



# International Covenant on Civil and Political Rights

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## Human Rights Committee 119th session

### Summary record of the 3343rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 March 2017, at 3 p.m.

*Chair:* Mr. Shany (Vice-Chair)

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*Second periodic report of Turkmenistan*

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*Mr. Shany (Vice-Chair) took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**

*Second periodic report of Turkmenistan (CCPR/C/TKM/2; CCPR/C/TKM/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Turkmenistan took places at the Committee table.*

2. **Mr. Haljanov** (Turkmenistan), introducing the second periodic report of Turkmenistan (CCPR/C/TKM/2), said that during the review period considerable progress had been made by his country in implementing its obligations under the Covenant. A new Constitution had been adopted and major improvements had been made to the country's legislation; work was ongoing to align all legislation with the provisions of international law.

3. Article 33 of the new Constitution was fully compliant with article 7 of the Covenant in prohibiting torture and the carrying out of medical or scientific experimentation without an individual's consent. The new section of the Constitution expanding and guaranteeing human and civil rights contained 11 new articles and took due account of the points made in the Committee's previous concluding observations (CCPR/C/TKM/CO/1).

4. Similarly, the 2016-2020 National Plan of Action on Human Rights, the 2015-2020 National Action Plan on Gender Equality and the 2016-2018 National Plan of Action to Combat Trafficking in Persons, all approved by presidential decree, had been developed taking account of the recommendations made by United Nations treaty bodies and others formulated during the universal periodic review process.

5. Turkmenistan recognized political diversity and provided the appropriate conditions for the development of civil society. A historic step towards the democratization of society and the State, and the promotion and protection of citizens' rights and freedoms, had been taken in the recent presidential elections, at which, for the first time, three parties had campaigned.

6. The new Constitution provided for the appointment of a human rights commissioner by the Mejlis, on a proposal by the President. As at 3 March 2017 three such proposals had been received for consideration. The question of the appointment of an independent ombudsman in compliance with the Paris Principles would be reviewed and considered shortly by the Mejlis. The Ombudsman Act adopted in November 2016 established extensive powers for the Ombudsman and made organizational, legal and financial provision to allow the Ombudsman to carry out his or her activities.

7. Turkmenistan was also in the throes of a legal reform on the implementation of international agreements, including the Covenant. The provisions of the Covenant were expressed in legislation covering areas such as the family, employment, trade union rights, religious organizations, public meetings and demonstrations and human trafficking.

8. For Turkmenistan, the rights of refugees, asylum seekers, migrants and stateless persons were a key component of international cooperation and humanitarian action. Turkmen legislation regulated the legal status of members of those groups and guaranteed their rights and freedoms. For many of them Turkmenistan had become a second home and since 2005 many thousands, of more than 20 nationalities and including persons who had previously had no passport, had been granted Turkmen citizenship. Refugees were provided with housing and employment and, in rural areas, plots of land. Turkmenistan enjoyed fruitful cooperation in that area with major international organizations including the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and UN-Women. The Ministry of Foreign Affairs had recently held a major international conference on the success of Turkmenistan in reducing statelessness, attended by diplomatic representatives and representatives of international organizations.

9. **Mr. Ben Achour** said that the Committee was encouraged by the legal and constitutional reforms made by the State party and by its adoption of the National Action Plan on Human Rights. There were concerns, however, that in practice the rights enshrined in the Covenant were under serious threat in Turkmenistan. He pointed out that, since the visit by the Special Rapporteur on freedom of religion or belief, a dozen requests to visit by special rapporteurs had been made and were still pending. He would appreciate a detailed update on the progress made in establishing the office of a human rights commissioner, as provided by the new Constitution, and to what extent such an institution would comply with the Paris Principles.

10. In respect of the application of the Covenant by the national courts, he recalled that the Committee had found particularly serious violations of the Covenant in eight cases that had been referred to it and that were still pending, contained in communications Nos. 1450/2006 (Komarovsky), 1460/2006 (Yklymova), 1530/2006 (Bozbey), 1883/2009 (Orazova), 2069/2011 (Shikhmuradova), 2221/2012 (Mahmud Hudaybergenov), 2222/2012 (Ahmet Hudaybergenov) and 2223/2012 (Japparow). He would appreciate some explanations regarding the State party's implementation of the Committee's Views, as it had requested in its previous concluding observations.

11. Recalling the cases of the alleged disappearance of individuals convicted in December 2002 and January 2003 for their alleged involvement in the assassination attempt on the former President in November 2002, he said he would like to know what measures were being taken to investigate. They concerned, among others, Gulgeldy Annaniazov, Boris Shikhmuradov, Saparmamed Nepeskuliev and Gaspar Matalaev. Some had been found by the United Nations Working Group on Arbitrary Detention to be cases of arbitrary detention, while others had been found by the Committee to be cases of enforced disappearance. The Government's written reply on that issue dealt with the constitutional and legal provisions regarding abuse of power, torture and remand in custody, but he would appreciate receiving information on the cases themselves and on the action taken to implement the Committee's recommendations.

12. **Mr. Iwasawa** said that the Committee welcomed the fact that the amended Constitution contained a list of prohibited grounds of discrimination that included "other circumstances", and the fact that some Turkmen legislation now contained broad anti-discrimination clauses that included "other circumstances" or "other status" as prohibited grounds of discrimination. In other legislation, however, the provisions were less comprehensive. He would like to know the reason for the differences in the lists of prohibited grounds of discrimination. He would also like to know whether the references to "other circumstances" and "other status" covered sexual orientation and gender identity. He would be interested to know how the anti-discrimination clauses were applied in practice and whether the delegation could indicate any significant cases in which they had been applied by the courts and in which discrimination had been found. He would also like to know if the State party planned to adopt legislation to address discrimination in the private sphere and prohibit direct, indirect and multiple discrimination.

13. The Committee took note of the State party's efforts to enhance gender equality and women's representation in decision-making positions, and welcomed in particular women's increased representation in the national parliament. However, in its report the State party cited "special concern" for women as a justification for the imposition, under the Labour Code, of restrictions on women's employment in certain areas or types of work, and maintained that those restrictions were not considered to perpetuate negative stereotypes regarding women's role in society. The view of women as vulnerable individuals in need of protection was no longer considered valid under international human rights law; he would like to know what justification there was for such restrictions on women's employment. Noting that, according to the State party's report, protecting motherhood, preserving family values and the role of women in raising the new generation were inherent parts of the national tradition of Turkmen society, he suggested that that might be one of the stereotypes that needed changing. Lastly, he noted that the Government's written replies (CCPR/C/TKM/Q/2/Add.1) stated that the National Action Plan on Gender Equality provided for more than 60 measures to expand women's participation in public life; examples of the measures that had actually been taken would be appreciated.

14. **Ms. Pazartzis** said that the State party had rejected recommendations made during the 2013 universal periodic review process calling for decriminalization of consensual sexual relations between adults of the same sex in order to align its legislation with article 26 of the Covenant. She would like to know whether the State party would consider reviewing that position and whether, in the context of its new action plans, it was considering taking steps to combat social stigmatization based on gender identity and sexual orientation. In that connection, she wondered whether the Constitution or any of the new legislation defined gender identity and sexual orientation as prohibited grounds for discrimination.

15. Furthermore, it would be interesting to learn whether anti-discrimination legislation apply directly to lesbian, gay, bisexual and transgender (LGBT) persons. According to reports, LGBT persons were at times subjected to physical assault or harassment because of their sexual orientation. There were also reports of incidents in which law enforcement officials used methods that could amount to cruel or inhumane treatment, on grounds of sexual orientation or gender identity. She would like to know what efforts the State party was making to record and investigate threats, abuse or violence directed against individuals based on gender identity.

16. The State party had indicated in its written replies that there was no special legislation on violence against women, but it had also acknowledged the need for such legislation and had stated that the matter was under discussion. She would therefore like to know whether any legislation dealing specifically with violence against women, including domestic and sexual violence, was already in place or was planned.

17. Various United Nations bodies had voiced concern at the fact that domestic violence was not treated as a specific criminal offence in the Turkmen Criminal Code, where it was covered rather by the provisions on intentional injury and criminal acts accompanied by cruelty or humiliation. Given that the State party had said it was carrying out studies of violence against women, she would like to know whether it had reached any conclusions, even tentative ones, as to the root causes and forms of such violence, and what measures and policies were effectively in operation to raise public awareness of the issue. The Government had stated in its written replies that crimes of violence against women were not widespread; she would like to see some figures in support of that statement.

18. The State party had been asked to give information on measures taken to deal with trafficking in persons and forced labour, but had provided no specific details or statistical data. In fact it seemed that, as recently as autumn 2016, people from all sectors of society were still being mobilized by the Government and forced into helping with the cotton harvest, on pain of intimidation or harassment. That had led the United States Department of State to downgrade Turkmenistan by one tier in its 2016 Trafficking in Persons Report. She would like to hear the delegation's response to those allegations and to know what measures were being taken to remedy the situation.

19. **Mr. Politi**, referring to the State party's written replies in respect of the 2013 State of Emergency Act, said that he would like to know what types of restriction might be ordered under the Act. He wondered in particular whether there was not a risk that potentially discriminatory measures might be adopted, in contravention of article 4 (1) of the Covenant. In respect of the obligations under the articles of the Covenant listed in article 4 (2), no derogation was permitted and he would like the delegation to explain whether the Act contained specific provisions to prevent the Executive from adopting measures that would contravene those articles. Did the Act guarantee periodic review of the justification for continued restrictions under the Act?

20. With regard to the maximum period of detention before a person arrested on a criminal charge was brought before a judge, he would like the delegation to confirm or correct the figures given in paragraphs 83 to 90 of the written replies to the list of issues, which were not sufficiently clear. He would also like to know if he was correct in concluding that the procedure for authorizing extensions to such detention made no provision for an independent judicial organ to act as a third party between the prosecution and the defence. In that regard he would appreciate further explanations about the rights of a person arrested on a criminal charge. He would also welcome statistics on the average

period of remand in custody. He wondered to what extent such statistics might also apply to asylum seekers and stateless persons during the period in which their applications were pending before the authorities. He would like to know in how many cases the period of remand had been extended to 18 months and whether there was any right of appeal against such extension. According to paragraph 88 of the written replies, the definitive version of the case file from the investigation must be made available for the inspection of the accused and his or her counsel no later than one month before the deadline for the expiry of remand in custody; given that that period could be extended up to 18 months, he would like to know if that meant that the accused could be left ignorant of the details of the charges and of any evidence on which they were based for the same length of time. Lastly, he wondered whether there was any judicial oversight mechanism to ensure that no further extensions took place after 18 months and that the suspect was promptly released.

21. With regard to arbitrary arrest and detention and convictions on politically motivated charges, and further to the points made by Mr. Ben Achour, the Committee had received reports that arbitrary arrest and conviction were used as a tool of political retaliation against human rights activists, ethnic minorities, political dissidents and members of NGOs who interacted with foreigners. He would appreciate some comments from the delegation on those reports. In addition to the cases already referred to, he would like to draw attention to the case of a Jehovah's Witness, Ms. Bibi Rahmanova, who had been convicted of hooliganism and violence against a law enforcement officer before the sentence had been suspended on appeal.

22. **Ms. Seibert-Fohr** said that she would appreciate clarification of article 182 of the Criminal Code, on torture, which provided a defence to the effect that a person could not be held criminally liable for causing severe pain or physical or mental suffering as a result of a lawful action. It would be useful for the delegation to provide a reference to the provisions of the Code of Criminal Procedure that prohibited the use in court of evidence obtained by means of torture. The Committee had taken note of the Government's commitment to the prohibition of torture; it was therefore troubling to note the high number of reports indicating that persons deprived of their liberty had been tortured or subjected to ill-treatment, including severe beatings and electric shocks, in order to extract confessions.

23. There were also allegations of mass beatings of prisoners and of exposure to extreme temperatures with mosquito infestations and minuscule amounts of food and water. Persons convicted of Wahhabism were apparently subjected to severe beatings in the Seydi labour camp. She would appreciate the delegation's comments on those allegations, as well as on reports of inmates being forced to spend prolonged periods in cells with no room to stand.

24. According to the State party no cases of torture had been reported or considered by the courts. One reason for the lack of reports or investigations could be inadequate monitoring; she would like to know whether the new Ombudsman would be able to make unannounced visits to places of detention. She pointed out that the infrequent visits by the International Committee of the Red Cross (ICRC) did not allow for regular and comprehensive monitoring of all places of detention, in line with the Committee's recommendations. She would like to know what steps had been taken to ensure that ICRC and United Nations special mechanisms had full and independent access to all prisons and individual prisoners. She would also welcome the delegation's comments on reports that two conscripts had died in 2014 as a result of hazing. She would like to know what provisions existed to prohibit hazing of conscripts.

25. Despite the State party's efforts to renovate and build new prisons, there were ongoing concerns about prison conditions. She would appreciate data on the prison population in relation to prison capacity. She would also like the delegation to comment on the reportedly abysmal conditions of prisoners in Ovadan Depe prison, as a result of which numerous prisoners had allegedly died. She would like to know what measures had been taken to separate prisoners suffering from tuberculosis and provide them with proper health care. Lastly, she asked the delegation to provide statistical data on the number of deaths in prison.

26. **Mr. de Frouville**, following up on the questions put by Mr. Ben Achour, noted that, according to credible sources, there were around 100 persons whose whereabouts had not

been known since their conviction and imprisonment. He recalled that the deprivation of liberty followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person constituted enforced disappearance. Of those who had been convicted in December 2002 and January 2003, the only individuals about whom anything was known were those who had died in detention and whose bodies had been returned to their families. No explanation had been given of the circumstances of their death, an omission that in itself constituted cruel and degrading treatment of the families. He noted that the State party had rejected recommendation 114.2, made following the consideration of Turkmenistan under the universal periodic review process, and calling on it to inform relatives and the public about the whereabouts of all persons under arrest whose fate was still unknown, yet the State party was under an obligation to provide such information. The suffering inflicted on families by the State's refusal to provide information on the fate of disappeared persons constituted an act of torture within the meaning of article 7 of the Covenant. Referring to the Committee's Views in the case of the enforced disappearance of Boris Shikhmuradov, in which a violation of article 7 of the Covenant had been established, he said that he would appreciate receiving information on the measures taken to give effect to the Committee's Views in that case, notably in respect of compensation.

27. **Mr. Heyns** said that it was his understanding that the National Action Plan on Human Rights expressed the intention to invite the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders to visit. Could the delegation confirm that and indicate whether any plans had been made? Noting that, according to paragraph 71 of the written replies, police officers' right to use physical force and carry firearms was regulated by the Police Act, he asked the delegation to indicate under what conditions, and with what restrictions, the police might actually use force.

*The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.*

28. **Mr. Hudaynazarov** (Turkmenistan) said that, thanks to the policies introduced by President Gurbanguly Berdimuhamedov, considerable progress had been made in a short period of time, including in the field of human rights. In 2016, the Mejlis had adopted a law establishing the Office of the Human Rights Commissioner. In drafting the law, reference had been made to international legislation, best practices and standards, including United Nations General Assembly resolution 48/134 of 20 December 1993. The drafting process had involved cooperation with United Nations institutions and consultation of international experts. The new law gave the Human Rights Commissioner a broad mandate, stipulated that the Office of the Commissioner should be adequately staffed and provided guarantees of independence, transparency and impartiality. The Commissioner had the power to conduct unannounced visits to places of deprivation of liberty and to request documents and testimonies. He or she could investigate allegations of human rights violations in response to a complaint or media report, or on his or her own initiative. The establishment of the Office of the Commissioner had been facilitated by the fact that Turkmenistan was a party to the Covenant and to numerous other international instruments. The Mejlis would consider applications for the position of Human Rights Commissioner at its next session.

29. The declaration of a state of emergency was a temporary measure to be used only to ensure the safety of the population, prevent the destruction of the country's historical and cultural heritage or protect the constitutional order. In accordance with article 65 of the Constitution, the rights and freedoms provided for in the Constitution could be restricted only within the limits established by the Constitution and the laws of Turkmenistan. The State of Emergency Act of 2013 set out an exhaustive list of rights and freedoms that could be restricted and established time limits for states of emergency. It also stipulated that the declaration of a state of emergency, of which the Secretary-General of the United Nations should be informed immediately, should not lead to discrimination of any kind. The prohibition on torture in Turkmenistan was absolute.

30. **Mr. Hallyyev** (Turkmenistan) said that, between 2011 and 2016, major work had been carried out to renovate and equip places of detention. In that regard, he drew the Committee's attention to paragraphs 103 to 113 of the State party's replies to the list of issues. Detainees received health-care assistance from prison medical staff appointed with

the support of the Ministry of Internal Affairs and were taken to hospital if they required specialized treatment.

31. Prison staff underwent training in gender awareness and human rights. Since 2011, training events had been organized in over 50 different facilities. Moreover, around 200 members of the Ministry of Internal Affairs had participated in training missions abroad. Places of detention were subject to regular monitoring by oversight commissions, which conducted visits and handled complaints from inmates. In 2015 and the first four months of 2016, consideration had been given to 23 written requests, all of which had been granted and most of which had been motivated by conflicts with other inmates or the remoteness of a detention facility from the place of residence of a prisoner's relatives.

32. **Ms. Atajanova** (Turkmenistan) said that, pursuant to the 1995 Declaration on the International Human Rights Commitments of Neutral Turkmenistan, Turkmenistan guaranteed to everyone the rights and freedoms enshrined in its Constitution and laws and the generally accepted norms of international law, without any distinction as to race, sex, language, religion, place of residence, political and other beliefs, ethnic or social origin, wealth, or official or other status. Article 29 of the Constitution provided that men and women in Turkmenistan had equal rights and freedoms and equal opportunities to exercise them. Any violation of equality of rights on grounds of sex was punishable by law.

33. Same-sex activity between consenting adults would not be decriminalized as it was incompatible with Turkmen culture. The Government was instead focused on promoting traditional family values. Efforts might, however, be required to raise awareness of HIV/AIDS.

34. The National Action Plan on Gender Equality in Turkmenistan for 2015-2020 had been developed with advisory support from the United Nations Population Fund (UNFPA) and adopted in January 2015. The Plan, which reflected recommendations made to the Government during the universal periodic review process and by the Committee on the Elimination of Discrimination against Women, identified 14 objectives and provided for more than 60 measures to boost women's participation in public, political, socioeconomic, cultural and humanitarian life in the country. The Government, in cooperation with international partners, NGOs and national law enforcement bodies, had developed a road map for the implementation of the Plan, in which the public and private bodies responsible for its implementation were specified.

35. The Plan provided for measures to ensure that national legislation complied with international gender equality standards, to improve the collection and analysis of data on the situation of women, to combat gender stereotypes and all forms of violence against women, to enhance women's access to high-quality health care and representation in all spheres of political, professional and social life, to improve women's competitiveness in the labour market, to encourage women's entrepreneurship and to strengthen the institution of the family. As part of the implementation of the Plan, meetings and seminars on gender issues had been held across the country. The Government, in cooperation with UNFPA, was preparing an updated compilation of international norms and domestic legislation related to women's rights.

36. In April 2015, Turkmenistan had been elected by the United Nations Economic and Social Council to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women for the period 2016-2018. Much was being done to achieve the Sustainable Development Goals, including Goal 5 on gender equality and the empowerment of women and girls. As one of the first States to express support for the Goals, Turkmenistan had been very active in raising public awareness of them throughout the country. A human rights capacity-building project had been launched and several information centres had been opened to provide training and information on human rights issues.

37. **Mr. Haljanov** (Turkmenistan) said that, pursuant to article 49 of the Constitution, everyone had the right to work, to choose a profession and place of work at their discretion, and to healthy and safe working conditions. Forced labour and the worst forms of child labour were prohibited. Workers had the right to remuneration commensurate with the quantity and quality of work carried out and no lower than the minimum wage set by the

Government. The Employment Act of 18 June 2016, which defined the legal, economic and organizational bases of State policy on employment, was intended to ensure citizens' constitutional right to work and protection against unemployment. In June 2016, Turkmenistan had presented a report on the abolition of forced labour at the 105th session of the International Labour Conference.

38. Although agricultural output accounted for only 5.7 per cent of the country's gross domestic product, great attention was paid to introducing new technologies in order to create jobs and sustain small- and medium-sized enterprises. Low-interest loans were available to cover cotton and wheat production costs, there was a set purchase price for cotton and agricultural producers could benefit from tax exemptions. No forced labour was employed in the cotton industry.

39. During the school year, children were not permitted to undertake work that was unrelated to their education. Individuals who compelled children to work were liable to face legal consequences. In February 2016, International Labour Organization Director-General Guy Ryder had met with the Cabinet of Ministers and, between March and September 2016, round tables on the implementation of international labour standards had been held in Ashgabat, to help Turkmenistan continue making progress towards the fulfilment of its international labour obligations.

40. Turkmenistan had submitted an official statement on the case of Saparmamed Nepeskuliev to the Office of the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) on 5 August 2016. Mr. Nepeskuliev had been arrested on 10 July 2015 in Turkmenbashi and had been found to be in possession of 26 Tramadol pills, which contained a psychotropic substance. On the same day, a criminal case had been opened against him under article 301 of the Criminal Code. On 31 August 2015, he had been convicted and sentenced to 3 years' imprisonment. He had been provided with appropriate legal assistance from the outset of his detention.

41. **Mr. Nepeskuliev** was psychologically unbalanced and had repeatedly been treated in psychiatric hospitals. On 15 December 2011, the OSCE Centre in Ashgabat had called on the Minister of Foreign Affairs to take urgent action in response to the threat that Mr. Nepeskuliev posed to himself and to public order. Allegations that Mr. Nepeskuliev was a qualified journalist were untrue. He lacked the basic skills, education and professionalism required to report objectively and could therefore not be considered a legitimate journalist by national or international standards.

42. **Mr. Hudaynazarov** (Turkmenistan) said that, as a neutral State and supporter of the United Nations, Turkmenistan was bound to comply with international standards, and that the Government was actively implementing recommendations made to it by the human rights treaty bodies. For example, on 4 August 2012, in response to a recommendation from the Committee, the Mejlis had adopted a law amending the Criminal Code by introducing a definition of torture that was in line with that found in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Criminal Code now also provided for aggravating circumstances when the victim was a woman or minor.

43. Law enforcement officers had the right to use physical force and firearms only in order to prevent a crime or to protect the life and health of citizens, and only when no effective alternative appeared to exist. The Government was prepared to cooperate with the Committee on the issue and would take its recommendations very seriously.

44. Evidence obtained unlawfully was inadmissible in court and, pursuant to article 62 of the Constitution, suspects could not be compelled to confess. Articles 125 and 126 of the Code of Criminal Procedure specified that evidence obtained through psychological or physical pressure or other unlawful methods had no legal force.

45. Suspects could be detained in police custody for a maximum of 72 hours from the moment of their arrest. The criminal prosecution authorities had 24 hours to notify a prosecutor, who was then required to authorize the detention or order release within 48 hours. With regard to provisions on pretrial detention, he drew the Committee's attention to paragraphs 84 to 88 of the replies to the list of issues.



46. The National Plan of Action to Combat Trafficking in Persons for 2016-2018 had been approved in March 2016. As part of the implementation of the Plan, in October 2016, the Mejlis had adopted the Trafficking in Persons Act, which took into account relevant United Nations conventions, OSCE recommendations concerning previous anti-trafficking legislation and the views of international experts. The Act provided that human trafficking victims could not be held liable for offences that they had been forced to commit and that they were entitled to compensation for any physical, psychological or moral damage that they had suffered as a result of the violation of their rights. It also contained provisions on the identification of victims, who were entitled to free legal assistance, and set out a series of measures designed to protect, rehabilitate and support them. The definition of human trafficking in the Criminal Code had been extended to bring it into line with international standards. The Code had been further amended to protect victims' personal information.

47. **Mr. Politi** said that he would appreciate a response to his request for clarification on the extent to which the judicial supervision of detention was ensured. He would also appreciate comments on the fact that, in 2015, the Working Group on Arbitrary Detention had concluded that Saparmamed Nepeskuliev was being detained arbitrarily and should be released.

48. **Ms. Pazartzis** said that, while she understood that some issues, such as same-sex relations, might be sensitive, the Committee was obliged to raise them in the interests of engaging in a constructive dialogue. With regard to the elimination of forced labour, she was aware that legislative measures had been taken, but would like to hear what was being done in practice.

49. **Mr. Ben Achour** said that, in order to fulfil its obligations under the Covenant, the State party should act on the Views adopted by the Committee under the Optional Protocol.

50. **Mr. Heyns** said that he had heard no reply to his question on whether the National Action Plan on Human Rights expressed the intention to invite the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the situation of human rights defenders and, if so, whether any progress had been made in that regard.

51. **Ms. Atajanova** (Turkmenistan) said that the National Action Plan on Human Rights did indeed express the intention to invite special procedures of the Human Rights Council and that consultations would be held with the Office of the United Nations High Commissioner for Human Rights to that end. The process of organizing visits was ongoing, but details had not yet been finalized.

*The meeting rose at 6 p.m.*