

## **Central Asian Gender and Sexuality Advocacy Network**

UPR submission on Turkmenistan

October 2012

This report is submitted by Central Asian Gender and Sexuality Advocacy Network (CAGSAN). The network has been formed in June 2010 to document and expose human rights violations based on gender and sexuality in Central Asia. Activists from four Central Asian countries are represented within the network.

1. This report highlights the sexual and reproductive health/rights situation in Turkmenistan with particular emphasis on: cultural stereotypes that affect women and men sexual and reproductive health and rights, as well as leading to other violations of women's human rights; sexuality education, sexual and reproductive health; STI/HIV prevention and treatment; sex work; LGBT rights, women in prisons, women human rights defenders and civil society activities. Recommendations for the Turkmen State are provided after each section.

### **Background**

2. This report considers key issues of sexual rights and gender equality in Turkmenistan. The report is developed on the basis of, official documents and internet resources, in particular the National report of Turkmenistan, consideration on the Universal Periodic Review (UPR) in 2008, a selection prepared by the United Nations High Commissioner on Human Rights, Summary of key stakeholders information, the Report of the Working group under the Universal Periodic Review, also additions and conclusions and/or recommendations are included, voluntary obligations and the answers presented by the state – the object of the review, the Report of the Human Rights Council on its 10th session, recommendations received by Turkmenistan, the report about evaluation of execution of recommendations by Turkmenistan and the report about the sexual and reproductive rights prepared for the third round of UPR in December, 2008.

3. Turkmenistan ratified the following major international human rights treaties: International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights (and its Optional Protocol); International Covenant on Civil and Political Rights; Convention on the Elimination of Discrimination Against Women (and its Optional Protocol); Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; International Convention on the Elimination of all Forms of Racial Discrimination; UN Convention on the Rights of Persons with Disabilities (and its Optional Protocol).

### **Freedom of association and women human rights defenders at risk**

4. Government of Turkmenistan de facto prohibits civil society to gather into organizations and represents interest and human rights of its citizens. Non-registered activities of human rights defenders are policed and detained for the human rights activities. Women human rights defenders face multiple discrimination based on their gender, they are exposed to sexual harassment and assault, experience travel ban as if of high risk of trafficking and and experience detention at the prisons that are overcrowded and catered to men. Similar experience are lived by the women who are in intimate partnership or marriage with men human rights defender and political prisoners. They also carry high burden of reproductive and household labour along while often denied freedom of movement and access to formal employment, pushed into informal sector.

5. Government-organized NGOs (GONGOs) often undermine the work of both anonymous (due to the security) in-country and exiled women human rights defenders by not only providing state-endorsed accounts of advancement of women but also by using their legal registration in accessing international development aid and women's rights funding, therefore blocking those without registration on the ground.

#### **Freedom of information, access to data and statistics**

6. Government of Turkmenistan has created rigid regulations for citizens, civil society, international organization and researchers to access country data, statistics and to conduct scientific research based on contemporary methodology and ethics. Very few researchers are allowed into the country and only for the purpose of research on history prior to 1800s (modern history). Researcher are required to be accompanied by national security officer and provided with government-outreached respondents.

7. Independent investigation journalists and human rights defenders are denied visas to enter country and carry out research. These restrictive actions of the state expose intentional absence of valid and reliable data on situation of human rights and freedom of Turkmenistan's citizens.

8. Human rights scrutiny is impossible in Turkmenistan because neither local groups, nor international human rights groups are able to document human rights violations due to safety concerns.

#### **Violence against women**

9. Violence against women is tabooed problem in Turkmenistan. Political silencing of the survivors, absence of awareness-building efforts and data reinforces pre-existing cultural and social taboos. Domestic violence is invisible and marital rape is completely unspoken of.

10. Single women who have premarital sex or express themselves in some "sexual" form and divorced women often face date rape, which is highly stigmatized and forces these women to stay in relationship with violence perpetrator to avoid shaming and exposure of sexual experience to her kinship.

11. State acknowledged few incidents of rape of young women students by the young male relatives of high governmental officials. Officials were removed from their positions, perpetrators of rape were expelled from university and survivors along with their other female and male colleagues faced the regime of curfew at the required university accommodation. There is absence of survivor-oriented approach and justice perspective to the violence against women - government does not any efforts to address violence against women from gender perspective to equality and human rights of women. There are no crisis centres, hotlines, counselling and case management services for survivors of violence.

### **Most vulnerable communities of women and their human rights**

12. The most invisible women are lesbian, bisexual and transgender women. Although, Turkmenistan's legislation criminalizes only consensual relationships between two adult men, the state response in support of "traditional values and culture" for keeping the discriminatory article in the criminal code of Turkmenistan. in 2008 indicates threat of non-acceptance of homosexuality, where women and men can become targets if they do fit the cultural stereotypes of femininity and masculinity in Turkmenistan.

13. Sex work is also criminalized in Turkmenistan. Sex workers face stigma and discrimination in their communities and authorities. Police officers beat, rape and blackmail sex works. They are forced to stay in detention in STI clinics. Information about STI prevention is not accessible to sex workers.

14. Women drug users and women partners of drug users are at high risk for family violence, HIV transition, denied access to healthcare, especially to reproductive and sexual health services. Turkmenistan has put strict regulation on smoking cigarettes and did not target women, because tobacco smoking is not allowed by cultural norms for women. There is stronger multiple stigma attached to women drug users as heroin use is often perceived as male issue and tabooed for women. Women drug users are not provided harm reductions services, overdose and abscess treatment and often denied reproductive rights as mothers.

15. Women living with HIV are politically non-existent in Turkmenistan as government officially declares the country is HIV-free. There is 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 violates rights of women living with HIV as it requires disclosure of HIV status to the partner regardless of the woman's consent and legalized as a permission to divorce woman.

16. Women in prisons face total impunity by the government in relations to the sexual and other forms of violence they endure, denied family, reproductive and sexual rights. Turkmenistan's prison are modeled to cater men's needs and overcrowded. Women former prisoners as their male colleagues face the unwritten law of denied labour and self-employment rights.

### **Recommendations:**

- **Lift the ban of civil society organization, to ensure full realization of the right to freedom of assembly and movement for women NGOs and human rights defenders, ensured by the right to freedom of information, which will foster dynamic civil society to contribute to the progressive realization of substantive equality and accountability of the State for human rights in Turkmenistan.**
- **Open access to enter and research situation of human rights for international and independent**
- **Protect the most underrepresented and at-risk women and about 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.**
- **Protect and fulfill 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.**
- **Develop and implement programs that would ensure safety and access to information and resources for at-risk groups women.**
- **Take necessary measures to prevent rape, including marital and date rape, and create safe environment survivors to report sexual violence and provide comprehensive support services.**
- **Properly investigate cases of rape and duly punish those responsible**
- **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**