

# Turkmenistan

*Capital: Ashgabat*  
*Population: 5.37 million*  
*GNI/capita, PPP: US\$15,760*

Source: World Bank *World Development Indicators*.

NIT survey year	Nations in Transit Ratings and Averaged Scores									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
National Democratic Governance	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Electoral Process	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Civil Society	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Independent Media	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Local Democratic Governance	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Judicial Framework and Independence	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00
Corruption	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00
<b>Democracy Score</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.93</b>	<b>6.96</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

## EXECUTIVE SUMMARY

Turkmenistan is a rentier state ruled by an authoritarian regime that utilizes natural resource revenues to invest in political patronage and fund pervasive security structures. On taking office in 2007, President Gurbanguly Berdimuhamedov tried to present himself as a reformist by improving the country's relations with foreign governments, while passing laws and issuing declarations that paid lip service to political liberalization, human rights, and the market economy. At the same time, Berdimuhamedov claimed that Turkmen statehood was too young and its people too unprepared to manage drastic political changes. He extolled the benefits of a "step-by-step" approach to both political and economic liberalization. In practice, this has meant that his reforms have remained superficial, attempting to project an image of change and prosperity to the international community without bringing lasting benefits to the wider population. The regime has continued violating basic human rights, jailing outspoken activists, and allocating valuable government and business positions to members of the presidential family.

In 2016, the president responded to a severe economic crisis by strengthening his and his family's institutional position through the enactment of constitutional changes that removed the age limit for presidential candidates, extended the presidential term from five to seven years, and abolished term limits for the presidency. To deflect local and international criticism of such changes—which effectively established a presidency-for-life—Berdimuhamedov created the position of ombudsman for human rights. The president also empowered his family members by appointing them to prestigious positions in both the public and private sectors. In 2016, Berdimuhamedov's son, Serdar, was elected to the parliament and also appointed to a deputy ministerial post in the Ministry of Foreign Affairs. Although nepotism is not a new phenomenon in Turkmenistan, it is new in presidential politics. Former president Saparmurat Niyazov built a cult of personality, but he was an orphan and also failed to promote the career of his only son, who did not live in Turkmenistan.

The stability of the Berdimuhamedov regime is partly ensured by its success in politicizing public resources and leveraging them for political advantage. Controlling resource revenues allows Berdimuhamedov to manage the bureaucracy through non-merit-based appointments, career advancements, or regular firings. However, the regime's persistent use of easy cash from resource extraction has increased its fundamental vulnerability to commodity price fluctuations. As global energy prices have fallen in recent years, revenues from oil and natural gas exports in Turkmenistan have plummeted. The country's GDP grew by only 6.2 percent in 2016, compared to 10.3 percent in 2014.<sup>1</sup> Depressed foreign assets have also led to a current account deficit of 13.3 percent of GDP<sup>2</sup> and have reduced the state budget in U.S. dollar equivalent from \$33 billion in 2014 to \$17 billion in 2016.<sup>3</sup>

In an effort to hold on to hard currency, the government has banned the sale of U.S. dollars, delayed the payment of public sector salaries, introduced mandatory monetary "donations" from the public, and increased taxes on the private sector. Many private firms have shut down under the pressure of economic stagnation and governmental interference. To shift the blame for the crisis, in 2016 Berdimuhamedov not only fired government officials but also jailed them for usually unidentified "shortcomings in the workplace." Although these problems were triggered by low gas prices, the underlying causes of Turkmenistan's economic crisis are fundamentally structural. In particular, Turkmenistan's economy struggles from the government's intrusive intervention, a general lack of diversification, overreliance on hydrocarbons, and a weak private sector.

### Score changes:

- **Corruption rating declined from 6.75 to 7.00** due to evidence of total state capture, extending from petty bribery at the local level to embezzlement at the highest reaches of the government, and new evidence of nepotism for the president's family.

**As a result, Turkmenistan's Democracy Score declined from 6.93 to 6.96.**

**Outlook for 2017:** President Berdimuhamedov has put in place constitutional changes to ensure the longevity of his rule. However, he has yet to comprehensively address the worsening socioeconomic crisis, which is challenging the stability of his regime. Berdimuhamedov needs enough cash not only to pay voters' wages and cover the costs of mega-projects but also to buy off members of the ruling elite who might otherwise question their allegiance to the president. Berdimuhamedov's idiosyncratic personnel policy could, in this sense, lead to the defection of more or less prominent cadres. As economic hardship persists, the regime could face pressure from both Turkmenistan's disenfranchised masses and, significantly, some disgruntled members of the ruling elite.

# MAIN REPORT

## National Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00

- Turkmenistan is a textbook example of a state with a widening gulf between its legislative dictates and its governance methods. The constitution stipulates that Turkmenistan is a democratic, secular state that takes the form of a presidential republic and guarantees separation of powers between the legislative, executive, and judicial branches.<sup>4</sup> In practice, however, Turkmenistan is ruled entirely by the presidency: the parliament serves as a rubber stamp for presidential decisions, and the judicial system is appointed and directed by the president. The stability of the state is ensured through various means, including the politicization of public resources, political patronage, recurrent elite purges, inducements to key public institutions, and coercion. Political patronage allows the regime to provide favorable treatment to family members and regime supporters who then promote the status quo. Conversely, continuous purges of the elite dissuade mid-level officials from cultivating their own power bases to challenge centralized authority.<sup>5</sup>
- In 2016, growing socioeconomic difficulties and the decreasing popularity of his leadership motivated Berdimuhamedov to secure his post and institutionalize his authoritarian rule by amending the country’s constitution.<sup>6</sup> This is the sixth amendment to Turkmenistan’s constitution, which was first adopted in 1992.<sup>7</sup> State media justified the latest round of amendments by claiming, “[Turkmenistan’s] extensive political, social and economic reforms ... necessitated changes to the constitution.”<sup>8</sup> Moreover, the government not only makes Berdimuhamedov a prerequisite for a successful democratization but also the sole guarantor of future political, economic, and social developments. As stated on the government’s website, “the democratization process in Turkmenistan develops on the basis of continuity ... and the current constitution is important for the gradual and consistent deepening of democratic reforms.”<sup>9</sup> As a result, the new constitution grants Berdimuhamedov a de facto right to rule Turkmenistan for life. Specifically, it eliminated the age cap of 70 for presidential candidates and extended the presidential term from 5 to 7 years, while putting no limits on the number of possible reelections.<sup>10</sup>
- To offset the increased powers he granted to himself, Berdimuhamedov introduced new provisions on human rights, political freedoms, and political pluralism. By eliminating the stipulation of 15 years of public sector experience from the list of eligibility requirements for presidential candidates, it became possible, at least on paper, for anyone to run for the presidency.<sup>11</sup> Similarly, Article 17 of the amended constitution recognizes political pluralism, ensures the necessary conditions for developing Turkmenistan’s civil society sector, and treats public associations equally before the law.<sup>12</sup>
- The amended constitution also includes a whole new section on Turkmenistan’s economic, financial, and credit systems. While reaffirming Turkmenistan’s commitment to the principles of market economy, Article 13 stipulates that “the state shall regulate economic activity in the interests of the individual and society.”<sup>13</sup> This speaks to Berdimuhamedov’s “step-by-step” approach to both political and economic liberalization, which goes “without haste and steadily,” as he said in his first year in office.<sup>14</sup> This not only provides a legal basis for state intervention in the economy but also hints at the fact that Turkmenistan is unlikely to liberalize in the near future. The country’s rich natural resource endowment and the regime’s predatory behavior make the government reluctant to relinquish its control over the economic sector. Limits on economic diversification, innovation, and entrepreneurship leave the large youth population unemployed and prevent progress, and may contribute to socioeconomic instabilities associated with a “youth bulge.”

- Faced with a severe economic shock caused by low gas prices, the president also embarked upon major institutional reshuffling in 2016. The most radical changes included the elimination of the Ministry of Oil and Gas and the State Agency for Managing Hydrocarbon Resources. The official reason for this abrupt move was “to improve the management of the resource sector.”<sup>15</sup> It is possible that the ministry and the agency were in fact failing; their elimination might have been the only solution to their poor performance. Transferring institutions’ responsibilities to the Cabinet of Ministers and the state-owned hydrocarbon companies may also help to minimize costs.<sup>16</sup> However, this decision may also be aimed at strengthening state-owned companies by expanding their jurisdiction and reallocating scarce resources among elites loyal to Berdimuhamedov.
- The decline in commodity prices and gas volumes traded entailed a corresponding decrease in the regime’s capacity to access hard currency. In January 2016, Russia ceased its import of Turkmen gas.<sup>17</sup> This is a sharp decrease from the 40 billion cubic meters (bcm) Gazprom bought in 2009, and the company has no plans to revive the deal until the end of 2018. As a result, exports from Turkmenistan fell by 41.5 percent in the first quarter of 2016 even after falling by 38.5 percent in 2015.<sup>18</sup> Gas revenues in Turkmenistan are decreasing even faster than the volumes sold. Iran pays for Turkmen gas in barter exchange, while the large volumes of gas provided to China do not bring foreign currency but, rather, count towards repaying Turkmenistan’s \$8 billion debt accrued for construction of the Central Asia–China gas pipeline and developing the Galkynysh gas field.<sup>19</sup> As a result, the country’s GDP in 2016 grew by only 6.2 percent compared to 10.3 percent in 2014.<sup>20</sup> Declining export revenues have widened Turkmenistan’s trade deficit to 13.3 percent of GDP.<sup>21</sup> The state budget has plunged from \$33 billion in U.S. dollar equivalent in 2014 to \$17 billion in 2016.<sup>22</sup>
- Decreasing resource revenues put pressure on Turkmenistan’s foreign exchange reserves, as well as the general availability of cash. Consequently, the government banned the exchange of foreign currencies and put a limit on how much cash individuals may bring into the country or send abroad. This has revitalized the black market for foreign exchange. In particular, families whose children study abroad struggled to exchange currencies to cover university expenses.<sup>23</sup> The lack of cash also resulted in public wage arrears.<sup>24</sup> Even after salaries were transferred, many public servants could not withdraw their money, as Turkmenistan’s banks and ATMs lacked cash and had daily withdrawal limits of 500 manats (about \$150).<sup>25</sup> To raise extra cash, the government plans to issue state bonds and give them out to civil servants in lieu of part of their salary.<sup>26</sup>
- Economic and financial crises further complicated Turkmenistan’s effort to host the 5<sup>th</sup> Asian Indoor and Martial Arts Games in Ashgabat in 2017. Turkmenistan has spent over \$5 billion constructing the Olympic Village, and another \$2.3 billion on a new international airport, a questionable investment for a country with few tourists.<sup>27</sup> Insufficient funding has led the government to collect money from business owners and public sector employees. Specifically, private firms have been asked to donate about \$10,000, while civil servants were required to “donate” one month’s salary.<sup>28</sup> The construction of these large-scale projects was also linked to significant human rights violations, including the forced evictions and illegal demolition of 10,000 homes in Choganly district in 2015.<sup>29</sup>

## Electoral Process

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00

- Political pluralism in Turkmenistan is only tolerated on paper. Existing legislation either fails to be translated into practice or has requirements that are impossible to meet. Articles 1 and 2 of the Law on the Election of the President of Turkmenistan guarantee presidential elections based on alternative, free, and equal nomination of candidates, and equal opportunities for all candidates in the election campaign.<sup>30</sup> However, as past presidential elections have illustrated, Turkmenistan

merely imitates a true democratic choice while following the Soviet practice of compelling full participation and close to unanimous support for the winning candidate.<sup>31</sup>

- The 2017 presidential elections will feature, for the first time in Turkmenistan’s independent history, various candidates nominated by three political parties: the Democratic Party, Party of Industrialists and Entrepreneurs, and Agrarian Party.<sup>32</sup> Although the latter two exist ostensibly as alternative parties, they do nothing to counterbalance the ruling regime. A multiparty system, for the Berdimuhamedov regime, does not necessarily entail the potential for opposition. These parties follow the political agenda of the president, and so the appearance of political plurality is cosmetic only.
- A conclusive victory is guaranteed in 2017 for Berdimuhamedov based on past electoral results. For instance, in 2007 Berdimuhamedov received 89 percent of the votes in a campaign against 5 contenders. In 2012, he had 7 competitors who combined received less than 3 percent of the votes.<sup>33</sup> These results are not surprising knowing that candidates for presidential elections in Turkmenistan are not self-nominated. They are first scrutinized and then appointed by the administration of the president and the Ministry of National Security. They are chosen on the basis of their loyalty to the president and unpopularity among the public.<sup>34</sup> Meanwhile, requests of opposition parties residing abroad to participate in the presidential elections are ignored by Ashgabat.
- There are numerous legal obstacles to organized political activity. To register and compete in the presidential elections, candidates need to be nominated by a political party or collect 50,000 signatures. In addition, they have to be native born, live in Turkmenistan for the past 15 years, and have no criminal record.<sup>35</sup> Meanwhile, the Law on Political Parties requires a party leader to have over 1,000 members, represent his party in all five regions, report all party members’ names to the Ministry of Fairness, and allow the officials of this ministry to attend party meetings.<sup>36</sup> Such strict regulations in practice prevent opposition parties in exile from participating in the elections, while complicating citizens’ endeavors to start new parties and compete with the ruling government. Any attempt to create a real opposition or to start an alternative political party is crushed. Individuals like Sazak Durdymyradov<sup>37</sup> and Geldimyrat Nurmuhammedov,<sup>38</sup> who found the courage to challenge the regime and followed the excruciating bureaucratic process to register their parties, were forcibly admitted to a psychiatric hospital and rehabilitation center, respectively.
- Turkmenistan’s only national election in 2016 was a clear illustration of how the government keeps the public in the dark. On 20 November, parliamentary elections were held in Akhal and Mary provinces to replace members of parliament (MPs) who were previously disqualified. State media reported that “the most worthy, highly respected and most publicly trusted compatriots” ran for office in elections with a variety of alternatives.<sup>39</sup> However, there was no initial coverage of the elections, or which MPs were removed from the parliament and why.<sup>40</sup> Similarly, state media neither mentioned the names of candidates nor the newly elected MPs but simply announced the results of the election.<sup>41</sup> Since the president’s son, Serdar Berdimuhamedov, was one of the elected MPs, it is possible that media were reluctant to cover such news.

## Civil Society

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00

- Since his first day in office, President Berdimuhamedov has tried to present himself as a reformer by cooperating with the international community, adopting the language of democracy and human rights, and passing laws promoting international standards. The Law on Public Associations, introduced in May 2014, gives Turkmen citizens the right to join or establish organizations and guarantees state noninterference. In reality, stringent registration requirements and strict

government control have continued to inhibit the formation of a healthy and independent civil society in Turkmenistan since the legislation was enacted.<sup>42</sup>

- Instead, the Turkmen government has continued to promote government-organized nongovernmental organizations (GONGOs) in support of regime propaganda. These so-called public organizations are part of the national movement called Galkynysh (Revival), which includes the Democratic Party, Women’s Union, Organization of War Veterans, and Magtymguly Youth Organization, among others. The movement is hosted in a lavish, government-owned building, which is supposed to become “the center of public life.” As members of Galkynysh have said, “such a facility will provide the necessary conditions for fruitful work.”<sup>43</sup> Their housing in such a building indicates the extent to which the public and civic sectors are co-opted and controlled by the government.
- The Law on Public Assembly, adopted in July 2015, nominally allowed public gatherings. Yet, it also listed preconditions that made such gatherings pointless. For instance, individuals and registered organizations can arrange public rallies if they inform the relevant authorities in advance and agree on the venue. Similarly, people cannot assemble near government buildings or public places but must exclusively use designated venues.<sup>44</sup> Such laws strengthen government control instead of allowing citizens to practice their rights to gather and communicate their concerns to decision makers.
- Turkmenistan co-organizes and participates in events promoting democratic principles, including the European Union (EU)–Central Asia Rule of Law Platform. As part of this initiative, in April 2016 the Turkmen government, United Nations Development Programme (UNDP), and EU representatives organized a seminar on civil society development in Turkmenistan.<sup>45</sup> To guarantee people’s political rights and freedoms, the Turkmen government claimed to follow a step-by-step process of establishing governmental and public institutions.<sup>46</sup> Although such seminars and discussions can result in cosmetic legislative reform, they do little in terms of changing local reality. Unregistered organizations still cannot organize any events, while those wanting to register cannot do so due to legal and administrative constraints. Since civil society organizations have to register any assistance they receive from abroad, they choose not to apply for external funding to avoid further complications with the government.<sup>47</sup> Instead, they compete for scarce funding provided by the few foreign embassies in Turkmenistan.
- In light of growing socioeconomic grievances and with a view to consolidating the power of the executive, the Turkmen secret services have stepped up police operations against dissident groups abroad. For example, starting 12 April 2016, Akmuhammet Bayhanov, a political dissident living in Russia, was openly shadowed, threatened, and even attacked by unknown men. He and his family living in Turkmenistan received warnings not to interfere in the government’s business.<sup>48</sup> After escaping the country in 2013, Bayhanov founded an opposition group called Hereket (Movement) and openly condemned the Turkmen elite through statements online and on Radio Free Europe/Radio Liberty (RFE/RL).<sup>49</sup> Bayhanov’s recent publication of his memoir, *Lost Souls in Ovan-Depe*, might have been another reason for the government’s persecution.<sup>50</sup>
- In another case, exiled dissident journalist Chary Annamuradov has lost all four of his brothers, allegedly in retaliation for his work. On 2 September 2016, his last living brother, Altymurad Annamuradov, was taken away, questioned about his brother, and brutally beaten by unknown men. Two days after the incident, he died from his injuries.<sup>51</sup> Although the regime in Turkmenistan is known for its notoriously brutal treatment of nonconformists, the fact that dissidents living abroad are being attacked is something new and worrisome.

## Independent Media

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00

- Turkmenistan’s media is another key area where implementation of official policies is simply not taking place. Both print and broadcast media serve as propaganda machines to promote the regime’s ideology. Most news outlets only describe the president’s activities and domestic and international visits, while providing no coverage of domestic socioeconomic issues. Although the Law on Mass Media that was adopted in 2012 was drafted with the help of the OSCE and met international standards, its implementation has failed to uphold these principles. On paper, the law guarantees media independence and freedom for citizens to use any media outlet to receive information and to share their views, while prohibiting government censorship and control.<sup>52</sup> Since the law forbids monopoly over the press, President Berdimuhamedov renounced his role as the founder of major print media organizations in January 2013. Nevertheless, he maintained full control over the media by transferring this authority to the Council of Ministers.<sup>53</sup> This legislation did nothing to register new organizations or to end self-censorship among national reporters.<sup>54</sup>
- In addition to the absence of a strong national media, Turkmenistan also lacks proper coverage by foreign broadcasters. To be able to visit the country and report, foreign media must get official accreditation. However, the decision to provide authorization is political and arbitrary. For instance, RFE/RL has submitted applications for accreditation several years in a row but has failed to receive approval.<sup>55</sup> When foreign journalists finally manage to enter the country to cover a major event, monitors restrict their access to undesirable places and people. Reporters meeting with unauthorized individuals risk being fined, jailed for 14 days, or deported.<sup>56</sup> Meanwhile, opposition or alternative media channels, such as the Turkmen branch of RFE/RL, Chronicle of Turkmenistan, Alternative News of Turkmenistan, or Gundogar, are blocked in Turkmenistan.
- The government has also continued to monitor, harass, and restrict the freedom of movement of local journalists working for foreign media. Journalist Saparmammed Nepeskuliev, arrested in July 2015, remained in prison throughout the year on falsified charges.<sup>57</sup> Journalist Soltan Achilova suffered organized attacks by police and the Ministry of National Security.<sup>58</sup> Khudayberdy Allashov, a reporter for RFE/RL’s Turkmen service, was arrested on 3 December 2016. He was severely beaten by Dashoguz police in order to force him to confess to possessing a banned tobacco substance, which can result in seven years in jail.<sup>59</sup>
- In addition, citizens who share their concerns about domestic socioeconomic hardships on social and foreign media outlets face ruthless consequences. When 62-year-old Galina Vertyakova complained on social media about being forced by authorities to darken her windows with black paint, she was arrested on fabricated charges and now faces up to four years imprisonment.<sup>60</sup> Similarly, Dunyagozel Jumagulyyeva spent 15 nights in jail after giving an interview to Radio Azatlyk about her inability to find a job.<sup>61</sup>
- Television is the primary source of political information and entertainment, and the government retains control of all seven TV channels: Altyn Asyr, Ashgabat, Miras, Ovaz, Turkmenistan, Turkmenistan Sport, and Yaslyk.<sup>62</sup> The only way for Turkmen to receive independent foreign news and TV programs is through satellite dishes. However, in 2016 authorities continued a policy of dismantling the dishes, which had been initially proposed by Berdimuhamedov in 2007 and fully came into force in March 2015. Officials assert that dishes “distort the architectural-urban image of cities.”<sup>63</sup> In reality, though, the removal policy is intended to block people’s access to independent foreign media. Instead, the authorities suggest that the public install cable TVs, which come with regulated programs that are easy for the government to shut down.<sup>64</sup>
- The internet is growing as an alternative platform for accessing and sharing news in Turkmenistan, but it still remains strictly controlled. Turkmenistan ranks 177<sup>th</sup> in the world for fixed-broadband subscriptions, with just 0.06 subscriptions per 100 inhabitants. Only 15 percent of Turkmen use the internet.<sup>65</sup> These results are among the lowest in the world. Turkmen’s online access is also constrained by the extremely expensive cost of internet service. For example, the monopolist communications provider Turkmentelecom charges \$169 for a 10 megabytes-per-second internet connection.<sup>66</sup> Thus, few Turkmen can afford internet access, and those who can complain about the low speed.
- Authorities also monitor online activity, and block and hack sites presenting dissent. The government collects the personal information of all internet users, as individuals visiting internet cafes must present their passports in order to access the facilities, while those using mobile

internet have to provide their personal data when buying a SIM card. Moreover, Berdimuhamedov ensured his immunity from public criticism on the web by making it illegal for citizens to share information that insults or defames the president or calls for violent changes of the constitutional order.<sup>67</sup> For instance, Turkmen residents abroad who have visited, liked, or left comments on Radio Azatlyk’s Facebook page were accused of criticizing the president and were told that their families will be detained at the prosecutor’s office until they return back to Turkmenistan.<sup>68</sup>

## Local Democratic Governance

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75

- Turkmenistan’s constitution differentiates between local governance and local self-government. The former includes the People’s Council and municipal government, or *hakimlik*. The municipal government is an executive body led by a governor, or *hakim*. These are appointed by the president to serve as an extended arm of the central government by enforcing the constitution and decrees of the president, cabinet of ministers, and the parliament.
- On the other hand, local self-government consists of councils (*gengesh*) whose members are directly elected by citizens living in their respective administrative units. From among its members, the council elects an *archyn*, who manages the council and is accountable to it. Councils are meant to be independent and govern local socioeconomic development, budgeting, and tax collection.<sup>69</sup> Although the new constitution recognizes and guarantees this independence,<sup>70</sup> councils continue to represent the regime’s interests.
- The amended constitution did remove a provision stating, “Governors are the local representatives of the President.”<sup>71</sup> Nevertheless, this change in wording will have minimal effect on the deeply rooted practice of governors serving the president. Since they are still appointed and dismissed by (and accountable to) the president,<sup>72</sup> governors have no incentive to serve the interests of their constituents. Municipal government activities remain punitive. Instead of acting in accordance with the law, authorities follow verbal orders from the center and, for example, demolish houses or cut trees,<sup>73</sup> all in the interest of the small elite sitting in Ashgabat.
- Loyalty and connection to the regime are the determining factors when being hired for government positions. For instance, relevant agencies conduct background checks and genealogical history before appointing anyone to government offices. During Niyazov’s presidency, applicants had to submit information about their family history, namely, the preceding seven generations of ancestors. Under Berdimuhamedov, this requirement was reduced to only three generations. Candidates may be dismissed not only for having relatives with a criminal background, or who have engaged in dissident or journalistic activities, but also for showing initiative.<sup>74</sup> Officials in Ashgabat do not look favorably on local authorities who make independent decisions or suggest solutions to existing social issues.
- Faced with mounting socioeconomic difficulties in 2016, Berdimuhamedov has continued his predecessor’s practice of reshuffling and firing cadres. He organized government meetings in all five regions where he fired officials in large numbers. For instance, from January to August 2016, a total of 60 hakims and their deputies across the country were fired, while 56 officials received administrative penalties.<sup>75</sup> Usually, before any decision is made, the Chairman of the Turkmen Supreme Control Chamber and the Attorney General conduct on-site meetings and produce reports. These two monitoring bodies can make a significant profit because officials may risk being sacked based on their insights. Following these inspections in 2016, all six hakims in Ashgabat retained their positions, while seven officials in the Dashoguz region and twelve in Balkan lost their jobs.<sup>76</sup> Since hakims in Ashgabat have closer ties with controllers, it led to speculation that they were able to preserve their positions by bribing the prosecutors. Meanwhile,

the deputy hakim of Gubadag district<sup>77</sup> and hakim of Tejen city were jailed on undisclosed charges.<sup>78</sup>

- Lower-level officials are also blamed for the country’s economic problems and are expected to fix them, while not receiving the resources, incentives, or independence necessary to do so. For example, the Dashoguz region’s hakim received a warning for limited success in the agricultural sector and for failure to adopt policies promoting economic growth and social benefits.<sup>79</sup> Some public officials, including the hakim of Birata district in Lebap, are currently under house arrest.<sup>80</sup> These sacked officials have no legal means to challenge the judicial decisions or protect their rights.<sup>81</sup> Instead of addressing structural problems, Berdimuhamedov shifts the blame for the country’s difficulties by pointing the finger at lower-echelon officials.
- While Ashgabat inhibits the ability of regional governments to make or even influence decisions, governors have to execute policies and face the discontent of their constituents. Regional officials and heads of public agencies have organized meetings to inform provincial civil servants about deducting parts of their salaries to support the motherland, the president, and the Asian Games. During the meetings, there have been arguments and even fistfights between participants. Attendees were also told to sign letters declaring that payments were made on a voluntary basis.<sup>82</sup> Given the economic difficulties and high unemployment in Turkmenistan, citizens do not want to risk their jobs. As one citizen
- a correspondent from Turkmenabat shared, cleaning personnel in a kindergarten who make 560 manats (\$160) per month were told their monthly contributions were 200 manats.<sup>83</sup> Usually, local officials are not in a position to explain the reasoning behind certain decisions. As they avoid naming any single official to be held accountable, bureaucrats explain everything by saying “the order came from above.”

## Judicial Framework and Independence

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00

- As part of the 2016 constitutional changes, Turkmenistan also passed legislation establishing an office of the ombudsman for human rights. The office will become active starting 1 January 2017.<sup>84</sup> President Berdimuhamedov admits that there are human rights abuses committed by government officials, and claims that the ombudsman will be important “in combatting arbitrariness of state officials and the use of official powers for personal gain.”<sup>85</sup> The parliament (*mejlis*) will elect the ombudsman from three candidates proposed by the president, using secret ballots and a simple majority. The law guarantees the ombudsman immunity and independence, as well as transparency of his or her activities, powers, and core functions. The ombudsman is required to submit annual reports to the president describing the human rights situation in the country.<sup>86</sup> However, it is unlikely that Berdimuhamedov will have any incentive to suggest a qualified candidate and grant him or her the necessary powers to challenge his regime’s human rights abuses. At best, it will serve as a tool to eliminate officials who have fallen out of favor.
- As expected, the creation of an ombudsman for human rights was welcomed by the international community; the representative of the UNDP in Turkmenistan called it “an important step ... on the path of democratization.”<sup>87</sup> However, as experts noted, given the country’s repressive political environment, it is unlikely that the ombudsman will have any real leverage over authorities violating human rights. It is also unlikely that the fate of the ombudsman will differ much from that of the National Institute for Democracy and Human Rights, which was created in 1996<sup>88</sup> but has never fulfilled its mandate. When citizen Umida Jumabayeva, for example, appealed to the National Institute regarding her son’s inhumane treatment during his military service, she was attacked, beaten, and doused with acid by unknown men.<sup>89</sup>
- The Law on Courts guarantees the independence of judges from intervention by the legislative and executive bodies.<sup>90</sup> However, in practice, courts are unable to function or fulfill their

constitutional duties due to systematic, top-down pressure.<sup>91</sup> Even under the amended constitution, Article 100 states that the president continues to appoint and dismiss all judges.<sup>92</sup> Courts regularly side with the regime by jailing outspoken critics or human rights activists on false charges. This may explain why Turkmenistan has the second-highest per capita incarceration rate in the world after the United States, imprisoning 583 people per 100,000 population.<sup>93</sup>

## Corruption

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00

- Although nepotism and corruption are deeply entrenched in Turkmenistan, favoring family members is new to presidential politics. Unlike his predecessor, who was an orphan, Berdimuhamedov has an extended family and deliberately promotes his relatives to high-ranking positions. On 15 July 2016, Berdimuhamedov issued a special decree appointing his son, Serdar, as Deputy Minister to the Ministry of Foreign Affairs to lead the newly created Department of International Information and Communication.<sup>94</sup> Serdar was also recently elected to the parliament in a special election to replace MPs who were disqualified.<sup>95</sup> Previously, he was on the management team of the now-eliminated State Agency for Management and Use of Hydrocarbon Resources<sup>96</sup> and served as a deputy minister of agriculture. He also owns several businesses, including factories and a chain of hotels.<sup>97</sup> Now that the president can constitutionally rule past the age of 70, Berdimuhamedov does not seem to have urgent plans to hand the presidential office to his son.<sup>98</sup> These appointments are hence well-planned moves to upgrade Serdar’s professional portfolio, so he could lead the country in the event of his father’s premature death.<sup>99</sup>
- Berdimuhamedov also has three sisters: one allegedly controls healthcare, and another higher education.<sup>100</sup> Both of these sectors are highly corrupt, making them profitable to control. Although Turkmenistan’s constitution guarantees access to professional education based on one’s individual abilities, young people must pay large bribes to be admitted to national universities. A few months before the start of the official admissions process, universities develop a list of applicants whose acceptance is guaranteed. This includes candidates whose parents have money or connections in agencies with control and supervisory functions, such as the deputy prime minister’s office, the Ministry of National Security, or the Attorney General. Only 3 to 5 percent of applicants are admitted on a merit basis.<sup>101</sup> For instance, in 2011 the head of the Pedagogical School in Dashoguz, Jumanazar Mamedov, was charged with large-scale corruption along with several teachers, middlemen, and someone who gave bribes. Over eight years, he had allegedly pocketed half a million U.S. dollars, while sharing the rest of the money with the heads of the Dashoguz hakimlik and local officials from the Ministry of National Security, Ministry of Interior, Prosecutor’s Office, and Ministry of Education. These were the institutions that provided a “roof,” or protection, to this highly lucrative college.<sup>102</sup> However, given the profitability of the scheme, the president’s family decided to redirect the money flow to Ashgabat by directly appointing the heads of regional professional schools. The Ministry of National Security ensures that this is a smooth process, from making the list of admitted students to delivering the money to the presidential family.<sup>103</sup>
- Corruption has become the norm and is widely practiced among the higher and lower echelons of the Turkmen government. While those in top positions can misappropriate larger amounts, doing so is substantially riskier. On 17 June 2016, Bayram Gurbangeldiyev, a high-ranking official in the state oil company Turkmenneft, committed suicide allegedly after being pressured to sign papers accepting financial irregularities caused by his predecessor.<sup>104</sup> Alternative News of Turkmenistan (ANT) reported that his last letter revealed evidence of the systematic theft of oil in large volumes. The individuals involved in this criminal scheme include members of law enforcement, the Supreme Court, customs, tanker fleet, and managers of tank farms and gasoline stations who received their share in domestic or foreign currencies. Prior to this incident, ANT

reported that Gurbangeldiyev had sent several written complaints to law enforcement units but never received a response.<sup>105</sup>

- The current financial difficulties have further exacerbated the level of corruption in Turkmenistan, and authorities have come up with rules that are impossible for people to follow. According to recent regulations, individuals selling their apartments should receive payment only in manats. To detain owners for engaging in illegal transactions, law enforcement officials often send fake buyers to make deals with apartment owners in U.S. dollars. Because it is not possible to buy dollars in official banks, the police trace those who exchange currencies in the black market. This creates a profitable opportunity for authorities to fine, confiscate foreign currency, and even jail people for breaking the law.<sup>106</sup> Moreover, when traveling abroad, Turkmen citizens are allowed to take only \$10,000 in cash, and making bank transfers is impossible. Hence, individuals taking extra U.S. dollars abroad have to bribe officials in order to avoid serious criminal charges.<sup>107</sup> In addition, since June 2016, nationals receiving remittances are being paid solely in manats using the official exchange rate, which is 3.5 manats to \$1 USD, while the unofficial rate has reached 6 manats.<sup>108</sup> This makes it profitable for government officials to restrict access to the official rate. As a result, the currency black market reinforces corruption and vice versa.
- In addition, municipal governments have tweaked orders coming from Ashgabat to raise extra cash for themselves. To illustrate, the government continues to enforce the installation of gas meters across the country. However, authorities not only make families pay for these counters but also for the pipes that connect the counters to natural gas points. Officials charge twice as much for the same type of pipe as the market price. Households that fail to buy and install these pipes have to pay a 150-manat fine. Furthermore, in order to sell more pipes and make more money, officials connect houses to the furthest point instead of linking households to the closest connector.<sup>109</sup>
- The economic and financial difficulties in Turkmenistan have also negatively affected the private sector. Recently, Aleksandr Dadayev, head of the state-created business organization Union of Industrialists and Entrepreneurs, gathered medium- and large-scale companies and asked them to help their motherland and the president during hard times. Amounts requested ranged from \$50,000 to \$100,000 per month relative to the value of the contributor's contracts with the government. When asked if these contributions could be later returned to business entities or subtracted from their taxes, government officials could not make such a promise. Instead, the officers threatened to "cut off oxygen" to those firms refusing to pay.<sup>110</sup> Since sustaining a profitable business in such unfavorable conditions is extremely difficult, many companies have decided to shut down their operations.<sup>111</sup>

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