

TURKMENISTAN

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

70TH SESSION, 2-20 JULY 2018

Amnesty International submits this briefing in advance of the consideration by the United Nations (UN) Committee on the Elimination of Discrimination against Women (the Committee) of Turkmenistan's fifth periodic report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). It is not an exhaustive account of the organizations concerns, but focuses on issues relating to gender-based violence (Article 1 and General Recommendations 19 and 35), torture and other ill-treatment (Article 3), the right to housing (Article 3) and harmful stereotyping (Article 5, 6, 11).

It is very difficult to verify the true extent of human rights violations, due to difficulties in accessing information from within the country and the fact that the country remains closed to international scrutiny. However, verifiable account from reliable secondary sources that are available indicate that people in Turkmenistan live in an environment in which human rights violations are severe and routine. Turkmenistan has rejected or failed to respond to requests from various UN Special Rapporteurs to visit, as well as requests to visit by human rights organizations including Amnesty International and Human Rights Watch.

GENDER-BASED VIOLENCE - ARTICLE 1 AND GENERAL RECOMMENDATIONS 19 AND 35

As stated by the government in its periodic report, there is currently no legislation that specifically prosecutes domestic violence in Turkmenistan. Such offences are prosecuted under other articles of the Criminal Code such as Article 111 (Causing Deliberate minor damage to health) which carries a fine of 20 months' salary, corrective labour up to one year or imprisonment for six months, or Article 113 (Torture) which when inflicted on a pregnant woman or somebody in a position of dependency carries a maximum sentence of five years' imprisonment. The need to introduce legislation criminalizing domestic violence was also the subject of five recommendations to Turkmenistan during the Universal Periodic Review process May 2018. The government of Turkmenistan has indicated that it accepts all of these recommendations.

- Recommendation: The Turkmenistani authorities must introduce legislation criminalizing domestic violence.

TORTURE AND OTHER ILL-TREATMENT OF THE RELATIVES OF THOSE SUBJECTED TO ENFORCED DISAPPEARANCES – ARTICLE 3

The whereabouts of at least 80 prisoners who were subjected to enforced disappearance after an alleged assassination attempt on the then President, Saparmurat Niyazov, in November 2002 remain unknown. For fifteen years the relatives of these prisoners, most of them women, have been waiting to receive information about the fate and whereabouts of their husbands, brothers, fathers and sons.¹ Rare news coming from inside Turkmenistan about the cases of the disappeared do not alleviate families' suffering or strengthen their hope to see their loved ones alive and well. Just this year, the bodies

¹ For more information see *Suspended lives: torture of the families of the disappeared in Turkmenistan*, AI Index Number: EUR 61/7518/2017, <https://www.amnesty.org/en/documents/eur61/7518/2017/en/>

of three former senior state officials, who were forcibly disappeared following their arrest and criminal prosecution in the previous decade, were delivered to their relatives from prisons. Turkish Tyrmyev reportedly died on 13 January; Bairam Khasanov died in May; and on 18 August, the Russian NGO Human Rights Centre Memorial reported that Akmurad Redzhepov had died on 10 August.

In October 2014, the Human Rights Committee found that Tatiana Shikhmuradova had been subjected to torture and other ill-treatment because of the “anguish and distress caused by the incommunicado detention and disappearance of her husband”.² Boris Shikhmuradov was sentenced to 25 years’ imprisonment in a closed trial on 29 December 2002. Tatiana Shikhmuradova never received any official communications concerning her husband’s sentence including copies of the verdict, which means that she cannot appeal against the sentence. The state appointed lawyer stopped communicating with her the moment her husband was sentenced and she never received any replies from government bodies to her numerous requests for information about his whereabouts. She said in her application to the UN Human Rights Committee:

“Long years of attempts to find out at least something about the fate of my husband has taught me to avoid unofficial information of any kind. At first, any mention of his name would literally lead me into a state of either extreme joy, indignation, or tragic hopelessness. I have learned, when possible, not to react to rumours that my husband is alive, or long gone. Otherwise, I would have gone mad. I seek to receive official information, and nobody can convince me that this is hopeless.”

- Recommendation: The Turkmenistani authorities must ensure that prompt, thorough, independent and impartial criminal investigations are conducted into alleged disappearances and other human rights violations. In addition, the authorities must ensure that victims of enforced disappearance, including their families, are provided with full, effective and gender-sensitive reparation to address the harm they have suffered, including restitution, compensation, and rehabilitation.

RIGHT TO HOUSING AND FORCED EVICTIONS - ARTICLE 3

During 2017 there were reports of mass house demolitions and forced evictions in connection with construction and development projects, including those implemented in preparation for the Asian Indoor and Martial Arts Games that were held in September 2017. On 21 February, a group of women gathered in Ashgabat to demand the alternative housing that they had been denied due to the lack of documentation confirming ownership of their demolished homes. The authorities had not issued them with such documents because many of the women were not registered in Ashgabat.

- Recommendation: The Turkmenistani authorities must ensure that all those who are subject to house demolitions and forced evictions are genuinely consulted, given reasonable notice and provided with appropriate alternative housing.

HARMFUL STEREOTYPING - ARTICLES 3 AND 5

Despite declarations in law that men and women are equal, a number of restrictions concerning travel, dress and driving have been introduced which disproportionately affect women.

Dress Code

The requirement to wear national dress which was introduced under the previous president is periodically reinforced. While men are required to wear dark suits and ties, women must spend money on expensive national costumes. While this applies to the whole population it is particularly enforced for public sector workers. In March 2018, women working in the public sector in Ashgabat were instructed not to dye their hair, wear nail varnish, or use eyelash and nail extensions. In April 2018, teachers at an agricultural college in Dashoguz were warned not to deviate from the dress code and inspected to ensure that they were wearing the traditional embroidered trousers under their dresses.³

² <http://juris.ohchr.org/Search/Details/19>

³ <https://www.hronikatm.com/2018/04/v-turkmenistane-zhenshhin-prepodavateley-obyazali-nosit-zhenskie-shtanyi-balaki-i-zapretili-im-krasit-nogti/>

Driving ban for women

Starting in December 2017, despite the absence of any official policy on the matter, women drivers were stopped by traffic police, and given a warning while their cars were impounded. In February 2018, there were reports that women were being told that their driver's licences would not be extended when they expired.⁴

Travel restrictions for female students

In January 2017 female students throughout the country were informed that they were only permitted to travel around the country by air and that they were forbidden to take taxis to "avoid indecent behaviour".⁵

- Recommendation: The Turkmenistani authorities must immediately revoke the above restrictions and refrain from the introduction of such restrictions in the future which discriminate against women and are against the spirit of Turkmenistan's obligation as a state party to CEDAW to eliminate discrimination against women.

⁴ <https://habartm.org/archives/8621>

⁵ <https://rus.azathabar.com/a/28211682.html>