

Turkmen Initiative for Human Rights

Turkmenistan Civil Society and Human Right Defenders

1. In Turkmenistan, Civil society in general and non-governmental organisations (NGOs) in particular are poorly developed. Of 89 non governmental organisations which are presently registered, only seven are regarded by international organisations as independent¹. The remainder are so called GONGOs, i.e. NGOs created by the government. All these GONGOs are part of a nationwide movements “Galkinish” (Revival). There are no NGOs which are openly active in matters of human rights in the country.

The Legal Framework

2. According to article 28 of the current Constitution (adopted 18th May 1992) citizens have the right to form political parties and other NGOs acting within the framework of the Constitution and laws. According to art. 93, NGOs and groups of citizens have the right to nominate candidates in accordance with electoral law². Furthermore, the activity of NGOs is regulated by the “Law on NGOs”³, by “Decree of the Government of Turkmenistan on state registration of projects and programs of technical, financial and humanitarian aid and grants”,⁴ by the regulations for registration of NGOs of the Republic of Turkmenistan⁵ and “Procedure for the registration of projects and programs of technical, financial and humanitarian aid and grants.”⁶

3. Previously the activity (particularly religious, political and professional) of all NGOs was governed by the “Law on NGO” adopted in 1990. Later, in the revised 1992 law, political and religious organisations, together with trade unions were removed from coverage by this law. This is now covered by the current “Law on NGOs”(art.3). Accordingly, the “Law on freedom of religious denominations and organisations”(21st October 2003) was passed. So far there are no laws governing political parties or trade unions. The country’s legislation does not allow the activity of unregistered NGOs

The Practice

4. Despite the legislative acts listed above, the authorities limit in every possible way the creation and activity of NGOs. For instance there is an official instruction which requires a group wishing to acquire the legal status of an NGO to present to the Ministry of Justice an application supported by other documents and a letter from the “relevant” ministry. That means that if the applicants wish to register an ecological NGO, then the letter has to be from the Ministry of the Environment; if it concerns registration of an NGO relating to educational matters, a letter is needed from the Ministry of Education etc. However the ministries, whose signature is required on the letter, do not want to accept responsibility for the activity of an NGO which is independent, and as a rule do not give such letters. Consequently the applicant group is refused registration on the basis that they do not present the required documents. In fact here the very principle of the existence of NGOs is destroyed – a non-governmental organisation has to receive permission from a governmental department for its registration.

¹ <http://russian.ashgabat.usembassy.gov/hrr2007.html> Heading “Turkmenistan” from a lecture about the human rights position in world countries in 2007 Published by the Office for Democratic Affairs, Human Rights and Labor, State department USA.

² <http://www.legislationline.org/ru/?tid=2&jid=52&less=false>

³ Passed 21st October 2003. Came into force 20th November 2003.

⁴ Passed 14th November 2003.

⁵ Passed by presidential decree 14th January 2004.

⁶ Confirmed by Decree of the Government of Turkmenistan “Concerning state registration of projects and programs of technical, financial and humanitarian aid and grants 14th November 2003”.

Turkmen authorities either do not understand what an NGO really is, or they have decided not to hide the obvious, openly speaking about their understanding of the need for NGOs. At least the above mentioned publications from the official Turkmen press clearly demonstrate this.

11. It is possible that in such a situation international and foreign institutions could play their positive role, making clear to government officials the need and importance for real and independent NGOs to exist in Turkmenistan. And there have been such attempts. For example, at the beginning of April this year, the International Centre of Non-commercial Rights, financed by the USA, in partnership with the Turkmen National Institute of Democracy and Human Rights conducted a seminar for representatives of the Government of Turkmenistan and NGOs about international standards and legislation needed for support of the development of non-governmental organisations¹³. Similar seminars were organised in the Ashkhabad UN centre. However more than 16 years of independence for Turkmenistan have shown that fully acceptable laws concerning NGOs do not guarantee the existence and freedom of activity of independent NGO's. To date there are no institutions controlling the implementation of existing laws, and in particular their observation by the authorities themselves. International society can and should facilitate the creation in Turkmenistan of such institutions. At the same time the possibilities are limited. In Turkmenistan there are very few international programs or funds for the support of social activities and initiatives. Powerful organisations like the Institution for Open Society or the Ford Fund, which have their representatives in practically every other CIS country are not represented. There are no representatives or subsidiaries of foreign human rights organisations, for example "Human Rights Watch", "Amnesty International", "World Organisation Against Torture", "Committee to Protect Journalists" etc.

Freedom of the Press

12. In the latest annual rating compiled by the organisation "Reporters without Borders" Turkmenistan was 167 out of 169 regarding the level of freedom of speech. In Turkmenistan 24 different newspapers are published, and 17 magazines; there are 4 television channels and 3 radio stations. They are all state run. There is no independent news media. Regarding the presidential decree concerning the governmental press production organisation "Turkmenmetbugat", all newspaper and magazine editing, publishing houses and all distribution of the printed word is brought together and controlled by the government organisation Turkmenmetbugat.

13. Practically all mass media coverage is in the official language. On newspaper "Neutral Turkmenistan" and one magazine "Revival" are in Russian. "Economic News" is published in 3 languages (Turkmen, Russian and English). In August 1997, all regional newspapers published in Russian, Uzbek and Kazakh were closed down¹⁴. There are also no publications in the other national minority languages.

14. The Turkmen authorities consider the basic task of the press is to support the governing regime. In particular the declaration of President Berdymuhammedov reads: "With the aim of active propaganda amongst the broad masses of the population and fundamental transformation in various spheres of life..... based on the historic decisions of the XX Congress Khalk Maslakhati of Turkmenistan ... to found the newspaper "Berekleti Toprak"¹⁵. One more fact confirming the ideological and propogandist inclination of the Turkmen press: "The editors of the newspaper "Neutral Turkmenistan" together with the advice of the Nationwide movement "Galkinish" declare a competition to celebrate a most important date – the first anniversary of the coming to power of the president of Turkmenistan Gurbanguly Berdymuhammedov"¹⁶

15. There is one official body authorised to carry out censorship in Turkmenistan – the Committee of the Cabinet of Ministers of Turkmenistan for Guarding State Secrets in the Press and other Mass

¹³ «Press release US Embassy» <http://www.chrono-tm.org/?0250043949000000000000011000000>

¹⁴ TIPC <http://www.chrono-tm.org/?0251043295000000000000011000000>

¹⁵ From the newspaper «Neutral Turkmenistan №318, 18 December 2007

¹⁶ From the newspaper «Neutral Turkmenistan №13, 15 January 2007

Media. It carries out preliminary censorship of all mass media information. As a result, there is a complete absence of critical material and articles disclosing any sort of problems in the mass media. Even the word “problem” is not used. No investigative articles, analytical material or political articles are published. Neither are there any satirical articles or caricatures. In general, satire as a genre, has disappeared from the country. Only material praising the president and his work is published. As a result the content of all the newspapers and magazines is similar and doesn’t find popularity with the country’s inhabitants. Due to this, there is obligatory subscription to the publications. For instance, those working in the state prosecutor’s office, the Ministry of Internal Affairs, the Ministry of Defence and other powerful organisations are ordered by their management to subscribe to the newspaper “Adalat” (“Justice”), “Esger” (“Military”), “Milli Goshun” (“National Army”). Those in the medical profession have to subscribe to “Saglik” (“Health”) etc¹⁷. At the same time, subscription to foreign newspapers and journals is forbidden. Only at the end of 2007 a presidential declaration allowed “the ministries departments and scientific organisations of Turkmenistan to subscribe to foreign periodicals to the value of 1765321 Russian Roubles”¹⁸. As before, the general public has no right to subscribe to the foreign press, i.e. to get information from foreign publications.

16. Despite repeated declarations by the Turkmen authorities about the introduction of the internet to the country, it is still not available for the overwhelming majority of the citizens. As well as this, the secret services block all sites that carry critical material that could be embarrassing to Turkmenistan. For those who do have access to the internet, there is only one internet service provider, the state company “Turkmentelecom” (Russian internet companies are still only just starting their work in Turkmenistan). The secret services carry out censorship of emails with the aim of exposing people who are corresponding with foreign media or human rights organisations. This is done so as to shut down the channels through which negative information (from the authorities’ point of view) may get out of the country. As a result of this goal, correspondents working within the country with the Turkmen “Freedom” radio station are regularly persecuted by the law enforcement agencies. The methods of persecution used by the secret services vary: from cutting off correspondents’ telephone lines to the physical coercion of the same correspondents, and threats to their relatives, including children. Not a single foreign journalist can enter the country; they won’t be given a visa.

Legislation

17. The legislative base for regulating the activity of the media is very weak. Evidently, the leadership of the country does not see that there is any necessity to strengthen or broaden it. The Constitution of Turkmenistan grants citizens the right to “freedom of conviction and its free expression, and as such to the receiving of information, provided it is not a state, military or commercial secret” (article 26). Constitutionally, “freedom of artistic and scientific works” is secured (article 36), and as such encouragement is given by the state of scientific and artistic works and the prevalence of their results (article 10). However, there is no clear declaration on mass media in the Constitution of Turkmenistan²¹. The only law in the realm of the media – a “Law on printing and other means of mass media” – was adopted in 1991.

Child Labour

18. From 1st December 2005, there has been a law in Turkmenistan entitled “Law on the guarantee of the right of young people to work”. In accordance with this law, an end was put to the practice of mass summoning of school pupils to harvest cotton. However, at the same time, in rural schools, the use of child labour continues for the production of silk cocoons²². Children living in rural locations are drawn into work connected with agricultural production by their parents – work in the fields, vegetable patches, gardens, cattle pasture, or in the preparation of fodder for cattle and birds etc²³. In towns and large villages there is high unemployment among the adult population, and children from families where the parents do not have work are forced to work in bazaars in the capacity of sellers or porters.²⁴

¹⁷ TIPC <http://www.chrono-tm.org/?026404405500000000000011000000>

¹⁸ From the newspaper «Neutral Turkmenistan» №318, 18 December 2007

19. In Turkmenistan there is a wide prevalence of drug abuse. In our view, the most tragic situation is that of children, who are forced to help their drug-dealing parents. Parents involve their own children firstly so as to be able to serve as many client-addicts as possible, and therefore increase their profit. Secondly, parents hope that if their children are ever arrested by members of the police, then the children will not be punished, or at least only punished minimally. However, children do, all the same, fall into the hands of the police and are regularly convicted. In particular, on the list of pardoned convictions, published in February 2008 126 out of 1256 of these were 21 or younger, i.e. one tenth of those pardoned. Among these were two, who were only 14 years old, and three 15 year-old adolescents.²⁵

Recommendations

1. Introduce a change to the law on civil society. In particular, it is essential to do this so that the registration of NGO is simply a formal requirement;
2. Greatly simplify the procedure for registering grants and other foreign aid for NGOs, and abolish the necessity for the production of letters from “profiled” ministries;
3. Adopt the laws on political parties and on trade unions;
4. The UN and other international structures must put pressure on the authorities of Turkmenistan so that foreign funds and agencies may be represented in the country, supporting civil society;
5. The UN and other international structures must devise and propose to the powers of Turkmenistan a raft of programmes, for the democratisation of Turkmen society, and insure that such programmes are implemented;
6. Allow journalists from foreign news agencies to enter the country, and create accreditation for them;
7. Cease the practice of censorship of electronic communication and cease the practice of blocking internet sites, making the internet available to all that desire it;
8. Devise and adopt laws regulating the activity of the media which allows an independent press to be created, recreating editions of newspapers and magazines in local minority languages;
9. Allow citizens a real right to free speech and self-expression and the freedom to receive and disseminate information, as set out in the Constitution;
10. Carry out research and publish real figures of the levels of unemployment in the country and use the results of this research to develop a programme to tackle this problem;
11. Strictly control the use of the “Law on the right of young people to work”, and hold accountable the government and individuals responsible for child labour in silk worm farms, cotton fields and other forms of agriculture;
12. Organise consultation and help points for children and adolescents compelled to work to support themselves and their families;
13. With the input of foreign specialists, devise programmes for the prophylaxis and rehabilitation of young drug addicted, initially in places of detention and following their release.

Application

On 31st January 2007 in the town of Dashoguz, the famous ecologist and social activist Andrei Zatoka was convicted²⁶. None of his acquaintances ever contemplated of his conviction – it was revenge by the authorities for his activism and independent viewpoint. He was given a four year suspended sentence, and in autumn 2007 was pardoned, but ever since Andrei Zatoka has found himself under the intense control of the secret services, and cannot leave the country.

On the 14th May 2008 in the town of Turkmenbashi, the civil activist Valerii Pal' was convicted. He was sentenced to 12 years' deprivation of liberty, supposedly for embezzlement. But the "Union of independent advocates of Turkmenistan" believes that his conviction was unfounded. The real reason for the judgement is believed to be Valerii Pal''s socially active position.²⁷

On 2nd July 2008, Arkadii Dubhov, a columnist of the Russian newspaper "Time for news", which was due to cover the visit of the Russian president to Turkmenistan, was refused a visa to enter by the Turkmen authorities²⁸. In rare cases, it is possible for journalists from other publications to get into Turkmenistan, but only under the guise of tourists. In 2006 three citizens who tried to help a French correspondent gather information about Turkmenistan were arrested and condemned by a Turkmen court. One of these volunteer helpers – Ogulsapar Muradova, died in solitary confinement, and two others meanwhile are starting 7-year prison sentences. Their families are not even able to write to them.

On 20th June this year, the secret services of Turkmenistan arrested the freelance colleague of the Turkmen editor of Radio Freedom, Sazaka Durdymuradov, and locked him up into a drug abuse clinic. On 26th June the USA State Department expressed deep concern about this event. A representative of the department, Tom Casey, affirmed that any attempt to intimidate journalists was a scandalous assault on human rights. It is said that Durdymuradov was beaten and subjected to torture during his arrest, and therefore forced to give a written confession to his association with Radio Freedom.

Over the last few years we have followed the fate of a family of drug-dealers living on Goreld street in the town of Konye-Urgench. Now 16 year-old Rovshen, who for several years helped his grandfather and parents supply drugs, has himself become an addict. The inducement was there in his trade in drugs, if he sold a certain quantity of drugs, his parents would give him a dose of heroin for himself.²⁹ Unfortunately such cases are not unique. It is already therefore easily possible to talk not only of the forced child labour, but of the terrible harm to children's health.

20. From the newspaper "Neutral Turkmenistan", issue 318, 18th December 2007

21. <http://www.medialaw.ru/publications/zip/54/turkmen.htm>

22. "Children provide the country with silk" <http://www.chrono-tm.org/?0249042467000000000000011000000>

23. "Brutal" perspective of rural children <http://www.chrono-tm.org/?0249044067000000000000011000000>

24. Monitoring of prevalence of child labour in the bazaars of Ashgabat <http://www.chrono-tm.org/?0249042560000000000000011000000>

25. "Zero result – the struggle with drug addiction" <http://www.chrono-tm.org/?0264043801000000000000011000000>

26. TIPCH "Work of the international committee into the defence of Andrei Zatoka" <http://www.chrono-tm.org/?0251042798000000000000011000000>

27. Union of independent advocates of Turkmenistan "File on the criminal work of V.V. Pal'" <http://www.chrono-tm.org/?0250044152000000000000011000000>

28. http://www.gazeta.ru/news/lenta/2008/07/02/n_1238358.shtml

29. "Drugs and Children" <http://www.chrono-tm.org/?0249044114000000000000011000000>

Children will secure silk for the country

<http://www.chrono-tm.org/?0255042466000000000000011000000>

Formally, the state should pay to silkworm cultivators (the state-controlled economy leaves no room for commercial structures which would buy up agricultural products from the population as the government keeps everything under strict control) but in practice this is not the case.

The people are made to take grain and to feed the growing silkworms but many are reluctant to do so since it brings little income, consequently, motivation is also low. In the Boldumsaz etrap, for

instance, people prefer to burn the eggs, to pay a penalty of 200 thousand manats and thus to get rid of this hard duty of the rearing of silkworms imposed by the state.

<...> All children are required to come to class with packets of mulberry leaves which are the main food for silkworms. Pupils who study in the mornings have to collect the necessary amount of leaves and bring them in. Children who have classes in the afternoon collect the leaves after school in order to provide the hungry caterpillars with food until the evening.

As experts say, this year's graine has been brought from China. It is of high quality, so the yield is also expected to be large. Yet, rural residents have no interest in this low-paid work (100 kg of high quality cocoons costs about 60 dollars which are paid for a month of hard labor), which is often not paid at all.

An «animal» perspective for rural children

<http://www.chrono-tm.org/?0255044076000000000000011000000>

In Turkmenistan's provinces, a large number of agricultural work on the fields and household activities are performed by children.

The workload assigned to rural boys and girls increases when the warm days arrive. 12-15 y.o. schoolboys from the villages of the Gurbansoltan edge etrap (former Ilyaly) often miss classes as they need to graze cattle. Livestock grazing at the banks of irrigation canals and collector drains is their primary duty. Other children only take their cows, sheep or goats to pastures. There are children who graze cattle on the «chekene» basis, i.e. they take not only their own animals but also their neighbours'. It goes without saying that this is not done free of charge: the rate is 100 thousand manats per month for a cow and 70 thousand for a calf. Grazing of sheep and goats costs 30-40 thousand manats.

Monitoring of the use of child labor in Ashgabat's markets (July 2006)

<http://www.chrono-tm.org/?0255042559000000000000011000000>

Considerable changes occurred in the Teke bazaar, the Tolkuchka, the Gundogar, the wholesale market and the Russian market : while the total number of working children increased, the number of child porters significantly grew up.

Wholesale market (Moskovsky proezd): child-sellers (from 7 to 16 years old) - 67 persons; child-porters (from 12 to 16 years old) – 12 persons. «Gundogar»: child-sellers (from 7 to 16 years old) - 72 persons; child-porters (from 10 to 16 years old) – 10 persons. «Dzhennet» (Mir St.): child-sellers (from 9 to 16 years old) - 25 persons. «Russian market»: child-sellers (from 7 to 16 years old) - 35 persons; child-porters (from 12 to 16 years old) – 10 persons. «Teke market»: child-sellers (from 7 to 16 years old) – about 90 persons; child-porters (from 12 to 16 years old) – 7 persons. «Paitagt» (Yunus Emre St.): child-sellers (from 8 to 16 years old) - 40 persons; child-porters (from 10 to 16 years old) – 13 persons. «Tashauz market» (bazaar №6): child-sellers (from 7 to 16 years old) - 40 persons. «Alemsgoshar» (Bamako St.): child-sellers (from 9 to 16 years old) – 15 persons. Tolkuchka: child-sellers (from 7 to 16 years old) – about 700 persons, child-porters (from 10 to 16 years old) – 30-35 persons. The aforementioned figures indicate that younger children are being more often employed in the markets. While the average age of child porters used to be 14-16 years, now one can often see 10-12 year old child with the heavy trolley fully packed with food products.

Zero results in combating drugs

<http://www.chrono-tm.org/?0266043803000000000000011000000>

In the town of Dashoguz, a girl aged 14 and a boy aged 17 went to live with relatives in order not to see how their father was injecting himself. Once he slipped into a coma after an injection. The daughter who saw this happening had a tantrum. Later she told her mother that if the father did not

leave home she would hang herself. The mother had to call the police who took the husband to the narcological dispensary. At this point, interesting details were discovered. District police officers had no money or transport to take the drug addicts to the narcological dispensary which is located 60 km away from the town. The woman had to pay 300 thousand manats in «travel expenses» to the policeman. Five days later the husband returned home and the children went to live with their relatives. How long do they as well as other children in similar situation have to be confined to other places looking for shelter from parents who are drug addicts?

In early January 2008, a 4th grade student (school № 9) of the daikhan (peasant) association «Bereket» of the Kunyaurgenchsky etrap committed suicide due to actions taken by his father who was a drug addict.

A former excavator operator lost his job and was unable to find a new one. Without means to support a large family, the man sought relief in drugs. As he needed money to buy the drugs, the father of the family made the children earn money, so he could buy heroine.

Drugs and children

<http://www.chrono-tm.org/?0255044117000000000000011000000>

We have already reported that in the town of Kunyaurgench even children are involved in selling heroine. The entire family O., residing on Gorelde street, keeps selling heroine. Moreover, they sell drugs openly in their house.

The summer season has now set in and the old man (the head of the family) lies under the shade of the vineyard in the backyard and drinks green tea, waiting for clients. The grandchildren help their grandfather. They play with the ball on the street near the house and wait for potential buyers of narcotic substances. His eldest grandson, a 16 y.o. Rovshen has become addicted to drugs. Yet, this fact stops neither the grandfather, nor Rovshen's parents.

Earlier this month the first grader of one of the Dashoguz schools was detained with a bag of heroine in his hands. He bought it for his elder brother completely unaware of its content. A similar case has occurred in Kunyaurgench. On April 27 two pupils of the 4th and 7th grades from school №2 were caught with heroine, which they purchased for their parents.

<...> Practically everybody in Kunyargench is aware that on Gergen ch street (the former Kalinin street), drugs are sold in 11 houses located near school №5. Furthermore, in two houses the drugs are sold in bulk quantities, i.e. by kilos.