

## Turkmenistan

**Country:**

Turkmenistan

**Year:**

2016

**Freedom Status:**

Not Free

**Political Rights:**

7

**Civil Liberties:**

7

**Aggregate Score:**

4

**Freedom Rating:**

7.0

**Overview:**

President Gurbanguly Berdymukhammedov's government reinforced its repressive controls on politics and society in 2015. During the year, legislators discussed constitutional changes that would allow the president to serve for an unlimited number of terms. State authorities continued to limit the availability of independent information, harass and imprison critics, and pressure ethnic and religious minorities. International criticism and pressure have not led to genuine respect for fundamental freedoms by the government. When confronted with accusations of human rights violations at the annual Human Dimension Implementation Meeting hosted by the Organization for Security and Co-operation in Europe (OSCE) in September, the delegation from Turkmenistan denied the claims, calling them "subjective, provocative attacks and biased comments."

**Political Rights and Civil Liberties:**

**Political Rights: 0 / 40 (-1) [Key]**

**A. Electoral Process: 0 / 12**

Turkmenistan is not an electoral democracy. Since its independence in 1991, none of the country's elections have been free or fair. President Berdymukhammedov has maintained all the means and patterns of repression established by his predecessor, Saparmurat Niyazov, whose authoritarian rule lasted from 1985 to 2006. Berdymukhammedov was formally elected to his first five-year presidential term in 2007. In the last presidential election, held in 2012, he was reelected to a second five-year term with 97 percent of the vote and 96 percent turnout, according to the country's election commission. While Berdymukhammedov had promised that the polls would include

opposition candidates and adhere to international norms, all seven of his challengers were minor figures associated with the ruling Democratic Party of Turkmenistan (DPT).

Under the 2008 constitution, the Mejlis became the sole legislative body, and its number of seats expanded from 50 to 125, with members elected to five-year terms from individual districts. The charter gave citizens the right to form political parties, and a new law outlining the requirements for party formation was approved by the Mejlis in 2012. In the most recent parliamentary elections, held in 2013, the DPT took 47 seats, followed by the Federation of Trade Unions with 33, the Women's Union with 16, the Party of Industrialists and Entrepreneurs with 14, and a youth organization and other "citizen groups" with 8 and 7, respectively. The Mejlis remains tightly under executive control despite the appearance of pluralism.

The election commission has no meaningful independence from the executive branch. In May 2015, the parliamentary speaker announced that the constitutional commission was considering proposals that would allow Berdymukhammedov to serve as president indefinitely.

## **B. Political Pluralism and Participation: 0 / 16 (-1)**

The party system in Turkmenistan is dominated by the ruling DPT and controlled by the executive branch. Cosmetic legislative changes in recent years, ostensibly aimed at increasing pluralism, have only served to establish progovernment political parties. Formerly the Soviet-era Communist Party of Turkmenistan, the DPT was the only party permitted to operate legally and field candidates for elections until 2013. The 2012 law on political parties specified the legal basis for any citizen to form an independent party, but barred parties formed on professional, regional, or religious lines, among other restrictions. Berdymukhammedov subsequently announced plans to form two new groups—the Agrarian Party and the Party of Entrepreneurs and Industrialists—even though the 2012 law forbade profession-based parties and barred government officials from creating parties. Both groups were openly organized by sitting members of the DPT, but only the latter registered in time to participate in the 2013 parliamentary elections. Aside from the DPT and the Party of Entrepreneurs and Industrialists, the entities that won seats were unions and civic groups affiliated with the state. The Agrarian Party was formally registered in 2014 and, like the Party of Entrepreneurs and Industrialists, is loyal to the government.

## **C. Functioning of Government: 0 / 12**

Corruption in Turkmenistan, which was ranked 154 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index, is widespread. Many public officials are widely understood to have bribed their way into their positions. The government's lack of transparency affects nearly all spheres of the economy and public services. After holding a steady exchange rate to the dollar in 2014, the government allowed the manat to fall more than 19 percent on January 1, 2015, but offered no information on the devaluation to the public, leading rumors to circulate and cause considerable panic. In late January, after the International Monetary Fund (IMF) criticized the government's lack of communication and transparency, Berdymukhammedov made a televised address, explaining that declining global gas and oil prices had caused the devaluation.

Decisions to award large-scale contracts to foreign companies are ultimately made by the president without any effective legal control or oversight, with bribes playing a key part in the process. Allocation of state profits from hydrocarbon exports remains opaque. Legislation passed in 2014 required government agencies to establish websites with basic information about their operations and to answer public inquiries submitted online, but compliance remained unclear in 2015.

## **Civil Liberties: 4 / 60 (-1)**

### **D. Freedom of Expression and Belief: 1 / 16 (-1)**

Although the 2013 media law banned press monopolies and censorship, freedom of the press is severely constrained by the government, which controls nearly all broadcast and print media. In April 2015, the government announced its decision to eliminate the use of private satellite dishes—a move seemingly intended to limit access to Radio Azatlyk, the Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL). Although internet penetration is low, Turkmenistan's main internet service provider is run by the government and restricts access, including by blocking undesirable websites and monitoring user activity. The government mandated obligatory internet access for educational, scholarly, and cultural institutions in 2014. While the OSCE praised the legislation, it also warned that certain provisions—for example, limits on vaguely defined propaganda and the liability of users for the truthfulness of their postings—can be used to maintain and expand restrictions on online content.

The few independent reporters that still operate in Turkmenistan risk detention by the authorities; rights groups suspect that imprisoned journalists are subject to torture. Osmankuly Hallyev was forced to resign from Radio Azatlyk in June 2015 after police threatened to jail him if he did not end his affiliation with the outlet. Hallyev's family members have faced job dismissals and harassment by police due to his journalistic work, and his son—a photojournalist and RFE/RL correspondent—fled the country in 2014 to avoid further persecution. Photojournalist Saparmamed Nepeskuliyev, who reported for RFE/RL and the opposition-minded Alternative Turkmenistan News on social issues, health care, and corruption, was arrested in July for allegedly possessing an illegal medication, and was being held incommunicado at year's end. According to some reports, Nepeskuliyev was sentenced in August to three years in prison on the falsified charge, but details about his status and location remained unconfirmed.

Legal restrictions and harassment by the government have virtually extinguished the ability of individuals to freely practice religion. Changes to the administrative code in 2013 introduced fines for the dissemination of religious literature, among other measures. Religious groups are required to register with state authorities, and practicing an unregistered religion is illegal, with violators subject to fines. Many minority religious groups have been refused registration, and members of some groups face persecution. Jehovah's Witnesses, who are conscientious objectors to compulsory military service, continued to report arbitrary detention, harassment, and abuse by state authorities in 2015. According to the independent religious freedom watchdog Forum 18, four Jehovah's Witnesses were arrested on spurious hooliganism charges in February; three of them reported being beaten by police. Also in February, a Protestant religious leader was fined after police raided a private gathering he attended. The officers discovered a copy of the New Testament and accused the man of disseminating the text illegally. Forum 18 reported that at least one attendee was subsequently forced to write a statement abandoning his faith.

The government places significant restrictions on academic freedom. In August, President Berdymukhammedov announced plans to require foreign academics to attain government approval of any scholarly work about Turkmenistan before publication, ostensibly to prevent the proliferation of "personal views" into interpretations of Turkmenistan and its people.

The openness of private discussion is highly restricted due to intrusive supervision by state security services, including physical surveillance, monitoring of telephone and electronic communications, and use of informers.

## **E. Associational and Organizational Rights: 0 / 12**

The constitution guarantees freedoms of peaceful assembly and association, but in practice, these rights are severely restricted. Sporadic protests, usually focused on social issues, have taken place in recent years. The Law on Assemblies, the first of its kind, was signed by the president in March and entered into force in July, explicitly defining the right of individuals and groups to hold peaceful gatherings with prior authorization. However, due to concurrent restrictions and the forbidding political environment, the law is unlikely to lead to the free exercise of this right. The Law on Public Associations, in force since 2014, contains slight improvements for nongovernmental organizations (NGOs), among them the ability of foreign individuals and entities to found and join organizations. However, the freedom of association remains restricted in practice. Onerous registration requirements and the state's unfettered ability to monitor NGOs inhibit the capacity of civil society, which is limited to the work of a few dedicated activists.

The government-controlled Association of Trade Unions of Turkmenistan is the only central trade union permitted. Workers are barred by law from bargaining collectively or staging strikes.

## **F. Rule of Law: 0 / 16**

The judicial system is subservient to the president, who appoints and removes judges without legislative review. The authorities frequently deny rights of due process, including public trials and access to defense attorneys. Prison conditions are unsanitary and overcrowded, and the state maintains a system of labor camps. According to international watchdogs, security forces use various forms of torture and violence—including rape, asphyxiation, starvation, and forcible administration of drugs—against suspects and inmates.

The government has released a number of political prisoners since Niyazov's death in 2006, but many others remain behind bars. Many long-term political prisoners have been subject to enforced disappearance, and nothing is known about the condition of jailed former foreign ministers Boris Shikhmuradov and Batyr Berdyev, along with some 28 others. Amnesty International has received reports that harassment, arbitrary imprisonment, and torture of political opponents is widespread. A September 2014 report by the Prove They Are Alive! campaign extensively documented the torture practices employed by prison workers in Ovadan Depe, where most political prisoners are reportedly held.

Employment and educational opportunities for ethnic minorities are limited by the government's promotion of Turkmen national identity. The country's small Persian, Afghan, and Balochi minorities are denied education in their native language. Their cultural centers have been shut down, and officials from the National Security Ministry regularly interrogate community elders. The law does not protect LGBT (lesbian, gay, bisexual, and transgender) people from discrimination, and traditional social taboos make even discussion of LGBT issues difficult. Sexual activity between men is illegal and punishable by up to two years in prison and a possible additional term of up to five years in a labor camp.

## **G. Personal Autonomy and Individual Rights: 3 / 16**

Freedom of movement is restricted, with a reported blacklist preventing some individuals from leaving the country. Geldy Kyarizov, a prominent breeder of Akhal-Teke horses who is out of favor with the government, and two family members were denied exit from the country in August 2015 while attempting to travel to Moscow. After international pressure from human rights organizations, Kyarizov and his family were allowed to leave Turkmenistan in September. Because the decision

followed the Human Dimension Implementation Meeting, critics argued that it was an isolated gesture, rather than a move to ease travel policies. A few activists who hold dual citizenship and continue to reside in Turkmenistan are able to travel abroad using their Russian passports. The government enforces compulsory military service for male citizens from the age of 18, going so far as to rush final school examinations, issue diplomas early, and confiscate passports in order to facilitate conscription.

A Soviet-style command economy and widespread corruption diminish the equality of opportunity. In September, the Council of Elders, a rubber-stamp advisory body, proposed cutting important welfare benefits across the country, including free electricity, gas, and water. Council deputies described the proposal as an overdue turn to free market forces, rather than as a measure provoked by the country's current economic difficulties. The constitution establishes the right to property ownership, but the deeply flawed judiciary provides little protection to businesses and individuals. Arbitrary evictions and confiscation of property are common. In October, Amnesty International reported that forced evictions and demolitions in and around Ashgabat, conducted as part of a campaign to beautify the city ahead of the 2017 Asian Indoor and Martial Arts Games, had affected approximately 50,000 people.

Traditional social and religious norms, inadequate education, and poor economic conditions limit professional opportunities for women, and domestic violence is common.

Turkmenistan is a source for men, women, and children subjected to forced labor and sex trafficking, and there are no adequate mechanisms for the prevention or investigation of trafficking. The government requires many civil servants and private individuals to participate in the annual cotton harvest.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

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