

TURKMENISTAN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

According to its constitution, Turkmenistan is a secular democracy, although President Serdar Berdimuhamedov, son of former President Gurbanguly Berdimuhamedov, controls all aspects of the country. Serdar Berdimuhamedov became president after the March 12 presidential election, which was not observed by the Organization for Security and Co-operation in Europe due to restrictions by the government; experts noted the country has not proven its election processes to be free or fair. The chairman of the upper house of parliament is former President Berdimuhamedov, putting both the executive and legislative branches under control of the president's family.

The national police and the Ministry of National Security maintained internal security. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included reports of: recent cases of forced disappearance; torture or cruel, inhuman, or degrading treatment by police and prison officials; harsh and life-threatening prison conditions; arbitrary detention; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including threats of violence and threats of unjustified arrests or prosecutions, including for criminal libel, against journalists; serious restrictions on internet freedom including censorship and site blocking; substantial interference with the freedom of peaceful assembly and freedom of association including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; particularly severe restrictions of religious freedom; severe restrictions on residence and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; lack of investigation of and accountability for gender-based violence; trafficking in

persons including the existence of forced and child labor; laws criminalizing consensual same-sex sexual conduct between adults; and significant restrictions on workers' freedom of association.

Officials in the security services and elsewhere in the government committed human rights abuses and engaged in corruption with impunity. There were no reported prosecutions of government officials for human rights abuses or corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no new reports of disappearances by or on behalf of government authorities. Nonetheless, an advocacy campaign led by nongovernmental organization (NGO) Prove They Are Alive! maintained a list of reported disappeared prisoners. In December 2021, Prove They Are Alive! updated its list to 162 cases of enforced disappearances. The NGO estimated there were hundreds of such disappeared individuals. The list included former ministers of foreign affairs Boris Shikhmuradov and Batyr Berdyev, former director of the Turkmenbashi oil refinery Guychmyrad Esenov, and others accused of participation in an alleged 2002 assassination attempt on former President Saparmurat Niyazov.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the constitution and law prohibit such practices, there were reports that government officials employed them. Human Rights Watch stated that torture and ill-treatment in custody persisted. In its 2017 report, the UN Committee Against

Torture alleged that the use of torture by jail and prison offices was widespread and routinely used to extract confessions from detainees. Activists' and former prisoners claimed mistreatment, including beating kidneys with plastic bottles full of water so that bruises do not show on the body, and a practice known as *sklonka*, in which prisoners are forced to stay in the open sun or in the cold for hours at a time. Officials in the security services and elsewhere in the government often acted with impunity, and the government took no steps to increase respect for human rights by the security forces. No direct independent monitoring of security services by international organizations or civil society occurred.

Prison and Detention Center Conditions

Opposition media continued to report prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions, while Human Rights Watch reported torture and ill-treatment persisted.

Abusive Physical Conditions: Gross overcrowding was a significant problem according to opposition media.

Official data on the average sentence or numbers of prisoners, including incarcerated juveniles, was not available. The government did not provide a total number of prisoners due to its secrecy policy. Prisoners in pretrial detention facilities were predominantly those sentenced but not yet transferred to penal colonies.

Administration: The government claimed, but provided no evidence, that it conducted investigations of credible allegations of mistreatment.

According to the Human Rights Ombudsperson's annual report for 2021, the control agencies that have the right to visit penitentiary facilities without special permission, carried out inspections in 2021. The prosecutor's office conducted 419, and control commissions conducted 12 inspections. As the result, the commissions introduced 33 protests, 256 submissions, 88 resolutions, and four warnings, and 239 employees were subject to disciplinary actions.

Chronicles of Turkmenistan, the news website of the NGO, Turkmen Initiative for

Human Rights, reported on July 28 that prisoners at BL-K/4 prison in Balkan Province were not allowed to receive parcels due to the deaths of two inmates allegedly from COVID-19 complications.

Independent Monitoring: There was no independent monitoring of prisons.

Improvements: The government reported it made efforts to improve prison conditions by reconstructing some detention facilities; providing additional food, clothing, and bedding for prisoners; and working to improve sanitary standards to combat COVID-19. Independent observers could not confirm these improvements.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both remained serious problems. Persons arrested or detained are not entitled to challenge the legal basis or arbitrary nature of their detention.

Arrest Procedures and Treatment of Detainees

A warrant is not required for arrest when officials catch a suspect in the act of committing an offense. The prosecutor general must issue an authorization for arrest within 72 hours of detention. If investigating authorities do not find evidence of guilt and issue a formal indictment within 10 days of detention, they must release the detainee; however, authorities did not always comply with this requirement. If evidence is found, an investigation may last up to two months. A provincial or national-level prosecutor may extend the investigation to six months. The national prosecutor general or deputy prosecutor general may extend the investigation period to a maximum of one year. Following the investigation, the prosecutor prepares a bill of indictment and transfers the case to the court. Courts generally follow these procedures, and the prosecutor promptly informs detainees of the charges against them.

The criminal procedure code provides for a bail system and surety, but authorities did not implement these provisions. The law entitles detainees to immediate access to an attorney of their choice after a formal accusation, although detainees for various reasons may not have prompt or regular access to legal counsel. For example, detainees may have been unaware of the law, security forces may have

ignored the entitlement to counsel, or the practice of seeking formal counsel was not a cultural norm. Authorities denied some detainees family visitation. Families sometimes did not know the whereabouts of detained relatives. Incommunicado detention was a problem. The extent to which authorities failed to protect due process in the criminal justice system was unclear.

Arbitrary Arrest: The law characterizes any opposition to the government as treason. Persons convicted of treason may face punishment of up to 25 years in prison. In the past, the government arrested and filed charges on economic or criminal grounds against those expressing critical or differing views.

There were reports of arbitrary arrests and detentions. Authorities frequently singled out for harassment, arrest, or detention human rights activists, journalists, ethnic minorities, and dissidents or family members.

Pretrial Detention: The law governing pretrial detention is unclear. In most cases the law permits detention of no more than two months; however, in exceptional cases with the approval of the prosecutor general, the detention may be extended up to one year. Opposition media reported that authorities routinely exceeded legal limits for pretrial detention.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive controls it, and it is subordinate to the executive. There was no legislative review of the president's judicial appointments and dismissals. The president retains sole authority to dismiss any judge. The judiciary was widely reputed to be corrupt and inefficient.

Trial Procedures

The law provides for the right to a fair and public trial, but authorities routinely denied these rights. Defendants frequently did not enjoy a presumption of innocence and were not informed promptly of the charges against them. The government permits the public to attend most trials but closed those considered politically sensitive. The court at times did not allow defendants to confront or question a witness against them and denied defendants and their attorneys access to

government evidence. In some cases, courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence might have changed the outcome of the trial. Courts offered interpreters to defendants who did not speak Turkmen, but the quality of the translation allegedly was questionable.

Even when the courts observe due process, the authority of the government prosecutor far exceeds that of the defense attorney, making it difficult for defendants to receive a fair trial. Flawed or incomplete court transcripts remained a problem, especially when there was a need to translate defendants' testimony from Russian to Turkmen.

Political Prisoners and Detainees

Opposition groups and some international organizations stated the government held political prisoners and detainees. The precise number of political prisoners remained unknown. Observers estimated a number between 100 and 200, including the NGO Prove They Are Alive!'s list of 162 political prisoners.

Those convicted of treason faced 10 to 25 years' imprisonment, although the president could reduce the sentencing period. The government continued to assert that none of these persons was a political prisoner. Humanitarian and human rights organizations were not permitted to visit political prisoners. At year's end authorities continued to hold Mansur Mingelov, Nurgeldi Halykov, and Rustem Djumaev, among other political prisoners.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: Human Rights Watch reported on November 18 that a human rights activist, Azat Isakov, went missing in Russia and later was returned to Turkmenistan. Isakov publicly criticized the Turkmen government for not supporting victims in 2020 after a severe storm caused extensive damage in the Lebap and Mary regions.

Threats, Harassment, Surveillance, and Coercion: According to *Chronicles of Turkmenistan*, on August 16, Turkmen activists, accompanied by two Turkish human rights activists and a lawyer, tried to send a written appeal through the Turkmen Consulate in Istanbul. The participants read the message in front of the building and then entered the courtyard of the consulate. *Chronicles of*

Turkmenistan reported that consulate employees insulted and beat two women and three men. Atamurad Saparov received serious injuries to his head.

Efforts to Control Mobility: Tens of thousands of Turkmen citizens abroad, mostly in Türkiye, were not allowed to return to Turkmenistan. The government of Turkmenistan requested the government of Türkiye (Turkey) to suspend visa free travel for Turkmen citizens. Türkiye enacted a visa that cost over \$250 with all required fees. Opposition and international media alleged that Turkish authorities detained Turkmen opposition activists in Türkiye at the request of the government.

Civil Judicial Procedures and Remedies

The civil judiciary system was neither independent nor impartial, as the president appointed all judges. According to the law, evidence gathered during a criminal investigation may serve as the basis for a civil action in a process called “civil lawsuit in criminal justice.” Observers noted that in principle, this could include human rights abuses. In the past there were reports of bribes in the civil court system to ensure a particular outcome. The state continued to use the judiciary to impose court orders targeting individuals. Persons and organizations may appeal adverse decisions to regional human rights bodies, but local courts in the past have not reversed their decisions despite such appeals.

Any individual or organization may file a complaint related to human rights abuses with the Office of the Ombudsperson. According to the law, the ombudsperson may then make a recommendation to the offending party on the necessary measures to restore the violated rights or freedoms immediately.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law forbid such actions, but authorities frequently did not respect these prohibitions. Authorities reportedly searched private homes without judicial or other appropriate authorization.

The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents, critics of the

government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. Authorities frequently queried the parents of students studying overseas.

The government reportedly intercepted surface mail before delivery, and letters and parcels taken to the post office had to remain unsealed for government inspection.

According to *Chronicles of Turkmenistan*, authorities conducted surveillance of activists and their relatives. Some persons harassed, detained, or arrested by authorities for their activism reported that the government detained and interrogated their family members.

The government controlled all radio and domestic television outlets, but satellite dishes providing access to foreign television programming were widespread throughout the country.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, but the government did not respect this right.

Freedom of Expression: The law characterizes any opposition to the government as treason. Citizens publicly criticizing the government or the regime face intimidation and possible arrest. The law requires political parties to allow representatives of the Central Election Committee and Ministry of Justice to monitor their meetings. The government warned critics against speaking with visiting journalists or other foreigners about human rights problems.

Violence and Harassment: The government subjected journalists critical of its official policies to surveillance and harassment. There were reports law enforcement officials harassed and monitored citizen journalists including by monitoring their telephone conversations and restricting their travel abroad.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: The government controls the publication of books and almost all other print media. The quasi-independent weekly newspaper *Rysgal* continued to operate, although its stories were largely reprinted from state media outlets or reflected the views of the state news agency. The government maintained restrictions on the importation of foreign newspapers.

To regulate domestic printing and copying activities, the government required all publishers, printers, and photocopying establishments to register their equipment. The government did not allow the publication of works on topics that were out of favor with the government, including some works of fiction. The government must approve the importation, publishing, and dissemination of religious literature.

There was no independent oversight of media accreditation, no defined criteria for allocating press cards, no assured provision for receiving accreditation when space was available, and no protection against the withdrawal of accreditation for political reasons. The government required all foreign correspondents to apply for accreditation. It granted visas to journalists from outside the country only to cover specific events, such as international conferences and summit meetings, where it could monitor their activities. According to the government, 49 representatives of foreign mass media have been accredited in the country, including some with permanent representation.

Libel/Slander Laws: According to the new criminal code, the penalty for slander is punishable by fines, compulsory labor up to 480 hours, or up to three years' imprisonment.

Internet Freedom

The government restricted and disrupted access to the internet and censored content online. There were credible reports that the government illegally monitored users' private online communications. Reports indicated the Ministry of National Security controlled the main internet access gateway and that several servers belonging to the Turkmen Communications Agency operated software that allowed the government to record Voice over Internet Protocol conversations, to turn on computer cameras and microphones, and to log keystrokes. Authorities

blocked access to websites they considered sensitive, including YouTube, Twitter, and Facebook, as well as virtual private network connections, including those of diplomatic missions and international businesses; it severely restricted internet access to other websites. Qurium Media Foundation reported in 2019 that authorities blocked 133 of the most popular worldwide websites. There were reports that the security services summoned virtual private network users to discuss their online activities.

Internet speed is extremely slow, effectively limiting access to information that is not blocked.

After a three-day shutdown in April, Cloudflare reported an almost full internet blockage for several days in August.

On April 29, *Turkmen.news* reported on the blocking of the Discord messenger in the country. According to the International Partnership for Human Rights and Turkmen Initiative for Human Rights, the government arbitrarily blocked the websites of independent organizations based outside the country, social networks, and communication platforms physically located inside the country. Reporting also suggested that authorities have recently stepped up their campaign against internet circumvention tools used to access otherwise unavailable sites by systematically blocking such tools and intimidating individuals who use them to access online content critical of the government.

On July 14, *Turkmen.news* reported that Turkmen authorities blocked Cloudflare services, which led to a wide-spread internet blockage.

On September 6, *Turkmen.news* reported that local authorities blocked Behance and Dribbble, websites for designers.

Restrictions on Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. The government did not tolerate criticism of government policy – particularly the official government position that COVID-19 was not present in the country – nor of the president in academic circles and curtailed research in areas it considered politically sensitive.

The Ministry of Culture censored and monitored all public exhibitions, including music, art, and cultural events. The government strictly controlled the production of plays and performances in state theaters. Authorities also strictly controlled film screenings and limited viewings to approved films dubbed or subtitled in Turkmen and Russian, unless sponsored by a foreign embassy.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government restricted this right by not granting the required permits for public meetings and demonstrations and did not allow unregistered organizations to hold demonstrations. Unregistered religious groups were not allowed to meet, according to the country's religion law. Security forces intimidated groups that attempted to meet in private homes in defiance of the law.

Freedom of Association

Although the constitution and law provide for freedom of association, the government restricted this right. The law requires all NGOs to register with the Ministry of Justice and all foreign assistance to be coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by a fine, short-term detention, and confiscation of property. The law requires all religious groups to register with the Ministry of Justice and sets out a schedule of fines for religious activity conducted by unregistered groups.

The government reported that as of year's end, 134 NGOs were registered in the country, including four new public organizations. Of those registered NGOs, international organizations recognized only a few as independent. NGOs reported the government presented numerous administrative obstacles to NGOs that attempted to register. Authorities rejected some applications repeatedly on technical grounds. Some organizations awaiting registration found alternate ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups, but others were forced to temporarily suspend or limit their

activities. Although the law states there is a process for registering foreign assistance, NGOs had difficulty registering bilateral foreign assistance under the 2013 decree requiring such registration.

Observers noted several barriers to the formation and functioning of civil society. These included regulations that permit the Ministry of Justice to send representatives to association events and meetings and requirements that associations notify the government about their planned activities.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law do not provide for freedom of internal movement, foreign travel, emigration, and repatriation.

In-country Movement: The law requires internal passports and residency permits. Persons residing or working without residency permits faced forcible removal to their place of registration. A requirement for a border permit remained in effect for all foreigners wishing to travel to border areas. The law provides for internal exile, requiring persons to reside in a certain area for a fixed term of two to five years.

Foreign Travel: The government continued to bar certain citizens from departing under its Law on Migration. The law states that citizens may be denied exit from the country "if their exit contravenes" national security.

The NGO Prove They Are Alive! reported that any of the country's law enforcement bodies may impose a travel ban on a citizen and that travelers in various categories may be denied departure, including young men obliged to perform military service; relatives of persons reportedly convicted and imprisoned for the 2002 alleged assassination or coup attempt; as well as journalists, civil society activists, and their family members. The group estimated that 20,000 individuals were subject to travel bans on political grounds.

Unless the Ministry of Foreign Affairs specifically approved a program in advance, the government routinely prevented citizens from travelling abroad for programs sponsored by foreign governments. Immigration officials often stopped nonapproved travelers at the airport and prevented them from leaving.

The law provides for restrictions on travel by citizens who had access to state secrets, presented falsified personal information, committed a serious crime, were under surveillance, might become victims of trafficking, previously violated the law of the destination country, or whose travel contradicts the interests of national security. In some cases, the law provides for time limits on the travel ban as well as fines for its infraction. Former public-sector employees who had access to state secrets were prevented from traveling abroad for five years after terminating their employment with the government. The law allows authorities to forbid recipients of presidential pardons from traveling abroad for a period of up to two years.

On July 7, the *Chronicles of Turkmenistan* reported that the State Migration Service does not allow the exit of children who in 2015-2020 received Russian citizenship in a simplified manner due to the citizenship of their parents.

On August 24, *Turkmen.news* reported that citizens of Turkmenistan who entered Russian universities continued to be removed from flights to Russia. On August 23, two citizens were not allowed to board a plane to Moscow, including one who was sponsored by the Russian government to study at a Russian university. On August 11, four students were not allowed to board a plane to Moscow because their universities were not included in the approved list by the authorities.

e. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. In 2009 the government assumed responsibility from UNHCR for making refugee status determinations, but it has not granted refugee status since then.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

No new asylum seekers have officially registered in the country since 2005.

UNHCR reported that as of October 2017, a total of 22 UNHCR-mandate refugees resided in the country. Each of these had been individually recognized under UNHCR's mandate between 1998 and 2002. Mandate refugees are required to renew UNHCR certificates with the government annually.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The country had a significant population of former Soviet Union citizens who became stateless due to the breakup of the Soviet Union. UNHCR's last calculation in 2015 estimated there were 7,111 stateless persons or persons of undetermined nationality in the country. UNHCR no longer had access to the country, and the government has not provided updated information. The number of stateless persons who were also refugees was not available. In recent years the government usually granted citizenship to more than 1,000 otherwise stateless individuals annually. On September 30, the government granted citizenship to 1,530 individuals.

Citizenship is derived primarily from one's parents; however, the Law on Civil Status Acts, which took effect in 2020, states that the government would register the birth of any child born in the country, including those with undocumented parents. The requirement that applicants for citizenship prove they are not citizens of another country impeded efforts to establish the nationality of undocumented persons. According to the Ministry of Foreign Affairs, 28,167 persons have received citizenship over the past several years.

The law allows stateless persons to reside in the country legally and travel internationally with government-issued identification and travel documents. Undocumented stateless persons did not have access to public benefits, education, or employment opportunities.

Section 3. Freedom to Participate in the Political Process

Despite a constitutional provision giving citizens the ability to choose their government in periodic elections based on universal and equal suffrage, there have been no free and fair elections in the country. There was no bona fide political opposition to the president, and alternative candidates came from derivative party structures, such as the state-controlled Union of Industrialists and Entrepreneurs or were members of individual initiative groups. Presidential elections are conducted by secret ballot administered by the Central Commission for Holding Elections and Referendums in Turkmenistan. According to the Organization for Security and Cooperation (OSCE), the election law does not meet OSCE standards.

Elections and Political Participation

Recent Elections: The country held presidential elections on March 12; Serdar Berdimuhamedov, son of the outgoing President Gurbanguly Berdimuhamedov, won and assumed office on March 19. Nine candidates took part in the election. According to the Central Commission for Elections and Referenda (CEC) in Turkmenistan, 2,726 national observers, nominated by the political parties, public organizations, civil society groups and by candidates, monitored the election. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and other organizations declined to observe the election given the country's extensive history of electoral irregularities and corruption, as well as the fact that it has not adopted even one of the ODIHR recommendations from their 2017 and 2018 reports.

The first elections to the Halk Maslahaty (People's Council) of the Milli Gnesht (National Assembly) took place in April 2021 in which 112 candidates ran for 48 seats and the president appointed eight members. There were 440 national observers who monitored the secret ballot election process and no international observers.

Political Parties and Political Participation: The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign, since it grants the Ministry of Justice broad powers over the registration process and the authority to monitor party meetings. The law prohibits political parties based on religion, region, or profession as well as parties

that “offend moral norms.” The law does not explain how a party may appeal its closure by the government. The law permits public associations and organizations to put forth candidates for elected office.

Neither organized opposition nor independent political groups operated in the country. The three registered political parties were the ruling Democratic Party (the former Communist Party), the Party of Industrialists and Entrepreneurs, and the Agrarian Party. The government did not officially prohibit membership in other political organizations, but there were no reports of persons who claimed membership in political organizations other than these three parties and a smattering of representatives of individual initiative groups. Authorities did not allow opposition movements based abroad – including the Republican Party of Turkmenistan in exile – to operate within the country.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate, although their representation and influence were limited. Although women served in prominent government positions, including as speaker of the lower house (Mejlis), only one woman served in the 12-member Cabinet of Ministers (as the deputy chairwoman for culture, television, and press). The government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied some senior government positions. Members of the president’s Ahal-Teke tribe, the largest in the country, held the most prominent roles in cultural and political life.

Section 4. Corruption and Lack of Transparency in Government

Corruption: There were numerous reports of government corruption. Freedom House, Transparency International, and the World Bank’s Worldwide Governance Indicators assessed the country as having a severe corruption problem.

While the law provides criminal penalties for official corruption, the government did not implement the law effectively. According to analysts, factors encouraging corruption included the existence of patronage networks, low government salaries that in the latter half of the year were paid as much as three months behind

schedule, a lack of fiscal transparency and accountability, the absence of published macroeconomic data, and the fear of government retaliation against citizens who choose to highlight corrupt acts.

There are no independent institutions tasked with combating corruption. The crackdowns on corruption in recent years were typically selective and related to conflicts within the ruling elite. Anticorruption bodies were allegedly used to extort revenue from wealthy officials and businesspersons.

On May 5, during the monthly Security Council meeting, Prosecutor General Batyr Atdayev reported on the outcome of an investigation into alleged corruption and bribery in the Ministry of Trade and Foreign Economic Relations. Twelve persons (who worked in consumers' associations, warehouses, sellers at the shops) were convicted and received prison sentences ranging from eight to 20 years.

On June 27, *Turkmen.news* reported that the police arrested Hojanepes Hanov, head of the department for registration and distribution of residential buildings of the Ashgabat mayor's office, for suspicion of taking bribes in return for allocating government-owned apartments.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

No domestic NGOs worked exclusively on human rights, although some worked on related social issues. The government refused to register organizations to work exclusively on human rights and made activity by unregistered organizations illegal. The government continued to monitor the activities of nonpolitical social and cultural organizations.

There were no international human rights NGOs with a permanent presence in the country, although the government permits international organizations, such as the OSCE, to have a resident mission. Government restrictions on freedoms of speech, press, and association severely restricted international organizations' ability to investigate, understand, and fully evaluate the government's human rights policies and practices.

The United Nations or Other International Bodies: The UN Working Group on Enforced or Involuntary Disappearances requested an invitation to visit the country in 2020, but the government did not respond.

A mission from the International Labor Organization visited in September and November to discuss forced labor, especially in the cotton harvests, and the possibility of setting up an observation office in the country.

Government Human Rights Bodies: The Institute of State, Law, and Democracy is not an independent body, and its ability to obtain redress for citizens was limited. The institute, established in 1996, has a mandate to support democratization. The Interagency Commission on Enforcing Turkmenistan's International Obligations on Human Rights and International Humanitarian Law meets biannually to coordinate the implementation of a limited number of recommendations from international human rights bodies. Both houses of parliament have committees specifically tasked with protecting human rights within the country.

The government maintains an ombudsperson who, by law, must be nominated by the president and confirmed by parliament. The law empowers the ombudsperson to receive and review human rights violations reported by citizens and confirm or deny the violation and advise the complainant regarding legal redress. The ombudsperson is obliged to submit an annual human rights report to the president and parliament, which must be published and distributed via local media.

In 2021 the office of Human Rights Ombudsperson received 244 written and 111 oral appeals. Only 79 appeals were accepted for consideration. Nine requests including three requests from 2020 were resolved.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape, and penalties range from three to 15 years in prison. Rape of a person younger than age 14 is punishable by 10 to 25 years in prison. A cultural bias against reporting or acknowledging rape made it difficult to determine the extent of the problem.

The law criminalizes domestic violence, including spousal abuse, through provisions in the criminal code that address intentional infliction of injury. Penalties range from fines to 15 years in prison, based on the extent of the injury, although enforcement of the law varied. Anecdotal reports indicated domestic violence against women went unreported; most victims of domestic violence kept silent because they were unaware of their rights or feared increased violence from husbands and relatives.

On August 26, the government presented the sample survey conducted in February – April 2020, on *Health and Status of a Woman in the Family in Turkmenistan*. The survey covered women from 3,569 households ages 18-59 living in all provinces and Ashgabat. The survey was carried out with the technical support of the United Nations Population Fund (UNFPA), with funding from the government and support from international organizations. According to the survey, one in eight, or 12 percent, of women have experienced physical or sexual abuse by a husband or partner at least once in their lives; one in six women in the country, or 16 percent, have experienced some form of abuse by an intimate partner.

Sexual Harassment: No law specifically prohibits sexual harassment. Reports suggested sexual harassment continued to take place in the workplace.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Working with UNFPA, the government whenever possible provided health services including HIV prophylaxis, contraceptive medication, forensic checks, and psychological assistance to survivors of sexual violence within 72 hours of a reported attack.

The law states that women have the right to medical care including prenatal care and safe and effective contraception. Women have the right to freely use contraception. Some women in remote areas give birth at home rather than make a long or difficult journey to a hospital or clinic. UNFPA reported 74 percent of women ages 15 to 49 utilized some type of birth control for family planning purposes. According to UNFPA the adolescent birth rate per 1,000 girls ages 15-19 was 22 out of 1,000 or 2.2 percent.

According to the government, 10 types of modern contraceptives are included in

the list of vital drugs and are dispensed free of charge for women at risk (women with chronic diseases; women who have eight or more children; and adolescent girls ages 15-19). Survivors of sexual violence are provided abortion services.

Discrimination: By law women have full legal equality with men, including equal pay, access to loans, the ability to start and own a business, and access to government jobs. Nevertheless, women continued to experience discrimination due to cultural biases, and the government did not enforce the law effectively.

On April 19, *Turkmen.news* reported on the ban of all services of beauty salons that involve putting “foreign objects” into the body. *Turkmen.news* stated that Ashgabat authorities sent directives to schools, technical and professional schools in Turkmenabat and some districts of Lebap Province on the need to promote the rejection of cosmetics, hair coloring, manicure, pedicure, and tattoos. Some *Turkmen.news* sources claimed that state agencies introduced a dress code for women, i.e., underpants under dresses.

On June 15, *Turkmen.news* reported that women were refused the right to renew their driving licenses under the pretext of not owning a car. Reportedly, traffic police refuse to register a car for women less than 40 years old. Women, especially under 40 years of age, are not able to obtain new driving licenses under the pretense of failing the mandatory driving test. Some women failed the test more than fifty times while men reportedly typically pass in a few tries.

In April *The Diplomat* reported that an educational meeting titled “Standards of Turkmen national traditions, the sanctity of marriage and family and etiquette” was held in the State Energy Institute for women instructors and students. Ten days later, *Current Time Asia* reported that women employees of state institutions and enterprises of the Mary region must vow to stop using cosmetics and hair colorants, getting manicures, wearing figure-fitting clothes, and using injectables like Botox. In addition, women were required to pledge they would wear traditional dresses paired with embroidered *balak*

<https://utahfolkarts.omeka.net/exhibits/show/traditionaltextiles/turkmenembroidery/keteni>(pants). Failure to comply with the pledge could result in dismissal.

In August a new survey, entitled *Health and Status of a Woman in the Family in*

Turkmenistan, noted the prevalence of economic violence among women who are married or in a relationship and have their own income in three regions (Dashoguz, Lebap and Mary Velayats) was higher than the national average. The data show that the respondents often faced a situation where their husband or partner took their money. Residents of Ashgabat were also more likely than the national average to be forced to leave their jobs or to refuse a job offer under pressure from their husband or partner.

Systemic Racial or Ethnic Violence and Discrimination

The law provides for equal rights and freedoms for all citizens.

The law designates Turkmen as the official language, and it is now the primary language taught in public schools, although the law also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce, but Turkmen was becoming more prevalent in everyday life. Outside the capital, Turkmen was widely used. The government continued to transition toward conducting official business solely in Turkmen.

Non-Turkmen speakers in government noted that some avenues for promotion and job advancement were not available to them, and only a handful of nonethnic Turkmen occupied high-level jobs in government. Applicants for government jobs had to provide information about their family background going back three generations.

Children

Birth Registration: By law a child derives citizenship from his or her parents. The Law on Civil Status Acts provides universal birth registration to any child born within the country's territory, and a child born to stateless persons possessing permanent resident status in the country is also a citizen.

Child Abuse: Child abuse is criminalized and is outlined by the law as one of the criteria for deprivation of parental rights.

The government survey on *Health and Status of a Woman in the Family in Turkmenistan* indicated that 1.6 percent of women experienced sexual abuse in

childhood (up to 15 years of age).

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18. There were no credible reports of child, early, and forced marriage.

Sexual Exploitation of Children: The legal age of consent is 16. The law forbids the production of pornographic materials or objects for distribution, as well as the advertisement or trade in text, movies or videos, graphics, or other objects of a pornographic nature, including those involving children.

Antisemitism

There is no organized Jewish community in the country. In 2016 it was estimated that 200 to 250 Jews resided in the country. There were no reports of antisemitic activity.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Sexual contact between men is illegal. The law also stipulates sentences of up to 20 years for the spread of HIV or other sexually transmitted infections through same-sex contact. The law does not mention same-sex sexual contact between women. Enforcement of the law was selective.

Violence against LGBTQI+ Persons: Lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals under arrest reported being subjected to blackmail, harassment, extortion, and humiliating tactics by state authorities. There were no reports of violence against LGBTQI+ persons, but reporting was constrained by LGBTQI+ individuals' fear of laws criminalizing LGBTQI+ status.

Discrimination: Antidiscrimination laws do not apply to LGBTQI+ persons, and

discrimination was pervasive.

Availability of Legal Gender Recognition: The government provided no legal protection to transgender individuals or recognition of their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There are no reports on the practice of so-called conversion therapies.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Freedom of expression, association, and peaceful assembly are all technically provided for according to law, but these freedoms were heavily restricted for LGBTQI+ individuals, especially the freedom of peaceful assembly.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of state services in other areas. Nonetheless, practical application, such as the accessibility of both public and private buildings, varied. Members of the disability rights community reported that persons with disabilities were generally unable to find satisfactory employment due to discrimination.

The government provided subsidies and pensions for persons with disabilities as well as housing, free health care, and tax-exempt status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions and to bargain collectively with their employers. The law prohibits workers from striking. The law does not prohibit antiunion discrimination against union members and organizers. There are no mechanisms for resolving complaints of discrimination, nor does the law provide for reinstatement of workers fired for union activity.

The government did not respect freedom of association or collective bargaining

and did not effectively enforce its own labor laws. No penalties existed to deter violations. All trade and professional unions were government controlled, and union leadership was appointed by the government rather than elected democratically by members. Workers could not exercise an independent or representative voice in state-dominated trade union activities. The government did not permit private citizens to form independent unions. There were no labor NGOs in the country.

Each government agency has a trade union that can receive complaints related to labor issues, as can the country's human rights ombudsperson but these unions were reluctant to report complaints due to fear of retaliation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced labor. Nonetheless, state policies continued to perpetuate government-mandated compulsory community labor. The law permits employers to require workers to undertake work not associated with their employment. The law also allows for compulsory labor as a punishment for criminal offenses, requiring convicted persons to work in the place and job specified by the administration of the penal institution, potentially including private enterprises. Compulsory labor may also be applied as a punishment for libel and for violation of the established procedure for the organization of assemblies, meetings, or demonstrations.

The law provides for the investigation, prosecution, and punishment of suspected forced-labor and other trafficking offenses. The government did not report the number of convictions under its criminal code, identified no victims, and did not implement legal provisions on victim protection. Resources, inspections, and remediation were inadequate. Information on the sufficiency and consistency of penalties for violations was unavailable, but such penalties were in any case rarely applied against violators.

The government forced students and public-sector workers to work in unpaid support roles during government-sponsored events such as parades, sporting events, or holiday celebrations. In addition, the government compulsorily mobilized students, teachers, doctors, and other civil servants for public works

projects, such as planting trees and cleaning streets and public spaces in advance of presidential visits or public holidays. Other forms of forced child labor were reported in the country (see section 7.c.).

The government released a *National Action Plan in 2021-2025* to address human trafficking. The government, however, did not report any information on prosecutions or convictions, nor did the government identify any victims, fund victim assistance programs, or implement legal provisions on victim protection.

A Committee of Experts' report by the International Labor Organization (ILO) released in February expressed concern at the continued practice of forced labor in the cotton sector. The ILO reported that, to meet government-imposed quotas for the cotton harvest, government officials required some private-sector employees, soldiers, and public-sector workers (including teachers, doctors, nurses, and others) to pick cotton, sometimes without payment, and under the threat of administrative penalties, such as dismissal, reduced work hours, or salary deductions, for refusal to comply. There were also reports that public-sector workers who declined to participate in the cotton harvest were assessed financial penalties to pay for their employers to hire replacement pickers through an unregulated, informal system. Those forced to work were compelled to sign declarations that their work was voluntary, but the *subbotnik*, or civic project, loses its voluntary character due to the association of penalties with nonparticipation. The government also threatened farmers with land seizure if they failed to meet harvest quotas. Individuals were brought to farms far from their homes, lodged in a temporary, unsanitary base facility for 10 or more days, and forced to work long hours with little rest.

In July the Cotton Campaign, a global labor rights coalition, released their 2021 report, *Systematic Forced Labor in the 2021 Cotton Harvest*, where they noted that the country used systematic, state-imposed forced labor to harvest cotton in 2021.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.
<https://www.state.gov/trafficking-in-persons-report/>

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. According to the labor code, the

minimum age at which a person may enter into a labor agreement or contract is 18. A child age 15, however, may work four to six hours per day, up to 24 hours per week, with parental and trade union permission. The law prohibits children younger than 16 from working more than 24 hours per week and prohibits children between the ages of 16 and 18 from working more than six hours per day or 36 hours per week. The law also prohibits children from working overtime or between the hours of 10 p.m. and 6 a.m. and protects children from exploitation in the workplace. A 2005 presidential decree bans child labor in all sectors and states specifically that children may not participate in the cotton harvest. Children work informally in markets and bazaars as porters, transporting carts with heavy loads.

The Ministry of Justice and the Prosecutor General's Office are responsible for enforcing the prohibition on child labor and may impose penalties for violations, including fines or suspension of an employer's operations for up to three months, sanctions that were not commensurate with those for other analogous serious crimes, such as kidnapping. There were no official figures or independent reporting available on the number of violations to assess whether the Ministry of Justice and the Prosecutor General's Office effectively enforced the 2005 presidential decree prohibiting child labor. The law prohibits students ages 14-30 from working during school hours but permits students to work in "voluntary" collective production practices in their free time. Some schools had two shifts of school attendance during the school day, which may facilitate children's engagement in child labor in the cotton harvest by accommodating this work within the school schedule. Families living in poverty often compelled children to serve as porters in local marketplaces and to harvest carrots in the fields. Children are reportedly forced to work in cotton and potato fields during summer educational camps.

Also, see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on nationality, race, gender, origin, language, religion, disability, HIV status, other communicable diseases, political

beliefs, and social status, but it does not prohibit discrimination based on sexual orientation or gender identity. The government did not always effectively enforce the law. Discrimination against persons with disabilities is punishable by fines that were commensurate with other laws related to civil rights, such as election interference.

The law does not specify penalties for other categories of discrimination. Certain government positions require language exams, and all government positions require a family background check going back three generations. Civil society members reported the country retained a strong cultural bias against women in positions of power and leadership, making it difficult for some women to secure managerial positions. Women are barred from certain tasks or jobs, including any involving overnight work while pregnant. Although the law defines social protection policies for persons with disabilities and establishes quotas and workplaces for persons with disabilities, it was not broadly enforced. Members of the disability rights community reported that persons with disabilities were generally unable to find satisfactory employment due to unofficial discrimination. LGBTQI+ individuals faced discrimination in employment and occupation. There was no information on discrimination against internal migrant workers.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law states overtime or holiday pay should be double the regular wage. The law prohibits pregnant women, women with children up to age three, women with disabled children younger than age 16, and single parents with two or more children from working overtime. Laws governing overtime and holiday pay were not effectively enforced. The government, as well as many private-sector employers, required workers to work 10 hours a day or a sixth day without compensation. Reports indicated many public-sector employees worked at least a half day on Saturdays. Penalties for violations of minimum wage and overtime laws were not clearly defined and there was no state agency designated for enforcement.

Occupational Safety and Health: Occupational Safety and Health (OSH) standards were not appropriate for the country's main industries. Not all employers provided construction workers and industrial workers in older factories

proper protective equipment and often made these workers labor in unsafe environments. Some agricultural workers faced environmental health hazards related to the application of defoliants in preparing cotton fields for mechanical harvesting. Workers did not have the right to remove themselves from work situations that endangered their health or safety without jeopardizing their continued employment, and authorities did not protect employees in these situations. Statistics regarding work-related injuries and fatalities were not available.

Wage, Hour, and OSH Enforcement: The government reported that the departments of the Ministry of Labor and Social Protection of Turkmenistan conduct state labor inspections of state-owned enterprises at least once every three years to ensure compliance with the law and the approved annual plans.

State inspections were carried out at 1,719 enterprises, organizations, and institutions in accordance with the Ministry-approved work plans. Employers cited with violations were fined under various articles of the administrative offenses code. The Professional Trade Unions of Turkmenistan also has the power to conduct inspections and meet with workers on matters related to compliance with labor regulations.

Informal Sector: Credible data about the informal economy was unavailable. Due to the pandemic, the number of workers in the informal sector likely grew, as the pandemic aggravated living conditions and affected the service sectors of the economy. Wages in the informal sector are unofficial and not regulated by the government. In 2020, the United Nations reported that agriculture was the largest provider of employment in the country in both in formal and informal sectors.