

# Freedom of Expression & Media Freedom in Turkmenistan

Submission for the UN Universal Periodic Review  
44<sup>th</sup> session of the UPR Working Group (Oct - Nov 2023)

## Introduction

1. The Helena Kennedy Centre for international Justice is a human rights centre based at Sheffield Hallam University in the UK.<sup>1</sup> The Centre supports a range of research and scholarship activity including supervised work by our students. This submission is the product of undergraduate students studying with the Human Rights Law Clinic.
2. The freedom of expression and the media are significantly reduced in Turkmenistan. This report will provide analysis and advice on the availability of freedom of expression, the protection of digital media and the safety of journalists in Turkmenistan.

## Progress since the last Universal Periodic Review

3. In 2021, Turkmenistan published a National Action Plan on Human Rights.<sup>2</sup> The document recalls the number of international human rights treaty obligations adopted by Turkmenistan and states that Turkmenistan values human rights and freedoms. The Plan further emphasises specific changes that Turkmenistan want to make in order to improve human rights in the country, including changes to freedom of expression in the media, freedom of opinion, the right to access information, and protecting rights of journalists.<sup>3</sup>
4. While these commitments may be commended, we have serious concerns that the National Action Plan is not being implemented effectively.
5. In addition to this, it is important to note that the previous president Gurbanguly Berdimuhamedov will soon be returning to power,<sup>4</sup> and has agreed to another review of the

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<sup>1</sup> See <https://www.shu.ac.uk/helena-kennedy-centre-international-justice>.

<sup>2</sup> National Plan on Human Rights in Turkmenistan for 2021-2025', available at <https://www.undp.org/turkmenistan/publications/national-plan-human-rights-turkmenistan-2021-2025>.

<sup>3</sup> *Ibid.*

<sup>4</sup> 'Turkmenistan: Look who's back', (Eurasianet, January 24th 2023), <<https://eurasianet.org/turkmenistan-look-whos-back>>, Accessed March 15th 2023.

Turkmenistan constitution.<sup>5</sup>

6. We strongly encourage Turkmenistan to use this opportunity to improve on the positive enforcement of human rights.

### Freedom of Expression in Turkmenistan

7. Turkmenistan acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1997.<sup>6</sup> In particular, Article 19(2) provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
8. General Comment 31 of the Human Rights Committee provides the ICCPR requires that States Parties must make such changes to domestic laws and practices as are necessary to give effect to the obligations under the Covenant in good faith.<sup>7</sup>
9. General Comment No.34 on Article 19: Freedoms of opinion and expression further provides that elements of the freedom of expression includes the “right to seek, receive and impart information and ideas of all kinds” and that “a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights.”<sup>8</sup>
10. There is little public information available to show that the Turkmen government has given effect to Article 19 in its domestic law. However, it has been reported that the requirements of Article 19 are not being adhered to, as witnessed with the intensifying internet censorship including the banning of VPN among Turkmen citizens which prohibits them from accessing the internet anonymously and exposes their IP address to government regulators.<sup>9</sup>
11. The Turkmen government strictly own and control all electronic and print media and it has been reported that activists who exercise their freedom of expression and opinion have been

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<sup>5</sup> Catherine Putz, ‘Gurbanguly Berdimuhamedov Returns to the Pinnacle of Power in Turkmenistan’, (The Diplomat, January 25th 2023) <<https://thediplomat.com/2023/01/gurbanguly-berdimuhamedov-returns-to-the-pinnacle-of-power-in-turkmenistan/>>, accessed 15th March 2023.

<sup>6</sup> OHCHR, ‘Status of Ratification Interactive Dashboard’ (United Nations Human Rights) <<https://indicators.ohchr.org/>> accessed 5 March 2023.

<sup>7</sup> UN Human Rights Committee ‘General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant’ (2004) UN Doc CCPR/C/21/Rev.1/Add. 13.

<sup>8</sup> UN Human Rights Committee ‘General Comment No.34, Article 19: Freedom of opinion and expression’ (12 September 2011) UN Doc CCPR/C/GC/34. It should also be noted that Sustainable Development Goal 16.10.2 sets out that countries should adopt and implement constitutional, statutory and/or policy guarantees for public access to information. See UN Department of Economic and Social Affairs, ‘Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels’ (Sustainable Development Goals, 2015 ) <<https://sdgs.un.org/goals/goal16>>, accessed 20 March 2023.

<sup>9</sup> Human Rights Watch, ‘Turkmenistan Events of 2022’ (Human Rights Watch) <[www.hrw.org/world-report/2023/country-chapters/turkmenistan](http://www.hrw.org/world-report/2023/country-chapters/turkmenistan)>, accessed 22 March 2023.

experiencing an increased risk of sanction, particularly noted during the Covid-19 pandemic.<sup>10</sup>

12. The lack of freedom of expression has also been affirmed in the ranking of data openness, compiled by the Open Data Watch Organisation where Turkmenistan has been ranked in last place.<sup>11</sup> This demonstrates that the contents of ICCPR Article 19 lack domestic effect and are not enforced by the Turkmen government.

### Protection of Digital Media

13. Since 2020, there have been an increased amount of 'internet shutdowns' within Turkmenistan,<sup>12</sup> as well as blocking around 2.6 billion IP addresses.<sup>13</sup> This is a clear restriction on an essential form of information<sup>14</sup> and is likely a breach of article 19(2) of the ICCPR.<sup>15</sup>
14. Turkmenistan has ranked as the worst country for internet speed in 2022.<sup>16</sup> Access to internet-provided information has a profound impact on media independence, pluralism, diversity and viability, as well as public access to essential information. Internet shutdowns are detrimental to the commitments Turkmenistan has made to becoming a more pluralist society and Turkmenistan should commit to extending the speed and access of the internet to all of its citizens.
15. The recent approval of a State Program on Cybersecurity of Turkmenistan for 2022-2025 does aim to address some issues of internet speed.<sup>17</sup> However, the Program also appears to tighten the State's control of the internet, which will further risk the right to access information.
16. Since the start of 2018, there are 1.14 million more internet users within Turkmenistan.<sup>18</sup> This is a positive step forward for the country in progressing efforts to strengthen access to online forms of media. However, this remains a relatively low percentage of the population overall, at

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<sup>10</sup> International Partnership for Human Rights, 'Turkmenistan: New Internet Restrictions, New Cases of Persecution of Outspoken Activists' (International Partnership for Human Rights, 4 May 2021) <[www.iphronline.org/turkmenistan-dec\\_20\\_mar\\_21.html](http://www.iphronline.org/turkmenistan-dec_20_mar_21.html)> accessed 10 December 2022.

<sup>11</sup> Open Data Watch, 'Open Data Inventory' (Open Data Watch) <<https://odin.opendatawatch.com/>> accessed 22 March 2023.

<sup>12</sup> Joanna Lillis, 'Central Asia's government-ordered internet blackouts costing millions' (*Eurasianet*, 4 January 2023) <<https://eurasianet.org/central-asias-government-ordered-internet-blackouts-costing-millions>> accessed 22 February 2023.

<sup>13</sup> Turkmennews, '25 billion blocked IPs Turkmenistan remains in last place in the world in terms of Internet speed' (20th October 2022) <<https://turkmen.news/25-milliarda-zablokirovannyh-ip-turkmenistan-ostaetsya-na-poslednem-meste-v-mire-po-skorosti-interneta/>> accessed 27 February 2023.

<sup>14</sup> For support, see, for instance, ECtHR, *Cengiz And Others v Turkey*: ECHR 1 Dec 2015, 49

<sup>15</sup> *Supra*, fn.8, at paras. 12, 17 and 39.

<sup>16</sup> Cablecounk, 'Worldwide broadband speed league 2022' (6th September 2022) <[www.cable.co.uk/broadband/speed/worldwide-speed-league/#speed](http://www.cable.co.uk/broadband/speed/worldwide-speed-league/#speed)> accessed 27 February 2023.

<sup>17</sup> Resolution of the President of Turkmenistan, No. 2623, Ashgabat, 2nd March 2022.

<sup>18</sup> Simon Kemp, 'DIGITAL 2023: TURKMENISTAN' (Datareportal, 14 February 2023) <<https://datareportal.com/reports/digital-2023-turkmenistan>> accessed 20 March 2023.

just 38%. Furthermore, the internet speed within Turkmenistan is ranked as 179th in the world.<sup>19</sup>

17. We encourage that Turkmenistan continues to its digital outreach schemes,<sup>20</sup> in line with international standards,<sup>21</sup> and encourage and support an increased amount of internet users within the country.

### Safety of Journalists

18. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity was created to support the establishment of a safe and stable environment for media workers. The Plan of Action has since been supported by governments across the world, media houses, NGOs and stakeholders creating a coalition-based approach, to guarantee maximum co-operation and progress.<sup>22</sup> Yet despite UN action to protect the rights of journalists, it is still unsafe for journalists to perform their job without fearing for their safety in Turkmenistan.
19. In Turkmenistan, journalists are regularly sanctioned and punished. For instance, in 2019, it was reported that a Turkmen based journalist, Soltan Achilova, was denied exit from the country in order to attend a seminar in Tbilisi, Georgia.<sup>23</sup> Although Achilova was attending the seminar for work, she was notified of travel restrictions against her due to her job and media presence.
20. We encourage Turkmenistan to review the UN Plan of Action, take steps to joining the coalition and work towards its implementation.

### Recommendations

#### 21. Following our report, it is recommended that Turkmenistan:

- **Increases internet access, availability and speed to all citizens to allow for greater access to digital forms of media.**
- **Continues its digital outreach schemes, in line with international standards.**
- **Establish mechanisms for the monitoring, prevention, protection and investigation of acts of intimidation, violence and reprisals that target journalists, in consultation with relevant stakeholders.**

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<sup>19</sup> Speedtest, 'Turkmenistan Median Country Speeds February 2023' (*Speedtest Global Index*, February 2023) <[www.speedtest.net/global-index/turkmenistan](http://www.speedtest.net/global-index/turkmenistan)> accessed 20 March 2023. See also Turkmennews, "'Turkmentelecom" from the second attempt plans to introduce Internet tariffs of 4 and 6 mb/s' (Turkmennews, 21 February 2023) <<https://turkmen.news/turkmentelekom-so-vtoroj-popytki-planiruet-vvesti-internet-tarify-4-i-6-mb-s/>> accessed 20 March 2023.

<sup>20</sup> Unesco, 'Online Capacity Building Workshop on EMIS in Turkmenistan' (19 October 2021) <[www.unesco.org/en/articles/online-capacity-building-workshop-emis-turkmenistan](http://www.unesco.org/en/articles/online-capacity-building-workshop-emis-turkmenistan)> accessed 13 March 2023.

<sup>21</sup> Supra, fn.8, at para.19.

<sup>22</sup> UNESCO, 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity' (2012) <[www.rcmediafreedom.eu/Publications/Reports/UN-Plan-of-Action-on-the-Safety-of-Journalists-and-the-Issue-of-Impunity](http://www.rcmediafreedom.eu/Publications/Reports/UN-Plan-of-Action-on-the-Safety-of-Journalists-and-the-Issue-of-Impunity)> accessed 7th March 2023. See also UNESCO, '2022 Report on the Safety of Journalists and the Danger of Impunity' (2022) <[www.unesco.org/reports/safety-journalists/2022/en](http://www.unesco.org/reports/safety-journalists/2022/en)> accessed 7th March 2023.

<sup>23</sup> 'Journalist Soltan Achilova Officially Banned from Leaving the Country' Turkmen News (Ashgabat, 29 July 2019) <<https://turkmen.news/zhurnalistu-soltan-achilovoj-ofitsialno-zapretili-vyezd-iz-strany/>> accessed 24 March 2023.

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