



## **Turkmen Initiative for Human Rights:**

### **Submission to the 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*

Turkmen Initiative for Human Rights (TIHR) welcomes the opportunity to provide comments to the Human Rights Committee in advance of the adoption, at the Committee's session on 11-29 July 2011, of a list of issues for the first periodic review of Turkmenistan under the International Covenant on Civil and Political Rights (ICCPR). This document provides an overview of major concerns of TIHR regarding the situation of civil society, restrictions on freedom of movement and the treatment of national minorities in Turkmenistan. We hope that it will inform the preparations for the review of Turkmenistan and that the problems highlighted will be reflected in the questions posed to the Turkmen authorities.

#### **Introduction**

Turkmenistan is an authoritarian country, where serious violations of the ICCPR have taken place throughout the period when the country has been a party to this treaty. President-for-life Saparmurat Niyazov, known as *Turkmenbashi* ("the leader of all Turkmens"), ruled the country from the beginning of its independence in 1991 until his death in 2006. He presided over a totalitarian system of governance where dissent was fiercely repressed, in particular in the aftermath of an alleged attempt on his life in 2002. He also developed an excessive personality cult around himself and promoted the spiritual guide *Rukhnama* ("The Book of the Soul"), authored by him, as obligatory reading for citizens, thus rendering it a tool of ideological indoctrination. When taking office in 2007<sup>1</sup>, current President Gurbanguly Berdimuhamedov set out on a reform agenda. However, while the past few years have seen a number of reform initiatives, most of these have only amounted to window-dressing and have had little practical impact.<sup>2</sup> As a result, the overall situation has remained largely unchanged. The government continues to dominate all branches of power, there is no openly functioning political opposition, media is tightly controlled by the state<sup>3</sup>, and the environment for civil society is extremely repressive. Fundamental rights and freedoms continue to be restricted in different areas and no effective measures have been taken to address concerns raised by international human rights review bodies, despite pledges to the contrary.<sup>4</sup>

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<sup>1</sup> He took office after winning 89% of the votes in presidential elections held in February 2007. These elections were neither free nor fair. All six candidates were members of the Democratic Party, which is the only party that is registered in the country.

<sup>2</sup> For a discussion on this topic, see TIHR's report "Human Rights in the Era of the Great Renaissance" (2009), at <http://www.chrono-tm.org/en/?id=1011>.

<sup>3</sup> The privately-owned newspaper *Rysgal* (Welfare) began publication in September 2010. However, this newspaper, which is managed by the Turkmenistan Association of Industrialists and Entrepreneurs, cannot be described as independent, but rather as semi-official. Moreover, the use of internet is tightly regulated in the country, as is access to foreign media (on this issue, see also the section on ethnic minorities).

<sup>4</sup> Among others, when Turkmenistan was reviewed by the Human Rights Council under the Universal Periodic Review in late 2008, its government undertook to implement a number of recommendations, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/TM/A\\_HRC\\_10\\_79\\_Turkmenistan\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/TM/A_HRC_10_79_Turkmenistan_E.pdf). Following a visit to the country in April 2010, UN secretary General Ban Ki-moon said that he had received "assurances" from the Turkmen authorities

## Persecution of civil society (articles 19, 21, 22, as well as articles 2, 9, 12, 14, 17, 18, 27)

Repression of independent civil society groups was stepped up following the alleged assassination attempt on *Turkmenbashi* in 2002. In the aftermath of these events, a number of previously functioning independent groups (many of which were not registered with the authorities) were closed down or pressured to stop their activities in other ways.<sup>5</sup> A new Law on Public Associations adopted in 2003<sup>6</sup> is highly restrictive in many respects, as noted by experts from the OSCE Office on Democratic Institutions and Human Rights who carried out a detailed analysis of it last year<sup>7</sup>. The law provides for compulsory state registration of public associations, prohibits the activities of unregistered groups and prescribes liability<sup>8</sup> for individuals who act on behalf of such groups (article 17). In order to be eligible for registration, associations must have at least 50 members if they operate both in Turkmenistan and other countries and 500 members if they operate at the national level in Turkmenistan (article 15). In a discriminatory way, non-citizens are not granted the right to found associations and may only join international ones (meaning those that are represented also in other countries) (article 5). Moreover, some of the grounds on which associations may be refused registration (article 18) are vaguely worded and may leave room for arbitrary decisions, especially taking into account the authorities' generally hostile attitude toward independent NGOs.

The Law on Public Associations also imposes onerous reporting obligations on associations (article 22), grants authorities excessively broad powers to monitor and oversee their activities (article 28) and provides for harsh penalties for violations of the law, including suspension or cancellation of the registration of an association without a court decision (article 32). Any programs or projects involving foreign aid must be registered with the Ministry of Justice and grants may not exceed a certain amount (articles 27, 28).

According to official information, less than 100 public associations are currently registered in the country.<sup>9</sup> Most of these associations are government-controlled (so-called GONGOs). All GONGOs are part of the *Galkynysh* ("Revival") National Movement, which is headed by the country's president and viewed as having the role of helping to promote official policies.<sup>10</sup> Other registered associations are "tolerated", but also subject to close scrutiny by the authorities. They work mainly on non-sensitive issues, e.g. youth or cultural programs. One third of all registered associations are sport-related organizations.<sup>11</sup> Independent groups that have attempted to register have had their applications returned on various pretexts, e.g. because they have used the "wrong" wording or because they have not provided certain information that is not required by law in order to obtain registration.<sup>12</sup> According to reports received by TIHR, groups wishing to register have, among others, been required to present a letter of support from the ministry in charge in their areas of activity (for example, the Ministry of Education in the case of groups with an educational mandate).<sup>13</sup>

There are currently no independent human rights NGOs that operate openly in the country.

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that they were going to take all necessary measures to implement the recommendations made by the Human Rights Council, <http://www.un.org/apps/news/story.asp?NewsID=34271&Cr=Central>.

<sup>5</sup> For more information about developments involving civil society organizations in the period 1991-2005, please see TIHR's report on freedom of association in Turkmenistan (2005), at <http://www.chrono-tm.org/uploaded/4963398547859716.pdf>

<sup>6</sup> An unofficial English translation of the law is available at <http://www.legislationline.org/topics/country/51/topic/1>

<sup>7</sup> ODIHR, *Comments on the Law of Turkmenistan on Public Associations* (2010), available at <http://www.legislationline.org/topics/country/51/topic/1>

<sup>8</sup> Criminal liability for participation in the activities of unregistered NGOs was abolished in 2004, but penalties are still possible under the country's Code of Administrative Offenses (article 204).

<sup>9</sup> According to information from the Turkmen authorities, in late November 2009, a total of 91 public associations were registered. See par. 686 of the report on the implementation of the ICCPR submitted by the Turkmen state party.

<sup>10</sup> President Gurbanguly Berdimuhamedov was unanimously elected chairman of this movement at a 2007 congress, which reportedly also featured discussion on "a wide range of issues regarding the role of public organizations in consolidation of the Turkmen society and successful accomplishment of state development objectives". See report from 5 August 2007, at [http://www.turkmenistan.ru/?page\\_id=3&lang\\_id=en&elem\\_id=10714&type=event&sort=date\\_desc](http://www.turkmenistan.ru/?page_id=3&lang_id=en&elem_id=10714&type=event&sort=date_desc)

<sup>11</sup> Out of the total number of associations registered in late November 2009, 32 were sport associations and another 4 sport organizations for disabled. See par. 686 of the report on the implementation of the ICCPR submitted by the Turkmen state party.

<sup>12</sup> TIHR news release 19 October 2008, <http://www.chrono-tm.org/en/?id=984>; TIHR news release 6 August 2008, <http://www.chrono-tm.org/en/?id=940>

<sup>13</sup> See par. 4 in submission by TIHR and the World Organization against Torture to the UN Human Rights Council in advance of the UPR review of Turkmenistan in 2008, <http://www.chrono-tm.org/en/?id=1243>

Civil society activists who are courageous enough to openly address problems existing in Turkmen society face intimidation and harassment by security services on an ongoing basis. They are, among others, held under surveillance, summoned for interrogation in the form of “preventive discussions” where they are threatened and pressured to give up their activities, and prohibited from travelling abroad (see more in the section on restrictions on freedom of movement below). On repeated occasions, activists have been prevented from meeting with representatives of international organizations and foreign governments visiting the country by being placed under house arrest and having their phones blocked.<sup>14</sup> In a number of cases, activists have been arrested, charged and imprisoned on politically motivated grounds<sup>15</sup> or forcibly placed in psychiatric care<sup>16</sup>.

Religious and ethnic community leaders are among those targeted for harassment.<sup>17</sup> Moreover, in a form of collective punishment, relatives and friends of activists, including activists who have fled the country and now live in exile abroad, are singled out for repressive measures such as surveillance, travel bans etc. Like activists, they are ostracized in society and experience problems e.g. with respect to securing employment.

Civil society activists living in exile have also been the direct targets of harassment. The Turkmen government has tried to prevent exile activists from participating in human rights conferences organized by the OSCE<sup>18</sup> and the names of such individuals are reportedly included on a secret list of people who are not “welcome” in Turkmenistan (see the section on restrictions on freedom of movement).

These are only a few recent examples of persecution of civil society activists and their relatives and acquaintances:

- For the past five years Gurbandurdy Durdykuliev has not been able to get back his internal passport, which was confiscated by police in 2006, despite numerous requests to authorities. Without a passport, he is not able to receive his pension or leave the province in western Turkmenistan where he resides. Durdykuliev is a civil society activist who has publicly criticized the authorities, among others in interviews given to Radio *Azatlyk* (the Turkmen Service of Radio Liberty/Free Europe). In February 2004 he was forcibly placed in a psychiatric clinic and was released only in 2006 in response to international protests. He and his family continue to face pressure by security services.<sup>19</sup>
- In the evening of 11 April 2011, security service officials detained Bisengul Begdesenov, a Kazakh community leader living in Ashgabat, and searched his apartment without a warrant. During the search, his computer and documents were confiscated. On 13 April, Begdesenov was formally arrested on fraud charges and placed in custody. His relatives believe that he was targeted because of his engagement within the Kazakh community in Turkmenistan. He has, among others, been leading trainings and seminars on education. He has also been appointed a delegate of the World Congress of Kazakhs, which will take place in Astana at the end of May this year.<sup>20</sup>

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<sup>14</sup> For more information see par. 6 in submission by TIHR and the World Organization against Torture to the UN Human Rights Council in advance of the UPR review of Turkmenistan in 2008, <http://www.chrono-tm.org/en/?id=1243>

<sup>15</sup> The two journalists/human rights activists Annakurban Amanklychev and Sapardurdy Khadjiyev, who were sentenced to seven years in prison in 2006, remain imprisoned. Their colleague Ogulsapar Muradova, who was arrested together with them, died in detention in September 2006. See open letter to the European Commission from a group of NGOs, 12 January 2011, [http://app.moogo.com/files/iphrr.moogo.com/Press\\_release\\_turkmenistan\\_barroso\\_12\\_january\\_2011.pdf](http://app.moogo.com/files/iphrr.moogo.com/Press_release_turkmenistan_barroso_12_january_2011.pdf)

<sup>16</sup> Most recently a case of this kind was reported by Radio Free Europe/Radio Free Liberty in late March this year. See “Turkmen Activist Forcibly Committed to Psychiatric Care,” 30 March 2011, [http://www.rferl.org/content/turkmen\\_activist\\_forcibly\\_committed\\_psychiatric\\_care/3542597.html](http://www.rferl.org/content/turkmen_activist_forcibly_committed_psychiatric_care/3542597.html)

<sup>17</sup> For a recent example of harassment targeting an ethnic community leader, see the case of Bisengul Begdesenov below. For a recent example involving a religious leader, see TIHR newsletter 7 November 2010, <http://www.chrono-tm.org/en/?id=1513>. In this case, a protestant pastor was sentenced to four years in prison on charges of swindling and extorting money in an unfair trial. His imprisonment followed four years of harassment against him, his family and members of his community.

<sup>18</sup> TIHR news release 22 November 2010, <http://www.chrono-tm.org/en/?id=1520>; “Turkmen Activists Denied Entry to OSCE Review Conference in Warsaw”, 4 October 2010, <http://www.eurasianet.org/node/62081>

<sup>19</sup> TIHR news release 22 November 2010, <http://www.chrono-tm.org/en/?id=1521>

<sup>20</sup> THR news release 22 April 2011, <http://www.chrono-tm.org/en/?id=1660>

- Umida Dzhumabaeva was stopped at the Turkmen border in July 2010, when she was on her way to Kazakhstan at the invitation of friends. She was not allowed to leave the country although all her travel documents were in order. No explanation for this decision was given. Dzhumabaeva is a civil society activist who has been working on different social assistance programs and also has connections to other activists who are viewed with suspicion by Turkmen authorities. Among others, she has assisted ecological activist Andrey Zatoka (see below) with interpretation and other matters. She has repeatedly been subjected to harassment by authorities. In 2006 she was dismissed from the school where she had been employed for many years, and in 2008, a community mill constructed as part of a foreign-funded development project that she oversaw was torn down on order by security services.<sup>21</sup>
- Andrey Zatoka, an ecological activist, was sentenced to five years in prison on charges of inflicting bodily harm in an unfair trial in October 2009. These charges were brought against him after an apparently staged attack on him at a market place in his home city Dashoguz. His sentence was subsequently commuted into a fine, on condition that he agreed to renounce his and his wife's Turkmen citizenships (leaving them with only Russian citizenships) and to leaving the country.<sup>22</sup> Previously Zatoka was arrested in late 2006 and charged with unlawful possession of weapons and other crimes in what appeared to be a clear attempt at punishing him for his civil society engagement on environmental issues. He was eventually given a three year suspended sentence and released and, in September 2007, he was pardoned together with thousands of other convicts. However, in spite of this, he continued to be prohibited from travelling abroad.<sup>23</sup>
- In October 2010, Farid Tukhbatullin, the head of TIHR, received warnings from credible sources that Turkmen security services are planning an attack on his life.<sup>24</sup> Tuxhbatullin fled Turkmenistan in 2003 after being convicted and imprisoned for several months on politically motivated charges. He was subsequently granted refugee status in Austria, where TIHR is based. TIHR regularly publishes reports and analyses about human rights developments in Turkmenistan and has previously been warned to "soften" its criticism of Turkmen authorities. Individuals suspected of contributing information to the organization from inside Turkmenistan have been interrogated and harassed in other ways. Moreover, in another act of intimidation, security services visited schools in Tuxhbatullin's old home city in Turkmenistan in June 2010 to make inquiries about his family.<sup>25</sup> Tuxhbatullin's brother, who remains in Turkmenistan, was forced to resign from his job in the military in 2005 and was unable to find another job for three years. Currently he is employed.

In addition to civil society activists and their relatives, other members of civil society who are considered "inconvenient" by the authorities are also subjected to repression. For example, in February this year, a group of young music artists, who perform pop love songs rather than patriotic music of the kind favored by the government, were interrogated and arrested after one of them gave an interview to a Turkish TV channel in connection with a concert in that country. Two of the singers were subsequently sentenced to two years in prison in criminal cases that appear clearly politically motivated.<sup>26</sup> In another recent development, TIHR was informed about the arrest on 19 April 2011 of a

<sup>21</sup> TIHR news release 26 July 2010, <http://www.chrono-tm.org/en/?id=1435>; TIHR news release 30 July 2008, <http://www.chrono-tm.org/en/?id=981>

<sup>22</sup> TIHR news release 21 October 2009, <http://www.chrono-tm.org/en/?id=1184>; TIHR news release 8 November 2009, <http://www.chrono-tm.org/?id=2253>; open letter from Andrey Zatoka, 25 October 2009, <http://www.chrono-tm.org/?id=2218>. See also the chapter on Turkmenistan in *Amnesty International Report 2010*, at [http://thereport.amnesty.org/en/regions/europe-central-asia#europe\\_countries\\_en](http://thereport.amnesty.org/en/regions/europe-central-asia#europe_countries_en);

<sup>23</sup> TIHR statement 20 June 2008, <http://www.chrono-tm.org/en/?id=1005>; open letter from Andrey Zatoka, 20 June 2008, <http://azatoka.org/str/print.php?id=53>

<sup>24</sup> See appeal by International Partnership for Human Rights, the Netherlands Helsinki Committee and the Norwegian Helsinki Committee, 14 October 2010, at <http://iphronline.org/news.html?38>; as well as statement by Amnesty International and Human Rights Watch, 13 October 2010, at <http://www.amnesty.org/en/news-and-updates/austria-urged-protect-turkmenistani-activist-exile-2010-10-13>

<sup>25</sup> See TIHR statement 9 June 2010, <http://www.chrono-tm.org/en/?id=1388>

<sup>26</sup> One of the singers, Maksat Kakabaev (who is known as Maro and is the one who gave an interview to Turkish TV), was convicted and sentenced together with his father, brother and brother-in-law on charges relating to an old conflict with a neighbor

married couple who for years have been seeking justice for mistreatment suffered at the hands of security officers. Back in 1998, security officers accused the couple of swindling, arbitrarily confiscated personal belongings and money from them and subjected them to torture in detention, as a result of which the husband became disabled and the wife had a miscarriage. The couple have, among others, submitted complaints to the country's prosecutor general, the National Institute for Democracy and Human Rights and international organizations and have not given up their efforts to seek redress in spite of being pressured to do so.<sup>27</sup>

### **Restrictions on freedom of movement (article 12, as well as articles 17, 19, 21, 22)**

The system of mandatory registration at the place of residence remains in force in Turkmenistan.<sup>28</sup> This system means, in practice, that residents cannot legally reside, work, buy real estate, use public health care services or place their children in kindergarten or schools outside the city or settlement where they are registered. At the same time, it is often very difficult to change the place of registration (especially when moving to large cities such as the capital Ashgabat).

For years, TIHR has been receiving reports indicating the existence of unofficial "black lists" of people who are not allowed to travel abroad from Turkmenistan. New reports that surfaced last summer appeared to confirm the existence of such lists. According to these reports,<sup>29</sup> a new secret presidential decree, which was due to enter into force as of August 2010, includes the names of a total of more than 37,000 individuals who 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. Farid Tukbatullin, TIHR's head, reportedly appeared as number eight on this list.<sup>30</sup> Representatives of international human rights organizations were also blacklisted for entry into Turkmenistan. Representatives of such NGOs have repeatedly been denied visas to visit the country.

In a by now well established practice, 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. Travel bans are also applied to relatives of opposition members, activists and journalists who live and work in exile outside Turkmenistan. 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.<sup>31</sup>
- 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

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over a satellite antenna. The conflict was peacefully settled at the time. The other singer, Myrad Ovezov, was imprisoned on charges relating to an incident in which his car collided with another car. See TIHR news release 1 March 2011, <http://www.chrono-tm.org/en/?id=1617>; TIHR news release 22 February 2011, <http://www.chrono-tm.org/en/?id=1613>; TIHR contribution to Summit for Human Rights and Democracy held in Geneva in March 2011, <http://www.chrono-tm.org/en/?id=1629>

<sup>27</sup> For more details about the case of Bazargeldy and Aydjemal Berdyev, see TIHR news letter 22 April 2011, <http://www.chrono-tm.org/en/?id=1661>; and TIHR news letter 30 March 2011, <http://www.chrono-tm.org/en/?id=1639>

<sup>28</sup> Migration Act (2005), article 45. An unofficial English translation of this law is available at <http://www.legislationline.org/topics/country/51/topic/10>

<sup>29</sup> «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>

<sup>30</sup> See TIHR comment 3 August 2010, <http://www.chrono-tm.org/en/?id=1440>

<sup>31</sup> TIHR statement 20 November 2009, <http://www.chrono-tm.org/en/?id=1219>

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.<sup>32</sup>

Also other categories of citizens than those considered current critics of the regime, and their family members, have been subjected to travel bans. Among others, students and young graduates have been denied the right to leave their country.<sup>33</sup>

At the end of the summer break in 2009, some 150 Turkmen students enrolled at the Bishkek-based American University of Central Asia (AUCA) were prevented from returning to Kyrgyzstan to resume their studies. Only as a result of international pressure, the students were eventually allowed to leave the country in the course of the spring and summer of 2010 to continue their studies abroad at other universities, including the American University in Bulgaria and the St. Petersburg State University in Russia.<sup>34</sup> No explanation for the initial decision to deny the students the right to leave 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 revolutions” in other parts of the former Soviet Union.<sup>35</sup>

In the context of the recent popular uprisings in the Middle East, which appear to have reinforced the government’s fears that domestic protest movements may arise also in Turkmenistan, representatives of local authorities have been contacting families with children who study or work abroad to inquire about these young people and to request detailed information about where they are and what they do. They have also been asking for detailed information about other family members.<sup>36</sup> 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.

In recent months, TIHR has also received information about a campaign to discourage high school students from applying for participation in educational exchange programs sponsored by the US government. Apparently on instruction by local authorities and special services, school principals and teachers in among others the Dashoguz district have been warning and putting pressure on teenagers and their parents not to participate in competitive exams for selecting participants to programs for attending high school for a year in the United States. A film used for this purpose portrayed the exchange programs as a cover for training students to promote “democratic revolutions”, instability and unrest in their home country. Students who have previously participated in exchange programs are closely watched by security services.<sup>37</sup>

Individuals holding dual Turkmen-Russian citizenships have been pressured to give up one of their citizenships, including by being prevented from traveling abroad<sup>38</sup> and by being refused the right to obtain new Turkmen passports<sup>39</sup>. They have also been warned that if they give up their Turkmen citizenship they will not be allowed to return upon leaving the country (in this respect, the case of Andrey Zatoka, which was described above, set a precedent).<sup>40</sup> An agreement signed by Turkmenistan

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<sup>32</sup> TIHR news release 17 August 2010, <http://www.chrono-tm.org/en/?id=1451>; TIHR news release 3 August 2008, <http://www.chrono-tm.org/en/?id=1441>

<sup>33</sup> See TIHR news release 12 January 2010, <http://www.chrono-tm.org/en/?id=1256>

<sup>34</sup> See, among others, TIHR news release 7 September 2009, <http://www.chrono-tm.org/en/?id=1467>; TIHR news release 2 February 2010, <http://www.chrono-tm.org/en/?id=1275>; and TIHR news release 28 July 2010, <http://www.chrono-tm.org/en/?id=1437>

<sup>35</sup> “New Dilemma for Turkmen Students Abroad,” 7 April 2010, [www.rferl.org/content/dilemma\\_turkmen\\_students\\_abroad/3550259.html](http://www.rferl.org/content/dilemma_turkmen_students_abroad/3550259.html)

<sup>36</sup> TIHR news release 12 March 2011, <http://www.chrono-tm.org/en/?id=1628>

<sup>37</sup> TIHR news release 23 March 2011, <http://www.chrono-tm.org/en/?id=1633>; TIHR news release 16 December 2010, <http://www.chrono-tm.org/en/?id=1550>

<sup>38</sup> TIHR news release 1 July 2010, <http://www.chrono-tm.org/en/?id=1416>

<sup>39</sup> TIHR news release 28 May 2010, <http://www.chrono-tm.org/en/?id=1381>

<sup>40</sup> TIHR news release 1 July 2010, <http://www.chrono-tm.org/en/?id=1416>

and Russia in 1993 allowed citizens of these two countries to obtain dual citizenships. Thousands of Turkmen citizens acquired Russian citizenship under this agreement. However, Turkmenistan unilaterally rescinded the agreement in 2003, and amendments to the Constitution of Turkmenistan adopted in 2008 ban citizens from having dual citizenships. The Russian government has argued that these measures do not have retroactive effect and that Turkmen citizens who obtained Russian citizenships before 2003 have the right to keep both citizenships.<sup>41</sup>

### **The situation of ethnic minorities<sup>42</sup> (articles 27, 2, 26, as well as articles 19, 21, 22)**

The Committee on the Elimination of Racial Discrimination reviewed the situation in Turkmenistan in 2005. In its concluding observations, the Committee expressed concern about information indicating that a policy of “Turkmenization” is conducted in Turkmenistan, as well as that persons belonging to national and ethnic minorities are impeded from exercising their right to enjoy their own culture. It called on the Turkmen authorities to “respect and protect the existence and cultural identity of all national and ethnic minorities within its territory”.<sup>43</sup> However, although the policy of “Turkmenization” has been scaled back to some extent under the current president, it still remains an important element of official policies and there have been no major improvements in the situation of national minorities.

There are currently no reliable statistics concerning the ethnic composition of the population of Turkmenistan, but some 20% are estimated to be of non-Turkmen ethnicity. The largest ethnic minority groups are Uzbeks, Russians and Kazakhs. According to census information from 1995<sup>44</sup>, these groups constituted 9.2%, 6.7% and 2%, respectively, of the country’s 4.4 million residents.

During the post-Soviet period, many representatives of ethnic minority groups have left Turkmenistan. For example, the number of ethnic Russians and Kazakhs is believed to have decreased by 50% or more because of emigration. Discrimination against ethnic minorities, as well as violations of their rights to enjoy their own culture have contributed to this trend.

Education reforms implemented under President Saparmut Niyazov curtailed the opportunities of national minorities to study in their own languages. As a result of these reforms, all schools where instruction previously was held in Uzbek and Kazakh adopted Turkmen as the language of instruction. Instruction in Russian was also cut back. One Russian-language school in Ashgabat remained, and some schools continued to offer certain classes in Russian.<sup>45</sup> Since President Berdimuhamedov took office in 2007, a number of steps have been taken to reverse education reforms made under the previous era and to improve the standard of education.<sup>46</sup> However, there has been no major progress with respect to instruction in minority languages. While new Russian language classes have been introduced in some schools at the request of parents, there have reportedly been other cases where local officials have obstructed such a development, including by putting pressure on parents to withdraw applications for Russian-language instruction for their children.<sup>47</sup>

Irrespective of their ethnic identity, students are required to wear traditional Turkmen national clothing when attending school. Both girls and boys are required to wear a national head garment (*takhya*), while girls are additionally required to wear a long national dress. Similar rules also appear to be applied at university level.<sup>48</sup>

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<sup>41</sup> «Туркменистан: Наталья Шабунц обратилась с открытым заявлением на имя начальника Государственной миграционной службы», 5 April 2010, <http://www.fernews.com/news.php?id=16580>

<sup>42</sup> For more information on this topic, see TIHR report on national minorities in Turkmenistan (2008), at <http://www.chrono-tm.org/en/?id=1244>

<sup>43</sup> Par. 12, 15. The report is available at <http://www2.ohchr.org/english/bodies/cerd/cerds67.htm>

<sup>44</sup> *Population census of Turkmenistan 1995*, Vol. 1, State Statistical Committee of Turkmenistan, Ashgabat, 1996.

<sup>45</sup> For more details, see p. 8 of TIHR’s report on national minorities, at <http://www.chrono-tm.org/en/?id=1244>

<sup>46</sup> TIHR news release 18 January 2009, <http://www.chrono-tm.org/en/?id=1010>

<sup>47</sup> TIHR news release 1 November 2008, <http://www.chrono-tm.org/en/?id=906>

<sup>48</sup> See TIHR news release 28 March 2011, <http://www.chrono-tm.org/en/?id=1637>

Moreover, members of ethnic minorities are discriminated against in access to higher education and civil service because of the application of so-called “third generation tests”, which result in that only candidates with ethnic Turkmen origins are deemed eligible for admission. In many cases, bribes are the only way to get around such requirements.<sup>49</sup>

National and ethnic minority communities have faced different problems in their efforts to promote their language, culture and traditions. They have, for example, been denied registration as public associations, a status which is needed for organizations to operate legally in the country (see more under the section on persecution of civil society), and prevented from gathering to celebrate national holidays or carry out other collective activities. There are hardly any cultural institutions (such as cultural centers or libraries) that support the preservation and development of the language and culture of national minorities in the country.

The country’s state-controlled media provide little space for the languages of national minorities. The daily *Neytralny Turkmenistan* (“Neutral Turkmenistan”) and the magazine *Vozrozhdeniye* (“Revival”) are published in Russian, while a few other periodicals publish part of their material in Russian. No newspapers or journals are issued in the languages of other national minorities. The import and distribution of foreign newspapers and journals remain seriously restricted.<sup>50</sup> With the exception of some Russian-language programs, the country’s TV and radio stations do not broadcast in the languages of national minorities. Local authorities in Ashgabat have also attempted to restrict access to foreign TV and radio programs by dismantling residents’ satellite antennas under the pretext that they “destroy the image” of the city.<sup>51</sup>

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***TURKMEN INITIATIVE FOR HUMAN RIGHTS (TIHR)*** was registered as an independent association in Vienna in November 2004. Through a network of local experts and activists inside Turkmenistan, the organization monitors the human rights situation in this country and publishes independent news, comments and analysis from and about the country. In its monitoring, TIHR focuses, among others, on the situation of civil society activists and groups, national minorities and children and students.

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<sup>49</sup> See TIHR news release 21 March 2008, <http://www.chrono-tm.org/en/?id=753>

<sup>50</sup> Only government entities may subscribe to foreign newspapers and periodicals.

<sup>51</sup> TIHR news release 27 January 2008, <http://www.chrono-tm.org/en/?id=1003>