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

List of issues in relation to the second periodic report of Turkmenistan

Addendum

Replies of Turkmenistan to the list of issues*

[Date received: 25 October 2016]

* The present document is being issued without formal editing.



Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide examples of cases in which the provisions of the Covenant have been referred to by national courts. Please indicate what procedures are in place, in law and in practice, for the implementation of the Committee's Views under the Optional Protocol, and provide information on measures taken to ensure full compliance with all the Views adopted by the Committee in relation to the State party in communications No. 1450/2006 (Komarovsky), No. 1460/2006 (Yklymova), No. 1530/2006 (Bozbey), No. 1883/2009 (Orazova), No. 2069/2011 (Shikhmuradova), No. 2221/2012 (Mahmud Hudaybergenov), No. 2222/2012 (Ahmet Hudaybergenov) and No. 2223/2012 (Japparow).
2. Through the legal reform it is carrying out, Turkmenistan is implementing the provisions of the International Covenant on Economic, Social and Cultural Rights in national legislation.
3. It is ensuring realization of the rights recognized in the Covenant, the further attainment of the Covenant's objectives and the fulfilment of its provisions through the adoption of legislation. In article 9 of its Constitution, Turkmenistan recognizes the primacy of the universally accepted norms of international law.
4. On 14 September 2016, at a meeting of the Council of Elders of Turkmenistan during the regular session of the Mejlis, the national parliament, of Turkmenistan, deputies adopted a draft constitutional Act approving the new version of the Constitution.
5. It includes new provisions concerning a Commissioner for Human Rights of Turkmenistan. Specifically, under article 71 (17), the President should propose to the Mejlis that it select a Commissioner for Human Rights; and under article 81 (8), on the proposal of the President, the Mejlis should select a Commissioner for Human Rights.
6. The provisions concerning this institution will be developed and enshrined in a special Act.
7. Pursuant to its Decision No. 94-V of 4 July 2014, the Mejlis has set up a working group to prepare a bill on the Commissioner for Human Rights; the bill is currently being developed.
8. In drafting the bill on the establishment of a national human rights institution, extensive reference has been made to international legislation, international documents on best practices and international standards in the field of national human rights institutions. These include, in particular, the annex to resolution 48/134 of the United Nations General Assembly on the principles relating to the status of national human rights institutions (the Paris Principles) and other international instruments.
9. The drafting process has involved cooperation with a large number of actors who had worked on establishing and strengthening national human rights institutions, including the United Nations, through its different programmes and offices, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP). International experts expressed their opinions during seminars and round table meetings.
10. In the National Action Plan on Human Rights in Turkmenistan for the period 2016-2020, approved by Presidential Decree of 15 January 2016, the priority tasks and activities include the adoption of an Act on the Commissioner for Human Rights in line with the Paris Principles and the recommendations of the United Nations treaty bodies. That

institution will be set up in 2016-2017. Once the related bill is drafted, it will be considered at a session of the Mejlis.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

11. Under article 28 of the Constitution, “Turkmenistan guarantees equal human and civil rights and freedoms and equality before the law, irrespective of ethnic background, skin colour, sex, origin, property or employment status, place of residence, language, religion, political beliefs or other circumstances.” Article 29 provides that “Men and women in Turkmenistan have equal rights and freedoms and equal opportunities to exercise them. Any violation of equality of rights on grounds of sex is punishable by law.”

12. The Declaration on the International Human Rights Commitments of Neutral Turkmenistan, of 27 December 1995, states that “Turkmenistan guarantees 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, official or other status. All persons are entitled to equal protection against any kind of discrimination that encroaches upon their rights.”

13. National legislation is aimed at implementation of the country’s human rights commitments to the international community, including the commitment to protect its citizens from any form of discrimination. All of the country’s legislative instruments accord citizens equal rights and freedoms before the law, irrespective of their ethnic background, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof.

14. A new version of the Courts Act was adopted on 8 November 2014. In line with its article 5, justice is administered on the basis of equal rights and freedoms, the principle of adversarial proceedings and the equality of all before the law and the courts, regardless of ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions, party affiliation or lack thereof, or other circumstances not stipulated by law.

15. Under article 11 of the Code of Civil Procedure (18 August 2015), civil justice is administered according to the principle of equality before the law and the courts. In the administration of civil justice, no citizen may be given preferential treatment or discriminated against on grounds of ethnic background, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof; legal entities cannot be given preference, nor may they be subjected to discrimination, on the grounds of their location, legal form of organization, affiliation, ownership or other circumstances.

16. Pursuant to article 7 of the Procurator’s Office Act (21 November 2015), in carrying out their work, the staff of the procuratorial agencies respect guaranteed human and civil rights and freedoms, regardless of ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof.

17. The country’s criminal and administrative legislation criminalizes deliberate acts intended to inflame social, national, ethnic, racial or religious hatred or enmity or offend ethnic pride, and propaganda attributing superior status or inferiority to citizens on the basis of their attitude to religion or their social, national, ethnic or racial background.

18. The 2015 Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men establishes those guarantees for women and men in all spheres of State and public life, specifically in its article 3. Equality before the law is guaranteed, regardless of ethnicity, race, sex, origin, financial, official or family status, place of residence, language, religion, political convictions or party affiliation or lack thereof.
19. Articles 22 and 26 of the Physical Education and Sports Act of 2015, governing the rights and responsibilities of the National Olympic Committee of Turkmenistan and national sports federations, include provisions on combating manifestations of all forms of discrimination and violence in sport.
20. The 2015 Notaries and Notarial Activities Act, in its article 7, provides that notarial activities are conducted in equal conditions for all, irrespective of ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof.
21. Article 6 of the Employment Act of 2016 enshrines State guarantees in the sphere of employment, including legal protection from any form of discrimination, wrongful denial of employment, wrongful dismissal and termination of employment.
22. International legal norms in the field of human rights and freedoms, including in respect of combating discrimination, are being systematically included in the country's legislation as it is developed.
23. Under article 35 of the Criminal Code, sodomy, that is, sexual intercourse between two men, is considered a criminal offence for which the penalty is deprivation of liberty for up to 2 years, with or without the obligation to reside in a certain area for a period of 2 to 5 years.
24. Sodomy with the use or threat of physical violence, or taking advantage of the victim being in a helpless state, is punishable by deprivation of liberty for between 3 and 6 years, with or without the obligation to reside in a certain area for a period of 2 to 5 years.
25. The act referred to in paragraph 2 of this article, if committed repeatedly or by two or more persons without prior conspiracy or by a group of persons by prior conspiracy or against a person known to be a minor, or if it infects the victim with a sexually transmitted disease, is punishable by deprivation of liberty for between 5 and 10 years, with or without the obligation to reside in a certain area for a period of 2 to 5 years.
26. Legislation provides for an enhanced role for women in the country's socioeconomic development.
27. In line with its international obligations, Turkmenistan actively implements the provisions of international human rights instruments, including standards, declarations and conventions on the rights of women, in national legislation.
28. The new Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men of 18 August 2015 is of both conceptual and practical significance for Turkmenistan, in that it provides legal guarantees that national legislation on gender equality agrees and is harmonized with international standards, legislative recognition of the need to prohibit discrimination as a deterrent to social progress, recognition and introduction into the legislative process for the first time of the concept of "equal rights and equal opportunities for women and men in Turkmenistan" and recognition of gender policy as a necessary component of public policy.
29. In this context, through its legislation, Turkmenistan guarantees women and men the equal right to participate in managing the affairs of society and the State, directly or through their elected representatives, to have access to public service through the appointment or election of women and men to public office, promotion within the public

service, equal representation of the interests of the State and society at the international level and participation in the work of international organizations.

30. Evidence of increased participation by women in decision-making and the enhancement of their leadership qualities can be seen in the proportion of seats held by women in the national parliament: of the 50 seats in the first convocation of parliament (1994-1999), 18 per cent were held by women; the figure for the second convocation (1999-2004) was 26 per cent of 50 seats; 16 per cent of 50 seats in the third convocation (2004-2008); and 20 per cent of the 125 seats in the fourth convocation (2008-2013). In the fifth convocation (2014-2019), of the 125 members of the national parliament, 34, or 27.2 per cent (including the speaker and the deputy speaker), are women; this corresponds to the level in developed countries in the world.

31. Women are also represented in the three parties registered in Turkmenistan. The high level of representation of women in the various branches of Government is important not only for the realization of personal identity, regardless of sex and age, but also for society as a whole.

32. Gender equality in access to public service is enshrined in legislation in the Public Service Act of 2016.

33. An important condition for the realization of the State Gender Equality Strategy is the provision of equal rights in education, governed by the 2013 Education Act.

34. According to article 15 of the Act of 8 November 2014 amending the Military Service and Military Duty Act, the reserve officers' training programme provides military training for female citizens. The armed forces currently have girl cadets enrolled on an equal footing with men, as well as female officers.

35. State guarantees to safeguard gender equality in the health sector and equal opportunities for the full realization of the constitutional right of citizens to health, including free use of the network of State health-care institutions and good quality, safe food, are enshrined in the 2015 Health Care Act.

36. Gender equality in marriage and family relations are guaranteed by the State in the Family Code, adopted in 2012. The main objectives of the country's family legislation are to build family relations on the basis of a voluntary marital union between a man and a woman, the equal rights of the spouses within the family and the responsibility of all members of the family to the family, as well as the inadmissibility of interference by anyone in the affairs of the family; and protection of maternity, childhood and paternity (art. 3).

37. State guarantees of gender equality in social protection are governed by the Social Protection Code (2012), which provides a State system of material security and social services for persons unable to work, persons with disabilities, families with children and others through payments in the form of pensions, State benefits and social benefits (art. 2).

38. State guarantees of gender equality in employment are governed by the 2009 Labour Code. Article 17 of the Labour Code prohibits any restrictions on labour rights or any sort of privileged treatment in the realization of such rights based on ethnicity, skin colour, race, sex, origin, property and employment status, place of residence, language, age, religion, political beliefs or party affiliation or lack thereof, or other circumstances unrelated to the professional qualities of employees or the results of their work.

39. Furthermore, in accordance with the Act of 8 November 2014 amending the Labour Code, the Ministry of Health and the Medical Industry came to agreement with the State standards inspectorate in approving the list of work, professions and jobs with harmful and hazardous working conditions in which the use of female labour is restricted.

40. According to the amendments made to article 7 of the Labour Code on 18 June 2016:
- Labour rights cannot be subject to any restrictions or preferential treatment on the basis of ethnicity, race, sex, origin, property or employment status, place of residence, language, age, religion, political beliefs, party affiliation or lack thereof, or other circumstances unrelated to the professional qualities of employees or the results of their work;
 - Distinctions provided for in legislation in the employment sphere are not discriminatory if they are based on requirements inherent to the job or are prompted by special concern on the part of the State for persons in need of greater social and legal protection (women, minors and persons with disabilities);
 - Persons who consider that they have been subjected to discrimination at work have the right to file a complaint in court.
41. Article 35 of the Labour Code, as amended by the Act of 18 June 2016, provides that an employee may be temporarily transferred to another job for a good reason at the request of the employee, subject to the approval of the employer.
42. The article provides a list of valid reasons for temporary transfer and the procedure for remuneration upon such transfer to another job, which may be established in a collective agreement or be determined by the employer in agreement with the employees' representative body.
43. Employees who are temporarily transferred to lighter or non-hazardous work for reasons of health and pregnant women or women with children under the age of 3 (under the age of 16 in the case of children with disabilities) similarly transferred retain the average salary for their previous position.
44. Article 24 of the Labour Code, which provides guarantees when entering into an employment contract, was also amended in 2010, 2013, 2014 and 2016, as a result of which:
- Any unjustified refusal to conclude an employment contract is prohibited. Employers, officials or their designated agents are thus subject to liability under the law for such unjustified refusal.
 - Refusal to conclude an employment contract is considered unreasonable in the following cases:
 - Persons sent by the State employment agency or service under a job quota if, according to the health care institution concerned, they are not prohibited from performing the relevant duties;
 - Persons with a written invitation to take up the job or service in the context of a transfer to another enterprise by agreement between employers, within one month of the date of dismissal from the previous position;
 - Persons who have graduated from an educational institute and report for work or service in connection with a request from the employer or on the basis of an agreement signed with the employer;
 - Persons entitled to the conclusion of an employment contract on the basis of a collective agreement;
 - Women for reasons connected with pregnancy or the fact that they have children under the age of 3 (or children with disabilities under the age of 18);
 - Persons with disabilities if a medical assessment panel has judged that their state of health does not prevent them from performing their professional duties or pose a threat to the health and safety of others;

- Persons for reasons of discrimination in labour relations in accordance with article 7 (1) of the Code;
- Military conscripts who apply within three months of discharge to the company from which they were called up for military service;
- Persons denied employment may request that an employer state the reason for the refusal, which must be given in writing within three days of the request being submitted. A refusal to do so may be appealed against in court.

45. The National Action Plan on Gender Equality in Turkmenistan for 2015-2020 was developed with advisory support from the United Nations Population Fund and approved in January 2015. It provides for more than 60 measures to pave the way for the further expansion of women's participation in public, political, social and economic, cultural and humanitarian life in the country. Work has been carried out in recent years to expand women's participation in public life and public service. The necessary conditions are being created under the National Action Plan, which, in particular, includes specific measures and identifies the public and private bodies responsible for their implementation.

46. In April 2015, Turkmenistan was elected by the United Nations Economic and Social Council (ECOSOC) to the Executive Board of the United Nations Entity for Gender Equality and Empowerment of Women for the period 2016-2018.

Violence against women, including domestic violence (arts. 2, 3, 7 and 26)

47. There is no special law on violence against women in Turkmenistan, although the need for such legislation has been discussed regularly since the Committee's concluding observations were issued in 2012.

48. The legislative and practical conditions for equality between men and women have been created in the sociopolitical, economic, social and cultural life of the country, and discrimination against women has been eliminated.

49. Pursuant to article 24 of the Act on State Guarantees of Equal Rights and Equal Opportunities for Women and Men, women and men have equal rights to protection from sexual assault, abduction and trafficking. This legislative norm forms the basis for improving national legislation on these issues, as well as for further legislative work to prevent violence against women in all its forms.

50. The current Criminal Code contains legal provisions on combating violence, with specific references to offences such as rape, gratification of depraved sexual urges, compelling a person to engage in sexual relations, inducing a person to engage in prostitution, establishing and operating facilities for engaging in debauchery or prostitution, pimping, sexual intercourse with a person under the age of 16, indecent assault, torture, cruel treatment, abduction of women for the purpose of entering into de facto marital relations and other offences.

51. Crimes of violence against women are not a widespread phenomenon, representing just 3 per cent of the total number of cases considered in 2012.

52. One of the objectives of the National Plan of Action on Human Rights in Turkmenistan for the period 2016-2020 is to conduct an analysis of national legislation with a view to the possible adoption of legislation criminalizing violence, the development and implementation of a training programme on the prevention of domestic violence as part of in-service training courses for law enforcement officers and staff of the judicial system and

a study of the distribution, causes and consequences of all forms of violence against women, including domestic violence. The following are identified in this connection:

- Research/studies on the prevalence of violence against women, the different types of violence and their root causes;
- Consultations with relevant stakeholders about the need for a draft law on establishing and developing a system for the prevention of domestic violence and all forms of violence against women;
- Development of measures to raise public awareness of the country's zero-tolerance policy on violence against women.

53. Workshops were held during the period 2014-2015 in partnership with the United Nations Population Fund (UNFPA) and with the involvement of international experts to define the methodology for conducting the studies and to examine other countries' legislation on domestic violence and its application.

54. A draft questionnaire has been developed and is now under discussion.

55. Training for the survey interviewers is planned for 2016-2017. Depending on the findings of the studies, proposed amendments to current national legislation will be developed or the advisability will be determined of preparing a draft law on domestic violence.

56. Within the Ministry of Internal Affairs system, as part of implementation of activities under the National Action Plan, official and military training programmes for staff of the specialized agencies cover gender-sensitive characteristics of working with women prisoners.

57. In addition, the management of the Ministry of Internal Affairs Institute, which trains future officers of the internal affairs authorities, is currently reviewing the training programmes in the areas of employment law, family law, administrative law and penal enforcement legislation taught in the law faculty and the faculties of the specialized agencies and internal forces with a view to including specific themes such as gender equality, non-discrimination on grounds of sex, the nature and causes of violence against women and their children, the legal rights of and remedies available to victims/survivors of violence, the legal responsibilities of the police to provide protection and relief and methods of handling cases of violence against women and their children.

Public emergencies (art. 4)

58. According to article 65 of the Constitution, "The realization of the individual civil rights and freedoms provided for in the Constitution may be restricted only in the conditions of a state of emergency or martial law in the manner and within the limits established by the Constitution and the laws of Turkmenistan."

59. The State of Emergency Act was adopted on 22 June 2013. Under article 1 of the Act, the declaration of a state of emergency is 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. Article 3 lays out the grounds for the imposition of a state of emergency: the existence of circumstances that represent a direct threat to the life, health or safety of persons or to the constitutional order of Turkmenistan, that are impossible to overcome without resorting to extraordinary measures.

60. Measures taken during a state of emergency that entail the restriction or suspension of the powers of State and local government bodies, of human and civil rights and freedoms or of the rights of legal persons as established by the Constitution or the country's laws and

regulations may not go beyond the extent required by the prevailing situation. The measures taken and temporary restrictions imposed during a state of emergency must comply with the Constitution, the universally accepted standards of international law and the international instruments to which Turkmenistan is a party (art. 19).

61. In accordance with international standards, the Act introduced provisions that oblige the Government to notify the United Nations of the introduction and termination or cancellation of a state of emergency (art. 28).

62. If a state of emergency is introduced under the Act, the Ministry of Foreign Affairs shall comply with the country's international obligations under the International Covenant on Civil and Political Rights and immediately notify the Secretary-General of the United Nations of the temporary limitations or suspensions of civil rights and freedoms that constitute derogations from its obligations under the Covenant, the extent of such derogations and the reasons for the decision.

63. The Ministry of Foreign Affairs shall inform the Secretary-General of the United Nations of the date of termination or cancellation, pursuant to the Act, of the state of emergency and the restoration in full of the provisions of the International Covenant on Civil and Political Rights.

64. Thus, the Act does not contradict the generally accepted rules of international law and specifically article 4 of the International Covenant on Civil and Political Rights.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person (arts. 6, 7 and 9)

65. In connection with the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 10), please provide information on concrete measures to prevent enforced disappearances and put an end to the practice of incommunicado detention and imprisonment of individuals who were convicted in December 2002 and January 2003 for their alleged involvement in the assassination attempt on the former President in November 2002, to make known their whereabouts and allow visits from members of their families and access to their lawyers and to investigate effectively all cases of alleged disappearances.

66. In Turkmenistan, the human being is the most valuable asset of society and the State. The State is accountable to every citizen and makes provision for the free development of his or her personality and protects the life, honour, dignity, liberty, personal inviolability and natural and inalienable rights of the citizen. According to article 33 of the new version of the Constitution, a person may not be convicted or punished except in strict accordance with the law. No one may be subjected to torture, violence or cruel, inhuman or degrading treatment or punishment, or to medical treatment or scientific or other experiments against his or her will. A citizen may be detained only on grounds clearly specified by law, on the basis of a court order or with the approval of a procurator. In urgent cases specified in law, authorized State bodies are entitled to temporarily detain individuals.

67. Punishment and other criminal-law measures applied to offenders shall not be intended to cause physical suffering or to demean a person (Criminal Code, art. 3, Principles of Criminal Legislation).

68. Internal affairs officers who exceed their authority, that is, who commit acts that clearly go beyond the bounds of their official powers and result in serious violations of the rights and legal interests of citizens or organizations or the legally protected interests of

society or the State, may be held criminally liable under article 182 of the Criminal Code (exceeding authority).

69. Each case of officers of the internal affairs agencies exceeding their authority is subject to an internal investigation by staff of the Ministry's internal security department. During the investigation, the alleged overstepping of the bounds of authority is carefully studied and a conclusion drawn from the results. Persons who have committed acts that clearly go beyond their official powers are subject to mandatory disciplinary or administrative proceedings. The regulations governing service in the internal affairs agencies provide for the following disciplinary actions:

- Remark
- Reprimand
- Severe reprimand
- Warning about inadequate performance of duties
- Demotion
- Deletion of name from the book of honour and of photograph from the role of honour
- Loss of merit badge
- Detention in the guardroom
- Dismissal from the internal affairs agencies

70. There have been no reported cases of torture or cruel treatment within the Ministry of Internal Affairs system.

71. Police officers have the right to use physical force or impact munitions and to carry, store and use (standard-issue) firearms only in cases and in the manner prescribed by the Police Act.

72. The use, when exceeding authority, of physical force, impact munitions and weapons is punishable by law (Police Act, art. 13).

73. To prevent torture and cruel treatment of detainees and others, video cameras have been set up in several police stations, remand centres and places of detention. The Ministry of Internal Affairs has conducted systematic work to provide the technical capacity for audio and video recordings to be made of interrogations in police stations, remand centres and institutions of the penal correction system.

74. Since article 182¹ (torture) was added to the Criminal Code, no cases involving offences of this type have been examined by the courts.

75. Internal affairs officers who exceed their authority, that is, who commit acts that clearly go beyond the bounds of their official powers and result in serious violations of the rights and legal interests of citizens or organizations or the legally protected interests of society or the State, may be held criminally liable under article 182 of the Criminal Code (exceeding authority).

76. With regard to ill-treatment of prisoners by staff in the LB-K/11 and LB-K/12 prisons, the facts mentioned were not confirmed during inspections.

77. In order to prevent violence and ill-treatment in places of deprivation of liberty, there must be a fully functioning system of prison inspection and monitoring by an independent body.

78. Thus, in accordance with a Presidential Decision of 31 March 2010 on improving monitoring of compliance with the law by the penal enforcement agencies and on State measures in respect of convicts and persons on parole, monitoring commissions have been set up under the Cabinet of Ministers and in the administrations of the provinces, the city of Ashgabat, the country's districts and districts with municipal status to work with convicts and persons on parole. The Central Monitoring Commission is striving to strengthen the legitimacy of the activities of penal enforcement institutions, and works with persons serving sentences, prisoners who have been released and those who are on parole.

79. Voluntary associations may, on the basis of and in the manner prescribed by law, monitor the activities of institutions and bodies responsible for the enforcement of sentences. Pursuant to the Procuratorial Agencies Act, the Procurator General and other procurators monitor compliance with the law by the prison and penal enforcement administrations.

80. The prison administration must comply with orders and proposals from the procurator concerning compliance with the regulations in national correctional labour legislation governing the serving of sentences.

81. No cases of ill-treatment of convicted persons by the staff of the Ministry of Internal Affairs were reported in 2015-2016.

82. Article 58 of the Constitution enshrines defence of the homeland as the sacred duty of every citizen. Citizens called up to military service under the Military Duty and Military Service Act are paid special attention from the beginning of their service. Before military recruits take their oath, they undergo a "young fighter" course, which is based on the provisions of legislation, respect for the honour and dignity of those undergoing military service, mutual understanding, good will and willingness to help each other; it makes them aware of their sacred duty and individual responsibility to protect the homeland and develops in them a sense of high responsibility, thoroughness, precision, independence, integrity and faithfulness to their sacred duty and the military oath. After they have taken the military oath, service personnel undergo military service in strict accordance with the military regulations and other legal instruments regulating the scope of military service activities, which do not permit any possibility of features or elements of hazing.

83. Under article 144 of the Code of Criminal Procedure, the criminal prosecution authorities must inform the procurator that a suspect is being held within 24 hours of the arrest; the procurator must, within 48 hours of being so informed, authorize the detainee's remand in custody or order his or her release; the total period of detention of the suspect may not in any case exceed 72 hours after the arrest. If the grounds for detaining the suspect cease to exist before the procurator authorizes remand in custody, the criminal prosecution authorities must release the detainee immediately and inform the procurator accordingly.

84. In line with article 154 of the Code of Criminal Procedure, remand in custody is applied as a preventive measure, with the authorization of the procurator, in cases of offences for which the penalty is more than 2 years' deprivation of liberty. The following persons have the right to authorize pretrial detention: the Procurator General, procurators at the level of provinces, towns with provincial status, districts and towns, military and specialized procurators and their deputies.

85. The length of detention in custody is regulated in article 158 of the Code, which provides that remand in custody during the investigation of a criminal case may not exceed 2 months.

86. If there are no grounds for revising or revoking the preventive measure, this period may be extended for up to 6 months from the date of remand in custody by a procurator of a

province, a town with provincial status or his or her deputy. A further extension of up to 1 year from the date of remand in custody is possible only if the case presents particular difficulties and must be authorized by the Procurator General or his or her deputy.

87. Extension of remand in custody for more than 1 year may be allowed in exceptional circumstances, only if the person concerned is accused of a serious or an especially serious offence. Such an extension of up to 18 months may be made by the Procurator General.

88. No further extensions are allowed and the detained suspect must be released immediately. 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 1 month before the deadline for the expiry of remand in custody.

89. Gulgeldy Annaniyazov, born in 1960 in the village of Keshi, Ashgabat, of Turkmen ethnic origin, a citizen of Turkmenistan, who had been tried previously in 1996 under articles 15-106 (4) and (6) (premeditated murder under aggravating circumstances), 257 (1) (illegal handling of narcotic substances without intention to sell), 236 (2) (criminal mischief), 117 (1) (intentional minor bodily injury) and 249 (1) (illegal carrying, storage, acquisition, production or sale of firearms, ammunition and explosives) to 15 years' imprisonment and was released early in 1999 under a presidential pardon, again committed an offence and was sentenced by the Supreme Court on 7 October 2008 under articles 214 (illegal crossing of the State border) and 217 (seizure or destruction of documents, stamps, seals or forms) to 11 years' imprisonment. He is currently serving his sentence.

90. The criminal case in brief: on 12 September 2002, he stole from Orazgeld Yailov a passport No. 623246, series P-LK, issued on 11 April 1995 by the police department of the President Niyazov district of Ashgabat; he did not have special permission and left the country illegally for Moscow, Kazakhstan and Norway, where he resided. On 23 June 2008, he illegally crossed the State border back into Turkmenistan.

Elimination of slavery and servitude (art. 8)

91. State policy on combating trafficking in persons is aimed at: protecting the individual and society; improving legislation; preventing, detecting and suppressing activities related to trafficking in persons; creating favourable conditions for the physical, psychological and social recovery of victims of trafficking; and complying with the State's international obligations in the area.

92. The National Plan of Action on Human Rights for the period 2016-2020, approved by Presidential Decree of 15 January 2016, provides for increased collaboration between State institutions, voluntary associations and international organizations in combating trafficking in persons.

93. The National Plan of Action to Combat Trafficking in Persons for 2016-2018 was approved on 18 March 2016 by presidential decision. The measures in it comply with article 8 of the International Covenant on Civil and Political Rights.

94. The Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law is responsible for coordinating the measures in the Plan and meeting the country's international commitments in the area.

95. On 15 October, the parliament adopted the Trafficking in Persons Act, which was developed as part of implementation of the National Action Plan. The Act sets out the organizational and legal framework for combating trafficking in persons and the series of measures designed to protect, rehabilitate and support individuals who have been trafficked.

96. A number of seminars were held in the course of the bill's development and as part of implementation of the National Action Plan; they included regional information meetings to report on positive experiences in the implementation of national anti-trafficking plans, the development of legislation and its practical application. For example, the following were organized and held between January and October 2016 with technical assistance from the International Organization for Migration (IOM) representation in Turkmenistan: 10 training courses, a working meeting, a high-level round table meeting, a regional seminar and two study tours; pursuant to article 49 of the new version of the Constitution, everyone has the right to work, to choose a profession, type of employment and place of work at their discretion, and to healthy and safe working conditions. Forced labour and the worst forms of child labour are prohibited.

97. Hired workers have the right to remuneration commensurate with the quantity and quality of work. The amount of this remuneration may not be less than the minimum wage set by the Government.

98. Under article 8 of the Labour Code, forced or compulsory labour is prohibited. Forced or compulsory labour means all work or service exacted from any person under threat of punishment and which the person has not voluntarily offered to perform. Forced or compulsory labour includes cases in which an employer demands that the employee perform work duties in the absence of a system of collective or individual protection; where undertaking the work demanded could endanger the employee's life or health; where the established schedule for the payment of wages is violated or the wage is not paid in full; and where working hours are extended without a corresponding increase in remuneration.

99. The Employment Act was adopted on 18 June 2016, defining the legal, economic and organizational bases of State policy on employment. It is intended to ensure citizens' constitutional right to work and protection against unemployment and establishes State guarantees in the area of employment.

100. The Act also prohibits the use of forced or compulsory labour. For example, article 13 of the Act states that every person has the right to free choice of place of work and employment. This right is exercised by applying directly to an employer or through the employment services or with the assistance of individual recruitment agents or agencies that work in accordance with the law.

101. Unemployed persons may not be subjected to forced or compulsory labour, unless otherwise provided for by labour legislation.

Humane treatment of persons deprived of their liberty (arts. 7 and 10)

102. During the period covered by the report, Turkmenistan achieved considerable progress in meeting its obligations under the Convention in terms of combating torture and other cruel, inhuman or degrading treatment or punishment.

103. Persons serving sentences in correctional institutions are provided with essential amenities. Prisoners' accommodation, all sleeping quarters and sanitation and hygiene facilities meet all the relevant requirements and are appropriate to the climatic conditions in Turkmenistan. To maintain their health, inmates are provided with sufficient living space and adequate access to air and light. The levels of lighting, heating, ventilation and general comfort in detention facilities correspond to those required to protect health. Sufficient artificial light is provided for inmates to read or work without damaging their eyesight.

104. Under the law, the minimum living space per prisoner is 4 square metres in correctional colonies, 3 square metres in prisons and 5 square metres in women's colonies, young offenders' institutions and secure hospitals.

105. To ensure that the actual state of affairs in the country's prisons reflects these requirements, constant efforts are made to repair, renovate and refit the relevant facilities and to provide prisoners with medical services and employment.

106. Major repairs and modernization work have been carried out at some existing facilities and are under way at others. For the period January 2012-June 2016, over US\$ 61,060,000 was allocated from the State budget for construction work and major repairs to facilities in the prison system and the acquisition of medical equipment. The funds have been used to build, among others: a new 300-place remand centre, BL-D/5, run by the Balkan Province Police Department; clinic MP-K/16 in Bairamali, run by the Mary Province Police Department (two 400-bed facilities and two 260-bed facilities); a residential building with 300 beds in the AKh-D/1 remand centre, run by the Akhal Province Police Department; and several buildings (including a 200-bed dormitory) in the AKh-K/3 remand centre in Gokdepin district, Akhal province. The funding set aside has thus been entirely utilized.

107. Currently, according to the Ministry of Internal Affairs Penal Correction Department construction and renovation plan, remand centres BL-K/6, LB-K/11, LB-K/12 and MP-KKh/15 are being designed and the reconstruction of remand centre AKh-T/2 is planned, as are major repairs in almost all correctional institutions.

108. Following the adoption of the Penal Enforcement Code on 25 March 2011, the legal and regulatory instruments of the Ministry of Internal Affairs were revised and aspects relating to the detention regime, to protection and to the procedures and conditions for the custody of detainees, among many others, were brought into line with the Code.

109. In October 2013, a new colony for women that is fully compliant with international standards was brought into operation and all the inmates from the old colony were transferred there. The colony occupies a total surface area of 90.0 hectares. This colony, the only such facility for women, is located in Dashoguz province and, in addition to the basic facilities required for the colony's functioning, has separate quarters for the care of pregnant women and their children. All the necessary conditions are in place for women during pregnancy, confinement and the post-natal period, and specialized care is provided. The colony has a specially equipped wing where women can live with their children under the age of 3 years in a mother-and-child unit.

110. All correctional facilities are provided with bathing and laundry facilities. Prisoners may take showers on hot days if they so wish. Mandatory disinfection of all facilities is carried out each month. Furthermore, local sanitation and epidemiological stations carry out health and epidemic monitoring in correctional institutions.

111. Convicted prisoners are provided with individual hygiene items, food, bedding, medicines and other essentials, as provided for in the daily schedule, in sufficient amounts and of sufficient quality to maintain the health and strength of each inmate, all funded from the State budget.

112. Inmates who are pregnant or breastfeeding, minors and prisoners who are ill or have a category I or category II disability are entitled to better nutritional norms.

113. Standards regarding the furniture, domestic equipment, means of communication and such like issued to convicted prisoners have been approved in a Ministry of Internal Affairs Order.

114. Medical units have been set up within places of deprivation of liberty to provide medical care for prisoners; those suffering from an active form of tuberculosis, alcoholism or drug or substance addiction are held and treated in secure hospitals. Compulsory treatment for prisoners suffering from alcoholism or drug or substance addiction may be administered in a correctional colony's medical unit.

115. Inmates who need specialized medical services are transferred to the system's central hospital in the Mary Province Police Department.

116. Medical care and preventive treatment for prisoners are organized in close cooperation with the local health authorities and are delivered in conformity with the legislation of Turkmenistan and the internal prison regulations.

117. Places of detention are subject to regular monitoring by the Oversight Commission of the Ministry of Internal Affairs Penal Correction Department, which periodically visits detainees and takes an interest in their situation and conditions of detention.

118. The regulations on monitoring commissions were approved by a Presidential Decision of 31 March 2010. These commissions conduct visits to places of deprivation of liberty in line with their annual plans.

119. They monitor correctional institutions for respect for legality, observance of the procedure and conditions for the detention of convicts, adequate living and sanitary conditions, the involvement of convicted prisoners in socially useful work, the provision of medical care, compliance with legislative norms on parole for convicts and substitution of the remainder of their sentence with a milder form of punishment, as well as the organization and guarantee of visits from relatives or other persons and compliance with the procedure for prisoners to hand over, receive or send packages, parcels, remittances and correspondence.

120. During visits conducted in 2015 and the first four months of 2016, the monitoring commissions considered 23 written submissions from prisoners on issues relating to their transfer to other colonies or to their medical care (transfers occur for many reasons, for example on account of a prisoner's antisocial behaviour or hostility towards other inmates, the proximity of a colony to the place of residence of a prisoner's relatives or climatic conditions). All 23 applications were granted.

121. The Ministry of Internal Affairs cooperates closely with the International Committee of the Red Cross (ICRC) and the Organization for Security and Co-operation in Europe (OSCE) on issues relating to access for representatives of international organizations to all places of detention. Each year, the Government of Turkmenistan and the ICRC regional delegation in Central Asia jointly draw up an action plan as part of multilateral cooperation in the area of prisons. ICRC representatives have carried out humanitarian visits to various institutions in the prison system since 2011. Six such visits took place between 2011 and 2014.

Freedom of movement (art. 12)

122. Under article 39 of the new version of the Constitution, every citizen has the right to move freely and to choose a place of residence in the country. Restrictions on entry into specific territories and movement within those territories may be established only in accordance with the law. Under the Migration Act of 31 March 2012, as amended on 4 May 2013, 9 November 2013, 13 June 2014, 28 February 2015 and 26 March 2016, and as provided for in the Constitution, the generally accepted norms of international law form the basis of the procedure for entry into the country, residence in and exit from the country for citizens of Turkmenistan, foreign nationals and stateless persons, the legal relations in respect of migration processes in Turkmenistan and the responsibilities of the State authorities in regulating migration processes in the country.

123. Article 3 of the Act sets out the basic principles for the regulation of migration processes in Turkmenistan, which include ensuring the constitutional human rights to free choice of place of residence, occupation and profession and freedom of movement.

124. Under article 39 of the Constitution, every citizen enjoys the right to freedom of movement and to choose a place of residence in Turkmenistan. Restrictions on entry into specific territories and movement within those territories may be established only in accordance with the law.

125. Under article 37 of the Migration Act of 31 March 2012, every citizen of Turkmenistan has the right, in accordance with the Constitution and other national laws, to freedom of movement and to choose a place of residence or stay within the country. Restrictions on these rights are allowed on the grounds set out in the Act. When the decisions, actions or omissions of State and administrative bodies, officials or other legal or physical persons restrict such rights, citizens are entitled to appeal against them to higher authorities, officials or the courts.

126. Under article 10 of the new version of the Constitution, Turkmenistan has its own citizenship. Citizenship is acquired, preserved and lost in accordance with the law. A citizen of Turkmenistan may not be recognized as having citizenship of another State.

127. No one may be deprived of their citizenship or of the right to change it. Citizens of Turkmenistan may not be expelled to another State, exiled beyond the borders of Turkmenistan or restricted in their right to return to their homeland. Turkmen citizens are guaranteed the protection and patronage of the Government in the national territory and abroad.

128. In accordance with article 5 of the Citizenship Act of 22 June 2013, citizens of Turkmenistan are persons who held Turkmen citizenship at the date of entry into force of the Act, as well as persons who have acquired citizenship of Turkmenistan or are eligible to retain it in accordance with the Act. A citizen of Turkmenistan may not be recognized as having citizenship of another State. If a Turkmen citizen holds citizenship of another State, under the law of Turkmenistan he or she is considered to be a citizen of Turkmenistan alone. The fact that a citizen of Turkmenistan resides in the territory of another State does not of itself lead to termination of that person's Turkmen citizenship.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 13 and 24)

129. Article 11 of the Constitution states that, in accordance with national law and the international treaties signed by Turkmenistan, foreign nationals and stateless persons enjoy the same rights and freedoms and bear the same responsibilities as the country's citizens. Turkmenistan grants asylum to foreign nationals and stateless persons as provided for in law and in accordance with the universally recognized norms of international law.

130. A new version of the Refugees Act was adopted on 4 August 2012. The Act defines the procedure and conditions for a person to be recognized as a refugee in the country, specifies the legal status of refugees and establishes the legal, economic and social safeguards for the protection of the rights of refugees. No one is held liable for illegal entry into or stay in the territory of Turkmenistan if, on arrival from a territory in which his or her life or freedom was in danger, he or she reports promptly to representatives of State, administrative or local government bodies and files an application for refugee status. Pending a decision on such an application, a refugee has rights and responsibilities as specified by law. No refugee may be returned against his or her will to the country he or she has left, except in cases involving the protection of national security or public order. Decisions and acts by State, administrative or local government bodies or officials that violate the rights of refugees as set out in national legislation may be challenged before a higher authority or a court.

131. A person granted refugee status enjoys the same rights and freedoms and bears the same responsibilities as Turkmen citizens, within the limits established by the country's law and regulations.

132. A person granted refugee status enjoys the rights to:

- Choose a place of residence from a list of proposed population centres
- Choose to reside with his or her relatives, if they agree
- Work and acquire property according to the legal provisions on foreign nationals and stateless persons
- Receive education
- Draw benefit from cultural achievements
- Worship freely
- Obtain, with assistance from the competent bodies, information on relatives and property left in his or her country
- Take out of Turkmenistan any property that he or she brought into the country and any property acquired to another country which he or she has a right to enter in order to take up residence
- Return voluntarily to the country where he or she resided previously or travel to any third country
- Enjoy judicial protection from infringements affecting his or her honour, dignity and freedom, life, health and accommodation, and personal property-related and non-property-related rights
- Acquire Turkmen citizenship according to the procedure established by national law

133. In accordance with article 66 of the Family Code, which entered into force on 1 April 2012, the birth of a child must be officially registered at a registry office, in accordance with established procedure.

134. The basis for the registration of the birth of a child is one of the following documents proving that the birth has taken place:

- A document in due form concerning the birth of the child issued by the medical institution where the birth occurred
- A document on the birth of the child issued by the medical facility whose medical officer provided medical assistance during the birth outside the facility, or the medical institution to which the mother applied after the child's birth
- Statements by a person who witnessed the birth of a child born outside a medical institution (without medical assistance)

135. Other legitimate evidence of the birth may be accepted for the State registration of the birth of a child.

136. The following persons may officially register the birth of a child, if they can provide one of the above documents at a registry office:

- One or both parents of the child
- In the case of illness of the parents or for other reasons that prevent them submitting the application: relatives of the child, neighbours, the administration of the medical establishment where the child was born, the tutorship or guardianship authorities or other persons

137. The statement is submitted in writing to the registry office at the place of birth of the child or the place of residence of the parents (or one of them) no later than one month after the date of the child's birth.

138. In the absence of such documents, a birth may be officially registered on the basis of a court decision establishing the fact of the child's birth.

139. Where one or both of the parents are not registered at their place of residence or their current address, that fact may not be used as grounds to refuse to officially register the child's birth. In such a case, the child's birth may be registered at the place of birth of the child or the place of residence of one or both of the parents.

140. A new Act on Controlling the Spread of Disease caused by the Human Immunodeficiency Virus (HIV), adopted on 26 March 2016, sets out the legal, organizational and economic basis for such disease prevention.

141. Article 11 establishes the rights and obligations of citizens of Turkmenistan, foreign nationals and stateless persons to HIV testing. Such persons who are resident or present in the country have the right to voluntary, confidential and anonymous HIV testing in public health institutions.

142. They are also required to undergo HIV testing in the case of epidemiological evidence established by the Ministry of Health and the Medical Industry.

143. HIV testing of children under the age of 18 requires the consent of the parents or persons in loco parentis, and HIV testing for persons recognized in law as having no legal capacity requires the consent of their legal representatives. The parents, persons in loco parentis or legal representatives have the right to be present during the test and be informed of its results; they are obliged to keep the results of such testing confidential.

144. The HIV testing procedure is set by the Ministry of Health and the Medical Industry. A certificate attesting to the absence of HIV is issued by the provincial authorities and AIDS prevention centres.

145. Members of diplomatic missions and consular institutions of foreign States and persons who have diplomatic privileges and immunity in the country may undergo confidential HIV testing only with their consent. HIV testing of such persons is conducted by the Ministry of Health and the Medical Industry with the agreement of the Ministry of Foreign Affairs.

146. Any person who has been tested for HIV has the right to a repeat HIV test in the same medical institution or another medical institution, irrespective of the time that has elapsed since the previous certification.

147. At the request of the person concerned, HIV testing can be conducted anonymously.

Right to a fair trial and independence of the judiciary (art. 14)

148. Under article 98 of the Constitution, judges are independent and are subject only to the Constitution and the law. Any interference from any quarter in the work of judges is prohibited and punishable by law.

149. Article 1 of the 2014 Courts Act provides for the independence of the judiciary, which acts independently of the legislative and executive authorities.

150. Provisions on the independence of judges are given in article 4 of the Act. It states that judges are independent, are subject only to the law and are guided by their inner conviction. Judges are accountable to no one when performing their functions in the

administration of justice. Judges are not under any obligation to provide explanations in respect of cases they have heard or pending cases.

151. Contempt of court, disrespect of judges and interference in their work are inadmissible and are punishable, as established by law.

152. The independence and inviolability of judges are guaranteed by law.

153. The independence of judges in accordance with article 51 of the above-mentioned Act is ensured by means of material and social provision commensurate with their important status: interference by any person in the administration of justice is prohibited under threat of criminal and administrative liability; judicial immunity; and special State protection for their family members and property, as well as other measures.

154. Furthermore, the 2014 Anti-Corruption Act sets out the basic principles and the legal and organizational basis to be used to combat and prevent corruption, to eradicate its underlying causes and the conditions conducive to the commission of such crimes and to eliminate their consequences.

155. The aim of the Act is to ensure stability and security in society, to expand democracy, transparency and oversight in public administration, to strengthen public confidence in the State and its structures, to encourage competent specialists to enter the public service and to strengthen guarantees of the integrity of public servants.

156. The appropriate legal basis thus exists to ensure in practice the full impartiality and independence of judges from other branches of government.

Right to privacy and family life (arts. 17 and 26)

157. The legislation on controlling the spread of disease caused by the human immunodeficiency virus (HIV) is based on the Constitution and consists of the Act in question and other laws and regulations developed in the light of international best practices and experiences.

158. As indicated above, Turkmenistan has adopted an Act on Controlling the Spread of Disease caused by the Human Immunodeficiency Virus (HIV).

159. Examination of the Act shows that its rules do not contradict articles 17 and 26 of the Covenant in that it lays out the conditions for the entry of foreign nationals and stateless persons into Turkmenistan. Specifically, article 15 provides that the conditions for obtaining a visa include the submission of a medical certificate attesting to the absence of HIV.

160. Articles 17 and 26 of the Covenant protect other rights, namely the right to protection from arbitrary or unlawful interference with one's privacy, family, home or correspondence, unlawful attacks on honour and reputation and discrimination on any grounds.

161. Article 15 of the Act falls under article 12 of the Covenant, governing the right to freedom of movement, which provides that the above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

162. In this case, the Act and the provisions of the Covenant allow the competent authority to exercise its powers for the protection of public health or morals.

163. Furthermore, another, no less important, international treaty, the International Covenant on Economic, Social and Cultural Rights, provides in its article 12 that States

parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

164. The actions to be taken by States parties to the Covenant to achieve the full realization of this right include activities aimed at the prevention, treatment and control of epidemic, endemic, occupational and other diseases.

165. Turkmenistan, as a party to these international legal instruments, takes appropriate measures in fulfilling its commitments to implement their provisions in the country's domestic legal system.

166. Please explain the compatibility with the Covenant, particularly article 17, of the mass house demolitions and forced evictions undertaken in connection with construction and development projects, including for the forthcoming Asian Indoor and Martial Arts Games in 2017. In this respect, please report on measures taken to ensure adequate safeguards against forced evictions, provision of alternative accommodation and recourse to effective remedies and reparation, including for victims of: (a) the demolition of the Berezeni holiday village in 2012 and of holiday villages near Ashgabat, in particular Shoganly and Chor, which started in 2015; and (b) the house demolitions and forced evictions in the Bagtiarlyk area of the capital.

Rights of persons with disabilities (arts. 2, 23, 25 and 26)

167. In order to improve the standard of living and ensure effective social protection for the most vulnerable sectors of the population — the elderly, persons with disabilities and children — a new Social Protection Code was adopted in October 2012, providing social protection for persons with disabilities. Its article 124 provides that persons with disabilities shall enjoy all the social, economic, political and individual rights and freedoms enshrined in national legislation. Discrimination against persons with disabilities is prohibited and is punishable by law. The rights, freedoms and legitimate interests of persons with disabilities are protected by the State in the manner prescribed by law.

168. Under article 1 of the 2012 Family Code, marriage is defined as a voluntary and equitable union between a man and a woman entered into according to the procedure established by the law for the purpose of founding a family, and giving rise to mutual rights and responsibilities on the part of the spouses.

169. The Family Code does not contain any provisions impeding the right of persons with disabilities to marry and found a family.

170. Article 20 contains a clearly regulated list of circumstances preventing marriage. A marriage may not be entered into: if either person is already in another registered marriage at the time of the application for a licence; if it is between direct ascendants and descendants, full or half siblings, or adoptive parents and their adopted children; or if either person has been declared by a court as having no legal capacity on the grounds of mental disorder (mental illness or feeble-mindedness).

171. Only these circumstances may prevent a marriage being concluded.

172. Persons who have attained marriageable age and who wish to marry may apply to the State civil registry authorities of the place of residence of one of them or of their parents. In the application, they must specify that there are no obstacles to the marriage, as stipulated in article 20 of the Code (art. 17).

173. Registry offices that receive applications from persons wishing to marry must inform those persons of the conditions and procedures for the registration of the marriage, ascertain that they are each aware of the other's state of health and family situation, explain

to them their rights and duties as future spouses and parents and warn them of their liability if they conceal obstacles to their marriage (art. 18).

174. Pursuant to article 3 of the Electoral Code, which lays down the principles for the conduct of elections and referendums, elections and referendums are universal. Citizens of Turkmenistan aged 18 or older have the right to vote and to take part in referendums.

175. Any direct or indirect limitation of citizens' right to vote, to be elected or to take part in referendums based on ethnicity, race, sex, origin, financial or official status, place of residence, language, religion, political convictions or party affiliation or lack thereof is prohibited.

176. Persons deemed by a court as having no legal capacity and persons serving sentences in places of deprivation of liberty do not take part in elections and referendums. Any restriction of the voting rights of citizens in other circumstances is prohibited and punishable, as established by legislation.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

177. Under article 58 of the Constitution, military service is compulsory for male citizens of Turkmenistan. In accordance with Presidential Decision No. 2482 of 2 February 1996, which established technical medical units in the country's armed forces, citizens who invoke their religious beliefs to refuse to perform military service may serve in medical institutions as junior staff or service personnel. The Decision instructs the Ministry of Defence to set up technical medical units in the armed forces to serve medical institutions, to select service personnel for such units from the citizens subject to compulsory military service and to assign them to positions as junior staff or service personnel in the institutions of this kind listed by the Ministry of Health and the Medical Industry and the Ministry of Defence. The Decision also provides that citizens who have performed their military service in the technical medical units have priority in admission to the Turkmen State Medical University.

178. Refusal to perform compulsory military service, that is, to defend the homeland, for reasons of conscience is not acceptable to the national mindset, as, for male citizens brought up in the spirit of great patriotism and with a sense of heightened responsibility for the present and future of the homeland, protection of the homeland is the very essence of their sacred duty and as important as their honour and dignity.

179. In accordance with article 5 of the Freedom of Religion and Religious Organizations Act of 26 March 2016, no advantages, restrictions or other forms of discrimination based on religion are permitted. Citizens are equal before the law in all fields of civil, political, economic, social and cultural life, irrespective of their religious beliefs or affiliation.

180. No one may refuse to fulfil their constitutional or legal obligations on the grounds of religious belief.

181. Legal mechanisms are currently being developed to provide an individual approach to compulsory military service.

182. Under article 41 of the Constitution, everyone has the right independently to determine her or his own religious preference, to practice any religion alone or in association with others, to practice no religion, to express and disseminate beliefs related to religious preference and to participate in the performance of religious ceremonies. Under article 18 of the Constitution, the State guarantees freedom of religion and faith and the equality of religions and faiths before the law.

183. The Act on Freedom of Conscience and Religious Associations, adopted on 26 March 2016, governs legal relations with regard to the right of individuals and citizens to freedom of religion and the legal status of religious organizations.

184. The main aims of the Act are, in its article 3, to provide for the right of all to freedom of conscience and freedom of belief, social justice, equality and the protection of their rights and lawful interests, irrespective of their religious beliefs or affiliation, and to freedom of association in religious organizations.

185. Article 5 of the Act provides that individuals are not obliged to declare their religion, nor may they be forced, in pronouncing their attitude to religion, to profess or refuse to profess a religion or to participate or not to participate in acts of worship, religious rites or ceremonies.

186. The human and civil right to freedom of belief may be temporarily restricted by law only to the extent required for the purposes of protecting the foundations of the constitutional order, public morals, health and the rights and legitimate interests of the individual and citizen and ensuring national defence and State security. These restrictions are permitted under the International Covenant on Civil and Political Rights, specifically its article 18 (3), which permits restrictions prescribed by law that are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Freedom of expression and peaceful assembly (arts. 19 and 21)

187. Under article 42 of the Constitution, everyone is guaranteed the right to freedom of thought and speech. No one has the right to prohibit a person from freely expressing his or her opinions or to prevent their dissemination in accordance with the law. No one may be compelled to express or to renounce his or her opinions or convictions. Everyone has the right to freedom to seek, receive and impart information by means not prohibited by law, except where it contains State secrets or other secrets protected by law.

188. The Information and Protection of Information Act was adopted on 3 May 2014. The Act regulates matters related to realization of the right to search for, collect, receive, send, produce, conserve, present, disseminate and use information, and to the application of information technologies and the protection of information. The underlying principles are the freedom to seek, receive, transmit, produce, collect, conserve and disseminate information by any legal means; restrictions on access to information may be established solely on the basis of the law; the reliability of information and its timely delivery; no preferential treatment may be established by the country's laws and regulations for certain information technologies to the detriment of others. Article 7 of the Act stipulates that physical persons have the right to receive information directly related to their rights and freedoms from State bodies, local executive and government bodies and their officials, in accordance with the procedure established by law.

189. Article 4 (1) of the Media Act of 22 December 2012 sets out that citizens of Turkmenistan have the right to use any type of media to express their opinions and beliefs and to search for, receive and disseminate information. The new Internet Development and Internet Service Legal Regulations Act, adopted on 20 December 2014, ensures respect for citizens' rights and freedoms in respect of the use of the Internet and access to information on the Internet.

190. The Organization and Conduct of Gatherings, Meetings, Demonstrations and Other Mass Events Act of 2015 is aimed at implementing the constitutional right of Turkmen citizens to assemble and to hold meetings, rallies, demonstrations and other mass events and concerns the provision of public security during such events.

191. In accordance with article 3 of the Act, the following principles apply to such mass events:

- Legality, in particular observance of the provisions of the Constitution, the Act itself and other laws and regulations
- The voluntary nature of participation in the mass event
- Respect for and observance of human and civil rights and freedoms (Act, art. 3)

Freedom of association and the right to participate in public life (arts. 22 and 25)

192. Under article 44 of the Constitution, citizens are entitled to set up political parties and other voluntary associations that function within the framework of the Constitution and the law. There is no law in Turkmenistan that restricts the activities of religious organizations or permits the criminalization of religious activities solely on the basis of the absence of legal registration.

193. The 2014 Voluntary Associations Act is aimed, in accordance with the Constitution, at ensuring that the right of citizens to form voluntary associations is realized. It establishes the legal and organizational framework for the activities of such associations and regulates relations in that area.

194. There are currently 118 voluntary associations on the unified State register, including 8 registered since the adoption of the new Act (6 were registered in 2014 and 2 in 2015).

195. Article 32 of the Voluntary Associations Act provides for the Ministry of Justice to monitor compliance of the associations' activities with the Constitution and other laws and regulations and their constituent instruments.

196. If, in one year, a voluntary association receives more than two written warnings to desist from unlawful activity or concerning non-submission during that year to the Ministry of Justice of information required for registration, or a voluntary association conducts mainly business activities and does not implement its objectives as described in its charter, the Ministry may submit an application to the courts for the dissolution of the given organization.

197. The financial and tax authorities monitor the financial and business activities of voluntary associations within their competence (Act, art. 33).

198. Under article 34 of the Act, the activities of voluntary associations may be suspended for up to 6 months on the basis of a court decision resulting from an application from the Ministry of Justice where there have been violations of the requirements of the Constitution or national legislation or the association's charter, or if the association has already received a written warning from the Ministry of Justice and has not desisted from the unlawful activity that gave rise to the written warning or has not reported that it has desisted by submitting the relevant documents.

199. If the activities of the association are suspended for a period determined by the court, it is prohibited from undertaking any activity except for activities aimed at remedying the violations that gave rise to the suspension.

200. If, during the period of suspension of the association's activities, the violations giving rise to the suspension are remedied by the deadline set, the association resumes its activities and reports that it has desisted from the violations by submitting the relevant documents to the Ministry of Justice.

201. Should the voluntary association not remedy the irregularities identified within that period, the Ministry of Justice applies to the court for its dissolution.

202. Article 35 provides for the termination of the activities of voluntary associations to be implemented by means of a decision of the congress (conference) or general assembly, in accordance with the association's charter.

203. Article 36 provides for the dissolution of voluntary associations. A voluntary association may be dissolved by court order in the following cases:

- If it violates national legislation and/or its constituent documents within one year of the date of a written warning or of not desisting from the violations that gave rise to the suspension of the association's activities within the deadline stipulated in a court decision;
- If, in registering the voluntary association, its founders commit irreparable violations of the present Act and/or other laws and regulations;
- If information concerning any modifications to its charter or changes to facts that must be registered and entered in the unified State register of legal persons are not submitted within one year of their occurrence;
- If citizens' rights and freedoms have been violated.

204. A voluntary association may be dissolved by court order for violating the legal requirements related to projects and programmes involving non-repayable foreign technical, financial and humanitarian assistance and the use of grants.

- The Ministry of Justice submits an application to the courts for the dissolution of a voluntary association on the grounds specified in paragraphs 1 and 2 of the present article;
- The dissolution of voluntary associations takes place in accordance with national legislation;
- Information concerning the dissolution of voluntary associations shall be made public;
- The decision on the dissolution of a voluntary association is sent to the body that runs the unified State register of legal entities, with a view to the association's exclusion from the register.

205. Any decision to suspend the activities of a voluntary association may be appealed against in the courts in line with legally established procedure.

206. If a decision to suspend or dissolve a voluntary association is reversed, compensation shall be paid by the State for all losses caused to the association in connection with the unlawful suspension of its activities or its dissolution (Act, art. 37).

207. The Political Parties Act of 10 January 2012 (as amended on 16 August 2014) governs relations when citizens exercise their constitutional right to form political parties and regulates details relating to the founding, operating, reorganizing and dissolution of political parties.

208. Article 4 of the Act lays out the legal basis for the activities of political parties: the Constitution, the Act itself and other laws and regulations governing the activities of political parties. Political parties conduct their activities in accordance with their charter and programmes of work.

209. Article 8 of the Act provides for restrictions on the establishment and activities of political parties:

- It prohibits the establishment and activities of political parties that aim to overthrow the constitutional order by violence, permit violence in their activities, oppose the constitutional rights and freedoms of citizens, advocate war or racial, ethnic or religious hatred or act in a manner detrimental to the health or morals of the people, and of political parties formed on the basis of ethnic or religious criteria;
- It does not allow the establishment of political parties on the basis of region or profession;
- It does not permit the establishment and activities of political parties of foreign States and their missions;
- Political parties must conduct their activities in line with the administrative and territorial division of the country;
- In the event of a state of emergency or martial law throughout the country or in specific regions, the activities of political parties must be conducted in accordance with the law;
- It prohibits the activities of unregistered political parties; any action on their behalf is punishable by law.

210. The State furthermore guarantees to protect the rights and legitimate interests of political parties and creates equal legal opportunities for their activities.

211. Interference either by the State or local government authorities or officials in the activities of political parties, or by political parties in the activities of the above-mentioned authorities and officials is prohibited.

212. Matters affecting the interests of political parties are determined by the State authorities and local governments with the participation of or in consultation with the political parties.

213. The labour and other relations of citizens working in the bodies of political parties are governed by the relevant legal instruments (Act, art. 9).

214. In accordance with article 36, a decision on the suspension or termination of the activities of political parties, their organizations and sections may be appealed against in line with the procedure established by law.

215. Termination of such proceedings as a result of a reversal of the suspension or termination of the activities of political parties, their organizations and sections may give rise to claims for losses caused. Compensation for losses caused to political parties shall be issued in accordance with the law.

Dissemination of information relating to the Covenant and its Optional Protocols (art. 2)

216. Information on the International Covenant on Civil and Political Rights and the Optional Protocols thereto is published in the official gazette of the Mejlis and in the compendium “Women’s Rights in Turkmenistan” (Human Rights series, 2012, No. 20), which covers international legal instruments and national legislation.

217. Scientific and promotional articles on issues related to the transposition of the provisions of the International Covenant on Civil and Political Rights into domestic legislation are published in the media in Turkmen, Russian and English. For example, articles are often published on the harmonization of international and national standards in the following journals: *Foreign Policy and Diplomacy of Turkmenistan*, *Democracy and*

Law, Renaissance, Diyar, Medeniet (Culture), *Bilim* (Education), *Miras* (Heritage), *Turkmenistan* and several others, as well as in compilations of international norms and domestic legislation.
