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Turkmenistan*

The present report is a summary of 9 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by other stakeholders

A. Background and framework

1. Amnesty International (AI) noted that in 2010, a Commission to review complaints from prisoners was set up by Presidential Decree. AI was concerned that the hostile environment in which NGOs operated and the presence of representatives of Government bodies on the Commission might compromise its independence and ability to carry out thorough and impartial investigations into alleged abuses.²

2. Forum 18 News Service (Forum 18) stated that President Gurbanguly Berdymukhamedov had continued his predecessor's internal policies, including tight control of society and its isolation from other societies.³

B. Cooperation with human rights mechanisms

3. AI noted that the authorities submitted periodic reports to some of the United Nations' (UN) treaty bodies and allowed the Special Rapporteur on freedom of religion or belief to visit. However, several other UN Special Procedures had not been granted access, with specific mention being made of the requested visits by the Special Rapporteur on torture and the Working Group on Arbitrary Detention.⁴

4. AI was concerned that Turkmenistan remained closed to international scrutiny, that no independent international organizations had yet been granted access to carry out monitoring, and that Turkmenistan failed to cooperate fully with the UN human rights mechanisms.⁵ Similar concerns were raised by Norwegian Helsinki Committee (NHC).⁶ AI pointed out that in December 2009, the international organisation *Medecins sans Frontieres* closed down its operations in Turkmenistan, citing lack of cooperation by the Turkmenistani authorities.⁷

5. Joint Submission 1 (JS1) recommended that Turkmenistan allow national and international organizations to conduct independent human rights monitoring; and grant unfettered access to Turkmenistan for international human rights monitors, including the ten special procedures who had requested invitations.⁸ JS2 recommended that Turkmenistan extend a standing invitation to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association.⁹ A related recommendation was made by AI.¹⁰

C. Implementation of international human rights obligations

1. Equality and non-discrimination

6. NHC observed that an area of serious concern was the rights of women, with women having a second-rate position in society. There was no law against domestic violence, polygamy was widespread, and discrimination against women took place in the spheres of education and work. Even women's clothing was dictated in the smallest detail. The overall dismal health care system was a particular threat to women who tended to go through many births, as having a son was preferred by most families.¹¹

7. AI expressed its concern over discrimination against ethnic minorities.¹² According to NHC, there was a widespread practice of discrimination of people with dual citizenship.

The Government had announced that persons, who obtained their Russian citizenship before the entry into force of Turkmenistan's new Constitution, which prohibited dual citizenship, would be able to maintain the right to both citizenships. However, in practice, they were not able to receive the new biometric Turkmen passport, and were not able to find a job neither in the state services, nor in any state institution, undertaking or organization.¹³ JS1 referred to allegations that the security services pressurized an environmental activist to renounce his Turkmen citizenship and leave the country as an unofficial condition of his release.¹⁴

2 Right to life, liberty and security of the person

8. AI remained concerned about the continuing enforced disappearance of dozens of people convicted in 2002 and 2003 in unfair trials in connection with the alleged assassination attempt on former President Niyazov. The authorities had not disclosed the whereabouts of the prisoners, but according to non-governmental sources, most of the prisoners were held in the Ovadan-depe prison.¹⁵ AI stated that among those who remained forcibly disappeared or in incommunicado detention were Boris Shikhmuradov, a former Foreign Minister of Turkmenistan, his brother, Konstantin Shikhmuradov, and Batyr Berdyev, a former representative of Turkmenistan to the OSCE.¹⁶

9. AI observed that it had received reports that people suspected of committing criminal offences were routinely subjected to torture and other ill-treatment in Turkmenistan. Alleged perpetrators included police, officers of the Ministry of National Security and prison personnel. Torture and other ill-treatment were used to extract confessions and other incriminating information, and to intimidate detainees. To AI's knowledge, none of the allegations of torture and other ill-treatment in connection with the alleged assassination attempt on the then President Niyazov in November in 2002 had to date been investigated.¹⁷

10. JS1 stated that a key concern was the Government's use of imprisonment as a tool for political retaliation. As a result of more than two decades of this practice, unknown numbers of individuals languished in Turkmen prisons on what appeared to be politically motivated charges. The Government did free two political prisoners named in the previous UPR recommendations: Valery Pal was released by a general presidential amnesty in December 2008, and Mukhametkuli Aymuradov was released after serving out his 14-year prison term. According to JS1, other individuals named in recommendations remained unjustly imprisoned, and the government rejected all recommendations to release political prisoners and to "account for those prisoners whose fate was unknown."¹⁸ Similar concerns were raised by NHC.¹⁹

11. JS1 reported that Annakurban Amanklychev, Saparurdy Khajiev, and Ogulsapar Muradova who were affiliated with the Turkmenistan Helsinki Foundation—a human rights group based in exile in Bulgaria were arrested in 2006. According to JS1, Ogulsapar Muradova died a suspicious death in custody in September 2006, and no reliable investigation of her death was conducted. Turkmen authorities declared that Muradova "died of natural causes." Turkmen authorities rejected a recommendation to hold an independent inquiry into her death. Amanklychev and Khajiev remained in prison, serving seven-year sentences.²⁰ AI²¹ and JS2 also raised such concerns.²²

12. NHC²³ and JS1²⁴ reported on another case of incommunicado detention since 2008.

13. According to JS2 arbitrary arrests and detention of activists continued unabated.²⁵ Prior to a visit of an international delegation in April 2011, security personnel arrested two persons who had campaigned for redress against their reported torture in custody and the unwarranted seizure of their property in the 1990s. At the time of writing, their whereabouts remained unknown.²⁶

14. NHC referred to recent short-term arrests of three activists and journalists and stated that others were subjected to violence, threats and harassment.²⁷

15. JSI referred to the alleged forcible confinement of two former journalists in psychiatric facilities.²⁸

16. JSI recommended, inter alia, that Turkmenistan: launch a nationwide, transparent review of all political cases of past years in order to establish an accurate number of political prisoners and begin to provide them with justice; immediately release Annakurban Amanklychev, Sapardurdy Khajiev, among others, immediately disclose the whereabouts and, if relevant, information on the fate of all the defendants of the 2002 alleged assassination attempt on former President Niazov, and release their imprisoned relatives; afford those in detention full due process including visits from their family members and conduct a review of their convictions.²⁹

17. AI stated that access to detention facilities for independent organizations remained tightly controlled by the authorities. Some prisons, such as the Ovadan-Depe prison near Ashgabad, had a reputation for especially harsh treatment of inmates, making it even more important that independent monitors be granted access. AI noted the increased cooperation between the International Committee of the Red Cross (ICRC) and Turkmenistan. However, AI was concerned that the ICRC had not been granted full access to all prisons, and that the invitation to visit detention facilities had not been extended to other organizations.³⁰ Similar concerns were raised by NHC.³¹ Concerned about the lack of an independent mechanism to investigate abuse by law enforcement officials and to conduct regular visits to prisons and other places of detention,³² AI recommended that Turkmenistan: grant full access to all detention facilities to independent national and international monitoring organizations; and establish an independent monitoring system for detention facilities as a matter of priority.³³

18. Global Initiative to End All Corporal Punishment against Children (GIEACPC) stated that the law concerning corporal punishment of children in Turkmenistan was unclear and did not explicitly prohibit all forms of corporal punishment in all settings, despite the recommendations by the Committee on the Rights of the Child to do so. GIEACPC recommended that Turkmenistan enact legislation to explicitly and unambiguously prohibit all forms of corporal punishment of children in all settings, including the home.³⁴

19. Central Asian Gender and Sexuality Action Network (CAGSAN) stated that domestic violence was invisible and marital rape was completely unspoken of.³⁵ The State acknowledged a few incidents of rape of young women students by the young male relatives of high governmental officials. There were no crisis centres, hotlines, counselling and case management services for survivors of violence.³⁶

20. CAGSAN recommended that Turkmenistan take the necessary measures to: prevent rape, including marital and date rape, create a safe environment for survivors to report sexual violence and provide comprehensive support services; properly investigate cases of rape and duly punish those responsible; and improve the response of law enforcement personnel and the judiciary to sexual violence, including by recruiting more female police officers and by training judicial and security personnel on responding to sexual violence.³⁷

21. CAGSAN reported that sex work was criminalized. Sex workers faced stigma and discrimination in their communities and authorities and police officers allegedly beat, raped and blackmailed them.³⁸

22. CAGSAN further recommended that Turkmenistan protect the most underrepresented and at-risk women - and their right to human dignity and freedom from

torture, violence and criminalization - lesbian, bisexual and transgender women, sex workers, women drug users and women living with HIV.³⁹

23. JS3 stated that the *Conscription and Military Service Act*, as amended on 25th September 2010, raised the minimum age for voluntary military service to 20 years of age. In Article 2 (23) of the same Act, however, enrolment in military schools was permitted from the age of 15, and all those so enrolled were classified as members of the armed forces.⁴⁰ This was not only inconsistent with Turkmenistan's Declaration (on accession to the OP-CRC-AC), but contravened the Optional Protocol itself, which prohibited all recruitment below the age of 16.⁴¹

24. JS3 referred to NGO contacts in Turkmenistan which noted that the alleged use of military conscripts to provide forced labour in the civilian economy remained endemic.⁴²

3. Administration of justice, including impunity, and the rule of law

25. AI stated that impunity for torture and other ill-treatment was the norm in Turkmenistan, with complaints by victims rarely being pursued.⁴³

26. AI recommended that Turkmenistan: ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment; ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment and that those responsible are held to account; and ensure that all trials scrupulously uphold international standards for fair trial.⁴⁴

27. AI recommended that Turkmenistan: immediately reveal the fate and whereabouts of all those subjected to enforced disappearance; investigate all cases of enforced disappearance and ensure that the perpetrators are brought to justice in fair trials; ensure that all those sentenced to long-term imprisonments following the November 2002 events, are retried in proceedings which meet international standards on fairness and to which international trial observers have access; make public the names of all prisoners who died in custody; conduct thorough, impartial and independent investigations into the circumstances of their deaths, and publicize the results.⁴⁵

4. Right to privacy, marriage and family life

28. According to CAGSAN, Turkmenistan's legislation criminalized only consensual relationships between two adult men. The state response in 2008, in support of "traditional values and culture" and keeping the discriminatory article in the criminal code of Turkmenistan, indicated the threat of non-acceptance of homosexuality, where women and men could become targets if they did not fit the cultural stereotypes of femininity and masculinity in Turkmenistan.⁴⁶

5. Freedom of movement

29. JS1 noted that Turkmenistan accepted the recommendation to "respect the rights of everyone to be free to leave and return to their own country, in conformity with article 12 of the ICCPR" and rejected a recommendation to revoke travel bans on human rights defenders. JS1 reported that the Turkmen authorities continued to arbitrarily interfere with and control residents' right to leave and return to Turkmenistan through an informal and arbitrary system of travel bans commonly imposed on activists, their families, and relatives of exiled dissidents. While a handful of civil society and political activists who had previously been banned from foreign travel had been permitted to travel abroad, a so-called "blacklist" of names of people banned from leaving the country was still in place. A secret presidential decree, which reportedly entered into force in August 2010, was believed to

include the names of more than 37,000 individuals who were not allowed to leave or enter Turkmenistan.⁴⁷ Similar concerns were raised by AI.⁴⁸

30. JS1 referred to specific individuals who had not been able to travel to other countries for the purpose of work, study, visits to relatives and friends, medical treatment, and the like.⁴⁹ NHC also referred to Turkmenists who studied abroad having been denied exit permission to continue their studies after spending their summer holiday in Turkmenistan.⁵⁰ AI added that AI, the Open Society Foundation and Memorial were included on a list of human rights organizations barred from entry into the country, alongside 8,000 named individuals.⁵¹

31. JS1 reported that the Government of Turkmenistan rejected a recommendation to abolish the mandatory residence registration system (*propiska*) that denied freedom of movement for people within the country. The system of mandatory registration at one's place of residence remained in force in Turkmenistan, preventing residents from legally residing, working, buying real estate, using public health care services, or placing their children in schools outside the city or settlement where they were registered. It was often very difficult to change the place of registration, especially when moving to large cities such as the capital Ashgabat.⁵² According to AI, citizens caught without a valid "propiska" or only holding a temporary registration of residence were subjected to administrative punishment. The threat of losing one's "propiska" was allegedly used by the police and security services to discourage people from complaining of ill-treatment by the police, and also as a means of income through bribes.⁵³

32. AI noted that in order to obtain a "propiska" citizens must present proof of their entitlement to accommodation, such as a rental contract or a contract certifying the purchase of accommodation. The refusal of a "propiska" might cut off access to social benefits such as child benefits or pension payments, and restrict rights to education and health care.⁵⁴ Related information on an individual case was provided by JS1.⁵⁵

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. Forum 18 found no improvement in the country's record on freedom of thought, conscience and belief compared to the previous review in 2008.⁵⁶ The European Association of Jehovah's Christian Witnesses (EAJCW) referred to the non-implementation of recent recommendations made by special procedures, particularly the Special Rapporteur on freedom of religion, and treaty bodies.⁵⁷

34. NHC reported that religious believers were put in prison for carrying out their belief. This included conscientious objectors as well as believers accused of unregistered religious activity. Few religious organizations had been registered since this possibility re-occurred in 2004, and those that were registered were subjected to strict control. Religious literature was confiscated and censored, and there were restrictions on religious education. Freedom of religion or belief was severely restricted for those belonging to so-called non-traditional religious communities, coinciding with the extensive discrimination of minority groups in Turkmenistan, including Azeri and Iranian Shia Muslims, Armenian Apostolic Christians, Jews and religious minorities such as Pentecostals, Baptists and Jehovah's Witnesses.⁵⁸ Forum 18 referred to allegations that the authorities' earlier removal from office of imams from the ethnic Uzbek minority in the northern Dashoguz region and their replacement with ethnic Turkmen imams was racially-motivated.⁵⁹

35. According to Forum 18, the Government role given to religious leaders, particularly giving them the right to interfere in the activity of other faiths, was violating the Constitutional separation of religion and the State. Particular reference was made to one of

the deputy chairmen of the Gengesh for Religious Affairs from the Russian Orthodox Church, who had particular responsibility for Christian affairs.⁶⁰

36. Forum 18 reported that Shia Muslims, the Armenian Apostolic Church, Protestant communities and the Jehovah's Witnesses had applications for registration rejected or felt unable to submit applications because of the tight restrictions imposed.⁶¹

37. Forum 18 stated that unregistered religious communities faced regular raids by secret police officers, backed up by ordinary police officers (especially from the 6th Department), officials of the local administration and local religious affairs officials. Registered religious communities had also suffered from such raids or, more frequently, check-up visits.⁶²

38. Forum 18 reported that Pastor Ilmurad Nurliev, leader of a Protestant church in Mary, was imprisoned from August 2010 to February 2012 on charges his community insisted were fabricated to punish him for his religious activity. Forum 18 also referred to the imprisonment of two Jehovah's Witnesses on the charge of "spreading pornography". One of whom, had since been amnestied.⁶³

39. Forum 18 stated that places of worship were tightly restricted – with many faiths not being allowed any place of worship. Other religious minorities had been denied permission to buy land and build places of worship or buy buildings to use as places of worship. Communities with state registration often could not rent premises for worship.⁶⁴ Officials allegedly indicated to Forum 18 that no compensation would be offered to Muslims for mosques destroyed in 2004-5; the Armenian Apostolic Church would get no compensation nor be allowed to get back their century-old church in Turkmenbashi, partially destroyed in 2005; nor would the Adventist and Hare Krishna communities be compensated for their places of worship destroyed in 1999; and nor would Ashgabad's Baptist and Pentecostal communities be able to get back their places of worship confiscated in 2001.⁶⁵

40. Forum 18 indicated that obstructions to travelling abroad made it difficult to take part in international gatherings. Only about 188 pilgrims were allowed to travel on each year's pilgrimage to Mecca.⁶⁶ No religious literature might be published in Turkmenistan or imported into the country without permission from the Gengesh.⁶⁷ Forum 18 made recommendations to address its concerns.⁶⁸

41. EAJCW stated that Turkmenistan had no provision for alternative civilian service. Article 219(1) of Turkmenistan's Criminal Code made it a criminal offence to "evade" military service, punishable by up to 24 months of imprisonment. Article 18(4) of Turkmenistan's law "On Conscription and Military Service" expressly permitted the repeated prosecution and imprisonment of conscientious objectors to military service. In 2012, eight conscientious objectors, who were Jehovah's Witnesses, had been charged and convicted for refusing military service: two of whom had been prosecuted and convicted twice.⁶⁹ Detailed information was submitted on two specific cases of Jehovah's Witnesses who were conscientious objectors.⁷⁰ EAJCW indicated that most conscientious objectors were sent to the Seydi labor camp and referred to reported inhumane conditions there.⁷¹

42. According to JS3, a member of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms was reported in September 2011 as saying that an Alternative Service Law would be considered in 2012, but he admitted that the drafting had not begun. One year later, there had been no reports of further progress.⁷² Similar concerns were expressed by Forum 18.⁷³

43. EAJCW recommended that Turkmenistan: desist from subjecting imprisoned conscientious objectors to inhumane and degrading treatment; grant amnesty to Jehovah's Witnesses imprisoned as conscientious objectors to military service ; provide conscientious objectors to military service with genuine alternative civilian service, which is not

controlled, directed, or supervised by the military.⁷⁴ Forum 18 also recommended that Turkmenistan introduce a civilian alternative to compulsory military service.⁷⁵

44. AI considered that there had been no genuine attempt on the part of the authorities to improve the situation with respect to the commitments Turkmenistan made to guarantee freedom of expression, association and assembly and prevent harassment and intimidation of journalists. On the contrary, freedom of expression continued to be under threat and critical media reporting was rarely tolerated. AI's research showed that journalists, human rights defenders and other activists continued to be subjected to harassment, torture and other ill-treatment, arbitrary detention and imprisonment following unfair trials.⁷⁶ AI reported that the authorities had on many occasions attempted to silence correspondents of Radio Free Europe/Radio Liberty.⁷⁷ Turkmenistan had also failed to take measures to allow independent non-governmental organizations to work freely without harassment, or to reform the registration process for such organizations.⁷⁸

45. JS2 stated that all mass media outlets in Turkmenistan were required to secure a government license, but the fees for a license varied considerably according to the applicant. Government outlets were not expected to pay a fee to establish a newspaper. According to recent estimates, independent entities that sought to open a newspaper must pay approximately US\$30,000. All licenses must be approved by the state publishing agency, and then by the Ministry of Internal Affairs and the Cabinet of Ministers.⁷⁹

46. According to JS2, access to foreign media was severely restricted. With few exceptions, Turkmen citizens were not permitted to subscribe to any foreign periodicals at their home address. Media outlets were generally proscribed from reprinting international news.⁸⁰

47. JS1 stated that internet access remained limited and heavily controlled by the State. The country's only internet service provider was state-operated, and websites for the exiled political opposition, international human rights organizations, and foreign-based news organizations were blocked. Social network sites such as Livejournal, Facebook, Twitter and YouTube were also often unavailable. Internet cafes required visitors to present their passports. The government was known to monitor electronic and telephone communications.⁸¹

48. JS1 reported that following the July 2011 explosion in Abadan, the Government concealed information about the explosion, sealed the city, and temporarily shut down mobile and internet lines, hindering people's efforts to locate loved ones and concealing the extent of destruction.⁸² Specific allegations: of the censoring of the reporting of the Abadan explosion by a correspondent for Radio Free Europe/Radio Liberty were made by JS2;⁸³ and of the hacking of an exiled human rights group's web site publishing information about the Abadan explosion were made by JS1.⁸⁴

49. CAGSAN reported that the Government of Turkmenistan had created rigid regulations for citizens, civil society, international organizations and researchers to access country data, statistics and to conduct scientific research. Very few researchers were allowed into the country and only for the purpose of research on history prior to 1800s. Researchers were required to be accompanied by national security officer and provided with government-outreached respondents.⁸⁵ Related concerns were raised by NHC.⁸⁶

50. According to JS2, the *Law on Public Associations*, adopted in 2003, created numerous obstacles to the effective realisation of the right to freedom of association, including onerous barriers to registration, draconian limitations on access to foreign funding and wide discretionary powers to intervene in the internal affairs of civil society organizations (CSOs). JS2 stated that the Government's continued discriminatory and politicised invocation of the law to silence independent civil society was of great concern.⁸⁷

51. JS2 observed that national Public Associations (PAs) were expected to have at least 500 members to register. All founders, members and participants were to be adult Turkmen citizens.⁸⁸ JS2 stated that from 2008 to late 2010, only one new independent CSO, the Society of Guitarists, was registered. The effects of the law were severely exacerbated by the Government's complete injunction on independent human rights monitoring in Turkmenistan. Almost all international CSOs, including service-delivery organisations, had been disallowed from maintaining branch offices in Turkmenistan.⁸⁹

52. JS2 also explained that under the *Law on Public Associations* the Government through the Ministry of Justice and regional ministerial branches, could insert a ministerial representative into PA events and meetings. Furthermore, PAs were only permitted to "maintain international contacts and relationships" and forge inter-organizational agreements with the "involvement" of the Ministry of Foreign Affairs.⁹⁰ JS1⁹¹ and JS2⁹² made recommendations, including to: reform the *Law on Public Associations* and to simplify the procedures for registration.

53. JS1 emphasized that Turkmenistan failed to respond to UPR recommendations to ensure that human rights defenders could carry out work without harassment, threat, and undue constraints.⁹³

54. NHC observed that there were a very limited number of activists who, to great danger for themselves and family members, tried to shed light on the dismal human rights situation.⁹⁴

55. JS2 stated that national level independent civil society activists were strictly limited in their ability to meet and communicate with international actors. It was reported that civil society groups were regularly prevented from meeting with international delegations from Governments, the United Nations and the Organisation for Security and Cooperation in Europe (OSCE).⁹⁵ JS1⁹⁶ and JS2⁹⁷ referred to the case of a person arrested prior to the arrival of members of an international delegation in April 2011, who was later amnestied.

56. AI stated that independent civil society activists were unable to operate openly and some were forced to live in exile. Fear for dissidents' safety heightened in September 2010 when President Gurbanguly Berdimukhamedov called on the Ministry of National Security to fight those who, according to the government website, "defame our democratic law based secular state and try to destroy the unity and solidarity of our society."⁹⁸ According to JS1, the President's speech came the day after a satellite channel broadcast an interview with exiled Turkmen activist Farid Tukhbatullin, chair of the Turkmen Initiative for Human Rights (TIHR). Allegations were made of threats to Tukhbatullin.⁹⁹

57. According to CAGSAN, women human rights defenders faced multiple discrimination based on their gender, they were exposed to sexual harassment and assault, experienced a travel ban and experienced detention in prisons that are overcrowded and catered to men. Allegedly similar experiences were faced by the women who were in an intimate partnership or marriage with male human rights defenders and political prisoners. They were often denied freedom of movement and access to formal employment and were pushed into the informal sector.¹⁰⁰

58. JS2 stated that severe limitations existed on the realisation of the right to peaceful assembly. In practice, the threat of government reprisals greatly discouraged groups from holding demonstrations and protests. The authorities also required citizens to secure a permit to hold a public protest, while unregistered organisations were routinely refused permission to hold public gatherings.¹⁰¹ On 8 July 2011, a rare public protest was reportedly staged by a group of fifty people outside Hotel Oguzkent in central Ashgabat. The group gathered in protest against the proposed demolition of an apartment complex with the aim of clearing space for the construction of a highway. Allegedly, the police immediately

dispersed the group and arrested four female protesters suspected of organising the demonstration.¹⁰²

59. JS2 recommended to Turkmenistan that best practices should be adopted on freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) and by the OSCE Office for Democratic Institutions and Human Rights' (ODIHR) Guidelines on Freedom of Peaceful Assembly (2007), which call for simple notification rather than explicit permission to assemble.¹⁰³

60. AI stated that on 11 January 2012, the *Law on Political Parties*, which formally legalized the formation of political parties, was adopted by Turkmenistan's Parliament. However, Turkmenistani human rights defenders and opposition political activists living in exile had expressed doubt about the application of the new law and the willingness of the authorities to allow open political debate. On 21 August 2012, a second political party, the Party of Industrialists and Entrepreneurs, was established. This was the first time since 1991 that an alternative to the ruling Turkmenistan Democratic Party had been allowed.¹⁰⁴

61. NHC reported that no election had ever been free or transparent in Turkmenistan, and the OSCE/ODIHR Needs Assessment Mission did not see that even a limited election observation mission would add any value to the Presidential elections in February 2012. NHC alleged that engaging in politics on an independent platform was impossible in practice, even if the President had now established a second government-supportive party.¹⁰⁵

7. Right to work and to just and favourable conditions of work

62. NHC observed that there was no independent trade union in Turkmenistan.¹⁰⁶

8. Right to social security and to an adequate standard of living

63. According to Forum 18, poverty was widespread.¹⁰⁷

64. JS1 reported that the local authorities in Ashgabat and the surrounding area had evicted, expropriated, and demolished homes of residents without a court ruling or providing adequate compensation, alternative accommodation, or notice. The demolitions made way for construction as part of a massive urban renewal project initiated in the late 1990s. While official statistics were not published, Human Rights Watch estimated that in the past decade the projects had displaced thousands of residents.¹⁰⁸ JS1 recommended that Turkmenistan ensure that all further house expropriations, evictions, and demolitions are halted until they can be carried out in a manner consistent with Turkmen national law and Turkmenistan's international commitments, and ensure that property owners have access to alternative accommodation to which they are entitled under national law or fair compensation to which they are entitled under international law.¹⁰⁹

9. Right to health

65. CAGSAN stated that women living with HIV were politically non-existent in Turkmenistan as government officially declares the country is HIV-free. There were high rates of other STIs, low condom use and double stigma by both women and men and mediocre access to contraception. The Family Code of Turkmenistan violated the rights of women living with HIV as it required disclosure of HIV status to the partner regardless of the woman's consent and was a ground to divorce a woman.¹¹⁰

66. According to CAGSAN, there was stronger stigma attached to women drug users as heroin use was often perceived as a male issue and tabooed for women. Women drug users were not provided harm reductions services, overdose and abscess treatment.¹¹¹

67. CAGSAN recommended that Turkmenistan protect and fulfil the right to health and non-discrimination for women, especially those at-risk - lesbian, bisexual and transgender women, sex workers, women drug users and women living with HIV.¹¹²

10. Right to development

68. According to NHC, there was increasing interest in the construction boom in the closed country, as well as Turkmenistan's vast natural resources.¹¹³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
CAGSAN	Central Asian Gender and Sexuality Action Network, Almaty, Kazakhstan;
EAJCW	The European Association of Jehovah's Christian Witnesses, Krainem, Belgium;
Forum 18	Forum 18 News Service, Oslo, Norway;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, United Kingdom;
JS1	Joint Submission 1: Human Rights Watch, United States of America, Freedom Now, DC Washington, United States, Turkmen Initiative for Human Rights, Vienna, Austria.
JS2	Joint Submission 2: CIVICUS : World Alliance for Citizen Participation, Johannesburg, South Africa and Turkmenistan Helsinki Foundation, Bulgaria;
JS3	Joint Submission 3: International Fellowship of Reconciliation (IFOR), BK Alkmaar, The Netherlands, and Conscience and Peace Tax International (CPTI), Leuven, Belgium;
NHC	Norwegian Helsinki Committee, Oslo, Norway.

² AI, p. 2.

³ Forum 18, para. 3.

⁴ AI, p. 1.

⁵ AI, p. 1.

⁶ NHC, pp. 1-2.

⁷ AI, p. 2.

⁸ JS1, p. 5, recommendations.

⁹ JS2, para. 6.5, recommendations.

¹⁰ AI, p. 5, recommendations.

¹¹ NHC, p. 2.

¹² AI, p. 1.

¹³ NHC, p. 1.

¹⁴ JS1, p. 4.

¹⁵ AI, p. 3.

¹⁶ AI, p. 4.

¹⁷ AI, p. 3.

¹⁸ JS1, p. 1.

¹⁹ NHC, p. 1.

²⁰ JS1, p. 1.

²¹ AI, p. 3.

²² JS2, para. 4.4.

²³ NHC, p. 1.

²⁴ JS1, p. 1.

- 25 JS2, para. 3.4.
26 JS2, para. 3.4.
27 NHC, p. 1.
28 JS1, p. 2.
29 JS1, p. 5.
30 AI, p. 3.
31 NHC, p. 2.
32 AI, p. 2.
33 AI, p. 5. recommendations.
34 GIEACPC, p. 1.
35 CAGSAN, para. 9.
36 CAGSAN, para. 11.
37 CAGSAN, p. 4, recommendations.
38 CAGSAN, para. 13.
39 CAGSAN, p. 4, recommendations.
40 JS3, para. 28.
41 JS3, para. 28. See also para. 26.
42 JS3, para. 30.
43 AI, p. 3.
44 AI, p. 5. recommendations.
45 AI, p. 5. recommendations.
46 CAGSAN, para. 12.
47 JS1, p. 4.
48 AI, p. 4.
49 JS1, pp. 4-5.
50 NHC, p. 2.
51 AI, p. 4.
52 JS1, p. 4.
53 AI, p. 4.
54 AI, p. 4.
55 JS1, p. 3.
56 Forum 18, para. 1.
57 EAJCW, paras. 23-30.
58 NHC, p. 1.
59 Forum 18, para. 5.
60 Forum 18, para. 8.
61 Forum 18, para. 11. See also EAJCW, paras. 2 and 31 (4).
62 Forum 18, para. 13.
63 Forum 18, para. 28.
64 Forum 18, para. 17.
65 Forum 18, para. 18.
66 Forum 18, para. 15.
67 Forum 18, para. 25.
68 Forum 18, para. 30.
69 EAJCW, para. 3.
70 EAJCW, paras. 10-22.
71 EAJCW, para. 6. See also, JS3, para. 21.
72 JS3, para. 18.
73 Forum 18, para. 29.
74 EACJW, para. 31.
75 Forum 18, para. 30.
76 AI, p. 1.
77 AI, p. 2. See also, JS1, p.2.
78 AI, p. 1.
79 JS2, para. 4.2.
80 JS2, para 4.3.

- 81 JS1, p. 2.
82 JS1, p. 2.
83 JS2, para. 4.5.
84 JS1, p. 3.
85 CAGSAN, para. 6.
86 NHC, p. 2.
87 JS2, para. 2.1.
88 JS2, para. 2.2.
89 JS2, para. 2.5.
90 JS2, para. 2.3.
91 JS1, p. 5.
92 JS2, para. 6.1.
93 JS1, p. 3.
94 NHC, p. 2.
95 JS2, para. 3.2.
96 JS1, p. 3.
97 JS2, para. 3.2. See also, JS2, para. 3.4.
98 AI, p. 3.
99 JS1, p. 4.
100 CAGSAN, para. 4.
101 JS2, para. 5.1.
102 JS2, para. 5.2.
103 JS2, para. 6.4, recommendations.
104 AI, p. 2.
105 NHC, p. 2.
106 NHC, p. 2.
107 Forum 18, para.3.
108 JS1, p. 5.
109 JS1, p. 5, recommendations.
110 CAGSAN, para. 15.
111 CAGSAN, para. 14.
112 CAGSAN, p. 4, recommendations.
113 NHC, p. 1.
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