

## TURKMENISTAN

### 1. Discriminatory family code

The **minimum legal age for marriage** is 18 years for both men and women, or 18 years in the case of marriage to a foreigner.<sup>1</sup>

Only marriages registered at a civil register office are legally valid.<sup>2</sup>

According to the official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report (2011) a new draft family code was under review; the new code would raise the minimum age of marriage to 18.<sup>3</sup>

According to a recent report by the Norwegian Helsinki Committee, unregistered marriages are increasingly common; in particular, men will often take a second wife, and the marriage will not be registered, but will be solemnised in an Islamic ceremony.<sup>4</sup> According to one source, arranged marriages involving underage girls are common in Turkmenistan.<sup>5</sup>

Under the Code on Marriage and the Family, only civil law governs **parental authority**.<sup>6</sup>

By law, men and women have the same rights and responsibilities in relation to their children, including shared parental authority, within marriage and following **divorce**.<sup>7</sup>

Under the Code on Marriage and the Family, women have equal legal rights in divorce, and court decisions in disputes regarding child custody are made in the best interests of the child.<sup>8</sup> However, according to a 2010 report, in practice women have fewer rights over their own children than the father's family.<sup>9</sup>

The clauses in the Code on Marriage and the Family protecting the equal rights of women and men in marriage would indicate that both women and men can legally be recognised as the head of the household in Turkmenistan.<sup>10</sup>

Gender stereotypes regarding women's and men's roles within the household are strong in Turkmenistan, with women seen as responsible for domestic work and child care, while men are seen as the head of the household even if the wife is providing the primary income. In particular, young married women are expected to give up work and take responsibility for all

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<sup>1</sup> CEDAW (2011), p. 56

<sup>2</sup> CEDAW (2011), p. 55

<sup>3</sup> CEDAW (2011), p. 56.

<sup>4</sup> Norwegian Helsinki Committee (2013), p. 37

<sup>5</sup> Humanium (n.d.)

<sup>6</sup> CEDAW (2011), p. 55-56

<sup>7</sup> CEDAW (2011), p. 55

<sup>8</sup> CEDAW (2011), p. 55

<sup>9</sup> IWPR (2010)

<sup>10</sup> CEDAW (2011), p. 55-56

the domestic labour within their husband's family's household, under the supervision of their mother in law.<sup>11</sup>

However, research by USAID in 2010 found that attitudes are beginning to change, with younger married women demanding to live separately from in-laws, and younger married men being more accepting of their wives working outside the home.<sup>12</sup>

By law, women have equal **inheritance** rights in Turkmenistan, as wives and as mothers (law not specified).<sup>13</sup>

Officially, inheritance is governed solely by civil law.<sup>14</sup>

In practice, property is usually left to sons or other male relatives.<sup>15</sup>

### **More**

According to research by the Norwegian Helsinki Committee, women rarely **initiate divorce** as it carries a very high social stigma; by contrast, it is considered acceptable for a man to leave his wife if she is ill, 'too old', or has not given birth to any sons.<sup>16</sup>

## **2. Restricted physical integrity**

In its Concluding Observations in 2012, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee expressed concern at the lack of any dedicated legislation addressing **domestic violence**.<sup>17</sup> However, domestic violence cases can be brought under articles relating to general assault included in the Criminal Code.<sup>18</sup>

In its Concluding Observations, the CEDAW Committee also noted the lack of any national action plan to address violence against women, or of adequate support services for victims; this point was also made by the Norwegian Helsinki Committee.<sup>19, 20</sup>

One official women's group in the country's capital Ashgabat and one independent NGO provide assistance to victims of domestic violence, including a hotline, shelter, and awareness raising seminars.<sup>21</sup>

The Norwegian Helsinki Committee has noted the lack of data available on violence against women; '... lack of reliable statistics and the authorities' systematic repressive actions towards any activity in civil society complicate attempts to monitor, evaluate or address the situation [of women] from within'.<sup>22</sup>

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<sup>11</sup> Norwegian Helsinki Committee (2013), p. 11-12

<sup>12</sup> USAID (2010), p. 51

<sup>13</sup> CEDAW (2011), p. 55

<sup>14</sup> CEDAW (2011), p. 55-56

<sup>15</sup> Freeman, Marsha A. (2006)

<sup>16</sup> Norwegian Helsinki Committee (2013), p. 12

<sup>17</sup> CEDAW (2012), p. 5

<sup>18</sup> Norwegian Helsinki Committee (2013), p. 19

<sup>19</sup> CEDAW (2012), p. 6

<sup>20</sup> Norwegian Helsinki Committee (2013), p. 20

<sup>21</sup> US Department of State (2013)

<sup>22</sup> Norwegian Helsinki Committee (2013), p. 3

There is anecdotal evidence to suggest that domestic violence is common but widely underreported. It is seen as a 'private' matter and victims often blame themselves for the abuse, and face stigma. USAID notes that the issue of domestic violence is 'hidden by cultural norms'.<sup>23</sup> In its Concluding Observations, the CEDAW Committee expressed concern that violence against women appears to be socially legitimized and accompanied by a culture of silence and impunity. According to the Norwegian Helsinki Committee, the government does not public acknowledge the issue of domestic violence, and it is not acceptable to talk publicly about the issue.<sup>24</sup>

Economic dependence due to women's limited employment opportunities also traps women in abusive relationships, as does the high stigma of divorce for women and discrimination against divorced women and their children. In addition, even if a couple divorce, the husband usually retains the right to live in the family's apartment, meaning that the abuse often continues.<sup>25, 26, 27</sup>

Shame and distrust of the police and law enforcement services means few women report abuse. Police are said to be reluctant to intervene in what they consider to be a 'family matter', even in cases of repeated or very serious assault. Police also often blame the victim for what has happened to her, encourage her not to register the complaint, or even laugh at her. As a result, only a few cases are ever reported or brought to trial.<sup>28, 29, 30</sup>

**Rape** is a criminal offence under Article 134 of the Criminal Code.<sup>31</sup>

The definition of rape in the Criminal Code does not specifically include spousal rape.<sup>32</sup>

There is nothing in the Criminal Code to indicate that a rapist can escape prosecution by marrying the victim.<sup>33</sup>

In its Concluding Observations, the CEDAW Committee noted the lack of any national action plan to address violence against women, including sexual violence, and the lack of support services for victims of sexual violence.<sup>34</sup>

It appears that rape and other forms of sexual assault are rarely reported in Turkmenistan. Submissions made to the Human Rights Council in 2008 noted that rape victims are often deeply ashamed of what has happened to them, and fear being ostracised by their family and friends if they speak out.<sup>35</sup> Distrust of the police (resulting from high levels of police

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<sup>23</sup> USAID (2010)

<sup>24</sup> Norwegian Helsinki Committee (2013)

<sup>25</sup> USAID (2010), p. 53

<sup>26</sup> CEDAW (2012), p. 5-6

<sup>27</sup> Norwegian Helsinki Committee (2013), p. 18-20, 36

<sup>28</sup> Freeman, Marsha A. (2006)

<sup>29</sup> IWPR (2005)

<sup>30</sup> Norwegian Helsinki Committee (2013), p. 18-20

<sup>31</sup> CEDAW (2011), p. 28

<sup>32</sup> Criminal Code, Article 134

<sup>33</sup> Criminal Code, Article 134

<sup>34</sup> CEDAW (2012), p. 6

<sup>35</sup> Human Rights Council (2008)

corruption) and the belief that reporting a rape will not result in any positive outcome further act as barriers.<sup>36, 37</sup>

According to the United Nations Office on Drugs and Crime (UNODC), in 2006, 27 cases of rape were registered with the police.<sup>38</sup> It is not clear how many of these registered cases resulted in a conviction. In its Concluding Observations, the CEDAW Committee noted the lack of official statistical information on sexual violence.<sup>39</sup> A submission to the Human Rights Council in 2012 notes that spousal rape is a completely taboo topic.<sup>40</sup>

There is no law specifically addressing **sexual harassment** in Turkmenistan.<sup>41, 42</sup> However, compelling a person to engage in sexual relations is a criminal offence, under Article 137 of the Criminal Code.<sup>43</sup> According to the US Department of State and the Advocates for Human Rights, sexual harassment in the workplace is thought to be widespread.<sup>44, 45</sup>

### **More**

There have been documented cases of **abduction** for forced marriage (bride kidnapping) in Turkmenistan.<sup>46</sup> Abduction for forced marriage is a specified criminal offence, under Article 127 of the Criminal Code.<sup>47</sup> Female sexual purity is extremely important in Turkmenistan, meaning that women who have premarital or extramarital sexual relations face stigma, discrimination, and even violence; by contrast, it is considered acceptable for men to have multiple sexual partners.<sup>48, 49</sup>

Amnesty International reports that the use of **torture** is thought to be used by security forces, including rape and sexual violence.<sup>50</sup>

**Abortion** is available on demand in Turkmenistan.<sup>51</sup>

## **3. Son bias**

The male/female **sex ratio** for the working age population (15-64) in 2013 is 1.02 while the sex ratio at birth is 1.05.<sup>52</sup> Based on this initial evidence, it appears that Turkmenistan is not a country of concern in relation to **missing women**.

### **More**

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<sup>36</sup> Freeman, Marsha A. (2006)

<sup>37</sup> Human Rights Council (2008), p. 3-4

<sup>38</sup> United Nations Office on Drugs and Crime (2010)

<sup>39</sup> CEDAW (2012), p. 5

<sup>40</sup> Central Asian Gender and Sexuality Advocacy Network (2012)

<sup>41</sup> US Department of State (2013)

<sup>42</sup> Advocates for Human Rights (2013)

<sup>43</sup> CEDAW (2011), p. 28

<sup>44</sup> US Department of State (2013)

<sup>45</sup> Advocates for Human Rights (2013)

<sup>46</sup> Thomas, Cheryl (2009), p. 7

<sup>47</sup> CEDAW (2011), p. 28

<sup>48</sup> Human Rights Council (2008), p. 2

<sup>49</sup> Central Asian Gender and Sexuality Advocacy Network (2012)

<sup>50</sup> Amnesty International (2013), p. 278

<sup>51</sup> United Nations Department of Economic and Social Affairs, Population Division (2013)

<sup>52</sup> CIA World Fact Book

According to data provided by UNICEF (2008-2012) there is virtually no gender gap in primary education and secondary education.<sup>53</sup>

#### 4. Restricted resources and assets

Women and men have the same legal **rights to own and access land** (law not specified).<sup>54</sup> It appears that only civil law is legally recognised in regard to women's access to land.<sup>55</sup>

The 2006 CEDAW report states that the number of women leasing state land is growing dramatically; however, in its Concluding Observations in 2006, the CEDAW Committee specifically raised concerns about the negative impact of customs on women's access to land in Turkmenistan.<sup>56, 57</sup>

Women and men have equal **rights to own and access property other than land**.<sup>58</sup> It appears that only civil law is legally recognised in regard to women's access to property other than land.<sup>59</sup>

Within marriage, men and women have equal property rights, under Article 21 of the Code on Marriage and the Family. Any property that a woman acquires prior to marriage remains her property, as does any property that she inherits or receives as a gift once she is married. All property purchased by a married couple is considered to be joint property.<sup>60</sup>

According to USAID, property and other assets are usually registered to men.<sup>61</sup>

Under the Civil Code, women and men have equal **rights to apply for and receive credit**.<sup>62</sup>

In practice, women face *de facto* discrimination in accessing credit, because they rarely have the collateral required to take out a loan. This is because assets typically accepted as collateral (such as a car, or property) are usually registered to husbands or male relatives.<sup>63</sup>

According to financial inclusion data held by the World Bank, 1% of adult women had a bank account in 2011, compared to 0% of men. In the same year, 1% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.<sup>64</sup>

The official CEDAW report (2011) mentions that women are able to apply for state-sponsored, low-cost loans.<sup>65</sup>

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<sup>53</sup> UNICEF

<sup>54</sup> CEDAW (2011), p. 50

<sup>55</sup> CEDAW (2011), p. 50

<sup>56</sup> CEDAW (2006a), p. 9

<sup>57</sup> CEDAW (2006b)

<sup>58</sup> CEDAW (2011), p. 50

<sup>59</sup> CEDAW (2011), p. 50

<sup>60</sup> CEDAW (2011), p. 56

<sup>61</sup> USAID (2010) p. 52

<sup>62</sup> CEDAW (2011), p. 50, 53

<sup>63</sup> USAID (2010), p. 52

<sup>64</sup> World Bank (n.d.)

<sup>65</sup> CEDAW (2011), p. 53

## 5. Restricted civil liberties

Under the Code on Marriage and the Family, women's rights to choose their place of residence are protected.<sup>66</sup>

The freedom of movement of all Turkmenistan citizens, male and female, is restricted by law. Human Rights Watch also reports that in 2012, people with a valid visa for Kyrgyzstan in their passport were stopped from leaving the country, and that a number of Turkmen citizens were stopped from travelling to Iran for medical treatment.<sup>67</sup> The 2005 Migration Law forbids anyone who might be at risk of becoming a victim of trafficking from leaving the country,<sup>68</sup> potentially limiting the right of younger women in particular to travel outside the country. The *propiska* (registration) system ties access to services such as housing, health, and education to a person's official place of residence, effectively restricting freedom of movement and the right to choose where to live.<sup>69</sup>

Women belonging to minority religious groups face legal restrictions on their free **access to public space**, as freedom of religious expression is heavily suppressed.<sup>70, 71</sup>

Same-sex relationships are criminalised for men (punishable by up to 10 years in prison); the law does not mention women.<sup>72</sup>

While women have the legal right to choose where to live, in practice, women are expected to move to their husband's household when they marry.<sup>73</sup> Reports from 2005 and 2006 indicated that outside of Ashgabat, the capital, and other urban centres, the practice of prohibiting men and women from associating with each other outside the home is increasingly enforced, limiting women's freedom of movement in rural areas.<sup>74, 75</sup> In addition, according to the Norwegian Helsinki Committee, there are unofficial legal restrictions in place on women obtaining driving licences, meaning that many women are unable to drive legally.<sup>76</sup>

It appears that there are no **quotas** in place to promote women's political participation, at national or sub-national level.<sup>77</sup>

USAID mentions the low number of women among local elected officials in its 2010 gender assessment.<sup>78</sup>

### **More**

Freedom of expression is heavily restricted in Turkmenistan, with all printed and electronic **media** remaining under state control.<sup>79</sup> It is reported that the media in Turkmenistan portrays

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<sup>66</sup> CEDAW (2011), p. 56

<sup>67</sup> Human Rights Watch (2013), p. 494

<sup>68</sup> US Department of State (2013)

<sup>69</sup> Amnesty International (2013), p. 278

<sup>70</sup> Human Rights Watch (2013), p. 497

<sup>71</sup> Human Rights Council (2008), p. 6

<sup>72</sup> Criminal Code, Article 135

<sup>73</sup> Norwegian Helsinki Committee (2013), p. 11

<sup>74</sup> IWPR (2005)

<sup>75</sup> Freeman, Marsha A. (2006)

<sup>76</sup> Norwegian Helsinki Committee (2013), p. 17

<sup>77</sup> CEDAW (2012)

<sup>78</sup> USAID (2010), p. 50

women in very gender-stereotyped ways.<sup>80</sup> USAID notes that the large majority of journalists and others working in the media are women; however, a report by the Turkmen Initiative for Human Rights states that very few women hold senior positions in media outlets.<sup>81, 82</sup>

Concerning **workplace rights**, under the Employment Act and the Labour Code, women are protected from discrimination on the basis of gender.<sup>83</sup>

Under Article 96 of the Labour Code, pregnant women are entitled to 112 days paid **maternity leave**. It is not clear how much payment women receive while on maternity leave, or how the leave is financed.<sup>84</sup>

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<sup>79</sup> Turkmen Initiative for Human Rights (2012), p. 7

<sup>80</sup> Freeman, Marsha A. (2006)

<sup>81</sup> USAID (2010), p. 56

<sup>82</sup> Turkmen Initiative for Human Rights (2012) p. 7

<sup>83</sup> CEDAW (2011), p. 35

<sup>84</sup> CEDAW (2011), p. 38

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