no way impedes the implementation of any of the rights provided for in the Convention nor leads to discrimination against followers of other religions or persons having no religion*" (point 131).

As a praiseworthy issue it should be mentioned that the Turkmen authorities officially recognized the Catholic Church in March 2010. The community, with two priests and a chapel, gained (local) legal status and a promise to be allowed to build a church.⁸⁴ The recognition came only after a long period of battle with local authorities, which had accused its members being followers of religious sects, such as New Jehovah's Witnesses.⁸⁵

⁷⁹ US Commission on International Religious Freedom (USCIRF): "*The Report on Religious Freedom – Turkmenistan*", at <http://www.chrono-tm.org/en/?id=1359>

⁸⁰ Forum 18: "*TURKMENISTAN: Will government respond to OSCE call for Religion Law changes?*", 20 December 2010, http://www.forum18.org/Archive.php?article_id=1523

⁸¹ Legislatonline: "*Comments on the Law of Turkmenistan on Religious Freedom and Religious Organizations*", 25 June 2010, <http://legislationline.org/download/action/download/id/3196/file/Comments%20on%20the%20Turkmenistan%20Law%20on%20Religious%20Organizations%2025%20June%202010.pdf>

⁸² European Parliament - Press Release: "*Turkmenistan: protecting human rights is a prerequisite for closer ties with the EU*", 20 April 2011, <http://www.europarl.europa.eu/en/pressroom/content/20110418IPR18103/html/Turkmenistan-protecting-human-rights-a-prerequisite-for-closer-ties-with-the-EU>

⁸³ "*Chronicles of Turkmenistan*": "*Turkmenistan: protecting human rights is a prerequisite for closer ties with the EU*", 21 April 2011, <http://archive.chrono-tm.org/en/?id=1658>

⁸⁴ Zenit: "*Turkmenistan: „Regierung gewährt der katholischen Kirche offizielle Anerkennung*", 22 July 2010, <http://www.zenit.org/article-21108?l=german>

⁸⁵ TIHR, "*Chronicles of Turkmenistan*": "*Catholics in Turkmenistan continued*", 18 October 2007, <http://archive.chrono-tm.org/en/?id=969>

However, the following examples show that the situation on the ground remains extremely worrying. Forum 18 News Service has reported on following cases:

About 40 members of the Path of Faith Baptist Church from Dashoguz arrived on 31 July 2011 to a summer resort in Avaza at the coast of the Caspian Sea. Local police officer, eight officials in civilian clothes and an imam, who is a state-appointed religious affairs official, immediately raided their accommodation. The officials collected identity documents of 16 adults and took the church members to police station No. 2. They were questioned, put under psychological pressure, humiliated morally and insulted because of their faith. When church members insisted that the local registration requirement for short visits within Turkmenistan had been abolished and the local registration not necessary, one official insisted that local authorities need to know who is staying in the area due to "security reasons". After several hours, the church members were released from the police station, but had to return three more days for questioning. On the third day they were handed their identity documents and decided to leave the resort. When the church members asked how the local officials found out about their arrival, a police officer answered that at least one official from Dashoguz followed them to the resort. The Path of Faith Baptist Church has been trying for six years to obtain a legal status, but with no success and their church services have been regularly raided by police.⁸⁶

A Christian youth summer camp north-west of Ashgabad, organized by legally registered Pentecostal Church, was raided by the authorities on 22 July 2010.

Participants at the camp were harassed and arrested, while their Bibles were confiscated. When camp leaders pointed out to their right to meet under Turkmenistan's constitution, police officers stated that "the constitution is only a scrap of paper for the Turkmen authorities". Participants were pressured to sign statements that they would not meet for worship reasons, while the two leaders were fired from their jobs because of their faith.⁸⁷

The Turkmen authorities have intensified fight against "potential terrorists", often represented by untraditional Islamic groups. Fight against "potential terrorists", as untraditional Islam adherents are described, has been intensified. They are branded as vakhabits and the special services officers initiate criminal cases against the community leaders, and force the young followers to shave their beards. TIHR reported on several cases in 2010, how the authorities combat terrorism:

In June 2010, in one of the villages in the Lebap velayat, road police stopped and searched the car of mullah Khalil (the name has been changed). Allegedly, they found ammunition for Makarov's gun in the car of the old man. He was tortured for a week and offered later a deal in order to get a milder sentence upon signing an already prepared statement. According to the document, mullah Khalil found these shells near the road and put them in the car boot in order to hand them to police. During the detention period, neither his defence attorney nor his family were allowed to see him. When the judge asked the defendant whether he pleaded guilty or not, mullah Khalil kept silent and cried. He was sentenced to a five year imprisonment for terrorism and religious extremism. The ammunition disappeared from the evidence file.⁸⁸

⁸⁶ Forum 18: "TURKMENISTAN: You're not going on a summer holiday", 5 September 2011, http://www.forum18.org/Archive.php?article_id=1609

⁸⁷ Forum 18: "TURKMENISTAN - The Constitution is only a scrap of paper for the Turkmen authorities", 3 August 2010, at http://www.forum18.org/Archive.php?article_id=1474

⁸⁸ TIHR, "Chronicles of Turkmenistan": "Low-key fight against "vakhabits", 24 August 2010, at <http://archive.chrono-tm.org/en/?id=1458>

A 73-year old priest Shiri Geldimuradov and his three sons were arrested in April 2010. Allegedly the police had found weapons in the old priest's house, what justified the arrest and later on prison sentence all the male family members. Shiri Geldimuradov died in custody, while his four sons, Abdulmedjid, Mukhammed, Abdullah and Abulkhait remain in prison.⁸⁹

The new *Law on Military Obligation and Military Service*, approved by the Mejlis in late September 2010, does not include a provision for alternative service. Men who refuse to perform military service on grounds of conscience are prosecuted under article 219 para 1 of the Criminal Code⁹⁰. Maximal penalty for refusal to serve in armed forces in peace time is a two-year-prison term.

There is no total number of prisoners of conscience in Turkmenistan. However, Forum 18 News Service has reported that at least nine religious believers have been placed in Seydi labor camp in the Lebap region. Eight of them⁹¹ are Jehovah's Witnesses and are serving sentences for refusal to perform compulsory military service. They have repeatedly expressed their readiness to perform an alternative service that is not under military control. Names of conscientious objectors, who were sentenced under article 219 para 1 and imprisoned, are: Sakhetmurad and Mukhammedmurad Annamamedov (two years), Shadurdi Ushotov (two years), Navruz Nasyrbaev (two years), Aziz Roziyev (18 months), Dovleyet Byashimov (18 months), Ahmet Hudaibergenov (18 months) and Matkarim Aminov (18 months). Brothers Annamamedov were due to be released in May, upon serving full sentence.⁹² Ashirgeldy Taganov, who was given a one-year labour camp sentence on the same charges in July 2011, was freed under amnesty in August 2011.⁹³

Two Jehovah's Witness followers were given 18-month prison terms in August 2010 for refusing compulsory military service. After visiting one of them, parents reported that "he was beaten black and blue". Sunet Japbarov (20) and Dovran Matyakubov (18), Jehovah's Witness conscientious objectors, were brought on April 2011 to the Seydi Labour Camp in eastern Turkmenistan. Japbarov received an 18-month prison term in December 2010, while Matyakubov was sentenced in January 2011.

Ashirgeldy Taganov, who was sentenced to a year in a labour camp in July 2011, is the first prisoner of conscience to be amnestied since 2007. According to Forum 18, religious prisoners of conscience are rarely included in prisoner amnesties.⁹⁴

Imurad Nurliev, pastor of a Protestant congregation in the town of Mary, was sentenced to four years imprisonment on 21 October 2010 for allegedly swindling funds from his parishioners.

Pastor Nurliev, leader of Light to the World Protestant Church, who did not succeed to register his church, was arrested in August 2010 on charges of swindling money. He was sentenced with "forcible medical treatment" to a four-year-term in a labour camp in

⁸⁹ TIHR, "Chronicles of Turkmenistan": "Low-key fight against "vakhabits", 24 August 2010, at <http://archive.chrono-tm.org/en/?id=1458>

⁹⁰ Article 219, para 1: "Уклонение от призыва на военную службу при отсутствии законных оснований для освобождения от этой службы, наказывается исправительными работами на срок до двух лет или лишением свободы на срок до двух лет."

⁹¹ Mahmud Hudaibergenov, Navruz Nasyrbaev, Aziz Roziyev, Dovleyet Byashimov, Ahmet Hudaibergenov, Sunet Japbarov, Matkarim Aminov and Dovran Matyakubov

⁹² Forum 18: "TURKMENISTAN: "Principles of mercy, justice and humanism" fail to free religious prisoners of conscience", 9 March 2011, http://www.forum18.org/Archive.php?article_id=1550

⁹³ Forum 18: "TURKMENISTAN: Maximum sentence for latest conscientious objector", 22 September 2011, http://www.forum18.org/Archive.php?article_id=1616

⁹⁴ Forum 18: "TURKMENISTAN: Maximum sentence for latest conscientious objector", 22 September 2011, http://www.forum18.org/Archive.php?article_id=1616

October 2010⁹⁵. He was transferred to the Seydi Labour Camp in December 2010. The Labour Camp administration has refused to allow him medical treatment for diabetes, for which he regularly visited a hospital before his arrest.⁹⁶ Nurliev's wife Maya was sacked from her job in March 2011, after she took unpaid leave to travel. Police has pressured members of Nurliev's church and inquired whether his wife Maya keeps gathering them for worship services or meetings. Police have also been trying to use church members against Nurliev and his wife.⁹⁷ Nurliev's name was not included in the list of the amnestied in 2011. A member of the European Parliament Mario Mauro raised the issue in a parliamentary question on 26 November 2010⁹⁸. The Human Rights Watch re-addressed the case in a briefing note for the European Parliament Foreign Affairs Committee and Central Asia Delegation on Turkmenistan.⁹⁹

Although the State party stated in its report to the UN Committee on Economic, Social and Cultural Rights that "by Presidential Order dated 29 May 1992, 140 pilgrims were sent to Saudi Arabia with State support to perform the full hajj. Since then, the number of pilgrims performing the hajj annually in Saudi Arabia has increased to 188" (point 19)¹⁰⁰, it was not mentioned that in 2009 not a single pilgrim was allowed to take part in the haj pilgrimage to Mecca - allegedly to prevent pilgrims' infection with H1N1 virus¹⁰¹. Pilgrims from Turkmenistan regularly include representatives of the Ministry of Security Service (MSS), who are sent to control pilgrims. Saudi Arabia's embassy allows haj visa only to those pilgrims who have received consent by the Turkmen government and refuse visas to those, who are not on the list using different excuses for not granting the document.¹⁰²

6.5. Article V, Section (d) (viii):

The Right to Freedom of Opinion and Expression

The State party dedicates in its newest report to the Committee only three articles to The Right to Freedom of Opinion and Expression. According to point 132, the Turkmen citizens have right to enjoy the freedom, provided it is not a State or legally protected secret. Under point 225 it mentions the only non-Turkmen daily that is issued in Turkmenistan, while the beginning of the first sentence of the point 191 sums up situation in the freedom of expression in Turkmenistan: "The President is reforming the activities of the media, especially radio and television (...)".

⁹⁵ „Chronicles of Turkmenistan“: „Light of the Peace and World of Darkness“, 7 November 2010, <http://archive.chrono-tm.org/en/?id=1513>

⁹⁶ Forum 18: "TURKMENISTAN: "Principles of mercy, justice and humanism" fail to free religious prisoners of conscience", 9 March 2011, http://www.forum18.org/Archive.php?article_id=1550

⁹⁷ Forum 18: "TURKMENISTAN: Eleven religious prisoners of conscience in one camp", 29 May 2011, http://www.forum18.org/Archive.php?article_id=1566

⁹⁸ Parliamentary Question on Religious Freedom in Turkmenistan, 26 November 2010, <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-9733&format=XML&language=EN>

⁹⁹ Human Rights Watch (HRW): "Turkmenistan: Briefing Note for the European Parliament Foreign Affairs Committee and Central Asia Delegation on Turkmenistan", 26 April 2011, <http://www.hrw.org/news/2011/04/26/turkmenistan-briefing-note-european-parliament-foreign-affairs-committee-and-central>

¹⁰⁰ Implementation of the International Covenant on Economic, Social and Cultural Rights, Initial reports submitted by States parties in accordance with articles 16 and 17 of the Covenant, Turkmenistan, 30 June 2010, http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.TKM.1_en.doc

¹⁰¹ Forum 18: "TURKMENISTAN: Why can't all Muslims make haj pilgrimage?", 19 October 2010, http://www.forum18.org/Archive.php?article_id=1500

¹⁰² Forum 18: "TURKMENISTAN: Why can't all Muslims make haj pilgrimage?", 19 October 2011, http://www.forum18.org/Archive.php?article_id=1500

The Turkmen constitution guarantees freedom of expression¹⁰³. Turkmen media landscape includes 20 newspapers, 15 magazines, seven TV channels, four radio stations and one news agency, but FREEDOM OF SPEECH AND FREEDOM OF MEDIA are severely restricted. Since Gurbanguly Berdymuhamedov has become president in 2007, international organisations have been allowed to organise, together with Turkmen institutions, a number of trainings, roundtables and workshops in the country, but without much result. During past few months, Berdymuhamedov repeatedly stressed that quality of the Turkmen media should be improved, without exactly referring what these reforms should include. Until recently, the work of media has been overseen by the Ministry of Culture and Broadcasting, but after the Presidential Decree of 18 October 2011, media oversight has been shifted from the ministry. It remains unclear to which body it has been assigned. The media situation in the country has been criticized on many occasions and representatives of international organisations, among them the OSCE Representative on Freedom of the Media Dunja Mijatović, have urged the Turkmen authorities to establish a legislative framework in line with international standards.

Report on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Need Assessment Mission, which took place in December 2011, addressed also role of the media within the election campaign. Upon registration at the Central Commission for Elections and Referenda of Turkmenistan, candidates can start with their campaign from 45 to 25 days before election-day. Elections commissions are supervising the campaigns, and together with local executive bodies, are organising candidates' meetings with voters. According to the Law on the Election of President of Turkmenistan (PEL), candidates are entitled during their campaigns to free airtime on state radio and television (19:00-23:00), which should not exceed one hour and should be divided equally among all candidates. Public discussions among the candidates are also foreseen by the PEL, but the ODIHR representatives were told that "debates are not in line with cultural sensibilities".¹⁰⁴ However, incumbent President Gurbanguly Berdymuhamedov started a reelection campaign and appeared on 9 January in a TV broadcast.¹⁰⁵ At the end of his speech, Berdymuhamedov vowed that he wouldn't take advantage of his access to state television and ordered the Central Election Commission to allocate broadcast time to the other presidential candidates. Most of them are regional officials and they are appointed by Berdymuhamedov.¹⁰⁶

Turkmen TV has seven channels: official channel (Altyn Asyr/Golden age), international channel (Turkmenistan) that is translated in five languages, educational channel (Miras/Generation), youth channel (Yahlyik/Youth), musical channel (Turkmen ovazi/Turkmen tunes), sport channel (Туркменистан-спорт/Turkmenistan sport) and the city channel (Ashgabat). Despite of the seven channels, Turkmen prefer watching Russian and Turkish TV, which they receive via satellite. The authorities are aware of that and they have undertaken steps since August 2011 to remove satellite dishes. They now plan to introduce state pay-TV with only few channels to be allowed to watch.¹⁰⁷

Although the Committee expressed its deep concern about measures which are drastically limiting access to foreign culture and art, foreign media and the Internet (concluding observation 19), the authorities remain hostile towards foreign media.

¹⁰³ Article 28 states: "Citizens of Turkmenistan have the right to freedom of opinion and expression, as well as to receive information if it is not a state or other secret protected by law."

¹⁰⁴ Office for Democratic Institutions and Human Rights: Turkmenistan, Presidential Election, 12 February 2012: Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/86861>

¹⁰⁵ Radio Free Europe/Radio Liberty (RFE/RL): "President Vows To Make Turkmenistan 'Industrial Power'", 10 January 2012, http://www.rferl.org/content/turkmen_president_vows_industrial_power/24447095.html

¹⁰⁶ Radio Free Europe/Radio Liberty (RFE/RL): "Turkmen Schoolteacher Says Presidential Candidacy Rejected", 10 January 2012, http://www.rferl.org/content/turkmenistan_teacher_candidacy_presidential_bid_rejected/24447751.html

¹⁰⁷ Gundogar: "В Туркменистане начали вещание два новых телеканала", 4 January 2012, <http://www.gundogar.org/?02250000000000000011000000>

So far, citizens in Turkmenistan can read only national newspapers and in case they work in a public sector, they are forced to read Russian speaking newspaper “*Neytralny Turkmenistan*”. Since Berdymuhamedov has become president in 2007, the number of locally-published newspapers and magazines has increased to 20. Starting with 2010, few Russian and Kazakh magazines were allowed. All of them are expensive (up to 4,5 US\$ and more), there are not many copies of them and they have mainly entertaining content. Many Turkmen ask their friends and relatives to bring them the magazines when they return home from Russia. The current President announced that popular science journals from abroad are to be available and official institutions were taking out subscriptions to foreign publications. In December 2011 he signed a decision, according which subscription to foreign scientific magazines was allowed for the first half of 2012. There has been not mentioned whether wider public would get access to foreign newspapers and magazines.¹⁰⁸¹⁰⁹

The few local correspondents, who contribute to independent foreign media, are welcome target of the Turkmen authorities¹¹⁰. Also those who are suspected of contributing information to media and organizations abroad remain vulnerable to intimidation, as evidenced by this recent case:

In the night of 11 November 2011, unknown individuals threw cobble stones at the window of the apartment of Annamed Myatiev, a journalist living in the city of Dashoguz.¹¹¹ As a result, the window of the bedroom broke, as did mirrors in this room. Luckily Myatiev, who currently lives alone, was in another room at the time and escaped unharmed. Police was called to the place and opened an investigation. Earlier, on 26 October 2011, when Myatiev was walking in the street, a young man wearing sunglasses run up to him from behind and hit him in the face (thus injuring his lip) before running away. Myatiev did not report this incident to police, but now believes it may have meant as a warning.

*Myatiev was fired from the state-run newspaper *Neitralny Turkmenistan* in 2009 and is now apparently suspected of cooperating with foreign media. There are also several other reasons why Myatiev appears “suspicious” in the eyes of the security services. Among others, he and his wife were members of the Dashoguz Ecological Club, which was closed down by court in 2003, and supported the families of the club’s co-founders, Farid Tukhbatullin and Andrey Zatoka, when these were serving politically motivated prison sentences in Turkmenistan. Both of the two human rights defenders were later forced to leave the country and now live abroad.¹¹²*

The first private weekly “*Rysga*” (Welfare), which primarily addresses business related issues, was launched by the Union of Industrialists and Entrepreneurs on 20 September 2010. The newspaper has a full support of the Turkmen President¹¹³.

¹⁰⁸ Institute for War and Peace Reporting (IWPR): “*Turkmen Newspaper Readers Not Spoilt for Choice*”, 3 January 2012, <http://iwpr.net/report-news/turkmen-newspaper-readers-not-spoilt-choice-0>

¹⁰⁹ Regnum.ru: “*Туркменский каталог подписных изданий содержит чуть более 20 местных СМИ*”, 4 January 2012, <http://www.regnum.ru/news/fd-abroad/turkmenia/1485816.html>

¹¹⁰ “*Freedom House Exposes World’s Worst Human Rights Abusers*”, 2 June 2011, <http://www.chrono-tm.org/en/?id=1694>

¹¹¹ TIHR, “*Chronicles of Turkmenistan*”: “*Turkmen journalist’s apartment attacked with stones by unidentified individuals*”, 11 November 2011, <http://www.chrono-tm.org/en/archives/182>

¹¹² Tukhbatullin fled Turkmenistan in 2003 and was subsequently granted refugee status in Austria. Zatoka was forced to agree to renouncing his Turkmen citizenship and to leaving the country for Russia in late 2009, as a condition for having a prison sentence imposed on him commuted into a fine. For more details, see Submission by Turkmen Initiative for Human Rights 102nd Session of the UN Human Rights Committee (11-29 July 2011) in view of the adoption of a list of issues for the review of Turkmenistan, April 2011, at <http://www.iphronline.org/news.html?a100=52>

¹¹³ Hüriyet: “*Turkmenistan publishes first private newspaper*”, 21 September 2010, at <http://www.hurriyetdailynews.com/n.php?n=first-private-newspaper-published-in-turkmenistan-2010-09-21>

*The first privately-owned publication in the country was presented by the Turkmen authorities as “another exemplary evidence of the successful democratic reforms in the Turkmen society initiated by the nation’s leader, Gurbanguly Berdymuhamedov”. The weekly, with a circulation of 5100 copies, was launched on the initiative of the Association of Industrialists and Entrepreneurs. Although “Rysgal” is not an independent publication and the Turkmen entrepreneurs cannot publish whatever they want, the weekly became quite popular and the number of readers increased. At the end of January 2011 chief editor Akhmed Divanov was fired. The new editor has no journalistic experience and previously worked in the Association of Industrialists and Entrepreneurs, organized exhibitions and worked in the human resources department. The fact that “Rysgal” became an acknowledged weekly and because it started to generate revenue sparked the interest of influential individuals.*¹¹⁴

In country with almost 5 million¹¹⁵ inhabitants there are only 2.2 INTERNET users per 100 inhabitants¹¹⁶. Average cost of a one-hour visit to a cybercafé costs about 0.8 Euro¹¹⁷, while private unlimited ADSL internet connection amounts to 155 Euro per month (64 kB/sec)¹¹⁸. With an average monthly salary of 820 manat (about 210 Euro)¹¹⁹, the costs do not encourage use of internet for private purposes.

Depicted as “an enemy of the internet” by Reporters without Borders¹²⁰, Turkmenistan is one of the world’s most repressive countries with regard to internet use. The authorities of the country are using a range of measures to prevent its citizens from using the internet freely to obtain information and communicate with the outside world. The Turkmen security services strictly control internet access. Facebook and the Russian social network site *agent.mail.ru*, used by Turkmen youth for dating purposes, have been also closely monitored.¹²¹ TIHR materials posted at the TurkmenDissidentTV are accessible only to a limited number of visitors.

The Russian cell phone operator Mobile TeleSystems (MTS) was forced to leave the country in December 2010. The Turkmen authorities declined to renew its license and refused to compensate MTS for losses that amount to 140 million US\$.¹²² Such a decision might have resulted from deteriorated relations with Russia, as the two countries failed to agree on a gas purchase price. Russia has drastically reduced purchases of Turkmen gas since the pipeline explosion in 2009, while Ashgabat has been demanding compensation from Russia's Gazprom.¹²³ Altyn Asyr (“Golden Age”), a state-owned provider belonging to Turkmen Telecom, gained through this move monopoly in the cell phone market, thus enabling the

¹¹⁴ TIHR, “Chronicles of Turkmenistan”: “The editor has done his work, the editor may go”, 10 February 2011, <http://archive.chrono-tm.org/en/?id=1604>

¹¹⁵ 2010 data from the World Bank, <http://data.worldbank.org/indicator/SP.POP.TOTL>

¹¹⁶ 2010 statistics from International Telecommunications Union (ITU), at http://www.itu.int/ITU-D/ict/eve/Reporting/ShowReportFrame.aspx?ReportName=WTI/InformationTechnologyPublic&RP_intYear=2008&RP_intLanguageID=1

¹¹⁷ Reporters without Borders, Turkmenistan profile, <http://en.rsf.org/internet-enemie-turkmenistan,39772.html>

¹¹⁸ According to rates quoted at the website of Turkmentelecom, at <http://www.online.tm/tarifs>

¹¹⁹ According to a decree issued by the President of Turkmenistan in July 2011, as of 1 January 2012, the average monthly salary in the country will be considered to be 820 manat when pension payments are calculated. See «Зарплаты бюджетников, пенсии и стипендии будут повышены на 10 процентов», 11.7.2011, <http://www.turkmenistan.ru/ru/articles/36213.html>

¹²⁰ Reporters without Borders, The New Media: Between Revolution and Repression – Net Solidarity Takes on Censorship, 11 March 2011, at <http://en.rsf.org/the-new-media-between-revolution-11-03-2011,39764.html>

¹²¹ Radio Free Europe/Radio Liberty (RFE/RL): “Another Social-Networking Site Banned In Turkmenistan”, 2 September 2010, http://www.rferl.org/content/Another_SocialNetworking_Site_Banned_In_Turkmenistan/2146645.html

¹²² Central Asia Online: “Turkmenistan refuses to compensate MTS”, 20 June 2011

http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/newsbriefs/caii/newsbriefs/2011/06/20/newsbrief-09

¹²³ TIHR, “Chronicles of Turkmenistan”: “Altyn Asyr coupons”, 4 April 2011, <http://archive.chrono-tm.org/en/?id=1643>

¹²⁴ Eurasianet/Sifting the Kharakum: „Turkmenistan Weekly Roundup“, 17 April 2011, <http://www.eurasianet.org/node/63310>

government to further step up control of the use of cell phones. Due to the expulsion of MTS, some 2.4 million subscribers (about 80% of all cell phone users in the country) were left without service¹²⁵. The sudden influx of a large number of migrating MTS subscribers strained the limited capacities of Altyn Asyr. As a result, the sale of SIM cards was temporarily suspended and law enforcement troops were brought in to “maintain order” in the lines that formed outside the company’s offices.¹²⁶ Apparently dissatisfied with how Altyn Asyr handled the situation, President Berdymuhamedov stated that he would seek foreign investment for the development of the cell phone sector. In April 2011, it was announced that Chinese Huawei Technologies and Finnish-German Nokia Siemens Networks had signed contracts with the country’s Ministry of Communications to upgrade the state-owned mobile network and introduce new services.¹²⁷ Concerns have been expressed that these companies may agree to assist the Turkmen government in monitoring cell phone and internet use in exchange for lucrative deals.¹²⁸

The explosions on 7 July 2011 at an ammunition depot in the Turkmen city of Abadan (a suburb of the capital Ashgabat) had a mixed impact on internet use. These events brought about an upsurge in citizens’ reporting over the internet in the short term, while triggering new restrictive measures in the longer-term.

The Turkmen authorities tried to cover up the Abadan events and did not allow any information about them to be published in official media until three days later. In the information vacuum that emerged, an unprecedented wave of citizens’ journalism was observed, with citizens using their cell phones and internet connections to report on the explosions to the outside world.¹²⁹ On the basis of reports from contacts inside of the country, TIHR published a sequence of stories on its website “Chronicles of Turkmenistan”, featuring witness accounts, photos and videos which showed that the explosions had resulted in widespread destruction and damage, mass evacuations and the death of possibly as many as hundreds of people. The Turkmen service of Radio Free Europe’s/Radio Liberty (RFE/RL) and Eurasianet.org also reported on the Abadan events on the basis of information from sources on the ground, and photos were circulated on the social chat site teswirler.com.¹³⁰

The Turkmen authorities responded by insisting that the impact of the explosions was limited and by denouncing information that disputed the official version of the events, calling it “false”, “slandering” and “provocative.”¹³¹ The security services also sought to track down individuals who had provided information to sources outside of the country and reportedly arrested dozens of young people who were discovered to have photos and videos from the place of the accident on their cell phones. TIHR has, however, not been able to find out any details about these cases.

Less than two weeks after the Abadan events the TIHR’s website “Chronicles of Turkmenistan” was the target of a cyber-attack:

¹²⁵ Central Asia Online, “*Turkmenistan refuses to compensate MTS*”, 20 June 2011, http://centralasiaonline.com/en_GB/articles/caii/newsbriefs/2011/06/20/newsbrief-09

¹²⁶ TIHR, “*Chronicles of Turkmenistan*”: “Altyn Asyr coupons,” 4 April 2011, <http://archive.chrono-tm.org/en/?id=1643>

¹²⁷ Turkmenistan.ru: “*Huawei and Nokia Siemens Networks to increase capacity of national cellular operator Altyn Asyr*”, 7 April 2011, <http://www.turkmenistan.ru/en/articles/14781.html>

¹²⁸ Eurasianet/Sifting the Kharakum: “*Huawaei and Nokia Siemens Step in to Gap Left by Russia's MTS in Turkmenistan*”, 12 April 2011, <http://www.eurasianet.org/node/63272>

¹²⁹ Radio Free Europe/Radio Liberty: “*Citizen Journalism Scores Breakthrough In Turkmenistan*”, 16 July 2011, http://www.rferl.org/content/citizen_journalism_scores_breakthrough_in_turkmenistan/24266428.html

¹³⁰ Radio Free Europe/Radio Liberty: “*Citizen Journalism Scores Breakthrough In Turkmenistan*”, 16 July 2011, http://www.rferl.org/content/citizen_journalism_scores_breakthrough_in_turkmenistan/24266428.html

¹³¹ The statement is available at <http://www.turkmenembassy.ru/?q=node/243>

On 18 July 2011, TIHR's website, Chronicles of Turkmenistan, was attacked and disabled by hackers. The hackers also made publicly accessible information about website users, including individuals inside Turkmenistan who could be in danger for having read and commented on material posted on a dissident website. The website could not be restored, but was later re-launched in a new format, with archive materials gradually being added.

The cyber attack was carried out through a proxy server located in Germany. While the hacker's identity is unknown, there is reason to believe that Turkmen security services may have been behind the attack given the fact that it came at a time when TIHR had just published a series of reports challenging the official account of the Abadan events. Many foreign media outlets had made use of the TIHR's reports in their coverage of these events. The Turkmen authorities have long viewed the TIHR's website with discontent as it is a major source of independent information on developments in Turkmenistan. Access to it is blocked inside of Turkmenistan. The website was previously subject to an attack by hackers in October 2010, as a result of which much of its content was disabled for several days.¹³²

In connection with the Abadan events, the TIHR chairman Farid Tukhbatullin's mother, who resides in the Turkmen city of Dashoguz, also received intimidating visits by representatives of local authorities and noticed signs of being held under surveillance.

In another case, a correspondent for the Turkmen Service of RFE/RL who had blogged about the Abadan events was threatened and later put behind bars:

In the immediate aftermath of the Abadan explosions, Dowlitmyrat Yazkulyev was summoned by security services in his home town Annau and accused of "slandering" and distributing "provocative" information in blogs he wrote for RFE/RL about the explosions. He was also warned that he may face criminal charges if he continues to publish information of this kind.¹³³

On 27 September 2011, Yazkulyev was arrested on charges of allegedly encouraging a relative's suicide attempt. Following a brief "investigation", he was convicted on these charges on 5 October and sentenced to five years in prison. The trial was held behind closed doors and without the participation of a lawyer.¹³⁴ Yazkulyev's relatives said that they had been forced to write statements falsely accusing him of urging his sister-in-law to attempt to commit suicide. Later they tried to retract their statements, but were not able to do so.¹³⁵

Following an international outcry, including a letter sent by four senior US senators to the Turkmen ambassador in Washington D.C., Yazkulyev was freed under a presidential amnesty in late October 2011.¹³⁶

There are also other indications that the developments, which followed the Abadan events, have increased the fears of the Turkmen authorities of the possible use of internet connections and mobile phones to produce and distribute information challenging the official

¹³² International Partnership for Human Rights, Netherlands Helsinki Committee and Norwegian Helsinki Committee: "Appeal to EU institutions and member states - Take action in support of endangered Turkmen human rights defender," 14 October 2010, <http://iphronline.org/news.html?38>

¹³³ Radio Free Europe/Radio Liberty, "Turkmen Journalist Threatened For Blogs About Explosion, Casualties", 15 July 2011, http://www.rferl.org/content/turkmen_journalist_threatened_over_blast_reporting/24267114.html

¹³⁴ Radio Free Europe/Radio Liberty: "U.S. Senators Appeal to Turkmenistan in Case of Jailed RFE/RL Correspondent", 13 October 2011, http://www.rferl.org/content/senators_appeal_yazkulyev_case/24359153.html

¹³⁵ Reporters without Borders: "Five-year Sentence for RFE/RL Correspondent" 20 October 2011, http://en.rsf.org/turkmenistan-rfe-rl-correspondent-on-trial-in-05-10-2011_41119.html

¹³⁶ Radio Free Europe/Radio Liberty: "RFE/RL Turkmen Correspondent Freed From Jail", 26 October 2011, http://www.rferl.org/content/rferl_turkmen_correspondent_freed/24371889.html

line. In connection with the celebration of 20 years of Turkmenistan's independence in October 2011, participants in different festive events were required to hand over their cell phones before entering the venues of these events. In this way, it was ensured that participants (many of whom were made to attend by their employers) would not be able to challenge the bright and happy image of the festivities created by official media.¹³⁷

The quality of mobile connections has reportedly deteriorated in Turkmenistan following the Abadan events, thus further reinforcing a trend that was observed already after the expulsion of Russian operator MTS (see above). At a meeting on 29 July 2011, President Berdymuhamedov publicly demanded that the Minister of Communication deals with these problems, threatening to dismiss him otherwise.¹³⁸ However, no improvement has been observed since then.

While official media initially did not report anything about the Abadan events, and foreign-based internet sites that provided coverage about them are not accessible in Turkmenistan, many residents received information about the blasts and their impact through satellite TV channels. Such channels are among the few remaining means for obtaining information that is independent of official propaganda inside of the country. In what appeared to be an attempt to choke off also this source of information, the President gave an order in August 2011 that satellite dishes be dismantled from residential buildings because they allegedly "spoil their appearance."¹³⁹ A similar campaign was initiated in 2008, but gradually subsided that time.

6.6. Article V, Section (e) (i): The Right to Work

As the State party indicates in its recent report that the Turkmen constitution guarantees the right to work. Choice of profession, type of occupation, place of work, and performance of work in healthy and safe work conditions are all guaranteed within the article 33 of constitution. Article 6 of the Labour Code guarantees even the right to protection against unemployment (point 139).

However, the Turkmen government does not recognize a wide-scale unemployment in the country and has not published any statistical data on it. Unemployment benefits are not provided for and no state-run programs are in place designed to address the (un)employment issue.

According to the TIHR's research data, unemployment is one of the most acute issues in the country. Unemployment in the urban areas amounts to 45,8%, while the situation in rural areas is even worse: 60,4% of respondents had neither jobs, nor studied or were enrolled in military service. The TIHR's research does not provide gender disaggregated data, but a lot points to the fact that the unemployment impacts on women disproportionately more than to men. In addition of being affected by the severe unemployment themselves, women must tolerate consequences of the unemployment of men. One of these is very high drug addiction.¹⁴⁰

¹³⁷ TIHR, „Chronicles of Turkmenistan”: “Festivities without cell phones”, 30 October 2011, <http://www.chrono-tm.org/en/archives/142>

¹³⁸ “Minister of communications instructed to ensure orderly work of cellular communications in Turkmenistan within three days”, 1 August 2011, <http://www.turkmenistan.ru/en/articles/15200.html>

¹³⁹ TIHR, „Chronicles of Turkmenistan”: “Wandering Aerials”, 13 September 2011, <http://www.chrono-tm.org/en/archives/60>

¹⁴⁰ TIHR, “Chronicles of Turkmenistan”: “Turkmenistan. Unemployment in numbers”, 7 April 2009, at <http://archive.chrono-tm.org/en/?id=659>

A total of 15 men aged between 19 and 35 committed suicides in the city of Dashoguz at the end of 2010. Those, who chose to leave life due to hopelessness, neither could find a job, nor could they continue education or were prevented to leave Turkmenistan in order to find another job. Many fail to leave the country not only because of lack of money to buy a ticket, but also because of the visa regime introduced by the Turkmen authorities. The visa is also required to travel to the CIS states. Without having an invitation for work or studies abroad, it is virtually impossible to leave Turkmenistan.

Many families from rural areas live from pensions of retirees in their household, which is often the only regular source of income for the entire family. Families with no income at all must find different ways to earn for their living: men are occasionally involved in construction works or they repair privately-owned houses; women sew woollen socks with national emblems and try to sell their merchandise at local bazaars; children often collect empty bottles and since recently openly beg on the streets. Already desperate situation will even become worse: family members who left for Turkey, Russia and other countries are returning home, due to economic crisis.¹⁴¹

According to the law, WOMEN are on equal footing with men in all spheres of life, including wages. However, women continue to experience discrimination in practice, due to cultural biases. Employers give preference to men to avoid productivity losses, which can appear due to pregnancy or child care period. The legislation of Turkmenistan, and namely the Labour Code, is overly protective of women as mothers and restricts women's economic opportunities in a number of areas. There are no official data on women's participation in the labour force in urban and rural areas, their unemployment rates and situation in the formal and informal labour market. Discrimination against women is also reflected in hiring processes and pay gaps. According to governmental sources, the disparities of women and men in employment area do not result from discrimination, but due to gender segregation of labour.

To the Committee's concern that "*national and ethnic minorities face severe restrictions on their participation in the labour force, in particular in public sector employment*", the State party replied that "*There are no restrictions on the basis of ethnic origin on employment, including in the public sector (...)*" (comment 21). The current situation is as follows:

Representatives of ethnic minorities are not only prevented from gaining education in their native language, but are often sacked from work, due to their "non-Turkmen" background.¹⁴²

*Director of Dashoguz kindergarten No. 25 Dzheren Durdiyeva dismissed six Uzbek women in order to reduce costs. Soon after, she employed five women - all of them with Turkmen ethnicity.*¹⁴³

The above mentioned case took place in October 2005, shortly after the Turkmen government submitted a report to the Committee.

TIHR reported in 2011 that the Uzbek language is no longer taught in local schools in the north of Turkmenistan, where dozens of thousands of Uzbeks live. Consequently, the Uzbek teachers lost their jobs and although many of them asked to be allowed to teach other subjects, their request was mostly declined. They remain unemployed.¹⁴⁴

¹⁴¹ TIHR, "Chronicles of Turkmenistan": "Turkmenistan. Unemployment in numbers", 7 April 2009, at <http://archive.chrono-tm.org/en/?id=659>

¹⁴² Bureau of Democracy, Human Rights and Labour: "2009 Human Rights Report: Turkmenistan", 12 March 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136095.htm>

¹⁴³ TIHR, "Chronicles of Turkmenistan": "From Turkey with dollars and AIDS", 25 December 2008, at <http://archive.chrono-tm.org/en/?id=627>

¹⁴⁴ TIHR, "Chronicles of Turkmenistan": "Selective approach in neighbourly relations", 21 March 2011, <http://archive.chrono-tm.org/en/?id=1630>

Representatives of national minorities are not represented in the executive and judicial branches at all.¹⁴⁵

6.7. Article V, Section (e) (v): The Right to Education and Training

Paragraph 29 of the newest report of the State party submitted to the Committee states: “(...) *Violations of the citizens' right to choose a language of instruction, education (...) discrimination against citizens on linguistic grounds, the establishment of illegal privileges based on language and other infringements of the Language Act are not allowed.*”

The EDUCATION SYSTEM remains an area where rights of ethnic and national minorities are extensively infringed. The proclaimed educational reform from 2007 made no mention of resuming educational opportunities in schools and teaching in languages of ethnic minorities.

The State party stated in its comments to the Committees observations that the “*Domestic legislation does not provide for the conduct of “third-generation tests”, and such tests are not currently performed for recruitment purposes in Turkmenistan*”. (comment 20). Unfortunately, the practice continues and the three-generation check remains the rule for applying to institutions of higher education. Members of ethnic minorities or people with a non-Turkmen background are admitted to a university only upon paying a bribe or when they have good connections.¹⁴⁶¹⁴⁷ The ethnic check-up has been recently introduced also for the first graders:

*Since September 2011, Turkmen first graders must hand following information about their families (including grandparents): ethnicity, birthdates, places of birth, occupations, residency and eventual criminal records. Turkmen authorities have not offered any explanation for the new requirement. It can be assumed that the required information is used by the security forces.*¹⁴⁸

In its comments to the Committee’s observations, the State party claims that “*Over 1,700 general secondary schools are in operation in Turkmenistan, with around 2,000 classes using Russian, Kazakh and Uzbek as the language of instruction. Representatives of ethnic minorities living in Turkmenistan are able to study in ethnic and mixed schools*” (point 32), but nothing has been undertaken on the issue since then.

Despite the reform in the education system that has been started since 2007, the school curriculum and syllabus have not been designed for minorities’ needs. Since 2000, enrolment in the Uzbek and Kazakh schools has been fully curtailed and instruction in languages of ethnic minorities has not even been mentioned.¹⁴⁹ Residents of the Uzbek and Kazakh compact settlements were cherishing expectations that their children would be able to resume studies in at least some of the previously functioning Uzbek and Kazakh schools, but the authorities were reluctant to do so.

¹⁴⁵ TIHR Report: “*Turkmenistan. Human Rights in the Era of Grate Renaissance*”, February 2009, at <http://archive.chrono-tm.org/uploaded/5905833640537837.pdf>

¹⁴⁶ Amnesty International, Report 2009, at <http://www.amnesty.org/en/region/turkmenistan/report-2009>

¹⁴⁷ TIHR Report: “*National minorities in Turkmenistan: education, culture and social sphere*”, February 2008, at <http://archive.chrono-tm.org/uploaded/1261841206.pdf>

¹⁴⁸ Radio Free Europe/Radio Liberty (RFE/RL): “*Turkmen First Graders Required To Give Family Information*”, 7 September 2011, http://www.rferl.org/content/turkmen_first_graders_required_to_give_family_information/24321252.html

¹⁴⁹ TIHR Report: “*Turkmen Education: Reform and Regress*”, January 2009, at <http://archive.chrono-tm.org/uploaded/1671390621977742.pdf>

The ethnic KAZAKHS had been the fourth largest minority group, but their number has rapidly decreased. Most of them left due to closed Kazakh schools. A huge number of Kazakhs obtained a status of repatriates and re-settled back to Kazakhstan, due to discriminative policies in Turkmenistan, strained economic situation of non-titular groups, and offer from the Kazakh government to return back to their homeland.¹⁵⁰ During the meeting in May 2007, Kazakh President Nursultan Nazarbaev raised the issue of Kazakh schools in Kazakhs' settlements in Turkmenistan.¹⁵¹ Construction of a Kazakh school was even on the agenda for the meeting¹⁵², but nothing about it was mentioned in the Turkmen media and in the joint Turkmen-Kazakh communiqué.¹⁵³

While Uzbekistan has over 60 Turkmen schools, Turkmenistan has not a single UZBEK school. The Uzbek girls, who come to an interview with plaits styled in a non-Turkmen fashion, are not seen favorably. The Uzbek youth has no chance to get into Turkmen universities and even if they get admitted, it is due to a significant bribe as a compensation for their ethnic origin.¹⁵⁴

In the north of Turkmenistan, where thousands of Uzbeks reside, the Uzbek language is no longer taught in local schools. The Uzbek children have been deprived of the opportunity to study their native language and literature. Many Uzbek teachers who taught the Uzbek language and literature asked to be allowed to teach other subjects, but their request was declined.

Back in the 1990s the Russian, Uzbek and Kazakh schools were closed in Turkmenistan and converted in Turkmen schools. In larger cities, in the former Russian schools, only one or two classes with Russian as the language of instruction were left. In schools of the Lebap and Dashoguz velayats, where the big Uzbek community lives, the Uzbek language and the Uzbek literature were taught until the early 2000s when these subjects were abolished. Since June 2010, the Turkmen language is the only language of instruction and teachers who used to teach the Uzbek language and literature are now unemployed. The Dashoguz velayat, which borders Uzbekistan, used to have nine Uzbek and five Russian schools, out of 23 schools in the velayat.¹⁵⁵

The above mentioned example contradicts the State party's claim that "(...) *The State provides assistance to Turkmen citizens in the study of their native language in accordance with the law (...)*" (point 178).

Although local educational departments have received requests to increase number of classes with RUSSIAN as instruction language, the local authorities have been reluctant to do so. The authorities even exercised severe pressure on those parents, who had requested a class with Russian as language of instruction.¹⁵⁶

Another several thousand graduates wish to study at universities and secondary specialized schools in the CIS countries and all of them will study in Russian. National minorities, above all Russians, want their children to study in Russian, but the number

¹⁵⁰ TIHR, "Chronicles of Turkmenistan": "Yzmykshyr will remain without ethnic Kazakhs", 31 March 2010, at <http://archive.chrono-tm.org/en/?id=1328>

¹⁵¹ Kazakhstan, Russia and Turkmenistan to build a new gas pipe-line, at

http://qzt.uz/rus/ekonomika/kazaxstan_rossiya_i_turkmenistan_postroyat_noviy_gazoprovod.mgr

¹⁵² On the N. Nazarbaev's official visit of to Turkmenistan. From the online newspaper "Janmin Jibao", at <http://russian.people.com.cn/31519/6259617.html>

¹⁵³ Newspaper "Neitral'nyi Turkmenistan", No. 224, 12 September 2007

¹⁵⁴ TIHR, "Chronicles of Turkmenistan": "Visit is over, but problems remain", 21 March 2008, at <http://archive.chrono-tm.org/en/?id=753>

¹⁵⁵ TIHR, "Chronicles of Turkmenistan": "Selective approach in neighbourly relations", 21 March 2011, <http://archive.chrono-tm.org/en/?id=1630>

¹⁵⁶ TIHR, "Chronicles of Turkmenistan": "Number of Russian children not sufficient to form a class", 1 November 2008, at <http://archive.chrono-tm.org/?02490444860000000000000011000000>

of Russian classes is restricted, as many Turkmen families want the same for their children. In order to secure a place in a “Russian class”, people use their connections within the educational administration as well as personal contacts with school principals and teachers. In most cases, a bribe guarantees a place in the desired class. Apart from the Pushkin school in Ashgabat, no other school provides classes in Russian.

Since the late 1990s almost all schools were converted into Turkmen. Only major cities have few schools with one or two classes that offer Russian as language of instruction. No such opportunity is provided in rural areas. Despite the mass emigration of the Russian-speaking population, the demand for education provided in Russian has remained in Turkmenistan, but the Ministry of Education of Turkmenistan does not want to undertake any steps to change this. Teachers of Russian universities claim a very low level of proficiency in Russian that is demonstrated by Turkmen students. Restricted access to the education provided in Russian in Turkmen schools creates therefore two problems: poor command of Russian and high level of corruption.¹⁵⁷

TIHR recorded another case of corruption that targeted Turkmen students.

Dozens of Turkmen students studying abroad were denied to fly back to Turkmenistan from the Moscow’s Domodedovo airport for three consecutive days in December 2011. Students claimed that the reason was [an artificial] shortage of seats on the flights operated by the Turkmen airlines. However, all students who could afford to pay 100 US\$ could obtain a return flight.¹⁵⁸

International organizations heavily criticized the Turkmen authorities for requiring students of all educational establishments to wear traditional NATIONAL DRESS, regardless of their ethnic identity. Girls are obliged to wear a long Turkmen dress with specially decorated collar and *takhja* (the Turkmen national cap), while boys must wear *takhja*. From 1 September 2007, female educators have been also required to wear Turkmen national dress.¹⁵⁹ In its comments (point 42) to the Committee’s observations, the authorities had referred to school principals as decision makers on the issue, but the uniform has since then been officially approved.¹⁶⁰

Number of students admitted to national and foreign UNIVERSITIES has increased since 2007. The State party claims in its comments to the Committee’s observations that “*students were accepted without any restrictions on ethnic or other grounds in various higher educational establishments in the Russian Federation - the I.M. Gubkin State Oil and Gas University in Moscow, the Ufa State Oil Technical University, the Tomsk Polytechnical University, the Tyumen Oil and Gas University and the Almeteyev Oil Institute*” (comment 15, point 30)

The number of those seeking access to higher education exceeds the number of vacancies in the Turkmen higher educational establishments. According to the Ministry of Education, over 20.000 students applied in 2008 for the 4.000 vacancies at the Turkmen higher education. In addition to insufficient number of vacancies, another serious problem is that the Turkmen high-school graduates show poor knowledge when admitted to foreign universities.¹⁶¹ As regards higher military and law enforcement schools, 530 students were

¹⁵⁷ TIHR, “Chronicles of Turkmenistan”: “I to want Russian speeking”, 5 September 2008, <http://archive.chrono-tm.org/en/?id=902>

¹⁵⁸ TIHR, “Chronicles of Turkmenistan”: “Poor students of the rich country”, 27 December 2011, <http://www.chrono-tm.org/en/archives/267>

¹⁵⁹ TIHR, “Chronicles of Turkmenistan”: “School supplies”, 27 August 2008, at <http://archive.chrono-tm.org/en/?id=900>

¹⁶⁰ TIHR Report: “National minorities in Turkmenistan: education, culture and social sphere”, March 2008, at <http://archive.chrono-tm.org/uploaded/1261841206.pdf>

¹⁶¹ TIHR Report: “Turkmenistan. Human rights in the era of the great Renaissance”, February 2009, at <http://archive.chrono-tm.org/uploaded/5905833640537837.pdf>

admitted to the higher military school and 200 students to the Police Academy in 2007.¹⁶² It is to assume that in five to six years one fifth of all graduates of Turkmen higher educational establishments will be employed by the law enforcement agencies.¹⁶³

6.8. Article VII:

Implementation of Cultural, Educational and Informational Measures to Combat Racial Prejudices

Although the Committee recommended to the State party to respect the freedom to seek, receive and impart information “(...) *in order to foster common understanding and tolerance amongst nations and ethnic groups*” (comment 19), not much has changed.

The Turkmen authorities claim in their comments that “*The bilateral and multilateral agreements signed for the purpose of developing inter-State humanitarian relations (with Kazakhstan, Russia, Tajikistan and Uzbekistan) (...) contain provision for the holding of culture festivals, concerts, exhibitions, conferences, the expansion of television broadcasting, print media, student exchanges and joint scientific projects in the spheres of culture, education, science and youth policy*” (point 44), but this remains mainly declarative or limited to red-ribbon-cutting-events.

CULTURAL CENTERS AND MASS MEDIA in languages of national minorities are almost inexistent. Non-Turkmen citizens are not allowed to found and register public organizations, become their members or establish national cultural centers.¹⁶⁴ Several minority groups tried to register as NGOs, in order to obtain legal status and be able to conduct cultural events, but none of the groups succeeded to register.¹⁶⁵

The State party replied to the Committee’s observations that “*On 28 May 2007 the Presidents of Turkmenistan and Kazakhstan agreed to increase the range of television broadcasts and newspaper distribution with the aim of preserving a common cultural, educational and information space*” (point 46). This is only true to some extent. (See under Article V, Section (d) (viii): *The Right to Freedom of Opinion and Expression*)

Bisengul Begdesenov, a Kazakh community leader living in Ashgabat, made numerous attempts to register a Kazakh cultural centre in Turkmenistan, but was prevented to do so. He has also organized trainings and seminars on education for the Kazakh minorities in Turkmenistan and tried to help them to privatize their apartments in Turkmenistan.

In the evening of 11 April 2011, security service officials detained Mr. Begdesenov and searched his apartment without a warrant. They also confiscated his computer and documents. On 13 April he was formally arrested on large-scale fraud charges and was placed in custody. Turkmen human rights organizations briefed European Parliament members about his arrest and the international human rights organization Human Rights Watch included him in the list of citizens, who are arrested on politically-motivated charges. Kazakhstan’s rights activists set up a community coalition committed to protect B. Begdesenov and arranged several protests in front of the

¹⁶² From the newspaper *Neutrallyniy Turkmenistan*, No. 171-173, 14 July 2007

¹⁶³ TIHR, “*Chronicles of Turkmenistan*”: “*I to want Russian speaking*”, 5 September 2008, at <http://archive.chrono-tm.org/en/?id=902>

¹⁶⁴ TIHR, “*Chronicles of Turkmenistan*”: “*Visit is over, but problems remain*”, 21 March 2008, at <http://archive.chrono-tm.org/en/?id=753>

¹⁶⁵ US Department of State: “*2010 Country Reports on Human Rights Practices*”, <http://www.state.gov/documents/organization/160480.pdf>

*Turkmen diplomatic missions in Astana and Almaty. On 13 May Bisengul Begdesenov was released and received a suspended nine year imprisonment term. Pursuant to the court's ruling he is obligated to compensate the state for damages associated with privatization of Kazakh apartments, which was arranged under his assistance. On 2 December 2011 he wanted to travel to Kazakhstan, but Turkmen border guards did not allow him to board the plane for Almaty saying that the Prosecutor-General's Office had barred him from leaving the country. Begdesenov believes that the travel ban is a sort of a blackmail arranged by the Turkmen authorities to coerce him into paying the damage, but also to intimidate Kazakhs residing in Turkmenistan and discourage them from privatizing their apartments.*¹⁶⁶

Point 190 from the newest State report also states that “*In recent years, Turkmenistan concluded and signed a number of agreements (...) in the cultural, arts and humanitarian spheres with various foreign countries. They include, among others, the Programme of Cooperation between the Governments of Turkmenistan and Uzbekistan in the cultural and humanitarian spheres for the period 2008–2010. (...)*” This statement has no meaning in practical life of the Uzbek minority. Although Uzbek radio broadcasts in Turkmen language, while Turkmenistan has not a single Uzbek mass media.

The State Party failed to list more than one minority magazine and one newspaper, both in Russian language. Russian language daily *Neitralnyi Turkmenistan* is the only periodical in a non-Turkmen language¹⁶⁷, but although it has been published since 1924 and appears six times a week, it is not protected from President's moods.

*Chief-editor of daily Neitralny Turkmenistan Vladimir Gubanov was fired from the post by the Turkmen President on 27 December 2011. Although not clear in the beginning why he was fired, the press service of the Turkmen President published a statement in January 2012 on the issue. According to the statement, Vladimir Gubanov, who is also chairman of the Parliamentary Committee on Science, Education and Culture, was relieved from the chief-editor's post due to increased amount of work. No controversial articles have been found in the daily. Ms. Irina Stolbunova, who is a deputy editor of the newspaper, has been made the acting editor in December 2011, but in the beginning of January, Viktor Zaycev was named the chief-editor. The dismissal took place three days after the Turkmen leader's visit to Moscow, where he presumably had discussed the situation of Russians in Turkmenistan, who had been pressured by Turkmen authorities either to give up their Russian citizenship or to leave Turkmenistan.*¹⁶⁸

Despite the Committee's deep concern that Turkmenistan has adopted measures drastically limiting access to foreign culture and art, foreign media and the Internet, it has not encouraged the Turkmen authorities to undertake any steps and improve the situation. The Turkmen authorities claimed in their comments from 2008 that “*The Government has taken a decision to open Internet cafes for public use in the capital and the provinces*” (point 40). In their current report they do not mention situation in the internet sphere at all.

Although the current President has taken some steps to open up Turkmenistan to the World Wide Web, INTERNET use remains heavily regulated in the country. The internet is still available only to a small fraction of the population and the only existing internet provider,

¹⁶⁶ TIHR, “Chronicles of Turkmenistan”: “*Civil society activist detained*”, 22 April 2011, <http://archive.chrono-tm.org/en/?id=1660>

¹⁶⁷ TIHR Report: “*Turkmen Education: Reform and Regress*”, January 2009, at <http://archive.chrono-tm.org/uploaded/1671390621977742.pdf>

¹⁶⁸ Eurasianet/“Sifting the Karakum”: “*Turkmenistan: President Sacks Russian Daily Editor*”, 27 December 2011, <http://www.eurasianet.org/node/64771>

state-run Turkmen Telecom offers a highly censored version of the internet.¹⁶⁹ Foreign websites that publish independent and critical information about developments in Turkmenistan are blocked. Among these websites are sites related to the exile Turkmen opposition, news sites covering Turkmenistan such as gundogar.org and ferghana.ru, as well as the TIHR website chrono-tm.org. Youtube is also unavailable, and Livejournal, Facebook and Twitter are often blocked. Email correspondence is closely monitored and censored, and phone conversations of “black-listed” individuals are tapped.

Internet cafes are also held under close surveillance by the authorities. Visitors to these cafes are required to show their passports, and all their activities on the internet are recorded.¹⁷⁰ Rates for private internet connections remain prohibitive¹⁷¹ and those who sign up for such services with Turkmen Telecom have to accept a number of conditions, e.g. a prohibition on accessing web sites that disseminate “untruthful and defamatory information.” If they are found to violate this rule, their service may be shut down.¹⁷²

Official governmental sources informed in September 2010 that TURKMENISTAN IS THE FIRST OF ALL CENTRAL ASIAN COUNTRIES TO GO ONLINE in the framework of the EC’s project “*Central Asian Research and Educational Network*” (CAREN). The project should ensure high-speed access of science-educational network to the Internet. The project is a continuation of the project “*Virtual Silk Road*”, during which 69 scientific and educational institutions in the country, including 27 secondary schools, were supposed to create network via free access to the Internet.¹⁷³ However, many educational establishments that are equipped with computers have no Internet access options, while Internet access points at the State University tend to be closed.¹⁷⁴

After Gurbanguly Berdimuhamedov became the new president, the Turkmen EDUCATION did experience few changes, but these were quite meagre. Some of the curricula were changed and few new school books were published. Nevertheless, the Turkmen government continues to place significant restrictions on academic freedom.

The Committee recommended the State party to allow Turkmen students to study abroad and provide detailed information on the actual regulations and practices relating to the recognition of foreign degrees. The State Party replied to the Committee’s Comments that in 2008 “*over 1,000 young men and women became students of prestigious higher educational establishments abroad in accordance with intergovernmental and interdepartmental agreements*” (point 31). In its newest report, the State party claims that 2,401 foreign higher education degrees are recognized from the educational establishments in the Russian Federation, Ukraine, Belarus, Malaysia, China, Turkey and Iran (point 177). It should be noted that the Turkmen authorities started a campaign in order to discourage Turkmen students from studying in the United States of America and its educational establishments in Central Asia (see below). The Turkmen constitution states that “*Every citizen has the right to education*” (article 38) and that “*The state (...) promotes development of international relations in the fields of science, culture, education and training (...)*” (article 11).

In the fall of 2008, 2200 TURKMENISTAN’S STUDENTS LEFT THE COUNTRY to study in the Russian Federation, Malaysia, Turkey, China, Romania and the CIS countries. The majority

¹⁶⁹ Reporters without Borders, Turkmenistan profile, <http://en.rsf.org/internet-enemie-turkmenistan,39772.html> (also available in Russian); Opennet Initiative, Turkmenistan profile, December 2010, at <http://opennet.net/research/profiles/turkmenistan>

¹⁷⁰ Opennet Initiative, Turkmenistan profile, December 2010, at <http://opennet.net/research/profiles/turkmenistan>

¹⁷¹ See full list of prices used by Turkmentelecom, at <http://www.online.tm/tarifs>

¹⁷² Opennet Initiative, Turkmenistan profile, December 2010, at <http://opennet.net/research/profiles/turkmenistan>

¹⁷³ Turkmen.ru: „*Turkmen educational establishments connected to Internet from European Commission Project*“, 6 September 2010, at http://www.turkmenistan.ru/?page_id=3&lang_id=en&elem_id=17733&type=event&sort=date_desc

¹⁷⁴ TIHR, „*Chronicles of Turkmenistan*“: “*Turkmen Internet*”, 16 June 2009, at <http://archive.chrono-tm.org/en/?id=681>

of them do not intend to return home after graduation, due to the massive unemployment in the country and the undeveloped private sector. All applicants, admitted to foreign universities, were enrolled into pre-university colleges, due to insufficient language proficiency and poor knowledge in general.¹⁷⁵ In 2009, the number of students studying abroad increased even to 2600-2700 and most of them were not financially supported by the gas-rich Turkmen country. In autumn 2008, about 260 Turkmen students left to Russia, in order to continue their education in Russian higher educational establishments, in accordance with the agreements between the two governments.

President Berdymuhamedov promised that “...Lawyers, banking personnel and IT developers, engineers and other specialists, who are in demand in this country, will be trained in developed countries worldwide at prestigious universities ...”¹⁷⁶, while the State party claims in its newest report that between 2009-2011 more than 4300 Turkmen students studied abroad (comment 176). Despite of all this, the Turkmen authorities started putting pressure on students to remain in the country¹⁷⁷, after it has become clear that a considerable number of students has been leaving Turkmenistan (see below).

Most of the Turkmen students who returned to Turkmenistan could not find jobs, not only because the high unemployment rate but also because of their degrees from foreign universities.

Under point 112 of its newest report to the Committee, the State party claims that “*article 34 of the [Migration] Act, Turkmen citizens not in military service may study or work abroad. (...) To study abroad, Turkmen citizens must have received a confirmation or invitation to that effect from an educational institution*”.

In the beginning of autumn 2009, Turkmen authorities introduced new travel rules. Some 165 students, studying at the American University in Central Asia (AUCA), were prohibited from leaving the country, with explanation that their field of specialization was not needed in Turkmenistan.¹⁷⁸ Some Turkmen students were even expelled from the AUCA, due the delayed matriculation.¹⁷⁹ The US sponsors tried to place Turkmen students at the American University in Bulgaria (AUBG)¹⁸⁰, and after an agreement seemed to have been reached, the Turkmen authorities continued to prevent students to leave the country.¹⁸¹ Finally, half of the students were allowed to continue their study in Bulgaria, while the rest remained in Turkmenistan without possibility to leave.¹⁸²

In 2010 and 2011, TIHR received new information about a campaign to discourage high school students from applying to educational exchange programs sponsored by the US government. Local authorities and special services instructed school principals and teachers to put pressure on teenagers and their parents and discourage them from applying to high school programs in the United States. A film was made that portrayed the exchange programs as a cover up training for “democratic revolutions” intended to cause instability and

¹⁷⁵ Turkmenistan.ru: “На обучение в зарубежные вузы направляются более 2200 туркменских студентов”, 3 July 2008, at http://www.turkmenistan.ru/?page_id=3&lang_id=ru&elem_id=13151&type=event&sort=date_desc

¹⁷⁶ From the newspaper Neitralyniy Turkmenistan of 4 January 2007

¹⁷⁷ TIHR, “Chronicles of Turkmenistan”: “Lost the way?”, 26 September 2009, at <http://archive.chrono-tm.org/en/?id=1162>

¹⁷⁸ TIHR, “Chronicles of Turkmenistan”: “Your travel is restricted!”, 20 August 2009, at <http://archive.chrono-tm.org/en/?id=1137>

¹⁷⁹ TIHR, “Chronicles of Turkmenistan”: “Study-abroad refuseniks expelled from AUCA”, 23 November 2009, at <http://archive.chrono-tm.org/en/?id=1221>

¹⁸⁰ TIHR, “Chronicles of Turkmenistan”: “AUCA students to be transferred to a Bulgarian university”, 3 September 2009, at <http://archive.chrono-tm.org/en/?id=1147>

¹⁸¹ TIHR, “Chronicles of Turkmenistan”: “On the ‘black lists’ for five years. What for?”, 14 November 2009, at <http://archive.chrono-tm.org/en/?id=1211>

¹⁸² TIHR, “Chronicles of Turkmenistan”: “Turkmen students rely on UN”, 15 March 2010, at <http://archive.chrono-tm.org/en/?id=1313>

unrest in Turkmenistan. Students who have previously participated in exchange programs are closely watched by security services.¹⁸³¹⁸⁴

*Many students, who left Kyrgyzstan's southern city of Osh because of the clashes in mid-June 2010, were pressured by the Turkmen authorities to remain in Turkmenistan and were summoned to local education departments to sign a statement according which they refuse to return to Kyrgyzstan. Parents of those who insisted to return had to sign a statement and assume responsibility for well-being of their children while in Kyrgyzstan. Some 650 Turkmen students were finally allowed to return to Kyrgyzstan to continue their studies.*¹⁸⁵

The recent TIHR report points to the eagerness of the Turkmen authorities to continue preventing students from studying abroad.

In early January 2012, the testing for Future Leaders Exchange Program (FLEX), designed for senior graders of secondary schools and administered by the US Department of State, started in Turkmenistan. The program, which was launched in 1993, enrolled hundreds of Turkmen students who travelled within the program to the United States. Despite all intimidation and threats from the Turkmen authorities, senior graders continue to apply for the FLEX program.

*At the same time the Turkmen authorities persist to organise various academic contests in English proficiency to ensure that as few as possible students attend FLEX selection. Representatives of the Lebap velayat education department were present at the FLEX testing session and recorded the names of applicants and their school numbers. The next day school principals approached teachers with the list and asked them to identify the pupils, who attended the first round of the FLEX selection. The teachers were summoned to the education department and reprimanded, because their students attended the FLEX testing instead of the state language contest.*¹⁸⁶

The State party wrote in its newest report that Turkmenistan has 16 Turkmen-Turkish and Turkish schools and boarding schools (point 179). The facts on the ground are different:

*Only one Turkish school remained in 2011 in Ashgabat. The Turkish schools are well-known in Turkmenistan for their high-quality education, but the Turkmen authorities fear that they support ideology of Pan-Turkism, which is spread in the CIS via "Nurjular" movement. Many students, who have graduated at these schools at home, continue their education in Turkey. It was observed that upon they return to Turkmenistan, they start to follow strict doctrines of Islam.*¹⁸⁷

Due to the same fear, many Turkmen students were also prevented to continue their studies in Central Asian states.

¹⁸³ TIHR, "Chronicles of Turkmenistan": "Anti-American propaganda in Turkmen schools", 16 December 2010, <http://archive.chrono-tm.org/en/?id=1550>

¹⁸⁴ TIHR, "Chronicles of Turkmenistan": "Turkmen students come home brainwashed", 23 March 2011, <http://archive.chrono-tm.org/en/?id=1633>

¹⁸⁵ RFE/RL: "Some Turkmen Students Allowed to Resume Studies in Kyrgyzstan", 19 August 2010, at http://www.rferl.org/content/Some_Turkmen_Students_Allowed_To_Resume_Studies_In_Kyrgyzstan/2131903.html

¹⁸⁶ TIHR, "Chronicles of Turkmenistan": "No more FLEX programs", 13 January 2012, <http://www.chrono-tm.org/en/archives/307>

¹⁸⁷ "Chronicles of Turkmenistan": "В Туркменистане закрывают турецкие школы", 14 August 2011, <http://www.chrono-tm.org/2011/08/%d0%b2-%d1%82%d1%83%d1%80%d0%ba%d0%bc%d0%b5%d0%bd%d0%b8%d1%81%d1%82%d0%b0%d0%bd%d0%b5-%d0%b7%d0%b0%d0%ba%d1%80%d1%8b%d0%b2%d0%b0%d1%8e%d1%82-%d1%82%d1%83%d1%80%d0%b5%d1%86%d0%ba%d0%b8%d0%b5-%d1%88/>

On 1 August 2011 Turkmen students, who study at the Tajik educational establishments, were barred from travelling back to Tajikistan to resume their studies. Many of them contacted Turkmenistan's Migration Office and other agencies to obtain explanations, but did not receive any information. At the end of October a rumour spread that the Migration Office had lifted the travel ban and a group of students from the Lebap velayat decided to try to cross the Turkmen-Uzbek border at the checkpoint Farab. Out of a dozen senior students only four were allowed to cross the border. The others did not receive any information why they cannot cross the border.^{188/189}

The Committee observed in the Concluding Comments that the late President Niyazov's book RUHNAMA reportedly dominates the Turkmen school curriculum (comment 20). The State Party replied that "*Ruhnama* is not a prominent subject in the curriculum of general secondary schools" and attached the annual programme for the academic year 2007/08. (point 35).

Although the omnipresence of the Ruhnama has decreased to some degree, it continues to be used for educational purposes. English language was introduced as a new subject for all grades, but as almost no books are available, the language is thought from English translation of Ruhnama. The book is still part of the final exams for secondary schools and it is used for entrance exams for institutions of higher education. State universities and institutes have been recently allowed to remove the book from their programs.

President Berdymuhamedov continues to give Ruhnama quite an importance and he even ordered his cabinet to mark its 10th anniversary, which was on 12 September 2011.¹⁹⁰ On 21 December 2011 a commemoration ceremony (Day of Memory) for the late President Saparmurat Niyazov was held at Turkmenbashi Mosque of Spirituality in village of Kipchak and the ceremony was attended by President Berdymuhamedov, the mufti of Turkmenistan, government officials and members of public associations. In his speech at that occasion, the current President stressed that Niyazov was "the man who laid the foundation of independence." Commemorative ceremonies were also held in other mosques across the country.¹⁹¹

A lot points to the fact that Ruhnama will be replaced by a new "spiritual guidebook" written by President Berdymuhamedov. The new book will be either called "Turkmennama" (Book for Turkmen) or "Adamnama" (Book for Humanity). The content of the new guidebook has not been made public yet and it is not clear when it will be launched.¹⁹²

7. CONCLUSION

As the current report shows not much has been changed since the last session and only minor improvements can be reported. Discriminatory practices have continued in all spheres of public life. These persist not only against minorities, but towards whole Turkmen society and can be felt in every segment of life. The Turkmenbashi's policies seem not to be

¹⁸⁸ "Chronicles of Turkmenistan": "Туркменских студентов не выпускают в Таджикистан", 7 September 2011, <http://www.chrono-tm.org/2011/09/%d1%82%d1%83%d1%80%d0%ba%d0%bc%d0%b5%d0%bd%d1%81%d0%ba%d0%b8%d1%85-%d1%81%d1%82%d1%83%d0%b4%d0%b5%d0%bd%d1%82%d0%be%d0%b2-%d0%bd%d0%b5-%d0%b2%d1%8b%d0%bf%d1%83%d1%81%d0%ba%d0%b0%d1%8e%d1%82-%d0%b2/>

¹⁸⁹ TIHR, "Chronicles of Turkmenistan": "Travel ban to Tajikistan lifted for Turkmen students", 21 October 2011, <http://www.chrono-tm.org/en/archives/139>

¹⁹⁰ Radio Free Europe/Radio Liberty (RFE/RL): "Turkmenistan's 'Rukhnama' To Be Replaced With New 'Nama'", 5 September 2011, http://www.rferl.org/content/turkmenistan_spiritual_guidebook_to_be_replaced/24318500.html

¹⁹¹ Turkmenistan.ru: "Turkmenistan pays tribute to first president Saparmurat Niyazov", 22 December 2011, <http://www.turkmenistan.ru/en/articles/15725.html>

¹⁹² Radio Free Europe/Radio Liberty (RFE/RL): "Turkmenistan's 'Rukhnama' To Be Replaced With New 'Nama'", 5 September 2011, http://www.rferl.org/content/turkmenistan_spiritual_guidebook_to_be_replaced/24318500.html

abandoned and a lot points to the fact that if they might even be abandoned, they will be replaced by new doctrines.

The changes, which have started in 2007 and reached the politically “prospect-less” level of something called “dialogue being underway”, slowed down and are clearly declining. G. Berdymuhamedov merely needed something that might suggest reforms so he could strengthen his power. And even if some steps could even be described as reforms, one can hardly see any thoughtful steps, which were undertaken to implement them. Therefore, the activities undertaken by the country’s leadership can be only described as an imitation of reforms and no true steps were undertaken to change the system established by Niyazov. Thus, there are no, and cannot be any, tangible positive outcomes either in agriculture or in the education system or with regard to any other freedoms.

Just to recapitulate few examples listed in the report:

- Bans on the exit of young people to study at foreign universities;
- Curtailing or cutting of many educational programmes;
- Repressions against public activists including exit bans and arrests;
- Repressions even against citizens who are not politically active but used to study abroad on various exchange programmes;
- Repressions against religious minorities, with many of its members being sentenced to long imprisonment sentences;
- Repressions against citizens and their family members, who are stigmatized as disloyal by the authorities;
- De facto elimination of civil society in the country;
- An extension of “black lists”, which include names of those who are banned from leaving Turkmenistan. According to the recent data, these lists include about 18.000 names (under S. Niyazov the amount was below 4.000);
- The ban endorsed personally by the President (published in the Turkmen media) for bringing printed press from abroad under the pretext that Turkmenistan produces sufficient number of print media;
- A presidential appeal to the heads of special services, which was published in the Turkmen media, to fight slanderers and Turkmen activist forcibly residing abroad;
- The demand of the Turkmen authorities not to allow participation of dissidents and opposition leaders at OSCE events.

The strict attitude towards its own people and the lack of fulfilment of the promised democratic changes bear mark of the current State party’s policies. In order to guarantee stability, Turkmenistan should solve social problems instead of holding a session of the Security Council where the Minister of the National Security reports to the President about “the work undertaken in the country to support and further strengthen the public and political stability”.

A façade of loyalty of the entire population is being created during numerous celebrations, receptions and visits of the President, where everybody, including schoolchildren and students, had to stand for hours either in the heat or in deep frost and pretend to be happy. In order to make the happiness appear genuine, people are distracted from their studies and work and are being trained for several days and even weeks. And all this is circulated by the Turkmen mass media as an all-nation love for the President and universal support of his policy.

Instead of free water, gas and salt, Turkmen citizens need employment in order to pay their everyday living costs. Almost all the revenues from the “unlimited wealth” of hydrocarbons are spent by the authorities on building hotels, palaces and tourist resorts which remain empty most of the year. Foreign companies, which receive contracts for these multimillion

construction projects, do hire Turkmen citizens, but as soon as the project is completed, all local residents become unemployed.

The Turkmen political culture remains faithful to its practice not to respect rule of law and does not make any intention to protect its citizens. Nor does it offer any effective avenues of redress, whether through the legal system or through political mobilization in civil society organizations or the electoral system.

State media continue to celebrate Turkmen culture and heritage, and vehemently exclude all other traditions within the country, glorifying Turkmen nationalist ideology. With no alternative sources of information, and authorities eagerness to curtail even those accessible via satellite dishes, there is no much hope to change such an approach.

Another serious problem is spreading of corruption, which has been well noticed by the representatives of foreign business companies. The Turkmen authorities are not ready to tackle it at all.

Due to its huge gas reserves, Turkmenistan has shown limited readiness to react to external criticism. Its reports to the CERD and other UN bodies are a positive step in meeting the government's commitments under international law. But, as all alternative reports show, these reports are mainly declarative, inaccurate and distort picture of the existing situation within the country.

8. RECOMMEDATIONS

The State party is recommended to:

1. Eliminate the 'third-generation' test throughout Turkmenistan society, particularly in higher education and public sector employment, and eliminate the requirements for it currently present in the law and employment regulations for civil servants;
2. Re-open the Uzbek, Kazakh, Armenian, Russian and other language schools, and extend the availability of Russian-language education;
3. Eliminate the requirement for religious groups to register with the government;
4. Stop the harassment of religious services and gatherings, both public and private;
5. Stop the harassment of citizens of Turkmenistan who have sought refuge or exile abroad;
6. Stop requiring students to wear Turkmen dress to school;
7. Stop preventing students from studying abroad at universities of their choice;
8. Allow and encourage political perspectives other than those celebrated by the Turkmen government to reach the public, both in school curricula and mass media;
9. Stop misusing national security concerns to restrict the use of the internet or other new communications technologies, keeping in mind that restrictions on these grounds only are permissible in exceptional circumstances and if they are shown to be a necessary and proportionate response to a direct and imminent threat of violence;
10. Stop intimidating and persecuting individuals who are suspected of using internet and cell phone resources to provide information to foreign websites and media outlets, as well as Turkmen journalists and civil society activists in exile who use the internet as a tool in their work, and their relatives;
11. Refrain from systematic filtering, censoring or blocking of online content;
12. Put an end to existing schemes for systematic monitoring of email and other online communication, tapping of phone conversations of journalists, human rights defenders or others known to be critical of authorities, as well as surveillance of the activities of visitors to internet cafes;
13. Allow foreign-language print and broadcast media to operate and circulate freely;
14. Allow foreign telecommunications companies to operate in the Turkmen market so as to create competition and stimulate an improvement of services;
15. Allow foreign and domestic NGOs and human rights groups to register and to operate freely in Turkmenistan;
16. Meet reporting obligations to the CERD and other international bodies in a timely fashion;
17. Comply in practice with the obligations set forth in its own Constitution and under the Convention on the Elimination of Racial Discrimination and other human rights treaties