



The protection of fundamental rights in Turkmenistan

Briefing paper for the EU-Turkmenistan Human Rights Dialogue in March 2019¹

The human rights situation in Turkmenistan remains fundamentally repressive and the country continues to feature at the bottom of international surveys measuring the level of freedom across the world. For example, in the 2019 Freedom in the World report published by Freedom House, Turkmenistan was again ranked among the worst countries, with an aggregate score equal to that of Eritrea and South Sudan and only Syria and Tibet behind.²

The current economic crisis in the country has had a serious impact on the population. However, the authorities have sought to cover up its impact by rigidly controlling state media, preventing citizens from accessing foreign sources of information and intimidating those who dare to speak out against socio-economic problems in the country. The authorities continue to forcibly mass mobilise citizens for public celebrations and days of free labour and arbitrarily bar inconvenient individuals from travelling abroad. The practices of politically motivated imprisonment and disappearances remain of serious concern.

These issues are described in more detail below, followed by a set of recommendations for measures that the Turkmenistani authorities should be requested to take. IPHR and TIHR also support the human rights benchmarks set out in the resolution on the draft EU-Turkmenistan Partnership and Cooperation Agreement (PCA) that the European Parliament (EP) adopted on 12 March 2019.³ This resolution provides for a set of short-term human rights benchmarks on which the EP expects to see sustainable progress by Turkmenistan before giving its consent to the PCA. The EU-Turkmenistan PCA was signed in 1998 but has since been pending ratification. The EP resolution also provides for long-term benchmarks for measuring human rights progress in Turkmenistan.

State propaganda and state interference with media

As previously, there is no media freedom in Turkmenistan. All national media outlets are controlled by the state and used as tools for state propaganda. President Berdymukhamedov has repeatedly called on national media outlets to focus on reporting about positive developments and the achievements of the government. The new Law on TV and Radio Broadcasting adopted in 2018 explicitly requires TV and radio broadcasts to create “a positive image of Turkmenistan”.⁴

The current economic crisis in Turkmenistan has seriously affected the population. It is difficult to assess the full scale of the crisis due to the lack of reliable government data about its impact and the lack of access to the country for international experts and monitors. However, as documented by TIHR with the

help of its in- country network of civil society monitors, the crisis has, among others, resulted in dramatically increasing prices on consumer goods, the lack of basic foodstuffs, rationing and long lines outside state-owned food stores, where prices still are state regulated.⁵ At the same time, national media has ignored these problems, reporting instead about “full” store shelves and the “abundance” of food in the country.⁶

The authorities have also sought to prevent the dissemination of information about the current crisis by independent media outlets based outside the country. For example, the Prague-based Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL) reported that the security services questioned some 300 local residents after it published a video that featured footage of long bread lines in the city of Dashoguz.⁷ In this way, the security services were attempting to find out who had provided the service with the footage. The video appeared on the RFE/RL site on 4 October 2018.

TIHR's website, which is administered from TIHR's exile location in Vienna and provides independent information about the current crisis and other developments in Turkmenistan, is also regularly subjected to cyber attacks. Recently the site has been the target of malicious bot attacks on an almost monthly basis. While TIHR has been able to manage these attacks so far, they pose an ongoing threat to the functioning of the site.

TIHR's website and other sites featuring information that challenges state propaganda, as well as many social media sites are blocked in Turkmenistan. At the same time, the authorities have attempted to restrict the use of so-called proxy servers that are used to circumvent internet censorship.

Campaign against satellite dishes

The authorities continue their arbitrary campaign against satellite dishes, which residents use to watch and listen to foreign TV and radio channels, as an alternative to national state-controlled channels. This campaign has been under way for years, with privately owned satellite dishes being forcibly removed under the pretext that they spoil the city view. Recently, the authorities have also resorted to other tactics than mainly removing satellite dishes, including by intimidating the heads of state institutions to ensure that their employees do not use or install satellite dishes⁸ and by banning the sale of such devices.⁹

Limits on internet development

The government has repeatedly promised to promote internet development and ensure internet access across the country. While internet use has been on the rise in recent years, access is still limited: according to the most recent figure from the International Telecommunication Union, about 21 percent of the population uses the internet.¹⁰ Internet speed is also slow and prices high compared to global standards. The state *Altyn Asyr* (Golden Age) operator is the only operator providing internet access in the country.

In November 2018, state media reported that residents of small and remote villages would be granted mobile and internet access in the “near future” without providing any details on these plans.¹¹ According to TIHR's information, many village residents in the country lack both mobile and internet access.¹² These residents have to go to the district centres or larger cities to call or send messages, not to speak about

using the internet. Already 10-15 kilometres outside district centres, the reception signal is often too weak to make or receive calls.

Pressure on critics and cases of concern

Independent journalists who cooperate with foreign-based media, civil society activists and others who openly criticise the authorities continue to be subjected to persecution in Turkmenistan.

Independent journalist **Soltan Achilova** has repeatedly been intimidated and assaulted by unknown perpetrators in relation to her journalist activities. In spite of complaints submitted by her to the police and other authorities, these incidents have not been properly investigated. Achilova remains under surveillance and TIHR and IPHR stress the continued need to ensure her protection. Achilova's children have also faced harassment in apparent retaliation for her journalist work. Unknown perpetrators broke the window of the car of her disabled son in April 2017, and while police opened an investigation, it was soon closed without results, although the attack had been caught on camera. Achilova's daughter was banned from travelling abroad without explanation, a measure sanctioned by the migration service. In a response to a complaint filed by Achilova on behalf of her children, the country's ombudsperson simply stated that the measures taken by the authorities were "lawful".¹³ This concise response thwarted the journalist's hopes for a thorough and impartial assessment of her complaint.

Animal rights defender **Galina Kucherenko** was arbitrarily detained in December 2017 and sentenced to 15 days' arrest based on an alleged complaint from neighbours. She has later been subjected to renewed intimidation and concerns about her safety remain. Civil society activist **Nataliya Shabunts** has also repeatedly been subjected to intimidation and harassment. She is often subjected to surveillance: people she believes are from the security services keep watch outside her home.

Journalist **Saparmed Nepeskuliev** was finally released from prison in May 2018 after serving out a three-year prison sentence on charges of unlawfully possessing a medical drug banned in Turkmenistan.¹⁴ Before being convicted in a trial held behind closed doors in 2015, he was detained incommunicado for weeks without his family being informed about his whereabouts. His sentence is widely believed to have been retaliation for his reporting. He had to serve his entire prison sentence despite repeated calls for his release by the international community, including the UN Working Group on Arbitrary Detention¹⁵ and the OSCE Representative on Freedom of the Media¹⁶. Nepeskuliev's health deteriorated seriously in prison and he remained under surveillance upon release. In late March 2019, Nepeskuliev was able to safely leave Turkmenistan.¹⁷

No one has been held responsible for the October 2017 attack on **Khalida Izbastinova**, the elderly mother of TIHR's Austria-based director Farid Tuhbatullin. At that time, unknown perpetrators threw stones and bricks at the windows of the apartment of Khalida Izbastinova in an apparent attempt to put pressure on Farid Tuhbatullin because of his human rights work and TIHR's uncensored coverage of developments in Turkmenistan.

In a letter dated 9 November 2017, police informed Izbastinova that it had not been possible to identify the perpetrators, but that the investigation into the attack would continue. The same month, the UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association and the situation of human rights defenders sent a communication to Turkmenistan's government, requesting further information about

the attack. The Special Rapporteurs stated that “[w]e cannot dismiss the likelihood that Ms. Izbastinova was targeted because of the human rights activities of her son” and noted that the attack “subscribes itself into a broader pattern of other cases of persecution of human rights defenders, social media commentators, journalists and other critical voices in Turkmenistan”.¹⁸ In a response that was received by the UN in January 2018, Turkmenistan’s government stated that “it was decided not to begin criminal proceedings” regarding the attack “on the grounds of a lack of evidence that a crime had been committed.” The government said, however, that police was still “conducting inquiries” to establish the identities of the perpetrators since their actions “show evidence of an administrative offence.”¹⁹ The government did not comment on the allegations that Izbastinova was targeted because of her son’s human rights activities.

Common citizens have also faced pressure after voicing concerns about the actions of authorities. These are two such cases that TIHR has learned about in the past year:

- Ashgabat-based history teacher **Batyr Batyrov** told TIHR that local police threatened him and his family with repercussions if he does not stop submitting complaints about corruption to the authorities.²⁰ Batyrov has repeatedly submitted complaints about corruption within the education system to different official bodies. His complaints have not been investigated nor otherwise addressed. In an appeal published in August 2018, TIHR called for an end to the pressure on Batyrov, saying he should not be harassed for seeking to ensure the implementation of national anti-corruption law.²¹
- Eighty-two year-old pensioner **Kaki Gurbanov** reported being targeted after complaining about the unlawful seizure of his apartment. In a video appeal that TIHR published in May 2018²², the Ashgabat-based pensioner stated that his apartment was seized in 2008 when he was away visiting relatives in another city for a few days. As a result, he was left homeless. Gurbanov said that the reasons for the seizure were not clear to him and that the numerous appeals he has submitted to different authorities have been to no avail. The new ombudsman’s office, which began its work in 2017, concluded that his rights were violated in connection with the seizure but said that it did not currently have sufficient resources to look further into his case. Following the publication of the video appeal, law enforcement officials began intimidating Gurbanov, demanding that he stops submitting complaints. According to TIHR’s information, on 27 November 2018, he received a call from the local prosecutor’s office, summoning him to appear at this office the same day. As Gurbanov was ill at the time, he only went to the prosecutor’s office two days later. He was then informed that his case had been handed over to the police. At the police station, he was told that he was under investigation because he had allegedly offended an official from the prosecutor’s office and that he should “wait at home” and that they would “come and get him with handcuffs” when needed. As of 30 November, Gurbanov stopped answering phone calls, alarming TIHR that feared that he may have been abducted.²³ On 8 December, Gurbanov finally got in touch with a TIHR monitor in the country, saying that he was fine but refraining from sharing any additional information.²⁴

Independent human rights groups can still not operate openly in Turkmenistan and international human rights experts have not been allowed to visit. In the National Human Rights Action Plan for 2016-2020, the government committed to new visits by UN Special Procedures. However, over a dozen requests for visits by Special Procedures remain pending and no new visit by such a mandate holder is currently confirmed.²⁵ The Special Rapporteur on the right to religion or belief is the only mandate holder to have visited the country to date – in 2008.

Mass mobilisation of residents for state events

Turkmenistan's authorities continue forcibly mobilising employees at state institutions, students and other residents for attending and participating in various state-organised mass events and celebrations. The events are often preceded by time-consuming rehearsals, held in any weather. This practice runs contrary to the right to freedom of assembly, a basic element of which is voluntary participation in assemblies.

These are only a few examples of the forcible mobilisations of residents documented by TIHR:

- On 6 October 2018, an event to commemorate Memorial Day was held at a national memorial complex on the outskirts of Ashgabat. State employees and students were ordered to appear at the complex at six o'clock in the morning to lay down flowers. In spite of heavy and cold rain, they were not allowed to bring umbrellas or wear warm clothes, to ensure a coherent appearance of the participants. After laying down their flowers, the participants had to stand for more than two hours, while the official ceremony continued in the presence of the president, government officials and foreign diplomats.²⁶
- On Neutrality Day, celebrated on 12 December 2018, state-organised celebrations took place in cities across the country. In Ashgabat, employees of state institutions and students were mobilised to participate in these celebrations and to lay down flowers at the Neutrality monument, using bouquets obtained at their own cost. All representatives of the same institution were expected to have the same type of bouquets.²⁷
- Across the country, employees at state institutions were ordered to attend the official New Year's celebrations in their respective cities on 31 December 2018. The regional heads spoke at these celebrations and sent their greetings to the president through a video link with the capital.²⁸

The authorities also organise so-called *subbotniki*, meaning days of free labour, a practice dating back to the Soviet-era. As documented by TIHR, state employees and students are regularly mobilised to rake leaves, weed, wash roads and carry out other tasks at the threat of being dismissed, losing their places of study or facing other repercussions if they refuse.²⁹ Given the nature of the participation in the *subbotniki*, they are in violation not only of freedom of assembly, but also international and national labour law, which prohibits forced labour.

Arbitrary travel bans

The authorities continue arbitrarily restricting the travel abroad of citizens, including critical voices and their family members but also other people. According to information from Turkmenistan's Independent Lawyers Association, a Netherlands-based exiled NGO with which TIHR cooperates, the number of citizens blacklisted for travel abroad currently exceeds 30 000.³⁰ The security services, the Interior Ministry, the Prosecutor-General's Office and the State Migration Office may all decide to blacklist individuals. Security concerns are often used to justify such decisions, but there are no transparent criteria for prohibiting citizens from travelling abroad and those affected are typically not informed about the grounds on which they have been blacklisted.

TIHR has received a growing number of letters from website readers about cases in which ordinary citizens have been arbitrarily denied the right to leave the country. In one recent case, which TIHR was able to verify through several independent sources, nine young people were stopped by customs and migration service officials at Ashgabat airport and prohibited from boarding a Moscow-bound plane on 30 January 2019. In another case, on 3 February 2019, eight people were detained at the airport and prevented from flying to Istanbul. Police and migration service officials re-checked their tickets and documents and questioned them about where they were going and for what purpose. Eyewitnesses reported that a plainclothes official, who also was present and appeared to be from the security services, said that there recently has been a growing number of cases in which citizens travelling abroad “slander” their home country by giving interviews or otherwise providing information to “foreign anti-state centres of ideological sabotage”. According to him, for this reason, there are now guidelines on how to identify potential slanderers and prevent them from leaving the country. When the surprised passengers, who had been prevented from leaving, asked what criteria were used to determine who are such “unreliable” travellers and why they had been singled out, the official rudely responded that “it is not their business” and that it would be better if “no one would be allowed to leave” as that would create “less problems”.³¹

In yet another case about which TIHR has learned, two women who returned from Istanbul on 13 January 2019 were held by migration and security service officials at Ashgabat airport for two hours. The officials questioned them about the purpose of their trip to Turkey and whom they had met and carried out searches of them and their luggage. In the end, the women were released but told that their names had been included on the “black list” and that they most likely would not be able to travel abroad again. The officials did not explain the reasons for which the women were blacklisted.³²

Politically motivated imprisonment and disappearances

An unknown number of people remain imprisoned on politically motivated grounds in Turkmenistan. These include people who have been charged because of their peaceful exercise of the freedoms of expression, association and religion.

Dozens of individuals considered political prisoners have disappeared within Turkmenistan’s prison system, with their relatives not having received any information about the fate and well-being of these prisoners for years. An updated list of disappeared individuals that the Prove They Are Alive NGO campaign published in September 2018 featured 121 names.³³ In some cases, family members have learned about the death in prison of individuals considered disappeared.

According to the Russian NGO Memorial, in June 2018, more than 30 relatives of individuals imprisoned on charges of “religious extremism” believed to be politically motivated were allowed to visit these prisoners at the notorious *Ovadan Depe* prison for the first time since the prisoners were convicted.³⁴ The meetings were limited to about 40 minutes. It appeared that the authorities agreed to the meetings as a result of international pressure. However, the relatives of other categories of political prisoners were not allowed similar meetings.

House demolitions and evictions

There are continued concerns about the failure of the Turkmenistani authorities to ensure that people who have been forcibly evicted due to government-initiated housing demolitions get fair and adequate

compensation. The government carried out mass demolitions of housing ahead of the Asian Indoor and Martial Art Games, which took place in Ashgabat in September 2017. At the same time, it failed to provide adequate compensation to residents whose homes it expropriated and demolished.³⁵ House demolitions and evictions involving violations of the rights of residents have continued also after the Asian Games. TIHR has learned about several new cases of house demolitions in different parts of Ashgabat and its surroundings during which people have been denied compensation because they have allegedly not had the relevant documentation for their housing.³⁶ In one recent cases documented by TIHR, house owners living close to the *Teke Bazar* bus stop in Ashgabat were denied compensation for the demolition of annexes to their houses, although they had documentation proving that they had received permission to build these annexes. The local authorities did not consider it necessary to offer compensation as the houses as such remained.³⁷ TIHR has also learned about house owners who have been asked to pay bribes in order to ensure adequate alternative housing for demolished property.³⁸

When reviewing the situation in Turkmenistan in August 2018, the UN Committee on Economic, Social and Cultural Rights (CESCR) regretted “the expropriation of property, demolition of houses and eviction of residents without proper prior notice of eviction, adequate consultations, compensation for loss of property and adequate alternative housing for residents.”³⁹ The Committee recommended that the Turkmenistani authorities urgently put in place an independent and impartial adjudicatory process in which aggrieved parties can bring complaints relating to compensation for demolished property. It also recommended that the authorities bring all relevant laws and practices relating to the expropriation of property, as well as forced evictions and the demolition of people’s homes, into line with the Committee’s general comment on forced evictions (no. 7) and the basic principles and guidelines on development-based evictions and displacement drawn up by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18).

Recommendations

In view of the issues described above, we would like to make the following recommendations for actions the authorities of Turkmenistan should be requested to take:

- Enforce, in practice, the provisions of the national Media Law that prohibit censorship and allow media to operate without government interference and report on both positive and negative developments in the country.
- Put an end to the arbitrary campaign against satellite dishes and ensure that residents can have unimpeded access to foreign sources of information.
- Take effective measures to promote internet access and stop the practice of arbitrarily blocking access to websites.
- Put an end to intimidation and harassment of journalists, civil society activists and other critical voices and provide assurances for the safety and well-being of the individuals mentioned above.
- Allow human rights NGOs to operate freely and without fear of persecution.
- Draw up a plan and schedule for visits by all UN Special Procedures who have requested to visit the country.
- End the practice of forcibly mobilising residents for participation in government-organised mass events and *subbotniki*.
- Stop blacklisting individuals for travel abroad and ensure that residents are not denied the right to exit and enter the country on arbitrary grounds.

- End the practices of incommunicado detention and enforced disappearances; release those held on politically motivated grounds and provide information about the fate and whereabouts of all those who have disappeared in prison.
- Safeguard the rights of all prisoners with respect to communication and contacts with family members.
- Implement the recommendations of the CESCR with respect to house demolitions and forced evictions.

As mentioned above, TIHR and IPHR also support the benchmarks included in the European Parliament resolution on the draft EU-Turkmenistan PCA from 12 March 2019.

¹ This briefing paper is primarily based on updates prepared by IPHR and TIHR for the CIVICUS Monitor based on TIHR's monitoring of developments in Turkmenistan in 2018-2019.

² <https://freedomhouse.org/report/countries-world-freedom-2019>

³ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2019-0146&language=EN&ring=A8-2019-0072>

⁴ <http://www.turkmenistan.gov.tm/?id=15419>

⁵ <https://www.hronikatm.com/2018/09/pered-halk-maslahaty-v-ashhabade-poyavilis-deshevyie-produktyi-magazinyi-osazhdayut-ocheredi/>; <https://www.hronikatm.com/2018/06/smi-turkmenistana-raportuyut-o-polnyih-prilavkah-v-to-vremya-kak-u-magazinov-vyistraivayutsya-ocheredi/>

⁶ <https://www.hronikatm.com/2018/06/smi-turkmenistana-raportuyut-o-polnyih-prilavkah-v-to-vremya-kak-u-magazinov-vyistraivayutsya-ocheredi/>; <https://www.hronikatm.com/2018/05/mestnyie-smi-obyavili-chto-turkmenistan-dostig-prodovolstvennoy-nezavisimosti/>

⁷ <https://rus.azathabar.com/a/29638708.html>

⁸ <https://rus.azathabar.com/a/29325746.html>

⁹ <https://rus.azathabar.com/a/29610589.html>

¹⁰ <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

¹¹ <http://turkmenistan.gov.tm/?id=17567>

¹² <https://www.hronikatm.com/2018/11/zhiteli-otdalennyih-sel-turkmenistana-zhaluyutsya-na-otsutstvie-sotovoy-svyazi/>

¹³ <https://www.hronikatm.com/2018/05/turkmenskiy-ombudsmen-ne-zashhishhaet-prava-grazhdan/>

¹⁴ <https://www.hronikatm.com/2018/05/saparmamed-nepeskuliev-vyishel-na-svobodu/>

¹⁵

http://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2040_Turkmenistan_Nepeskuliev_AUV%20final.pdf

¹⁶ <https://www.osce.org/fom/176726>

¹⁷ <https://en.hronikatm.com/2019/03/journalist-s-nepeskuliev-safely-leaves-turkmenistan/>

¹⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23444>

¹⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33850>

²⁰ <https://www.hronikatm.com/2018/08/tipch-prizyivaet-prekratit-davlenie-na-uchitelya-soobshhivshego-o-korrupsii>

²¹ See the previous endnote.

²² <https://www.hronikatm.com/2018/05/zhitel-ashhabada-82-letniy-gurbanov-kaka-ostalsya-bez-zhilya-videoobrashhenie/>

²³ <https://www.hronikatm.com/2018/12/v-turkmenistane-propal-pensioner-pozhalovavshiy-sya-na-nezakonnyiy-otem-kvartiryi/>

²⁴ <https://www.hronikatm.com/2018/12/propavshiy-posle-ugroz-v-politsii-pensioner-vyishel-na-svyaz/>

²⁵ Calendar of Special Procedures' Visits as of 13 March 2019,

https://docs.google.com/document/d/195truq977Y5E_rmASg2rurZPagY1T7U4vukuEtfXafg/edit

²⁶ https://www.hronikatm.com/2018/10/memory_day_chare/

²⁷ <https://www.hronikatm.com/2018/12/zhitel-ashhabada-obyazali-yavitsya-s-buketami-tsvetov-k-monumentu-neytraliteta/>

²⁸ <https://www.hronikatm.com/2019/01/v-turkmenistane-vstretili-novyiy-god-2/>

²⁹ <https://www.hronikatm.com/2018/10/fotogalereya-dobrovolno-prinuditelnyie-subbotniki-v-turkmenistane/>

³⁰ <https://en.hronikatm.com/2018/09/turkmenistans-black-lists-includes-over-30-thousand-names/>

³¹ <https://www.hronikatm.com/2019/02/grazhdan-turkmenistana-ne-vypuskayut-iz-strany-za-sotrudnichestvo-s-tsentrami-ideologicheskikh-diversij/>

³² See the previous endnote.

³³ <https://protheyarealive.org/the-disappeared-updated/>

³⁴ <https://www.hronikatm.com/2018/07/memorial-vlasti-turkmenistana-razreshili-svidaniya-nekotoryim-politzaklyuchennyim-v-ovadan-depe/>

³⁵ See TIHR and HRW, "Homeowners Evicted, Denied Compensation," 4 September 2016, at <https://www.hrw.org/news/2017/09/04/turkmenistan-homeowners-evicted-denied-compensation>

³⁶ <https://www.hronikatm.com/2018/07/v-ashhabade-i-ego-okrestnostyah-snova-snosyat-zhilyie-doma/>

³⁷ <https://www.hronikatm.com/2019/01/v-ashhabade-snosyat-pristroyki-zhilyih-domov-chtobyi-rasshirit-avtostoyanku/>

³⁸ <https://www.hronikatm.com/2019/01/bolee-dvuh-let-zhiteli-snesennyh-domov-v-ashhabade-zhdut-obeshhannyh-im-domov/>

³⁹ CESCR, Concluding observations on the second periodic report of Turkmenistan (E/C.12/TKM/CO/2), October 2018, par. 35-36.