



Turkmen Initiative for Human Rights

Alternative Report on the Human Rights Situation in Turkmenistan for the Universal Periodic Review

This study is based on an analysis of the activities of several human rights networks, including the Turkmen Initiative for Human Rights (TIHR), in the past five years. It focuses particularly on developments since the change of president in 2006 following the death of the dictator, Saparmurat Niyazov, and the decisions taken by the new leadership in the area of human rights.

Introduction

After the death of Turkmenistan's first president, Saparmurat Niyazov, the new Turkmen government, under the leadership of Gurbanguly Berdymukhammedov, ended the cult of Niyazov's personality, abolishing its most authoritarian manifestations. The government asserted its intention of returning to commonly accepted standards of education, broadening access to the Internet, lifting restrictions on internal travel and modernising state bodies.

However, observation and analysis of the actions taken by the authorities show that most of the decisions purported to improve the human rights situation amount to no more than facade democracy.

Human rights violations begin at the legislative level, with either an absence of laws or legislation that does not comply with international standards (e.g. a repressive law against NGOs; absence of legislation on trade unions) leading to massive human rights violations. At the same time, the subordination of all branches of government to the executive creates a situation in which all bodies "vested with public power" and the judicial system are ideological instruments serving the regime. This explains how many social activists, dissidents and journalists in Turkmenistan are prosecuted on trumped-up criminal charges. They are also frequently intimidated: threat of prosecution against activists and their relatives on fabricated charges; threat of extra-judicial measures, such as beatings or being barred from foreign travel; and psychological pressure, such as phone tapping and being watched; and various kinds of provocation.

The Turkmen authorities continue to bar independent observers from visiting prisons. This attitude can be attributed primarily to detainment conditions: the cells are overcrowded; inmates

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are forced to perform physical tasks hazardous to their health; and many suffer from tuberculosis.

Although, according to local observers, the atmosphere of terror and permanent danger characteristic of the Niyazov era is gradually subsiding, ordinary citizens in Turkmenistan are still not free to exercise most of their rights.

Mass media and access to information

The Turkmen authorities' disregard for public opinion and standards of international law is glaring in their attitude to freedom of speech and access to information. Despite the new leadership's repeated promises to comply with international standards, no formal decision likely to improve freedom of speech has been taken. The archaic Soviet law on the mass media is still in force. All print and electronic media in Turkmenistan belong to the state and are closely controlled by the presidential administration. All the national newspapers were officially founded by the president, as their mastheads indicate. All appointments of editors and even deputy editors, and the opening of any new media, are officialised by nominal decrees signed by the president. Turkmenistan's new government has made no declaration on freedom of speech or press freedom.

Consequently, the Turkmen media leave no room for pluralism, barely mention debates in society and do not reflect public opinion. All articles published are intended to provide ideological support for the government's decisions.

The unrestricted distribution of foreign periodicals is still prohibited in Turkmenistan. In 2007, the president permitted subscriptions to foreign newspapers. Every six months, he signs a decree that authorises some government departments to subscribe to the foreign press. This authorisation is exclusively limited to state institutions. The foreign press allowed into government departments is automatically considered "reserved for the department", which means that ordinary citizens do not have access to it. In Turkmenistan, ordinary citizens are not entitled to subscribe to foreign newspapers or to obtain them by any means.

Similarly, the introduction of foreign media into the country by private citizens is strictly limited. At customs posts on the borders, special units carefully examine newspapers, journals and electronic media for any "undesirable" articles. In summer 2007, activist Natalia Shabunts was searched on her return to Turkmenistan. The newspapers, journals and electronic media she was carrying were confiscated for "examination". Many similar cases have been reported to human rights defenders.

Access to the Internet

The Turkmen authorities, through the voice of the president and other senior officials, have repeatedly affirmed that it was essential to broaden access to the Internet. Fifteen Internet cafes opened in Turkmenistan in 2007. However, to use the computers and the Internet, users must show their passports and proof of address and be registered in a special register. Currently, every private citizen who connects to the Internet in Turkmenistan must sign a document stating that he/she will not visit any websites deemed "harmful" by the authorities.

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In April 2008 the Turkmen government installed special filters to block access to websites of dissident and human rights organisations and media critical of the regime. The system of filters was already in place, but it became fully operational in 2008. Access to some 50 sites has been blocked. Email sent through popular servers like Gmail, Yahoo! and Hotmail is under strict surveillance. Through the filters, the authorities can rapidly find out any users that criticise the regime in their personal or professional correspondence. Special attention is paid to journalistic articles sent abroad for publication.

Persecution of journalists

Independent journalists continue to be hounded. Given the state monopoly on the local media, the security departments focus their efforts on journalists who collaborate with the foreign media. Even without direct proof of such collaboration, the authorities do all they can to make the life of journalists difficult: cutting off their phone lines, blocking their Internet access and subjecting them to various forms of psychological pressure.

On 18 April 2007, independent journalist Sona Chuli-Kuli was barred from travelling to Kazakhstan to attend the Eurasian Media Forum. She was arrested that morning and interrogated for three days at the Ministry of National Security. Ministry employees allegedly confiscated her computer, meticulously examined all the files on the hard drive and demanded detailed explanations of the content of the files. She was accused of writing articles for a foreign newspaper under a pseudonym, and the interrogators demanded that she reveal all the pseudonyms she had used, and pseudonyms used by her colleagues. Her computer was then returned to her, but she was forced to sign a statement agreeing not to cooperate anymore with the foreign media.

The authorities of Turkmenistan have made a number of attempts to silence correspondents for Radio Free Europe/Radio Liberty's Turkmen Service. The correspondents' reports are openly critical of the country's leaders and regularly stress the worrying human rights situation. In 2007-2008, the authorities repeatedly intimidated correspondents working for the radio station: frequent summons to the Ministry of National Security for questioning about their work for the radio station; "recommendation" to end their work; cutting off their phone lines, which prevents them from sending information to RFE/RL's Turkmen Service in Prague; persecution and intimidation of family members.

On 18 June 2008, on a direct order of the government, a freelance correspondent for RFE/RL's Turkmen Service, Sazak Durdymuradov, was arrested and confined in a psychiatric clinic. On 4 July, he was released following several official protests by human rights organisations and foreign diplomats.

The resolution of the Turkmen supreme body, the Khalk Maslakhaty, "on traitors to the fatherland" has still not been abolished. The text stipulates that a journalist or writer who expresses doubt about or criticism of state policy can be tried for "treason against the fatherland", which carries a maximum sentence of life imprisonment. This threat is aimed first and foremost at journalists.

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Civil society and social organisations

In Turkmenistan, human rights organisations still cannot work under normal conditions, and the activists who attempt to disseminate reports of abuses of power suffer incessant prosecutions.

The authorities have repeatedly prevented civil society activists from meeting representatives of foreign governments and international organisations, including the UN and the OSCE, during visits to Turkmenistan. Many activists have been arrested during visits of foreign delegations; many have been placed under house arrest and had their phone lines cut. In May 2007, when the High Commissioner for Human Rights was visiting Turkmenistan, a civil society activist was arrested and detained at the Ministry of National Security for almost 48 hours, and was only released after the High Commissioner left. In about April 2008, the country saw another wave of repression against independent journalists and activists. The main aim was to identify the sources of NGOs and foreign media. Repression targeted individuals suspected of having passed information on to the Turkmen Initiative for Human Rights in Austria, whose website contains many articles critical of the regime.

Violation of collective rights (trade unions)

Turkmenistan has signed all the key conventions of the International Labour Organisation (ILO). However, national legislation has never been brought into line with those conventions; the country has no law on trade unions. The only national union in existence, a legacy of the Soviet Union, is fully controlled and managed by the state. It does nothing to defend the rights of workers, but simply allocates meagre financial resources. All attempts to organise independent trade unions have come up against the unyielding resistance of the authorities.

The absence of independent unions enables many violations of workers' rights. For example, civil servants are required to perform unpaid community work once a week (cleaning streets, sorting rubbish, participating in state festivals, demonstrations and celebrations), or risk being fired on the spot. Given massive unemployment, this system is particularly deleterious. We know of many cases of extortion (forced spending), where the state forces civil servants to contribute financially to repairs in the buildings where they work or to subscribe to the national media.

In the countryside, growers of the main crops (cotton, grain, silk) are almost wholly dependent on the state, which makes decisions about cropping and harvesting under the Plan (the volume of output to be supplied to the state), which leads to dispossessions and delays in payment.

Local employees of foreign companies operating in Turkmenistan (e.g. French company Bouygues, the main project contractor of Turkmenistan's authorities in building sector) are particularly poorly protected. Their rights are constantly flouted, in terms of remuneration, workplace safety, social protection and insurance.

Discrimination against national minorities

Turkmenistan violates international law on many counts in this area.

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The Baloch¹

The most glaring and tragic example of the Turkmen authorities' treatment of national minorities is their attitude towards the Baloch. In Turkmenistan, the Baloch – a small ethnic group that does not have its own state – are condemned to the complete loss of their national identity and forced assimilation. During the Soviet era, the Baloch were allowed to cultivate the key features of their national identity: they had their own school and cultural centre, and they kept up their national traditions. But in Turkmenistan today, teaching the Balochi language and national customs at Sunday schools is prohibited; and activists who defend their national identity are prosecuted by the Turkmen authorities for “incitement to inter-ethnic hatred”. According to several studies, a majority of young Baloch no longer speak the language; and their cultural identity is only maintained in daily transactions.

Similarly, in the early 2000s, national schools teaching in the Uzbek or Kazakh language completely disappeared, even though Uzbeks make up 10 percent of the population of Turkmenistan. Almost the whole Kazakh population has emigrated to Kazakhstan, under a special programme launched by the Kazakh government.

Action against relatives

The system of collective punishment, including for relatives of opponents of Niyazov's regime, has always been a powerful factor in preventing the development of dissident, human rights and opposition movements – and more broadly a civil society. The practice consists in arresting not only the “culprits”, but also their relatives and friends. Punishments varied: some were sentenced to long prison terms, others lost their jobs or were expelled from university, while others were “only” barred from leaving the country. There is a large body of evidence of the types of pressure that the current authorities exert on the families of detainees convicted under Niyazov. Independent journalist Svetlana Mamedova has not been permitted to leave Turkmenistan for more than five years because one of her relatives was convicted in one of the more notorious cases under Niyazov. Farid Tukhbatulin's brother Ruslan lost his job because of Farid's activities as founder and director of Turkmen Initiative for Human Rights. The director of the Turkmenistan Helsinki Foundation for Human Rights, Tadjigul Begmedova, has denounced the pressure exerted on her relatives because of her peaceful activities (particularly, frequent visits to their homes by government representatives). Tadjigul Begmedova's father, Sazak Begmedov, is

¹ The Baloch first settled in what is now Turkmenistan in the early 20th century, when they were displaced from the Iranian province of Balochistan to the southern provinces of Turkmenistan. According to the censuses of 1989 and 1995, their numbers rose from 28,280 to 36,428 between those two dates. However, the situation of this national minority, which already faced many difficulties in the Soviet era, has become tragic since the collapse of the USSR, mainly because of their linguistic and cultural isolation. In the latter decades of the USSR, the Baloch community managed to set up cultural and educational facilities that enabled them to maintain their unique identity. There was a special school that taught the Baloch language (Farsi) and a dance company that achieved some fame. In the mid-1990s, all the cultural institutions were closed, as well as the dance company and school. On several occasions, the authorities have prosecuted citizens of Baloch background, accusing the ethnic group as a whole of arms and drug trafficking.

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still living in internal exile. In 2003, he was sent to the city of Dashoguz, near the Uzbek border. Dissidents, human rights defenders, opposition members, independent journalists and their relatives are regularly impeached by the government to travel abroad which is used as a tool to suppress contention.

Recommendations to the government of Turkmenistan:

- Rapidly implement the recommendations of the UN committees, particularly the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women;
- Allow all UN rapporteurs and experts who have so requested to visit the country, particularly the Special Rapporteurs on Torture, on Independence of Judges and Lawyers, on Human Rights Defences, and on Violence Against Women;
- Rapidly submit all overdue periodic reports to the UN treaty bodies;
- Launch the process of reviewing politically motivated criminal cases, giving the process maximum transparency;
- Immediately cease action against family members, and release all prisoners held on the grounds that they are family members;
- Lift all arbitrary prohibitions on entry and exit from Turkmenistan;
- Lift prohibitions on independent media and unrestricted access to the Internet; stop prosecutions of journalists and social activists; develop national legislation on the media that complies with international standards;
- Develop national legislation on the rights of national minorities that “respects and protects the existence and cultural identity of all national and ethnic minorities” in accordance with the recommendations of the CERD²;
- Develop general legislation on the protection of workers’ rights (collective rights);
- Develop national legislation on NGOs compliant with international standards and Turkmenistan’s international obligations;
- Guarantee access for representatives of the Red Cross to detention centres;
- Enable representatives of human rights organisations and journalists to enter the country and work independently.

² CERD/C/TKM/CO/5, 27 March 2007, § 12

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